



Planning Department  
Housing, Planning and Regeneration  
Bromley Civic Centre, Churchill Court  
2 Westmoreland Road, Bromley, BR1 1AS  
Telephone: 0208 313 4956  
Email: [planning@bromley.gov.uk](mailto:planning@bromley.gov.uk)  
Internet: [www.bromley.gov.uk](http://www.bromley.gov.uk)

## **DELEGATED DECISION**

### **Officer**

Amy Jenner

### **Application Details**

**Reference:** 26/00629/FPA

**Site Address:**

189A FARNABY ROAD, BROMLEY, BR2 0BA

**Description of Development:**

Construction of self-build/custom build two storey 2 bedroom detached dwelling with solar panels including replacement access bridge, associated hardstanding/parking and refuse/cycle storage

### **Officer Report**

Planning permission is sought for the construction of self-build/custom build two storey 2 bedroom detached dwelling with solar panels including replacement access bridge, associated hardstanding/parking and refuse/cycle storage.

The application is accompanied by the following documents:

- Supporting letter and accompanying Appendix
- Planning, Design and Access Statement (incorporating Heritage Statement)
- Sustainability Statement
- Ecology Report
- Biodiversity Net Gain Statement
- Flood Risk Assessment
- Sequential Test Report
- Fire Strategy Statement
- Transport Letter
- Arboricultural Report

### **Location and Key Constraints**

The application site is located to the south of properties on the southern side of Farnaby Road. The wider site in the applicant's ownership currently comprises a detached two storey dwelling, with gardens surrounding it as well as positioned on the other side of the river - the land in the applicant's ownership is separated by the Ravensbourne River. There is a footbridge which at present connects the two halves of the wider site within the applicant's ownership, with the existing dwellinghouse sited to the west, and the proposed dwelling sought on land to the east, on the other side of the river.

The site is accessed via a narrow track which runs alongside the river before terminating at the existing footbridge.

The site is located within Flood Zone 3 and lies adjacent to Shortlands Village Conservation Area. The land to the south of site forms part of a golf course and is designated as Metropolitan Open Land and Site of Importance for Nature Conservation.

### **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*

- unclear if the proposed dwelling would be adjacent to the current property or on the land across the river
- inappropriate in view of the size of the site
- too intrusive in a small plot
- density of the dwellings would be unacceptable
- overdevelopment/backland development - dwelling represents backland/tandem development that is inconsistent with the character of Farnaby Road
- out of character
- scale and massing
- subdivision of the existing garden creates a cramped layout
- misleading massing
- overbearing addition, loss of quiet/open character
- 

##### *Residential Amenity*

- development would directly adversely affect the value and amenity of properties at the rear of 187 and 189, 191, 193 and 195 Farnaby Road as well as the properties on Ravensbourne Avenue whose rear gardens back onto 189A Farnaby Road
- noise from increased traffic
- the plans state that 187 is currently subject to existing vehicle movements along the full length of its rear garden from 189A's owner, but this is only once or twice a day
- new house will cause a far greater amount of traffic
- introduces traffic, noise, and activity into what is presently a tranquil rear garden setting
- loss of privacy and overlooking to sensitive living areas
- impact on outlook
- overshadowing/loss of daylight and sunlight
- no BRE-compliant assessment of daylight, sunlight, or overshadowing impacts has been submitted with the application
- noise and disturbance
- inadequate boundary treatments
- unclear what impact the new build will have on existing property (189a) which has repeatedly been refused planning permission for extensions
- query about how extensive building work would be managed
- disruption to surrounding properties
- introduce vehicular movements over the bridge
- disturbance during construction work
- height would be higher given that building would be on a raised platform

##### *Flood Risk*

- site lies adjacent to the River Ravensbourne. Environment Agency flood maps identify the area as a Flood Zone 3, indicating a high risk of flooding
- less grass and topsoil will reduce ground water absorption and increase surface water runoff

