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DATE: 26 April 2021

To: Members of the  
**PLANS SUB-COMMITTEE NO. 1**

Councillor Alexa Michael (Chairman)  
Councillor Angela Page (Vice-Chairman)  
Councillors Kathy Bance MBE, Katy Boughey, Kira Gabbert, Christine Harris,  
Tony Owen, Will Rowlands and Suraj Sharma

A special meeting of the Plans Sub-Committee No. 1 will be held on  
**WEDNESDAY 5 MAY 2021 AT 6.00 PM**

**PLEASE NOTE: This is a 'virtual meeting' and members of the press and public can see and hear the Sub-Committee by visiting the following page on the Council's website – <https://www.bromley.gov.uk/councilmeetingslive>**  
**Live streaming will commence shortly before the meeting starts.**

MARK BOWEN  
Director of Corporate Services

Members of the public can speak at Plans Sub-Committee meetings on planning reports, contravention reports or tree preservation orders. To do so, you must have:-

- already written to the Council expressing your view on the particular matter, and
- indicated your wish to speak by contacting the Democratic Services team by no later than 10.00am on the working day before the date of the meeting.

These public contributions will be at the discretion of the Chairman. They will normally be limited to two speakers per proposal (one for and one against), each with three minutes to put their view across.

To register to speak please e-mail [lisa.thornley@bromley.gov.uk](mailto:lisa.thornley@bromley.gov.uk)  
(telephone: 020 8461 7566) or [committee.services@bromley.gov.uk](mailto:committee.services@bromley.gov.uk)

If you have further enquiries or need further information on the content of any of the applications being considered at this meeting, please contact our Planning Division on 020 8313 4956 or e-mail [planning@bromley.gov.uk](mailto:planning@bromley.gov.uk)

Information on the outline decisions taken will usually be available on our website (see below) within a day of the meeting.

**A copy of the document referred to below can be obtained from**  
**<http://cds.bromley.gov.uk/>**

## **A G E N D A**

### **1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

### **2 DECLARATIONS OF INTEREST**

### **3 PLANNING APPLICATIONS**

Report No.	Ward	Page No.	Application Number and Address
3.1	Chislehurst Conservation Area	1 - 38	(20/01718/FULL1) - Selwood House, Kemnal Road, Chislehurst, BR7 6LT

The Council's [Local Planning Protocol and Code of Conduct](#) sets out how planning applications are dealt with in Bromley.

<b>Committee Date</b>	05.05.2021		
<b>Address</b>	Selwood House Kemnal Road Chislehurst BR7 6LT		
<b>Application Number</b>	20/01718/FULL1	<b>Officer</b> – Robin Evans	
<b>Ward</b>	Chislehurst		
<b>Proposal</b>	Erection of two storey rear extension to provide one additional two bedroom duplex flat with own entrance (accessed from Pickwick Way) and to enlarge four existing flats providing them with a new exclusive entrance (access from Kemnal Road); along with minor external and internal alterations to existing building to form an additional one bedroom flat within the existing building (flat 14) in place of former communal lounge and kitchen. Use of existing highway access off Pickwick Way for additional parking (including EV charging) and additional refuse/recycling and cycle storage.		
<b>Applicant</b>		<b>Agent</b>	
Stoneridge Selwood Limited & Others Adrian Lawrence		Mr Adrian Lawrence	
Selwood House Kemnal Road Chislehurst BR7 6LT		Kingsley House 5 High Street Chislehurst BR7 5AB	
<b>Reason for referral to committee</b>	Call-In		<b>Councillor call in</b> Yes

## 1. REASON FOR THE REPORT

The application was referred to the Plans Sub-Committee No. 1 on 1st October 2020 where the Planning Committee resolved to grant planning permission.

This report considers new material planning considerations arising since the resolution to grant planning permission for application 20/01718/FULL1 and offers Members an opportunity to take these into account prior to the issue of a decision on the current planning application.

The original report as presented to Members on 1<sup>st</sup> October 2020 is attached.

## 2. RECOMMENDATION(S)

Having regard to the new material considerations set out in the report, Members can ratify their decision made on 1 October 2020.

### 3. COMMENTARY

#### **General Background to the Report**

- 3.1 As mentioned planning application reference 20/01718/FULL1 was considered by the Plans Sub-Committee 1 on 1 October 2020 following which it has come to the Council's attention that an error in the report, specifically in relation to the application of Paragraph 11 of the NPPF and the presumption in favour of sustainable development, could have impacted on the Committee's ability to undertake a proper balancing exercise in resolving to grant planning permission.
- 3.2 The Committee report drew specific attention to the relevance of NPPF Paragraph 11 and the presumption in favour of sustainable development. Members were accordingly advised to consider the weight that could be afforded to the additional housing proposed in this planning application in the overall planning balance, having regard to the presumption in favour of sustainable development set out in Paragraph 11 of the National Planning Policy Framework.
- 3.3 In summarising and applying NPPF Paragraph 11 the Committee report stated as follows:
- 7.3.8 In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 7.3.9 In this particular case there are no areas under protection or assets of particular importance and therefore paragraph 11 d) i. does not apply. The proposal is therefore assessed in relation to paragraph 11 d) ii.*
- 7.3.10 This application would provide 2 additional residential units providing a modest contribution to the housing supply within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development. The previous planning applications/appeals are a material consideration and the key issue is whether the current proposal complies with the Development Plan Policies and whether it is material different and/or overcomes the reasons for the refusal/dismissal of the previous scheme(s).*
- 3.4 However, the application site lies within the Chislehurst Conservation Area, which is a designated heritage asset and therefore an "area or asset of particular importance" when applying the NPPF Paragraph 11 d). The Committee report should therefore have made clear that in the event that the policies in the Framework relating to the protection of designated heritage assets were found

to provide a clear reason for refusal, the presumption in favour of sustainable development set out in NPPF Paragraph 11 d) i would not apply.

- 3.5 Whilst this matter would not have changed the Officer recommendation to refuse planning permission, Members resolved to grant planning against this recommendation and are therefore advised to consider their resolution in light of this.

### **Procedural Background**

- 3.6 Section 70(2) of the Town and Country Planning Act 1990 (the 1990 Act) says as follows:

“In dealing with an application for planning permission or permission in principle that authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations.”

- 3.7 Case law is clear that if a delegated Officer becomes aware of a new material consideration before issuing a decision, the Authority is bound to have regard to it. It is also clear that in this context a new material consideration must be one that might have had an effect on deliberations had it occurred before the decision was made, but it need not be one that is determinative to a decision. In other words, upon reconsideration, it is open to a Committee to make the same decision as it did before, so long as it has taken into account the new material consideration.
- 3.8 Material planning considerations are not specifically defined in legislation or guidance, however a point of procedure such as a consideration directed by the NPPF would constitute a material consideration. This report provides Officer comments on the points raised in the NPPF and how this relates to the current application, to assist the Committee in its consideration of all relevant matters and in deciding whether to confirm its previous decision to approve the application and upon what basis.

### **Matters raised in the NPPF and the Council's Housing Land Supply position, and the adoption of the London Plan**

- 3.9 As mentioned, Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. In terms of decision-making Paragraph 11(d) means that in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with Paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 3.10 At the Plans Sub-Committee 1 meeting, a verbal update was given by Officers, advising Members that following the publication of the report, an updated Five Year Housing Land Supply position had been agreed by the Development Control Committee on 24 September 2020, confirming a significant under supply of housing. Members were therefore advised to consider the weight that could be afforded to the two additional residential units proposed in this planning application in the overall planning balance, having regard to the presumption in favour of sustainable development set out in Paragraph 11 of the National Planning Policy Framework.
- 3.11 However, notwithstanding this, as the site lies within the Chislehurst Conservation Area, which is a designated heritage asset and therefore an area or asset of particular importance, the presumption in favour of sustainable development may not apply as directed in paragraph 11. d) i and Officers can now advise that Members that they should not have been directed to do so in light of the overall conclusions of the report regarding the impact on a designated heritage asset, which officers considered to provide a clear reason for refusing permission.
- 3.12 In addition, since the original report was considered, the new London Plan has now been adopted and forms part of the development plan for the assessment of the application.

