

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

Application No : 15/03965/FULL1

Ward:
Cray Valley East

Address : 10 Chelsfield Road Orpington BR5 4DN

OS Grid Ref: E: 547170 N: 167277

Applicant : Mr Daniel Lautier

Objections : YES

Description of Development:

Part one/two storey side/rear extension and conversion into 4 two bedroom flats, and erection of detached two storey building at rear comprising 4 two bedroom maisonettes with ancillary parking, access road, and bin and cycle stores

Key designations:

Conservation Area: St Mary Cray
Areas of Archeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Local Distributor Roads
Smoke Control SCA 26
Smoke Control SCA 34

Proposal

It is proposed to remove the single storey side additions from the western side of this house along with the rear outbuildings, and construct a part one/two storey side/rear extension to the eastern side of the dwelling, and convert it into 4 two bedroom flats. It is also proposed to construct a detached two storey building at the rear of the site which would comprise 4 two bedroom maisonettes.

A total of 10 car parking spaces would be provided, 4 at the front of the site, and 6 between the extended building and the new maisonettes at the rear which would be accessed via a new access road adjacent to the north-western flank boundary of the site.

An area of communal gardens would be provided to the front, side and rear of the converted flats, whilst the maisonettes to the rear would have an amenity area to the rear. A bin store is proposed adjacent to the north-western elevation of the converted building, and a cycle store would be provided adjacent to the rear parking area.

The application is accompanied by an Arboricultural Impact Assessment and a Transport Statement.

Location

This site is located on the south-western side of Chelsfield Road, and lies within St. Mary Cray Conservation Area. The site is bordered to the west by locally listed buildings at Nos.1-19 Anglesea Road, and to the east by a residential development known as Audley Walk.

The site is currently occupied by a detached two/three storey dwelling and a number of outbuildings in the rear garden.

Consultations

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

- * increased pressure on traffic along Chelsfield Road
- * loss of light, privacy and security to houses in Anglesea Road
- * extending the existing house would result in loss of character
- * an archaeological assessment of the site should be made
- * overdevelopment of the site
- * detrimental to the character and visual amenities of the Conservation Area
- * loss of trees would impact on privacy to residents in Audley Walk and would be detrimental to the amenities of the area
- * overlooking and loss of outlook to nearby dwellings
- * hazardous access to the development.

Comments from Consultees

No highways objections are raised to the number of parking spaces provided nor to the layout, so long as 6m manoeuvring space is provided in front of all the parking bays. A Transport Statement has been submitted to support the proposals, however, the Council's Highways Officer considers that the information supplied does not support the suitability of the access for intensification of use. He comments as follows:

"The existing access is being used and, as it is on the inside of a bend, this affects the sightlines. The available sightline, particularly to the left, appears to be poor. The proposal includes adjusting the front boundary enclosures.

A Transport Statement was supplied as part of the application which included a speed survey. There is no indication of the exact location where the survey was undertaken, the closer to the mini-roundabout it was would mean vehicles are likely to be travelling slower as they are braking or still accelerating. The nature of survey results would suggest it was undertaken by a hand held device rather than an automatic traffic counter (ATC). If the device or operator were visible to approaching drivers this could result in drivers travelling at speeds below which they normally would. It also gives a small sample on which to base the visibility requirements.

Using the procedure outlined in Manual for Streets (MfS) would give a stopping sight distance of 45m for speeds of 31mph and 26m for speeds of 21mph. The distances shown in the TS, which show 42.7m and 23.8m respectively, do not seem to have taken account of the bonnet length as outlined in MfS.

The TS indicates that 2m would be an appropriate "x" distance in this location. The advice in MfS is that "A minimum figure of 2m may be considered in some very lightly trafficked and slow-speed situations...". I do not consider Chelsfield Road as being lightly trafficked or slow speed and so 2.4m would be appropriate in this location.

Drawing 2015-2588-001 in the TS shows the achievable sightlines. Both sightlines fall short of those required. In addition, the sightline shown to the left of the access does not take account of the street tree which would reduce it still further to around 15 or 16m.

