

SECTION '2' – Applications meriting special consideration

Application No : 11/01180/EXTEND

Ward:
Kelsey And Eden Park

Address : Little Orchard Overbury Avenue
Beckenham BR3 6PZ

OS Grid Ref: E: 538104 N: 169053

Applicant : West Register (Realisations) Ltd

Objections : YES

Description of Development:

Extension of time limit for implementation of permission ref: 07/01762 (allowed on appeal) for demolition of the existing dwelling and erection of 6 x three bedroom town houses (comprising 2 blocks) and 1 two bedroom chalet bungalow with associated parking

Key designations:

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

Proposal

This application (received on 14th April 2011) seeks an extension to the time limit for implementation of an extant planning permission granted on appeal under ref. 07/01762 for the demolition of the existing dwelling and erection of 6 three bedroom town houses (comprising 2 blocks) and 1 two bedroom chalet bungalow with associated parking.

There is no change to the plans previously granted on appeal by decision notice dated 25th April 2008.

The proposed development is summarised as follows:

- Access to the site is via an existing access drive off of Overbury Avenue,
- The scheme comprises two separate blocks of 3 three storey town houses with integral garages and surface car parking. The design of these properties is similar to those recently constructed adjacent to the site on the former Overbury Court site,
- The properties are orientated so that the rear elevations and boundary face the rear of properties in Oakhill Road,

- Each property has its own private rear garden which ranges in depth between 9-14m,
- The proposed chalet bungalow with integral garage will be located in the eastern corner of the site with its flank walls facing the rear boundaries of properties in Overbury Avenue and Oakhill Road.

Location

The area is predominantly residential in character although it does not lie within a conservation area or an Area of Special Residential Character. The area contains a wide mix of two and three storey dwellings and blocks of flats of three and four storeys in height.

The application site comprises Little Orchard which is a bungalow in a large, irregularly shaped garden set to the rear of properties fronting Overbury Avenue. Access is via a long private drive between the former Overbury Court and Wilton Place.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received from the owners of neighbouring properties in Oakhill Road and Overbury Avenue which can be summarised as follows:

- The original application showed the development at 12 Kemerton Road as being a long way from this site but the scheme now being built in Kemerton Road is much closer to the common boundary with properties in Oakhill Road creating a solid wall of buildings,
- The development would change the character of the area with increased density and noise and disturbance,
- Scheme represents an overdevelopment,
- Properties in Oakhill Road will be overlooked,
- The access road is limited for the amount of dwellings it would serve and it is shared with new development in Overbury Road which will result in increased noise and disturbance by its associated use with greater traffic,
- Emergency access is impossible,
- Noise and disturbance from construction,
- Devaluation of property,
- Wrecking an existing environment and detrimental impact on local wildlife.

Comments from Consultees

From a highway point of view concerns have been raised regarding the access road, its tight bend and visibility, however given the application was previously allowed on appeal, highways do not object.

Highways Drainage: details of surface and foul water drainage should be provided.

No technical objections are raised in respect of trees on/adjacent to the site.

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
NE7 Development and Trees

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

PPS 3 Housing

Planning History

Under ref. 07/01762 – permission was granted on appeal for the demolition of the existing bungalow and six 3 bedroom town houses and one 2 bedroom chalet bungalow with associated parking.

Under ref. 07/04255 – permission was allowed on appeal for the demolition of the existing dwelling and erection of 2 terraced blocks each comprising 3 three bedroom houses and 1 four bedroom town house (total of six units) with associated parking.

Under ref. 11/01183 permission is sought to extend the time limit to implement the scheme allowed on appeal under ref. 07/04255 which can also be found on this agenda.

Conclusions

The main issues relating to the application are whether any significant change has occurred with regard to planning policy or other material considerations which would affect the acceptability of the proposal on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

It should be noted that recent changes to PPS 3 – Housing (June 2010) contained in Annex B of the guidance now specifically excludes land in built up areas forming private residential garden land within the definition of previously developed land. The revision also included deletion of the minimum density of 30 dwellings per hectare. However, the revised guidance does not exclude development on such land but makes it clear that it is now for local authorities and communities to take the decisions which they consider are the best for them and decide for themselves the best locations and types of development. 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.

