

SECTION '2' – Applications meriting special consideration

Application No : 11/01782/FULL1

Ward:
Chislehurst

Address : Maxwell House Prince Imperial Road
Chislehurst BR7 5LX

OS Grid Ref: E: 543953 N: 170422

Applicant : Acorn Ltd

Objections : YES

Description of Development:

Two storey block with accommodation in roofspace comprising 5 two bedroom flats with 8 car parking spaces and refuse/recycling storage on land at rear of Maxwell House

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

It is proposed to construct a two storey block with accommodation in roofspace comprising 5 two bedroom flats with 8 car parking spaces and refuse/recycling storage on land at rear of Maxwell House, Prince Imperial Road.

The block would feature a hipped roof with front and rear gables with dormer windows with flat roofs in the front, rear and southern flank elevations. Two storey bay windows are proposed in the front elevation. The block would be finished with brickwork facing brick on the ground floor and tile hung on the first floor with slate effect tiles on the roof. The block would be sited a minimum distance of 3m from the northern flank boundary, and a minimum of approx. 5m to the southern flank boundary.

Vehicular access to the site would be via the existing access road adjacent to Maxwell House, which would be extended beyond the existing garage compound. A total of 8 car parking spaces of the 'grasscrete' type are proposed, together with a freestanding bin store to the southern side of the site.

Location

The application site is located within the Chislehurst Conservation Area, and is close to the Green Belt (although not adjoining). The site area is approx. 0.13ha.

The appeal site is a large open plot directly behind the Chislehurst Methodist Church. It is close to an area of mature woodland at the edge of the Central Commons, across Prince Imperial Road, and is surrounded by large individual villa-style houses and more recent blocks of flats, all set within generous plots with mature planting all round, including numerous large trees. These mostly gracious buildings and the spaciousness of verdant leafy environment characterise the conservation area.

Comments from Local Residents

Nearby owner occupiers were consulted in relation to the application and their views are summarised below:

- the current traffic on the access lane to the site is minimal as most individuals park in the spaces provided to the front of the site. The proposal would increase this significantly.
- the noise and light pollution during the day and night is not suited to a Conservation Area/garden area.
- the first floor and dormer windows of the proposal overlook the children's play area to the rear of Chislehurst Methodist Church where a number of children's groups and nurseries operate. To mitigate this overlooking an extremely high fence would be required to be erected which would result in a loss of light for the play area.
- concerns the proposal would overlook a room at the Church which is used for children's play and by adults groups which value privacy.
- concerns the pre-school provision at the church would be unable to continue if permission were to be granted due to potential over-looking of outdoor space.
- the reductions in size and scale from the previously refused scheme are marginal and the increase in separation of 5 feet between the proposal and Courtlands is negligible.
- the proposal would be 'wedging in' another building between the church, golf course, Courtlands and Highdown.
- the sylvan setting currently enjoyed by the community would be lost if the garden was in-filled by more flatted accommodation.
- No. 1 Courtlands Road does have habitable rooms overlooking the site including the front room next to the boundary which would lose light throughout the morning and there is also a habitable room above the garage block which overlooks the site particularly in the trees are removed.
- 6 new families/residents would be within 4m of No. 1 Courtlands which is a single detached residence in place of the existing garden.
- when viewed in conjunction with 10A Wilderness Road (09/03335) which is adjacent to No. 1 Courtlands this would result in an overdevelopment of the sites in a Conservation Area.

- the Conservation Area is already traffic congested particularly with the Highdown development to the rear of Wilderness Road and would further degrade the Conservation Area.
- it is already difficult to ingress and egress to properties driveways and Methodist Church car park due to the volume of traffic and parked vehicles.
- the site has only become unused and overgrown since planning permission has been sought/conceived.
- the proposal would result in overshadowing, a loss of daylight, privacy and outlook for No. 1 Courtlands with an increase in noise and smell.
- building in upon gardens, cared and tended for at least 20 years by the Maxwell House residents, is contrary to the new governments stated policy.
- reducing the height by 0.2m would not prevent the proposal from looming over the church.
- loss of view from High Down of the church spiral.
- the proposal is three storeys not 2 as there will be another flat in the roof.
- the hallway/stairwell of the proposal will be facing into the bedroom windows of High Down and bright lights could potentially shine into the bedroom windows during the night as the hallway/stairwell.
- would be preferable for the plot to be developed with a single dwelling not flatted accommodation.

