

**Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 11/01172/FULL1

**Ward:**  
**Farnborough And Crofton**

**Address :** 39 Oregon Square Orpington BR6 8BH

**OS Grid Ref:** E: 544741 N: 165978

**Applicant :** Direct Build Services Limited

**Objections : YES**

**Description of Development:**

Demolition of Nos. 39 and 41 Oregon Square and retention of No 43 and erection of 8 dwellings with associated access road and parking spaces (Revisions to permission ref 07/02206 allowed on appeal including increased size of dwellings on Plot 1-4 with amendments to garden layouts, and amended siting of plot 5.)

Key designations:

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

**Proposal**

It is proposed to demolish Nos. 39 and 41 and erect a total of 8 dwellings on the site, 6 of which would be semi-detached and the other 2 detached, and would comprise a mixture of bungalows with accommodation in the roof at the front of the site, and two storey dwellings towards the rear.

The proposals are similar to a scheme which was allowed on appeal in 2008 (ref.07/02206), but the dwellings on Plots 1-4 have been enlarged in order to allow full disabled access on the ground floor, with carers accommodation on the first floor, and the dwelling on Plot 5 has been moved 1m further away from Plot 4 in order to accommodate the wider disabled parking spaces required for Plots 3 and 4 - A secure covered space is provided in the rear gardens of Plots 1-4 for the storage of mobility scooters - Plots 6-8 remained unchanged from the permitted scheme.

**Location**

Oregon Square is largely characterised by semi-detached bungalows, the exceptions being 6 two storey detached houses on the northern side of the Square and a number of detached bungalows.

The proposed site measures 0.2673ha and comprises the complete curtilages of Nos. 39 and 41 Oregon Square and a large part of the rear garden of No.43. It forms a corner plot and backs onto the long rear gardens of houses on Crofton Road to the south and Crofton Lane to the west.

## **Comments from Local Residents**

A number of letters of objection have been received from nearby residents, although they largely relate to the principle of the development which has already been granted on appeal. Further points raised are summarised as follows:

- Loss of light, privacy and prospect to neighbouring properties and gardens
- Hazardous access
- Inadequate parking provision
- Noise and disturbance from building works
- Recent Government advice (PPS3) re-classifies rear gardens as Greenfield rather than brownfield sites and should not, therefore, be built on
- Poor design of front elevations of Plots 1 and 2, out of character with Oregon Square
- Revised scheme would bring new dwellings closer to No.37
- Detrimental impact of moving Plot 5 closer to a cypress tree in the rear garden of No.118 Crofton Road
- Plots 1-4 should be restricted to use by disabled people.

## **Comments from Consultees**

Highways comment that the revisions do not affect any highways issues, but suggest that as the current refuse vehicles are 10.3m in length, the permitted turning head may be a bit tight, and it would be advantageous if this could be improved, therefore a condition requiring details of the turning head to be approved is suggested.

No significant trees are considered to be affected by the proposals.

Crime Prevention suggest that a “secure by design” condition be added.

No drainage concerns are raised, and Thames Water have raised no objections.

The Environment Agency request a condition requiring a remediation strategy should any site contamination be found.

## **Planning Considerations**

BE1 Design of New Development  
H7 Housing Density and Design  
T3 Parking  
T11 New Accesses

## **Planning History**

Recent applications for residential development on the Oregon Square part of the site are summarised as follows:

Permission was refused in 2004 for two schemes (refs: 03/04442 and 04/04442) comprising 9 three bedroom terraced houses and 2 three bedroom semi-detached houses, and the appeals were dismissed in 2005, wherein the Inspector did not find that the schemes were overintensive, nor that backland development was unacceptable in principle, but considered that two storey terraced housing would appear out of character in the street scene which contains low-rise buildings. He also considered that both schemes would have a seriously detrimental impact on the amenities of the occupiers of No.37 Oregon Square through loss of privacy to and outlook from the rear garden of this property.

Permission was refused in 2005 (ref.05/01878) for a smaller scheme of 9 dwellings, and the subsequent appeal was dismissed in April 2006, due to the detrimental impact of the dwellings on Plots 5 and 9 on Nos.37 and 43 Oregon Square respectively. However, he did consider that the visual impact of the scheme was acceptable in the street scene and that the variety of house types and heights (lower on Oregon Square and higher towards the rear) resulted in a good design solution, and would not harm the character and appearance of Oregon Square.

