

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

**23/00999/FULL1**      **Romany Ridge**  
                                 **Hillbrow Road**  
**Susanna**                **Bromley**  
**Stevenson**             **BR1 4JL**

**Description of Development**

Demolition of existing dwellings at Romany Ridge and 15 Hillbrow Road and erection of part two/three storey building comprising 5 two bedroom and 1 one bedroom flats (6 in total) with terrace/balconies associated parking, amenity space, secure bin and cycle storage (revised/reduced application following refusal of application DC/22/02035/FULL1).

**Proposal**

Planning permission is sought for the demolition of the existing dwellings at Romany Ridge and 15 Hillbrow Road and the erection of a part two/three storey building comprising 5 two bedroom and 1 one bedroom flats (6 in total) with terrace/balconies associated parking, amenity space, secure bin and cycle storage.

The application has been submitted following the refusal of planning permission under reference 22/02035/FULL1, seeking to address the grounds for refusal in that case.

The application was updated by revised drawings during the course of consideration, including re-positioning of the building relative to the highway, enlargement to the balconies to the front of the building and removal of the previously proposed footway on the street.

The main differences between the current scheme and the scheme for which planning permission was refused are summarised in the "resubmission" section of this report.

The major proportion of the proposed building would be largely sited within the curtilage of Romany Ridge, with the development orientated to face south west, towards Hillbrow Road. The footprint of development on the formed (merged) site would increase. The curtilage of No. 15 Hillbrow Road (following the demolition of the host dwelling) would be largely given over to parking and some limited landscaping between the parking and the north eastern and south eastern boundaries of the site.

The proposed building would be three storeys high, with 2 full storeys of development projecting above the adjacent ground level of the rear garden of No. 64 Coniston Road, with a height of approx. 6.54m at the boundary. The elevation facing directly to the rear garden of No. 64 would incorporate bevelled detailing in the section backing onto No. 64 to direct outlook from the windows in the elevation towards the north rather than north east, with the remainder of the elevation being flat where the windows in the elevations would face the car park formed on the site of 15 Hillbrow Road. Due to the

topography of the site and surroundings, the ground floor accommodation would be set below the retained ground levels at the rear of the building.

The proposed building would be sited approx. 1.5m from the south eastern flank boundary with Matilda House, with an overall separation between buildings on either side of the boundary of approx. 2.6m and the front elevation on the south eastern side of the site would project slightly forwards of the flatted building at Matilda House.

At the rear of the existing Romany Ridge site, the proposed building would be positioned approx. 1.14 - 2.06m from the rear boundary with the garden of the neighbouring dwelling (No. 64 Coniston Road) - the varied separation reflecting the stepped design of the rear elevation which includes angled/offset elements to direct outlook from the rear of the development.

Separation to the front boundary of the site with Hillbrow Road would range from 6.7-17.8m, in note of the curved front boundary line and the position of the site relative to the bend in the road.

The proposed building would be largely of three storey height, with shallow two storey elements in the rear and flank elevations (facing towards the parking area positioned on the site of No. 14) which would provide a terrace upon the flat roof of the two storey side element below. The footprint would be stepped at the front and rear, with the flank elevations being uniform.

The front elevation would incorporate ground floor patio areas with oversailing projecting balconies above, with the balconies serving the flats provided at first and second floor level. Windows in the south eastern elevation facing Matilda House would be obscure glazed at ground, first and second floor level. The north western flank elevation of the building would face towards the street and the parking area/site of former No. 14, and would include clear fenestration/doors at ground, first and second floor.

The rear elevation of the building would be of asymmetric design and would incorporate angled elements serving bedrooms at ground, first and second floor, with the part of the elevation facing the car parking area (and in part, the rear of No. 64 Coniston Road) being flat and incorporating rear facing windows serving internal accommodation.

The overall building would have a flat roof, upon which air source heat pumps would be located.

In terms of materials, the elevations of the building would be largely faced in brick, with a vertical cladded panel, and the back of the second floor terrace to the side of the building would be clad as well.

Externally, it is proposed to provide 8 no. car parking spaces accessed via a ramp from Hillbrow Road, with the parking hardstanding being sited approx. 1.3m from the boundary with the rear garden of No. 62 Coniston Road and 1.17m from the flank boundary with the deeper rear garden at No. 64. Pedestrian access to the front of the building would be via a path and steps leading from Hillbrow Road, and a refuse and cycle store would be constructed within the retained front garden, adjacent to the boundary with Matilda House, and forward of that building's front elevation. The refuse and cycle store would be faced in brick to match the main building and would be single storey in height with a flat roof.

Landscaped areas are indicated to be provided on the undeveloped land to the front of the building, addressing Hillbrow Road, as well as to the side of the car park proposed to be constructed on the site of No. 14 Hillbrow Road. Narrow (c. 1.18m wide) landscaping strips are indicated to be provided between the car parking area and the rear boundary of No. 62 Coniston Road and the flank (rear section) boundary with No. 64.

The proposal includes the removal of existing trees along the boundary with Hillbrow Road.

The accommodation comprises:

Ground floor

Unit 1 - 2 bed flat 2b/4p GIA 71.4 sq. m  
Unit 2 - 2 bed flat 2 b/4p GIA 73.6 sq. m

First floor

Unit 3 - 2 bed flat 2b/4p GIA 76.4 sq. m  
Unit 4 - 2 bed flat 2b/4p GIA 73.2 sq. m

Second floor

Unit 5 - 2 bed flat 2b/4p GIA 76.4 sq. m  
Unit 6 - 1 bed flat 1b/2p GIA 53 sq. m

The Design and Access Statement confirms that all flats would be M4(2) compliant.

Amenity space:

Ground floor - terraces for Units 1 and 2.

First Floor - balconies for Units 3 and 4 facing front.

Second floor - front-facing balcony for Unit 5 and terrace for Unit 6 on flank.

