

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

**Application No :** 18/03254/FULL6

**Ward:**  
**Chislehurst**

**Address :** 2 Walnut Tree Close Chislehurst BR7  
5PF

**Objections: Yes**

**OS Grid Ref: E: 544495 N: 169947**

**Applicant :** Mr & Mrs Cunningham

**Description of Development:**

Part one/two storey front, first floor side/rear extension, rear dormer and alterations to the front elevation

Key designations:

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

**Proposal**

Planning permission is sought for the construction of a part one/two storey front, first floor side/rear extension, rear dormer and alterations to the front elevation.

The first floor front/side extension which would be sited above the existing footprint of the single storey side garage. The extension would be approximately 1.5m higher than the exiting garage and is designed to have a pitched roof and gable end feature at the front and rear.

The part one/two storey front element would be located centrally within the main dwelling. At ground floor level it would enlarge the existing footprint of the garage by 1.2m deep and 1.2m wide and allowing at first floor level and enlarged bedroom (combing with the first floor side element). Centrally the first floor element would allow for internal alterations to in order to provide a new hall and landing area together with the relocation of the stairs. This element would project 0.8m at first floor level and create a double height glazed gable ended central feature.

At the rear it is proposed to enlarge the rear dormer and alter the window arrangements. Front and rear elevational alterations are also proposed by creating a front door and replacing the central window with a full height window and replacing an existing rear window with a Juliet balcony.

In terms of materials to be used, it is proposed that windows and doors are UPVC/Aluminium and the extensions are to be finished in facing brickwork and tiles to match the host building.

## **Location and Key Constraints**

The host property comprises of a detached bungalow with accommodation within the roof space. The property is located on the northern side of Walnut Tree Close within the Chislehurst Conservation Area and is not a Listed Building. The surrounding area is mainly residential in nature.

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

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

- Concern that this development is to further convert a bungalow into a house;
- Development would impact greatly on privacy;
- Impact on value of neighbouring property;
- Loss of light and outlook from neighbouring property.

Please note the above is only a summary and full text is available on the Council website.

## **Comments from Consultees (Summarised)**

Conservation Officer: The hip does help somewhat and in terms of the bulk and scale perhaps it is now in the balance. Concern is still raised over the double height porch is very dominant and out of character feature for this Close.

## **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 Hearings from 4th December 2017 and the Inspectors 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 falls to be determined in accordance with the following policies:

National Planning Policy Framework (NPPF) (2018):

- Chapter 12 - Achieving well-designed places
- Chapter 16 - Conserving and enhancing the historic environment

London Plan Policies (2016):

- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology

Unitary Development Plan (2006):

- H8 Residential extensions
- H9 Side space
- BE1 Design of new development
- BE11 Conservation areas

Draft Local Plan (2016):

- 6 Residential Extensions
- 8 Side Space
- 37 General Design of Development
- 41 Conservation Areas

Supplementary Planning Guidance:

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance
- SPG for the Chislehurst Conservation Area

## **Planning History**

The relevant planning history relating to the application site is summarised as follows:

88/01618/FUL - Planning permission was granted for a single storey front extension to the detached bungalow.

97/01123/FUL - Planning permission was granted for a single storey rear extension.

98/00651/FUL - Planning permission was refused for a single storey rear extension.

04/02805/FULL6 - Planning permission was granted for a pitched roof over existing garage.

06/03526/FULL6 - Planning permission was granted for a first floor front extension with dormer and three rear dormers to form roof accommodation.

07/00775/FULL6 - Planning permission was granted for a first floor front extension with dormer and three rear dormers to form roof accommodation (Amendment to application 06/03526 to include relocation of entrance way to side and alterations to front elevation).

08/00519/FULL6 - Planning permission was granted for a first floor rear extension with alterations to main roof.

17/02862/FULL6 - Planning permission was granted for a single storey rear extension.

## **Considerations**

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

- Design
- Heritage Assets
- Impact on Adjoining Occupiers
- CIL

### 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.

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy BE1 of the UDP and Policy 37 of the Draft Local Plan (DLP) sets out criteria which proposals for new development will be expected to meet and requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas. Importantly these policies state that development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their amenities are not harmed by noise or disturbance.

