

**LONDON BOROUGH OF BROMLEY**

**TOWN PLANNING  
RENEWAL AND RECREATION DEPARTMENT**

**DELEGATED DECISION on 17th October 2019**

**19/03134/FULL1**      **10 Highland Road**  
**Stephanie**            **Bromley**  
**Gardiner**             **BR1 4AD**

**Description of Development**

Demolition of existing garages to the rear of 10 Highland Road and the erection of a single two storey 3-bedroom house

**Proposal**

The application seeks consent for the demolition of the existing garage block to the rear of 10 Highland Road and the erection of a single 3 bedroom dwelling. The current scheme is a revised proposal to planning permission ref: 18/04241.

**Location and Key Constraints**

The application site is situated on the north-west side of Highland Road, Bromley, to the rear of 8 and 10 Highland Road. As outlined above, the site includes a single storey garage block. The garages are currently reached via a small access road varying in widths of 3.2m to 3.8m. The area consists of period and post-war infill development and there are examples of flatted residential development, with No.8 Highland Road converted into flats in 2006 (06/03686/FULL1), while No.10 is currently in use as a Doctors Surgery. The site is designated as being within an area of Open Space Deficiency.

**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      Overlooking
- o      Block out light which is already half blocked by trees
- o      Further overcrowding as the majority of the houses in highland road have been converted into flats.
- o      Increase in noise and vehicular pollution

**Comments from Consultees**

Environmental Health Pollution Officer: I have considered this application and in principle would have no objections to permission being granted. I would however recommend that the following Informatives be attached:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution

Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

Drainage Engineer: No objections please impose surface water condition.

Highways: Same comments as previous application.

The site is relatively near to both Shortlands and Bromley North rail stations together with several bus routes and has a PTAL rating of 1b. This is generally considered to be poor in terms of accessibility in the context of London.

The access road is blocked by a temporary shed so I could not see the parking area. Regrettably all those 7 car parking spaces will be lost as a result of this development.

The proposed development is of a single 3 bedroom house together with 2 parking spaces.

There is a single access point to the site at present which is partially made, the front section from Highlands Road for around 13m, this section is between 3.2m and 3.5m wide, and partially unmade, the remainder of the access which varies in width from 3.2m to 3.8m. The narrowest width is between the tree and the fence behind No 10 measuring 2.7m.

The vehicle access onto Highland Road will be via the existing dropped kerb access. The visibility splay at a junction ensures there is adequate inter-visibility between vehicles on the major and minor arms.

The developer is providing 2 x parking spaces which is as per the Local Plan. One car park space can be used by the visitor. Required measurement of a parking bay is 2.4m x 5m with a clear manoeuvring space of 6m.

A total of 2 cycle parking spaces are required. However I would like to see detailed drawing. The cycle parking requirements are set out in Table 6.3 of the London Plan. The requirement is for 2 cycle spaces to be provided per unit. Policy 6.9 (B)(a) states that developments should provide integrated, convenient and accessible cycle parking facilities.

It is not clear where the refuse storage for the existing flats at 10 and the proposed development will be located. I noticed some waste bins located along the access road and these further narrows its width. Please consult LBB Waste Service regarding refuse storage and servicing of the units.

I am also concerned how an emergency vehicle will enter the site for proposed development.

As it is in a low PTAL the developer should agree in writing with Local Planning Authority that with the exception of disabled persons no resident of the development shall obtain a resident parking permit within the controlled parking zone which is in force in this vicinity. This can be included as a condition when I have seen above mentioned details.

Subject to above please include following with any permission.

#### Standard Conditions

OC03 Satisfactory parking

ND16 Hardstanding for wash-down facilities

AG11 Refuse storage

AG12 Cycle parking

PC17 Lighting scheme

PC17 Construction Management Plan

AG24 Highway drainage

OC06 Car free housing ... future resident will not be apply for a resident parking permit

Waste Services: No comments received

Drainage officer - Pleased with the inclusion of green roofs, permeable paving and rainwater harvesting to be incorporated to attenuate surface water run-off. Please impose PC06 (surface water management).

