

Agenda Item: 6.4

07/02089/P

30/05/2007

Kenley

Application for full planning permission

Applicant:

P J C Stone

Philip Stone Developments (Guildford) Ltd

Unit 1, Alford Business Centre

Loxwood Road

Alfold Surrey

GU6 8HP

Location: 108 Higher Drive and, 3 Highland Road, Purley, CR8

Description: Demolition of 108 Higher Drive; erection of 4 three storey five bedroom detached houses with accommodation in roofspace and integral garages and 1 detached two storey four bedroom house with detached garage; formation of vehicular access and provision of associated parking (amendment to planning permission 07/00438/P)

Drawing No(s): 2412-016 C ;2412-019 ;2412-014 A; 2412-018; 2412014 D

Recommendation: **Grant Permission**

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

1. Prior to the commencement of works on site including those for drainage and foundations, a scheme shall be submitted for approval to the local Planning authority specifying the means by which those trees to be retained shall be protected during the works. The approved scheme shall be implemented on site prior to commencement and retained for the duration of the works.
Reason: To ensure the survival of the existing trees that contribute to the visual amenity of the area, in accordance with Policy UD14 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
2. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority, details of ground protection methods, driveway/road/footway construction including surfacing materials, and the methods of foundation construction close to the trees to be retained. The measures shall be implemented in accordance with the approved details.
Reason: To ensure that the trees to be retained are not damaged by construction and associated works in accordance with Policy UD14 of the Replacement Unitary Development Plan (The Croydon Plan).
3. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of protective fencing to be erected around each tree or group of trees to be retained: the

approved scheme shall be implemented before any demolition, site clearance or building and engineering works commence. The fencing, at least 1.2 metres high and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (BD 1722 part 4) or chain link fencing (BS 1722:part 1), shall be erected in accordance with the approved scheme and BS5837:2005 and retained in position until the completion of the development.

Reason: To ensure that the trees to be retained are not damaged by construction and associated works in accordance with Policy UD14 of the Replacement Unitary Development Plan (The Croydon Plan).

4. Prior to the commencement of any works to establish hard surfacing, retaining walls and fencing, a method statement shall be submitted to and approved by the Local Planning Authority: the statement shall include:
 - (i) the method of construction and any excavation if proposed;
 - (ii) the depth and method of any excavation
 - (iii) the details of the mitigation measures to be put in place (geo-web cellular confinement system using non-fines aggregates);
 - (iv) the timetable showing each stage of the process.

Once approved, the works shall be carried out as specified in the method statement.

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

5. No development shall commence until details of the external facing materials to be used have been submitted to and approved by the Local Planning Authority; the development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policies UD3 of the Replacement Unitary Development Plan (The Croydon Plan)

6. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority, plans of the new access drive off Highland Road and of the shared access surface, including levels, gradients, surface water drainage and construction: the foundation and base course of the carriageway shall be constructed prior to the commencement of building operations in accordance with the approved details and surfaced before any dwellings are occupied.

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

7. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority details of the finished floor levels based upon the submitted plans and the drainage (including soakaways) and any other services; the development shall be implemented in

accordance with the approved details.

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

8. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority details of the location site huts, storage areas for spoil and new materials, manoeuvring areas for construction vehicles and workers' parking; these shall be provided before building and other engineering works commence and retained during the construction period, unless otherwise agreed in writing by with the Local Planning Authority.

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

9. The parking arrangements, vehicle turning areas and visibility splays indicated on the submitted plan shall be provided before the dwellings are occupied and retained thereafter.

Reason: To ensure an acceptable level of highway safety in accordance with Policy T11 of the Replacement Unitary Development Plan (The Croydon Plan)

10. The existing planting specified on the submitted plans as being retained shall not be felled, lopped, topped or otherwise removed during the course of development or within a period of five years after its practical completion, without the prior written consent of the Local Planning Authority: any planting which is removed without consent, dies or is severely damaged or becomes seriously diseased or is removed before the end of that period, shall be replaced by planting of similar size and species as may be agreed with the Local Planning Authority. This condition does not override the requirements to obtain any consent necessary under the Tree Preservation Order.

Reason: To protect the visual amenities of the locality in accordance with Policy UD14 of the Replacement Unitary Development Plan (The Croydon Plan).

