

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

**Application No :** 18/02849/FULL1

**Ward:**  
Chislehurst

**Address :** Shanzu, Raggleswood, Chislehurst  
BR7 5NH

**OS Grid Ref:** E: 543271 N: 169937

**Applicant :** Mr J Oxenham

**Objections:** YES

**Description of Development:**

Demolition of existing dwelling (Shanzu) and erection of a detached two/three storey house with integral double garage.

Key designations:

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

**Proposal**

The proposal is to demolish the existing building and erect a replacement two/three storey dwelling with integral garage. The proposed replacement house will have a traditional design with a pitched roof. The dwelling will have an overall height of 7.8m. The width will be 16.6m and the depth will be 15.2m. The dwelling will retain a side space of over 2.0m to both flank boundaries of the site.

The application is submitted with an accompanying Design and Access Statement.

**Location and Key Constraints**

The site is located on the southern side of Raggleswood 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:

- The plan shows an upper terrace which will replace an existing terrace but which will be considerably further back into the current rear garden given that the depth

of the house will increase significantly. This will mean that we will lose privacy to all the upper rooms at the rear of our house (Shanacoole) as anyone on the terrace will be able to look straight into these rooms. Currently the terrace does not afford such a view.

- It is unclear from the drawings included on your planning site where the precise location of the new building will be. In the previously approved planning application the building was sited some three metres from the boundary on our side. If this is maintained then I would have no objection to the siting of the house on the plot. However the Full Amended Block Plan 2159440 and the Full Amended Site-Other plans 2159446 appear to give a conflicting picture.
- The block plan shows the application site's north east boundary at the road, the footpath has been incorporated into the site. This is wrong as the footpath belongs to Raggleswood Residents Association and is required to be kept open at all times as a footpath.
- The Design and Access Statement describes the properties Shanzu and Maxbys as being on the north west side of Old Hill Road. The properties are in Raggleswood and at some distance from Old Hill (not Old Hill Road). It describes the area as mainly made up of semi-detached houses of similar architectural style. There are no semi-detached houses in Raggleswood.
- It is impossible to determine whether or not the H9 side space policy has been adhered to in the plans for either house.
- The plans for Shanzu show planting on Raggleswood Residents Association land.
- The site plan for Shanzu indicates that trees & hedges will be taken out but the application says there is no impact on the trees & hedges.
- There is no site plan for Maxby's & it is therefore impossible to tell how the development will impact the hedges on the boundary with Melancol.
- The plans for both houses have a significantly larger footprint than the original houses & it is unclear what impact this will have on the conservation area & the light which the neighbouring houses receive. Nor the extent to which the neighbours will be overlooked.
- The main objection is that the proposed terrace will have a view into our rear upstairs windows. The terrace is proposed to be at first floor level on the garden side of the house and although we have an extension to the rear of our house it is a single storey which allows the proposed terrace a clear view into our upper floor rooms which are at the same height as the terrace. It is unusual for terraces to be permitted at first floor level and the impact on our ability to use the rooms on the first floor at the rear of our house is significant. This could be resolved by either removing the terrace as there is already a terrace to the ground floor at the rear or by adding a wall to the side of the terrace to screen the view.

Support:

- I will be pleased if a new house is to be constructed as it will be preferable to having an empty and uninhabitable house as is there at present.

## **Comments from Consultees**

Conservation Officer: As this is essentially identical to the previously approved I raise no objections. If minded to recommend permission please condition the materials with C01 and C03.

Advisory Panel for Conservation Areas (APCA): Objection on the grounds of overdevelopment. Design is inferior to that of given permission and details which made that permission acceptable have been omitted.

Highways Officer: The application appears the same as the previous proposals. Raggleswood is shown in the Council's records as a private road. I would have no objection to the proposal. Please include condition H03, parking, in any permission.

## **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 24<sup>th</sup> July 2018. According to paragraph 48 of the NPPF decision makers 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 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
- BE14 Trees in Conservation Areas
- H7 Housing Design and Density
- H9 Side Space
- NE7 Development and Trees
- T18 Road Safety

### Draft Local Plan

- Draft Policy 4 – Housing Design
- Draft Policy 8 – Side Space
- Draft Policy 32 – Road Safety
- Draft Policy 37 - General Design of Development
- Draft Policy 41 – Conservation Areas
- Draft Policy 43 – Trees in Conservation Areas
- Draft Policy 73 – Development and Trees

### **Planning History**

09/02486/FULL1 - Demolition of existing dwelling and erection of a detached two/three storey house with integral double garage – Permitted

12/03574/EXTEND - Extension of time limit for implementation of permission reference 09/02486 granted for demolition of existing dwelling and erection of a detached two/three storey house with integral double garage - Permitted

### **Considerations**

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

- Resubmission
- Design and the Conservation Area.
- Neighbouring Amenity
- Highway Safety
- Trees

## Resubmission

The application is closely similar to that granted under refs. 09/02486 and 12/03574.

## Design and 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 11 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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

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.’

