

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 19/04788/FULL1

Ward:
Copers Cope

Address : 51 Foxgrove Road Beckenham BR3 5BB **Objections:** Yes

OS Grid Ref: E: 537872 N: 170077

Applicant : Mr Savager & Ms Di Nardo

Description of Development:

Demolition of the existing property and detached garage and construction of replacement part one/two/three storey 5 bedroom dwelling with roof terraces and associated development including detached garden shed, refuse enclosure, formation of parking and turning area with erection of front and side boundary walls and electric sliding gates adjacent to existing access onto Foxgrove Avenue

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 12

Proposal

This application was called-in to Committee by the local Ward Member.

Planning permission is sought for the demolition of the existing buildings on the site and the construction of a replacement detached 5 bedroom dwelling.

The existing building is a two storey property which has a width of approx. 9.5 - 10.5m and a depth of approx. 10.75m (all at two storey height). The separation between the western flank elevation of the existing building and the boundary with Foxgrove Avenue is approx. 4.2m at the rear and 6m at the front. The height of the building is approx. 9.15m to the central apex of the roof and approx. 5.35m to the eaves. The existing dwelling is rendered and has a red clay tile roof.

The proposed dwelling would broadly align with the existing building at the front, with a separation of approx. 10m to the front boundary with the pavement of Foxgrove Road. The maximum width of the dwelling would be approx. 12.75m and the maximum depth would be approx. 20m. The building would be set over three storeys, with stepped front, side and rear elevations. A maximum side space of approx. 2.6m would be retained between the two storey flat roofed side element of the proposed dwelling (with large roof terrace above) and the western boundary of the site.

The proposed dwelling would be approx. 9.4m high (scaled from the submitted plans, measuring from annotated street level) with an overall height of approx. 10.5m (resulting from the setting of the building into the slight slope of the site). The eaves of the dual pitched roof over the third storey would be approx. 8m on the eastern side of the roof and 9m on the western side, next to the flat roofed side element which would have a parapet height of approx. 7m to the top of the wall enclosing the patio next to the third storey accommodation.

The garden depth retained between the single storey rear extension and the car parking area to the rear of the garden would be approx. 10.2m and further ground floor amenity space would be provided adjacent to the single storey garden room projection.

Terraces/balconies are proposed at second floor level to the side of the third storey bedroom suite, between the third storey part of the structure and the western boundary with Foxgrove Avenue. The terrace would wrap around to include a section at the rear of the property, with 1.7m high opaque screening between this part of the terrace and the boundary with No. 55. At the front a further terrace area is proposed to be provided, accessed from the bedroom suite.

2 no. car parking spaces would be provided at the rear of the garden, accessed from Foxgrove Avenue. The existing detached garage at the end of the garden would be demolished and replaced by a small garden shed.

The application was supported by the following documents:

- Design and Access Statement
- Planning Statement
- Preliminary Arboricultural Impact Assessment
- CIL Forms
- Application forms
- Drawings including site landscape plan and overlooking analysis
- Photosheets
- Context Drawings
- Form and Massing Studies
- Parking Stress Survey

Location and Key Constraints

The application site lies on a prominent street corner, at the entrance to Foxgrove Avenue from Foxgrove Road. The property comprises two flats provided within a building of similar style and scale to the other structures at the gateway to the avenue, at Nos. 49, 61, 63/65.

The site lies within an Area of Special Residential Character (ASRC).

This specific part of the Beckenham Place Park, Foxgrove Avenue and Foxgrove Road (part) ASRC is referred to in the Bromley Local Plan:

"In the case of Foxgrove Avenue and Foxgrove Road, the properties are in the main inter/post-war and present a less expansive impression than other parts of this area. The rear gardens are spacious and in most cases provide an importance and attractive backdrop to the surrounding open space."

A protected cedar tree is located at the rear of the site, (TPO2081 - confirmed 25/10/2005).

The surrounding area is almost entirely residential in character. The two separate sides of the street (northern and southern) have quite distinct residential characters, with the northern side, and Foxgrove Avenue predominantly comprising single dwellings or modest maisonettes of traditional detached design and appearance, incorporating substantial hipped roofs and of two storey height. Generous separation is retained between the buildings and the dwellings are set within large plots, with buildings quite regularly spaced.

