

SECTION '2' – Applications meriting special consideration

Application No : 19/03574/FULL1

Ward:
Kelsey And Eden Park

Address : 103 Kenwood Drive Beckenham
BR3 6RA

Objections: Yes

OS Grid Ref: E: 538183 N: 168828

Applicant : Mr R Patel

Description of Development:

Construction of a two storey 3-bedroom detached house with detached garage and off-street parking on land adjacent to 103 Kenwood Drive, Beckenham

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 21
Smoke Control SCA 9

Proposal

Planning permission is sought for the sub-division of the plot and construction of a detached 3-bed dwelling and detached single garage.

The new house would be 6.5m deep and 11m wide with a pitched roof to a maximum height of 8.05m (eaves 5.05m). The new dwelling proposes traditional materials utilising facing brickwork, render and roof tiles to match the donor property. The garage would measure 5.05m deep, 3.3m wide with a pitched roof and gable end feature to the rear. The garage would be 3.95m high (eaves 2.5m) and would be finished in materials to match the new dwelling.

Location and Key Constraints

The application site comprises a two storey detached dwellinghouse located on the south-western side of Kenwood Drive.

The site does not lie within a conservation area and is not a Listed Building. The surrounding area is mainly residential in nature.

The site is within a low public transport accessibility level area (PTAL) of 1b on a scale of 1 - 6b where 6b is excellent.

Comments from Local Residents and Groups

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

- Similar applications have been refused by the Council and there is no change;
- The council refused an application at No. 121 for the demolition of the building and construction of 2 dwellings as it was “out of character, detrimental to the visual amenities, character and spatial standards”. The same would apply here;
- Design and Access Statement needs to be challenged;
- Site is backland;
- The justification that the garden is too big should not allow for the development;
- Traffic use in the road has increased;
- Concern that the trees on site have been already reduced and the application form is inconsistent;
- Out of character with the area;
- Overdevelopment;
- Contrary to policy;
- Concern over highway/pedestrian safety given the sightlines for the access;
- Covenant attached to original development in 1954 stating that there should only be one house per plot;
- Not enough outdoor space/garden area;
- Kenwood Drive is a quasi-Conservation Area;
- Loss of habitat;
- Development is out of scale;
- Development would represent a lowering of spatial standards,
- No landscaping is being proposed;
- Council are able to meet the 5 year housing supply (as set out in April 2019) and therefore there is no reason to grant permission;
- Would set an undesirable precedent.

A petition of 26 signatories objecting to the application was also received.

Please note the above is a summary of objections received and full text is available on the Council's website.

Comments from Consultees

Highways:

There is no need for a road safety audit. I am happy with their revised plan showing the three point turning arrangement and how two cars would be parked and turn around to exit in a forward gear (Drawing No. 1325-2B).

Please include the condition that no fence on the frontage should be higher than a 1 metre so not to effect the sight lines with any permission.

Drainage Engineer:

The applicant is required to maximise the use of SUDS to attenuate for surface water run-off. Please impose a condition regarding Surface Water Drainage with any permission.

The applicant is required to maximise the use of SUDS to attenuate for surface water run-off. Please impose a condition regarding SUDs with any permission.

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 (2016):

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.4 Local character

- 7.5 Public Realm
- 7.6 Architecture
- 8.3 Community infrastructure levy

Draft New London Plan

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. These factors affect the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.

- H1 Increasing Housing Supply
- H2 Small sites
- D2 Delivering good design
- D3 Inclusive design
- D4 Housing quality and standards
- D6 Optimising housing density
- T5 Cycling
- T6 Car parking

Bromley Local Plan (2019):

- Policy 1 Housing Supply
- Policy 4 Housing Design
- Policy 37 General Design of Development
- Policy 30 Parking
- Policy 32 Road Safety

Other Documents:

Supplementary Planning Guidance 1: General Design Principles

Planning History

74/1511 – 1 detached dwelling with garage (OUTLINE) – Refused for the following reasons:

1. The proposal would result in both the existing and proposed dwelling houses being sited in plots substantially smaller than those in this locality

and consequently over-intensive development out of character with the neighbourhood.

2. The proposed dwelling house would have too small a rear garden inappropriate to a dwelling house of this size and character.
3. The proposed dwelling must, of necessity, have vehicular access to a potentially dangerous bend in the road.

