

Agenda Item: 6.1

06/01754/P

03/05/2006

Shirley

Application for full planning permission

Agent:

Ms B A Perry

160 Godstone Road

Caterham

Surrey

CR3 6RB

Applicant:

Aspect Research Services Ltd

42-46 High Street

Esher

Surrey

KT10 9QY

Location: 164 Orchard Way, Croydon, CR0 7NN

Description: Retention of 2 two bedroom bungalows at the rear of the site and the provision of 5 parking spaces at the front of the existing property

Drawing No(s): GH/01/ReA RevA, 25182_LR, 182_AS, G/01/SRT (received 23/10/06), G/01/SRT RevA (received 23/10/06), 210/06/sep (3 pages) and G/01/Long (received 23/10/06)

Recommendation: **Grant Permission**

Subject to the following condition(s) and reason(s):-

1. The approval of the Local Planning Authority shall be obtained with respect to the following matters before the development is occupied. Once approved the matters shall be provided and retained for so long as the development remains in existence:-

- (1) security lighting to pathway
- (2) refuse storage facilities
- (3) position and details of 2 badger gates
- (4) fire hydrant

Reason: To ensure an acceptable standard of development having regard to the policies of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

2. Unless otherwise previously agreed by the Local Planning Authority in writing the following shall be provided as specified in the application before any part of the development is occupied and shall be retained for so long as the development remains in existence:-

- (1) parking area
- (2) vehicular turning area
- (3) visibility splays
- (4) bollard to grasscrete emergency access

Reason: To ensure an acceptable standard of development having regard to the Policies of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

3. The grasscrete access shall only be used by vehicular traffic in the case of an emergency.

Reason: To protect the residential amenities of adjoining occupiers in accordance with Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

4. No window shall be provided in the southern elevation of the bungalows other than as specified in the application

Reason: To protect the privacy of adjoining occupiers in accordance with Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) and the Supplementary Planning Guidance Note No.2 on Residential Extensions

5. The windows in the southern elevation of the bungalows shall be provided and retained as obscure glazing with restricted openings as specified in the application for so long as the development remains in existence

Reason: To protect the privacy of adjoining occupiers in accordance with Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) and the Supplementary Planning Guidance Note No.2 on Residential Extensions

6. Notwithstanding anything contained in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, or any amendment or replacement thereof, no enlargement of any dwelling (including the erection or enlargement of a garage or any other building or enclosure within the curtilage of any dwelling) shall be carried out without the express permission of the Local Planning Authority

Reason: To protect the amenities of adjoining occupiers and the visual character of the area

7. Notwithstanding anything contained in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, or any amendment or replacement thereof, no window shall be inserted or constructed in the roof of any dwelling without the express permission of the Local Planning Authority

Reason: To protect the amenities of adjoining occupiers and the visual character of the area

8. Notwithstanding anything contained in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any amendment or replacement thereof, no hard surface or patio/terrace other than to ensure level access to either bungalow shall be carried out without the express permission of the Local Planning Authority

Reason: To protect the amenities of adjoining occupiers and the visual character of the area

9. A detailed landscape/boundary treatment plan which specifically addresses each individual property bordering the north and south site boundaries shall be submitted for the approval of the Local Planning Authority within 2 months of the date of this permission. Once approved the scheme shall be implemented strictly in accordance with the approved details prior to the first occupation of the bungalows and retained thereafter for so long as the development remains in existence.

Reason: To comply with Policy UD14 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

In granting permission the local planning authority had regard to the following policies:-

- . The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are SP1, SP2, SP3, UD1, UD2, UD3, UD6, UD7, UD8, UD12, UD13, UD14, UD15, SP8, NC2, SP9, SP14, T2, T8, SP17, SP18, SP20, H2, H5 and H6.

