

<b>Committee Date</b>	30.09.2021	
<b>Address</b>	5 Woodlands Road Bickley Bromley BR1 2AD	
<b>Application Number</b>	21/02056/FULL1	<b>Officer</b> - Gill Lambert
<b>Ward</b>	Bickley	
<b>Proposal</b>	Demolition of existing detached single storey garage building and erection of replacement detached garage building with accommodation in roof containing 1 self-contained one bedroom residential unit (Class C3), together with associated car parking, cycle and refuse stores and landscaping	
<b>Applicant</b>	<b>Agent</b>	
Mr Robert Dickman	Mr Anthony Ferguson	
5 Woodlands Road Bickley Bromley BR1 2AD	Fourth Floor 8 Baltic Street London EC1Y 0UP	
<b>Reason for referral to committee</b>	Side Space	<b>Councillor call in</b>
		No

<b>RECOMMENDATION</b>	Application Permitted
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<p><b>KEY DESIGNATIONS</b></p> <p>Conservation Area: Bickley Park  Biggin Hill Safeguarding Area  London City Airport Safeguarding  Open Space Deficiency  Smoke Control SCA 10</p>
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Garages	69
Proposed	Garages Residential flat (C3)	69 65

<b>Residential Use – See Affordable housing section for full breakdown including habitable rooms</b>					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	1				
Affordable (shared ownership)					
Affordable (social rent)					
Total	1				

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	4	5	+ 1
Disabled car spaces			
Cycle	0	2	+ 2

<b>Electric car charging points</b>	Percentage or number out of total spaces
1 Active 4 Passive	

<b>Representation summary</b>	Neighbour letters were sent 27.05.2021 A press ad was published on 09.06.2021 A site notice was displayed between 01.06.2021 – 30.07.2021
Total number of responses	0
Number in support	
Number of objections	

## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the Conservation Area
- 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 The application site is located to the front of Orchard House at No.5 Woodlands Road which is locally listed and is divided into 4 flats. The site is located adjacent to the eastern side boundary with Deerwood House, and lies within the western part of Bickley Park Conservation Area.



## 3 PROPOSAL

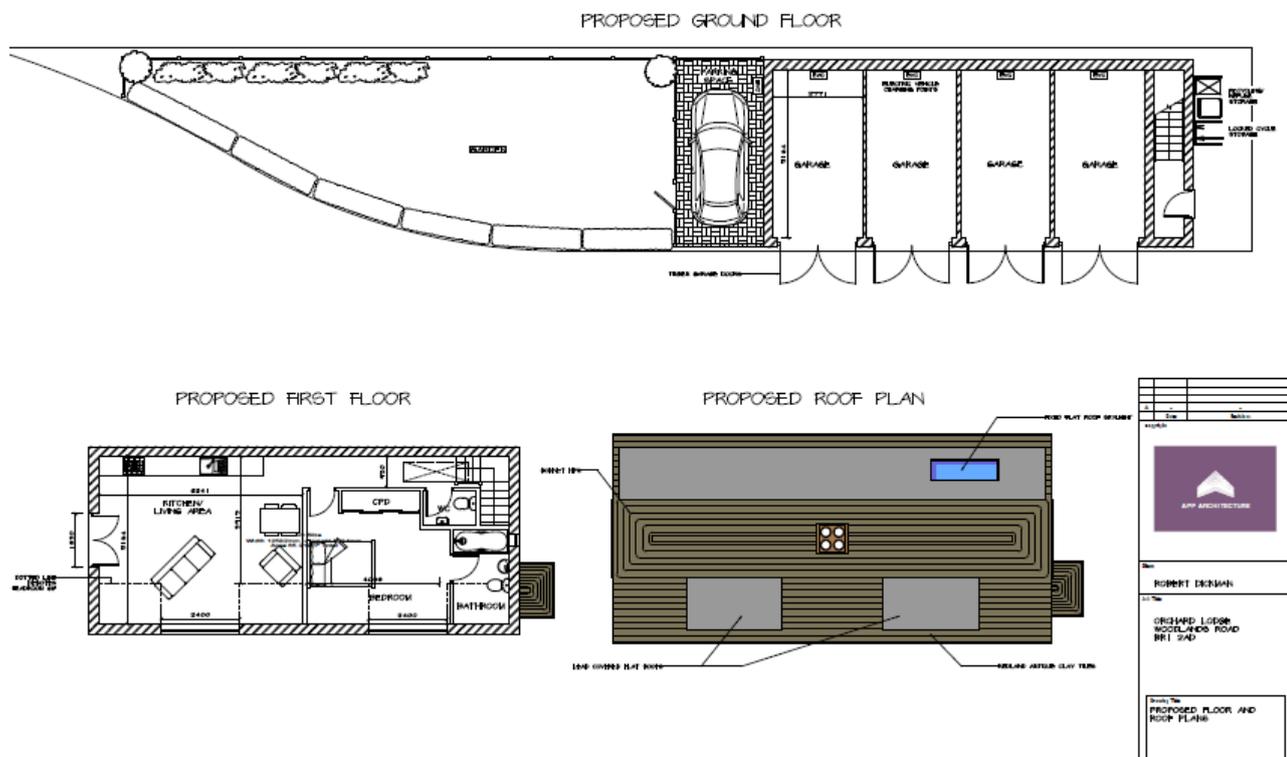
- 3.1 It is proposed to demolish the existing detached single storey garage building which contains 4 garages for Apartments 1 and 3 at Orchard House, and erect a replacement detached garage building which would have accommodation in the roof space and would be located in a similar position on the site to the front of Orchard House. The building would contain 4 replacement garages on the ground floor for Apartments 1 and 3, along with a self-contained one bedroom residential unit (Class C3) at first floor level.
- 3.2 The new building would be located adjacent to the eastern flank boundary with the access road to Deerwood House, and would be 17m from the existing building at Orchard House.

