

Written Representations: Grounds of Appeal Statement

APPEAL BY:

Mr Sam Huddart

Against the decision of the London Borough of Bromley to refuse planning permission for:

“Erection of a detached two bedroom dwelling facing Madeira Avenue on land formerly the rear garden of 48 Farnaby Road”

Land Rear of 48 Farnaby Road, Madeira Avenue Bromley BR1 4AY

LPA reference: - DC/18/05287/FULL1

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Report Audit

<u>Date</u>	<u>Rev</u>	<u>Author</u>	<u>Check by</u>	<u>Comment</u>
02.08.19		SA		
05.08.2019	A	SA	BG	issue



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1. Introduction

1.1. Planning application DC/18/05287/FULL1 was submitted to the London Borough of Bromley on 26th November 2018. The description of development is:

“Erection of a detached two bedroom dwelling facing Madeira Avenue on land formerly the rear garden of 48 Farnaby Road”

1.2. The LPA has refused the application for the following reasons:

1. *The proposed development constitutes garden land development where there is an unacceptable impact upon the character, appearance and context of the area by reason of scale, design, siting and proximity to neighbouring garden curtilage and the surrounding development pattern and spatial layout of the area. If permitted this would establish an undesirable pattern for similar piecemeal infilling in the area, resulting in a retrograde lowering of the standards to which the area is at present developed and have a serious and adverse effect on the visual amenity of the streetscene contrary to Policies 1, 3, 4, 8 and 37 of the Bromley Local Plan and Policies 3.4, 7.4 and 7.6 of the London Plan and the NPPF (2018).*
2. *The proposed development by reason of its isolated siting and design and its relationship to adjacent property and buildings would not complement the scale, form and layout of buildings in the immediate area or be compatible with the character of the surrounding development. It would therefore fail to preserve or enhance the character of the residential area and represents an inappropriate and visually obtrusive development detrimental to the character and visual amenities of the locality contrary to Policies 4 and 37 of the Bromley Local Plan and Policies 3.5, 7.4 and 7.6 of the London Plan and the NPPF (2018).*
3. *The proposed development by reason of increased overlooking from a high level to neighbouring property would have a serious and adverse effect on the privacy and amenity enjoyed by the occupants of neighbouring property contrary to Policies 4 and 37 of the Bromley Local Plan and Policy 7.6 of the London Plan.*

1.3. The application was validated by Bromley on 17th December 2018. The decision notice is dated 8th February 2019.

1.4. This Appeal Statement sets out the Appellant's case in support of the proposal. This Statement should read in conjunction with the application submission. The Appellant considers that the proposal will make good use of space, providing a new housing unit in a sustainable area. It will fit into the character, appearance and context of the area



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and will improve the streetscene. There will be no overlooking of neighbours. The Inspector is asked to allow the appeal.

2. Appeal Site and Surroundings

2.1. The appeal site is located on the west side of Madeira Avenue in Bromley. It comprises part of the rear garden on No. 48 Farnaby Road.

2.2. The houses on Farnaby Road are predominantly semi-detached properties. In this section of the road, they have large gardens which slope upwards towards Madeira Avenue. The gardens have fences or walls to Madeira Avenue, and large amounts of vegetation.



Figure 1 – Location Plan



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Figure 2 – Aerial view of the site



Figure 3 – View along Madeira Avenue



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2.3. Opposite the site are residential dwellings, several of which are three or four storeys high.



Figure 4 – Opposite side of Madeira Avenue

2.4. Further along Madeira Avenue (to the north) residential dwellings have been built on western side of the road (the same side as the proposal site).



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Figure 5 – Properties to the north of the proposal site

2.5. The site has no designations on the Bromley Proposals Map. It is not in any conservation area.

2.6. There are no listed buildings on the site or nearby. The site is not in any flood risk area.

2.7. The site is highly accessible, being around 600 metres from Shortlands station and 800 metres from Bromley North station. Bus stops are very close by on Beckenham Lane and Farnaby Road, where there are services to Bromley, Penge, Sydenham, Orpington and Crystal Palace. Local shops and services are within easy walking distance on Beckenham Lane, and the site is also close to Bromley town centre. The site has a Public Transport Accessibility Level (PTAL) of 3.

2.8. Further photographs of the site and surroundings are included at Appendix A.



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3. The Proposed Development

3.1. The proposal is to construct a two-bedroom dwelling with a floorspace of 112sqm; exceeding the Government's Technical Housing Standards - Nationally Described Space Standard (2015) requirement of 79sqm for a two-bedroom, four-person, two-storey house.

