

Committee	PLANNING COMMITTEE (B)	
Report Title	Land to the rear of 13 Calmont Road, Bromley BR1 4BY	
Ward	Downham	
Contributors	Joe Roberts	
Class	PART 1	Date: 01 December 2016

<u>Req. Nos.</u>	DC/16/098248
<u>Application dated</u>	12/09/2016
<u>Applicant</u>	Jim Patel Project Nine Design Limited on behalf of Sterling Rose Development Ltd.
<u>Proposal</u>	The construction of a two bedroom, single storey dwelling house at the rear of 13 Calmont Road BR1, together with associated boundary treatment and the provision of 1 car parking space with access onto Ambleside BR1.
<u>Applicant's Plan Nos.</u>	DWG 1A; DWG 2A; DWG 3A; Site Location Plan; CIL Form; Planning, Design and Access Statement dated 12 September 2016; Planning, Access and Design Statement dated 30 August 2016
<u>Background Papers</u>	(1) Case File LE/264/13/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	PTAL 1a PTAL 1b Local Open Space Deficiency Not in a Conservation Area Not a Listed Building Unclassified

1. Property/Site Description

- 1.1. The site is located at the rear of 13 Calmont Road, with a frontage to Ambleside. Prior to being sold and partitioned off, the site formed part of the rear garden of 13 Calmont Road. Currently it is overgrown with weeds and is subject to fly tipping over the wire mesh fence.
- 1.2. The site is roughly rectangular in shape and measures approximately 12m deep and 15m wide. It backs on to the rear gardens of 13 and 15 Calmont Street, as well as 41-44 Ambleside. The balconies of 41-44 Ambleside directly overlook the site.
- 1.3. The property is located near the Millwall sports club training fields. The area is residential in character and consists of two storey semi-detached dwellings, with

the exception of the property known as “The Acorns” located at the rear of 7 Calmont property.

- 1.4. “The Acorns” is located directly opposite the application property, and is similar in design and appearance to the proposed scheme.
- 1.5. The subject property is located within a suburban housing perimeter block typology as defined in the Lewisham Character Study. The site has a PTAL rating of 1a and 1b. The property is not located in a Conservation Area or a listed building.

2. Relevant Planning History

Application Site

- 2.1. DC/06/62122/FT for the construction of an extension at first floor level to the rear of 13 Calmont. Granted.
- 2.2. DC/14/90379 for the construction of a two bedroom (3 person), single storey dwelling together with a parking space and a rear amenity area to the rear of 13 Calmont. This was refused under delegated authority.
- 2.3. Reasons for refusal are provided below:
 - 2.3.1. *The development of back gardens for separate dwellings in perimeter form residential typologies identified in the Lewisham Character Study is not acceptable and contrary to DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014).*
 - 2.3.2. *The design of the proposed dwelling is of a poor quality and would be in direct contrast to the established pattern of development, appearing as a highly incongruous addition to the streetscene and contrary to Policy 15 High quality design for Lewisham of the Core Strategy (2011), DM Policy 30 Urban design and local character, DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development management local Plan (2014) and Policy 3.4 of the London Plan (2015).*
- 2.4. DC/15/92547 The construction of a two bedroom, single storey dwelling house at the rear of 13 Calmont Road BR1, together with associated boundary treatment and the provision of 1 car parking space with access onto Ambleside BR1
- 2.5. Reason for Refusal:
 - 2.5.1.1. *The proposed development, involving the back garden of a traditional terrace (as originally designed) is considered unacceptable in principle due to the harmful effect to the urban perimeter block typology in which the site is located. The proposal is considered an incongruous form of development, unacceptable in principle and harmful to the character and appearance of the wider locality, contrary to the NPPF, Spatial Policy 5 Areas of Stability and Managed Change, Policy 15: High Quality Design for Lewisham in the Core Strategy (2011) and DM Policy 30 Urban design and local character, and, particularly, DM Policy 33*

Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014).

7 Calmont Road

- 2.6. DC/10/76122 for the construction of a single storey building on land to the rear of 7 Calmont Road, fronting on Ambleside to provide a 2-bedroom bungalow, together with the provision of a cross over and 1 parking space. This is a very similar proposal to the current application, and was granted by committee on 11 March 2011.

3. Current Planning Application

- 3.1. The current application is for the construction of a two bedroom, single storey bungalow at the rear of 13 Calmont Road BR1, together with associated boundary treatment and the provision of 1 car parking space with access onto Ambleside BR1.

- 3.2. This application is a resubmission of the previously refused application. It has been amended as follows:

- Reduction in depth along the boundary with 13 Calmont Road
- Increase in depth along the boundary with Ambleside.
- Re-positioning of one of the bedrooms to the rear of the dwelling
- Removal of the green roof
- Removal of the glazing to the roof.

