

SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 10/02977/FULL1

**Ward:
Bickley**

Address : 18 Mavelstone Close Bromley BR1 2PJ

OS Grid Ref: E: 542117 N: 169913

Applicant : Mr M Elliot

Objections : YES

Description of Development:

Demolition of existing bungalow and erection of a replacement 5 bedroom dwelling.

Key designations:

Proposal

- The proposal is for the erection of a detached five bedroom dwelling following the demolition of the existing bungalow.
- The dwelling will have a total height of 9.2m, excluding the basement level garage, gym and utility room. The roof design will be hipped incorporating front, side and side dormers.
- The roof height has been reduced from the previous application from 9.6m in height and the width has been reduced to allow for greater separation to the oak tree at the front of the site.
- Vehicular access to the site would remain in the same location as the existing. Two parking bays would be provided in the double garage at lower ground floor level.
- A staircase from the lower ground floor level to ground floor level would provide access to the main dwelling which is similar to the current arrangement.
- The dwelling would be constructed with brickwork and vertical hanging tiles, plain clay roof tiles, painted softwood window treatments and timber doors. The vehicular access would be designed using a tarmac hard surface.
- A single storey orangery is proposed to the rear of the dwelling at ground floor from the breakfast/kitchen area.

Location

- The property is located on the eastern side of Mavelstone Road and comprises of a bungalow with a lower ground floor level

- The property is located adjacent to the Mavelstone Road Conservation Area.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and the following is a summary of the comments received -

- the proposal represents an overdevelopment of the site and would harm views to and from the Mavelstone Road Conservation Area due to mass and bulk;
- trees on the Mavelstone Road frontage of the site are located within a conservation area and some of these could be affected by development;
- the development would harm the character and appearance of the conservation area;
- ownership of the strip of land on which the trees stand remains unclear, legal ownership should be firmly established before permission for demolition/excavation can be considered;
- the proposal should not involve the felling of trees which provide screening and would have a detrimental impact on the street scene and conservation area;
- the property is located in a conservation area and next to a locally listed building and does not reflect or is not sympathetic with either;
- cumulative development damage to the highway caused by construction vehicles

A letter of objection has been received by the Sundridge Residents' Association on the grounds of overdevelopment, impact on trees and conservation area impact. This letter also refers to the letter sent in respect to application ref. 10/01201.

Comments from Consultees

No technical highways objections are raised subject to conditions.

Technical drainage comments have been made. The previous application received comments advising that the site is located within the area in which the Environment Agency Thames region require restriction on surface water discharge to an unimproved section of the river Ravensbourne or one of its tributaries. The drainage section also advises that surface water from the development should be restricted to 100mm diameter pipe.

No Thames Water objections are raised subject to an informative.

Concern was raised by the Tree Officer with respect to root damage from the excavation of the basement level. The original plans indicated a 2m greater separation from the previously refused scheme however the roots of the tree are considered to be affected by the proposal. Amended plans have been submitted moving the flank wall further from this tree to protect the RPA. Further comments from the Tree Officer raise no objections subject to conditions.

Planning Considerations

The main policies relevant to this case are Policies BE1 (Design Of New Development), BE13 (Development Adjacent to a Conservation Area), H7 (Housing Density And Design), H9 (Side Space), T3 (Parking), T18 (Road Safety) and NE7 (Development and Trees).

Planning History

Planning permission was refused under ref. 10/01201 for the demolition of existing bungalow and erection of a replacement 5 bedroom dwelling. The refusal grounds were as follows:

The proposed dwelling would result in the loss of a mature Oak tree on the site which is protected by a Tree Preservation Order and contributes significantly to the visual amenities of the area and would therefore be contrary to Policies BE1, BE13 and NE7 of the Unitary Development Plan.

The proposed dwelling by reason of its size, design and siting would result in an overdevelopment of the site and would be harmful to the visual amenities of the area and the character and appearance of the adjacent Mavelstone Road Conservation Area, contrary to Policies BE1, BE13, H9 and H7 of the Unitary Development Plan.