- during heavy rains the river frequently becomes fast flowing, sometimes covering the small bridge
- water risks being forced towards neighbouring properties
- proposed development would increase impermeable surfaces in an area already susceptible to flooding from the Ravensbourne River, potentially increasing surface water runoff and flood risk to neighbouring properties
- No.167A is not next to the River Ravensbourne, which is used in this area by the Environment Agency as an 'outfall' to release excess water during heavy rainfall
- a bigger bridge for vehicle access
- understand the Environment Agency has given permission for a new bridge to access the proposed dwelling
- do not believe it has adequately taken into account the current bridge and the surrounding environment
- plans to demolish the old wooden bridge and replace it with a much larger bridge that can take a car, as well as significantly increasing the concreted area
- additional small properties in area are not required
- water has exceeded the existing bridge
- Flood risk must be assessed based on long-term modelling, climate change allowances, and worst-case scenarios, not individual observation
- Environment Agency permit relates only to the structural acceptability of the bridge within the river corridor and does not assess the wider flood risk implications for neighbouring land or properties
- Sequential test area is too narrow and concerns regarding the Exception Test
- residual Flood Risk and Climate Change
- inappropriate development in Flood Zone 3
- loss of active flood plain
- appeal examples that have been dismissed

#### *Highways*

- inadequate access to Farnaby Road
- no clarification about who would actually own the driveway and have permissible right of way
- do not agree that the access to the site from Farnaby Road is relatively open
- driveway is very narrow
- not designed for traffic
- will not allow for heavy lorries to get access down the side without considerable upheaval, noise and air pollution
- unsuitable for fire engines, emergency services or refuse collection to access the properties easily

#### *Housing*

- misapplication of housing need arguments
- applicant refers to housing need and policy support for smaller dwellings, this does not override the requirement to ensure development is appropriate for its location
- although the proposal would deliver a single additional dwelling, the harms identified above—particularly in relation to flood risk, backland overdevelopment, and residential amenity—are significant and demonstrable
- the presumption in favour of sustainable development should not apply in this case
- does not provide meaningful contribution to affordable housing
- comes at cost of significant harm to amenity and character

#### *Ecology*

- *change to bridge does not appear to be included in ecology report*
- *building a larger bridge for traffic to the proposed new build risks harm to the surrounding biodiversity and wildlife living in and alongside the river*
- *impact on river environment needs further consideration*

#### *Japanese knotweed*

- adjacent property contains known Japanese knotweed

- likely it will also exist in 189A's garden
- construction and excavation on the neighbouring site could spread rhizomes, increasing the risk to adjacent property and interfering with ongoing control efforts
- application does not include a Japanese Knotweed Management Plan, leaving this risk unmitigated
- understand Bromley Council recognises Japanese knotweed risk as a valid planning concern due to potential structural damage and amenity impact

### Representation from Applicant

- proposed dwelling is across the river and not adjacent to the existing property
- Ecology Report is very comprehensive and covers all aspects of the site affected by the development
- recommendations of this report are very clear for all to read, which does include consulting with the Environmental Agency, which has already happened
- Flood Risk assessment is also very comprehensive and finds that not only can the development be delivered safely and compliantly (subject to Conditions), the site also passes the Exception and Sequential Tests
- the river has never even reached the underside of the existing bridge, let alone covered it
- Transport Letter demonstrates that the driveway exceeds minimum standards, can accommodate a passing point and has compliant visible sight lines
- responsibility of the applicant to commission all professional reports prior to submission of a planning application. Who else would do it?
- siting of the proposed dwelling is a minimum of 24m away from any existing property
- far exceeds any minimum separation guidelines required by Bromley Council
- actual siting of the proposed dwelling and its design was chosen specifically to minimise the impact on neighbouring properties
- Paragraph 2.1.17 of the BLP notes that the 2014 Strategic Housing Market Assessment (SHMA) highlights that the highest level of need across tenures within the Borough up to 2031 is for one-bedroom units (53%) followed by two bedroom units (21%). In addition, Paragraph 4.10.3 of the London Plan notes that well designed one and two-bedroom units in suitable locations can attract those wanting to downsize from their existing stock, and this ability to free up existing family stock should be considered when assessing the mix of new build developments. The application proposal is therefore considered to accord with Policy H10: Housing size mix of the London Plan
- impact this proposal would have on all neighbouring properties is covered under all current council planning guidelines and policies, as shown within the submitted Design & Access statement
- no proof or evidence that a new build would devalue surrounding properties
- Hours of construction are determined by Condition
- efforts will be made to reduce the impact of construction upon neighbours, as it is my intention to permanently reside in this new property
- "Backland development, as managed by the London Borough of Bromley, refers to the construction of new residential units on land located behind the rear building line of existing properties". The properties at 167a and 189a Farnaby Road and both constructed behind the rear building line of existing properties. Therefore, by Bromley Councils own definition, the principal of backland development in the area is not new and has been established
- garden land of the proposal has not been sub-divided from the existing garden of 189a Farnaby Road
- existing rear garden for that property is unaffected by this application
- presence of Japanese Knotweed is not a material consideration for the determination of a planning application
- control and/or removal of it is covered by Condition. No Japanese Knotweed is present on site
- The application to construct a new bridge involved months of dialogue with the Environmental Agency, including consultations with structural engineers
- permit to construct the new bridge was only issued after the Environmental Agency were completely satisfied that the new proposed bridge would have no impact on the river or the existing flood defences

