

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

Application No : 18/05285/FULL1

Ward:
Chislehurst

Address : Haddon Beechcroft Chislehurst BR7
5DB

OS Grid Ref: E: 543249 N: 170518

Applicant : Mr & Mrs N Kerr

Objections : YES

Description of Development:

Demolition of existing dwelling and the erection of two detached four bedroomed dwellings with accommodation in the roof space as a (Revisions to ref: 16/03482/FULL1 which was approved on 12.10.2016 to provide additional accommodation within the loft space).

Key designations:

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

Proposal

This application follows a recent permission which was granted for the demolition of the existing dwelling and construction of two detached four bedroomed dwellings under Ref: 16/03482/FULL1 and a refusal under Ref: 17/02846/FULL1 which had expanded on the 2016 application to include accommodation in the roof space in the form of two additional rooms and bathroom per unit together with rear dormer and flank rooflights.

This new application now seeks to address the previous reason for refusal by increasing the floor to ceiling height of the flank rooflights whilst still retaining the rear dormer and conversion of the roof space to habitable accommodation in the form of two additional rooms and bathroom per unit together.

Plot one is a triangular shaped plot with a maximum width of ~11m and ~46.5m in length. The new dwelling would have a maximum width of 10.3m and 9.5m in height (eaves 5.7m). The dwelling is proposed to be constructed with a hipped roof profile with a two storey front projecting gable and one dormer in the rear roofslope and two rooflights, one in the northern roof slope looking towards Stonywood and one in the southern roofslope towards Plot two. The new dwelling will be located ~11m back from the highway, and 3.377m from the northern boundary with Stonywood and 1.4m at its closest point to the southern boundary with No. 1.4m and Plot 2.

Plot two would have a maximum width of ~28m and length of ~51.6m on a triangular shaped plot. The new dwelling would be located 10.5m increasing to 15m back from the highway. The dwelling would be located 4.26m at its closest point with the southern boundary to The Thicket and ~1.2m from the northern boundary at its closest point with Plot one. The new dwelling would have a maximum width of 16.5m and depth of 13.4m. The dwelling is proposed to be constructed with a hipped roof profile with two front projecting gables. The new dwelling will be 8.7m in height (eaves 5.7m). The new dwelling will have one rear dormer together with three rooflights, one on the northern roof slope towards Plot one and two on the southern roofslope looking towards The Thicket.

An additional vehicular entrance is proposed to the site to the south of the plot facilitated by the removal of some planting within the front amenity space.

Location

This property occupies a triangular plot within Chislehurst Conservation Area, and is located on the western side of Beechcroft at the point where the road bends westwards. The site has a wide frontage and tapers to a point at the rear giving a triangular-shaped rear garden. The site is bounded to the north and south-west by two storey detached dwellings known as Stonywood and The Thicket respectively. The site is occupied by a wide fronted single storey dwelling which extends the width of the site, approximately 35.3m.

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:

- Proposal would result in two six bed houses and the description on the drawings is misleading;
- Whilst permission has been granted for two houses, these were only 4 bed units;
- The rooflights in the flank (whilst an improvement on the dormers) would still be highly visible in the road;
- Concerns over loss of privacy and overlooking;
- There is a covenant on the land to prevent sub-division of plots;
- The council should (a) retract the previous permission as it is an overdevelopment of the site and does not adhere to the original covenants and would lead to unsatisfactory accommodation without excessively exceeding the Building Lines and cutting down a number of trees or (b) amend previous permission prohibit additional accommodation in the loft space or (c) remove the dormers and replace them with flush rooflights;
- The proposed dwellings by reason of their bulk and design would be harmful the street scene and character and appearance of the Chislehurst Conservation Area;
- The proposal is identical to previous refusal and should be refused again;

- Three storeys are out of character with the area.

Local Groups:

The Chislehurst Society wishes to make the following OBJECTION to the above application:

When compared with previous schemes that have been refused planning permission, there does not appear to be any material changes to the bulk and design of the proposed roofs. They continue to be inimical to the street scene and would adversely impact on the character and appearance of the Conservation area.

The applicant refers to the roof lights in the side roof slopes as being 'conservation roof lights' (Planning and Design Statement, para 3.15). We are not familiar with this description and would have expected more detailed explanation of its application in the roof design submitted. We note that the applicant emphasises that the cill level of the roof lights will be 1.1m above floor level (Planning and Design Statement, para 3.21).

