

SECTION '2' – Applications meriting special consideration

Application No : 12/03306/RECON

Ward:
Chislehurst

Address : Silver Birches Manor Park Chislehurst
BR7 5QE

OS Grid Ref: E: 544651 N: 169519

Applicant : Mr And Mrs C Katchoff

Objections : YES

Description of Development:

Variation of condition 10 of planning permission 12/01152 (granted for demolition of existing dwelling and erection of two storey 5 bedroom detached dwelling with detached sunken garage and associated landscaping) to vary restriction requiring first floor flank windows to be obscure glazed

Key designations:

Conservation Area: Chislehurst

Proposal

This proposal is for the variation of condition 10 of planning permission 12/01152 (granted for demolition of existing dwelling and erection of two storey 5 bedroom detached dwelling with detached sunken garage and associated landscaping) to remove restriction requiring first floor flank windows to be obscure glazed. On 13th January 2013 a section drawing was received which demonstrated the rooflight on the north elevation (facing Walpole House) would be sited a minimum of 2.1m above finished floor level. Concerns remained as to the potential impact for Harley Bank were the four windows on southern elevation to be clear glazed and on 3rd February 2013 additional information was received which proposed that two windows in the southern elevation (servicing en-suites) would be obscure glazed, with one window (providing sole fenestration for a bedroom) obscure glazed and fixed shut to a height of 1.7m above finished floor level with another window (a secondary window for the master bedroom) to be clear glazed.

Location

The property is located to the west of Manor Park and is a detached bungalow with accommodation in the roofspace and integral garage, located within the Chislehurst Conservation Area. The SPG for the Chislehurst Conservation Area describes Manor Park (Sub Unit 12) as characterised by large contemporary houses on spacious plots set amongst mature trees. Some earlier buildings are retained amongst the later development (such as The Old House off Manor Place,

along with a lodge house and gates), providing important reminders of the earlier forms of settlement.

Comments from Local Residents

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

- residents of Walpole House concerned original planning permission was granted creating a larger multi-floored house in place of a smaller bungalow within a conservation area.
- with current permission granted all 5 flats in Walpole House will have detrimental impact in terms of views, light and arguably prospect as the building is over 3m higher and very close for scale of excavation/works around the party wall line of 6m.
- all 5 flats and gardens will now be overlooked by extra floor of new property.
- 1st floor of flats in Walpole House will now look directly at 1st floor of Silver Birches with material impact on quality of life, privacy for all flats which was purchased for views, light and to avoid overlooking.
- windows being obscure glazed was a key consideration in granting of planning permission which does not seem overly onerous.
- should this condition be removed would represent a highly material concession on what is an imposing new build in the area.
- development is having an impact on Walpole House due to site clearance and ongoing building works with need to undertake site surveys given scale of excavation in close proximity.
- no tree screen in place at boundary with Walpole House should there be plans to introduce one at Silver Birches would impact on light in Walpole House.

Comments from Consultees

No statutory consultations were deemed necessary for this application.

Planning Considerations

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

BE1 Design of New Development

Planning History

In 2011, under planning ref. 11/03317 permission was granted for the addition of first floor to form 2 storey dwellinghouse, two storey front and side extensions, steps to front and detached, single storey sunken garage and elevational alterations. Alterations to front drive and access.

In 2012, under planning ref.12/01152, permission was granted for the demolition of existing dwelling and erection of two storey 5 bedroom detached dwelling with detached sunken garage and associated landscaping.

In 2012, under planning ref. 12/01153, Conservation Area Consent was granted for the demolition of existing detached bungalow.

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.

In granting planning permission for the demolition of the existing dwelling and erection of two storey 5 bedroom detached dwelling with detached sunken garage and associated landscaping, a condition was attached which stated:

Before the development hereby permitted is first occupied the proposed window(s) in the first floor flank elevations shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and details of any openings shall be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained in accordance with the approved details. In the interests of the privacy of adjoining properties any openings should be at high level.

The reason for attaching this condition was in order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties. The applicant now seeks to vary this condition as it is felt this "condition is unnecessary as flank window causes no overlooking problems due to distance from nearest house and the presence of the tree screen between the plots, and therefore the condition requiring obscure glazing will have no purpose".

In granting permission for 12/01152 the delegated report stated "rooflights are proposed to be located in the northern flank elevation and from the plans submitted do not appear to service a habitable room. If permission were to be granted a condition could be attached to ensure this is obscure glazed which would mitigate against potential loss of privacy or sense of overlooking for the occupants of Walpole House.

