

Committee Date	08/07/2021		
Address	13B Cherry Orchard Road Bromley BR2 8NE		
Application Number	21/01353/FULL1	Officer Seyi Obaye-daley	
Ward	Bromley Common and Keston		
Proposal	New 3-bedroom dwelling on land adjacent to 13B Cherry Orchard Road		
Applicant		Agent	
Rebecca Lloyd		Mr Tony Oyenuga	
Reason for referral to committee	Councillor Call-in	Councillor call in Yes	

RECOMMENDATION	REFUSED
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Summary

KEY DESIGNATIONS
<ul style="list-style-type: none"> • Biggin Hill Safeguarding Area • London City Safeguarding • Smoke Control

Land-use details		
	Use class	Floor space (GIA sqm)
Existing	N/A	0
Proposed	C3	133.37

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	3	2	-1
Disabled car spaces	0	0	0

Cycle	N/A	N/A	N/A
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Representation summary	A total of 16 neighbour letters were sent on 28.04.21 and then again on 12.05.21 A site notice was also printed on 13.05.21		
Total number of responses	12		
Number in support	4		
Number of objections	7		
Neutral	1		

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would be a cramped, piecemeal form of development that seriously diminishes the spatial standards that exist in this location.

2 LOCATION

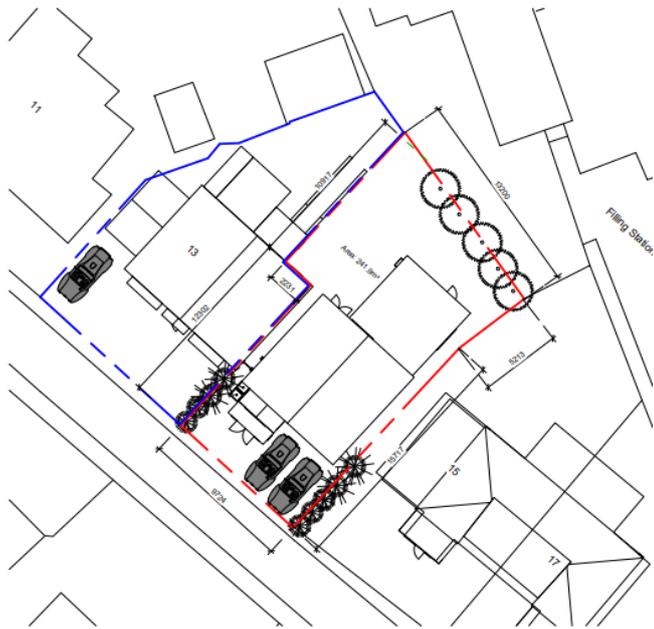
2.1 The application site is located on the northern side of Cherry Orchard Road, adjacent to 13B.

2.2 The area is residential by nature predominantly comprising of two-storey properties with a variety of architectural designs sited along a narrow residential street.

