

Committee Date	14.09.2023	
Address	26 Copthorne Avenue Bromley BR2 8NN	
Application Number	23/01969/FULL1	Officer - Susanna Stevenson
Ward	Bromley Common And Holwood	
Proposal	Erection of detached dwelling house with lower ground and ground floor accommodation on land at rear of 26 Copthorne Avenue with associated vehicular access from Knowle Road.	
Applicant	Agent	
Mr S Goodger	Liam Sutton	
26 Copthorne Avenue Bromley BR2 8NN	13 Arm & Sword Lane Old Hatfield AL9 5EH United Kingdom	
Reason for referral to committee	Councillor call in	
Call-In	Yes - Councillor David Jefferys (on basis of previous refusal of planning permission, overdevelopment, impact on residential amenity and construction/highways impacts).	

RECOMMENDATION	PERMISSION
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 22</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3 garden land	N/A (existing site area of No. 26 Copthorne Avenue 939 sq. metres)
Proposed	C3 residential dwelling with garden	192 sq. metres (dwellinghouse)

Residential Use – See Affordable housing section for full breakdown including habitable rooms					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market			1		1
Total			1		1

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

Electric car charging points	1 no. active charging point
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Representation summary	Neighbouring residents were notified of the application by letter dated 13 th June 2023. A total of 23 letters were sent.	
Total number of responses	9	
Number in support	0	
Number of objections	9	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The current proposal replicates the scheme for which planning permission was allowed on appeal under LBB reference 19/01978/FULL1
- While the decision (made on 8th July 2020) predates the London Plan publication, material planning considerations relating to the site and proposal, including planning policies, have not significantly changed.
- The proposal would provide 1 residential dwelling, which would make a minor contribution to housing supply

2. LOCATION

- 2.1 The application site would be accessed from Knowle Road and comprises a severance plot which would be formed from the rear half of the garden of the host dwelling which itself fronts Copthorne Road.



Figure 1: Front of host dwelling

- 2.2 The main site is broadly rectangular in shape, and is approx. 14.3m wide and 26.3m deep (excluding the access from the track at Knowle Road). The site area measures 939sqm.



Figure 2: Site plan



Figure 3: Aerial view of site

2.3 To the east the site is bounded by the retained rear garden of the host dwelling. To the west of the site is the rear/side garden of no. 22 Knowle Road. To the south is the residential curtilage of The White House, which fronts Copthorne Avenue.



Figures 4 and 5 – site from Knowle Road

3. PROPOSAL

3.1 It is proposed to form a residential site through partitioning the existing rear garden serving No. 26 Copthorne Avenue.

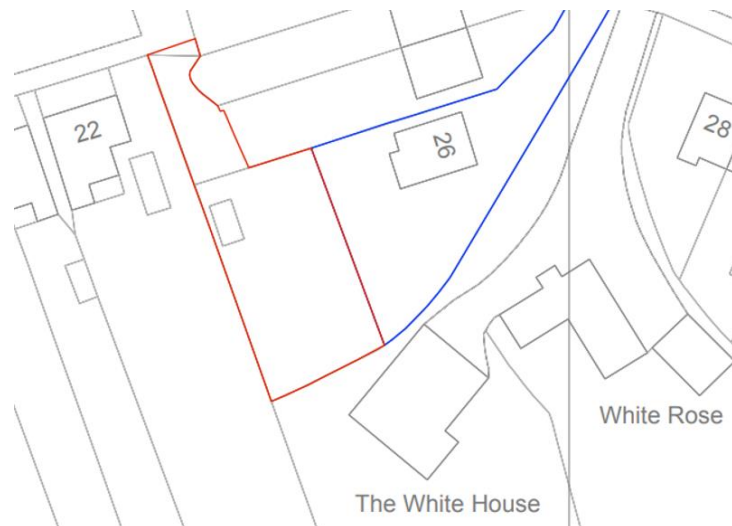


Figure 6 – Red line/blue line site



Figure 7 – indicated severance

3.2 Upon the site a predominantly single storey dwelling would be constructed, with a basement/lower ground floor providing additional accommodation. The building would comprise 4 single storey interlinked sections, with each section having a dual-pitched roof and the link/connecting areas having flat roofs. The height of the building would be 4.35m to the ridgeline and 3m to eaves level of each section with the link areas being approx. 2.85m high.



Figure 8 – single storey elevation



Figure 9 – elevation with basement indicated

3.2 The ground floor accommodation would have recessed areas of glazing (within each linking section) in the eastern elevation facing the formed boundary with the remainder of the garden serving No. 26 Copthorne Avenue (the host dwelling). The main windows serving the internal accommodation would be provided in the western flank elevation, which would be approx. 5.95m from the boundary with No. 22 Knowle Road.