#### **Commentary on matters raised**

- 3.13 It is clear from the minutes and transcript from the previous meeting that in resolving to grant planning permission contrary to the Officer recommendation, the Committee considered that the proposed development would not harm the character and appearance of the Conservation Area. Accordingly it is clear that Members did not agree with the Officer view regarding the level of harm to the Conservation Area. It may therefore be concluded that the Committee did not consider that the policies in the NPPF relating to the protection of designated heritage assets would have provided a clear reason for refusal and that on balance any harm considered to arise would be outweighed by the benefits of the development.
- 3.14 With regard to the status of the London Plan, relevant policies had been considered in their draft form in the original report where appropriate. Members are advised that the change to the status of the London Plan would not affect the original officer recommendation.

#### **Summary**

- 3.15 Members are asked to give consideration to the above matters, and the advice in context to the Committee's previous resolution with particular consideration to the weight that can be afforded to the additional housing proposed in this case

in the overall planning balance considering the location of the site within a Conservation Area, which is an asset of importance for the purposes of NPPF Paragraph 11. A decision to approve the application can then lawfully be given in the light of the new material planning considerations set out in this report, subject to the conditions.

#### **4. LEGAL IMPLICATIONS**

The legal implications are set out in paragraphs 3.6-3.9 of this report. It is important to remember that Members made a resolution to approve the grant of permission on 1 October 2020 (subject to conditions to be determined under delegated authority). The purpose of this report is therefore to enable Members to consider whether having regard to the new material considerations they should change that decision or not, rather than inviting Members considering the matter afresh. The Officer recommendation advises that Members can ratify their previous decision.

#### **5. POLICY IMPLICATIONS**

Addressed in the Committee report. The London Plan 2021 has now been adopted however the policies in the Draft London Plan 2019 references in the Committee report remain applicable.

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Committee Date	01.10.2020		
Address	Selwood House Kemnal Road Chislehurst BR7 6LT		
Application Number	20/01718/FULL1	Officer – Robin Evans	
Ward	Chislehurst		
Proposal	Erection of two storey rear extension to provide one additional two bedroom duplex flat with own entrance (accessed from Pickwick Way) and to enlarge four existing flats providing them with a new exclusive entrance (access from Kemnal Road); along with minor external and internal alterations to existing building to form an additional one bedroom flat within the existing building (flat 14) in place of former communal lounge and kitchen. Use of existing highway access off Pickwick Way for additional parking (including EV charging) and additional refuse/recycling and cycle storage.		
Applicant		Agent	
Stoneridge Selwood Limited & Others Adrian Lawrence		Mr Adrian Lawrence	
Selwood House Kemnal Road Chislehurst BR7 6LT		Kingsley House 5 High Street Chislehurst BR7 5AB	
Reason for referral to committee	Call-In		Councillor call in Yes

<b>RECOMMENDATION</b>	Application Refused
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<p><b>KEY DESIGNATIONS</b></p> <p>Conservation Area: Chislehurst Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 16</p>
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3	952
Proposed	C3	1186

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	12	14	+2
Disabled car spaces	1	2	+1
Cycle	n/a	10	+10

<b>Electric car charging points</b>	16% active/passive n/a
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<b>Representation summary</b>	Neighbour letters were sent 3/2/2020 A Site Notice was displayed on 13/3/2020 A press advert was published on 12/2/2020
Total number of responses	59
Number in support	19
Number of objections	40

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Design: the proposal would detract from the character and appearance of the building, the site and the wider site context (and therefore the Conservation Area),
- Heritage: the proposal would have an adverse impact on the designated heritage asset; the Chislehurst Conservation Area,
- Neighbouring amenities: the proposal would detract from the outlook amenities of the neighbouring property(ies).

## 2. LOCATION

- 2.1 The application site relates to part(s) of Selwood House and also to a parcel of land formerly known as "land adjacent to 3 Pickwick Way" (which has been reinstated into the curtilage of Selwood House). The overall site measures approximately 0.38ha. According to the application details the land originally formed part of the grounds of Selwood House, it was then purchased by No. 3 Pickwick Way and has latterly been re-purchased and absorbed back into the curtilage of Selwood House. The land slopes downwards from the raised ground level of Selwood towards the highway of Pickwick Way and for many years it has been occupied by trees, shrubbery and vegetation, although this has recently been mostly cleared except for one large protected Oak tree in its centre. Selwood House is accessed from Kemnal Road which is characterised by large detached dwellings and flats in well landscaped and wooded plots. A highway access has recently been formed from the application site on to Pickwick Way; between No. 3 and No. 20 Pickwick Way. This part of Pickwick Way comprises a comprehensive development of 6 large detached and spacious dwellings (circa 1980s) set around a cul-de-sac forming the end of the estate. Selwood House is a locally listed building and the whole site is set well within the Chislehurst Conservation Area

(Sub Unit 10 – Kemnal Road). The existing building is not statutorily listed and does not lie within an Area of Special Residential Character.

- 2.2 According to the Chislehurst Conservation Area SPG Kemnal Road retains the character of a rural lane through dense woodland, with large individually developed residences on generous plots scattered sparingly amongst the trees, often not visible from the road, and occasional driveways or lodges hinting at spacious houses and estates beyond. This effect is heightened by the road not providing through access to vehicles, resulting in quiet traffic. Whilst this character is essentially intact on the eastern side of the road, some of the development on its western side (on sites created by bombing in World War II) has more in common with the type of development, which has occurred, in more intensive residential estates to its east. Kemnal Road has a distinctive character as a spacious wooded pocket of residences, which forms a gentle transition between the denser urban forms to its west and the rural lands to its east. It characterises the unplanned evolution of a pocket of semi-rural housing, in contrast to the comprehensive effect of promoted estates. Retention of this character would make an important contribution to the Conservation Area, illustrating a remnant of a form of development which was previously found along other roads leading into woodland around the Conservation Area, but which has largely been eclipsed elsewhere by intensification of settlement.

