

Committee Date	14/10/21	
Address	Billingford Elstree Hill Bromley BR1 4JE	
Application Number	21/01294/FULL1	Officer - Susanna Stevenson
Ward	Bromley Town	
Proposal	Demolition of existing dwelling and erection of 3 no. three bedroom dwellings with 6 car parking spaces, cycle and refuse storage and associated landscaping. REVISED PLANS RECEIVED 12/7/21 - REDUCING FROM 4 TO 3 HOUSES	
Applicant	Agent	
Mr Ian Franks	Ian Franks	
1 West Yard Guildford Grove Greenwich London SE10 8JT	West Yard House 1 West Yard Guildford Grove London SE10 8JT	
Reason for referral to committee	Call-In	Councillor call in Yes

RECOMMENDATION	PERMISSION
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 3</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)

Existing	SINGLE DWELLING	248 SQM
Proposed	3 NO. DWELLINGS	516 SQM

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

	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market			3		3
Total			3		3

Vehicle parking	Existing number of spaces	Total proposed including retained spaces	Difference in spaces (+ or -)
Standard car spaces	3	6	+ 3
Cycle	0	12	+ 12

Electric car charging points	0
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Representation summary	The application was advertised through the posting of a site notice (expired 21/5/21) as well as letters to neighbouring residents (23/4/21). Revised drawings were received and neighbouring residents and/or those who had commented on the original submission were re-notified (13/7/21).	
Total number of responses	15	
Number in support	0	
Number of objections	15	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would make a good use of the application land to provide three dwellings of a high standard of amenity for prospective occupants, contributing to the Borough's housing supply
- The proposal would not have a significant detrimental impact on the visual and residential amenities of the area
- There are no objections to the proposal from Highways and Trees Officers

2. LOCATION



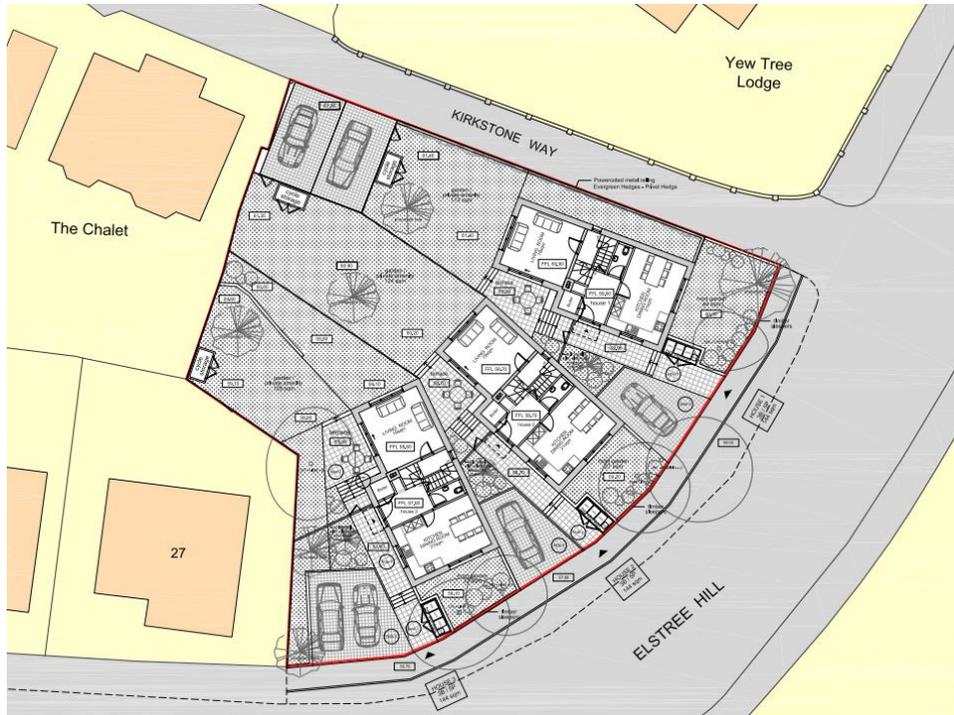
2.1 The application site lies in an elevation position in a prominent corner plot at the junction of Elstree Hill with Kirkstone Way.



- 2.2 The area is characterised by a variety of predominantly detached dwellings ranging from modest single storey dwellings to larger detached houses. The plots vary in size and shape and the topography of the land falls from north to south-west resulting in an interesting and varied street scene.
- 2.3 The road is unmade and the properties in the street lie within an attractive suburban woodland setting. The site measures approx. 0.09 hectares and is bounded to the north by 'Yew Tree Lodge' which is a two storey dwelling. A narrow vehicular access way (Kirkstone Way) separates the two sites. This is a private road. The agent stated (30/9/21) that their client has confirmed that this part of Kirkstone Way is part owned by them and the house opposite (Yew Tree Lodge) with mutual access, and that there was previously an access from Kirkstone Way at the rear which was in the past removed for security reasons.
- 2.4 To the west along Kirkstone Way is 'The Chalet' - a modest bungalow which falls within 2.5m of the shared boundary. No. 27 Elstree Hill is a two storey dwelling which is located to the south-western boundary of the application site and sits within one of the smaller plots with a rear garden with a depth of approx. 7m. This garden and the dwelling are set at a significantly lower level than the existing application dwelling.
- 2.5 The application site is irregular in shape and comprises a higher section which hosts the main building/hardstanding area and the lower garden section accessed via steps down from the main dwelling.

