

Section '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/01731/FULL6

Ward:
Chislehurst

Address : Harley Bank Manor Park Chislehurst
BR7 5QE

OS Grid Ref: E: 544649 N: 169492

Applicant : Mr & Mrs Owen

Objections : YES

Description of Development:

2 Storey Side Extension, Single Storey Rear Extension, Extension of existing Basement, Reduced ground levels in front drive to create further off street parking, Removal of a large Sycamore tree and New boundary treatment and entry gates.

Key designations:

Conservation Area: Chislehurst
Smoke Control SCA 16

Proposal

Planning permission is sought for demolition of garage and removal of sycamore tree, excavation and extension to basement and lower ground floor parking and erection of two storey side extension and single storey rear extension, and gates to highway. The proposal is stated to rationalise part of the existing internal floor area(s) which suffer from an awkward layout.

Location and Key Constraints

The site is Harley Bank, Manor Park, Chislehurst, a detached two storey dwelling located on the western side of the highway, between the junctions with Manor Place and Riverwood Lane. The land rises from the highway such that the dwelling is positioned at a higher level. There are a number of prominent trees on the frontage including a sycamore close to the highway. The site lies within the Chislehurst Conservation Area and Manor Park and Manor Place contain some statutorily listed and locally listed building. There is a range of dwelling types and styles throughout the area including single storey bungalows, two storey dwelling and dwellings with three storey elements, and they have a range of external materials.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

Objections

- The proximity of the proposed addition to the boundary with the access to Harley would obscure views and would harm the spatial character of the area.

Local Groups

The Chislehurst Society

- The front corner of the extension would abut the side boundary with the access track to Harley,
- The proposal would conflict with the minimum 1m side space to the side boundary, for its full height and length, and the wider space that may be required in the Conservation Area according to Policy H9,
- The Applicant was advised of compliance with Policy H9 in pre-planning application discussions however this has not been heeded and the Applicant has not sufficiently justified the reason it has not been provided,

Comments from Consultees

APCA: The proposal would be cramped and overdeveloped; particularly in relation to the northern boundary, and this would have an adverse impact on the Conservation Area contrary to Policies BE1 and BE11.

Conservation Officer: The scale and design of the additions would respond acceptably to the existing house and there is no objection in that respect. There would appear to be a breach of H9 in terms of side space, it would have been better to avoid this but it's only for part of the addition near the front and as there is an alley/driveway access to the side, there are no concerns over potential terracing which H9 serves to avoid. The 1:00 drawing lacks detail of the front boundary treatment there is some concern over the front gates measuring over 2 metres high given the generally low boundary treatments in the area.

Highways: Manor Park Chislehurst is an un-adopted highway. Drawing number 361-13 shows that gates open on the highway which would be an offence under Section 153 of the Highway Act 1980. Inward opening gates would compromise the space for cars to park. A sliding gate should be proposed and revised drawings submitted for highway approval. Subject to above please include following with any permission:

CONDITIONS

H03 - Satisfactory parking

H32 - Highway drainage (details of ACO channel and soakaway pit)

INFORMATIVE

DI26 gates

Further Highway comments

The Proposed Basement Plan now shows gates opening inwards which is satisfactory. The applicant confirms that surface water would drain down toward the garage door.

Please include following with any permission:

CONDITIONS

H03 - Satisfactory parking

Tree Officer: Following a site visit and assessment of the proposed tree removal it is considered acceptable to remove and replace the tree at the frontage. This is confirmed by the Impact assessment produced by Tree Craft. There is no objection to the proposal subject to the recommended condition/informative.

Planning history

The application site has the following planning history:

91/01536/FUL - Erection of single storey rear extension and replacement external wall cladding with tiles was approved on 28 August 1991 and this appears to have been implemented.

12/02855/TREE - Fell Magnolia to southern side of the property raised no objection in October 2012 and this may have been implemented.

15/05375/FULL6 - Enlargement of existing patio, construction of timber pergola and alterations to boundary enclosure fronting Manor Place was approved on 9 May 2016 and this has been implemented.

16/04598/TREE - Removal of Sycamore tree in north west of site raised no objection on 24 October 2016.

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- (a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- (b) 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
- (c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

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 shall be determined in accordance with the following policies:

London Plan Policies

7.4 Local character
7.6 Architecture
7.8 Heritage assets and archaeology
7.16 Green Belt

Unitary Development Plan

H8 Residential extensions
H9 Side space
T3 Parking
T18 Road safety
BE1 Design of new development
BE7 Railings, boundary walls and other means of enclosure
BE10 Locally listed buildings
BE11 Conservation areas
BE14 Trees in conservation areas

Draft Local Plan

6 Residential Extensions
8 Side Space
30 Parking
37 General Design of Development
39 Locally Listed Buildings
41 Conservation Areas
43 Trees in Conservation Areas
73 Development and Trees

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Considerations

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

- Principle
- Design
- Neighbouring amenity
- Heritage
- Highways

Assessment

Principle

The site lies within an urban area where there is no objection in principle to new residential extensions subject to an assessment of the impact of the proposal on the appearance/character of the building, the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications and the heritage impacts.

