

PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 7.00 pm on 26 October 2017

Present:

Councillor Katy Boughey (Chairman)
Councillors Kevin Brooks, Simon Fawthrop, William Huntington-Thresher, Charles Joel, Russell Mellor, Alexa Michael, Keith Onslow and Angela Page

Also Present:

Councillors Graham Arthur and Tony Owen

10 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Douglas Auld and Councillor Angela Page attended as his substitute.

Councillor Simon Fawthrop also attended as a substitute Member.

11 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

12 CONFIRMATION OF MINUTES OF MEETING HELD ON 31 AUGUST 2017

RESOLVED that the Minutes of the meeting held on 31 August 2017 be confirmed and signed as a correct record.

13 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

13.1 BROMLEY COMMON AND KESTON

(17/03204/FULL6) - Woodside, Barnet Wood Road, Hayes, Bromley, BR2 8HJ

Description of application – Enlarge existing porch with wheelchair ramp to improve accessibility.

Oral representations in support of the application were received at the meeting.

Councillor Alexa Michael was familiar with the planning history of the site and supported the application. She emphasised that personal circumstances were not normally taken into account but in this case the effect on the green belt was marginal.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** subject to the following conditions:-
“1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.
REASON: Section 91, Town and Country Planning Act 1990.
2. Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.
REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.
3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.
REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.”

**13.2
BROMLEY COMMON AND
KESTON**

**(17/03391/PLUD) - 2 Barnet Wood Road Hayes
Bromley BR2 8HJ**
Description of application – Detached garden unit at the rear of the property for games room/bar and lounge area
LAWFUL DEVELOPMENT
CERTIFICATE (PROPOSED).

**THIS REPORT WAS WITHDRAWN BY THE
APPLICANT.**

SECTION 3

(Applications recommended for permission, approval or consent)

**13.3
CHISLEHURST**

**(17/01880/FULL6) - 32 Highfield Road, Chislehurst,
BR7 6QZ**
Description of application – First floor side and single storey front and rear extensions.

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

**13.4
BROMLEY TOWN**

**(17/02261/FULL1) - 2A Shortlands Gardens,
Bromley, BR2 0EA**

Description of application - The construction of a single-storey side/rear extension.

Oral representations in objection to the application were received at the meeting.

The Chief Planner's representative reported that a late letter from the applicant had been received and circulated to Members. An email and photograph from Ward Member, Councillor Michael Rutherford, in objection to the application had also been received and circulated to Members. The applicant had confirmed that he owned the whole garden area and there were no rights of access for any neighbour. The Chief Planner's representative advised Members that issues raised by objectors relating to access and ownership of the land was a civil matter should not take this into consideration.

The Chairman supported the application and Councillor Charles Joel had visited the site and also supported the application.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**13.5
PETTS WOOD AND KNOLL
CONSERVATION AREA**

**(17/02535/RECON) - 10 Wood Ride, Petts Wood,
Orpington, BR5 1PX**

Description of application – Application submitted under S73 of the Town and Country Planning Act 1990 for the variation of Condition 3 to DC/16/00572/FULL6 granted for part one/two storey side/rear extension with dormer windows, inset balcony, alterations to detached outbuilding to rear, additional vehicular access, elevational alterations and associated landscaping, to facilitate the addition of a basement, a chimney flue to the front elevation, 1 x rooflight to the side and internal alterations.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Member, Councillor Tony Owen in

objection to the application were received at the meeting. A further submission from the objector had been received and circulated to Members.

Councillor Owen referred to an article in the Evening Standard on 19 July 2017 that highlighted the value of Knoll Reece houses in Petts Wood being 'top notch' and said that The London Borough of Bromley did not have a basement policy. He doubted whether the application was personal and, in his view, it was a developer application and referred to application (16/03728/FULL1) validated on 8 August 2016 for the demolition of the existing dwelling and erection of a replacement 5 bedroom detached dwelling that had been withdrawn by the applicant.

Councillor Simon Fawthrop read his representation **attached as an Annex to these minutes** in which he proposed five grounds of refusal if the application were not permitted.

The Chairman said that the basement aspect of the application was the concern and that a structural survey had been received in support of the application.

Councillor Joel said that if Members were to permit then the applicant needed to consider the importance of professional representation during construction, indemnity insurance, the inclusion of a construction design and management statement, building regulation consents and the Party Wall Act. He supported the application and referred to other properties in north London that had added basements to properties and to improved underpinning and drilling techniques.

Councillor Keith Onslow objected to the application due to increased density.

Councillor Michael said that each application should be judged on its merits but properties with basements in north London should not be compared with Noel Rees houses and that as application DC/16/00572/FULL6 had already been granted planning permission she objected to the application.

Councillor William Huntington-Thresher referred to the proposed reasons for refusal that Councillor Fawthrop had presented and was concerned that a reason with

regard to density was inappropriate. In reply to a question from Councillor Huntington-Thresher the Chief Planner's representative confirmed that the proposed basement would be approximately three metres from the boundary of the neighbour's property.

Councillor Kevin Brooks said that many of the reasons for refusal suggested by Councillor Fawthrop had been covered in the permission already granted (DC/16/00572/FULL6) and that if the application were to be refused it should be refused on basement grounds only.