3. PROPOSAL

- 3.1 It is proposed to demolish the existing residential dwelling on the application site and to construct 3 no. three bedroom detached dwellinghouses.



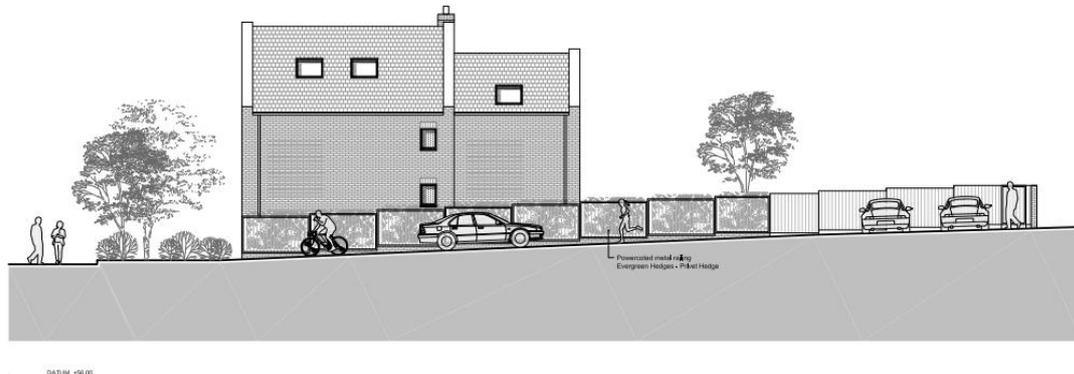
Proposed site plan

- 3.2 The proposed houses would be two storey, with accommodation within the roof space. They would be arranged to face the bend in Elstree Hill, each set at a slight angle to the neighbouring dwelling so as to address the fan-shaped proportions of the site.



- 3.3 The dwellings would be constructed with facing brick including banding detailing to the front gables and would have a staggered section to respond to the sloping topography of the site. Brickwork detailing would also be provided at first floor level to the sides and front.

- 3.4 The roofs would incorporate rooflights, and narrow windows are proposed to be provided within the front gables. The ridgelines of the buildings steps down towards the rear. The roofs would be tiled.
- 3.5 Six car parking spaces are proposed to be provided, including 2 spaces at the end of the garden of Unit 1, adjacent to the flank boundary with The Chalet, accessed from Kirkstone Way. Cycle stores would be provided at the end of the proposed gardens, with refuse storage sited in enclosures to the front of the dwellings adjacent to Elstree Hill.
- 3.6 The dwellings would have internal floorspace (GIA) of 144 sqm and would comprise 3 bedroom/5 person units. Accommodation would be arranged with living space on the ground floor, three bedrooms on the first floor and a home work space/home office within the roofspace, lit by rooflights and a narrow front facing window.
- 3.7 Private amenity space would be provided for each dwelling, including landscaped front gardens, a patio terrace to the side/rear of each dwelling and garden space beyond, ranging in size from 113 sqm for Unit 1 to 129 sqm for Unit 3. The gardens would be slightly offset/angled from the rear elevations of the dwellings to address the shape of the site and the layout of the dwellings relative to the shape of the site. This is most marked in the case of Unit 3 which would face at approx. 45 degree angle the rear garden of the middle unit.
- 3.8 The submitted block plan indicates tree planting (1 tree per unit) within the rear gardens of the proposed dwellings along with 2 trees in the wedge-shaped space between house 3 and No. 27 Elstree Hill and a feature tree in the front corner of the site within the front garden of Unit 1.
- 3.9 The boundary of the site with Kirkstone Way would be marked by a powder-coated metal railing, and the submitted drawings are annotated to indicate the planting of a privet hedge adjacent to the boundary. The front boundary with Elstree Hill would comprise raised planting beds with timber sleepers, steps leading up to the side entrance canopies and parking spaces set into the slope of the site and formed of block paving.



Street Elevation - KIRKSTONE WAY

4. RELEVANT PLANNING HISTORY

4.1 The site has an extensive planning history which is summarised as follows:

4.1.1 08/00065/FULL6

Under ref. 08/00065 retrospective planning permission was refused for a single storey side and rear extension. The application was refused for the following reason:

"The proposal would be over-dominant and would be detrimental to the amenities of the occupiers of No. 27 Elstree Hill and that which they might reasonably expect to be able to continue to enjoy by reason of visual impact, overlooking and loss of privacy in view of its size and depth of rearward projection on this elevated site; contrary to Policies BE1 and H8 of the Unitary Development Plan."

4.1.2 08/00879/FULL6

Under ref. 08/00879 planning permission was granted for the retention and modification of the boundary wall/fence and entrance gates and piers, with a time limit of approx. 2 months given for compliance imposed by planning condition. This time limit was not complied with and the permission expired.