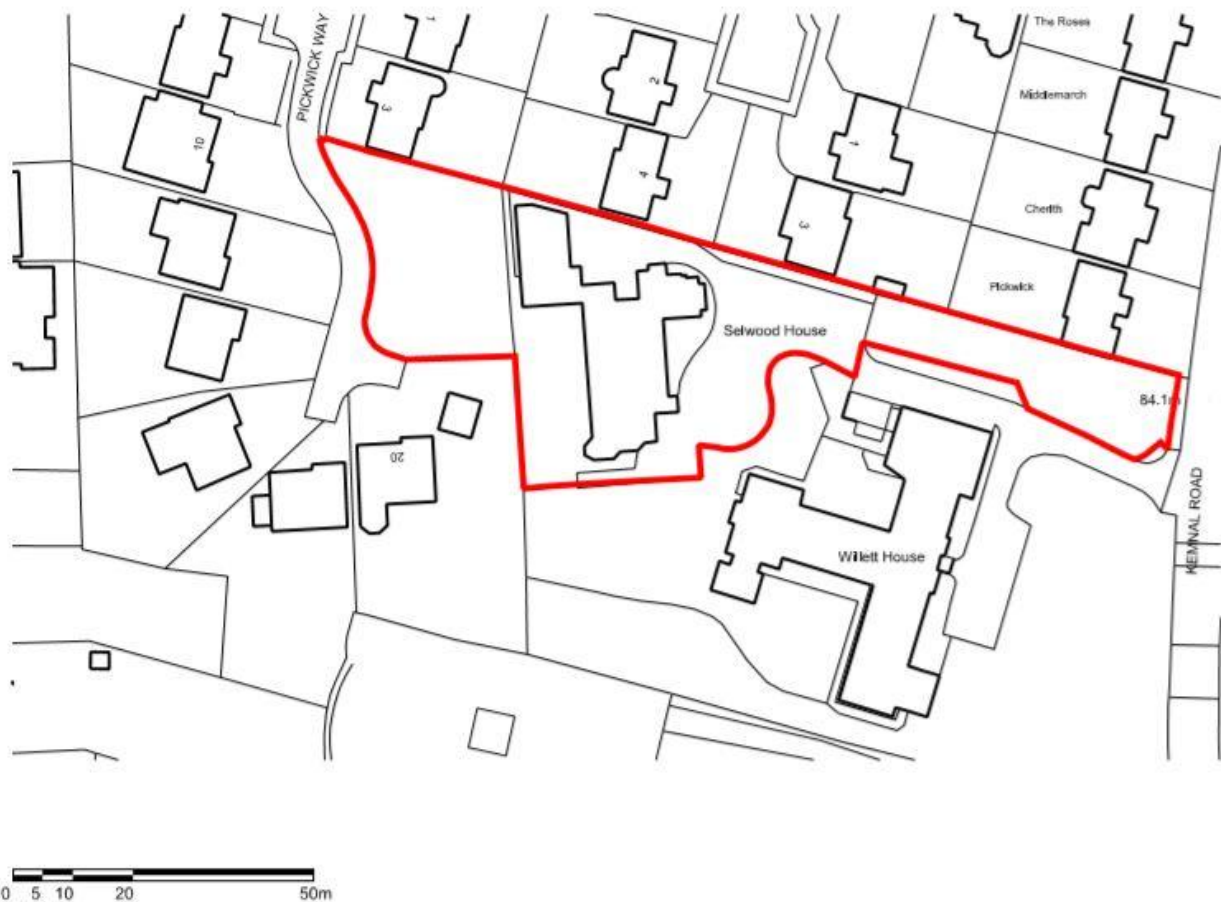


Fig 1. Site location plan.

### 3. PROPOSAL

3.1 Planning permission is sought for erection of two storey rear extension to provide one additional two bedroom duplex flat with own entrance (accessed from Pickwick Way) and to enlarge four existing flats providing them with a new exclusive entrance (access from Kemnal Road); along with minor external and internal alterations to existing building to form an additional one bedroom flat within the existing building (flat 14) in place of former communal lounge and kitchen use of existing highway access off Pickwick Way for additional parking (including EV charging) and additional refuse/recycling and cycle storage.

3.2 The application is supported by the following documents:

- Application form,
- Application drawings,
- 3D imagery,
- FRA,
- Drainage details,
- Planning Statement,
- Heritage Statement,
- Historic land details,
- Highway details,
- Arboricultural details,

Fig 2. Proposed site layout plan.





Fig 3. Proposed north and east elevations.



Fig 4. Proposed south and west elevations.

3.3 In response to representations received the Applicant has provided the following information:

General

- Third party comments are incorrect, false and attempt to discredit the Applicant,

Background/history

- The land originally belonged to Selwood House; it was never originally part of 3 Pickwick Way, and was more recently transferred to 3 Pickwick Way (shown on title plan dated 1981); it has historically belonged to Selwood House and only temporarily to 3 Pickwick Way. As such the proposed development would not be constructed on the garden of 3 Pickwick Way. Selwood house is one of the few surviving examples of grand Victorian Architecture in Chislehurst; the proposal would be modest and would ensure the future survival of the building. Selwood House was also once registered as two separate dwellings. Neighbours had the opportunity to purchase the land (individually or collectively) and declined.

Trees and landscaping

- The site has historically been left untidy however this has recently been rectified. Damage to the protected oak tree is historic and not recent. Security cameras now record any issues in this regard.

Residential amenity

- There has been no noise impact from the existing residents of Selwood House,

Highways/parking/pavements

- The issue of pedestrian safety dates back the 1999 appeal when an appeal Inspector found that a proposed driveway was too close to an existing brick wall, but stated that this wall was within the Applicants ownership and could be addressed in a future application. Although the road layout in Pickwick Way is not deficient, (and has been adopted by the Council) a paved footpath could be extended from Pickwick Way to the site if required and the Applicant is liaising with the owners of 3 Pickwick Way to transfer the frontage land to facilitate this. A formal pavement would also discourage informal/ad-hoc parking on the verge. House in Pickwick Way should have ample off-street parking and not need to park on the highway/verges in any event. The proposal would provide appropriate parking for the one additional unit accessed from Pickwick Way. The other units would be served by existing parking areas accessed via Kemnal Road (in excess of parking requirements). Further standard parking and/or electric charging points could be provided in the grounds of Selwood House in future according to demand. Other residents have adopted and paved highway land.

Affordable/social housing

- Affordable or social housing is not relevant. Selwood House already houses at least 3 Council homeless tenants,

## 4. RELEVANT PLANNING HISTORY

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

- 4.2 12/01294/FULL1 – (Land adjacent to 3 Pickwick Way) Use of the site for residential garden was approved on 10 July 2012.
- 4.3 17/01972/RECON – (Selwood House) Removal of condition 3 pursuant to permission ref. 80/01392 granted for conversion into 13 self-contained flats to allow restriction on occupation by elderly persons of an age commensurate with the receipt of a State Retirement Pension to be removed was approved on 23 August 2017.
- 4.4 17/04423/OUT – (Land adjacent to 3 Pickwick Way) Erection of a three bedroom detached dwellinghouse with two off-road parking spaces (Outline application) was refused by the Council on 20 December 2017 for the following reason(s):
1. The proposed new dwelling would appear as an overbearing, incongruous and harmful form of development due to the restricted depth of the site and proximity of existing properties that would fail to preserve or enhance the character and appearance of the Chislehurst Conservation Area contrary to Policies 3.4, 3.5 and 7.4 of the London Plan and Policies BE1, BE11 and H7 of the Unitary Development Plan and Policies 37, 41 & 3 Bromley Draft Local Plan 2017 & Chislehurst Conservation Area Supplementary Planning Guidance.
  2. The proposed new dwellinghouse would result in a loss of privacy and overlooking to No.3 Pickwick Way and Selwood House contrary to Policies BE1 of the Bromley Unitary Development Plan (2006) and Policy 37 of the Draft Bromley Local Plan 2017.
  3. The proposed new dwellinghouse would result in a direct conflict with the protected tree on site through construction related activity harming the tree's root system and post development pressures contrary to Policies BE14 and NE7 of the Bromley Unitary Development Plan 2006 and Policies 43 & 73 of the Bromley Draft Local Plan 2017.
- In the subsequent appeal (Appeal A) on 11 July 2018 the Appeal Inspector dismissed the appeal for the following reason:
1. The dwelling proposed would fail to preserve the character and appearance of the Chislehurst Conservation Area. Although the harm would be less than substantial the public benefits would not be sufficient to outweigh it.
- 4.5 18/00904/OUT – (Land adjacent to 3 Pickwick Way) Erection of a three bedroom house (Outline application in respect of access, appearance, layout and scale) was dismissed (Appeal B) by the Planning Inspectorate on 11 July 2018 (non-determination) for the following reasons:
1. The dwelling proposed would fail to preserve the character and appearance of the Chislehurst Conservation Area. Although the harm would be less than substantial the public benefits would not be sufficient to outweigh it.
  2. The proposal would fail to provide adequate parking provision.

## **5. CONSULTATION SUMMARY**

### **5.1 A) Statutory**

#### **5.1.1 Highways – No objection**



The Highway Authority notes the existing access on to Pickwick Way (constructed separately from this planning application). There is no objection to the current proposal in respect of parking or highway matters. The Applicant/Developer has suggested to remove the brick pillar close to the boundary with No. 3 Pickwick Way. If it is located on Highway owned land then it should not have been constructed there and if it is on private land then in either case there is no objection to its removal. The Applicant/Developer informally suggested installing a pedestrian footpath from the edge of the existing footpath near the boundary with No. 3 Pickwick Way along the front of the site (which appears to be on Highway owned land) to the recently constructed highway access however this will not be required by the Highway Authority and is likely to require the Highway Authority's consent in any event; if it would be located on Highway land.

