

**LONDON BOROUGH OF BROMLEY**  
**TOWN PLANNING**  
**RENEWAL AND RECREATION DEPARTMENT**

**DELEGATED DECISION**

**24/04490/FULL1**      **44 Beckenham Lane**  
**Russell Penn**        **Bromley**  
                                 **BR2 0DQ**

**Description of Development**

Erection of a single storey 1-bedroom dwellinghouse with crown roof and front dormer with associated cycle/refuse provision.

**Proposal**

Planning permission is sought for the erection of a single storey 1-bedroom dwellinghouse with crown roof and front dormer with associated cycle/refuse provision.

This comprises a 1 bedroom 2 person dwelling located to the rear of the application site, primarily occupying the area now used for informal storage. The building will be two storey with the upper level located in the roof space with front and rear roof slopes and a crown roof. The front roof slope incorporates a dormer window. The side elevation will be two storey in format, sloping to ground floor at the front and rear.

The current gap between No42 and No44 Beckenham Lane will be retained which will facilitate access and an additional front garden to the proposals in addition to its own private rear garden and defensible space to the front.

The proposals also include the provision of a new rear garden to the flats at No44 Beckenham Lane of around 25m<sup>2</sup>.

The proposed dwellinghouse is to be car free. Designated areas are provided for cycle and refuse storage.

The application was supported by the following documents:

- o Planning Statement
- o Design and Access Statement
- o Heritage statement
- o Transport Technical Note
- o BNG Exemption Statement

**Location and Key Constraints**

The site is located on the north west side of Beckenham Lane and comprises a two storey semi-detached building divided into two flats, with red tile roof and rendered elevations. The area of the site forming the proposed development comprises the fenced off land to the rear of No44. This land is currently used for the informal storage of a wide range of scrap items and a caravan.

The existing building on site is one of a pair with No.42 and sits in a row of 9 similar pairs, separated by Shortlands Gardens. There are four properties east of Shortlands Gardens and five properties to the west varying in design. The site of the proposed house forms part of a cohesive rear curtilage back garden context including the rear curtilages of No's 42 to 56 Beckenham Lane and 18-34 Shortlands Gardens. Only No56a has a two storey rear commercial building but this faces Shortlands Gardens. Other structures are single storey ancillary outbuildings related to the function of a normal residential garden space. The area to the east of the site comprises 34-42 Beckenham Lane and 36-42 Shortlands Gardens. This area has a more public realm context to the rear area with hardstanding, parking and vehicular access. The boundary between No's 42 and 44 is considered to effectively delineate the character types between the two areas described.

No 44 has a side curtilage that forms a vehicle accessway to the rear of the site with a resultant gap in the streetscene views along Beckenham Lane. It is understood that the gap is historic and relates to the border of St Mary Aldermary land. The line of such a border appears to be reflected in the pattern of development, built form and property boundaries for some distance north west and south east of the site.

To the east of the gap is a small parade of shops with part residential above. No42 has an undercroft access for vehicles leading to the rear of numbers 34-42. The access also has open red bricked arches facing the application site visible to the streetscene.

The site is located in the Shortlands Village Conservation Area. The building is not listed. Opposite the site is the Valley Primary School which is a Locally Listed building.

#### Comments from Local Residents and Groups

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

#### Objections:

##### Character

- o Proposal is a two storey dwellinghouse not single.
- o Multiple comments that the development does not preserve or enhance the conservation area nor respect or complement the layout, scale or form of existing buildings and spaces.
- o Cramped environment with inadequate space for both the new proposed building and the existing flats at No44.
- o Multiple concerns re loss of spatial standards and inadequate separation standards.
- o Site is not a brownfield site.
- o Comments that the site is already developed enough.
- o Comments that the proposed dwelling is essentially being built in the existing properties garden which would be inappropriate.

##### Neighbouring amenity

- o Comments that the additional building will be overbearing to neighbouring gardens.
- o Concerns with increase in overlooking and loss of privacy.

##### Standard of accommodation

- o Inadequate amenity spaces.

- o Concerns re acceptable internal head height.
- o Access to new building unsuitable for its use - too narrow.
- o Concerns with the access being unsafe for users.
- o Concerns with location of bin store area.
- o Concerns regarding the impacts to the standard of accommodation of the existing flats - loss of light and outlook.

#### Highways and parking

- o Concerns with safety of vehicular access to/from site onto Beckenham Lane.
- o Concerns re adequate parking provisions.