The application has been submitted with the following supporting documents:

- o Design and Access Statement
- o Planning Statement
- o Planning History document - delegated report, application site)
- o Construction Management Plan
- o Accessible and Adaptable Homes with Wheelchair Housing Statement
- o Arboricultural Report

The applicant has also provided decision notices/reports relating to the re-development of Upfield and Sunset Hill:

- o Appeal Decision 2016 Sunset Hill, Hillbrow Road (now known as St. Peters Court)
- o Decision Notice (L B Bromley) 2015 Sunset Hill, Hillbrow Road
- o Committee Report (L B Bromley) Sunset Hill, Hillbrow Road
- o Decision Notice (L B Bromley) Upfield, Hillbrow Road (now known as Matilda House)
- o Delegated Report (L B Bromley) Upfield, Hillbrow Road

The applicant's agent has also stated in support of their application:

- o The proposal provides a smaller development than previous proposal, to respond to flats adjacent and the impact on properties to the north
- o A landscaped buffer to the car parking area is proposed
- o Design of development steps down on the corner, to address concerns over visual prominence in relation to previous scheme
- o Comparisons with development at Matilda House (site area 999 sqm, footprint 190sqm, volume 2130 sqm). Current proposal (site area 1175 sqm, footprint 199 sqm, volume 1775 sqm). Design of current proposal less "top heavy" than Matilda House.

Reference is made in the submission to the commitment to repair/improve the road surface on Hillbrow Road.

#### Site location and key constraints

The application site lies on a bend in the road and comprises at present the dwellings and residential curtilages at 15 Hillbrow Road and Romany Ridge, Hillbrow Road. The site is irregular in shape and measures approx. 0.117 hectares.

The site is bounded to the north east by the rear garden of No. 62 Coniston Road, to the south east by the rear gardens/curtilages of Nos. 64 Coniston Road and Upfield, Hillbrow Road (which now comprises a three storey flatted block called Matilda House). The curved frontage onto Hillbrow Road measures approx. 62.9m in length.

The surrounding area is residential in character, comprising a mix of dwelling types and designs, including flat roofed flatted blocks at Matilda House (three/four storeys) and St. Peters Heights.

The road curves at the application site, and the ground level rises significantly from the frontage to the rear of the site, and towards the higher level street and dwellings at Coniston Road. Nos. 62 and 64 Coniston Road are two storey single family dwellinghouses with sloping rear gardens leading down to the application site.

#### Comments from local residents and groups

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

#### Quality of accommodation

- o Flats appear too small to provide for homeworking and adequate storage
- o Balconies will be vulnerable to noise and pollution from the street
- o Lack of ground level amenity space for residents - only amenity space comprises the balconies. Reference to appeal decision assessment on other flatted development - where the Inspector noted that the plot was generously sized and there would be a reasonable amount of amenity space around the development
- o Lack of natural light to the proposed flats - balconies face north/north west
- o Items stored on balconies will be visually unacceptable

#### Impact on neighbouring amenity

- o Proposal will impact on privacy of houses in Coniston Road - reference to there being existing overlooking between Matilda House and Coniston Road, which should not be held up as an example
- o Over-intensive development of the site in terms of residential occupancy in comparison with existing - increased footfall, traffic, noise, waste and disturbance
- o Impact on daylight and sunlight to the rear of No. 64 Coniston Road
- o Loss of light and overshadowing to Matilda House - the flank elevation is close to the boundary and the existing flats 1, 3 and 5 include windows to the side
- o Windows indicated as being opaque will still need to be openable - impact on privacy
- o Noise and disturbance to Nos. 62 and 64 associated with car parking area
- o Balconies will look directly onto neighbours on other side of road
- o Impact on outlook from neighbouring properties
- o Use of terrace will impact adversely on surrounding residents. Privacy screening will be required
- o Light pollution associated with the proposed footpath lighting
- o Impact on air quality associated with road dust

### Highways Impacts

- o Concern over the development's location on a small, unadopted road
- o There will be a constant flow of cars
- o No visitor cycle parking
- o Concern over provision of hanging cycle racks - difficult to use in general and unsuitable for heavier electric cycles
- o Gradient of car park slope not provided, and could be difficult to use
- o Insufficient car parking to serve the development
- o Access to the car park is close to the narrowest point of the street. Will result in blockage of the street, particularly if any cars park outside or opposite the site
- o Impact on road safety - there is no pavement on the street, and no place for pedestrians to get out of the way of traffic
- o Many sections of the road are not fit to drive on - resulting in convoluted manoeuvres to avoid craters and humps
- o Impact of heavy machinery on the condition of the unadopted, unmade road
- o No parking for delivery vans and vehicles

### Design and visual impact

- o Visual impact associated with the height of the building and the loss of the mature screening trees
- o Overdevelopment of the site
- o Colour disliked - Matilda House preferable
- o Out of character - loss of family homes
- o Saplings are unlikely to thrive, soft landscaping is inadequate and if planted, must have a watering system and protection from being driven over
- o Lack of confidence that planting will be provided and maintained
- o The visual drawing omits the heat pumps, guard rail and roof wall - all of which will be ugly and visually overdominant
- o Lack of space to the rear boundary - less than is the case at neighbouring development sites
- o Insufficient space retained to the front boundary - compares unfavourably with the developments at Matilda House and St. Peters Heights. Proposal would be three storeys high, closer to the road and in a more elevated position. Property too tall

- o The existing site forms a wildlife corridor and proposal will result in loss of landscaping and natural habitats
- o The Tree Protection Plan states that physical tree protection measures will not be practicable - with regards to the mature trees along the boundary with No. 62
- o Revised layout shows the loss of some of the originally proposed trees - detriment to the provision of an effective screening scheme

