

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

**Application No :** 19/00705/FULL1

**Ward:**  
**Chislehurst**

**Address :** 1 Riverwood Lane Chislehurst BR7 5QN **Objections:** Yes

**OS Grid Ref:** E: 544736 N: 169457

**Applicant :** Mr Peverall

**Description of Development:**

Demolition of existing dwelling and erection of detached two storey 4 bedroom dwelling with integral garage, rear balcony and terracing.

Key designations:

Conservation Area: Chislehurst  
Smoke Control SCA 16

**Proposal**

It is proposed to demolish the existing dwelling and construct a two storey 4 bedroom detached dwelling with integral garage on this site. The new dwelling would sit on a similar footprint to the existing dwelling, and would provide separations of between 2.9-3.3m from the side boundaries.

A rear terrace set on two levels would be provided along with a rear first floor balcony with glazed balustrade.

The application was supported by the following documents:

- Design and Access Statement

**Location and Key Constraints**

This site measures approximately 0.16ha and is located on the southern side of Riverwood Lane within Chislehurst Conservation Area. It is currently occupied by a detached two storey dwelling with integral garage and was built as one of a group of three 1970s style dwellings (Nos.1-3 Riverwood Lane).

The site slopes down towards the rear, and No.1 Riverwood Lane is set at a slightly lower level than Nos.2 and 3 to the east. To the west of the site lie the rear gardens of properties fronting Manor Park.

## **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

- Ground floor flank window and rear balcony would overlook neighbouring properties and gardens
- Use of render is out of character with the Conservation Area
- Proposals do not have regard to the impact on nearby locally listed buildings
- Proposals should include replacement trees
- Loss of existing dwelling
- Proposals would exacerbate drainage problems
- Increased noise and disturbance from use of the terrace and spa pool.

### Local Groups (The Chislehurst Society)

- Design would be out of character with the adjacent dwellings
- Increased glazing in the design would be visually imposing
- Overlooking from terrace and first floor balcony
- Removal of trees has increased the potential impact of the proposals.

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

The application has been called into committee by a Ward Councillor.

## **Comments from Consultees**

APCA: The overall design is too bulky and overbearing to the adjacent property.

Conservation Officer: Riverwood Lane is a very secluded road off Manor Park and the location is pleasant but of low architectural and historic interest. The house proposed for demolition forms one of a group of three 1970s style houses of little architectural merit, so no objections are raised to its loss in principle. The group value of the three dwellings would be diminished, but this is not considered to be particularly important in terms of the overall Conservation Area.

The proposed house is contemporary in design using a mixture of materials including render and slate which would create a contrast with the neighbours but not necessarily dominate or jar. The scale of the proposal respects the neighbouring development, and, on balance, it is considered to comply with Policy 41 of the Bromley Local Plan.

Drainage Engineer: There is no public surface water sewer near the site, so the applicant would need to make their own arrangements as how to dispose of surface water run-off. Standard conditions are suggested.

Highways: The proposed dwelling would have a good sized single garage and other parking would be available on the frontage, therefore no highways objections are raised.

Trees: No trees are required to be removed to facilitate development since the rear garden was mostly cleared under a section 211 notice in 2018, however, existing boundary trees/hedges, and those near the access should be protected during demolition and construction. A tree protection condition is recommended.

## **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.

### London Plan Policies

- 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
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environments
- 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

- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 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
- 7.14 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

### Bromley Local Plan

- 4 Housing Design
- 8 Side Space
- 30 Parking
- 32 Road Safety
- 37 General Design of Development
- 41 Conservation Areas

### Supplementary Planning Guidance

#### NPPF

Housing: Supplementary Planning Guidance. (March 2016)

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

### **Planning History**

There is no relevant planning history relating to the application site.

### **Considerations**

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

- Principle
- Density
- Design
- Heritage impact
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees

- CIL

### Principle

This site is located in a wholly residential area where the Council would consider residential redevelopments provided that they are designed to complement the character and spatial standards of the surrounding area, the design and layout of the dwelling provides suitable residential accommodation, and the proposals provide adequate amenity space for the occupants.

As the proposal is for a replacement dwelling only, it would not result in an increase in density on the site.

