

Committee Date	23.06.2022	
Address	1 Beech Dell Keston BR2 6EP	
Application Number	22/00781/FULL1	Officer - Louisa Bruce
Ward	Bromley Common And Keston	
Proposal	Demolition of existing house and outbuildings and replacement with new detached house and garden pavilion.	
Applicant Mr Adil Adil	Agent Mr Robert Colley	
1, Beech Dell Keston BR2 6EP	Nepicar House London Road Wrotham Heath Sevenoaks TN15 7RS	
Reason for referral to committee	Call-In	Councillor call in Yes

RECOMMENDATION	Application Refused
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KEY DESIGNATIONS Conservation Area: Keston Park Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 14
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3	371

Proposed	C3	1620
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Vehicle parking	Existing number of spaces	Total proposed including retained spaces	Difference in spaces (+ or -)
Standard car spaces	5	8	+3
Disabled car spaces	0	0	0
Cycle	0	0	0

Electric car charging points	Percentage or number out of total spaces 0
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Representation summary	Site notice displayed on the 3rd March 2022. Residents notified of application on 2 nd March 2022.	
Total number of responses	3	
Number in support	0	
Number of objections	3	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The demolition of the existing property would deprive the immediate vicinity of an attractive building and harm the character and appearance of the Conservation Area.
- The proposed replacement building by reason of its design, massing and use of materials would be detrimental to the character and appearance of the Keston Park Conservation Area, and would therefore represent an inappropriate and visually obtrusive development that would neither preserve or enhance the character and appearance or the visual amenities of the conservation area.

2. LOCATION

2.1 The site comprises an existing two storey thatched detached property with a garage linked at first floor. The property is set back from the road by approximately 45m with a summer and pool house to the front. The existing house itself is located on a relatively flat area, however to the side, the gardens steps then slopes down towards the pond and then rises back up through the trees to the side boundaries.

2.2 1 Beech Dell is a residential road within the Keston Park Conservation Area and the surrounding area is predominately characterised by large wide fronted detached properties on deep plots with private drives and off-road parking. The surrounding area comprises a range of architectural styles and materials ranging from Arts & Craft and mock Tudor through to Georgian

symmetry and some contemporary houses. There are a variety of styles seen in the nearby street scenes, creating a varied surrounding context.

- 2.3 The property lies within the Keston Park estate and also within the Keston Park Conservation Area.





3 PROPOSAL

- 3.1 Planning permission is sought for the demolition of existing detached property and outbuildings and replacement with a two storey detached house incorporating a garage, indoor swimming pool, gym, cinema and bar (among other facilities) in the basement. A drawing room, kitchen, dining area, lounge, office and nanny suite is proposed on the ground floor with external terrace area and five bedrooms with bathrooms/en-suites proposed on the first floor. The proposal also includes a garden pavilion together with associated hard and soft landscaping. A new driveway would include three parking bays.
- 3.2 The accompanying Design and Access Statement sets out at paragraph 4.1.1 *“in keeping with many other properties across the Keston Park estate, this is going to be a ‘large’ luxury house. The existing house GIA is 371m² and the proposed one will be 1620m²”*. This represents an increase of 1,249m².
- 3.3 The proposed new dwellinghouse will be located roughly in the same location as the existing albeit extended further eastwards and northwards across the site. The dwellinghouse will consist of a basement, ground and first floor.
- 3.4 The style of the house will be neo-classical and will have a flat roof design. Paragraph 4.4.1 of the accompanying Design and Access Statement sets out that the *“design of the house is intended to be architecturally striking to significantly enhance its immediate setting and wider surroundings”*. The driveway is proposed to be widened nearer the house to allow vehicles to sweep around and drive back out onto Beech Dell facing forwards. Additional parking will also be provided for another 3 cars.
- 3.5 The new property is proposed to be finished with a range of materials including Portland Stone, high quality glazing, black marble cladding and white render. The basement will be finished with white silicone render with large formatted steel framed glazing. The new garden pavilion is proposed to be finished with Portland Stone with a metal cantilever feature to frame two new trees.
- 3.6 The application is accompanied by a Design and Access Statement, an Arboricultural Report and a Heritage Statement.



