

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

**DELEGATED DECISION**

**22/01222/FULL1**     **21 Bromley Avenue**  
**Susanna**             **Bromley**  
**Stevenson**           **BR1 4BG**

**Description of Development**

Demolition of existing building and construction of two storey (lower ground and ground floor) 2 bedroom dwelling on land to rear of No. 21 Bromley Avenue, accessed from Madeira Avenue with associated pedestrian access, car parking, landscaping, cycle and refuse storage.

**Proposal**

Planning permission is sought for the demolition of an existing detached outbuilding at the application site and the construction of a detached two storey dwelling.

The application site is formed of part of the rear garden of No. 21 Bromley Avenue. The site has been severed from the host residential curtilage and it is noted that as recently as December 2021 the site was not shown as forming part of the main application site, with planning permission having been granted under reference 21/05703/FULL6 for the construction of a detached garden building within the retained garden land associated with the curtilage of No. 21.

The proposed dwelling would be of contemporary design, comprising a raised ground floor and an excavated lower ground floor. From the front, the general appearance of the dwelling would be of a single storey building, with a centrally positioned front door sided by front facing windows. Above the front door it is proposed to provide a steel and glass canopy.

The building would be flat roofed and faced at ground floor level by larch board vertical cladding with the lower ground floor level faced with brickwork. The flat roof would accommodate solar photo-voltaic panels.

The dwelling would lie within a site measuring approx. 192.5sqm and would have a footprint at lower ground floor level of approx. 52sqm. The accommodation schedule confirms that the dwelling would be a two storey 2 bedroom/4 person dwelling with a GIA of 100sqm.

The building would be approx. 3.8m - 4.17m in height as viewed from the front. A minimum of 1m side space would be retained to the flank boundary with the host dwelling, with the side space to the angled flank boundary with No. 11 Madeira Avenue increasing from 1m at the rear corner of the building to 2.8m at the front corner of the

site. The distance from the proposed building to the rear of No. 21 Bromley Avenue would be approx. 21.5m.

Internally, the proposed accommodation at lower ground floor level would comprise 2 no. double bedrooms, each facing towards the rear of the site, along with a study towards the front, lit by a small flank facing window. A plant room and bathroom would also be provided.

At ground floor level the proposal would provide a dual aspect living room, a centrally positioned hallway and a combined kitchen and dining room (again, dual aspect).

The ground floor level would be accessed via steps from the frontage ground level, set between a small front garden and a parking area. A cycle store is shown to be provided to the rear of the parking area, and a refuse store would be sited to the side of the parking area. The submitted drawing is annotated to state that permeable paving would be provided to external hard areas. At the rear the proposal indicates the provision of a shallow patio area (adjacent to the rear facing lower ground floor windows/doors), with steps leading to a shallow retained rear garden.

The site has an existing dropped kerb leading to dilapidated access to the site, with a yellow line extending in front of this dropped kerb and then to the south along Madeira Avenue.

The application has been submitted with the following supporting documents:

- o Compliance Statement
- o Covering letter
- o Planning Statement
- o Arboricultural Report
- o Tree Survey
- o Accommodation Schedule
- o Preliminary Ecological Appraisal and Preliminary Roost Assessment
- o Bat Survey Final Report
- o Badger Survey Final Report

Site location and key constraints.

The application site as a whole hosts a two storey semi-detached dwelling on a corner plot where Bromley Avenue meets Madeira Avenue, Bromley.

The dwelling at No. 21 is not listed and does not lie within an area of special designation. There is a TPO record halfway down the retained garden where the original maple tree was felled in 2021 with tree officer's consent. A replacement tree is to be planted.

The red line application site forms part of the original site of No. 21 Bromley Avenue but, as stated above, it appears that the land in question has been severed from the retained rear garden. The original garage structure remains in situ. The site is bounded to the rear (west) by the end of the rear garden of No. 23 Bromley Avenue, to the flank (south) by the flank boundary of the detached dwelling at No. 11 Madeira Avenue and to the flank (north) by the retained rear garden at No. 21 Bromley Avenue. The site has a frontage onto Madeira Avenue of approx. 14.35m.