- ownership or permissible rights of way of the driveway are private matters and not a material consideration for the determination of the planning application
- existing ownership of the driveway has already been determined as part of the planning application
- submitted Fire Strategy Statement should be read in full, as this addresses the concerns with fire engines.
- submitted Transport Statement should be read to address concerns with refuse collection
- highlight the conclusions of both the Flood Risk Assessment and also the Sequential and Exception Test reports
- overlooking is the nature of all residential development
- ecology report submitted with the application
- Transport Statement has been submitted with the application and confirms the site access conforms to all relevant transport policies
- Backland Development: Comprehensive documentation and comparable evidence of an identical planning application, recently approved by Bromley Council, has been submitted with this application
- Increased vehicle access: Documentary evidence of a directly comparable planning application

*A full copy of all representations can be found on the application file.*

### Bromley Biodiversity Partnership –

#### *BNG*

This application appears to meet the self-build exemption criteria for the BNG requirements, but we note that the applicant also owns the "main house" at 189a Farnaby Road and therefore assume that the LPA will require the applicant to demonstrate that once complete the new dwelling will be their main residency. If this will not be the case the BNG legislation should apply.

#### *Trees*

One tree will be felled, but this is a non-native laurel tree. If planning approval is granted the RPA of other trees will be disturbed, so following the provisions of the Arboricultural report should be a condition, to minimise damage to the roots and existing trees. New planting should use native species where possible, or those attractive to pollinators. Cherry laurel and other invasive species should not be planted on site.

#### *River Ravensbourne*

The access track is adjacent to the River Ravensbourne, and the bridge across the river will need to be rebuilt. We are concerned about potential pollution to the river during the construction phase. The PEA recommends that the Environmental Agency is involved in the planning process. Appendix C shows a document related to a permit for an enlarged bridge, but the limited extract presented does not make it clear whether the full scale of the works was anticipated in the permit process, or whether there were any conditions to the permit. The permit did not appear to be included on a publicly available register. The CEMP should be approved by the LPA prior to any work commencing on site, which should include detailed provisions to prevent any type of pollution to the river.

Local residents have indicated concerns about Japanese Knotweed being spread by the works. The PEA did not note Japanese Knotweed on site, but as it was carried out at the time of year when the plant may not have produced that year's shoots, it is possible it could have been missed, particularly if last years dead stems had been cleared. If this plant is found on site it is essential that no part of the plant enters the river, and it must be carefully removed from site in accordance with relevant legislation.

#### *Bats*

The site is very likely to be used for foraging and commuting bats. Therefore it is essential that a bat friendly lighting scheme is used to avoid any disturbance to the bats. Bat boxes could be added to the south aspect of the building to provide roosting opportunities.

### **Comments from Consultees**

Highways Officer – no objections raised subject to suggested conditions

Thames Water – no comments to make at this time

Drainage Officer – ask for permeable paving to be used in all those areas. Condition suggested to seek detailed design measures. A surface water strategy to highlight surface water flood risk and propose mitigation measures by using SUDS measures should also be provided.

Tree Officer – no objection subject to pre-commencement condition relating to tree protection measures

Environment Agency – Objections raised (outlined within the ‘Flood Risk’ section of the report below)

Waste Advisor – no comments received

London Fire Brigade – No comments received

## **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 any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was updated in 2024 and is a material consideration.

