

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

**Application No :** 18/04093/FULL6

**Ward:**  
**Chislehurst**

**Address :** The Croft, Yester Park, Chislehurst  
BR7 5DQ

**Objections YES**

**OS Grid Ref:** E: 542934 N: 170561

**Applicant :** Mr & Mrs Carpenter

**Description of Development:**

Two storey side/rear extensions with single storey rear extension and loft conversion with rear dormers.

Key designations:

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

**Proposal**

This detached property is located on the northern side of Yester Park within Chislehurst Conservation Area.

It is proposed to add a first floor side extension to its western side over the existing garage, and extend to the rear with a part two storey extension (measuring 2.4m deep, which is similar to the existing single storey rear extension with balcony over which would be removed), and single storey rear extension (measuring a further 5.35m deep), giving an overall depth from the original rear wall of 7.75m.

Second floor accommodation is also proposed within the extended roof, and includes side roof lights and 2 rear dormers.

**Site and Key Constraints**

The site comprises a detached two storey dwelling set within a generous plot size. The wider area is located in the Chislehurst Conservation Area and is characterised by other similar residential properties.

**Comments from Local Residents and Groups**

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

Comments:

I am the owner of the stretch of land between The Croft and Wychling, Yester Park. Because of previous impingements on my property, I would ask that Mr and Mrs Carpenter ensure:

- 1 that their builders are made aware that the gap of at least 10'6" between The Croft and Wycheling is to be respected, ie., 3" away from my land and 10'6" from Wychling;
- 2 that my garden is not a convenient channel for running off water, drainage or other matter Previous owners, who apparently neither supervised nor warned their builders, ran equipment through my garden, and I was regrettably obliged to have them remove it, and make good the damage done.

The Chislehurst Society: We would normally object to this proposed development as being not compliant with the Council's UDP Side Space policy H9. However, given the Council's earlier permission granted on this site in 2010 and the subsequent permission granted on appeal, again in 2010, we consider it inappropriate to object to the current application. Would you please ensure that the views of the Society are drawn to the attention of the committee responsible for considering this application.

### **Comments from Consultees**

The Advisory Panel for Conservation Areas (APCA): no inspection.made.

Conservation Officer: On the basis that this is the same as the previously approved scheme I raise no new objections. If minded to recommend please repeat the same conditions

### **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 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 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)

- 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
- H9 Side Space
- NE7 Development and Trees
- T11 New Accesses
- T18 Road Safety

#### Draft Local Plan

- Draft Policy 6 - Residential Extensions
- 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

#### 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

10/01735/FULL6 - First floor side and one/two storey side and rear extensions. Rear dormer extension. (Amendment to permission ref: 10/00150 to increase depth of single storey rear extension) – Refused

Grounds of refusal:

'The proposed part one/two storey rear extension would, by reason of its size and excessive rearward projection, have a seriously detrimental impact on the amenities of the adjoining occupiers of "Hatton Orchard" by reason of loss of outlook, and would thereby be contrary to Policies H8 and BE1 of the Unitary Development Plan.'

Application subsequently allowed on appeal.

10/00150/FULL6 - First floor side and one/two storey side and rear extensions. Rear dormer extension - Permitted

## **Considerations**

The main issues relating to the application are:

- Resubmission
- Design and the character of the Chislehurst Conservation Area
- Neighbouring amenities

### Resubmission

Following the allowing of appeal ref. 10/01735, the current application is identical to that previously allowed and is resubmitted as a result of the expiration of the appeal decision.

### Design and Impact on the Chislehurst Conservation Area.

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.

Policy BE11 of the UDP relates to Conservation Areas and states that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development, for engineering works, alteration or extension to a building, or for change of use of land or buildings within a conservation area will be expected to:

- (i) respect or complement the layout, scale, form and materials of existing buildings and spaces;
- (ii) respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and

- (iii) ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area.

This guidance is reflected in Policy 41 of the Draft Local Plan.

