

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

**Application No :** 16/04418/FULL1

**Ward:**  
**Chislehurst**

**Address :** 27 Heathfield Chislehurst BR7 6AF

**OS Grid Ref:** E: 544368 N: 170630

**Applicant :** Mr & Mrs Rainer Schmitz

**Objections :** YES

### **Description of Development:**

Demolition of existing bungalow and erection of two storey 4 bedroom dwelling

Key designations:

Conservation Area: Chislehurst

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Smoke Control SCA 16

### **Proposal**

Members will recall that this application was presented to Plans Sub Committee 3 on 17th January where Members resolved to defer the application, without prejudice, to seek a reduction in depth of the single storey rear projection.

The applicant has considered the request of the Committee and a revised plan was submitted on 24th January, supported by a planning statement. The revision reduces the depth of the rear projection by 1.5m and includes alterations to the front elevation by way of replacing the proposed metal cladding with timber cladding. An additional plan was submitted on 31st January which shows retention of the existing boundary treatments and any boundary hedging that is removed to facilitate construction will be replanted. The original report has been updated where necessary.

The application site currently contains a single storey detached bungalow located at the eastern end of Heathfield, and lies within Chislehurst Conservation Area.

Permission is sought for the demolition of the existing bungalow and the erection of a two storey 4 bedroom dwelling with habitable rooms in the roof space.

The replacement dwelling is located predominantly within the footprint of the approved scheme (15/01879/OUT) with the addition of a single storey element that projects approximately 5.6m beyond the proposed rear façade. The new dwelling will provide a minimum of 1m side space to both flank boundaries.

## Consultations

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

- Too close to neighbouring property
- Will still block light to kitchen of neighbouring property
- Still extends too long into the garden
- Design doesn't match other houses
- Still too high.
- New design continues to be out of character and not in-keeping with the current character of Heathfield and surrounding area.
- Significant increase in massing compared to the bungalow
- Proposed front elevation has a strong vertical design emphasised by two gables and tall glazing components. In an appropriate setting this may be considered as an exciting and bold design but given the locality, and position within the Chislehurst Conservation Area, the proposal is inimical to the character and appearance of the local area
- Unclear if the glazing at the rear, which serves the 'master bedroom', is openable. May form a large Juliet balcony, which would lead to overlooking and loss of privacy for neighbours
- Second floor 'games room' gives access to a large open terrace which may give rise to overlooking and noise nuisance
- Proposal is contrary to Policy BE1 BE11 and H7

Letters in support of the proposals have also been received from residents within the borough which can be summarised as follows:

- Scale and design is more preferable than that previously permitted.
- A number of neighbouring properties have been refurbished since the Conservation Area came into being, bringing new materials such as timber cladding and slate roofing previously not part of the vernacular
- In keeping with the character of the road to bring in new contemporary y elements as time passes
- Proposed house is modern but not of radical appearance and would enjoy seeing it in the street
- Objected to previous application however reduction in number of first floor windows, removal of chimney stack and increased distance to boundary reduces concerns.
- Improvement to the road
- Adds character and is consistent with the existing street scene
- The design continues the gradual upgrading of Heathfield
- Positive contribution to the Conservation Area

Following the amendment received on 24/01/2017, neighbours were re-notified. No comments have been received to date. An update will be provided verbally at the committee meeting.

Comments were received from the Councils Conservation Officer which can be summarised as follows:

- Proposal would be very assertive in the streetscene
- No objection in principle to modern designs within conservation areas however any replacement house on this site should be more sensitive to its context.
- In addition to the bulk and scale of the proposal, the design incorporating large glazed elements would make it particularly conspicuous.

Comments were received from the Councils Highways Officer which can be summarised as follows:

- There is no change to the access arrangement.
- There is a good size garage and other parking on the frontage.
- If permission, conditions are recommended regarding parking, hardstanding and highway drainage.

Comments were received from the Councils Drainage Officer which can be summarised as follows:

- Conditions are recommended regarding sustainable drainage systems and to ensure details of surface water drainage systems are submitted to the Council prior to development.

The Advisory Panel for Conservation Areas, (APCA) were consulted on the application and their comments can be summarised as follows:

- Proposal is too large and too assertive and hence discordant in the streetscene
- Contrary to BE1 and BE11 of the UDP.