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 extensions would substantially enlarge the building. Notwithstanding this however the extensions would remain subservient in floor area, height and overall scale to the existing building and the plot would not appear overdeveloped as a result. The proposed side extension would be located approximately on the position of the existing single storey garage in the same location; albeit that it would be larger in size scale. As such the proposed side extension would be more than one storey in height and its front part would be positioned within 1m of the site boundary where it tapers towards the boundary, although the rear part would be angled away from the boundary measuring in excess of 3.4m at the rear most part. Nonetheless, according to UDP Policy H9 - Side Space new extensions of two storeys or more will normally require a minimum 1 metre space from the side boundary of the site retained for the full height and length of the flank wall of the building, and this applies to the extension as a whole. The Side Space Policy H9 seeks to ensure that sufficient space is provided around new buildings and extensions to prevent a cramped appearance and unrelated terracing from occurring as this could reduce the degree of separation between dwellings which would be harmful to the character of the area. Furthermore, given the plot is sited within the Conservation Area a larger side space would usually be expected.

Notwithstanding this, it is noted that the presence of the term 'normally' in the body of UDP Policy H9 strongly implies, a need for discretion in the application of the Policy having regard to several factors including the characteristics of the site and its surroundings, the precise nature of the proposal and the objectives of the policy as set out in the explanatory text.

In this particular context the northern boundary of Harley Bank relates to the access into Harley to the east. The neighbouring property known as Silver Birches is therefore separated from Harley Bank by this access track. Harley itself is not overly visible from the highway and is glimpsed through relatively oblique views and it is clearly set back and not alongside Harley and Silver Birches. On this basis there is an existing degree of separation between Harley Bank, Harley and Silver Birches and therefore notwithstanding the currently proposed extension's proximity to the boundary this would maintain the high spatial standards in the area. For all of these reasons the proposed extension would not lead to a terracing effect with the neighbouring properties. As such although there would be a technical breach of the H9 Side Space Policy given these circumstances in this particular instance there would be limited actual harm in planning terms from the proposed extension as a whole. The overall bulk and scale of the extension would not be excessive, particularly given there is a wide variety of house designs within the immediate streetscene which include a number of other large developments. Similarly the proposed rear extension and basement extension would be in keeping with the size and scale of the house and its design and they would not be highly visible within the street scene. The proposed materials would match the existing dwelling and this would preserve the character of the Conservation Area.

On balance, given that the site is located adjacent to an access road and that the extension provides the minimum side space for the majority of its depth, it would not result in excessive harm to the spatial standards of the area.

The proposal would involve the removal of the existing Sycamore tree in the plot frontage; replacing it with another tree. The existing tree contributes towards the character of the site and its setting in the road and the wider Conservation Area. However the Council's Tree Officer does not consider that this would detract significantly from the character and appearance of the area and raises no objection to the proposed removal and replacement subject to the recommended landscaping condition and informatives to ensure the appropriate replacement and retention of the new tree.

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

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 proposed basement extension would not be visible from the neighbouring properties, and the single storey and two storey extensions would not project beyond the rearmost part of the existing dwelling. As such, these extensions are unlikely to significantly impact upon overshadowing and the outlook to the residents at Harley to the rear. Furthermore, given the siting of the extensions to the rear and the side adjacent to the access road, there would be a sufficient distance from other neighbouring properties including Silver Birches such that it would not have significantly harmful impact by reason of overshadowing or overbearing effect.

The flank wall of the two storey extension would be blank, and this could be ensured by planning condition, and the rear windows proposed at first floor level could be fitted with obscure glazing and restricted opening if necessary given that they form a dressing room and en-suite. As such, it is unlikely the proposal would result in any harm to the privacy of neighbouring residents above that which already exists.

Therefore, in terms of the impact on neighbouring properties, it is my informal opinion that it is likely the proposal would not result in any significant or unacceptable harm to their amenities.

Heritage Assets

The NPPF sets out in section 16 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.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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.

Impact on Listed Buildings and their setting:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

As mentioned above the proposal is considered to respond appropriately to the existing dwelling. There is a variety of dwelling types and styles in the locality and no clear uniform style and on this basis the proposal would not detract from or appear of keeping from a particular formal architectural or design trend. Furthermore, as mentioned above there is no objection to the proposed removal and replacement with an appropriate tree at the site frontage.

It is considered that the proposed development would preserve the character and appearance of the conservation area.

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.

According to the Council's Highway Officer the revised proposed gate arrangement would not prejudice highway safety or the flow of traffic along it. Surface water would also be channelled away from running off on to the highway. The proposal would not directly affect or reduce the on-site parking provision and would be unlikely to result in additional on-street parking.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has 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 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: To comply with Section 91, Town and Country Planning Act 1990.

- 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 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.

- 4 No windows or doors shall at any time be inserted in the upper floor north facing elevation and roof slope of the two storey extension hereby permitted, without the prior approval in writing of the Local Planning Authority.**

Reason: In order to comply with Policies H8 and BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 5 The upper floor west facing windows to the two storey extension hereby approved shall be obscure glazed to a minimum of privacy level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor of the room in which the window is installed and shall subsequently be permanently retained as such.**

- 6** Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:
 - b) proposed hardstanding and boundary treatment:
 - c) a schedule detailing sizes and numbers of all proposed trees/plants
 - d) Sufficient specification to ensure successful establishment and survival of new planting.

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with NE7 & BE14.

- 7** 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 1995 (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.

You are further informed that :

- 1** The following British Standards should be referred to:
- a) BS: 3882:2015 Specification for topsoil
 - b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
 - c) BS: 3998:2010 Tree work - Recommendations

- d) **BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)**
- e) **BS: 4043:1989 Recommendations for Transplanting root-balled trees**

**2 The applicant is reminded of their requirements and responsibilities according to The Party Wall etc. Act 1996. Further details can be found at the following address:
https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/16**