#### Other comments

- o Site has been left to in current state to appear as a brownfield site.
- o Concerns regarding the impacts of the construction proves on neighbours.
- o Concerns regarding impacts to drainage and sewer system.

#### Local Groups

- o Ravensbourne Valley Residents Association has commented. In summary, it is contended that the development is a cramped overdevelopment with unacceptable resultant spatial separation to neighbouring property. Proposal is backland / tandem development. Flat front dormer alien to the streetscene. Concerns regarding the loss of the historical gap between No42 and No44. Poor access and road safety concerns. Concerns with standard of accommodation and cycle and refuse provision. Concerns with future separation of the plot would not work due to how it is arranged.

Please note the above is a summary of objections received and full text is available on the Council's website.

#### Comments from Consultees

- o Environmental Health Pollution Officer:

Standing advice has been advised.

Officers consider the following to be important considerations:

The development falls within a designated Air Quality Management Area.

Low NOx Boilers - In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh to minimise the effect of the development on local air quality within an Air Quality Management Area.

EVCP - Any Electric car charging points shall be provided in line with the London Plan requirements to minimise the effect of the development on local air quality within an Air Quality Management Area.

In addition to this a Construction and Environmental Management Plan will be required. The applicant should make reference and include the good practice measures in Bromley's Code of Construction Practice in their construction process.

- o Drainage Engineer:

No comment.

o Highways:

The development is located in an area with a Public Transport Accessibility Level (PTAL) rating of 4 on a scale of 0 to 6b, where 6b represents the highest level of accessibility.

No off-street parking is provided. Although this is regrettable, there is a correlation between car ownership and the type of dwelling (one-bedroom flat), suggesting that the occupants are unlikely to own a car. To alleviate pressure on the existing parking demand in the area, future residents of the development should not be eligible to apply for parking permits.

### Policy Context

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

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

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination must be made in accordance with the development plan and any national development management policies taken together, unless material considerations strongly indicate otherwise.

The National Planning Policy Framework was revised and published on 12th December 2024. The development plan for Bromley comprises the London Plan (March 2021) and the Bromley Local Plan (January 2019). The NPPF does not change the legal status of the development plan.

### London Plan (March 2021)

- D1 London's form and characteristics
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of change
- D14 Noise
- H1 Increasing Housing Supply
- H2 Small sites
- H5 Threshold Approach to application
- H8 Loss of existing housing and estate redevelopment
- H9 Ensuring the best use of stock
- H10 Housing Size Mix
- S4 Play and informal recreation

- HC1 Heritage conservation and growth
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI1 Improving air quality
- SI2 Minimising greenhouse gas emissions
- SI3 Energy infrastructure
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- T7 Deliveries, servicing and construction

## Bromley Local Plan

- 1 Housing supply
- 3 Backland and Garden Land Development
- 4 Housing design
- 8 Side Space
- 30 Parking
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General design of development
- 41 Conservation Areas
- 43 Trees in Conservation Areas
- 77 Landscape Quality and Character
- 112 Planning for Sustainable Waste management
- 113 Waste Management in New Development
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 121 Ventilation and Odour Control
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

## Supplementary Planning Guidance

Housing: Supplementary Planning Guidance. (March 2016 (part 2 superseded))  
 Housing Design Standards - London Plan Guidance (June 2023)  
 National Design Guide - (September 2019)  
 Shortlands Village Conservation Area Appraisal

Urban Design Guide - Supplementary Planning Document (July 2023)

DG1: Reinforcing Local Character and Identity  
DG2: Preserving and Enhancing Heritage Assets  
DG3: Continuity and Enclosure  
DG5: Architectural Design  
DG6: Materials and Detailing  
DG7: Housing Design  
DG11: Landscape Design  
DG14: Inclusive Design  
DG18: Healthy Homes  
DG20: Sustainable Design

## Planning History

The relevant planning history relating to the application site is summarised as follows:

83/01977/FUL: Change of use of ground floor from residential to offices new shop front. Refused 20.10.1983 and Appeal dismissed.

88/02338/FUL: Two storey side extension and conversion into 3 self-contained flats. Refused 14.09.1988

89/03348/FUL: Conversion of dwelling house into 2 self-contained flats with ancillary parking. Refused 06.12.1989 and Appeal allowed

91/00894/FUL: Part two storey/part first floor extension with studio flat on first floor and staircase on ground floor plus 2 parking spaces and turntable. Refused 18.07.1991 and Appeal dismissed.