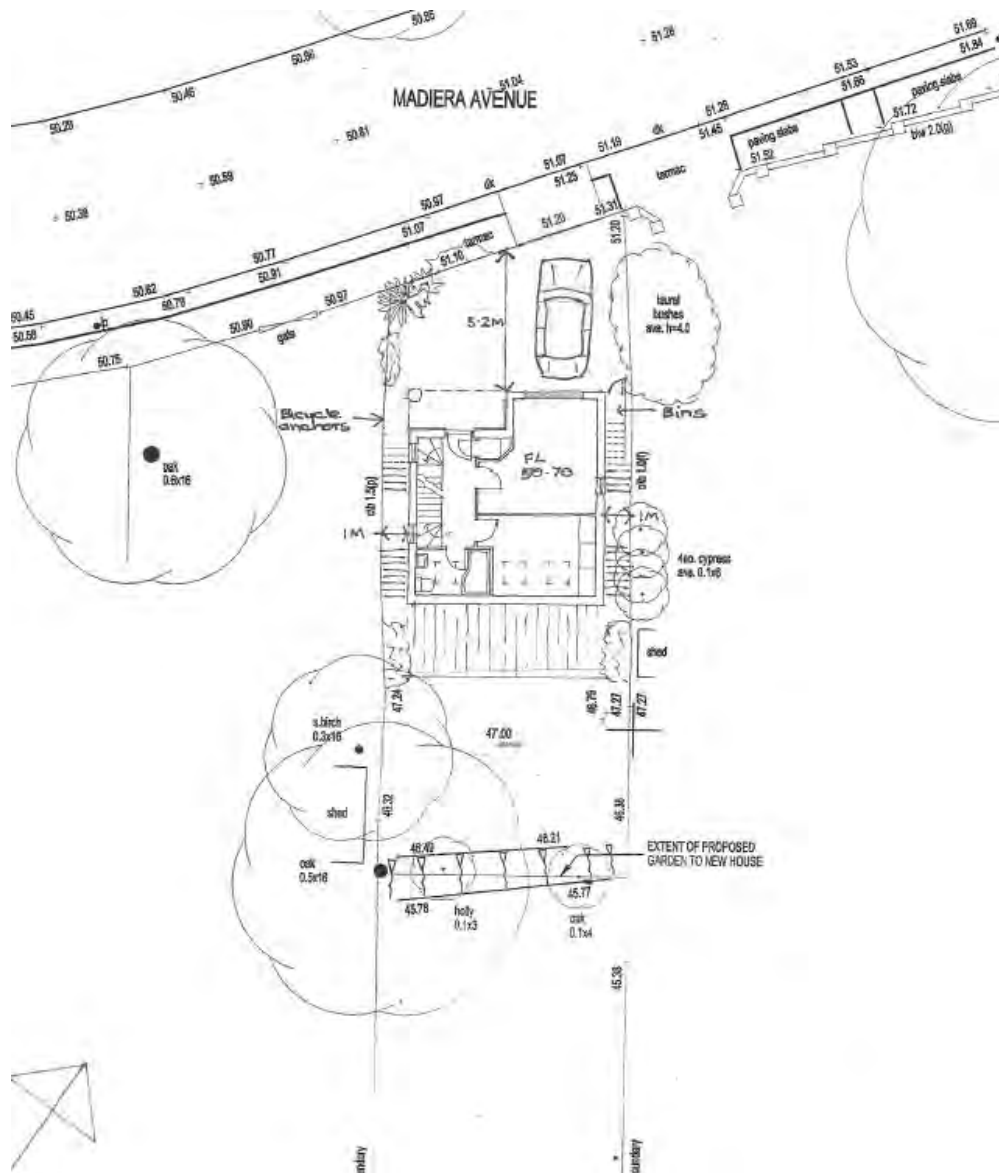


Figure 6 – Proposed Site Plan

- 3.2. The house will have good passive design, achieving good levels of daylight and will benefit from a south facing aspect to the rear looking into a private quiet garden.
- 3.3. The design respects the scale, layout and materials of Madeira Avenue. The house will be set back from the road by 5.2 metres, allowing tree planting at the front. The house, contemporary in style, will be built largely in facing brickwork with the external openings well detailed and set back by 100mm to give depth and shadow to the elevations. No main windows to habitable rooms will face the side boundaries.
- 3.4. The houses on Farnaby Road to the rear are at a much lower level. To avoid any overlooking from the new house, there will be a generous 32 metre separation distance between the bedrooms of the new house and those in Farnaby Road. Tree planting in the rear gardens will help to screen between the houses.
- 3.5. To further minimise overlooking, the proposed house will be only one and a half stories in height at the rear with no windows above the ground floor.
- 3.6. The orientation of the dwelling provides good surveillance. Side gates and reinforcing the side boundaries will secure the rear garden. Locks to doors and windows will comply with 'Secure by Design' requirements. A burglar alarm will be fitted.
- 3.7. Pedestrian and vehicular access will be from Madeira Avenue. Parking for two cars will be provided at the front of the site. The existing vehicular access will be modified. The additional vehicular movements will have a negligible effect on Madeira Avenue.
- 3.8. The proposal will meet the Building Regulation requirement M4(2) 'accessible and adaptable dwellings' in accordance with the London Plan (2016) and the Housing SPG (2016). In particular the design incorporates:
- A generous parking space with level access (not more than 1:20) from the front footpath to the level access front door which will be 900 wide adequate for wheelchair users.
 - An accessible W.C. on the main entrance level.



