

**Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS**

**Application No : 15/01673/FULL1**

**Ward:  
Bromley Town**

**Address : Billingford Elstree Hill Bromley BR1 4JE**

**OS Grid Ref: E: 539378 N: 170463**

**Applicant : Mr E Ozdemir**

**Objections : YES**

**Description of Development:**

Demolition of existing dwelling and construction of part two/three storey block comprising 4 x two bedroom and 1 x one bedroom flats, parking, cycle storage, landscaping and refuse area

Key designations:

Biggin Hill Safeguarding Birds Aldersmead Road  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Smoke Control SCA 3

**Proposal**

The application proposes the demolition of the existing detached dwelling and the erection of a replacement building which would be 4 storeys high, including a basement level. The building would provide 4 two bedroom flats and 1 one bedroom flat.

The proposed flattened block would be sited in roughly the same position as the existing dwelling and would occupy a similar footprint to the existing dwelling, including the existing single storey elements at the front, side and rear, although it would be sited approx. 0.5m closer to the boundary with No. 27.

The block would be irregular in shape, incorporating a multi-pitched roof. The ridge would be of a similar height to the existing ridge, albeit longer. New retaining walls would be constructed to address the sloping site and accommodate the basement level, and five car parking spaces would be provided to the east of the proposed block arranged around an area of hardstanding.

**Location**

The application site lies in an elevation position in a prominent corner plot at the junction of Elstree Hill with Kirkstone Way.

The area is characterised by a variety of predominantly detached dwellings ranging from modest single storey dwellings to larger detached houses. The plots vary in size and shape and the topography of the land falls from north to south-west resulting in an interesting and varied street scene.

The road is unmade and the properties in the street lie within an attractive suburban woodland setting. The site measures approx. 0.09 hectares and is bounded to the north by 'Yew Tree Lodge' which is a two storey dwelling. A narrow vehicular access way (Kirkstone Way) separates the two sites. To the west 'The Chalet' is a modest bungalow which falls within 2.5m of the shared boundary. No. 27 Elstree Hill is a two storey dwelling which is located to the south-western boundary of the application site and sits within one of the smaller plots with a rear garden with a depth of approx. 7m. This garden and the dwelling are set at a significantly lower level than the existing application dwelling.

The application site is irregular in shape and comprises a higher section which hosts the main building/hardstanding area and the lower garden section accessed via steps down from the main dwelling.

## **Consultations**

A number of local objections were received in response to the local notification process. The concerns raised may be summarised as follows:

- Overdevelopment of the site
- The building would not be imaginative or attractive to look at
- The building would be out of scale with neighbouring buildings
- The development would be clearly visible from Elstree Hill for much of the year
- There is no provision for visitor parking which would result in an overflow onto Elstree Hill
- Elstree Hill is part of the Green Chain Walk and the road has a pleasant feel
- The amount of garden space would be inadequate for the development as so much of the plot would be covered by buildings and hard surfaces
- The increased height, width and bulk of the block of flats would result in a loss of privacy and outlook to neighbouring dwellings
- Would result in overshadowing, loss of daylight, sunlight and sky views
- The proximity of the refuse and cycle storage areas to the boundaries of the site would result in noise and disturbance
- There would be a proliferation in satellite dishes associated with a flatted use rather than the existing dwelling
- The development of flats would be out of character with the surrounding area
- The proposal would have an adverse impact on the protected lime tree which screens the site from neighbouring dwellings
- The proposal includes the removal of trees which would expose the development to Elstree Hill
- Planning permission was previously refused for a single storey side and rear extension because of the impact on neighbouring property so the erection of a 4 storey block would be unacceptable

- Planning permission was previously refused for the retention of boundary wall/fence/gates/piers on the grounds that the proposal would be detrimental to the visual amenity of the street scene
- The development would be clearly visible from the surrounding area and would be out of character
- Removal of existing shrubs and trees would be detrimental to the semi-rural appearance of Elstree Hill
- Impact on pedestrian safety and right of way to other properties in Kirkstone Way
- The current proposal does not improve on the previously refused scheme
- Would set a precedent for future similar development

### Highways

From a technical highways perspective, since no highways objections were raised in respect of the previous application, it is not possible to raise objections with regards to the current proposals. The site lies in an area with a low PTAL score of 1b. The level of 5 cycle parking spaces would not meet the standard set out in the London Plan of 2 spaces per 2 bed unit and 1 space per 1 bed unit. Revised plans should be submitted detailing the additional spaces unless this can be addressed by condition.

