

Section 3: Applications recommended for permission, approval or consent

Application No : 17/02404/FULL6

Ward:
Chislehurst

Address : The Cottage Church Row Chislehurst BR7
5PG

OS Grid Ref: E: 544366 N: 170139

Applicant : Mr C Hunt

Objections : YES

Description of Development:

First floor side extension.

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Smoke Control SCA 16

Proposal

The application seeks planning permission for a proposed flat roofed first floor side extension to the south-eastern side adjacent to No.4. The proposed extension will have a height of 3.5m to match that of the existing ridge height of the host dwelling, a width of 4.7m extending to 6.4m along the north-east boundary and a depth of 3.8m.

The Cottage is a part one/two storey flat roofed property located on a triangular plot on the eastern side of Church Row, close to the junction with School Road. It lies within Chislehurst Conservation Area, and faces the Common which is designated as Green Belt within the UDP.

Consultations

Nearby owners/occupiers were notified of the application and the following representations were received:

- The proposal extends to the existing roofline of The Cottage, adjacent to the Common being highly visible to users of the Common, It detracts markedly from the scenic and amenity value of the Conservation Area: it fails to protect Church Row's visual, historic and architectural qualities
- Church Row is a unique row of Victorian houses, fronted by Common land, which is used and enjoyed by the general public every day
- The original character of The Cottage is an integral part of Church Row and should be preserved
- Two extensions of significant size have already been constructed at The Cottage at ground level (representing total loss of garden and garage). If you add the proposed first floor side extension to the property, then total volume of the original cottage is increased by over 100%
- The proposal significantly reduces the gap at ground level, the Cottage is located at zero metres from No.4
- The infilling detracts from the original character of a cottage, and converts street elevation into a terrace of mismatched architecture (modern vs traditional), including incompatible and misaligned windows.

- The proposed first floor side extension occupies an elevated position that contains a large window, directly facing and overlooking the garden of No.4. This is unreasonable and unacceptable. It will have a detrimental impact upon my family's enjoyment of our home and garden

Comments made in support:

- The design is to be in keeping with the existing appearance of the property
- The area has recently had a number of developments in the immediate area, No.3 had an increase from 950sq to 1,527 sq ft which runs adjacent to the property
- No.4 Church Row in 2008 built a double storey extension, which approximately doubled the size of the property (03/03101/FULL6). Both of these developments are of a larger percentage, and of a larger sq ft than the proposed development
- The extension at No.4 was built up to the boundary of The Cottage
- The proposed development will maintain a 1 metre gap between the properties on the first floor leaving the impression that the housing is not terraced
- There is not a proposal for a large window. The window is due to be frosted and will only overlook a wall. The purpose is to increase the level of light into the bathroom.

Consultee comments:

Conservation and Heritage: It is noted that a similar proposal was refused in 2014, in this instance there is a gap of a metre at the first floor to the boundary which makes the proposal very similar to the approved scheme in 2008. Therefore, it is considered that the proposal is acceptable subject to a matching materials scheme. As the proposed is contrary to Policy H9, but the location has a lot of terracing and side space may not have the same contribution as more spacious areas away from the commercial centre of Chislehurst.

Planning Considerations

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

National Planning Policy Framework:

Chapter 7- Requiring Good Design

London Plan:

- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage Assets and Archaeology

Unitary Development Plan:

- BE1 Design of New Development
- H8 Residential Extensions
- BE11 Conservation Areas
- G6 Land Adjoining Green Belt or Metropolitan Land

- SPG1 General Design Guidance
- SPG2 Residential Design Guidance

According to paragraph 216 of the NPPF decision takers can 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 the NPPF, the greater the weight that may be given).As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process.

The following emerging plans are relevant to this application.

Draft Local Plan

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 closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the draft Local Plan will be submitted to the Secretary of State in mid-2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 6 Residential Extensions

Draft Policy 37 General Design of Development

Draft Policy 41 Conservation Areas

Planning History

87/01495/FUL-THE COTTAGE CHURCH ROAD CHISLEHURST BR7 5PG BOUNDARY WALL- Application Permitted- Date issued-30.07.1987

87/02211/FUL-SINGLE STOREY FRONT EXTENSION SINGLE STOREY REAR EXTENSION TO FORM ATTACHED GARAGE AND VEHICULAR ACCESS- Application Permitted- Date issued-17.12.1987

88/00173/FUL-THE COTTAGE CHURCH ROAD CHISLEHURST BR7 5PG SINGLE STOREY SIDE EXTENSION AND FIRST FLOOR SIDE EXTENSION- Application Refused- Date issued-30.03.1988

08/02626/FULL6-First floor side extension- Application Permitted- Date issued15.10.2008

14/00077/FULL6-First floor side extension and roof garden- Application Refused- Date issued-04.04.2014

Other Relevant Planning History

3 Church Row, Chislehurst, BR7 5PG- 17/00913/FULL1- Demolition of existing two storey rear extension and chimney stack and erection of part one/two storey rear extension with elevational alterations.- Application Permitted- Date issued-27/04/2017

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.

