

LONDON BOROUGH OF BROMLEY
TOWN PLANNING
RENEWAL AND RECREATION DEPARTMENT

DELEGATED DECISION

20/04942/FULL1 **8 Madeira Avenue**
Russell Penn **Bromley**
 BR1 4AY

Description of Development

Demolition of existing house and garage and erection of 2no. three-storey with additional roof level habitable accommodation, five bedroom houses and a single block of replacement garages.

Proposal

Planning permission is sought for the demolition of existing house and garage and erection of 2no. three-storey with additional roof level habitable accommodation, five bedroom houses and a single block of replacement garages.

The application is a resubmission of a previously refused application as detailed below in the planning history.

The supporting Design and Access Statement has detailed the main differences in the revised scheme to be:

- o The front wall of the houses has been set back 1 metre.
- o The height of the houses has been reduced by 500mm.
- o The width of the overall development has been reduced to ensure that any part of the side walls is a minimum of 1 metre from the boundaries
- o The design of the development is reduced mass and size.

The revised proposal will still be a semi-detached design with matching characteristics, detailing and materials but opposite handed in format and footprint and with the same height at approximately 13.5m from garage floor level to the ridge point. The dwellings are separated by a gap of 1m to the boundary with both No1 Kimberley Terrace and No12/14 Madeira Avenue at the closest points.

The design shows elongated gable flank elevations and projecting front gabled elevations. Offset dual garages are shown to the front elevation sunk in to the steeply sloping front curtilage, with a roof patio terrace above and side access steps leading to the main front door of each house.

A refuse storage location is shown to the front curtilage with internal cycle storage. Two parking spaces are provided for each dwelling in the form of a garage and additional external space in front directly accessed from Madeira Avenue.

A traditional design approach is opted for within the scheme. Externally, the proposed houses will have brick walls on the lower ground level, painted render on the ground and first floors and fibre cement slates on roof level. The roof dormers at the rear will

also have fibre cement slate finish. Windows and ground floor external doors at the rear will be aluminium framed and the front entrance door will be composite material.

The application was supported by the following documents:

- o Design and Access Statement
- o Tree Survey.

Location and Key Constraints

The application site is situated at the south eastern end of Madeira Avenue. The plot rises steeply from the highway level towards the rear and comprises of a two storey dwelling with front terraces and steps leading to the dwelling. At highway level there are two integral garages and forecourt parking. The site is irregular in shape. The width of the site at the frontage is approximately 11m and widens out to a width of 14m at the building line and 21m to the rear of the site. The height of the existing building is approximately 11.1m as measured from garage floor level.

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

Comments from Local Residents and Groups

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

Objections

- o Repeated concerns with overlooking from habitable rooms to properties in Farnaby Road and loss of privacy due to the developments elevated height.
- o Repeated applications keep being put forward. To allow it would be an unwelcome precedent.
- o Concerns that the scheme is a five storey building not three storey.
- o Comments that there are more than 5 bedrooms due to erroneous room labelling.
- o Incongruous and overbearing impact on the street scene.
- o Overdevelopment of the site due to size of proposed properties.
- o Comments inferring that changes are minimal and inconsequential and the development would remain dominant and overbearing and out of character.
- o Concerns there is not enough parking due for the number of potential occupiers causing increased parking congestion locally. Concerns the vehicle access is unsafe.
- o Additional height is overbearing.
- o Comments regarding the accuracy of the plans in respect of heights and relationship to adjacent buildings shown is inaccurate and materially misrepresents the proposal.
- o No provision for soft landscaping to front.
- o Out of character due to size and scale with other properties in vicinity. Need to safeguard the character of Madeira Avenue.
- o Excavation may affect ground water levels.
- o Building is of bigger footprint.
- o Building line would still be 20cm more forward than existing.
- o Concerns that if allowed building will be turned into flats or HMO's.
- o Refuse storage location is not acceptable.
- o Bulky roof structure with gables to front and side adds to dominance of building.
- o Concerns regarding negative impacts to trees on the site.