- 3.3. The proposed dwelling would front onto Ambleside, measuring 11.6 m in length, 10 m wide with a gross internal floor area of approximately 80.56 sqm. The dwelling would have a flat roof that would measure 2.8m from ground level.

- 3.4. The dwelling would be rectangular in shape, save for a protruding element along the boundary with 41-44 Ambleside. The main rear amenity garden area would face southeast and this comprises of approximately 32sqm when measured. The depth of the garden from the rear elevation to the rear boundary ranges from 2.2m to 4m. The garden would be enclosed by a 2m high fence to the western and southern boundary and enclosed on the eastern boundary by the protruding element of the dwelling.

- 3.5. The existing vehicle crossover would be retained to provide a single car garage, which is accessed via a 1.6m high timber electronic gate which would open via an electronically controlled fob. The rest of the Ambleside frontage would contain a 1m high rendered wall. The building would be accessed via a timber sliding entrance gate on foot.

- 3.6. The property would have white double glazed powder coated aluminium framed windows, a flat roof partially containing green living roof and render white facing walls.

4. Consultation

- 4.1. A site notice was displayed. Local neighbours and ward councillors have been notified. Two petitions (18 and 8 signatures respectively) and 1 letters of support from a local resident (who also signed the petition) have been received.

4.2. All letters of support and the introduction to the petitions contain almost identical comments, which are summarised below:

- Area is used for fly tipping
- The area is an eyesore
- Health hazard
- Proposal is similar to that granted planning permission at 7 Calmont Road.

Internal Consultations

4.3. Highways and Environmental Sustainability have been consulted. No comments were received from these departments to date.

5. Policy Context

Introduction

5.1. 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.

A local finance consideration means:-

- a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

5.2. Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

5.3. The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

- 5.4. Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

- 5.5. On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan (March 2016)

- 5.6. The policies relevant to this application are:
- | | |
|-------------|--|
| Policy 3.3 | Increasing housing supply |
| Policy 3.4 | Optimising housing potential |
| Policy 3.5 | Quality and design of housing developments |
| Policy 3.8 | Housing choice |
| Policy 3.9 | Mixed and balanced communities |
| Policy 6.9 | Cycling |
| Policy 6.13 | Parking |
| Policy 7.4 | Local character |
| Policy 7.6 | Architecture |

London Plan Supplementary Planning Guidance (SPG)

- 5.7. The London Plan SPGs relevant to this application are:-
Housing (2016)
Sustainable Design and Construction (2006)

Core Strategy

- 5.8. The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:-

Spatial Policy 1	Lewisham Spatial Strategy
Spatial Policy 5	Areas of Stability and Managed Change
CS Policy 1	Housing provision, mix and affordability
CS Policy 8	Sustainable design and construction and energy efficiency
CS Policy 14	Sustainable Movement and Transport
CS Policy 15	High quality design for Lewisham

Development Management Local Plan

- 5.9. The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant policies from the Development Management Local Plan as they relate to this application:-

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable Design and Construction
DM Policy 25	Landscaping and Trees
DM Policy 29	Car parking

DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas

Residential Standards Supplementary Planning Document (2012)

- 5.10. This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

6. Planning Considerations

- 6.1. The relevant planning considerations for this application are as follows:

- Principle of Development
- Design
- Standard of Accommodation
- Residential Amenity
- Highways and Traffic
- Sustainability

Principle of Development

- 6.2. The NPPF introduced a strong presumption against back garden development, stating at paragraph 53:

- 6.3. *“Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”.*

- 6.4. Back gardens are defined in the Development Management Local Plan 2014 (DMLP) as, *“private amenity areas that were the entire back garden to the rear of a dwelling or dwellings as originally designed.”* It is considered that the application site falls within this definition.

- 6.5. The principle of development on back gardens is addressed in Paragraph C of DMLP Policy 33- Development on infill sites, backland sites, back gardens and amenity areas which states that-

“The development of back gardens for separate dwellings in perimeter form residential typologies identified in the Lewisham Character Study will not be granted planning permission. Private back gardens in all urban typologies should be retained in development proposals involving new separate dwellings.”

- 6.6. The principle of the development on these sites is strongly resisted.

- 6.7. The applicant has submitted supporting information relating to a largely similar proposal located on land to the rear of 7 Calmont (ref: DC/10/76122) which was

approved by Planning Committee in 2011. This site is located on the other side of Ambleside, directly opposite the application site.