The development is considered to be satisfactory in relation to the following:-

- . (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the light and outlook of occupiers of adjacent and nearby properties
- (f) the privacy of occupiers of adjacent and nearby properties
- (g) the relationship of the development to trees to be retained
- (h) the safety of pedestrians and motorists on the adjacent highway
- (i) the safety and security of buildings and the spaces around them
- (j) accessibility to buildings
- (k) the housing policies of the development plan

and having regard to all other matters raised.

Informative(s) :-

- 1 In considering any request to vary Condition 5 attached to this permission, the Local Planning Authority will need to be satisfied that the purpose, position, design and glazing of a proposed window or other opening is such that the amenities and privacy of adjoining occupiers will be maintained
- 2 It is suggested that in order to address the requirements of Condition 9 that the occupiers of each property bordering the application site are approached individually to seek their views as to whether they would prefer supplementary planting or a new boundary fence and the required height of that fence.

Ward: Shirley
Lead Officer: Head of Planning Control

PLANNING COMMITTEE
2nd November 2006

06/1754/P – 164 ORCHARD WAY, CROYDON

1. SUMMARY

- 1.1 This report concerns an application for full planning permission for the retention of 2 two bedroom bungalows at the rear of the site commenced in relation to a previous permission and the provision of 5 parking spaces at the front of the

existing property.

- 1.2 The application was presented to the Planning Committee on the 12th October 2006 and was deferred for the applicants to consider alterations to the roof height of the eastern most new bungalow on the site (Bungalow B).
- 1.3 The applicants have now amended the application by reducing the ridge height of the roof of Bungalow B by 1m from 6.6m to 5.6m. Consequently, the roof pitch is also now proposed to be shallower (approximately 27 degrees compared to 40 degrees previously). Amended drawings have been received.
- 1.4 The applicants have also amended the drawings to remove the 'eyebrow' windows shown previously. They have also confirmed that they would be happy for a condition to be attached so that the windows serving a bathroom and two secondary bedroom windows facing in a southerly direction on both new bungalows would be obscure glazed and have a top opening light only. The suggested conditions have been updated to reflect these matters.
- 1.5 For the benefit of members, the report to the Committee on the 12th October 2006 is attached. This has been updated to include the referral from Councillor Mike Fisher noted on the Addendum to the 12th October Committee.

2. RECOMMENDATIONS

- 2.1 Grant planning permission subject to the conditions, reasons and informatives set out in the Agenda.

Ward: Shirley
Lead Officer: Head of Planning Control

PLANNING COMMITTEE
12th October 2006

06/1754/P – 164 ORCHARD WAY, CROYDON

1. SUMMARY

- 1.2 This report concerns an application for full planning permission for the retention of 2 two bedroom bungalows at the rear of the site commenced in relation to a previous permission and the provision of 5 parking spaces at the front of the existing property.
- 1.2 Prior to the Planning Committee meeting on the 27th July 2006, the Chair withdrew this item from the Agenda. This was due to the fact that the referring Councillor Richard Chatterjee, along with the Leader Mike Fisher were unavailable to attend the meeting. It was also decided that a Members visit should be carried out to the site prior to it being placed back on a Planning

Committee agenda due to the complex nature of the issues relating to the application and the strength of local opposition to it. This visit took place on Saturday 23rd September 2006.

- 1.3 For the benefit of members, the report to the Committee on the 27th July 2006 is attached.
- 1.4 The applicants have confirmed that they would now be prepared to make the following changes to the proposals:
 - 1) The removal of the 'eyebrow' windows;
 - 2) Obscure glaze the secondary bedroom windows that face in a southerly direction, with a top opening light only. They are prepared for this to be secured via a condition, and
 - 3) The provision of a schedule of fencing to determine the heights of each section of fence around the site based on the requests of the neighbours. This will be provided in advance of the Committee meeting.

2. RECOMMENDATIONS

- 2.1 Grant planning permission subject to the conditions, reasons and informatives set out in the Agenda.

