

LONDON BOROUGH OF BROMLEY

TOWN PLANNING RENEWAL AND RECREATION DEPARTMENT

DELEGATED DECISION

22/02035/FULL1

**Susanna
Stevenson**

**Romany Ridge
Hillbrow Road
Bromley
BR1 4JL**

Description of Development

Demolition of existing dwellings at Romany Ridge and 15 Hillbrow Road and erection of apartment building comprising 7 two bedroom and 2 one bedroom flats with associated parking, amenity space, secure bin and cycle storage

Proposal

The application seeks planning permission for the demolition of dwellings at Romany Ridge and No. 15 Hillbrow Road (along with their outbuildings/garages) and the construction of a block of 9 residential flats set over lower ground, ground, first and second floors.

The proposed building would be positioned approx. 1m from the north eastern boundary with the rear garden of No. 62 Coniston Road at a building height of approx. 5.2m, increasing to approx. 8.3m. This elevation incorporates three levels of windows, with the first floor shown to be obscure glazed, and incorporates terraces at ground and first floor levels.

The south eastern rear elevation of the building would be sited approx. 1.05m from the side boundary of the rear garden of No. 62 Coniston Road at a building height of approx. 8.4m (two/three storey). This elevation incorporates multiple windows at ground, first and second floor level, with the windows at first and second floor level being obscure glazed.

The north eastern rear elevation of the southern wing of the building would be staggered, with a separation (maximum) of approx. 1.39m to the rear boundary of the garden of No. 62 Coniston Road, with this wing of development being two storey in height (but set into the ground, with a projection above the ground level of the neighbouring garden of approx. 3.2m. The roof incorporates at this part of the building a shared amenity terrace, set back from the floor below.

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

The proposed external materials comprise a mixed palette of dark metal cladding, buff brick, dark metal detailing, glass balustrades to the terraces and grassed flat roofs, along with a feature green living wall to the curved element of the building.

The accommodation comprises:

Unit 1 - 2 bed duplex flat (lower gf and gf) 2b/4p GIA 89 sqm

Unit 2 - 2 bed flat (lower ground floor) 2 b/3p GIA 65 sqm

Unit 3 - 2 bed flat (ground floor) 2b/3p GIA 65 sqm

Unit 4 - 2 bed duplex flat (first and second floor) 2b/4p GIA 113 sqm
Unit 5 - 1 bed flat (ground floor) M4(3) compliant GIA 1b/2p 58 sqm
Unit 6 - 2 bed flat (ground floor) 2b/3p GIA 65sqm
Unit 7 - 1 bed flat (first floor) 1b/2p GIA 58 sqm
Unit 8 - 2 bed flat (first floor) 2b/3p GIA 65 sqm
Unit 9 - 2 bed flat (second floor) 2b/3p GIA 84 sqm

Amenity space:

Lower ground floor - terraces for Units 1 and 2

Ground floor - terraces for units 3, 5 and 6

First Floor - terraces for Units 4, 7 and 8, along with shared amenity terrace on flat roof over ground floor

Second floor - shallow, curved terrace for unit 4 (secondary to the first floor terrace) and long shallow terrace for Unit 9 along with secondary terrace.

Car parking is provided comprising 11 car parking spaces (2 designated as disabled spaces) and the proposal includes the provision of 17 cycle spaces. The proposal includes the provision of 2 no. refuse/recycling stores.

The application has been submitted with the following supporting documents:

- o Design and Access Statement
- o Planning Statement
- o Accessible and Adaptable Homes with Wheelchair Housing Statement
- o Arboricultural Report

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

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

The applicant has also stated in support of their application that the design of the development seeks to respond to the scale and appearance of the existing flatted development to the south. There are no habitable windows proposed in the elevations of the building that would face north or east, whereas the existing dwelling at No. 15 overlooks the garden of NO. 64 and it is stated that the roof of Romany Ridge has been used often as a terrace seating area. With regards to the setting of the development, it is stated that the scale of the proposed building has been designed to step away from the eastern and northern boundaries and that all of the proposed flats would have a good level of outlook and are NDSS compliant. The scheme would make an important contribution to housing supply.

