

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

**Application No :** 12/02620/FULL1

**Ward:**  
**Chislehurst**

**Address :** 10 Cromlix Close Chislehurst BR7 5SJ

**OS Grid Ref:** E: 543545 N: 169513

**Applicant :** Mr Nott

**Objections :** YES

**Description of Development:**

Detached chalet bungalow with front dormers and four rear rooflights (all obscure glazed and fixed shut) together with associated vehicular access and detached garage on land rear of 10 Cromlix Close.

Key designations:

Conservation Area: Chislehurst  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Tree Preservation Order

**Proposal**

- The application is for the erection of a detached 4-bedroom chalet bungalow which will accommodate roof space accommodation with two north-facing dormers and four roof lights along its southern side. In addition to the above a detached double garage with a gable roof is proposed to the south west of the main dwelling
- The dwelling includes associated vehicular access and 5 parking spaces. The proposed access to the new bungalow will be through an existing access off Summer Hill shared with Cromlix Lodge on the northern boundary of the site.

**Location**

The falls within the Chislehurst Conservation Area and is located to the east of Summer Hill, a short distance to the south of its junction with Ravenshill and is accessible via an access drive shared with the dwelling at Cromlix Lodge.

The site formerly comprised part of the rear garden of No 10 Cromlix Close which adjoins the site to the south, but has since been partitioned with a timber fence now separating the two sites.

## **Comments from Local Residents**

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

- similar proposal was refused by the Council
- overlooking and loss of privacy
- excessive height and bulk
- concerns relating to impact of proposal on protected tree
- perception of overlooking maintained even if rooflights are obscure glazed and fixed shut
- proposal could lead to a pattern of similar development in the area

## **Comments from Consultees**

No objection has been raised by the Advisory Panel for Conservation Areas.

No objection in principle has been raised by the Council's Highway Development Engineer, or by the Council's Drainage Advisor or by Thames Water.

## **Planning Considerations**

Relevant Unitary Development Plan Policies are BE1 (Design of New Development), BE11 (Conservation Areas), H7 (Housing Design and Density); H9 (Side Space); and NE7 (Development and Trees)

The Supplementary Planning Guidance for the Chislehurst Conservation Area is also relevant to this application.

No objections raised by the Tree Officer.

## **Planning History**

Under planning application ref. 06/04256, permission was refused for the erection of 2 detached three bedroom houses with integral garages. The proposal was considered to involve the unsatisfactory subdivision of an existing plot and a cramped overdevelopment of the site detrimental to the character of the Chislehurst Conservation Area. The proposal was also considered unacceptable as it would prejudice the retention and well being of a number of protected trees and also did not give adequate information regarding the drainage of the site.

Subsequently, under ref. 07/03372, permission was granted for one single storey detached bungalow. Under ref. 08/01505, planning permission was granted for a detached garage to the south west of the main dwelling. Both permissions were renewed under refs. 10/02980 and 11/01328 respectively.

Under ref. 11/03240, a modified proposal involving a detached chalet bungalow with front dormers was refused by the Council on the following grounds:

“The proposed dwelling would, by reason of its excessive height and bulk, be detrimental to the amenities that the occupiers of adjoining properties might expect to be able to continue to enjoy by reason of visual impact and loss of prospect, contrary to Policies BE1 and H7 of the Unitary Development Plan.”

“The proposed development would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of adjoining properties at Cromlix Lodge and No 10 Cromlix Close, thus contrary to Policies BE1 and H7 of the Unitary Development Plan.”

The 2011 scheme was subsequently dismissed at appeal. The Inspector considered that:

“the proposal would at least preserve the character and appearance of the CA. It would not unacceptably harm the living conditions of the occupiers of Cromlix Lodge in any way, and it would not be unduly oppressive when seen from No. 10 Cromlix Close. It would, however, cause an unacceptable loss of privacy for the occupiers of this property.”

