



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Kevin Walter  
[kevin.walter@bromley.gov.uk](mailto:kevin.walter@bromley.gov.uk)

THE LONDON BOROUGH  
[www.bromley.gov.uk](http://www.bromley.gov.uk)

DIRECT LINE: 020 8461 7588  
FAX: 020 8290 0608

DATE: 14 June 2023

To: Members of the  
**PLANS SUB-COMMITTEE NO. 2**

Councillor Peter Dean (Chairman)  
Councillor Charles Joel (Vice-Chairman)  
Councillors Mark Brock, Will Connolly, Sophie Dunbar, Simon Fawthrop,  
Keith Onslow, Chris Price, Will Rowlands and Ryan Thomson

A meeting of the Plans Sub-Committee No. 2 will be held at Bromley Civic Centre on  
**THURSDAY 22 JUNE 2023 AT 7.00 PM**

TASNIM SHAWKAT  
Director of Corporate Services & Governance

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 telephone Democratic Services 020 8461 7588**

**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.**

**Copies of the documents 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 CONFIRMATION OF MINUTES OF MEETING HELD ON 27TH APRIL 2023**  
(Pages 1 - 4)

**4 PLANNING APPLICATIONS**

4.1	West Wickham	5 - 12	(23/00990/TPO) - 7 Grosvenor Road, West Wickham, BR4 9PU
4.2	Chislehurst	13 - 24	(23/01103/FULL6) - The Roses, Kemnal Road, Chislehurst BR7 6LT

**5 CONTRAVENTIONS AND OTHER ISSUES**

**NO REPORTS**

**6 TREE PRESERVATION ORDERS**

**NO REPORTS**

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

## PLANS SUB-COMMITTEE NO. 2

Minutes of the meeting held at 7.00pm on 27 April 2023

### Present:

Councillor Mark Brock (Chairman)  
Councillor Simon Fawthrop (Vice-Chairman)  
Councillors Jonathan Andrews, Will Connolly, Peter Dean,  
Kira Gabbert, Kevin Kennedy-Brooks and Keith Onslow

### Also Present:

Councillor Michael Tickner

## 23 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Thomson and Councillor Kennedy-Brooks attended as substitute.

## 24 DECLARATIONS OF INTEREST

None received.

## 25 CONFIRMATION OF MINUTES OF MEETING HELD ON 23RD FEBRUARY 2023

The Minutes of the meeting held on 23<sup>rd</sup> February 2023 were confirmed and signed as a correct record.

## 26 PLANNING APPLICATIONS

**26.1 BICKLEY & SUNDRIDGE**                      **(22/02928/FULL6) - Denby 14 Pines Road, Bickley, Bromley, BR1 2AA**

Single storey rear extension.

An oral representation was received from the Agent in support of the application. The Committee were informed that the plans had been revised due to the extension of the property to the rear of the site and the subsequent change of outlook for the applicants.

Ward Councillor and Committee Member, Councillor Kira Gabbert spoke to the Committee in objection to the application and confirmed the neighbours' concerns in respect of loss of outlook, light and the effect on their property. It was also highlighted that the Council sought to manage the risk of overdevelopment by removing Permitted Development Rights when granting planning permission for the property in 2019.

The Committee discussed the application including the matters of overdevelopment, the neighbouring impact and the impact on the surrounding Conservation area.

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

**The proposed extension, by reason of its excessive depth, height and close proximity to the flank boundary with No.14A Castleford, Pines Road would result in an overdevelopment of the site and an oppressive outlook to the adjacent property and would contravene the rear building line to the north of the site along Pines Road which would have a detrimental impact on the character and appearance of Bickley Park Conservation Area, thereby contrary to Policies 6, 37 and 41 of the Bromley Local Plan.**

**26.2  
BECKENHAM TOWN &  
COPERS COPE**

**(21/02984/RECON) - National Westminster Bank  
Sports Ground, Copers Cope Road, Beckenham,  
BR3 1NZ**

Application under section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 of permission ref.21/02984/FULL1 to allow the retention of the existing one-way system and the relocation of the gate posts at the beginning of the driveway.

