

SECTION '2' – Applications meriting special consideration

Application No : 16/04685/FULL6

Ward:
Chislehurst

Address : Copley Dene, 34 Wilderness Road,
Chislehurst BR7 5EY

OS Grid Ref: E: 543746 N: 170190

Applicant : Mr Paul Fernback

Objections : YES

Description of Development:

Single storey rear extension.

Key designations:

Conservation Area: Chislehurst

Smoke Control SCA 16

JOINT REPORT WITH 16/04714/LBC

Proposal

The property is Grade II Statutory Listed building located on the western side of Wilderness Road overlooking Chislehurst Golf Course and within the Chislehurst Conservation Area.

The list description is as follows:

Architect Ernest Newton. Circa 1909. L-shaped. 2-storeys and attics red brick. Hipped tiled roof with 3 hipped dormers on front elevation. 4 mullioned windows, the 2 left windows set in 2 storey roughcast bays. The roof slopes to the ground floor on the right hand side and there is one further bay through 2 storeys to the right of this. Entrance at base of right side bay.

Planning permission and Listed Building consent is sought for a single storey rear extension. The extension would measure 5.71m deep, 13.29m wide with a flat roof to a maximum height of 3.19m.

Consultations

Nearby owners/occupiers were notified of the application and one representation was received stating that the proposed extension is shown to be building on part of the shared garden. Their lease states that although they own part of the shared garden, the whole garden is available for all residents of the estate of Copley Dene to use, and no permanent structure is to be built in the garden.

APCA were consulted and raised objections to the proposal stating that "this is a Grade II listed building by a distinguished architect and this extension would distract from the existing building".

The Chislehurst Society have made observations on the application, stating that:

“The Society would expect to support any project that is restoring a listed building and retaining features associated with the period and illustrative of the work of the original architect.

The proposed works are confined to the rear of the dwelling and consist of a single – storey extension.

We note the intension of the applicant is to retain the existing (original) rear bay, and the existing ground floor window and door opening within the extended space. If planning permission and listed building consent are granted these significant features of the building’s fabric should be safeguarded and the implementation of approved works should be closely monitored.

A positive feature of the highly glazed extension is that it would permit the preserved existing fabric of the original house wall (as noted above) to be visible from outside. But the design and materials employed in the prosed extension should be of the highest quality.

It is a pity that little comment is made in the supporting documentation on the choice of materials and their merits: glass, Zinc and aluminium. The Design/Heritage Statement might be more robust in demonstrating the positive attributes of the design of the proposed extension”.

Considerations

The application falls to be determined in accordance with the following:

National Planning Policy Framework (NPPF) (2012)

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 7 – Requiring Good Design

Chapter 12 – Conserving and enhancing the historic environment

The London Plan (2015)

Policy 7.4 Local Character

Policy 7.6 Architecture

Policy 7.8 Heritage Assets

Unitary Development Plan (2006)

BE1 Design of New Development

BE11 Conservation Areas

BE8 Statutory Listed Buildings

H8 Residential Extensions

Other Guidance

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

Supplementary Planning Guidance - Chislehurst Conservation Area

Bromley's Proposed Submission Draft Local Plan (2016):

The final consultation for the emerging Local Plan was completed on December 31st 2016. It is expected that the Examination in Public will commence in 2017. The weight attached to the draft policies increases as the Local Plan process advances. These documents are a material consideration and weight may be given to relevant policies as set out in the NPPF paragraph 216 which states:

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

Current draft Policies relevant to this application include:

Draft Policy 6 Residential Extensions

Draft Policy 37 General Design of Development

Draft Policy 38 Statutory Listed Buildings

Draft Policy 41 Conservation Areas

Planning History:

The planning history of the site is summarised as follows:

- 08/01288/LBC - Listed building consent was refused for the demolition of existing double garage/wall and green house and erection of detached two storey building for garage with games room over and juliet balcony at rear for the following reasons:

"The proposed garage, by reason of its poor design and prominent position, would be harmful to the character and appearance of the listed building and its setting contrary to Policy BE8 of the Unitary Development Plan."

- 08/00657 - Conservation Area Consent granted for the removal of green house and existing garage
- 08/00654- Planning permission granted for a detached two storey building for garage with games room over and Juliet balcony at rear
- 04/00961/LBC and 03/00673 - Consent granted for internal alterations.
- 13/04045/FULL1/04047/LBC - Two storey side extension including double garage, pitched roof to existing side dormer, elevational alterations and internal alterations to first and second floors, front extension to existing garage and rear patio.
- 15/00707/LBC - Replacement aluminium framed windows.