Site location and key constraints

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

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

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

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

Comments from local residents and groups

Comments were received from the Ravensbourne Valley Residents' Association:

- o Inappropriate scale, mass and design would not contribute positively to the existing street scene
- o Lack of space to the front of the site (on site of Romany Ridge) would not be consistent with the developments at Matilda House and St Peter's Heights
- o 4 storey development would dominate the street scene
- o Cramped over-development
- o Loss of amenity to 62 and 64 Coniston Road
- o Lack of topographical survey
- o Amenity space would impact detrimentally on neighbouring residents - potential noise and disturbance
- o If permission granted, should be subject to a condition relating to the 2 no. grass roofs, to prevent use as amenity space
- o Hedgerows and low shrubs would be inadequate to screen the building, and lack of space for substantial trees suggests an over-development of the site
- o If permission is granted there should be a condition requiring that substantial trees be planted, along with the provision of an automatic watering system

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

Highways

- o The access roads are unsuitable for any increase in traffic
- o Existing developments within the road have impacted on the repair/road surface of Hillbrow Road
- o There are no pavements and children and vulnerable people are in danger from increased traffic and the quality of the road surface - impossible to walk along the road or use wheelchairs, and the road surface can damage and ground cars
- o Pollution associated with increased traffic
- o Lack of parking to serve the needs of the development - will be overspill car parking

- o Parking already limited and impacted by the hotel and leisure businesses nearby, along with an HMO at No. 79 Coniston Road, along with zip cars associated with LB Lewisham and car showrooms
- o Access sited in dangerous position

Character

- o Massive overdevelopment of the site - increased residential intensity (replacing a family home and a bungalow with potentially 32 residents)
- o The development is not consistent with the layout/development at Mathilda House and St. Peters Heights - lack of space in comparison with these proposals
- o Height of development would be unacceptable

Neighbouring amenity

- o The building will block natural light to properties in Coniston Road and surroundings
- o Loss of privacy to properties in Coniston Road and other properties - mix of obscure and clear glazing
- o Concern that landscaping proposals will not be provided - reference to other developments within the street
- o Adverse visual impact
- o Noise and disturbance from the site
- o Refuse bins will lead to foxes/vermin
- o Large shed will attract criminals

Other matters

- o The proposal will disproportionately disadvantage disabled people - compliance with the 2010 Equality Act
- o Lack of dialogue between Lewisham and Bromley boroughs - reference to refused scheme at No. 26 (Within Lewisham) which was refused and subsequently dismissed on appeal
- o Impact on access to existing services (i.e. medical/refuse collections/utilities)
- o Will not be affordable despite making a contribution to housing supply
- o Impact of construction on integrity of the roadway
- o Impact on property values
- o Removal of trees may lead to ground heave/impact on foundations/subsidence
- o Drainage impact

Comments were received from the local RSPB group requesting the integration of swift nest bricks within the proposed building.

Comments from consultees

Drainage:

Sustainable drainage options must be maximised on site to restrict surface water run-off to a greenfield run-off rate. A pre-commencement drainage condition is recommended.

Thames Water:

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk

from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Fgroundwater-protection-position-statements&data=05%7C01%7Cplanning%40bromley.gov.uk%7C6b505dee70e3400f6e9108da730aae46%7C8cc3d50b245a4639bab48b879ac9838c%7C0%7C0%7C637948786962461854%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=1cSA411JbKTu3CBqTvkoxYqbRda%2F4cYhScJnLxgIPUA%3D&reserved=0>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

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

<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our-pipes&data=05%7C01%7Cplanning%40bromley.gov.uk%7C6b505dee70e3400f6e9108da730aae46%7C8cc3d50b245a4639bab48b879ac9838c%7C0%7C0%7C637948786962461854%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=qV9J6lztR5QA0yIJVjCZFEBAHq6bXd3Mpn%2FYFJKa1%2Fs%3D&reserved=0>

Highways:

The site has a low (1b) PTAL. Hillbrow Road is recorded as an unadopted highway. Parking standards in the London Plan are up to 1.5 spaces per unit giving a maximum of 13 - 14 spaces.

There are 11 spaces proposed. Given the low PTAL and lack of on-street parking, it is considered that fewer units should be provided so as to have an increased parking provision relative to the number of occupants.

The two existing accesses are being retained. A Construction Management Plan was provided with the application. If permission is forthcoming, a more detailed plan would be needed. Two bin stores are proposed, one adjacent to each access. A hard surface between the store and collection vehicle would be required to wheel the larger bins. Cycle storage is provided on the lower ground floor. There are 17 spaces which is in line with London Plan standards.