- Clear internal door widths, corridor widths and circulation spaces in accordance with M4(2).
- A main bedroom on the main entrance level with sufficient space for furniture and circulation in accordance with M4(2).
- Future adaptability in a) the staircase width allowing the provision of a stairlift and b) space in the main entrance level bathroom to allow a level-access shower.

3.9. The site is very sustainable in terms of location with its easy access to public transport and local shops and services. This, together with the secure bicycle storage will encourage walking and cycling so reducing dependence on the car.

3.10. Good passive design will apply to the dwelling and with high levels of insulation and solar panels taking advantage of the south facing roof slope, the energy demand will be minimised.

3.11. Waste will be separated at source in accordance with the LPA's requirements.

3.12. The mature trees in the rear garden will be retained. Hedges to the side boundaries will be retained and reinforced as necessary with new planting. Bird and bat boxes will be provided to enrich the wildlife and further the enjoyment of the residents. An ecological and organic approach will be taken to maintaining the private garden with the use of composting, beetle banks etc.

3.13. The rainwater footprint of the site will be little changed as all rainwater will be collected and used in the garden and for the toilets. Paved areas will be self-draining using a porous paviour block.

3.14. The development will utilise an unused part of the site. This area of the site at the rear of the garden is not currently useful amenity space for the residents of 48 Farnaby Road, being located at a much higher level than the house. The site, in an accessible location in a built-up area, is an ideal site for a new residential unit.



4. Planning History & Relevant Planning Policy / Documents

4.1. Apart from the appeal application, the Bromley planning applications database shows one previous application on the site:

- 05/00116/FULL1 - Two/three storey detached three bedroom house with integral garage.

4.2. This application was refused in 2005. The current application is considerably smaller than this proposal.

4.3. Policy documents cited within the reason for refusal are the Bromley Local Plan (2019), London Plan (2016) and National Planning Policy Framework (NPPF, 2018). It should be noted that the NPPF was revised in 2019. The Draft London Plan - Consolidated Changes Version (2019) is also relevant, as well as the Mayor's Housing SPG (2016) and Bromley's Five Year Housing Supply (2019). Policy extracts are provided in Appendix B.



5. The Appellant's Case

5.1. Below, we counter the reasons for refusal.

Reasons for Refusal

Reason 1: Character and appearance

5.2. The proposal site, although garden land, is a sustainable small infill site. Both the NPPF and the Draft London Plan promote the role of small windfall sites in providing housing.

5.3. The NPPF, at paragraph 63, states that Council's should:

"support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes"

5.4. The site is within an existing settlement, and is suitable for development, being highly accessible by public transport and close to shops and services. The proposal will fill in an existing unused area of land on an established street.

5.5. The Draft London Plan - Consolidated Changes Version (2019) includes Policy H1 Increasing Housing Supply. This states that:

"B. To ensure that ten-year housing targets are achieved:

1) boroughs should prepare delivery-focused Development Plans which:

a) allocate an appropriate range and number of sites that are suitable for residential and mixed-use development and intensification

b) encourage development on other appropriate windfall sites not identified in Development Plans through the Plan period, especially from the sources of supply listed in B2

c) enable the delivery of housing capacity identified in Opportunity Areas, working closely with the GLA.

2) boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions,



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especially the following sources of capacity:

a) sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary."

5.6. The proposal site has a PTAL of 3 and is within 800 metres of both Shortlands and Bromley North stations, as well as the Bromley town centre boundary. Therefore, it is an appropriate source of windfall supply.

5.7. Bromley Local Plan Policy 1 Housing Supply states that the Council will make provision for a minimum average of 641 additional homes per annum over the ten year plan period and that this will be partly achieved by *"the development and redevelopment of windfall sites"*.

5.8. Bromley Five Year Housing Supply (2019) sets out a housing supply of 3,752 units, which exceeds the target of 3,205 and the additional 5% buffer moved forward from later in the plan period to total 3,365 units.

5.9. Of this supply, 1,380 units are projected to come from a "Small sites allowance" i.e. windfall sites such as the proposal site. The development will make a valuable contribution towards housing supply and will form part of the 1,380 unit windfall allowance. In addition, the development will be delivered - some developments gain planning permission but are not built out.

5.10. The officer's report (Appendix C) says that the NPPF states that windfall sites are usually previously developed land. However, since the officer's report was written, the NPPF has been updated. The 2019 version of the NPPF does not restrict windfall sites to previously-developed land. Annex 2 of the NPPF simply defines windfall sites as:

"Sites not specifically identified in the development plan."

5.11. The London Plan at Policy 3.5 Quality and Design of Housing Developments states that *"Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be justified."*



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5.12. The Bromley Local Plan (2019) does not include any presumption against development on back gardens. Policy 3 supports development of backland / garden land as long as criteria are met:

"Policy 3

Backland and Garden Land Development

New residential development will only be considered acceptable on backland or garden land if all of the following criteria are met:

a - There is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development;

b - There is no unacceptable loss of landscaping, natural habitats, or play space or amenity space;

c - There is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic;

d - A high standard of separation and landscaping is provided."