03/00133/FULL1: Formation of entrance door balcony and external staircase to first floor flat (retrospective application). Refused 21.05.2003

03/01283/FULL6: External staircase to side and provision of doorway - Approved.

22/04901/FULL1: Erection of a 2 storey 2 bedroom dwellinghouse with associated cycle/refuse provision. Refused 02.03.2023

## Refusal reasons:

The proposed development by reason of its prominent siting, design, scale and footprint and encroachment into the important streetscene gap along Beckenham Lane and relationship to adjacent buildings would result in a dominant and incongruous building which would detract from the existing street scene and be harmful to the visual amenity and the character and appearance of the Shortlands Village Conservation Area and setting of adjacent heritage assets contrary to Policies 4, 37, 39, and 41 of the Bromley Local Plan, Policies D3, H2 and HC1 of the London Plan and the National Planning Policy Framework (2021).

The application was appealed and subsequently dismissed on 30/01/2024.

The Planning Inspector concluded that the proposal would fail to preserve the character or appearance of the Shortlands Village Conservation Area.

## Considerations

The main issues to be considered in respect of this application are:

- o Land use
- o Design
- o Standard of residential accommodation
- o Highways
- o Neighbouring amenity
- o Sustainability
- o Green Infrastructure and Natural Environment
- o Other (drainage/flooding/noise/pollution/air quality)
- o CIL

Land use

- o Housing Supply

The current published five-year housing land supply (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee in November 2021 and acknowledged as a significant undersupply.

Subsequent to this, an appeal decision from October 2024 (appeal ref: APP/G5180/W/24/3340223) concluded that the Council had a supply of 2,628 units or 2.4 years; this figure assumes the new London Plan target of 774 units per annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019. This is considered to be a very significant level of undersupply. For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development may apply.

The Housing Delivery Test 2023 results (published in December 2024) indicate that housing delivery against Bromley's housing requirement has fallen below 75% over the HDT period; this requires the addition of a 20% buffer to the Council's housing requirement over the FYHLS period (in accordance with Footnote 8 of the NPPF). It also means that, for the purposes of assessing relevant planning applications, the presumption in favour of sustainable development may apply.

The Council is in the process of preparing an updated FYHLS position, reflecting changes since the last published position in November 2021.

The NPPF (2024) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that this means approving development proposals that accord with an up-to-date development plan without delay.

Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Having regard to footnote 8 of the NPPF, the policies which are most important for determining this application, including Policy 1 of the Bromley Local Plan, are out-of-date and consequently the presumption in favour of sustainable development as set out in Paragraph 11(d) is engaged.

Whilst this proposal would provide a new single dwelling representing a minor contribution to the supply of housing within the Borough, the site is located within the Shortlands Village Conservation Area, which is an area or asset of importance for the purposes of Paragraph 11(d). In the event that the policies protecting this area or asset of importance provide a strong reason for refusal, the presumption in favour of sustainable development may not apply.

o Optimising Sites:

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

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

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

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

Policy 3 of the Bromley Local Plan in respect of 'Backland and Garden Land Development' states new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met; there is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development; there is no unacceptable loss of landscaping, natural habitats, or play space or amenity space; there is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic; and a high standard of separation and landscaping is provided.

The supporting text states that in the past the role of small sites in providing additional housing within the Borough has been significant. It is important to also consider the value of backland and garden land in helping to define local character. There is a risk that inappropriate development of these small sites over time could adversely impact upon local character, especially as the availability of sites diminishes.



The NPPF also specifies that windfall sites are normally previously developed sites. Core planning principles include; seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings, taking account of the different roles and character of different areas and encouraging the effective use of land by reusing land that has been previously developed.

In this case, the area of the application site forming the development would be considered to be backland development with its character more related to the open aspect of the rear of the site that forms the cohesive rear curtilage and back garden context. This includes the rear curtilages of No's 42 to 56 Beckenham Lane and 18-34 Shortlands Gardens but also partly the public realm on Beckenham Lane through the gap between No's 42 and 44. This is discussed more in the following section.

## Design and heritage

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

Paragraph 131 of the NPPF (2024) states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the NPPF (2024) requires Local Planning Authorities to ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Within or adjacent to a Conservation Area Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

The NPPF sets out in Section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm, total loss or less than substantial harm to its significance as a designated heritage asset. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. A range of criteria apply.

