

LONDON BOROUGH OF BROMLEY

**TOWN PLANNING
RENEWAL AND RECREATION DEPARTMENT**

DELEGATED DECISION on 22nd June 2020

20/01307/FULL1

**Oaklands Court
6 Oaklands Road
Bromley
BR1 3SW**

**Susanna
Stevenson**

Description of Development

Construction of 2 no. three bedroom two storey dwellings with accommodation in roofspace, cycle parking, refuse storage and landscaping, including re-configuration of car parking layout associated with Oaklands Court.

Proposal

Planning permission is sought for the erection of 2 no. three bedroom dwellings on land at the rear of the host flatted block.

The proposed dwellings would be detached and would be positioned towards the north eastern boundary of the site, occupying approx. one half of the fenced off former car park at the rear of the application site. The houses would be set over two storeys with a dual pitched roof with front and rear gables.

The dwellings would be approx. 5.5m high to eaves level, with a height to the ridgeline being approx. 8.82m.

Flank dormers are proposed to be provided in the left hand roofslope of each dwelling. The dormers would be flat roofed and would align with the main flank elevation of the dwellings, with a set back from the front elevation facing Oaklands Court of 4.95m and a set back from the rear elevation of approx. 3.25m.

The houses would be positioned with a separation of approx. 1.9m between them. Side space of approx. 0.85m would be provided to the flank boundary with the neighbouring surface car park.

The separation to the rear boundary would be approx. 4.59m and each dwelling would have a private amenity space of approx. 70sqm as well as open access to the area retained beneath the protected trees within the remaining half of the plot.

The dwellings would be constructed with facing materials comprising grey brick, standing seam cladding (which would also be used for the roof).

A first floor rear facing window is proposed to each dwelling, with this window being obscure glazed. Flank facing windows are proposed to be provided at first floor level, facing towards the open retained space and the rear parking area of Charmine Court respectively. Rooflights are proposed to be provided in the west roof slope.

Parking spaces for the dwellings would be provided within the reconfigured surface car park serving the flats and dwellings combined. Similarly, refuse and cycle storage would be largely shared. The existing car park would be widened to almost the full width of the site and a total of 24 no. spaces would be provided (including three disabled parking spaces).

Location and Key Constraints

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

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

The details included spaces 1 -23 which are positioned on the rear area of tarmac and it is these spaces that would be lost if the application scheme was to be implemented. This rear area of hardstanding has at some point been enclosed by the erection of a close boarded fence with padlocked gates which restrict access to the parking area. Aerial photographs dating from 2013 show the parking area the subject of this application in use as such.

Currently residents of the main flatted block park on the hardstanding at the immediate rear of the host block and on the access road leading to the fenced off rear parking area. A detached cycle store is also located within the parking/amenity area between the host block of flats and the fenced off rear part of the site.

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

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

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

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

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

Comments from Local Residents and Groups

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

Objections

- o Impact on TPO trees - less space and water for them

- o Loss of trees
- o Concern regarding access by emergency vehicles and refuse collection lorries
- o Reduction in parking space deemed necessary when Oaklands Court was constructed. Existing residents have had inadequate parking since the rear car park was fenced off and as a result have avoided car ownership or parked on Oaklands Road
- o Validity of the parking survey questioned
- o Lack of on-street parking in Oaklands Road
- o Loss of privacy and outlook
- o Loss of amenity space
- o Cramped backland development
- o Local area already saturated with development
- o Impact on wildlife
- o Would not be justified by housing need
- o Impact on property values and loss of light could impact on an easement
- o No information on connection to existing sewer and drainage system. Oaklands Road sewer drainage is vulnerable
- o Materials uncharacteristic
- o Houses would not blend into the area

Local Groups - Ravensbourne Valley Residents

- o The development proposal does not adequately take into account the existing trees on the site which are protected by Tree Preservation Orders and provide a high visual amenity contrary to Bromley Local Plan Policy 73.
- o The proposal would reduce the existing capacity for on-site car parking while increasing the
 - o parking needs of the site as a whole and would give rise to an undesirable increase in on-street parking in nearby roads contrary to Bromley Local Plan Policies 9 and 30.
- o It is considered that the size and siting of the dwellings are an over intensive development on
 - o the site and would appear out of keeping and character with its neighbouring properties and
 - o thereby detrimental to the visual amenities of the area contrary to Bromley Local Plan Policies 4 and 37

Comments from Consultees

Environmental Health Pollution Officer:

No objections. Should permission be granted, a condition relating to Air Quality is recommended, as is an informative relating to the Control of Pollution Act and/or the Environmental Protection Act.