The southern side of the road is more mixed in terms of its residential character, in that it largely comprises flatted blocks of a varied style. These buildings are set more significantly back from the roadway, with rear garaging or parking access provided by "slipways" to the front of the buildings. These properties do not lie within the ASRC.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

Neutral

The boundary fence between the application site and No. 55 belongs to No. 55. The land on the development side is to be levelled and this means that the level of the land will be lowered from the front to the back of the site. It is not clear what responsibility this would have on the adjacent property owner in terms of the land/boundary fence and trees so that they are not in danger of subsidence or of being dislodged, or of impact on tree roots.

In response to these neutral comments, the applicant's agent has confirmed that there is a natural fall in ground levels adjacent to No. 55 and that the internal ground floor level will be lowered by a further 0.25m to accommodate the ground floor footprint. There would be no change in ground levels along the fence line as the building would be set over 1m from the fence line. The fence will remain as existing unless the neighbouring resident requires the applicant to replace it, which has been offered.

Comments from Consultees

Trees:

Objection. The proposed larger dwelling would create a smaller rear garden that is dominated by one large tree, T1 the TPO Cedar. The canopy would appear to

overhang the vast majority of the rear garden, something that is likely to affect the reasonable enjoyment of the current or future occupants. This will inevitably create future pressure to prune/remove the tree that would be harder for the council to resist since the tree officer would have to take into account that the target zone for branch drop was now virtually the whole of the rear outdoor amenity space. Given the landscape value of this tree and its prominence in the street scene, this risk of future pressure to prune/remove could have negative consequences for tree-amenity in this area. In light of this, it is considered that the above proposal would have an unacceptable impact on a TPO tree and in this way would be contrary to policy 73 of the Bromley Local Plan.

Drainage Engineer:

The incorporation of green roofs on top of the flat and vertical roofs is welcomed. Pre-commencement surface water drainage condition recommended.

Highways:

No objection to the application although it is recommended that the tree officer be consulted with regards to the protected tree. Conditions are suggested should permission be granted.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments

- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of affordable housing
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 8.3 Community Infrastructure Levy

Bromley Local Plan

- Policy 1 - Housing Supply
- Policy 4 - Housing Design
- Policy 8 - Side Space
- Policy 30 - Parking
- Policy 37 - General Design of Development
- Policy 44 - Areas of Special Residential Character
- Policy 73 - Development and Trees
- Policy 77 - Landscape Quality and Character
- Policy 112 Planning for Sustainable Waste management
- Policy 113 Waste Management in New Development
- Policy 115 Reducing flood risk
- Policy 116 Sustainable Urban Drainage Systems (SUDS)
- Policy 117 Water and Wastewater Infrastructure Capacity
- Policy 118 Contaminated Land
- Policy 119 Noise Pollution
- Policy 120 Air Quality

Policy 122 Light Pollution
Policy 123 Sustainable Design and Construction
Policy 124 Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance
Housing: Supplementary Planning Guidance. (March 2016)
Technical housing standards - Nationally Described Space Standard (March 2015)

Planning History

The relevant planning history relating to the application site is summarised as follows:

16/04062/PLUD Lawful development certificate sought for the de-conversion of Nos. 51 and 53 Foxgrove Road from two flats into a single residential dwellinghouse.

Lawful Development Certificate was GRANTED on the basis that:

"The proposed use as the property as one single residential dwellinghouse would not constitute development under Section 55 of the Town and Country Planning Act 1990, as amended, and as such the proposed use would be considered lawful."

17/00909/TPO Consent sought for trees works comprising: T1 Deodar Cedar - Crown thin by 30%. T2 Common Beech - Fell. (TPO 2081)

Consent GRANTED (and it is noted that the tree at the front of the property has now been removed).

Considerations

The main issues to be considered in respect of this application are:

- Principle
- Housing Need
- Design and impact on visual amenity
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- Other (drainage/flooding/noise/pollution)
- CIL

Principle

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

Policies including 3.3 of The London Plan 2016 and Policy 1 of the Bromley Local Plan have the same objectives.