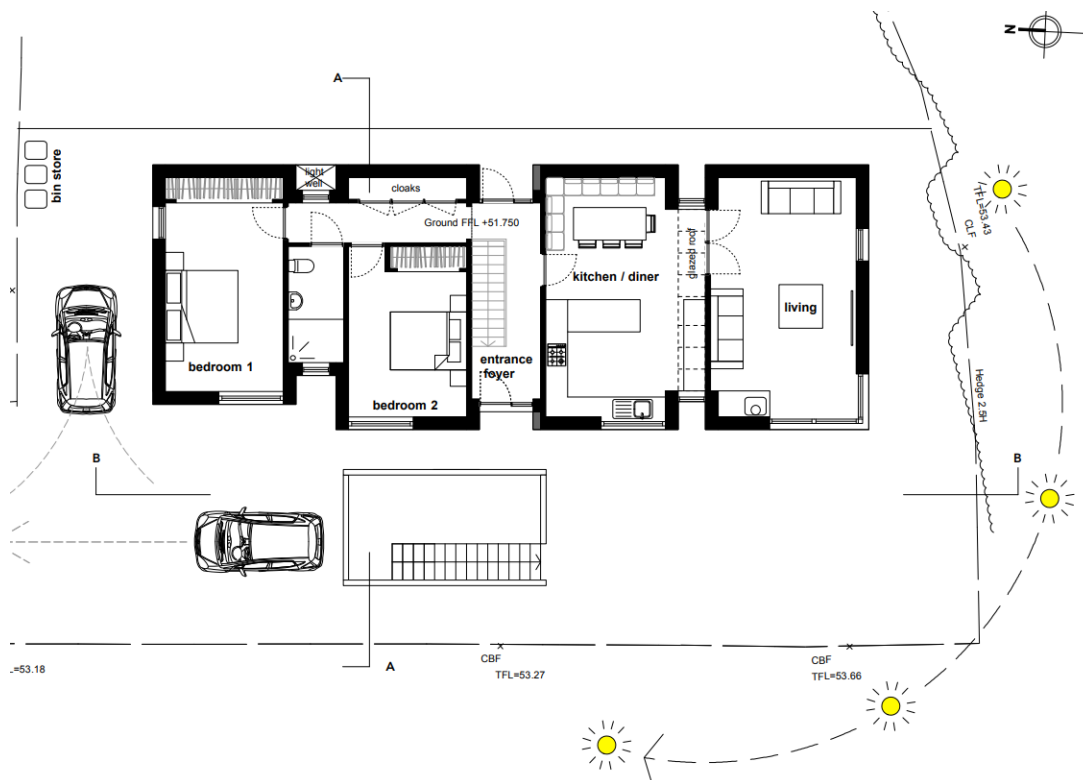


Figure 10 – Ground floor plan

3.3. The basement accommodation would be L-shaped, with the office and Bedroom 3 looking onto a lower ground level patio area which would be accessed internally as

well as via steps leading to ground/garden level. The depth of the lightwell would be 3m and the area would measure approx. 4.15m by 5.25m.

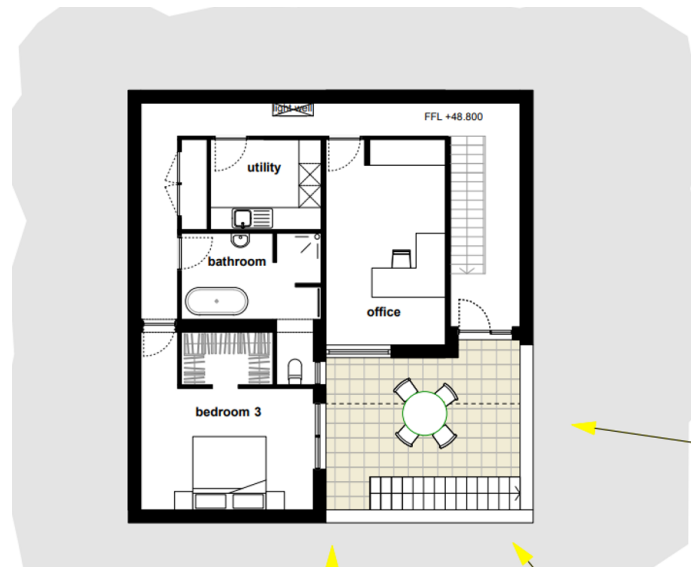


Figure 11 – Basement plan

- 3.4 Private amenity space would be provided to the side of the proposed dwelling, between the western flank elevation and the boundary with No. 22 Knowle Road. This area would be separated from the parking and turning area by the balustrade topped lightwell/lower ground floor patio.
- 3.5 The proposed building would be finished in a varied palette of materials, with separate sections being finished in complementary materials i.e. brick/white render/shingle timber cladding.

