

SECTION '2' – Applications meriting special consideration

Application No : 17/04710/ELUD

Ward:
Chislehurst

Address : August House, Camden Way,
Chislehurst BR7 5HT

OS Grid Ref: E: 542884 N: 170204

Applicant : Ms Merle Joseph

Objections : YES

Description of Development:

Detached single storey outbuilding for use as a swimming pool, gym, deck, changing rooms and coffee room incidental to the use of the main dwelling
LAWFUL DEVELOPMENT CERTIFICATE (EXISTING)

Key designations:

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

Proposal

A Lawful Development Certificate is sought for an existing development at the site. The development comprises a detached building at the rear of the main house. The building houses a swimming pool and deck, external terrace, changing room, plant room, coffee room and sauna/plant room at basement level.

The building has a length of 22.8m and a width of 7.2m. The building has a flat roof with a height of 2.5m.

Location and Key Constraints

The site comprises a large detached residential dwelling sited within an area characterised by similar properties with large plots and rear gardens. The site falls within the Chislehurst Conservation Area.

Comments from Local Residents and Groups

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

Objections:

- Excessive scale and size
- Location close to boundary of site creates an impact on the amenities of neighbouring houses including overshadowing and loss of privacy
- Noise, disturbance and light pollution
- Harmful visual impact and harm to the character of the Conservation Area
- Mature trees have been removed to the detriment of local character
- Plans inaccurately show the building and do not account for the slope of the land.

The Residents' Association has raised objections on behalf of the residents of Hatton Court on similar grounds.

Comments from Consultees

Legal: The building is considered to be incidental to the main house and the submitted information is supportive of this.

Policy Context

The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Classes A, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and specifically whether any limitations/conditions of the Order are infringed.

Considerations

Class E allows for the provision of outbuildings provided the use is incidental to the enjoyment of the main dwellinghouse. In this instance the outbuildings would fall under the scope of Class E and are considered to be permitted development for the following reasons:

The proposed outbuilding is considered to be permitted development for the following reasons:

- The use of the building is for purposes incidental to the enjoyment of the dwellinghouse. Clear floor plans have been provided that accurately describe the incidental use. A written description of the need for the development has also been provided.
- The outbuilding does not cover an area in excess of 50% of the total area of curtilage (excluding the ground area of the original dwellinghouse).
- The outbuilding is not sited on land forward of a wall forming the principal elevation of the original dwellinghouse.
- The building is single storey.
- The height does not exceed 2.5m as the building is sited within 2m of a boundary of the site.
- The eaves height does not exceed 2.5m.
- The building is not in the curtilage of a listed building.

- No balconies or raised platforms are proposed.
- the site falls within article 2(3) land and no part of the building is situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Conclusion

On the basis of the information before the Council and subject to the development being used as set out in the application and complying with the relevant Conditions as contained in the Order it may be considered that the development falls within the relevant criteria of the Order.

RECOMMENDATION: CERTIFICATE BE GRANTED

- 1 The proposal as submitted would constitute permitted development by virtue of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.**

You are further informed that :

- 1 The applicant is advised that the use of the outbuilding for purposes other than those hereby described and certified may require planning permission.**