The Chairman agreed with Councillor Huntington-Thresher that the third reason for refusal proposed by Councillor Fawthrop was inappropriate and that if Members refused the application it should not be included and Councillor Joel seconded the motion. Members voted 3:4 to include the proposed third ground of refusal.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** for the following reasons:-

1. The application is contrary to Policy H10 Appendix 1 paragraph 1.2(i) in that the development erodes the individual quality and character of the Area of Special Residential Character in that it introduces basement developments into the both the Conservation Area and the Area of Special Residential Character when none currently exist, severely eroding the nature and Character of the area.
2. The application is contrary to Policy BE11 in that it does not respect or compliment the layout scale, form and materials of existing buildings and spaces, nor does it respect and incorporate the design, existing landscape or other features that contribute to the Character, appearance or historic value of the Chislehurst Road Conservation Area in that there are no basements existing within the conservation area.
3. The density exceeds that in the surrounding area which would be in breach of Policy H7 table 4.2 and H10 Appendix 1 paragraph 1.2 (ii) residential density shall accord with that existing in the area.
4. The proposal, by reason of the introduction of a basement, represents a cramped overdevelopment of the site out of character and harmful to the spatial standards of the Chislehurst Road Conservation Area contrary to Policies BE1, BE11, H8 and H9 of the Unitary Development Plan.

5. The part demolition of the dwelling would detract from the character of the Conservation Area, contrary to Policies BE1 and BE12 of the Unitary Development Plan.

**13.6
CRYSTAL PALACE**

(17/02975/FULL1) - 122 Anerley Road, Penge, SE20 8DL.

Description of application – Demolition of existing building and construction of a mixed use four storey building with basement comprising a commercial unit (Use Class A1) at ground and lower ground level and 8 residential units (4 x one bedroom flats and 4 x two bedroom flats) and associated amenity space.

It was reported that a late letter of support had been received and that Ward Member, Councillor Angela Wilkins, supported the application.

Members having considered the report and objections, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with a further condition to read:-
“13. No part of the development hereby permitted shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of arrangements for establishment of a car club to serve the development. The approved arrangements for the car club shall be in operation before first occupation of any part of the development and shall be permanently retained thereafter.
Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.”

**13.7
CHISLEHURST**

(17/03002/FULL6) - 5 Greenway, Chislehurst, BR7 6JQ

Description of application - Single storey rear extension.

Oral representations in objection to and in support of the application were received at the meeting. Photographs from the objector had been received and circulated to Members.

The Chairman had visited the site.
Members having considered the report, objections and representations, **RESOLVED that the**

application BE DEFERRED, without prejudice to any future consideration, to check the height of the proposed extension above the decking.

**13.8
PETTS WOOD AND KNOLL**

(17/03501/FULL6) - 82 Lynwood Grove, Orpington, BR6 0BH

Description of application – First floor and single storey rear extensions, alterations to porch and roof alterations to form additional habitable space including rooflights.

Councillor Fawthrop objected to the design, bulk and the impact on the street scene that would affect residential amenity and in particular the loss of daylight through the winter months to 84 Lynwood Grove.

Members having considered the report and objections, **RESOLVED that PERMISSION BE REFUSED** for the following reasons:-

1. The proposal, by reason of its bulk, design and siting in a prominent corner plot, would appear unduly prominent in the streetscene and would result in a harmful impact on the residential amenity of No. 84 Lynwood Grove by virtue of a loss of light and outlook, contrary to Policies H8, H9 and BE1 of the Unitary Development Plan and Draft Policies 6, 8 and 37 of the Proposed Submission draft Local Plan.

**13.9
SHORTLANDS**

(17/03755/FULL6) - 78 Kingswood Avenue, Shortlands, Bromley, BR2 0NP.

Description of application – Two storey front and side extension with canopy porch, two storey rear extension and single storey rear and side extension, reduction in size of existing garage to become garden store and rear timber decking.

Members having considered the report and objections, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner with a further condition to read:-

“4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.”

**13.10
HAYES AND CONEY HALL**

(17/03904/FULL1) - 89A Hayes Lane, Hayes, Bromley, BR2 9EF

Description of application – Two storey front, side and rear extension.

Members having considered the report and objections, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**13.11
HAYES AND CONEY HALL**

(17/03938/FULL1) - 14 Kechill Gardens, Bromley Hayes, BR2 7NQ

Description of application – Single storey rear extension.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Graham Arthur, in objection to the application were received at the meeting.

Councillor Arthur referred to planning appeal 17/00472/FULL1 and its reason for dismissal. The excessive rearward projection of 4.9 metres and height of 3.75 metres along the adjoining boundary would have given rise to a significant loss of amenity to the adjoining neighbouring property at No.12. The applicant had now reduced the height of the proposal by 0.275 metres and angled the extension away by 45 degrees beyond 3.9 metres to 4.9 metres and Councillor Arthur's view was that 4.9 metres remained excessive.

The Chief Planner's representative reported that a letter from the applicant had been received and circulated to Members and two drawings had been also been submitted and he explained the measurements on the drawings.

