

Committee Date	14.05.2020	
Address	Land Adjacent To 15 Sandy Bury Orpington	
Application Number	20/00402/FULL1	Officer - Jacqueline Downey
Ward	Farnborough And Crofton	
Proposal	Erection of a 2 bedroom detached dwelling	
Applicant	Agent	
Mr Rana C/O Agent	Miss Leila Cramphorn 16 St. Cuthberts Street Bedford MK40 3JG	
Reason for referral to committee	Previous case went to PSC	Councillor call in No

RECOMMENDATION	Application Permitted
-----------------------	-----------------------

KEY DESIGNATIONS
Smoke Control SCA 14

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing		N/A

Proposed		98.1 sqm
----------	--	----------

Residential Use – See Affordable housing section for full breakdown including habitable rooms

	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market		1			1
Affordable (shared ownership)					0
Affordable (social rent)					0
Total					1

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	2	2
Disabled car spaces	0	0	0
Cycle	0	2	2

Electric car charging points	Percentage or number out of total spaces: 0
-------------------------------------	---

Representation summary	Neighbour letters were sent 21/02/2020	
Total number of responses	15	
Number in support	0	
Number of objections	15	

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the area
- The development would not adversely affect the amenities of neighbouring residential properties
- The proposal provides a satisfactory standard of accommodation for the future occupiers
- The parking and access provision is satisfactory from a Highways point of view