However, the Inspector raised specific concerns in relation to the impact of the proposed rooflights along the rear elevation of the proposed dwelling and the resultant impact on No 10 Cromlix Lodge:

“Four rooflights are included on the rear roof profile of the proposed dwelling, which would serve a landing and a bedroom. Whilst the primary outlook for the bedroom would be from a dormer on the front elevation, the height of the rooflights would provide direct views across the rear garden and the rear elevation of No. 10 Cromlix Close for a person of reasonable height. This would result in an unacceptable level of overlooking and the installation of obscured glazing, which has been suggested by the Council in the event that the appeal is successful, would not mitigate the harmful effect when the rooflights were open. The appellant has not suggested that the rooflights could be fixed shut and that this would comply with the Building Regulations. On this basis, it would not be appropriate for me to impose such a condition.”

## **Conclusions**

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

In comparison to the dwelling approved under ref. 07/03372, (with permission having been subsequently renewed), the main difference relates to the height and bulk of the dwelling which has been increased as a result of the provision of further accommodation at first floor/roof level. The permitted scheme incorporated two gabled roof features at either end with a central ridge line which rose to 4.3m, lower than the ridge height of the two gable ends. Whilst still incorporating the two

gable features at either end, the central ridge height now rises above these to a height of 6.1m – an increase of 1.8m. This enables two dormers to be incorporated along the northern roof slope, and four roof lights along its southern side. As noted above, objections have been raised on the basis of this enlargement.

The appeal decision concerning the 2011 application represents an important material consideration in determining this application. In effect that proposal was dismissed on the basis that it was unclear whether the proposed rooflights could be obscure glazed and fixed shut and still comply with Building Regulations. Whilst the Inspector raised concerns in relation to the impact of the development on the amenities of No. 10 Cromlix Close, he considered that Cromlix Lodge would not be unduly affected, given the relationship between the two properties. The agent submitting this application has made clear, in a supporting letter, that the proposal will comply with Building Regulations requirements and has indicated that the four rooflights will be obscure glazed and fixed shut. Accordingly, based on the Inspector's findings, the proposal merits permission, subject to a condition that ensures that the rear rooflights are obscure glazed and fixed shut.

No objection is raised on the basis of the impact of the development on the character and appearance of the Chislehurst Conservation Area. It is considered that the proposed dwelling and garage sit comfortably on the site, remaining at some distance from each boundary and respecting the presence of neighbouring buildings. The new built form is modest in scale, the architectural treatment compatible with neighbouring dwellings and the indicative materials palette, although lacking detail, generally complements the vernacular tradition. The discreet setting of the new buildings avoids any adverse impact upon the important streetscene of Summer Hill and in terms of Policy BE11, the proposal could be accepted as appropriate to the local context.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character and appearance of the Chislehurst Conservation Area.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/04256, 07/03372, 10/02980, 11/01328, 11/02861, 11/03240 and 12/02620, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |                 |  |
|---|-----------------|--|
| 1 | ACA01<br>ACA01R | Commencement of development within 3 yrs<br>A01 Reason 3 years |
| 2 | ACD04<br>ADD04R | Foul water drainage - no details submit<br>Reason D04          |
| 3 | ACC01<br>ACC01R | Satisfactory materials (ext'nl surfaces)<br>Reason C01         |
| 4 | ACC03<br>ACC03R | Details of windows<br>Reason C03                               |

- 5 ACI17 No additional windows (2 inserts) first floor dwelling  
ACI17R I17 reason (1 insert) BE1
- 6 Before the development is first occupied, the proposed first floor rear facing Velux (rooflight) windows shall be obscure glazed and fixed shut in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.  
ACI13R I13 reason (1 insert) BE1
- 7 ACI11 Obscure glaz'g/details of opening (1 in) serving the first floor front en-suite dormer  
ACI11R Reason I11 (1 insert) BE1
- 8 ACH01 Details of access layout (2 insert) Summer Hill 1.0m  
ACH01R Reason H01
- 9 ACH02 Satisfactory parking - no details submit  
ACH02R Reason H02
- 10 ACH16 Hardstanding for wash-down facilities  
ACH16R Reason H16
- 11 ACH27 Arrangements for construction period  
ACH27R Reason H27
- 12 ACI02 Rest of "pd" Rights - Class A, B,C and E  
ACI04R Reason I04
- 13 ACK01 Compliance with submitted plan  
ACC01R Reason C01

### **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
- H7 Housing Design and Density
- T18 Road Safety

The development is considered satisfactory in relation to the following:

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

### **INFORMATIVE(S)**

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the

Community Infrastructure Levy Regulations (2010). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

- 2 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering.

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