This would still enable occupants of the proposed roof space in each dwelling to look out of these roof lights towards the windows and garden areas of the neighbouring dwellings. Such overlooking would harm the amenities of neighbours by loss of privacy.

As such, the proposal does not comply with BLP policies P4, P37 and P41.

If the Planning Officer concludes that planning permission should be granted, we recommend it should be conditional:

- The rooflights be glazed with opaque glass, and non-opening; unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Please note the above is a summary of objections received and full text is available on the Council's website.

Comments from Consultees

Environmental Health - Pollution - No objection raised subject to conditions.

Highways - The application is a revision to the last 2016 application and appears to be basically the same as the previous 2017 proposal. The proposed access and parking arrangements have not changed and as such no objections are raised subject to conditions.

Drainage - No objections subject to conditions.

Conservation Officer - No objections subject to conditions requiring the development to be completed fully in accordance with the submitted plans.

Tree Officer - The trees proposed for removal are relatively low value, so there is no objection to this.

The only area for concern in terms of Arb impact is the relaying of driveway within the RPA of the TPO Cedar T2. The current Tree Protection Plan indicates the use of a non-invasive solution. Further details of this are required to be sufficiently assured of the protection of this tree should be secured by condition.

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 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 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:

London Plan (2016):

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies

- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.19 Biodiversity and Access to Nature
- 8.3 Community Infrastructure Levy

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

Bromley Local Plan (2019):

- Policy 1 Housing Supply
- Policy 4 Housing Design
- Policy 8 Side Space
- Policy 37 General Design of Development
- Policy 30 Parking
- Policy 32 Road Safety
- Policy 41 Conservation Area

Supplementary Planning Guidance 1: General Design Principles
 Supplementary Planning Guidance 2: Residential Design Guidance
 Supplementary Planning Guidance: Chislehurst Conservation Area

Planning History

There is a considerable planning history with regards to this site, of which the most pertinent and recent applications include:

02/03204/OUT - Demolition of existing dwelling and erection of 2 detached two storey five bedroom houses with integral double garages (OUTLINE) - Application refused for the following reason:

1. The proposed dwellings represent a cramped overdevelopment of the site by reason of inadequate separation, which would be detrimental to the character of the Chislehurst Conservation Area

03/00045/OUT - Demolition of existing dwelling and erection of 2 detached two storey five bedroom houses with integral garages (OUTLINE) - Application refused

Reason for refusal:

1. The proposed dwellings represent a cramped overdevelopment of the site by reason of inadequate separation, which would be detrimental to the character of the Chislehurst Conservation Area.

Dismissed on appeal - Inspector concluded ' The plan form has been contrived to fit the proposed size of the building onto the site. Given the shape and size of the footprint, I am not persuaded that a satisfactory form of development would result'.

07/03852/FULL1 - Demolition of existing dwelling and erection of a detached two storey five bedroom dwelling with basement accommodation - Permitted

10/02412/FULL6 - Front boundary wall and gates - Permitted

11/00405/EXTEND - Extension of time limit for implementation of permission reference 07/03852 granted for demolition of existing building and erection of a detached two storey five bedroom dwelling with basement accommodation - permitted

15/02391/FULL1 - Demolition of existing house and erection of detached replacement house. (RESUBMISSION OF APPROVED SCHEME REF 07/03852 AND EXTENSION OF TIME APPLICATION 11/00405) - Permitted

16/00832/FULL1 - Proposed demolition of existing dwelling and the erection of two, four bedroom detached dwellings. Refused for the following reasons:

1. The relationship between the two proposed dwellings appears awkward and cramped allowing for an intrinsic lowering in the overriding spatial standards of the locality at odds with the prevailing urban grain of the surrounding area and harmful to the wider Conservation Area contrary to policy BE1 and BE11 of the Unitary Development Plan.

2. The removal of approximately 10m of mature vegetation along the front boundary is considered detrimental to the verdant character of the wider locality and harmful to the setting of the conservation area contrary to policy BE1 and BE11 of the Unitary Development Plan.

16/03482/FULL1 planning permission was granted on 12.10.2016 for the proposed demolition of existing dwelling and the erection of two detached four bedroom dwellings subject to conditions.