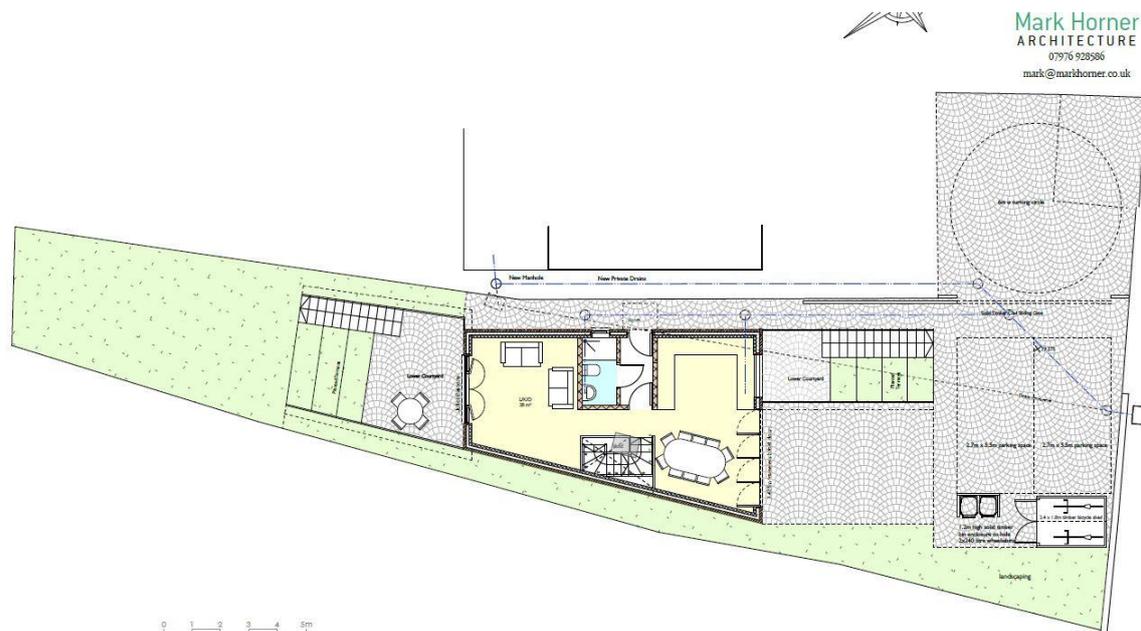
2 LOCATION

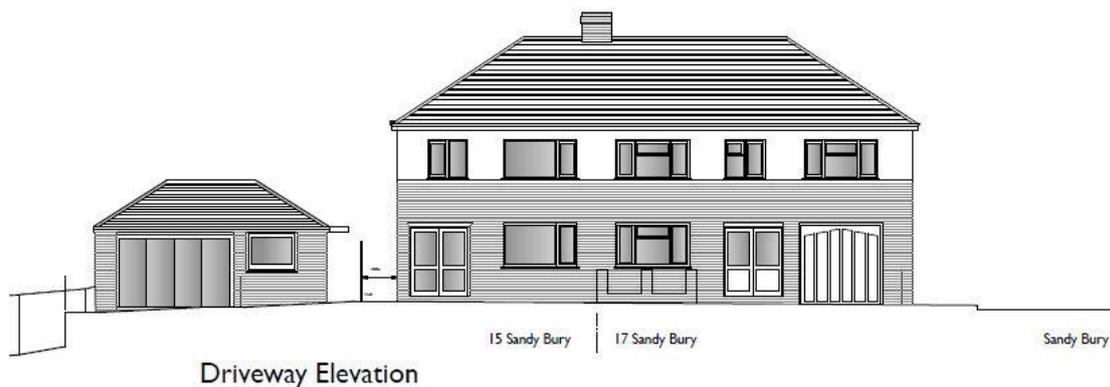
- 2.1 The site is located at the southern end of Sandy Bury and currently forms part of the residential garden space for the property at 15 Sandy Bury. The property will be accessed to the front of numbers 17 and 15 Sandy Bury, which are orientated to the north-east, differing to the west facing properties on the south side of Sandy Bury. Sandy Bury is a predominantly residential road, characterised by two storey, semi-detached houses and a few two storey detached houses.



3 PROPOSAL

- 3.1 Planning permission is sought for the construction of a two bedroom, two storey house on land that currently forms the side residential amenity space for the dwelling at 15 Sandy Bury.
- 3.2 The development proposes the addition of a two storey building sited on the area of land to the south of No. 15. The dwelling will have a single storey appearance from the front, with a crown pitched roof and basement level with lower terraces to the front and rear. The principle elevation will be facing the access drive and rear amenity space of 11 Sandy Bury and has no main frontage to the road. Parking is proposed to the front of the new dwelling, with access to this area via a driveway to the front of 15 Sandy Bury where an existing garage is sited. The topography of the land is steeply sloping towards the south-east, as such the proposed new dwelling will be sited at an elevated position when viewed from Tubbenden Lane. A cycle shed and bin store are proposed to be sited on the hardstanding.
- 3.3 The proposal follows previous refusal for a new dwelling, most recently under ref. 18/05610/FULL1. The proposed dwelling would not now project beyond the building line of Nos. 15 and 17 and would now have one level front elevation in place of the 'L' shaped frontage previously proposed.
- 3.4 The application is submitted supported by a Planning statement.





4 RELEVANT PLANNING HISTORY

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

4.2 93/01627/FUL - Single storey front extension – approved

4.3 97/00297/FUL - Proposed double garage and access to Leasons Hill – refused

4.4 06/04131/FULL6 - Proposed first floor side extension – approved

4.5 14/04491/FULL1 - Proposed three bedroom dwelling – Refused

4.6 15/01311/FULL1 - Proposed new 3 bedroom dwelling house – refused

4.7 Reasons for refusal:

1. The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policy H9 of the Unitary Development Plan.

2. The proposed development would be out of character and scale with the surrounding area and would form backland development contrary to Policies H7 and BE1 of the Unitary Development Plan and Policy 3.5 of the London Plan.

3. The location of the proposed dwelling contributes to an overbearing form of development detrimental to the amenities of the owner/occupiers of 162 and 164 Tubbenden Lane contrary to Policies H1, H7 and BE1 of the Unitary Development Plan.

4. The proposed new dwelling fails to meet the minimum space standards of proposed new development therefore is considered to create a sub-standard level of residential development, harmful to the residential amenity of future owner/occupiers contrary to Policy BE1 and 3.5 of the London Plan.