The development plan for Bromley comprises the Bromley Local Plan (2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

### London Plan (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
- D14 Noise
- H1 Increasing Housing Supply
- H2 Small sites
- H9 Ensuring the best use of stock
- H10 Housing Size Mix
- S1 Improving air quality
- S14 Managing heat risk
- S15 Water infrastructure
- S17 Reducing waste and supporting the circular economy
- S112 Flood risk management
- S113 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 (2019)

1	Housing supply
3	Backland and Garden Land Development
4	Housing design
6	Residential Extensions
8	Side Space
30	Parking
32	Road Safety
33	Access for All
34	Highway Infrastructure Provision
37	General design of development
69	Development and Nature conservation sites
72	Protected Species
73	Development and Trees
74	Conservation and Management of Trees and Woodlands
77	Landscape Quality and Character
79	Biodiversity and Access to Nature
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

Urban Design Guide Supplementary Planning Document (July 2023)

London Plan Guidance - Housing Design Standards (June 2023)

London Borough of Bromley Strategic Flood Risk Assessment (August 2017)

PPG Flood risk and coastal change (Updated September 2025)

### **Planning History**

The relevant planning history at the application site/ No. 189A can be summarised as follows:

- 25/04449/HPA - Demolition of existing detached double garage, existing first floor front projection with dormer extension, and existing rear dormer. Construction of two storey side extension, a single storey front extension, rear dormers and elevational alterations, and enlargement of

existing rear dormers and alteration of rear dormers from flat roof to pitch roof – Refused but later allowed at appeal

*“1. The proposed extensions, by reason of their design and scale, would appear out of character, cramped and harmful to the appearance of the host dwelling and visual amenities of the area, thereby contrary to Policy D3 of the London Plan, Policies 6, 8 and 37 of the Bromley Local Plan and the Urban Design SPD (Bromley 2023).”*

In allowing the appeal the Planning Inspector concluded that the extension would not appear cramped within the site.

- 25/02067/PLUD - Single storey rear extension. LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) – Not Lawful for the following reasons:

*“The proposed development would not fall within "permitted development" by virtue of Class A Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as such "permitted development" rights were removed by Condition (v) of ref. 80/2407.”*

- 24/04226/FULL6 - Demolition of existing detached double garage, existing two storey front projection and existing dormer extensions, and construction of two storey side extension, enlargement and alteration of existing roof including increase in height, enlargement of existing front gable, front porch extension and elevational alterations – Refused for the following grounds:

*“1. The proposed extensions, by reason of their design and scale, would appear out of character, cramped and harmful to the appearance of the host dwelling and visual amenities of the area, thereby contrary to Policies 6, 8 and 37 of the Bromley Local Plan and Policy D3 of the London Plan.”*

- 84/02093/FUL - Single storey side extension and rear dormer extensions detached dwelling – Granted
- 80/02407/OTH - R/O 189 Farnaby Road Bromley Kent BR2 0BA - Detached bungalow with double garage (Revised siting as drawing received on 24th May 1983)– Granted (Permitted development rights removed)

## Considerations

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

- Housing Supply
- Design and Scale
- Standard of Accommodation
- Highways
- Neighbouring amenity
- Flooding Risk
- Trees
- Biodiversity Net Gain

### Housing Supply

The NPPF advises in paragraph 11d(i) that the presumption in favour of sustainable development will apply (including in instances where a five-year housing land supply cannot be demonstrated) unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

The latest published five-year housing land supply (covering the period 2024/25 to 2028/29) is 2,541 units or 1.93 years supply. This position was agreed in October 2025 and is acknowledged as a very significant

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 proposal would provide 1 residential unit. This represents a limited contribution to the Council's housing supply and minor weight will be given to the contribution to housing supply in the planning balance.

### Design

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

Policies 4 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, are of a high quality design and are compatible with surrounding development. Policy 3 relates to Backland and Green Garden Land Development and states that new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met:

- a - 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;
- b - There is no unacceptable loss of landscaping, natural habitats, or play space or amenity space;
- c - 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;
- d - A high standard of separation and landscaping is provided

Policy 8 of the Bromley Local Plan (2019) (the Local Plan) requires new residential development of two or more storeys in height to retain a minimum one metre space from the side boundary for the full height and length of the building; or where higher standards of separation already exist within residential areas, development will be expected to provide a more generous side space.

The Urban Design Guide SPD sets out detailed guidance on the design of development within the Borough. With regards to architectural design, DG5 states that development reflect and respond to the prevailing rhythm, scale, proportion and detailing of existing buildings and elements, should ensure that roof forms relate to the character and form of the building and should minimise the visual impact on the street. Overly prominent elements which appear detached from and/or unrelated to the existing context are unlikely to be considered acceptable.

DG7 of the Urban Design Guide SPD states inter alia that development proposals should have a positive and considered relationship with neighbouring buildings and spaces, should consider day-to-day operational requirements and should ensure that new homes have character and identity informed by local context.

