

SECTION '2' – Applications meriting special consideration

Application No : 13/04033/FULL1

Ward:
Chislehurst

Address : Jason Yester Road Chislehurst BR7
5HN

OS Grid Ref: E: 542590 N: 170254

Applicant : Mr P Sulh

Objections : YES

Description of Development:

Demolition of existing dwelling and erection of a three storey 8 bedroom detached dwelling with accommodation within the roofspace and associated landscaping.

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads
Open Space Deficiency
Sites of Interest for Nat. Conservation

Proposal

Permission is sought for the demolition of the existing bungalow and erection of a three storey 8 bedroom dwelling, associated parking and landscaping. The building has a width of 17.3 metres, a depth of 16.6 metres and a height of between 8 metres and 11.7 metres. Front and rear dormers are within the roofspace, resulting in the third floor occupying this roof area. Six parking spaces are proposed to the front of the property.

Location

The application site is located to the northern edge of Yester Road and is situated opposite the junction with Lubbock Road to the south with the railway bridge immediately to the west. The site currently features a single storey detached dwelling. Yester Road is characterised by large detached dwellings of various designs and styles, with the topography being that of a long, moderately steep hill to the east and Lubbock Road increasing up hill to the south.

To the east is Southill Road and the properties to the western edge of this adjoin the eastern and northern boundaries of the site

Comments from Local Residents

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

- the proposal is an overdevelopment of the site
- safety issues with an increase in car numbers
- the development may lead to traffic issues, inadequate parking, overlooking and an issue of overlooking
- the number of parking spaces is well below what is needed in this location
- the development is out of character with the area
- inadequate parking provision
- this junction is already dangerous with poor visibility and the development would increase this issue
- disturbance during building works
- harm to local nature conservation
- the development will completely overshadow the residents at 3a Southill Road whilst harming views and introducing noise and disturbance
- problems will arise with an increase in the required refuse collection
- the development will result in disruption to local residents
- overlooking would result to No.1 Lubbock Road
- out of character with the conservation area
- the proposal does not overcome the issue of sightlines raised by the Inspector
- future sub-division into flats
- such a dwelling would have a large family with a number of children of driving age
- rubbish collection issues

The Chislehurst Society objects on the grounds that little has changed from the refused scheme and would still represent a cramped and incongruous development harmful to the street scene and local spatial standards. Parking and vehicular circulation is inadequate on an already difficult junction and the application does not adequately overcome the objections made by the Inspector.

Comments from Consultees

Highways have raised no objection and noted that Yester Road is a classified road - a local distributor - and although the site is within walking distance of Elmstead Woods station it is within a low (2) PTAL area. There are 6 parking spaces proposed.

The access from Yester Road has poor sightlines. The proposed building is significantly larger than the existing but there is no technical data detailed enough to differentiate the trip generation between the two and so there would be no ground of refusal.

It is a large building and should not be divided into flats in the future. Given the access, the demolition and construction phases may be an issue and so a construction management plan is needed.

From a conservation perspective the proposed building is considered to be an overdevelopment of the site as it fails to respond to the prevailing spacious character of this part of the Chislehurst Conservation Area.

APCA have not commented on the current application, however their previous comments on the refused scheme were that a three storey block is entirely inconsistent with the surrounding area.

Environmental Health (pollution) have raised no objection subject to informatives.

In relation to trees on the site, the principal trees are on the northern and southern boundaries. Those on the northern boundary are an oak and western red cedar, both grade B. They are growing on a bank above the level of the existing property at the site. There would be a slight incursion into the RPAs of these trees, but this is considered to be acceptable. The tree on the southern boundary is a beech, also grade B. It is outside the site but the proposed parking area would be partly within the RPA of this tree. Conditions are suggested.

Planning Considerations

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

- BE1 Design of New Development
- BE11 Conservation Areas
- BE12 Demolition in Conservation Areas
- BE14 Trees in Conservation Areas
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

Supplementary Planning Guidance 1 and 2
Supplementary Planning Guidance: Chislehurst Conservation Area

London Plan Policy 3.4 Optimising Housing Potential
London Plan Policy 3.5 Quality and Design of Housing Developments
The Mayor's Supplementary Planning Guidance: Housing

The National Planning Policy Framework, with which the above policies are considered to be in accordance.