Conclusion

It is considered the planning issues and considerations relate to:

- Design, bulk and impact on the Statutory Listed Building and character of the Chislehurst Conservation Area
- Neighbouring amenity

Design, bulk and impact on the Statutory Listed Building and character of the Chislehurst Conservation Area:

The main issues relating to the application are the effect that it would have on the Statutory Listed Building and the character of the Chislehurst Conservation Area.

Paragraph 128 in the National Planning Policy Framework (2012) seeks to secure the preservation of historic buildings and now requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The proposal would maintain the existing use of the Listed Building and provide a rear extension of a sympathetic design and scale appropriate to the host building.

The host building is Grade II Listed, Policy BE8 states that applications for development involving a listed building or its setting, or for a change of use of a listed building, will be permitted provided that the character, appearance and special interest of the listed building are preserved and there is no harm to its setting. In the case of a change of use, the applicant needs to additionally demonstrate that the existing or last use is not viable or is no longer compatible with the building's fabric, interior or setting. The site is also located within the Chislehurst Conservation Area; therefore Policy BE11 is relevant to this application. This policy seeks to preserve and enhance the character and appearance of Conservation Areas. These policies are supported by London Plan Policy 7.8.

National policy on design is set out in the National Planning Policy Framework, this states that the appearance of proposed development and its relationship to its surroundings are material planning considerations. Therefore development plans should provide clear indications of a planning authority's design expectation and concentrate on broad matters of scale, density, height, layout, landscape and access.

New development should contribute towards a better quality of environment as part of a coherent urban design framework, which looks at how the urban form is used and how that form has an impact on the way development is planned. The Unitary Development Plan contains policies designed to promote very high standards of design, to preserve and enhance the existing character of areas to promote environmental importance, and to ensure that the natural environment is not adversely affected.

Policy BE1 of the Unitary Development Plan requires all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy H8 of the Unitary Development Plan states that proposals for alterations and enlargements should respect and complement the host dwelling and be compatible with the surrounding area, this is supported by London Plan Policies 7.4 and 7.6.

The extension has been designed as a glass box structure. The proposed works also include the removal of several internal walls, and sections of walls.

The internal layout of a listed building is an important part of its special interest and can indicate the way the building was originally used. This proposal suggests a significant amount of internal demolitions. The accompanying heritage statement provides an assessment of the internal layout and its significance is thorough. In conjunction with the proposed mitigation measures any harm internally would be at the very lowest end of the scale and not sufficient to refuse on its own right.

With regards to the proposed extension, the external assessment shows that apart from the slightly enlarged bay and modified verandah, the rear elevation is largely as per the original Newton design and as such the rear elevation of this building is of an extremely high architectural standard and largely unaltered. Whilst many buildings can take such extensions easily, it is considered that the glass box type structure would visually interrupt the architectural composition in a harmful manner and that the harm would be “less than substantial” and would not be outweighed by any public benefit as per para 134 of the NPPF.

It is therefore considered that an extension of this size and location of the single storey rear extension would detract from the character and appearance of this listed building which retains substantial original charm.

It is considered that the development as proposed would cause “less than substantial harm” as described by para 134 of the NPPF and there would be no public benefit to outweigh the harm.

For these reasons, it is considered that the proposed development is unacceptable and does not comply with policy on design or Listed Building.

Neighbouring Amenity:

Policy BE1 (v) states that the development should respect the amenity of occupiers of neighbouring building and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is supported within Policy 7.6 of the London Plan.

Due to the orientation of the site, location of existing buildings and extension, the overall size and scale of the extension and its distance from the boundary; the proposed extension would not impact on any of the neighbouring occupiers in terms of creating a sense of enclosure loss of sunlight / daylight and loss of outlook from the rear of the adjoining neighbours.

For these reasons, it is considered that the proposed development is acceptable and complies with policy on neighbouring amenity.

Summary:

It is considered that apart from the slightly enlarged bay and modified verandah, the rear elevation is largely as per the original Newton design. Whilst many buildings can take such extensions easily, it is considered that the glass box type structure would visually interrupt the architectural composition in a harmful manner and that the harm

would be “less than substantial” and would not be outweighed by any public benefit as per para 134 of the NPPF.

As such it is considered that the proposal would be by reason of its siting, design and excessive bulk, would visually detract from the special interests of the Statutory Listed Building dwelling contrary to Policy 7.8 of the London Plan 2015, Policy BE8 of the Unitary Development Plan, 2006 and the NPPF.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 16/04685/FULL6 and 16/04714/LBC set out in the Planning History section above, excluding exempt information.

As amended by documents received 2.2.17

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

The proposed single storey rear extension, by reason of its siting, design and excessive bulk, would visually detract from the special interests of the Statutory Listed Building, thereby contrary to Policy 7.8 of the London Plan (2015) Policy BE8 of the Unitary Development Plan (2006) and Section 12 of National Planning Policy Framework (2012).