## **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  
 H1 Housing Supply  
 H7 Housing Density and Design  
 H9 Side Space  
 T3 Parking  
 T18 Road Safety  
 NE7 Development and Trees

SPG No.1 - General Design Principles  
 SPG No.2 - Residential Design Guidance

London Plan (March 2015)

Policy 3.3 Increasing Housing Supply.  
 Policy 3.4 Optimising Housing Potential  
 Policy 3.5 Quality and design of housing developments  
 Policy 3.8 Housing choice  
 Policy 5.1 Climate change mitigation  
 Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
Policy 5.9 Overheating and cooling  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs  
Policy 5.13 Sustainable drainage  
Policy 5.14 Water quality and wastewater Infrastructure  
Policy 5.15 Water use and supplies  
Policy 5.16 Waste net self-sufficiency  
Policy 5.17 Waste capacity  
Policy 5.18 Construction, excavation and demolition waste  
Policy 5.21 Contaminated land  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closes on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that submission of the draft Local Plan to the Secretary of State will occur in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 1 Housing Supply  
Draft Policy 4 Housing Design  
Draft Policy 8 Side Space  
Draft Policy 30 Parking  
Draft Policy 32 Road Safety  
Draft Policy 73 Development and Trees  
Draft Policy 37 General Design of Development

### Planning History

The site has been subject to a previous planning application:

- 15/01879/OUT - Demolition of existing dwelling and erection of a 2 storey 4 bedroom dwelling OUTLINE APPLICATION - Permitted 12.11.2015
- 16/03115/FULL1 - Demolition of existing bungalow and erection of two storey 4 bedroom dwelling. - Refused 02.09.2016

### Conclusions

The main issues to be considered in respect of this application are:

- Design

- Impact on the Chislehurst Conservation Area
- Standard of Residential Accommodation
- Highways and Traffic Issues
- Impact on Adjoining Properties

This application seeks permission for the demolition of the existing bungalow and the erection of a two storey 4 bedroom dwelling with habitable rooms in the roof space. Revised plans were received on 24th January, accompanied by a planning statement. The revision reduces the depth of the rear projection by 1.5m and includes alterations to the front elevation by way of replacing the proposed metal cladding with timber cladding. An additional plan was received on 31st January which shows retention of the existing boundary treatments and any boundary hedging that is removed to facilitate construction on the applicants land will be replanted prior to the completion of the build.

This application has been submitted following a recent refusal under planning reference: 16/03115/FULL1 for the demolition of existing bungalow and erection of two storey 4 bedroom dwelling. The reasons for refusal are as follows:

1. The replacement dwelling, by reason of the contemporary design will appear overly dominant within the street scene and fail to enhance or respect the character and appearance of the Chislehurst Conservation Area, contrary to Policies BE1 and BE11 of the Unitary Development Plan.
2. The replacement dwelling, by way of its excessive depth and proximity to the boundary, would result in a dominant and visually intrusive form of development, harmful the amenities of No.25 by reason of outlook and visual amenity, contrary to Policies BE1 and H8.

#### Design, Siting and Layout.

The site is a currently a detached bungalow located at the eastern end of Heathfield, and lies within Chislehurst Conservation Area. The existing bungalow occupies the full width of the site with an attached garage along its northern side. The site is elevated in comparison to the neighbouring properties. The surrounding streetscene comprises largely of two storey properties set within large plots.

The principle of a replacement dwelling was established by an Outline application, planning ref: 15/01879/OUT. The approval was for the demolition of existing dwelling and erection of a 2 storey 4 bedroom dwelling. Since, the site has been subject to a refusal (planning ref: 16/03115/FULL1) for the erection of a two storey 4 bedroom dwelling, the reasons for refusal were due to (1) the contemporary design resulting in dominant form of development which fails to respect the character or appearance of the Chislehurst Conservation Area, and (2) the impact on the amenities of the neighbouring property due to the excessive rearward projection of the single storey rear element.

The current application is for the demolition of the existing bungalow erection of a two storey 4 bedroom dwelling with habitable rooms in the roof space. The replacement dwelling is located predominantly within the footprint of the approved scheme (15/01879/OUT) with the addition of a single storey rear projection.

Policy H9 of the Unitary Development Plan states that for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building, however, where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space, including corner plots. The new dwelling will provide 1m - 1.7m side space therefore is compliant with Policy H9.

The overall design of the replacement dwelling is modern and incorporates two front gable features. The materials proposed include brick, render, glass and metal panels. The Councils Conservation Officer and the Advisory Panel for Conservation Areas (APCA) raised concerns regarding the contemporary design, proposed materials and the impact on the character of the area. Amended plans (received 01/12/2016) indicate that the height of the proposed dwelling, when scaled from the submitted plans, will be 9.4m, a 2.1m increase from the bungalow and 0.5m increase from the approved Outline application (15/01879/OUT). The street scene elevation (received 01/12/2016) indicates that the proposed roof would be similar to that of No.25 to the north however would be 1.8m above that of No.29 to the south. A further revised plan was submitted on 24th January which indicates that the front elevation will be partially clad in timber (previously metal cladding). It is considered that, although the proposal includes an increase in roof height and is of a contemporary design, the proposed dwelling will impact on the character of the Chislehurst Conservation Area however not to such a degree to warrant refusal of the application.