Planning History

Most recently and most relative to the consideration of the current proposal, application ref. 13/03112 for the demolition of the existing dwelling and the erection of a three storey block of 6 flats. This was refused (together with the associated conservation area consent on the grounds that there would not be suitable replacement) on the grounds that:

1. "The proposal constitutes a cramped form of development by reason of its scale and design, resulting in an overdevelopment of the site, contrary to Policies BE1 and H7 of the Unitary Development Plan, Policy 3.4 of the London Plan and the National Planning Policy Framework.
2. The proposal, by reason of its scale and design, fails to integrate into and respect the setting of its surroundings and is detrimental to the prevailing character of the Chislehurst Conservation Area, contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan, Policy 3.4 of the London Plan and the National Planning Policy Framework.
3. The proposal would, by reason of its scale, mass, bulk and design, result in a detrimental impact upon the visual amenity and prospect which neighbouring residents might reasonably expect to be able to continue to enjoy, contrary to Policy BE1 and H7 of the Unitary Development Plan.
4. The proposed means of access to the site would be inadequate to meet the needs of the development in respect of provision of adequate visibility as such the proposal would be prejudicial to highway safety and contrary to Policy T18 of the Unitary Development Plan."

A subsequent appeal was dismissed, however the Inspector's reasons and comments in reaching this decision are material to the current proposal.

In summary, the Inspector concluded that on grounds 1, 2 and 3 the development was acceptable and dismissed the appeal on ground 4 - highway implications. Members should note the comments made by the Inspector, who in conclusion stated:

"Notwithstanding that the character and appearance of the Conservation Area would be preserved, and that the development would result in less than substantial harm to the Conservation Area as an heritage asset, or my findings in relation to the effect on the living conditions of the neighbouring occupiers, and the effect on highway safety of the proposed off street parking provision, the material harm identified to highway safety from the inadequacies of the sight lines of the proposed access arrangements is substantial and overriding. It significantly and demonstrably outweighs the limited benefits of a very marginal increase in the supply of housing in the area."

Additionally, application ref. 12/01812 for a three storey block of 1 three bedroom and 6 two bedroom flats with accommodation within the roofspace and associated parking and landscaping was refused on the grounds that:

1. "The proposal constitutes a cramped form of development by reason of its scale and design, resulting in an overdevelopment use of the site, contrary to Policies BE1 and H7 of the Unitary Development Plan, Policy 3.4 of the London Plan and the National Planning Policy Framework.
2. The proposal, by reason of its scale and design, fails to integrate into and respect the setting of its surroundings and is detrimental to the prevailing character of the Chislehurst Conservation Area, contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan, Policy 3.4 of the London Plan and the National Planning Policy Framework.
3. The proposal would, by reason of its scale, mass, bulk and design, result in a detrimental impact upon the visual amenity and prospect which neighbouring residents might reasonably expect to be able to continue to enjoy, contrary to Policy BE1 and H7 of the Unitary Development Plan.
4. The proposed means of access to the site would be inadequate to meet the needs of the development in respect of provision of adequate visibility as such the proposal would be prejudicial to highway safety and contrary to Policy T18 of the Unitary Development Plan."

An associated Conservation Area Consent for the demolition of the existing dwelling was refused on the grounds that:

"In the absence of a planning permission for a suitable replacement building, it would be premature to grant consent for the demolition of the existing building, thereby contrary to Policy BE12 of the Unitary Development Plan."

These decisions were dismissed at the same appeal as the application above (ref. 13/03112) and for the same reasons, namely highway safety.

Conclusions

The proposed dwelling replicates, in terms of scale, design, height and depth of the block of 7 flats refused under application ref. 12/01812 which is slightly higher and deeper than the more recently refused scheme under application ref. 13/03119. The ground floor features a large entrance hall, family rooms and gym, whilst the upper floors feature four bedrooms at first and second floor and a games room and cinema at third floor level within the roofspace. A terrace to the rear of the property is also proposed at third floor level.

Members should note that the Inspector's recent decision in considering appeals for both previously refused schemes is a significant material consideration in the determination of this proposal. The impact upon the character of the Conservation Area and the amenities of neighbouring residents was considered to be acceptable and as such the principle of the building currently proposed, in terms of bulk, scale and design, has been considered acceptable at appeal. It is therefore considered that the main consideration under the current application is the impact upon highway safety of the proposed dwelling in relation to the refused schemes.