2.3 The building is not listed or located within any area of special designation.

2.4 It is however, located within the following:

- Biggin Hill Safeguarding Area
- London City Safeguarding
- Smoke Control



Block Plan - Proposed
1 : 200



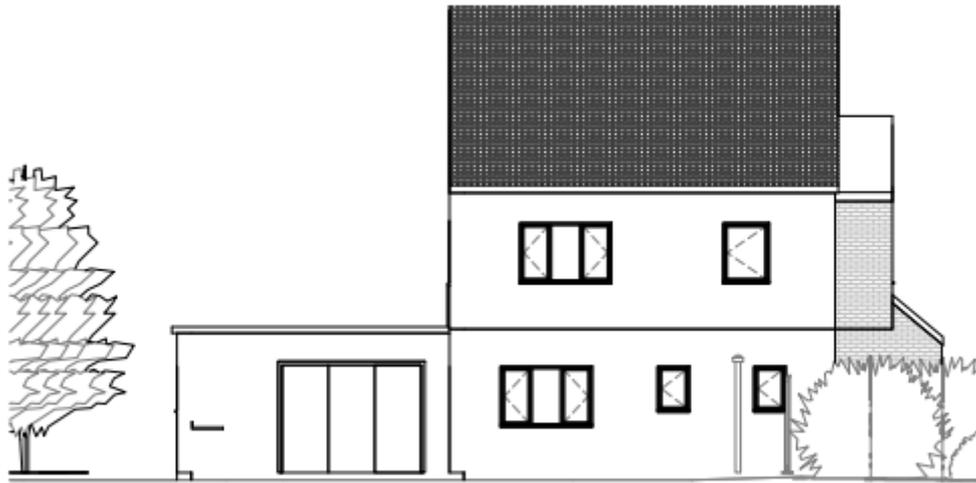


3 PROPOSAL

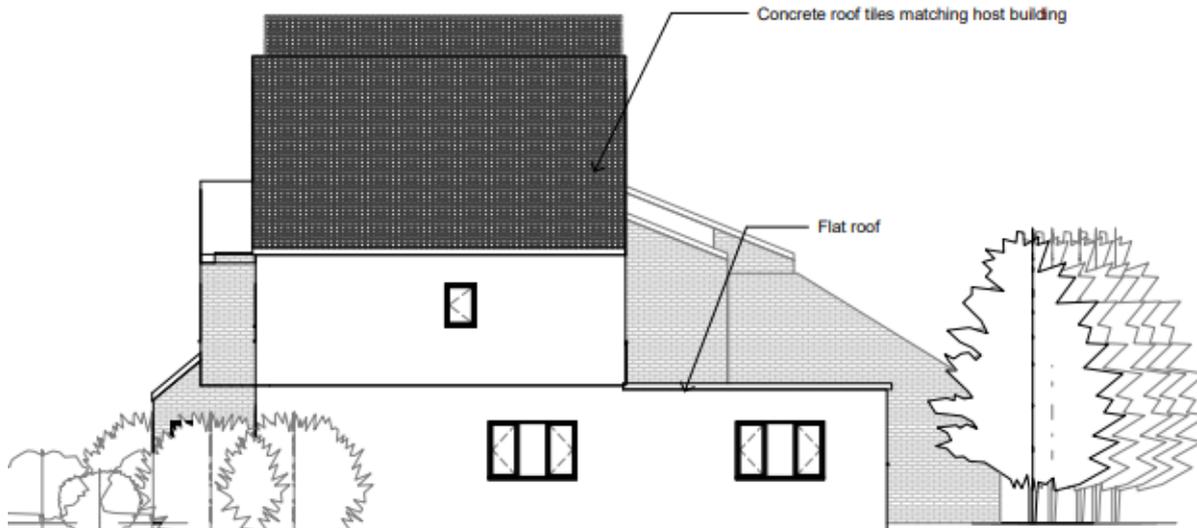
- 3.1 Planning permission is sought for a new 3-bedroom dwelling on land adjacent to 13B Cherry Orchard Road.
- 3.2 The proposed dwelling would be a two-storey dwelling with a maximum depth of approx. 15.1m.
- 3.3 It would be 7.6m wide and would have a gabled roof design with a ridge height of approx. 9.8m.
- 3.4 The property would maintain a 1m separation from the south-eastern flank boundary and a 1.1m (approx.) from the flank of the donor dwelling.



South - Proposed
1 : 100



West - Proposed
1 : 100



East - Proposed

1 : 100

4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Under ref. 04/04634/FULL1 planning permission was granted for a single storey side extension (13, 13A, 13B Cherry Orchard Road Bromley)
- 4.3 Under ref. 05/00447/FULL1 planning permission was granted for a carport at front

5 CONSULTATION SUMMARY

A) Statutory

Highways – No objection

- No objections
- Given status of Cherry Orchard Road as unadopted street, applicant should be advised via informative that condition of section of street to which proposed development has a frontage should, at end of development, be at least commensurate with that which existed prior to commencement of development
- Should also be advised that before any works connected with proposed development are undertaken within limits of the street, it will be necessary to obtain agreement of owner(s) of sub-soil upon which Cherry Orchard Road is laid out

Environmental Health

- Following informatives are required:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

The application site is within an Air Quality Management Area declared for NO_x. We would therefore recommend that the following condition is attached:

The application site is located within an Air Quality Management Area declared for NO_x: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO_x emission rate of <40mg/kWh (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan).