Drainage Engineer:

No objections. If planning permission granted a pre-commencement drainage condition is recommended.

Thames Water:

Did not provide comments in response to consultation regarding current application, but raised no objections with regards to the previous application and sewerage and water infrastructure capacities.

Highways:

No objections. The Transport Statement indicates that the car parking area to the rear of Oaklands Court has been reduced to the current number of spaces for about 3 - 4 years. The overnight parking survey indicated that there were 8 vehicles parked there. The number of on-site car parking spaces will be increased to 24 with this proposal. These additional spaces are considered more than enough for the proposed dwellings and the number of flats within the main building. The Transport Statement also indicates that the refuse from the houses will be brought to the front of the building on collection day as with the existing arrangements.

Trees and Landscaping:

This application follows the refusal of a scheme in 2017 under reference 17/05229/FULL1.

Reason 1 of the refused decision related to tree impact. The previous scheme had failed to address trees at the site as a development constraint initially and then later was considered too large for the location. This application has been supported with arboricultural submissions and details tree constraints, protection measures and methods to reduce the risk of harm to retained trees.

Two category B trees are proposed to be removed to facilitate the scheme. The category C trees to be removed are not considered significant. The arboricultural mitigation will include replacement tree planting to the front of the proposed parking area. Species may be confirmed as part of a requested landscape plan. The arboricultural submissions have covered all areas of concern and support the scheme well.

There are no technical trees objections to the proposal on the basis of the submitted arboricultural support. Planning conditions are recommended should permission be granted.

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 Policies

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

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

Supplementary Planning Guidance

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

Planning History

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

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

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

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

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

In allowing both these appeals, the Inspector attached a condition requiring full details of the parking layout to be submitted to and approved in writing by the Local Planning Authority. The Inspector reasoned that while the parking area at the rear of the site

would reduce the amount of amenity space for residents in comparison with the permitted scheme, sufficient amenity space would be retained.

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

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

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

17/05229/FULL1 Planning permission refused for construction of 3 two bedroom dwellings (1 pair of semi-detached houses and 1 detached dwelling) with associated car parking spaces (5 no.), cycle parking, refuse storage and landscaping, including rearrangement of car parking layout associated with Oaklands Court.

Reasons for refusal:

1. The proposal would result in the loss of a number of trees which are protected by a Tree Preservation Order and which contribute to the visual amenities of the area and the proposed layout and extent of the dwellings in relation to the proportions of the site, in conjunction with the loss of existing amenity space, would provide inadequate space to secure a satisfactory setting of for the development, thereby contrary to Policies BE1, H7 and NE7 of the Unitary Development Plan, Policies 37, 73, 3 and 4 of the draft Local Plan and Policies 7.21 and 7.6 of the London Plan.

2. The proposals would reduce the existing capacity for on-site car parking while increasing the parking needs of the site as a whole and in the absence of information to regarding the loss of parking spaces, the adequacy of manoeuvring space and access by larger vehicles through the undercroft, the proposal would be inadequate to meet the needs of the existing and proposed development and give rise to an undesirable increase in on-street parking in nearby roads as well as a development which would be poorly serviced, thereby contrary to Policies T3 of the Unitary Development Plan, Policy 30 of the draft Local Plan and Policy 6.13 of the London Plan.

3. The proposal by reason of the size of the dwellings in relation to the individual plots and the existing/proposed boundaries of the site and the proportion of the site covered by buildings and hard surfaces would be out of character with and would fail to complement the pattern of development in the locality, thereby detrimental to the visual amenities of the area and contrary to Policies H7 and BE1 of the Unitary Development Plan, Policies 4, 3 and 37 of the draft Local Plan and Policies 7.4 and 7.6 of the London Plan.

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)
- o CIL

Resubmission

Planning permission was refused under reference 17/05229 for the redevelopment of the fenced off application site for the erection of three dwellings. This current proposal differs from that proposal in a number of respects, summarised below:

- o The development is focussed on one side of the currently fenced off area, leaving the area adjacent to the TPO trees free of development. No TPO trees will be removed
- o Reduction in the number of units from three to two. Former proposal related to a pair of semi-detached dwellings and a single dwelling broadly in the position of one of the currently proposed houses. In the space between the pair of semi-detached houses it was proposed to provide five parking spaces and a manoeuvring area.
- o Reduction in the scheme and amended siting allows for a greater proportion of the site to be maintained as amenity space.
- o Amended design to the dwellings and site layout.