Currently, vegetation blocks the sightline from the northern access. Although the condition of the road is likely to mean vehicle speeds are relatively low there is very limited intervisibility and, given that use of this access will increase with the development, this needs to be addressed in the interests of road safety.

Hillbrow Road is unmade and not maintainable by the Council. Having recently driven down the road, it is in a very poor state of repair with potholes and peaks/depressions. It is unsuitable for cycling and pedestrians with any mobility issues.

Increased use of the road by motor vehicles is likely to add to the deterioration of the road surface. There is also no street lighting in the road. The non-motorised vehicular access is therefore poor and is contrary to the Local Plan Policy 33, Access for all and London Plan Policy T2 Healthy Streets.

London Borough of Lewisham:

Consulted. No comments received

Trees:

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

Environmental Health (Pollution):

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

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

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

Policy Context

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

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

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

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

London Plan (March 2021)

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

Bromley Local Plan

- 1 Housing Supply
- 4 Housing Design
- 13 Renewal Areas
- 14 Development Affecting Renewal Areas
- 19 Ravensbourne, Plaistow & Sundridge Renewal Area
- 30 Parking
- 32 Road Safety
- 33 Access for all
- 37 General Design of Development
- 70 Wildlife Features
- 72 Protected Species
- 73 Development and Trees
- 74 Conservation and Management of Trees and Woodlands
- 77 Landscape Quality and Character
- 78 Green Corridors
- 79 Biodiversity and Access to Nature
- 113 Waste Management in New Development

- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon reduction, decentralised energy networks and renewable energy

Supplementary Planning Guidance

Housing: Supplementary Planning Guidance. (March 2016)
Technical housing standards - Nationally Described Space Standard (March 2015)
National Design Guide - (September 2019)
SPG1 General Design Principles
SPG2 Residential Design Guidance

Planning History

15 Hillbrow Road (application site)

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

Romany Ridge (application site)

No relevant recent planning history to report.

26 Hillbrow Road (LB Lewisham - opposite the site)

2019

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

1. The proposed development would fail to ensure a safe and convenient route for pedestrians to the application site that would be accessible to all users, resulting in potential conflict with vehicle manoeuvring that would significantly further exacerbate existing prejudicial conditions to highway safety on Hillbrow Road, contrary to Paragraphs 108 and 109 of The National Planning Policy Framework (2019), Policy 7.2 An Inclusive Environment of The London Plan (2016), Policy 14: Sustainable Movement & Transport of the Core Strategy (2011) and DM32: Housing design layout and space standards, DM33: Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014).
2. The proposed development would not be accessible to all users, due to a lack of step free access to any of the dwellings, contrary to Policy 3.8 Housing Choice, Policy 7.2 An Inclusive Environment and the Mayor's Housing SPG of the London Plan (2016), Policy 1: Housing provision mix and affordability of the Lewisham Core Strategy (2011) and DM32 Housing design layout and space standards of the Development Management Local Plan (2014).

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

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

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

- Highways safety

The Inspector noted:

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

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

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

- Living conditions

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

- Housing Supply

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

Uplands, Hillbrow Road (Now Matilda House)

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

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

Planning permission was granted in 2015 under reference 14/04139/FULL1 for the demolition of the existing dwelling and erection of a part two/three storey block comprising 9 flats with 14 car parking spaces on a largely rectangular site of 0.16 hectares in area, positioned to the south of the application site (other side of Matilda House).

Planning Considerations

The main issues for assessment in the current proposal comprise:

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

Principle and Housing Supply

Housing Supply

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

The NPPF (2021) 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 nine 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.

Optimising Sites:

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

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

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

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

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

In this location, the Council will consider a higher density residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable and accessible 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.

Policy 3 of the Bromley Local Plan relates to Backland and Garden Land Development. While it is acknowledged that the proposal would see the footprint of built development

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

Housing unit mix

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

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

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

Design and impact on visual amenity

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

Paragraph 126 of the NPPF (2021) 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.

London Plan and Bromley Local Plan policies (in particular Policies 4 and 37 of the Bromley Local Plan - relating to housing design and the general design of development respectively) further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

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

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

The variety in size and shapes of surrounding plots and the topography of the area results in an interesting and varied street scene. The road is unmade and narrow, with verges and boundary vegetation as well as the discreet siting of dwellings around the curvature of the road leading to an attractive suburban wooded setting. While there are flatted developments to the south east, fronting the lower level side of the street, these are set within more regularly-shaped plots and allow for the setting of development well back from the front boundary of the sites, contributing to the visual amenities of the street scene.

