

|   |  |                                 |
|---|--|---------------------------------|
| <b>Committee Date</b>                   | 08.04.2021   |                                 |
| <b>Address</b>                          | Foxhollow<br>Merlewood Drive<br>Chislehurst<br>BR7 5LQ   |                                 |
| <b>Application Number</b>               | 20/04614/FULL1   | <b>Officer</b> - Gill Lambert   |
| <b>Ward</b>                             | Bickley  |                                 |
| <b>Proposal</b>                         | Demolition of outbuildings and erection of detached two storey 5 bedroom dwelling on land to the rear of Foxhollow with associated car parking and amenity space |                                 |
| <b>Applicant</b>                        | <b>Agent</b>   |                                 |
| Mr R Stone                              | Mr Joe Alderman  |                                 |
| c/o Agent<br>Orpington<br>BR6 0NN       | 303 Downe House<br>High Street<br>Orpington<br>BR6 0NN   |                                 |
| <b>Reason for referral to committee</b> | Significant objections   | <b>Councillor call in</b><br>No |

|                       |                       |
|-----------------------|-----------------------|
| <b>RECOMMENDATION</b> | Application Permitted |
|-----------------------|-----------------------|

|  |
|--|
| <p>KEY DESIGNATIONS</p> <p>Area of Special Residential Character<br/>Biggin Hill Safeguarding Area<br/>London City Airport Safeguarding<br/>Open Space Deficiency<br/>Smoke Control SCA 10</p> |
|--|

| <b>Land use Details</b> |                              |                       |
|-------------------------|------------------------------|-----------------------|
|                         | Use Class or Use description | Floor space (GIA SQM) |

|          |              |     |
|----------|--------------|-----|
| Existing | Outbuildings | 52  |
| Proposed | Residential  | 496 |

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

|                               | Number of bedrooms per unit |   |   |        |       |
|-------------------------------|-----------------------------|---|---|--------|-------|
|                               | 1                           | 2 | 3 | 4 Plus | Total |
| Market                        |                             |   |   | 1      | 1     |
| Affordable (shared ownership) |                             |   |   |        |       |
| Affordable (social rent)      |                             |   |   |        |       |
| <b>Total</b>                  |                             |   |   | 1      | 1     |

| <b>Vehicle parking</b> | Existing number of spaces | Total proposed including spaces retained | Difference in spaces (+ or -) |
|------------------------|---------------------------|--|-------------------------------|
| Standard car spaces    | 0                         | 2  | +2                            |
|                        |                           |  |                               |
|                        |                           |  |                               |

