

SECTION '2' – Applications meriting special consideration

**Application No :** 14/04633/FULL1

**Ward:**  
**Chislehurst**

**Address :** Old Woodlands Brenchley Close  
Chislehurst BR7 5NQ

**OS Grid Ref:** E: 543345 N: 169720

**Applicant :** Robust Developments Ltd

**Objections :** YES

**Description of Development:**

Erection of detached two storey 4 bedroom dwelling

Key designations:

Conservation Area: Chislehurst

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

London City Airport Safeguarding

London City Airport Safeguarding Birds

**Proposal**

The proposal involves the subdivision of the existing site, the southern part of which would be occupied by a two-storey detached house, which would broadly incorporate a maximum 11.7m (depth) x 10.9m (width). It would rise to a maximum height of 10.m (as measured from the lowest part of ground level indicated on the submitted plans). The proposed dwelling will incorporate a prominent gable roof along its front elevation and dormers along the front, side and rear.

Following the receipt of revised plans (received 17.3.15) the proposed building has been re-sited to provide a wider separation to the western site boundary and enable the retention of a line of trees straddling that boundary.

The application is accompanied by an Arboricultural Report and a Planning, Design and Access Statement. The Arboricultural Report has been revised to take account of the revised plans (received 17.3.15).

**Location**

The site occupies a corner position adjacent to the junction of Old Hill which forms part of the B264 route and Brenchley Close which comprises a residential cul-de-sac.

The site falls within the Chislehurst Conservation Area.

## **Comments from Local Residents**

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

- there is already existing parking congestion which will be accentuated as a result of the proposal
- entrance to Brenchley Close and Davema Close is narrow and congested with parked cars
- there have previous incidents of police being called to removed vehicles parked illegally
- loss of existing parking spaces
- when parking becomes too congested emergency vehicles cannot access some of the neighbouring properties
- excessive building size for the plot
- harm to the character of the Conservation Area
- house will be intrusive and out of character with the remainder of Brenchley Close
- character of Brenchley Close will be permanently damaged
- loss of trees would undermine outlook
- overlooking and loss of privacy
- building work will lead to noise, disturbance and disruption
- harm to visual amenities
- loss of trees will harm the Conservation Area
- risk to trees not proposed for removal is very high
- proposed scheme will have inadequate light

One email of support has been received stating that the proposal will enhance the area.

Following the receipt of revised plans (received 17.3.15, further objections were received reiterating the above points, and suggesting that the revisions did not address the thrust of the concerns.

No technical Highways objections have been raised.

No objection has been raised by Thames Water.

Objections have been raised by the Advisory Panel for Conservation Areas on the basis that the proposal represents back garden development and is contrary to Para. 3.50 of the SPG.

## **Comments from Consultees**

No technical Highways objections have been raised.

No objection has been raised by Thames Water.

Objections have been raised by the Advisory Panel for Conservation Areas on the basis that the proposal represents back garden development and is contrary to Para. 3.50 of the SPG.

Following the receipt of the revised plans (received 17.3.15) no Tree objections are raised.

### **Planning Considerations**

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

- BE1 Design of New Development
- BE11 Conservation Areas
- NE7 Development and Trees
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T18 Road Safety

Supplementary Planning Guidance for the Chislehurst Conservation Area

National Planning Policy Framework

Supplementary Planning Guidance 1 and 2

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

- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments

The Mayor's Supplementary Planning Guidance: Housing (SPG)

### **Planning History**

Under ref. 03/00808, an application for a front, rear and side extensions and alterations to existing dwellinghouse and erection of 2 detached four bedroom houses fronting Brenchley Close was refused on the following grounds:

"The proposals would constitute an overdevelopment of the site by reason of the amount of site coverage by buildings and hard surfaces, would detract from the character of Old Woodlands and would harm the character and appearance of this part of the Chislehurst Conservation Area contrary to Policies H.2, E.1 and E.7 of the adopted Unitary Development Plan and Policies H6, BE1 and BE9 of the second deposit draft Unitary Development Plan (Sept 2002)."

"The trees on the site are considered to make an important contribution to the visual amenities of this part of the Chislehurst Conservation Area and

their loss as a result of the proposals for two houses on the site would be seriously detrimental to the amenities of the area as a whole, thereby contrary to Policies G.26 and G.28 of the adopted Unitary Development Plan and Policies BE10, NE6 and NE7 of the second deposit draft Unitary Development Plan (Sept 2002)."

"The alterations and extensions proposed to Old Woodlands would be harmful to the character and appearance of the property which makes an important contribution to the character and appearance of this part of the Chislehurst Conservation Area, thereby contrary to Policies H.3, E.1 and E.7 of the adopted Unitary Development Plan and Policies H8, BE1 and BE9 of the second deposit draft Unitary Development Plan (Sept 2002)."