00/03537/OUT - Detached three bedroom house with integral garage - OUTLINE-Refused for the following reasons:

1. The proposal, by reason of the limited amenity space afforded to the proposed house and existing house at No. 103 Kenwood Drive, would constitute an unacceptable overdevelopment of the site out of character with the locality and contrary to Policy H.2 of the Unitary Development Plan.
2. The proposed house would be provided with a rear garden of a depth below the Council's minimum standard and is thus contrary to Policy H.2 and the advice given in Appendix 1 of the Unitary Development Plan.
3. Inadequate on-site turning facilities and lack of sightlines at the entrance to the site would result in the proposal being prejudicial to the free flow of traffic and conditions of general safety within the highway, contrary to Policy T.6 of the Unitary Development Plan.

Conclusions

It is considered the planning issues and considerations relate to:

- Principle of development and density;
- Design and scale;
- Neighbouring amenity;
- Standard of accommodation;
- Car parking and access;
- Cycle parking;
- Refuse;
- Sustainability and energy; and
- Community Infrastructure Levy.

Principle of development and density:

The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date,

permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework or if specific policies in the Framework indicate development should be restricted.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

The NPPF sets out a set of core land-use planning principles which should underpin both plan-making and decision-taking. Among others, planning should: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and contribute to conserving and enhancing the natural environment.

The proposal is to provide an additional housing unit at this site through utilising the existing garden of No.103. Back gardens are not included in the NPPF's definition of 'previously developed land' and consequently, careful consideration needs to be given to the design of the proposal, highways impacts, the effect it would have on the natural environment and the impact on the amenities of local residents.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. Policy 4 sets out a list of criteria which proposals will be expected to meet, the criteria is clearly aligned with the principles of the NPPF as set out above.

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, granting permission unless:

i) the application of policies in this 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 this Framework taken as a whole.

This application includes the provision of one additional dwelling, which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

The proposed development which involves the sub-division of the existing plot would result in two smaller plots of smaller proportions, however it is noted that the host plot is unusually large and whilst the garden areas would be smaller than others in the locality this would not have a detrimental impact on the character and appearance of the area and would not detract from the existing streetscene.

The proposed density of the development would equate to approximately 125 habitable rooms per hectare (this is based on a site area of 0.04ha and 5 habitable rooms) which is below the recommended density ranges set out in Policy 3.4 of the London Plan (150-200 hr/ha) for a setting such as this. However, development plan policies related to density are intended to optimise not maximise development and whilst a quantitative assessment could be made comparing the proposed site coverage to existing site coverage and using a numerical calculation of density, it is also important to consider the qualitative feel of the development in terms of its character and appearance, relationship to the established characteristics of the area and resultant relationship to existing development.

Design and Scale:

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 also relates to architecture and how buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architectural character.

Policy 37 of the BLP provides that development should not detract from the existing street scene and should complement the scale, form, layout and materials

of adjacent buildings and area. It is stated that there is a need to encourage local distinctiveness and a sense of place.

The Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas. Proposals for the replacement of existing buildings will be considered on their merits.

Gardens are not classified as brownfield land and the sensitive nature of these sites requires development only to be allowed where it will not adversely affect the local environment, its character and context, and where it will not lead to over development.

The design of the new dwelling would takes architectural cues from the surrounding properties in terms of the design, use of materials and incorporating a tile pitched roof. Given the location of the new dwelling and the relationship between the proposed dwelling and the neighbouring properties it is considered that the development would not be out of character with the area given its sighting, height and scale on this corner plot.

Neighbouring Amenity:

Policy 37 that new development will only be permitted where it can be demonstrated that the proposal does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an un-neighbourly sense of enclosure. This is supported by Policy 7.6 of the London Plan.

In terms of overlooking the house would only have windows to the front and rear overlooking the donor dwelling and Kenwood Drive. The windows to rear serving one bedroom and two bathrooms would only be approximately 8m from the rear boundary with No. 103 and 22m from the flank wall of No. 103. As such it is considered that the proposal would not give rise to significant overlooking/loss of privacy at neighbouring sites.