5.13. The proposal in this case has been sensitively designed and will not adversely impact character (see response to reason 2). There will be no unacceptable loss of landscaping or amenity space; the garden of Farnaby Road is very large and so plenty of garden space will remain. There will be no unacceptable impacts on neighbouring amenity and a high standard of separation and landscaping will be provided (see response to reason 3). The development is therefore acceptable in principle.

5.14. This part of the street is undeveloped and is an ideal location to raise density and provide sustainable new housing. The opposite side of the street is built-up and includes three and four-storey properties; such properties are appropriate to an accessible urban location close to a town centre. Both the NPPF (at paragraph 127) and London Plan Policy 3.4 support increasing density and optimising the potential of sites.

5.15. We disagree that similar piecemeal development along this side of the road would be undesirable. This is a sustainable area close to a town centre. It is not in any



conservation area and there are no listed buildings in the area. The gardens of the properties on Farnaby Road are exceptionally large, providing plenty of scope to accommodate new housing along this section of road. The areas of garden close to Madeira Avenue provide poor amenity areas because they are at a much higher level than the houses.

5.16. The street character will change in a gentle way; however high quality and attractiveness will be achieved by retaining frontage trees, having high quality architecture behind them and well-designed floorscape and landscape.

Reason 2: Siting and Design

5.17. The officer's report says that:

"...this section of Madeira Avenue reads as very verdant, spacious and essentially undeveloped, and thus makes a significant and distinctive positive contribution to the character of the area."

5.18. We disagree with this statement - the character of this part of the road is in fact built-up, with several three and four-storey buildings opposite the application site (see Figure 4).

5.19. The officer's report goes on to say that:

"Here the road frontage on the west side to Madeira Avenue is characterised by the long rear gardens of these dwellings which contain some mature trees along with high shrubs. The boundaries with the road also generally comprise close boarded fences with an occasional rear access gate."

5.20. This is not correct; there is a wall along much of this part of the road.



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Figure 7 – Frontage including wall

5.21. The proposal will fill in part of this area. It will preserve the appearance of the streetscene and thereby local character.

5.22. The proposal has been well designed; it is a modest two-storey house which will fit onto the site without being overbearing or dominant.

5.23. The proposal accords with London Plan Policy 7.4 - Local Character which states that:

“Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.”

5.24. It also accords with the Bromley Local Plan at Policy 4 - Housing Design which requires applicants to demonstrate that:

“a - The site layout, buildings and space around buildings are designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas”



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5.25. Close to the site, to the north, there is development on both sides of the road, including modern three-storey houses (see Figure 5). Further to the south, where Madeira Avenue becomes Highland Road, there are two further modern infill houses (28A and 30 Highfield Road) on this side of the road, as well as the Bromley Reform Synagogue. There is therefore a clear precedent for infill development on this side of the road and the proposed modest two story house will fit into its surroundings.



Figure 8 – Modern infill houses to the south of the site



Figure 9 – Bromley Reform Synagogue



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Reason 3: Neighbour Amenity

5.26. The officer's report states that:

"it is considered that the open garden curtilage of neighbouring property will be overlooked from the rear from a prominent visual entity when hitherto this has not taken place, thus compromising the privacy currently enjoyed and is as such considered detrimental to neighbouring residential amenity."

5.27. The neighbouring garden will not be overlooked. Firstly due to the separation distance of 32 metres, which the officer's report acknowledges is generous. Secondly due to the large amount of landscaping, including trees, which will screen the property from the gardens of the Farnaby Road properties.



Figure 10 – Rear garden of property



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Figure 11 – Rear facing towards the host property showing tree line

5.28. In addition, the proposed house will be only one and a half stories in height at the rear with no windows above the ground floor.

5.29. The proposal accords with London Plan Policy 7.6 - Architecture which states that buildings should:

“d not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.”

5.30. It also accords with the Bromley Local Plan Policy 37 - General Design of Development which requires development to:

“e - 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”



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6. Summary and Conclusion

- 6.1. The appeal site is located on the west side of Madeira Avenue in Bromley. It comprises part of the rear garden on No. 48 Farnaby Road. In this section of the road, the Farnaby Road properties have large gardens which slope upwards towards Madeira Avenue. The gardens have fences or walls to Madeira Avenue.
- 6.2. The proposal is to construct a two-bedroom dwelling. The house will be built to a high standard in a contemporary style.
- 6.3. The proposal site is a sustainable small infill site. Both the NPPF and the Draft London Plan promote the role of small windfall sites in providing housing; especially where a site is within an existing settlement, is highly accessible by public transport and is close to shops and services. The proposal site has all these characteristics. The proposal will make a small but valuable contribution towards Bromley's housing targets.
- 6.4. This part of the street is undeveloped and is an ideal location to raise density in accordance with the NPPF and London Plan. The opposite side of the street is built-up and includes three and four-storey properties. The gardens of the properties on Farnaby Road are exceptionally large, providing plenty of scope to accommodate new housing along this section of road. The areas of garden close to Madeira Avenue provide poor amenity areas because they are at a much higher level than the houses.
- 6.5. The street character will change in a gentle way; however high quality and attractiveness will be achieved by retaining frontage trees, having high quality architecture behind them and well-designed floorscape and landscape.
- 6.6. Close to the site, to the north, there is development on both sides of the road, including modern three-storey houses. Further to the south, where Madeira Avenue becomes Highland Road, there are two further modern infill houses on this side of the road, as well as the Bromley Reform Synagogue. There is clear precedent for infill development on this side of the road. The proposed modest two story house will fit into its surroundings.