Environmental Health - No objections

Tree Officer - No comments received, however the comments provided in respect of the most recent approval are still considered to be relevant and applicable in this case. The comments received in respect of that application were as follows:-

The proposed design has addressed the previous reasons for refusal. I would usually oppose such a small amount of amenity space, however, given the current use as a car park/garages presents the same issue in terms of useful amenity space. A precedent has therefore been set.

Given Arboricultural appraisal has been submitted it would be prudent to request a method statement to address the revised scheme.

I recommend the following condition be applied in the event planning permission is granted:

Tree Protection (PC02)

#### 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 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

#### London Plan

Policy 3.3 Increasing Housing Supply.  
Policy 3.4 Optimising Housing Potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
Policy 5.10 Urban greening  
Policy 5.13 Sustainable drainage  
Policy 5.17 Waste capacity  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

#### Local Plan

Policy 1 Housing Supply  
Policy 4 Housing Design  
Policy 3 Backland Development  
Policy 8 Side Space  
Policy 37 General Design of Development  
Policy 30 Parking  
Policy 32 Road Safety  
Policy Development and Trees  
Policy 116 Sustainable Urban Drainage Systems (SUDS)  
Policy 123 Sustainable Design and Construction

#### Supplementary Planning Guidance

SPG1 General Design Guidance  
SPG2 Residential Design Guidance

#### Housing SPG

## Housing Technical Standards - Nationally Described Space Standards (NDSS).

### Planning History

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

17/04981/FULL1 - Proposed development on land of existing garages to the rear of 10 Highland Road and part of rear garden of 8 Highland Road, including demolition of garages and erection of 5 terrace houses, with associated parking and refuse store. Refused for the following reasons:

1. The proposed development constitutes an undesirable form of backland development, out of character and scale with adjoining development, detrimental to the existing level of amenity which the occupants of neighbouring properties might reasonably expect to be able to continue to enjoy, whilst leading to an unacceptable loss of amenity space for the neighbouring property at No.8 Highland Road, contrary to Policies H7 and BE1 of the UDP and Draft Policies 3 and 37 of Bromley's Emerging Draft Local Plan The London Plan (2016) and NPPF (2012).
2. The proposal constitutes a cramped overdevelopment of the site, by way of building coverage, which if permitted would establish an undesirable pattern for similar backland development in the area, resulting in a retrograde lowering of the standards to which the area is at present developed, contrary to Policies BE1, H7 and H9 of the UDP and Emerging Draft Local Plan Policies 4, 3, 8 and 37, Policies 7.4 and 7.6 of the London Plan (2016) and the NPPF (2012).
3. The development of this site with 5 terrace houses would be detrimental to the privacy, prospect and visual amenities of the occupiers of adjacent residential properties, contrary to Policy BE1 and H7 of the Unitary Development Plan, Draft Policies 3 and 37 and London Plan Policy 7.6 and the NPPF (2012).
4. In the absence of sufficient information to demonstrate that vehicles can manoeuvre safely and efficiently within the site layout and in and out of the site, the proposal would be prejudicial to the free flow of traffic conditions and general safety in the highway, contrary to policy T18 of the UDP and Draft Policy 32 of Bromley's emerging Local Plan.
5. The development would prejudice the retention and well-being of a number of trees which are protected by a Tree Preservation Order, therefore contrary to Policies BE1 and NE7 of the Unitary Development Plan.