3.3 One additional car parking space would be provided adjacent to the northern side of the building to serve the new flat, and cycle and refuse stores would be provided to the south of the new building. A small private garden area for the flat would be provided to the north of the building.

3.4 The application was supported by the following documents:

- Design and Access Statement
- Arboricultural Report

3.5 Proposed site and floor plans:





- 2 The proposed intensification of the site will be detrimental to neighbouring amenity by reason of loss of privacy and general noise and disturbance contrary to Policy BE1 of the UDP and Policy 37 of the Draft Local Plan.

The subsequent appeal was granted in July 2019.

4.5A revised scheme (ref.18/01938/RECON) was approved in May 2020 for an increase in the height of the roof, changes to the fenestration, the provision of a glazed canopy over the main entrance, elevational alterations and the erection of a new outbuilding to accommodate the heat pump and electrical equipment.

4.6 Scheme approved under ref.18/01938/RECON:



## 5 CONSULTATION SUMMARY

### A) Statutory/Non-Statutory

#### Highways – No objection

- This site is large and set right back from Woodlands Road which is an unadopted highway. There is plenty of parking on site, so no objections would be raised from a highway perspective to an additional one bedroom unit.

#### Drainage – No objection

- There is no public surface water sewer near the site, therefore, the applicant should make their own arrangement as to how to dispose of surface water run-off.

### Conservation Officer – No objection

- The house and garage are set right back amongst mature greenery and trees. The materials for the proposed replacement garage are suitable, and the design is considered to be in keeping. Therefore, on balance, no objections are raised from a heritage viewpoint as views of the house and the new garage would be limited.

### APCA – Objections

- The development would be an overdevelopment, unsympathetic to the setting of the locally listed building as well as compromising its side space with 4 garages opening out onto the main access road serving the flats.

### Trees – No objection

- With regard to the Arboricultural Impact Assessment (AIA) submitted, it is considered that the existing trees will be sufficiently protected during the development.

### **B) Adjoining Occupiers**

- Nearby owners/occupiers were notified of the application and no representations were received.

## **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 20<sup>th</sup> July 2021, and is a material consideration.

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 The London Plan

HC1	Heritage conservation and growth
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

## 6.7 Bromley Local Plan 2019

3	Backland and Garden Land Development
4	Housing Design
30	Parking
32	Road Safety
37	General Design of Development
39	Locally Listed Buildings
41	Conservation Areas
43	Trees in Conservation Areas

## 6.8 Supplementary Planning Guidance

Major's Housing SPG  
The National Planning Policy Framework (NPPF)  
Bickley Park Conservation Area SPG

## 7 ASSESSMENT

### 7.1 Principle - Acceptable

- 7.1.1 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.
- 7.1.2 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.
- 7.1.3 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.
- 7.1.4 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.
- 7.1.5 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.