The Chairman and Councillor Michael agreed with the Ward Member that the applicant had made an insufficient reduction in the size and scale of the proposed development.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** for the following reason:-

1. The proposed extension would, by reason of its excessive rearward projection, have a seriously detrimental effect on the outlook and prospect which the occupants of the adjoining dwelling might

reasonably expect to be able to continue to enjoy, contrary to Policies BE1 and H8 of the Unitary Development Plan, Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance and Draft Policies 6 and 37 of the Proposed Submission Draft Local Plan.

SECTION 4

(Applications recommended for refusal or disapproval of details)

**13.12
KELSEY AND EDEN PARK**

**(17/02050/FULL6) - 25 Bucknall Way, Beckenham
BR3 3XL**

Description of application – Outbuilding at rear.

Members having considered the report and objections, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the following reason:-

1. The proposal would be overly prominent and would be detrimental to the amenities that the occupiers of adjoining properties might reasonably expect to be able to continue to enjoy by reason of visual impact, loss of privacy and amenity in view of its bulk, height, siting and extent of glazing, thereby contrary to Policies BE1, H8 and G6 of Bromley's Unitary Development Plan.-

**14 MINUTE ANNEX - ITEM 4.5 (17/02535/RECON) 10 WOOD RIDE, PETTS
WOOD, ORPINGTON.**

The Meeting ended at 8.25 pm

Chairman

This page is left intentionally blank

ITEM 4.5 (17/02535/RECON) – 10 WOOD RIDE, PETTS WOOD, BR5 1PX

Madam Chairman

The applications before you tonight for 10 Wood Ride falls within the both the Chislehurst Road Conservation Area and the Petts Wood Area of Special Residential Character (ASRC), which was designed and built on the Garden Suburb principle.

Before I commence on a detailed response I'd like to draw to your attention some inaccuracies within the report. The first being that no reference is made to the ASRC anywhere within the report. The planning history also fails to report the withdrawn application 16/03728 which is substantially the same application that is before you tonight. This means that the plans are also subject to saved UDP policy H10 and the draft policy 44 of our new Local Development Plan.

Also no reference is made to the existing Petts Wood ASRC description, which I attach a copy for the minutes or the proposed ASRC description in Appendix 10.6 of the proposed Draft Local Plan which I also include a copy for an understanding of the impact that this proposal would have upon this Special Area.

It is also worth noting that there are two Article 4 directions in place, one around the front boundary treatment to preserve the low level open feel and a second around the front roof line to preserve the appearance of the Area and maintain standards.

The current UDP Appendix 1 paragraph 1.2 (Copy attached) makes it quite clear that new developments

- (i) **Will be resisted if they erode the quality and character of the ASRC, in respect of the ASRC description.**
- (ii) **Residential density shall accord with that in the area**
- (iii) **Spatial standards of new development (plot, width, garden depth and plot ratio shall accord with the general pattern in the area.**

These are just some of the guidelines that I have identified that this application breaches.

The fact is that the Petts Wood ASRC is one of only two similar areas in London the other being Hampstead Garden Suburb, which are of such an important quality that development cannot be a free for all. There are many examples of inspectors looking at the ASRC and recognising its importance, I am attaching four examples for you the first is in the same Conservation Area at 267 Chislehurst Road, and this points out that even if something can't be seen it can still do harm to the Character of the area.

The second is in The Conservation Area of the Chenies which was dismissed which demonstrates that an application can be a cramped overdevelopment of the site and harmful to spatial standards.

The 3rd is in relation to an application in the same road to demonstrate that inspectors uphold the areas character nearby.

The final appeal relates to an end plot in Ladywood Avenue which is by the same applicant to demonstrate that this is no ordinary householder appeal but something more commercial and systematic. The appeal again demonstrates that the spatial character and standards are very important.

One thing is clear, when the plots were established in Petts Wood it was for family housing with generous plot sizes and gardens as well as garages. By introducing basement development into the Conservation Area and ASRC this application completely undermines the notion of the Garden Suburb. The Garden Suburb does not have basements. This so severely erodes the Conservation Area and ASRC as to cause considerable and irreversible harm for current and future occupiers of the site and area.

The application increases the density out of all proportion to the plot size. It is also likely to cause considerable harm to the Noel Rees designed building in the Conservation Area and during any construction the adjoining occupiers would have an unacceptable deterioration in their Residential amenity.

Finally Madam Chairman I'd like to propose the following grounds for refusal.

- 1) The application is contrary to policy H10 Appendix 1 paragraph 1.2(i) in that the development erodes the individual quality and character of the ASRC in that it introduces basement developments into the both the Conservation Area and ASRC when none currently exist, severely eroding the nature and Character of the area.
- 2) The application is contrary to policy BE11 in that it does not respect or compliment the layout scale, form and materials of existing buildings and spaces, nor does it respect and incorporate the design, existing landscape or other features that contribute to the Character, appearance or historic value of the Chislehurst Road Conservation Area in that there are no basements existing with the conservation area.
- 3) The density exceeds that in the surrounding area in breach of policy H7 table 4.2 and H10 Appendix 1 paragraph 1.2 (ii) residential density shall accord with that existing in the area
- 4) The proposal by reason of the introduction of a basement, represents a cramped over development of the site out of character and harmful to the spatial standards of the Chislehurst Road Conservation Area contrary to policy BE1, BE11, H8 and H9 of the Unitary Development Plan.
- 5) BE12

Petts Wood ASRC Description

1.3 Petts Wood:

The original plans for Petts Wood date from the late 1920s and early 1930s. While Houses were built over a number of years, in a number of similar though varied styles, the road layout and plot sizes were established in an overall pattern. Today the layout remains largely intact. Within the overall area the **Conservation Areas of the Chenies and Chislehurst Road** already stand out.