18/04241/FULL1 - Demolition of existing garages to the rear of 10 Highland Road and the erection of a single 3 bedroom house. Permission

### 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 Trees
- o CIL

## Principle

Policy 3 Backland and Garden states that new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met:

- There is no unacceptable impact on the character, appearance and context of an area in relation to the scale, design and density of the proposed development,
- There is no unacceptable loss of landscaping, natural habitats, or play space or amenity space,
- There is no unacceptable impact on the residential amenity of future of existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic,
- A high standards of separation and landscaping is provided

No objections were raised to the principle of a single residential dwelling within planning ref: 18/04241/FULL1 which was for a similar development on this site. The current application is a resubmission with a slightly modified layout and design. As such, no objections are raised within the scope of this application to the principle of redevelopment for one dwelling.

However, a planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This application includes the provision of 1 new dwelling, which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

## Design, Layout and Scale

The development surrounding the site comprises mainly two storey properties. There are examples of terraces, detached dwellings and flatted developments. In terms of character the area is primarily residential, albeit there is a dentist practice at the very entrance to the site. The existing garage block is low in height and this backland site has a relatively open character due to the size of the plot and arrangement of surrounding gardens.

The current proposal, similar to the previous permitted scheme, proposes a one three bedroom dwelling which is set towards the North West corner of the plot. It is set away from each of the boundaries and includes open space, which will be used for parking, to the south and south east of the site.

The proposed dwelling retains a similar footprint to the permitted scheme, but there have been amendments to the internal layout and form of the building, particularly at roof level. This has been amended to incorporate a steep single pitched roof, rather than the dual pitch as previously approved. The dwelling would continue to incorporate red multi-brick walls, zinc roof and timber details. No objections were previously raised to this material palette and, whilst the use of zinc is a more contemporary type of architectural treatment, it is not considered to be materially harmful to this setting, particularly as there are limited views from the public realm.

The surrounding properties typically face the principle roads and have deeper rear gardens. However the proposal would be orientated horizontally within the site and the depth of the rear garden would be smaller than these examples. However, the introduction of a residential unit within this previously development backland site is not considered to be out of character with the surrounding context.

Given the similarities to the extant development no objections are raised on design grounds.

#### Standard of residential accommodation

The proposal is for a three bedroom dwelling. The occupancy is not clear but the development would include three rooms over 11.5sqm. The rooms above 11.5sqm are capable of accommodation 2 people. As such the occupancy could reasonably be 6 persons.

A 'study' has also now been shown on the plans and this measure 6.5sqm, which is just below the minimum standard for a single bedroom.

The minimum GIA for a 3 bedroom 6 person dwelling over two storeys is 129sqm. The dwelling would comply with the above standard.

The building would be situated centrally within the site but due to site constraints the rear garden is very limited. However, due to the location of the site and surrounding development the remainder of the frontage would be very private and could be used as amenity space.

All rooms would have a reasonable level of light. The window serving bedroom 2 forms a small projecting bay. This would face towards the rear garden of number 8 but the forward facing window panels would be obscured to prevent direct overlooking. A side panel would be unobscured and would redirect the gaze backwards towards the rear of Highland road. This is similar to the approved arrangement.

No objections are therefore raised to the standard of accommodation.

#### Highways

Policy 30 (Parking) sets out the Council's standards for residential parking for new development. Moreover, Policy 6.13 (Parking) of the London Plan also sets standards

for new residential development. The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking.

The application site has a PTAL rating of 1b where car ownership will be expected for new residential development.

Access to the site would be as per the existing arrangement approved under the previous permission.

There is a single access point to the site which is partially made, the front section from Highlands Road for around 13m, this section is between 3.2m and 3.5m wide, and partially unmade, the remainder of the access varies in width from 3.2m to 3.8m. The vehicle access onto Highland Road will be via the existing dropped kerb access.

The level of car parking (2 spaces) for the new dwelling is considered appropriate. The Council's highways officer has not objected to the level of provision or the loss of the garage spaces.

The turning areas appear to be sufficient for one dwelling and this similar to the approved arrangement. Additionally, one dwelling lessens the potential for difficult manoeuvring and conflict between different households as all vehicles would be within control of one property. Additionally, the vehicular access path is established as it previously serviced the garage block and this existing arrangement could have had a greater number of vehicular movements utilising the road. Therefore no objections were raised to the access within the previous scheme.

