

**LONDON BOROUGH OF BROMLEY**  
**TOWN PLANNING**  
**RENEWAL AND RECREATION DEPARTMENT**

**DELEGATED DECISION**

**22/03878/FULL1**      **14 Highland Road**  
**Joanna Wu**            **Bromley**  
                                 **BR1 4AD**

**Description of Development**

The construction of 2 x 4 bedroom dwellings with associated parking

**Proposal**

The proposal consists of the provision of two additional four-bedroom dwellings in the rear garden of No. 14, which is classified as backland development. Each house would measure 11.6m long 7.1m wide and 7.5m high.

In the supporting document, it states: "The proposal are modern contemporary dwellings with framed and 'frameless' glazing with timber cladding and a green roof."

The proposal would also result in the loss of some trees in the rear garden and the applicants state that they would re-plant some semi-mature trees elsewhere in the Borough, subject to a legal agreement.

The proposal would provide 2 active electric vehicle charging points and two cycle parking spaces would be provided for each dwelling.

The proposed gross internal floorspace areas for the houses are:

1. Dwelling 1: Four bedroom (8-person) house (2 storey) - 136m<sup>2</sup>
2. Dwelling 2: Four bedroom (8-person) house (2 storey) - 136m<sup>2</sup>

The application includes the following supporting documents:

- Design & Access Statement
- Heritage Statement
- Schedule of Accommodation
- Tree Survey and Tree Constraints Plan
- Site Photographs

**Location and Key Constraints**

The application site is situated on the west side of Highland Road, which slopes up steeply to the north. Highland Road is a residential street and is fronted by a mix of family houses and low-rise flatted developments. Immediately to the north of the site is a 3 storey block of 6 flats, Highland Court, and immediately to the south is Braxholme Court which comprises 2 pairs of 2 storey semi-detached houses.

The existing property is a large detached house of 'Olde English' architectural style built around 1892 which is deemed to be of local or historic interest and is included on the Council's Local List as it is considered to contribute to the townscape and character of the Borough.

The rear garden backs onto the rear curtilages of the houses fronting Madeira Avenue. Ground levels drop sharply to the rear of the house and the rear garden is terraced and steps down from the southern boundary.

#### Comments from Local Residents and Groups

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

#### Objections

- o The removal of trees will cause instability to the neighbouring garden and woodland
- o There are bat activities in the area;
- o Dust and pollution will affect health and breathing;
- o Loss of trees would result in a considerable loss of privacy;
- o The removal of existing vegetation will affect safety and security;
- o The design of the houses would be overbearing and a hideous eyesore;
- o the existing car park and shed area will be affected and the area will be reduced;
- o The site contains badgers, foxes, owls, bats and recently a bird of prey (a red kite someone suggested).
- o Lack of accessibility to the carpark for construction vehicles;
- o No. 10 has existing outbuildings and the rear part of the application site is covered by a Tree Preservation Order.
- o Unacceptable loss of landscaping, natural habitats and amenity space;
- o The new dwellings will have poor privacy and be overlooked by Highland Court and the existing flats on the plot.
- o The proposed buildings will not provide sufficient separation distance;
- o The proposal will very likely increase run off and flooding.

#### Comments from Consultees

Tree officer: Objection.

An objection is raised to the proposal due to the unacceptable loss of valuable TPO trees and the risk of harm to valuable TPO trees.

The reasons for the objection are:

- 1) Lack of information
- 2) Risk of harm during construction
- 3) Future pressure to prune/remove

Conservation Officer: Objection.

No information of any heritage relevance in the "Heritage Statement". This site is very prominent from the rear garden and it is considered the proposal is overdevelopment within the cramped and steep site. A traditional house should always have a large spacious setting and this proposal causes harm to that setting. It is considered that under the NPPF definition this causes less than substantial harm.

Drainage Engineer: No objection.

Highways Officer: Objection. Planning permission (planning ref: 17/04326/MATAMD) has already been given for 9 car parking spaces and a detached timber frame bicycle store for the existing building. This application would create a new access route along the north flank boundary where it appears that 3 parking spaces and the bicycle storage shed will be lost as a result of this application. The application has failed to submit revised parking space information for the donor house (All 8 flats) and the potential loss of 3 parking spaces and bicycle shed is not acceptable.