The Council has previously refused the proposed design and size of the building on the grounds that it would be detrimental to the character of the Conservation Area and these concerns are maintained. However, Members will be aware of the Inspector's comments in this regard, in particular that there would not be a cramped appearance due to the level of screening to and the nature of the site and that the level of density proposed would not appear materially out of keeping with the character and appearance of the area. Given the Inspector's assessment of the building proposed under application ref. 12/01812 which the same as that now under consideration, it is considered that the building has been judged as acceptable in terms of its design and impact and a refusal of the scheme on this basis may result in the Council being liable for costs should the decision be appealed.

With regards to this highways consideration, the Inspector concluded the level of parking proposed (six spaces) was adequate and that there was no justification for requiring additional parking over and above the adopted parking standards. The same six spaces would now serve an eight bedroom single dwelling and meet the relevant policy requirements for such a development in this location and in light of the Inspector's comments.

The Inspector remarked, with regard to the access, that the dismissed schemes would 'markedly increase both the number of households and the number of bedrooms on the site' (the number of bedrooms being between 13 and 15). The scheme, although the same footprint and design, would be reduced to a single dwelling with eight bedrooms, nearly half that of the dismissed development. As highlighted by the Council's Highways Officer, there is no means of differentiating between the vehicular trip generation of a four bedroom dwelling with six parking spaces and an eight bedroom dwelling with six parking spaces irrespective of the size of the replacement dwelling or the bedrooms.

As such the current proposal represents an increase of four bedrooms and would remain a single dwellinghouse. It is considered that the level of parking is adequate and that the issue of inadequate sightlines highlighted by the Inspector due to the number of householders and bedrooms that would provide a much higher level of trips relative the existing use is overcome by a reduction of the number of households to one and the reduction in bedrooms to eight.

Concerns are raised as to the possible sub-division of the dwelling into the flats refused under the 2012 application. If there is any evidence of sub-division it is open to the Council to consider the expediency of taking enforcement action and a condition is recommended reflecting the unacceptability of the sub-division. The application under consideration must be determined upon its own merits in light of previous decisions and the reasons for those decisions.

Background papers referred to during production of this report comprise all correspondence on the files refs 13/04033, 13/03112 and 12/01812, set out in the Planning History section above, excluding exempt information.

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 ACC01 Satisfactory materials (ext'nl surfaces)
 ACC01R Reason C01
- 5 ACC03 Details of windows
 ACC03R Reason C03
- 6 ACB16 Trees - no excavation
 ACB16R Reason B16
- 7 ACB18 Trees-Arboricultural Method Statement
 ACB18R Reason B18
- 8 ACB19 Trees - App'ment of Arboricultural Super
 ACB19R Reason B19
- 9 ACD02 Surface water drainage - no det. submitt
Reason: To ensure a satisfactory means of surface water drainage and to accord with Policies 5.12 and 5.13 of the London Plan.
- 10 ACD04 Foul water drainage - no details submitt
Reason: To ensure a satisfactory means of foul water drainage and to accord with Policies 5.12 and 5.13 of the London Plan.
- 11 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 12 ACH16 Hardstanding for wash-down facilities
 ACH16R Reason H16
- 13 ACH29 Construction Management Plan
 ACH29R Reason H29
- 14 ACI01 Restriction of all "pd" rights
Reason: In the interests of preventing an overdevelopment of the site and in the interests of the amenities of neighbouring residents and to accord with Policies BE1 and H7 of the Unitary Development Plan.
- 15 ACI11 Obscure glaz'g/details of opening (1 in) to the eastern first
 and second floors elevation
 ACI11R Reason I11 (1 insert) BE1
- 16 ACI24 Details of means of screening-balconies
 ACI24R Reason I24R
- 17 ACK01 Compliance with submitted plan
 ACC01R Reason C01
- 18 ACK05 Slab levels - no details submitted
 ACK05R K05 reason
- 19 The dwelling hereby permitted shall not at any time be sub-divided to form separate self-contained units and shall only be used as a single dwellinghouse by members of the household occupying the dwelling.
Reason: In order to comply with Policies BE1, H7 and T18 of the Unitary Development Plan, Policy 3.5 of the London Plan and the National Planning Policy Framework, to ensure that the accommodation is not used separately as unsatisfactory sub-standard accommodation and to prevent an

unacceptable intensification of the use and an associated increase in vehicular movements that would be detrimental to highway safety.

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

- 2 If during works on site suspected contamination is encountered, Public Protection should be contacted immediately. The additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.
- 3 Before the use commences, the applicant is advised to contact the Pollution Team of Public Protection regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990.

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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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