

**LONDON BOROUGH OF BROMLEY**

**TOWN PLANNING  
RENEWAL AND RECREATION DEPARTMENT**

**DELEGATED DECISION on 1st May 2020**

**20/00557/FULL1**

**Russell Penn**

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

**Description of Development**

Demolition of existing chalet house and construction of a two storey with additional lower ground floor pair of semi-detached 4 bedroom houses.

**Proposal**

Planning permission is sought for the demolition of existing chalet house and construction of a two storey with additional lower ground floor pair of semi-detached 4 bedroom houses.

The footprint of the building is a regular shape and measures approximately 16.6m width to the front elevation and a depth of 10.3m at its maximum ground floor extents. The building is sited approximately 3.4m back from the front boundary with Kirkstone Way at ground level. At first floor the front elevation will project forward in most parts by way of an overhang at 0.8m depth.

The submitted ground floor plan appears to show the spatial separation from the side boundary to be 1.7m increasing slightly to the east to the rear. The first floor plan however indicates the spatial separation at 2m to the west and 1.4m to the east. It is assumed this is a drawing inaccuracy. The ground floor measurements will be considered.

The building is indicated in a split level format with two storeys to the front elevation with an overhang facing Kirkstone Way and a three storey elevation to the rear. A dual pitched front and rear gable roof is shown to each house respectively in a symmetrical roof design to the semi-detached building. The rear elevation incorporates a lower ground floor wide terrace area. The first floor incorporates a balcony area.

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
- o Part M Compliance 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. It is irregular in shape with the higher section hosting the main building/hardstanding area with the lower garden section accessed via steps down from the main dwelling.

The area generally is characterised by a variety of predominantly detached dwellings ranging from modest single storey dwellings to larger detached houses.

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 No difference from previous application. Overdevelopment of a small site.
- o Car parking provision is inadequate.
- o Concerns regarding the impact of the construction process.
- o Will change views of area which is conservation area of natural beauty, trees and wildlife.
- o Visually very dominant and overbearing to rear.
- o Not in keeping with the character and prevailing form of existing development.
- o Concerns regarding overlooking and loss of privacy to the rear.
- o Concerns regarding excavation and potential land movement.
- o Preference to see existing house renovated.
- o Two large town house style houses will increase noise and disturbance harmful to neighbour amenity.

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:

The application site is within an Air Quality Management Area declared for NOx. Control to be sought by condition in respect gas boilers meeting a dry NOx emission rate of <40mg/kWh to minimise the effect of the development on local air quality within an Air Quality Management Area.

Informative's recommended in respect of the control of pollution and noise from demolition and construction sites, and any suspected contamination encountered during works.

#### Drainage Engineer:

Further details to be sought by planning condition for sustainable surface water drainage.

Highways:

Kirkstone Way is a single track unmade road providing access to the properties there and to the garages at the rear of Coniston Road.

Tree officer:

No further reply received. However comments under ref 19/00770/OUT remain relevant:

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.

Thames Water:

Thames Water advise that with regard to waste water network and sewage treatment works infrastructure capacity, Thames Water would not have any objection to the above planning application, based on the information provided.

Thames Water advise that with regard to water network and water treatment infrastructure capacity, Thames Water would not have any objection to the above planning application.

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 (2016)

- 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

#### Draft New London Plan (Intend to Publish - 2019)

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.

Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. These factors affect the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.

- H1 Increasing Housing Supply
- H2 Small sites
- H5 Threshold Approach to application
- H8 Loss of existing housing and estate redevelopment
- H9 Ensuring the best use of stock
- H10 Housing Size Mix
- D1 London's form and characteristics
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of change
- D14 Noise
- S4 Play and informal recreation
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI1 Improving air quality
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood risk management
- SI13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- T7 Deliveries, servicing and construction

## 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

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

19/00770/OUT: 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.) Refused 17.06.2019

The refusal reasons raised the following areas of issue:

- o 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 generally.
- o The proposed development by reason of its spatial relationship to adjacent dwellings in this location would 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.
- o The proposed development by reason of increased overlooking, overbearing nature, siting and proximity to neighbouring buildings and rear property boundaries would have a serious and adverse effect on the privacy and amenity enjoyed by the occupants of neighbouring property to the rear and flank boundaries.
- o The proposed development 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 highway.
- o In the absence of sufficient information to demonstrate satisfactorily otherwise, the proposals would likely result in conditions prejudicial to the wellbeing of trees on the site.