6.7. The proposal will not have any adverse impacts on neighbours. The neighbouring garden will not be overlooked, due to the generous separation distance and the large amount of landscaping. In addition, the proposed house will be only one and a half stories in height at the rear with no windows above the ground floor.

6.8. The proposal complies with all national and local planning policies and the appellant respectfully requests that the Inspector allow the appeal.



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1 Satellite Image



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2 Street Facade of host dwelling



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3 rear view of site entrance



4 Side view



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5 Rear of garden of property



6 Rear facing towards the host property showing tree line



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7 Left side of the rear garden of site



8 Right side of rear garden of site



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9 Pictures of street scene around site showing other rear garden developments.

Appendix B - Policy/document extracts

National Planning Policy Framework (2019)

68. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
 - b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;
 - c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
 - d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

Windfall sites: Sites not specifically identified in the development plan.

POLICY 3.5 QUALITY AND DESIGN OF HOUSING DEVELOPMENTS

Strategic

- A Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.

Planning decisions and LDF preparation

- B The design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children, disabled and older people.
- C LDFs should incorporate requirements for accessibility and adaptability¹, minimum space standards² including those set out in Table 3.3, and water efficiency.³ The Mayor will, and boroughs should, seek to ensure that new development reflects these standards. The design of all new dwellings should also take account of factors relating to 'arrival' at the building and the 'home as a place of retreat'. New homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process⁴.

1 Requirements M4 (2) and M4 (3) of Schedule 1 to the Building Regulations 2010. HM Government 2015.

2 Technical housing standards – nationally described space standard. DCLG 2015

3 London Plan Policy 5.15

4 Mayor of London, Housing SPG 2016

- D Development proposals which compromise the delivery of elements of this policy, may be permitted if they are demonstrably of exemplary design and contribute to achievement of other objectives of this Plan.
- E The Mayor will provide guidance on implementation of this policy that is relevant to all tenures.

POLICY 7.4 LOCAL CHARACTER

Strategic

- A Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.

Planning decisions

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

LDF preparation

- C Boroughs should consider the different characters of their areas to identify landscapes, buildings and places, including on the Blue Ribbon Network, where that character should be sustained, protected and enhanced through managed change. Characterisation studies can help in this process.

POLICY 7.6 ARCHITECTURE

Strategic

- A Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.

Planning decisions

- B Buildings and structures should:
- a be of the highest architectural quality
 - b be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm
 - c comprise details and materials that complement, not necessarily replicate, the local architectural character
 - d not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings
-
- e incorporate best practice in resource management and climate change mitigation and adaptation
 - f provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces
 - g be adaptable to different activities and land uses, particularly at ground level
 - h meet the principles of inclusive design
 - i optimise the potential of sites

Policy H1 Increasing housing supply

- A Table 4.1 sets the ten-year targets for net housing completions ~~which that~~ each local planning authority should plan for. Boroughs must include these targets in their Development Plan documents.
- B To ensure that ten-year housing targets are achieved:
- 1) boroughs should prepare delivery-focused Development Plans which:
 - a) allocate an appropriate range and number of sites that are suitable for residential and mixed-use development and intensification
 - b) encourage development on other appropriate windfall sites not identified in Development Plans through the Plan period, especially from the sources of supply listed in B2
 - c) enable the delivery of housing capacity identified in Opportunity Areas, working closely with the GLA.
 - 2) boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity:
 - a) sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m ~~distance~~ of a ~~Tube~~ station^{34A}, ~~rail station~~ or town centre boundary³⁵
 - b) mixed-use redevelopment of car parks and low-density retail parks ~~and supermarkets~~
 - c) housing intensification on other appropriate low-density sites in commercial, leisure and infrastructure uses
 - d) the redevelopment of surplus utilities and public sector owned sites
 - e) small housing sites (see Policy H2 Small sites and small housing developments)

Bromley Local Plan (2019)

Policy 1

Housing Supply

The Council will make provision for a minimum average of 641 additional homes per annum over the ten year plan period and where possible over the fifteen year plan period which will be achieved by:

- a - The development of allocated sites and sites with planning permission;
- b - Town centre renewal involving the provision of housing;
- c - The development of housing within Renewal Areas;
- d - The development or redevelopment of windfall sites;
- e - The conversion of suitable properties;
- f - Mixed use developments including housing in suitable locations;
- g - The provision of suitable non self-contained units;
- h - Vacant properties being brought back into use;
- i - Resisting the loss of existing housing except where accommodation is unsuitable and incapable of being adapted for continued residential use or where the proposal meets an identified need for community facilities; and
- j - The development of housing in Broad Locations (additional large sites within Bromley Town Centre, Orpington Town Centre and other areas where there is existing large scale retail and sites due to public sector restructuring and other land disposal).