Policy D3 of the London Plan relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.

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

Policy HC1 part D of the London Plan states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

Policy 3 of the Bromley Local Plan details that new residential development will only be considered acceptable on backland or garden land if there is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development; there is no unacceptable loss of landscaping, natural habitats and a high standard of separation and landscaping is provided.

Policy 4 of the Local Plan details that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places respecting local character, spatial standards, physical context and density. To summarise the Council will expect all of the following requirements to be demonstrated: The site layout, buildings and space around buildings be designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas; compliance to minimum internal space standards for dwellings; provision of sufficient external, private amenity space; provision of play space, provision of parking integrated within the overall design of the development; density that has regard to the London Plan density matrix whilst respecting local character; layout giving priority to pedestrians and cyclists over vehicles; safety and security measures included in the design and layout of buildings; be accessible and adaptable dwellings.

Policy 8 of the Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

Policy 37 of the Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To summarise developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.

Policy 41 of the Local Plan details that proposals for new development within a conservation area will need to preserve and enhance its characteristics and appearance by respecting or complementing the layout, scale, form and materials of existing buildings and spaces and respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and using high quality materials.

The Councils Urban Design Guide at advice DG2 highlights that all development proposals should seek to preserve and enhance the significance of existing heritage assets. Where a proposal will cause harm to a heritage asset, clear and convincing justification should be provided. It also states that new development should respond sensitively to the siting and settings of heritage assets by adopting a considered approach to building heights, scale and massing, to minimise harm and to ensure that existing assets are not overwhelmed or obscured by inappropriate development. Townscape presence, key views, and heritage value should be protected and reinforced rather than eroded or diminished.

The 1910 OS map which has been reproduced in the Heritage Statement shows that this site has always been predominantly open with a small narrow structure (possibly a garage) towards the back of the site. It is also noted that the reasoning for the gap may have some historic relevance in terms of old boundaries as mentioned above.

It is noted that the previous scheme located a new narrow dwelling towards the front of the site in the gap between No's 42 and 44. This scheme was refused as detailed above. In order to overcome the refusal reason and dismissed appeal the current scheme proposed has opted for a backland form of development.

Justifications in supporting documents have in summary put forward the view that historically there was a set back 'L' shaped building at this location used in relation to a now long gone motor works company located further to the rear and north east of the site prior to WW2 at least, and that it therefore follows that there should be no issue with the principle to develop this part of the site as such.

Further justifications opine that as the new house is now set back, that this overcomes the previous reason for refusal and subsequent appeal dismissal in that the character and appearance of the conservation area is retained to the streetcene.

However, while the process of the formulation of an alternate solution is noted, the resultant scheme now creates other issues that have not been taken account of in the revised submission in respect of backland development and the impacts to the conservation area in other respects.

The proposed house would be cramped in its resultant plot layout in comparison to those in the vicinity and the existing building on the site with the building footprint being in too close proximity to the 'L' shape footprint of the existing building. As a result the relationship between the proposed building and the existing more dominant building at No44 would be overly compromised by this proposal due its scale and massing dominance. In addition, by being located immediately adjacent on the opposite boundary to No42, the spatial separation to the boundary of the site would not maintain the spatial standards of the site which Policy 8 specifically aims to retain in this regard.

Furthermore, it has been described above how the rear location of the site relates to the garden curtilages of properties to the east as opposed to the different context and character identified to the rear areas to the west. The introduction of the proposed residential building to the rear of the site for the aforementioned reasons would have an unacceptable impact upon the character, appearance and context of the rear curtilages which Policies 3 and 41 seek to protect.

The location of the residential building would also overwhelm the delicate heritage surroundings in this rear location and would introduce a building which would be too dominant in its height, scale and massing. The sloping roofs on the front and rear with a crown roof would also appear to be contrived design attempts to mitigate this issue.

Therefore, it is considered that the formation of a dwelling as proposed would represent a substantial and harmful variation to the pattern of development within the locality and be unreflective of the arrangement of buildings within the surrounding area. The proposed dwelling would also harmfully erode the contribution that the open rear curtilage makes to the character and appearance of the area, with the effect of this being exaggerated by the development having little regard for the built form surrounding the rear of the site to which it is more related.

The Council's Conservation Officer does not support the development and takes the view that this is a backland development out of character with the considered development pattern of the rear curtilages of 42-56 Beckenham Lane and 18-34 Shortlands Gardens and therefore harmful to character of conservation area in this regard. The harm is considered to be less than substantial in the NPPF definition.