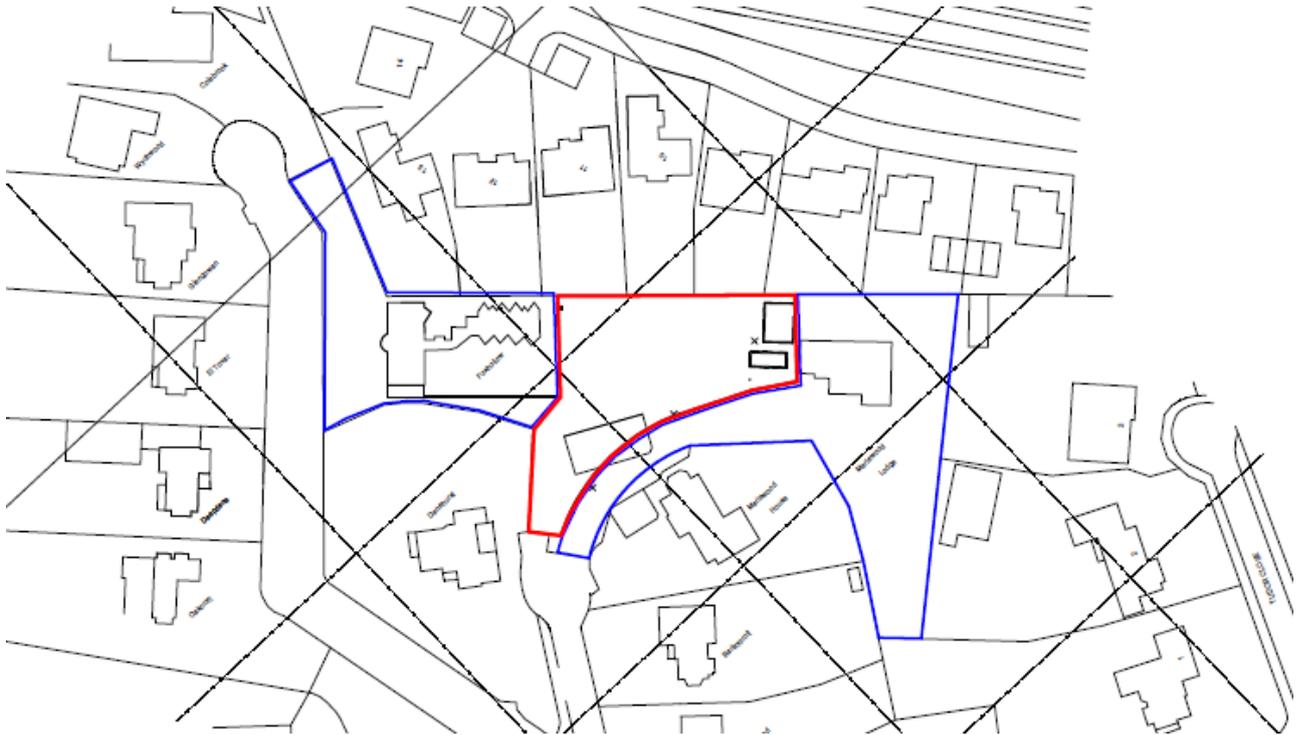
|                               |  |  |
|-------------------------------|--|--|
| <b>Representation summary</b> | Neighbour letters were sent 11/12/2020 |  |
| Total number of responses     | 8                                      |  |
| Number in support             | 3                                      |  |
| Number of objections          | 5                                      |  |

## **1 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The development would not result in a harmful impact on the character and appearance of the Area of Special Residential Character
- The development would not adversely affect the amenities of neighbouring residential properties
- The proposals would not constitute an overdevelopment of the site
- The development would provide a satisfactory standard of residential accommodation
- The proposals would not have adverse impacts on parking or highway safety
- The proposals would not have adverse impacts on important trees on or adjacent to the site

