

SECTION '2' – Applications meriting special consideration

Application No : 10/03491/FULL1

Ward:
**Bromley Common And
Keston**

Address : Land At Langham Close Bromley

OS Grid Ref: E: 542189 N: 165987

Applicant : Heltfield Ltd

Objections : YES

Description of Development:

2 detached two storey five bedroom dwellings each with attached garage with access road at land at Langham Close.

Key designations:

Conservation Area: Bromley, Hayes and Keston

Proposal

- Planning permission is sought for 2 detached houses (indicated as Plots 4 and 5) bringing the total up to 7 dwellings
- Plots 1 and 2 were granted planning permission under ref. 06/04235 and have now been constructed
- Plot 3 was allowed on appeal after being refused under planning ref. 08/00264 and has been constructed
- Plots 7 and 8 were granted permission under planning ref. 07/02420
- The proposed houses are of a traditional design with facing materials being predominantly brick
- The rear gardens of the proposed houses are of an irregular shape but extend to between a min 12 and max 17.6m in depth
- Plot 4 has an attached single garage whilst plot 5 incorporates an attached detached double garage

Location

The application site is situated on the north-western side of Gravel Road and comprises an irregular plot of 0.35 hectares. The surrounding area is residential in character with the area to the west of the site forming part of Bromley, Hayes and Keston Common Conservation Area. There protected trees to the western boundary of the site.

Comments from Local Residents

There have been both letters of support and objection submitted in relation to this application which are summarised below:

- the proposed trees on the boundary between the maisonettes and plots 4 and 5 will do little to disguise the large brick flank wall of the proposed house at plot 5
- parking of cars in the access road will provide potential hazard for emergency vehicles
- the gardens of the maisonettes at Trinity Close are not comparable with rear gardens in the vicinity
- the proposed conservatory to the house at plot 5 would not be in keeping
- the close proximity of plot 5 to maisonettes in Trinity Close would result in a loss of outlook and privacy
- the wild life habitat incorporating owls and badgers have been disturbed and probably destroyed by the construction process
- the houses proposed on plots 4 and 5 are not even in keeping with the houses already built along Langham Close
- private gated entrances and over-sized houses are not in character with the area
- buildings currently surrounding the site are complimentary to the established architecture whilst the proposed houses are not

Comments from Consultees

Drainage: the views of the Head of Building Control on the use of soakaways for disposal of surface water should be obtained. If soakaways are not an acceptable method of drainage, it should be noted that this site is within the area where the Environment Agency – Thames Region requires restriction on the rate of discharge of surface water from new developments into the River Ravensbourne or its tributaries including storage if necessary.

Building Control: comments received will be reported verbally.

Environmental Health (housing): No Comment

Advisory Panel for Conservation Areas (APCA) - no objection

Thames Water- no objections raised subject to suggested informative.

From a highways point of view the revised plan is acceptable.

Trees – The report now reflects the damage to the large protected oak tree. Part of the house and drive at plot 5 extends into the root protection area of the oak tree, with the appropriate safeguards it would be feasible to construct both without long term harm to the tree. In view of the arboricultural report it would be difficult to support a reason for refusal based upon the impact on the oak tree. If permission is to be granted it should be subject to safeguarding conditions in respect of an arboricultural method statement and an appointment of an arboricultural supervisor.

Any further comments will be reported verbally.

Planning Considerations

In considering the application the main policies are H1, H7, H9, BE1, T3 and T18 of the Unitary Development Plan. These concern the housing supply density and design of new housing/new development, the provision of adequate car parking and new accesses and road safety.

Government guidance in the form of PPS3 "Housing" generally encourages higher density developments in appropriate locations, while emphasising the role of good design and layout to achieve the objectives of making the best use of previously developed land and improving the quality and attractiveness of residential areas, but without compromising the quality of the environment.

The London Plan now also forms part of the development plan where Policies 4B.1, 4B.3, and 4B.7 are relevant.