The surrounding area is residential in character, comprising a mix of semi-detached and detached dwellings. While the dwellings fronting Bromley Avenue to the west of the junction are generally semi-detached two storey houses, opposite the site and within Bromley Avenue and Madeira Avenue to the east of the site are a number of detached dwellings of varied form and appearance.

#### Comments from local residents and groups

Neighbouring residents were notified of the application and the representations received are summarised as follows:

- o The site is garden land and the proposal does not comply with Policies 3, 4, 37 and 8 of the Bromley Local Plan
- o Impact on amenity of neighbouring properties has not been evaluated and the applicant has not liaised with neighbouring residents
- o Insufficient external amenity space and poorly designed parking
- o Would not be accessible and adaptable
- o Ecological impact - on flora and fauna, bats and badgers
- o The site has been left wild for 20+ years
- o No provision for a generous front garden
- o Noise disturbance, loss of privacy and overshadowing to neighbouring properties
- o There is a legal requirement to replace the TPO maple tree with a similar tree in a similar location - the proposal would impact relocation as required, and would make compliance with the legal requirement impossible
- o Surrounding houses are predominantly 1920s, brick built and of substantial size and separation, including generously proportioned gardens
- o Would not positively contribute to the street scene
- o Side spaces in the area are generally much more than 1m
- o PV Panels would be shaded by trees
- o Proposal would not optimise the site
- o Would set a precedent
- o Site is a valuable pocket of greenery
- o 2 bedroom house would have little impact on Bromley's Housing Supply
- o The land is not previously developed
- o Reduction of views into Ravensbourne Valley
- o Impact on parking
- o Would have two storey appearance from the rear/side
- o Would project forward of neighbouring property
- o Lack of biodiversity net gain
- o Lack of information on biodiversity
- o Single storey appearance would be uncharacteristic of the local area
- o Rear upper windows would be in close proximity to the boundary with No. 23 - would result in directed overlooking of the rear part of the garden
- o Would result in overshadowing to No. 23 garden
- o Cycle parking would conflict with car parking area
- o The AIA does not consider the need for the residents at No. 21 to plant a replacement tree (after the protected maple tree was removed, with consent, as it was diseased)
- o No assessment of the impact of the borehole proposed for the ground source heat pump - information should be set out in an impact assessment
- o If permission is granted, a landscaping condition should be imposed to allow for screening planting on all boundaries in the interest of neighbouring amenities
- o No information on sewerage and drainage, absorption management or run-off
- o No refuse storage shown

- o Construction impact - operative's vehicles may result in impact on road safety
- o Loss of on-street parking on this section of Madeira Avenue
- o Area has protected water course status

#### Ravensbourne Valley Residents Association

- o Precedent for refusal may exist
- o Cramped overdevelopment
- o Loss of wildlife habitat
- o Impact on amenity
- o Uncharacteristic form of development

In response to the representations submitted with regards to the application the applicant submitted a supplementary statement reviewing the representations and responding where appropriate. This document was received on 13th July 2022 and is summarised:

- o The application is a valid submission and has been accepted as such having regard to national and local validation requirements
- o Principle of minor forms on infill development is supported by national and local planning policies
- o Bromley planning policies do not seek to resist further development as a matter of principle and given the Council is unable to demonstrate a 5 year supply of housing it is likely that infill sites will be need to make a contribution to housing delivery
- o The site has no special designations which seek to restrict development or provide special control
- o The surrounding area characterised by residential dwellings of a variety of types and styles - mixed character. No. 64 Madeira Avenue provides an example of infill development
- o Proposals comply with the relevant standards on density, side space, amenity space, separation and accommodation standards
- o Design retains a domestic scale and appearance albeit of modern design - and would use high quality materials
- o Due to orientation and separation distances there would be no unacceptable loss of light, privacy or overshadowing
- o Lower rear windows would not overlook neighbouring properties- plot would be enclosed by solid boundary fencing
- o The upper windows will not cause unacceptable overlooking - due to relationship, angle of view and distances
- o Unrealistic in a built-up area to expect the full extent of a rear garden to be protected from any level of overlooking
- o Loss of view not a material planning consideration
- o Highways impacts acceptable and any adjustments can be secured by condition
- o Applicant has commissioned independent surveys relating to protected species. Proportionate biodiversity enhancements/provisions can be required by suitable conditions
- o A tree could be planted of suitable species and size to replace the TPO removed tree
- o Construction impacts are controlled by non-planning legislation. A condition could required a construction management plan

#### Comments from consultees

## Orpington Field Club

Following sight of the bat and badger survey reports comments were received:

### Bats

As per Bat Survey Report an integrated bat box should be installed in the new build 3-5 m above ground level facing south or south-west with a clear flight path to and from the entrance, away from artificial light. See <http://www.habibat.co.uk/integrated-products> for examples.