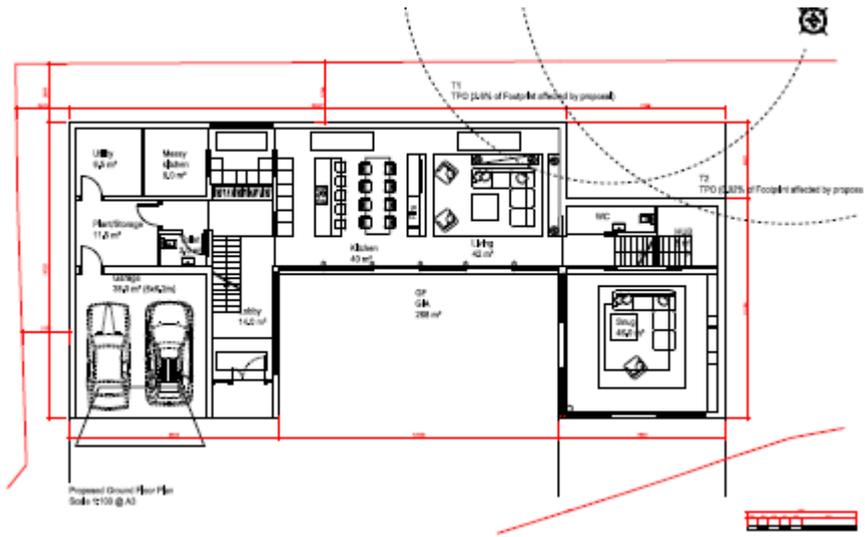
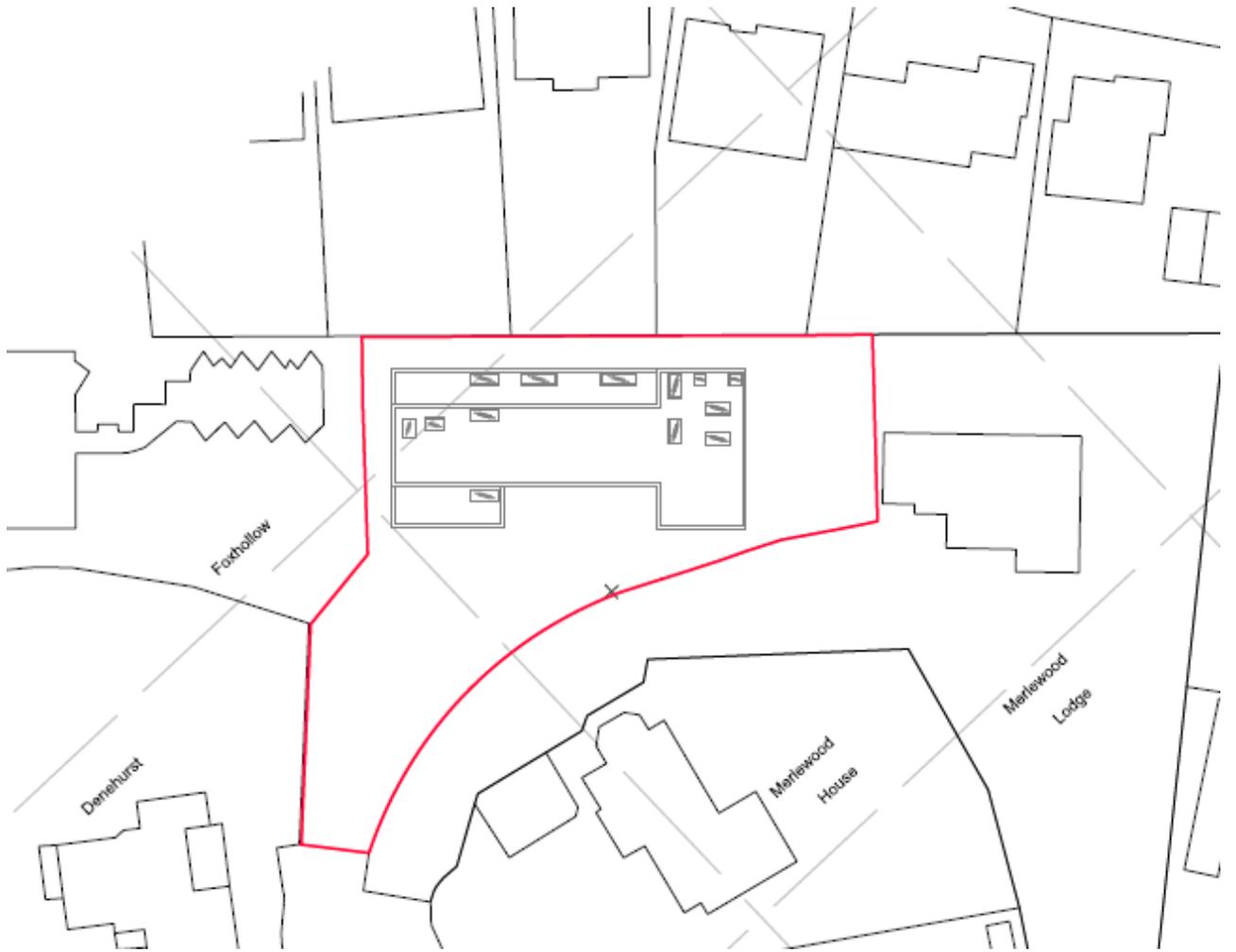
## **2 LOCATION**