## 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 in 2021.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (2021). 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

D3 Optimising site capacity through the design-led approach  
D4 Delivering good design  
D6 Housing quality and standards  
D7 Accessible housing  
H1 Increasing housing supply  
H2 Small sites  
H10 Housing size mix  
G7 Trees and woodlands  
T5 Cycling  
T6 Car parking  
T6.1 Residential parking

### Bromley Local Plan

1 Housing Supply  
3 Backland and Garden Land Development  
4 Housing Design  
8 Side Space  
30 Parking  
32 Road Safety

37 General design of development  
39 Locally Listed Buildings  
73 Development and Trees  
74 Conservation and Management of Trees and Woodlands  
113 Waste Management in New Development  
115 Reducing Flood Risk  
116 Sustainable Urban Drainage Systems (SUDS)  
123 Sustainable Design and Construction

#### Supplementary Planning Guidance

SPG1 - General Design Principles  
SPG2 - Residential Design Guidance  
Technical Housing Standards - Nationally Described Space Standard (March 2015)

#### Planning History

08/00467/FULL1 - Single storey side extension, two/three storey side and rear extensions with additional accommodation in roof space and front dormer with roof terraces at rear with access drive and 10 car parking spaces at rear and conversion of building into 1 three bedroom dwelling with parking and garden 7 two bedroom flats and 1 four bedroom flats - (Refused) 26.03.2008

08/02582/FULL1 - Single storey side and 4 storey rear extension incorporating rear balconies. Provision of accommodation in roof including 3 side dormers. Elevational alterations and detached bin store and front entrance gates with access drive and 9 car parking spaces and detached timber frame bicycle store at rear and conversion of building into 1 three bedroom dwelling with parking and garden and 8 two bedroom flats - (Permitted) 28.10.2008

09/02923/FULL2 - Change of use from dwelling house (Class C3) to education centre (Class D1) with ancillary staff accommodation on second floor with access ramp and railings at rear and elevational alterations. - (Refused) 18.12.2009

11/01958/EXTEND - Extension of time limit for implementation of permission ref. 08/02582 granted for single storey side and 4 storey rear extension incorporating rear balconies. Provision of accommodation in roof including 3 side dormers. Elevational alterations and detached bin store and front entrance gates with access drive and 9 car parking spaces and detached timber frame bicycle store at rear and conversion of building into 1 three bedroom dwelling with parking and garden and 8 two bedroom flats - (Permitted) 08.08.2011

08/02582/CONDIT - Conditions: 2 (landscaping), 5 (windows), 12 (refuse storage), 13 (Bicycle Parking) and 14 (light the access drive) Details submitted: window L1 drawing (5), SHC Side Hung Casement (5) Drg. No 301 "Cycle Store" dated DEC 2013 (13) Drg. No 302 "Refuse Storage" dated DEC 2013 (12) Drg. No. 300 "Site Plan/Landscaping Proposals" dated DEC 2013 (2) - (Consent) 04.06.2014

08/02582/CONDT1 - Details of conditions submitted in relation to planning permission ref. 08/02582/FULL1: Condition 13 (bicycle parking) - (Consent) 24.06.2014

08/02582/CONDT2 - Details of conditions submitted in relation to planning permission ref. 08/02582/FULL1: Condition 14 (Lighting the Access Drive) - (Consent) 07.08.2014

17/04326/MATAMD - Minor material amendment under Section 73 of the Town and County Planning Act 1990 to allow a variation of the planning permission 11/01958/EXTEND for extension of time limit for implementation of permission ref. 08/02582 granted for single storey side and 4 storey rear extension incorporating rear balconies. Provision of accommodation in roof including 3 side dormers. Elevational alterations and detached bin store and front entrance gates with access drive and 9 car parking spaces and detached timber frame bicycle store at rear and conversion of building into 1 three bedroom dwelling with parking and garden and 8 two bedroom flats to allow alterations to the approved landscaping details, change in fenestration to the windows of the northern flank elevation, creation of additional window at second floor level of the northern flank elevation, relocation of refuse storage area and relocation of the cycle storage area - (Approved) 04.12.2017

## Considerations

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

- o Principle
- o Standard of accommodation
- o Design and siting - relationship with locally listed building
- o Highways
- o Trees and landscaping
- o Neighbouring Amenity

## Principle

- o Housing Supply

The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications, this means that the presumption in favour of sustainable development will apply.

The NPPF 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.

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.

London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.

Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.

This proposal provides a net increase of 2 residential dwellings which would represent a minor contribution to meeting demand for new homes.

#### o Optimising Sites

Policy H1 Increasing Housing Supply of the London Plan states that to ensure housing targets are achieved boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. Policy 1 of the Local Plan and Policy H1 of the London Plan set the context in the use of sustainable brownfield sites for new housing delivery.

Policy H2 Small Sites of the London Plan states that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to significantly increase the contribution of small sites to meeting London's housing needs.

The London Plan does not include a prescriptive density matrix and promotes a design-led approach in Policy D3 to optimise the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity. Policies D2 and D4 are also relevant to any assessment of development proposals, including whether the necessary infrastructure is in place to accommodate development at the density proposed. Bromley Local Plan Policies 4 and 37 require development to be sympathetic to local character whilst optimising the potential of sites.

There are detached houses along Highfield Road. However, the site lies in the area covered by TPO trees and also the existing dwelling is a locally listed building. The location for new dwellings in the rear garden is not acceptable.

