

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

**Application No :** 12/03466/FULL1

**Ward:**  
**Chislehurst**

**Address :** The Crest Raggleswood Chislehurst  
BR7 5NH

**OS Grid Ref:** E: 543435 N: 169829

**Applicant :** Mr Timothy Joseph

**Objections :** YES

**Description of Development:**

Demolition of existing dwelling and erection of 2 detached two storey 4 bedroom dwellings with integral double garage

Key designations:

Conservation Area: Chislehurst  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Local Distributor Roads

**Proposal**

It is proposed to demolish the existing building, and construct 2 detached two storey dwellings fronting Raggleswood, each with an integral double garage.

Conservation Area Consent is sought under ref.12/03467 for the demolition of the existing dwelling.

**Location**

This site lies on the corner of Raggleswood and Old Hill within Chislehurst Conservation Area, and is occupied by a large detached dwelling built in the Arts and Crafts style. The site measures 0.28ha and slopes downwards towards the rear.

**Comments from Local Residents**

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

- overlooking of Oak Lodge and garden of Shangri-La from windows in flank elevation of Plot 1, unless they are obscure glazed and fixed shut

- intrusive form of development
- loss of important trees
- no further windows should be added to the west elevation of Plot 1
- finished floor level of house on Plot 1 appears unnecessarily high compared with the ground levels.

### **Comments from Consultees**

The Council's highway engineer raises no objections to the proposals as parking associated with the proposed development would be adequately accommodated on site.

No objections are raised from a drainage point of view, subject to the submission of further details of surface water drainage, while Thames Water and the Council's Waste and Environmental Health sections also raise no objections to the proposals.

Building Control has no objection to the use of soakaways, subject to the use of a suitable design.

The Advisory Panel for Conservation Areas raise objections to the loss of the existing building which is considered to make a positive contribution to the Conservation Area, and to the new dwellings which are considered to be overlarge and of poor design.

### **Planning Considerations**

The applications fall 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
- H7 Housing Density & Design
- T3 Parking

### **Planning History**

Permission was refused in December 2011 (ref.11/01999) for two replacement dwellings on this site for the following reasons:

- 1 The proposed development, by reason of its size, bulk and close proximity to the side boundaries, would result in a cramped form of development, detrimental to the character and spatial standards of Chislehurst Conservation Area, thereby contrary to Policies H7, BE1 and BE11 of the Unitary Development Plan.
- 2 The proposed development would prejudice the retention and well being of a number of important trees on the site which are considered to make a

significant contribution to the character and appearance of Chislehurst Conservation Area, and would therefore be contrary to Policies BE11 and BE14 of the Unitary Development Plan.

Conservation Area Consent for demolition of the existing dwelling was also refused under ref.11/02005 on the grounds of prematurity in the absence of a suitable replacement scheme.

The subsequent appeals were dismissed on grounds relating to a cramped and overlarge form of development, the close proximity to important trees on the site, the detrimental impact on spatial standards of Chislehurst Conservation Area, and the prematurity of allowing the demolition of the existing dwelling.

## **Conclusions**

The main issues in this case are the effect of the proposals on the character and appearance of Chislehurst Conservation Area, the impact on important trees on the site, and the effect on the amenities of occupants of nearby residential properties.

It is considered that the existing dwelling makes only a neutral contribution to the Conservation Area, and therefore, its loss could not be resisted where an acceptable scheme for redevelopment exists.

The current dwelling on the site maintains good separations to the side boundaries, with a single storey element on the western side adjacent to Oak Lodge giving a spacious feel to this corner plot.

In dismissing the previous proposals, the Inspector considered that “the overall bulk, mass, height and depth of the two buildings, would result in the development as a whole appearing to be too large for the site and too close to the trees that are an integral part of it”. He considered that this would be “harmful to the spacious nature of development in this part of the conservation area, particularly given the site’s prominent position on the corner of Raggleswood and Old Hill”. He concluded that the combined effects of the bulk of the proposed dwellings, their proximity to each other and to the surrounding trees meant that the proposals would fail to preserve or enhance the character or appearance of Chislehurst Conservation Area.

With regard to the trees, the Inspector found that the new dwellings would encroach to a substantial extent within the root protection areas of several trees on the eastern and northern sides of the site, which could result in long-term damage to the health of the protected trees.

With regard to the existing dwelling, the Inspector agreed that in the absence of a satisfactory development proposal for the site, its demolition would leave “a significant and unsightly gap in the street scene” which would be harmful to the character and appearance of Chislehurst Conservation Area.

The proposed dwellings have now been re-designed, with the forward projecting garages removed and a small increase in the separations to the side boundaries.

However, the proposals would still bring built development significantly closer to the side boundaries than the existing dwelling (9.8m as opposed to 18m between the dwelling on Plot 2 and the south-eastern boundary with Old Hill, and 5.5m as opposed to 9.5m between the dwelling on Plot 1 and the north-western flank boundary with Oak Lodge), and the separation distance between the new dwellings would not be increased. The dwellings would still appear significantly bulkier on the site, particularly in the western part where the two storey dwelling would replace mainly single storey structures, and would thereby encroach on the largely open nature of this part of the site, detrimental to the spatial standards of Chislehurst Conservation Area.

In relation to the trees on the site, six significant trees have been identified, two of which would be unaffected by the proposals (2 oaks). However, the proposed dwelling on Plot 1 would still fall within the Root Protection Area (RPA) of an oak tree (T.11) at the front of the property, and although the existing house comes within the RPA, the proposed dwelling would cause harm to this tree.

The proposed dwelling on Plot 2 would come within the RPAs of 3 trees (2 limes and an oak) located at the front, side and rear, and the development would therefore have a seriously detrimental impact on the health and well-being of these important trees which make a significant contribution to the character and appearance of Chislehurst Conservation Area.

