

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 15/03907/FULL6

**Ward:**  
**Chislehurst**

**Address :** 53 Yester Road Chislehurst BR7 5HN

**OS Grid Ref:** E: 542932 N: 170414

**Applicant :** Mr P Murray

**Objections : YES**

### **Description of Development:**

Revisions to planning permission reference 14/02298 for relocation of vehicular access and front boundary wall, piers, railings and sliding gate and retrospective raising of land levels along the south western boundary including the raising of the boundary fence

Key designations:

Conservation Area: Chislehurst  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Local Distributor Roads  
Open Space Deficiency  
Smoke Control SCA 16

### **Proposal**

The application site is on the northern side of Yester Road within the Chislehurst Conservation Area and hosts a two storey detached dwellinghouse which has undergone considerable development work.

The proposal seeks revisions to planning permission reference 14/02298 for the relocation of vehicular access and front boundary wall, piers, railings and sliding gate and the retrospective raising of land levels along the south western boundary including the raising of the boundary fence.

### **Consultations**

Nearby owners/occupiers were notified of the application and no representations were received and the following representations were received:

- Ongoing enforcement issue regarding the raising of the land levels
- Ground levels have been raised by more than 1 metre within 0.5m of the neighbouring property, number 49.
- The fence and gate is significantly higher than the permitted development tolerances
- Not been built with reasonable building controls
- No reasonable allowance for drainage

- The granting of planning permission would ensure that the current unsafe and substandard build will be left to the owners of number 49 and 53 to resolve sometime into the near future which is unacceptable
- The raised ground level have now led to all pedestrians accessing the rear of number 53 to be able to look directly into the window of number 49 at first floor level.
- Unclear as to why the levels are raised significantly above that of the driveway
- Security impacts

Amendments were forthcoming within the application process due to discrepancies with the site levels and description. One comment was received as a result of additional neighbour consultation which reiterated the previous grounds for objection.

Highways - Yester Road is a classified road, a local distributor. The proposal is to leave the access in its original position rather than move it to the other side of the property as per the 2014 permission. The gate is set back from the carriageway. The works appear to have been completed. No objections subject to conditions

### **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  
 BE7 Railings, Boundary Walls and Other Means of Enclosure  
 BE11 Conservation Areas  
 T3 Parking  
 T11 New Accesses  
 T18 Road Safety

Chislehurst Conservation Area SPG

### **Planning History**

Permission was refused under reference DC/11/01863/FULL6 for Two storey front and side extension with single storey rear extension and elevational alterations.

This refusal was sent to appeal and was successful.

A certificate of lawfulness for a single storey rear extension was granted under DC/11/02657.

Permission was then granted for single storey front and rear extensions with elevational alterations under DC/11/02597.

An amendment was granted for elevational alterations under DC/11/01863

Permission was granted for the relation of a vehicular access and front boundary walls, piers and railings and sliding gates under 14/02298/FULL6

An amendment was refused under 14/02298 for the relocation of vehicular access, proposed gate and amendment to front boundary walls.

## Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

The application has been amended from that as granted permission within ref: 14/02298/FULL6 in the following ways:

- Relocated driveway from right hand side to left hand side of the dwelling (similar to existing arrangement)
- Relocation of access gate and arrangement of front boundary treatment
- Retrospective works to raise the land levels along the south western boundary including the raising of the boundary fence

Yester Road is sited within the Chislehurst Conservation Area, therefore it is important to ensure that any new proposal preserves or enhances the existing character of the streetscene and wider area. There are a number of existing railings and gates visible in the area, including at the neighbouring properties, therefore it is considered that the introduction of new railings, piers and a sliding gate would not be out of character within the streetscene. The railings, piers and gate are similar to that granted permission for under ref: 14/02298 and highways raise no objections subject to conditions.

Due to the sloping nature of the road, the maximum height of the proposed development would be approx. 2.6 metres in terms of the brick piers, however the railings will have a maximum height of approx. 1.55 metres. Members may consider that these measurements are considered to be in keeping with the character of the road and will not detract from the character of the conservation area. As such, it is considered that whilst the new development will be located adjacent to the roadside, it will still preserve the existing character of the conservation area.

Due to the retrospective nature of the works to raise the land levels along the south western boundary it is difficult to assess to what extent the levels of the land have been raised. An objection letter from the neighbouring property suggests this is over 1m in height. Members should note that due to the nature of the topography of the road, number 53 is sited above the property to the south-west, number 49, as existing and the raising of the land levels along the south-western boundary increases this further.

As part of the assessment of the application a site visit was undertaken to both the host property and the neighbouring dwelling, number 49. The neighbouring property hosts an existing single storey element that runs adjacent to the boundary of number 53 before adjoining mature boundary screening. Number 53 has erected a close boarded timber fencing along the boundary with a raised platform to give stepped access to the rear amenity space. By virtue of the existing built form along the south-western boundary and the mature boundary treatment, it is not considered that this part of the development would cause any undue overlooking or loss of privacy to the neighbouring property, number 49.

An area of approximately 7.5 square metres has also been raised to the front elevation of the dwelling between the common side boundary with number 49 and the flank elevation of the host property, projecting forward by 2m into the front amenity space. The area is utilised as the only access to the side gate which allows unfettered movements to the rear amenity space of number 53, and as such may be utilised on a regular basis. The raised land level is located approximately 1m from the flank elevation of the neighbouring property allowing for views directly into windows serving both a staircase and garage area and down onto an area currently utilised for external storage. Whilst a bedroom window is also located upon the flank elevation of the neighbouring property, this is at a height that mitigates any adverse impacts from the development.

It is appreciated that the raising of the land levels within close proximity of the neighbouring windows would cause some harm in terms of actual and perceived overlooking, however it is also noted that these windows serve non-habitable rooms and therefore the level of harm should be considered accordingly and proportionately with the level of development required to rectify the issues arising. The Applicant has also stated that the boundary treatment will be extended to the front of the raised platform at a 90 degree angle to help mitigate the overlooking, however given the height of the platform, this may not wholly overcome the issue with regard to overlooking into the flank windows.

The raising of the land level is considered un-neighbourly and would allow for some overlooking, however as stated previously, this is to areas of the neighbouring dwelling not considered to be harmful in terms of amenity. Whilst not ideal, the neighbour could also employ other mitigation methods such as the replacement of the flank window with obscure glazing, to overcome these issues . Due to the level of harm arising from the development it is not considered expedient to enable enforcement action and the level of development required to rectify the issue of overlooking into the non-habitable space is not commensurate with the amount of harm caused.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the Chislehurst Conservation Area.

## **RECOMMENDATION: PERMISSION**

### **Subject to the following conditions:**

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.**

- 3 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

**Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.**

- 4 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.**

**Reason: In order to comply with Policy T3 and BE1 of the Unitary Development Plan and to avoid development without adequate drainage and in the interest of neighbouring amenity**

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A of Part 2 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.**

**Reason: In the interests of protecting neighbouring amenity in compliance with Policy BE1 of the Unitary Development Plan (2006)**

- 6 The boundary treatments detailed on Plan 0115-20\_200E shall be maintained and retained in perpetuity.**

**Reason: In the interests of protecting the amenity of adjoining neighbouring properties in compliance with Policy BE1 of the Unitary Development Plan (2006)**