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

The London Plan Policy D7 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. The proposed replacement dwelling should be made either accessible and adaptable or wheelchair accessible given that the parking spaces are within short distance from the dwelling, accessibility for House 1 & 2 is not easy given the distance from the parking spaces and also due to the stairs and ramp.

The minimum Gross Internal Floor area (GIA) required for 4 bed (8 person) two storey units is 124m<sup>2</sup>. As shown on the submitted drawings, the proposed dwellings would provide a GIA of 136m<sup>2</sup> each which would exceed the minimum standards. The proposal would also include private garden spaces for the proposed dwellings which would exceed the requirements (a minimum of 8m<sup>2</sup> for each dwelling).

It is noted that all habitable rooms have at least one window. However, the separation distance between proposed Dwelling 1 and Dwelling 2 would only be 1.3m. Dwelling 1 would project some 5.9m rearwards from the rear wall of Dwelling 2. Due to the close proximity of these proposed dwellings and their settings, Dwelling 2 would have a poor outlook, particularly from the first floor bedroom windows (Bedroom 2 and Bedroom 3). Therefore, the proposed development would fail to provide a satisfactory standard of good quality accommodation for future occupiers due to its siting and location.

#### Design and siting - relationship with locally listed building

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.

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, 8 and 37 of the Bromley Local Plan explain that development proposals, including new residential development will be expected to be of a high standard of design and layout, 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. Policy 3 (d) of the Bromley Local Plan explains that new residential development will only be considered acceptable on backland or garden land if a high standard of separation and landscaping is provided. Policy 8 requires a

separation distance of 1m to be provided to the flank boundary for the full height and length of any development of two or more storeys. Any first floor and two storey side extensions would therefore be required to provide a minimum separation distance of 1m for its entire flank wall.

Policy 39 states that buildings on the Local List are considered to be non-designated heritage assets in the National Planning Policy Framework (NPPF). Any development near the Locally Listed building should respect its setting.

With regards to Policy 8 of the Bromley Local Plan, Dwelling 1 has a 5m-wide separation distance from the north site boundary and a minimum of 8m-wide gap to the west boundary. Dwelling 2 would provide some 10.1m-wide separation from the south and 3.8m-wide from the east (the rear boundary with the host dwelling). The proposals, therefore, comply with Policy 8 of Bromley Local Plan.

Each house would be finished in timber cladding on the ground floor, have a green roof on the first floor level and the main roof would be covered with a dark brown zinc cladding or copper. It is considered the proposed materials would be in keeping with the surroundings.

However, with regards to the proposed houses in relation to the locally listed building, the Conservation Officer has been consulted and raised objections to this scheme. Due to the close proximity to the locally listed building, it is considered that the proposal would result in an overdevelopment of the site and it would have a detrimental impact on the settings of the locally listed building and therefore, the proposal should be resisted.

## Highways

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.

The proposal would include 2 parking spaces and 4 cycle parking spaces in total. The Highways officer has been consulted and has raised objections to the proposal. A new access route would be created along the north side of the application where in the previous planning permission (planning ref: 17/04326/MATAMD), 3 car parking spaces and a detached timber frame bicycle store were proposed at this location. This application has failed to submit a revised parking plan for the donor house (All 8 flats) and the potential loss of 3 parking spaces and bicycle shed is not acceptable.

## Trees and landscaping

Policies 73 and 74 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees or woodlands on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

The area for the proposed dwellings is protected by a Tree Preservation Order (TPO) 2872. The Tree Officer has been consulted and raised objections to the proposal as the proposed new houses would be within the TPO area. The submitted tree report is



not an impact assessment. The impact in terms of trees proposed for removal and encroachment towards retained trees has not been specified. numerous valuable TPO trees would be removed and those not removed could be directly affected by encroachment into their RPAs. The trees that would be retained would remain in close proximity to the proposed dwellings increasing the risk of future problems; nuisance of falling debris, perception of risk from branch/whole tree failure, greater potential severity of the consequences in the event of branch failure.

Therefore, the proposal would be in conflict with Policies 73 and 74 of the Bromley Local Plan.

### Neighbouring amenity

Policies 6 and 37 of the Bromley Local Plan seek to protect existing and future residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The neighbouring comments are noted and most of the objections have been addressed in the report. It is considered that the proposed dwellings would have sufficient separation distance to the existing houses in the area and therefore, it is considered that the amenity impact on the neighbouring properties would be limited.

Having regard to the scale, siting, separation distance, orientation, existing boundary treatment of the development, it is considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would not arise.

### Conclusion

Having had regard to the above it is considered that the development in the manner proposed is unacceptable as it would result in a significant impact on the trees as protected by TPO, the setting of the locally listed building, cause highways impacts and also it would fail to provide a satisfactory living environment for future occupiers.

Whilst the benefit that the scheme would make to the supply of housing in the Borough is noted having regard to the presumption in favour of sustainable development, it is considered that the harm caused would outweigh the benefits of the scheme.

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**