Policy 3

Backland and Garden Land Development

New residential development will only be considered acceptable on backland or garden land if all of the following criteria are met:

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

Policy 4

Housing Design

All new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places. Housing schemes will also need to respect local character, spatial standards, physical context and density. The Council will expect all of the following requirements to be demonstrated:

- a - The site layout, buildings and space around buildings are designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas;
- b - Minimum space standards for dwellings as set out in Policy 3.5 and Table 3.3 of the London Plan and the London Plan Housing Supplementary Planning Guidance (as updated);
- c - The provision of sufficient external, private amenity space that is accessible and practical;
- d - The provision of appropriate play space in accordance with the Mayor's Play and Informal Recreation SPG;
- e - Off-street parking that is well integrated within the overall design of the development;
- f - Density that has regard to the London Plan density matrix whilst respecting local character, including heritage;
- g - Layout that is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles;
- h - Safety and security measures are included in the design and layout of buildings and public areas;
- i - Ninety percent of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings; and
- j - Ten percent of new housing meets 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.

Policy 37

General Design of Development

All development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Developments will be expected to meet all of the following criteria where they are relevant:

- a -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;
- b -Positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features;
- c -Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping (including enhancing biodiversity);
- d -The relationship with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings;
- e - 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;
- f -The development should address sustainable design and construction and include where appropriate on-site energy generation;
- g - Suitable access should be provided for people with impaired mobility and meet the principles of inclusive design. Where necessary and relevant to the development, contributions may be sought to improve accessibility around the development;
- h -Security and crime prevention measures should be included in the design and layout of building and public areas;
- i - Recycling and waste storage facilities are incorporated within the design layout;
- j -Respect non designated heritage assets. Applications should be accompanied by a written statement setting out design principles and illustrative material showing the relationship of the development to the wider context.

Bromley Five Year Housing Land Supply (2019)

Summary of Five Year Housing Supply February 2019

Five year housing supply capacity		Five year housing supply targets
Allocated sites and draft Local Plan allocations	357	Target of 641 units per annum x 5 = 3205 units
Large sites with planning permission / commenced	1380	Delivery for 15/16 – 17/18 = 2301 units (+378 units compared to target of 1923 minimum) Five year housing supply target = 3205 3205 units plus 5% buffer = 3365 units
Small sites with planning permission / commenced	61	
Prior approval schemes	4	
Non-self-contained units	100	
Small sites started	170	
Small sites allowance	1380	
Vacant units brought back into use	100	
B1(a) to C3 Prior Approval allowance	200	
TOTAL	3752	
Conclusion: Five year housing supply of 3752 exceeds target of 3205 and the additional 5% buffer moved forward from later in the plan period to total 3365 units (i.e. target plus 5%).		

Table 4 Summary of five year housing land supply February 2019

LONDON BOROUGH OF BROMLEY
TOWN PLANNING
RENEWAL AND RECREATION DEPARTMENT

DELEGATED DECISION on 6th February 2019

18/05287/FULL1 **Land Rear Of 48 Farnaby Road**
Russell Penn **Madeira Avenue**
 Bromley

Description of Development

Erection of a detached two bedroom dwelling facing Madeira Avenue on land formerly the rear garden of 48 Farnaby Road

Proposal

Planning permission is sought for the erection of a detached two bedroom dwelling facing Madeira Avenue on land formerly the rear garden of 48 Farnaby Road.

The footprint of the building is located approximately 1m from the flank rear garden boundaries with No's 46 and 50 Farnaby Road. Proximity to the front boundary with the principal elevation facing Madeira Avenue ranges between 5m to 7m depth. The maximum parameters of the dwelling are shown as 7m width by 7.9m depth with an approximate square shaped footprint. The topography of the land is steeply sloping resulting in a split level dwelling with extended roof pitch on the rear lower side elevation facing the rear elevations of properties on Farnaby Road with an indicated separation distance of 32.5m.

Pedestrian/vehicular access is available to the site via an existing rear vehicle access from Madeira Avenue to a former detached garage on the site. A parking area for one car and a refuse and cycle store location are shown within a new front curtilage facing Madeira Avenue.

The application was supported by the following documents:

- o Design and Access Statement

Location and Key Constraints

The application site is located on the south east side of Madeira Avenue. No48 Farnaby Road is a large semi-detached house in a long row of similar dwellings. The application site area comprises approximately a third of the rear garden curtilage of the existing property front Farnaby Road. It was noted at the time of the site visit that this area remains part of the original rear garden curtilage.