17/00437/FULL1 planning permission was refused for the demolition of existing dwelling and the construction of two detached four bedroomed dwellings with accommodation in the roof space as a (Revisions to ref: 16/03482/FULL1 which was approved on 12.10.2016 to provide additional accommodation within the loft

space in the form of a games room, study and bathroom per unit) on the 18.04.2017 for the following reasons:

1. The proposed dwellings by reason of the proposed flank dormer extensions would result in an obtrusive "top-heavy" feature incongruous and harmful both to the appearance of the Chislehurst Conservation Area and street scene generally contrary to Policies 7.4 and 7.6 of the London Plan (2015), BE1 and BE11 of the Unitary Development Plan (2006) and Draft Policies 37 and 47 of the Draft Local Plan (2016).

2. The proposed development in the form of the flank dormers would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of Stonywood and The Thicket, Beechcroft thus contrary to Policies 7.6 of the London Plan (2015), Policy BE1 of the Unitary Development Plan (2006) and Draft Policy 37 of the Draft Local Plan (2016).

17/02846/FULL1 planning permission was refused for the demolition of existing dwelling and the construction of two detached four bedroomed dwellings with accommodation in the roof space as a (Revisions to ref: 16/03482/FULL1 which was approved on 12.10.2016 to provide additional accommodation within the loft space in the form of a games room, study and bathroom per unit) on the 04.12.2017 for the following reasons:

1. The proposed replacement dwellings by reason of their bulk and design would be harmful to the street scene and the character and appearance of Chislehurst Conservation Area, contrary to policies 7.4 and 7.6 of the London Plan (2015), BE1 and BE11 of the Unitary Development Plan (2006) and Draft Policies 37 and 41 of the Draft Local Plan (2016).

2. The proposed development would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of Stonywood and The Thicket, Beechcroft thus contrary to Policies 7.6 of the London Plan (2015), Policy BE1 of the Unitary Development Plan (2006) and Draft Policy 37 of the Draft Local Plan (2016).

Considerations

It is considered the planning issues and considerations relate to:

- Resubmission;
- Principle of development and density;
- Design and scale;
- Neighbouring amenity;
- Standard of accommodation;
- Car parking and access;
- Cycle parking;
- Refuse;
- Trees;
- Sustainability and energy; and

- Community Infrastructure Levy

Resubmission:

To address the previous reasons for refusal the applicant has increased the floor to ceiling height of the rooflights from 0.6m to 1.1m to avoid overlooking as shown on Drawing No. BC-878-PD-L-SECTION). The rooflights are shown to be flush with the roofslope.

Principle of development and density:

The National Planning Policy Framework (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.

National, regional and local plan policies promote redevelopment of brownfield sites and optimising site potentials. There is however no presumption in favour of development sites created from rear gardens of residential houses. In this respect, policy 3.5 of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context.

The NPPF requires that the design of new housing significantly enhances its immediate setting and should be sensitive to the defining characteristics of the local area and that permission should be refused where a development fails to improve the character and quality of an area. Policy 4 of the BLP clearly outlines the Council's policies for new housing.

Supplementary Planning Guidance No. 2 (Residential Design Guidance) states "local context is of particular importance when adding new buildings to established areas. Building lines, spaces between buildings, means of enclosure and the use and location of garden or amenity space should all respect the character of the locality".

Policy 4 states that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places. Housing schemes will also need to respect local character, spatial standards, physical context and density. Policy 3 states that new residential will only be considered acceptable on backland or garden land if there is:

(a) no unacceptable impact upon the character, appearance or context of an area in relation to the scale, design and density.

- (b) there is no unacceptable loss of landscaping, natural habitats, or play or amenity space.
- (c) there is no unacceptable impact on residential amenity.
- (d) a high standard of separation and landscaping

These policies are supported in London Plan Policies 3.4 and 3.5.

The site is located in a residential location where the Council will consider infill development provided that it is designed to complement the character of surrounding area, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore the provision of an additional dwelling unit on the land is acceptable in principle 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, sustainable design and energy, community safety and refuse arrangements.