#### Other matters

- o Cumulative impact of proposal and other flatted developments on local infrastructure, utilities and services
- o If permission granted there should be a condition requiring the reinstatement of the road surface to a standard at least commensurate with the existing and other conditions relating to construction hours, planting etc.
- o Proposal does not address the grounds for refusal
- o Drawings are misleading - the screening trees will take 20 - 30 years to reach the height indicated in the visual drawings

Comments in support of the application were received which are summarised:

- o Neighbouring properties tower over the existing bungalow and existing buildings are an eyesore
- o Will provide a generous living space compared to the previous application
- o New dwellings will be energy efficient
- o Developer offer to replace full greenery
- o Existing dwellings unsuitable for family accommodation - no gardens and Romany Ridge extremely damp
- o Ample parking
- o Conditions can safeguard planting
- o The developer has taken effort to fill in potholes
- o The introduction of a pavement and lighting is supported
- o Conditions should include the maintenance/watering of any planting

#### Comments from consultees

##### Drainage:

The use of permeable paving in the access drive and car park areas is welcomed. A pre-commencement drainage condition is recommended.

##### Thames Water (on previous case:

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Fgroundwater-protection-position->

statements&data=05%7C01%7Cplanning%40bromley.gov.uk%7C6b505dee70e3400f6e9108da730aae46%7C8cc3d50b245a4639bab48b879ac9838c%7C0%7C0%7C637948786962461854%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=1cSA411JbKTu3CBqTvkoxYqbRda%2F4cYhScJnLxgIPUA%3D&reserved=0) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our-pipes&data=05%7C01%7Cplanning%40bromley.gov.uk%7C6b505dee70e3400f6e9108da730aae46%7C8cc3d50b245a4639bab48b879ac9838c%7C0%7C0%7C637948786962461854%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=qV9J6lztR5QA0yIJVjCZFEBAHq6bXd3Mpn%2FYFJKa1%2Fs%3D&reserved=0>

Highways:

Initial comments stated:

"Parking standards in the London Plan are up to 1.5 spaces per unit giving a maximum of 9 spaces. There is now one centralised access instead of the 2 existing accesses are being retained meaning that a better sightline can be achieved. It is shown as 2.4m x 25m which is the stopping sight distance for 20mph.. Given the condition of the road that would seem reasonable. Reading some of the consultation responses it would seem that some of the potholes have been filled.

Although the road is unadopted highway there is a defined highway boundary shown by the walls below. A footway is being provided along the frontage, it is not clear if this is in the same position as the existing footway shown below? From the visuals provided it appears that the development is encroaching into the highway corridor. If that is the case revised plans should be provided with the boundary set back on the current line.

The site plan indicates a "ramp up to car parking" and it would be helpful to know the gradient.

There is street lighting in the road but they are LB Lewisham assets so they are not shown on LB Bromley records. The number of flats has been reduced by a third so the impact will be reduced so although the development may still be contrary to the policies as previously it will be to a lesser extent."

Following these comments, further information was provided (24/7/23) which included clarification on the gradient of the access ramp (1:10) and information on the land ownership/title deeds.

Further comments from the highways officer noted:

"My reading of the information supplied is that they are saying the highway of Hillbrow Road is outside the ownership shown below in pink and blue. However, that may well not be the case. The coloured land appears to include half the width of Hillbrow Road. I think the existing wall, which is in line with adjacent boundaries, indicates the highway boundary. It is not incompatible that the land is in private ownership but as part of the highway it cannot be obstructed or built on."

At the same time, the Highways Development Officer commented:

"the highway corridor is between the solid boundary lines.

It is not disputed that the curtilage of Romany Ridge includes land beyond this boundary, in front of the site. Even where there is no documentary evidence, there is a presumption that the ownership of the half-width of the soil of an unadopted highway in front of a particular property is within the same ownership as the property, but the important issue is that this land is subject to public rights of passage, which must not be obstructed.

Whilst there is the "boundary to boundary" presumption in respect of the width of any highway, in this particular case, it is interesting to note that, under the Title register for Romany Rise, Part C; Charges Register, Entry number 1, it is stated that "The part of the road included in this title is subject to rights of way". Since Hillbrow Road is a highway, albeit that it is not a highway maintainable at the public expense, these rights are of a public nature, and s.130(1) of the Highways Act 1980 imposes a duty upon the Council to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority.

In short, the highway land in front of the property must not be built upon."

These comments were communicated to the applicants, in response to which revised drawings were received (7/9/23) with comments stating:

"the original intention was to enhance the street scene by introducing a new pedestrian walkway at the applicant's expense. However, in order to address the concerns of the highways officers the plans have been amended removing all development from the verge.

As highlighted by highways, in order to avoid any encroachment on the highway, Offset have amended the layout pulling the bin/cycle storage and parking area back from the road. In turn this has enabled the new parking layout driveway to be improved to a 1:8 ramp. I hope with these changes, the concerns of the highways officer and highways development officer have been addressed."

Final highways comments:

Following the submission of revised drawings on 7th September, further comments were sought.

The movement of the development behind the highway boundary was noted to overcome the previous concern about encroachment into the highway corridor. It was also considered that the moving of the access to a single central location overcomes the sightline / road safety issue (Policy 32). It was also mentioned that while previously it had been stated that there was no street lighting, in fact there is, albeit maintained by LB Lewisham.



The installation of a footway through the grass verge in front of the property, as there is partly at present, would help with the access issues but may not overcome them.

The number of flats proposed has been reduced from 9 (7 x 2 bed and 2 x 1 bed) to 6 (5 x 2 bed and 1 x 1 bed) which will reduce the impact of the development in terms of car use and the total number of trips relative to the previous proposal, but may not overcome all the issues about the low PTAL, access for all users, the condition of the road surface etc.

The Highways Officer noted the Lewisham appeal decision, and acknowledged that it only proposed 2 car parking spaces so it was concluded that it would increase on-street parking. The Inspector put weight on the increase in trips and road condition and the proposal was for the same number of units.