As indicated earlier in the report, the current application is very similar to the application recently refused for 2 detached houses under planning ref. 10/01350. The main changes are as follows:

- rear garden depth between 12m-17.8m as opposed to 14.5m and 18m previously
- Plot 4 - attached garage moved from western to eastern flank of house, overall foot print of house comparable
- Plot 5 - detached double garage relocated from north-western flank and now attached to south-eastern flank of the house, overall footprint of house increased by addition of rear conservatory
- site boundary delineation revised; increased by approx. 2.4m - 4.8m to part of northern boundary closest to gardens attached to Trinity Close. Increased by average 5m [triangular shaped parcel of land] to northern boundary closest to rear boundary of North House. This is achieved by the inclusion of a small part of the rear garden of North House.
- access road terminates at access to attached double garage at plot 5 as opposed ambiguously adjacent to plot 5 previously
- minimum separation between dwelling on plot 3 [already constructed] and proposed dwelling on plot 4 increased from approx. 1.8m to 2.6m

Planning History

Under ref. 08/00264, a scheme for 5 detached houses was allowed on appeal. The Council originally refused the application on the following grounds:

The proposal, by reason of the size, siting and number of units proposed, represents a cramped overdevelopment of the site, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposal, given the size, design and positioning of the proposed house on Plot 4 will have an undue impact upon the amenities of the neighbouring

residential properties due to the loss of privacy, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

The proposal would prejudice the retention of one of the protected trees on the site and the replacement of protected trees that have been removed without consent, thereby contrary to Policy NE7 of the Unitary Development Plan.

Members should also be aware that Costs were awarded to the appellant against the Council on the basis that the third ground of refusal was not substantiated.

The main issues considered by the Inspector were whether the proposed development was cramped on the site, its impact on the neighbour's privacy and outlook, and its impact on trees. The Inspector concluded that:

- The increase in the site area and introduction of a fifth house will have little impact on the remaining sense of spaciousness or the rural character of the site, particularly as the site has been increased in size.
- I find the appeal scheme would be neither unacceptable nor significantly greater than that of the approved scheme.
- I can understand that any reduction in privacy would not be welcomed by the occupier (of Middle House), but the appeal site is in an urban area subject to considerable pressure for housing development.
- Overall therefore I conclude on this issue that the proposed development would not cause unacceptable harm to the amenities of neighbours.
- I consider the proposal would not have an unacceptable impact on protected trees
- I do not think that the parking arrangements would be inadequate.
- I note that Middle House is in a Conservation Area, but there is no suggestion that the development has any impact on the Conservation Area.

Permission was granted under ref. 06/04235 for the demolition of No.20 Gravel Road and the erection of 4 detached houses (3 five bedroom and 1 four bedroom). Permission was later granted under ref. 07/02420 for elevational alterations and the enlargement of Plot 1.

Under ref. 06/02502, planning permission was dismissed at appeal for 5 detached houses the Planning Inspector stated that there would be an unacceptable level of overlooking and loss of privacy.

Planning permission was refused and dismissed at appeal under ref. 06/00619 for 6 detached houses for the following reason:

The proposal, given the size, design and positioning of the proposed houses on plots 1 and 2, and the position of the access drive, will have an undue impact upon the amenities of the neighbouring residential properties due to the loss of privacy and prospect and due to noise and disturbance respectively, thereby contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan (September 2002) and Policies 4B.1 and 4B.7 of the London Plan.

The Planning Inspector stated that significant harm would be caused to the outlook and privacy of the residents of No. 12 Gravel Road which could not be overcome by condition.

Under planning ref. 09/01303, planning permission was refused and later dismissed at appeal for the erection of 5 detached houses with garages. In reaching his decision the Inspector focused on the 3 houses not yet built as a comparable development to the current application. With regard to the layout of the scheme the Inspector concluded:

“Notwithstanding the stepped layout, the properties would still be quite close together, with little additional spacing than between the already constructed properties or those of the permitted scheme, despite the increase in the overall numbers of properties. The sheer amount of built form extending right up to the end of the site would clearly be evident when within the development and the mass of built form towards the north-western end of the site would be seen from other surrounding properties and gardens.”

With regard to the privacy and outlook of occupiers of nearby dwellings the Inspector concluded as follows:

“...proposed plot 5 would be somewhat closer to the rears of Nos. 15 and 16 and, while angled slightly away, would be at less of an angle than would be the case with proposed plot 6 and the rears of Nos. 13 and 14...there would be a reduction of privacy compared with the permitted scheme for occupiers of Nos. 15 and 16 when in their main facing rooms and remaining rear gardens. However, I consider that the loss of privacy for those occupiers would not be so serious as to be unacceptable although it would be noticeable. I am of the same opinion with respect to the change in outlook which those occupiers would experience as a consequence of the proposed scheme.