11. No structures, vehicles, plant, machinery, equipment, materials or spoil shall be positioned or stored within 5 metres of the trunk of any tree to be retained; no cement, oil, tar, bitumen or other similar materials shall be stored within 10 metres thereof without prior written consent of the Local Planning Authority.

Reason: To ensure that the trees to be retained are not damaged by construction and associated works in accordance with Policy UD14 of the Replacement Unitary Development Plan (The Croydon Plan).

12. No service trench or pipeline shall be located within 5 metres of the trunk of any tree to be retained without the prior written consent of the Local Planning Authority.

Reason: To ensure that the trees to be retained are not damaged by construction and associated works in accordance with Policy UD14 of the Replacement Unitary Development Plan (The Croydon Plan).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), other than as specified in the submitted plans, no windows shall be created above first floor level on plots 1-4. East facing windows in the second floor attic of the houses on plots 3 and 4 shall be glazed with obscured glass and retained thereafter. No windows shall be inserted or constructed in any of the roofs of plots 1-5 without the prior written consent of the Local Planning Authority.
14. The development shall be begun within three years of the date of the permission.
Reason: To comply with the provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

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

1. The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are UD2, UD3, UD8, UD9, UD12, UD13, H2, H5, NC1, NC4, EP1, T8, T11 and RO6 .

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 impact on the open character of the Metropolitan Green Belt
- (i) the impact on the Site important for Nature Conservation
- (j) the safety of pedestrians and motorists on the adjacent highway
- (k) the safety and security of buildings and the spaces around them
- (l) accessibility to buildings
- (m) the housing policies of the development plan
- (n) sustainability issues

and having regard to all other matters raised.

Wards: Kenley
Lead Officer: Head of Planning Control

PLANNING CONTROL COMMITTEE
26th July 2007

APPLICATION NO. 07/02089/P 108 Higher Drive and 3 Highland Road

1. SUMMARY

- 1.1 The application seeks full planning permission for the demolition of 108 Higher Drive; erection of 4 three storey five bedroom detached houses with accommodation in the roofspace and integral garages and 1 detached two storey four bedroom house with garage; formation of vehicular access and provision of associated parking (amendment to planning permission 07/00438/P).

2. RECOMMENDATION

- 2.1. To grant full planning permission subject to the conditions and reasons set out in the Agenda.
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3. BACKGROUND

a. Site Description

- 3.1 The application site is 0.309 hectares and consists of two large detached properties within extensive plots with a vast number of trees, shrubs and vegetation.
- 3.2 No 3 Highland Road is a large detached two-storey house with detached garage built in the inter-war period. It has an irregular shaped garden formed by two rectangular areas, which extends to the rear boundary with properties in Haydn Avenue. The site slopes steeply from east to west. There are a number of trees both within and just outside the site boundaries. The surrounding area is entirely residential in character comprising detached and semi-detached houses with spacious gardens.
- 3.3 The land to the south is within Metropolitan Green Belt and a Site of Nature Conservation Importance.

b. Relevant History

- 3.4 01/01465/P Planning permission was refused in 2001 for 2 houses and it was considered that the development would constitute an undesirable form of backland development, which would be cramped and out of keeping with the character of development in the locality.
- 3.5 06/0020/P Planning permission was refused for an application for which the proposal involved the demolition of 108 Higher Drive; erection of 4 three storey five bedroom detached houses with accommodation in the roofspace and integral garages and 1 detached two storey four bedroom

house with garage; formation of vehicular access and provision of associated parking. Planning permission was refused on the following grounds:-

- The bulk and design of the proposed buildings would result in an unsatisfactory cramped backland development that would not be in keeping with the character of the area thereby conflicting with Policies SP1, BE1, BE3, and H3 of the Unitary Development Plan and Policies UD2 and H4 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)
- The design and layout of the parking and service areas would not be safe, secure, efficient and well designed by reason of insufficient footway areas and inadequate driveway gradients and would thereby conflict with Policies BE10 and BE11 of the Unitary Development Plan and Policy UD11 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)
- The siting of the dwelling on plot 4 would give rise to the loss of an area of land between the built up area and the Metropolitan Green Belt, which would adversely affect the openness of the Metropolitan Green Belt and result in harm to the visual amenity of the area thereby conflicting with Policies SP7, SP1, BE1, RO1 and RO9 of the Unitary Development Plan and Policies UD7, SP6, RO1 and RO8 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan) and Planning Policy Guidance Note 2 on Green Belts.
 - The siting of the buildings and use of the access road would be detrimental to the residential amenities of host and adjoining occupiers by reason of loss of privacy, visual intrusion, noise and general disturbance and would thereby conflict with Policies BE10, BE11, BE17 and of the Unitary Development Plan and Policies UD2, UD6 and UD11 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)