London Borough of Lewisham:

Consulted. No comments received

Trees (on previous case):

The trees on the frontage contribute to the street scene but are considered to be readily replaceable. Therefore, we would not object to the proposal, but in the event that permission were granted would be keen to secure by condition adequate replacement tree planting of suitable size and species.

Environmental Health (Pollution):

I can confirm that our previous comments (attached) in regards application reference 22/02035/FULL1 remain valid, and would appreciate the conditions recommended being applied to this development in the event planning permission is granted.

The previous comments are summarised as follows:

The application is supported by a Design and Access Statement, Planning Statement and plans and elevations, including a Construction Management Plan.

The premises is within an Air Quality Management Area, and as such under the Bromley Local Plan, Policy 120, a condition is recommended concerning Low NOx boilers and as there is the inclusion of off-street parking, the provision of Electric Vehicle Charging Points.

A Construction Environmental Management Plan was submitted as part of the submission but is not sufficient in detail and in line with Highways comments I would recommended a condition, along with a Non-Road Mobile Machinery condition.

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 revised and published on 20th July 2021. The development plan for Bromley comprises the London Plan (March 2021) and the Bromley Local Plan (January 2019). The NPPF does not change the legal status of the development plan.

#### London Plan (March 2021)

- SD1 Opportunity Areas
- D1 London's form and characteristics
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of change
- D14 Noise
- H1 Increasing Housing Supply
- H2 Small sites
- H5 Threshold Approach to application
- H8 Loss of existing housing and estate redevelopment
- H10 Housing Size Mix
- S4 Play and informal recreation
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI1 Improving air quality
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood risk management
- SI13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- T7 Deliveries, servicing and construction

#### Bromley Local Plan

- 1 Housing Supply
- 4 Housing Design
- 13 Renewal Areas

14	Development Affecting Renewal Areas
19	Ravensbourne, Plaistow & Sundridge Renewal Area
30	Parking
32	Road Safety
33	Access for all
37	General Design of Development
70	Wildlife Features
72	Protected Species
73	Development and Trees
74	Conservation and Management of Trees and Woodlands
77	Landscape Quality and Character
78	Green Corridors
79	Biodiversity and Access to Nature
113	Waste Management in New Development
115	Reducing Flood Risk
116	Sustainable Urban Drainage Systems
117	Water and Wastewater Infrastructure Capacity
118	Contaminated Land
119	Noise Pollution
120	Air Quality
122	Light Pollution
123	Sustainable Design and Construction
124	Carbon reduction, decentralised energy networks and renewable energy

## Supplementary Planning Guidance

London Plan Housing Design SPG (2023)  
National Design Guide - (September 2019)  
London Borough of Bromley Urban Design SPD (2023)

## Planning History

### 15 Hillbrow Road (application site)

Planning permission was granted in 1997 for the construction of a pitched roof over the existing flat roof (97/00949/FUL)

### Romany Ridge (application site)

No relevant recent planning history to report.

### Romany Ridge/15 Hillbrow Road (Combined site)

Planning permission refused under reference 22/02035/FULL1 for Demolition of existing dwellings at Romany Ridge and 15 Hillbrow Road and erection of apartment building comprising 7 two bedroom and 2 one bedroom flats with associated parking, amenity space, secure bin and cycle storage - refused on the grounds:

1. The proposed development would fail to ensure a safe and convenient route for pedestrians to the site that would be accessible to all users, and the increased vehicular movements associated with the more intensive residential use of the site in conjunction with the poor standard of the existing road surface, the lack of street lighting, pavements and existing parking on street, would be likely to result in vehicular

manoeuvres that would significantly further exacerbate existing prejudicial conditions to highway safety in Hillbrow Road. The northern access sightline is blocked by vegetation and the limited intervisibility in conjunction with the increased use of the access is considered prejudicial to conditions of safety in the adjacent highway, The proposals are thereby contrary to Policies 32, 33 and 4 of the Bromley Local Plan and Policies T2, T4 and D3 of the London Plan.

2. The proposed development, by reason its design, height, site coverage by buildings and hard surfaces and the lack of space about the building, would result in a detrimental impact on the visual amenities of the street scene and the area in general, representing a visually intrusive and overdominant cramped development of the site, out of character and contrary to Policies 4, 8 and 37 of the Bromley Local Plan and Policy D3 of the London Plan.

3. The proposed development by reason of its height and siting close to the boundaries of neighbouring properties, along with the intensity of the residential use of the site and the design and layout of the development including fenestration and terraces, would have a detrimental impact on the residential amenities of neighbouring dwellings associated with overdominant visual impact, overshadowing, loss of outlook and privacy, and the development would fail to provide internal accommodation of a high quality for prospective occupiers, thereby contrary to Policies D3 and D6 of the London Plan and Policies 4 and 37 of the Bromley Local Plan.

26 Hillbrow Road (LB Lewisham - opposite the site)

2019

Planning permission was refused by the London Borough of Lewisham for the construction of 3 two storey and 1 one storey buildings to provide 5 no. flats and 1 no. dwellinghouse (LBL reference 19/112020). Permission was refused on the grounds:

1. The proposed development would fail to ensure a safe and convenient route for pedestrians to the application site that would be accessible to all users, resulting in potential conflict with vehicle manoeuvring that would significantly further exacerbate existing prejudicial conditions to highway safety on Hillbrow Road, contrary to Paragraphs 108 and 109 of The National Planning Policy Framework (2019), Policy 7.2 An Inclusive Environment of The London Plan (2016), Policy 14: Sustainable Movement & Transport of the Core Strategy (2011) and DM32: Housing design layout and space standards, DM33: Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014).

2. The proposed development would not be accessible to all users, due to a lack of step free access to any of the dwellings, contrary to Policy 3.8 Housing Choice, Policy 7.2 An Inclusive Environment and the Mayor's Housing SPG of the London Plan (2016), Policy 1: Housing provision mix and affordability of the Lewisham Core Strategy (2011) and DM32 Housing design layout and space standards of the Development Management Local Plan (2014).

