

SECTION '2' – Applications meriting special consideration

**Application No :** 11/02967/FULL6

**Ward:**  
**Chislehurst**

**Address :** Craigvarren Yester Park Chislehurst  
BR7 5DQ

**OS Grid Ref:** E: 542856 N: 170547

**Applicant :** Mr Ross Tobius

**Objections :** YES

**Description of Development:**

Two storey front/side/rear extension, front porch, additional vehicular access and hard standing

Key designations:

Conservation Area: Chislehurst

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

**Proposal**

This proposal is for a two storey front/side and rear extension, front porch, additional vehicular access and hard standing. The proposal would project 2.6m to the side of the original dwelling at a first floor level and would project 3.8m to the rear. A minimum distance of 1m from the flank elevation to the boundary is proposed to be retained.

**Location**

The application property is located on the northern side of Yester Park, and falls within the Chislehurst Conservation Area. The Chislehurst Conservation Area Supplementary Planning Guidance states Yester Park began its development in the same manner as much of Chislehurst: the development of detached houses in large grounds was followed by comprehensive infilling to a higher density. Although largely invisible from beyond its site, the Park still plays host at its core to a fine house, once known as Sitka and now the SIRA Institute. Constructed in large grounds by Ernest Newton (1886), this Arts and Crafts house predates Newton's commissions by Willett in the Camden Estate and provides further evidence of his established local practice. Sitka was at the heart of a small estate, approached by drives with entrances marked by formal lodges.

The Park cannot now be said to have an Arts & Crafts character. Much of the open land and setting of Sitka was developed in the inter-war period (1918 to 1939), although the 19th century entrance lodges do remain and the former drives

have been retained as private roads. Along these, suburban development has occurred in a manner more typical of American suburban development than English suburbs of a similar age. The buildings have a consistency of scale and style, with faint echoes of the neo-vernacular, and elements of the rustic with its un-kerbed street and timber lampposts.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- the proposal would result in a loss of light for the side windows (serving a lounge, dining room and two bedrooms) of the The Squirrels.
- proposal would be detrimental to appearance of Conservation Area and would appear cramped.
- the Chislehurst Society raise objections on the basis that the proposed upper rear window on the westerly side elevation gives rise to unacceptable overlooking of the adjacent property, Firbeck.

### **Comments from Consultees**

From a Heritage and Urban Design perspective, concerns are raised to the detrimental impact on sidespace and impact on the Conservation Area.

The Advisory Panel for Conservation Areas object to the proposal on the basis that it would be a gross overdevelopment of excessive bulk and massing with loss of spatial quality, contrary to Policies BE1 and BE11.

The Council's Highways Division state Yester Park is a gated road. The proposal includes replacing the existing garage and creating an in and out drive with additional parking areas. No objections are raised subject to conditions.

### **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

H8 Residential Extensions

H9 Side Space

Supplementary Planning Guidance: Chislehurst Conservation Area

### **Planning History**

In 1994 under planning ref. 94/00612, permission was refused for a two storey side and rear extension. This was subsequently dismissed at appeal.

In 2011 under planning ref. 11/00473, permission was refused for a two storey side and rear extension on the following grounds:

The proposed two storey extension would, by reason of its proximity to the flank boundary, constitute a cramped form of development resulting in harm to the visual amenities of the street scene and the retrograde lowering of the spatial standards of the area, failing to preserve or enhance the character and appearance of the Conservation Area, thereby contrary to Policies BE1, BE11, H8 and H9 of the Unitary Development Plan.

The proposed extension would, by reason of its size and siting close to the common boundary with the adjacent property at 'The Squirrels', result in a loss of light and appear overbearing, detrimental to the amenities that the occupiers of this property could reasonably expect to continue to enjoy, contrary to Policies BE1 and H8 of the Unitary Development Plan.

This refusal of planning permission was appealed against and subsequently dismissed.

## **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.

As regards character a key issue raised by the Inspector in dismissing application ref. 11/00473 was the design of the previous proposal with the Inspector stating "this combination of the increased height and length would result in a blocky appearance, hardly relieved by the limited extension of the pitched roofed garage. The lack of windows on the front part of this extension, facing east, would emphasise the solidity of the design at odds with the more highly articulated and varied treatment elsewhere. In order to reduce the height of what would become a deep and wide plan form, a flat area has been introduced at ridge level. This too would make the roofline appear bulky and discordant".

To this end the current application has been redesigned to incorporate mock-Tudor features, front porch extension which would be located centrally within the principal façade and projecting two storey front element with hipped roof to replicate yet appear subservient to the existing two storey front element.

The current scheme as was the case with the previously refused application proposes a distance of 1m be maintained to the boundary. In the previous Appeal Decision the Inspector stated "other examples of extension close to the boundary have been provided, and within the variety of the area, there are other examples of some of the features now proposed. Not all are entirely successful, and each case must be considered on its merits. In this case, the combination of height and depth lead to the feeling of unrelieved bulk that would appear out of place within, and damaging to, the well detailed variety of the road. The proposals would fail to preserve the character and appearance of the Chislehurst Conservation Area...and would not satisfy the requirements of Unitary Development Plan Policies BE1 and BE11 on the standard of development, and Policies H7 and H8 on maintaining gaps where they contribute to the character of the area".