Principle, Design and Conservation

Both national and local planning policies recognise the importance of local distinctiveness in ensuring an effective planning system which achieves favourable design. Paragraph 60 of the NPPF states that it is proper to seek to promote or reinforce local distinctiveness, whilst paragraph 61 refers to the fact that although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

Furthermore, when determining applications in conservation areas Paragraph 131 states that local planning authorities should seek to sustain and enhance heritage assets, whilst new development should make a positive contribution to local character and distinctiveness. Moreover, Paragraph 134 states where a development proposal will lead to a less than substantial harm to the significance of a designated heritage asset; this harm should be weighed against the public benefits of the proposal.

In addition, Policy BE11 of the UDP outlines that new development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout, attractive to look at, complement the scale, form, layout and materials of adjacent buildings and not detract from the character of the area and the street scene of the Borough's Conservation Areas.

Similarly, policies BE1 and H8 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas.

Whilst London Plan Policies 7.4, 7.6, 7.8 seek to enhance local context and character, as well as encouraging high quality design and protecting heritage assets, in assessing the overall acceptability of a proposal. It is the Council's view that the proposed alterations broadly meet the above criteria.

It is noted from the planning history on the site that planning permission was previously granted for a proposed first floor extension under planning reference: 08/02626/FULL6, similar in height, depth and width to that of the proposed extension. Furthermore, an application for a 'First floor side extension and roof garden' under planning 14/00077/FULL6 was refused in April 2014. In this instance, the proposed first floor extension and close proximity to the adjacent property at No.4 was considered to result in a cramped form of development; whilst the proposed roof garden was determined to constitute an alien addition to the street scene.

The current proposal appears to be largely similar to the permitted application allowed in October 2008. The only material difference between the two is that the proposal will have a width along north-east boundary of 6.4m, as opposed to 4.7m, with the width along the front elevation remaining at approximately 4.7m. As a result, it is considered that the current proposal is not significantly different from what was previously permitted under planning reference: 08/02626/FULL6. This view is also reflected in the consultee comments received from the Conservation and Heritage team. As such, the principle of the development is considered to be acceptable, when taking into account the past planning history on the site.

Furthermore, the proposal is not anticipated to impact the character or visual amenity of the adjacent Green Belt, given the scale, form and layout of the proposal, compliant with policy objectives of G6 of the UDP.

Side Space

In regards to the Council's side space policy, H9 of the UDP and Draft Policy 8 of Bromley's emerging Local Plan, this requires planning proposals for two or more storeys in height, including first floor extensions to retain a minimum 1 metre space from the side boundary for the full height and depth of the proposal. The Council considers that the retention of space around residential buildings essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. Furthermore, Policy H9 seeks to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas.

Whilst the proposal would not comply with with the 1m side space normally required by Policy H9, given the proposal fails to incorporate a metre side space for the full height and depth of the development along the adjoining boundary with No.4. It is noted from the previous applications on the site, including the permitted application in 2008, that a reduced space has previously been considered acceptable. Furthermore, after a comprehensive site visit it was noted that 'terracing' is a common feature of this part of the Conservation Area, close to the commercial centre of Chislehurst. In addition, a large two storey side extension was allowed under planning permission 03/03101/FULL6 at No.4, which has been constructed right up to the adjoining boundary.

In addition, the current proposal is set back from the boundary with No.4 by a metre. Thus the proposal is not anticipated to appear unduly cramped in comparison to the refused application in 2014. As a result, Members may therefore consider that the proposal would preserve the character and appearance of this section of the Chislehurst Conservation Area.

Impact on Residential Amenity

Policy BE1 of the UDP and 7.6 of the London Plan seek to ensure that new development proposals, including residential extensions respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

Concerns are raised in regards to the possible impact the proposal will have the adjoining neighbouring property at No.3. It was noted on the site visit that the neighbouring property at No.3 has a window in the rear elevation at first floor level. The proposal would directly impact the outlook of this window, but is not likely to unduly impact the level of sun/daylighting due to the orientation of the property and the sun. Moreover, it is noted from the two previous applications on the site that the first floor extension was not expected to lead to any undue harm to adjoining neighbouring properties.

The occupier of No.4 has objected to the proposal stating, amongst other things, that the proposed windows in the flank elevation of the extension will lead to overlooking into their rear amenity space. However, given the size of the window, the orientation and layout of the neighbour's property which wraps around the adjoining boundary line, the window would not have direct views into the neighbour's garden. Furthermore, the proposed window will serve a 'shower room' and will be obscure glazed.

Summary

Taking the above into account, Members may therefore consider that the development in the manner proposed is acceptable, in that the proposal is not considered to result in a significant loss of amenity to local residents and will preserve the character and appearance of the Chislehurst Conservation Area. The proposed extension is considered to be sympathetic to both the character and appearance of the host dwelling and the

surrounding area, compliant with the Policy Objectives of the UDP (2006), London Plan (2015) and NPPF (2012).

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 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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 Before the development hereby permitted is first occupied, the proposed window(s) shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.**

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

You are further informed that:

- 1 The applicant is advised that the Bye-laws of the Metropolitan Commons (Chislehurst and St Paul's Cray) Supplemental Act 1888 is likely to apply to this development and more information and guidance can be found at <http://www.chislehurstcommons.uk/guidance> or by contacting info@chislehurstcommons.uk. Please note that this is not a planning matter and the Council is unable to advise any further regarding this.**