B) Local Groups

RSPB

- If Bromley Council intends to grant permission, recommend make installation of 2 integral swift nest bricks a planning condition and that proposal for these be submitted prior to commencement of above ground works

C) Adjoining Occupiers

Neighbouring amenity

- Height of building will lead to loss of light
- Windows 1m from boundary will impact privacy
- Juliette balcony will mean garden is overlooked
- Potential loss of trees will result in loss of privacy and property will be visible from Shell Petrol station and Hastings Road
- Any loss of trees will increase light and noise pollution
- Increase in traffic noise from A21
- Can applicant provide assurance that, except for maintenance purposes, the flat roof would not be accessible. This is important because its use would overlook the neighbouring property's rear garden

Character of area

- Overdevelopment of small garden plot
- Preference would be a more modern design which takes same building line as property which is less intrusive and more reasonable size

- Removing natural break between original built properties and sixties-built properties will make street look cramped
- On basis that numbers 15 and 17 are existing examples of three bed properties that were added to the street, would seem more appropriate if a new build was more in keeping with their roofline/height and style
- Not in keeping with the road

Highways

- Additional traffic
- Plans show space for two cars however current lamppost is not shown on plans. Would ask how two cars can fit in space and what will happen to street lighting
- Road is narrow, with current parking in the road there is potential that emergency vehicles may find it difficult to get up road and turn around
- Increased traffic in road also increases risk for young children and pets
- Concern that 13B will not have any parking allocated so should 13B be sold there will potentially be additional cars seeking parking in small road which poses concern for all residents about future environment
- Digging up of road will impact upon integrity of surface of road will impact upon integrity of surface of the road and result could be ongoing repair bills for residents
- There is no room on road already for residence cars
- Increase of traffic both during the build and after is inevitable

Construction works

- Road cannot support building works, additionally when ambulances are required, they cannot access road
- Would be severe intrusion into peace and tranquillity
- Access to powered wheelchair to his rear garden is at side of house where application for three-bedroom house is proposed. If building works were going on would not have access to garden
- Should there be fire or emergency if this route was blocked by building works life could be in severe danger
- Would not want access to be facilitated through removal or scaling back of the fir trees currently in situ
- If access not granted through Shell, will require road to be used for access which will put structural integrity of road at risk throughout the build
- Storing of materials during construction will mean that cars have to be parked on the street

Amenity space

- There would not be any space for a garden for new three-bedroom house, or for 13b which currently enjoys proposed space as garden

Side space

- Drawings accompanying application conflict. Boundary line on drawing 'existing and proposed elevations' is indicated roughly half-way between no13B and the proposed no 13C. Boundary line indicated on drawing 'proposed floor & block plans' is indicated hard against no13A. Which drawing is correct?
- Boundary is important not just from planning point of view but also for Building Regulation Means of Escape reasons
- Adjoining house is I believe two dwellings with the upper dwelling accessed only from the rear of the property
- If this is so, the access/egress from Cherry Orchard Road will require a pedestrian route along the flank wall of 13A. If the boundary to 13C is hard against the existing wall of 13A this will not be possible.
- Distance between two buildings is shown as only 1096mm

D) Support Comments

- New build house is in keeping with the adjacent houses and will be much better use of current space to provide well-proportioned and much needed to the area family home

The applicant also provided the following in support of the planning application:

- Window overlooking number 15 is in shower of en-suite and will be frosted
- Fir tree are remaining
- 13B can't use grassed area
- Due to proximity of shell garage and Hastings Road there is little wildlife
- Flat roof we plan to have a living garden and the trees will still provide plenty for birds
- Cherry Orchard Road is a no through road therefore traffic is minimal
- Parking available at end of the road which is accessed via Hastings Road so visitors would not need to enter Cherry Orchard Road in their car
- Have asked Shell for access via the garage/ Hastings Road
- At least 2 off road spaces
- New home will shield Cherry Orchard Road from noise and lights from Shell garage and Hastings Road. Will also provide more security
- No plans to cut down fir trees at rear of garden
- No plans to move streetlight
- Access will always be available. It will form part of builders on site health and safety requirements and will be separated from actual building site
- All works would be repaired if any are required
- Only small green area being lost

Comments are available to view in full on the public access

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 Bromley Local Plan (Jan 2019) and the London Plan (2021).

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

6.5 **National Policy Framework 2019**

6.6 **The London Plan**

- GG1 Building strong and inclusive communities
- GG4 Delivering homes Londoners need
- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- H1 Increasing housing supply
- H2 Small sites
- H9 Ensuring the best use of stock
- H10 Housing size mix
- HC1 Heritage conservation and growth
- G5 Urban greening
- G6 Biodiversity and access to nature
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T5 Cycling
- T6 Car Parking
- T6.1 Residential parking

6.7 **Bromley Local Plan 2019**

- 1 Housing Supply
- 4 Housing Design
- 8 Side Space
- 30 Parking
- 37 General Design of Development

6.8 Bromley Supplementary Guidance

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

7 ASSESSMENT

7.1 Housing position

- 7.1.1 The current position in respect of Bromley's Five-Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020.
- 7.1.2 The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply.
- 7.1.3 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.
- 7.1.4 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.
- 7.1.5 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.
- 7.1.6 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'.
- 7.1.7 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.

