

LONDON BOROUGH OF BROMLEY

**TOWN PLANNING
RENEWAL AND RECREATION DEPARTMENT**

DELEGATED DECISION on 6th February 2018

17/05229/FULL1 **Oaklands Court
6 Oaklands Road
Bromley
BR1 3SW**

**Susanna
Stevenson**

Description of Development

Construction of 3 two bedroom dwellings (1 pair of semi-detached houses and 1 detached dwelling) with associated car parking spaces (5 no.), cycle parking, refuse storage and landscaping, including rearrangement of car parking layout associated with Oaklands Court.

Proposal

Planning permission is sought for the erection of 3 no. two bedroom two storey dwellinghouses (with first floor office space) on land at the rear of the host flatted block. The dwellings would be arranged as 1 semi-detached pair and 1 detached house. The buildings are of contemporary design incorporating curved sedum roofs that would slope down from the front elevation (which would face the rear of Oaklands Court) to the rear elevation (which would face the back gardens of dwellings fronting Spencer Road). The sedum roofs would incorporate rooflights to the first floor rear bedroom/office space.

5 no. parking bays would be provided between the buildings, positioned to align with the rear boundary of the site.

The application is supported by:

Design and Access Statement which includes extracts from previous email correspondence with regards to the withdrawn application.

Arboricultural Method Statement

Arboricultural Impact Assessment

Arboricultural Survey

Location and Key Constraints

The site comprises a section of the existing rear parking and amenity space associated with the flats at Oaklands Court. The site is accessed via the existing undercroft beneath the two wings of the main flatted block. The undercroft is of restricted height above the central access road at a height of approx. 2.4m.

When planning permission was granted for the erection of the flatted block at Oaklands Court it was subject to a condition requiring the submission and approval of details

relating to the parking layout and access arrangements. The details included spaces 1 - 23 which are positioned on the rear area of tarmac and it is these spaces that would be lost if the application scheme was to be implemented. This rear area of hardstanding has at some point been enclosed by the erection of a close boarded fence with padlocked gates which restrict access to the parking area. Aerial photographs dating from 2013 show the parking area the subject of this application in use as such. Currently residents of the main flatted block park on the hardstanding at the immediate rear of the host block and on the access road leading to the fenced off rear parking area. A detached cycle store is also located within the parking/amenity area between the host block of flats and the fenced off rear part of the site.

The site is bounded to the rear (north) by two terraces of 3 dwellings at 7 - 7e Spencer Road along with an electricity sub-station which is accessed from Spencer Road by a servicing track which cuts into the rectangular site along the south western boundary.

To the north east of the application site is the boundary with the rear parking area at Charmine Court.

The area is predominantly residential, characterised by a range of residential dwellings provided in flatted blocks and houses of a variety of sizes.

There are many trees located at the site some of which are protected by an area Tree Preservation Order. The TPO dates back to 1960 protecting trees that existed at the time the order was made.

The site does not lie within a Conservation Area and is not within a designated Flood Zone.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- o The development is back land development
- o Loss of privacy to properties in Spencer Road
- o Loss of trees and the Arboricultural impact report mitigations are not reassuring particularly given the "landscaping options" to be made available to prospective residents
- o Impact on environment (wildlife and pollution)
- o which are located at the rear of Oaklands Court and which are an important feature along with providing an environment for birds and wildlife
- o The Building Control comments provided have been answered as if the proposal is located in East Sussex
- o Impact on wooded outlook from neighbouring properties
- o The units cannot be serviced by removal, refuse, delivery or fire vehicles
- o The site is only "under-utilised" because the owner has fenced it off, preventing access. Is this a planning breach?
- o There is insufficient parking and any new owners and existing occupants of Oaklands Court will be displaced onto the local highway network which is already heavily parked
- o The green space at the rear of the site has become more important as a consequence of the high intensity of surrounding development
- o This is tandem/backland development which is insensitive to the surrounding residential area and landscaping is not of secondary importance

- o Sewerage capacity in Oaklands Road is vulnerable
- o The existing parking demand from Oaklands Court could increase at any time as the right of residents to parking remains. There is scepticism regarding the existing parking area not being fully used.
- o No visitor parking
- o The rear gardens are very small and out of character with the area
- o Oaklands Court residents have lost a lot of their parking spaces because of the fencing, resulting in parking in Oaklands Road instead.

Comments from Consultees

Trees

Previous comments in respect of the initial scheme were as follows:

"The application is supported with tree survey data that details the existing tree constraints. The area Tree Preservation Order (TPO) dates back to 1960 protecting trees that existed at the time the order was made. The mature trees (T22 and T2) at the rear of the plot are assumed to be protected under the order on the basis of maturity.

The proposal will see the construction of three new dwellings at the rear of the site, beyond the existing car parking arrangement. The proposals have failed to address the trees here as a constraint to the development. It is clear that trees will need to be removed to facilitate construction and pruning may also be required.