The site is not in a conservation area nor is the existing building on site listed.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received. Many subject areas have been repeated amongst commentators which can be summarised as follows:

Objections

- o Concerns that the proposal might set a precedent for more development of gardens along Madeira Avenue to the detriment of the area.
- o Property will not be in character for the area as there are currently no houses on this side of Madeira Avenue on this stretch.
- o Concerns raised about impact on increased parking congestion and traffic on the road.
- o Concerns regarding the loss of an important landscape of the road containing mature trees and shrubs.
- o Comparisons to other roads in the area are not relevant to this site.
- o Results in an overdevelopment on a constrained area.
- o Concerns regarding overlooking and loss of privacy to both Farnaby Road and Madeira Avenue to both the houses and the privacy of the existing rear gardens. Mitigation proposed is cursory.
- o If precedent is set, loss of privacy and overlooking would detrimentally increase further.
- o Concerns regarding loss of mature trees including an Oak.
- o Site is back gardens of properties in Farnaby Avenue. Development along this line will cause severe deterioration in the aesthetic nature of this area.
- o Commentary re further development of neighbour gardens is unwelcome from those owners.
- o Concerns regarding disruption of the construction process.
- o Building houses on that side of the road will begin to take away the appeal of the street and destroy its character.
- o Ruin view for those opposite. Cramped space would lower the value of my property.
- o Townhouses are not a precedent for further development of the opposite side of the road.
- o Concerns regarding drainage and further built form increasing run off on a steep site.
- o Comments re a ransom strip. Farnaby Road residents have subsequently fenced in this strip. This doesn't give them actual ownership.
- o Design style out of character with other properties.
- o An opportunistic development without regard to local residents building on green land.
- o Sunlight would be impacted to adjacent gardens.
- o Concerns regarding notification extent of the application.
- o Adds little in terms of providing any serious solution to the ongoing need for additional houses in the area.
- o Loss of trees will not help improve air quality.
- o Concerns regarding the impact on school places.
- o Similar to 2005 scheme. No reason to take a different view.

Local Groups

o Ravensbourne Valley Preservation Society has commented that the development is an unacceptable garden land development out of character with adjoining properties that could be used to set a precedent for future development of this type which would adversely impact upon local character and existing street scenes. The proposed development would also give rise to an unacceptable degree of overlooking and loss of privacy, daylight and amenity to the occupiers of adjoining properties on Farnaby Road.

Comments from Consultees

Environmental Health Pollution Officer:

No objections within the grounds of consideration. The application site is within an Air Quality Management Area declared for NOx. Conditions in respect of air quality and pollution control suggested.

Drainage Engineer:

The applicant is required to maximise the use of SUDS to attenuate for surface water run-off. Conditions in respect of surface water drainage suggested.

Highways:

The site is located within Bromley Town Centre (Outer North Zone) of Controlled Parking Zone (CPZ).

The development is to the rear of Farnaby Road accessed from Madeira Avenue. There is a level difference between the road (Madeira Avenue) and proposed development, the applicant is required to demonstrate how the proposed development would not have an impact on the road's structure. Furthermore a Grampian Condition is required that the structure needs to be Approved in Principle (AIP) prior to commencement of works.

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 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

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

London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 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
- 6.12 Road Network Capacity.
- 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
- 8.3 Community Infrastructure Levy

Bromley Local Plan

- 1 Housing supply
- 4 Housing design
- 8 Side Space

30	Parking
32	Road Safety
33	Access for All
34	Highway Infrastructure Provision
37	General design of development
73	Development and Trees
77	Landscape Quality and Character
112	Planning for Sustainable Waste management
113	Waste Management in New Development
115	Reducing flood risk
116	Sustainable Urban Drainage Systems (SUDS)
117	Water and Wastewater Infrastructure Capacity
118	Contaminated Land
119	Noise Pollution
120	Air Quality
122	Light Pollution
123	Sustainable Design and Construction

Supplementary Planning Guidance

Supplementary Planning Guidance 1: General Design Principles

Supplementary Planning Guidance 2: 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:

05/00116/FULL1: Two/three storey detached three bedroom house with integral garage. Refused 24.02.2005

The refusal reasons related to the proposed development giving rise to an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of Nos. 46-50 Farnaby Road; the proposal constituting a cramped and unacceptable form of piecemeal development, detrimental to the amenities which the occupants of adjoining properties could reasonably expect to be able to continue to enjoy, by reason of overlooking and visual impact; and the proposal having an unsatisfactory relationship with the host dwellings, out of character with the area and likely to lead to an undesirable retrograde lowering of the spatial standards of the area.

Considerations

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

- o Principle
- o Design
- o Standard of residential accommodation
- o Highways
- o Neighbouring amenity
- o Sustainability
- o Trees
- o Other (drainage/flooding/noise/pollution)
- o CIL

Principle

The NPPF (2018) 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.

The NPPF (2018) at Annex 2 defines 'previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). This excludes land in built-up areas such as residential gardens.

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, H1 of the UDP 2006 and Draft Policy 1 have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

Policy 3 Backland and Garden Land Development of the Bromley Local Plan states 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 upon 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 or existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic; and a high standard of separation and landscaping is provided.

The supporting text states that in the past the role of small sites in providing additional housing within the Borough has been significant. It is important to also consider the value of backland and garden land in helping to define local character. There is a risk that inappropriate development of these small sites over time could adversely impact upon local character, especially as the availability of sites diminishes.

The NPPF also specifies that windfall sites are normally previously developed sites. Core planning principles include; seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings, taking account of the different roles and character of different areas and encouraging the effective use of land by reusing land that has been previously developed.