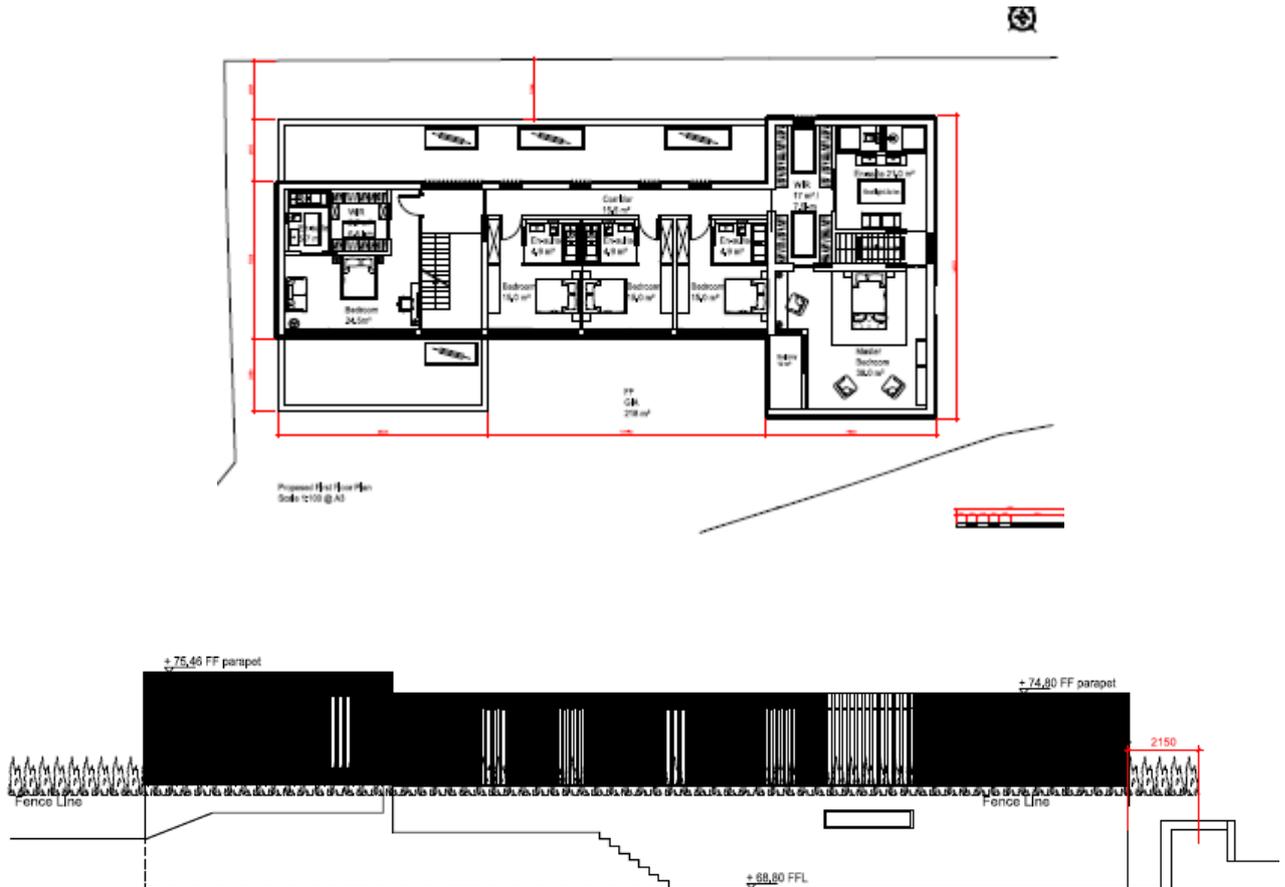
- 2.1 This site comprises part of the rear garden of Foxhollow and contains two outbuildings at the far end, along with a garage building which is currently within the curtilage of Merlewood Lodge to the east. The application states that both properties are in the ownership of the applicant.
- 2.2 The site measures 0.11ha, and has a separate access from Merlewood Drive adjacent to Denehurst and Merlewood Lodge. It lies within Bickley Area of Special Residential Character and is surrounded by detached dwellings set within generous sized plots in Merlewood Drive to the south and west. The north-eastern rear boundary of the site backs onto two storey properties in Oakhurst Close which are set at a considerably lower level and whose gardens rise up sharply towards the rear boundary of the site.
- 2.3 Although the site itself does not contain any protected trees, there are two TPO trees just over the boundary in the rear garden of No.9 Oakhurst Close.