The bat survey Appendix 3 shows bats currently using habitat along the road for commuting and/or foraging and Table 2, Page 10 details feeding passes. The application does not include any boundary treatments or mitigation for loss of habitat. Where possible native shrubs should be retained. To replace some of that lost, mixed native species hedging should be planted around the western and northern boundaries, including species such as hawthorn, hazel, dogwood and field maple. These would provide habitat for the invertebrates eaten by bats and therefore maintain and enhance foraging opportunities.

Any artificial lighting should be angled away from the site perimeter as both bats and the invertebrates they eat are negatively impacted by artificial lighting.

### Badgers

As set out in the Badger Survey Report, page 11, a precautionary working method must be taken as badgers do open up and reuse unused setts. This should include:

- o a site inspection by an ecologist prior to the commencement of works
- o Any excavations to be covered overnight or a ramp installed to enable any trapped animals to escape
- o A toolbox talk to be given to contractors on site regarding the possible presence of badgers. NB if they do become trapped in an excavation they should be allowed to escape or the West Kent Badger Group should be contacted. They should not be approached as they can be dangerous.

### Highways

The site is located on the corner of Bromley Avenue and Madeira Avenue.

The development is in an area with PTAL rate of 1b on a scale of 0 - 6b, where 6b is the most accessible.

Access- from Madeira Avenue via a modified vehicular crossover leading to the front car parking area. There is an existing lamp column which needs to be relocated. the applicant should be aware that the cost of relocation would be at his expense. Moreover, the maximum width of a stand-alone Vehicle Crossover shall consist of 3 metres of flat/lowered kerb with 0.9 metre reducer kerbs either side, making the overall width 4.8 metres at the highway boundary with the property. The 3 metres of flat/lowered kerb is the absolute maximum allowed.

Car parking- two spaces are indicated; however, one space is sufficient.

Cycle parking- indicated; two secure spaces are required.

Bin store- indicated.

Conditions are recommended should planning permission be granted.

Drainage

No objection - please impose a pre-commencement surface water drainage condition should permission be granted.

Trees:

A replacement tree is overdue to be planted on this site where the TPO tree was removed. However, the original tree was moderate in size, so I have no objection to the proposal provided that a tree is planted in the front garden / drive way area. Therefore, in the event that permission is granted conditions are recommended.

Thames Water:

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

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.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 19th February 2019. 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

- 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
- G2 London's Green Belt
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI1 Improving air quality
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood risk management
- SI13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- T7 Deliveries, servicing and construction

#### Bromley Local Plan

- 1 Housing Supply
- 3 Backland and Garden Land Development
- 4 Housing Design

30	Parking
32	Road Safety
33	Access for all
37	General Design of Development
53	Land Adjoining Green Belt or Metropolitan Open Land
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
125	Delivery and Implementation of the Local Plan

## Supplementary Planning Guidance

Supplementary Planning Guidance 1: General Design Principles  
 Supplementary Planning Guidance 2: Residential Design Guidance  
 Housing: Supplementary Planning Guidance. (March 2016)  
 Technical housing standards - Nationally Described Space Standard (March 2015)  
 National Design Guide - (September 2019)

## Planning History

There is no relevant recent planning history relating to the application site. It appears that the land in question was severed from the residential curtilage of No. 21 Bromley Avenue some considerable time ago (references within the representations received in response to neighbour consultation).

Planning permission was granted in 2021 for the construction of a detached single storey garden building within the retained curtilage of No. 21. It is apparent within this planning history case that an application from No. 21 was made for the removal of the protected tree (original tree felled under 5 day notice in 2021), and that the requirements of the consent required that a replacement tree be planted.