In concluding, the Inspector stated:

“I consider the determining issue in this appeal to be the harm to the character and appearance of the surrounding area which would be caused if I were to allow this appeal.”

Under planning ref. 10/01350, planning permission was refused for a very similar proposal for 2 detached houses. An appeal has been submitted and is currently being considered with an Inspectors site visit taking place on the 16 February.

Conclusions

The issues in this case is whether the likely impact of the proposed scheme on the character and appearance of the surrounding area, and on the amenities of neighbouring residential properties, having particular regard to the density, layout

and design of the proposed scheme. Regard must also be given to the findings of the Inspector in dismissing the previous proposal.

The current application is very similar to the application previously refused and awaiting the outcome of a pending appeal. The amendments to the scheme are for the most part considered to be improvements although the overall development will result in changes that in some instances will reduce the scheme and others will further increase the development. An example of this would be the relocation of the detached double garage at plot 5 away from the northern boundary with Trinity Close to an attached position on the other side of the house being an improvement. As opposed to the addition of a conservatory to the rear of house on plot 5 and increase in building footprint to both plots. Furthermore, the amendments to the site boundary to increase its size does not physically alter the spatial relationship between existing and proposed buildings to any significant degree.

Members should carefully consider the relationship with adjoining development in particular whether the relationship between plot 3 and 4 is now acceptable. The relationship with plot 4 and the properties in Trinity Close has been improved, therefore the focus should be whether the changes to the scheme offer have gone far enough in offering an acceptable way forward to the scheme pre

Members will also note that the impact on trees can be controlled by the imposition of standard conditions.

Background papers referred to during production of this report comprise all correspondence on files refs. 09/01303, 10/01350 and 10/03491, excluding exempt information.

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

- | | | |
|---|-----------------|--|
| 0 | D00002 | If Members are minded to grant planning permission the following conditions are suggested: |
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |
| 2 | ACA04
ACA04R | Landscaping Scheme - full app no details
Reason A04 |
| 3 | ACA08
ACA08R | Boundary enclosures - implementation
Reason A08 |
| 4 | ACB18
ACB18R | Trees-Arboricultural Method Statement
Reason B18 |
| 5 | ACB19
ACB19R | Trees - App'ment of Arboricultural Super
Reason B19 |
| 6 | ACC01
ACC01R | Satisfactory materials (ext'nl surfaces)
Reason C01 |
| 7 | ACD02
ADD02R | Surface water drainage - no det. submitt
Reason D02 |
| 8 | ACH03
ACH03R | Satisfactory parking - full application
Reason H03 |

- 9 ACH16 Hardstanding for wash-down facilities
 ACH16R Reason H16
- 10 ACH23 Lighting scheme for access/parking
 ACH23R Reason H23
- 11 ACH27 Arrangements for construction period
 ACH27R Reason H27
- 12 ACH29 Construction Management Plan
 ACH29R Reason H29
- 13 ACI02 Rest of "pd" Rights - Class A, B,C and E

Reason: In the interest of the amenities of adjoining residents.

- 14 No windows, other than those shown on the permitted plans shall be inserted in the first floor flank elevations of the houses.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of amenities of adjoining residents.

- 15 Before the development hereby permitted is first occupied, the proposed windows in the first floor flank elevations of the proposed houses shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 16 The strip of land between 22 and 44 Gravel Road shall be retained as undeveloped garden land.

Reason: In the interest of the amenities of the adjacent properties.

