

SECTION '2' – Applications meriting special consideration

**Application No :** 11/00278/FULL1

**Ward:**  
**Kelsey And Eden Park**

**Address :** 109 Monks Orchard Road Beckenham  
BR3 3BJ

**OS Grid Ref:** E: 537420 N: 166593

**Applicant :** AvAkAs Holdings Ltd

**Objections :** YES

**Description of Development:**

Three storey detached block comprising 4 two bedroom, 2 three bedroom flats with 8 car parking spaces and access road, (Land to the rear of 107 and 109 Monks Orchard Road)

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding

**Proposal**

This application proposes a detached three storey block comprising 6 self-contained flats with on land to the rear of 109 Monks Orchard Road. Details of the application are summarised as follows:

- The detached block will be measure approx. 19.2m wide x 12m deep and approx 10m in height to the front gable ridge and approx. 5.2m to the eaves (when scaled from the submitted drawings),
- a total of six flats are proposed comprising 2 three bedroom garden flats on the ground floor and 4 two bedroom flats over the first and second floors,
- the building will be positioned towards the rear of the site adjacent to the flank boundary with the neighbouring property of No.88 Eresby Drive to the south,
- the design of the building is over three floors with two front gable features and accommodation in the roof space. Balconies are proposed at first and second floor levels on the rear elevation and at second floor level on the front elevation,
- principal windows to the flats are mainly to bedrooms, kitchens and bathrooms on the front elevation and bedroom, kitchens and lounge areas on the rear elevation. There is only one small ground floor obscure glazed

window to serve an en-suite to each flank elevation of the block. Rooflights are also proposed to both flank roofslopes and 2 centrally positioned to the front and rear elevations,

- access to the site will be from the existing access from Monks Orchard Road situated between 107 and 109,
- a turning area is provided on site and parking for 8 vehicles including 2 disabled parking bays,
- refuse and cycle parking provision is also proposed on site adjacent to the disabled parking bays close to the northern boundary with No.105,
- private amenity space provision is proposed for each three bedroom ground floor flat to the rear of the building and general communal garden space is proposed to the side of the block adjacent to the northern boundary of the site,
- hard and soft landscaping is proposed particularly to provide planting to buffer zones to separate the development from neighbouring boundaries.

## **Location**

The application site comprises land to the rear of Nos. 107 and 109 Monks Orchard Road which has been cleared. The site lies adjacent to Eresby Drive, to the south of the site, and directly abutting High Broom Wood which is designated as Urban Open Space and a Site for Nature Conservation Importance in the UDP. To the north and west of the site are existing two storey properties in Monks Orchard Road and beyond on the opposite side of the road is Bethlem Royal Hospital. There are also a number of TPO trees on and adjacent to the site boundary.

With the exception of the hospital, the area is predominantly residential comprising mainly two storey terraced and semi-detached houses, however permission has recently been granted at No.109 Monks Orchard Road for the extension and conversion of the property into 3 self-contained units which is currently being implemented.

## **Comments from Local Residents**

Letters of objection have been received in respect of the latest plans which are summarised as follows:

- aggressive piecemeal development of the land by the developer,
- the footprint, height, potential levels of occupancy, associated services and car parking allocation severely affects neighbouring properties with unacceptable noise and light spill. Neighbouring properties will be severely overlooked and impacted by the proposed scheme
- density is excessive, out of keeping with the general area and amenity made up of family homes,
- the Council have failed to be consistent in the consultation process and in respect of action against the felling of a TPO tree on site,
- the proposal will result in traffic and congestion with a heightened risk of access with Monks Orchard Road and potential overspill car parking,

- inadequate access for the emergency services
- the proposal has the potential to cause a high carbon impact and possible effect on the virgin plot, adjoining woodland, waterways and wildlife,
- the development constitutes 'garden grabbing' destroying this green space and local wildlife,
- the previous scheme was for key worker housing but this development results in an overdevelopment for the private market with little regard for local residents,
- the amenities of the occupier of No.88 will be affected by overlooking, loss of privacy and noise and general disturbance by construction works if permitted.

### **Comments from Consultees**

No technical objections are raised in respect to the proposal from the Environment Agency, Thames Water or from a Drainage, Waste Services and Highways point of view subject to safeguarding conditions.