Following a presentation of the application by the Planning Officer, the Committee were informed that an independent traffic report/survey, commissioned by the North Copers Cope Road Action Group in support of their objections, had only just been received. As such, there had been no time for Planners/Highways Officers to consider or respond to the report's findings.

An oral representation was received from the Chairman of the North Copers Cope Road Action Group in objection to the application. Residents' concerns were explained as outlined in the Report, including major concerns over traffic congestion and safety issues. The findings of the independent traffic report were also referred to.

An oral representation was then received from the Chief Financial Officer of Crystal Palace Football Club (CPFC) in support of the application. The Committee were informed that CPFC have been operating the site for two years, with consideration given to traffic and safety issues. It is felt that the plan is a significant improvement and will help with congestion concerns.

Visiting Ward Member, Councillor Michael Tickner gave an oral representation regarding the application. The Committee were informed of residents' concerns over severe traffic problems, congestion and safety issues caused by the site. Councillor Tickner also referred to the independent traffic report and recommended the Committee considered deferral of the application in order for Planning/Highways to fully consider the report.

Ward Councillor and Committee Member, Councillor Will Connolly highlighted to the Committee the high number of residents' objections and reiterated concerns over traffic congestion, road safety and traffic noise. Following discussions with interested parties, Councillor Connolly explained that everyone wanted the scheme/proposals to work. It was felt that more work was also needed on the management strategy for use of the site in peak hours and when the site becomes fully operational.

Members having considered the report, objections and representations, **RESOLVED that the APPLICATION BE DEFERRED**, for the following reasons:

**To assess the independent traffic report submitted by objectors and to look at the wider traffic implications of the sports ground.**

**27**

**CONTRAVENTIONS AND OTHER ISSUES**

NO REPORTS

**28**

**TREE PRESERVATION ORDERS**

NO REPORTS

The Meeting ended at 8.02 pm

Chairman

# Agenda Item 4.1

<b>Committee Date</b>	22.06.23		
<b>Address</b>	7 Grosvenor Road, West Wickham, BR4 9PU		
<b>Application Number</b>	23/00990	<b>Officer</b>	Chris Ryder
<b>Ward</b>	West Wickham		
<b>Proposal</b>	T1 Beech - Fell. T2 Beech - Fell.		
<b>Applicant</b>	Mr & Mrs Lear 9 Grosvenor Road West Wickham BR4 9PU		<b>Agent</b> RGTree Limited 13 Beech Road Biggin Hill TN16 3JQ
<b>Reason for referral to committee</b>			<b>Councillor call in</b>  Cllr Bennett
<b>RECOMMENDATION</b>	Refusal		

<b>KEY DESIGNATIONS</b>
Tree Preservation Order (TPO) 793

<b>Representation summary</b>			
Total number of responses			0
Number in support			0
Number of objections			0

## SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Members must decide whether to consent, consent in part or refuse the proposed tree removal, based on the evidence submitted and the officer's assessment.

## PROPOSAL

1. This application has been made in respect of two beech trees at the front of the property.



*Figure 1 – Beech trees (T1/T2)*

## LOCATION

2. The application site is comprised of a semi-detached dwelling located on the east side of Grosvenor Road.



### 3 RELEVANT PLANNING HISTORY

- T1 Beech - Crown reduce height by 2.5m and lateral spread by 2m. Crown lift to 3.5m from ground level. T2 Beech - Crown reduce height by 2.5m and lateral spread by 2m. Crown lift to 3.5m from ground level. SUBJECT TO TPO 793

Ref. No: 18/02440/TPO | Status: Consent

- T1 Beech - Fell. SUBJECT TO TPO 793

Ref. No: 18/02440/TPSPLD | Status: Application Refused

- T1 Beech - Crown reduce by 2 - 2.5m. Crown lift to 3.5m from ground level to allow clearance of passing vehicles. T2 Beech - Crown reduce by 2 - 2.5m on the top periphery, the north, south and west sides of canopy. Crown lift to 3.5m from ground level to allow clearance of passing vehicles. SUBJECT TO TPO 793 (6.8.1992)