3. BACKGROUND

a. Site Description

- 3.1 The application site is located on the eastern side of Orchard Way. It is rectangular in shape with a width of 16m and a depth of between 119m and 124m. The site area is 0.18ha (0.44acre). The site is occupied by a refurbished bungalow that is set back from Orchard Way by an average of 20m. The former rear garden of this refurbished bungalow was totally overgrown but has now been cleared and reduced to an average depth of 12.5m. Two new bungalows have now been substantially built to the rear of this original bungalow.
- 3.2 The surrounding area is residential in character. Adjacent to the northern and southern boundaries of the site are 16 two storey dwellings in Sloane Walk and Regency Walk. The gardens of these properties, which form part of a larger 1970's mews court estate, abut the site and the buildings themselves are sited between 4m-7.5m from the boundary with the application site. Most of these dwellings contain habitable room windows in the elevations facing the site.
- 3.3 The site is surrounded by a combination of a hawthorn hedge, wooden fences and a weldmesh fence. The hedge has a minimum height of 1.8m and a maximum height of 4m, with much of this hedge being between 2m-2.5m in height. There are a number of trees within the boundary hedge or in close proximity to this hedge. None of these trees are considered worthy of a Tree Preservation Order.

3.4 Orchard Way is classified as a Local Distributor Road within the Croydon Replacement Unitary Development Plan (the Croydon Plan).

b. Relevant Planning History

3.5 01/0923/P – In July 2001 planning permission was refused for the demolition of the existing building; erection of 4 three bedroom and 3 four bedroom houses; formation of vehicular access and provision of 7 parking spaces.

A subsequent appeal was dismissed in December 2001. The Inspector dismissed the appeal on grounds that the front boundary fence would be removed, there was limited scope for landscaping, the development would have a damaging impact on the amenity of existing residents and would have inadequate turning areas within the site. The removal of existing trees and the effect of the proposal on wildlife were not upheld by the Inspector.

3.6 02/1055/P – In July 2002, planning permission was refused for the demolition of the existing building; erection of 3 two storey buildings comprising a total of 8 two bedroom and 2 one bedroom flats; formation of vehicular access and provision of 15 parking spaces.

A subsequent appeal was dismissed in March 2003. The Inspector dismissed the appeal on grounds of visual intrusion, noise and general disturbance, inadequate private amenity space and inadequacies in the size of parking spaces and the turning head. The refusal reasons regarding the harmful effect on the character and appearance of the surrounding area and the lack of visibility splays were not upheld.

3.7 03/1989/P – In August 2003 an appeal was submitted against the non-determination of an application for demolition of the garage and side/rear extension; erection of 2 two storey buildings comprising a total of 2 one bedroom and 2 two bedroom flats; formation of access road and provision of associated parking.

The appeal was dismissed by the Inspector in November 2003. In his decision, he stated that the proposal would meet the objective of PPG3 by increasing the residential density of previously developed land in an urban area. He concluded that the development would not harm the character and appearance of the surrounding area. In relation to other concerns of the Council, the Inspector concluded that the proposed flats would not be visually intrusive, not result in undue overlooking or loss of privacy and would not be unduly prejudicial to highway safety. However, he did conclude that the living conditions of adjoining properties would be harmed by noise and disturbance (particularly from the siting of parking areas and the access road and from headlight glare).

3.8 04/1957/P – In October 2004, planning permission was granted for the demolition of the garage attached to the existing bungalow; erection of 2 two bedroom bungalows at rear and provision of 5 parking spaces at front of the property. This permission was subject to 10 conditions, requiring the following:

01 The approval of security lighting to the pathway, cycle storage details,

boundary walls and fences and the fire hydrant on the footpath.

- 02 The provision and retention of parking arrangements, vehicular turning area and pathway.
- 03 The provision and retention of visibility splays.
- 04 The submission and approval of external facing materials and refuse storage area.
- 05 The submission and approval of a hard and soft landscape scheme.
- 06 The retention of existing planting specified in the application as being retained.
- 07 Removal of permitted development rights for extensions to the bungalows.
- 08 Removal of permitted development rights for roof extensions to the bungalows.
- 09 Soil contamination investigation.
- 10 Development to commence within 5 years.

