

LONDON BOROUGH OF BROMLEY
TOWN PLANNING
RENEWAL AND RECREATION DEPARTMENT

DELEGATED DECISION on 28th February 2018

18/00150/RECON **24 Downs Hill**
Susanna **Beckenham**
Stevenson **BR3 5HB**

Description of Development

Variation of condition 2 of permission 17/00812 allowed on appeal to replace drawing No. 2718 rev. 4 with drawing No. 2718 rev. 6- to amend the window dimensions, the position of the steps down to the rear garden from the terrace, the deletion of balustrade to terrace, amendments to the side accesses and provision of slatted fencing between the flank elevations of the dwelling and the side boundaries of the site. (Section 73 application).

Proposal

An appeal against the refusal of planning permission under reference 17/00812/FULL1 for the demolition of the existing dwelling and the erection of a replacement house was allowed. This current application seeks to amend the scheme allowed on appeal to allow the following alterations:

- o Amendment of window dimensions
- o Positioning of steps down to the rear garden from the raised terrace
- o Alterations to the side accesses
- o Provision of slatted fencing between the flank elevations of the dwelling and the side boundaries of the site.

In relation to these amendments, it is proposed that the drawing No. 2718 rev. 4 would be substituted for drawing No. 2718 rev. 6 (pursuant to condition 2 of the Inspector's decision).

Window dimensions

The opening windows would not be as tall as originally proposed due to weight limitations, negating the need for horizontal transoms. Sliding doors have been changed to folding sliding doors and following the Inspector's assessment that all side elevation windows should be obscure glazed, those on the ground floor have been elongated.

Positioning of steps

The rear terrace access arrangement would be altered, substituting two stepped accesses down from the terrace to garden level rather than the single centrally positioned access allowed at appeal. The individual stepped accesses are narrower and would be sited to the side of the terrace approx. 1.2m from the boundary with No. 26 and 0.9m from the boundary with No. 20.

Terrace

The balustrade to the terrace is removed from the revised proposals and it is place a stepped arrangement of planting beds addresses the change in ground levels at the rear of the property.

Side accesses

The submitted drawing shows amendments to the stepped/level access arrangements to the side of the dwelling, with the position of the steps relative to the dwelling altered.

Fencing

The proposal shows the addition of horizontal slatted fencing to the front of the side access, at right angles to the boundary, so as to provide a secure boundary between the front and the rear of the site.

Location and Key Constraints

The application site lies on the north eastern side of Downs Hill and currently comprises a detached single dwellinghouse set within a generously deep plot. The land slopes down from the road to the end of the rear garden which backs onto railway land. The site is 1880m² in area. The existing dwelling has a wide footprint in contrast with its depth, with the ground floor extending for almost the full width of the site. It incorporates a single storey attached double garage to the south eastern side of the dwelling which immediately abuts the boundary with No. 20 and a covered side passage linked to a flat roofed two storey extension is sited adjacent to the north western boundary of the site.

The dwelling is set at a lower level than the adjacent highway as a consequence of the siting of the street on a hill which slopes down to the railway land at the rear of the generously deep rear garden.

The site lies within the Downs Hill Conservation Area and a TPO covers the front of the site and neighbouring sites. The front of the site is partly screened from view from the higher level street/pavement by mature Scots Pine trees which are covered by the TPO.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were 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

- Policy 3.5 Quality and design of housing developments
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology

Unitary Development Plan

- BE1 Design of New Development
- BE12 Development in Conservation Areas
- BE14 Trees in Conservation Areas
- NE7 Development and Trees
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T18 Road Safety

Emerging Local Plan

- Draft Policy 4 Housing Design
- Draft Policy 8 Side Space
- Draft Policy 30 Parking
- Draft Policy 32 Road Safety
- Draft Policy 37 General Design of Development
- Draft Policy 41 Conservation Areas
- Draft Policy 43 Trees in Conservation Areas
- Draft Policy 73 Development and Trees

Supplementary Planning Guidance

- SPG1: General Design Principles
- SPG2: Residential Design Guidance

Supplementary Planning Guidance for the Downs Hill Conservation Area.

Planning History

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

Application Number	Description	Decision
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17/00812 Demolition of host dwelling and erection of new detached house.
REFUSED

A subsequent appeal against the refusal of planning permission was allowed, subject to a number of conditions.

Considerations

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

- o Resubmission
- o Design
- o Neighbouring amenity
- o CIL

Resubmission

This application seeks to amend a scheme for which planning permission was granted at appeal. It falls to consider whether the individual/cumulative impacts of the proposed amendments result in a development quite different to that granted planning permission and undermining the Inspector's assessment of the impact of the original scheme on the residential and visual amenities of the area. The amendments are detailed in the Proposals section above.

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 application site lies within the Downs Hill Conservation Area, and it falls to consider whether the current proposals would preserve or enhance the character and appearance of the conservation area, taking into account the granting of planning

permission for the demolition of the host dwelling and the erection of a replacement dwelling under 17/0082.

The alterations to the fenestration would be appreciable from outside of the site, although it is noted that some trees at the front of the site and the lower siting of the dwelling relative to street level limits the visual impact of the development on the wider street scene. The proposed windows would be in positions commensurate with the development granted planning permission on appeal, and the dimensions are not so starkly different to those granted by the Inspector as to undermine his affirmation in allowing the appeal that the proposal would not have a detrimental impact on the character and appearance of the conservation area. The design of the elevations was considered at appeal to be "thoughtfully articulated by gables, recesses, overhanging eaves and projections in order to create visual interest." The specific design and appearance of the windows originally proposed does not appear to have been determinative in the decision to allow the appeal. Similarly the arrangement of the terrace and accesses would not detract from the character and appearance of the conservation area, or the visual amenities of the area in general, with these alterations being set at the rear of the property and at low garden/terrace level.

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.

In allowing the appeal, the Inspector assessed the likely impact of the replacement dwelling on the residential amenities of neighbouring residents. It was considered that the proposed bulk/height/siting of the building would not have harmed the living conditions of neighbouring residents, taking into account the limited rearward projection of the proposal in relation to the existing house and the rear elevation of No. 20 and the separation distance between development. With regards to the impact of the terrace, the height and position of the terrace was noted, as was the landscaped boundary between the properties.

The proposal would result in stepped rear accesses from the terrace down to the garden being positioned closer to the boundary than the development granted planning permission. However, these steps would not be sited so as to result in increased overlooking or loss of privacy and while they would divert rear access closer to the boundary at this point, they serve a single residential dwelling and their use is not therefore considered likely to result in unacceptable noise and disturbance. Similarly, the alterations to the side passage accesses would relate physically to the flank elevation of neighbouring dwellings and would be positioned in relation to boundary treatments and to the customary expectation of there being side accesses between detached dwellings. It is not considered therefore that the proposed amendments (taking into account the scope of the original permission) would have a significant impact on the residential amenities of neighbouring residents.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application.

Conclusion

It is considered that the proposed amendments would not have a detrimental impact on the character and appearance of the conservation area or the visual amenities of the area. The amendments to the terrace accesses and fenestration would not result in an unacceptable impact on the residential amenities of neighbouring residents.

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

Approved

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