7.1.6 This application includes the provision of one residential dwelling and would represent a minor contribution to the supply of housing within the Borough. 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.

7.1.7 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.

## 7.2 Density – Acceptable

7.2.1 Policy D3 of the London Plan relates to ‘Optimising site capacity through the design-led approach’ and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

7.2.1 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.

7.2.2 Orchard House occupies a large site measuring 0.7ha, and contains 4 flats, whilst a development within the northern part of the site containing 5 flats is currently under construction. There are also converted residential properties adjacent to the site at Deerwood. The provision of one additional small residential unit on this site is not therefore considered to result in an overdevelopment of the site, and would not be out of character with the surrounding area.

## 7.3 Design, layout and scale – Acceptable

7.3.1 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.

7.3.2 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.

7.3.3 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.

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

7.3.5 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.

7.3.6 Policy 8 of the BLP requires a minimum separation of 1m to be retained to the flank boundaries of the site in respect of two storey development.

7.3.7 The proposed replacement two storey building would be located 0.3m from the eastern flank boundary with the access road to Deerwood House, and would not therefore comply with the side space policy. However, the nearest building to the east is Deerwood House which is 20m away, therefore, good separations between buildings would still exist.

7.3.8 The proposed building would be on the same footprint as the existing single storey garage building, and would therefore be set back 32m from the road. The proposed first floor flat would be contained within the roof which would have part gabled ends and roof dormers, and the building is not therefore considered to appear overly bulky or cramped within the street scene. Furthermore, there is good tree screening along the eastern flank boundary with the adjacent access road to Deerwood House which would further reduce its prominence.

#### 7.4 Heritage Impact - Acceptable

7.4.1 The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

7.4.2 Paragraphs 202 and 203 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where

appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

#### 7.4.3 Within or adjacent to a Conservation Area:

7.4.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

7.4.5 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

7.4.6 The design of the building is considered to be in keeping with the Conservation Area, and the materials proposed are considered acceptable. The building would be set far back from the road amongst mature greenery and trees, and views of the replacement building would therefore be limited.

7.4.7 The proposed building would be located to the front of Orchard House and would be approximately 17m away. It is not therefore considered to have a detrimental impact on the setting of this locally listed building.

#### 7.5 Standard of residential accommodation – Acceptable

7.5.1 Policy D6 of the London Plan relates to 'Housing quality and standards', and states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. The policy also prescribes internal space within new dwellings and external spaces standards that are in line with the National Technical Housing Standards.

7.5.2 Policy D7 of the London Plan - Accessible Housing, states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and; all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. The relevant category of Building Control Compliance should be secured by planning conditions.

7.5.3 Policy 4 of the BLP sets out the requirements for new residential development to ensure a good standard of amenity.

7.5.4 The proposals comprise 1 one bedroom 2 person flat for which The London Plan suggests that the minimum size should be 50sq.m. in floor area. The flat would have a floorspace of 65sq.m. which would meet the standard.

7.5.5 Amenity space would be provided in the form of an 82sq.m. garden area which would be delineated by low-level planting in order to preserve the open setting of Orchard House. The amenity space is considered acceptable to serve this small dwelling unit.

## 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 subject to safeguarding conditions.

## 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 The proposed replacement building would be set some distance away from the nearest residential properties, and due to its scale and height, would have only a limited impact on outlook from nearby flats. The first floor windows to the flat would face the north and west, and given the separation distance, would not result in significant overlooking of neighbouring properties.

## 7.8 Trees – Acceptable

7.8.1 The existing trees on the site would be sufficiently protected during the development, therefore, no objections are raised to the proposals from a tree viewpoint, subject to safeguarding conditions.

## 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**

8.2 Having had regard to the above, it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the adjacent locally listed building, the character and spatial standards of the Conservation Area, or important trees on the site.

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

8.4 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.

**As amended by documents received 17.08.2021**

### **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. Slab levels**

#### **Above Ground Works conditions:**

- 5. Landscaping and boundary enclosures**

#### **Prior to First Occupation conditions:**

- 6. Car parking details to be implemented**

**Compliance conditions:**

- 7. Materials in accordance with plans**
- 8. Refuse storage implementation**
- 9. Tree Protection**

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

**Informatives:**

- 1 CIL**