Pedestrian and vehicular access are both proposed along a private road, Kirkstone Way and it is not clear whether this is in the applicant's control. This is an important issue as any permission may not be capable of implementation if the applicant cannot demonstrate a right of access over the road or the owner of the road does not grant access rights. It is also relevant in terms of the road's appropriateness for pedestrian access given its nature and the lack of lighting. It is desirable from a highways perspective that Kirkstone Way be lit as far as the proposed pedestrian access and if the land.

### Thames Water

There are no objections to the proposal with regards to the sewerage and water infrastructure capacities.

### Environmental Health

There are no objections in principle to the development, although informatives are suggested.

### Drainage

No objections were raised in respect of the previous proposal, subject to conditions. There is no public surface water sewer close to the site and surface water will therefore have to be drained to soakaways.

### Trees

From a trees perspective, the comments received in respect of the previous application stated that the trees in that case, which followed a similar footprint, albeit with the exception of the lower ground floor currently proposed, would not have been directly affected by the proposal. Any additional comments received in relation to trees will be verbally updated.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

BE1 Design of New Development  
H7 Housing Density and Design  
H9 Side space  
NE7 Development and Trees  
T18 Road Safety

SPG1 General Design Principles  
SPG2 Residential Design Guidance

In addition, the NPPF is a material consideration in the determination of the proposals, as are London Plan Policies including but not exclusively Policy 3.5 and Policy 7.4.

### **Planning History**

Under ref. 08/00065 retrospective planning permission was refused for a single storey side and rear extension. The application was refused for the following reason:

"The proposal would be over-dominant and would be detrimental to the amenities of the occupiers of No. 27 Elstree Hill and that which they might reasonably expect to be able to continue to enjoy by reason of visual impact, overlooking and loss of privacy in view of its size and depth of rearward projection on this elevated site; contrary to Policies BE1 and H8 of the Unitary Development Plan."

Under ref. 08/00879 planning permission was granted for the retention and modification of the boundary wall/fence and entrance gates and piers, with a time limit of approx. 2 months given for compliance imposed by planning condition. This time limit was not complied with and the permission expired.

Under ref. 08/04155 planning permission was sought for an amended proposal to that approved under ref. 08/00879, with a greater height overall. This was refused for the following reason:

"The boundary enclosure, by reason of its excessive height, represents an inappropriate form of enclosure, detrimental to the visual amenity of the streetscene and of the character of the area, thereby contrary to Policies BE1 and BE7 of the Unitary Development Plan."

Under planning ref. 08/00879 modification/ part retention of boundary wall fence and entrance gates was granted permission.

Planning permission was subsequently granted for Under planning ref. 09/03300 for a scheme similar to that granted permission under ref. 08/00879.

Under ref. 12/03024 outline planning permission was refused for the demolition of the existing dwelling and replacement with a block of 4 x 2 bed and 3 x 1 bed flats including provision of a new access. The reasons for refusal related to the scale and bulk of the development and the overintensive use of the site adversely impacting upon the character and pattern of development in Elstree Hill. The height and scale of the proposal was considered unacceptable in terms of the impact on the residential amenities of neighbouring residents.

A subsequent appeal against the refusal was dismissed under ref. APP/G5180/A/13/2198830. With regards to the impact of the proposal on the character and appearance of the area, the Inspector found that the disproportionate increase in the scale and bulk of the development would be apparent from public vantage points. The proposed two storey plus loft accommodation across the full width of the Elstree Hill elevation would have compared unfavourably with the existing elevation which incorporates single and two storey elements which break up the bulk of the building.

The ridge height was also considerably higher than the existing dwelling, and the south elevation of the building would have had a dominating effect on views along Elstree Hill and particularly with reference to No. 27. The proposed building was considered to be out of proportion with both Yew Tree Lodge and 27 Elstree Hill and would therefore have had a harmful effect on the character and appearance of the area.