It is considered that the principle of the sub-division of the site has been agreed in principle by the Inspector. The Inspector stated there was no harm to the character and appearance of the area resulting from the replacement of the single dwelling with two however this would be subject to an assessment of the factors as listed above. The issue is therefore not the sub-division itself but, instead, the ability of the plot to satisfactorily accommodate the proposed dwellings and the design of the dwellings inclusive of the impact on neighbouring residential amenity and the wider Chislehurst Conservation Area.

Objections have been raised from neighbouring residents with regards to a covenant covering the site precluding the subdivision of house plots as with the previous application ref: 16/03482/FULL2 this is a private legal matter, and does not form part of the assessment of this application.

The provision of two units on this site was previously considered acceptable in principle under refs: 16/03482/FULL1. The view was taken that the proposed replacement dwellings would be in character with other surrounding two storey dwellings. The proposed dwellings would cover a similar sized footprint as the existing bungalow. The height of the proposed dwellings would be slightly taller than the neighbouring properties with the dwelling at plot one sited 900mm above Stonywood and the property at site two sited 1.3m above The Thicket however this would be commensurate with the previously permitted dwellings under ref: 16/03482/FULL1.

Within the Chislehurst Conservation Area SPG it states that residential development in Chislehurst is characterised by spacious suburban development. Whilst it is noted that the two properties proposed within this application are of a size and scale commensurate with the previously proposed single dwelling, the sub division of the plot leads to an intensification of the site to a capacity that proposes to host two family sized properties and therefore the application should take into account the relevant spatial standards and level of amenity that accompanies this.

The definitive urban grain of the surrounding street scene is of wide, substantial properties sited within generous plots with liberal side space provisions. The siting of the two dwellings has been re-configured from the previously refused application and is in the same location as the previously approved scheme under ref: 16/03482/FULL2 with the dwelling at plot one substantially reduced in width and the dwelling proposed at plot 2 re-sited closer to the boundary with The Thicket allowing for a more generous side space provision between the two dwellings. The spacing between the two properties has been increased from 1.6m to the common side boundary in the previously refused application to 2.6m for plot 2 and 3.4m at the closest point for plot 1. The dwellings retain a space between the respective flank elevations of between 6-9.6m which allows for views to be retained through to the rear of the site and is commensurate with surrounding properties. Whilst the properties are still angled away from each other which reduces the perceived spacing between the dwellings when viewed from the highway, given the increased spatial standards, the siting of the dwellings are now considered acceptable and it can be considered that the scheme has overcome the previous refusal ground in this regard and conforms with the prevailing spacious layout of the Chislehurst Conservation Area in compliance with Policy 41 of the BLP.

As such it is considered that the principle of development can be accepted as the development is in compliance with Policies 3.4 and 3.5 of the London Plan and Policies 1, 3 and 4 of the BLP.

The density of the proposal would be 125hr/ha. Table 3.2 of the London Plan sets out the appropriate density range for a site with a PTAL of 0 in a suburban area as 150-200 hr/ha.

Whilst, the density of the proposal is below the guideline density criteria the amount of development on site is considered suitable at this location, given the location of the site within the Chislehurst Conservation Area and the existing density of the neighbouring properties.

Design and Scale:

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 also relates to architecture and how buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architectural character.

Policy 37 requires a high standard of design in new development and the scale and form of new residential development to be in keeping with the surrounding area, and the privacy and amenities of adjoining occupiers to be adequately safeguarded.

Policy 8 states that 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; or

(ii) 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.

The Council considers 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. Proposals for the replacement of existing buildings will be considered on their merits.

The proposed alterations to the roof now include flank rooflights and rear dormers; these are considered to have addressed the previous concerns by increasing the cill height of the rooflights to reduce overlooking. The rooflights proposed are conservation area style which is flush with the roofslope and the dormer to the rear elevation is sited centrally within the roof form and its modest size which is considered to sit comfortably. Overall it is considered that the alterations now proposed would not impact detrimentally on the character and appearance of the Chislehurst Conservation Area or the street scene generally.

Standard of Residential Accommodation:

Policy 3.5 of the London Plan (2016) Quality and Design of Housing Developments states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

Policy 37 of the BLP states that the development should respect the amenity of occupiers of future occupants.

Table 3.3 of the London Plan requires a Gross Internal Area of 129m² for a 6 bedroom 8 person 3 storey dwelling houses, paragraph 3.36 further states that for dwellings with more than eight persons/bed spaces developers should allow approximately 10sqm per extra bedspace/person. On this basis the floorspace provision is considered acceptable.