The proposed flank elevation has been altered somewhat in the current proposal incorporating mock-Tudor features for the 3.8m of the first floor closest to the front elevation which adds some detailing to the side elevation. The roof of the flank elevation has also been altered and partly decreased in height reducing the bulk of the proposal. However, the depth of the proposal has been increased by 1m from the previously refused scheme; Members are therefore asked to consider whether this overcomes the Planning Inspectors previous concerns in relation to the “unrelieved bulk” of the proposal. While as the Inspector states there are examples in the area where properties have been constructed in close proximity to the boundary, Members are asked to consider whether retaining a 1m distance to the boundary is acceptable in this instance given its location within the Chislehurst Conservation Area generally recognised as an area where higher spatial standards exist.

In the Appeal Decision for the previously refused application 11/00473/FULL6, the Planning Inspector states “having mind to the Council’s 1m guidance in Policy H9, that is a distance that can be increased if higher spatial standards exist as here, but appears to be considered sufficient in terms of privacy and amenity for buildings of two or more storeys...In planning terms the conclusion is that no real harm would occur to the living conditions of the neighbouring residential occupiers and that the aims of Policy H9 would be satisfied”.

While the previous application was dismissed at appeal the Planning Inspector concluded that the “extension would be sufficiently far from the mutual boundary as to retain a reasonable contribution of light through secondary windows to habitable rooms next door”. The windows on the flank elevation of the adjoining property The Squirrels are as the Planning Inspector notes “subsidiary to the main front and back lighting and would retain a feeling of light and space outside”.

The current proposal is similar in scale to the previously refused application but would project 1m beyond the principal elevation whereas the previously refused scheme was flush with the principal elevation of the original dwellinghouse. However, given the orientation of the site with south facing front elevations; the 1m distance proposed to be retained to the boundary and the fact the windows located in the first floor flank elevation of The Squirrels are also set back from the boundary the proposal is not anticipated to result in a significant impact on the residential amenities for the occupants of The Squirrels to such an extent as to warrant refusal. A window is proposed in the flank elevation close to the boundary with Firbeck, however, to limit the impact in terms of loss of privacy or sense of overlooking for Firbeck a condition could be attached to ensure this window would be fixed and obscure glazed.

Having had regard to the above it was considered that the development in the manner proposed constitutes an improvement on the previous scheme in terms of its design and impact on the residential amenities of adjoining properties, however, Members are requested to consider whether the overall increase in bulk in relation to the boundary and side space available is satisfactory in this instance or whether it would impact detrimentally on the character of the Conservation Area.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/02967 and 11/00473, excluding exempt information.

## **RECOMMENDATION: MEMBERS VIEWS ARE REQUESTED**

- |   |        |  |                                     |
|---|--------|--|-------------------------------------|
| 0 | D00002 | If Members are minded to grant planning permission the following conditions are suggested: |                                     |
| 1 | ACA01  | Commencement of development within 3 yrs   |                                     |
|   | ACA01R | A01 Reason 3 years   |                                     |
| 2 | ACC02  | Sample brickwork panel   |                                     |
|   | ACC02R | Reason C02   |                                     |
| 3 | ACC03  | Details of windows   |                                     |
|   | ACC03R | Reason C03   |                                     |
| 4 | ACH03  | Satisfactory parking - full application  |                                     |
|   | ACH03R | Reason H03   |                                     |
| 5 | ACI09  | Side space (1 metre) (1 insert)  | eastern                             |
|   | ACI09R | Reason I09   |                                     |
| 6 | ACI11  | Obscure glaz'g/details of opening (1 in)   | in the first floor flank elevations |
|   | ACI11R | Reason I11 (1 insert)  | BE1                                 |
| 7 | ACK01  | Compliance with submitted plan   |                                     |

**Reason:** In the interests of the visual amenities of the area and the residential amenities of the neighbouring properties, in line with Policies BE1 and H8 of the Unitary Development Plan.

### **Reasons for permission:**

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- BE11 Conservation Areas
- H8 Residential Extensions
- H9 Side Space

Supplementary Planning Guidance: Chislehurst Conservation Areas

The development is considered to be satisfactory in relation to the following:

- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to adjacent properties;
- (c) the character of the development in the surrounding Conservation Area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;

and having regard to all other matters raised.

D00003      If Members are minded to refuse planning permission the following grounds are suggested:

- 1      The proposed two storey extension would, by reason of its proximity to the flank boundary, constitute a cramped form of development resulting in harm to the visual amenities of the street scene and the retrograde lowering of the spatial standards of the area, failing to preserve or enhance the character and appearance of the Conservation Area, thereby contrary