- 3.6 An appeal was lodged by the applicant in relation to the above application and the appeal was allowed.
- 3.7 07/0438/P A similar planning application was granted for five houses at 108 Higher Drive and 3 Highland Road, the main changes being to move houses 2, 3 and 4 slightly north so that house 4 would be 5 metres away from the Metropolitan Green Belt and SINC (previously 2metres away). The houses would be separated by 3.2 metres, previously 5metres apart.
- 3.8 07/02152/P Full planning permission is currently being sought for the erection of a 4 bedroom detached house and erection of detached double garage and formation of vehicular access at land to the rear of 43-45 Hadyn Avenue to the south-west of 108 Higher Drive and 3 Highland

Road. The application has been recommended for approval subject to a decision at the Planning Control Committee.

c. Proposal

3.9 The new proposal is similar to the application that was approved under application no 07/00438/P for the demolition of 108 Higher Drive; erection of 4 three storey five bedroom detached houses with accommodation in the roofspace and integral garages and 1 detached two storey four bedroom house with garage; formation of vehicular access and provision of associated parking. The main changes are as follows:-

- Double garages (previously approved scheme proposed single fronting garages with a double depth)
- Rearrangement of lower ground floor area
- All four houses would have double patio doors with supporting balustrades
- All four houses would be approximately metres 0.6 wider (8.6 metres wide to 9.2 metres wide) as the lower ground flank wall has been moved out to be flush with the projecting stairway
- Resulting footprint of the plots 1-4 would be increased by 3 square metres
- One housing type/style will be proposed similar to the plots 3 and 4 in the approved scheme, although materials used will be varied
- Additional windows on the eastern elevation to serve bathrooms which would be obscurely glazed

3.9 A design statement has been submitted in support of the proposal.

4. POLICIES

4.1 The policies of the Replacement Unitary Development Plan (referred to as the Croydon Plan) which impact upon the proposal are UD2, UD3, UD8, UD9, UD12, UD13, H2, H5, NC1, NC4, EP1, T8, T11, RO6

5. CONSULTATIONS

5.1 49 adjoining and nearby occupiers have been notified of the application and two letters of representation have been received on the following grounds:-

- Ridgeline would be higher than surrounding properties
- Insufficient parking
- Congestion
- Loss of trees
- Loss of privacy
- Noise and disturbance

5.2 A members referral was received from Councillor Stephen O'Connell, and the reasons for referral are:-

- Detrimental effect on the openness of the greenbelt
- Bulk and massing detrimental to the amenities of the neighbouring properties
- Overlooking neighbouring properties
- Bulk and massing inappropriate
- Inappropriate vehicular access

6. CONSIDERATIONS

6.1 The main considerations are :

- a. The effect the development would have on the character of the area and the appearance of the streetscene;
- b. The effect the development would have on the amenities of nearby residential occupiers;
- c. Access and parking arrangements.
- d. Amenity Space
- e. The effect the proposed development would have on the open character of the Metropolitan Green Belt and the adjoining Site of Importance for Nature Conservation

Principle of residential development

6.2 Policy H2 of the Croydon Plan permits housing development within the existing built-up area providing the character of the residential area is maintained and adequate parking provision is provided. This is in accordance with government guidance, as set out in Planning Policy Statement Note 3.

6.3 It should also be noted that there is no objection in principle to backland or backgarden development, however Policy H5 of the Croydon Plan states that residential development on these sites will only be permitted where it respects the character and protects the amenity of adjoining residential areas. It is evident from the inspectors report relating to application no 06/00020/P the proposed development meets the above criteria.

Impact on Streetscene and Visual Amenity

6.4 Policy SP1 of the Croydon Plan requires a high standard of design in all developments, ensuring that it complements nearby buildings and activities. The inspector stated in the original application 06/00020/P that was allowed on appeal that "*there is not a close visual relationship*

between the appeal site and the houses along Highland Road... where a development cannot be directly related to surrounding properties within the same vista, because of the sites enclosure, separation or screening, the differences between the existing and proposed buildings and spaces need not be harmful to the character of the street". It is considered that the current proposed development would not be materially different to the approved schemes, and therefore would not detract from the visual amenity of the streetscene.