### 3 PROPOSAL

- 3.1 It is proposed to demolish two existing outbuildings on this site which lies to the rear of Foxhollow and construct a detached two storey 5 bedroom dwelling with an integral double garage and associated car parking.
- 3.2 The proposed dwelling would be 30.1m in width and 10.2m in depth with two forward projecting wings, one single storey containing a double garage and lobby, and the other two storey containing a living room with a bedroom above. It would be of a modern contemporary design with a flat roof and large areas of glazing at the front, and would be set approximately 2.2m below the existing ground level of the site. The south-eastern corner of the dwelling would be set in at ground floor level with the first floor accommodation provided over using a cantilevered design.
- 3.3 The dwelling would be set back 2m from the north-western flank boundary with Foxhollow, and 2.7m from the north-eastern rear boundary with properties in Oakhurst Close, and it would be 9.9m from the south-eastern flank boundary with Merlewood Lodge.
- 3.4 The application was supported by the following documents:
  - Planning Statement
  - Design Statement
  - Structural Assessment
  - Arboricultural Assessment
  - Daylight and Sunlight Assessment





Proposed Rear Elevation  
Scale 1:100 @ A3

Proposed development Foxhollow

## 4 RELEVANT PLANNING HISTORY

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

4.2 A number of extensions to the dwelling at Foxhollow were granted permission in 2018 under refs. 18/03533, 18/03758, 18/04240 and 18/05048, which have now been carried out.

4.3 Permission was refused in April 2020 (ref. 19/05257/FULL1) for the demolition of the outbuildings and the erection of a detached two storey 5 bedroom dwelling on land to the rear of Foxhollow with associated car parking and amenity space on the following grounds:

“The proposed development would, by reason of its size, height and close proximity to neighbouring properties in Oakhurst Close, have a detrimental impact on the amenities of the neighbouring properties through loss of light, outlook and privacy, thereby contrary to Policy 37 of the Bromley Local Plan.”

4.4 The subsequent appeal was dismissed in January 2021 on grounds relating to significant harm to the living conditions of Nos.9, 10 and 11 Oakhurst Close located to the rear. The proposals were considered to result in loss of outlook from their rear windows and gardens, perceived overlooking from rear louvred windows, and, to a lesser degree, loss of light during the winter months.

## **5 CONSULTATION SUMMARY**

### **A) Statutory/Non-Statutory**

#### Highways – No objection

- Merlewood Drive is recorded as a private road. The highway aspects of the proposals are similar to the previous scheme. The proposed property has a good sized double garage and other parking on the frontage. No highways objections are therefore raised to the proposals.

#### Trees – No objection

- The construction in close proximity to T1 and T2 mature TPO trees would be unfavourable to their well-being and longevity. The Arboricultural Impact Assessment appears to have underestimated the RPA incursion by not taking into account the percentage of the RPA that is already covered by hard surface/building. This impact is avoidable. A different design could have avoided the RPAs altogether, and not located the building even within 1 tree length of either T1 or T2. However, the impact has been significantly reduced through the cantilevered construction design. The tree protection measures and supervision proposed are important to ensure that the impact is minimised.
- There may be an increase in pressure to prune/remove T1 and T2 due to the proximity of the new building. The applicants should be made aware that reasons relating to the proximity of the new building given within any future applications for works to T1 and/or T2 will not be given weight due to this being a reasonably foreseeable consequence.
- Overall, despite the impact being unfavourable, it is not sufficiently high to justify an objection on tree grounds.

#### Drainage – No objection

- There is no public surface water sewer near the site. Standard surface water drainage conditions are suggested.

### **B) Adjoining Occupiers**

#### Light, privacy and outlook (addressed in paras.7.7.2 to 7.7.10)

- Detrimental impact on outlook from properties in Oakhurst Close
- Loss of light to gardens and rear windows of properties in Oakhurst Close
- The Lleylandi trees are a recent addition to the fenceline by the applicant in an attempt to raise the horizon and reduce the seeming impact on neighbouring properties in Oakhurst Close

- The revised scheme would still result in loss of light and outlook
- Overlooking or perceived overlooking from rear windows
- Loss of open view
- Loss of privacy to Denehurst.