Policy 4 of the BLP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

In addition to the above, it is noted that a Lawful Development Certificate was granted for the de-conversion of the host building from two flats to a single dwellinghouse. Therefore the provision of a replacement residential use on the land in the form of a larger dwellinghouse as opposed to the existing building appears acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, protected trees, the residential amenity of adjoining occupiers and future occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

Housing Need

A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

This application includes the provision of a single dwelling which would replace a property currently comprising two flats. The proposal would not therefore represent a contribution to the supply of housing within the Borough.

Design and impact on visual amenity

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policies 37 and 4 set out a number of criteria for the design of new development. With regards to local character and appearance it is required that development be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. It should not detract from the visual amenity of the street scene. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with

existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy 44 of the Bromley Local Plan relates specifically to Areas of Special Residential Character and requires that development proposed within an ASRC respect, enhance and strengthen their special and distinctive qualities. Appendix 10.6 of the Bromley Local Plan sets out guidelines for the management of development in an ASRC including the following criteria:

- "iii. Spatial standards of new development (plot width, garden depth and plot ratio) shall accord with the general pattern in the area.
- iv. The general height of existing buildings in the area shall not be exceeded.
- v. The space between a proposed two or more storey development and the side boundary of the site should accord with that prevailing in the area.
- vii. New development will be required to take account of existing front and rear building lines.
- viii. Existing mature trees and landscaping shall be retained wherever possible.
- x. Proposals, including conversions that are likely to significantly increase the proportion of hard surfacing in front of existing properties, will be resisted unless accompanied by satisfactory landscaping proposals.
- xi. Materials shall match or complement those in adjoining existing developments."

It is stated that developments likely to erode the individual quality/character of the ASRC will be resisted.

The ASRC is described:

"In the case of Foxgrove Avenue and Foxgrove Road, the properties are in the main inter/post-war and present a less expansive impression than other parts of this area. The rear gardens are spacious and in most cases provide an important and attractive backdrop to the surrounding open space."

It is considered that unifying features can be identified within the houses on the northern side of the street, including:

- Two storey development (where some houses have loft conversions this third storey of accommodation is not generally visible in the street scene)
- Roof design - generally hipped roofs with the main roof sloping away from the road, with modest gable features or small front dormers
- Materials - mixture of brick and render, commonly brick faced at ground floor level with rendered first floor elevations

The proposed dwelling would be of an acceptable design were it to be viewed individually, out of context with the application site and immediate surroundings.

However it is significantly bulkier than the existing building and would present a three storey appearance to Foxgrove Road and Foxgrove Avenue despite the effort to set the dwelling into the site ground level and the street scene drawing showing landscaping and a front boundary wall intended to partially screen the

ground floor fenestration from view. Notwithstanding these design features, the second floor/third storey would be clearly appreciable as such, with the large front gable, dual pitched roof with ridgeline perpendicular to Foxgrove Road and the large window openings being quite apparent and juxtaposing awkwardly with the position of window openings and the hipped roof design of the neighbouring dwellings.

The proposal includes a large terrace to the side, above the flat roofed two storey part of the dwelling. Flat roofed development is not characteristic of the development within the ASRC. It is acknowledged that the site lies opposite to more modern flat-roofed development. However, the opposite side of Foxgrove Road does not lie within the ASRC. In any case, by virtue of proximity and the distinct grouping of dwellings within Foxgrove Avenue and in the straight section of Foxgrove Road between the entrances to Foxgrove Avenue, it is more reasonable to look to this grouping of buildings to provide context and visual cues for development proposals.

The proposal would erode the existing side space to the corner boundary, which would be detrimental to the openness of the corner which contributes to the distinctive qualities of the street scenes in both Foxgrove Road and Foxgrove Avenue. It is noted that of the two properties at the other entrance to the U-shaped Foxgrove Avenue (Nos. 61 and 63), one has a single storey side extension which lies close to the corner boundary but this structure is appreciably single storey appearing as a garage outbuilding rather than as a more visually dominant two storey development.