The plots were originally designed on the garden suburb principle by developer Basil Scrubby, with large plot sizes spaciouly placed. The characteristics of the Petts Wood ASRC include an open feel, predicated by low boundaries and visible front gardens, set back from the road; there is also spaciousness between the houses which is of a superior standard. This allows many of the trees and greenery which prevails throughout the area to be seen from the street scene giving the area its open and semi-rural feel in line with the garden suburb principle. This open and suburban aspect of the area underlines the special characteristic of the area. Development which erodes this principle will be resisted.

The separation between building and the rhythm and pattern of the houses adds to the special character. In many cases there is a much wider separation between houses than in other parts of the Borough which demands a higher degree of separation between buildings to maintain the special character, the openness and feel of the area. Where there are pairs of houses that complement the rhythm of the street scene there is also a prevailing symmetry between the houses. This symmetry can also be seen between neighbouring pairs. The plots are set out in such a way that the spacious character is one of a clear detached and semi-detached nature.

The front building and rear building lines are also of importance in defining the area. The buildings are of a 1930s design which adds to the character of the area. Whilst there have been some changes post war this design aspect of the area remains intact and future development should respect this characteristic. The front roof lines are also of a nature which enhances the characteristic of the area being largely untouched by roof extensions and conversions at the front.

The plot sizes and rear gardens are mostly of a size which is commensurate with the Garden Suburb principle and this characteristic also forms part of the amenity value which makes the area special.

When considering future development within the Petts Wood ASRC, the main focus will be on the impact of any proposed development on the ASRC, taking into account the design and spatial standards including the **low density** of existing development. Proposals which undermine the character, rhythm, symmetry and spatial standards of the area will be resisted unless very special circumstances can be demonstrated. Likewise new dwellings proposed on gardens and infill will also be strongly resisted unless very special circumstances can be demonstrated. In this context special is used in the dictionary sense to mean distinguished from others of the same category, because it is in some way superior or held in particular esteem. For a proposal to meet the very special circumstances test in this context would mean not only an enhancement to the ASRC but a consequence of not undertaking the proposal would undermine the Petts Wood ASRC or risk some form of harm to the ASRC.

11. **Bromley, Hayes and Keston Commons** – 18th and 19th Century buildings dispersed around public commons (2000).
12. **Bromley Town Centre** - oldest part of town centre, including Market Square and Victorian shops (1985).
13. **Broomhill, Orpington** - small group of largely Victorian houses, set around a common (1989).
14. **Cator Road, Penge** - Victorian suburban development of large detached houses (1984).
15. **Chancery Lane, Beckenham** - small scale mainly 19th Century development (1973).
16. **Chelsfield Village** - rural village (1972).
17. **The Chenies, Petts Wood** - 1930s suburban development (1982).
18. **Chislehurst** - the village and surrounding commons: 18th Century village, affluent Victorian/Edwardian suburb, later low density housing in mature landscapes, common land and Green Belt (1971).
19. **Chislehurst Road, Petts Wood** - inter-war picturesque houses in vernacular style (1989).
20. **Copers Cope Road, Beckenham** – Victorian and Edwardian detached and semi-detached houses (1999).
21. **Crystal Palace Park** - substantial Victorian houses surrounding historic park (1989).
22. **Cudham** - historic village centre (1985).
23. **Downe** - rural village (1977).
24. **Downs Hill, Beckenham** - cohesive inter-war development mainly in neo-Tudor and neo-Vernacular styles (1989).
25. **Durham Avenue, Bromley** - suburban development dating from the 1880s to the present day (1989).
26. **Farnborough Park** - mainly inter-war, detached houses on large plots with a mature landscape (1989).
27. **Farnborough Village** - village centre (1979).
28. **Garden Road, Bromley** - spacious Arts and Crafts suburban development (1989).
29. **Hayes Village** - village centre (1982).
30. **Keston Park** - mainly inter-war detached houses on large plots with a mature landscape (1989).
31. **Keston Village** - rural village (1989).