The shape, size and layout of the rooms in the proposed building are considered satisfactory however it is noted that due to the constraints of the site the layout of the rooms within the plot 2 dwelling are quite contrived. Nevertheless, all rooms would have a satisfactory level of natural light provision and given the size and scale of the dwellings, the layout is considered acceptable.

Standard of Amenity Space:

Policy 4 states that adequate private or communal amenity space should be provided with regards to new residential accommodation.

It is clear from the site plan that the amenity space for the proposed dwellings is to the rear of the site. The amenity space measures 36m in length for plot 2 and 31m for plot 1 however could be considered quite contrived in shape. It is considered that the space provided is not comparative with similarly sized properties in the vicinity however due to the considerable length and average width of 10m, on balance this could be considered acceptable.

Impact on Adjoining Properties:

Policy 37 of the BLP states that new development will only be permitted where it can be demonstrated that the proposal does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an un-neighbourly sense of enclosure. This is supported by Policy 7.6 of the London Plan.

Objections have been received with regards to the impact on neighbouring properties arising from the development. Due to the separation distances provided to the boundaries with neighbouring properties, it is not considered that the development would cause any detrimental impact upon residential amenity over and above the single dwellinghouse as previously permitted. Furthermore, the dwellings encroach minimally past the rear elevations of Stonywood and The Thicket, mitigating and impact with regards to overbearing or overshadowing.

Concern is raised over loss of privacy and overlooking from the flank windows, under ref: 16/03482/FULL1 windows within the first floor side elevations were to be either secondary windows or serve non-habitable rooms at first floor and as such should be conditioned to be obscurely glazed and non-opening. This new proposal also includes flank rooflights within the flank roof slope, there is therefore concern that the proposal would result in loss of privacy to the neighbouring properties. A cross section showing the finished floor level in respect to the flank rooflights has been provided, this shows the bottom of the windows would be approximately 1.1m from finished floor level and 2.25 to the top (this is an increase over the previous application which was 0.6m from finished floor level and 1.8m to the top), as such it is recommended that a condition be attached to any permission requiring the roof lights to be bottom hinged with restricted openings (to allow ventilation only) and obscure glazed to ensure there is no loss of privacy.

With regards to the rear dormers, there are windows proposed at ground and first floor levels, it is considered that the introduction of further windows in this elevation, albeit at second floor level would not give rise to any further loss of privacy or overlooking beyond the extant permission.

Therefore given all of the above it is considered that on balance the proposed development is acceptable and complies with policy on neighbouring amenity.

Car parking:

Highways have raised no objections subject to conditions due to sufficient off street parking provision within the scheme. Additional cross overs will be required to apply for a highways licence for these works.

Cycle parking:

Cycle parking is generally required to be 1:1 for residential development. The applicant has not provided details of a location for lockable cycle storage for the units. Further details can be conditioned if approval were to be forthcoming.

Refuse:

All new developments shall have adequate facilities for refuse and recycling. The applicant has not provided details of refuse storage for the units however details with regarding this could be conditioned if permission was to be forthcoming.

Trees:

The surrounding street scene is verdant in character with the host site contributing to this appearance with mature high level planting along the front boundary. A number of trees are proposed to be removed to facilitate the development including four within the front boundary and 8 within the rear amenity space. The siting of the units are the same as the recently approved scheme under ref: 16/03482/FULL1 and the Tree Officer comments remain unchanged. It is noted that no significant trees are to be felled as part of the scheme however does consider the loss of the two Maple trees to be regrettable. The Officer did state however that the impact from this could be mitigated by a landscaping condition requiring further planting. The trees to be lost are located within the site and through correspondence with the Applicant it is noted that the vegetation along the front boundary is to remain in situ not including the opening for the new access way which measures 3m in width. The Tree Officer also stated within the previous comments that a replacement tree can be planted between the two access ways to mitigate the felling of trees within this location. Additionally, a comprehensive landscaping scheme can be conditioned to be submitted which will include all measures to re-instate a verdant and mature boundary treatment along the prominent corner setting, inclusive of species type, height and size. On balance, given the retention of one further tree within the front amenity space, the replacement tree planting and through the submission of a comprehensive landscaping plan, it is considered that the works to the trees within the site are considered acceptable and will not impact detrimentally upon the character of the wider conservation area in compliance with Policies 41 and 73 of the BLP.