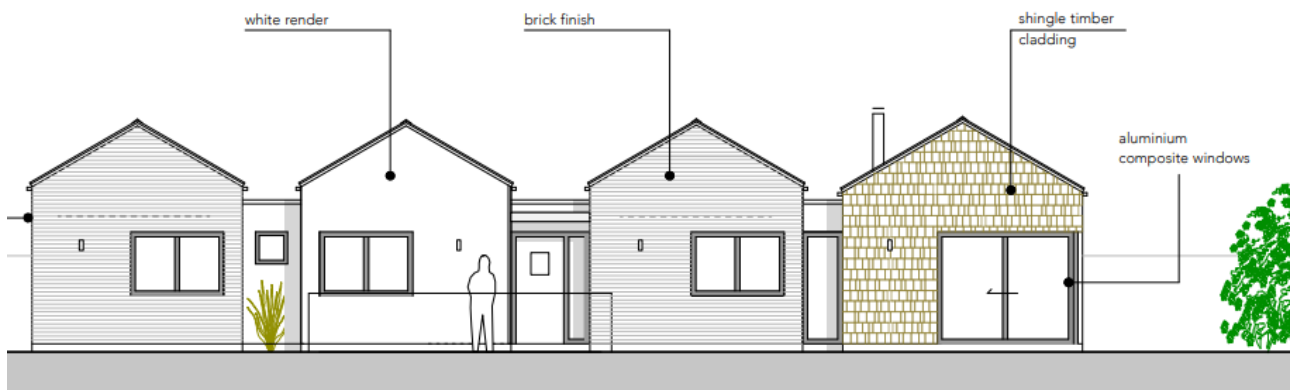


Figure 12 – elevation materials

- 3.6 Off-street parking would be provided in the open area between the basement patio and the front of the site and a turning area with refuse store would be provided

between the northern elevation of the dwelling and the boundary. The applicant's agent has confirmed that an electric vehicle charging point would be capable of being installed.

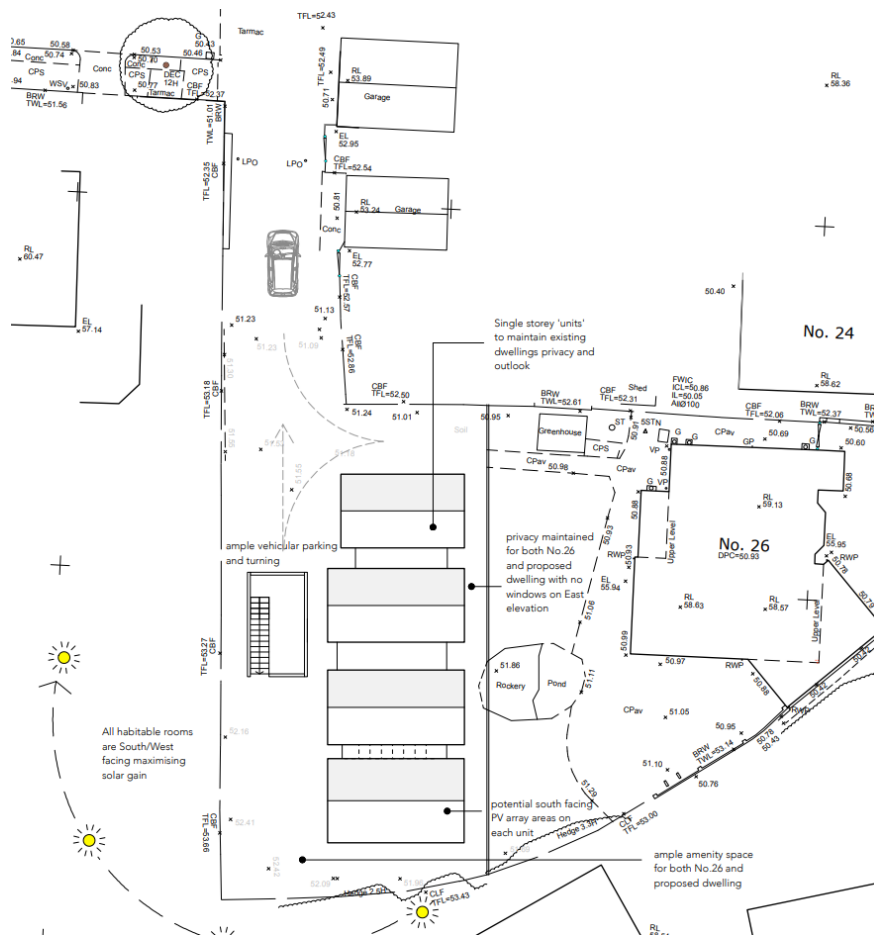


Figure 13 – proposed site plan

3.7 The application was supported by the following documents:

- Covering letter
- SUDS Drainage Report
- Preliminary Ecological Appraisal
- Appeal Decision
- Construction and Environmental Management Plan

4. RELEVANT PLANNING HISTORY

4.1 Under reference 19/01978/FULL1 planning permission was refused for development replicated in this application, on the ground:

“1. The proposed development, by reason of its scale and siting, would result in an

overdevelopment of the site and an unacceptable loss of garden land, harmful to the openness and visual amenity of the area together with a detrimental impact on the visual amenity and biodiversity value of the site, the wider woodland habitat and adjacent Site of Importance for Nature Conservation resulting from the loss of trees and wildlife habitat, contrary to Policies 37 69, 70 and 73 of the Bromley Local Plan.”

- 4.2 Subsequently, planning permission was allowed on appeal, by decision notice dated 8th July 2020.



