

**Application No :** 18/00436/FULL1

**Ward:**  
**Chislehurst**

**Address :** 1 Pond Path Chislehurst BR7 6AJ

**OS Grid Ref:** E: 543978 N: 170821

**Applicant :** Hobbis

**Objections : YES**

**Description of Development:**

Two storey side extension and alteration to roof of existing single storey rear extension.

**Key designations:**

Conservation Area: Chislehurst  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Sites of Interest for Nat. Conservation  
Smoke Control SCA 16

**Proposal**

Planning permission is sought for a two storey side extension to the host dwelling. The proposed extension would be largely constructed of brick to match the host dwelling, and would be joined to the main property by a narrow glazed two storey link element. The extension would incorporate a pitched slate roof. The extension would be subservient to the main dwelling, with the ridge of the proposed extension being approx. 0.5m higher than the eaves height of the main roof. The front elevation of the extension would be set back from the main front elevation by approx. 1m and at the rear the extension would align with the first floor rear elevation of the host house.

The flank elevation of the extension would lie immediately adjacent to the boundary of the site with neighbouring public house car park.

At the rear the existing roof of the single storey extension would be altered to include glazing in the roof slopes.

**Location and Key Constraints**

The application site lies within the Chislehurst Conservation Area and is accessed via a narrow unmade road leading from Green Lane. Opposite the site, on the other side of the access road and pedestrian pathway is a pond designated as a Site of Interest for Nature Conservation and which lies within the Green Belt. The boundary between the access track and the pedestrian footway is marked by a dense holly hedge with gated openings set at a higher ground level to the pathway.

The host dwelling is one half of a semi-detached pair of dwellings of Victorian construction. The adjoining semi-detached dwelling has been extended to the side/rear with a single storey extension positioned at the side of the property and a two storey extension behind. It also incorporates a front brick bay window addition.

Other dwellings within the row have been the subject of single or two storey side extensions of a variety of sizes and positions including a detached two storey garage with

first floor accommodation which lies between the main flank elevation of No. 3 Pond Path and which immediately abuts the boundary with No. 2.

### **Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and representations were received, raising no objections to the application but referring to the accuracy of the plans with regards to the position of the wall of the neighbouring dwelling. As a consequence, amended drawings were submitted.

Local Groups: The Chislehurst Society has commented on the application stating that the two storey side extension would appear incongruous with the host dwelling, referring to the design of development at the adjacent semi-detached house and citing the position of the flank wall of the extension in relation to the boundary. The comments refer also to the Listed status of Nos. 3 and 4 Pond Path.

### **Comments from Consultees (summarised)**

APCA: The proposal would be inappropriate in the context of the host building, would compromise side space and would have an adverse impact on the streetscape.

Conservation Officer: This proposal is far less bulky than the last application and breaking the extension down into an "outbuilding and glazed link" type arrangement does echo what exists at no.3. Whilst not a mirror image of no.2, it is considered that the integrity of the pair of semis would be preserved and there would not be a harmful imbalance. It is worth noting that this is a well screened and secluded location. Since it is adjacent to the pub car park the side space issue is of less importance as Policy H9 is intended to prevent terracing which will not be relevant here. Overall it would preserve the character and appearance of the CA and is therefore in compliance with BE11.

### **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's

report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

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

#### London Plan Policies

7.4 Local character  
7.6 Architecture  
7.8 Heritage assets and archaeology

#### Unitary Development Plan

H8 Residential extensions  
H9 Side space  
BE1 Design of new development  
BE11 Conservation areas

#### Draft Local Plan

6 Residential Extensions  
8 Side Space  
37 General Design of Development  
41 Conservation Areas

#### Supplementary Planning Guidance

SPG1 - General Design Principles  
SPG2 - Residential Design Guidance  
Supplementary Planning Guidance for the Chislehurst Conservation Area.

#### **Planning History**

Under reference 03/00387 planning permission was granted for two storey side and rear extensions to the host dwelling along with a single storey rear extension. Permission was granted under reference 03/03607 for a single storey rear extension and a lawful development certificate was granted under reference 03/03631 for a single storey rear extension.

Other applications at the application site have related to the removal of trees on the site (11/03099 and 17/02225) with the latter application relating to the felling to ground level of a pine tree in the front garden.

Planning permission was refused under reference 17/04257/FULL1 for a two storey side extension, alterations to roof of existing single storey extension and internal alterations.

Planning permission was refused on the grounds:

"The proposed extension by reason of its size, siting and design would undermine the appearance of the host dwelling and the symmetrical visual emphasis of the pair of semi-detached dwellings of which it forms part, would fail to provide adequate separation to the boundary and would therefore be harmful to the character and appearance of the

Chislehurst Conservation Area and the visual amenities of the area in general, thereby contrary to Policies H8, H9, BE1 and BE11 of the Unitary Development Plan, Policies 6, 8, 37 and 41 of the draft Local Plan, Policies 7.4, 7.6 and 7.8 of the London Plan and supplementary planning guidance for the Chislehurst Conservation Area."

In terms of the relatively recent planning history of neighbouring properties, planning permission was granted in 1995 for a single storey side extension (95/01108) and in 2001 for a single storey rear conservatory extension (01/01159) at the adjoining dwelling.