### 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.

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 BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The proposed dwelling would be set in a similar position on the plot as the existing dwelling, but would project up to 4.8m further to the rear at ground floor level only. It would maintain good separations to the flank boundaries (between 2.9-3.3m), and the height of the roof ridge would not exceed the roof of the adjacent dwelling at No.2. Although it would be of a different design to the existing dwelling, the

neighbouring dwellings at Nos.2 and 3 have been altered and extended over the years, and the proposed dwelling would not appear overly bulky within its context nor detract from the character and spatial standards of the area.

### Heritage Impact

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

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

Within or adjacent to a Conservation Area:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

Policy 41 of the BLP states that a proposal for the demolition of an unlisted dwelling within a conservation area may be considered acceptable where the dwelling is considered to make only a neutral or negative contribution to the conservation area. In this case, the existing dwelling is not considered to be of any particular architectural merit, and its demolition is therefore considered acceptable in principle subject to an acceptable scheme for its replacement.

In respect of the replacement scheme, Policy 41 requires proposals for new development in conservation areas to preserve or enhance its characteristics and appearance by respecting or complementing the layout, scale, form and materials of existing buildings and spaces.

The proposed house is contemporary in design using a mixture of materials including render and slate which would create a contrast with the neighbouring properties but would not necessarily dominate or detract from them. The scale of the proposal respects the neighbouring development, and is therefore considered

acceptable in terms of its design, bulk and scale, thereby preserving the character and appearance of this part of Chislehurst Conservation Area.

### Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Policy 4 of the BLP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

The minimum space standard for the proposed two storey 4 bedroom 8 person dwelling is 124sq.m., and the dwelling would provide 339sq.m. floorspace, thereby meeting the required space standard.

Amenity space is provided by way of the retention of the existing 47m deep rear garden, which is considered acceptable.

### 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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

No highways objections are raised to the proposals.

### Neighbouring amenity

Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed dwelling would not extend significantly further to the rear of No.2 Riverwood Lane, and a good separation would be retained between the dwellings. The new dwelling would be set at a lower level than No.2, and it would not result in undue loss of light, privacy or outlook to the adjacent property.

Concerns have been raised by neighbouring dwellings in Manor Park which back onto the site regarding overlooking from the proposed rear terrace, balcony and the clear glazed ground floor flank window, which has been exacerbated by the loss of boundary trees/hedges. With regard to the terraces, these would be at a similar level to the existing garden levels at the site, whilst the higher terrace and balcony would have 1.8m high obscure glazed screens to the western side to protect neighbours' privacy.

The proposed ground floor flank window would be set at a higher level than the boundary fencing and may cause some overlooking of the rear gardens of Manor Park properties. As this is a secondary window to the main living area, it may be considered appropriate to require obscure glazing to prevent any overlooking of the neighbouring properties.

### 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.

### Trees

No tree objections are raised to the proposals subject to standard conditions.

### CIL

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

### **Conclusion**

The proposals are not considered to have a significant detrimental impact on the character and appearance of this part of Chislehurst Conservation Area, and would adequately protect the amenities of neighbouring residential properties.

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 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 (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

4 Prior to the commencement of the development hereby approved (including demolition and all preparatory work) provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policies 30 and 32 of the Bromley Local Plan

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 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a Tree Protection Plan shall be submitted for approval to the Local Planning Authority. 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. 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 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 Policies 37, 73 and 74 of the Bromley Local Plan.**

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

**8 (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**

- 9 Details of the means of privacy screening for the rear balcony and upper terrace shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction is commenced. The development shall be carried out in accordance with the approved details prior to the balcony and upper terrace being brought into use and permanently retained as such.**

**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.**

- 10 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 comply with Policy 30 of the Bromley Local 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.**

- 11 Before the development hereby permitted is first occupied the proposed windows at first floor level in the flank elevations and at ground floor level in the western flank elevation 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 as such.**

**Reason: In the interests of protecting residential amenity in accordance with Policy 37 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 No windows or doors (other than those shown on the plans hereby approved) shall at any time be inserted in the flank elevations of the dwelling hereby permitted.**

**Reason: In the interest of the amenities of the adjacent properties and to comply with Policy 37 of the Bromley Local Plan**

**14 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter**

**Reason: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants**

**You are further informed that :**

**1 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](http://www.bromley.gov.uk/CIL)**