Figure 14 – Scheme allowed on appeal 8th July 2020 (replicated in this application)

- 4.3 In the assessment of the appeal the Inspector considered that the main issues were the impact of the proposal on the character and appearance of the area and the biodiversity value of the site.
- 4.4 The Inspector considered that while the site and position of the appeal site was not characteristic of other plots in the area, it would not be readily visible from a public perspective. Because of “its form and articulation” it was considered that the dwelling would appear “as a continuation of the existing row of buildings that front the service road.” It was assessed that this visual presence, as a continuation of existing built form/structures, result in the development reflecting the character and appearance of the buildings extant within the service road, while acknowledging its residential rather than ancillary garaging use.
- 4.5 With regards to biodiversity, the site’s location to the north of a Site of Interest for Nature Conservation was acknowledged by the Inspector, who then referenced the Preliminary Ecological Appraisal which had been commissioned by the applicant, and its finding that there were no protected species present on site and that the existing garage and trees were identified as having negligible potential to support roosting bats. Taking this into account, along with the further conclusions relating to the habitat suitability of the ornamental pond and hedging, the Inspector assessed that the site had limited ecological value and concluded that the proposal would not have caused harm to the site’s biodiversity value of the adjacent SINC.

- 4.6 The Inspector incorporated recommendations within the Appraisal and the consultation response from the Orpington Field Club into conditions imposed on the permission, where these could be justified.
- 4.7 With regards to the impact on neighbouring amenity, which did not form part of the reason for refusal, the Inspector noted the local concern raised in this respect, but concluded that the modest height, articulation of the built structure, and the siting of the development would cumulatively limit its overall impact. In referencing a previously dismissed appeal (2008) the Inspector noted that that development would have been taller, wider and closer to the boundary with 22 Knowle Road.
- 4.8 The Inspector also commented on third party concerns relating to the street geometry of Knowle Road and the impact of the proposal with regards to flood risk, effect of excavation, surface water drainage and increased vehicle movements along Knowle Road, as well as with regards to loss of private views, impact on traffic to and from the A21 and possible damage to the surface road during constriction. He noted that no objection to the proposal had been raised by the Highway Authority or the Council on these grounds, and where any further control or detail was necessary, these could be addressed through the imposition of conditions.
- 4.9 Finally, the Inspector noted that queries had been raised regarding rights of access and issues of land ownership. It was confirmed that these are private matters outside of planning control, and it was emphasised that the grant of planning permission does not override the legal ownership of land.
- 4.10 Under reference 19/01978/CONDIT and 19/01978/CONDT1 details pursuant to the pre-commencement conditions imposed by the Inspector in allowing the appeal were submitted. The construction management plan details were approved under reference 19/01978/CONDIT. There was a delay in the submission of the drainage details as a consequence of which the permission under reference 19/01978/FULL1 "lapsed" prior to the discharge of details, and the commencement of development (although Members are advised that subsequently the drainage officer confirmed that the details which had been submitted were acceptable to comply with the requirements of the condition). The drainage details condition application was withdrawn in view of the "lapsing" of the original permission and the applicant has provided these details now as a supporting document to the current application.
- 4.11 15/03971/FULL6 Single storey side and rear extension to provide annexe
REFUSED AND APPEAL ALLOWED 17/3/16
- 4.12 This application related to the construction of a single storey side/rear extension. The permission allowed on appeal expired on 17/3/19, prior to the submission of application 19/01978/FULL1. There is no indication on site that the development has commenced and the applicant's agent has confirmed in writing (within application 19/01978/FULL1) that the development was not commenced within the 3 year period from the date of decision - the permission has therefore lapsed.
- 4.13 84/00738/FUL - Two storey side extension- PERMISSION

5. CONSULTATION SUMMARY

A) Statutory

Highways: **NO OBJECTION**

The comments associated with the previous application (allowed on appeal) are reiterated. Should planning permission be granted, conditions are recommended, including a condition requiring compliance with the submitted Construction and Environmental Management Plan.

Drainage: **NO OBJECTION**

The access drive and dedicated car park area should be constructed with permeable paving. A condition is recommended relating to sustainable drainage.

B) Local Groups

Orpington Field Club:

Paragraph 1.6.1 of the submitted PEA refers to a linear group of leylandii but these are not shown on the submitted drawing. If these are to be lost they should be replaced by native species although young plants will not be able to sequester as much carbon as the larger trees present.

There are issues in the area regarding flooding – no hydrological report has been submitted.

Other than the above, should planning permission be granted conditions are recommended regarding no invasive species (specifically cherry laurel) to be planted, habitat clearance taking place outside of the main nesting season (as per the PEA recommendation) and with regards to artificial lighting. It is recommended that ecological enhancements be undertaken – reference to the PEA section 4.5.3, 4.5.4, 4.5.2 and 4.4.40.