There have been concerns about the storage of refuse and also the management/storage of refuse of the bins located on the existing access road, which serves the existing flats of 10 Highland Road. Refuse bins for the development would be stored on site and taken to the end of the access on bin collection day. In relation to the existing bins for the flats at 10 Highland Road, the applicant confirmed the freehold ownership of the land within the previous submission and at the time of that application, stated that the access road is wide enough to create a dedicated storage area. From observations on site it did appear that there was scope to create a dedicated refuse area. As such a refuse management plan was secured by condition.

#### Neighbouring amenity

Policy 3 (Backland) states that backland development should not lead to an unacceptable impact on the residential amenity of future of existing occupiers through loss of privacy, sunlight, daylight and disturbance.

The site is bounded by a terrace of two storey properties to the north (Number 16-22 Grasmere), a semi-detached pair of dwellings and their gardens to the west (12-14 Grasmere) and a pair of two-storey dwellings on Highland Road to the south. These properties are used as flats and a dentist practice. The access road also passes Number 8 Highland Road and its rear garden to the east. Access to a number of flats for 10 Highland Road is located on the access road.

It is also noted that the properties at Numbers 16-22 Grasmere are located at a lower ground level, being around 3.5m below the application site.



Similar to the extant development, the proposed dwelling would be situated towards the north west corner of the site. It would measure 7.05m in depth and 11.5m in width, again similar to the extant permission. Changes however have been made to the roof design, which previously included a dual pitched roof, measuring 4m to the eaves and 6.9m to the apex of the roof.

The dwelling would sit immediately to the rear of Number 16 Grasmere and adjacent to the shared boundary with Number 14 Grasmere.

Number 16 is located at a significantly lower ground level, being around 3.5m below the application site. There is steep bank falling away from the rear of the site down towards Number 16 and there are also a number of trees along this existing shared boundary. This relationship has already therefore likely resulted in a level of overshadowing and visual incursion for the rear facing windows of this neighbour. The separation of the development to this common boundary would range between 2.8m - 3m. Due to the tapering building line the back to back separation between Number 16 and the proposed dwelling would be between 9.7m and 10m. This is around 300mm closer than the extant permission. However, the dwelling has been angled in such a way that the roof would pitch away from this common boundary line.

The current design now proposes a single pitched roof, which slopes down towards the rear boundary. The lower eaves level would be around 1m higher than the extant arrangement. However, the zinc material would be set lower on the building and above there would be a green roof. Visually, the lower extent of the zinc cladding and provision of the green roof above would likely soften the appearance of the building at roof level. Additionally, the roof would pitch away from the rear boundary at a much lower angle and its maximum height would similar to the extant arrangement, furthermore this would now be set further back from the rear boundary. Therefore, whilst the eaves would be marginally increased at the rear, it is considered that the overall appearance, particularly in terms of visual bulk, would not be materially different than the extant development.

The visual impact in relation to the properties at the rear, including 16 Grasmere, was considered to be on balance acceptable within the extant permission. Whilst the orientation of the dwelling in relation to number 16 and back to back separation of properties may result in some visual impact, given the existing situation and extant development, the current proposal is considered to be on balance acceptable in terms of light, overshadowing and visual impact.

In terms of overlooking the windows within the north facing roof slope would serve non-habitable areas and could be conditioned to be obscured glazed. No loss of privacy is therefore anticipated for the properties along 16-22 Grasmere.