APPENDIX I

AREAS OF SPECIAL RESIDENTIAL CHARACTER

General guidelines

- I.1 In considering areas for designation as Areas of Special Residential Character, the Council will have regard to the following criteria:
- (i) there should be a sufficient number of properties to form an area of distinctive character. The area should be well established, readily identifiable and coherent;
 - (ii) the majority of properties should generally have the same readily identifiable characteristics (e.g. high spatial standards, similar materials, well-landscaped frontages);
 - (iii) the boundary should be easily defined and defensible; and
 - (iv) the areas defined should be primarily residential in character.
- I.2 When considering applications for new development in Areas of Special Residential Character (ASRCs), the Council, as well as applying the general housing policies in Chapter 4 of the UDP, will pay particular regard to Policy H10 and the following development control guidelines for such areas:
- (i) developments likely to erode the individual quality and character of the ASRCs will be resisted. Reference will be made to the description of areas given below for a determination of individual quality and character.
 - (ii) residential density shall accord with that existing in the area.
 - (iii) spatial standards of new development (plot width, garden depth and plot ratio) shall accord with the general pattern in the area.
 - (iv) the general height of existing buildings in the area shall not be exceeded.
 - (v) the space between a proposed two or more storey development and the side boundary of the site should accord with that prevailing in the area.
 - (vi) backland development will not be permitted.
 - (vii) new development will be required to take account of existing front and rear building lines.
 - (viii) existing mature trees and landscaping shall be retained wherever possible.
 - (ix) conversions, where appropriate, will only be acceptable where they do not alter the external appearance of the building.
 - (x) proposals, including conversions that are likely to significantly increase the proportion of hard surfacing in front of existing properties, will be resisted unless accompanied by satisfactory landscaping proposals.
 - (xi) materials shall match or complement those in adjoining existing developments.
 - (xii) areas of land indicated as Urban Open Space on the Proposals Map will not be developed for any purpose.



Appeal Decision

Site visit made on 19 November 2012

by **Gary Deane BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 November 2012

Appeal Ref: APP/G5180/D/12/2184169

267 Chislehurst Road, Petts Wood, Orpington, Kent BR5 1NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Suleyman Gurdere against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/12/02100/FULL6 was refused by notice dated 28 August 2012.
 - The development proposed is the erection of an extension to existing garage to rear.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed extension on the character and appearance of the Chislehurst Road, Petts Wood Conservation Area and on the setting of The Tudor House.

Reasons

3. This appeal relates to a single storey, detached, pitched roof outbuilding that is currently used as a garage. It stands in the generous landscaped grounds of The Tudor House, which is an attractive, substantial dwelling that occupies a large corner plot at the junction of Chislehurst Road and Birchwood Road. The Tudor House is a locally listed building.
4. The site lies within the Chislehurst Road, Petts Wood Conservation Area (CA). The CA is predominantly residential in character with large detached dwellings that generally occupy sizeable plots with mature landscaped gardens. The Council's Supplementary Planning Guidance, *Chislehurst Road, Petts Wood Conservation Area* (SPG) makes several references to The Tudor House, notably as a striking and high quality example of the neo Tudor style and a strong influence over the design and appearance of many smaller houses in the designated area.
5. The proposal is to extend the existing outbuilding mainly by increasing its length. The new addition has been designed to reflect the style and form of the existing building and includes matching external materials. It would be located at the rear of the existing building and noticeably set back from the site's boundaries. Nevertheless, the proposal would result in a significant

- elongation of the building as well as a substantial increase in its scale and mass and an enlargement of its footprint. It would be a sizeable addition.
6. The tall hedge that generally marks the site's highway frontages and other vegetation would largely screen the proposed extended building from public vantage points. Nevertheless, its upper section would be evident particularly in views from Chislehurst Road in the vicinity of the site. When seen from this highway, the considerable length of the ridge and expanse of roof slope would indicate the building's scale and mass. Given the position of the appeal building in the foreground to The Tudor House when seen from Chislehurst Road, it would visually compete with the locally listed building with the new built form in place. In doing so, the proposal would materially reduce the positive contribution of The Tudor House to the visual character of the CA.
 7. Although located no closer to The Tudor House than the existing garage, the proposal would result in a significantly larger building. In my opinion, the additional built form would noticeably reduce the space around the main house, to the detriment of its setting.
 8. A core planning principle of the National Planning Policy Framework is the conservation of heritage assets such as conservation areas and buildings of historic and architectural merit. For the reasons given, the proposal would not adhere to this principle.
 9. Against that background, I conclude that the proposed extension would be obtrusive in the local street scene and out of keeping with the character and appearance of the local area. It would fail to preserve or enhance the character and appearance of the CA and cause significant harm to the setting of a locally listed building. Accordingly, the proposal conflicts with Policies BE1, BE10, BE11 and H8 of the London Borough of Bromley Unitary Development Plan and the Council's SPG. These policies and guidance broadly seek to ensure that development, amongst other things, respects or complements existing buildings and spaces, including locally listed buildings, and preserves or enhance the character or appearance of conservation areas.
 10. For the reasons given above and having regard to all other matters raised, including the absence of objections from others, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR



Town Planning

Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020-8464 3333
Direct Line:
Email: planning@bromley.gov.uk

Fax: 020-8313 0095
Internet: www.bromley.gov.uk
DX5727 Bromley

Mr And Mrs McCarthy
C/o Crofton Design Services
Mt David Horn
3 Rice Parade
Fairway
Petts Wood
Kent
BR5 1EQ

2 /5th February 2009
Application No : DC/08/04139/FULL6
Date : 9th February 2009

Appeal Dismissed 17/07/2009

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995**

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

Take notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, has **REFUSED** planning permission for the development, referred to in your application received on 17th December 2008.

at : 8 The Chenies Petts Wood Orpington Kent BR6 0ED

Proposal: First floor side extension

For the following reasons:-

- 1 The proposed extension by reason of size and bulk would result in an incongruous feature within this part of The Chenies and would neither preserve nor enhance the character of the Conservation Area, contrary to Policies BE1 and BE11 of the Unitary Development Plan.
- 2 The proposal, by reason of the cumulative impact of extensions to the property, represents a cramped overdevelopment of the site, out of character and harmful to the spatial standards of The Chenies Conservation Area, contrary to Policies BE1, BE11, H8 and H9 of the Unitary Development Plan.