Under reference 04/01392 planning permission was granted for a single storey side extension and conversion of the upper floor of the existing garage at No. 3 to habitable accommodation. Listed Building Consent was also granted (04/01708). Planning permission and listed building consent were granted for a single storey rear extension and 1.8m high brick boundary wall at No. 3 (07/04086 & 07/04084).

### **Considerations**

The main issues to be considered in respect of this application are: (delete or add as applicable)

- Resubmission
- Design
- Heritage Impact
- Neighbouring amenity
- CIL

### Resubmission

The application has been submitted following the refusal of planning permission under reference 17/04257/FULL1. The application differs from the previously refused scheme in the following respects:

- The height of the extension has been reduced from approx. 8.6m ridge height and 6.27 eaves height to 6.7m and 5.2m respectively
- The design and form of the development has been amended so as to provide the appearance of a separate building joined by a glazed link rather than the extension appearing as a continuation of the host dwelling
- The roof over the main dwelling would remain as existing rather than merging with the side extension as previously proposed
- The proposed extension is set back from the main front elevation by 1m where the extension proposed under 17/04257 was flush with the front elevation of the host dwelling

### Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The proposed extension is considered to be constructed of materials which are sympathetic to and complement the palette of materials used in the existing host dwelling, the adjoining semi-detached dwelling and the area in general. In terms of the built form of the development, the brick part of the extension front elevation would appear somewhat narrow in the context of the proportions of the host dwelling, but the glazed link would, when constructed, offset to an extent this visual impact. The scale of the extension and its height and overall subservience are considered to have sufficient regard to the scale and form of the host dwelling, with the design detailing resulting in the proportions and appearance of the host dwelling being readily appreciable.

While the proposed extension would not be a direct replication of the development at the adjoining dwelling, the design of the development (retaining as it does the built form of the host largely unaltered) would not on balance undermine the symmetry of the pair of dwelling to a significant extent. The proposal draws upon the design and siting of development at the listed dwelling at No. 3 Pond Path, and in the context of the small grouping of dwellings it is considered that the proposal would not appear unduly alien or incongruous.

It is noted also that due to the siting of the host property the visual impact of the development and its juxtaposition with neighbouring dwellings is limited as a consequence of the screening to the front of the row of houses.

The proposed extension would be sited immediately adjacent to the flank boundary of the application site and it acknowledged that Policy H9 of the Unitary Development Plan states that normally a minimum of 1m side space will be required to be retained in such circumstances to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents, as well as to prevent a cramped appearance and unrelated terracing from occurring. However this boundary abuts the open car park of public house, and this open space would prevent the development from resulting in a cramped development, unrelated terracing, or an unacceptable lowering of the spatial standards of the area.

With regards to the alterations to the roof materials above the existing single storey rear extension so as to provide areas of glazing, it is not considered in view of the rear siting of the extension and the limited nature of the alterations that this would have any adverse impact on visual amenity.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extension would complement the host property and would not appear out of character with surrounding development or the area generally.

#### Heritage Assets

The NPPF sets out in section 12 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

#### Within or adjacent to a Conservation Area:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

The NPPF also states that great weight should be given to the conservation of heritage assets (para.132).

The proposed extension would generally be of similar setting and appearance to the existing structure adjacent to No. 3 Pond Path and if planning permission is granted it would be appropriate by use of condition to ensure that the materials would match the host dwelling as stated in the application. It is acknowledged that the provision of a glazed link section is not immediately informed by the neighbouring buildings, but on balance it is considered that the proposal would respond adequately to the design and appearance of the host dwelling and the character and appearance of this part of the conservation area.

It is acknowledged that the Advisory Panel for Conservation Areas have expressed concern regarding the impact of the proposal on the streetscape and the host dwelling. However, in view of the height and design of the development, the use of matching materials and the existing development at No. 3 Pond Path, it is considered that the proposed development would preserve the character and appearance of the conservation area. The extension would be visually subservient to the host dwelling and the proportions and appearance of the host dwelling would be afforded due significance through the use of the glazed link to differentiate between old and new development.

#### Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The extension would be sensitively sited in relation to the neighbouring residential dwellings and as such would not have a significant impact on the residential amenities of the area. The impact on the adjoining dwelling would be limited as a result of the main proposed extension being sited on the other side of the pair of dwellings, and the works to the rear in proximity to the party boundary would relate to alterations to the existing single storey rear extension rather than the erection of entirely new built development. It is not considered that the proposal would have a detrimental impact on the residential amenities of neighbouring occupiers.

#### CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

#### **Conclusion**

Having had regard to the above it is 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 area in general. It is considered that the proposal would preserve the character and appearance of the Chislehurst Conservation Area.

Having had regard to the above it is considered that the development in the manner proposed is unacceptable as it would result in a significant loss of amenity to local residents and/or impact detrimentally on the character of the area

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

**as amended by documents received on 13.02.2018**

**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: To comply with Section 91, Town and Country Planning Act 1990.**

- 2 Details (including samples) of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

**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 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.**

**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.**

- 4 No windows or doors shall at any time be inserted in the south western flank elevation of the two storey extension hereby permitted, without the prior approval in writing of 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 development.**

- 5 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 UDP and in the interests of visual and residential amenity.**