Conclusions

The material planning considerations which are relevant to this application are as follows:

- design and the impact on character and appearance of the street scene;
- impact on trees;
- impact on the character and appearance of the adjacent Mavelstone Road Conservation Area;
- impact on the amenity of the neighbouring properties;
- amenity space;
- parking and highway safety; and
- drainage.

Mavelstone Close comprises of a variety of housing styles of single and two storey height. The proposal is for the erection of a two storey family dwelling with a lower ground floor level.

The proposed dwelling would be in keeping with the existing building line along Mavelstone Close. The plot slopes downwards from the adjacent property at No. 17 and from the Mavelstone Road bank where there is already a lower ground floor level. Further excavation however is required to accommodate a larger lower ground floor level than the existing lower ground floor level for the bungalow. The proposed ridge height of the new dwelling would be approximately 1.8m higher than the existing bungalow ridge height (previously proposed to be 2.3m higher)

and approximately the same height as the adjacent dwelling at No. 17 Mavelstone Close.

In relation to the trees along the boundary with Mavelstone Road several concerns have been raised by local residents. It appears that most of the side bank is within the ownership of Manor Place where one sweet chestnut is proposed to be removed. As the tree is located in a conservation area the applicant would need to give the Council six weeks notice of intention to fell the tree and would also need permission from the owners of the land.

The applicant is now seeking to retain the Oak tree at the top of the bank which is situated within the application site (the previous application sought its removal). The Oak tree is subject to a Tree Preservation Order and therefore is protected. The protection radius for an Oak tree is identified as 5.8m which restricts the development in terms of how far it could project to the side boundary without affecting the tree's roots. Concern was raised by the Tree Officer with respect to root damage from the excavation of the basement level. The applicant has been requested to submit revised details addressing this issue in order for the roots to be protected. Amended plans were subsequently received dated 17/01/11 moving the excavation area for the proposed flank wall further from this tree. No objections are raised from the Tree Officer and conditions can be imposed to safeguard the future health of the oak tree. The amended plans have also altered the positioning and design of the front roof feature.

The application site is located on a prominent corner plot adjacent to the Mavelstone Road Conservation Area. Policy BE13 of the Council's UDP states that any development proposal adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from the views into or out of the area. Where new development is proposed adjoining a conservation area, a good and sympathetic design is vital to maintain existing standards. In addition Policy H9 requires a generous side space in areas where spatial standards are high.

The Mavelstone Road Conservation Area is characterised by large houses which are densely screened with mature vegetation and are well setback from the main road, creating a semi-rural setting. As mentioned in the previous section of the report the proposal would involve the removal and thinning out of vegetation on-site and along the bank adjacent to Mavelstone Road. The existing bungalow is situated approximately 7.2m from the side boundary fence with Mavelstone Road. The proposal would increase the overall bulk of development in terms of its width and height with the new dwelling situated much closer to the side boundary, approximately 1.8m at the front and 6.2m at the rear and approximately 2.3m higher than the ridge height of the existing bungalow.

Although the development proposed is consistent with the general style of development along Mavelstone Close the development also has a secondary frontage onto the Mavelstone Road Conservation Area and is located on a prominent corner site. However the bulk and height of the dwelling has been reduced from the previous refusal, particularly when viewed from Mavelstone Road. This is considered to reduce the visual impact, and the trees at the rear and side of the site will be retained to provide screening. On balance it is considered

that the proposal would preserve the setting of the conservation area and would not detract from views out of the conservation area. The settings of the nearby locally listed buildings would also not be harmed by the proposal due to the separation of the proposed dwelling from these structures.