Ref. No: 20/01678/TPO | Status: Consent

- T1 Beech - Fell. SUBJECT TO TPO 793 (6.8.1992)

Ref. No: 20/01678/TPSPLD | Status: Application Refused

- T1 Beech close/touching the properties of Nos. 7 & 9 - Reduce low and overhanging branches by 2.5m. Crown lift up to 3.5m. Remove deadwood. T2 Beech with low branches and deadwood present - Crown lift up to 3.5m. Remove deadwood. Holly hedge along No. 9 - Cut back to fence line. SUBJECT TO TPO 793 (6.8.1992)

Ref. No: 20/04662/TPO | Status: Application Withdrawn

### 4 CONSULTATION SUMMARY

- 4.1 Immediate neighbour consultation notifications were sent out and no representations have been received.

### 5 POLICIES AND GUIDANCE

#### 5.1 National Policy Framework 2019

15. Conserving and enhancing the natural environment

#### 5.2 The London Plan

G1 Green Infrastructure and Natural Environment  
G7 Trees and Woodlands

#### 5.3 Bromley Local Plan 2019

42 Conservation Areas  
73 Development and Trees  
74 Conservation and Management of Trees and Woodlands

#### 5.4 The London Borough of Bromley Tree Management Strategy 2016-2020

Section 18

## **5.5 National Planning Guidance - Tree Preservation Orders and trees in conservation areas (Ministry of Housing, Communities and Local Government)**

Paragraph 020 – 057

## **6 CONSIDERATIONS**

- 6.1 This application seeks to fell the protected beech trees due to the impact upon local surfaces and the overall dominance of the trees in respect of the property. A tree survey report has been supplied in support of the application.
- 6.2 A site inspection carried out on 20<sup>th</sup> December 2022 revealed the trees remain free of defects and display normal vitality.
- 6.3 The key justification relied upon for the application is set out within the appended tree survey report. See section 9 of the report for the applicant's reasoning in support.
- 6.4 The planning history highlights 2 previous applications to fell the trees that resulted in refusal and part consent to enable reduction works. The part consented permissions do not appear to have been implemented.
- 6.5 The trees make an important visual contribution to the local street scene and cannot be readily replaced. High amenity value is demonstrated by the service of the TPO in 1992.

## **7 CONCLUSION**

- 7.1 The assessment of this application concludes the same outcome as that seen in applications 18/02440/TPO and 20/01678/TPO.
- 7.2 The past decision making has determined that reduction works are the most suitable solution to the overdominance of the trees on the property. The felling of the trees has been deemed unacceptable and contrary to Council policy, conflicting with the objectives of the TPO.
- 7.3 Clearance issues may be addressed by pruning, as consented to in previous years.
- 7.4 Surface distortion and the presence of trip hazards should be addressed by localised repairs or an alteration of the surface material. Tree roots will cause movement where surfaces lack permeability. A gravel-based surface is usually seen as the most cost effective solution, however, other surface types may be selected with technical support of an arboricultural consultant.
- 7.5 It would be considered reasonable to reduce both trees to alleviate the grounds of this application. Felling is considered an excessive management measure. Reduction works would address the justification and retain both trees as a cohesive feature.
- 7.6 Members must therefore consider the impact of the trees on the property owner and the reasons set out by the applicant. Members are guided to part consent to pruning as set out below.

**RECOMMENDATION: CONSENT IN PART FOR**

T1 Beech - Crown reduce by 2 - 2.5m. Crown lift to 3.5m from ground level to allow clearance of passing vehicles.

T2 Beech - Crown reduce by 2 - 2.5m on the top periphery, the north, south and west sides of canopy. Crown lift to 3.5m from ground level to allow clearance of passing vehicles.

## **CONDITIONS**

### **1. TL14 Tree Consent – Commencement**

The tree works hereby granted consent shall be carried out within 2 years of the date of this decision.

Reason: In order to comply with Policy 73 of the Bromley Local Plan and in the interest of good arboricultural practice and the visual amenities of the area.