Background to current planning application

- 3.9 On the 14th June 2005 the Council were advised that the site was being cleared and that there were badgers on the site. A Council Enforcement Officer and the Nature Conservation & Countryside Manager visited the site and were able to advise that no badgers or a sett were present. Councillor Janet Marshall advised the Council on the 28th June 2005 that Warwick Reynolds from the East Surrey Badger Protection Society had visited the site and had also confirmed that there were no active setts, but that badgers travel across the site in the same way as they cross nearby gardens.
- 3.10 A letter of complaint from a local resident was received in late September 2005 stating that the development of the site was resulting in large uncovered trenches in a manner likely to impede badgers passing through the site. As a result of this the Council advised the site owner to speak to English Nature and familiarise himself with The Protection of Badgers Act 1992 which he agreed to do. A letter dated 3rd April 2006 has been received from the site developers which states that board ladders were left in any open trenches/excavations at night for the limited times that they were exposed. It goes on to state that 'We can accordingly confirm that at no stage was there any danger to any badgers getting trapped or injured due to any work that was or has yet to be carried out on this site and would add that to date we have still not seen any evidence of a badger presence on site despite having 24 hour security on site since commencement of the works'.
- 3.11 The site owner confirmed by email on the 28th October 2005 that in his opinion the bungalows were being built in the correct position in accordance with the dimensions set out in the planning permission as compared to the boundaries on the Title Deeds of the land. The owner did mention though at this time that in his

opinion what were not in the correct position were the site boundary fence lines.

- 3.12 On the 31st October 2005 the Council received a complaint that the trees and shrubs on the site had been removed and that the second bungalow was not being built in the correct position. Investigations commenced.
- 3.13 A further visit was made to the site at the end of January 2006 following additional complaints that the bungalows were being constructed in the wrong positions in relation to existing properties and that they were also being constructed too high. Following this visit, the Council advised the site owner Mr Harrington that further investigations would be undertaken involving a full site survey and that following this he would be advised of the Council's views. This survey was completed on 8th February 2006. In the meantime the Council advised Mr Harrington that it would be advisable to stop any further building works on the site. The owner stopped work at this point.
- 3.14 The owner also undertook his own site survey and these results were presented to the Council on the Monday 6th March 2006. He also submitted further information on the 15th March including a setting out record and explanatory notes.
- 3.15 Officers have fully considered their own site survey results and those submitted by Mr Harrington. It is now clear that the scheme granted planning permission did not accurately plot the site boundaries, the location of the adjoining properties, or the precise site dimensions. This effectively means that the site is shorter and narrower than on the approved drawings and the adjoining properties were not indicated in their correct positions. Furthermore, there were no details with the granted scheme to indicate the fall in land levels from west to east across the site. Officers could not check the site measurements shown on the application drawings, nor anticipate the level changes when a site visit was undertaken for the granted scheme because the site was extremely overgrown.
- 3.16 The Council accepted and dealt with the approved application in good faith. The onus was on the applicant to submit an accurate planning application. With hindsight, a site survey could have been requested and/or a condition attached requiring a full site survey to be undertaken, but this was not done. Adjoining residential occupiers have naturally considered the approved application by referring to the positions of the new bungalows relative to their own properties on the approved drawings.
- 3.17 As a result, on the 24th March 2006 the Council advised Mr Harrington that a new planning application should be submitted if he wished to retain the bungalows in their present positions and to the heights that they were being constructed to.

