

**Application No : 09/03560/FULL1**

**Ward:  
Chislehurst**

**Address : Brookside Kemnal Road Chislehurst  
BR7 6LT**

**OS Grid Ref: E: 544660 N: 171555**

**Applicant : Mr Kieron Masterson**

**Objections : NO**

### **Description of Development:**

Demolition of existing dwelling and outbuildings and erection of detached two storey 5 bedroom dwelling including accommodation in roof and detached triple garage with accommodation over and new vehicular access, driveway and bridge and landscaping.

Key designations:

Conservation Area: Chislehurst  
Green Belt

### **Proposal**

#### **Joint report with application ref. 09/03616**

- It is proposed to demolish the existing bungalow and other outbuildings (for which Conservation Area Consent is required), and erect a detached 5 bedroom dwelling within a similar part of the site, along with a detached triple garage with accommodation over close to the northern boundary of the site with Toppers Oak
- A new vehicular access is proposed close to the southern boundary of the site, with a driveway leading to the house and a bridge over the stream.
- Revised plans were submitted during the processing of the application which altered the position of the vehicular access and driveway and the position of the detached garage, in order to overcome initial concerns raised regarding the impact on mature trees along the frontage and within the site
- The original plans also proposed alterations to the pond and stream, but in view of initial concerns raised by The Environment Agency, the plans were amended to show that no alterations to the pond or stream would now be made.

### **Location**

This site measures 1.95ha and is occupied by a detached bungalow and a number of derelict outbuildings, none of which have been used or occupied for several years. It lies on the western side of Kemnal Road at its northern un-made end, and is situated

within Chislehurst Conservation Area, and within the Green Belt. A stream runs through the eastern part of the site, and a number of mature trees run along its boundaries and within the central part of the site (all are protected by virtue of their conservation area location). The bungalow itself is located within the north-eastern corner of the site, with a single vehicular access at this point. The site slopes downwards from the western part of the site towards the eastern front boundary.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and a number of representations were received in support of the proposals.

### **Comments from Consultees**

The Council's highway engineer raises no objections in principle, but comments that this section of Kemnal Road is private, although a public right of way (footpath 35) runs over this road and along the eastern boundary of the site which should not be affected by the current proposals. It is considered that an informative should be added to safeguard pedestrians using the route during or after construction.

From a drainage point of view, no objections are raised in principle, subject to a condition requiring an assessment for suitability for a SUDS scheme for the disposal of surface water.

Thames Water raises no objections in principle, subject to suitable surface water drainage.

Objections were initially raised by the Environment Agency to the inadequate assessment and mitigation of risks to nature conservation, but further details were submitted to the Council on 2nd March 2010, and no objections are now raised

From a tree perspective, objections were initially raised to the proposals due to the adverse impact on a number of trees protected by virtue of the site's location in the conservation area. However, revised plans were submitted on 2nd March 2010, and no objections are now raised.

The Advisory Panel for Conservation Areas raised objections to the proposals which were considered to result in an inappropriately urban design which would be out of character with this semi-rural green belt location. It was considered that the design was inferior to the previously approved scheme, and that Conservation Area Consent should not be granted on the grounds of prematurity in the absence of a suitable replacement scheme.

From an urban design point of view, although the proposals would be larger in bulk and scale than the previously permitted scheme, the current proposals are not

considered to have any more impact on Chislehurst Conservation Area, and no objections are therefore raised.

Environmental Health raise no objections in principle, subject to an informative to contact the Pollution team regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990 (DI29).

With regard to biodiversity issues, the application site is adjacent to a Site of Metropolitan Importance for Nature Conservation, and therefore, a management plan for the pond and stream along with the timing of the works, should be submitted to ensure that the SMI would be unaffected by run-off or future landscaping/planting.

### **Planning Considerations**

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

BE1 Design of New Development  
BE11 Conservation Areas  
BE12 Demolition in Conservation Areas  
BE14 Trees in Conservation Areas  
G5 Replacement Dwellings in the Green Belt  
T3 Parking

### **Planning History**

Permission and Conservation Area Consent were granted in 2000 (refs. 99/02693 and 99/02692 respectively) for the demolition of the existing bungalow, and erection of a 5 bedroom detached house with garaging facilities.

Application ref. 02/03733 was refused in 2003 for a larger detached 5 bedroom dwelling which was more centrally located in the open area of the site, on grounds relating to the inappropriate form of development detrimental to its Green Belt location, and the cramped form of development, detrimental to the Green Belt and character and amenities of Chislehurst Conservation Area.

The linked Conservation Area Consent application (ref. 02/03734) was also refused on the grounds of prematurity in the absence of a suitable replacement scheme.

A further application for renewal of permission ref. 99/02693 was granted on 5th May 2005 under ref. 05/00903 for a further 5 years and is, therefore, still extant at the time of preparing this report. However, the Conservation Area Consent application (ref. 99/02692) was not renewed.

### **Conclusions**

The main issues relating to the application are the effect that it would have on the character and appearance of Chislehurst Conservation Area, the open and rural nature of the Green Belt, the amenities of the occupants of surrounding residential properties, the protection of mature trees on the site, and the protection of the natural environment.

Policy G5 of the UDP allows for replacement dwellings in the Green Belt where the resultant dwelling (including garaging) would not result in a material net increase in floor area compared with the existing dwelling (generally about 10%), and would not harm the visual amenities or the open or rural character of the locality. In this respect, the existing bungalow and outbuildings have a total floor space of 770sq.m.