Representations have been received from the West Kent Badgers Group who confirms that there was no evidence of badger activity on the surface of the proposed site. However outside of the proposed development area to the rear of No.105 and to the north of the communal gardens there is ample evidence of badger activity. If permission is granted it is advised that a further survey be carried out prior to the commencement of development which could be covered by a planning condition.

With regard to trees on the site, a pine would be a feature of the proposed development. No technical objections are raised in respect of the development and trees on site subject to safeguarding conditions should permission be granted.

### **Planning Considerations**

The proposal falls to be considered primarily with regard to the following policies:

- BE1 Design of New Development
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T18 Road Safety
- NE2 Development and Nature Conservation Sites
- NE7 Development and Trees

London Plan Policy 3A.1 Increasing London's supply of housing  
Policy 3A.3 Maximising the potential of sites

### **Planning History**

There is an extensive planning history relating to this site which is summarised as follows:

Under planning ref. 05/02899, permission was granted on appeal for the demolition of Nos. 105, 107 and 109 Monks Orchard Road and the erection of 3 two storey blocks of self contained and shared key worker accommodation with car parking, cycle and refuse storage. This comprehensive redevelopment scheme comprised 2 two storey blocks on the road frontage and 1 two storey block to the rear of the site adjacent to Eresby Drive. The scheme provides for 16 flats of key worker housing comprising a mix of 8 x 1 bedroom and 8 x 3 bedroom units. Permission was originally refused by the Council on the grounds of inadequate car parking provision which would be detrimental to the free flow of traffic and conditions of general safety.

An appeal was subsequently lodged against the decision which proceeded to a Public Inquiry. In the Inspectors decision notice dated 20th November 2006 the Inspector concluded that the proposed level of on-site parking to be adequate and consistent with the development plan policies and did not consider the proposal would be likely to add significantly to existing levels of on-street parking. The Inspector also considered other matters raised by local residents at the Inquiry relating to the principle of development and its impact upon the living conditions of adjoining owners. The Inspector concluded that the scale and appearance of the buildings would be compatible with the neighbouring houses. Whilst car parking would be introduced towards the middle of the site and building towards the rear, he considered significant areas of green space would be retained along with protected, mature trees. With regard to the impact upon residential amenity, the Inspector considered that No.103 would be most affected by the proposal as light to certain areas of the property would be reduced but the impact would not be sufficiently detrimental to justify dismissal. In addition, appropriate boundary screening and enhanced planting would combine to prevent any overlooking and undue noise and disturbance from neighbouring occupiers.

More recently permission was granted under ref. 10/01926 to extend and sub-divide No.109 into two semi-detached houses. A subsequent permission was granted under ref. 10/03160 to sub-divide one of the semi-detached houses into two flats. As it stands these permissions have been implemented and are nearing completion on site.

Under ref. 10/02576 – permission was refused and subsequently dismissed on appeal for the construction of an additional block to the side of No.109 to provide 3 two bedroom self contained flats, car parking, refuse store and cycle store.

Under ref. 10/03175 – an application is currently pending consideration for a two storey side extension to No.109 Monks Orchard Road to form 1 three bedroom self contained dwelling with associated parking at the rear and residential curtilage. This can also be found on this agenda.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties and highway safety.

The application site comprises garden land which has been severed to the rear of Nos. 107 and 109. The character of the immediate area is that of two storey single dwellings; however permission has been granted for the conversion of No.109 into 3 self contained units. An application under ref. 10/03175 is also pending consideration by the Council for the erection of a two storey extension to the end of No.109, adjacent to the access road to provide a house. If permitted, a total of 4 units could potentially exist at No.109. In addition, Members may note that the scheme allowed on appeal under ref. 05/02899 which granted permission for 3 two storey blocks to provide a total of 16 flats for key workers remains extant until November 2011. Part of the appeal scheme included the siting of a two storey block to the rear of 109. This block was two storeys in height and contained 4 three bedroom flats. The proposed block is now set further back into the site compared to the appeal scheme to share a similar front and rear building line with No.88 Eresby Drive. However, it is now proposed to be three storeys in height resulting in a higher, bulkier and more prominent form of development in relation to its immediate neighbours. The block will be sited approx. 2.1m from the flank boundary with No.88 and a total of 6 flats are proposed including the accommodation at second floor level. Whilst Members will appreciate the extant permission on this site, the recent planning history including works to 107 and 109 have resulted in an incremental approach to developing the site as a whole. Although the number of units on site may be less than the appeal scheme, Members may consider that the development by reason of the amount of building, hardstanding and resultant three storey scale on this plot of reduced size would represent an overdevelopment of the site.