Applicants Views/Concerns

- 3.18 The approved site drawings did not accurately plot the existing bungalow, the site boundaries or the positions of adjoining properties.
- 3.19 The existing bungalow is shown 2m west out of position on the approved drawings. There was, therefore, no reliable reference point from this bungalow when setting out the new bungalows. Therefore, the reference point taken was

the back edge of the kerb line on Orchard Way. Having taken this reference point, the 'as built' situation is such that the two new bungalows are in a position, which is within 10cm of the original planning permission.

- 3.20 The site is narrower than indicated on the approved planning drawings (i.e the distance between No.60 Chelsea Court, Sloane Walk and No.75 Groome Court, Regency Walk is 22m instead of the 24m shown on the original planning drawing). Furthermore, if the positions of the properties to the north as on the approved drawing are lined up with the positions of the new bungalows, it can be seen that these are in the correct positions. It is the properties to the south on the approved drawings that are out of position.
- 3.21 The site owner is also of the view that the site boundaries are significantly different from the Land Registry records. For instance, in relation to 75 Groome Court the boundary is 500mm out, the boundary having encroached north into the application site. In an attempt to avoid further ongoing problems the applicant has proposed to retain the site boundary, as it exists, which therefore, makes his site narrower than shown on the approved planning drawings.
- 3.22 As a result of the above, the distance between Bungalow B and No.75 Groome Court is 7.6m instead of the 9.4m shown on the approved drawings. This accounts for the 2m discrepancy on the original drawings between the existing properties to the north and south of the site boundaries. Similarly the distance between Bungalow A and No.45 Fairmile Court, Regency Walk is in fact 6m instead of the 7.2m shown on the approved drawings.
- 3.23 There was no 'base' setting out Ordnance Datum or other reliable level or reference point on the approved planning drawings from which a commencement point for setting out the new bungalow levels could be taken. Accordingly, the relative levels of the existing bungalow ridge and that of adjoining properties, whilst taking account of the significant fall in level across the site in an east to west direction, were taken to set out the levels of the 2 new bungalows.
- 3.24 A septic tank has not been installed on the site to replace the usual connection to public sewers. As a result of a connection being denied to the existing Lawdon Estate sewer, a pump chamber has been installed between the 2 new bungalows some 2m down to pump sewage to the main sewer in the road. The fall of the land does not allow gravity to feed the sewer in the normal way and therefore, a pump was the only option. There is an inspection point located on the drive to allow maintenance of this pump.

c. Proposal

- 3.25 Full planning permission is sought for the retention of 2 two bedroom bungalows at the rear of the site and the provision of 5 parking spaces at the front of the existing property. The existing bungalow at the front of the site has recently been refurbished and is now occupied. It has a garden area with an average depth of 12.5m. The remainder of the former rear garden to this bungalow has now been divided into 2 further building plots. These plots each contain a two bedroom bungalow.
- 3.26 Bungalow A is sited 28m to the rear of the existing bungalow, a minimum of 4.1m

from the northern boundary and 2.6m from the southern boundary of the site. To the east and west of the bungalow are private amenity areas. There would be one 'eyebrow' window in the northern and southern elevations. These would have obscure glazed windows.

- 3.27 Bungalow B is sited 60m to the rear of the existing bungalow and 17.5m from the east of Bungalow A. It is sited a minimum of 4.2m from the northern boundary and 2.1m from the southern site boundary. To the east and west of the bungalow would be private amenity areas. There would be one 'eyebrow' window in the northern and southern elevations. These would have obscure glazed windows.
- 3.28 The new bungalows as constructed are 13.5m in width and 8m in depth. Taking account of the changes in land levels, Bungalow A has a height of 3.7m to the eaves and 6.9m to the ridge, whilst Bungalow B has a height of 3.4m to the eaves and 6.6m to the ridge. The materials to be used for their construction are rendered walls and brown plain tiles to the roof. A small shed 1.8m in width by 2.4m in depth and a maximum of 2.65m in height would be provided for each bungalow.
- 3.29 The original garage and side/rear extension of No.164 Orchard Way have been demolished to accommodate a pedestrian pathway with a grasscrete surface to the rear of the site. The applicant has confirmed that the grasscrete surface is to allow emergency vehicular access to the rear bungalows. This would be controlled by the provision of a bollard adjoining the original bungalow. The area to the front of No.164 would be hard surfaced and form a parking area for 5 vehicles, including one disabled space.
- 3.30 A new shrub hedge would be provided to the southern boundary of the site, whilst the existing shrubbery/hedging would be retained to the eastern and northern boundaries of the site. New timber fencing is also proposed along the site boundaries.
- 3.31 A refuse collection point would be provided to the front of the site. This would be constructed of timber panels. A fire hydrant point would be located in front of bungalow A.
- 3.32 The main entrance to the site and the proposed emergency access bollard would be opened from within the individual bungalows or via a remote control system.