National guidance advises that LPA’s should take a positive and constructive approach towards applications that improve the prospect of sustainable development coming forward quickly. The development proposed will by definition have been judged to be acceptable in principle at an earlier date and this is an important consideration. 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.

In this case it is considered that at the time of the assessment of the planning appeal and subsequent to the grant of permission (April 2008) there has been no change in local planning policy relating to tandem/backland residential development and at national level the changes do alter the emphasis but do not preclude such development.

At the time of the assessment of the appeal under ref. 07/01762, the Inspector was mindful of the relevant policies of the adopted UDP and the neighbouring development sites in proximity to Little Orchard including the redevelopment of Overbury Court (Overbury Avenue, adjacent to the access to Little Orchard) to provide 4 four storey town houses facing Overbury Avenue and 5 three storey town houses in the rear third of the site (partially implemented). The Inspector was also mindful of potential development at 12-14 Kemerton Road to the north west boundary of the site where outline permission had at the time been granted (on appeal, ref. 06/00157) for a 3 storey block of flats. It is acknowledged that since that time, the development scheme has been revised to provide a block of 14 flats (allowed on appeal under ref. 07/04661) which shows the block slightly closer to the boundary with properties in Oakhill Road and with a larger footprint compared to the earlier permission under ref. 06/00157.

The Inspector concluded in the appeal under ref. 07/01762 that it would not harm the character and appearance of the area nor would it give rise to highway dangers and the development could be adequately serviced. Impact upon local residential amenity was not considered an issue and the appeal was allowed subject to conditions.

It is acknowledged that objections have been raised by local residents in respect of the extension of permission with regard to the change in the local environment i.e. construction works at Overbury Court and Kemerton Road, overdevelopment of the site, noise and disturbance, overlooking however no change is proposed to the plans approved under ref. 07/01712 and nor has the direct relationship between the application site, and the adjacent properties in Overbury Avenue and Oakhill Road.

In light of the above and given that there are no changes proposed to the scheme previously allowed on appeal under ref. 07/01762, Members will therefore need to consider the recent change in national planning guidance, the terms of the appeal

decision and the impact of the development locally. Given that the Inspector carefully considered the impact of the development locally and concluded that there was no breach of local policy, the following is recommended.

Background papers referred to during production of this report comprise all correspondence on file ref(s). DC/07/01762, DC/07/04255, DC/11/01180 and DC/11/01183 excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1ACA01 Commencement of development within 3 yrs

ACA01R A01 Reason 3 years

2ACC01 Satisfactory materials (ext'nl surfaces)

ACC01R Reason C01

3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels, pedestrian access and circulation areas; hard surfacing materials, retaining walls and plant species, plant size and proposed locations.

ACA04R Reason A04

4 All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

ACA04R Reason A04

5 None of the proposed terraced town houses shall be occupied until the means of vehicular access and parking have been laid out and surfaced in accordance with the approved details and the parking and access shall thereafter be retained.

ACH05R Reason H05

6 Notwithstanding what is shown on the approved plans, no development shall take place until details of the design and location of a communal enclosure for refuse and recyclable materials have been submitted to and approved in writing by the local planning authority. The enclosure shall be provided before any of the dwellings are occupied in accordance with the approved details and thereafter be retained.

ACH18R Reason H18

7 No development shall take place until details of a contractor's compound to include space for the storage and unloading of materials and the parking of contractor's vehicles have been submitted to and approved in writing by the local planning authority. The contractor's compound and space for the storage and unloading of materials and the parking of vehicles shall be available for their specified purposes in accordance with approved details for the duration of construction or as otherwise specified in the approved details.

ACH27R Reason H27

8 No development shall take place until details of the slab floor levels of the proposed buildings have been submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with approved slab floor levels.

ACK05R K05 reason

9 No development shall take place until details of surface water drainage and flow attenuation measures have been submitted to and approved in writing by the local planning authority. The approved drainage details shall be implemented in full before any of the dwellings are occupied.

To ensure a satisfactory means of surface water drainage and to accord with Policy ER13 of the Unitary Development Plan

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed above ground floor level on the north eastern and south western flank walls of terrace T2.

