

LONDON BOROUGH OF BROMLEY
TOWN PLANNING
RENEWAL AND RECREATION DEPARTMENT

DELEGATED DECISION on 24th August 2020

20/01955/FULL1 **8 Madeira Avenue**
Russell Penn **Bromley**
 BR1 4AY

Description of Development

Demolition of existing house and garage and erection of 2no. three-storey five bedroom houses and a single block of replacement garages.

Proposal

Planning permission is sought for demolition of the existing house and garage and erection of 2no. three storey five bedroom houses and a single block of replacement garages.

The two dwellings will be of a semi-detached design with matching characteristics, detailing and materials but are opposite handed in format and footprint but with the same height at approximately 14m from garage floor level to the ridge point. The dwellings are separated by a gap of 0.7m to the boundary with No1 Kimberley Terrace at its closest point and 0.8m to the boundary with No12/14 Madeira Avenue.

The design shows gables 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 and 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
- o Part M compliance Drawing

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 No flats currently in Madeira Avenue.
- o Building is too high and oversized for the plot available.
- o Oversized compared to neighbouring property.
- o Building is much higher than neighbouring property.
- o Overbearing and dominant and incongruous in the streetscene.
- o Scale of development is wholly inappropriate.
- o Study/playroom used as additional bedrooms
- o Density proposed is an overdevelopment.
- o Concerns with overlooking from garage roof patios and higher windows to adjacent roads and lower ground level properties on Farnaby Road.
- o Proposal is 4 storey with 6 bedrooms not as proposed.
- o No other 4 storey buildings in locality.
- o Insufficient parking for number of potential occupants.
- o Out of character with other properties on the road.
- o Loss of garden privacy due to height increase.
- o Concerns that the building will be more forward than current one and have an imposing flank wall.
- o Concerns with close proximity to neighbouring boundary and overlooking from flank windows.
- o Concerns with safety of vehicle access and egress.
- o Concerns regarding potential damage to blanket TPO trees on the site.
- o Concerns with increased noise/disturbance from extra residents.
- o Concerns that if allowed will set a precedent in the area.

Local Groups

- o The Ravensbourne Valley Residents (RVR) has objected 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; less than 1m side space; and highway safety concerns.

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 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 drainage to be sought by condition.

Highways:

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

The proposal is to demolish existing house and garage and erection of 2 x three-storey five bedroom houses and a single block of replacement garages and a forecourt parking, using the existing access.

A speed survey was supplied with the previous application which indicated that sightlines of 34m to the south and 44m to the north would be required. Although the northern sightline was shown to be achievable, the southern sightline did not appear to be feasible. However from measurements taken on site, a sightline of 2m x 40m was possible and consequently, given the characteristics of the road. This was accepted by highway planning.

The garages are shown at 5.225m in length. This is below the normally required 6m but there is a separate cycle store proposed and there is also space to park a vehicle in front of each garage. There is an additional forecourt parking which is acceptable.

Further details of visibility spays, gradients, refuse and cycle storage, external driveway lighting, surface water driveway drainage and removal of eligibility for parking permits to be sought by planning condition.

Tree Officer:

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.

Bromley RSPB

The installation of at least two¹ integral swift nest bricks is recommended.

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

London Plan Policies (2016)

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity.
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character

- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 8.3 Community Infrastructure Levy

Draft New London Plan (Intend to Publish - 2019)

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

The draft New London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.

The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.

After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.

At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

- 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
- H9 Ensuring the best use of stock
- 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.

Considerations

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

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

Principle

The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development.

A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing

land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) 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.

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

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

Policies including 3.3 of The London Plan 2016, Policy 1 of the Bromley Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

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.

Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 127 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

The public realm is also an important aspect of any development as it ensures that the development is integrated into and enhances the existing character and use of the area. All residential and commercial development is required by policy to contribute towards good design which extends to the consideration of the public realm (London Plan Policy 7.5).

Policies 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; is informed by the surrounding historic environment.

Policy 7.6 states that buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; comprise details and materials that complement, not necessarily replicate, the local architectural character; not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

Policy 4 of the Local Plan details that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places respecting local character, spatial standards, physical context and density. To summarise the Council will expect all of the following requirements to be demonstrated:

The site layout, buildings and space around buildings be designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas; compliance to minimum internal space standards for dwellings; provision of sufficient external, private amenity space; provision of play space, provision of parking integrated within the overall design of the development; density that has regard to the London Plan density matrix whilst respecting local character; layout giving priority to pedestrians and cyclists over vehicles; safety and security measures included in the design and layout of buildings; be accessible and adaptable dwellings.

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

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

In this case the 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.

However, the plans 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 14m would be 2.75m greater than existing, exacerbated by the wider structure and more forward siting of the building in relation to the general building line along Madeira Avenue. 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 is below 1m on each side of the building and is therefore not numerically compliant with Policy 8. 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.

Paragraph 7.21 of the London Plan states that architecture should contribute to the creation of a cohesive built environment that enhances the experience of living, working or visiting in the city. This is often best achieved by ensuring new buildings reference, but not necessarily replicate, the scale, mass and detail of the predominant built form surrounding them, and by using the highest quality materials. Contemporary architecture is encouraged, but it should be respectful and sympathetic to the other architectural styles that have preceded it in the locality.

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 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.

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.

The floor space size of each of the semi-detached houses is the same at 221.1m² 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 Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

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 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 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.

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