4.8 The application was dismissed on appeal (APP/G5180/W/15/3137163), with the Inspector making the following comments:

- Number 15 and 17 are built sideways on to the road and the flank wall of number 17 stands next to the pavement on Sandy Bury, forward of the building line of the properties which face the road. Consequently, the houses do not reflect the prevailing pattern of development in the local area.
- The appeal plot stands on higher ground to the neighbouring properties on Tubbenden Lane to the east.
- Because of its size, blank design of its easterly facing wall and elevated position, the new house would appear very stark and prominent when viewed from the nearby properties
- Whilst the dwelling will be detached, it would be of a similar general style to number 15 when viewed from the road In contrast to the generally spacious pattern of development on Sandy Bury, the new house would only be about 0.8m from the side wall of number 15. Whilst this is less than the minimum distance which UDP Policy H9 indicates would be required normally, taking into account the large area of visible space on the east side of the proposed house and its orientation sideways on to the road, the development would combine with number 15 and 17 to have an appearance in the street scene which would be similar in scale to some of the extended pairs of semi-detached properties nearby and it would not stand out as unduly cramped when viewed from Sandy Bury.
- Evidence has not been presented to demonstrate that there would be sufficient good quality and convenient internal living space for future occupiers of the development.
- Overall the front elevation of the proposed new house would reflect the general character and appearance of the development on Sandy Bury
- Whilst the new building would be an unattractive feature which would detract from the general amenity of the gardens on this part of Tubbenden Lane, because of the size and open feel to the gardens, the new house would not appear overbearing when viewed from the neighbouring houses or gardens.

4.9 17/00280/FULL1 - Proposed chalet bungalow on land adjacent to 15 Sandy Bury - Refused

4.10 Grounds of refusal:

- 1 The proposed development would be out of character and scale with the surrounding area contrary to Policies H7 and BE1 of the Unitary Development Plan and Policy 3.5 of the London Plan.
- 2 The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policy H9 of the Unitary Development Plan.

3 The proposed new dwelling fails to meet the minimum space standards of proposed new development therefore is considered to create a sub-standard level of residential development, harmful to the residential amenity of future owner/occupiers contrary to Policy BE1 and 3.5 of the London Plan.

4.11 The application was dismissed on appeal (APP/G5180/W/17/3185241), with the Inspector making the following comments:

An Inspector writing in 2016 on appeal reference APP/G5180/W/317163 did not appear over-concerned by that proposal failing to provide the separation, stating that 'taking into account the large area of visible space on the east side of the proposed house and its orientation sideways on to the road, the development would combine with Nos 15 and 17 to have an appearance in the street scene which would be similar in scale to some of the extended pairs of semi-detached properties nearby and it would not stand out as unduly cramped when viewed from Sandy Bury.'

That proposal appears to have been for a two storey, three-bedroom 5-person house as opposed to a chalet bungalow with less accommodation now proposed, and it could be that being similar in height and style to numbers 15 and 17 it would have appeared as an extension of those dwellings when seen along the front line, albeit having a gap between. The current proposal would have the low eaves and large sloping roof of a chalet bungalow in order to accommodate rooms within the roof and the effect relative to number 15 would be of a significantly different building form in too close a proximity. Taking account of the large dormer near the boundary, the form appears as two storey high and more than the 1m gap in this instance would be reasonable to reconcile the differences in scale and form.

In fact, it is the form of the proposed building that causes the main identifiable harm to the character and appearance of the area. Not only is a chalet bungalow not part of the local building form, but the near-coincidence of the roof planes of the dormers and those of the main roof could lead to an unattractive flashing detail and the dormers appear over-large for the area of roof within which they are placed.

It has been decided to place the eaves at the level of the first floor window cills to numbers 15 and 17, where there is a change from brick to render. This is higher than the proposed window head level of the ground floor, leaving an unattractive area of brickwork between. This may well suppress the overall roof size while providing headroom on the first floor, as indicated on the cross section drawing, but would appear disruptive to the street-scene.

As a result the building would not sit comfortably adjacent to number 15 and would cause visual harm to the character and appearance of the area, failing to reach the standard of design sought in the Framework or the Development Plan policies previously cited.

with regard to the living conditions of prospective occupiers, whilst the Gross Internal Area sought in the London Plan Policy 3.5 for only a flat appears to be met, doubts must remain over the space lost by the stairs and the quality of the accommodation relative to the requirements of Unitary Development Plan Policy BE1.

the Inspector for the 2016 appeal concluded that due to the distance and position of neighbouring dwellings on Tubbenden Lane, the proposal would not unduly affect the living conditions of those occupiers. As then though, they would experience the shortcomings identified in the first main issue, as would other occupiers nearer the site.