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 an additional single 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.

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 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.

The site is located in a residential location where the Council will consider further residential development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed.

In this case the site appears to represent a severed plot that is no longer related to any adjoining property. The site could be considered as an infill site and not garden land. Therefore the provision of a residential use on the land in the form of a small scale residential development may be 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.

Subject to compliance with the above policies it is not considered that the residential development of the rear of the existing large residential site would be unacceptable in principle.

Design

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

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

cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

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

Policies 4, 37 and 8 of the BLP are of particular relevance to the assessment of the proposals in terms of design. Policy 8 relates to side space and requires that a minimum of 1m side space will normally be required to be provided between the flank elevation of two or more storey development and the side boundary of the application site. The purpose of the policy is to ensure that the retention of space around residential buildings provides adequate separation, to safeguard the privacy and amenity of neighbouring residents and to prevent a cramped appearance and unrelated terracing from occurring.

In this instance the proposal would not provide a 1m side space to the flank boundary with the open car parking area serving Charmine Court, which fronts Spencer Road. The space between the two dwellings would be limited to less than 2m i.e. less than 1m provided between each dwelling and the formed boundary between the houses.

However, it is not considered that this would result in a cramped appearance or unrelated terracing, taking into account the context of the development and its siting between large open spaces comprising the retained amenity area within the application site beneath the retained protected trees and the use of the land to the other side as an open car park. The siting of the dwellings would not impact upon neighbouring amenity as a direct consequence of the provision of side space. It is therefore considered that this is an example of development where the normal application of Policy 8 would not specifically apply.

The design of flats/houses in the locality varies and there is no consistent built form/design which is characteristic of the area. As such, the contemporary detailing and form of the proposed dwellings would not be uncharacteristic or incongruous on the context of the local vernacular.

The previous scheme provided little space retained about the dwellings and a more significant proportion of the site was covered by buildings and hard surfaces. As such it was considered that the proposal would have resulted in a visually intrusive and cramped appearance when viewed from the original residential block. The amenity space about the buildings was considered to be uncharacteristic of the locality and it was noted that the proposal would have resulted in car parking eroding the existing amenity space allotted to the host flats. It was considered that the lowering of the landscape quality of the site would be appreciable to all residents utilising the car park as well as from outside of the site.

The current scheme represents a significant improvement over the previous scheme in terms of the amount of the site occupied by buildings and hard surfaces. In reducing the number of units the visual bulk of the development has likewise reduced. While only small amenity spaces are provided to the rear of the buildings, taking into account the proportion of the site which would be capable of meaningful landscaping and the separation between the proposed dwellings and the dwellings fronting Spencer Road as well as the frontage flatted building it is not considered that the development would appear unacceptably cramped in the context of the site and its surroundings.

Standard of residential accommodation

Policy 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

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

It is considered that the proposal would provide residential accommodation of a satisfactory size and standard of amenity for prospective occupants. The internal layout would not be awkward or convoluted and the design and layout of windows would allow for adequate outlook and a reasonable view of the surroundings.

While the private amenity space would be somewhat constrained in size, taking into account the communal landscaping areas and the openness to the side of the site it is considered that the proposal would provide adequate amenity space to serve prospective occupants. While the proposal would involve the loss of some of the existing communal space serving the host flats to car parking, a large area of amenity space would remain and this is not on balance considered unacceptable.

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.

It is acknowledged that local representations have expressed concern at the impact of the proposal on on-street parking within the adjacent streets, referring to the prevalence of commuter and shopper parking in the vicinity of the application site. In addition, concern has been raised regarding access to the rear of the site, noting the undercroft parking access as existing, and concerns expressed regarding emergency vehicle access to the rear of the site.

However, no technical highways objections have been raised to the proposals on the basis of the submitted Transport Statement and the car parking requirements within the Bromley Local Plan Policy 30. It is noted that historically the consideration of spaces per flat within the host site sought significantly more car parking to be provided per unit than is currently the case. This reflects developing policy in relation to transport and parking since the applications in the 1980s and 1990s were assessed, and it is considered that taking into account an assessment of the existing impact of the flats without the currently fenced off spaces on on-street parking, and the proposed introduction of additional parking to partially offset that lost to the development, that the refusal of planning permission on the basis of inadequate parking would not be sustainable at appeal.