Trees (addressed in para.5A – Trees and 7.8.1)

- Proposals would risk the TPO trees and the stability of the bank.

General (addressed in paras.7.7.11 and 7.7.12)

- Drawings do not accurately show the gradient of the slope down to the properties in Oakhurst Close
- The scale of the building and the fence are misrepresented in the drawings
- Noise and disturbance during construction works
- Access road would result in noise disturbance to adjacent properties
- Query the safety of the road construction and retaining wall.

Support:

- Sympathetic design of the house and materials used
- Two additional on-street parking spaces would be provided in Merlewood Drive
- Dwelling would not be visible from Merlewood Drive
- The plot of land has always had its own access and is an obvious development site for a family dwelling.

Local groups - Merlewood Drive Residents' Association (in support)):

- It ensures that only a single dwelling is built as opposed to a block of flats, in line with the other properties on the Merlewood Drive
- The development will be completed alongside plans to renovate Merlewood Lodge, thus minimising disruption
- As part of the development some of the land owned by Foxhollow/Merlewood Lodge will be offered to create additional communal parking
- Following the development, any repairs to communal areas would be put right to ensure Merlewood Drive remains a pleasant and appealing place to live.

## **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 National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.
- 6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.
- 6.5 The application falls to be determined in accordance with the following policies:-

**6.6 National Planning Policy Framework 2019**

**6.7 The London Plan**

- D1 London's form and characteristics
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D14 Noise
- H1 Increasing Housing Supply
- H2 Small sites
- H10 Housing Size Mix
- S4 Play and informal recreation
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI1 Improving air quality
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood risk management
- SI13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- T7 Deliveries, servicing and construction

**6.8 Bromley Local Plan 2019**

- 4 Housing Design

|    |  |
|----|--|
| 8  | Side Space                             |
| 30 | Parking                                |
| 32 | Road Safety                            |
| 37 | General Design of Development          |
| 44 | Areas of Special Residential Character |
| 73 | Development and Trees                  |

## 6.9 Bromley Supplementary Guidance

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

## 7 ASSESSMENT

### 7.1 Resubmission - Acceptable

7.1.1 The revised scheme has been amended in the following main ways:

- The dwelling has been moved 0.7m further away from the north-eastern rear boundary with Nos.9, 10 and 11 Oakhurst Close, giving a 2.7m separation distance to this boundary rather than the previously proposed 2m separation
- The majority of the dwelling would be set 0.7m lower into the ground than the previous proposal (with the exception of the master suite) such that the two storey element would be 1.8m above the existing flat roof of Foxhollow adjacent rather than 2.5m previously proposed
- Part of the first floor (with the exception of the master suite) would be stepped back from the rear by 2.8m such that it would maintain a 5.5m separation from the north-eastern rear boundary.

### 7.2 Principle - Acceptable

7.2.1 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24<sup>th</sup> September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.

7.2.2 The NPPF (2019) 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 an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless 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 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.

7.2.3 According to paragraph 11(d) 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.

7.2.4 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.

7.2.5 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.

7.2.6 This application includes the provision of one 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.

7.2.7 With regard to the current proposals, this site is located in a residential area where the Council may consider infill developments provided that they are designed to complement the character and spatial standards of the surrounding area, the design and layout of the dwelling provide suitable residential accommodation, and the proposals provide adequate amenity space and parking for the occupants.

### 7.3 Density – Acceptable

7.3.1 With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan (2015) gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 9 dwellings per hectare with the table giving a suggested level of between 35-75 dwellings per hectare in suburban areas with a 1 PTAL location. The proposals would therefore result in an intensity of use of the site that would be below the thresholds in the London Plan, however, they need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