TRICS data has been used to estimate the trip generation from the site. The estimated vehicular trips for the proposal, although higher than the existing unit are relatively low. There are no non-car trips given. This site is within a low PTAL area. Some of the sites used are within Inner London where I assume has better public transport links and there is no indication why these sites are comparable."

He therefore recommends that permission be refused as the intensification of the use of the access would be detrimental to road safety and contrary to Policy T18 of the UDP.

The Advisory Panel for Conservation Areas raises objections to the extensions to the main house which are not considered to be subservient to the main building. Objections are also raised to the provision of parking at the front of the building which would be detrimental to the setting of the building.

Historic England require the submission of a pre-determination Archaeological Assessment due to the site's location within an Archaeological Priority Area, and the fact that Roman period finds from the site were recorded during investigations in the 1980s.

No drainage objections are seen to the proposals in principle, and Thames Water has no concerns.

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
- H7 Housing Density and Design
- NE7 Development and Trees
- T3 Parking
- T18 Road Safety

The London Plan (2015):

3.3 Increasing Housing Supply

3.4 Optimising Housing Potential

3.5 Quality and Design of Housing Developments (including Table 3.3 - Minimum space standards for new development)

The Major's Housing SPG and the National Planning Policy Framework (NPPF) are also relevant.

Planning History

Permission was refused in November 2013 (ref.13/02693) for the demolition of the existing house and the erection of 8 two storey semi-detached dwellings with accommodation in the roof space, associated car parking at the front and the re-siting of the existing access, on the following grounds:

- 1 The proposed dwellings, by reason of their siting, design, excessive site coverage and hardstanding, would constitute an overdevelopment and an undesirable sub-division of No. 10 Chelsfield Road, detrimental to the character and visual amenities of this part of the St Mary Cray Conservation Area, contrary to Policies H7, BE1 and BE11 of the Unitary Development Plan and the Supplementary Planning Guidance for the St Mary Cray Conservation Area.
- 2 The proposal would result in the loss of an attractive Victorian building that is considered to make a positive contribution to the character and appearance of the St Mary Cray Conservation Area, and its removal would be detrimental to the special features of the conservation area, thereby contrary to Policies BE1 and BE11 of the Unitary Development Plan, the Supplementary Planning Guidance for the St Mary Cray Conservation Area and the guidance within the National Planning Policy Framework.
- 3 The proposed dwellings, by reason of their siting, height, design and scale, would result in a detrimental impact on the amenities of nearby residential properties in Anglesea Road and would result in a harmful degree of overlooking and visual impact, contrary to Policies H7, BE1 and BE11 of the Unitary Development Plan.
- 4 The proposal would result in the loss of important trees including a Lawson cypress to the front of the site and would create post-development pressure on the yew tree at the rear of the site. The proposal would therefore be detrimental to the visual amenities and character of the area, contrary to Policy NE7 of the Unitary Development Plan.
- 5 In the absence of information to demonstrate vehicle speeds at this part of Chelsfield Road, the proposed intensification of the use of a vehicular access to the site is likely to lead to conditions prejudicial to highway safety, contrary to Policy T18 of the Unitary Development Plan.

Permission was refused in February 2015 (ref.14/03921) for a part two/three storey side/rear extension and conversion into 4 two bedroom and 1 one bedroom flats, and the erection of a detached two storey building at the rear comprising 2 three bedroom dwellings and 2 two bedroom maisonettes, with parking, access road, landscaping and bin and cycle stores on the following grounds:

- 1 The proposals would significantly compromise the character of the existing house and its setting, and would cause substantial harm to the character and appearance of the St Mary Cray Conservation Area, contrary to Policies BE1 and BE11 of the Unitary Development Plan.
- 2 The proposals would, by reason of the amount and size of the development and the excessive site coverage by buildings and hard surfaces, would constitute an overdevelopment of the site, detrimental to the character and spatial standards of this part of St Mary Cray Conservation Area, contrary to Policies H7, BE1 and BE11 of the Unitary Development Plan and the Supplementary Planning Guidance for St Mary Cray Conservation Area.
- 3 The proposed car parking area would be situated in close proximity to the rear boundaries of dwellings in Anglesea Road, and would introduce a level of noise and activity into currently peaceful rear garden areas, detrimental to residential amenity and contrary to Policy BE1 of the Unitary Development Plan.
- 4 In the absence of information to demonstrate vehicle speeds along this part of Chelsfield Road, the proposed intensification of the use of the vehicular access to the site is likely to lead to conditions prejudicial to the free flow of traffic and highway safety, contrary to Policy T18 of the Unitary Development Plan.