- 7.1.8 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.
- 7.1.9 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.
- 7.1.10 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size).
- 7.1.11 Policy D3 requires all development to make the best use of land by following a design led approach.
- 7.1.12 This application proposes to erect 1 residential dwelling which would represent a minor contribution to the borough's housing supply.
- 7.1.13 This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

7.2 Design and scale – Layout, scale – Unacceptable

- 7.2.1 Design is a key consideration in the planning process.
- 7.2.2 Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.2.3 The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 7.2.4 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area, are not just for the short term but over the lifetime of the development, and are visually attractive and sympathetic to the local character and history, including the surrounding built environment and landscape setting.
- 7.2.5 It also seeks to ensure that developments 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.
- 7.2.6 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.2.7 Similarly, policies 6 and 37 aim to ensure that new developments are of good architectural quality and respect the scale, spaces and form of the host property as well as developments in the wider area.

- 7.2.8 The main considerations for this application with regards to design and scale relates to how the proposed development would impact the character of the property and wider area.
- 7.2.9 The application proposes to subdivide the existing site in order to erect a 3 bedroom two-storey detached dwelling to infill the vacant land on the south-eastern side of 13B Cherry Orchard Road.
- 7.2.10 The properties on the northern side of the road are generally detached or semi-detached and can be characterised by their exposed brick exteriors, gabled roof designs clad with hanging clay tiles and prominent bay windows at ground floor level.
- 7.2.11 The application site would also be adjacent to a pair of more contemporary semi-detached dwellings that are slightly lower than other properties on the northern side of the road.
- 7.2.12 In design terms, the proposed new dwelling would be most closely related to the two-storey detached properties on the northern side of the road.
- 7.2.13 It would incorporate a similar gabled roof design and would be sited lower than other detached properties on this side of the road, providing a gradual transition between the properties on the northern side of the road to the pair of lower semi-detached properties to the south-east of the application site.
- 7.2.14 The application also states that the dwelling would be finished in facing brickwork to match the materials on the donor building.
- 7.2.15 However, policy 8 of the Bromley Local Plan requires proposals that involve two storeys or more to retain a 1m separation from the side boundaries for the full height and length of the building.
- 7.2.16 The proposed development would necessitate the subdivision of land at 13B Cherry Orchard Road and whilst the application drawings show that the proposed new dwelling would retain a 1m separation from both flank boundaries, the application site boundary is directly adjacent to the flank wall of the host dwelling at No. 13B meaning that there is only a 1m separation between the two buildings.
- 7.2.17 Given the substantial amount of space that currently exists in this location, the 1m separation between the dwellings would not be sufficient and the proposed development would result in a retrograde lowering in the spatial standards that exist in this area and would thus contravene policy 8 of the Bromley Local Plan.
- 7.2.18 In addition, given the footprint of the proposed dwelling in relation to properties along the road, the proposed new dwelling would have the appearance of a cramped, piecemeal development that results in the serious diminishing of the high spatial standards that exist in this location.

7.2.19 Accordingly, having regard to the form, scale, siting and proposed materials it is considered that the proposed development would appear out of character with surrounding development or the area generally.

7.3 Standard of accommodation – Acceptable

7.3.1 Policy D6 of the recently published London Plan sets out new standards that housing developments are expected to meet in order to ensure they are of high quality.

7.3.2 Policy 4 of the BLP similarly requires new residential development to maintain a good level of amenity and to adhere to the minimum space standards set out in the London Plan.

7.3.3 Part 2 of the Mayor of London's Housing SPG places an emphasis on quality housing design and sets out standards for circulation, storage, aspect, dwelling size and room layouts etc.

7.3.4 The proposed new dwelling would have three bedrooms all of which would be considered double bedrooms as per the standards set out in the London Plan.

7.3.5 For planning purposes, the property could therefore have an occupancy level of 6 people.

7.3.6 The proposed floor area of approx. 123sqm would exceed the minimum requirement of 102sqm for 3b6p properties that are spread over two storeys.

7.3.7 In addition, the drawings show that a floor to ceiling height of approx. 2.6m would be maintained throughout the dwelling which would exceed the requirements outlined in the London Plan.