### 7.4 Design, layout and scale – Acceptable

- 7.4.1 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.
- 7.4.2 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.
- 7.4.3 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.
- 7.4.4 London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.4.5 Policies 4 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.
- 7.4.6 Policy 44 of the BLP states that development proposed in areas designated as Areas of Special Residential Character (ASRCs) on the policies map will be required to respect, enhance and strengthen their special and distinctive qualities. In this regard, the Bickley ASRC is largely characterised by spacious inter-war residential development, with large houses in substantial plots adjacent to the Conservation Areas of Chislehurst and Bickley.
- 7.4.7 The proposed dwelling would be largely hidden from public view at the end of a private access drive and would be situated between the dwellings at Foxhollow and Merlewood Lodge. It would be of a contemporary flat roofed design, and would be seen in the context of a modern flat roofed rear extension to Foxhollow located approximately 6m away, and a two storey pitched roof dwelling at Merlewood Lodge located 11m away. Although the dwelling would extend across much of the width of the site, it would be broken up by the two forward projecting wings to each side, and

its appearance is not considered to have a detrimental impact on the character and spatial standards of the Bickley Area of Special Residential Character.

## 7.5 Standard of residential accommodation – Acceptable

7.5.1 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.

7.5.2 Policy 4 of the BLP 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 Governments National Technical Housing Standards.

7.5.3 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.

7.5.4 The proposals comprise a five bedroom 10 person two storey dwelling for which The London Plan suggests that the minimum size should be 128sq.m. in floor area. The proposed dwelling would have a floorspace of 496sq.m. which would achieve this standard.

7.5.5 Amenity space would be provided in the form of front and side garden areas. Although no rear garden area would be provided, the front and side gardens would be sufficiently private due to the siting of the plot away from public view. The amenity area is therefore considered to adequately serve a dwelling of this size.

## 7.6 Highways – Acceptable

7.6.1 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.

7.6.2 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.

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

7.6.4 No highways objections are raised to the proposals.

## 7.7 Neighbouring amenity - Acceptable

7.7.1 Policy 37 of the BLP 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.

7.7.2 In dismissing the previous appeal, the Inspector considered that the proposed height and proximity of the proposed house to the existing houses at Nos. 9, 10 and 11 Oakhurst Close would materially exacerbate the existing domineering and overbearing effect that their steep gardens already have on outlook which would result in the proposed house being experienced as an oppressive presence, especially from the rear rooms and gardens of these properties, thereby causing unacceptable loss of outlook. He considered that the existing impact of the small steep rear gardens on outlook does not in itself justify making matters worse.

7.7.3 The current scheme has reduced the overall height of the dwelling by setting it 0.7m further down into the ground (with the exception of the master suite), whilst the ground floor has been set back a further 0.7m from the rear boundary with the Oakhurst Close properties, and the main part of the first floor has been set back a further 3.5m from this boundary. Although the dwelling would still be visible from the rear windows and gardens of properties in Oakhurst Close, it would be to a much lesser degree due in particular to the significant setback of the majority of the first floor element. On balance, the revised scheme is now considered to overcome the Inspector's concerns with regard to loss of outlook.

7.7.4 With regard to loss of sunlight and daylight, the Inspector considered that the previous scheme would result in some loss of sunlight and daylight to some rooms of properties in Oakhurst Close, and that although the predicted loss of light would not be decisive on its own, it would add to the proposal being experienced as an oppressive presence by the occupiers of Nos.9, 10 and 11 Oakhurst Close, especially during the winter months.

7.7.5 A Daylight and Sunlight Assessment has been submitted by the applicant for the revised scheme and concludes that the proposals would comply with BRE

guidance, and would not result in any notable reduction in the amount of daylight or sunlight enjoyed by neighbouring dwellings.