Furthermore, since the determination of the appeal scheme under ref. 05/02899, the determination of the application initially by the Council and then subsequently at appeal, the second deposit draft UDP (then in place) has been revised through its formal adoption in July 2006. No significant change however, has occurred in local planning policy relating to tandem/backland residential development.

Of particular significance is the revision of PPS3 Housing which now excludes private residential gardens from the definition of previously developed land and deletes the national minimum density. The removal of garden land from the definition of "previously developed land" allows local authorities to manage development in residential areas by considering applications on a case by case basis, refusing inappropriate development. Members therefore need to consider the impact of the development on the local context and balance this against the need to make efficient use of land.

Guidance also indicates that LPA's should focus their attention on development plan policies and the material considerations (including national policies) which may have changed significantly since the original grant of permission.

Whilst it is acknowledged that residential development in this backland location has been permitted through the grant of application ref. 05/02899 on appeal, Members will need to consider the recent change in planning guidance, the terms of the appeal decision and the impact of the development locally.

With regard to the impact upon residential amenity, it is acknowledged that the proposed development would introduce built development into an area where at present none exists. The proposed block would however be sited approx. 33m from the rear of No.109 and between 38-40m from the rear of Nos. 105 and 107 and the northern flank wall of the block would be approx. 14m from the rearmost part of the garden to No.103. The block would be reasonably sited away from these properties to the north and west of the site in Monks Orchard Road to not be adversely affected by reason of loss of light and privacy; however the physical presence of the building would be clearly apparent from the rear outlook from these properties.

It is considered that the greatest impact will be to the occupiers of No.88 Eresby Drive. Although the previous Inspector in assessing the appeal scheme under ref. 05/02899 did not consider the scheme to impact adversely on the amenities of neighbouring residents, in this case the proposed block is higher and bulkier and has now been positioned to lie adjacent to the front and rear building line of No.88. As such, the visual impact of building will be clearly experienced from the outlook from this neighbouring property, however given the northern orientation of the flank wall facing the application site, natural daylight to the flank windows to No.88 would not be adversely affected. In comparison with the appeal scheme, the block now proposed includes a greater number of units with large rear balcony areas capable of accommodating tables and chairs etc. Although high level privacy screens are proposed the use of these balcony areas at an elevated level can increase the potential noise and disturbance to the adjoining residents. In addition, the appeal scheme proposed a deep buffer strip of native shrub planting to the rear of the block. In this latest application, the limited space to the rear of the block will be used as private amenity space for the occupiers of the ground floor units. As such, the formal use of this land by future residents would give rise to additional noise and disturbance associated by its use and no provision of a protective buffer of planting is proposed to separate the garden areas with High Broom Wood immediately behind the rear boundary.

With regard to highway matters, access to the site will be via a modified existing vehicular access from Monks Orchard Road. The access road is considered satisfactory in width (approx. 4.1m) to service the development which will run alongside Nos. 109 and 107. In the event that permission could be granted under ref. 10.03175 for the extension to form a new residential unit to the end of No.109, the access arrangement would still be viable. In respect of parking matters, the development is located in an area with low PTAL rate of 2. Eight spaces inclusive of 2 disabled spaces are provided to the rear which is acceptable and secure cycle storage is also proposed to meet the requirements in the UDP.

On balance Members will be aware of the extant planning permission granted on appeal under ref. 05/02899 which at that time accepted the principle of development in this location. However in view of the incremental planning history of developing the site and recent changes to guidance at national level, Members may consider that the proposed development in comparison with the appeal scheme represents a cramped overdevelopment out of character with neighbouring development and detrimental to local and visual amenity.