4. RELEVANT PLANNING HISTORY

- 4.1 Under planning application ref:- 21/00491/FULL1 planning permission was refused for demolition of existing house and outbuildings and replacement three storey detached house with garage in basement. Garden pavilion. New terrace area together with associated hard and soft landscaping. New driveway with three parking bays. An appeal is currently in progress against the Council's decision.

The Council refused permission by Notice dated 23 July 2021 – following its determination by the Planning Sub-Committee of 8 July 2021 – for the following reasons:

“1. The existing building is a two-storey Mock Tudor style dwelling which typifies the original concept of the park, and its historic appearance and setting contributes to the value of the retention of the older buildings in Keston Park Conservation Area. Its demolition would deprive the immediate vicinity of an attractive building and harm the character and appearance of the Conservation Area generally, thereby contrary to Policy 41 of the Bromley Local Plan and Policy HC1 of the London Plan and National Planning Policy Framework.

2. The proposed replacement building by reason of its design, massing, scale use of modern materials would be detrimental to the character and appearance of the Keston Park Conservation Area, and would therefore represent an inappropriate and visually obtrusive development that would neither preserve or enhance the character and appearance or the visual amenities of the conservation area, thereby contrary to Policies 4, 37 and 41 of the Bromley Local Plan and Policy HC1 of the London Plan.”

- 4.2 Under planning application ref:- 14/04011/PLUD a Lawful Development Certificate was granted for a replacement tiled roof.
- 4.3 Under planning application ref:- 97/00517/FUL planning permission was granted for an entrance gate, brick piers and arch (Retrospective Application).
- 4.4 Under planning application ref:- 96/02118/FUL planning permission was refused for brick piers entrance, gates and arch (Retrospective Application).
- 4.5 Under planning application ref:- 94/01752/CON planning permission was granted for demolition of detached triple garage (Conservation Area Consent).
- 4.6 Under planning application ref:- 94/01746/FUL planning permission was granted for a two storey rear and single storey front/side and side extensions.

5. CONSULTATION SUMMARY

A) Statutory

APCA - *Objection*

Loss of positive contribution building very poor design not appropriate. Replacement totally out of character. Enormous.

Conservation Officer - *Objection*

A previous application at the site (21/00491/FULL1) was refused and is now at appeal. This came before the APCA committee in April 2021. This is an amended design the demolition element is still proposed.

Previous reasons for refusal:

“1 The existing building is a two-storey Mock Tudor style dwelling which typifies the original concept of the park, and its historic appearance and setting contributes to the value of the retention of the older buildings in Keston Park Conservation Area. Its demolition would deprive the immediate vicinity of an attractive building and harm the character and appearance of the Conservation Area generally, thereby contrary to Policy 41 of the Bromley Local Plan and Policy HC1 of the London Plan and National Planning Policy Framework.

2. The proposed replacement building by reason of its design, massing, scale use of modern materials would be detrimental to the character and appearance of the Keston Park Conservation Area, and would therefore represent an inappropriate and visually obtrusive development that would neither preserve or enhance the character and appearance or the visual amenities of the conservation area, thereby contrary to Policies 4, 37 and 41 of the Bromley Local Plan and Policy HC1 of the London Plan.”

My comments: “I agree with APCA comments. In my view under the NPPF levels of harm, this proposal causes substantial harm to the designated heritage asset (the Conservation Area). I also consider that this house is a non-designated heritage asset and this proposal causes substantial harm to that as well and I see no particular justification made for this proposal.