While the proposed footprint of development has been designed so as to broadly align with the flank elevation of No. 62 Coniston Road to the north east and the front elevation of Matilda House to the south east the spaciousness to the corner in tandem with the height, bulk and massing of the proposed flatted building would result in an overprominent and visually dominant appearance on the approach to the bend in the street.

There would be some limited scope for planting to soften the appearance of the development on the corner, but the overall site coverage by buildings, hard surfaces and car parking/circulation space would not be consistent with the prevailing pattern of development in the locality, would undermine the visual amenities of the street scene and would be at odds with local character formed from the setting of development relative to the front boundaries and verges.

The development would have a boxy appearance, incorporating multiple flat roof heights and projections, set backs and a visually varied front elevation. The curved elevation would incorporate a full height "green wall." While this serves to an extent to break down the visual massing of the development, it is not immediately characteristic of the surrounding pattern of development and results in a disparate and visually jarring feature which, in conjunction with the height of the development, results in an overdominant visual impact.

The development is positioned in close proximity to the flank boundary with Matilda House as well as to the boundaries with Nos. 62 (the north eastern "flank" elevation) and 64 (the south eastern and north eastern "rear" elevations). These rear elevations are of utilitarian appearance, with the height of the development being clearly appreciable from the neighbouring sites and the cramped nature of the development relative to the host plot being clearly appreciable from the higher level dwellings at Coniston Road.

The overall quantum of development upon the site of irregular proportions, with the clear "cut out" associated with the rearmost section of the garden at No. 64, results in a cramped overdevelopment, with insufficient space maintained to the rear to be consistent with the general layout and rhythm of development in the locality. While it is acknowledged that the rear elevation of Matilda House lies in quite close proximity at one side to the rear boundary with NO. 66 Coniston Road, the relationship between the development and that property is more spacious and the visual impact considerably less pronounced than would be the case in the application proposed development.

Impact on neighbouring residential amenity

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

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

The proposal would have a detrimental impact on the amenities of neighbouring residents through impacts associated with the increased intensity of the residential use of the site, the use of the elevated communal amenity space in proximity to the rear gardens, the cramped setting of the building relative to the neighbouring residential gardens (at Nos. 62 - 66 Coniston Road, but particularly with regards to the curtilages of Nos. 62 and 64) and the visual dominance and overbearing appearance of the development.

The main impact on neighbouring amenity associated with the building would be to the neighbouring dwellings at Nos. 62 and 64 Coniston Road (although it is also recognised that the proposed development would be somewhat appreciable when viewed from the rear garden at No. 66).

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

While it is acknowledged that the proposal includes obscure glazing to many of the windows facing the rear/flank boundaries, as has been pointed out in representations objecting to the proposal, there is lack of clarity on whether these windows would be openable, and to what extent the noise of normal residential activities within the associated rooms (including living rooms and kitchens) would be capable of being mitigated/controlled.

Notwithstanding the obscure glazing of windows within the upper floors, the proposal includes a raised communal amenity terrace close to the boundary with No. 64 and the rear part of the garden of No. 66, and the bulk, number of window openings and appearance of the development would cumulatively result in an overbearing and visually intrusive development with an impact significantly greater than the existing 2 small dwellinghouses. It would result in a jarring and oppressive impact when viewed from the neighbouring dwellings, significantly impacting on the quiet and private neighbouring gardens.

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

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

With regards to the impact relating to daylight and sunlight, the application has not been submitted with an assessment to address the close relationship between the building and neighbouring dwellings. Taking into account the height and siting of the building relative to the rear gardens particularly that at No. 64, it is considered that the proposal would result in some overshadowing along with the overdominant visual impact, associated with its height and siting, particularly with regards to the rear half of the garden of No. 64 as well as the less generously proportioned garden at No. 62.

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

Terraces are proposed to be provided in the northern corner of the building close to the boundary, and the use of these terraces while not impacting on privacy (subject to suitable screening at their north-eastern side) would have potential to result, in conjunction with the car parking and manoeuvring at ground floor level, in noise and disturbance which would have an unacceptable impact on the quiet enjoyment of the neighbouring amenity space.