A letter of support was also received which stated:

- a small, well designed, high quality development of only 5 dwellings would enhance the aesthetics of the locality.
- would be a sensible way to utilise an empty plot of land that has been dormant for many years and was historically intended to contain a building and has never served as a 'back garden'.
- if construction is permitted on the site, dwelling density and traffic flow would still be low especially given its closeness to the centre of the town.
- the development would be hardly visible from the road.
- the residents of Maxwell House and immediate neighbours will not be caused any inconvenience by the development.
- the 'passing bay' can be located in a position that does not involve the felling of any trees.
- there would be a reduction in noise from refuse vehicles as the turning space would mean these vehicles no longer than to reverse out of the bin store.
- the development would have more than adequate amenity grounds.
- development of the land will facilitate improvements for the buildings and grounds of Maxwell House which is over 40 years old.

Comments from Consultees

Thames Water has been consulted who raise no objections to the proposal in terms of sewerage and water infrastructure.

The Metropolitan Police Crime Prevention Design Advisor has been consulted and states no record could be found that the applicant or agent consulted the

Metropolitan Police in connection with the application prior to submission of the application. However, the application should be able to achieve full Secure by Design (SBD) accreditation in respect of design and layout and part 2, with the guidance 'SBD New Homes 2010' and incorporating accredited, tested and certificated products.

The Advisory Panel for Conservation Areas (APCA) raise objections to the proposal as it appears to be an overdevelopment of a backland site previously undeveloped and likely to be detrimental in its impact to the general spatial qualities of the area, views through from Prince Imperial Road and the setting of existing Victorian buildings in particular the church, contrary to Policies BE1 and BE11.

The Council's Highways Drainage Section has been consulted and state that no details of the foul water drainage have been submitted, and as such were permission to be granted standard conditions relating to foul water drainage should be attached.

The Council's Highways Division states the proposal is a reduction of 1 flat and 1 parking space from the previous application which was dismissed at appeal. The pedestrian access to the site will be via the existing vehicular access, through the garage compound and along the new access way. The Highway's Division was unsure as to the current condition of this access but it should certainly be lit. In addition, there also needs to be a cycle storage facility at one space per unit.

The Council's Waste Advisors have been consulted and state the size of the refuse storage area indicated on the plans was not large enough. This could be addressed via a condition.

From a trees perspective the application has been accompanied by an arboricultural report and its findings were considered to be accurate. There are two significant trees on site – an oak at the northern end of the site and a beech beside the access drive and close to the existing garage compound. Neither tree would be directly affected by this scheme although care would be needed at construction stage to ensure no harm comes to either tree. If permission is to be granted standard conditions B18 and 19 are requested.

No objections were raised from a heritage and urban design perspective.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

- BE1 Design of New Development
- BE11 Conservation Areas
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking

T18 Road Safety

Also of relevance is the recently revised Planning Policy Statement 3: Housing and Supplementary Planning Guidance: Chislehurst Conservation Area.

Planning History

In 2010 under planning ref. 10/01706, permission was refused for a two/three storey block comprising 6 two bedroom flats with 9 car parking spaces and refuse store on land at rear of Maxwell House on the following grounds:

The proposed development would constitute an unacceptable form of backland development by virtue of its size, scale, siting and the degree of site coverage proposed including buildings and hard surfaces, and would result in a cramped overdevelopment of the site with inadequate space about the building, failing to preserve or enhance the character and appearance of the Conservation Area, contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan.

The intensification in the use of the vehicle access adjacent to Maxwell House would be seriously harmful to the residential amenities of the occupiers of these dwellings by reason of increased noise and disturbance, contrary to Policies BE1 and H7 of the Unitary Development Plan.

An appeal was lodged against this refusal of planning permission which was dismissed by the Planning Inspectorate by Appeal Decision dated 29th December 2010. The Inspector concluded that although the proposal would not harm the living conditions of residents of Maxwell House, it would fail to preserve the character and appearance of the Chislehurst Conservation Area.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the Conservation Area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

With regard to the principle of development in this location in view of the recently amended guidance in the form of PPS 3, it is noted that the land is not previously developed and as such there is no presumption that it is suitable for development. However, in view of the size of the site, its location and the density of development proposed, it is considered that the development should be assessed on its merits in light of the adopted development plan and any other material considerations.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

The proposed development would involve the use of a parcel of land which is surrounded by existing built development, and would therefore be considered to constitute 'backland' development. As such, the development is expected to be of small scale and sensitive to the surrounding residential area, with high standards of separation and landscaping provided. This expectation is strengthened by the need to preserve or enhance the character and appearance of the Conservation Area.