#### Standard of residential accommodation

The NPPF (2024) paragraph 135 sets an expectation that new development will be designed to create places that amongst other things are safe, inclusive and accessible and have a 'high standard' of amenity for existing and future users.

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

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

The London Plan Guidance - Housing Design Standards (June 2023) and London Plan prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements. The standards apply to new build, conversion and change of use proposals.

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

Part M compliance has been stated within the submitted application form.

Policy 4 of the BLP also sets out a number of criteria to ensure that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places and ensuring a good standard of amenity for future occupiers.

Appendix 1 of the Mayors Housing Design Standards LPG requires a Gross Internal Area of 58m<sup>2</sup> (best practice 63m<sup>2</sup>) for a one bedroom two person dwellinghouse on two levels. The floor space size of the house has been stated as 64m<sup>2</sup>. On this basis the floorspace provision is considered acceptable.

The shape, room size and layout of the rooms do not have a convoluted layout which would limit their use. The internal heights achieved within all the rooms would be acceptable. All habitable rooms would have satisfactory levels of light and outlook.

In terms of amenity space, the arrangements of the garden spaces are not comparable to the format in the wider vicinity. However, the provision is to the rear with an extra small defensible space to the front of the new dwelling. This is considered to be sufficient to the unit type proposed. The other communal garden space created for the existing residents of the flats at No44 is considered acceptable.

## Highways

The NPPF (2024) states that transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places.

London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

- o Car parking

Policy T6 Car Parking in the London Plan advocates that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite').

The Councils Highway Officer has reviewed the application and not raised any objection to the zero provision for parking. This is due to the likely non car ownership of future occupiers due to the unit type and also due to the good accessibility to public transport facilities. Removal of the right to apply for a parking permit by future occupiers is however recommended. This can be secured by a planning condition with any permission.

- o Cycle parking

London Plan Policy T6 seeks the provision of short-stay and long-stay cycle parking spaces in development proposals. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.

It is stated that cycle parking is provided at two spaces per dwelling, served through secure storage at the side of the development. It is unclear where the precise location of this would be. However, further details can be secured by planning condition with any permission.

- o Refuse

All new developments shall have adequate facilities for refuse and recycling. A location for refuse is indicated within the small demarked front curtilage. Further details of a containment structure and capacity are recommended to be sought with any permission.

- o Fire Safety

Policy D12 of the London Plan states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they identify suitably positioned unobstructed outside space for fire appliances to be positioned on; appropriate for use as an evacuation assembly and are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire including appropriate fire alarm systems and passive and active fire safety measures; are constructed in an appropriate way to minimise the risk of fire spread; provide suitable and convenient means of escape, and associated evacuation strategy for all building users; develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in; provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The front elevation of the new building is located at some 10m to 12m distance from the main highway on Beckenham Lane. A Fire Safety Report has not been submitted with the application. Given the close distance to the highway, Officers are unable to establish if the development meets the requirements of Policy D12 without further information. However, for developments of this type below 18m in height, the matter of fire safety compliance is also covered by Approved Document B of the Building

Regulations. Therefore, the lack of a Fire Safety Report is not considered a separate reason for refusal in this case. An Informative is recommended to ensure compliance with Approved Document B with any permission recommendation.

- o Other matters

A Construction and Environmental Management Plan is recommended to manage development works in this location.

#### Neighbouring amenity

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

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

The supporting information states that "The relatively small scale of the proposals, including the provision of a pitched roof and overall height of just 1.5 storeys, ensures that they do not have any significant impact upon neighbouring outlook, and that they will not result in any overshadowing of neighbouring gardens or properties. No windows are proposed above ground floor level facing toward neighbouring properties, and so this ensures that there is no loss of privacy."

A Sunlight and Daylight report has not been submitted to substantiate these assertions.

The fenestration arrangement will provide main outlook to the building to the rear north west and to the front over the front curtilage and the parking area for the existing flats at No44. The rear windows will be at ground level only and face the rear boundary structure. The arrangement is not considered to cause overlooking or loss of privacy. The front elevation will have outlook at ground and first floor from a dormer window. Given the relationship of these windows to the positions of neighbouring windows, the arrangement is not considered to cause overlooking or loss of privacy.