## Considerations

The main issues in the assessment of this proposal are considered to be:

- o Principle
- o Design
- o Standard of residential accommodation
- o Highways



- o Neighbouring amenity
- o Sustainable drainage
- o Trees
- o Ecology and protected species
- o CIL

## Principle

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 means that the presumption in favour of sustainable development will apply.

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.

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 application includes the provision of one residential dwelling 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.

The NPPF at Annex 2 defines 'previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land

(although it should not be assumed that the whole of the curtilage should be developed). This excludes land in built-up areas such as residential gardens.

Policy 3 of the Bromley Local Plan in respect of 'Backland and Garden Land Development' states new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met; there is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development; there is no unacceptable loss of landscaping, natural habitats, or play space or amenity space; there is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic; and a high standard of separation and landscaping is provided.

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

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

The application site appears originally to have formed part of the rear garden of No. 21 Bromley Avenue, although it was severed some considerable time ago.

Representations received refer to the site as having been left "wild" for in excess of 20 years. The site is occupied by an existing "outbuilding" which would be demolished. The site has a direct access to Madeira Avenue and would not form backland development in view of the corner siting of the original host dwelling.

On this basis, taking the above into account, it is considered that the principle of a residential development on the site is acceptable subject to consideration of the impact of the proposal on residential and visual amenity, natural habitat, landscaping, adequacy from a highways perspective and with regards to the quality of the residential accommodation provided.

#### 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) 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 (2021) 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.

The National Design Guide (September 2019) makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. It seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice.

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

Policy D3 of the London Plan relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.

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

Policy H2 of the London Plan states that Boroughs should also recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.

Policy 4 of the Local Plan details that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places respecting local character, spatial standards, physical context and density. To summarise the Council will expect all of the following requirements to be demonstrated: The site layout, buildings and space around buildings be designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas; compliance to minimum internal space standards for dwellings; provision of sufficient external, private amenity space; provision of play space, provision of parking integrated within the overall design of the development; density that has regard to the London Plan density matrix whilst respecting local character; layout giving priority to pedestrians and cyclists over vehicles; safety and security measures included in the design and layout of buildings; be accessible and adaptable dwellings.

Policy 8 of the Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of

two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

Policy 37 of the Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To summarise developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.

When viewed from the street, the appearance of the dwelling is minimised by the manner with which it is set into the slope of the site, with the main visual impression being of a single storey dwelling. It is noted that representations have referred to this in itself as being uncharacteristic of the pattern of development in the locality.

With regards to this latter point, the surrounding area is considered to be of mixed residential character with no particular uniformity of built design or building type. There is already a varied townscape, including a mix of detached and semi-detached dwellings. It is not considered in this context that the construction of a dwelling of the design and height/type proposed would be inherently unacceptable or alien in the context of the surrounding area.

It is also not considered that the proposal would set a significant precedent for similar development in the immediate locality in view of the site's individual characteristics comprising historically severed amenity space which has not for some time been used as a residential garden, and which is not immediately characteristic of the layout of surrounding sites.

The materials used in the construction of the external surfaces of the building would not be immediately characteristic of the surrounding palette of materials used in the locality. However, the larch cladding would soften the appearance of the dwelling from the street scene and would be consistent with interpretation of the building as a large outbuilding when viewed from the front. It is noted that the planning permission granted for the detached outbuilding at No. 21 related to a building at least partially timber clad and single storey in height. While it is acknowledged that the overall scale of the current proposal and the fenestration and design detailing would lead to interpretation of a residential use, on balance it is not considered that the impact of the proposal on the visual amenities of the street scene and the surrounding area would be significantly jarring or result in an alien or incongruous appearance.

#### Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area

of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Policy D6 of the London Plan relates to 'Housing quality and standards' 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 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 Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

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

The nationally described space standard requires a Gross Internal Area of 79m<sup>2</sup> for a two bedroom potentially four person dwelling house on two levels. The useable floor space size of the house is stated as 100m<sup>2</sup>. On this basis the floorspace provision is considered acceptable.

The shape, room size and layout of the rooms in the proposed building is considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. Majority of habitable rooms are considered to have satisfactory levels of light and outlook.

In terms of amenity space, while the proposed garden would be somewhat shallow, it is considered that the proportion would be satisfactory for the purposes of a small family dwelling.