The case officer has assessed the proposal against the above-mentioned policies in terms of its design, with particular regard to the impact on the character and appearance of the host building and the wider area and having regard to the representations made by local residents.

The immediate area is primarily characterised by detached or semi-detached two storey houses although there is a single storey detached property located at No.167a. It is noted that this building is not a recent addition and has been established historically. In 1989, an outline planning application to demolish the existing dwelling at No. 167A and to erect two dwellings on the site was refused and dismissed at appeal under ref. 89/00951/OUT on the basis that the application would constitute an unacceptable form of backland development detrimental to the privacy and amenities of adjoining properties, and an unacceptable

intensification of the use of the site. No.167a is set within a much larger plot and is wholly single storey. The "host" dwelling at No. 189a appears to have been constructed approximately 45 years ago, on a much larger site than the application severance site (given it included the land around the dwelling as well as the land indicated to comprise the red line application site in this current application).

With regards to the design, the proposed dwelling would feature a two storey dwelling in chalet bungalow style (with the first floor accommodation provided by raised side gables and two dormer windows and lit by rooflights along with the dormer window openings. This is considered in itself not unduly out of keeping within the area in terms purely of the building typology/form. However, the proposed dwelling would sit within close proximity to the side and rear boundaries within a plot of restricted size. A minimum of 1m side space would be retained to the side boundaries which although would comply with the requirements of Policy 8 in so far as the building would not result in unrelated terracing, the proposed building would be cramped within its plot, lacking in sufficient space around the building. The proposed footprint of the proposed building together with the amount of hardstanding required, would occupy the majority of the site, leaving limited amenity area to the proposed building at the rear. The plot size of the proposed development, its siting and the extent of built development, would be cramped and uncharacteristic of the area.

The Applicant has provided examples of another development permitted in Beckenham under ref. 25/01077/FULL1 however its is not considered comparable to this case given the differences between the two sites. In any case, it is noted that each case must be considered on its own merits.

Having regard to the above, it is considered that the proposed dwelling would result in a cramped form of backland development that would be out of keeping with surrounding pattern of development and harmful to the overall character of the area.

#### Standard of 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' and states in effect 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 space 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.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

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'.

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.

The application would provide a two bedroom dwelling set over two storeys, for which the submitted plans indicate would be capable of accommodating 4 persons.

The normal expected space standards for a two bedroom, 4 person dwelling set over two floors would be 79sqm, with best practice guidance recommending 86sqm. In terms of combined living/kitchen/dining space, paragraph C2.5 of the Housing Design Standards LPG states that a two bedroom four person unit should meet or exceed 27 sqm which in this case the proposal does.

The application form indicates a GIA of 161sqm would be provided which would meet the minimum requirements. Furthermore, the general shape, room size and layout of the rooms would be satisfactory. The proposed dwelling would benefit from suitable private amenity space which would be in excess of the minimum standards normally expected. However concerns remains regarding the cramped nature of the proposed development, with the proposed garden appearing at odds with the surrounding more generously proportioned rear gardens which collectively contribute to the spacious character of the area.

Having regard to the above, it is considered that the proposed dwelling would provide a suitable standard of accommodation for future occupiers although concerns remain regarding the cramped nature of the site.

### Neighbouring amenity

Policy 37 of the BLP 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 case officer has assessed the proposal against the above-mentioned policy in terms of the impact on neighbouring residential properties with specific regard to the above-mentioned criteria. Representations made by local residents have also been taken into account.

There have been a number of concerns raised by local residents which have been summarised above and carefully considered as part of assessing the application. The proposed dwelling would be accessed via the existing access road currently used for the single dwelling at No.189a. The proposed building would be located to the rear of No. 183-187 Farnaby Road, beyond the rear boundaries of these properties. The proposed dwelling's accommodation would be set over two storeys, to a maximum height of 6.55m. There is limited screening along the rear boundary of the neighbouring properties and the proposed dwelling is likely to be highly visible from the neighbouring properties, and it is considered that the proposed dwelling would be overbearing in appearance. Although, no first floor flank windows and rooflights are proposed to the rear which would help to minimise overlooking, the proposed front dormer windows would provide some views into neighbouring properties. The raised gable walls to each side would increase the visual prominence of the development as viewed from the neighbouring properties to the north. However, the main impact would be upon the donor dwelling at No.189a.