The proposal would provide housing in an urban area and make better use of land that appears underused. However, the design of the proposal would fail to reach the standard sought in Development Plan and national policy and in a Local Authority area that can demonstrate a 5 year supply of housing land, there is no overriding reason to allow the development as proposed. For the reasons given above it is concluded that the appeal should be dismissed.

4.12 18/05610/FULL1 – Erection of a three bedroom detached dwelling. - Refused

4.13 Grounds of refusal:

1 The proposed development by reason of its design and layout would be out of keeping and character of the surrounding area contrary to Policies 4 and 37 of the Bromley Local Plan and Policy 3.5 of the London Plan

4.14 The application was dismissed on appeal (APP/G5180/W/17/3185241), with the Inspector making the following comments:

- The predominant character of the area is of dwellings with relatively flat front elevations set within long narrow plots. The proposed development would appear when viewed from Sandy Bury as an 'L' shaped single storey dwelling with two dual pitched rooflines.
- It would include a significant projection in front of the prevailing front building line of Nos 15 and 17.
- The significant stagger in the alignment of its front elevation, would sit awkwardly within the surrounding pattern of development.
- The development that would appear incongruous in the street scene, and would be out of character of the predominant aesthetic of the area.
- surrounding roofscape is characterised almost exclusively by tiled hipped roofs, whereas the proposed development includes a green dual pitch roof
- The roof covering and dual pitched design is in stark contrast with the surrounding hipped roof properties and jarring with the surrounding pattern of development
- proposed building would be separated from No 15 by a gap approximately 1 metre wide,
- would appear overly cramped within the plot, as a result of the separation distances between the proposed dwelling and the site boundary fences.

- This cramped appearance combined with the stepped nature of the front projection, would result in an unacceptable relationship with the prevailing character of the area.
- any benefit arising from the proposed landscaping to be minimal.
- conclude that there would be a harmful effect of the proposed development on the character and appearance of the area.

5 CONSULTATION SUMMARY

A) Statutory

Highways – No objection

- No objections raised to proposed new access
- Adequate parking will be provided to serve the development.

Drainage – No objection subject to a condition

Environmental Health (pollution) – No objection subject to an informative

B) Adjoining Occupiers

Overdevelopment and out of character (addressed in para 7.2.4 and 7.2.5)

- Out of character with surrounding development, poor external appearance and design
- Overdevelopment of the site - site is too small for a new house and would be too cramped
- Excessive scale and massing - lack of any consultation by the developer, particularly given that this is the third application in respect of the site.
- The proposed site of the construction used to be the side garden of 15 Sandy Bury and inserting a new dwelling in such a cramped space will distort and disrupt the landscape as currently enjoyed by neighbours
- Street elevation appears to have produced a subterranean Hobbit Hole.
- Lack of acceptable side space
- That the houses are not so-called 'front facing' is irrelevant given that they are built at what would originally have been a right hand turn in the road.
- this area used to be an old footpath
- The site is unsuitable to accommodate a detached house of the standard required by planning legislation
- cannot see that the new for another property in Sandy Bury is so desperate as to allow this latest application to succeed
- The examples given in the appeal of other properties where permission was granted to ignore the 1.00m requirement are not relevant because those properties had the relevant space to other sides of the property, where as in this case the proposed development would be cramped.

Harmful visual impact (addressed in para 7.3.1 and 7.3.2)

- Harmful visual impact and loss of outlook
- Lack of privacy to neighbouring houses and loss of light
- The proposed building extends outside the building line of No's. 15 & 17 Sandy Bury and will now also extend across the end of neighbouring garden. This proposal contravenes Bromley Local Plan Policy 1 as the proposal is for building on a residential garden

Increase in traffic and parking (addressed in para 7.5.1)

- As with previous applications it is out of keeping with other properties in this road and will increase the traffic in a road leading up to a very busy school and cause more parking problems.
- Increase in traffic and congestion in the road with disruption due to building work and parking

Drainage and Structural issues (addressed in para through conditions)

- Concerns regarding sewerage and foul drainage and damage to existing sewers
- Concerns regarding landslide and stability of the ground at the site
- Quality and depth of foundations may not be sufficient and excavation will be substantial
- Would interfere with current drainage system in the area

Standards of accommodation (addressed in para 7.4.1)

- Poor quality of accommodation and lack of natural light reaching the rooms
- Landscaping scheme is poor quality

6 POLICIES AND GUIDANCE

6.1 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.