4.1.3 08/04155/FULL6

Under ref. 08/04155 planning permission was sought for an amended proposal to that approved under ref. 08/00879, with a greater height overall. This was refused for the following reason:

"The boundary enclosure, by reason of its excessive height, represents an inappropriate form of enclosure, detrimental to the visual amenity of the streetscene and of the character of the area, thereby contrary to Policies BE1 and BE7 of the Unitary Development Plan."

4.1.4 09/03300/FULL6

Under planning ref. 09/03300 planning permission was granted for a scheme similar to that granted permission under ref. 08/00879.

4.1.5 12/03024/OUT

Under ref. 12/03024 outline planning permission was refused for the demolition of the existing dwelling and replacement with a block of 4 x 2 bed and 3 x 1 bed flats including provision of a new access. The reasons for refusal related to the scale and bulk of the development and the over intensive use of the site adversely impacting upon the character and pattern of development in Elstree Hill. The height and scale of the proposal was considered unacceptable in terms of the impact on the residential amenities of neighbouring residents.

A subsequent appeal was dismissed under ref. APP/G5180/A/13/2198830. With regards to the impact of the proposal on the character and appearance of the area, the Inspector found that the disproportionate increase in the scale and bulk of the development would be apparent from public vantage points. The proposed two storey plus loft accommodation across the full width of the Elstree Hill elevation would have compared unfavourably with the existing elevation which incorporates single and two storey elements which break up the bulk of the building.

The ridge height was also considerably higher than the existing dwelling, and the south elevation of the building would have had a dominating effect on views along Elstree Hill and particularly with reference to No. 27. The proposed building was considered to be out of proportion with both Yew Tree Lodge and 27 Elstree Hill and would therefore have had a harmful effect on the character and appearance of the area.

The Inspector further considered that the appeal site could at best be described as suburban in the context of the density table of the London Plan, which would suggest a density range of 77.8 units per hectare.

With regards the impact of the proposal on the residential amenities of neighbouring dwellings, the Inspector found that the significantly harmful impact would be upon No. 27 Elstree Hill, stating:

"The rear garden, dining room and bedroom windows of 27 Elstree Hill face the appeal site. The outlook from the rear of this house is already constrained by the sizeable difference in levels between the two properties, as well as fencing and planting. This makes the outlook which is available particularly sensitive to change." The Inspector considered that compared with the existing building, the appeal

proposal would have added significantly to the height and bulk of built development facing the neighbouring properties which would have had an oppressive impact and would have curtailed the occupiers' views to the sky.

4.1.6 15/01673/FULL1

Under reference 15/01673 planning permission was refused for the demolition of existing dwelling and construction of part two/three storey block comprising 4 x two bedroom and 1 x one bedroom flats, parking, cycle storage, landscaping and refuse area.



15/01673/FULL1 – Refused and dismissed at appeal

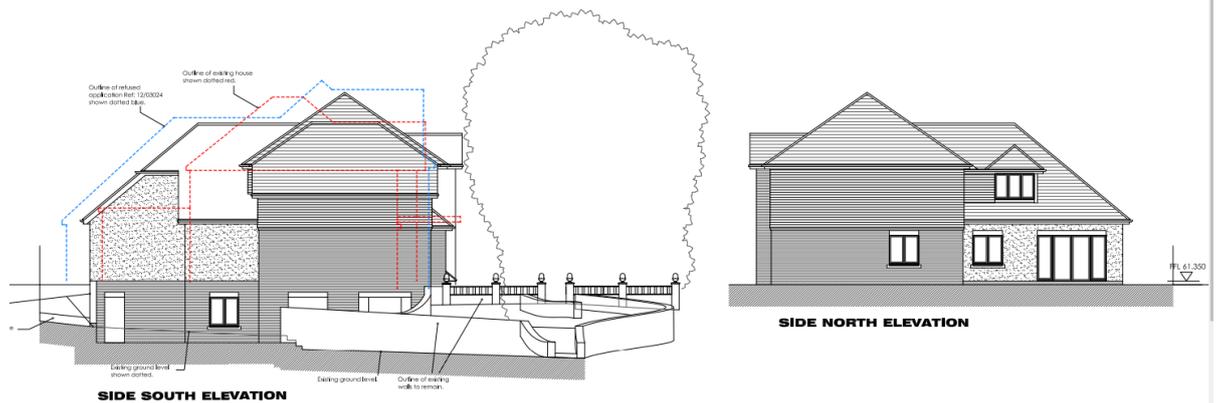
Permission was refused on the grounds:

1. The proposal, by reason of its bulk and siting in relation to the neighbouring residential dwelling would have a seriously harmful impact on the residential amenities that the occupiers of that property might reasonably expect to continue to enjoy, resulting in an overbearing and unacceptable visual impact, thereby contrary to Policy BE1 of the Unitary Development Plan, Supplementary Planning Guidance, Policies 3.5 and 7.4 of the London Plan and the NPPF.

