

Agenda Item: 6.5

07/02152/P

29/05/2007

Kenley

Application for full planning permission

Applicant:

Philip Stone Developments (Guildford) LTD
Unit 1 Alfold Business Centre
Loxwood Road
Alfold Surrey
GU6 8HP

Location: Land R/O, 43-45 Haydn Avenue, Purley, CR8 4AG

Description: Erection of a two storey 4 bedroom detached house; erection of detached double garage; formation of vehicular access

Drawing No(s): 2412-026 A; 2412-027; 2412-028 & Ordnance Survey extract.

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. Prior to the commencement of the development, a landscaping scheme to include the proposed green roof and existing and proposed planting shall be submitted to and approved by the Local Planning Authority; the approved planting shall be provided before any part of the development is occupied or within such longer period or periods as the Local Planning Authority may previously agree in writing and shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased or is removed within that period shall be replaced by planting of similar size and species to that originally provided

Reason: To enhance the appearance of the development, protect the visual amenities of the locality, and to ensure that the new planting becomes established in accordance with Policy UD14 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

6. 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)

7. 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 is provided.

8. 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.
To ensure an acceptable standard of development having regard to the policies of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
9. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority details of the location of 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.
To ensure an acceptable standard of development having regard to the policies of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
10. 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).
11. 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).
12. 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).

13. 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).
14. No window or glazed door shall be provided in the northern elevation for as 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 Document No 2 on Residential Extensions and Alterations
15. 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 the dwelling (including the erection or enlargement of a garage or any other building or enclosure within the curtilage of the 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
16. 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 & 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

PLANNING CONTROL COMMITTEE

Lead Officer: Head of Planning Control

26th July 2007

APPLICATION NO. 07/02152/P Land rear of 43-45 Haydn Avenue

1. SUMMARY

- 1.1 The application seeks full planning permission for the erection of a 4 bedroom detached house and erection of detached double garage and formation of vehicular access.

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 frontage of Hadyn Avenue is residential in character with semi-detached houses within elongated plots, with garages positioned in front of the main building line accessed via crossovers. To the east of the site is Highland Road which is entirely residential in character comprising mainly detached houses with spacious gardens.
- 3.2 The application site is 0.077 hectares, and the plot is 38.5 metres long x 20 metres wide. The ground slopes from east to west and the south of the site is well screened by woodland. The rear of gardens of no 43 and no 45 Hadyn Avenue are considerably longer than that of the neighbouring occupiers.

3.3 The land to the south is within Metropolitan Green Belt and a Site of Nature Conservation Importance.

b. Relevant History

3.4 There is no history in respect of the application site but in relation to 108 Higher Drive and 3 Highland Road to the north and north-east of the site the planning history is as follows:-

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 keep 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)

- 3.4 An appeal was lodged by the applicant in relation to the above application and the appeal was allowed.
- 3.5 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.
- 3.6 07/2089/P Planning permission is currently being sought 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). This proposal is considered elsewhere on the agenda and amends the previous proposal by increasing the width of the lower ground floor by 0.6metres to provide a double fronting integral garage and the rearrangement of the lower ground floor; the addition of balustrades and double doors and the installation of additional windows.

c. Proposal

- 3.7 The proposed house would consist of a study, living area, kitchen/diner, w.c and a hall on the ground floor. The lower ground floor would accommodate 4 bedrooms (2 of which would be en-suite) a bathroom and utility area.
- 3.8 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 12 adjoining and nearby occupiers have been notified of the application and 2 letters of representation and one email has been received on the following grounds:-

- Insufficient parking
- Appearance and position
- Loss of wildlife

- 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:-

- Inappropriate Backland Development
- Detrimental effect on the openness of the greenbelt
- Detrimental to the amenities of the neighbouring properties
- Out of Character

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. Amenity Space
- d. Access and parking arrangements.
- e. The Impact on the open character of the Metropolitan Green Belt