The application site is located on a corner plot and therefore there are only two adjoining properties including No. 17 Mavelstone Close to the north and Manor Place to the rear. The property at No. 17 Mavelstone Close comprises of a two storey detached family dwelling. A side space of 1 metre from the boundary fence would be maintained. The proposed new dwelling would be approximately the same height as the adjacent property at No. 17. There are two windows proposed at first floor level and a dormer window proposed in the side roof slope which would face onto No. 17. The two windows at first floor level would serve a dressing area and wardrobe and could be conditioned to be obscurely glazed. The dormer window in the north roof slope would serve an entertainment area and could also be conditioned to be obscurely glazed. The rear wall of the proposed dwelling is in line with No. 17 aside from a single storey rear orangery that would be located on the southern end of the house.

The property to the rear, Manor Place, is a locally listed building. The rear boundary between No. 18 Mavelstone Close and Manor Place is well screened with vegetation and therefore it is unlikely that the proposed new dwelling would adversely affect the setting of this building. In addition plot slopes downwards from the rear to front boundary and the proposed dwelling would be situated approximately 20 metres from the boundary with Manor Place and 27m from the rear wall of development to the east side wall at Manor Place. It is not considered that the proposed development would result in any harm to the amenity of the neighbouring properties in terms inadequate daylight, sunlight, loss in privacy or overshadowing.

The application site is situated on a large corner plot. The proposed new dwelling would be larger in terms of its overall building footprint when considered against the existing building footprint however would still retain an adequate level of rear amenity space for a family dwelling of this size. The amount of rear amenity space proposed is consistent with the general character of rear garden space on Mavelstone Close.

On balance it is considered that the proposed dwelling will not impact on adjoining properties and the overall size, design and siting of the house would not be overly prominent on this corner plot. The proposal would not adversely impact on the character and appearance of the adjoining Mavelstone Road Conservation Area and the proposal would not impact on the future health of the protected oak tree. It is therefore recommended that the application is granted planning permission.

Additional plans indicating an existing and proposed street scene have been submitted dated 04/01/11.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/01201 and 10/02977, excluding exempt information.

as amended by documents received on 04.01.2011

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|----|--------|---|
| 1 | ACA01 | Commencement of development within 3 yrs |
| | ACA01R | A01 Reason 3 years |
| 2 | ACA04 | Landscaping Scheme - full app no details |
| | ACA04R | Reason A04 |
| 3 | ACA07 | Boundary enclosure - no detail submitted |
| | ACA07R | Reason A07 |
| 4 | ACB01 | Trees to be retained during building op. |
| | ACB01R | Reason B01 |
| 5 | ACB02 | Trees - protective fencing |
| | ACB02R | Reason B02 |
| 6 | ACB03 | Trees - no bonfires |
| | ACB03R | Reason B03 |
| 7 | ACB04 | Trees - no trenches, pipelines or drains |
| | ACB04R | Reason B04 |
| 8 | ACB12 | Tree - details of excav. for foundations |
| | ACB12R | Reason B12 |
| 9 | ACC07 | Materials as set out in application |
| | ACC07R | Reason C07 |
| 10 | ACH03 | Satisfactory parking - full application |
| | ACH03R | Reason H03 |
| 11 | ACH32 | Highway Drainage |
| | ADH32R | Reason H32 |
| 12 | ACI12 | Obscure glazing (1 insert) in the first and second floor northern flank elevation |
| | ACI12R | I12 reason (1 insert) BE1 and H7 |
| 13 | ACI17 | No additional windows (2 inserts) first floor northern flank dwelling |
| | ACI17R | I17 reason (1 insert) BE1 and H7 |

Reasons for granting permission

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- BE13 Development adjacent to a Conservation Area
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

The development is considered to be satisfactory in relation to the following:

