

Planning Design and Access Statement 74 Madeira Avenue, Bromley

Demolition of Existing Bungalow and Erection of a Pair of Semi Detached Houses

1. Introduction

This application proposes to demolish the existing bungalow and replace it with a pair of semi detached houses.

The result is a development in character with Madeira Avenue, a road in which there are many other semi detached houses including the properties immediately adjoining the application site.

2. Site and Context

The application site is located on the north-east side of Madeira Avenue, Bromley. The site slopes upwards with the rear garden currently accessed by climbing several steep steps. The rear garden contains mature trees and landscaping.

There is an existing bungalow on the site although the bungalow is tired and has reached the end of its useful life. The property is not within a Conservation Area, or Area of Special Residential Character in the development plan.

Madeira Avenue is a long road with a variety of house types of varying ages. While some of the more recent redevelopments have resulted in town houses replacing older properties and there are flats in converted Edwardian properties, the majority of properties are detached, semi detached and terraced properties.

In summary, this is a residential area with a mixture of housing style and types of varying age. A pair of semi detached house will blend seamlessly in to the street.

3. Planning Policy

The Development Plan

The Planning Acts require a planning application or appeal to be determined in accordance with the adopted development plan for the area, unless material considerations indicate otherwise. The Development Plan for the area is the London Plan and the saved policies of the Bromley Unitary Development Plan (UDP).

The following saved Unitary Development Plan policies are relevant to the determination of this appeal:

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- H11 Residential Conversions
- NE7 Development and Trees
- T3 Parking
- T7 Access
- T18 Road Safety

Supplementary Planning Guidance 1 & 2

Policy BE1 reads as follows:

“development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To those ends, proposals will be expected to meet all of the following criteria:

- (i) development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas;***
- (ii) development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features;***
- (iii) space about buildings should provide opportunities to create attractive settings with hard or soft landscaping;***
- (iv) relationship with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings;***
- (v) the development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing;***
- (vi) the development should include measures that achieve sustainable design and construction methods including, where appropriate, energy generated by on-site renewable development;***
- (vii) suitable access should be provided for people with impaired mobility. Where necessary and relevant to the development, contributions may be sought to improve accessibility around the development;***
- (viii) security and crime prevention measures should be included in the design and layout of building and public areas; and***
- (ix) applications should be accompanied by a written statement setting out design principles and illustrative material showing relationship of the development to the wider context.”***

The following explanatory paragraphs follow Policy BE1 in the UDP.

“6.9 The Council wishes to secure the creation of an attractive townscape and pleasant living and working conditions by ensuring that all new development (including extensions to existing buildings) makes a positive contribution to the area in which it is located. Good urban design including the space around and between buildings and their landscaping, contributes to the quality of the built environment and can help urban regeneration.

6.10 The design of new development should safeguard public amenity and improve the quality of life in the borough with new development relating well to the character of its surroundings. New development affects the streetscape now and in the future. By careful control, its relationship to its surroundings will encourage appropriate and sensitive designs. The Council will prepare supplementary planning guidance on design. In doing so, and when considering the design aspects of individual proposals, reference will also be made to advice in government guidance such as "Safer Places: The Planning System and Crime Prevention" (ODPM February 2004), "By Design – better places to live" published by DETR/DTLR in association with the Commission for Architecture and the Built Environment (CABE), DOE Circular 5/94 "Designing out Crime" and PPS1 Paragraph 37.

6.11 There is a need to encourage local distinctiveness and "sense of place", particularly through the use of vernacular materials. Good modern design can be imaginative and innovative, and will be welcomed in appropriate circumstances where it contributes positively to the surrounding environment."

POLICY H9 reads as follows:

"When considering applications for new residential development, including extensions, the Council will normally require the following:

(i) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building; or

(ii) where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties."

The explanatory text reads as follows: "The Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas. Proposals for the replacement of existing buildings will be considered on their merits".

The relevant London Plan policies are:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime

7.4 Local Character
7.6 Architecture
7.21 Trees and Woodland
8.3 Community Infrastructure Levy
The Mayor's Housing Supplementary Planning Guidance.

While none of the London Plan policies is referred to in the reason for refusal, it is the case that the London plan as amended by the adoption of the Further Alterations in March 2015, is the most up to date part of the development plan.

In particular it should be noted that the March 2015 alterations increased the annual housing figure from Bromley from 500 to 641+5% per annum. The latest figures which the Borough published in September 2014 confirm that the Borough had a 5 year land supply while the annual figure was 500. It does not have a 5 year land supply now that the target figure is 641 + 5%. Over a 5 year period the shortfall will be significant.

