

**LONDON BOROUGH OF BROMLEY**

**TOWN PLANNING  
RENEWAL AND RECREATION DEPARTMENT**

**DELEGATED DECISION on 13th June 2019**

**19/00770/OUT**

**Russell Penn**

**The Chalet  
Kirkstone Way  
Bromley  
BR1 4JH**

**Description of Development**

Demolition of the existing building and erection of two semi-detached houses comprising of three bedrooms and open living area, external patio. (Outline application for access, appearance, layout and scale.)

**Proposal**

Planning permission is sought in outline for demolition of the existing building and erection of two semi-detached houses comprising of three bedrooms and open living area, external patio.

The application has been submitted in 'outline' only with consideration of access, appearance, layout and scale.

Notwithstanding that the application has been made in outline, elevations, floor plans and indicative landscape and parking areas have been submitted following a request by the LPA under Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) at Part 3 Section 5 for further information. This now gives a clear indication of the siting, mass, scale, appearance of the building, parking, amenity space and internal layout.

The footprint of the building is a regular shape and measures approximately 18m width to the front elevation and a depth of 9m. The building is sited approximately 2m back from Kirkstone Way and approximately 1m and 1.06m from each flank boundary at the front elevation increasing to 1.39m and 2m to the rear elevation point. The building is indicated in a split level format with two storeys to the front elevation facing Kirkstone Way and three storey to the rear with a multi sloped and gable designed roof structure forming a symmetrical design to the semi-detached building. The rear elevation incorporates a lower ground floor.

Pedestrian/vehicular access is indicated to the site via two crossovers points positioned in front of the each integral garage.

Elevation designs depict a contemporary design approach with rendered walls. Ground floor balconies/terraces are indicated to the rear over the lower ground floor.

The application was supported by the following documents:

- o Design and Access Statement

## Location and Key Constraints

The application site is located on the south side of Kirkstone Way. This part of Kirkstone Way is an unmade vehicle access way that leads to the rear of Bromley Court Hotel in a secondary capacity. To the east and west of the site are large detached dwellings known as Chestnut and Billingford respectively. The site slopes substantially to the rear looking down on the rear curtilage of 25/27 Elstree Hill.

A number of Tree preservation Orders exist on site for trees located in the existing rear curtilage. The site is not located within a conservation area nor is the building listed.

## Comments from Local Residents and Groups

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

### Objections

- o Site is unsuitable for two properties due to its size and location.
- o Out of scale compared with existing property.
- o An over development of the site.
- o Visually more dominant and overbearing
- o Concerns regarding the construction process and its impact on Kirkstone Way road surface.
- o No provision for off street parking outside the garage spaces.
- o Semi's not in keeping with detached style of area.
- o Should be brought back into occupation by sympathetic repair and restoration rather than demolition.
- o Concerns regarding basement construction, excavations and subsidence.
- o Will result in an increase in parking in the area.
- o Concerns regarding being overlooked due to ground level differences resulting in an increased loss of privacy.
- o concerned that our
- o Immediate neighbourhood might not have the vehicular infrastructure to support construction and resultant building.
- o Important that any 'development' is a harmonious part of the natural landscape and not a discordant monolith.

Please note the above is a summary of objections received and full text is available on the Council's website.

## Comments from Consultees

### Environmental Health Pollution Officer:

No objections within the grounds of consideration. The application site is within an Air Quality Management Area declared for NOx.

### Tree Officer:

The application form states that trees are present on site but the submitted information does not appear to have included a basic survey. I understand that the proposed footprint closely matches the combined existing footprints. Nonetheless, I am unable to offer any reassurance on the extent of any impact on retained trees, some of which

appear to be TPO, without a tree survey and tree constraints plan on which the RPAs of trees are plotted against the proposed footprint.

Drainage Engineer:

Further details regarding surface water drainage to be sought by condition.

Highways:

This is an outline application for access, layout and scale. Kirkstone Way is a single track unmade road providing access to the properties there and to the garages at the rear of Coniston Road. I am concerned that the residents will use the garages for storage instead of parking cars and even if they use it for parking they will end up waiting on this narrow road for garage doors to be opened and this will add to road safety hazards or blocking the road. I would like to see 2 parking spaces each for these 2 semi-detached 3 bedroom houses instead of any garage/s and a swept path analysis showing the cars can drive in and reverse out easily.

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.