The dwellings on either side of the entrance to Foxgrove Avenue provide generous space to the side boundary, contributing to the visual amenity of the area and lending an impression of spaciousness and openness to the corner site, with their flank elevations reasonably consistent with the front elevations of the dwellings fronting Foxgrove Avenue. While a proportion of the development to the side of the main three storey element would be flat roofed rather than incorporating a hipped side roof slope as is the case at No. 49, the proposal would nevertheless encroach at a height of approx. 6m (excluding terrace fixtures) and with a squared off flat roofed design into the space to the side of the site which is considered to contribute to the character and open quality of the area.

It is proposed to provide a substantial terrace positioned on the flat roof above the first floor side, front and rear parts of the dwelling. Again, while terraces and balconies are more prevalent in the development on the opposite side of Foxgrove Road, they are not a feature common to the buildings within the ASRC and while the structure/balustrading itself would not appear dominant, its use and potential for cluttering with domestic paraphernalia would not be characteristic of the locality.

The external elevations of the building would be largely rendered, and as noted above, render is characteristic at first floor level within neighbouring houses. However, the inset panels of horizontal cedar cladding would not immediately complement the prevailing palette of materials in the ASRC.

Cumulatively the differences in design detailing, siting and scale/form of the development in relation to the identified unifying features of development in the immediate locality would result in the dwelling appearing incongruous and alien within the street scene, failing to respect or complement the distinctive local character of the area which is a designated Area of Special Residential Character.

Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Policy 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Technical Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

The proposed development would provide a residential dwelling of a satisfactory standard of amenity (including dimensions of the external amenity space) for prospective occupants. However, the rear garden would be dominated and shaded by the protected cedar tree

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and the Bromley Local Plan should be used as a basis for assessment.

No technical objections are raised from a highways perspective and it is considered that the proposal would make satisfactory provision for car parking and cycle storage.

Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed dwelling would be positioned to broadly align with the existing front elevation of the building. At the rear, the development would project to a greater extent beyond the rear elevation of the eastern neighbouring property at No. 55. However, taking into account the separation between the buildings and the orientation of the development in relation to this nearest neighbouring property and the depth of rearward projection it is not considered that the proposal would result in a significant loss of daylight, sunlight, outlook or adverse visual impact to No. 55 Foxgrove Road or No. 2 Foxgrove Avenue. It is noted that the existing cedar tree would largely obscure the proposed development from view from rear. The proposal includes planting to the flank boundary which would, at the point where the development projects to the rear of the neighbouring property, comprise bamboo hedging.

The proposal includes a large balcony above the side and rear first floor accommodation as well as a smaller balcony at the front. The front balcony would be of a more modest size, accessed solely from the master bedroom suite (with en-suite and study). It would face the wide road, well separated from the residential properties opposite and on either side.

The large balcony would be clearly appreciable from the street as well as from the garden of the neighbouring dwelling at No. 55. It would be accessed partly from the bedroom and partly from the landing. A 1.7m high obscure glazed side panel would be provided to the side facing No. 55 with the remainder of the terrace bounded by a 1.1m high parapet.

The boundary treatment proposed to be provided would comprise bamboo hedging which in tandem with the flank balcony screen would provide some mitigation to the impact of the terrace on privacy. Towards the rear of the flank boundary holm oak trees would be provided which would also be evergreen and provide some

privacy. However, the size of the terrace is such that it could be occupied by a number of people, resulting in noise and disturbance that would directly impact upon users of the rear garden of the neighbouring dwelling. It is not considered, on balance, that the boundary planting (which would take some time to establish in any case) would adequately mitigate the potential adverse noise and disturbance emanating from the use of the terrace in terms of the impact on neighbouring amenity.

It is acknowledged that the design and access statement details local consultation undertaken by the applicant/agent regarding the proposals and also that the representation received makes neutral comment, querying the way in which the amended land levels will address the issue of the boundary structures/trees/shrubs next door. However, while no specific neighbouring representations have been received, in considering the impact of the proposal on neighbouring amenity it falls to assess impact on prospective as well as existing occupants and the lack of objection in respect of the impact on the terrace is not determinative as to the potential impact of the proposal.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

Details of how this will be achieved are set out in the Design and Access Statement.