The SPG says:

“3.3 The nature of the Park is such that the re-development (demolition and replacement) of individual dwellings may be possible if the proposal involves the replacement of a house that does not make a positive contribution to the character and appearance of the Park. [my underlining]

“3.19 There are a number of buildings that make a positive contribution towards the character or appearance of the estate. Every effort should be made to retain these buildings and to ensure that characteristic details are not lost.”

In my view this house does make a positive contribution to the character and appearance of the Park. The heritage statement contains only one photograph of the front of the house and a partial view down the drive. However, there are more photographs available on the Architects Site Photos Report. The architectural description of the house is limited to historic map regression which dates a house to the 1930s and a brief additional paragraph (3.8 – Heritage Statement).

Interestingly 3.9 states: “Mock Tudor style houses were widespread by the 1920s and 1930s as a traditional choice for architectural idiom that had evolved from earlier Arts & Crafts era”. This does in my view highlight the importance as they have now become quite a rare survival.

This particular house displays an attractive thatched roof and applied (and interestingly structural) timbers with unusual brick banded chimneys and attractive leaded light windows. Also, a relevant recent appeal decision in a nearby Conservation Area with similar issues. (Pucks Cottage)”

Highways – No objection

The property lies on a private road.

Drainage – No objection

Please advise the applicant that we will not accept the use of the existing pond and highway drain situated east of the development to discharge surface water run-off. There are no public surface water sewer near the site. As such the applicant is required to maximise the use of SUDS to attenuate for surface water run-off. Please impose condition PC06 (SUDS).

Thames Water – No objection

No objections subject to standard conditions and informatives.

Environmental Health – No objection

Subject to standard conditions and informatives

Trees – No objection

The application site is located in the conservation area, applying broad tree protection. An Arboricultural Report has been supplied in support of the scheme. Trees constraints have been identified and the proposal could be carried out in accordance with British Standard principles.

The dwelling itself is an unusual design, but I can see that retained trees could be incorporated well. I would like to see more detail in the form of a method statement and a landscape plan. I would therefore recommend the following conditions be applied to any forthcoming planning permission:

1. AG02 (Detailed landscaping works)
2. PC02 (Tree Protection Plan).

B) Local Groups

None

C) Adjoining Occupiers

Nearby owners/occupiers were notified of the application and no representations were received.

6. POLICIES AND GUIDANCE

6.1 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.

6.2 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.

6.3 The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (Mar 2021). The NPPF does not change the legal status of the development plan.

6.5 The application falls to be determined in accordance with the following policies:

London Plan Policies

- D4 Delivering good design
- D5 Inclusive Design
- HC1 Heritage conservation and growth
- G7 Trees and woodlands
- T6 Car parking

Bromley Local Plan

4	Housing Design
30	Parking
37	General Design of Development
41	Conservation Areas
43	Trees in Conservation Areas
73	Development and Trees

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Keston Park Supplementary Planning Guidance

7. ASSESSMENT

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

- Resubmission
- The loss of the existing dwelling
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the conservation area.
- Impact on the amenity of neighbouring properties
- The quality of living conditions for future occupiers
- Highways and traffic Issues
- Impact on trees within the site

7.2 Principle, Design and Conservation.

7.2.1 Paragraph 56 of the NPPF, indicates that, in general, the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, which is indivisible from good planning. In addition, it is acknowledged that paragraph 60 seeks that planning policies and decisions do not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative; however, it is proper to seek to promote or reinforce local distinctiveness. Paragraph 64, further states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

7.2.2 Policy 41 (Conservation Areas) states that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development within a conservation area will be expected to respect or 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 the area; and ensure that the level of activity, traffic, parking services or noise

generated by the proposal will not detract from the character or appearance of the area.