The subsequent appeal was dismissed in August 2015.

Conclusions

The main issues in this case are the impact of the proposals on the character and appearance of St Mary Cray Conservation Area, the amenities of neighbouring residential properties, highway safety and important trees on and immediately adjacent to the site.

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 of the London Plan gives an indicative level of density for new housing developments. In this instance the proposal represents a density of 47 dwellings per hectare with the table giving a suggested level of 35-65 dwellings per hectare in suburban areas with a 2 PTAL location. This is consistent with the London Plan Guidance. Overall, the proposal would result in an intensity of use of the site that would be consistent with the local area and the London Plan. However, this still needs to be assessed against the wider context in terms of the character, spatial standards and townscape value of the immediate area, with particular regard to its location at the southern edge of St Mary Cray Conservation Area.

The Supplementary Planning Guidance for this conservation area states:

'3.2 The Council will expect all proposals for new development to conform to the character of the conservation area, especially in regard to the scale and height of construction, location within a plot (where material), design and materials used. It is hoped that all improvement works to buildings constructed prior to 1945 will take account of the character of the buildings and alter them as little as possible.

3.17 The area's layout and spatial characteristics: the spacing between the houses and their relationship with their landscape setting are both of great importance to the character of the area. When considering development proposals, the Council will pay special attention to plot widths, the scale and bulk of proposed buildings and their relationship with adjacent buildings. Increases in development density and height or the development of additional houses between existing frontages could damage the character of the area and proposals of this nature will be strongly resisted.'

The existing building is a two storey red brick Victorian villa which dates from the late 19th century, and is a distinctive building with attractive detailing such as brick banding, decorative barge boards and pointed arched windows to the first floor. It is located within a generous mature garden, and is considered to make a positive contribution to the high quality and spacious character of the Conservation Area. The Inspector in the previous appeal agreed that the existing building, including its spacious and verdant setting, is a significant visual feature within the Conservation Area which contributes positively to the character and appearance of the area.

In dismissing the previous appeal, the Inspector found that the part two/three storey side/rear extension to the existing dwelling would appear overly dominant by reason of its excessive size and height, the provision of a two storey front bay and second floor front windows, and the excessive depth of the flank wall of the extension, which together would visually overwhelm and detract from the original form and architectural detailing of the house. He also considered that the proposed rear building and the hard surfaced areas required for car parking and access would further dominate the original grounds of the villa which contribute greatly to its setting. Thus, he concluded that "the attractive character and appearance of the Victorian villa would be adversely affected and its contribution to the character and appearance of the Conservation Area diminished substantially."

With regard to the impact on neighbouring residential properties, the Inspector concurred that the proposals would introduce vehicular activity into an area where there was previously none, and that the rear parking area would be too close to the gardens and properties of Anglesea Road. He concluded therefore that "the design of the car parking and access areas would harm the living conditions of the occupiers of neighbouring properties by reason of noise and disturbance."

With regard to concerns regarding the intensification of the use of the access, the Inspector made no determination on the matter as revised details were submitted by the applicant at a late stage in the appeal process, and the appeal was to be dismissed in any case for other reasons.

The current scheme has been revised to reduce the size of the extension to the existing dwelling which would now be converted into 4 rather than 5 flats (thus reducing the overall size of the development from 9 units to 8). The extension has been reduced in width by 3.8m, although a two storey extension would now be provided across part of the rear of the house, and its height would now be level with the existing roof ridge (the roof over part of the extension was previously 0.6m higher than the main ridge). However, the extension would still be a substantial addition which would not appear subservient in scale (this could be better achieved by having a lower ridge level and a recessed front elevation).