3. The proposed first floor balcony to Unit 5 would give rise to a harmful level of overlooking into the rear garden of No.28 Hillbrow Road, contrary to Paragraph 127 of the National Planning Policy Framework (2019), Policy 15: High quality design of the Lewisham Core Strategy (2011), and Policy DM32: Housing design layout and space standards of the Development Management Local Plan (2014).

A subsequent appeal under reference PINS APP/C5690/W/20/3254302 was dismissed in March 2021.

The appeal Inspector considered matters relating to highways safety, living conditions and housing supply:

- Highways safety

The Inspector noted:

"The appeal property is accessed along an unadopted road that is in a poor state of repair and lacks suitable footpath provision. At my site visit I saw that resident's cars were parked along the road in an ad-hoc manner and pedestrians often walked in the road."

It was considered that the proposal would generate additional demand for on-street car parking and would result in materially significant car and pedestrian trips along a road that is poorly maintained, often lined with cars. This was considered to be harmful to highway safety, and the details of other development schemes in the local area were not relevant in view of the maxim that each development is determined on its own merits.

It was concluded that the scheme would have been as a consequence contrary to Paragraphs 108 and 109 of the NPPF as well as Policy D3 of the London Plan (as well as the local plan policies) which collectively seek to promote accessibility and highway safety.

- Living conditions

It was considered that the appeal scheme would have harmed the living conditions of the occupiers of neighbouring properties (particularly with regards to a balcony and first floor windows and their impact on the rear gardens of dwellings fronting Calmont Road).

- Housing Supply

The Inspector found that the appeal scheme would have made a positive contribution to housing supply in the area, but this was not considered to outweigh the harm identified with regards to impact on neighbouring living conditions and upon highways safety.

Uplands, Hillbrow Road (Now Matilda House)

Planning permission was granted in 2016 for the demolition of the host dwelling and the construction of a flatted block comprising 7 flats (16/04910/FULL1). This permission followed a previous permission under reference 16/00295/FULL1 for a flatted block comprising 6 flats.

Sunset Hill, Hillbrow Road (Now St. Peters Heights)

Planning permission was granted in 2015 under reference 14/04139/FULL1 for the demolition of the existing dwelling and erection of a part two/three storey block comprising 9 flats with 14 car parking spaces on a largely rectangular site of 0.16

hectares in area, positioned to the south of the application site (other side of Matilda House).

## Planning Considerations

The main issues for assessment in the current proposal comprise:

- o Resubmission
- o Principle and Housing Supply
- o Design and impact on visual amenity
- o Impact on neighbouring residential amenity
- o Quality of accommodation
- o Trees and Landscaping
- o Highways and transport
- o Drainage
- o CIL

## Resubmission

The application has been submitted following the recent refusal of planning permission under reference 22/02035/FULL1. The main amendments to the scope of the proposals are summarised:

- o Reduction in number of units from 9 to 6, and residential floor space by approx. 320 sq. m.
- o Footprint of building largely sited within Romany Ridge, with the land at 14 Hillbrow comprising landscaping and car parking (previous application proposed development that was L-shaped, straddling the two sites and wrapping around the rear corner of the garden of No. 64 Hillbrow Road
- o Amended design and layout of development

## Principle and Housing Supply

### Housing Supply

The current published position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee on the 2nd of November 2021 and acknowledged as a significant undersupply. Subsequent to this, an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293) concluded that the Council had a supply of 3,235 units or 3.38 years. The Council has used this appeal derived figure for the purposes of assessing this application. This is considered to be a significant level of undersupply.

For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development may apply. It is noted that the appeal derived FYHLS figure assumes the new London Plan target of 774 units per annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019.

The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular

importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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.

This application includes the provision of 6 additional dwellings and would represent a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

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.

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.

Local Plan Policies 4 and 37 accord with paragraph 130 of the National Planning Policy Framework, which requires development to be sympathetic to local character whilst optimising the potential of sites.

The site is located within a broader Renewal Area designation, in the Bromley Local Plan, covering Ravensbourne, Plaistow & Sundridge. Policy 19 relates Ravensbourne, Plaistow, Sundridge Renewal Area. Policy 14 requires development in, or close, to Renewal Areas to demonstrate that they maximise their contribution to economic, social and environmental improvements.

Where higher density residential infill development is proposed it will need to be designed to complement the character of surrounding developments, the design and layout make suitable and accessible residential accommodation, and it will need to provide for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed.

Policy 3 of the Bromley Local Plan relates to Backland and Garden Land Development. While it is acknowledged that the proposal would see the footprint of built development on the application site increasing to cover much of the external garden associated with the host dwelling, the proposal does not relate to the severance of the garden land from the host dwelling so as to form a new residential plot, but rather to the redevelopment of the site as a whole. The criteria with which development on backland or garden land sites must comply are not dissimilar to those supplied within Policy 4 of the BLP - requiring that development has an acceptable impact on the character, appearance and context of an area in relation to the scale, design and density of the proposed development, that there is no unacceptable loss of landscaping, play space, amenity space or natural habitats and that the residential amenities of existing and future occupiers are not adversely impacted. It is further stated that a high standard of separation and landscaping should be provided.

#### Housing unit mix

Policy H10 Housing size mix of the London Plan states that schemes should generally consist of a range of unit sizes and regard should be had to local evidence of need.

Local Plan Policy 1 Supporting Text (paras 2.1.17 and 2.1.18) highlight findings from the 2014 Strategic Housing Market Assessment (SHMA) that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2 bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of unit sizes and be considered on a case by case basis.

The application proposes an acceptable mix of units at this location.