Although the proposed dwelling would be accessed via an existing road, the access way is directly adjacent to No. 189 Farnaby Road, with its rear garden running along the length of the access. The intensified use of the site would also involve increased vehicular and pedestrian movements along this boundary which would be at odds with the existing arrangement where access to the site across the river is limited. This would be detrimental to the current residential amenities this property currently enjoys. In addition, vehicular movement would be introduced the rear of properties at No.185 and 187 given that the existing footbridge is proposed to be replaced with a bridge capable of vehicular traffic. These car movements would be in close proximity to the rear boundaries of these residents and it is considered unneighbourly in this location.

Having regard to the scale, height and siting of the proposed dwelling, it is considered that a significant loss of amenity with particular regard to outlook, noise and disturbance would arise.

## Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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

### - *Car Parking and access*

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 application site lies in an area which according to Transport for London's (TfL) Planning Information Database has a PTAL rating of 2 on a scale of 0 to 6b, where 6b represents the highest level of accessibility. Vehicular access would be taken via an access road from Farnaby Road which is currently used to access No.189a. One car parking space is shown on the submitted plan, which is considered acceptable.

The Council's Highways Officer has commented on the proposal on the basis of the information provided within the supporting transportation documentation. It is stated in this document that the access road is generally 4.5m wide for the first 20m, therefore two-way traffic is provided. It is noted however that there is an area of pavement which runs alongside the river which has not been clearly annotated on the submitted drawing and no information has been provided by the Applicant as to where these dimensions have been taken.

### - *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.

Cycle parking is required to be 2 spaces for dwellinghouse as proposed which have been shown on the submitted drawings.

### - *Refuse*

All new developments shall have adequate facilities for refuse and recycling. Refuse storage is shown on the submitted plans and it is stated that currently the refuse bins are collected at the gate of the site, similarly at No.176A.

## 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 application includes a Fire Statement. A minimum carriageway width of 3.7m is required which is unclear from the information provided. It is unclear whether the dimensions for the width of the vehicular driveway include the raised path on the left immediately adjacent to the river. The proposed arrangements would also need to be compliant with current Building Regulations.

### Flooding Risk

The application site lies within Flood Zone 3 and is adjacent to the River Ravensbourne. Policy 115 of the Bromley Local Plan and Policy SI 12 of the London Plan seeks to ensure that development proposals minimise and mitigate flood risk.

The Environment Agency have raised objections to the on the basis of the following:

- Flood risk – finished floor level
- Floodplain compensation
- Proximity to the flood defences

#### *Objection 1: Flood risk – finished floor level*

The site is located in Flood Zone 3 and the Flood Risk Assessment (FRA) submitted with this application does not comply with the requirements set out in the National Planning Policy Framework (NPPF) as it does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

- state the finished floor levels for the proposed development (in metres above Ordnance Datum, mAOD).
- demonstrate that the finished floor levels for all sleeping accommodation are above the relevant modelled breach flood level.

The 1 in 100 + 17% climate change extent displays flood levels to be 33.63mAOD, therefore the finished floor levels are required to be set to a minimum of 33.93mAOD. The finished floor levels need to be reflected within the submitted plans. This advice is supported by the planning policies set out in the London Plan (2021) – Policy SI 12 Flood risk management.

#### *Objection 2: Floodplain compensation*

The FRA does not adequately demonstrate that flood storage compensation would be achieved on both a level-for-level and volume-for-volume basis. Consequently, it has not been demonstrated that the development would avoid impeding flood flows or reducing floodplain storage capacity, which could increase flood risk elsewhere. The applicant should also be made aware that the Environment Agency does not generally accept the use of voids to mitigate flood storage loss.

#### *Objection 3: Proximity to the flood defences*

The submitted documents should clearly identify the distance between the outside edge of the main river and the closest point of the proposed development. Although the proposed building may be situated more than 8 meters from the edge of the main river, it has not been demonstrated that all associated works, including groundworks and the storage for materials during construction, would be undertaken outside the margin.

The application is accompanied by a Flood Risk Assessment. A query was raised by the Council's Drainage Advisor regarding the Ravensbourne 2015 modelling used within the FRA as this has subsequently been updated by the 2025 modelling. The Environment Agency responded to confirm that the initial objections

raised are still relevant to the application and advised that whilst some of the site is within Flood Zone 3b, all of the development falls within Flood Zone 3a. Planning Practice Guidance (PPG) defines land within Flood Zone 3a as have a 'High Probability' of flooding. A culverted stretch of the River Ravensbourne which is a designated main river is directly adjacent to the site.