The National Planning Policy Framework was published on 19th February 2019. The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (January 2019). 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
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of affordable housing
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure

- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 8.3 Community Infrastructure Levy

#### Bromley Local Plan

- 1 Housing supply
- 4 Housing design
- 8 Side Space
- 30 Parking
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General design of development
- 73 Development and Trees
- 77 Landscape Quality and Character
- 112 Planning for Sustainable Waste management
- 113 Waste Management in New Development
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

#### Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

#### Planning History

There is no relevant planning history relating to the application site.

## 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 Other (drainage/flooding/noise/pollution)
- o CIL

## Principle

The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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 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.

Policies including 3.3 of The London Plan 2016 and Policy 1 of the Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

The site is located in a primarily residential area. Therefore the provision of replacement and additional dwellings on the land is acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

## 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.

Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. Policy 3.5 indicates, amongst other matters, that 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 relationship with, and provision of, public, communal and open spaces, taking particular account of the needs of children and older people. This reflects paragraph 127 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

The public realm is also an important aspect of any development as it ensures that the development is integrated into and enhances the existing character and use of the area. All residential and commercial development is required by policy to contribute towards good design which extends to the consideration of the public realm (London Plan Policy 7.5).

Policies 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; is informed by the surrounding historic environment.

Policy 7.6 states that buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; comprise details and materials that complement, not necessarily replicate, the local architectural character; not cause

unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

Policy 4 of the Bromley Local Plan details that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places respecting local character, spatial standards, physical context and density. To summarise the Council will expect all of the following requirements to be demonstrated: The site layout, buildings and space around buildings be designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas; compliance to minimum internal space standards for dwellings; provision of sufficient external, private amenity space; provision of play space, provision of parking integrated within the overall design of the development; density that has regard to the London Plan density matrix whilst respecting local character; layout giving priority to pedestrians and cyclists over vehicles; safety and security measures included in the design and layout of buildings; be accessible and adaptable dwellings.

Policy 8 of the Bromley Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require 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 building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

Policy 37 of the Bromley Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To summarise developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.

The proposed pair of semi-detached dwellings would be sited on a footprint location within the site that would be similarly aligned to the front elevation with the footprints of detached properties at Chestnut and Billingford, east and west of the site. The current dwelling on site is sited marginally offset to the east with a garage structure to the west. This allows for a good distance to be retained from the flank walls of the existing dwelling to the side boundaries of the site. Similarly, Chestnut and Billingford are located in spacious plots with generous gaps to boundaries. These spatial qualities are added to by large surrounding gardens which creates a generous spatial separation standard between the existing Kirkstone Way properties that it is desirable to maintain.

It is noted that the maximum height of the proposed building is comparable in the streetscene to adjacent properties. However, the indicative plans for scale and appearance depict a significantly bulkier building on the site with flank and front gables that dominate the front elevation and flank side relationships to adjoining property. As such the mass and scale of the building would represent a prominent punctuation in street scene vistas when viewed east and west. This creates a negative punctuation within the rhythm of the streetscene which would appear out of character and harmful to the visual amenity of the streetscene and wider area.

It is noted that the separation to the flank boundaries is 1m and marginally increasing to the rear, numerically compliant with policy. However, due to the spatial standards being generous along Kirkstone Way, a greater degree of separation for a semi-detached dwelling would be required between the site and its adjacent boundaries to maintain the rhythm of the streetscene between the existing detached properties than that now proposed.

Furthermore, the steep and sloping topography of the site represents a constraint to the suitability of a wide semi-detached building on the site in terms of the dominating and overbearing impact of additional scale to neighbouring property adjacent and in particular to the rear of the site onto Elstree Hill. It is considered that the existing detached footprint is a more appropriate response to the constraints of the site.

On balance given the poor spatial separation, dominant and overbearing scale, the development would appear out of character with the pattern of development in the immediate locality and is considered to be representative of a cramped overdevelopment of the site.

In terms of design style approach, the opportunity to construct a contemporary style of development has been partially achieved with the elevational design.

#### Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. 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 Governments National Technical 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.

A Part M compliance review that details compliance with the relevant sections of Part M has not been received. Had permission been forthcoming, this would have been requested in respect of the layout sought.



The floor space size of each house is 163m<sup>2</sup>. The nationally described space standard requires a Gross Internal Area of 130m<sup>2</sup> for a 4 bedroom 8 person dwelling over three levels. On this basis the floorspace provision is considered acceptable.