The application conflicts with policy NE7 of the Bromley Unitary Development Plan (adopted July 2006)."

With regards to this application, further arboricultural supporting information has been received and can now be considered. The design of the proposals have not been reduced and therefore still impact negatively on the existing features. The majority of existing trees will be removed and an area of amenity space lost to new car parking. The scale of the development does not provide sufficient amenity space and the proposed tree planting is not considered sufficient to mitigate the tree losses. The poor design would have implications on the success of any trees planted based on the compact nature of the landscape design. The design of the development should be reviewed and a smaller scheme considered.

Thames Water: There are no objections with regards to sewerage and water infrastructure capacities subject to details relating to the surface water and sewerage disposal from the site.

Highways: There are issues that require clarification.

The applicant has previously been asked to demonstrate that access/undercroft passage through the existing building to the car park is wide and high enough to allow emergency and refuse collection vehicles to pass. The proposal results in a loss of 7 spaces and this would need to be supported/justified by the applicant. No swept path analysis for the new car parking layout has been provided (with regards to the new dwellings). The parking bays should be 2.4m x 5m and there should be 6m manoeuvring width. The views of waste services should be sought.

Waste Services: No comments received.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- o The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 7.21 Trees and Woodlands
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture

Unitary Development Plan

- Policy H1 Housing Supply
- Policy H7 Housing Density and Design
- Policy H9 Side space
- Policy T3 Parking
- Policy T13 Unmade roads/unadopted highways
- Policy T18 Road safety
- Policy BE1 Design of New Development
- Policy NE7 Development and Trees

Emerging Local Plan

1 Housing Supply
3 Backland and Garden Development
4 Housing Design
8 Side Space
30 Parking
32 Road Safety
37 General Design of Development
73 Development and Trees

Supplementary Planning Guidance

SPG1 General Design Principles
SPG2 Residential Design Guidance.
Housing Supplementary Planning Guidance (March 2016)

Planning History

The relevant planning history relating to the application site is summarised as follows

The site has a complex planning history, which is summarised:

88/04308 - Permission granted for a 4 storey block comprising 4 x one bedroom, 8 x two bedroom and 2 x 4 bedroom flats, access road and 24 garages.

92/00824 - Planning permission refused for 4 storey block comprising 16 x two bedroom flats and 4 x one bedroom flats with access road and 38 car parking spaces. An appeal against the refusal of planning permission was allowed.

92/01793 - Planning permission refused for detached 4 storey block comprising 4 x three bedroom and 14 x two bedroom flats with access road and 36 car parking spaces. An appeal against the refusal of planning permission was allowed.

In allowing both these appeals, the Inspector attached a condition requiring full details of the parking layout to be submitted to and approved in writing by the Local Planning Authority. The Inspector reasoned that while the parking area at the rear of the site would reduce the amount of amenity space for residents in comparison with the permitted scheme, sufficient amenity space would be retained.

94/00608 - Details submitted pursuant to conditions 02, 03 and 05 of 92/00824 allowed on appeal. Condition 05 related to the parking area layout. The details were approved, showing 38 car parking spaces in total to serve the 20 flats, including spaces 1 - 23 which are sited on the application development site.

94/00687 - Planning permission for the erection of 4 storey block comprising 4 x one bedroom, 8 x two bedroom and 4 x three bedroom flats under ref. 88/04308 was renewed, subject to conditions.

94/00688 - Certificate of Lawfulness relating to the discrepancy between the approved plans under reference 92/0824 and what had been erected was granted, with the discrepancy deemed to be de minimis.

Considerations

The main issues to be considered in respect of this application are:

- o Principle
- o Design
- o Standard of residential accommodation
- o Highways
- o Neighbouring amenity
- o Sustainability
- o Trees
- o CIL

Principle

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan (2015) generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

Policy H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

Residential dwellings/sites surround the application site on all sides (excluding the Electricity Sub-station). The site as a whole, taking into account the host flatted block is currently developed for a less dense residential use. Therefore, in this location the Council will consider a higher density residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed.

Policy H7 refers to backland and tandem development, stating that backland development may be acceptable providing it is small scale and sensitive to the surrounding residential area. Tandem development, where one house is located immediately behind another and shares the same access can be problematic in terms of the impact of the proposed dwelling on the amenities of the existing dwelling. In this case, in view of the existing comings and goings to the rear parking area by residents of the flatted block, it is not considered that the impact on the residential amenities of those occupants would be significantly harmful.