#### Design and impact on visual amenity



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 126 of the NPPF (2021, amended September 2023) states that beautiful and sustainable 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 130 of the NPPF 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 (in particular Policies 4 and 37 of the Bromley Local Plan - relating to housing design and the general design of development respectively) further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy 8 of the Bromley Local Plan relates to side space and provides that the Council will normally require proposals of two or more storeys in height to provide a minimum of 1m side space from the side boundary of the site for the full height and length of the building. It further states that where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

The surrounding area is characterised by a mix of unit types, including the recently constructed flatted buildings to the south/south east of the application site at Matilda Court and St. Peters Court. The topography of the street results in a varied roofscape, although it is notable that the immediate locality includes dwellings opposite the site which are set at a lower level to the development and original/existing dwellings on the same side of the road as the application site. The road curves at the application site, and the ground level rises significantly from the frontage to the rear of the site, and towards the higher level street and dwellings at Coniston Road. Nos. 62 and 64 Coniston Road are two storey single family dwellinghouses with rear gardens leading down to the application site. The existing dwellings within the application site are set on lower ground relative to the neighbouring gardens.

The variety in size and shapes of surrounding plots and the topography of the area results in an interesting and varied street scene. The road is unmade and narrow, with verges and boundary vegetation as well as the discreet siting of dwellings around the curvature of the road leading to an attractive suburban wooded setting. While there are flatted developments to the south east, fronting the lower level side of the street, these

are set within more regularly-shaped plots and allow for the setting of development well back from the front boundary of the sites, contributing to the visual amenities of the street scene.

While the proposed footprint of development has been designed so as to broadly align with the flank elevation of No. 62 Coniston Road to the north east and the front elevation of Matilda House to the south east the spaciousness to the corner in tandem with the height, bulk and massing of the proposed flatted building would result in an overprominent and visually dominant appearance on the approach to the bend in the street. The proposed development would be clearly appreciable on the bend in the street, on the approach from Coniston Road down to the south, with the visual impact exacerbated by the height of the development (three storeys) at this position and its awkward juxtaposition with the lower height and lower level (and lower visual impact) dwellings on the other side of the road.

It is acknowledged that the palette of materials includes visual distinction between the ground and first floors of development and the second floor, and that the second floor of accommodation is set back from the main brick faced elevations below. This design detailing goes some way to mitigating the overall visual impact of the development, although as a consequence of the siting of the building relative to the awkwardly-shaped plot, along with the width of the building, does result in a clear appreciation of three storey development on the corner site.

There would be only limited scope for planting to soften the appearance of the development on the corner, in view of the narrowness of the landscaping strips to the back of the parking area in the context of the retaining walls/structures necessary to address the changes in ground level.

The overall site coverage by buildings, hard surfaces and car parking/circulation space would not be consistent with the prevailing pattern of development in the locality, would undermine the visual amenities of the street scene and would be at odds with local character formed from the setting of development relative to the front boundaries and verges. It is acknowledged that the visual images of the development which have been provided include quite mature trees regularly spaced along the frontage of the site although these are not indicated in the revised site plan received which sought to address highways officer comments on development to the front of the site.

The extent to which mitigating planting would be capable of adequately screening the development while also providing a suitably landscaped and softened setting for the development is unclear. While the revised site plan indicates the consolidation of all parking spaces in a more uniform layout, and a widening of the landscaping strip between the parking area and the street, the revised layout incorporates narrower landscaping strips between the parking and the north eastern and south western boundaries of No. 15 and the neighbouring residential gardens than originally proposed.

It is considered that the design of the development as viewed from the front of the site results in a development that more adequately complements the flatted blocks at Matilda House and St. Peters Heights. However, the appearance of the building from the street to the north and from neighbouring residential gardens is less satisfactory - with the asymmetry and triangular projections from the rear elevation (which attempts to address impact associated with direct overlooking) resulting in a visually intrusive and overdominant appearance when viewed from the neighbouring gardens, particularly No. 64.

The development is positioned in close proximity to the flank boundary with Matilda House as well as to the boundaries with Nos. 62 (the north eastern "flank" elevation) and 64 (the south eastern and north eastern "rear" elevations). The height of the development would be clearly appreciable from the neighbouring sites.

While it is acknowledged that the rear elevation of Matilda House lies in quite close proximity at one side to the rear boundary with No. 66 Coniston Road, the relationship between the development and that property is more spacious and the visual impact considerably less pronounced than would be the case in the application proposed development, when viewed from the rear.

#### Impact on neighbouring residential amenity

Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

Policy 4 of the Bromley Local Plan also seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposal would have a detrimental impact on the amenities of neighbouring residents resulting principally from the cramped setting of the building relative to the neighbouring residential gardens (at Nos. 62 - 66 Coniston Road, but particularly with regards to the curtilages of Nos. 62 and 64) and the visual dominance and overbearing appearance of the development. It is also noted that the proposal would introduce a surface car park positioned close to the boundaries of the site with residential dwellings.

The main impact on neighbouring amenity associated with the building would be to the neighbouring dwellings at Nos. 62 and 64 Coniston Road (although it is also recognised that the proposed development would be somewhat appreciable when viewed from the rear garden at No. 66), and that representations have been received which refer also to the proximity of the proposed three storey building to the flank elevation of the flatted block at Matilda Court..

While it is acknowledged that No. 64 benefits from a generously deep rear garden, the proposal would effectively enclose at close proximity the rear of the rearmost part of the garden of No. 64. The neighbouring property at No. 62 has a less substantial rear garden and the proposal would introduce a car park in very close proximity to the rear boundary of that garden.

While it is acknowledged that the development's design attempts to address potential for direct overlooking from the bedrooms in flats at the rear of No. 64 by utilising bay projections to direct views to the side/rear, there remains concern over the perceived impact on neighbouring amenity associated with the presence of intense residential development so close to the boundary, along with the visual impact of the proposal on the neighbouring gardens. While windows may be capable of being obscure glazed in the "flat" section of the rear elevation, ventilation will be required, and the siting of the windows and the bulk of the development relative to the neighbouring sites would result in an oppressive impact relative to the existing situation.