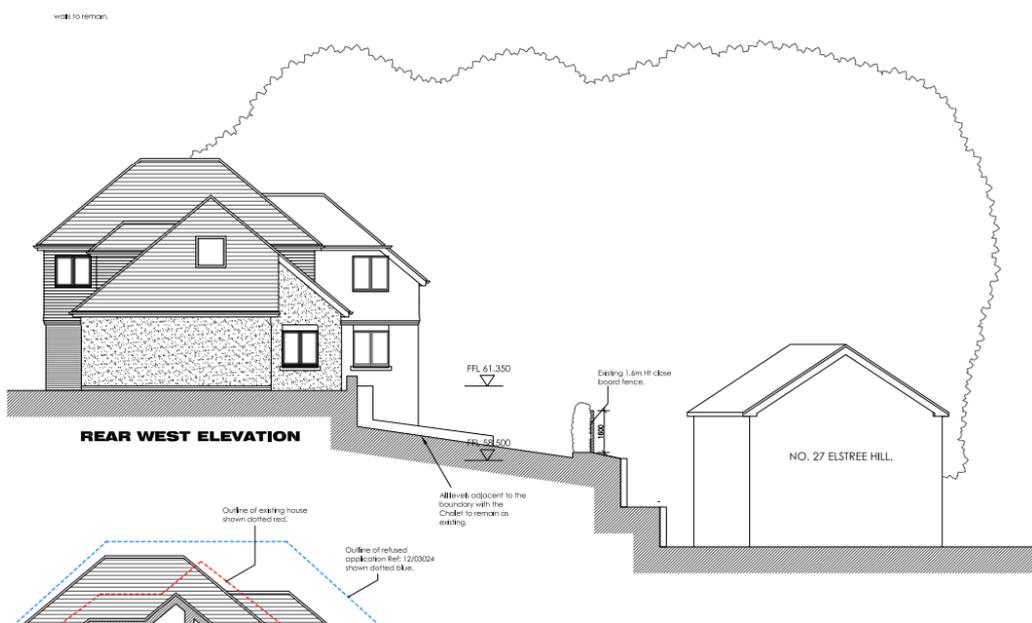
2. The proposal would, as a result of its excessive bulk and scale, result in a visually dominant and overbearing form of development which would be out of character with the prevailing form of development in Elstree Hill and harmful to the distinctive residential character of the area, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan, Supplementary Planning Guidance, Policies 3.5 and 7.4 of the London Plan and the NPPF.

A subsequent appeal against the refusal of planning permission was dismissed. The Inspector noted that the depth of the flank elevation facing Kirkstone Way would result in an increased expanse of bland brickwork on that side of the property, resulting in an increased sense of enclosure in context with the short and narrow adjacent street.

It was assessed that there would be a significant increase in the mass, width and bulk of the building on its southern side and the contrived design of the development would read as an awkward and disproportionate form of development. It would be a bulky building that would be out of proportion to No. 27 and other adjoining properties including those in Kirkstone Way.



15/01673/FULL1 – Side elevations



15/01673/FULL1 – west elevation

With regards to the impact of the proposal on the residential amenities of the area, the Inspector noted that the outlook from the rear of No. 27 is already highly constrained and as such any change to outlook arising from the redevelopment of the application site would be highly sensitive. The increased bulk and width of the appeal scheme would have brought the western part of the upper section of the building closer to the shared boundary, resulting in the ground and first floors and the garden of No. 27 experiencing an increased sense of enclosure along with the development appearing overbearing and oppressive.

The Chalet, Kirkstone Way

Members are advised that planning permission was recently refused and subsequently dismissed at appeal for the redevelopment of the neighbouring site to provide 2 semi-detached 4 bedroom houses (LBB ref. 20/00557/FULL1, PINS ref. APP/G5180/W/20/3257740). The neighbouring site is currently surrounded by hoarding and is overgrown.

Where permission was originally refused in part on grounds relating to on-site car parking, the Council did not contest this ground of appeal.

5. CONSULTATION SUMMARY

A) Statutory

Highways: **No objection**

It is noted that the site has a PTAL rating of 1b which is rated “very poor” on the TfL Planning Information Database.

Part of Elstree Hill is an unadopted highway. Kirkstone Way is a private road.

Comments were received in respect of the application as originally submitted (4 dwellings) requesting a swept path analysis indicating that cars using the space between The Chalet and the 4th (now deleted) unit would be able to manoeuvre in and out of the parking space.

In response, the applicant provided a swept path drawings (SK01) on 28/4/21.

Subsequently the application was revised to remove Unit 4 and to provide 2 no. parking spaces between the residential buildings and the boundary with The Chalet.

Further amendments were requested regarding the layout of the rear parking spaces and the adjacent boundary treatment, with a view to improving manoeuvrability and safety/visibility. Amended drawings were received on 23/9/21 addressing these points.

There are no technical objections from a highways perspective on the basis of the revised submission, with conditions recommended relating to the detailed access and parking

arrangements/materials, repair to damaged roads, cycle parking and refuse storage, lighting scheme, stopping up of existing access, construction management plan and highways drainage.

Drainage (lead local flood authority): **No objection**

A pre-commencement drainage condition is recommended to be imposed should planning permission be granted.