The principle of backland/tandem development is only acceptable where the development is small scale and sensitive to its surroundings. While the provision of a housing development which is very small scale and sensitive to the surrounding area may be acceptable in principle, the relationship between the proposed dwellings and the amenities of neighbouring properties at the rear of the site as a whole falls to be carefully considered in reaching a conclusion regarding the merits of this particular scheme and its impacts.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The design of flats/houses in the locality varies and there is no consistent built form/design which is characteristic of the area. As such, the contemporary detailing and form of the proposed dwellings would not be uncharacteristic or incongruous on the context of the local vernacular. However, in terms of the space retained about the dwellings, and the proportion of the residential plots covered by buildings and hard surfaces, it is considered that the proposal would result in a visually intrusive and cramped appearance when viewed from the original residential block. The amenity space about the buildings would be uncharacteristic of the locality and it is noted that the proposal would result in car parking eroding the existing amenity space allotted to the host flats. The use of grasscrete would soften the appearance of the expanse of parking only when the spaces are not used. Similarly, the hedge may screen the view of the expanded parking area and dwellings at ground floor level, but the lowering of the landscape quality of the site would be appreciable to all residents utilising the car park as well as from outside of the site.

Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents

who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).

It is considered that the proposal would provide residential accommodation of a satisfactory size. However, it is noted that in order to prevent overlooking to the side and to the rear the rear bedrooms of the three dwellings have all been designed with rooflights to the rear and a narrow flank window providing outlook and light to these bedrooms. It is considered on balance that while these bedrooms would have a somewhat poor outlook, lacking in a reasonable view of the surroundings, that taking into account the overall design and layout of the accommodation, this would not warrant the refusal of planning permission if the scheme were in all other respects acceptable.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

Insufficient information has been provided to demonstrate that the car parking spaces on the existing amenity space, and those shown to relate to the new dwellings, would be readily accessible without requiring complex and numerous manoeuvres to get in/out of the parking spaces. The proposal also results in the permanent loss of the rear sited car parking area which has already been padlocked to prevent access to the parking spaces provided pursuant to the permission 92/00824. The submitted application also fails to demonstrate how and if the rear dwellings would be capable of being serviced by fire engines and other larger vehicles. While correspondence regarding this is referred to within the design and access layout there is limited specific information relating to this particular site and application proposals, in the absence of which there are outstanding concerns regarding the adequacy of the servicing and parking arrangements relating to the proposals.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The design of the proposed dwellings incorporates a sloping/curved sedum roof to the rear, with the then ground floor element set approx. 4m from the boundary with the 20m rear gardens of the dwellings in Spencer Road. With regards to the relationship with Charmine Court, it is noted that only 1m side space is retained, but that the flank boundary is with the car park associated with that property and that the rear corner of

the detached dwelling is well separated from that flatted building. A 4m separation is retained to the south western boundary and the dwellings at Oaklands Road also have reasonably long rear gardens. It is also assumed that the flank facing windows near the boundary could be obscure glazed so as to ensure that the privacy of the neighbouring garden(s) could be secured.

The concerns expressed by neighbouring residents regarding the impact of the proposals on residential amenity are noted. However, taking into account the scale, bulk and siting of the dwellings in relation to the boundaries of the site and neighbouring development it is not considered on balance that the proposal would have a significant impact, resulting in loss of privacy and adverse visual impact to such an extent as to warrant the refusal of planning permission.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

Trees

The proposal will result in the loss of a number of mature trees and it is noted that the site lies within an area covered by a TPO made in 1960. It is considered that the trees within the site and the large grassed areas make a positive contribution to the visual amenity of the locality which is otherwise quite built up. The arrangement of buildings and hardsurfaces within and adjacent to the site results in a pocket of backland greening and the height and siting of the trees which would be removed results in them being visible from the wider area, making a public amenity contribution. In contrast, the proposed development would result in a loss of greenery, and an associated lack of space about the proposed buildings to provide meaningful landscaping to soften the appearance of the development most particularly from the front and sides (taking into account the sedum roof providing some softening of the development from the rear).

While the size of the units in terms of bedroom provision has been reduced in comparison with the previous (withdrawn) scheme, the siting of the dwellings in relation to existing protected trees and the loss of a large proportion of the existing amenity space to the flats is substantially similar to the previous scheme. The majority of existing trees will be removed from the site and the siting and footprint of the proposed development would not provide adequate space to provide a suitably landscaped setting and to plant trees which will mitigate the loss of the existing trees (taking into account also the length of time for trees to mature as well as the siting of the trees in relation to the limited amenity space and the buildings themselves). The design of the development would have implications on the success of any trees planted based on the compact nature of the landscape design.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Conclusion

The proposal would provide an additional 3 residential dwellings which are of a satisfactory standard of internal amenity (notwithstanding the concerns expressed regarding the outlook of the rear bedrooms) and which would not have a significant impact on the residential amenities of neighbouring properties.

However, insufficient information has been provided to demonstrate that the parking provision and layout is adequate to serve the needs of the existing flats as well as the proposed dwellings. The loss of the trees and a large proportion of the amenity space at the rear of the existing flats would result in the development appearing unduly stark and over-intensive, with the dwellings appearing cramped within their individual sites, out of character with the pattern of development in the locality and the visual amenities of the area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

Consultations

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Planning Considerations

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Conclusions

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Decision

Application Refused

For conditions or grounds of refusal please refer to the Decision Notice