Signed:

[Signature]
CHIEF PLANNER

DC/08/04139/FULL6





Town Planning

Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020-8464 3333

Direct Line:

Email: planning@bromley.gov.uk

Fax: 020-8313 0095

Internet: www.bromley.gov.uk

DX5727 Bromley

On behalf of the London Borough of Bromley Council

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF



INVESTOR IN PEOPLE

Director of Renewal and Recreation Marc Hume

DC/08/04139/FULL6

Appeal Decision

Site visit made on 28 August 2013

by **S M Holden BSc MSc CEng TPP MRTPI FCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 September 2013

Appeal Ref: APP/G5180/D/13/2201406

44 Wood Ride, Petts Wood, ORPINGTON, Kent, BR5 1PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Foster against the decision of London Borough of Bromley.
 - The application Ref DC/13/00658/FULL6 was refused by notice dated 10 May 2013.
 - The development proposed is a two storey front, side and rear extension. Roof alterations, including formation of front gable.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issues are the effects of the proposed extension on:
 - a) the character and appearance of the host property and the surrounding area;
 - b) the living conditions of the occupants of No 46 in relation to loss of outlook and overshadowing.

Reasons

Character and appearance

3. Wood Ride is characterised by modest-sized detached and semi-detached two-storey dwellings set in generously proportioned plots. The houses display a variety of designs with a mixture of gables and bay windows of different shapes and sizes. The area has been designated as an Area of Special Residential Character (ASRC).
4. No 44 is a detached, brick built house with a hipped roof above its bay windows. Its front elevation includes a large open porch, which is set back from the main bay window that aligns with the street's predominant building line. There is a modest gap between this property and the garage of No 42, which has a mono-pitched roof sloping towards the shared boundary. On the western side of the house there is an attached single garage, the flank wall of which forms the boundary with No 46. This adjoining house is half of a pair of semis with an integral garage. The passage that separates the side elevation of No 46 from the flank wall of the garage of No 44 is less than 1m wide.

5. The proposal comprises a number of distinct elements. Firstly, there would be a two-storey extension at the front to replace the porch. Secondly, a single storey element would be added to the rear of the garage that would project 4m beyond the existing rear elevation of the house. This extension would have a pitched roof. Thirdly, there would be a first floor added above the garage, which would project as far as the existing rear elevation. These additions would also give rise to requirements for major alterations to the roof including changing its pitch. Finally, a new front facing gable is proposed above the bay windows.
6. These alterations would substantially alter the appearance of the dwelling, significantly increasing its width and bulk. The house would take on a lopsided appearance as a consequence of the 1m set in from the boundary with No 46 at first floor level. This would also result in different sizes of windows and expanses of roof on either side of the new gable. Whereas the existing bay window is the distinctive feature of the house, its prominence would be diminished because of the additions on either side. It seems to me that the combined effects the various alterations would simply overwhelm the host property.
7. In addition the projection of the single storey extension along the shared boundary would not reflect the predominant layout elsewhere in the vicinity. It seems that the detached houses are usually set in from their side boundaries, thus contributing to the spacious appearance of the area. I am therefore not persuaded that the proposal represents a good design that would be compatible with the quality of the ASRC, even if some parts of it would not be visible from the public realm.
8. Another defining characteristic of the ASRC is the presence of gaps between the buildings, particularly at first floor level. The proposal would bring the flank wall of the extension within 2m of the flank wall of No 46. I consider this would diminish the existing gap to an unacceptable degree, resulting in the two properties appearing to be cramped. This would also be particularly noticeable given the greater height of the adjoining pair of semis. The existing separation distance between Nos 44 and 46 ensures that the latter does not appear to dominate No 44. It would also be very different from the relationship between No 44 and its other neighbour No 42, where the mono-pitched roof of the garage ensures that there is a good-sized gap at first floor level.
9. Saved Policy H9 of the London Borough of Bromley requires proposals for two or more storeys to maintain a minimum of 1m from the side boundary for the full height and length of the flank wall of the building. Whilst this has been achieved with the proposed design, the proximity of No 46 to the shared boundary means that the overall gap would be less than 2m and therefore less than the more generous gaps that exist elsewhere in Wood Ride. The policy goes on to set out an expectation for greater separation distances where these already exist, which is the case here. In my view the proposal would fail to comply with the underlying aim of the policy to protect the spaciousness of this particular residential area.
10. In coming to this view I have taken account of the various examples of other developments in the locality that were brought to my attention. I acknowledge that the existing gaps between properties on the estate vary and there may be situations where a set back from the boundary of 1m, as proposed here, would result in a scheme being acceptable. However, this depends on the unique

circumstances and designs of the adjoining houses, which are factors that I have taken into consideration in assessing the appeal scheme on its individual planning merits.