Most recently, permission was refused in 2007 (ref.07/02206) for a scheme of 7 dwellings, but was allowed on appeal in July 2008. This permission is still extant until 15th July 2011.

## **Conclusions**

The main issues in this case are the impact of the amendments to the scheme granted on appeal on the amenities of neighbouring properties, and on the character and appearance of the surrounding area.

The development of this land for residential purposes has already been established on appeal, and the changes to government policy contained in PPS 3 do not preclude the residential development of garden land per se, but state that such land no longer has the same priority for development. Council's are still required to consider favourably schemes which make effective use of land.

With regard to the impact of the proposals on the street scene, the changes to the front elevation of the dwellings on Plots 1 and 2 which face Oregon Square are minimal, and the slight increase in the size of the dwellings proposed on Plots 1-4 which entail an overall increase of approximately 9sq.m. over the two floors of each dwelling, would not have a detrimental impact on the character and appearance of the surrounding area.

The revised dwelling on Plot 1 would project approximately 0.8m further to the rear, and would thus project approximately 2.7m beyond the rear elevation of the adjacent dwelling at No.37 Oregon Square, which is not considered to have an unduly harmful impact on the outlook and amenities of the adjoining occupiers. Furthermore, the proposed store for the mobility scooter is positioned adjacent to the garage at No.37 to prevent any loss of amenity.

The dwellings on Plots 3 and 4 would project closer to the rear boundaries with the rear garden of No.37, however, no first floor rear windows are proposed, therefore, no additional overlooking would occur, and the impact of these changes would be limited.

The re-positioning of the dwelling on Plot 5 would not adversely affect the spatial standards of the area, nor harm the amenities of any adjoining residents.

The revised proposals are, therefore, considered acceptable subject to safeguarding conditions.

Background papers referred to during production of this report comprise all correspondence on file ref(s). DC/03/04442, 04/01808, 05/00014, 04/04823, 05/01878, 07/02206 and 11/01172, excluding exempt information.

### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1ACA01 Commencement of development within 3 yrs
- ACA01R A01 Reason 3 years
- 2ACA04 Landscaping Scheme - full app no details
- ACA04R Reason A04
- 3ACA07 Boundary enclosure - no detail submitted
- ACA07R Reason A07
- 4ACC01 Satisfactory materials (ext'nl surfaces)
- ACC01R Reason C01
- 5ACH03 Satisfactory parking - full application
- ACH03R Reason H03
- 6ACH08 Details of turning area
- ACH08R Reason H08
- 7ACH15 Grad of parking area or space(s) (2 in) parking spaces and  
associated manoeuvring areas 1 in 10
- ACH15R Reason H15
- 8ACH16 Hardstanding for wash-down facilities
- ACH16R Reason H16
- 9ACH17 Materials for estate road
- ACH17R Reason H17
- 10ACH23 Lighting scheme for access/parking
- ACH23R Reason H23
- 11ACH27 Arrangements for construction period
- ACH27R Reason H27
- 12ACH32 Highway Drainage  
To ensure a satisfactory means of surface water drainage and to accord with  
Policy ER13 of the Unitary Development Plan
- 13ACI02 Rest of "pd" Rights - Class A, B,C and E
- ACI03R Reason I03
- 14ACI21 Secured By Design
- ACI21R I21 reason

15 No dwellings shall be occupied until that part of a sightline of 2.4m x 90m which can be accommodated within the site shall be provided in an easterly direction from the site, and with the exception of trees selected on or on behalf of the Local Planning Authority, no obstruction to visibility shall exceed 1.0m in height in advance of this sightline, which shall be permanently maintained as such.

ACH10R Reason H10

16 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/dormer windows other than those expressly authorised by this permission shall be constructed on the flank elevation of Plot 1 and the rear roof elevations of Plots 3, 4 and 5.