### **2. ND52 Tree Surgery**

The work to the tree(s) hereby granted consent shall be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work).

Reason: In order to comply with Policies 73 and 74 of the Bromley Local Plan and in the interest of good arboricultural practice and the visual amenities of the area.

## **REFUSAL FOR**

T1 Beech – Fell.

T2 Beech – Fell.

## **REASON FOR REFUSAL**

**The proposed felling is considered excessive to what is necessary in alleviating the grounds of the application. The felling of the trees would remove important trees in the local landscape and negate the objectives of the Tree Preservation Order (TPO). This element of the application is therefore contrary to Policy 73, 74 of the Bromley Local Plan (adopted January 2019), Policy 7.21 of the London Plan and The London Borough of Bromley Tree Management Strategy (2016 - 2020).**

## **INFORMATIVES**

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and ivy from protected trees.


This page is left intentionally blank




**Planning**


© Crown copyright and database rights 2023.  
Ordnance Survey 100017661.

12 May 2023

 23/00990/TPO - 7 Grosvenor Road,  
West Wickham, BR4 9PU



1:500



Page 11

This page is left intentionally blank

# Agenda Item 4.2

<b>Committee Date</b>	08.06.2023	
<b>Address</b>	The Roses Kemnal Road Chislehurst BR7 6LT	
<b>Application Number</b>	23/01103/FULL6	<b>Officer</b> - Gill Lambert
<b>Ward</b>	Chislehurst	
<b>Proposal</b>	Garage conversion into habitable room, double storey side extension and single storey rear extension and elevational alterations	
<b>Applicant</b>	<b>Agent</b>	
Mr & Mrs Mothersole	Mr Sanjay Kanadia	
The Roses Kemnal Road Chislehurst BR7 6LT	260 Sherwood Park Avenue Sidcup DA159JN	
<b>Reason for referral to committee</b>	Side space	<b>Councillor call in</b>  No

<b>RECOMMENDATION</b>	Application Refused
-----------------------	---------------------

<p><b>KEY DESIGNATIONS</b></p> <p>Conservation Area: Chislehurst          Biggin Hill Safeguarding Area          London City Airport Safeguarding          Open Space Deficiency          Smoke Control SCA 16          Tree Preservation Order</p>
---

<b>Representation summary</b>	Neighbour letters were sent 21/03/23 A Statutory site notice was displayed at the site between 24.03.23 – 15.04.23
-------------------------------	---

Total number of responses	0
Number in support	
Number of objections	

## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposals would result in unacceptable harm to trees on the site which are considered to be of significant value to Chislehurst Conservation Area.

## 2 LOCATION

- 2.1 This detached two storey dwelling occupies a corner site at the junction of Kemnal Road and Dickens Drive, and is located within Chislehurst Conservation Area. The site is covered by a blanket TPO made in the 1970s.
- 2.2 The surrounding area is characterised by a mixture of detached dwellings and large flatted developments set within spacious grounds.







### 3 PROPOSAL

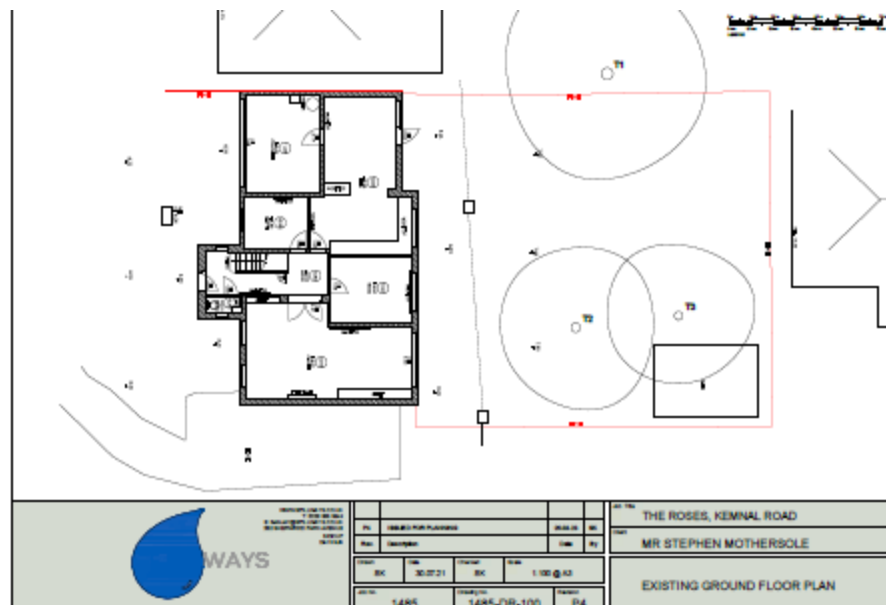
3.1 It is proposed to demolish the existing side garage, and construct a part one/two storey side/rear extension. The ground floor element of the proposals would abut the side boundary with Middlemarch and would project 3.3m to the rear.