4. PLANNING POLICIES

- 4.1 The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are SP1, SP2, SP3, UD1, UD2, UD3, UD6, UD7, UD8, UD12, UD13, UD14, UD15, SP8, NC2, SP9, SP14, T2, T8, SP17, SP18, SP20, H2, H5 and H6.

5. CONSULTATIONS

- 5.1 The occupiers of nineteen adjoining and nearby properties were notified of the application. 13 replies were received objecting to the development on the following grounds:

- (a) The bungalows are higher than the two storey properties on the Lawdon Estate, resulting in overlooking and a loss of privacy to windows and garden areas;
- (b) The character and materials of the bungalows are out of keeping with the surrounding area;
- (c) The relationship of the bungalows to adjoining and nearby properties;
- (d) Loss of light from increased height of the bungalows;
- (e) Loss of outlook;
- (f) Safety and security concerns from the removal of boundary hedges;
- (g) The eyebrow windows are indicative of a future intent to install a loft conversion;
- (h) The future occupiers of the bungalows would be overlooked by existing residential properties;
- (i) Unsatisfactory access to bungalows for people with impaired mobility due to the ground floor level being higher than site levels;
- (j) Inclusion of an emergency access road;
- (k) Problems with sewage treatment and drainage pipes – positions and leakages;
- (l) Septic tank installed by 73 Groome Court;
- (m) Proposed fences would sandwich the old perimeter hedge between the existing boundary fences on the Lawdon Estate, creating a wild rat run and maintenance concerns;
- (n) Two badger gates should be installed to protect the established badger foraging route across the site;
- (o) Deep pits have been excavated and left uncovered threatening the foraging badgers;
- (p) Raising of the site level will impact on lower lying adjacent properties;
- (q) The bungalows do not meet the Building Regulation standards;
- (r) Removal of mature trees when clearing the site;
- (s) The bungalows are closer to the site boundaries than agreed under the previous planning permission;
- (t) The site owner should have checked the site dimensions before building works commenced;
- (u) The Planning Department should have checked the site measurements once the site was cleared;
- (v) There is no reason for the properties to be built to one side – if they were centrally located it would have caused a slightly reduced impact on the Regency Walk residents;
- (w) The hedge should be retained for aesthetics, security and wildlife reasons;
- (x) New fence between the first and second new bungalows is over 2m in height and is inconsistent with the surrounding Lawdon estate;
- (y) Noise and light pollution from future occupiers;
- (z) Light pollution from access path lighting;
- (aa) The extension and levelling works to the patio area of the retained bungalow have raised the land by 50cm, reducing the height of the boundary fence to 1.3m. This means that residents can now see

- into adjoining gardens. Rainwater also flows off the patio into adjoining properties, and
- (bb) Happy for bungalows to be retained as 'fed up' living next to a building site.

5.2 Councillor Richard Chatterjee has referred the application on the following grounds:

- (1) The proposal constitutes an undesirable form of backland and backgarden development, with a cramped and overcrowded layout.
- (2) The two additional bungalows, by reason of their siting, size, height and design, are over-dominant and detrimentally affect the amenities of the adjoining residential properties.