Quality of residential accommodation

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

external spaces standards that are in line with the National Technical Housing Standards.

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

Policy D7 of the London Plan - Accessible Housing, states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and; all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

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

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

However, it is considered that the rear/flank windows associated with Unit 1 which is positioned at lower ground level would provide limited outlook associated with the combined kitchen/living/dining room, with the flank and side elevations significantly constrained in terms of outlook by the retained ground levels associated with the topography of the site. The bedrooms of this flat are positioned within the upper floor, but the main living space associated with the unit is positioned at lower ground level with outlook to the flank and rear constrained and the outlook to the front of the unit similarly limited as a consequence of the position of the front terrace relative to the screening between the car park and the building and the upper level terrace serving this split level unit (NB the plan drawings referring to ground/lower ground floor mislabel the upper level of unit 1 - referring to this as unit 2).

In addition, it is noted that the north eastern and south western rear elevations of the two wings include fenestration to the internal accommodation that is referred to as being obscure glazed. This fenestration is positioned in close proximity to the boundary of the site with the rear garden of No. 64, necessitating careful consideration of whether windows would be openable, and need for obscure glazing in the interest of neighbouring amenity. The internal accommodation associated with these windows includes the combined reception/kitchen space of flats 4, 7 and 8, with this internal space at flat 8 (first floor) having two walls which would need to be obscure glazed/fixed shut with the open window to the front being partially enclosed by the flank screening associated with the terrace. A similar arrangement for the combined reception space at Unit 7 would be proposed.

Overall, it is considered that the number of units in conjunction with the awkward site layout associated with the shape of the site and the need to safeguard neighbouring amenity leads to internal accommodation that would have a restricted outlook, most noticeably within the lower ground floor unit and in the combined reception/kitchen space associated with the upper storey flats.

Highways and transport

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

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

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

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

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

It is considered that Hillbrow Road is not wholly accessible for all users and that the quality/state of the roadway, which is unmaintained, heavily pitted/degraded and includes loose stones and pebbles which represent a barrier to safe pedestrian passage along the street, provides an unsuitable environment for pedestrians and wheelchair users. The appeal decision associated with the proposed construction of 6 units at No. 26 (determined by London Borough of Lewisham before being dismissed on appeal in December 2020) is of interest in the assessment of the relationship between residential development, the constraints to pedestrian and cycling access and the quality/state of the roadway, In the appeal decision, the Inspector's findings with regards to Highways Safety can be summarised:

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

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

The Highways Officer has also referred to the limited visibility to the north of the northern car parking area. Currently, vegetation blocks the sightline from the northern access. This vegetation lies outside of the application site. Although the condition of the road is likely to mean vehicle speeds are relatively low, the Highways Officer notes "there is very limited intervisibility and, given that use of this access will increase with the development, this needs to be addressed in the interests of road safety."

It is acknowledged that planning permission was granted in 2016 for the development at the adjacent site (Matilda House). This flatted development provided a total of 7 residential units. While this, and the neighbouring building at St Peters Heights, comprise relatively recent residential development within the road, taking account of the existing road condition, and having regard to the more recent appeal decision associated with the nearby property on the other side of the road (March 2021), as well as the policies within the London Plan (2021) and Bromley Local Plan (2019) it is considered that the road as existing is not in a suitable condition to accommodate the pedestrian and cycle trips associated with the proposed residential development, or a development that would be accessible safety and suitably by all users.

Trees and Landscaping

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

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

Drainage

If planning permission was forthcoming, the Drainage Officer has recommended the maximisation of sustainable drainage options on the site so as to restrict surface water run off to a greenfield run-off rate - recommending a pre-commencement drainage condition to this effect.

CIL

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

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is unacceptable as it would result in a significant loss of amenity to local residents, adverse impact on visual amenity and would fail to provide accommodation of a high standard of outlook/amenity for prospective occupiers. Furthermore, it is considered that the accommodation provided would have a detrimental impact on highways safety, including on pedestrians using the highway, while also providing development that would not be accessible to all users without access to a vehicle. The site is poorly connected by public transport and the existing road is in a very poor condition, failing to provide a safe and suitable access for all users. It is not considered that this harm could be suitably mitigated by condition or other mechanism in view of the status of the highway, its poor condition for the full length of the road and the scope of the application site and land ownership.

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

Decision

Application Refused

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