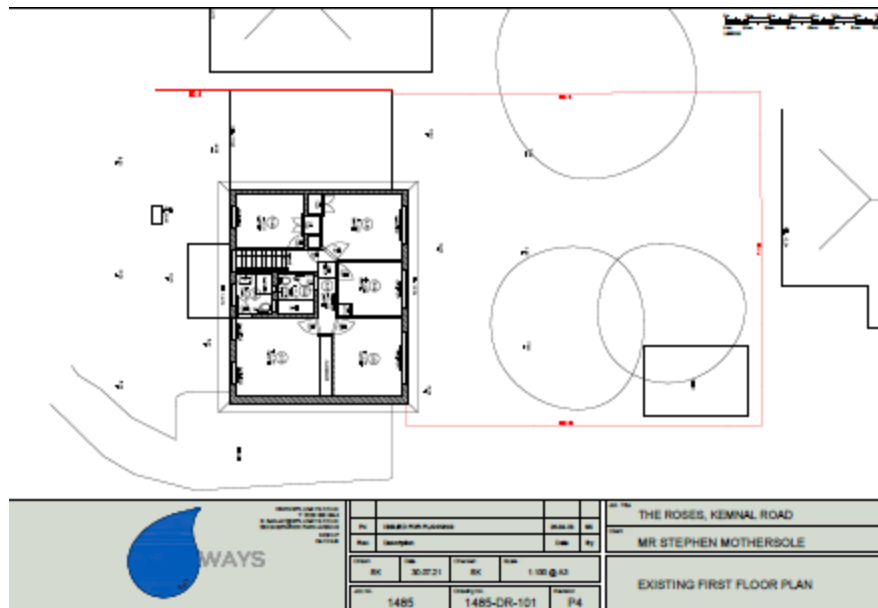
3.2 The first floor element of the proposals would be set back 0.8m from the front elevation of the dwelling, and 1m from the side boundary, and the roofline would be 0.4m lower than the main roof ridge. The rear extension would be single storey only.

3.3 The application was supported by the following documents:

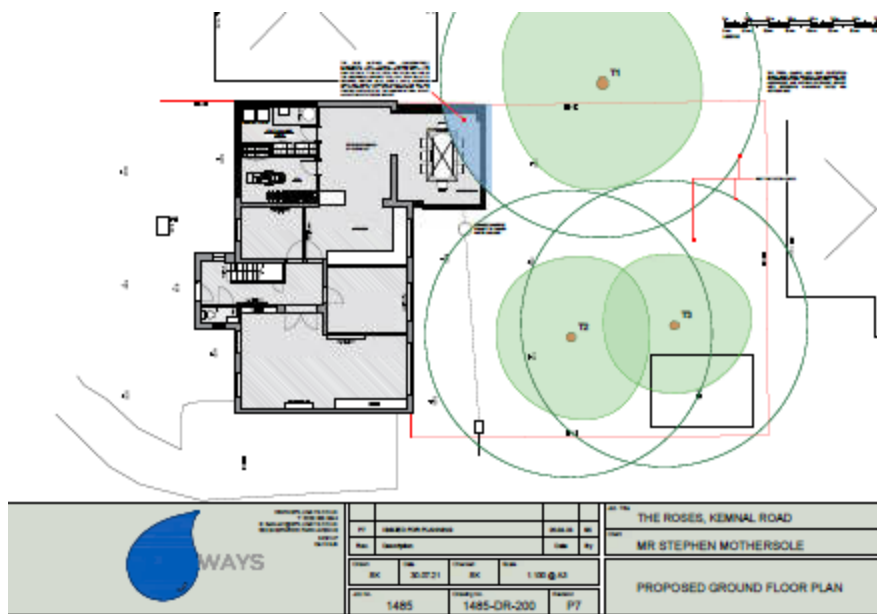
- Arboricultural Impact Assessment and Method Statement
- Design and Access Statement