- 7.7.6 The reduced height of the majority of the dwelling (by 0.7m) and the increased separation between the proposed dwelling and its rear boundary with Oakhurst Close properties (by 0.7m), and in particular the significant setback of part of the first floor from this boundary (by 5.5m) would significantly reduce the impact of the proposals on the amount of sunlight and daylight that would reach the rear windows and gardens of Nos.9, 10 and 11 Oakhurst Close. On balance, the revised scheme is now considered to overcome the Inspector's concerns with regard to loss of daylight and sunlight.
- 7.7.7 With regard to the impact of the previous scheme on privacy, the Inspector considered that although the windows in the rear wall of the proposed house facing towards Oakhurst Close were extremely narrow and served only circulation spaces and a dressing room, they did appear to provide opportunities for overlooking of the properties at Nos.9, 10 and 11, despite the proposal incorporating louvres. Although a condition could be imposed which required the windows to be obscure glazed, the Inspector did not consider that this would remove the feeling of being overlooked and the loss of a sense of privacy from the rear rooms of the Oakhurst Close dwellings resulting from the location, height and proximity of the proposed rear windows, especially from the first floor bedrooms of these properties. He concluded that this perceived overlooking and loss of privacy would add to the proposal being experienced as oppressive by the occupiers of the neighbouring dwellings.
- 7.7.8 In the current scheme, all but one of the rear-facing windows would now be set back 5.5m from the rear boundary with the Oakhurst Close dwellings (as opposed to 2m in the refused scheme), and perceived overlooking of the neighbouring properties would therefore be considerably reduced. The rear window to the dressing room of the master suite would be closer to the rear boundary at 2.7m away, but this would be set back further than the refused scheme which had a separation of 2m, and the window can be conditioned to be obscure glazed and non-opening up to 1.7m in height from internal floor level in order to prevent overlooking. The revised scheme is now considered to overcome the Inspector's concerns with regard to perceived overlooking and loss of privacy.
- 7.7.9 With regard to the impact of the proposals on Foxhollow, the proposed dwelling would be located approximately 5.5-6m from the rear elevation of this property, and would be 1.8m higher (a reduction of 0.7m on the previous scheme). No windows are proposed in the facing flank elevation of the proposed dwelling, the nearest ones being approximately 24m away in the south-eastern wing of the dwelling, and (as with the previous scheme) no undue overlooking or loss of outlook from Foxhollow would therefore occur.
- 7.7.10 With regard to Merlewood Lodge, the proposed dwelling would be approximately 10m away from the south-eastern flank boundary with this property and its height would be lower than the ridge height of Merlewood Lodge. An obscure glazed window is proposed at first floor level in the facing flank elevation of the new

dwelling, and no undue overlooking or loss of outlook from Merlewood Lodge would therefore occur.

7.7.11 Residents have raised concerns about the accuracies of the submitted plans in terms of the scale of the building and the gradient of the slope down to properties in Oakhurst Close, however, the site and the neighbouring properties have been visited, and the impact as seen on the ground has been taken into account.

7.7.12 The occupiers of Denehurst have raised concerns about noise disturbance from the use of the access road to the new dwelling, but this is an existing vehicular access to the land, and its use to serve one dwelling would not cause significant harm to the amenities of adjoining residents.

## 7.8 Trees – Acceptable

7.8.1 The proposals would be unfavourable to the well-being and longevity of T1 and T2 mature TPO trees, but the impact it is not considered to be sufficiently high to justify refusal on tree grounds.

## 7.9 CIL

7.9.1 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 The revised scheme is considered to have overcome the Inspector's previous concerns, and would not now result in significant loss of outlook, sunlight or privacy from the dwellings to the rear in Oakhurst Close and their rear gardens.

8.2 Additionally, the provision of one new dwelling would make a minor contribution towards meeting the Council's housing targets, which also weighs in its favour.

8.3 Conditions are recommended to secure an acceptable form of development which protects the amenities of neighbouring properties and the area generally.

## **RECOMMENDATION: PERMISSION BE GRANTED**

**The following conditions are recommended:**

### **Standard Conditions:**

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**

### **Pre-Commencement Conditions:**

- 3. Surface water drainage**
- 4. Measures to Accommodate Construction Vehicles**

## **5. Tree Protection Measures**

**Above Ground Works conditions:**

- 6. Soft and hard landscaping and boundary enclosures**
- 7. Material details/samples**

**Prior to First Occupation conditions:**

- 8. Obscure glazed/fixed shut windows**

**Compliance conditions:**

- 9. Wash down facilities**
- 10. Remove PD rights**
- 11. Demolish Existing Building**
- 12. Implement in Accordance with Slab Levels**

**Any other planning condition(s) considered necessary or requires amending by the Assistant Director of Planning**

**Informatives:**

- 1 CIL**
- 2 Proximity of trees to new building will not be given weight in any future application for tree works**