5.1.2 Thames Water – **No objection**

No objection subject to recommended conditions/informatives.

**5.2 B) Local Groups**

5.2.1 The Chislehurst Society (addressed in sections 7.2, 7.9, 7.10, 7.11 and 7.12).

- The application details are thorough,
- The proposed works to the existing flats would improve the existing accommodation bringing it up to modern standards and are supported,
- The proposal would be in keeping with the characteristics of the conservation area and locally listed building and would restore the historic relationship with this former part of the grounds of Selwood House,
- The proposal would preserve the protected Oak tree,
- The well landscaped site and surroundings would soften the appearance of the development,
- Neighbouring representations; such as 3D drawings are not accurately portrayed,
- Given the sloping ground level, the proximity of the duplex flat to the neighbouring properties and its size and scale would be overbearing and would cause harmful overlooking; detracting from the amenities of neighbouring residents; particularly to No. 20 Pickwick Way,
- The proposed duplex flat could adversely impact the future health of mature trees on the boundary.

5.2.2 Kemnal Road Residents' Association (addressed in sections 7.9, 7.10 and 7.13).

- Trees contribute significantly to the character of the site and its surroundings,
- The oak tree is subject to Tree Preservation Order (TPO); the proposed development should not lead to the harm or loss of the tree as this would detract from the character of the area,
- Access is via Kemnal Road; privately maintained and would cause damage to its surface,
- Construction vehicles should only be parked within the application site and should not encroach on the pavements or cast debris on to the highway; although any damage caused should be rectified,



- If planning permission is granted the following matters could be addressed by planning condition:
  - The amenity area fronting Pickwick Way should remain as an appropriately landscaped garden space,
  - The proposed parking should be supplementary to the main parking serving Selwood House and kept to a minimum,
  - Hard surfacing should be kept to a minimum,
  - Hardsurfacing and pathways should be in a permeable material,
  - The refuse storage/collection at Pickwick Way may be unnecessary as other facilities within the site off Kemnal Road would be more convenient,
  - Ongoing maintenance of the Pickwick Way entrance, parking, refuse storage/collection,
  - The entrance into the duplex flat should be more integrated with the main ground floor of Selwood House,

### **5.3 C) Adjoining Occupiers**

#### **5.3.1 Objections**

##### **5.3.1.1 General (addressed in sections 7.2 and 7.9).**

- The application portrays the development in a positive light and are misleading of the relationship with neighbouring properties and of the effects of the development,
- The Applicant is a developer not a local resident and will not suffer the effects of the development as would neighbouring occupiers,
- The extension to Pickwick Way required detailed landscaping and restricted height fencing to preserve visual amenity,
- Planning permission has already been refused for various forms of development on the land,
- The previous reasons for refusal/dismissal still apply,
- Previous application (17/01972/RECON) claimed Selwood House could only accommodate up to 8 flats as sheltered accommodation and not as independent flats; however the current application proposes more independent units,
- The proposed flat would effectively be a self-contained unit with independent access; not integrated with the main building, it would circumvent the previous refusal for a separate dwelling, it would have the same issues and would not be a solution,
- The land has been poorly cared for, it is an untidy site and trees/vegetation have been damaged,
- The existing building could be improved without need for extension or access from Pickwick Way,
- There has never been nor should ever be an access on to the land from Pickwick Way and the existence of the new access should not be a reason to grant a new development (as indicated by the Chislehurst Society),
- The Chislehurst Society has considered the Applicant's 3D image favourably and has not considered the 3D image of a neighbour similarly fairly,

- The Applicant's 3D image is incorrect/inaccurate; shows a non-existent/nor proposed pathway, shows a level ground level, show the oak tree on level ground and smaller canopy than existing,
- The proposal would set a precedent for subdivision and backland development of other gardens,
- Supporters of the application are existing residents who believe the development would improve the property but it would actually remove social housing,
- Supporters of the development are not local to the site/development and do not know the effects that the development would cause,
- The original developer of the Pickwick Way extension opted not to build on the application site due to subsidence caused by the culverted watercourse,
- The proposal is for financial gain,
- The proposal should instead provide a upgrade to the existing west elevation and large flats within the existing building and the application site should comprise the amenity space only,

#### 5.3.1.2 Affordable housing (addressed in section 7.4).

- The proposal would remove social housing in favour of market housing reducing social housing provision,

#### 5.3.1.3 Residential standards (addressed in section 7.7).

- The new flats should have private amenity space for the residents,

#### 5.3.1.4 Design and landscaping (addressed in sections 7.9 and 7.10).

- The plot was previously part of No. 3 Pickwick Way; it was in keeping with the character and visual appearance of the area,
- The Inspector concluded the application site makes a valuable contribution to the open feel of Pickwick Way,
- The proposal would comprise backland development; overly dense, out of keeping and harmful to the character and appearance of the area,
- The proposal and access off Pickwick Way would comprise the gateway to a new large development; out of keeping with the nature of Pickwick Way,
- The stepped down position; due to the sloping land, and the appearance of the proposed duplex extension would be out of keeping with the scale of the existing building; and would detract from the layout of the area (as per the dismissed detached dwelling appeal decision para 13),
- The proposed duplex flat would be too high density and would be more out of keeping than the previously proposed single dwelling (in relation to the detached dwellings in Pickwick Way),
- Flats should remain in Kemnal Road where they are more in keeping and not in Pickwick Way; characterised by detached dwellings,
- The proposed duplex would be off centre, out of alignment with dwellings in Pickwick Way, it would not respect spatial standards and would appear cramped,
- The extension to the existing flats would detract from the appearance (hierarchy) of the existing rear elevation,
- New development should be confined within the existing plot and accessed from Kemnal Road,

- The site was once attractive residential garden area; although due the site clearance and removal of boundary fencing in connection with a series of unsuccessful planning applications it is now an unattractive piece of land spoiling previous views,
- Site clearance pre-empts the planning process,
- The trees and vegetation previously on the site have been removed except the large oak in the centre of the site which (protected by TPO) indicating that it may also be at risk of removal,
- Recent site clearance has damaged the TPO tree,
- The proposed building and pathway would be very close to the TPO'd tree and could damage its roots; risking destabilisation health and safety risks and therefore further future pressure to fell,
- Positioning new buildings and parking areas beneath the tree risks health and safety and therefore further future pressure to fell,
- Any development on the site would be with falling distance of the tree and therefore should be resisted,
- The sloping land exposes the tree root area and increases the RPA,
- Google aerial maps are inaccurate (showing trees removed however they are still there on site),
- The proposal would place pressure to fell or prune the tree,
- The proposal would provide limited new landscaping to enhance the site appearance (appeal decisions require 175% new planting to compensate tree removals),
- The parking area and additional traffic caused would be out of keeping with the character of the area,
- The proposed bin store in a prominent place would be out of keeping within Pickwick Way,

#### 5.3.1.5 Residential amenity (addressed in section 7.12).

- Existing effects of Selwood House on neighbours is exacerbated by the unnecessary removal of trees/vegetation,
- Residents at Selwood House already gather and cause noise and disturbance to neighbouring properties (effects increased by the raised ground level); this noise disturbance would be exacerbated by the proposal,
- Whereas dwellings in Pickwick Way are oriented to avoid mutual overlooking any new building would overlook neighbouring properties and impact their living conditions (as identified in the previous decision 17/04423/OUT),
- Existing overlooking is not as harmful as the proposed development would be,
- The proposed flat would be more intrusive than the previously proposed single dwelling,
- The proposal would overshadow neighbouring properties,
- The proposal would cause noise disturbance and vandalism,
- The bin store would be positioned close to existing neighbouring properties' main living areas and should be relocated given the ample space elsewhere,