The location of the proposed house is considered to be in a backland rear curtilage location which remains considered a part of the rear garden at No48 Farnaby Road. The scheme is therefore considered backland development for the purposes of this assessment of the principle of development on the land. Therefore, the land is not

considered suitable in principle for further residential development when taking account of the above, the advice of the NPPF and local and national policies in relation to development on garden land.

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 (2018) 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 (2018) 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.

In this case the proposed house will face principally to Madeira Avenue. This section of Madeira Avenue comprises the rear garden boundaries of properties fronting Farnaby Road. Here the road frontage on the west side to Madeira Avenue is characterised by the long rear gardens of these dwellings which contain some mature trees along with high shrubs. The boundaries with the road also generally comprise close boarded fences with an occasional rear access gate. Due to the steeply sloping topography of the land views through the vegetation from the public realm are to clear sky. Consequently, there is a predominance of greenery over built form and the west side of the road has retained its undeveloped appearance. As such, this section of Madeira

Avenue reads as very verdant, spacious and essentially undeveloped, and thus makes a significant and distinctive positive contribution to the character of the area.

It is considered that the qualities of the immediate area which are noted above would be very severely diminished by the proposal to build a house at this location. The presence in the street scene of a new dwelling of the scale and mass proposed would be materially obvious and erode the general character identified that it is desirable to maintain, preserve or enhance.

Therefore, notwithstanding the objections in principle to further development of a house on garden land, the proposal would also be unacceptable on the site due to the harm that the scheme would have on the character of the site and its immediate environs.

In terms of the design approach, proposals for new development will be expected to conform to the general character of the area, especially in regard to scale and height of construction, location within a plot, design and materials used. While the contemporary design approach and response to the topography of the site is noted. It is not considered that the intended design would overcome the above issues of siting and spatial issues of such a dwelling in terms of the context of the site at this particular location.

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.

It has been confirmed within the 'access' section within the submitted Design and Access Statement that the scheme will meet these requirements.

The nationally described space standard requires a Gross Internal Area of 99m² for a potentially three bedroom (study room included) 5 person dwelling house over three levels. The useable floor space size of the house as measured from the plan is approximately 103m². On this basis the floorspace provision is considered acceptable.

The shape, room size and layout of the rooms in the proposed building 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 depth of the rear garden is limited in comparison with similarly sized properties in the vicinity. However on the basis of providing a suitable private external amenity space only for the purposes of a small family dwelling the space is considered acceptable.

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

The Council's Highway Officer has reviewed the current application raised concern in respect of the structural stability of the road should a new dwelling be constructed. Had permission been forthcoming further details would have been sought in this regard.

In terms of parking the PTAL for the site is 3, requiring a single space as a minimum for the dwelling with regards to the standards of the Bromley Local Plan. One space is indicated within the front curtilage access via the existing crossover. It is therefore considered that there will be minimal impact on parking in the vicinity and the proposal is considered generally acceptable from a highways perspective.

Cycle parking

Cycle parking is required to be 1 space per studio and 1 bedroom unit and 2 spaces per all other dwellings. The applicant has provided details of a location for cycle storage to the side within the new front curtilage. Further details in this regard are recommended by condition had permission been forthcoming.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of a refuse storage area to the side within the new front curtilage. Further details in this regard are recommended by condition 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.

The proposal would retain a separation distance of approximately 32.5m between it and the rear of the existing houses. Generally this would be more than adequate to safeguard the mutual privacy of occupants in the proposed house and existing houses fronting Farnaby Road. However, given the raised height of the proposed house and resultant raised rear curtilage, the ridge level of properties fronting Farnaby is about the same as the rear ground level immediately adjacent to the proposed rear elevation of the new dwelling. On this basis, it is considered that the open garden curtilage of neighbouring property will be overlooked from the rear from a prominent visual entity when hitherto this has not taken place, thus compromising the privacy currently enjoyed and is as such considered detrimental to neighbouring residential amenity.

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.

An informative is recommended to ensure that the development strives to achieve the above sustainability objectives had permission been forthcoming.

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.

Limited details of landscaping have been submitted for the areas given over to garden for external amenity for future occupiers. The impacts to trees on and adjacent to the site, is also unclear.

Further details would have been sought by condition for a full arboricultural survey and landscaping details had permission been forthcoming.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

Conclusion

Having had regard to the above the proposed development constitutes garden land development where there is an unacceptable impact upon the character, appearance and context of the area by reason of scale, design, siting and proximity to neighbouring garden curtilage and the surrounding development pattern and spatial layout of the area. If permitted this would establish an undesirable pattern for similar piecemeal infilling in the area, resulting in a retrograde lowering of the standards to which the area is at present developed and have a serious and adverse effect on the visual amenity of the streetscene.

Furthermore, the development by reason of its isolated siting and design and its relationship to adjacent property and buildings would not complement the scale, form and layout of buildings in the immediate area or be compatible with the character of the surrounding development. It would therefore fail to preserve or enhance the character of the residential area and represents an inappropriate and visually obtrusive development detrimental to the character and visual amenities of the locality.

Increased overlooking from a high level to neighbouring property boundaries would also have a serious and adverse effect on the privacy and amenity enjoyed by the occupants of neighbouring property.

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