The site is located within the Chislehurst Conservation Area; therefore Policy BE11 of the UDP and Policy 41 of the DLP are relevant to this application. These policies require new developments to respect and complement the layout, scale, form and materials of existing buildings and spaces; respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of an area and ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character of appearance of the area.

The proposed extensions would be of a design and proportions sympathetic to the host property, utilising appropriate materials. The existing form of the dwelling would broadly remain, with the projecting first floor front element being positioned centrally within the dwelling, retaining the general proportions and visual emphasis of the host property.

Policy H9 of the UDP and Policy 8 of the DLP state that 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, however, where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space, including corner plots and Conservation Areas. The host dwelling as existing incorporates an attached single storey side extension that is 1.1m from the western boundary of the site and the first floor flank extension would be sited above this existing element. Whilst the Council would generally seek a greater degree of separation in a conservation area given the extension would retain an overall separation of 1.1m to the boundary at first floor level together with the revised hipped roof design, and taking into account the position of the dwelling in relation to the street and neighbouring property, and the extent to which the first floor side extension is a continuation of the existing roof, it is considered that the proposal would not result in unrelated terracing or a loss of spaciousness.

The front part one/two storey projection which would be the main visual focus of the extended dwelling would be inset. Whilst this would be of a modern design, it is noted that the properties within Walnut Tree Close are of varying designs and styles. On balance it is considered acceptable in the context of the site and surroundings.

The property already benefits from rear dormers; it is considered that the enlarged rear dormer would not be out of context in this instance.

The elevational alterations as set out above are considered acceptable in the context of the host building and surroundings and would not be out of character within the street scene or conservation area generally.

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.

#### 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

The site is located within the Chislehurst 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.

The proposed extensions would be of a design and siting that would complement the host dwelling and it is noted that the neighbouring dwellings along Walnut Tree Close are of varying designs and styles. The host dwelling is not considered to be of architectural merit and in view of the position of the dwelling in relation to the front boundary of the site, the development next door and the screening afforded by the mature landscaped setting of the conservation area it is considered that the proposals would preserve the character and appearance of the conservation area.

### Impact on Adjoining Occupiers:

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. This is supported by London Plan Policy 7.6.

The proposed first floor element would be sited towards the western boundary with No. 1 Walnut Tree Close and in assessing the impact of the proposal it falls to consider in particular the impact of the proposals on the amenities of the occupants of that property. The proposed first floor side would be located above the existing garage and would not project any further towards the rear. The extension would be approximately 1.5m higher than the existing situation; revised plans show a hipped roof which will reduce any potential impact on the neighbouring property. There is also a separation of approximately 5m between the first floor side element and the windows at No. 1 Walnut Tree Close. On balance given the orientation, separation and design of the extension it is considered that the proposal would not have any significant impact on the neighbouring property in terms of loss of light or increased sense of enclosure.

With regards to loss of privacy, no windows are proposed in the flank elevation and one window is proposed in the front and rear of the first floor side extension and the enlarged rear dormer and enlarged window is to provide a bathroom. There are already windows at first floor level of the existing house and as such the proposal would be bringing the new rear window closer to the flank boundary by 0.7m - 2.4m, however, would still be 2.8m from the common boundary. A Juliet balcony is proposed to the eastern boundary; however this is simply replacing an existing window. As such it is considered that there would be no significant impact on the neighbouring property in terms of loss of privacy over and beyond the existing situation.

In terms of the part one/two storey front and front elevational alterations, the extension is located centrally within the main dwelling and the fenestration alterations are mainly cosmetic and as such it is considered that the proposal would not have any significant impact on the neighbour's amenities in terms of loss of light, increase sense of enclosure or outlook over the current situation.

Given all of the above and having regard to the scale, siting, separation distance and orientation of the development, it is considered that there would not be a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise from this development.

### CIL:

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

## **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 or impact detrimentally on the character of the area. The design, scale and materials of the extension would preserve the character and appearance of the conservation area within which the application property is sited.

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.

**as amended by documents received on 04.10.2018**

### **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 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.**

- 3 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.**