B) Local Groups

The Ravensbourne Valley Residents' Association expressed concerns regarding the proposal as originally submitted:

- Cramped overdevelopment – height and proximity to the boundary would change the character of the plot as well as more than doubling the GIA
- Over-intensive residential development – concerns regarding the number of occupants relative to the site and its planning history
- Impact on the character and function of the South East London Green Chain by increasing sense of urbanisation, with little prospect of screening and limited landscape corridor
- Impact on outlook from No. 27 Elstree Hill
- Lack of car parking spaces – will lead to on-street parking, prejudicial to pedestrians
- Lack of meaningful soft landscaping and impact on trees
- Wall facing Kirkstone Way is bland and would increase sense of enclosure in the narrow road

Following receipt of revised plans reducing the number of dwellings to 3, objections were raised on the grounds:

- While the reduction from 4 dwellings to 3 is welcomed, does not overcome the concerns previously raised. Suggestions are made regarding materials and design detailing as well as conditions.

C) Adjoining Occupiers

Visual amenity (addressed at paragraph 7.2)

- Overdevelopment of a small plot, would appear overdominant and overbearing
- Materials would not represent the quality of the surrounding area – unsympathetic development
- Houses would be positioned right up to the street with limited frontage – out of character
- Overbearing appearance to Elstree Hill
- Size of houses too small for the area
- Three storey development – rooms and windows within the loft space

- Limited room for landscaping at the front of the development – would appear hard-edged and urbanised
- Proximity to trees

Residential amenity (addressed at paragraphs 7.3)

- The flank elevation to Kirkstone Way would be overbearing and includes two windows overlooking neighbouring property
- Loss of privacy to property in Elstree Hill

Highways (addressed at paragraph 7.5)

- Increase in traffic will effect both neighbouring residential unmade roads (their condition) and will be detrimental to pedestrian and highways safety, including those using the Green Chain Walk.
- Unmade roads are unfit for intensification – already potholed
- Insufficient car parking provision
- At present there is no vehicular access from Billingford using Kirkstone Way
- Impact of construction vehicles on unmade road

Amenity of dwellings (addressed at paragraph 7.4)

- Rooms too small

Impact on trees and biodiversity/ecology (addressed at paragraph 7.7)

- The trees on the site were understood to be protected – was permission granted for the removal of trees recently
- Impact on wildlife and diversity

6. POLICIES AND GUIDANCE

National Policy Framework 2021

NPPG

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
- D13 Agent of change
- D14 Noise
- H1 Increasing Housing Supply

H2 Small sites
H5 Threshold Approach to application
H8 Loss of existing housing and estate redevelopment
H9 Ensuring the best use of stock
H10 Housing Size Mix
S4 Play and informal recreation
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands
S11 Improving air quality
S14 Managing heat risk
S15 Water infrastructure
S17 Reducing waste and supporting the circular economy
S112 Flood risk management
S113 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

Bromley Local Plan 2019

1 Housing supply
4 Housing design
8 Side Space
30 Parking
32 Road Safety
33 Access for All
34 Highway Infrastructure Provision
37 General design of development
56 Local Green Space
59 Public Open Space Deficiency
73 Development and Trees
74 Conservation and Management of Trees and Woodlands
77 Landscape Quality and Character
112 Planning for Sustainable Waste management
113 Waste Management in New Development
115 Reducing flood risk
116 Sustainable Urban Drainage Systems (SUDS)
117 Water and Wastewater Infrastructure Capacity
118 Contaminated Land
119 Noise Pollution
120 Air Quality
122 Light Pollution
123 Sustainable Design and Construction
124 Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

Supplementary Guidance

Housing: Supplementary Planning Guidance (March 2016)
Technical housing standards - Nationally Described Space Standard (March 2015)
SPG1 General Design Principles
SPG2 Residential Design Guidance
National Design Guide – (September 2019)

7. ASSESSMENT

7.1 Principle of development – **Acceptable**

Housing Supply

- 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. 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 (2021) 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.
- 7.1.2 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.
- 7.1.3 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.

- 7.1.4 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.
- 7.1.5 This application includes the provision of three residential dwellings and would represent a minor contribution to the supply of housing within the Borough (2 additional dwellings above the current provision on the site). 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.

Optimising Sites

- 7.1.6 Policy H1 Increasing Housing Supply of the London Plan states that to ensure housing targets are achieved boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. Policy 1 of the Local Plan and Policy H1 of the London Plan set the context in the use of sustainable brownfield sites for new housing delivery.
- 7.1.7 Policy H2 Small Sites of the London Plan states that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to significantly increase the contribution of small sites to meeting London's housing needs.
- 7.1.8 The London Plan does not include a prescriptive density matrix and promotes a design-led approach in Policy D3 to optimise the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity. Policies D2 and D4 are also relevant to any assessment of development proposals, including whether the necessary infrastructure is in place to accommodate development at the density proposed.
- 7.1.9 Local Plan Policies 4 and 37 accord with paragraph 127 of the National Planning Policy Framework, which requires development to be sympathetic to local character whilst optimising the potential of sites.
- 7.1.10 The supporting text to Policy H2 of the London Plan describes that incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a station or town centre boundary is expected to play an important role in contributing towards the housing targets for small sites. The site has a PTAL of 1 and is more than 800m by road to the nearest railway station.
- 7.1.11 Therefore, on this site location the Council will consider a residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential

accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore, the provision of a residential development on the land appears acceptable in principle subject to an assessment of the site's design led optimisation, unit mix, appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

Housing unit mix

7.1.12 Policy H10 Housing size mix of the London Plan states that schemes should generally consist of a range of unit sizes and regard should be had to local evidence of need.