Local Groups

o The Ravensbourne Valley Residents (RVR) has commented and noted the changes to the development in this revised application. Concerns are raised regarding the accuracy of the plans and in summary objections raised in relation to the size and siting of the dwellings being an over intensive development appearing out of keeping and character with neighbouring properties; poor landscaping; excessive height; overshadowing and decrease of daylight and sunlight; forward siting, highway safety concerns, precedent, cycle and refuse storage.

Please note the above is a summary of objections received and full text is available on the Council's website.

Comments from Consultees

Environmental Health Pollution Officer:

No response received. However, comments received under application ref 20/01955/FULL1 remain relevant.

No objections within the grounds of consideration. A CMP condition and a condition requesting that any gas boilers must meet a dry NOx emission rate of <40mg/kWh is recommended. Informative recommended in respect of any suspected contamination encountered during works.

Drainage Engineer:

Further details of sustainable surface water drainage to be sought by planning condition.

Highways:

The site is located in an area with PTAL rate of 3 (on a scale of 0 - 6b, where 6b is the most accessible). The applicant is utilising the existing vehicle access arrangement leading to garages, which is acceptable. Two car parking spaces per unit (garage and space in front) would be provided, this is satisfactory. Two cycle parking secure spaces per unit is required. Refuse store is indicated.

Thames Water:

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.

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. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

There are public sewers crossing or close to your development. If you're planning significant work near Thames Water 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.

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.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

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 and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

Tree Officer:

No response received. However, comments received under application ref 20/01955/FULL1 remain relevant in respect that the same Tree Survey document has been submitted.

I have reviewed the application history and can see a similar proposal was granted permission under application 10/01006/FULL1. It appears that trees were highlighted as a concern as part of the previous application. I believe this followed an appeal decision under application reference 08/00362/NONDET. As far as I can see, this application proposes a similar building in height and expanse. The proposal will utilise the existing footprint and extend the building line towards the site frontage. The impact on trees is therefore most apparent at the front and the rooting area of retained trees is most at risk here.

The application site is covered by an Area Tree Preservation Order (TPO) dating back to 1960. This extends tree protection to trees that existed when the TPO was made. The TPO covers all the neighbouring properties.

A Tree Survey Report has been supplied in support of the application. The main tree constraints are in respect of third party trees. Any development at the plot will impact the mature trees situated near the boundary. Section 6 of the Tree Survey Report outlines recommendations to apply precautionary tree measures. None of these documents have been appended to the application. Based on the planning history, it would be unreasonable to refuse the application on tree grounds.

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 (March 2021)

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

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - 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

The relevant planning history relating to the application site is summarised as follows:

03/01080/FULL6: Two storey front extension and new roof and single storey rear extension to garage with associated staircase and railings Refused 07.05.2003

03/03687/FULL6: Two storey front and first floor extensions to form two storey house and extension to rear of garage and access stairs. Approved 05.12.2003

08/00492/FULL1: Demolition of existing dwelling and erection of four storey building comprising 7 two bedroom flats with underground parking for 6 vehicles and surface disabled parking and space refuse store and cycle parking on frontage and rear third floor balcony. Refused 09.04.2008

08/03357/FULL1: Detached four storey block comprising 4 two bedroom flats with garages to ground floor, refuse and cycle storage (Appealed against None Determination) Resolved to contest 08.12.2008.

The Appeal was allowed with the Inspector concluding that the proposed scheme would respect and blend in with the character and appearance of the streetscene and the wider locality.

10/01006/FULL1: Detached four storey block comprising 3 two bedroom flats and 2 one bedroom flats with garages to ground floor, refuse and cycle storage and one forecourt parking space. Approved 07.06.2010

13/00829/EXTEND: Extension of time for implementation of permission ref. 10/01006/FULL1. Approved 01.05.2013.