Trees

Policy 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land which in the interests of wildlife habitat and/or visual amenity are desirable to be retained.

The large cedar tree in the rear garden is protected by TPO 2081 and due to its size and siting is an attractive and highly visible feature in the street scenes of Foxgrove Road and Foxgrove Avenue.

The submitted Arboricultural Implications Assessment states that it is unlikely that the tree would be harmed or exposed to an excessive degree of risk in the course

of the demolition/construction. It is acknowledged that there would be a (minor) incursion into the RPA.

Objections have been received from the Trees Officer expressing concern at the impact of the proposal on the long-term retention of the tree, with significant concern expressed regarding the scale of the development relative to the canopy of the tree, referring to the resultant overhanging of the vast majority of the rear garden by the canopy. This is identified as being likely to create future pressure to prune or remove the tree for safety and amenity reasons (including the branch drop zone covering such a significant proportion of the rear amenity space. The tree is of landscape value and prominent within the street scene and the risk of future pressure to prune/remove could have negative consequences for tree-amenity in this area.

The submitted information includes extensive detail on landscaping of the site, and notwithstanding concerns regarding the siting of the dwelling in relation to the boundaries of the site in terms of the wider visual impact/impact on the spatial standards of the area, there would be potential for providing an attractive landscaped setting for the host dwelling.

It is noted that this application proposes the planting of a replacement tree in the front garden, to replace a beech removed owing to its condition under reference 17/00909/TPO. This replacement tree would be required to be planted regardless of the current application, in order to comply with the planning condition on the consent, and it not therefore an issue that weighs significantly in favour of the proposal.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Conclusion

The proposal would provide a residential dwelling of a high quality of accommodation and incorporates adequate parking and refuse storage/cycle storage. There would be potential for landscaping to the boundaries of the site and to provide an attractive setting for the dwelling.

However, the proposal would threaten the long-term retention of the protected tree in the rear garden as a consequence of the extensive footprint of the development and the resultant relationship between the tree canopy and the rear amenity space. It is further considered that the scale, siting and design of the dwelling would fail to complement and respect the distinctive character of the area, resulting in an over-dominant development on the prominent street corner within the ASRC.

The use of the large side/rear terrace would introduce a potentially noise-generating facility in quite close proximity to neighbouring windows and at an elevated position relative to the neighbouring gardens. The unneighbourly use of the terrace would have an unacceptable potential for noise and disturbance which

would be detrimental to the residential amenities of neighbouring occupants. While it is appreciated that there may be no intention for the use of the terrace to be over-intensive or unneighbourly, it is not considered possible to safeguard against the potential impacts associated with increased noise and disturbance positioned at an elevated level, noting the unacceptable size and position of the terrace.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1. The proposal by reason of its design, scale, appearance and siting would be detrimental to the visual amenities and distinctive character of the Area of Special Residential Character and the street scene in general, appearing incongruous and unduly conspicuous on this exposed corner site, thereby contrary to Policies 4, 8, 37 and 44 of the Bromley Local Plan, Policies 7.6 and 7.6 of the London Plan and Supplementary Planning Guidance 1 and 2 and the London Housing SPG.**
- 2. The proposal by reason of the depth of the proposed dwelling in relation to the depth of the retained garden and the extent of the canopy of the protected tree would be likely to result in an unacceptable impact on the protected cedar tree through future pressure to prune or remove the tree which makes a significant contribution to the visual amenities of the area, thereby contrary to Policy 73 of the Bromley Local Plan.**
- 3. The proposal by reason of the siting, size and elevated position of the terrace in relation to the boundary would have a detrimental impact on the amenities that the occupants of the neighbouring property might reasonably expect to continue to enjoy, resulting in noise and disturbance associated with the use of the large terrace thereby contrary to Policy 37 of the Bromley Local Plan, Policy 7.6 of the London Plan and supplementary planning guidance 2: Residential Design Guidance.**