Policy H9 states that when considering applications for new residential development, including extensions, the Council will normally require a proposal of two or more storeys in height to retain a minimum 1 metre space from the side boundary of the site for the full height and length of the flank wall of the building. Where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties. This guidance is reflected in Policy 8 of the draft Local Plan.

Policy 7.4 of the London Plan seeks that buildings should provide a high quality design that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and contributes positively to the character of the area. Consistent with this the National Planning Policy Framework (NPPF) states that new development should reflect the identity of local surroundings and add to the overall quality of the area.

The proposed extension will include a two storey side extension that would be constructed within 1m of the flank boundary of the site at ground floor level.

In this case H9 of the London Borough of Bromley's Unitary Development Plan (2006) (UDP) is relevant. This policy provides (*in part*):

*"When considering applications for new residential development, including extensions, the Council will normally require the following:*

*(i) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building;"*

This policy seeks to ensure *"that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas."*

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.

As the site falls within the Chislehurst Conservation Area there is a presumption to preserve and enhance the special character and features of the area.

It is noted that Yester Park is characterised by large detached dwellings within large plots, many of which provide a variety of side space to the flank boundaries. It is considered important to preserve the areas of side space which do exist in order to retain the character and appearance of the conservation area.

The scheme permitted under ref.10/00150 showed the part one/two storey rear extension projecting a total of 5.3m to the rear (with the first 2.4m being two storey), while the current scheme differs only in that the single storey aspect of the rear extension would project a further 2.5m to the rear giving a total rearward projection of 7.75m from the rear wall of the dwelling. This design matches the design allowed under ref. 10/01735. When considering the appeal, the Inspector states:

'The Croft lies within the Chislehurst Conservation Area. This part of the Conservation Area is characterised by large detached houses on large plots but without any defining architectural style. The effect of the proposal on the street scene would be the same as that of the extension already permitted and I am satisfied that it would preserve the character of the Conservation Area.'

The proposed development closely matches that previously allowed on appeal and there are no significant changes of circumstances at the site or surroundings that would lead the Council to consider the application differently to the Inspector. The Council's Conservation Officer has stated that the planning history is a material consideration in the assessment of the current proposal and it is considered that the development would not create additional harm to the special character and appearance of this part of the Conservation area in light of the planning history.

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. It is therefore considered to be contrary to Policies BE1, BE11, H8 and H9 of the UDP and Policies 6, 8, 37 and 41 of the emerging Local Plan.

### Impact on Neighbouring Amenities

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 adjacent dwelling to the east, known as Hatton Orchard, has been extended to the rear at ground floor level, but the current scheme would project significantly further to the rear. This relationship was considered acceptable under ref. 10/01735 when the Inspector allowed the previous appeal. The Inspector states:

'I accept that the single storey element of the extension would be both wide and deep but that would not, in itself, make it harmful. The boundaries on both sides of the rear garden have very substantial planting which would screen the extension. Moreover, the extension would be built at the level of the existing patio which is cut slightly into the rising ground to the rear and the floor level would thus be below the neighbouring gardens which would reduce the visual impact of the building. The extension would be set in slightly from the boundary with Hatton Orchard which is itself set in from the boundary apart from the integral garage. The extension would be significantly deeper than the single storey extension at Hatton Orchard but, in my judgement, it would not be overbearing or intrusive in the outlook from Hatton Mount because of its low profile and the effective boundary screening.'

In light of the identical nature of the proposed development and the similar circumstances of the site and surroundings, the proposal would not be considered to impact harmfully on the amenities of Hatton Mount to a degree that would warrant refusal of the application.

There would be sufficient separation between the extensions and the adjoining property to the west (Wychling) to ensure that their amenities would not be unduly affected. This relationship was also considered acceptable previously.

It is considered that there would not be a significant loss of amenity to the neighbouring residential properties. On balance, the proposal is considered to comply with Policy BE1 of the Unitary Development Plan and Policy 37 of the emerging Local Plan.

### 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 not 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 harmful impact on the character of the Conservation Area and would not impact detrimentally on the amenities of neighbouring properties. No impact on highway safety 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 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**

- 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 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.**

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

- 6 No windows or doors shall at any time be inserted in the first floor 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.**