#### 5.3.1.6 Heritage (addressed in section 7.11).

- The buildings in Pickwick Way form a distinct and coherent character,

- The site was previously sympathetic and in keeping with the appearance and heritage of the area however the site clearance detracts from the conservation area,
- The appeal decision (18/00904/OUT) for a new dwelling concluded there would be harm to the Conservation Area,
- The current proposal is suggested as a heritage project,
- Sympathetic improvements to the building would be welcomed
- However the currently proposed extension would be large and unsympathetic and would cause the same harm to the Conservation Area,
- A duplex flat would not be integrated and would appear inconsistent and incoherent with the existing main building,
- The proposal would not sensitively integrate or reunite the land originally belonging to the site; it would place an incongruous building on to it,
- The new entrance at the rear also confuses the legibility of the building,
- The Heritage Report is designed to show the proposal in a positive light,

#### 5.3.1.7 Highways and parking (addressed in section 7.13).

- Existing highway/parking conditions obstructs visibility of pedestrians,
- Work vehicles already block the highway/access into Pickwick Way,
- The development would become a destination; increasing traffic through the tributary streets,
- The proposal would increase traffic amount, frequency and speed through Dickens Drive, Dorrit Way, Pickwick and Copperfield Way,
- There would be insufficient parking spaces for the enlarged existing flats and the new flats; causing overspill parking on Pickwick Way; damaging the grass verges and blocking the highway and neighbouring properties,
- Pickwick Way is narrow, without pavements or street lighting on both sides of the carriageway and with poor visibility; it is unsuitable for additional traffic and on-street parking and would be harmful to vehicle and pedestrian visibility and safety. (DC/99/01215/OUT Inspector concluded "...the alignment of the road coupled with the position of a brick wall and pillar adjoining the highway edge at the entrance to this part of Pickwick Way impede visibility for both drivers and pedestrians. The Borough Engineer has commented that the site access for which planning permission is sought is close to the brick wall and pillar, with northward visibility so limited as to pose serious danger to pedestrians approaching from the footway which terminates outside No 3 Pickwick way and also to vehicular traffic."),
- Parking should only be accessed via Kemnal Road (as existing) and not from Pickwick Way,
- Access and turning through Pickwick Way is unsuitable for large lorries; including construction vehicles, deliveries and refuse lorries,
- The constructed access does not provide a full right turn and requires a three point turn,

#### 5.3.2 Support

##### 5.3.2.1 General (addressed in section 7.2).

- The developer is local and has an interest in producing an attractive development that would improve the building and support the local community,

- The residential intensification would be minimal,
- The Chislehurst society has not objected to the proposal,

#### 5.3.2.2 Residential standards (addressed in section 7.7).

- The enlargement of existing flats would improve living conditions,
- The proposal would re-use existing vacant space within the existing building,
- The proposal would provide additional garden space for residents,

#### 5.3.2.3 Design and landscaping (addressed in sections 7.9 and 7.10).

- The existing building is an attractive place to live and proposed extension would improve the rear elevation of the building and improve the view of neighbouring properties,
- The proposed extension would be well separated from immediately neighbouring properties No. 3 and No. 20 Pickwick Way,
- The proposal would be sufficiently well separated from the protected tree and outside its RPA,

#### 5.3.2.4 Residential amenity (addressed in section 7.12).

- The proposal would be well separated from immediately neighbouring properties No. 3 and No. 20 Pickwick Way,
- The position of the building and the sun's path would cause no overshadowing to 20 Pickwick Way,
- The proposal would reduce/improve any existing mutual overlooking between Selwood House and neighbouring properties,

#### 5.3.2.5 Heritage (addressed in section 7.11).

- The proposal would secure the retention of an historic and characterful Victorian building (1878); preferable to demolition and redevelopment with a modern building which has happened in many other cases locally,
- The extension would improve the appearance of the rear of the building and design of the building overall and would enhance the Conservation Area,
- The proposal would allow the building owner to make further investment in the building,

#### 5.3.2.6 Highways and parking (addressed in section 7.13).

- The proposal would not increase traffic significantly through Pickwick Way and would not be more harmful than existing,
- The proposal would provide electric charging points,

## 6. POLICIES AND GUIDANCE

### 6.1 National Policy Framework 2019

### 6.2 NPPG

### 6.3 The London Plan

3.3 Increasing Housing Supply

3.4 Optimising Housing Potential

- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 8.3 Community Infrastructure Levy

## **6.4 Draft London Plan**

- 6.4.1 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
- 6.4.2 The draft New London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.
- 6.4.3 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.
- 6.4.4 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London

Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.

- 6.4.5 At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

D3 Optimising site capacity through the design-led approach  
D4 Delivering good design  
D5 Inclusive Design  
D6 Housing quality and standards  
D7 Accessible housing  
D8 Public realm  
D11 Safety, security and resilience to emergency  
D14 Noise  
H1 Increasing housing supply  
H10 Housing size mix  
HC1 Heritage Conservation and growth  
G6 Biodiversity and access to nature  
G7 Trees and woodlands  
SI 1 Improving Air Quality  
SI 2 Minimising greenhouse gases  
SI 3 Energy infrastructure  
SI 5 Water infrastructure  
SI 7 Reducing waste and supporting the circular economy  
SI 8 Waste Capacity and net waste self-sufficiency  
SI 12 Flood Risk Management  
SI 13 Sustainable drainage  
T1 Strategic approach to transport  
T3 Transport capacity, connectivity and safeguarding  
T5 Cycling  
T6 Car parking  
T6.1 Residential parking  
T9 Funding transport infrastructure through planning  
DF1 Delivery of the Plan and Planning Obligations

## 6.5 Mayor Supplementary Guidance

Homes for Londoners (2017)

Housing (March 2016)

Accessible London: Achieving an Inclusive Environment (2014)

Sustainable Design and Construction (2014)

Shaping Neighbourhoods: Character and Context (2014)

Providing for Children and Young People's Play and Informal Recreation (2012)

## **6.6 Bromley Local Plan 2019**

1	Housing Supply
4	Housing Design
6	Residential Extensions
8	Side Space
9	Residential Conversions
30	Parking
37	General Design of Development
73	Development and Trees
77	Landscape Quality and Character
112	Planning for Sustainable Waste management
113	Waste Management in New Development
115	Reducing flood risk
116	Sustainable Urban Drainage Systems (SUDS)
117	Water and Wastewater Infrastructure Capacity
118	Contaminated Land
119	Noise Pollution
120	Air Quality

## **6.7 Bromley Supplementary Guidance**

Affordable Housing (2008) and subsequent addendums  
Planning Obligations (2010) and subsequent addendums  
SPG1 General Design Principles  
SPG 2 Residential Design Guidance

## **7. ASSESSMENT**

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

- 7.2 Procedural matters
- 7.3 Principle of Development
- 7.4 Affordable Housing
- 7.5 Density
- 7.6 Unit mix
- 7.7 Standard of accommodation and amenity for future occupants
- 7.8 Accessible/Adaptable Homes
- 7.9 Design – Layout, scale height and massing
- 7.10 Trees and landscaping
- 7.11 Heritage and Conservation
- 7.12 Neighbourhood Amenity
- 7.13 Transport: highways and parking
- 7.14 Environmental Health (contamination/noise/air quality)
- 7.15 Ecology
- 7.16 Drainage and Flooding



- 7.17 Sustainability and Energy

## **7.2 Procedural matters**

- 7.2.1 The application details state that the parcel of land originally belonged to Selwood House and that it was only recently served from Selwood House and only temporarily transferred to 3 Pickwick Way to be used as its garden. Notwithstanding this, land ownership is not a relevant planning matter moreover the use of land relevant in planning terms and according to the planning history the lawful use of the land is as residential garden land relating to 3 Pickwick Way. It is noted that the land has since been physically separated from 3 Pickwick Way however notwithstanding the physical separation and/or sale of that land to another party and recent planning applications to develop that land, in planning terms it remains the lawful residential garden of 3 Pickwick Way, unless and until some other planning permission is granted either to form a separate planning unit in its own right or to confirm that it relates to Selwood House.
- 7.2.2 All comments received on planning applications shall be taken into account, although appropriate weight will be attributed to them depending their relevance in planning terms and to the proposed development. Other matters may be relevant to other processes such as the Building Regulations or Environmental Health matters.
- 7.2.3 Although 3D visualisations/images maybe useful in understanding a proposal and its context they are supporting documents and the proposed development is determined on the formal application drawings.
- 7.2.4 Notwithstanding representations received many of the stated improvements; design, garden area, electric vehicle charging points could be provided in any event regardless of this planning application.
- 7.2.5 The need/reason for the development and the nature of the Applicant is not a material planning consideration.
- 7.2.6 Each planning application is assessed on its own merits and the granting of one planning application would not necessarily infer or establish a precedent.