7.1.13 Local Plan Policy 1 Supporting Text (paras 2.1.17 and 2.1.18) highlight findings from the 2014 Strategic Housing Market Assessment (SHMA) that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2 bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of unit sizes and be considered on a case by case basis.

7.1.14 The application proposes 3 three bedroom units in a development of less than 5 units, which is considered an acceptable mix at this location.

7.2 Design – Layout, scale height and massing **Acceptable**

7.2.1 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.

7.2.2 The NPPF 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.

7.2.3 Local Planning Authorities are required 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).

7.2.4 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.

- 7.2.5 Policy D5 of the London Plan relates to ‘Inclusive Design’ and states that development proposal should achieve the highest standards of accessible and inclusive design.
- 7.2.6 Policy H2 of the London Plan states that Boroughs should also recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.
- 7.2.7 The general aims of the Council’s design policies state that housing development should be designed to the highest level both internally and externally. Developments should have regard for the wider context and environment and should seek to enhance the residential environment and attractiveness as a place to live.
- 7.2.8 Policy 4 of the Local Plan details that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places respecting local character, spatial standards, physical context and density.
- 7.2.9 Policy 8 of the Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.
- 7.2.10 Policy 37 of the Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout.
- 7.2.11 The surrounding area is characterised by a mix of dwellings of varying size and scale – there is little uniformity of built form and the area is essentially suburban in character, notable for its green and quiet surroundings. In assessing the character of the area in the recent appeal in relation to the neighbouring property at The Chalet, the Inspector defined the local character as comprising “predominantly detached houses and bungalows with relatively generous garden spaces, with significant numbers of trees, including many of significant size and apparent maturity. This gives the area a spacious and verdant character and appearance.”
- 7.2.12 The application site has prominence within the street scene, associated with its corner location and size and shape. Increased prominence is also afforded by the limited width of the adjacent unmade road (Kirkstone Way) and the elevated position of the site/its topography.
- 7.2.13 The proposed dwellings would be detached and two storey (with the roofspace accommodation afforded limited visibility as a consequence of the size and location of the front gable windows. The existing building on the site is oriented to face onto the corner of the site and comprises a large two storey dwelling with multi-pitched roof. It is clearly appreciable within the street scene from the north/north east of the site, while it is reasonably well-screened from Elstree Hill to the west/south west by

trees and fencing. The existing dwelling lies in an elevated position relative to the street level adjacent to the site.

7.2.14 Taking into account the topography of the site and surroundings it is considered that the height and massing of the proposed development would provide a suitable transition between the contextual elements of Yew Tree Lodge which lies on the other side of Kirkstone Way and No. 27 Elstree Hill. The siting of the dwellings would in terms of their position relative to the front boundaries of the site broadly follow the relationship between the front of the Elstree Hill dwellings to the west/south west.

7.2.15 The northern proposed unit, house 1, is acknowledged to be sited closer to the flank boundary than the corresponding dwelling at Yew Tree Lodge, but would retain side space to the northern boundary with Kirkstone Way of approx. 2m and space to the front boundary of approx. 5.2m. There would be overall separation between the proposed dwelling and the house to the north of approx. 15m, and that neighbouring building is set further back from the Elstree Hill street. Taking this into account, it is considered that the proposal would provide adequate openness to the street corner in terms of the layout of development, and the siting of the houses would not be incongruous or jarring in the context of the street scene.

7.2.16 The proposal would increase the separation between built development on the application site and the neighbouring dwelling at The Chalet (Kirkstone Way) which in the context of the narrowness of the street is welcomed as a means of limiting the dominance of development as viewed from that street scene.

7.2.17 With regards to the separation between the dwellings within the application site, approx. 5m space would be provided between the front corner of each dwelling, with the wedge-shaped individual plots resulting in this separation decreasing towards the rear to a distance of approx. 2.4m. This is considered acceptable and to result in suitable spacing between the dwellings such that would visually break up the massing of built development on the application site and would afford views between the houses towards the rear.

7.2.18 With regards to the materials of construction, the dwellings would be brick-faced with tiled roofs. The existing building on the site is faced in light coloured render. However, it is noted that the surrounding vernacular includes a variety of facing materials, and that the nearest dwellings in Elstree Hill to the south west include a mix of tile hanging and stone cladding.

Neighbourhood Amenity - Acceptable

7.3.1 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.

7.3.2 Concerns have been raised by residents regarding the impact of the proposal on neighbouring amenity, with particular reference to loss of privacy and overbearing visual impact.

7.3.3 It is acknowledged that the application proposal will result in development closer to the side (north eastern) boundary of the site with Kirkstone Way than is currently the case. However, the development within this part of the site would not appear unduly cramped or visually dominant. Space retained to the flank boundary in addition to the width of the street and the separation between Yew Tree Lodge and its south western boundary would be sufficient to limit the extent to which the siting of the development would impact negatively on the outlook from this neighbouring property. The neighbouring property's boundary with Kirkstone Way is well screened by mature vegetation.