6.2 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.

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

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

- 6.5 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.
- 6.6 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan
- 6.7 Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan. This affects 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.
- 6.8 The application falls to be determined in accordance with the following policies:-

6.9 National Policy Framework 2019

6.10 The London Plan

Policy 3.3 Increasing Housing Supply.
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 8.3 Community infrastructure levy

6.11 Draft London Plan

D1 London's form and characteristics
D4 Delivering good design
D5 Inclusive design

6.12 Bromley Local Plan 2019

Policy 1 - Housing Supply
Policy 3 - Backland and Garden Land Development
Policy 4 - Housing Design
Policy 8 - Side Space
Policy 30 - Parking
Policy 32 - Road Safety
Policy 37 - General Design of Development
Policy 113 - Waste Management in New Development
Policy 115 - Reducing Flood Risk
Policy 116 - Sustainable Urban Drainage Systems
Policy 122 - Light Pollution
Policy 123 - Sustainable Design and Construction

6.13 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance

7 ASSESSMENT

7.1 Resubmission

7.1.1 This application follows a recent refusal of planning permission under ref. 18/05610/FULL1 for Erection of a three bedroom detached dwelling. The key changes are as follows:

- proposed dwelling would not now project beyond the building line of Nos. 15 and 17
- A hipped roof profile instead of the dual pitched roof
- The separation between the proposed dwelling and No. 15 has been increased from 1m to 2m

7.2 Design – Layout, scale – Acceptable

7.2.1 The site is prominently situated to the eastern elevation of the property at No. 15 Sandy Bury and appears as flank garden land comprising an enclosed area of grassland in a poor state of upkeep with various low level shrubs. The site has restricted views from Sandy Bury due to the sites location away from the main highway and to the eastern flank elevation of No. 15 however it has been noted through correspondence that the fencing along the boundary with number 15 is to be removed should the application be permitted, exposing the front of the site. The site is highly visible from the rear garden space at Nos. 162 and 164 Tubbenden Lane exacerbated by the sites elevated position. The site would not be considered to contribute to local visual amenity due to the restricted views from the main

highway however does allow a degree of openness when viewed from the rear amenity space of the properties facing Tubbenden Road.

- 7.2.2 When considering the previous appeals, the Inspectors have not raised concerns with the principle of the development, rather the visual appearance of the proposals, their relationship with No. 15 and their impact on the character of the area. In particular the gable fronted and 'L' shaped form projecting beyond the main front building line of the adjacent semi-detached dwellings and level of separation between the proposed dwelling and flanks of No. 15.
- 7.2.3 The Inspector in the most recently refused scheme (ref. 18/05610/FULL1) raised concerns over the dwelling appearing overly cramped within the plot, as a result of the separation distances (1m), significant stagger in the alignment of its front elevation, sitting awkwardly within the surrounding pattern of development, which in addition to the dual pitched roof design, would appear incongruous in the street scene, out of character with the local area.
- 7.2.4 The current proposal would continue to present a single storey appearance as in the 2018 scheme to the front of the site and in relation to the neighbouring house at No. 15. The design includes a basement level that will provide lower level accommodation and access to the rear garden. Further amendments have been made to the design comprising of the omission of the forward projecting element, and dual gabled frontage. The current proposal would have a single frontage which would align with the front elevations of Nos. 15 and 17 and would have a more modest hipped roof appearance within the street scene with a low pitched roof that will have a height of 3.6m (which is a reduction from 4m previously proposed in 2018) when viewed in context with the adjacent dwelling at No. 15. In contrast to the previous proposals, the southern side elevation will have a low eaves height of 2.2m with a landscaped area and fencing to the side, and this is considered to significantly reduce the visual impact of the dwelling when viewed from the neighbouring houses on Tubbenden Lane. Therefore it may be considered that the relationship with No. 15 would not be awkward or detrimental to the character of the area. The proposal omits all the awkward and out of keeping roof design and replaces it with a shallow hipped roof, thereby removing the conflicting relationship with No. 15.
- 7.2.5 The new dwelling is sited adjacent to the boundary with No. 15, 2m from the flank elevation of the neighbouring house; this is an increase from 1m proposed under ref. 18/05610. The current application includes a low eaves height that would be lower than the first floor window sill height at No. 15 and would appear as a single storey development in the street scene as a result of the basement level design. The development would therefore read in a similar manner as an extension to No. 15. Given that the proposal would now comply with side space policy as it provides 1m from both the proposed dwelling and No. 15 to the boundary (2m overall) which is intended to avoid a cramped appearance and unrelated terracing, it is considered that the design of the proposal would result in an acceptable relationship, given single storey appearance from street level and the Inspectors' collective views.
- 7.2.6 As such, it is considered that the dwelling, which would comply with Side Space Policy 8, would not appear as a cramped form of development within the street