- 6.8. The principle of the new house on the land at the rear of no. 7 Calmont was assessed against Policy HSG8 of the now-superseded Unitary Development Plan which allowed for backland and in-fill development subject to several criteria.
- 6.9. Since that application was granted the UDP was superseded by the DMPD. Planning policy at all levels was strengthened against back garden development. The DMLP, particularly DM Policy 33, provides the current policy framework. With this policy there is no longer a presumption for development on sites of this nature. This is in line with Paragraph 53 of the NPPF, published since the dwelling to the rear of 7 Calmont was granted.
- 6.10. Given this, the policy context that DC/10/76122 was assessed against is not comparable to the currently policy framework. The permission holds no weight and in fact is an example of the harm this type of development can cause.
- 6.11. The Council's adopted policy, in line with corresponding policies at national and regional levels, is that back garden development is generally unacceptable in principle.
- 6.12. The presence of 7 Calmont dwelling alone would not be sufficient justification to make the principle of development for this proposal acceptable. Indeed, it is considered that this dwelling is demonstrative of the difficulties inherent in achieving a form of development on back garden site which relates successfully to the existing built form and character of the area.
- 6.13. It is also noted that while the proposal would deliver a housing unit, the Council is on track to meet its housing targets through the delivery of more suitable development sites.
- 6.14. Officers consider that on balance of considerations and given the strong policy position, the principle of development in this particular location is unacceptable.

Design

- 6.15. Notwithstanding the unacceptability of the principle of development, the remaining planning considerations still require due consideration.
- 6.16. Paragraphs 56-57 of NPPF state that *Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people and that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings etc.*
- 6.17. The relevant policy is guided by the London Plan, London Plan Housing SPG and the Development Management Local Plan as well as the Lewisham Council Housing SPD. Policy 3.4 of the London Plan 2015 sets the high level policy direction for this proposal. It states that boroughs should take into account local context and character, the design principles and public transport capacity; but that development should also optimise housing output for different types of location within the relevant density range.

- 6.18. The matters for specific local scrutiny relate to how the proposal fits within the wider context of the neighbourhood as guided by the relevant policies. DM Policies 30, 32 and 33 are specifically applicable to this proposal. The DM Policy 33 raises issues with developments with regard to disruption to the urban form and achieving a good design fit with neighbouring developments.
- 6.19. DM Policy 30 requires all development proposals to attain a high standard of design where applications must demonstrate the required site specific design response to create a positive relationship to the existing surroundings, taking all available opportunities for enhancement.
- 6.20. DM Policy 32 sets Council's expectations for all residential development, where they are:
- a) *attractive and neighbourly*
 - b) *provide satisfactory level of privacy, outlook and natural lighting for both its future residents and neighbours; and*
 - c) *meet the functional requirements of future residents.*
- 6.21. It goes on to state that the siting and layout of new-build housing development will need to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area.
- 6.22. DM Policy 33 paragraph 2 states that [even] if a site is considered to be suitable for development, permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape. This includes spaces between buildings and the size and proportion of the buildings.
- 6.23. The proposal essentially mirrors the building across the road on 7 Calmont Street, in terms of scale, siting, shape, roofs, boundary treatments, cladding and site size. The proposal is capable of providing satisfactory levels of natural day light into the property.
- 6.24. With the exception of "The Acorns", no dwelling directly overlooks Ambleside until the mid point of the cul-de-sac. The development of a new dwelling in the rear garden of 13 Calmont would be inconsistent with the traditional plot layout of this neighbourhood. The Acorns, through its form, materials, and inconsistency with the existing building line appears incongruent in the streetscene. The proposal, which is of similar proportions and materials would sit equally uncomfortably within the traditional urban form of the surrounding area.
- 6.25. Notwithstanding the presence of a similar building opposite, officers consider that the proposal is of poor design quality, failing to relate to the predominant form of development in the area and appearing as an incongruous element in the streetscape.
- 6.26. However, officers acknowledge that while not consistent with the wider environment, the proposal has potential to fit in with the building located opposite at 7 Calmont as a "matched pair". However this is considered to compound the anomaly in the existing urban environment.
- Standard of Accommodation
- 6.27. The NPPF states that, as a core principle, planning should seek to provide a high quality of amenity for future residents.

- 6.28. In line with this, DM Policy 32 states that the standards of the London Plan, contained within the Housing SPG, will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. In addition to this, the nationally prescribed technical housing standards are also applicable to the scheme.
- 6.29. The Nationally Described Space Standards (2015) sets out the internal space standards required for new dwellings. The internal floor area for a 2b4p dwelling is 70 sqm. The proposed dwelling would be 80sqm and therefore meet this standard. The proposed dwelling would also meet the requirements for built in storage, bedroom size and width and floor to ceiling heights.
- 6.30. DM Policy 32 (4c) states that residential development should provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect.
- 6.31. In addition to this, the Council will utilise the standards of the Housing SPG on daylight sunlight and an assessment against the BRE guide to good practice measures will be undertaken where relevant.
- 6.32. The proposed dwelling would have openings in the north and south elevations. Therefore the unit would be dual aspect as a minimum. The openings to the main habitable rooms (living room and kitchen) would be south facing. As such, officers consider there would be sufficient daylight/sunlight afforded to these rooms.
- 6.33. Part of the second reason for refusal in the previous application was the poor outlook proposed. In light of the re-designed proposal, the depth of the garden would still be limited but due to a large amount of glazing on the rear elevation officers consider the outlook provided would be sufficient.