Principle of Residential Development

6.2 Policy H2 of the Croydon Plan permits housing development within the existing built-up area provided that 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 Policy H5 of the Croydon Plan states that residential development on backland and back gardens sites will only be permitted where it respects the character and protects the amenity of adjoining residential areas. In particular, the form, layout and siting and site area should respect the existing character and the cumulative impact of different schemes in the area should also be considered. Nos. 43 and 45 Hadyn Avenue have gardens which are 75 metres long, compared to their neighbouring occupiers which have rear gardens approx. 35 metres long. It is unlikely there would be other similar applications due to restricted rear gardens and insufficient space for any roads and amenity space. It is therefore

considered that the proposed development would not set a precedent for future development in the immediate locality.

Streetscene and Visual Amenity

6.4 The Council will seek a high standard of design and layout in all development, which should respect the visual character of the area in which it is located in terms of elements such as scale, proportions, materials, detailing and roof form. It is considered that the proposed house has been designed to be similar to that of the proposed adjacent house allowed on appeal 06/00020/P and subsequently granted under planning application 07/00438/P. The proposed house would be effectively one storey when viewed from the front, with a lower ground floor element. The materials including timber boarding, timber frame windows and brickwork would be in keeping with the surrounding area and the 'green roof' would provide a sustainable element and visual interest to the design in accordance with Policy UD1 of the Croydon Plan. 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 house would not detract from the character of the area.

Amenities of Adjoining Occupiers

6.5 The proposed development maintains a separation of 7.4 metres to the northern boundary with the adjoining occupier. The nearest facing window to the east would be approx. 26m away, similar to the relationship between plot 1 and plot 5 in the previously allowed scheme 06/00020/P. Additionally, properties in Hadyn Avenue would be approx. 50 metres away from the proposed dwelling, albeit at a lower level. Taking into account the distance from neighbouring properties, the position of habitable room windows and the degree of separation, the proposed development adheres with Policy UD8 of the Croydon Plan which states that development should not result in significant loss of light, privacy and visual intrusion to adjoining properties.

6.6 In relation to the adjacent house, plot 5 which was allowed on appeal (06/00020/P) is almost identical to the proposed development in terms of its design, positioning, size and relationship with adjoining occupiers. It should be noted that the inspector stated "*the proposed dwelling would be cut into the slope so as to produce a building with modest proportions, little more than a single storey building. The balcony would thus be only about 1 metre above the existing prevailing level of the slope and still be about 20 metres from the boundary with the gardens to Hadyn Avenue houses. The window to window separation between the houses would be sufficient to avoid any direct overlooking despite difference in level. Any perceived overlooking or overdominance be addressed through the planting scheme that indicated substantial augmentation of the existing vegetation. Therefore despite the differences in ground levels, I consider that the dwelling on plot 5 would*

not result undue visual intrusion or a material loss of privacy for neighbouring residents. I therefore considered that the relevant Development Plan policies would not be offended in this regard”.

Trees

The Council's Tree Officer has no objections to the scheme as the trees to be removed are of poor quality and would not be worthy of a tree preservation order.

Amenity Space

- 6.7 Policy UD8 of the Croydon Plan requires all new developments to provide adequate amenity space. The proposed garden for the new house would be 20 long and 20 metres wide which would provide substantial amenity space in keeping with the size of the house and the character of the locality.

Highway Issues

- 6.8 The main entrance to the proposed development would be via an existing access from Highland Road for 5 houses 06/000020/P which would be extended. There is sufficient parking on site provided by the hardstanding and proposed garage. There are no objections in highway safety terms.

Impact on the open character of the Metropolitan Green Belt

- 6.9 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 3 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 Site Important Nature Conservation.

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 Due to the slope of the land it would not be possible to provide a gradient less than 1:20 from the garage/parking area down to the front

door. In all other respects the proposal would be compliant with Part M of the Building Regulations.

Case Officer: Henrietta Owusu-Ansah

Background Documents: Two Letters from adjoining and nearby occupiers
Referral received from Councillor Stephen O'Connell

Contact Officer: Mr P Mills Tel: 0208 760 5419