C) Adjoining Occupiers

Objections

Highways (addressed at paragraph 7.4)

- There is a dentist at the end of the road, and so Knowle Road is heavily parked
- Impact on highways safety
- Lack of space for on-site car parking

Trees and ecology (addressed at paragraphs 7.6 & 7.7)

- There is a row of 8/10 large conifers with trunks close to, or leaning on the fence. Removal of the trees (since not shown on the site plan) will impact on neighbouring property
- Impact on ecology associated with loss of trees
- Ecological report is out of date

Visual amenity (addressed at paragraph 7.2)

- Overdevelopment of the site
- Out of keeping with the area

Neighbouring amenity (addressed at paragraph 7.5)

- Loss of privacy
- Visual impact
- Noise and disturbance associated with the siting of the construction and incorporation of basement works

Flooding (addressed at paragraph 7.8)

- The end of Knowle Road has a history of flooding problems, associated with poorly maintained woodland and the gradient of the road
- There is a culvert that drains Knowlehill Wood

Other matters

- The scheme approved on appeal was subject to a condition requiring that the development commence by June 2023
- Concern over the quality of the CEMP approved in relation to application 19/01941/FULL1
- Current CEMP shows the use of the existing property at 26 Copthorne Avenue as a site office/facility with access to and from Copthorne Avenue (this did not form part of the approved scheme)
- Concern over the scope of the application and whether is actually a single dwelling, taking note of the site area and the build cost/duration indicated on the application form
- Concern relating to construction traffic i.e. lorries and dust and air pollution arising from the construction phase, health impacts
- Concern relating to the indicated build-duration
- There is a shortage of affordable housing, not expensive housing in wrong location
- Proposal might be changed into an HMO retrospectively

6. POLICIES AND GUIDANCE

National Policy Framework 2021

NPPG

The London Plan (2021)

- D1 London's form and characteristics
- D2 Infrastructure requirements for sustainable densities
- 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
- 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

Mayor Supplementary Guidance

London Housing Design Guidance

Bromley Local Plan 2019

1	Housing Supply
3	Backland and Garden Land Development
4	Housing design
30	Parking
32	Road Safety
33	Access for All
34	Highway Infrastructure Provision
37	General design of development
69	Development and Nature Conservation Sites
72	Protected Species
73	Development and Trees
75	Hedgerows and Development
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

Bromley Supplementary Guidance

Urban Design Supplementary Planning Document (SPD)(June 2023).

7. ASSESSMENT

7.1 PRINCIPLE - ACCEPTABLE

7.1.1 The principle of the residential development as currently proposed was found to be acceptable within the Planning Appeal under reference 19/01978/FULL1. The Inspector conceded that the size and position of the appeal site was not characteristic of other plots in the area, but stated that the building “because of its form and articulation” would be seen as a continuation of the existing buildings fronting the service road. To this extent, the proposal was considered as reflecting something of the character and appearance of buildings along the rear service road.

7.1.2 In conclusion, the Inspector considered that “because of its secluded position with limited public views, and the imaginative way that the building has been designed as a continuation of the line of existing buildings along the service road, it would not cause harm to the character and appearance of the area” with specific reference to

the criteria set out for the assessment of backland and garden land development, as well as general design principles (Policies 3 and 37 of the Bromley Local Plan).

- 7.1.3 There are not considered to be new material planning considerations associated with the proposal in the context of the site/its surroundings that would render the principle of the proposed residential development now unacceptable.
- 7.1.4 While the publication of the London Plan post-dated the previous decision at appeal, in terms of the policy context for the assessment of this application, with particular regards to character and impact on local visual and residential amenity, it is not considered that policies within the London Plan contradict those that were pertinent in the assessment of the original submission.
- 7.1.5 The current published position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee on the 2nd of November 2021 and acknowledged as a significant undersupply. Subsequent to this, an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293) concluded that the Council had a supply of 3,235 units or 3.38 years. The Council has used this appeal derived figure for the purposes of assessing this application. This is considered to be a significant level of undersupply.
- 7.1.6 For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development may apply. It is noted that the appeal derived FYHLS figure assumes the new London Plan target of 774 units per annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019.
- 7.1.7 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.
- 7.1.8 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.

7.1.9 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.

7.1.10 This application includes the provision of 1 additional residential dwelling and would represent a minor contribution to the supply of housing within the Borough, which 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 - ACCEPTABLE

7.2.1 Policy 37 of the Bromley Local Plan requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

7.2.2 Policy 4 requires that for all new housing development, the site layout, buildings and space around buildings are designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas and The provision of sufficient external, private amenity space that is accessible and practical.

7.2.3 The application site is at present undeveloped and provides largely the rearmost part of the garden associated with the host dwelling, with a gravelled parking area behind a five bar gate. The proposal would result in the subdivision of the existing garden of the host dwelling to form a rectangular plot with an irregular spit of land leading from the plot to the access onto Knowle Road. The retained rear garden associated with the host dwelling at No. 26 would be reduced to approx. 8m deep although the rear garden would be generously wide as existing with a width of approx. 24m.

7.2.4 The proposed dwelling would have an appearance and design which would be consistent with that of a garden outbuilding when viewed from Knowle Road, though slightly narrower in this elevation. It would be 3m high to eaves and 4.4m high to the ridge of the separate sectional structures, with glazed flat roof links between each larger section.

