

**Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 18/00486/FULL6

**Ward:**  
**Chislehurst**

**Address :** 48B Yester Road Chislehurst BR7 5HR

**OS Grid Ref:** E: 543128 N: 170394

**Applicant :** Mr Sam Whimster

**Objections : NO**

**Description of Development:**

Single storey front and rear infill extensions, first floor front/side extension, first floor rear extension, pergola to rear, conversion of garage to habitable room, erection of new fence to flank boundary, and elevational and fenestration alterations.

**Key designations:**

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

**Proposal**

The application seeks permission for single storey front and rear infill extensions, a first floor front/side extension, first floor rear extension, pergola to rear, conversion of garage to habitable room, erection of new fence to flank boundary and elevation and fenestration alterations.

The single storey front infill would measure approx. 1.8m deep and 2.7m wide to infill the existing front entrance area. The rear infill extension would have a depth of 0.9m and width of 2.7m to sit flush with the rear wall of the existing dwelling.

The first floor front/ side extension would have a width of approx. 6m and depth of 4.8m, sitting above the existing garage. It would feature a flat roof to match the height of the main dwelling, and would be set 2.2m from the flank boundary of the dwelling.

The first floor rear extension would have a depth of 2.74m and width of 4.8m, and would sit above the existing single storey rear element of the property. It would feature a flat roof to match the design and height of the main dwelling.

The existing garage is proposed to be converted into a habitable room to form a studio, and this would result in the loss of one parking space. The conversion would include the replacement of the garage door with a large window, and the addition of one window and one door in the front elevation of the dwelling.

Other alterations proposed include the addition of a pergola across the rear elevation of the dwelling and the erection of a new fence along the flank boundary. Further elevational and fenestration alterations to the existing dwelling are also proposed, including the replacement of existing aluminium windows with timber windows

**Location and Key Constraints**

The application site is a two storey detached property located on Yester Road. The property falls within the Chislehurst Conservation Area.

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

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

### **Comments from Consultees**

APCA: We object to the alterations of fenestration. This is a significant housing in the Conservation Area and requires further investigation prior to making a recommendation.

Conservation Officer: The existing house is an interesting 1970s property in a very secluded location within Chislehurst. The additions are relatively modest and designed to respond to the existing house so I do not see any harm being caused to the CA or the host dwelling. If minded to recommend permission I suggest the matching materials condition.

Highways: The development will result in loss of one parking space by conversion of the garage to a habitable accommodation. However, there are spaces available within the site's curtilage which would be utilised for parking. Therefore on balance as it is a small development I raise no objection to this proposal.

### **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:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o 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
- o 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  
T3 Parking  
BE1 Design of new development  
BE7 Railings, boundary walls and other means of enclosure  
BE11 Conservation areas

#### Draft Local Plan

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

#### Supplementary Planning Guidance

SPG1 - General Design Principles  
SPG2 - Residential Design Guidance

#### **Planning History**

The application site has no previous planning history.

#### **Considerations**

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

- o Design
- o Heritage Impact
- o Highways
- o Neighbouring amenity

#### 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.

Policies H8 and BE1 of the UDP and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.

The single storey front infill extensions would be modest in their size and would not significantly impact upon the appearance of the host dwelling. The first floor rear and

front/side additions are not excessive in their size and it is considered that their design would be in keeping with the host dwelling.

Policy H9 normally requires a minimum of 1m to be provided between the flank wall of any two storey development and the flank boundary of the site, for the full height and length of the flank wall. The proposed first floor front/side extension would be sited above the existing garage, which lies 0.1m from the boundary and would therefore not provide 1m for the full height and length.

The first floor front/side extension would result in the dwelling projecting closer to this boundary than the existing dwelling at first floor level, though it would remain set away from this boundary by 2.2m. Given this distance provided to the boundary and the fairly secluded siting of the dwelling it is not considered that the proposal would result in a detrimental impact to the spatial standards or visual amenity of the area.

The other external alterations to the dwelling include the addition of a pergola, replacement of the garage door with one large window, and the replacement and additional of several other doors and windows. These alterations are considered fairly modest and are considered to be in keeping with the character of the host dwelling.

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

#### Heritage Impact

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.

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 existing house is an interesting 1970s property in a very secluded location within Chislehurst. The additions are relatively modest and designed to respond to the existing house and therefore it is considered that the development would not harm the appearance of the host dwelling, and the character of the Conservation Area would be preserved.

#### Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The application includes the conversion of the existing garage to form a habitable room. This would result in the loss of one parking space however it is considered that sufficient parking spaces would remain within the site's curtilage which would be utilised for parking. Therefore no objections are raised to the conversion of the garage.

### 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.

In terms of the impact on No.48A, the proposed infill extensions would not be visible and the first floor additions would be sited a sufficient distance away from the shared boundary to prevent any significant harm by way of loss of light or outlook. In terms of privacy, the windows proposed in the first floor side/rear extension and garage conversion are considered to have a sufficient distance and boundary treatment to prevent any significant opportunities for overlooking. One window is proposed to be altered in the first floor flank wall of the existing dwelling, which currently serves a landing. It is considered appropriate for this to be conditions to ensure it is obscure glazed so as to prevent a loss of privacy to the neighbouring dwelling. Furthermore, a condition is also recommended to ensure no further windows are added to the first floor flank elevation of the existing dwelling or proposed extensions to protect this neighbour's privacy further.

The proposed extensions would be sited closer to the flatted development which adjoins the eastern boundary of the site at No.48. The first floor rear extension would be set 3.5m from the shared boundary, and give its modest depth and existing boundary treatment any impact would not be significant. Furthermore, the proposed front/rear extension would be set 2.2m from the shared boundary and would not exceed the height of the existing dwelling. The proposed extensions are therefore not considered to result in an unacceptable level of harm to the amenities of this neighbour. Furthermore, the proposed windows in the flank elevation of the existing dwelling and indicated to be obscure glazed, and provided no further windows are added to the flank elevations of the extensions then the proposal would not harm the privacy of residents in this property.

The other alterations including the addition of the pergola, boundary fence and other elevational alterations to the property would be fairly modest and would not have a significant detrimental impact on the neighbouring dwellings.

Having regard to the scale, siting, separation distance and existing boundary treatments of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

### **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

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.

**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 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.