ACH03R Reason H03

11 Reasons for granting permission:

In granting permission the local planning authority had regard to the following policies:-

The relevant policies of the Bromley Unitary Development Plan are BE1, H7, T3, T18, NE7

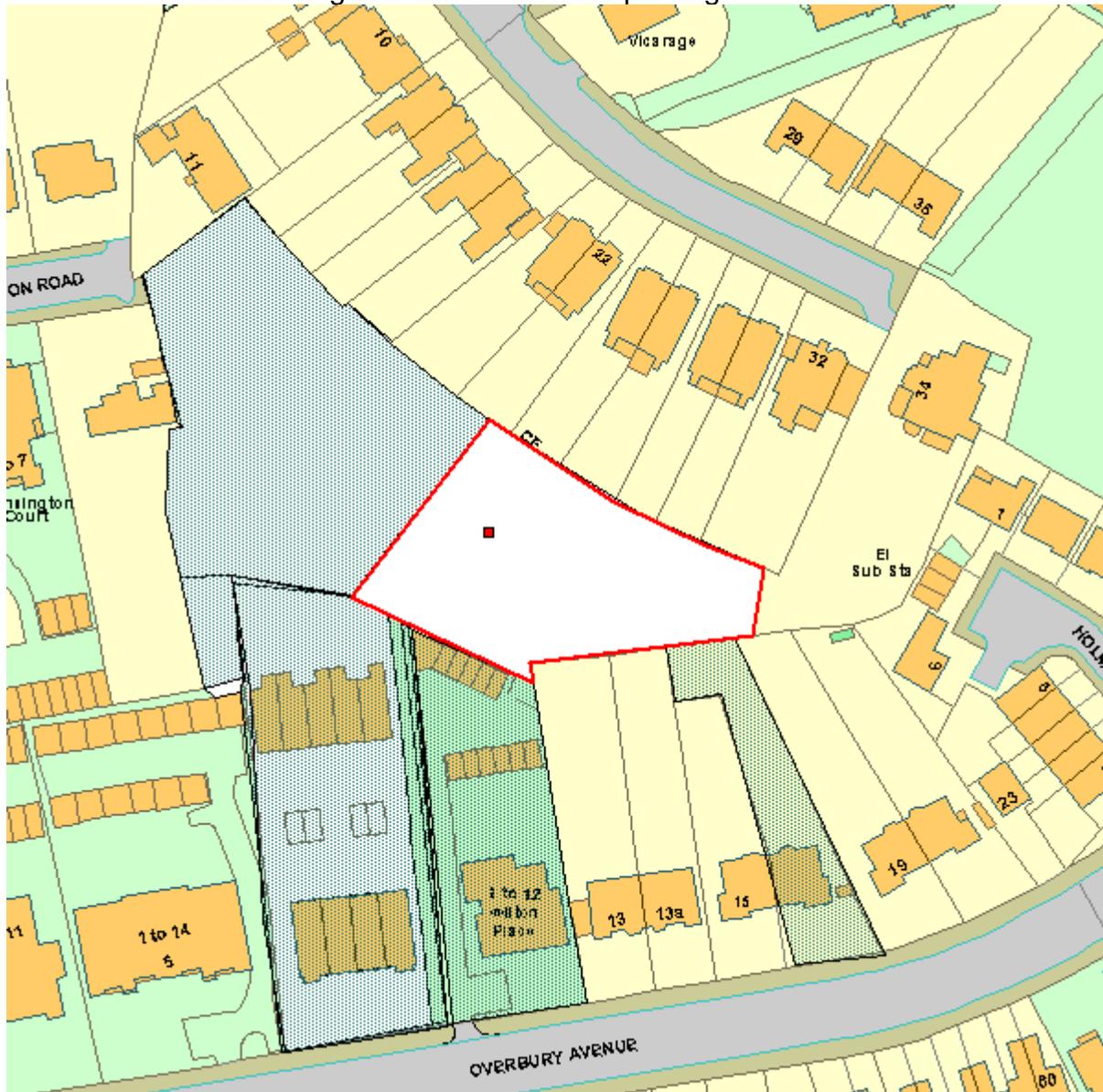
The development is considered to be satisfactory in relation to the following:-

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the safety of pedestrians and motorists on the adjacent highway
- (f) the provision of satisfactory living accommodation for future residents
- (g) the employment, housing, transport and environmental policies of the UDP and having regard to all other matters raised.

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