- 6.5 In relation to the character of the area, the inspector stated “ *Highland Road includes a variety of dwelling styles and forms including bungalows set above retaining walls and banks whose overall height is well in excess of those being proposed. There is no common separation distance between buildings or garden sizes that demonstrate a discernible pattern and which materially determined the areas character*”. The footprint, massing and design of the houses in the area vary substantially and are generally unique which contributes to the semi-rural character of the locality, therefore it is considered that the proposed houses would not detract from the character of the area.

Impact on the amenities of the adjoining occupiers

- 6.6 Policy UD8 of the Croydon Plan states that the Council will have regard to the privacy and amenity of the occupiers of the surrounding buildings, ensuring that both new and existing occupiers are protected from undue visual intrusion and loss of privacy. The inspector stated in the previously allowed scheme that *“taking into account the separation distance, I considered that there would be no material loss of privacy to the neighbouring residents especially if there is glazing of the attic windows on plots 3 and 4 were to be obscured...because of the intervening very substantial trees, the height of the bank and boundary fence and set back position of no. 112, there would be no significant overlooking of any windows”*. With regards to the effect the proposed 5 houses would have on the properties in Hadyn Ave, the inspector stated *“despite the proposed balconies and upper floor accommodation on houses plots 1-4, given the window to window separation distance between the proposed and existing houses, I consider that there would be no material loss of privacy”*. The currently proposed additional windows on the eastern elevation will serve bathrooms and will be obscurely glazed. The additional double doors supported by balustrades on plots 1-4 are not considered to detract from the privacy of adjoining occupiers. The nearest facing window from plot 1 would be at proposed plot 5, proximately 27 metres away. The nearest properties to plots 2, 3 and 4 are approx. 46 metres away in Hadyn Avenue, and the nearest facing windows would be approx. 80 metres away.
- 6.7 Taking into account the inspectors comments and previous appeal decision, the distance from neighbouring properties, the position of habitable room windows and the degree of separation, it is considered

that the proposed development would not result in significant loss of light, privacy and visual intrusion to adjoining properties.

Amenity Space

- 6.8 Policy UD8 of the Croydon Plan requires all new developments to provide adequate amenity space. The proposed gardens for the new housing plots 1-4 are 14.4 metres long x 12.6 metres wide and plot 5 would have a rear garden 20 metres x 20 metres wide. It is considered substantial amenity space will be provided which would be in keeping with the size of the house and broadly in keeping with the character of the locality.

Highway issues

- 6.9 Policy UD12 and UD13 of the Croydon Plan require new developments to have the design of new roads, footpaths, cycle routes, car and cycle parking to be designed as an integral part of the scheme and to ensure highway safety is maintained. There are no changes in this application in regards to the layout of the roads and footpaths, however it should be noted that the inspector stated that “ *this development should be seen as a separate area rather than a seem-less continuation of Highland Road for the purposes of highway engineering... I find no reason to conclude that the internal layout would fail to provide a safe and secure local environment*”.

Impact on the open character of the Metropolitan Green Belt

- 6.10 The proposed development would be further away from the MGB and SINC than that of the scheme allowed on appeal. The proposed development would be 5.6 metres away from the boundary characterised by dense woodland. The inspector stated in his report that “*the dense woodland to the south of the site and to which there is no public access screens the site from view from the wider Green Belt. Therefore I find no basis for concluding that the visual amenities and the openness of the Green Belt would be harmed and that there would be a conflict with the UDP policies in this regard*”. Therefore, it is considered that the proposed development would detract from the open character of the MGB or SINC.

7. ENVIRONMENTAL CONSIDERATIONS

- 7.1 The development would make a fuller use of this brownfield site, consistent with guidance set in PPS3 and the Replacement Unitary Development Plan. Furthermore, the proposal incorporates a ‘green roof’ which would be highly sustainable and help the new development integrate into the locality.

8. EQUALITIES CONSIDERATIONS

8.1 Level access will be provided.

Case Officer: Henrietta Owusu-Ansah

Background Documents: Two letters and one email from adjoining and nearby occupiers

Referral received from Councillor Stephen O'Connell

Contact Officer: Mr P Mills Tel: 0208 760 5419