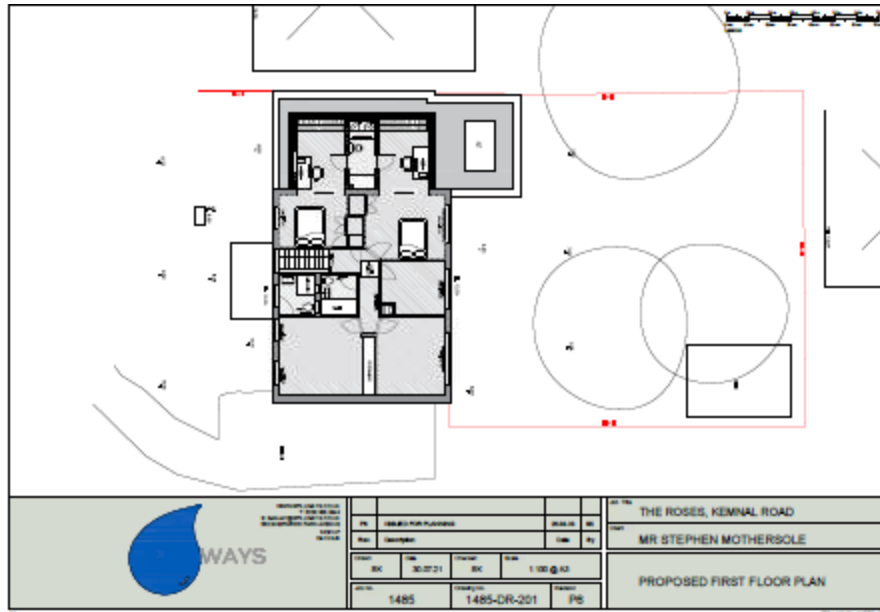
3.4 Existing floor plans:





3.5 Proposed floor plans:





3.6 Existing front and rear elevations:



3.7 Proposed front and rear elevations:



## **4 RELEVANT PLANNING HISTORY**

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

4.2 Permission was granted in 2001 (ref.00/03519/FULL1) for a single storey rear extension.

4.3 Retrospective permission was granted in 2009 (ref.09/02001/FULL6) for front entrance gates with metal railings and pillars (maximum height 2.1m).

4.4 Permission was refused in January 2015 (ref.14/04431) for a side and rear boundary wall/fence with a maximum height of 2.5m on the following grounds:

“The proposed boundary wall and fence would, by reason of its size, height and siting at the back edge of the footway, have a seriously detrimental impact on the character and open-plan nature of this part of Chislehurst Conservation Area, thereby contrary to Policies BE1, BE7 and BE11 of the Unitary Development.”

4.5 Permission was granted in August 2015 (ref.15/02931/FULL6) for the replacement of the rear boundary wall to the north and west.

4.6 Permission was refused in August 2022 (ref.21/04873/FULL6) for the demolition of the existing garage and the erection of a part one/two storey side/rear extension with elevational alterations on the following grounds:

“The proposals would result in unacceptable harm to trees on the site which are considered to be of significant value to Chislehurst Conservation Area, thereby contrary to Policies 43 and 73 of the Bromley Local Plan.”