Number 14 is located to the west of the application site. The proposed dwelling would sit adjacent to this shared boundary, but it would be set back from the fence line by approximately 1.1m at its narrowest point and 1.7m at its widest. To the total separation distance between the two buildings would be around 3m. The proposed dwelling would project around 4.9m beyond the rear of Number 14. This is different to the extant development, which had a diminishing roof height so the south east. The current proposal now includes a single pitched roof, which slopes upwards and is around 2.7m higher than the existing eaves line. This would be visually more intrusive, however number 14 is located to the west and the gardens are south east facing. Therefore, it is not considered that the development would result in a material loss of light or significant overshadowing. There is also a tree within the neighbours' garden which abuts the

shared boundary. This appears to have resulted in some visual incursion for the rear facing windows of Number 14 and whilst the revised scheme would be bulkier in appearance for this neighbour, the tree does provide a small degree of screening. When coupled with the separation distances and orientation of the site, the visual impact on Number 14 is considered to be acceptable.

No windows are proposed within this side elevation facing Number 14 and accordingly there would be no loss of privacy or overlooking.

Windows are proposed within the south facing elevation and there would serve bedrooms. These would face the rear elevations and amenity spaces of 10 & 108F Highland Road. The southern boundary of the site is staggered and the backs onto neighbouring gardens and there is also a single storey shed. The separation to the southern boundary varies between approximately 12m and 4m but at its narrowest point there is a further separation between the boundary and a shed in the neighbouring garden. The back to back separation between the facing windows is around 25m.

Windows within the south facing roof slope were considered to be acceptable under than extant development and in this case, the separation and arrangement of the buildings would not result in material visual harm or a significant loss of privacy.

The existing vehicular access path would be used to gain entrance to the site. This appears to be used by the flats of 10 Highland Road as a means of entrance to their flats, and it also sits adjacent to neighbouring properties at 8 Highland Road. However the existing garage uses would have resulted in a level of vehicular movements along this path and whilst these garages are currently not in use, it is considered that this is the established and historical arrangement which could be reinstated at any time. There would be general comings and goings associated with the introduction of a residential dwelling on the site but given the existing use this is not considered to be significantly detrimental to neighbouring amenity by of increased noise and disturbance or general disturbance from headlights.

The property would include an upper level window within the east elevation, which faces Number 8 Highland Road. However, the forward facing panel would be obscured glazed and a single unobscured vertical panel would face back towards the rear of 10 Highland Road. This would prevent direct overlooking onto neighbouring gardens to the east.

## Trees

Policy 73 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. When works are proposed to be carried out to protected trees and woodlands the Council will seek appropriate management to ensure that they remain in a healthy condition and visually attractive.

Tree Preservation Order (TPO) BB 9, 1960 covers the site address and a large proportion of the surrounding roads. This is one of Bromley's earliest TPOs and protects trees that existed at the time the order was made.

The previous application was supported by an Arboricultural appraisal and similar details have been submitted in respect of this application. Objections were raised previously with regards to the development being prejudicial to the well-being of a

number of protected trees on and off-site. However, the current scheme, similar to the previous approval, no longer extends into the rear garden of Number 8 Highland Road, where there was previously likely to be a conflict between the development and trees. Most trees along the northern boundary of the application site are to be retained, and given the position of the existing garage structures, close to the root protection area of these trees and the location of the dwelling, objections would unlikely be raised in respect of harm. The Council's tree officer previously reviewed the details and it was considered that the proposal satisfactorily addressed previous reasons for refusal. No comments have been received from the council's tree officer in respect of this application, however given the similarities to the extant development it is considered that the comments and recommendations made in respect of that application are still applicable and relevant. This includes the submission of Arboricultural method statement, which is required in order to ensure the trees to be retained will not be damaged during demolition or construction. Given the TPOs across the site and proximity of the development to the trees on the northern boundary this is considered to be reasonable and necessary condition that should be submitted prior to commencement of development in order to safeguard the trees on and off-site.

## 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

Having regard to the above it is considered that this would be acceptable form of backland development. It would result in the provision of one new dwelling which contributes to the boroughs overall level of housing provision. The revised design and not too dissimilar to the extant permission and it would not result in significant harm to the character or appearance of the locality and the impact on neighbouring residential amenities is on balance acceptable.

## Decision

Application Permitted

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