## Considerations

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

- o Resubmission
- 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

## Resubmission

The current application follows an Outline scheme as detailed in the planning history above. The current scheme has been submitted by the applicant to address directly the planning history of the site and conclusions of the LPA assessment of the Outline application. The detail of this is discussed below.

## Principle

The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development.

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 a pair of semi-detached residential house units, 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.

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 Bromley Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

In principle, the site is located in a residential location where the Council will consider a greater density of 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, car/cycle parking and traffic implications, sustainable design and energy, community safety, refuse arrangements, biodiversity or open space will need to be addressed.

## 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. 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 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 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 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 positioned 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.

The changes now put forward to address the previous application appear minimal with many of the fundamental issues remaining apparent in the scheme.

It is noted that the maximum height of the proposed building is comparable in the streetscene to adjacent properties at 6.75m to the ridge. However, the plans depict a significantly bulkier building on the site with front and rear gables and with front elevation overhangs at the first floor that will dominate the front elevation. As such the mass and scale of the building would represent a prominent punctuation in street scene vistas when viewed east and west. This would appear to be even more apparent than the previously refused scheme on the site. Consequently this still 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 has been improved. If the ground floor plan is used for measurement this would now be 1.7m to each flank. Although numerically compliant with Policy 8, due to the spatial standards being generous along Kirkstone Way, a greater degree of separation 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 the additional scale to neighbouring property adjacent and in particular to the rear of the site onto Elstree Hill. The revised scheme proposes a substantial rear elevation at 9.15m above the rear ground level. The design of the elevation is mostly devoid of windows to help alleviate overlooking to rear property at a raised level. However as a result of this the rear elevation while in part mitigating one problem has resulted in a monolithic rear elevation of substantial height creating a dominating and overbearing structure to surrounding property in the locality.

On balance given the poor spatial separation, dominant and overbearing scale and bulk, 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.

Paragraph 7.21 of the London Plan states that architecture should contribute to the creation of a cohesive built environment that enhances the experience of living, working or visiting in the city. This is often best achieved by ensuring new buildings reference, but not necessarily replicate, the scale, mass and detail of the predominant built form surrounding them, and by using the highest quality materials. Contemporary architecture is encouraged, but it should be respectful and sympathetic to the other architectural styles that have preceded it in the locality.

It is acknowledged that in design terms it is not always essential to replicate traditional design or appearance of an area and contemporary design can develop a further layer of townscape which complements, rather than competes with the past. Notwithstanding the identified scale, massing, bulk, and spatial issues, in terms of the revised building proposed, it is opined that the design style approach is an acceptable response.

#### 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 statement that details compliance with the relevant sections of Part M has been received.

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 being significantly greater in this respect.

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 both four bedroom family dwellinghouses.

#### 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

Limited external car parking spaces are provided for each dwelling with awkward and difficult manoeuvring spaces indicated within a limited depth front curtilage. Integral parking within a garage is shown within the footprint of each dwelling.

It is considered that potential hazardous vehicle movement will result in order to park on the front of the site and also due to having to wait on the narrow highway to enter the alternative integral garage space. Furthermore if garages are used for storage by future occupiers, there will be limited and not easily useable parking available leading to a potential on street parking impact in the wider area.

The proposal is therefore considered to lack sufficient easily useable on-site parking and would be liable to prejudice the free flow of traffic and conditions of general safety along the adjacent highway.

#### 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 neighbouring amenity space or overlooking the street. The revised scheme has removed direct rear outlook from the rear elevation by repositioning rear habitable room outlook to the side of the rear gable projections. This inadvertently provides direct outlook to the rear amenity spaces of adjacent neighbouring property at Chestnut and Billingford at relatively close proximity causing a significant loss of privacy.

At first floor, balconies are proposed (albeit only indicated on the elevations) causing a similar sense of overlooking and loss of privacy to properties on Elstree Hill. Furthermore, to the rear, a lower ground floor terrace at a raised level will look south and down due to steep topographic land level changes to the rear of properties on Elstree Hill. These concerns have also 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 first floor 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 floor plan drawings. Full detail of hard and soft landscaping and boundary treatment would have been sought by planning condition 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 payable on this application. The relevant form has been requested which has not been received to date.

## Conclusion

Taking into account above, the revised resubmission is not considered to have overcome the grounds for refusal of the previously submitted scheme and is recommended to be refused for the same reasons.

On balance the negative impacts of the development are considered of sufficient weight to withhold planning permission as currently proposed, notwithstanding the presumption in favour of sustainable development to increase housing supply.

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**