The application form submitted with the application states that the proposal would be compliant with M4(2) of Approved Document M Volume 1 of the Building Regulations.

## Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

It is noted that representations have expressed concern at the impact of the proposal on on-street parking within the adjacent street(s) as well as the adequacy of the cycle store and the potential that construction of the development would impact upon conditions of safety and the free flow of traffic within the street.

The Council's Highway Officer has reviewed the current application and raises no objection in principle. It is stated however that while 2 no. car parking spaces are proposed, one space would be sufficient to meet the requirements of the London Plan. Cycle parking and refuse storage would need to be provided. The Highways Officer comments that the maximum width of a crossover would be 4.8m, including the 0.9m reducer kerbs to each side of the 3m flat/lowered kerb.

The Officer flagged that there is an existing lamp column which would need to be relocated at the applicant's expense.

Comments from the applicant were sought regarding the above, and it was confirmed that pre-commencement conditions would be acceptable (relating to construction management) as well as a condition relating to parking layout/crossover and landscaping to be imposed.

On this basis, subject to conditions, it is not considered that the impact of the proposal on highways safety, the free flow of traffic and upon pedestrian safety and on-street parking would be significant.

## Neighbouring amenity

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

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.

Policy 3 of the Bromley Local Plan details that new residential development will only be considered acceptable on backland or garden land if there is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic.

Representations have expressed concern at the proposal leading to an unacceptable loss of privacy to neighbouring properties, as well as with regards to loss of privacy, noise and disturbance associated with the use of the dwelling as well as overshadowing.

The application site lies to the east of the rear portion of the garden serving No. 23 Bromley Avenue which is approx. 25 - 27m long, and to the south of the formed boundary with the retained garden area serving No. 21 which is approx. 20m long. It is noted with regards to this latter dwelling that planning permission was granted under reference 21/05703/FULL6 for the construction of a detached single storey garden building with a height of 3.4m reducing to 2.7m, sited in the south eastern corner of the garden and with a width relative to the application site of approx. 3.9m. This permission is extant but does not appear to have been implemented. A maple tree (protected) has been removed. The applicant in this submission has expressed willingness to replace this tree within the application site, which could be subject to a condition.

The proposal does not include any flank facing windows positioned in the elevation facing No. 21 and taking into account the height of the building and its siting at the end of the retained garden it is not considered that the proposal would have a significant impact on neighbouring amenity relating to privacy and overlooking, nor with regards to significant loss of light or outlook.

With regards to the impact of the proposal on the residential amenities of No. 23, it is acknowledged that the dwelling would be set over 2 appreciable storeys at the rear. The first floor of the development would be set at a level consistent with the height of a 1.8m boundary fence and would face at a distance of approx. 5.8 - 6m the boundary with the rear part of the garden serving No. 23. The first floor accommodation provided would comprise a dining area (part of a combined kitchen/dining room) which would also have a front facing window, in the part of the footprint at closest proximity to the rear boundary, and a living room which would also be dual aspect, and which would broadly correspond with the rearmost corner of the neighbouring garden.

Taking into account the orientation of the proposed dwelling, its height relative to the separation to the boundary and the length of the neighbouring rear garden it is not considered that the proposal would have so significant an impact with regards to loss of daylight or sunlight as to warrant the refusal of planning permission on this basis. The impact with regards to privacy would depend significantly on the level of screening to the boundary in the way of planting and/or boundary fencing in addition to that currently in situ. However, in view of the relative level of the first floor accommodation in relation to the rearmost portion of the neighbouring garden at No. 23 it is possible that there may be some loss of privacy. However, if permission is granted it would be possible to impose a condition requiring that details of the boundary treatment and landscaping be submitted to and approved in writing, which may mitigate the impact to some extent.

The site lies to the north of a detached two storey dwelling at No. 11 Madeira Avenue. The proposed dwelling would be sited approx. 9m from that dwelling, with minimum

space to the boundary of approx. 1m at the rear corner. It would project forward of the neighbouring dwelling, but would be single storey in its appearance from the street and from the neighbouring site, and taking into account its height and the overall separation, the siting of the dwelling would have no significant impact on the amenities of that property.

