

SECTION '2' – Applications meriting special consideration

Application No : 12/03092/FULL1

Ward:
Bickley

Address : 11 Chislehurst Road Bromley BR1 2NN

OS Grid Ref: E: 541889 N: 169304

Applicant : P.J Construction

Objections : YES

Description of Development:

Two storey five bedroom detached house with accommodation in roof space and detached double garage at rear with access from Shawfield Park (Amendment to permission ref. 11/01719)

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads
Locally Listed Building

Proposal

- The application is for an infill development sited adjacent to 'Old Timbers', 11 Chislehurst Road.
- This application seeks to amend a previously permitted two storey five bedroom detached house to facilitate accommodation in the roof space.
- The differences are as follows:
 - A 30cm increase in roof height indicated on the proposed elevational drawings
 - A 1m increase in overall height when comparing the street scene elevational drawings
 - Rooflights and solar panels to the rear roof slope
 - A single storey rear extension
- The proposed dwelling will be sited as a continuance of the building line on Chislehurst Road, with the dwelling set back 5m from the highway on an L-shaped plot.
- On the basis of the scaled drawings, the dwelling will have a width of 12.6m and will have a height of 8.8m. The depth of the dwelling will be 11.8m and

will incorporate a single storey rear section to the house and a gable roof feature.

- The submitted elevational street scene drawing indicates the dwelling to be 1m taller than the previously approved street scene drawing. The eaves height of the house will be 5.0m.
- The dwelling will be served by a new garage at the rear of the site. The garage will have a height of 5.3m and a length of 7m. The width will be 6m and the garage will house two vehicles with space for two more at the front.
- The existing access onto Shawfield Park will be widened and retained.
- At the time of writing the report, the development had been substantially constructed and nears completion.

Location

'Old Timbers', 11 Chislehurst Road is a two storey detached two storey dwelling. The building dates from the 17th century and is constructed from red brick with a steeply pitched Kent peg tile roof and timber casement windows. The building is Grade II Statutory Listed. The surrounding area is characterised by large detached and semi-detached residential dwellings sited within generously sized plots. On the southern side of Chislehurst Road there is a commercial building. There are two other Statutory Listed Buildings opposite the site at No. 2 Bickley Road and No. 2 Chislehurst Road. The proposal is to retain the detached house 'as built' in part of the side and rear garden of No. 11.

Comments from Local Residents

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

- overlooking and loss of privacy
- excessive height with respect to neighbouring listed building
- first floor windows higher than previous permission resulting in further overlooking due to slab levels higher than previous permission

Comments from Consultees

Technical highways comments have been received stating that the highway aspects of the proposal are the same as the previous one and so the comments are the same. The proposal includes a new double garage with parking spaces in front to serve the new dwelling and the existing one with an access from Shawfield Park. There should be no parking associated with the construction of the development in Chislehurst Road and this may be best achieved with a construction management plan. It would be preferable to have a door from the garage to the new property to stop people having to walk around from Shawfield Park which could lead to residents preferring to stop in Chislehurst Road to unload shopping etc.

English Heritage comments have been received stating that the proposal should be determined in accordance with national and local policy guidance, and on the basis of the Council's conservation advice.

Technical drainage comments have been received stating that standard conditions should be attached to any permission.

No Thames Water or Environmental Health objections are raised, subject to informatives.

Planning Considerations

Policies relevant to the consideration of this application are BE1 (Design of New Development), BE8 (Statutory Listed Buildings), H7 (Housing Density And Design), T3 (Parking) and T18 (Road Safety) of the adopted Unitary Development Plan.

The National Planning Policy Framework and the Council's adopted SPG guidance are considerations, as is enforcement guidance in Circular 10/97 (Enforcing Planning Control: Legislative Provisions And Procedural Requirements).

From a heritage aspect, concerns are raised at the overall increase in height, which results in an inappropriate dominance over the adjacent listed building.

Planning History

Planning permission was refused under ref. 11/01719 for a two storey four bedroom detached house and detached double garage at rear with access from Shawfield Park. The refusal grounds were as follows:

'The proposed dwelling would constitute an undesirable sub-division of the plot and reduction in the size of the garden and curtilage of No. 11 Chislehurst Road, detrimental to the special character and setting of the Statutory Listed Building and detrimental to the spatial standards of area, contrary to Policies BE1, BE8 and H7 of the Unitary Development Plan and PPS5 " Planning and the Historic Environment".'

The application was subsequently allowed on appeal in January 2012. The Inspector took the view that there was sufficient space to accommodate the new dwelling without prejudicing views of the listed building and its external constructional features and setting. In respect of the impact of the new house on adjacent development, he stated as follows:

'The subdivision of the present curtilage of Old Timbers would result in two plots somewhat smaller than many in the area but not unprecedentedly so. They would bear comparison with number 34 Shawfield Park or with number 9 Chislehurst Road, a far more substantial building than either Old Timbers or the house proposed in this appeal.

Other than the generous space provided to the side of Old Timbers, the proximity of the new house to the flank of No. 17 Chislehurst Road would be typical of the spacing of houses along Chislehurst Road and Shawfield Park in the immediate vicinity. There is no information to suggest that the design and appearance of the new house proposed would be anything other than complementary to the character and appearance of the area. A condition

can require compliance with the approved drawings to ensure that this would be so.