It is acknowledged that reference has been made to the relationship between the existing dwellings within the application site and the neighbouring sites. It is not considered that the impacts associated with the existing residential occupation/development at the site is readily comparable with that resulting from the application proposal.

At present the rear boundary of No. 64 faces towards a black brick wall at low level relative to the boundary fence height. The flank elevation of No. 15 includes a window opening facing towards the side of No. 64's garden, but this is well screened by existing boundary vegetation and appears to be obscure glazed. Similarly, the window in the elevation facing the rear garden of No. 62 has a limited impact on neighbouring privacy, and views from the first floor of No. 62 are largely of the otherwise blank flank elevation of No. 15 and its hipped roof which reduces in height towards the boundary between the properties. From garden level, the visual impact of the existing building is very limited.

With regards to the impact relating to daylight and sunlight, the application has not been submitted with an assessment to address the close relationship between the building and neighbouring dwellings. Taking into account the height and siting of the building relative to the rear gardens particularly that at No. 64, it is considered that the proposal would result in some overshadowing along with the overdominant visual impact, associated with its height and siting, particularly with regards to the rear half of the garden of No. 64.

Furthermore, the proposal would introduce vehicular manoeuvring associated with the car parking area. It is noted that this aspect of the development replaces a garage associated with No. 15 Hillbrow Road, but the intensity of the use of the parking and manoeuvring space would be appreciably greater than that associated with the existing development on the site.

With regards to the impact of the proposal on the amenities of the flats within Matilda House, the representations received have referred to impact on privacy and on natural light. It is noted however, that the flank facing windows approved in the redevelopment scheme for Matilda House indicated the use of obscure glazing to the flank elevations, and that what flank windows face the site comprise either bathroom windows or secondary windows to combined living accommodation.

#### Quality of residential accommodation

Policy D6 of the London Plan relates to 'Housing quality and standards', and states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. The policy also prescribes internal space within new dwellings and external spaces standards that are in line with the National Technical Housing Standards.

Policy D5 of the London Plan relates to Inclusive design and states that development proposals should achieve the highest standards of accessible and inclusive design.

Policy D7 of the London Plan - Accessible Housing, states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3)

'wheelchair user dwellings' and; all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

Policy 4 of the BLP sets out the requirements for new residential development to ensure a good standard of amenity.

The proposed units would be generally compliant in terms of room sizes, internal space, external private amenity space and layout, with the requirements of the NDSS and the Housing Design SPG minimums (2023) and planning policies referred to above.

However, it is considered that the rear/flank windows associated with Unit 1 which is positioned at lower ground level would provide limited outlook associated with the 2 no. double bedrooms (which have angled elevations to address overlooking) which would appear in comparison with sectional drawings to face onto the retaining boundary with the rear garden of No. 64. While it is acknowledged that the flat is dual aspect overall, with a front elevation facing broadly south west and elevated relative to the sloping site, it remains of concern that the bedrooms within the flat would be gloomy (north east facing and below adjacent ground level).

As originally submitted, the floor plans indicated that the front facing balconies would not have been of sufficient size to meet the Housing Design SPG requirements. Amended floorplans were received which increased the area of the balconies to meet the minimum requirement. It is acknowledged that representations have referred to the unsatisfactory provision of ground level amenity space - noting that the only amenity space serving the units is in the form of the private balconies/terraces provided. While it is acknowledged that there is limited external amenity space at ground level, and it is considered that this is representative of the cramped nature of the development, it is not considered that the residential accommodation provided would be unacceptable. The lack of space to provide meaningful landscaping and a suitable setting for the development is of concern in terms of the visual impact of the development rather than the quality of the residential accommodation provided.

#### Highways and transport

Policy 33 of the Bromley Local Plan states that the Council will require that proposals are designed to ensure ease of movement and access for people with disabilities, and that the impacts of development on pedestrians and people with disabilities will be considered.

Policy 30 of the Bromley Local Plan relates to parking and Policy 32 to road safety.

Policy T2 of the London Plan "Healthy Streets" states that development proposals should deliver patterns of land use that facilitate residents making regular, shorter trips by walking or cycling, that development proposals should demonstrate how they will deliver improvements supporting the ten Healthy Streets Indicators, as well as by being permeable by foot and cycle and connecting to local walking and cycling networks.

Policy D3 relates to the design led approach to optimising site capacity, stating inter alia that development should encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, aligned with people's movement patterns. The supporting text states "development should create inclusive places that meet the needs of all potential users and that the design and layout of development should provide permeability to support active travel.

Policy D5 relates to inclusive design and states that development proposals should achieve the highest standards of accessible and inclusive design.

In the assessment of the previous application, it was noted that Hillbrow Road is not wholly accessible for all users and that the quality/state of the roadway, which is unmaintained, heavily pitted/degraded and includes loose stones and pebbles which represent a barrier to safe pedestrian passage along the street, provides an unsuitable environment for pedestrians and wheelchair users.

The appeal decision (APP/C5690/W/20/3254302) associated with the proposed construction of 6 units at No. 26 (determined by London Borough of Lewisham before being dismissed on appeal in December 2020) is of interest in the assessment of the relationship between residential development, the constraints to pedestrian and cycling access and the quality/state of the roadway. In the appeal decision, the Inspector's findings with regards to Highways Safety can be summarised:

- o The unadopted road is in a poor state and lacks suitable footpath provision
- o The site is poorly connected and the road is often lined by cars
- o The scheme would have resulted in a substantial increase in the number of trips, using Hillbrow Road either by vehicle or on foot
- o Proposal would have resulted in materially significant car and pedestrian trips along the poorly maintained road

As originally submitted, this application incorporated the provision of a lit pavement along the outside edge of the development plot, in tandem with the (continued) reduction in the number of residential units from 9 to 6. Initial highways comments noted that this pavement and part of the built development appeared to encroach on the highway corridor. It was however acknowledged that the reduction in the number of units relative to the previous proposal would reduce the impact - while it was acknowledged that the development may still be contrary to the relevant policies, this would be to a lesser extent in view of the one-third reduction in the number of residential dwellings proposed.