The shape, room size and layout of the rooms in each proposed dwelling is considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. All habitable rooms are considered to have satisfactory levels of light and outlook.

In terms of amenity space, the overall size provision of the garden spaces indicated provide an acceptable quality space for the purposes of the potential number of occupiers of a four bedroom family dwellinghouse.

## 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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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

## Car parking

No external car parking spaces are provided on the property. Integral parking within a garage is shown within the footprint of each dwelling. The Council's Highway Officer has raised objection in this regard in relation to hazardous vehicle movement due to having to wait on the narrow highway to enter the integral space with no area allocated for external off street parking possible. Furthermore if garages are used for storage by future occupiers, there will be no parking available leading to a potential on street parking impact in the wider area.

The proposal is therefore considered to lack sufficient on-site parking and would be liable to prejudice the free flow of traffic and conditions of general safety along the adjacent highway. Without suitable submitted evidence to the contrary the LPA is not satisfied that the proposal does not conflict with Policy 32 of the BLP.

## Cycle parking

Cycle parking is required to be two spaces for the dwellings proposed. The applicant has not provided details of a location for lockable cycle storage. Further details regarding this are recommended to be sought by condition had permission been forthcoming.

## Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has not provided details of refuse storage for the houses. Further details in this regard are recommended to be sought by condition in relation to location, capacity and a containment structure had permission been forthcoming.

## Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

Policy 4 of the Bromley Local Plan also 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 terms of outlook, the fenestration arrangement is intended to provide front and rear outlook overlooking amenity space or overlooking the street. To the rear, a ground floor balcony at a raised level above the lower ground floor will look south and down due to steep topographic land level changes to properties on Elstree Hill.

Concerns have been raised in representations regarding the overbearing, mass and scale of the building and loss of privacy and increased overlooking to the gardens of adjacent properties.

The concerns in respect of the scale of the building have been assessed above. In addition to this the quantum of residential units has been increased on site from a single low level dwelling to a semi-detached pair with raised balcony outlook to each dwelling at the rear. This results in an increased intensity of outlook exacerbated by ground level differences to the rear of the property, overlooking private garden areas at close proximity from more potential occupiers and at a greater height. As such, it is considered that the proposal would be detrimental to neighbouring amenity in terms of overbearing impact, increased overlooking and loss of privacy.

## 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.

Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.

An informative is recommended with any approval to ensure that the development strives to achieve these objectives.

## Trees

Policy 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.

An indicative landscaping layout has been submitted as shown on the proposed block plan drawing that details the existing layout for the current dwelling on site. Given the steep nature of the topography, a landscaping scheme indicating the division of the site is necessary. Full detail of hard and soft landscaping and boundary treatment is recommended to be sought as a Reserved Matter had permission been forthcoming.

Many trees on the site are protected by Tree Preservation Orders. It is considered that the proximity of the buildings, in terms of impact to canopy spread and root protection areas, may threaten the wellbeing of these trees. Insufficient information has been supplied in this regard and refusal is recommended on this basis.

## CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this type of application at Outline stage. Further details for CIL would be sought with a future application regarding 'Reserved Matters'

## Conclusion

Taking into account the issues discussed above the proposed development by reason of its design, mass and scale represents a visually obtrusive and inappropriate overdevelopment of the site resulting in significant harm to the character and appearance of the area and surrounding development and would be harmful to the residential and private amenities of neighbouring property and visual amenities of the area.

The proposed development by reason of its spatial relationship to adjacent dwellings in this location would also represent an inappropriate and visually obtrusive development harmfully at odds with the open spatial characteristics of the locality which is an important characteristic to the urban grain and pattern of development in the locality and also contributes to the character and appearance of the area.

The proposed development by reason of increased overlooking, overbearing nature, siting and proximity to neighbouring buildings and rear property boundaries would also

have a serious and adverse effect on the privacy and amenity enjoyed by the occupants of neighbouring property to the rear and flank boundaries.

Furthermore, it would not provide an adequate layout of car parking on site and would be liable to obstruct the public right of passage and prejudice the free flow of traffic and conditions of general safety along the adjacent highways.

In the absence of sufficient information to demonstrate satisfactorily otherwise, the proposals would also likely result in conditions prejudicial to the wellbeing of trees on the site.

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.

## **Decision**

Application Refused

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