

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

**Application No :** 18/01113/RECON

**Ward:**  
**Chislehurst**

**Address :** Ridgeview, Southill Road, Chislehurst  
BR7 5EE

**OS Grid Ref:** E: 542510 N: 170422

**Applicant :** Mr Daniel Lindner

**Objections : YES**

**Description of Development:**

Variation of Condition 3 of permission ref. 14/03055 granted for two storey front and first floor front and part one/two storey front/side/rear extensions to include existing garage and elevational alterations to allow increase in parapet height and elevational alterations.

Key designations:

Conservation Area: Chislehurst

Smoke Control SCA 10

**Proposal**

Approval is sought for the variation of Condition 3 pursuant to permission ref. 14/03055 in order to amend the design of the proposed extended dwelling.

The revisions sought relate to the parapet wall at the single storey front and two storey rear sections of the house. The front single storey parapet will be raised by 0.4m and the two storey rear parapet raised by 0.2m. Elevational alterations are also proposed and the amendments are summarised as follows:

- Parapet wall height increased to achieve required ceiling height & clean contemporary finish with no gutters visible externally.
- Window to guest bedroom on ground floor raised off floor to accommodate interior design layout.
- Recess of single storey element under front left gable overhang to achieve a technically simple solution as well as providing hidden area for electric & gas meters as to not impact the front visual.
- Minor amendments to fenestration arrangement to satisfy building control/ egress windows & internal layouts.

All other aspects of the dwelling's design would remain as permitted under ref. 14/03055.

**Location and Key Constraints**

The application site consists of a two storey detached dwelling house with detached garage at front. The site is within the Chislehurst Conservation Area.

The area is characterised by large detached dwellings of varying architectural styles.

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

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

Objections:

- The increase in the height of the parapet wall on the boundary with Eldridge and The Coach House is not insignificant when considered in the context of the substantial height and bulk of the extensions allowed by the Inspector. The permitted extension already has an overbearing impact on the patio area of Eldridge and this will be exacerbated if the current proposal is approved.
- There is insufficient evidence to support the proposed variation. Approval of the proposed variation without sufficient evidence to support it will undermine the Inspectorate's authority and set an unwelcome precedent for other developments that the Council considers inappropriate but which are granted on appeal.
- Looking at the development so far it looks too dominant and large in its own plot and in its position with relation to the houses either side of it. The height of these walls, which can already be seen on the Eldridge side and, though not yet up to height on the Coach House side, (though you can see its position, which is extremely close to the boundary fence and therefore must be very intrusive to the Coach House) is excessive. Privacy to both neighbours and reduction of light, especially to Eldridge, must be greatly reduced should this retrospective planning be permitted.
- Development has commenced and permission sought retrospectively, thereby creating a dangerous precedent.
- Whilst I realise that it is inevitable that alterations arise between the planning and building stages of any building work, the height of the walls is not one of these. If the walls are higher than in the plans, it can only mean that the builders are incompetent or that there has been a deliberate attempt to coerce the planning department. Neither incompetence nor deviousness should be encouraged by retrospective permission being granted.
- The proposed plans are misleading in that the overall height of the building has been increased and the proposed parapet increases will exceed the heights outlined on the submitted plans.

## **Comments from Consultees**

Conservation Officer: On the basis that the slight raising of the parapet is quite minor I take the view that this is acceptable in terms of the CA and there would be no adverse impact

The Advisory Panel for Conservation Areas (APCA) did not inspect the application.

## **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 in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4<sup>th</sup> 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.

#### London Plan (2016)

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Design and Quality of Housing Developments
- 3.8 Housing Choice
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology

#### Unitary Development Plan

- BE1 Design of New Development
- BE11 Conservation Areas
- H8 Residential Extensions

#### Draft Local Plan

- 6 Residential Extensions
- 37 Design of New Development
- 41 Conservation Areas

## Additional Guidance

Supplementary Planning Guidance 1 – General Design Principles  
Supplementary Planning Guidance 2 – Residential Design Guidance

Supplementary Planning Guidance for the Chislehurst Conservation Area.

## **Planning History**

Planning permission was refused under ref. 13/04176 for a two storey front and first floor front and part one/two storey front/side/rear extensions to include existing garage and elevational alterations. The refusal grounds were as follows:

‘The proposed first floor rear extension would be overdominant and would be detrimental to the amenities that the occupiers of Eldridge might reasonably expect to be able continue to enjoy by reason of visual impact and loss of light and prospect in view of its size, bulk and depth of rearward projection, contrary to Policy BE1 of the Unitary Development Plan.’

The application was subsequently dismissed on appeal.

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The application was subsequently allowed on appeal.

## **Considerations**

The main issues relating to the application are as follows:

- Resubmission
- Conservation Area
- Residential amenity

## Resubmission

The revisions sought relate to the front and rear parapets walls along with elevational alterations, fenestration changes and the building out of a small recessed area.

## Conservation Area

Policy BE11 of the Unitary Development Plan requires new development to enhance and preserve the character and appearance of Conservation Areas. New development will be expected to respect or complement the layout, scale, form and materials of existing buildings and spaces; and respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic

value of the area. This policy is consistent with and reflected within Policy 41 of the Draft Local Plan.

The Supplementary Planning Guidance for the Chislehurst Conservation Area states:

‘4.24 Any extensions or additions should reflect the forms, materials, textures and finishes of the host building, along with the design philosophies underlying its style. These vary between individual buildings in this Conservation Area, and will need to respond to the specific building. The proportions, positioning and integration of an addition relative to the host building are important and deserving of significant design effort to safeguard not only the building's contribution to the public realm, but its enduring value to the owner. It should not be so large as to dominate or compete in visual terms with the host building.’

Following the refusal under ref. 13/04176, which established that the sole concern was the impact on Eldridge, the proposal allowed on appeal under ref. 14/03055 reduced the scale of the two storey rear extension by reducing the first floor projection from 3.2m to 1.9m and by significantly reducing the roof height from 6.7m to 5.9m. The result was an extension that would be significantly smaller and this was granted permission. The Inspector concluded that *“the two-storey element of the scheme before me is somewhat smaller than that considered by the previous Inspector, the appellant having sought to address the identified concerns by reducing both its depth and height. It would in terms of its depth result in additional mass and scale along the boundary with Eldridge. However the scale of impact would not be significant, and any additional harm would be off-set by the reduction in height of the two-storey element along the boundary over the existing taller pitched roof.”*

The main amendment proposed is the increase in the height of the front and rear parapet walls of the development by 0.4m and 0.2m respectively. This adds a small amount of bulk to the building, however the overall design and proportions remain similar to the original consent. It is not therefore considered that the design changes the external appearance of the building to a degree that would compromise or harm the character of the Conservation Area.

The elevational alterations are considered to be minor and the change to the recessed wall would not create additional bulk.

The proposed elevational alterations to the building are considered to preserve the character and appearance of this part of the Chislehurst Conservation Area and would therefore comply with Policy BE11 of the Unitary Development Plan and Policy 41 of the Draft Local Plan.

#### Impact on Neighbouring Properties

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 proposal will create additional bulk by adding a small additional height to the parapets of the single storey front and two storey rear elements of the dwelling. The additional height will have some additional impact visually when viewed from both neighbouring properties, however this is considered to be minimal. The garage addition will be sited close to Coach House but also to the north of it, thereby loss of light will not be significant. The increase in height of the two storey rear addition will be sited in close

proximity to the boundary adjacent to Eldridge however the extension will not project significantly to the rear of Eldridge and therefore the additional height will not create a harmful degree of overshadowing or visual harm.

### Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

### CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has not completed the relevant form.

### **Conclusion**

Having had regard to the above it was 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 Conservation 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      APPROVAL**

#### **Subject to the following conditions:**

- 1      The external materials used shall be as set out under ref. 17/03055/CONDIT and shall be permanently retained as such unless otherwise 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 appearance of the building and the visual amenities of the area.**

- 2      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.**

- 3** The proposed window(s) in the first floor flank elevations 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 BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 4** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevation(s) of the development 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 amenities of the adjacent properties.