5.3 Councillor Mike Fisher has referred the application on the following grounds:

- (1) The two new bungalows are not positioned correctly and by reason of this and their size, height and design they are over dominant and detrimental to the amenities of adjoining residential property.
- (2) Backland and back garden development with an overcrowded and cramped layout.
- (3) Vehicular access will conflict with vehicles using the parking spaces in Radnor walk to the detriment of the safety of pedestrians and traffic.

6. CONSIDERATIONS

6.1 The principal of a residential development comprising 2 bungalows to the rear of the original bungalow at No.164 Orchard Way has been established by the grant of planning permission in October 2004 under 04/1957/P. Furthermore, the Inspector stated in relation to the appeal for 03/1989/P that 2 two storey buildings (which would have been located to the rear of No.44 and No.60) would not have harmed the character and appearance of the surrounding area, would not be visually intrusive, nor would have resulted in undue overlooking or a loss of privacy.

6.2 The two new bungalows as substantially completed differ from those previously granted planning permission in the following respects:

- a) They are closer to the southern site boundaries;
- b) They appear higher due to land levels changes which were not taken into account with the permitted scheme;
- c) There are proposed 'eyebrow' windows, and
- d) There is a grasscrete emergency access to be provided.

6.3 Due to the overall number and complexity of the differences, this new application

should be considered afresh and on its own merits as a new proposal. Therefore, the principal issues to be considered are the impacts the retention of the two new bungalows would have on:

- 1) The character of the area and the visual amenities of the locality;
- 2) The residential amenities of adjoining occupiers
- 3) Traffic and highway concerns
- 4) The amenities of future occupiers
- 5) Wildlife/badger issues.

- 6.4 In considering these issues, it is necessary to determine whether any harm identified from the differences between the permitted scheme and the present proposal would be so great as to warrant firstly a refusal of planning permission and secondly enforcement action to remedy the harm. Any enforcement action should be commensurate with the harm caused and consideration should first be given to the use of conditions to overcome that harm.
- 6.5 The development comprising two new bungalows is not out of keeping with the existing bungalow on the site. The design, appearance and materials of the new bungalows once completed would complement the existing bungalow. Apart from the provision of tiled pitched roofs, the materials including rendered finish walls would match properties on the Lawdon Estate.
- 6.6 Bungalow A is sited 1.2m closer to the southern boundary than that previously granted planning permission, whilst Bungalow B is sited 1.8m closer. This means that Bungalow A is now sited within 6m of the rear elevation of No.47 Fairmile Court, whilst Bungalow B is now sited within 5.6m from the rear elevation of No.73 Groome Court and 7.6m from the rear elevation of No.75 Groome Court. The issues previously identified relating to the lack of levels information on the permitted scheme means that even though the elevations of the new bungalows confirm that the eaves height would be 2.5m and the ridge height would be 5.5m (which accords with the original permitted scheme), that the bungalows are in fact higher when considered in relation to the adjoining properties.
- 6.7 The bungalows as substantially constructed could be considered to be more harmful to the occupiers of No.47 Fairmile Court and No.75 Groome Court in that they cover a larger proportion of their rear boundary, are closer and appear higher. However, the bungalows could be considered an improvement for No.45 Fairmile Court and No.73 Groome Court as they do not now encroach to the same extent over the rear boundary of these properties as indicated on the permitted scheme as they are now sited further away. Therefore, even though the 2 new bungalows do result in visual intrusion to some properties, they are in fact sited to the north of those most affected. If the bungalows were more centrally located within the site as adjoining residential occupiers have suggested (and, therefore, further away from the southern site boundary), it is likely that they would then cause greater harm to the residential occupiers to the north of the site in terms of visual intrusion, but also a loss of light. This is unacceptable.
- 6.8 There are three windows in the southern elevation of the two new bungalows that the adjoining residential occupiers are concerned cause overlooking and a loss of privacy. It is considered that these concerns can be addressed through the

imposition of a condition requiring these windows to be obscure glazed and have a restricted opening. It is also considered that supplementary planting and/or the provision of boundary fences would also satisfactorily address these concerns and a condition is suggested should permission be granted. It is also considered necessary to attach conditions removing permitted development rights so that there could be no enlargement of the bungalows, any alterations to their roofs or the provision of a raised patio area without the express permission of the Local Planning Authority.