4.7 The subsequent appeal was dismissed in February 2023 on grounds relating to the unacceptable risk of harm to the protected trees which, if realised, could result in the loss or premature decline, or damage to at least one of the three protected trees. Due to their size and value, this was considered to be to the detriment of the significant and positive contribution they make, both individually and as part of a group, to the wider wooded character and appearance of the Conservation Area.

## **5 CONSULTATION SUMMARY**

### **A) Statutory/Non-Statutory**

#### Conservation – No objections

This modern house is of low significance in the Conservation Area, and the proposals represent an acceptable level of subservience within the Conservation Area setting. No objections are therefore raised from a heritage viewpoint.

#### Highways – No objections

The proposal will remove the existing garage. However, there is parking for a number of vehicles available on the frontage, and no highways objections are therefore raised to the proposals.

Given the status of Kemnal Road as an unadopted street, informatives are suggested to protect the condition of the relevant section of the road, and the requirement to obtain the agreement of the owner(s) of the sub-soil upon which Kemnal Road is laid out.

### Trees – Objections

Objections are raised to the proposals for the following reasons:

1) Inaccurate information - The Arboricultural Report dated 14/10/2022 calculates the extent of T1's RPA encroachment as less than 3% but does not state whether existing encroachments, such as hardstanding for paths/patios, have been included in this calculation. Furthermore, it confusingly states that "The proposal will not impact on the RPA's of T1, T2 or T3" having already stated there would be a 5m<sup>2</sup> incursion into the RPA of T1.

The report states that "A clearance of two metres from the mature tree crown is generally considered acceptable which is the case with this proposal." However, the plan depicts the crown overhanging the proposed footprint, indicating there would immediately be pressure to prune.

2) Risk of harm during construction - The encroachment into the RPA of T1 presents a risk of direct harm to the roots of T1 from foundation excavation. The default position of BS 5837:2012 is that structures are located outside RPAs of retained trees unless there is an overriding justification. Furthermore, the encroachment reduces the amount of unsurfaced RPA available for rainwater infiltration and gaseous exchange and thereby could affect the long-term physiological health of T1.

3) Future pressure to prune/remove - The proposed extension pushes the dwelling closer to the overhanging canopy of T1 in particular. This is particularly unfavourable for such a high value tree as T1. It increases the risk of future problems; nuisance of falling debris, perception of risk from branch/whole tree failure, greater potential severity of the consequences in the event of branch failure. The existence of the TPO is not sufficient to overcome this issue because when making any decision on an application to carry out works to a protected tree, tree officers must take account of any increased likelihood of a target being hit in the event of any failure. Therefore, an objection is raised on the basis that there is a risk of unacceptable harm to valuable trees. The proposal conflicts with policies 43 and 73 of the Bromley Local Plan.

Therefore, tree objections are still raised to the proposals on the basis that there is a risk of unacceptable harm to valuable trees, thereby contrary to Policies 43 and 73 of the Bromley Local Plan.

### **B) Adjoining Occupiers**

No adjoining occupier comments have been received.

## **6 POLICIES AND GUIDANCE**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.
- 6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 The National Planning Policy Framework was published on 20<sup>th</sup> July 2021, and is a material consideration.
- 6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.

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

### **The London Plan**

- D1 London's form and characteristics
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- HC1 Heritage conservation and growth
- T6 Car parking

### **Bromley Local Plan 2019**

- 6 Residential Extensions
- 8 Side Space
- 30 Parking
- 37 General Design of Development
- 41 Conservation Areas
- 43 Trees in Conservation Areas
- 73 Development and Trees
- 123 Sustainable Design and Construction

### **Supplementary Planning Guidance**

- Chislehurst Conservation Area SPG
- SPG1 – General Design Principles
- SPG2 – Residential Design Guidance

## **7 ASSESSMENT**

## 7.1 Resubmission

7.1.1 The only differences between the current and previously dismissed schemes are that a revised Arboricultural Impact Assessment and Method Statement has been submitted, and the Root Protection Areas of the important trees have been shown on the proposed ground floor plan. No changes have been made to the proposed extension.