## **7.3 Principle of development – Acceptable**

- 7.3.1 Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.
- 7.3.2 Policies including 3.3 of The London Plan 2016 and Policy 1 of the Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

- 7.3.3 The NPPF at paragraph 53 also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.
- 7.3.4 Policy 4 of the Local Plan advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.
- 7.3.5 The application site lies within suburban area where there is no objection in principle to new development. Furthermore there was no objection from the Council or the Appeal Inspector to the principle of new residential development in the previous scheme(s).
- 7.3.6 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.3.7 A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.
- 7.3.8 In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.3.9 In this particular case there are no areas under protection or assets of particular importance and therefore paragraph 11 d) i. does not apply. The proposal is therefore assessed in relation to paragraph 11 d) ii.

7.3.10 This application would provide 2 additional residential units providing a modest contribution to the housing supply within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development. The previous planning applications/appeals are a material consideration and the key issue is whether the current proposal complies with the Development Plan Policies and whether it is material different and/or overcomes the reasons for the refusal/dismissal of the previous scheme(s).

#### **7.4 Affordable housing – Acceptable**

7.4.1 Notwithstanding representations received on this application the proposal for two new residential units is not required by planning policy to provide affordable housing; although this would not be discouraged if the developer wishes to provide this, and there is no conflict in this respect.

#### **7.5 Density – Acceptable**

7.5.1 The proposal would provide 2 new units on the site comprising 5.3 units/hectare and when combined with the existing 13 units the total of 15 units on the site would comprise 39.5 units/hectare; in either case it would not be an unreasonable dwelling density for the area according to the London Plan Density Matrix. Furthermore, the proposed habitable rooms per unit and hectare would not conflict with the Density Matrix.

#### **7.6 Unit mix – Acceptable**

7.6.1 According to the submitted floor plan most of the units in the existing building appear to be 1-bedroom units. The proposal would form one 1-bedroom unit within the existing building (shown as Flat 14) and one 2-bedroom unit within the new duplex extension (shown as Flat 01). The proposed rear extension would also appear to enlarge two of the existing 1-bedroom units to 2-bedroom units (shown as Flat 02 and Flat 05). The two other existing flats to be enlarged already appear to be two bedroom units (shown as Flat 03 and Flat 06). Overall the mixture of units in the current proposal would reflect the mixture of units in the existing building and there would be no conflict in this respect.

#### **7.7 Standard of accommodation and amenity for future occupants – Acceptable**

7.7.1 In March 2015 the Government published The National Technical Housing Standards. This document 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 occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be

adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

7.7.2 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation 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 to reflect the Governments National Technical Housing Standards.

7.7.3 The proposal would provide 2 new units and would enlarge 4 existing units. The units shown as 01, 02, 03, 05 and 06 would comply with (and in most cases exceed) the relevant room size and unit size set out in the Nationally Described Space Standard. The unit shown as 14 (provided within the existing ground floor) would exceed the overall unit floor space and although its double bedroom would be slightly below the required floor space (10.6 sqm compared with 11.5sqm) given that it would be generously sized overall it would provide a suitable living environment for the occupants. As mentioned above the proposed building would be sufficiently well removed from the existing trees that the shading from trees to the building and amenity spaces would not be overbearing or significantly harmful to the amenities of the future occupants. It is understood that the current residential units benefit from the use of the communal grounds. The proposed new units would also be served by this arrangement. For these reasons the units would provide a suitable standard of accommodation for the existing/future occupants.

## **7.8 Accessible/Adaptable Homes – Acceptable**

7.8.1 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. The application contains an Accessible Adaptable Homes Statement to deal with this matter.

## **7.9 Design – Layout, scale height and massing – Unacceptable**

7.9.1 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.

- 7.9.2 Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.9.3 Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.9.4 London Plan and Local plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. Policy 37 (General Design of Development) requires all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Development will be expected to meet a list of ten criteria.
- 7.9.5 In considering the most recent appeals 17/04423/OUT and 18/00904/OUT the appeal Inspector noted that in each case the dwelling would be positioned off-centre close to No. 3 Pickwick Way unbalanced in the street scene and out of keeping with its “spacious grain”.
- 7.9.6 Regarding the proposed enlargement of the existing flats:  
The proposed development would not be excessive in size and scale and would relate relatively well to the existing building and would not appear excessive in size and scale or an overdevelopment of the site. The proposed design and materials would be in keeping with those of the existing building.
- 7.9.7 Regarding the proposed new duplex flat:  
In respect to the proposed duplex flat extension although it would be attached to the existing building of Selwood House given its location, raised level and the access on to Pickwick Way it could be regarded as relating more to the street scene of Pickwick Way than Selwood House and Kemnal Road. As such within this context of Pickwick Way the currently proposed duplex addition would be positioned off centre close to No. 20 Pickwick Way and as such it would have the same effect as the appeal schemes except to the other side of the site. Furthermore, it would have neither a properly defined or presented frontage on to Kemnal Road or Pickwick Way and would relate poorly to each of those highways.

The multi-level design over several different ground levels would appear incongruous due to the steep gradient of the site. Furthermore, the proposed addition would appear bulky and excessive in size and scale and would not appear subservient to the existing building. The proposed access and parking area; separate from the main parking area serving Selwood House, would contribute towards the incongruous appearance of the development in the context of Pickwick Way. As such the proposal would appear contrived and at odds with the spacious Conservation Area as concluded by the appeal Inspector in the recent appeal schemes. The proposed design and materials may respect those of the existing dwelling overall however this is not sufficient to outweigh the harm to the overall character and appearance of the building and its setting within the Conservation Area. It is noted that the development would utilise currently undeveloped space however any such proposal should be sensitively designed.

## **7.10 Trees and landscaping – Acceptable**

- 7.10.1 The oak tree on the site greatly contributes to the character and appearance of the site and the Conservation Area and it is consequently is protected by the Conservation Area designation and Tree Preservation Order 2636. As mentioned in the previous planning and appeal decisions, previous proposals were concluded to be harmful to the tree and/or the proximity of the tree would have had an adverse impact on the amenities of the future occupants leading to future pressure to prune or fell the tree either of which would have detracted from its amenity value and its contribution to the character of the area and the Conservation Area. The application is supported with an Arboricultural Impact Assessment & Method Statement. The submission addresses the tree constraints and demonstrates that the most important tree T1 (the prominent protected oak) could be retained and its wellbeing would not be harmed by the proposal. As compared with the previous schemes the current scheme would provide a more open area of amenity space around the tree and proposed building. The extent of the eastern and southern canopy aspect is less than that of the north and western aspects; which addresses the potential clearance issues between the tree and the building and would provide a greater degree of natural light. The daylight/sunlight can be assessed from aerial photography and demonstrates that the shading from trees to the building and amenity spaces would not be overbearing or significantly harmful and would be unlikely to lead to future pressure to significantly prune or to fell the tree which would harm the character of the area. The proposal demonstrates that it would comply with British Standard 5837:2012 Trees in relation to design, demolition and construction, including precautionary and mitigation measures to reduce the impact on the retained trees (within or outside the application site). Tree protection measures and the proposed hard and soft landscaping could be managed by planning condition. On this basis the proposal would not have a significantly adverse impact on trees or vegetation that would be harmful to the character and appearance of the site and its setting within the Conservation Area.
- 7.10.2 The Council is aware of the site clearance and tree related matters carried out before the submission of the planning application.