Community Infrastructure Levy:

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant will be required to completed the relevant form.

Conclusion

The principle of the demolition of the existing dwelling and construction of two detached houses on the site has been established, Members are therefore asked to consider if the revised design over the 16/03482/FULL1 application which now propose accommodation in the roofspace and includes flank rooflights and rear dormers has fully addressed the previous reasons for refusal and if the new development would sit comfortably within the street scene and not impact detrimentally on the character of the Chislehurst Conservation Area or amenities of neighbouring occupiers. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions contained within this report.

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 08.03.2019
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 of the 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 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 3 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), an updated Tree Protection Plan and Arboricultural Method Statement shall be submitted for approval to the Local Planning Authority. Such details shall include either the retention of the existing subbase where the driveway crosses the RPA of T2 or the method and materials for a no-dig alternative and, whichever method is detailed, a permeable hard surface. Once approved and prior to the commencement of the development hereby approved (including demolition and all preparatory work) tree protection measures shall be installed in accordance with the approved Tree Protection Plan. Once installed, photographic evidence of the fencing and ground protection shall be submitted to the LPA for approval. Such measures shall not be moved or removed, but shall be retained in situ until completion of the development and all materials and machinery have been removed from the site, unless otherwise agreed in writing by the LPA. The development shall thereafter be carried out in accordance with the approved details and recommendations within the approved Arboricultural Method Statement or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Polices 37, 73 and 74 of the Bromley Local Plan.

4 (a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority.

(b) The development shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area

5 Prior to commencement of development (excluding demolition) 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 . The development shall be completed strictly in accordance with the approved levels.

Reason: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy 37 of the Bromley Local Plan.

6 (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to commencement of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of visual amenity and the amenities of adjacent properties.

7 (a) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works

(b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects and to comply with Policy 37 of the Bromley Local Plan.

8 (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works

(b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport and to comply with Policy 6.9 of the London Plan.

9 i) Prior to commencement of above ground works 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:

1. A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species

2. Proposed hardstanding and boundary treatment

3. A schedule detailing sizes and numbers of all proposed trees/plants

4. Sufficient specification to endure successful establishment and survival of new planting.

(ii) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

(iii) Any new tree(s) that die(s), are/is removed or 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. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details

Reason: In order to secure a visually satisfactory setting for the development and to protect neighbouring amenity and to comply with Policies 37, 73 and 74 of the Bromley Local Plan.

10 (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan and Policies 115, 116 and 117 of the Bromley Local Plan.

11 (a) Surface water from private land shall not discharge on to the highway.

(b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.

(c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.

Reason: To ensure satisfactory implementation of the surface water drainage proposals can be secured before additional pressure is placed on existing arrangements and to accord with to London Plan Policy 5.13 Sustainable Drainage and Policies 115, 116 and 117 of the Bromley Local Plan.

- 12 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.**

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy 32 Bromley Local Plan.

- 13 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 details as set out in this planning permission 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 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 and to comply with Policy 30 of the Bromley Local Plan.

- 14 Before the development hereby permitted is first occupied the proposed window(s) in the north and south flank first floor elevations of the dwellings hereby permitted shall be obscure glazed to a minimum of Pilkington 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 the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.**

Reason: In the interests of the amenities of nearby residential properties and to accord with Policy 37 of the Bromley Local Plan.

- 15 Before the development hereby permitted is first occupied the proposed rooflight window(s) in the north and south flank elevations of the dwellings hereby permitted shall be obscure glazed to a minimum of Pilkington privacy Level 4 and shall be non-opening unless bottom pivot/hinged windows with restricted opening to allow ventilation only. The window (s) shall subsequently be permanently retained in accordance as such.**

Reason: In the interests of the amenities of nearby residential properties and to accord with Policy 37 of the Bromley Local Plan.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, extensions, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy 37 of the Bromley Local Plan.

You are further informed that :

- 1 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number or apply via the Council's website

https://www.bromley.gov.uk/info/200083/roads_highways_and_pavements/279/access_to_your_drive_crossovers_dropped_kerbs

- 2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL
- 3 Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development."
- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5 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.