The previous permissions for a replacement dwelling (ref. 99/02693, renewed under ref. 05/00903) showed a two storey dwelling with accommodation in the roof which contained 576sq.m. of floor space, and included a detached double garage.

The current scheme is for a larger dwelling of 787sq.m. floor space (including the garage) which would extend further to the south of the existing dwelling and give a greater separation to the northern boundary with Toppers Oak. The roof has been designed with a lower ridgeline than the permitted scheme and would have hipped rather than gable ends in order to reduce the overall size and bulk of the dwelling in comparison with the approved scheme. The house has also been designed to provide mainly single storey accommodation on its northern side to reduce the impact on both the neighbouring property, and the spaciousness of the Conservation Area. In this regard, no first floor windows would be provided in the northern flank elevation facing Toppers Oak.

In comparison with the approved scheme, the detached garage building would now be tucked away in the north-eastern corner of the site, rather than to the south of the dwelling, and would be set at a lower level than the main house, while still maintaining a 3m separation to the northern boundary.

The design of the dwelling is considered acceptable within Chislehurst Conservation Area, and it would be sited close to the existing built development on the site which is in a poor state of repair and would all be removed, to which no objections are raised. The re-siting of the dwelling further to the south gives a greater separation to the nearest dwelling at Toppers Oak to the north, and helps to maintain a feeling of spaciousness within this part of the Conservation Area, and protects the open nature of this Green Belt land.

The new vehicular access and driveway would protect the existing trees on the site, and is acceptable from a highways point of view.

In conclusion, the proposals, although larger than previously permitted, are considered to be acceptable in terms of the impact on the character and appearance of Chislehurst Conservation Area, the open and rural nature of the Green Belt, the

amenities of the occupants of surrounding residential properties, the protection of mature trees on the site, and the protection of the natural environment.

Background papers referred to during production of this report comprise all correspondence on files refs. 99/02693, 02/03733, 02/03734, 05/00903, 09/03560 and 09/03616, excluding exempt information.

as amended by documents received on 02.03.2010

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |    |        |                                          |            |             |
|----|--------|------------------------------------------|------------|-------------|
| 1  | ACA01  | Commencement of development within 3 yrs |            |             |
|    | ACA01R | A01 Reason 3 years                       |            |             |
| 2  | ACA04  | Landscaping Scheme - full app no details |            |             |
|    | ACA04R | Reason A04                               |            |             |
| 3  | ACA07  | Boundary enclosure - no detail submitted |            |             |
|    | ACA07R | Reason A07                               |            |             |
| 4  | ACB01  | Trees to be retained during building op. |            |             |
|    | ACB01R | Reason B01                               |            |             |
| 5  | ACB02  | Trees - protective fencing               |            |             |
|    | ACB02R | Reason B02                               |            |             |
| 6  | ACB03  | Trees - no bonfires                      |            |             |
|    | ACB03R | Reason B03                               |            |             |
| 7  | ACB04  | Trees - no trenches, pipelines or drains |            |             |
|    | ACB04R | Reason B04                               |            |             |
| 8  | ACC01  | Satisfactory materials (ext'nl surfaces) |            |             |
|    | ACC01R | Reason C01                               |            |             |
| 9  | ACC03  | Details of windows                       |            |             |
|    | ACC03R | Reason C03                               |            |             |
| 10 | ACD06  | Sustainable drainage system (SuDS)       |            |             |
|    | ADD06R | Reason D06                               |            |             |
| 11 | ACH03  | Satisfactory parking - full application  |            |             |
|    | ACH03R | Reason H03                               |            |             |
| 12 | ACH26  | Repair to damaged roads                  |            |             |
|    | ACH26R | Reason H26                               |            |             |
| 13 | ACH27  | Arrangements for construction period     |            |             |
|    | ACH27R | Reason H27                               |            |             |
| 14 | ACI01  | Restriction of all "pd" rights           |            |             |
|    | ACI03R | Reason I03                               |            |             |
| 15 | ACI17  | No additional windows (2 inserts)        | northern   | dwelling or |
|    |        | detached garage building                 |            |             |
|    | ACI17R | I17 reason (1 insert)                    | BE1 and H8 |             |
| 16 | ACI19  | Rest. on use of roof space/first (1 in)  |            | first floor |
|    | ACI19R | I19 reason                               |            |             |

- |    |        |                                          |
|----|--------|------------------------------------------|
| 17 | ACK04  | Demolition of existing building (see D10 |
|    | ACK04R | K04 reason                               |
| 18 | ACK05  | Slab levels - no details submitted       |
|    | ACK05R | K05 reason                               |

**Reasons for granting 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
- BE12 Demolition in Conservation Areas
- BE14 Trees in Conservation Areas
- G5 Replacement Dwellings in the Green Belt
- T3 Parking

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

- (a) the preservation or enhancement of Chislehurst Conservation Area
- (b) the impact on the amenities of the occupiers of nearby residential properties
- (c) the relationship of the development to trees to be retained
- (d) the Green Belt policies of the development plan
- (e) the environmental protection policies of the development plan

and having regard to all other matters raised, including neighbours concerns.

**INFORMATIVE(S)**

- |   |       |                      |
|---|-------|----------------------|
| 1 | RD124 | Public Right of Way  |
| 2 | RD129 | Control of Pollution |

Reference: 09/03560/FULL1

Address: Brookside Kennal Road Chislehurst BR7 6LT

Proposal: Demolition of existing dwelling and outbuildings and erection of detached two storey 5 bedroom dwelling including accommodation in roof and detached triple garage with accommodation over and new vehicular access, driveway and bridge and landscaping.



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