Existing dwelling and Yew Tree Lodge, separated by Kirkstone Way

7.3.4 With regards to the impact of the proposal on the amenities of the western neighbouring dwelling, The Chalet, main bulk of the development is focussed in the south eastern part of the site, to front Elstree Hill. The bulk of the development would be of limited impact on The Chalet as a consequence, with the existing bulk of the host dwelling being removed and the space currently occupied by the property landscaped, increasing separation between vertical built development and The Chalet. It is noted that the proposal includes the provision of 2 no. car parking spaces in the northern corner of the site adjacent to the boundary with The Chalet. However, in view of the scale and intensity of the residential development proposed and taking into account the existing layout of the development it is not considered that the use of the spaces would have a significant impact on neighbouring amenity.



The Chalet, Kirkstone Way facing south east towards Elstree Hill

- 7.3.5 The dwelling at No. 27 Elstree Hill lies to the west of the front of the application site, with the application site partly wrapping around the north eastern and eastern boundaries of the neighbouring site. Planning permission was refused and dismissed on appeal for the flatted redevelopment of the application site in part in relation to the impact of the proposed development on the amenities of No. 27.
- 7.3.6 The Inspector noted already highly constrained outlook from the rear of No. 27 and commented that as such any change to outlook arising from the redevelopment of the application site would be highly sensitive. It was considered that the increased bulk and width of the flatted appeal scheme would have brought the western part of the upper section of the building closer to the shared boundary, resulting in the ground and first floors and the garden of No. 27 experiencing an increased sense of enclosure along with the development appearing overbearing and oppressive.
- 7.3.7 Due to the topography and layout of the application and neighbouring sites, the rear elevation of the existing dwelling at Billingford, including the bay window, conservatory and raised terrace area is clearly appreciable from the upper floor at No. 27, lying on significantly higher ground. From patio/ground floor level, the top storey of the existing house and part of the roof is visible.



Rear of Billingford with 27 Elstree Hill in foreground.

- 7.3.8 Where the previous proposal related to the construction of a flatted block in a broadly similar position, the current proposal would result in the area currently occupied by the bulk of the existing dwelling being laid to landscaping as amenity space for the proposed dwellings. The flank elevation to House 3 which lies closest to the neighbouring property at No. 27 Elstree Hill is positioned approx. minimum 4.6m from the boundary and the height of the dwelling steps down towards the rear of the house, limiting the visual impact and perceived bulk of development when viewed from the neighbouring property (views would be limited as a consequence of the siting of the dwellings at No. 27 Elstree Hill and Plot 3 in relation to each other).
- 7.3.9 The proposed dwelling and terrace would be positioned largely to the side of the neighbouring dwelling, rather than to the rear at considerable height and depth as is the case with the existing building. The submitted trees information indicates the retention of the existing Lime tree between the flank elevation of dwelling No. 3 and the western boundary with No. 27, albeit with pruning. While the tree would be pruned and reduced in height by approx. 3m, the retained form of the tree would limit the direct views from the terraced rear garden of No. 27 to the side of the proposed dwelling and the rear outlook from the neighbouring house would not be unduly compromised through the demolition of the existing dwelling and the erection of the proposed dwellings.

7.3.10 Concern has also been expressed regarding the impact of the proposal on privacy to neighbouring sites as well as to gardens of properties further down the hill. The sloping nature of the site is acknowledged, and if permission is granted it would be appropriate to impose a condition requiring the submission of existing and proposed site and slab levels, in order that the amenities of neighbouring residents can be adequately safeguarded, with such details including the terrace areas to the rear, particularly in relation to Plot 3. Furthermore, a condition relating to the boundary treatment would be appropriate, with the combined effect of the condition being to limit overlooking and visual impact.

Standard of outlook and amenity for future occupiers - Acceptable

- 7.4.1 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.
- 7.4.2 Policy 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity and refers to the London Plan Housing Supplementary Planning Guidance. The 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.
- 7.4.3 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.
- 7.4.4 Comments received have stated that the rooms provided within the proposed dwellings are too small. The submitted drawings indicate that each dwelling would provide three bedrooms, with the Gross Internal Area of the dwellings being 144sqm. Accommodation would be provided over three storeys, with the front/rear gabled roof space being indicated to comprise home work space with eaves storage.
- 7.4.5 The minimum GIA within the Nationally Described Space Standards for a three bedroom/5 person dwelling set over three storeys is 99sqm. The internal layout of the dwellings is acceptable and the shape, room size and layout of the rooms are considered satisfactory and all habitable rooms would contain at least one window that would ensure they would achieve a good outlook and light.

- 7.4.6 Amenity space is provided by way of the existing garden space to the rear which would provide an acceptable amount of private amenity space in accordance with the Mayors Housing SPG.
- 7.4.7 Having regard to all the above, the proposal would meet the minimum standards as outlined within Policy D6 of the London Plan, Policy 4 of the Bromley Local Plan, the Mayors Housing SPG and The National Technical Housing Standards.