- 7.2.3 The Keston Park Conservation SPG details that the Council will expect all proposals for new development to conform with the highly dispersed and wooded character of the conservation area, and with the approach taken by surrounding dwellings, especially in regard to the scale and height of construction, location within a plot (where material), design and materials used.
- 7.2.4 The application is a resubmission of a similar application that was refused by members of plans-sub committee 3 on the 8th July 2021. This application is currently pending an appeal which was lodged in October 2021. The current application before the Council shows an altered design of the proposed replacement dwellinghouse. The covering letter submitted alongside the application states that the new design style focuses more on a modern neo-classical design as opposed to the previous contemporary design. The proposed materials are now more traditional and in keeping with many other properties in the park. Also, the topography has been re-graded so that the house appears two storey and the basement is less obvious.
- 7.25 The previous contemporary style design was finished with innovative brick products, high quality glazing and black marble cladding and Portland stone. There were also to be elements some painted render, cedar cladding and weatherboarding. At ground and first floors, large format glazing systems were proposed to be the predominant material, particularly to the front and eastern elevations and framed by Portland stone soffits. The glazing was proposed to be interspersed with large format natural black marble panels. The basement level was proposed to be finished with a dark natural stone walling. To the rear, a high quality black mortarless brick was to be used. The entrance complete with overhead canopy and door was proposed to be finished in black quartzite marble. Paragraph 4.4.4 of the current accompanying Design and Access Statement sets out that the current design will be a modern interpretation of a neo-classical design, with vertical linear form broken up by black marble panels. At ground and first floor level, large formal windows will be the predominant feature framed by Portland stone surrounds. The new design will also appear as a two storey building.
- 7.2.6 Paragraph 132 of the NPPF states that "as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification". Paragraph 135 also states that "a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". The applicant has submitted a Heritage Statement in support of the application. This document states that 1 Beech Dell is designed in a mock Tudor style with rough cast cement infill panels between both structural and false applied timber framing elements painted black and white and with a thatched roof. The property is assessed as being a neutral contributor to the Conservation Area. It is not considered part of the original layout of the Conservation Area's development and it much altered from its original

structure being very secluded and tucked away. Properties within the Conservation Area have tended to be of traditional construction and employ materials that pay reference to building types of past ages. Timber framed construction, weatherboarding, red brick elevations and tile hanging are all found on the estate, where design and construction has tended to be influenced by the Arts & Crafts movement.

7.2.7 The existing house dates from the early phase of development of Keston Park and appears on the 1933 OS Map. The house is designed in a mock Tudor style with timber framing which is painted black and white with a thatched roof. Although it may be argued that it is not of an exceptional design, it sits well in its context, and it is the original building in combination with the mature landscaped grounds that makes a positive contribution to the conservation area. It is not considered that the submitted Heritage Statement adequately justifies the loss of the existing building, and given the above policy and supplementary guidance the tests in terms of allowing demolition have not been met. Under planning application ref:- 14/04011/PLUD a Lawful Development Certificate was granted for a replacement tiled roof. As the site photographs show the thatched roof remains and the tiled roof has never been implemented. The Council considers that the applicants never held any intention of altering the property and should not represent a fall-back position. The building is in good repair and functions as a dwellinghouse currently and there are no public benefits to be gained in its demolition and replacement. Accordingly, the principle of demolition and redevelopment on this site is not considered acceptable.

7.2.8 In terms of the replacement building, a proposal would only be acceptable if it respects the existing characteristics of the conservation area as detailed in the SPG. In addition, paragraph 131 indicates "the desirability of new development making a positive contribution to local character and distinctiveness". Concerns have been raised by the Council's Conservation Officer, APCA and locally with regards to the design and materials of the new building. The submitted documents show a replacement dwelling very box like and very utilitarian, which does not respond well to the context. In addition, although the existing plot is substantial and may accommodate a larger dwelling than existing, given the increased mass and scale of the building along with the inappropriate design, it would appear at odds with the character and scale of most of the houses in the vicinity. The proposed garden pavilion, new terrace and associated hard and soft landscaping is not considered to look out of keeping when considered as part of the context of the site.