The Inspector further considered that the appeal site could at best be described as suburban in the context of the density table of the London Plan, which would suggest a density range of 77.8 units per hectare.

With regards the impact of the proposal on the residential amenities of neighbouring dwellings, the Inspector found that the significantly harmful impact would be upon No. 27 Elstree Hill, stating:

"The rear garden, dining room and bedroom windows of 27 Elstree Hill face the appeal site. The outlook from the rear of this house is already constrained by the sizeable difference in levels between the two properties, as well as fencing and planting. This makes the outlook which is available particularly sensitive to change." The Inspector considered that compared with the existing building, the appeal proposal would have added significantly to the height and bulk of built development facing the neighbouring properties which would have had an oppressive impact and would have curtailed the occupiers' views to the sky.

## **Conclusions**

From a technical highways, drainage and environmental health perspective, the proposal would appear to meet with the required standards. However, as with the previous application, while this gives an indication of the acceptability of specific aspects of the scheme, it does not automatically render the proposals acceptable.

In terms of ground floor footprint, the proposal would broadly share the footprint of the existing dwelling, although it is important to note that the flank elevation of the proposed building would be sited closer to the boundary with No. 27 Elstree Hill and that the existing building incorporates substantial single storey elements.

The proposed building would provide a more significant bulk above ground floor level and, for instance, the existing single storey study on the southern elevation would be replaced by a two storey element incorporating a lower ground floor. While the two storey element incorporates a reasonably deep pitched roof the bulk of the building would be significantly greater than existing, and closer to No. 27. This is of particular concern taking into account the Inspector's previous reasoning relating to the sensitive relationship between the site and the neighbouring property. The existing relationship between the dwellings results in No. 27 Elstree Hill having a constrained outlook. While the proposal represents a limited improvement over the previous application, it is not considered that it overcomes the previous concerns regarding residential amenity. The height and bulk of the proposed building would make an already delicately balance relationship between the dwellings worse.

With regards to the impact of the proposal on the character and appearance of the area, while the roof accommodation proposed under the previous application has been deleted, the actual ridgeline of the roof is only slightly lower than the previous proposal. The general bulk and width of the building when viewed from Elstree Hill remains uncharacteristic in the context of the surrounding area, and in terms of the front to rear depth of the building and its appearance viewed from the very narrow Kirkstone Way, the proposals are little changed.

It is acknowledged that the bulk of the previously proposed front gable has been replaced by a more modest hipped roof, although the multiple hips and staggered gables/single storey/catslide elements presents a quite complicated appearance of this corner plot, with the main bulk concentrated on the corner of Elstree Hill and the narrow roadway at Kirkstone Way.

The concerns raised by the Inspector in relation to the juxtaposition of the previously proposed building and the height of Yew Tree Lodge, in addition to the comparison between the existing building and that proposed remain relevant to the assessment of this proposal. Similarly, concerns raised in respect of the previous proposal in terms of the proportion of the site covered by the building and hardsurfaces, expressed in terms of the excessive scale and over-intensive use of the site have not been adequately overcome by the revised proposals.

On balance, the proposed development would have a detrimental impact on the residential amenities of the neighbouring property, appearing visually intrusive and overbearing, taking into account the already sensitive relationship between the dwellings. Furthermore, while the roof accommodation has been deleted and the

number of flats reduced from 7 to 5, the concern regarding the impact of the proposal on the visual amenities of the street scene and the residential character and distinctiveness of the area remains.

## **RECOMMENDATION: APPLICATION BE REFUSED**

The reasons for refusal are:

- 1 The proposal, by reason of its bulk and siting in relation to the neighbouring residential dwelling would have a seriously harmful impact on the residential amenities that the occupiers of that property might reasonably expect to continue to enjoy, resulting in an overbearing and unacceptable visual impact, thereby contrary to Policy BE1 of the Unitary Development Plan, Supplementary Planning Guidance, Policies 3.5 and 7.4 of the London Plan and the NPPF.**
  
- 2 The proposal would, as a result of its excessive bulk and scale, result in a visually dominant and overbearing form of development which would be out of character with the prevailing form of development in Elstree Hill and harmful to the distinctive residential character of the area, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan, Supplementary Planning Guidance, Policies 3.5 and 7.4 of the London Plan and the NPPF.**