## 7.2 Heritage impact – Acceptable

7.2.1 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.

7.2.2 Paragraphs 202 and 203 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

7.2.3 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.

7.2.4 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.

7.2.5 Policy 41 of the Bromley Local Plan (BLP) requires development in a conservation area to preserve and enhance its characteristics and appearance by:

- (1) Respecting or complementing the layout, scale, form and materials of existing buildings and spaces;
- (2) Respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and
- (3) Using high quality materials.

- 7.2.6 Policies 6 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.
- 7.2.7 Policy 8 of the BLP requires a minimum separation of 1m to be retained to the flank boundaries of the site in respect of two storey development for the full height of the extension.
- 7.2.8 As with the previous scheme, the proposed part one/two storey side/rear would extend up to the boundary at ground floor level, and would not therefore technically comply with the Council's side space policy. However, the first floor element would be set back 1m from the side boundary, and given that it would also be set back 0.8m from the front façade and would have a lowered roofline, it would result in a subservient appearance. The proposals are not therefore considered to detract from the appearance of the dwelling nor appear unduly cramped within the street scene.
- 7.2.9 This modern house is of low significance in the Conservation Area, and the subservient design of the proposed extension is considered to preserve the character and appearance of Chislehurst Conservation Area. The Council previously found the scheme to be acceptable from a design and heritage perspective. The Inspector in the previous appeal agreed with this assertion.
- 7.2.10 The impact of the proposals on protected trees in the Conservation Area is discussed in the Trees section below.

### 7.3 Neighbouring amenity - Acceptable

- 7.3.1 Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.3.2 As with the previous scheme, the proposed extension would project approximately 2.2m to the rear of the adjacent dwelling at Middlemarch to the south which is set at a slightly higher level, and the rear part of the extension would be single storey only. Given the orientation and modest depth of the extension, it is not considered to result in a significant loss of light to or outlook from the adjacent property.
- 7.3.3 No windows are proposed in the southern flank elevation of the extension facing Middlemarch, and the proposals would not therefore result in any undue overlooking of the neighbouring property.
- 7.3.4 Having regard to the scale, siting, separation distance, orientation and existing boundary treatment of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.



#### 7.4 Highways – Acceptable

7.4.1 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.

7.4.2 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.

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

7.4.4 No highways objections are raised to the proposals.

#### 7.5 Trees - Unacceptable

7.5.1 Policy 43 of the Bromley Local Plan resists development where it would damage or lead to the loss of one or more significant and/or important trees in a Conservation Area unless:

- (a) Removal of the tree(s) is necessary in the interest of good arboricultural practice, or
- (b) The benefit of the development outweighs the amenity value of the tree(s).

7.5.2 In the previous application which went to appeal, the Council and the Inspector considered that the proposals would have an unacceptable risk of harm to the protected trees which, if realised, could result in the loss or premature decline, or damage to at least one of the three protected trees. Due to their size and value, this was considered to be to the detriment of the significant and positive contribution they make, both individually and as part of a group, to the wider wooded character and appearance of the Conservation Area.

7.5.3 The current proposals are for the same scheme but with an updated analysis of the impact on trees. However, the Council's Tree Officer has still raised objections to the proposals on the basis that there is a risk of unacceptable harm to valuable trees on the site which are considered to be of significant value to the Conservation Area. The Tree officers concerns are set out in detail in section 5 of this report.

## **8 CONCLUSION**

- 8.1 Having had regard to the above, it was considered that although the development in itself would not result in a significant loss of amenity to local residents nor impact detrimentally on the character and appearance of Chislehurst Conservation Area or on parking in the area, it would lead to a risk of unacceptable harm to valuable trees on the site which are considered to be of significant value to the Conservation Area.
- 8.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

### **RECOMMENDATION: PERMISSION BE REFUSED**

**The following reasons are recommended:**

- 1 The proposals would result in unacceptable harm to valuable trees on the site which are considered to be of significant value to Chislehurst Conservation Area, thereby contrary to Policies 43 and 73 of the Bromley Local Plan.**