Background papers referred to during production of this report comprise all correspondence on files refs. 05/02899, 10/01926, 10/02576, 10/03175, 10/03610 and 11/00278, excluding exempt information.

as amended by documents received on 07.03.2011

**RECOMMENDATION: PERMISSION BE REFUSED**

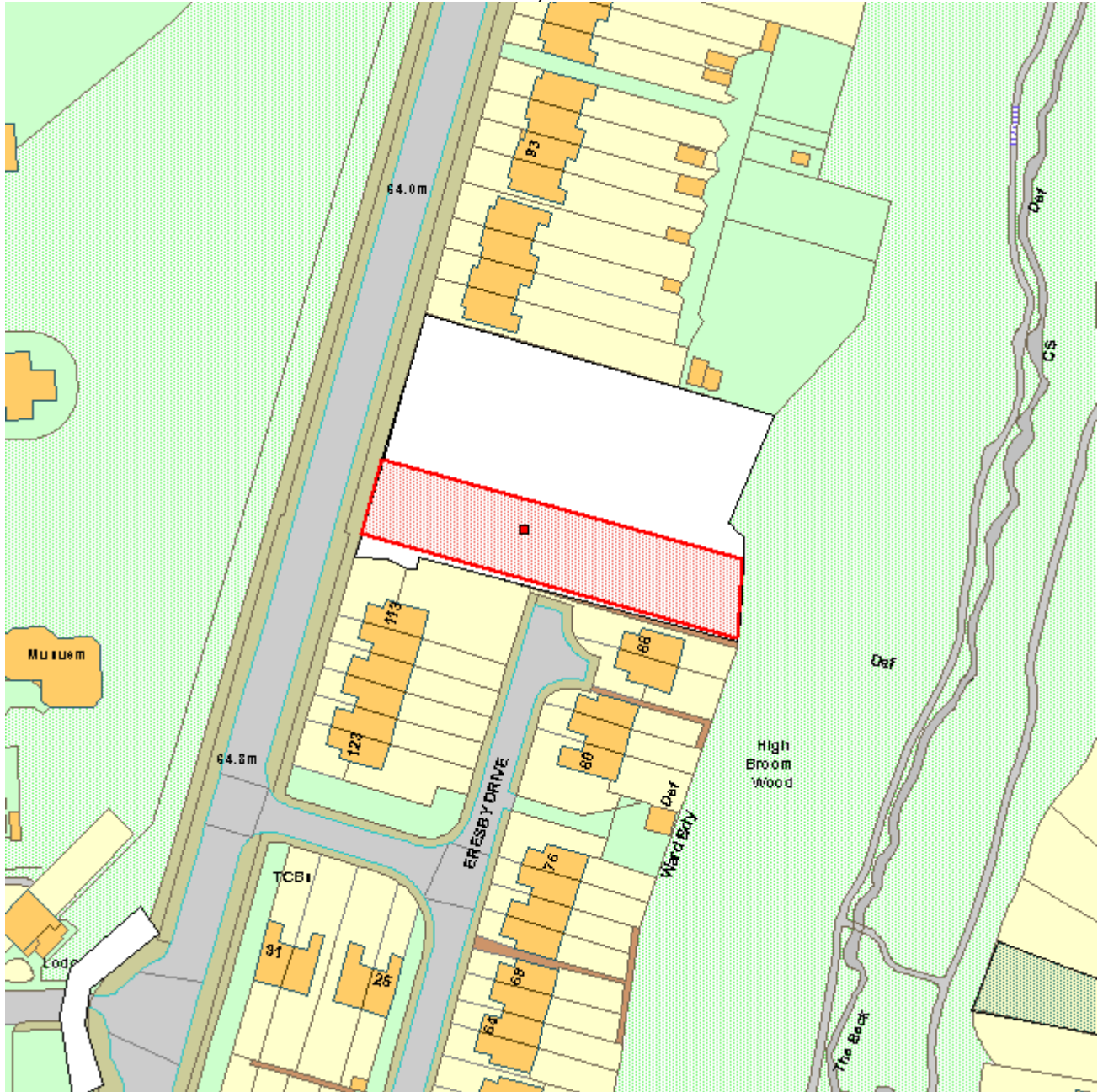
The reasons for refusal are:

- 1 The proposed development by reason of its size, bulk, height and prominence, would result in a cramped overdevelopment of the site on land which is not previously developed resulting in the loss of garden land out of character with the existing pattern of development thereby contrary to Policies H7 and BE1 of the Unitary Development Plan and PPS 3.
- 2 The proposal by reason of its size, bulk, height and siting would constitute an unacceptable form of backland development detrimental to the amenities of the occupiers of neighbouring properties by reason of visual intrusion and general noise and disturbance thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

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