It is acknowledged that planning permission was granted in 2016 for the development at the adjacent site (Matilda House). This flatted development provided a total of 7 residential units. This development, and the neighbouring building at St Peters Heights, comprise relatively recent residential development within the road.

However, the more recent appeal decision relating to the site on the other side of the road (10th December 2020) placed significant weight on the impact of that development from a highways perspective. It is acknowledged though that that scheme provided only two on-site car parking spaces - with the appeal decision noting that the development would have increased on-street car parking demand. This current proposal would accommodate broadly compliant car parking spaces within the application site, although it is acknowledged that representations have referred to visitor and servicing parking as being potentially problematic. The Inspector also referred, however, to the proposal (for 6 units) resulting in "materially significant car and pedestrian trips along a road that is poorly maintained and often lined by cars, thus harming highways safety."

The current proposal represents an improvement over the previous proposal in terms of there being a reduction in the number of units proposed to be provided on the site. Rather than 7 no. two bedroom (5 of which were 2b/3p units) and 2 no. one bedroom units, with 11 car parking spaces, the current proposal reduces the number of parking

spaces to 8, and the unit number/mix to 5 no. 2 bed/4 person units and 1 no. one bedroom unit. However it continues to be the case that access to the site by pedestrians and cyclists would be over the poorly maintained road.

The Planning Statement submitted with the application refers to the benefit associated with the formation of a pedestrian footpath along the frontage of the site to serve the development as well as other residents within the road, along with the provision of low level lighting in conjunction with the footpath. The application has been amended since its submission to remove the formal proposed footpath in response to highways comments regarding encroachment into the highway corridor. The Highways Officer has acknowledged the "informal" grass verge pathway.

Comments on the previous application from the Council's Highways Officer expressed concern that the proposal would be contrary to Policies 33 (Access for All) of the Bromley Local Plan as well as London Plan Policy T2 (Healthy Streets). There would have been an increased use of the road by motor vehicles which would have been likely to add to the degraded state of the road surface, with increased conflict with pedestrians using the street and a lack of street lighting.

It has been noted in this application that the proposal may still be contrary to the relevant highways policies, but the harm has been reduced through the reduction in the number of units.

On balance, taking into account the reduction in the number of units and the proportionate provision of car parking spaces to serve the proposed units (thereby reducing on-street car parking demand), along with comparison with the permitted and refused nearby schemes, it is not considered that the refusal of planning permission on the basis of highways impact/safety would be justified in this revised application.

#### Trees and Landscaping

There are no objections to the proposal from the Council's trees officer, who has recommended that should permission be forthcoming it would be appropriate to impose a condition requiring the planting of adequate replacement trees of suitable size and species.

The amount of the site covered by buildings and hard surfaces would be significant and there would be very limited space to the side of the parking area to provide landscaping to soften the appearance of the building and the extent of hard surfacing - particularly in view of the extent of retaining walling in conjunction with the close proximity of the building to the boundaries to the rear and sides. There are some opportunities for softening planting to be provided to the front, and if permission was forthcoming a suitable condition could be imposed requiring further detail on planting and hard surfaces.

#### Drainage

If planning permission was forthcoming, the Drainage Officer has recommended a pre-commencement drainage condition.

#### CIL

The Mayor of London and Bromley CIL is a material consideration. CIL is payable on this application and the Applicant has completed the relevant form.

## 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 loss of amenity to local residents, adverse impact on visual amenity and would fail to provide accommodation of a high standard of outlook/amenity for prospective occupiers.

The proposed building would significantly increase the extent of built form on the site, particularly in the perception of built form/site coverage by buildings and hardsurfaces, including the car parking area. The design and layout of the building would occupy a considerable part of the site, with little space about the building and the significant increase in coverage of built form across the site alongside the extent of new hardsurfacing and relatively limited space for providing a suitably landscaped setting would in the context of the site's prominent position on the rising bend in the road result in development that would detract from the contribution that the sites currently make to the street scene.

The development would be a dominant feature and would starkly contrast with the existing appearance of the application site particularly on approach from the north. At present the low level development of the application site, formed as it is from 2 plots, complements the site topography.

With regards to the impact of the proposal on the amenities of neighbouring residents, the setting back of development to the rear of the plot (so as to respect the position of buildings relative to the street) results in a very limited space between the building and the rear boundary with the gardens of dwellings fronting Coniston Road. The awkward and uncharacteristically tight position of the building relative to the boundary necessitates the stepped/angled window treatment to the rear, with offset/oblique windows required in order to address concerns about direct back to back overlooking (particularly of the garden land). This has an attendant impact on the design of the development, with the rear elevation appearing clumsy and convoluted.

In this context also, the formation of a significant surface car parking consuming the major part of the site of 14 Hillbrow Road would introduce activity of an intensity which would contrast with the existing layout and use of the site. It is acknowledged that owing to the topography of the site and surroundings, this car parking area would be set significantly lower than neighbouring garden levels, necessitating retaining structures/walls to address the change in levels between the application site and neighbouring property.

The accommodation provided is at ground floor level compromised through the siting of the building relative to the rear of the formed plot - in terms of Unit 1 where both bedrooms would have limited outlook and natural light.

Whilst the application includes the provision of six residential dwellings which is recognised as a minor contribution to the supply of housing within the Borough, the adverse impacts of granting planning permission identified above would significantly and demonstrably outweigh this benefit, when assessed against the policies in the Framework taken as a whole.

## Decision



Application Refused

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