7.3.8 The property would also have an amenity space which exceeds the standards set out in the London Plan.

7.3.9 It is therefore considered that the proposed dwelling would provide an adequate standard of accommodation as per the standards outlined in the London Plan.

7.4 Residential Amenity – Acceptable

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

7.4.2 The proposed new dwelling would incorporate a 1.1m separation (approx.) from the south-eastern flank wall of the donor dwelling which would go some way to reducing the impact it has on the amenities of this property.

- 7.4.3 However, there are two flank facing windows in the south-eastern flank wall of the donor dwelling which may be impacted by the proposals with particular regards to light and outlook.
- 7.4.4 In addition, the proposed design would incorporate windows in the north-western flank elevation at ground and first floor level that look out onto the flank of the donor dwelling.
- 7.4.5 The proposed first-floor windows would serve bedrooms and would provide views into the flank windows at 13B Cherry Orchard Road.
- 7.4.6 Given that the proposed bedrooms would be dual aspect, a condition could be implemented to obscure glaze the flank facing first-floor bedroom windows to protect the amenities of 13B Cherry Orchard Road and potential occupants of the proposed dwelling.
- 7.4.7 The ground floor of the proposed new dwelling would project beyond the rear of both adjoining neighbours at each flank.
- 7.4.8 Comments have also been received raising concerns about the potential impact the proposed development would have on the amenities of adjoining neighbours with particular regard to light and privacy.
- 7.4.9 However, the dwelling would maintain substantial separation from the flank of 13B Cherry Orchard Road and would maintain a minimum of 1m (approx.) from the south-eastern flank boundary.
- 7.4.10 In addition, the height of the proposed extension is not excessive and the additional projection beyond the rear of both adjoining neighbours is considered modest.
- 7.4.11 When considered alongside the separation from the flank boundaries, the development is considered unlikely to result in a substantial impact to neighbouring amenity.
- 7.4.12 The property would include a first-floor window in the south-eastern elevation however, the window would serve a bathroom and a condition requiring this window to be obscure glazed could also be implemented to protect the amenities of this neighbour.
- 7.4.13 Similarly, the proposed windows at ground floor level in this elevation are unlikely to have a substantial impact to the amenities of neighbours.
- 7.4.14 With regards to the adjoining building to the rear, proposed dwelling would maintain substantial separation and would therefore have little impact to the enjoyment of that property.
- 7.4.15 Accordingly, having regard to the scale, siting, separation distance, orientation, existing boundary treatment of the development, it is considered that a

significant loss of amenity with particular regard to light, outlook, prospect and privacy would not arise.

7.5 Highways – Acceptable

- 7.5.1 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.
- 7.5.2 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.
- 7.5.3 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.
- 7.5.4 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision.
- 7.5.5 Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.5.6 The proposed dwelling would be located on an existing parking area, resulting in the loss of a parking space for the donor dwelling.
- 7.5.7 However, this is not considered likely to have a significant impact on the highway and there are therefore no technical objections on highways grounds.
- 7.5.8 The application property is located along an unadopted street, so in order to maintain the condition of the road, an informative would be attached to any permission requiring that, at the end of development, the condition of the section of street the proposed development has a frontage should be at least commensurate with that which existed prior to commencement of the development.
- 7.5.9 The applicant should also be advised that before any works connected with the proposed development are undertaken within the limits of the street, it will be necessary for them to obtain the agreement of the owner(s) of the sub-soil upon which Cherry Orchard Road is laid out.

7.6 CIL

- 7.6.1 The Mayor of London's CIL is a material consideration. CIL would be payable on this proposal. You will be required to submit a CIL Liability form with any formal submission.

8 CONCLUSION

- 8.1 The development would result in the provision of one residential dwelling which would represent a minor contribution to the boroughs overall housing supply.
- 8.2 Harm has however been identified in that the proposed development would be a cramped, piecemeal form of development that seriously diminishes the spatial standards that exist in this location, thus failing to comply with policy 8 of the Bromley Local Plan.
- 8.3 When weighing up the minor benefits of the development and the current position surrounding the Borough's housing supply, it is considered that the harm arising from the development would significantly and demonstrably outweigh the minor benefits of the proposal and should be refused as a result.

RECOMMENDATION: Application REFUSED

The reasons for refusal are:

- 1. The proposed development, by reason of the design, dimensions and the constraints of the site, would result in a cramped, piecemeal form of development being created that seriously diminishes the high spatial standards that exist in this location. This is contrary to policy 8 and 37 of the Bromley Local Plan.**