

LONDON BOROUGH OF BROMLEY

TOWN PLANNING RENEWAL AND RECREATION DEPARTMENT

DELEGATED DECISION on 11th November 2020

20/02159/FULL1 10 Highland Road
 Bromley
Stephanie BR1 4AD
Gardiner

Description of Development

Demolition of the existing garages and build new 4 bedroom dwelling 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 4-bedroom dwelling. The current scheme is a revised proposal to planning permission refs: 18/04241 and 19/03134/FULL1.

The application has been amended since submission with a reduction in the depth and height of the proposal.

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 included a recently demised single storey garage block. The is accessed via a small access road varying in widths of 3.2m to 3.8m. The area consists of period and post-war infill development many of which comprise 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 with flats above. The site is designated as being within an area of Open Space Deficiency and there is a blanket tree preservation order.

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 RSPB - Recommend a swift box
- o Too large for the plot of land available. Almost no garden at the rear and sides.
- o Space allocated for car and cycle port is unlikely to be adequate
- o As there is no attic or garage the erection of a shed is likely in this limited space.
- o May be a good investment for a development but will forget above the occupants and their children.
- o Owners and occupants of Highland and Grasmere Road area all opposed to this rear garden development. This is the third attempt to push through a large development on this site.
- o Two petitions sent in against development
- o Concerns width of passage entrance by the side of the Doctors, potential fire hazard and door to the flats above the doctors surgery directly open onto the passage.

- o Footprint of the garage does not warrant a 4 bedroom house. Limited space for a family house.
- o Bank of earth running at the back of 16-22 Grasmere Road where the house is located and this could collapse.
- o The two bedroom house was permitted query why the owners have now applied for a four bedroom house.
- o Garages were demolished over a year ago so the proposal is confusing
- o Site is in back gardens and is not the place for a 4 bedroom house.
- o Will be within 3m of neighbouring property where there should be a back garden.
- o Replaces garages which were very different to a 4 bed house. Question sense of approving site for use as garages originally but that bad decision should not be a reason to allow back gardens to be built on.
- o Undesirable backyard development
- o Views into other people's back gardens
- o Concerns about stability of earth
- o Site is paved so surface water runoff concerns.
- o Increase in density and excessive noise pollution.

Comments from Consultees

Environmental Health Pollution Officer: No objections within the grounds of consideration. Recommend the following conditions and informatives.

No development shall commence on site until such time as a Construction Management Plan, in accordance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 (available on the Bromley web site) has been submitted to and approved in writing by the local planning authority. The plan shall include, but is not limited to, the following:-

- a) Dust mitigation and management measures.
- b) The location and operation of plant and wheel washing facilities
- c) Measures to control demolition and construction noise including, where applicable, noise trigger levels & monitoring
- d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
Rationalise travel and traffic routes to and from the site as well as within the site.
Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
Measures to deal with safe pedestrian movement.
- e) Hours of operation
- f) Details of a complaints procedure with a designated person on site responsible for complaint handling

The application site is within an Air Quality Management Area declared for NOx. I would therefore recommend that the following conditions are attached:

The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet 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 in line with NPPF p124 and Policy 7.14 of the London Plan)

I would recommend that the following informative is attached:

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 4-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. 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).

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

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

19/03134/FULL1 - Demolition of existing garages to the rear of 10 Highland Road and the erection of a single two storey 3-bedroom house. Permission

19/03134/CONDIT -Discharge of conditions in relation to planning application ref 19/03134/FULL1:

Cond 4 - Tree Survey Report

Cond 5 - Details of Slab Levels

Cond 6 - Construction and Environmental Management Plan

Cond 7 - Details of Ownership of Access

Cond 9 - Details for Storage of Refuse

Cond 10 - Details of Materials

Cond 13 - Details of No Resident's Parking

Considerations

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

- o Housing position
- o Principle/Design
- o Standard of residential accommodation
- o Highways
- o Neighbouring amenity
- o Trees
- o CIL

Housing Position

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

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

Policies including 3.3 of The London Plan 2016 and Policy 1 of the 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.