Residential Amenity

- 6.34. DM Policy 32 requires residential development to provide a satisfactory level of privacy, outlook and natural lighting for both its future residents and its neighbours.
- 6.35. In the case of development on these sites this requirement will mean that garden space must not be provided in a piecemeal fashion in a series of small garden areas, but as a usable space suitable for the intended occupants, including where appropriate, for children's play. The proposed amenity space contains a single contiguous area to the rear of the property, is accessible from a living room, secure and has usable space that could allow children's play.
- 6.36. The internal living area is single aspect and faces southeast. The outdoor area is oriented towards the south east. This is considered acceptable.
- 6.37. Private amenity area to the rear of the dwelling is approximately 32 sqm, which is in excess of the baseline requirements of the London Plan SPG which is 7sqm minimum for 4 persons. Due to the re-design of the scheme, officers consider that the proposed dwelling would provide future occupier with an acceptable level of outlook.
- 6.38. The outdoor area would be overlooked by the existing balconies at 41-44 Ambleside. However, this arrangement is typical within London especially terraced

housing. As such, officers consider the overlooking of the private amenity would not constitute a reason for refusal.

- 6.39. As a result of this proposal, the amount of rear garden left for the original 13 Calmont Street property would be 13m long. The SPD requires 9m minimum rear garden and this is considered acceptable.
- 6.40. The proposal does not materially affect the level of residential amenity on the neighbouring properties given that it is a single storey bungalow and does not overlook any property. Officers consider that given the design and the single storey design, there will be no loss of daylight, overlooking or loss privacy imposed on the neighbouring properties as a result of this application.
- 6.41. Based on the above review, it is considered that the proposal would not result in significant harm to the amenity of the adjoining properties. However the overlooking occurring on the application site *from* adjoining properties is likely to be significant and would result in an unacceptable level of overlooking.

Highways and Traffic Issues

- 6.42. The site has a PTAL rating of 1a/1b indicating that access to public transport in the area is poor. The proposed 2 bedroom dwelling with an anticipated maximum occupancy of 4 persons has the potential to generate more pressure on parking. Both sides of Ambleside are used for on-street parking. 1 car parking space is provided on site, using an existing dropped kerb, and provision can be made for wheelchair accessibility. This is considered acceptable.
- 6.43. Notwithstanding the PTAL rating, a desktop assessment of nearest public transport revealed that Ravensbourne station is located 11 minutes walk from the site, being the nearest train station. Beckenham Hill station is also located 19 minutes walk away. Bus stops are located within a 10 minute walk on Bromley Hill Road to the northeast as well as Farnaby Road to the southwest.
- 6.44. Access and parking is considered to be acceptable for the nature and scale of the development proposed.

Cycle Parking

- 6.43 Cycle storage is not shown on site. However it is considered that appropriate cycle parking could be provided within the proposed garage and screened by the timber gate.

7. Equalities Considerations

- 7.1. Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 7.2. The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3. The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality. In this matter there is no impact on equality.

8. Conclusion

- 8.1. The Council supports the principle of providing family dwellings in the Borough. However given the clear policy direction provided by the NPPF and DMLP Policy 33, officers consider that the proposed development is contrary to policy and of detriment to the existing urban form and the development pattern in the surrounding area. Planning policy at all levels has strengthened against back garden development since the dwelling on the opposite side of Ambleside was approved.
- 8.2. The proposal would provide adequate living accommodation, however this is not sufficient to outweigh the negative impact on the streetscene that would arise.
- 8.3. Overall, the proposed development by reason of the back garden location is contrary to DMLP Policy 33 and as such, unacceptable in principle.

9. RECOMMENDATION: REFUSE PERMISSION, for the following reasons:

The proposed development, involving the back garden of a traditional terrace (as originally designed) is considered unacceptable in principle due to the harmful effect to the urban perimeter block typology in which the site is located. The proposal is considered an incongruous form of development, unacceptable in principle and harmful to the character and appearance of the wider locality, contrary to the NPPF, Spatial Policy 5 Areas of Stability and Managed Change, Policy 15: High Quality Design for Lewisham in the Core Strategy (2011) and DM Policy 30 Urban design and local character, and, particularly, DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014).

Informative

Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council’s website. On this particular application, no pre-application advice was sought before the application was submitted. As the proposal was clearly contrary to the provisions of the Development Plan, it was considered that further discussions would be unnecessary and costly for all parties.