20/01955/FULL1 Demolition of existing house and garage and erection of 2no. three-storey five bedroom houses and a single block of replacement garages. Refused 27.08.2020

Refusal Reasons:

o The proposed development by reason of its height, bulky design, mass and scale represents a visually obtrusive, cramped and overbearing overdevelopment of the site resulting in significant harm to the character and appearance of the area and surrounding development and would also be harmful to the residential amenities of neighbouring property and visual amenities of the area contrary to Policies 4, 8 and 37 of the Bromley Local Plan and Policies 7.4 and 7.6 of the London Plan.

o The proposed development by reason of its spatial relationship to adjacent dwellings in this location would represent an inappropriate and visually obtrusive development harmfully at odds with the open spatial characteristics of the locality which is an important characteristic to the urban grain and pattern of development in the locality and also contributes to the character and appearance of the area contrary to Policies 4, 8 and 37 of the Bromley Local Plan and Policies 7.4 and 7.6 of the London Plan.

Considerations

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

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

Resubmission

The current application follows a previous scheme as detailed in the planning history above. The current scheme has been submitted by the applicant to address the directly the planning history of the site and conclusions of the previous application from LPA assessment. The detail of this is discussed below.

Principle

- o Housing Supply

The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 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 two residential 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.

- o Optimising Sites:

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

Policy 1 of the Local Plan and Policy H1 of the London Plan set the context in the use of sustainable brownfield sites for new housing delivery.

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

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

Local Plan Policies 4 and 37 accord with paragraph 127 of the National Planning Policy Framework, which requires development to be sympathetic to local character whilst optimising the potential of sites.

In this case the site is located in a residential location in a residential area where the Council will consider infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore, the demolition of one dwelling and replacement with two dwellings on the land is acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity

for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

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.

The general aims of the Council's design policies state that housing development should be designed to the highest level both internally and externally. In addition, the Council seeks that developments should have regard for the wider context and environment and should seek to enhance the residential environment and attractiveness as a place to live.

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

Policy 8 of the Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

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

In this case the character of the locality is strongly influenced by the steeply sloping topography. The dwellings along Madeira Avenue vary in size, design and height, although the majority have strong vertical lines. They are built into the slope of the land and set against a backcloth of trees and shrubs. Whilst the existing dwelling on the site respects the topography of the site, with its flat roofs and strong horizontal lines it is considered generally at odds and out of keeping with the adjacent developments and the street scene. Therefore, the redevelopment of the site is welcomed.

The changes to the resubmitted scheme as identified above have been reviewed. However, the revised plans still depict a significantly larger and bulkier building on the site with a dominant roofscape incorporating large front and side gables, deep, high and dominant flank elevations. In addition the height of the building at 13.5m albeit with a reduction of 0.5m from the previous application would still be approximately 2.25m greater than existing, exacerbated by the wider structure and more forward siting of the building in relation to the existing footprint position notwithstanding the movement of the front elevation back above the garages by an extra 1m in this revised application. The height would also be greater than adjoining property by a noticeable amount when viewed from the streetscene. As a result the intended mass and scale of the building would create a negative punctuation within the rhythm of the streetscene which would appear out of character and harmful to the visual amenity of the streetscene and wider area.

It is also noted that the separation to the flank boundaries has been marginally increased in this application to the numerical minimum of 1m on each side of the building at closest points and is therefore numerically compliant with Policy 8. However, as the policy also states where higher standards of separation exist proposals will be expected to provide a more generous side space. In this case it is still considered that due to the spatial standards being generous at this location on Madeira Avenue, a greater degree of separation would be required between any proposed building and its adjacent boundaries to maintain the rhythm of the streetscene between the existing properties than that now proposed.

Furthermore, the steep and sloping topography of the site represents a constraint to the suitability of a wide semi-detached building on the site in terms of the dominating and overbearing impact of additional scale to neighbouring property adjacent. It is noted that the scheme permitted in 2008 and 2010 were of a much lesser bulk, scale and height that allowed those developments to respect and blend in with the character and appearance of the streetscene and the wider locality.

On balance given the poor spatial separation, dominant and overbearing scale, the development would appear out of character with the pattern of development in the

immediate locality and is considered to be representative of a cramped overdevelopment of the site.

It is acknowledged that in design terms it is not always essential to replicate traditional design or appearance of an area and contemporary design can develop a further layer of townscape which complements, rather than competes with the past. Notwithstanding the identified scale, massing and spatial issues, in terms of the revised building proposed it is opined that the design style approach is an acceptable response.