- 17 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

- H1 Housing Supply
 H7 Housing Density and Design
 H9 Side Space
 BE1 Design of New Development
 T3 Parking
 T18 Road Safety

Policies (London Plan)

- 4B.1 Design Principles for a Compact City
 4B.3 Maximising the Potential of Sites
 4B.7 Respect Local Context and Communities

PPS3 Housing

D00003 If Members are minded to refuse planning permission the following grounds are suggested:

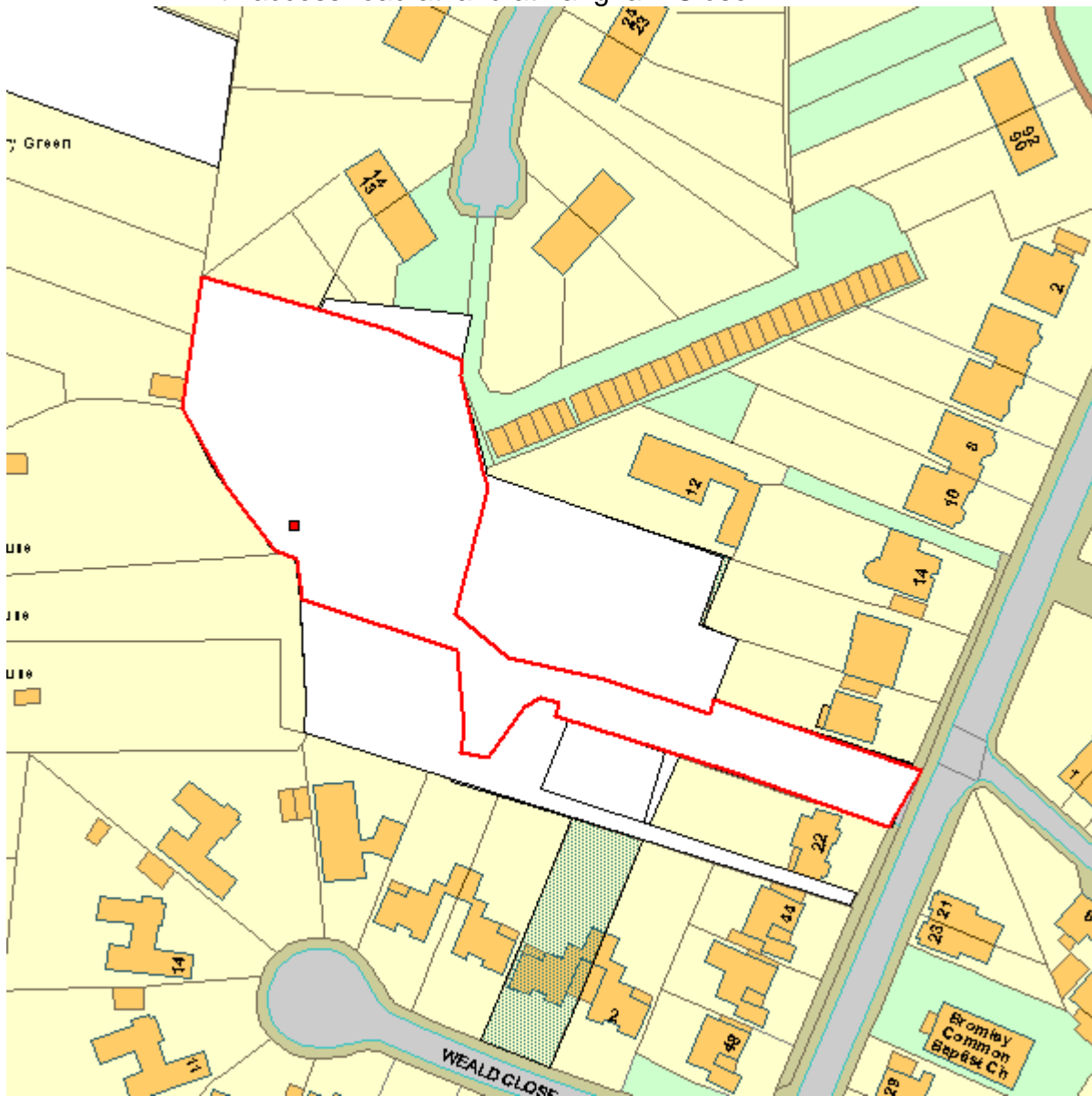
- 1 The proposal, given the positioning and size of the proposed house on plot 5 will have an undue impact on the amenities of the neighbouring properties at Nos 13-16 Trinity Close by reason of loss of outlook, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

- 2 The proposal, given the positioning of the proposed house on plot 4 in relation to the approved house at plot 3 would result in an cramped and awkward relationship harmful to the spatial character of the proposed development and the “Langham Close” scheme as a whole thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

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