Paragraph 170 of the NPPF (December 2024) states, in relation to Flood Risk *"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere"*.

Paragraph 171 states, *"Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards."*

The Environment Agency generally requires an 8m offset between the edge of built developments and main rivers, in order to avoid adverse effects on the construction and stability of river structures, and to accommodate essential maintenance, emergency works and future repairs, or replacement, of river structures. This allows for better optioneering for maintenance and replacement works in addition to allowing extra space for adaption to the challenges posed by climate change. The London Borough of Bromley's Strategic Flood Risk Assessment (SFRA) is consistent in this regard, stating:

*"Developers must aim to set back a development from the edge of adjacent waterways in order to provide a buffer strip to 'make space for water' and allowing additional capacity to accommodate the effects of climate change. This is also necessary in areas where flood defences or other engineered structures are present in order to provide a corridor for maintenance and improvement works. As a minimum, development should be set back:*

- 5 metres from ordinary watercourses;*
- 8 metres from fluvial Main Rivers; and An Environmental Permit will be required from the EA for all works within 8 metres of Main Rivers. It should be noted that although planning consent may be granted in the absence of the correct Environmental Permit being obtained, this does not negate the need to obtain a permit from the EA prior to commencement of construction works within 8 metres of a Main River."*

Notwithstanding the above, the application is also required to meet the sequential test as set out in the NPPF (December 2024) and associated technical guidance and Policy 115 of the Bromley Local Plan, as the site lies within Flood Zone 3. In accordance with the NPPF (December 2024), the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (paragraph 174). That means if this proposed development could be accommodated on a reasonably available site elsewhere, the sequential test would not be passed.

The PPG provides national guidance on how to apply the sequential test.

A Flood Risk Sequential & Exception was received as part of the has been provided as part of the submission.

The Applicant has outlined their methodology for the sequential test, limiting the search area to Shortlands rather than a Borough-wide search on the basis of the scale of the application and reference to the updated PPG. In terms of the assessment of alternative sites referred to in the sequential test report, it appears that the search has been carried out within a reasonable search area and that a review of properties on the market has been undertaken.

Officers have reviewed the sites independently and would accept that there appears to be no other reasonably available sites at lower risk of flooding that would be capable of accommodating the specific development applied for.

Regardless of the exception test/sequential test conclusions, the Environment Agency has raised statutory objections to the development, citing concerns regarding the information submitted within the Flood Risk

Assessment and the extent to which this information demonstrates that the development would address flood risks to future occupiers as well as on land elsewhere, and with regard to there being adequate information to satisfy them that the development would not adversely impact on the flood defence/main river.

### Trees

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

The Council's Tree Officer has not raised objections to the proposal but have suggested that a pre-commencement condition relating to tree protection measures in accordance with the tree protection plan be installed.

### 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.

It is stated that the replacement dwelling is to be a Self-build and custom build house defined under the Self-build and Custom Housebuilding Act 2015 (as amended) as a housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual.

The applicant/owner has filled out a self/custom build self-declaration form to this effect which has been submitted to the LPA.

Officers have reviewed the information and conclude that the 'self/custom build' exemption category is acceptable in this case. A S106 legal agreement is recommended for compliance which the Applicant has agreed to enter into should permission be granted.

### **Conclusion**

Having had regard to the above it is considered that the development in the manner proposed is not acceptable as it would result in a cramped form of development that would be harmful to the overall character and visual amenities of the area. Furthermore, the development would harm the amenities of nearby residents as a result of its scale, siting and the increased residential intensity of the backland site and the constrained access. The proposal also fails to demonstrate that the proposed development would not have a detrimental effect upon flooding and the main river/flood defence, and that future occupiers of the dwelling would not be at risk from the impacts of flooding.

In the planning balance, while the proposal would provide 1 no. additional dwelling and the Council cannot demonstrate a 5 year housing land supply, the minor contribution that the development would make to the supply of housing within the borough would be clearly and demonstrably outweighed by the adverse impacts arising from the development with regard to residential and visual amenity as well as in light of the statutory objections raised by the Environment Agency with regard to flood risk, the siting of the development relative to their asset and the vulnerability of future residents to flood risk.

**Recommended Decision:**

REFUSED

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