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'.

A Part M compliance drawing has been submitted that details compliance with the relevant sections of Part M. A compliance condition is recommended with any permission in this regard.

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 floor space size of each of the semi-detached houses is the same at 212.6m² respectively. The nationally described space standards require a GIA of 125m² for a five bedroom potentially seven person dwelling in relation to the number of persons, floors

and bedrooms mix. It is noted that commentators have stated that a large playroom in the roof space and study in the lower ground floor could be used as extra bedrooms. However, given the extensive GIA of the dwellings the floor space would remain acceptable if this were the case. On this basis, the floorspace size provision for both dwellings is compliant with the required standards and is considered acceptable.

In respect of the internal layout of houses, the shape and room size in the proposed units is generally considered satisfactory for the units where none of the rooms would have a particularly convoluted shape which would limit their specific use.

In terms of amenity space, the depth and width of the rear gardens are of sufficient proportion to provide a usable space for the purposes of a family dwellinghouse.

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.

The Council's Highway Officer has reviewed the current application and not raised any objection to the level of parking provided at the site and access arrangements to and from the site. On balance, it is therefore considered that there will be minimal impact on parking in the vicinity and the proposal is considered generally acceptable from a highways perspective.

Officers recommend that an electrical car charging point be provided for each house. A condition for further details and requiring installation prior to occupation is recommended in this regard with any permission.

Cycle parking

Cycle parking is required to be 2 spaces for dwellinghouses as proposed. The applicant has provided details of a location for cycle storage for each house internally on the lower ground floor. A compliance condition is recommended in this regard with any permission.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of a refuse storage area for both houses in close proximity to the front curtilage footpath. On balance, the location is considered

acceptable. A planning condition is recommended in this regard for further details of a containment structure and capacity with any permission.

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.

In terms of outlook, the fenestration arrangement will provide predominantly front and rear outlook. Secondary high level flank windows are shown to dining rooms are considered acceptable at ground floor level. First floor flank windows are to bathrooms and can be obscure glazed as necessary. On balance, no direct overlooking will take place to neighbouring buildings and property from habitable room windows within the building.

It is noted that representation comments have indicated increased overlooking from the garage roof front patio and from the raised height of the building to the rear curtilage of properties to the south on Farnaby Road which are at a much lower ground level due to lower topography. Given the separation distances across Madeira Avenue this is not considered a reason to withhold permission on this basis.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.

An informative is recommended with any approval to ensure that the development strives to achieve these objectives.

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.

Minimal landscaping details have been submitted. Full detail of hard and soft landscaping and boundary treatment would have been sought by planning condition had permission been forthcoming.

Trees on the site are protected by a blanket Tree Preservation Order. The Council's Tree Officer has reviewed the impact to protected trees and not raised objection subject to further details in respect of tree protection and a landscaping scheme to be submitted by condition.

CIL

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

Conclusion

Taking into account the above matters, it is not considered that the revised scheme has overcome the previous reasons for refusal.

The proposed development by reason of its height, bulky design, mass and scale represents a visually obtrusive, cramped and overbearing overdevelopment of the site resulting in significant harm to the character and appearance of the area and surrounding development and would also be harmful to the residential amenities of neighbouring property and visual amenities of the area.

Furthermore, the proposed development by reason of its spatial relationship to adjacent dwellings in this location would represent an inappropriate and visually obtrusive development harmful at odds with the open spatial characteristics of the locality which is an important characteristic to the urban grain and pattern of development in the locality and also contributes to the character and appearance of the area.

In respect of the Council's 5 year housing land supply and the Inspectors conclusions surrounding the recent appeal outlined within the 'principle' section above, paragraph 11d (ii) of the Framework would be applicable. In this case, when weighing up benefits of the development and the Inspectors conclusions surrounding the 2019 appeal on this site, it is considered that the identified harm arising from the proposal would significantly and demonstrably outweigh the benefits of the development. Therefore, in the planning balance the proposal is not considered to be acceptable.

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

Decision

Application Refused

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