The site lies within the Chislehurst Conservation Area whereby Raggleswood is characterized by detached dwellings of varying designs and age. The application site itself comprises a modern dwelling and is considered to not have any architectural merit to warrant its retention nor is it considered to make a positive contribution to the conservation area from a heritage and design point of view. That aside, the Council has a duty to ensure that any replacement dwelling will either preserve or enhance the character or appearance of the conservation area, through layout, scale, form, materials and existing landscape that contribute to the value of the area. The design of the house would not be replicated in terms of its former modest modern style and as such the proposed ‘mock Tudor’ design maybe be considered aesthetically acceptable. Whilst the proposal would extend the bulk of two storey development in terms of width when seen from the road in comparison with the existing dwelling, the proposal maybe considered to complement the existing pattern of development within the area namely its 2/3 storey scale, space between the buildings and adjacent development, front and rear garden depth and parking arrangement.

The proposed replacement traditional 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.

With regard to the impact of the proposal upon the amenities of neighbouring residents, the replacement dwelling is set a reasonable distance away from the properties which are on the opposite side of Raggleswood. The greatest impact would be to the properties directly adjacent to the site resulting in built development extending closer to the flank boundaries with Shanacoole and Maxby's and projecting further at the rear compared to the existing dwelling and adjacent properties. The orientation is such that there will be a change experienced from these properties in outlook and general lighting. There is a ground floor flank window and door to Shanacoole which serves a laundry room and a first floor obscure glazed flank bathroom window. Shanacoole has been extended to the rear (ref. 13/00508) since the previous permission at Shanzu and therefore the previously existing rear terrace at Shanacoole has been removed.

The development closest to this property would result in a flank to flank distance between the dwelling and Shanacoole of approx. 3m at the front and approx. 3.6m at the rear. The proposed two storey projection would be approx. 2.8m from the rear of Shanacoole, with the terrace extending out a further 2.4m and lower ground floor extension an additional 1.8m beyond the terrace when scaled from the submitted drawings. It should be noted however, that the lower ground floor element of the proposal would be single storey in height and sunk into the garden at a lower level than at present and would be flanked by existing boundary screening to minimise its visual impact.

With regard to Maxby's to the south-east, there are no flank windows to the property other than two high level windows on the flank gable at roof height. The development closest to this boundary would result in a 1.6m flank to flank distance at the front of the properties extending to approx. 2.2m at the rear. The first floor element would project approx. 1.8m beyond the rear elevation of Maxby's and the lower ground floor extension would project an additional 1.8m in depth, when scaled from the submitted drawings.

The proposal also includes the provision of a rear terrace area. In comparison to the larger terraced area of the existing building, the proposed terrace would extend approx. 0.5m beyond the edge of the existing terrace but it will be reduced in floor level height and floor area and is considered an improvement compared to the current terracing arrangement. To mitigate any overlooking it is proposed to construct a retaining wall with close boarded fencing on top.

The nature of housing in a uniform 'street' layout will always result in a degree of overlooking from the location of windows in rear elevations looking out over back gardens. There is a Juliet balcony proposed to the first floor rear bedroom, however this does not allow for an elevated platform to step out onto and as such, overlooking into neighbouring properties would be restricted by its central positioning and oblique angle.

On balance 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.

Raggleswood is a private road and it is considered that the proposal would have no detrimental impact on highway safety.

## Trees

The application is not accompanied by an Arboricultural Report and method statement. It was previously considered that the proposal would have an acceptable impact provided that a suitable statement was provided and its recommendations adhered to. A standard condition can be imposed accordingly.

## 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 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: To comply with Section 91, Town and Country Planning Act 1990.**

- 2 No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until an arboricultural method statement detailing the measures to be taken to construct the development and protect trees is submitted to and approved in writing by the Local Planning Authority.**

**The statement shall include details of:**

**Type and siting of protective fencing, and maintenance of protective fencing for the duration of project;**

**Type and siting of scaffolding (if required);**

**Details of the method and timing of demolition, site clearance and building works**

**Depth, extent and means of excavation of foundations and details of method of construction of new foundations**

**Location of site facilities (if required), and location of storage areas for materials, structures, machinery, equipment or spoil, and mixing of cement or concrete;**

**Location of bonfire site (if required);**

**Details of the location of underground services avoiding locating them within the protected zone**

**Details of the method to be used for the removal of existing hard surfacing within the protected zone**

**Details of the nature and installation of any new surfacing within the protected zone**

**Methods proposed for the watering of the trees during the course of the project.**

**The method statement shall be implemented according to the details contained therein until completion of building works, and all plant, machinery or materials for the purposes of development have been removed from the site.**

**Reason: To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan.**

- 3 Details (including samples) 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**

- 4 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.**

- 5 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

**Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.**

- 6 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 implementation of the sustainable drainage proposals and to accord with to London Plan policy 5.13

- 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 (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.

- 8 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.

- 9 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.

- 10** Before the development hereby permitted is first occupied, the proposed window(s) in the first and second 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.

- 11** 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.