The Planning Inspector in respect of the previously refused scheme noted "viewed between buildings from the surrounding roads (the proposal) would appear crowded against houses and behind the church. Thus its position and size would erode the generous spacious character of this part of the conservation area close to the Central Commons which, according to the SPG, is a wooded environment with scattered housing beyond... I conclude that the proposal would fail to preserve the character and appearance of the Chislehurst Conservation Area and would not meet the aims of policy BE11 of the London Borough of Bromley Unitary Development Plan (2006), which follows this aspect of national policy and requires development to respect or complement the layout, scale, form and materials of existing buildings and spaces".

While the proposal has been reduced in width by approximately 3.5m and depth by approximately 1.8m, the height of the proposal would be roughly in line with that previously refused. Although, the proposed block would be sited a good distance from the existing buildings at Maxwell House, it would infill an existing parcel of land which at present appears to contribute to the spaciousness of the Conservation Area, which is characterised by large detached buildings set within generous plots. In this case, given the overall amount of development proposed including hard surfaces and the lack of space about the building the proposal would constitute an intensive form of development. As a consequence, the proposed block would be likely to appear cramped within the site, particularly given the proximity to boundaries (particularly to the northern boundary with No. 1 Courtlands). This is not considered to be of the high standard that Policy H7 requires, and would result in harm to the spatial standards of the Conservation Area, failing to preserve its character and appearance.

The Planning Inspector noted in the Appeal Decision that the refused scheme would "have a non-domestic imposing appearance that would contrast strongly with the more muted traditional style, hipped roofs and small window openings of the houses immediately neighbouring at Courtlands". The proposal has now been redesigned and would differ in design from the previous application and is considered to be an improvement. The proposal has adopted a number of design features of the adjoining properties at Courtlands such as the part brick/part tile hung exterior with slate effect roof tiles which is in keeping with the character of the Conservation Area. The property has also been designed to appear as one large residential property unlike the previous application which clearly appeared to be flatted accommodation, which is also an improvement.

Concerns remain in relation to the proposal are the potential impact on the residential amenity of No. 1 Courtlands. The previous application was located approximately 2.2m from the boundary with No. 1, while this has now been

increased to approximately 3.1m – 3.5m, concerns remain as the proposal would project approximately 5m beyond the rear elevation of this residential dwelling. While the boundary between No. 1 Courtlands and the proposal site is separated by an existing cypress hedge, there is a gap in the planting of approximately 1.5m to 2m from the rear elevation of No. 1 Courtlands at which point the proposal would appear dominant and over-bearing given the close proximity to the boundary with No. 1 Courtlands. While it is not anticipated the proposal would result in a loss of privacy or sense of overlooking for this property as the windows proposed in the first floor flank elevation would be obscure glazed, due to the location of the proposal due south of No. 1 Courtlands and scale of the proposal concerns are also raised in relation to the potential loss of light for the rear elevation of this property.

The Appeal Decision states that “the proposal would be set back 12m from the single storey ancillary community accommodation at the rear of the church, from where it would loom above the principal outlook from this space”. The proposal has been revised and would be stepped back a further 2m from this boundary; a distance of 9.7m from the boundary, approximately 14.2m from the rear elevation of the church; which is considered to be a minimal change. This area is currently used as an outdoor space for a nursery and has a low fence and minimal planting on the boundary, the revised scheme although located further in distance from the church, would have a similar height to the previously refused scheme, and as such is not considered to adequately overcome the Inspectors concerns with regards to the potential impact for the church. Concerns were also raised by the Council’s Waste Advisors that the size of refuse storage area to be provided was insufficient.

Having had regard to the above it is considered that the development in the manner proposed is not acceptable in that it would constitute an overdevelopment of the site which would fail to preserve or enhance the character and appearance of the Conservation Area. In addition, the development is likely to appear overly dominant when viewed from No. 1 Courtlands and the Chislehurst Methodist Church and would be detrimental to the amenities of these properties.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/01728 and 10/01706, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposed development would constitute an unacceptable form of backland development by virtue of its size, scale, siting and the degree of site coverage proposed including buildings and hard surfaces, and would result in a cramped overdevelopment of the site with inadequate space about the building, failing to preserve or enhance the character and appearance of the Conservation Area, contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan.

- 2 The proposal would be overdominant and would be detrimental to the amenities that the occupiers of adjoining properties at No.1 Courtlands and Chislehurst Methodist Church might reasonably expect to be able continue to enjoy by reason of visual impact and loss of prospect in view of its size of the proposed development and distance from the northern and eastern boundaries, contrary to Policy BE1 of the Unitary Development Plan.

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