With regards to access by emergency vehicles, it is noted that within the Transport Statement the applicant refers to willingness to provide a fire hydrant close to the residential dwellings to address the restricted height of the undercroft and the lack of fire engine access to the rear of the site. The views of Building Control over the extent to which measures could be integrated at Buildings Regulations stage so as to provide residential accommodation which would be safe and resilient to fire were sought. It was confirmed that internal sprinkler systems would be required. The detailed technical design of such systems would be a matter to be considered under the Building Regulations rather than being a matter for planning control.

No information is provided regarding access by ambulances, but it is not unusual in built up areas for such access to be at the nearest suitable point with crew walking the remaining distance.

Neighbouring concerns have also been raised regarding access for construction vehicles. If planning permission is granted it would be appropriate to impose a pre-commencement construction management plan condition in this respect, along with the other conditions recommended from a technical highways perspective.

Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The main impact of the proposal would as a consequence of the siting of the dwellings be upon the amenities of the properties backing onto the houses, fronting Spencer Road.

It is noted that in refusing the previous application for planning permission for three dwellings on the site it was not on balance considered that the proposal would have resulting in significant impacts on the amenities of neighbouring properties. However the design and layout of development has changed and it is therefore appropriate to reconsider the potential impact of the current scheme on neighbouring amenity.

The layout of development in this application would result in the rear elevation of both dwellings facing towards the rear gardens of the Spencer Road properties, within relatively close proximity as a consequence of the shortness of the proposed gardens serving the new dwellings. However, it is noted that the dwellings would have a two storey appearance from the rear of Spencer Road and they have been designed with no clear glazed fenestration at first floor level facing the rear of the existing houses.

The dwellings would lie broadly to the south/south west of the boundary with the dwellings fronting Spencer Road and it falls to carefully consider whether the proposal would result in a significant loss of daylight and sunlight to those properties.

Taking into account the separation of the dwellings to the boundary as well as the back to back distance between dwellings it is not considered that the proposal would result in a significant loss of light or outlook such that would warrant the refusal of planning permission.

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

Sustainability

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

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

Trees

Planning permission was refused under reference 17/05229 for the proposed development of the rear of the site to provide three dwellings, where the development site broadly encompassed the full within the plot. In this case the proposal has reduced the number of units to 2 and the construction works associated with the proposal would be largely confined to the north eastern half of the backland plot as well as through the provision of parking in place of the existing amenity space to the right hand side of the central access way to the rear of the site.

Neighbouring residents have expressed concern at the immediate and long-term impact of the development on the health and retention of trees, referring to the contribution of the trees upon the site to visual amenity and wildlife. These concerns have been taken into account alongside the comments of the trees officer which raise no objections to

the proposals, subject to safeguarding conditions. The technical appraisal of the Arboricultural Method Statement alongside the assessments of the value of those trees which would be retained and those which would be removed, raises no objections to the development, subject to safeguarding conditions which would seek to ensure that those trees which are retained are not adversely impacted by the construction phase or thereafter.

Concern has also been expressed regarding the ecological/biodiversity impact of the proposal. It is noted that the land upon which the dwellings would be constructed comprises an expanse of hardstanding, originally purposed as a surface car park. The application has been accompanied by detailed information regarding the trees impacts of the proposal and would involve limited works to retained trees which provide a wildlife habitat.

Other matters

It is noted that concern has been expressed regarding the impact of the proposed dwellings on existing drainage infrastructure in the locality. It is observed that the previously refused application referred to Thames Water comments which raised no objections, and that the Council's Drainage officer has raised no objections to this current proposal, subject to conditions.

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

It is considered that the proposal would not have a significant impact on the residential and visual amenities of the area. The unit type and siting of the dwellings would on balance be acceptable and would not be uncharacteristic of residential development in the locality in terms of scale. The proposal would not have a significant impact on the local road network or local parking conditions. The proposal takes into account the siting of trees which it desirable to retain and protect, and subject to conditions would be capable of being implemented without impacting upon the health and long term retention of those trees.

Taking into account the above it is not considered that significant adverse impacts would arise from the development that would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF as a whole. Accordingly it is recommended that planning permission be granted.

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 Permitted

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