ACI12R I12 reason (1 insert) BE1

17 If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

ACK09R K09 reason

18 Reasons for granting permission:

BE1 Design of New Development

H7 Housing Density and Design

T3 Parking

T11 New Accesses

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

(a) the visual impact on the surrounding area

(b) the impact on the amenities of the occupiers of nearby residential properties

(c) the relationship of the development to trees

and having regard to all other matters raised, including neighbours concerns.

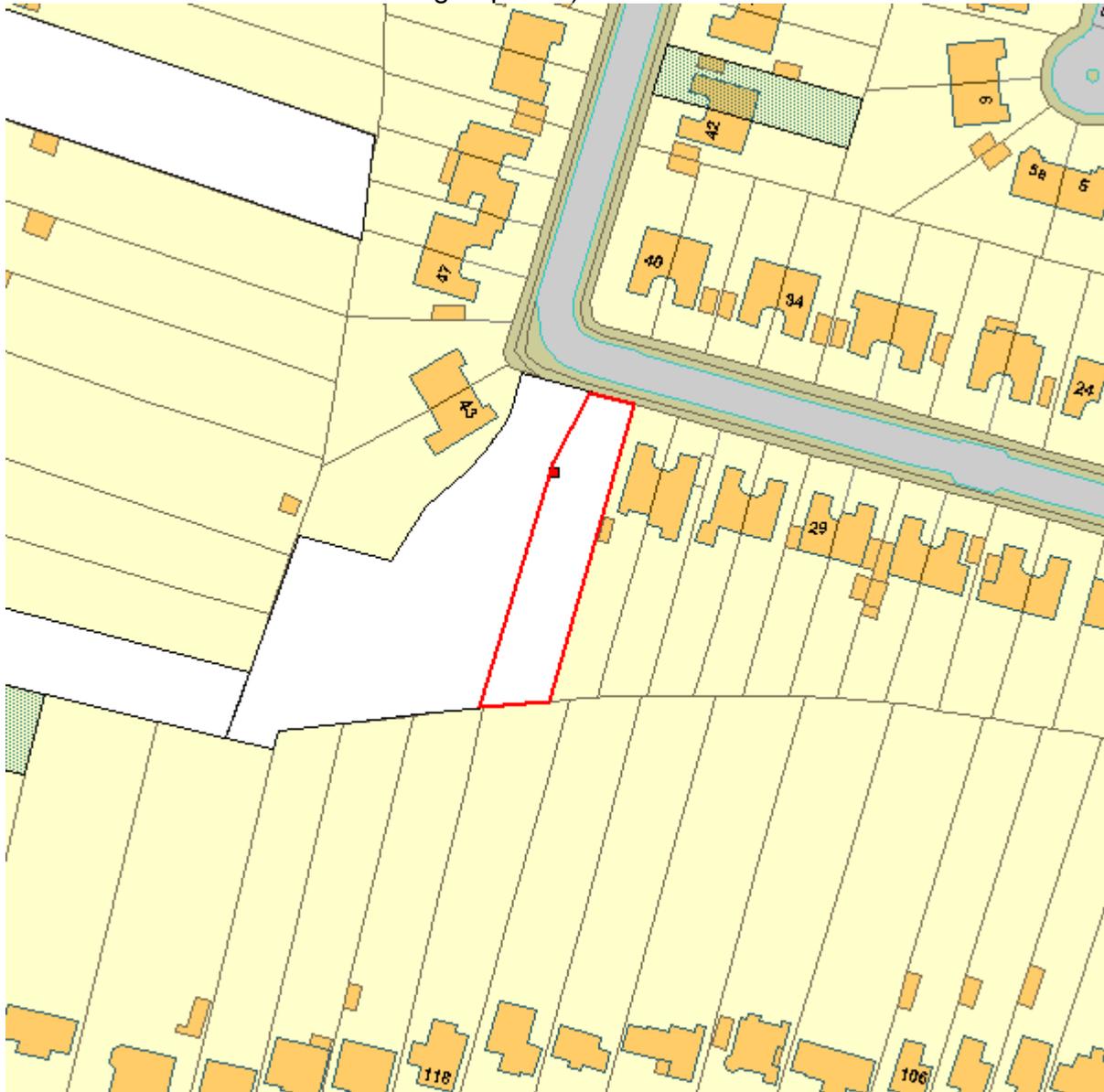
INFORMATIVE(S)

1 RDI16

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