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 11(d) 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 residential dwelling which represents 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.

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 under planning ref: 18/04241/FULL1 and 19/03134/CONDIT, which was for a similar development on this site. The current application is a resubmission with a slightly modified internal layout and design. As such, no objections are raised within the scope of this application to the principle of redevelopment for one dwelling.

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, like the previous permitted scheme, proposes a single detached residential 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 with the inclusion of an additional bedroom and revisions to the design, which now proposes Zinc cladding and glazed projecting windows. Zinc was proposed within the 2019 application and no objections were raised. Zinc is a contemporary type of architectural treatment, but it is not considered to be materially harmful in 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. Nevertheless, the introduction of a residential unit within this previously development backland site is not considered to be out of character with the surrounding residential context.

Given the similarities in the scale, layout and massing to the extant development no objections are raised on design grounds.

Standard of residential accommodation

The proposal is for a four-bedroom dwelling and each of the bedrooms would measure over 11.5sqm. These are therefore capable of accommodating 2 people. As such, the occupancy could reasonably be 8 persons.

An additional 'study' was previously shown on the extant plans, which was for a 3 bed 6 person unit, and this measured 6.5sqm. This could have reasonably been converted into a single bedroom; however this space has now been amended into a formal bedroom within the revised layout.

The minimum GIA for a 4-bedroom 8 person dwelling over two storeys is 124sqm. The dwelling would comply with the above standard.

As a result of the 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 habitable rooms would have a reasonable level of light and outlook.

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 permissions.

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. 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. No objections were also raised within the scope of the original application to the loss of the garages.

The turning areas appear to be sufficient for one dwelling and this is 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. 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.

The existing access road 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 submissions and Certificate A has still been signed within the current application form. At the time of the original 2018 application, it was considered that the access road was 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.

Therefore, the highway impact is still considered to be acceptable.

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. Policy 37 also seek to protect neighbouring residential amenities.

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 surgery. 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.

Like the extant development, the proposed dwelling would be situated towards the north west corner of the site and is comparable in size to the and form of the extant permission.

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 several trees along this existing shared boundary. Prior to demolition, there was also a single storey garage block along the rear boundary of the site. This relationship 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 be c.3m, similar to the extant permission. Due to the tapering building line the back to back separation between Number 16 and the proposed dwelling would be around 10m. However, the dwelling has been angled in such a way that the roof would pitch away from this common boundary line.

Like the most recent extant permission, this single pitched roof would slope down towards the rear boundary. The separation to the boundary is comparable to the extant permission and the building is of a similar width across the plot. Therefore, whilst there has been a cumulative increase in height over the course of the extant permissions, on balance it is considered that the overall appearance, particularly in terms of visual bulk, would not be materially different.

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 and non-opening below 1.7m. 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 1m at its narrowest point and c.1.6m at its widest. The development would project beyond the rear of this neighbour by around 5m, like the permitted arrangement. The roof of the development would also continue pitch upwards beyond the rear of this neighbour and the maximum height is again similar to the most recent permission. This would be highly visible for the neighbour at Number 14 and would be more visually intrusive. However, 14 is located to west and the gardens are south east facing; they also measure around 16m in depth. Given the orientation of the site and gardens, together with the location of the development it is not considered that the development would be unacceptably overbearing and there would not be an unacceptable loss of light or overshadowing.

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

Windows are proposed within the south facing elevation and they 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, 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 acceptable under than extant developments and in this case, the separation and arrangement of the buildings would not result in material visual harm or a significant loss of privacy which is materially different to those permitted schemes.

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. Whilst the garages have been demolished, at the time of original consent it was considered that this established and historical arrangement could be reinstated at any time. Accordingly, there would be general comings and goings associated with the introduction of a residential dwelling on the site but, when having regard to 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 two upper level windows within the east elevation, which face towards Number 8 Highland Road. However, one is a high-level window and the other is obscured glazed. 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 original 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 several protected trees on and off-site. However, the current scheme, like the previous approval, no longer extends into the rear garden of Number 8 Highland Road. Most trees along the northern boundary of the application site are shown 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 in this previously developed land. 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