With regard to the impact on neighbouring properties, the proposed dwelling nearest to Oak Lodge on Plot 1 would project approximately 2m further to the rear at two storey level than the refused scheme, but the single storey element would be moved further away from the boundary towards the southern part of the dwelling, and the dwelling itself would still be set back between 5.5-10.5m from the boundary with Oak Lodge. The outlook from the rear of Oak Lodge may be affected by the rearmost part of the dwelling, but this is not considered to be to such a degree to warrant a refusal.

The dwellings on the opposite side of Raggleswood are set at a significantly higher level than the application site, and although the outlook from the front of these dwellings would be affected, it is not considered to be unduly harmful to the amenities of the occupiers of those dwellings.

Having had regard to the above it was considered that the revised proposals are not acceptable in that they would still result in a bulky and cramped development which would be detrimental to the character and spatial standards of Chislehurst Conservation Area, and would be harmful to the retention and wellbeing of important trees on the site.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/01999, 11/02005, 12/03466 and 12/03467, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The proposed development, by reason of its size, bulk and close proximity to the side boundaries and trees on the site, would result in a cramped form of development, detrimental to the character and spatial standards of Chislehurst Conservation Area, thereby contrary to Policies H7, BE1 and BE11 of the Unitary Development Plan.
- 2 The proposed development would prejudice the retention and well being of a number of important trees on the site which are considered to make a significant contribution to the character and appearance of Chislehurst Conservation Area, and would therefore be contrary to Policies BE11 and BE14 of the Unitary Development Plan.

### 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)).

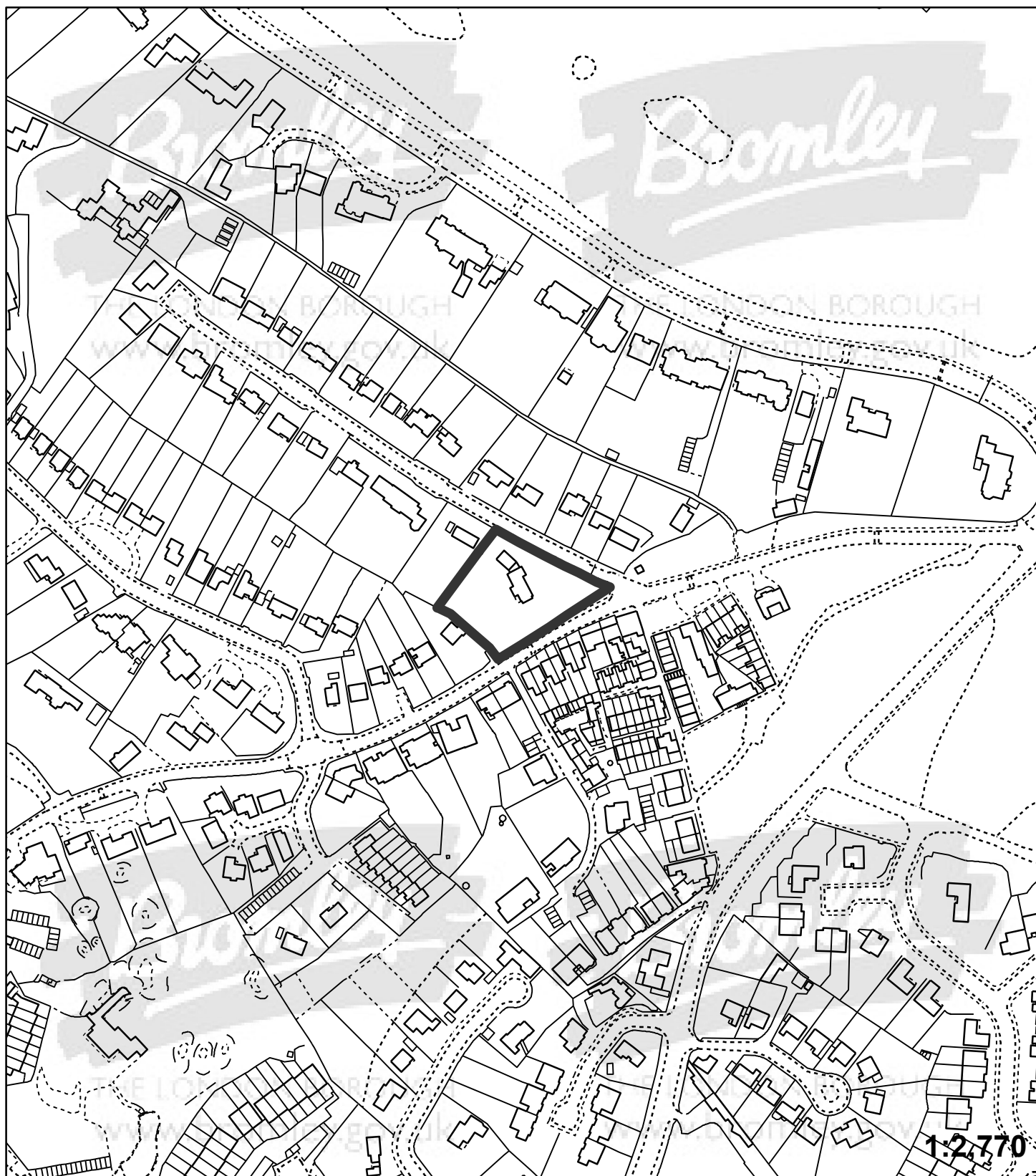
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

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)

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**Proposal:** Demolition of existing dwelling and erection of 2 detached two storey 4 bedroom dwellings with integral double garage



"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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