## **7.11 Heritage and Conservation – Unacceptable**

- 7.11.1 The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.
- 7.11.2 Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.11.3 Within or adjacent to a Conservation Area:
- 7.11.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 7.11.5 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 7.11.6 Impact on Listed Buildings and their setting:
- 7.11.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 7.11.8 Selwood House was constructed in 1872 within extensive grounds. Pickwick Way was constructed on the rear part and Willett House in the front of those original grounds. The setting of Selwood House has therefore already been greatly eroded. The house has an impressive frontage with a simple and utilitarian service wing to the northwest corner; which is visible from Pickwick Way. The northwest wing appears on the 1896 OS map and is therefore likely to be original or a very early addition. For these reasons the house itself has retained significant historic integrity, and it is locally listed, however its grounds and setting have not.

- 7.11.9 The proposal lies within a designated heritage asset (the Chislehurst Conservation Area) and paragraph 193 of the NPPF identifies three levels of harm: total loss of the heritage asset, substantial harm or less than substantial harm to the significance of the heritage asset.
- 7.11.10 As mentioned, Pickwick Way was constructed within the former garden of Selwood House. The application site lies adjacent No. 3 Pickwick Way and although it was previously owned by that property and formed part of its residential curtilage it remained un-landscaped and relatively inaccessible; indicating that it did not form part of the original design/layout of Pickwick Way to provide a green space for its residents to use. Notwithstanding these origins the appeal Inspector noted that the application site and particularly its prominent TPO'd oak tree makes a positive contribution to the open feel of Pickwick Way which is an attractive residential development; albeit not the most significant part of the Conservation Area.
- 7.11.11 The Applicant considers that the reinstatement of the application site back into the grounds of Selwood House (as it would have been originally) improves the historic context and setting of the site. However whereas those grounds would have been originally open and part of its landscape; contributing towards the character of Selwood House, the site and its locality within the Conservation Area as identified by the appeal Inspector, the current proposal would build upon those grounds. Therefore the reinstatement of that land into grounds of Selwood House would not have as significant a positive benefit as if the land had been left in its original open state again.
- 7.11.12 The Inspector considered that the positioning of a detached building to the [northern] side of the oak tree would sit uncomfortably; it would appear contrived and out of keeping with the spacious character in this part of the Conservation Area. Given this conclusion any development on the site it likely to be difficult. The Inspector concluded that the previous appeal scheme(s) 17/04423/OUT and 18/00904/OUT would be harmful to the Conservation Area; even though the harm was considered to be less than substantial, and that there would be no particular public benefits arising from the scheme(s) and decided to dismiss the appeal(s) on that basis.
- 7.11.14 Regarding the proposed enlargement of the existing flats:  
The proposed extension to the existing rear elevation would be more modest in size than the proposed duplex flat element. Its position, size, form and design and its general integration with the existing part of the building to which it would be attached would be more in keeping with the existing building. However it would be set on raised ground where it would appear highly prominent and the means of construction i.e. the retaining wall necessary to support the structure on the sloping ground could also have a harsh and over engineered appearance. The extension would have a flat roofed element and this would not reflect or



accord with the steep sided pitched roofs throughout the rest of the building and would alter its proportions and would detract from its appearance. This element would not be significantly harmful to the locally listed building or its setting within the Conservation Area however it would not contribute positively to preserve the Conservation Area and there would be no public benefits from this element and it would conflict with Local Plan Policies 37 and 41.

7.11.13 Regarding the proposed new duplex flat:

The current proposal would comprise an extension to the existing building however it would continue to be positioned over to the far side of the plot; this time to the southern side of the oak tree, and it would continue to appear cramped and contrived in this location. It would continue to sit uncomfortably and appear out of keeping with the spacious character in this part of the Conservation Area. Furthermore the appearance of a multilevel extension attached to rear of Selwood House and set on the sloping land would appear more contrived and incongruous than a detached dwelling set within its own defined plot and this would be more harmful to the appearance of the application site and the Conservation Area when viewed from Pickwick Way. In relation to Selwood House itself the proposal extension would appear as a disjointed and poorly integrated addition loosely connected to the main building but without any coherent integration. Furthermore, the proposed extension and the formation of a new access on to Pickwick Way would also present a new “front elevation” on to Pickwick Way and this would confuse its original layout and would detract from the hierarchy of elevations and the main entrance and access to Selwood House fronting on to Kemnal Road. As such this proposed extension and the formation of a new highway access would compete with the layout, formation and access to the original building and heritage asset. For these reasons the current proposal would continue to be harmful to the locally listed building and to the character and appearance of the Conservation Area and would conflict with Local Plan Policies 37 and 41.

7.11.15 As mentioned above the protected oak tree on the site greatly contributes to the character and appearance of the site and the Conservation Area. However, according to the Council’s Tree Officer the current proposal demonstrates that it would not have a significantly adverse impact on the tree, the tree would be retained and the proximity of the building to the tree would be unlikely to lead to future pressure to significantly prune or to fell the tree which would harm the character of the Conservation Area. Notwithstanding this, however, as mentioned Inspector considered that the openness of the application site contributes positively towards the character and appearance of the Conservation Area and although the tree could be retained the construction of new buildings on the land would detract from this positive contribution and therefore this proposal would be harmful to the landscaped setting of the site within the Conservation Area and would conflict with Local Plan Policies 43, 73 and 74.

7.11.16 For these reasons the current proposal would continue to detract from and harm the character and appearance of the building and its setting within the Conservation Area and would compromise the significance of the heritage asset.

As identified by the Inspector in the previous appeal(s) the current proposal would result in harm to the character of the area and Conservation Area and would fail to enhance or preserve the Conservation Area and there would be no public benefits that would outweigh the harm identified.

## **7.12 Neighbourhood Amenity – Unacceptable**

- 7.12.1 Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.
- 7.12.2 Policy 4 of the Bromley Local Plan also seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.12.3 Regarding the proposed extension to enlarge the flats in the main building; although it would be positioned at a raised level as mentioned it would relate relatively well to the existing building and it would be relatively well separated from neighbouring properties and its building mass and scale would not be significantly more harmful than the existing building in terms of overshadowing, outlook or overlooking.
- 7.12.4 Regarding the proposed duplex addition, the development would be positioned close to the boundary with No. 20 Pickwick Way; approximately 15m from its front elevation. It is noted that the garage of No. 20 stands partially between No. 20 and the proposed duplex flat and that it would be positioned approximately due north east from No. 20. As such although the proposal may not lead to directly harmful overshadowing, its proximity raised ground level and height and mass would detract from the outlook of No. 20. The main outlook from the proposed duplex flat would be to the north and west; approximately 30m from No. 3 Pickwick Way and 32m from No. 14 Pickwick Way (the closest properties in those directions). Although the flat would be positioned at a raised level the degree of overlooking in those directions would not be significantly harmful; sufficient enough to warrant refusal in this particular case. The windows in the south elevation; closest to No. 20 Pickwick Way, would serve non-habitable circulation spaces or would be secondary windows to habitable rooms and they could be fitted with obscure glazing and restricted opening windows to protect neighbouring privacy without harming the living conditions of the occupants in those rooms.
- 7.12.5 Any noise/disturbance arising from the existing building, stated in representations, appears to be an existing situation and it is not clear that the proposal would have an additional effect.