7.2.5 The dwelling has been designed to appear as a grouping of interlinked detached outbuildings, with a single storey appearance. The materials and design detailing lend the visual impression of an outbuilding/garden structures consistent with the varied appearance of the detached outbuildings at the rear of dwellings fronting Copthorne Avenue. The provision of modest flat roofed links between the four main structures serves to break down the overall bulk of the building when viewed from either side, and when viewed from the access from Knowle Road the dwelling would present as a detached single storey structure not dissimilar to the detached garages/outbuildings at the rear of the gardens of dwellings fronting Copthorne Avenue. The dwelling would incorporate complementary/contrasting facing materials to further limit the impression of bulk of the proposal.

- 7.2.6 In allowing the appeal in respect of the previous application, the Inspector acknowledged that the garden area would be smaller than others in the locality, with less scope to accommodate trees and other greenery. However, it was concluded that the well-screened position of the building along with the wooded backdrop to the south, would result in development that would not be detrimental to the character and appearance of the area.
- 7.2.7 It is not considered that policy or guidance post-dating the appeal decision has arisen that would counter the Inspector's assessment within that appeal decision with regards to the design and appearance of the development. The design and siting of the development is considered to respond well to the site character and constraints, resulting in a residential dwelling that would sit comfortably within its site and would draw upon the pattern and grain of existing development along the service track, resulting in development of an acceptable standard of design and no significant impact on the visual amenities and character of the area.

7.3 STANDARD OF RESIDENTIAL ACCOMMODATION - ACCEPTABLE

- 7.3.1 The assessment of the development proposed in 2019 under reference 19/01978/FULL1 did not raise concerns over the standard of accommodation provided within the development, which was considered to result in a dwelling of a high standard of amenity for prospective occupiers, consistent with the requirements set out in the technical housing standards.
- 7.3.2 Since the previous application was assessed the London Plan has been published, which sets out in Policy D6 the requirements in respect of housing quality, as well as (more recently) the London Housing Design Guidance. The previous report's assessment of the standard of residential accommodation is repeated below, suitably updated where appropriate.
- 7.3.3 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.
- 7.3.4 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals.
- 7.3.5 The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

- 7.3.6 The proposal would provide three bedrooms, with two bedrooms on the ground floor and one on the basement level as well as an office with a window onto the courtyard. The internal space provided would be of an acceptable layout and size to serve prospective occupants, with a GIA of approx. 200sqm which exceeds the minimum space required for either a 3 bedroom/6 person or a 4 bedroom/8 person dwelling.
- 7.3.7 With regards to outlook and lighting, the ground floor accommodation would comprise rooms with a satisfactory outlook and light to internal rooms provided by way of the glazed link elements and windows, with the living room and bedroom 1 being dual aspect. At basement level a lightwell would light the office and corridor, with the office and bedroom 3 also looking out to the lower ground floor courtyard which would be of sufficient area to provide a reasonable outlook and lighting function, measuring 4.25m by 5.25m.
- 7.3.8 External amenity space would be provided between the dwelling and the boundary with 22 Knowle Road and while the space would be somewhat narrow and smaller than is common in residential curtilages in the locality, it is considered that the space would be of a reasonable size to serve the future occupants of the dwelling.
- 7.3.9 The applicant has confirmed that the dwelling can be Part M4(2) compliant.

7.4 HIGHWAYS - ACCEPTABLE

- 7.4.1 Highway Officer comments have raised no objections in principle subject to conditions on the basis/understanding that the dwelling would have a means of access from Knowle Road. In terms of whether there is a legal right of access that would be capable of being conferred upon the proposed dwelling, or with regards to covenants, these are private legal matters that lie outside of planning control.
- 7.4.2 The front of the host dwelling includes a large, paved parking area with ample space to accommodate the car parking associated with the retained host dwelling. The proposed site layout leaves a reasonably large area free of development to the side and in front of the dwelling (up to the light well) which would comprise an open parking and manoeuvring area. This replicates the previous scheme, allowed on appeal. The application form refers to the development providing 3 no. car parking spaces.
- 7.4.3 It is noted that local residents have historically referred to covenants/access rights and that these concerns were also expressed in the course of the previous 2019 and 2007 applications. Members are advised that the Planning Inspectorate has been clear on this point - that the consideration of private legal matters does not form part of the assessment of the planning merits of development proposals.
- 7.4.4 Concerns have been expressed regarding the impact of the period of construction on highways, as well as increased traffic. However no technical highways objections are raised on this matter and it is not considered that the proposal would have a significant impact on the freeflow of traffic and conditions of safety within the highway.