The proposed dwelling incorporates a roof terrace. A 7.5m deep section of roof will be removed from the northern roof slope. The rearmost 0.5m of roof will be reformed as a gable feature. This reduces the opportunity for overlooking to the rear. The proposed section indicates that the remaining side roof slope will provide 1.8m high screening therefore the roof terrace is not considered to result in overlooking or loss of privacy to the occupiers of No.25. The design of the roof terrace, although unusual, is located towards the rear of the property and therefore only an oblique view of the roof will be visible between the properties. This element is therefore not considered to result in a detrimental impact on the street scene or character of the Chislehurst Conservation Area.

#### Residential Amenity and Standard of Residential Accommodation

Policy 3.5 of the London Plan (2011) Quality and Design of Housing Developments states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants.

The surrounding area comprises large detached two storey dwellings, therefore the principle of a two storey dwelling is considered acceptable. The shape, room size and layout of the rooms in the proposed dwelling are considered to be satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. The proposed dwelling is located within a relatively large plot. It would

have a large GIA and all four bedrooms exceed the minimum requirements for double bedrooms. It is therefore considered that the proposal would offer a high level of residential amenity for future occupiers.

## Highways

The site is located in an area with low PTAL rate of 2 (on a scale of 1 - 6, where 6 is the most accessible). The proposal provides a large integral garage and additional parking on the frontage. The existing access is to remain. On this basis, the Council's Highways Officer raised no objection to the proposal and conditions are recommended with regards to parking, hardstanding and highway drainage.

## Impact on Adjoining Properties

Policy BE1 of the UDP requires the Council to consider whether planning proposals will significantly affect the amenities of occupiers of neighbouring properties and any future occupiers, ensuring that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

The proposal includes a single storey rear projection that projects approximately 5.6m beyond the proposed rear façade. The roof of this element will be flat. The flank wall facing No.25 Heathfield will contain one high-level window. The rear and southern flank will contain bi-fold doors. This element is located 2.355m from the northern flank boundary with No.25 Heathfield. Additional information has been submitted which indicates that the proposed extension will not cross the 25 degree line of the neighbouring rear window and it is considered that this element will not impact on the level of daylight and sunlight to this neighbouring property. It is noted that this element has been reduced by 4.4m from the previous refusal (previous depth 10m). Furthermore, an additional plan was submitted on 31st January which shows retention of the existing boundary treatments and confirms that any boundary hedging that is removed to facilitate construction on the applicants land will be replanted prior to the completion of the build. It is therefore considered that the proposed rear projection will not impact significantly on this neighbouring property with regards to loss of light, outlook and visual amenity, over and above that already existing. It is considered appropriate to include a condition on any approval regarding the retention and reinstating of the boundary treatments to protect the amenities of the neighbouring property.

With regards to the proposed roof terrace, it will provide 1.8m high screening therefore it is not considered to result in overlooking or loss of privacy to the occupiers of No.25. The gable is reformed at the rear therefore there is no opportunity for overlooking towards the rear. Therefore the proposal is not considered to have a significant impact on the amenities of neighbouring properties with regards to loss of privacy or excessive noise.

## Summary

Taking into account the above, Members may therefore consider that in so far as the design and appearance of the property and the impact on neighbouring

amenities, the proposed development would accord with Policies H8, H9, BE1 and BE11 of Bromley's Unitary Development Plan, which seek to ensure that the proposal is of a high standard of design, that it would respect the character and appearance of the Chislehurst Conservation Area, and would not cause undue harm to the amenities of the neighbouring residential properties as to warrant a refusal of the application.

**as amended by documents received on 21.11.2016, 01.12.2016, 24.01.2017, 31.01.2017**

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 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 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.**

- 4 The boundary enclosures indicated on the approved drawings shall be completed before any part of the development hereby permitted is first occupied and shall be permanently retained thereafter.**

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

- 5 Before the development hereby permitted is first occupied the proposed window(s) in the elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than**



1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

**Reason:** In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

- 6 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the elevation(s) of the \*\*\*\* hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

- 7 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.

- 8 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

**Reason:**In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 9 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:**To ensure a satisfactory means of surface water drainage and to accord with Policy T18 and BE1 of the Unitary Development Plan and Policy 5.13 of the London Plan (2015).

- 10** Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**Reason:**To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan

- 11** No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

**Reason:**To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan