

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

**Application No :** 18/01451/FULL1

**Ward:**  
Chislehurst

**Address :** 46 Camden Park Road Chislehurst BR7  
5HF

**OS Grid Ref:** E: 543102 N: 170288

**Applicant :** Mr & Mrs Paul & Michelle Summers

**Objections :** YES

**Description of Development:**

Demolition of existing dwelling and erection of a replacement two storey five bedroom house with basement and integral double garage

Key designations:

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

**Proposal**

The proposal is to demolish the existing building and erect a replacement two storey dwelling with basement and integral double garage. The proposed replacement house will have a modern design with a pitched roof and will use a palette of brickwork for the walls and tiled roofing.

The dwelling will have an overall height of 8.0m, width of 18.4m and a depth of 17.5m. The dwelling will retain a side space of 2.6m to the eastern flank boundary of the site and 2.0m to the western flank boundary.

Amended plans have been received dated 26/04/18 indicating relative levels for the development, omission of first floor rear balcony and provision of a privacy screen to the side of the retained balcony.

**Location and Key Constraints**

The site is located on the southern side of Camden Park avenue and comprises a two storey detached residential house, set within a spacious plot. The wider area is characterised by similar residential development and 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:

- Three years have passed and again it is proposed to obliterate a unique house redolent of the local 'Tudorbethan' style with a modern 'monstrosity'. If the owners need a bigger house please advise then to sell this one and move to one: there are plenty of these 'anonymised transatlantic prisons' complete with gates and railings to keep them in, to choose from. But please do not destroy our local architectural heritage. If you allow this then everything is vulnerable to being knocked down and 'modernised'.

## **Comments from Consultees**

Conservation Officer: I note the revised drawing of May 9<sup>th</sup> and also objections to the loss the loss of the existing on the basis that it is of architectural value, whilst I have some sympathy with this view permission for its demolition was granted in 2012 and again in 2015. A replacement traditional style house was permitted previously whereas this proposal is more contemporary but retaining some traditional elements such as the use of brick and some pitched roof elements. The overall bulk and scale remains similar so the matter is one of design. With regard to the contemporary I feel it is justified through the guidance from the SPG.

Advisory Panel for Conservation Areas (APCA): objection raised on the basis that the existing house makes a positive contribution to the character of the Conservation Area. A replacement should be of exceptional design quality to merit demolition.

Highways Officer: I would have no objection to the application. Camden Park Road has no public vehicular rights although there is public right of way on foot running along the south side of the road. It is outside of the site and should not be affected by the granting of planning permission. However, due to its close proximity to the development, the applicant should be made aware, by means of an informative attached to any permission, of the need to safeguard pedestrians using the route, and that it must not be damaged or obstructed either during, or as result of, the development.

Drainage Officer: Standard conditions are recommended.

Environmental Health (Pollution) Officer: I have considered this application and in principle would have no objections to permission being granted subject to an informative.

## **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 Policies

- 7.4 Local Character
- 7.6 Architecture

#### Unitary Development Plan

- BE1 Design of New Development
- BE11 Conservation Areas
- H7 Housing Design and Density
- H9 Side Space
- NE7 Development and Trees
- T18 Road Safety

## Draft Local Plan

Draft Policy 8 – Side Space  
Draft Policy 32 – Road Safety  
Draft Policy 37 - General Design of Development  
Draft Policy 41 – Conservation Areas  
Draft Policy 73 – Development and Trees

## **Planning History**

Planning permission was granted under ref. 15/03351 for demolition of existing dwelling and erection of two storey 5 bedroom dwellinghouse with basement and accommodation in roof space, integral double garage and associated landscaping

Planning permission was granted under ref. 12/01893 for demolition of existing dwelling and erection of two storey 5 bedroom dwellinghouse with basement and accommodation in roofspace, integral double garage and associated landscaping.

## **Considerations**

The main issues in determining any application relating to these proposals are as follows:

- The impact of the proposal on the character of the Chislehurst Conservation Area.
- The effect of the proposals on the amenities of neighbouring residential properties.
- The impact of the proposal on highway safety
- The impact on trees.

## Impact on the Character of the Conservation Area

The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted. The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy H7 of the Unitary Development Plan sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

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 Draft Policy 41 of the Draft Local Plan.

Paragraph 4.20 of the Supplementary Planning Guidance for the Chislehurst Conservation Area states:

‘Caution should be exercised regarding imitation of buildings from earlier eras, avoiding "mock historic" architecture, which lacks authenticity and distracts from genuine examples, diluting the Area's significance and confusing interpretation of historical development. In exceptional cases, the reinstatement of a building to match a known earlier structure may be able to be justified, provided there are adequate detailed records, such as the reinstatement of a missing element to repair a jarring gap. In such cases clues may be provided to enable recognition of its more recent origins, such as restrained detailing or a subtle subservience from the authentic elements.’

In light of the recent planning history, the principle of replacing the existing building is established and therefore the principle of a replacement dwelling would not be objected to for this reason, subject to a suitable design.

The proposal differs from that granted under ref. 15/03351 in that it proposes a modern design with a pitched roof, in replacement of the more traditional design previously granted permission. Camden Park Road has many different architectural styles which contribute to the character of the Conservation Area, however the area is mainly traditional in architectural design. Whilst the height, scale and massing may be considered acceptable, the design approach differs from the neighbouring properties and this must be considered very carefully in light of the Conservation Area location.

The introduction of modern design can sometimes be considered to add interest to a Conservation Area, and in this case the use of brickwork as an external material will improve the appearance and blend the building with others in this part of the Conservation Area, along with a suitable roof tile which can be conditioned as appropriate.

The proposed replacement modern design is considered to complement the character of the Conservation Area subject to suitable materials and therefore the development is considered to comply with Policies BE1, BE11 and H7 of the Unitary Development Plan and Policies 4, 37 and 41 of the Draft Local Plan.

## Impact on Amenities of 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 proposed dwelling will retain a similar relationship with neighbouring properties as the dwelling permitted under ref. 15/03351. The positioning of the building's footprint away from the western boundary of the site will result in an acceptable relationship. To the opposite flank, the proposed house will be positioned in closer proximity to the flank boundary shared with No. 44, however the dwelling will retain a separation from the flank boundary of 2m and will not project beyond the established building line. This relationship was also considered acceptable in a similar manner under the previous planning application. The proposed dwelling will have an acceptable height in context with the neighbouring properties, and it is considered that the proposed house would not impact harmfully on the amenities of the neighbouring houses.

The proposed first floor balcony is not considered to impact significantly in terms of overlooking and loss of privacy. Privacy screens are proposed to the flanks of the balcony and these can be conditioned as appropriate.

It is considered that there would not be a significant loss of amenity to neighbouring properties and therefore the proposal is considered to comply with Policy BE1 of the Unitary Development Plan and Policy 37 of the Draft Local Plan in this respect.

## 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 Council's highway engineer raises no objections to the proposal, however it is recommended that the public right of way along the south side of the road is not obstructed or damaged during building works. A standard informative to this effect is recommended.

## Trees

With regard to the trees on the site, three pine trees on the front boundary shown to be retained would not be directly affected by the proposals, and conditions are

recommended by the Arboricultural Officer to ensure that they are not impacted by excavations for the proposed basement.

### 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. Further standards and guidance are set out in the Housing SPG.

### CIL

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

### **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 Chislehurst Conservation Area. No impact on highway safety or trees would result.

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** Details 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 development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

**Reason: To ensure satisfactory means of surface water drainage and to accord with Policy ER13 of the Unitary Development Plan.**

- 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 Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

- 6 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.**

**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.**

- 7 No development shall commence until detailed plans at a scale of 1:20 showing screening details for balcony have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

**Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policies H7 and BE1 of the Unitary Development Plan.**

## **Informatives**

- 1 The applicant is advised that there is a public right of way adjacent to the site and of the need to safeguard pedestrians using the route. The footpath must not be damaged or obstructed either during, or as result of, the development.**
- 2 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.**

**If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The**

**contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.**