- 7.4.5 It is noted that within this application a Construction and Environmental Management Plan has been submitted, and under reference 19/01978/CONDIT details pursuant to condition 3 of the permission granted on appeal were submitted to the Council, with no objections to these details having been raised from a technical highways perspective. As a consequence the details pursuant were agreed as being satisfactory to comply with the requirements of the condition. This current application has been submitted with an updated Construction and Environmental Management Plan.
- 7.4.6 In view of the above, and in line with comments from the Highways Officer, should planning permission be granted in this instance it would be appropriate to impose a condition requiring complete compliance with the recently submitted Construction and Environmental Management Plan.
- 7.4.7 The applicants have confirmed the intention to install an EVCP to serve the application dwelling. Parking at the site is indicated to be informally arranged. In this context, and taking into account the formation on the site of a single family dwelling, it is not considered unreasonable to impose a condition requiring the installation of 1 no. active electric vehicle charging point to serve the household of the single dwelling.
- 7.4.8 It is noted that the application does not provide detail on proposed cycle storage arrangements, nor with regards to refuse storage – although the site plan indicates that provision for such would be capable of being made. It would therefore be prudent to impose conditions requiring the submission of further details of refuse and cycle storage.

7.5 NEIGHBOURING AMENITY - ACCEPTABLE

- 7.5.1 The impact of the proposal on the amenities of the neighbouring properties is unchanged relative to the previous proposal, and the previous Committee report is repeated in this respect below:
- 7.5.2 Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.
- 7.5.3 Policy 4 of the Bromley Local Plan also 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.
- 7.5.4 The proposed dwelling would be single storey only and taking into account its siting in relation to the boundary with the dwelling at 22 Knowle Road would not have a significant impact on the daylight/sunlight to that property and taking into account the height/scale of the dwelling would not appear unduly overbearing or have an unacceptable visual impact when viewed from the neighbouring curtilage.

7.5.5 With regards to the impact of the proposal on the amenities of the host/donor dwelling, the elevations facing that dwelling would have limited window/door openings, at ground floor level only and taking into account the height of the building and the separation to the rear elevation of the host dwelling it is not considered that the proposal would have a detrimental visual impact or result in unacceptable loss of light or outlook. The severance of part of the rear garden of the host dwelling would result in the loss of the rear half of the existing amenity space serving that dwelling. However the plot is substantially wide and on balance it is considered that adequate amenity space would be retained to serve the host dwelling as well as being provided to serve the needs of prospective occupiers of the proposed dwelling.

7.5.6 While planning permission was refused by the Local Planning Authority (subsequently allowed on appeal) for the previous development, it is noted that the reason for refusal did not directly relate to impact on neighbouring amenity. The Inspector, in assessing the appeal, referred to the representations received regarding the impact of the proposal on the privacy and outlook of the neighbouring property at No. 22 Knowle Road, stating:

“Concern has been raised at the impact on the neighbouring property at 22 Knowle Road, with regards to privacy and outlook. The development would have its principal windows facing towards the side boundary of 22 Knowle Road. That boundary is currently screened by a conifer hedge although given the excavation necessary for the basement that screen is almost certain to be removed. Nevertheless, the windows would all be at ground floor level, and adequate privacy could be maintained by a fence or similar boundary treatment. In terms of outlook, the building would be sited away from the joint boundary and being single storey in height would not in my view have an overbearing or harmful impact on the outlook from the neighbouring property.”

7.5.7 The Inspector also considered the impact of the proposal on outlook from the host dwelling (36 Copthorne Avenue) and concluded that the modest height and articulation of the building would limit its overall impact.

7.5.8 While it is noted that representations continue to express concern over the impact of the proposal on neighbouring amenity, in the light of the above it is not considered that the proposal would have a significant impact on neighbouring properties, nor would the refusal of planning permission on this basis be warranted as a consequence.

7.6 TREES - ACCEPTABLE

7.6.1 Policy 73 states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitats, are considered to be desirable to be retained. When trees have to be felled, the Council will seek suitable replanting.

7.6.2 Concerns have been expressed by neighbouring residents regarding the impact of the proposal on trees, referring particularly to a conifer hedge/line of trees on the boundary of the site. The row of leylandii appears to have been planted as a

screening hedge, and has subsequently (since planting) grown to some height and depth.

- 7.6.3 With regards to this application no objections are raised by the Trees Officer regarding the impact of the proposal in this respect. It is recommended that should permission be granted a landscaping condition be imposed to ensure that regardless of what vegetation may be removed or retained, the proposal enhances the character of the area and addresses any concerns of neighbours regarding the loss of trees.
- 7.6.4 The applicant has confirmed that the Planning Inspector noted that given the excavation of the basement, it would be likely that the conifer screen would be removed, and that the condition imposed by the Inspector requiring further detail, prior to the commencement of development above ground level, of retained and proposed trees and plants would be complied with if reiterated in the decision on this application. The applicant's agent has confirmed "if the conifers are removed, they can be suitably replaced as part of the soft/hard landscaping scheme, subject to Landscape Architects input. If the conifers can be retained, they will be suitably shaped/pruned to ensure attractive and healthy appearance."
- 7.6.5 It is not considered that the proposal currently under consideration, which would replicate that allowed on appeal, and which, had development commenced within 3 years of the appeal decision, could have been recently constructed without this application, would have a different or greater impact on trees than the previous proposal. A condition imposed in the appeal decision required further detail, prior to the commencement of development above ground level, of vegetation to be retained and trees and plants to be planted, to be submitted to and approved in writing and it would be prudent to replicate that condition should planning permission be granted in this instance.