scene and would not contravene the objectives of Policy 8 of the Bromley Local Plan.

7.3 Residential Amenity – Acceptable

7.3.1 In terms of the impact on neighbouring residential amenity, in previous decisions, the Inspector considered that because of the size and open feel to the gardens, the new house would not appear overbearing when viewed from the neighbouring houses or gardens on Tubbenden Lane. The Inspector did, however, consider the design to cause visual harm to the character of the area. The current design proposes a lower flank wall facing Tubbenden Lane, a lower hipped roof and a lower overall bulk, including a genuine single storey appearance with basement level. The result of the design change is a less visually intrusive and incongruous feature that is considered to have an acceptable visual appearance and an acceptable impact on the amenities of neighbouring properties as a result.

7.3.2 Following the previous application (18/05610), the proposal has been increased in length along the northern flank wall adjacent to No. 15, from 7.5m to 10.3m, and would now therefore project 3m beyond the main rear elevation of No. 15. The proposed dwelling would appear as a single storey structure from the rear windows and amenity space of this neighbouring property and there would be a separation of 2m between the proposed dwelling and No. 15 which is a significant separation. Given its height of between 3.6m and 2.2m with a roof which pitches away from the boundary resulting in a flank wall of 2.2m in height near to the boundary, it is not considered that the rear projection of the proposed dwelling would have a harmful visual impact or loss of light, outlook, prospect or privacy to the neighbouring properties.

7.4 Standard of Residential Accommodation - Acceptable

7.4.1 The London Plan suggests that the minimum size of a two bedroom four person dwelling over two levels should be 79 sqm. The submitted plans indicate a floor area of approx. 98 sqm and therefore the dwelling is considered to comply with the requirements of the Technical Space Standards. Each of the double bedrooms will have a minimum floor area of 11.5m. Each bedroom will have a minimum width of 2.75m for a double room.

7.5 Highways – Acceptable

7.5.1 The site is within a very low (1a) PTAL area. Policy 30 requires a minimum of 1.5 spaces per unit. There is parking shown for 2 vehicles which given the size of the unit proposed and the locality would be acceptable in this instance. The access and parking arrangements are satisfactory, and the applicant has confirmed that No. 15 has rights to share the access with the new development.

7.6 CIL

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

8 CONCLUSION

8.1 Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it has fully addressed the previous reasons for refusal, would not result in a significantly detrimental impact on the character of the area and would not impact on highway safety or neighbouring amenity.

8.2 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 Permitted

Subject to the following conditions:

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Details of surface water drainage**
- 4. Parking spaces to be implemented**
- 5. Remove all PD rights**
- 6. Wash down facilities**
- 7. Construction and Environment Management Plan**
- 4. Matching in accordance with plans**

Any other planning condition(s) considered necessary by the Assistant Director of Planning

Informatives

1. Applicant is advised to contact the Pollution Team
2. Applicant is advised the CIL is payable
3. Applicant is advised to contact street naming and numbering