- 6.9 The clearance of the site in advance of development commencing did involve the removal of much of the low level shrubs and landscaping from within the centre of the site. The hawthorn hedge and other shrubs have been retained elsewhere but there are certain areas where additional landscaping should be planted and fences installed to address specific concerns raised by adjoining occupiers most immediately affected by the development. The proposed landscaped areas, which will include both trees and shrubs, would enhance the appearance of the development. However, a detailed landscaping scheme which specifically addresses each adjoining property individually after a period of consultation with the affected residents has not yet been submitted. Should permission be granted a condition is suggested that would require the submission and approval of a suitable scheme.
- 6.10 The development would result in some loss of amenity to some residents to the south of the site compared to the permitted scheme. But having regard to the limited extent of this arising from the differences in the siting, height and fenestration, the harm would not be so great as to warrant refusal of the application. Additional landscaping secured by condition would also help to reduce any harm. Enforcement action to require the rebuilding of the bungalows in accordance with the extant permission would cause disproportionate expense and inconvenience to the applicant in relation to the marginal improvement resulting for adjacent occupiers, and would also be difficult to do given the inaccuracies of the approved plans.
- 6.11 The application site does not lie in an area of high accessibility to local services and public transport provision (PTAL of 1a). A total of 5 parking spaces are provided for the 3 bungalows. This level of provision is considered acceptable. The proposed layout of the parking area will allow for sufficient space for manoeuvring and landscaping around it.
- 6.12 Fire appliances must be able to stop within 45m of any new residential building. If this cannot be achieved, a fire hydrant must be located within 45m of the highway and the building along with sufficient space so that a fire appliance can reach the emergency and operate safely. Therefore, in this instance in order to ensure that fire brigade access can be achieved to Unit B at the far eastern end of the site, it will be necessary for a fire hydrant to be provided outside Unit A. The highway engineer has confirmed that it has been satisfactorily demonstrated that a fire appliance (and other emergency vehicles) can be accommodated on site.
- 6.13 The proposed parking bays, cycle storage areas, visibility splays and refuse storage area are all considered acceptable.
- 6.14 The proposed development would have satisfactory amenity areas for the future

occupiers of the proposed bungalows.

- 6.15 Whilst the occupiers of Units A and B would need to gain access to their properties via a footpath to the side of the existing bungalow which is not ideal, it is considered that the provision of low level security lighting and the degree of overlooking by existing properties would ensure that a satisfactory level of safety and security would be provided to these residents.
- 6.16 It has been confirmed that badgers move across the site in the same way as they do adjoining gardens in the vicinity of the site. It is, therefore, suggested that a condition should be attached requiring the provision of 2 badger gates within the site to allow this movement to continue. The provision of additional landscaping on the site to supplement the existing situation would also encourage the preservation of other wildlife on the site.

7. ENVIRONMENTAL CONSIDERATIONS

- 7.1 The proposed development is being built on land formerly occupied by a single bungalow and its rear garden and would, therefore, encourage the fuller re-use of a brownfield site.

8. EQUALITIES CONSIDERATIONS

- 8.1 One disabled car parking space would be provided to the front of the site. It has been demonstrated that level access could be provided to the proposed new bungalows. There are no other equal opportunities implications arising from this proposal.

Case Officer: Melanie Fitzgerald.

Background Documents: Referral from Councillors Richard Chatterjee and Mike Fisher
13 letters of objection for adjoining and nearby occupiers

Contact Officer: Philip Mills, Tel: 020-8760 5419.