Transport - 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. 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.
- 7.5.2 London Plan and Bromley Local Plan 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.
- 7.5.3 Policy T6 Car Parking in the London Plan advocates that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking.
- 7.5.4 The application proposal relates to the construction of 3 three bedroom dwellings. The submitted drawing indicate the provision within the application site of 6 car parking spaces – exceeding the maximum parking provision stated in Policy T6 of the London Plan, which for an outer London site with a PTAL of 0 – 1 refers to a maximum of 1.5 spaces per dwelling, although the policy includes reference to the need for Boroughs to consider standards that allow for higher levels of provision where there is clear evidence that this would support additional family housing.
- 7.5.5 The Council's Highways Officers are satisfied that the level of parking proposed would be satisfactory, and the proposed dwellings would provide accommodation suitable for family housing in terms of the site and dwelling layout/number of bedrooms.
- 7.5.6 It is acknowledged that representations have been received which express concern at the impact of the proposal on the condition of neighbouring unmade roads, insufficient car parking provision, the formation of a vehicular access onto Kirkstone Way and the impact on pedestrian and highways safety.

- 7.5.7 It is considered that the proposal would provide parking at a level appropriate to the intended residential intensity of the use of the site, and there are no technical concerns raised by the Highways Officer regarding the impact of the proposal on pedestrian and vehicular safety.
- 7.5.8 The existing unmade roads surrounding site are pot-holed. It is noted that the impact of the site's redevelopment has not formed part of the Council or Inspector's reasoning in refusing planning permission/dismissing appeals and it is considered that suitable conditions relating to construction management and the provision of a road condition survey, to include the making good of any damage caused by construction vehicles, would avoid the implementation of the proposal resulting in increased damage to the surrounding roads.
- 7.5.9 Kirkstone Way is understood to be in private ownership. However, matters of land ownership are private legal matters that lie outside of planning control.

Environmental Health/ contamination/ noise /air quality - Acceptable

- 7.6.1 The site lies within an Air Quality Management Area declared for nitrogen oxide, and if permission is granted the EHO has recommended a condition limiting the dry NOx emission rates of any gas boilers serving the dwellinghouses.

Trees - Acceptable

- 7.7.1 Comments were sought regarding the impact of the proposal on trees within the site. It was commented that the TPO trees on the site are of relatively modest quality. The proposed scheme would retain most trees on the site. While there is some risk of harm during development, with proper precautions such damage is capable of being adequately limited. The Trees Officer recommends a suitable condition to ensure that retained trees are not damaged during the course of the development works.
- 7.7.2 The proposal includes the removal of a large sycamore tree within the site adjacent to the side of No. 27 Elstree Hill. The submitted drawings show the planting of two replacement trees along this boundary, and further new planting to the rear of the proposed dwellings as well as in the front corner of the site to the east of House 1.
- 7.7.3 The submitted details show the planting of an evergreen hedge along the northern boundary with Kirkstone Way along with some softening landscaping to the front of the houses. At the rear the remainder of the site is shown as garden amenity space. Taking this into account and in the absence of objections from the Trees Officer it is considered that the impact of the proposal on retained trees could be addressed by way of a suitable condition, and that further details on planting of replacement and additional trees and other soft landscaping would also be capable of being conditioned.

Drainage and flooding - Acceptable

7.8.1 The Council's Drainage Officer has raised no objections in principle to the proposal, subject to details of surface water drainage being submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

CIL

7.9.1 The Mayor of London's CIL and Bromley's Local CIL are both a material consideration. CIL is payable on this application and the applicant has submitted the relevant form.

8. CONCLUSION

- 8.1 The proposal would provide three dwellings upon the application site, making efficient use of the land and contributing towards the Borough's supply of housing.
- 8.2 The development would not be detrimental to the character and appearance of the area and locality, being of a high quality design with limited impact on neighbouring amenity. The standard of accommodation that would be provided would be good. Subject to suitable conditions the proposal would not have an adverse impact on the local road network, parking conditions and highways safety. The proposal would be constructed in a sustainable manner achieving good levels of energy efficiency.
- 8.3 On balance, the positive impacts of the development are considered of sufficient weight to approve the application with regard to the presumption in favour of sustainable development to increase housing supply. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.
- 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.

RECOMMENDATION: APPLICATION PERMITTED

Subject to the following conditions:

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

Pre-commencement

- 3. Details of sustainable surface water drainage**
- 4. Details of accesses to Elstree Hill**
- 5. Measures for construction vehicles**

6. Details of a Construction Management Plan
7. Road condition survey/repair to damaged roads
8. Details of slab levels
9. Tree protections plans and Arboricultural Method Statement

Prior to above-ground works

10. Details of landscaping for hard and soft areas.
11. Boundary enclosures
12. Details of lighting scheme

Prior to occupation/use

13. Stopping up of access
14. Car parking in accordance with approved plans
15. Refuse storage in accordance with approved plans
16. Cycle storage in accordance with approved plans

No further details

17. Materials in accordance with approved plans
18. No loose materials for surfacing of parking/turning area
19. Sightlines
20. Hardstanding for washdown facilities
21. Removal of permitted development rights – A/B/C/E
22. Air Quality Management Area – Nox

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

Informatives

Contact Highways re: crossover

Contact street naming/numbering

Contamination

Compliance with Control of Pollution and Noise from Demolition and Construction Sites Code of Practice

CIL