That being the case the NPPF recognises that the UDP policies should be given less weight than London Plan policies and the guidance in the NPPF itself.

Policy 3.4 *"Optimising Housing Potential"* includes the following statements which are particularly relevant to this appeal.

"Strategic, LDF preparation and planning decisions

A Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. Development proposals which compromise this policy should be resisted."

The explanatory text includes the following *"A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important, as well 7.18) and play (Policy 3.6)."*

Policy 3.5 *"Quality and design of housing Developments"* includes the following:

"Strategic

A Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.

Planning decisions and LDF preparation

B The design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children and older people

D Development proposals which compromise the delivery of elements of this policy may be permitted if they are demonstrably of exemplary design and contribute to the achievement

of other objectives of this Plan.”

The explanatory text includes the following

“ 3.32 Securing new housing of the highest quality and protecting and enhancing residential neighbourhoods are key Mayoral priorities.

3.34 Directly and indirectly back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities’ sense of place and quality of life. Pressure for new housing means that they can be threatened by inappropriate development and their loss can cause significant local concern. This Plan therefore supports development plan-led presumptions against development on back gardens where locally justified by a sound local evidence base.”

National Planning Policy Framework 2012.

The National Planning Policy Framework (NPPF) has consolidated national planning guidance. It is a material planning consideration in the determination of planning applications and planning appeals. Paragraph 14 of the NPPF refers to a presumption in favour of sustainable development being seen as a golden thread running through both plan making and decision taking. It goes on to say that for decision making this means approving proposals that accord with the development plan without delay.

The policies in the NPPF took effect on the day of publication in March 2012. The relationship between the NPPF and the development plan was set out in the NPPF in the following terms.

“For the purposes of decision-taking, the policies in the Local Plan (and the London Plan) should not be considered out of date simply because they were adopted prior to the publication of this Framework. However, the policies contained in this Framework are material considerations which local planning authorities should take into account from the day of its publication.”

After a 12-month period i.e. March 2013, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”*.

Para 7 states that there are three dimensions to sustainable development: economic, social and environmental.

“These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to*

a low carbon economy.”

Para 8 concludes that *“to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.”*

Para 10 makes clear that *“Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.”*

In para 17 are a set of 12 core land-use planning principles which should underpin both plan-making and decision-taking. The fourth of these reads as follows:

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

4. Planning History

There has been a previous application to redevelop this site (Ref DC/14/05019). This scheme proposed to demolish the bungalow and replace it with 5 flats. This was a reduced scheme, amended in response to comments following a pre-application meeting, which the Chief Planner recommended for planning permission. There was support for the parking arrangement from the Council’s highway engineers. The application was refused by the Council and a subsequent appeal was dismissed in November 2015.

However the decision on this earlier application established that the replacement of the property was in principle acceptable and that there were no adverse effects on the living conditions of the occupiers of 72 and 78 Madeira Avenue. Indeed, there was only one issue which led the Inspector to dismiss the appeal.

5. The Current Application

This application has been submitted to address the only issue which the Inspector identified in his decision.

That is the previous scheme’s effect on the character and appearance of the area.

This application addresses that concern while continuing to respect the amenities of adjoining residents.

In terms of scale, siting, massing, bulk and detailing, the current proposal is a significant reduction and amendment to take on board completely and without exception the Inspector’s reservations.

The scale of the development has been reduced so the new houses are if anything subservient to those adjacent.

The pair of houses are sited to respect the street scene and the relationship with the semi detached houses either side. The car parking and planting on the frontage reflect that found elsewhere in the street, including the adjacent semi detached houses.

The massing of the units reflects but is more modest than those adjoining.

The bulk of the houses in terms of height, rear extension and roofscape is now very similar to those adjoining.

The street elevation shows the design to be complimentary and respectful of the character and appearance of the area.

The design of the houses takes its cue from the style of those adjoining and elsewhere in the street. The extent of rearward extension apart from the ground floor is in line with those adjoining.

Bearing in mind the Inspector's comments about the acceptability of the earlier more ambitious scheme in terms of lack of impact on adjoining residents, this proposal can have even less impact. The only flank windows serve stairways. There are only roof lights rather than dormer windows at roof level and roof lanterns to the single storey extensions which avoid the need for flank windows.

6. Conclusion

The proposal now provides an appropriate and sensitive response to ensuring the future of the site. The development proposed, namely a pair of modest semi detached houses, is sustainable, compatible with the area and in accordance with development plan policy. There is no impact on residential amenity or the character of the street.