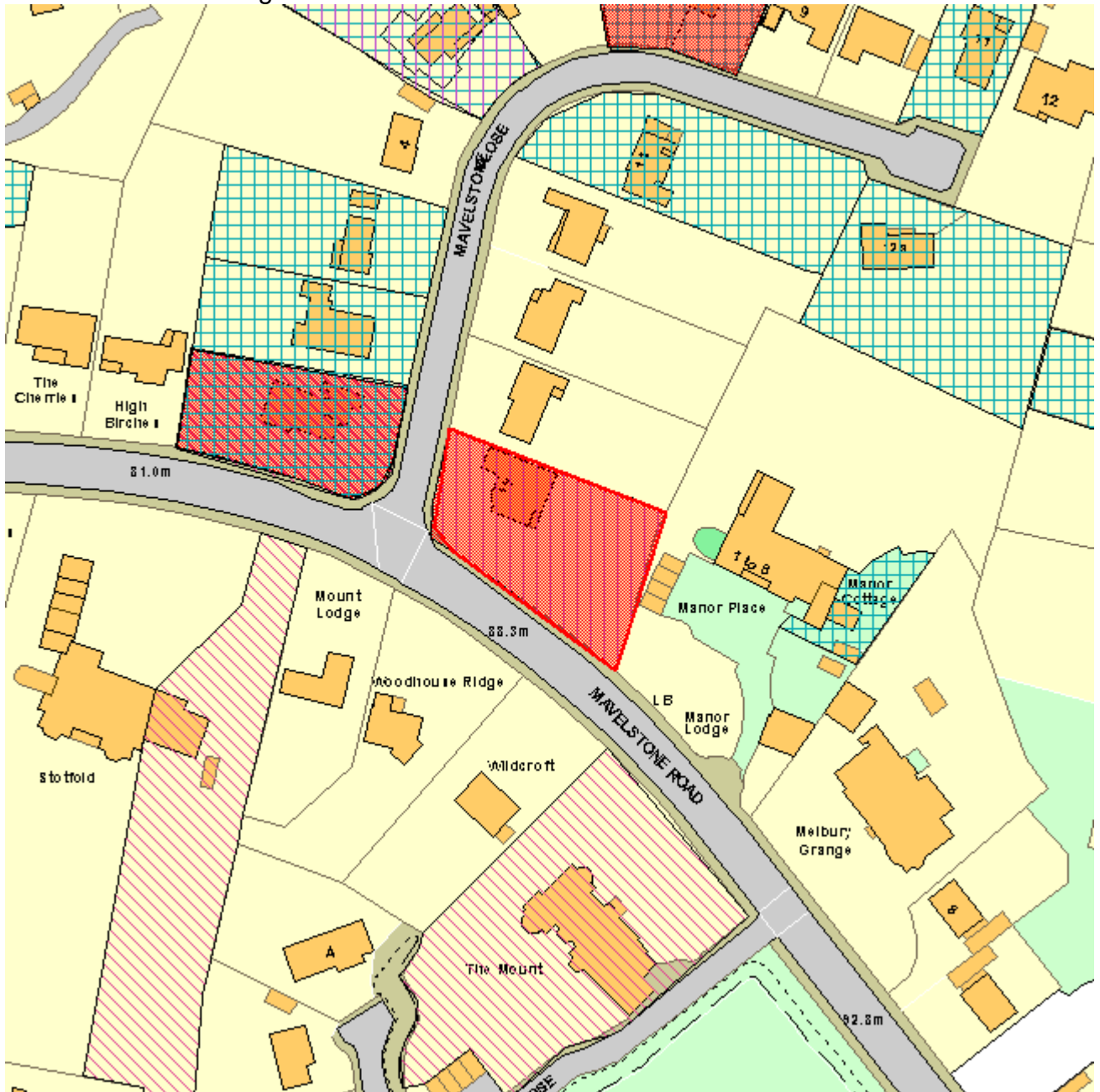
- (a) the character of the surrounding area
- (b) the impact on the amenities of the occupiers of adjacent and nearby properties
- (c) the impact on the character of the nearby conservation area
- (d) the transport policies of the UDP
- (e) the housing policies of the UDP
- (f) the impact on trees within the site.

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 2 The applicant is informed that they would need to give the Council six weeks notice of intention to fell the Sweet Chestnut tree outside of the applicant's land ownership and would also need permission from the owners of the land.

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