However, in terms of the massing of the building itself and in addition to the above concerns in respect of the design scale and massing of the development on the character and appearance of the locality it is also considered that the resultant building would be detrimental to neighbouring amenity due its overbearing scale and dominance as a result of its close proximity to the site boundaries and the existing flats at No44.

#### Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Paragraph 9.2.3 of the London Plan states that Boroughs should ensure that all developments maximise opportunities for on-site electricity and heat production from solar technologies (photovoltaic and thermal) and use innovative building materials and

smart technologies. This approach will reduce carbon emissions, reduce energy costs to occupants, improve London's energy resilience and support the growth of green jobs.

Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.

An informative is recommended with any approval to ensure that the development strives to achieve these objectives. For a non major scheme, energy and water efficiency can only be secured under the building regulation regime as standard, in order to meet the requirements of Policies 123 and 124 of the Local Plan and Policy SI 2 of the London Plan.

### Sustainable Drainage

Policy SI 13 Sustainable Drainage of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Policy 116 of the Local Plan details that all developments should seek to incorporate sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible.

It is recommended that further detail of a scheme for the provision of surface water drainage and foul drainage shall be submitted by planning condition with any permission.

### Air Quality

Policy SI 1 of the London Plan outlines in summary that development proposals should not lead to further deterioration of existing poor air quality and shall minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro fitted mitigation measures.

Policy 120 of the Local Plan states that developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels will be required to submit an Air Quality Assessment.

The site is located within the Bromley AQMA (2020). Therefore, it is considered prudent for the development to incorporate Ultra Low NOx boilers as necessary. A condition is recommended in this regard with any permission.

### Green Infrastructure/Natural Environment

Paragraph 187 of the NPPF (2024) outlines that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

- o Trees and landscaping



London Plan Policy G7 focuses on London's urban trees, setting out that development proposals should ensure that, wherever possible, existing trees of value are retained. If the removal of trees is necessary, there should be adequate replacement based on the existing value of the benefits of the trees removed.

Policy 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.

Limited details of landscaping have been submitted on the proposed site plan for the areas given over to planting in the front and rear curtilage.

Further details can be sought by condition for landscaping details with any permission.

#### o Biodiversity Net Gain

London Plan Policy G6 states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 Part D further advises that "Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process."

Under the Environment Act 2021, all development that falls under the Town and Country Planning Act 1990 requires that all planning permissions granted in England (with a few exemptions), have to deliver at least 10% biodiversity net gain (BNG).

The applicant has stated the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)) would not apply to this development.

A document entitled 'BNG Exemption Statement' has been submitted that iterates that the development qualifies for a BNG exemption as there are no priority habitats on site, with the building being built on existing developed land and primarily on gravel and on sealed hard surfaces.

Officers have reviewed the submission documents and concur that no habitat would be impacted as a result of this circumstance.

Therefore the 'de minimis' exemption category applies in this case due to the footprint of the site being entirely occupied by buildings or hard surfacing. As such, there is no natural habitat present within the site where the building will be constructed.

#### CIL

The Mayor of London's CIL and the Borough CIL are material considerations. CIL is payable on this application and the applicant has completed the relevant form.

#### Conclusion

Taking into account the above, the proposed development constitutes a cramped backland overly optimised development where there is an unacceptable impact upon the character, appearance and context of the area by reason of scale, design, siting and proximity to neighbouring garden curtilage and the surrounding development pattern and spatial layout of the area. If permitted this would establish an undesirable pattern for similar piecemeal infilling in the area, resulting in a retrograde lowering of the standards to which the area is at present developed and have a serious and adverse effect on the visual amenity of the locality.

The proposed development by reason of its overbearing nature, siting and proximity to neighbouring buildings and property boundaries would have a serious and adverse effect on the residential amenity enjoyed by the occupants of neighbouring property.

In respect of the Council's 5 year housing land supply and the current position outlined within the 'land use' section above, paragraph 11d (ii) of the Framework would be applicable. In this case policies in the Framework that protect heritage areas or assets of particular importance provide a strong reason for refusing the development proposed. The scheme would harm the significance of a designated heritage asset. That harm would be less than substantial and would not be outweighed by the public benefits of the scheme.

Therefore, in the planning balance, when weighing up the benefits of the development and the current undersupply of housing, it is considered that the identified harm arising from the proposal would significantly and demonstrably outweigh the benefits of the development.

The general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)) would not apply to this development due to the De minimis exemption (development below the threshold) exemption.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

## **Decision**

Application Refused

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