The mews building in the rear garden has been reduced in width by 9m, and would maintain greater separations to the flank boundaries, particularly the western boundary with Anglesea Road properties. However, this building, along with the significant amount of hard surfaced areas required for the access road and car parking would, as with the previous scheme, dominate the original grounds of the dwelling which contribute greatly to its spacious sylvan setting, and would fundamentally alter its character in a harmful way. The proposals are still, therefore, considered to cause substantial harm to the character and appearance of St Mary Cray Conservation Area, and would therefore be contrary to Policies H7, BE1 and BE11 of the UDP.

With regard to the impact on residential amenity, the extension to the dwelling would be set forward of the nearest two storey flats in Audley Walk which may affect the outlook from those properties. However, the extension would be 5.8-6m from the flank boundary, and there are trees along this boundary which would give some screening to the proposals. The windows to bathrooms in the south-eastern flank elevation would be obscure glazed, and the proposals are not, on balance, considered to have an adverse impact on the amenities of the adjacent properties in Audley Walk.

The proposed mews building to the rear would be of a lower scale than the main extended property, and would provide separations to the side boundaries of between 3.5-9.8m. No first floor flank windows would be provided, and the proposals are not considered to result in undue loss of light, privacy or prospect to neighbouring properties in Audley Walk or Anglesea Road.

The previous scheme was considered by the Inspector to have a detrimental impact on the amenities of residents in Anglesea Road due to the close proximity of car parking spaces to their rear gardens. The current scheme has reduced the number of parking spaces at the rear from 8 to 6, and the nearest spaces have been moved 8.3m further away from the boundary with Anglesea Road. However, the access road serving the rear parking spaces would now extend close to the rear boundaries of the adjacent properties, and would still bring vehicular activity into an area where there was previously none. The proposals are still therefore considered to cause harm to the living conditions of neighbouring occupiers by reason of noise and disturbance, contrary to Policy BE1 of the UDP.

With regard to highway safety issues, the intensification of the use of the access to serve 8 residential units is considered to have a detrimental impact on the free flow

of traffic and conditions of safety along Chelsfield Road, and would therefore be contrary to Policy T18 of the UDP.

With regard to trees on the site, the proposals require the removal of several trees located mainly within the rear garden which range in maturity, condition and form, the most significant being a mature yew tree located close to the site's eastern boundary. The principal frontage trees are shown to be retained. The loss of the trees in the rear garden is unlikely to impact on the street scene, whilst the mature yew tree is almost entirely obscured from public view, and a Tree Preservation Order to retain the tree would not be recommended. The proposed extension to the main building would impact on several trees along the eastern boundary of the site, and may include some outside the site at the adjoining property, therefore, a tree protection plan and method statement should include these trees within its assessment.

In conclusion, the current proposals are not considered to be acceptable in that they would compromise the character and setting of the existing house, would impact detrimentally on the character and appearance of St Mary Cray Conservation Area, and would be harmful to road safety. Furthermore, the proposed access road and parking area to the rear is considered to have a harmful impact on residential amenity.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposals would significantly compromise the character of the existing house and its spacious setting, and would cause substantial harm to the character and appearance of St Mary Cray Conservation Area, contrary to Policies H7, BE1 and BE11 of the Unitary Development Plan.**
- 2 The proposals would, by reason of the amount and size of the development and the excessive site coverage by buildings and hard surfaces, constitute an overdevelopment of the site, detrimental to the character and spatial standards of this part of St Mary Cray Conservation Area, contrary to Policies H7, BE1 and BE11 of the Unitary Development Plan and the Supplementary Planning Guidance for St Mary Cray Conservation Area.**
- 3 The proposed access road and rear car parking area would be situated in close proximity to the rear boundaries of dwellings in Anglesea Road, and would introduce a level of noise and activity into currently peaceful rear garden areas, which would be detrimental to residential amenity and contrary to Policy BE1 of the Unitary Development Plan.**
- 4 The proposed intensification of the use of the vehicular access to the site is likely to lead to conditions prejudicial to the free flow of**

traffic and highway safety, and would therefore be contrary to Policy T18 of the Unitary Development Plan.

You are further informed that :

- 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