A lower ground floor window is indicated to be provided in the flank elevation facing towards the boundary, serving a study area. In view of the lower ground level position of the window and the relationship between the dwelling and the boundary it is not considered that the proposal would result in a significant loss of privacy or direct overlooking of the neighbouring property.

With regards to noise and disturbance associated with the residential use of the site, it is acknowledged that the proposal would concentrate the activities of a small household into land which for some time has been unused. The application site does appear historically to have formed part of the garden at No. 21 and it is not considered that the increased intensity of the use of the rearmost part of the garden would contrast significantly and unfavourably with the former use of the site. It is not considered that the intensity of the residential use of the site would be unacceptable in view of the size of the unit and the retained space about the building.

### Sustainable Drainage

Policy SI 13 Sustainable Drainage of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Policy 116 of the Local Plan details that all developments should seek to incorporate sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible.

The Councils Drainage Officer has recommended that further detail is sought by planning condition with any permission.

### Trees

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

Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.

Limited details of landscaping have been submitted for the areas given over to garden for external amenity for future occupiers, as well as for softening the appearance of the dwelling (including with regards to the area of frontage land around the indicated water well).

Measurement of the application site cross referenced with the position of the protected tree which was removed in 2021 indicates that this tree was positioned broadly along the boundary of the application site with the retained rear garden serving No. 21. It is noted that representations have referred to the potential that the application proposal



would prejudice the legal replacement of the protected tree within the curtilage of No. 21 (although the siting of a replacement tree would have been somewhat compromised in any case by the siting of the garden room within that curtilage approved under reference 21/05703/FULL6. The permission under reference 21/05703/FULL6 was not subject to a condition requiring the planting of a replacement tree.

The impacts to trees on and adjacent to the site have been assessed by the Council's Tree Officer who has not raised objection in this regard. It is stated that a replacement tree is overdue to be planted where a TPO tree was removed. The original tree was moderate in size and there are no objections to the proposal provided that a tree is planted in the front garden/driveway area. Conditions are recommended.

Details can be sought by condition for a tree protection details during construction and landscaping details with any permission.

### Ecology and protected species

Paragraph 180 of the NPPF states that when determining planning applications, local planning authorities should apply the following principle: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy G6 of the London Plan seeks to support the protection and conservation of priority species and habitats and that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.

Policy 72 of the Local Plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.

During the course of the application the applicant commissioned a Stage 1 Ecological survey and report which was submitted to the Local Planning Authority. The report referred to the need for Stage 2 surveys to be undertaken in the light of the initial findings within the Stage 1 survey, with particular regards to the potential use of the site by badgers and bats.

These were submitted, (Bat Survey received 19/5/22, Badger Survey received 29/5/22).

Comments were sought from the Orpington Field Club on the adequacy of the information provided, the impact of the proposal on protected species and mitigation measures which may be required. These comments are summarised earlier in the report.

In view of the comments received and the information provided in the Bat/Badger surveys it is considered that the implementation of the proposal subject to mitigations would not have a significant impact on protected species.

### Air Quality

Policy SI 1 Improving Air Quality, outlines in summary that development proposals should not lead to further deterioration of existing poor air quality and shall minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro fitted mitigation measures.

Policy 120 of the Local Plan states that developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels will be required to submit an Air Quality Assessment.

The site is located within the Bromley AQMA. In this case, given the location close to a busy road, it is considered prudent for the development to incorporate Ultra Low NOx boilers for the dwelling. A condition is recommended in this regard with any permission.

## CIL

The Mayor of London's and Borough CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## Conclusions

Taking the above into account it is considered that, subject to conditions, the proposal would not have a significantly detrimental impact on highways matters, the visual amenities of the street scene and the area in general and on trees and ecology.

With regards to the impact of the proposal on residential amenity, it is considered that the impact on the neighbouring properties to the north (No. 21 Bromley Avenue) and south (No. 11 Madeira Avenue) would not be significant, and while the proposal would have some limited impact on the rearmost part of the garden serving No. 23, on the whole the impact associated with loss of privacy would be capable of being suitably mitigated through the use of appropriate landscaping/boundary conditions, and on balance, the negative impacts of the development in this respect are not considered to outweigh the presumption in favour of sustainable development to increase housing supply (Paragraph 11(d) of the NPPF).

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

## Decision

Application Permitted

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