Under ref. 03/02790 an application for a single storey rear extension to Old Woodlands and erection of detached four bedroom house with attached double garage was refused on the following grounds:

"The proposals would constitute an overdevelopment of the site by reason of the size of the proposed dwelling and the amount of site coverage by buildings and hard surfaces, would detract from the character of Old Woodlands and would harm the character and appearance of this part of the Chislehurst Conservation Area contrary to Policies H.2, E.1 and E.7 of the adopted Unitary Development Plan and Policies H6, BE1 and BE9 of the second deposit draft Unitary Development Plan (Sept 2002)."

"The trees on the site are considered to make an important contribution to the visual amenities of this part of the Chislehurst Conservation Area and their loss as a result of the proposal for a new house would be seriously detrimental to the amenities of the area as a whole, thereby contrary to Policies G.26 and G.28 of the adopted Unitary Development Plan and Policies BE10, NE6 and NE7 of the second deposit draft Unitary Development Plan (Sept 2002)."

The above application was subsequently dismissed at appeal.

## **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; the impact that it would have on the amenities of the occupants of surrounding residential properties; and its highways implications.

The application site comprises part of the existing garden serving 'Old Woodlands', a substantial two-storey, semi-detached Victorian dwelling situated adjacent to the junction of Old Hill and Brenchley Close. The site is defined by its existing garden and sylvan setting which includes a number of trees along its western and southern boundaries fronting the highway. These contribute to the wooded appearance of the area which helps to define this part of the Conservation Area. This also provides something of a buffer between the Nineteenth Century development fronting Old Hill and the more recent housing at Davema Close Brenchley Close.

The Supplementary Planning Guidance for the Chislehurst Conservation Area (SPG) identifies a number of character sub-units within the Conservation Area. The appeal site falls within sub-unit 6, 'Old Hill to Railway Station' which the SPG, at Para. 3.50:

"The strong characteristic of this Character Sub-unit is the generally 'organic' nature of its development and consequent form relative to the careful planning and layouts, and innovative architecture being utilised in other parts of the Conservation Area. The area contains a cohesive but diverse mixture of building styles with a complex and stimulating layout. Despite the intensity of settlement, extensive woodland still remains in this pocket (such as in private gardens) providing a sylvan atmosphere and green setting, which should be maintained with any future development."

Policy BE11 of the UDP advises that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development, for engineering works, alteration or extension to a building, or for change of use of land or buildings within a conservation area will be expected to:

- (i) respect or complement the layout, scale, form and materials of existing buildings and spaces;
- (ii) respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and
- (iii) ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area.

Paras. 4.14-15 of the SPG advise that:

"The siting and layout of new structures must be respectful of the character and appearance of the Conservation Area. This will require recognition of, and response to, the predominant scale, form and detailing of contributory buildings, and reflecting the bulk and spatial composition of structures and intervening spaces."

"Spaces around and between buildings are often an important part of the character and appearance of an area, and the setting of principal contributory buildings. Consequently, where areas or buildings are characterized by open settings, wooded grounds or large gardens, the introduction of additional substantial buildings may not be appropriate. Some large or irregular sites may provide opportunities for careful siting and design to introduce new structures in a manner, which enables this character to be retained."

Taking above of the above criteria, it is considered that the proposal would constitute a cramped overdevelopment of the site, by reason of the resultant site coverage of the existing and proposed development, and the loss of garden area and trees which contribute to the character of the area; the proposal would thereby harm the character and appearance of this part of the Chislehurst Conservation

Area. Accordingly, similar concerns raised in respect of previous applications at the site are sustained.

It is considered that the trees on the site, particularly those straddling the western perimeter make an important contribution to the visual amenities of this part of the Conservation Area. It is recognised that the submission of revised plans (received 17.3.15) do overcome earlier concerns relating to their loss and, accordingly, their retention is to be welcomed. However, this revision does not address the concerns relating to the cramped nature of the development and its effect on local character.

Turning to the impact on residential amenity, in view of the separation between the proposed dwelling and the existing building at 'Old Woodlands' it is not considered that this will be adversely affected by way of loss of light, outlook or visual amenity. Having regard to dwelling to the south at No 1 Brenchley Close, the proposed development will largely be screened from that side by a line of conifer trees which straddle the southern boundary.

Finally, whilst no Code Sustainability has been submitted - in accordance with the London Plan - this matter can be considered by way of condition.

Background papers referred to during production of this report comprise all correspondence on the file refs set out in the Planning History section above, excluding exempt information.

as amended by documents received on 17.03.2015

### **RECOMMENDATION: APPLICATION BE REFUSED**

The reasons for refusal are:

- 1 The proposal constitutes a cramped overdevelopment of the site, by reason of the resultant site coverage of the existing and proposed development, and the loss of garden area which contributes to the character of the area; the proposal would thereby harm the character and appearance of this part of the Chislehurst Conservation Area, contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan, the National Planning Policy Framework, and the Supplementary Planning Guidance for the Chislehurst Conservation Area

### **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)