Also given the location the new house, it is considered that this distance would not have a significant visual impact from the existing properties, detrimental to the outlook of its occupiers and would have a significant impact on the enjoyment of the garden to Nos. 102 and the donor property 103 compared to existing levels of amenity.

With regards to noise and disturbance, an additional dwelling would also inevitable generate activity that would increase the potential for noise and disturbance as a result of having two dwellings within a single plot, however given the irregular arrangements of back gardens an additional dwelling at this position would not be harmful to the existing living conditions of the neighbouring occupants in this instance.

Standard of accommodation:

Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015). In addition, consideration needs to be given to Policies 3.8 and 7.2 of the London Plan.

The floor space size of the new unit would be approximately 139m². The nationally described space standard requires 93m² for a 2-storey five person two bedroomed unit. On this basis, the floorspace provision for the unit exceeds the required standards and is therefore considered acceptable.

The shape and room sizes in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted shape which would limit their specific use.

The SPG also requires a minimum of 5sqm of private outdoor space to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant. The proposed amenity space to the rear would be accessed from the ground floor however this would only provide a small rear element, given the location of this site on balance it is considered to be acceptable for a unit of this size. Notwithstanding the above comments, both the existing and proposed dwelling would appear to be provided with more than the minimum amount of private outdoor space required by the London Plan.

Car Parking and Access:

London Plan Policy 6.13 requires the maximum standards for car parking, which is supported by Policy 30 of the BLP. The proposed development would provide off-street parking spaces (and parking space for the original unit).

Concerns have been raised from neighbouring occupiers over highway/pedestrian safety given the sightlines for the access. No objections have been raised by the Council's Highway Officer in terms of highway and pedestrian safety. A condition has been recommended to ensure that the sightlines are maintained to the access. As such there are no objections from a highways safety perspective.

Cycle parking:

Cycle parking should be provided at all residential development in accordance with the standards set out in Table 6.3 of the London Plan.

London Plan requires two cycle spaces per dwelling; whilst no cycle storage is shown on the plan given the size of the site storage can be adequately accommodated within the site and can be conditioned as necessary

Refuse:

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage. Further details regarding a containment structure can be conditioned as necessary.

Sustainability and Energy:

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 this have been included in the Design and Access Statement, this indicated that the design will provide a low-energy home that would be thermally efficient and utilise appropriate sustainability measures to ensure that the development strives to achieve the objectives set out above can be conditioned if planning permission is granted.

Community Infrastructure Levy:

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant will be required to complete the relevant form.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area or street scene generally.

Accordingly, and taking all the above into account, it is recommended that planning permission be approved as set out in this report.

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

as amended by documents received on 18.11.2019

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 3 (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.**

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan and Policies 115, 116 and 117 of the Bromley Local Plan

- 4 Prior to commencement of development (excluding demolition) details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority . The development shall be completed strictly in accordance with the approved levels.**

Reason: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy 37 of the Bromley Local Plan

- 5** i) Prior to commencement of above ground works details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1. A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species

2. Proposed hardstanding and boundary treatment

3. A schedule detailing sizes and numbers of all proposed trees/plants

4. Sufficient specification to endure successful establishment and survival of new planting.

(ii) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

(iii) Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details

Reason: In order to comply with Policies 37, 73 and 74 of the Bromley Local Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.

- 6** (a) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works

(b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects

7 (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works

(b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

8 Before any part of the development hereby permitted is first occupied the 43m x 2.4m x 43m ; shall be provided with Kenwood Drive; visibility splays and there shall be no obstruction to visibility in excess of 1m; in height within these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.

Reason: In order to comply with Policy 32 of the Bromley Local Plan and in the interest of pedestrian and vehicular safety.

9 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy 30 of the Bromley Local Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 10** The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 11** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure, extension, enlargement or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy 37 of the Bromley Local Plan

You are further informed that :

- 1** You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL
- 2** You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk

- 3 With regard to the laying out of the crossover(s) and or reinstatement of the existing crossover(s) a Vehicle Crossover Application will need to be made to the Highway's Department. The application fee is a non-refundable £100 pounds and the forms can be found through the webpage**

https://www.bromley.gov.uk/info/200083/roads_highways_and_pavements/279/access_to_your_drive_crossovers_dropped_kerbs/2