I conclude that the proposal would not harm the character and appearance of the area. It would comply with UDP policies BE1 and H7. Amongst other matters, these require new housing development to complement its surroundings in terms of layout, space, scale, form and materials.'

The appeal permission was subject to numerous conditions, including one requiring the development to be carried out in accordance with the approved plans, including a street scene drawing, which indicated the ridge height of the new dwelling to reflect that of the listed building.

Conclusions

The main issues relating to the application are the effect that it has on the character of the area, the impact on the setting of the Statutory Listed Building, the impact on the amenities of the occupants of surrounding residential properties and the impact on highway safety.

The principle of the development has been established under the appeal permission ref. 11/01719. The dwelling is now substantially complete and is not in accordance with the permitted plans. The plans submitted with the current application now incorporate roof accommodation with rooflights and show an increase in the building height of 0.3m rising from 8.5m to 8.8m. However, the proposed change in height and elevation indicated in the current street scene drawing when compared to the previous street scene drawing is actually in the order of a metre and this is considered to result in a dwelling that appears excessively elevated and conspicuous. The building rises significantly above No. 11 (the Listed Building) and dominates it within the street scene. It is therefore considered that the impact on the setting of the listed building is unacceptable.

The variation in land levels within the area is important as it results in development inevitably rising along the street. However, as previously stated, the appeal Inspector imposed a condition that the development should be completed in accordance with the approved plans, including the original street scene elevation, and this has clearly not been done.

The proposed rooflights would result overlooking to the neighbouring property at No. 53 Shawfield Park and this would be significant over that of the permitted scheme. It is noted that the structure, and rear windows, is more elevated than the appeal permission and this results in the first floor windows being higher than the permitted scheme, resulting in further overlooking to this neighbouring house which is significantly greater than that of the permitted scheme. Views exist from the first floor and rooflights into this neighbouring garden and on balance it is considered that the proposal results in a further harmful loss of privacy. Members will need to consider the visual impact on No.53 Shawfield Park resulting from the elevated position of the new house and its discordant relationship with the listed building.

The applicant has not provided slab levels for the dwelling which would indicate the floor levels of the dwelling however the Inspector requested slab level information for the garage only.

The alterations also include a single storey rear extension. The Inspector did not remove permitted development rights when allowing the appeal and therefore limited extension could be added without permission upon completion of the development. It is considered that a single storey extension to the permitted building would not impact on the character of the area or overdevelop the site, given the Inspector's view. The extension will be well separated from No. 11 by 5m and will only project beyond the rear wall of No. 11 by 4m. This relationship is considered to be acceptable and not oppressive and harmful to the amenities of No. 11, as the rear gardens face north.

The proposed detached garage will match the garage that was previously permitted. From a highway safety point of view, it is considered that the proposed replacement garage and parking area with access from Shawfield Park would not be detrimental to highway safety, with adequate car parking provision and manoeuvring space. Planning conditions are suggested to prevent parking on Chislehurst Road.

Having had regard to the above it is considered that the proposal is unacceptable in that it results in a significantly detrimental impact on the character of the area and the setting of the Grade II Statutory Listed Building. The proposal also impacts harmfully on the amenities of the nearby residential property at No. 53 Shawfield Park. It is therefore recommended that Members refuse planning permission.

Enforcement Action

If Members accept the recommendation to refuse planning permission, as the construction of the new dwelling is substantially complete it will be necessary to consider whether any further action is appropriate, including the expediency of enforcement action and this is addressed below.

The main issue in this case concerns the impact of the increase in the height of the building on the character and setting of the adjacent listed building. The effect of the increase in height on the appearance and character of the surrounding area is also relevant, together with the impact on the residential amenities of the occupiers of adjoining properties.

When the appeal was allowed, the Inspector referred to Policy BE8 of the UDP which relates to development affecting the setting of a Listed Building. The Inspector was satisfied that on the basis of the submitted proposals there would be no significant impact on the setting of Old Timbers and the design and appearance would have no material effect on the character and appearance of the area. He also concluded that the design would have no material impact on the amenities of 53 Shawfield Park, subject to appropriate safeguarding conditions.

However the same conclusions do not apply to the dwelling currently under construction. For the reasons stated above, the increase in height of the buildings

has a material impact on the setting of the Old Timbers. In such a sensitive location an increase of height of 300mm has significant implications for the relationship with the listed building. The permission granted on appeal was for a lower building which, notwithstanding the Council's objections, the Inspector concluded was acceptable. It is questionable whether the scheme currently under construction would have been permitted on appeal, but this was not a matter which was before the Inspector.

If Members agree that enforcement action is expedient in this case, careful consideration needs to be given to the steps required to rectify the breach of planning control. The applicant may lawfully implement the development which was permitted on appeal and any enforcement action should therefore only address the material variations to the approved scheme which are considered to be unacceptable. The most significant breach relates to the increase in height of the roof and the main objective of any remedial action should be to minimise the impact on the setting and character of the Listed Building.