7.7 ECOLOGY - ACCEPTABLE

- 7.7.1 Policy 72 states that planning permission will not be granted for development or change of use of land that will have an adverse impact on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.
- 7.7.2 The ground for refusal in the previous application referred to the impact of the proposal on the biodiversity value of the site, the wider woodland habitat and adjacent Site of Importance for Nature Conservation, noting loss of trees and wildlife habitat.
- 7.7.3 The biodiversity/ecology impact of the proposal was considered in detail by the Planning Inspector, who referred within their decision to the applicant's Preliminary Ecological Appraisal. It was concluded that the site has limited ecological value, and that the development would not cause harm to its biodiversity value or any harm to the nearby SINC. In view of the recommendations within the PEA regarding the potential to enhance the ecological value of the site, which were expanded upon at that time by the Orpington Field Club, the Inspector incorporated these recommendations where justified into condition 5 of the appeal permission. Should

planning permission be granted it would be appropriate to replicate this previous condition.

7.8 DRAINAGE AND FLOODING - ACCEPTABLE

- 7.8.1 Concern has been expressed regarding surface water drainage from the site, flood risk and run-off from the site as it is sloping and lies adjacent to woodland. The Council's Drainage Engineer raised no objections to the current application subject to a pre-commencement surface water drainage condition being imposed and the Highways Officer recommended a condition relating to highways drainage. The site does not lie in a Flood Zone. On this basis, and subject to conditions, it is considered that the development could be implemented without adverse impact on surface water drainage or flooding.
- 7.8.2 The application was updated on 21st August 2023 through the submission of further details on drainage matters – comprising the integration into this application of the drainage details previously submitted to discharge the relevant condition on permission 19/01978/FULL1. Members are advised that while condition application 19/01978/CONDT1 was withdrawn (as the 3 year period from the granting of planning permission on appeal had passed), the drainage officer considered that the submitted information was acceptable to address the requirements of the planning condition. On this basis, it would be appropriate to impose a “compliance with” condition in relation to drainage details.

7.9 CIL

- 7.9.1 The Mayor of London and London Borough of Bromley's CIL are material considerations. CIL would be payable on this application and the applicant has completed the relevant form.

7.10 OTHER MATTERS

- 7.10.1 Concerns have been raised by neighbouring residents with regards to the impact of the construction works/construction phase of development on neighbouring amenity as well as upon highways matters.
- 7.10.2 It is not generally the case that the impact of construction will represent a strong material planning consideration as it is in its very nature time-limited, with the impact not extending beyond the construction phase. Building operations/construction works can cause annoyance, but this impact is usually short-lived, confined to the construction period, and does not represent a ground for the refusal of planning permission.
- 7.10.3 The applicant has submitted as a supporting document a proposed Construction and Environmental Management Plan dated April 2023 which includes commitments with regards to dust mitigation and management and refers to hours of construction which are consistent with the Council's code of practice for construction.

7.10.4 Other comments have referred to the build duration and the value of the proposed dwelling, although this latter point appears to relate to the “drop down box” on the application form relating to the estimated total cost of the proposal, rather than the eventual property value. The applicant has similarly provided on the application form a nominal indication of the likely duration of the build, although this is not a material planning consideration in the assessment of this particular proposal.

8. CONCLUSION

8.1 The application is considered to be acceptable in that it would not result in a substantial harm to the character and visual amenities of the area or to the residential amenities of neighbouring residents. Subject to conditions, the proposal would not have a detrimental impact on ecology or biodiversity nor on conditions of safety and the free flow of traffic. The proposal would provide an acceptable standard of accommodation for future occupants and would provide an additional dwelling which would make a minor contribution to the Borough's housing supply.

8.2 In the light of the recent planning history of the site, it is not considered that the refusal of planning permission would be justified. The planning policy framework relative to the site and specific proposals has not changed significantly such that would now introduce grounds for refusal that would be readily sustainable on appeal or which would reverse the Inspector's judgement in the previous application.

8.3 There are no adverse impact arising from the scheme that are considered to clearly and demonstrably outweigh the contribution that the development would make to housing supply.

8.3 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: PERMISSION

Subject to the following conditions:

Standard conditions

1. Statutory time limit (3 years)
2. Compliance with submitted documents/drawings

Above ground

3. External materials to be submitted
4. Landscaping (hard and soft) (including tree/plant retentions/replacements, boundary treatments and hardstanding(s), and position and number of artificial bat and bird boxes)
5. Details of parking and turning area, including EVCP

6. Details of refuse storage
7. Details of cycle storage

No further details required/compliance

8. Construction and Environmental Management Plan
9. SUDS – surface water drainage scheme
10. Remove permitted development rights – Classes A/B/C and E
11. Installation of low NOx boiler
12. Slab levels (compliance)
13. Compliance with Preliminary Ecological Appraisal

And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.

Informatives

Contamination – contact Environmental Health
CIL
Street Naming and Numbering
Attention drawn to the recommendations of the Orpington Field Club