### **7.13 Transport: highways and parking – Acceptable**

- 7.13.1 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.
- 7.13.2 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.
- 7.13.3 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.13.4 The application site lies in an area where both highway accesses have a 0 PTAL rating (on a scale where 0 has poorest access and 6b has best access to public transport services) indicating that the application site and the proposed development would be more reliant upon private transport such as the car and bicycle.
- 7.13.5 The proposal includes access via Kemnal Road (to the existing building) and via Pickwick Way (to the proposed duplex flat) and shall be assessed accordingly. As mentioned, the Highway Authority notes the existing access on to Pickwick Way; although it was constructed separately from this planning application, there is no objection in principle. Additional traffic to the development would be relatively limited. The proposal would provide additional car parking and bicycle storage to serve the development. The proposal would be served by existing or proposed new refuse/recycling storage and a suitable location/design could be designed. There is no objection from the Council's Highway Department in respect of parking or highway matters. In the event that planning permission is granted highway and parking matters, including construction management details, could be managed by planning condition.
- 7.13.6 As mentioned, there would be no objection to the Applicant/Developer's suggested removal of the existing brick pillar close to the boundary with No. 3 Pickwick Way. However where the Applicant/Developer has informally suggested installing a pedestrian footpath from the edge of the existing footpath near the boundary with No. 3 Pickwick Way along the front of the site to join up with the recently constructed highway access this will not be required by the Highway Authority.
- 7.13.7 Matters relating to the condition of road surfaces are either a matter for the Highway Authority to address and manage (as appropriate) for adopted roads or for the relevant body/organisation for privately owned roads. Matters relating

to obstruction of the highway or pedestrian footpath(s) may be addressed with the Highway Authority or the Police Service.

**7.14 Environmental Health (contamination/noise/air quality) – Acceptable**

- 7.14.1 There would be no significantly adverse environmental effects arising from the proposed development although the Applicant/Developer could be advised of the Council's Environmental Health conditions/informatives in the event that planning permission is granted.

**7.15 Ecology – Acceptable**

- 7.15.1 The proposal would comprehensively redevelop the application site and it is noted that since some of the previous applications the site has been cleared of most if not all of its previous vegetation and undergrowth (apart from the prominent protected oak tree) and this is likely to have diminished the wildlife habitat. Nonetheless there may be some suitable habitat within retained trees/vegetation and the building itself; given its age and location and as should planning permission be granted the development should be carried out in accordance with Natural England's precautionary approach.

**7.16 Drainage and flooding – Acceptable**

- 7.16.1 The Council's Drainage Officer has previously advised that the Applicant should be aware of the presence of a culverted ordinary watercourse west of the site and that any proposed building on top of this ordinary watercourse would be unacceptable. Notwithstanding this there is no objection to the current proposal, although in the event that planning permission is granted the proposal should provide a Sustainable Drainage System (SuDS) incorporating; storm event attenuation, surface run-off to reflect the greenfield run-off rate for the area, and the incorporation of Green Roofs. Furthermore, there is no objection from Thames Water subject to its recommended drainage/infrastructure conditions and informatives in the event that planning permission is granted.

**7.17 Sustainability and Energy – Acceptable**

- 7.17.1 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.
- 7.17.2 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 7.17.3 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

- 7.17.4 Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.
- 7.17.5 The application for two new units would not be required to provide renewable energy measures, although this would not be discouraged if the Applicant wished to provide this. Indeed, as part of the site would be comprehensively re-developed it would offer the opportunity for renewable energy technologies such as ground source/air source heat pumps and/or solar PV or thermal roof panels. Technologies less sensitive in design could be managed by condition if planning permission is granted however visually prominent technologies such as solar roof panels may be more fundamental in principle in design terms and may not be suitable to be conditioned.

## **8. CIL**

- 8.1 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the Applicant has completed the relevant form.

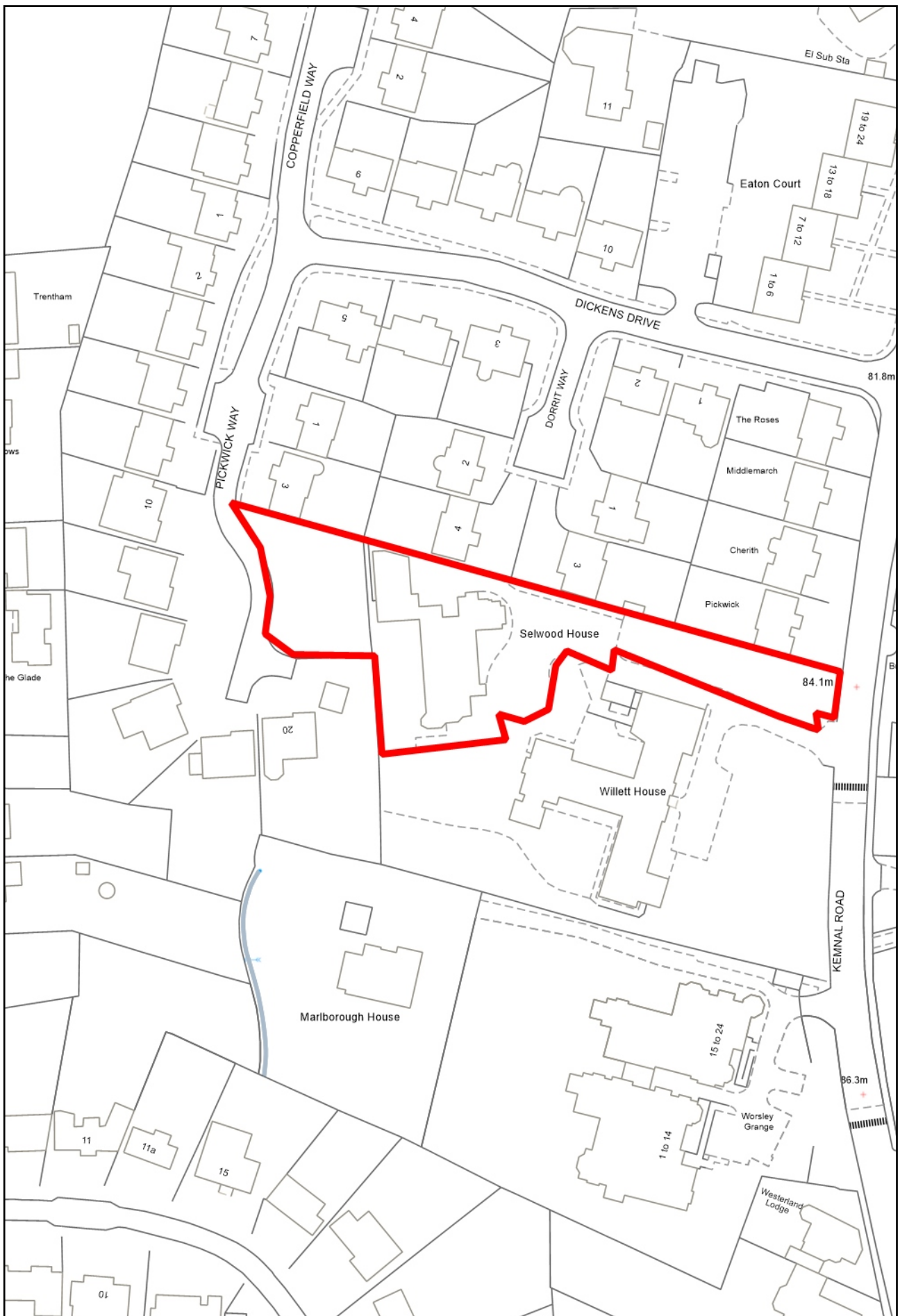
## **9. CONCLUSION**

- 9.1 The proposed development would have a significantly harmful impact on the character and appearance of the existing locally listed building, the site, and its wider setting within the Chislehurst Conservation Area and it would be harmful to the amenities of neighbouring properties and for these reasons it is recommended that planning permission is refused.

## **RECOMMENDATION: REFUSE**

1. The siting, multilevel layout, size and scale of the proposed duplex flat would be out of keeping with the character and appearance of the existing locally listed building, it would appear unbalanced and contrived and at odds with the spacious Chislehurst Conservation Area contrary to Policies 4, 6, 8, 37, 39 and 41 of the Bromley Local Plan 2019.
2. The proposed the siting; at a raised ground level and proximity to the neighbouring property, the size and scale of the proposed duplex flat would be significantly harmful to the outlook and visual amenities of the neighbouring property at No. 20 Pickwick Way contrary to Policies 6 and 37 of the Bromley Local Plan 2019.

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