11. I therefore conclude that the proposal would be harmful to the character and appearance of the area, contrary to the aims and objectives of saved Policies H9 and H10 of the Unitary Development Plan, which seek to protect the distinctive character and high quality of the Borough's residential areas. The National Planning Policy Framework (The Framework) also advises that good design is a key aspect of sustainable development and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of any area. I consider permitting the appeal scheme would be contrary to this advice.

Living conditions

12. There are a number of windows and a door in the flank elevation of No 46. The door and window on the ground floor provide secondary light to the kitchen. Its main outlook is from a small, north-facing window that overlooks the rear garden. Nevertheless, any overshadowing of the window and door in the side elevation would be noticeable because of the orientation of the house and the small size of the rear window. The proposal would therefore make the kitchen appear darker and more enclosed.
13. At first floor level there are two small windows fitted with obscure glass that serve a toilet and bathroom. These would be unlikely to be adversely affected by material loss of light. However, the remaining window is the only one serving a habitable room, which is currently being used as a study. The outlook from this room is already somewhat restricted by the presence of the existing flank wall of No 44, which is just over 5m away. However, the proposed extension would bring the flank wall to within 2m of this window. This decrease in the separation distance would reduce the amount of daylight and sunshine reaching the room, particularly early in the day. It would also significantly increase the sense of enclosure experienced within this room, making it a less pleasant room in which to be or to work. I consider this would be materially harmful for the occupants of this adjoining property.
14. In coming to this view I am making a clear distinction between loss of outlook and loss of view. Loss of outlook arises from a proposal being in close proximity to existing development and consequently introducing a sense of enclosure, appearing overbearing and being visually intrusive. Such loss is a material planning consideration. By contrast loss of a view, which relates to what can be seen over much greater distances, is not.
15. The single storey extension would project 4m beyond the existing rear elevation of No 44 and its flank wall would be along the shared boundary. There is a change of levels at the rear of the house with a short set of steps leading to the rear garden, which is at a lower level. At present there is a close-board fence along this boundary, which provides privacy for the occupants of both houses. Beyond the rear paved area the top of the fence is angled to accommodate the change in levels.
16. The proposed extension would project a little further into the garden than this change in levels. Its flank wall would be visible just above the fence. However, its additional height would be even more apparent where the existing

fences slopes down to the garden. No 46 has a small raised patio immediately adjacent to the boundary fence. The proposal would increase the sense of enclosure on this patio and reduce the amount of morning sunshine that could reach this area. This would make this private amenity space less usable and pleasant for the occupants of No 46.

17. For these reasons I conclude that the proposed extension would be harmful to the living conditions of the occupants of No 46 arising from loss of outlook to the study windows and overshadowing of the windows and rear patio on the side elevation of the house. The proposal would therefore fail to comply with saved Policy BE1 of the Local Plan, which seeks to protect the living conditions of the Borough's residents from unacceptable loss of amenity. I note that the existing occupants of No 46 did not object to the scheme, but it is my duty to consider the long-term effects on the living conditions of existing and future occupants of this adjoining property.

Conclusion

18. I appreciate that the appellant wishes to increase the size of his home and has addressed some aspects of the Council's requirements by setting back the side elevation of the extension. The proposal would not result in any loss of privacy for the occupants of No 46 and its relationship with No 42 would be acceptable. However, these positive aspects of the proposal do not diminish the harm I have identified which arises from the overall scale of the proposal and its effects on the living conditions of the occupants of No 46.
19. For these reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR

Appeal Decision

Site visit made on 20 January 2016

by **P Jarvis Bsc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 February 2016

Appeal Ref: APP/G5180/W/15/3133381

6 Ladywood Avenue, Petts Wood, Orpington, Kent BR5 1QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Heniam Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/01312/FULL1 dated 27 March 2015 was refused by notice dated 5 August 2015.
 - The development proposed is demolition of 6 Ladywood Avenue (former Friends Meeting House) and construction of 2 no. two storey detached five-bedroom dwellings with new vehicular access from Ladywood Avenue and associated parking.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect on the character and appearance of the locality including the Area of Special Character (ASC).

Reasons

3. The appeal site is located on the corner of Ladywood Avenue and Greencourt Road. It is a larger than average plot within the immediate area, with the existing Friends Meeting House sited towards the southern boundary with open garden areas to the front, side and rear. The existing building is two-storey, of similar appearance and proportions to the adjoining residential dwellings, albeit has a large single-storey rear addition and thus has a greater footprint than the majority. The dwellings within the locality consist of a mixture of detached and semi-detached properties of mainly inter-war age, predominantly with white rendered elevations, bay windows and timber framing under hipped or pitched tiled roofs.
 4. The site lies in the Petts Wood ASC in respect of which Policy H10 of the London Borough of Bromley Unitary Development Plan (2006) (UDP) states that development will be required to respect and complement the established and individual qualities of the individual areas as identified in Appendix 1. The appendix sets out further guidelines including that development should accord with the general density, spatial standards, pattern and height of existing development. The description of the area notes that the dwellings were built over a number of years of similar though varied styles but with a road layout and plot size established in an overall pattern.
-