From a Heritage perspective, the setting of the neighbouring listed building was significantly altered when the new dwelling was allowed on appeal. The building under construction is a substantial building and the impact of the new structure is exacerbated by local topography, which rises gradually from west to east.

The proposed alterations to the permitted elevational treatment and the addition of a single storey extension to the rear make little material difference to the impact the new building has on the neighbouring heritage asset. However, raising the permitted ridge height results in the roofspace of the new dwelling assuming an inappropriate dominance over Old Timbers and this element of the proposed work is considered to be contrary to Policy BE8.

In the absence of any plans showing an acceptable resolution, it is recommended that enforcement action be taken to secure the removal of the building.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/01719 and 12/03092, excluding exempt information.

as amended by documents received on 08.11.2012

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposed dwelling, by reason of its excessive scale and height, results in a detrimental impact on the street scene and harms the special character and setting of the Statutory Listed Building, contrary to Policies BE1, BE8 and H7 of the Unitary Development Plan.

FURTHER RECOMMENDATION: Enforcement action be authorised including the lowering of the roof and structure to conform to the height and design of the development permitted on appeal (ref. 11/01719).

INFORMATIVE(S)

- 1 RDI25 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)).

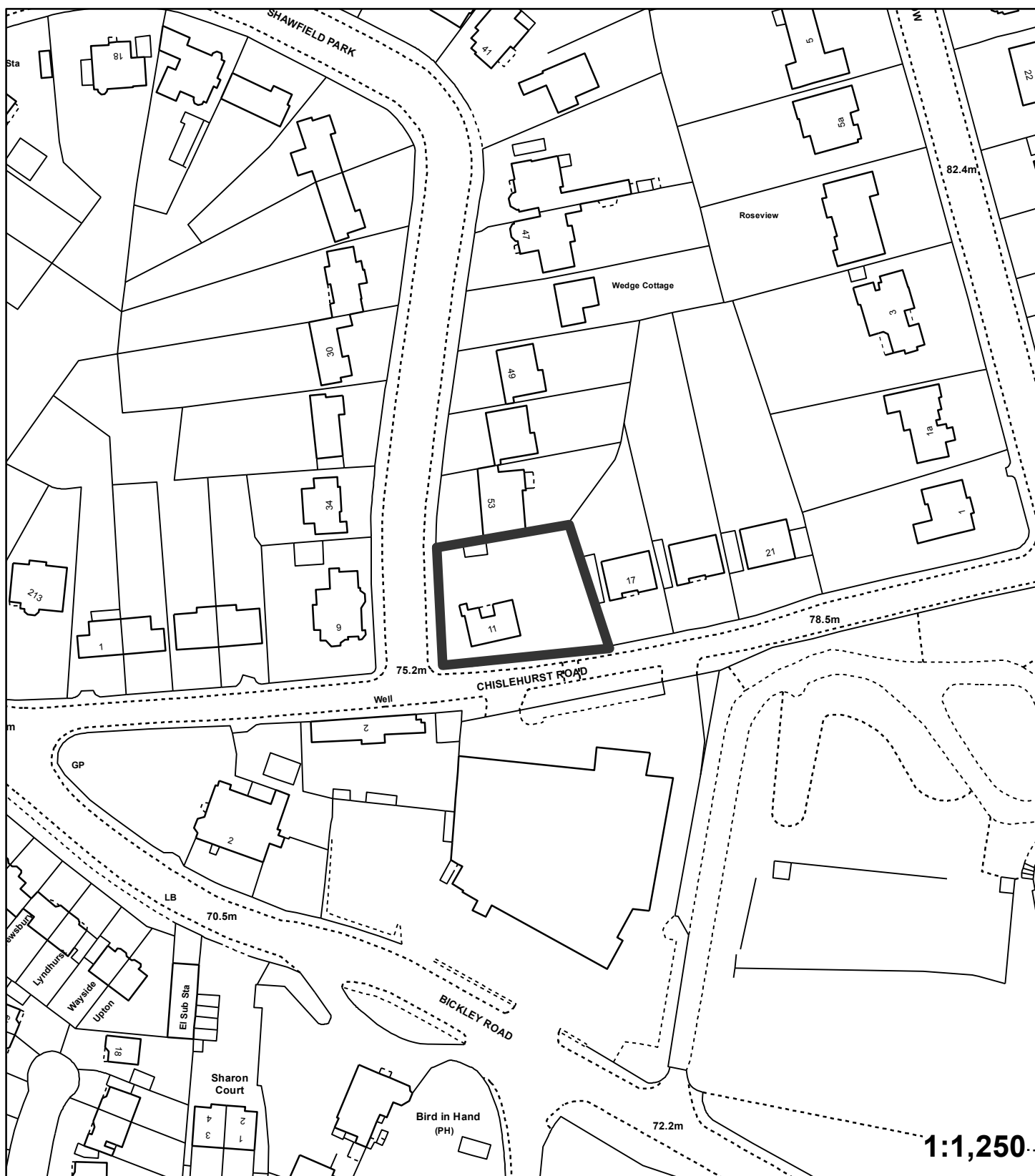
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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