4 windows are proposed to be inserted in the first floor flank elevation on the southern elevation. However, there is a considerable degree of planting on the boundary of Harley Bank and no windows are located in the first floor flank elevation of this property. No windows are proposed to be inserted in the rearmost 5.9m of the flank elevation which could potentially overlook the rear garden of Harley Bank and as such the impact in terms of loss of privacy or sense of overlooking is not anticipated to be of such an extent as to warrant refusal. In addition, were permission to be granted a condition could be attached requiring windows in the first floor flank elevation be obscure glazed".

As such it may be considered that the ensuring these windows were obscure glazed was a key factor in the granting of planning permission for this application. Conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. Conditions should only be imposed where they satisfy all of the following six tests – necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

Although not indicated on the proposed first floor plan the rooflights on the northern flank elevation appear to service a staircase and hallway as opposed to a habitable room. On 13th January 2013 a section was provided in support of the application which indicates the rooflight would be a minimum of 2.1m (approximately 6 ft 8 inches) above first floor finished floor level as such this would not afford direct views onto the flank elevation of Walpole House. Although there are a number of windows located in the flank elevation of Walpole House, it is not considered to result in a significant loss of privacy for this property. As such on the basis of the revised information received it is not considered that it is necessary for the rooflights in the northern flank elevation to be obscure glazed given that this would be above head height and would have solely vertical views.

Four windows are proposed to be located in the first floor southern flank elevation, two of which would service en-suites, with another window providing secondary fenestration for bedroom 1 while another window provides the sole form of fenestration for bedroom 5. The additional information provided on 3rd February 2013 states that only the secondary window for bedroom 1 would be clear glazed, with the others remaining obscure glazed and fixed shut to a height of 1.7m.

The first floor flank elevation of the main dwellinghouse at Harley Bank would be sited approximately 13m from the first floor flank elevation of Silver Birches at an elevated level, with a single storey attached double garage located within approximately 8m of Silver Birches flank elevation. The adjoining property at Harley Bank has no windows located in the first floor flank elevation and has a considerable degree of coniferous planting on the latter 16m of its flank boundary, and as the secondary window for bedroom 1 would be unlikely to afford views into the rear garden of Harley Bank given its position towards the front of the site. The property frontage of Harley Bank closest to the application site is hardstanding which provides access into the lower ground floor garage and as such this area is unlikely to intensively utilised for recreational purposes. The previous property at Silver Birches had an existing side dormer window servicing an 'attic room' which faced onto Harley Bank, although the window of bedroom 1 would be situated in closer proximity to flank boundary with Harley Bank on balance it is not considered to give rise to a significant additional degree of overlooking for this property. Given the considerable separation between the flank elevation of Silver Birches and the flank elevation of Harley Bank separated by an access road to Harley, it is considered acceptable for Condition 10 of planning ref. 12/01152 to be relaxed in respect of bedroom 1.

Having had regard to the above and in light of the revised plans received on 13th January 2013 and additional information received on 3rd February 2013 it was considered that the development in the manner proposed is acceptable in that it

would not result in a loss of amenity to local residents and the variation to Condition 10 of planning permission ref. 12/01152 is acceptable in this instance, subject to conditions regarding obscure glazing for the windows as set out above, and no additional windows in the flank elevation other than those previously approved.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/03306, 12/01152 and 11/03317, excluding exempt information.

As amended by documents received on 13.01.13 and 03.02.13

RECOMMENDATION: APPROVAL

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 ACC01 Satisfactory materials (ext'nl surfaces)
ACC01R Reason C01
- 5 ACC03 Details of windows
ACC03R Reason C03
- 6 ACD02 Surface water drainage - no det. submitt
ADD02R Reason D02
- 7 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 8 ACH26 Repair to damaged roads
ACH26R Reason H26
- 9 ACI02 Rest of "pd" Rights - Class A, B,C and E

Reason: To prevent overdevelopment of the site and in the interests of the residential amenities of neighbouring properties, in line with Policy BE1 of the Unitary Development Plan.

- 10 The rooflight to be inserted in the northern flank elevation shall be clear glazed, as indicated in the approved plan Drawing No. MP-506-PD-040 the windows on the first floor southern flank elevation servicing two en-suites and bedroom 5 on approved plan Drawing No. MP-506-PD-040 shall be obscure glazed to a minimum level 4 obscurity and fixed shut to a minimum height of 1.7m above the finished floor level of the room in which they are to be located; the first floor southern flank window servicing bedroom 1 shall be clear glazed.

Reason: In order to comply with Policies BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 11 ACI17 No additional windows (2 inserts) first floor flank
development
- ACI17R I17 reason (1 insert) BE1
- 12 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 Policy BE1 of the Unitary Development Plan.

13 ACK05 Slab levels - no details submitted
 ACK05R K05 reason

Reasons for granting permission:

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.

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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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