5. More recently the Council has supplemented the above description with an updated statement which refers to the original garden suburb design with large plot sizes spaciouly placed and characteristics including an open feel, low boundaries, visible front gardens and greenery giving the area an open feel.
6. I consider that many of these attributes are found within the locality of the appeal site. Ladywood Avenue is a pleasant tree lined road with grass verges enhanced by further mature planting within front gardens. The mature trees, some of which are the subject of tree preservation orders, and other vegetation on the appeal site, contribute greatly to this character with the open corner and side garden giving a more generous feeling of spaciousness to this corner location.
7. The proposed dwellings would front onto Ladywood Avenue, set back a similar distance as others along the western side of the road, one occupying a similar position to the existing building and the other located in the northern half of the site towards the Greencourt Road frontage.
8. However, they would have much greater footprints than the majority of the surrounding dwellings with deep, square forms and central flat 'crown' roof, extending to a greater depth on the site. Although when viewed 'face on' in the Ladywood Avenue streetsence, the dwellings would appear to be of similar bulk and height to those adjoining, when viewed from further to the south and from the north along Ladywood Avenue and west along Greencourt Road, the uncharacteristic bulk and crown roof form of the dwellings would be discernible.
9. In particular, the view of the dwelling on plot 2, to the north of the site, from both Ladywood Avenue and Greencourt Road, would present long side and rear elevations with large bulky side dormer addition, the overall proportions and scale of which would not be sympathetic to the generally more modestly scaled built form of the existing dwellings. In addition, there would be extensive areas of hardstanding within the Ladywood Avenue streetscene.
10. Whilst an area of landscaping at the northern corner of the site and boundary hedging would be provided, this together with the preserved trees would in my opinion be insufficient to mitigate the harmful impact that the excessive amount of built form proposed would have, nor would it reflect the green and spacious quality of the area.
11. Overall, I therefore find that the proposal would have a harmful effect on the character and appearance of the locality and Petts Wood ASC. It would thus conflict with UDP Policies BE1, H7 and H10 which seek to ensure that development proposals are of a high standard of design and layout that recognise and complement the scale, form and layout of adjacent buildings and areas, and as noted above, respect the individual qualities of the ASC.
12. There would also be conflict with Policies 3.4 and 3.5 of the London Plan, which although seeking to optimise housing output, state that local character and context should be taken into account and seek to protect and enhance London's residential environment and attractiveness.
13. For the reasons set out above, the proposal would also fail to comply with the National Planning Policy Framework which, in recognising that good design is a key aspect of sustainable development and seeking to optimise the potential of a site to accommodate development, also aims to respond to local character and reflect the identity of local surroundings.

14. I acknowledge that the dwellings are, in themselves, well-designed properties that reflect some of the detailing and characteristics of the surrounding properties. However, it is the overall scale and bulk of the proposed dwellings that I consider would be out of keeping with the built form of those within the locality of the site and which provide its local context. This overall level of harm would not in my view be outweighed by any benefits arising from the provision of the housing.
15. I have noted the appeal decisions referred to by the parties, particularly in respect of a site in Willett Way at the far western end of Greencourt Road. However, in the latest decision in 2015, which allowed a scheme for the replacement of the existing dwelling with two dwellings, the Inspector noted that there were dwellings of considerable bulk within the immediate area, some on very constrained plots.
16. Whilst some dwellings within the more immediate locality of the appeal site have been extended, I would not describe them as being of considerable bulk nor have they altered the predominant character, which remains of more modest built forms, to the extent that the proposal could be said to be in keeping. Furthermore, having viewed the Willett Way site and its surroundings, I consider that whilst it is in the ASC, its immediate environs are rather different to the appeal site before me. In addition, it has different characteristics and in particular it is not a corner site.

Conclusion

17. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR

Policy BE12 of the Bromley UDP (2006)

POLICY BE12 (DEMOLITION IN CONSERVATION AREAS)

A proposal for a development scheme that will involve the total or substantial demolition of an unlisted building in a conservation area that makes a positive contribution to its character or appearance will not be permitted unless the following can be demonstrated:

- (i) there is clear and convincing evidence that reasonable efforts have been made to continue the present use or to find a viable use for the building and these efforts have failed and it is demonstrated that preservation of the building as part of the scheme or in some form of charitable or community ownership is not possible or suitable, or**
- (ii) the costs of repairs or maintenance of the building cannot be justified against its importance or the value derived from its retention, provided that the building has not been deliberately neglected, or**
- (iii) there will be substantial planning benefits for the community from redevelopment which would decisively outweigh loss from the resulting demolition.**

Acceptable and detailed plans for a replacement scheme will be required, even if it will involve total or substantial demolition of an unlisted building in a conservation area that makes little or no contribution to the character or appearance of that area.

A condition will be imposed on a planning permission granted, to ensure that demolition shall not take place until a contract for the carrying out of the development works has been made.

This page is left intentionally blank