7.2.9 It is noted that there are replacement houses that have been granted planning permission in the Keston Park in recent years, some of which have a more contemporary appearance. However, each case is considered on its own merits in this regard, and notwithstanding the unacceptable loss of the existing dwelling, the replacement dwelling submitted here is not considered to either preserve or enhance the conservation area.

7.2.10 In respect of the proposed alterations to the existing two storey dwellinghouse it has an attractive thatched roof. The Conservation Officer considers that Mock Tudor style houses were widespread by the 1920s and 1930s as a traditional choice for architectural idiom that had evolved from earlier Arts & Crafts era". This does in their view highlight the importance as they have now become quite a rare survival. The Conservation Officer considers this house displays an attractive thatched roof and applied (and interestingly structural) timbers with unusual brick banded chimneys and attractive leaded light windows.

7.2.11 The proposed two storey house will double the footprint of the existing property and still look very modern compared to the existing dwellinghouse. The new property would be built from modern materials with a large expanse of glass on all sides. The design also lacks the informed rationale expected for a replacement dwelling of this size, especially in this context. The architectural design is neither a *faithful replication* nor a *contemporary reinterpretation* of the neo-classical architectural style. The proposed scale and bulk, poorly thought-out site strategy and incongruous architectural design significantly add to the building's prominence within a valued environment. The new dwellinghouse is not considered to make a positive contribution to the character and appearance of the Park.

7.2.12 The proposed garden pavilion with flat roof would provide an outdoor eating/entertainment space for the occupants. In design terms would on its own be considered acceptable on the basis of the size of the site.

7.3 Standard of new accommodation

7.3.1 Table 3.1 of the London Plan (2021) 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.

7.3.2 The submitted floor plans and internal layout indicates that the dwelling would benefit from 6 bedrooms. The minimum gross internal floor area (GIA) including storage, as required by the Technical housing standards - nationally described space standard (2015) and Mayor's Housing Supplementary Planning Guidance (2016) for a 2/3 storey 6-bedroom dwelling for 8 persons (the largest indicated within this guidance), is 138m². As such, the total GIA for the property would be around 1620m² which is well above that required.

7.3.3 The indicated shape, room size and layout of the rooms in the proposed building is considered satisfactory. The Council's Environmental Health Officer has raised no objections to the proposed internal layout of the property which includes a basement level. All habitable rooms would appear to have satisfactory levels of light and outlook. Accordingly, the standard of accommodation provided is considered acceptable in planning terms.

7.3.4 In terms of amenity the considerable proportions of the garden space provide a substantial quality space for the purposes of the potential number of occupiers of a six bedroom family dwellinghouse.

7.3.5 Notwithstanding the acceptability of the dwelling size standards of the building proposed, this does not outweigh the issues raised previously as detailed above.

7.4 Impact on Adjoining Properties

7.4.1 Notwithstanding the impact on the general visual amenities of the area as outlined above, Policy 37 of the Bromley Local Plan also seeks that the development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

7.4.2 Whilst no letters of objection have been received from neighbouring occupiers the new dwellinghouse would be prominent and striking and would be viewed through intermittent sections of mature trees and landscaping which surround the site. The property will contain a large number of additional windows and balconies which could lead to overlooking and a loss of privacy.

7.4.3 The replacement dwelling would be located more centrally within the site than the existing house, which would result in it being closer to the eastern boundaries shared with No.3 Beech Dell and No.3 and 4 Pine Glade. A roof terrace is shown with a patio area. It is noted that a distance of around 50-70m would still be maintained to the eastern boundary and a separation distance of 40-50m to the western and northern boundaries (shared with No's 30-34 Forest Ridge). There is also a significant amount vegetation including a number of mature trees that lie within and around the site that are shown to remain and would provide some screening.

7.4.4 It is considered that the combination of the separation to neighbouring properties and the existing and proposed boundary screening would not result in such significant overlooking as to warrant a refusal on this basis.

7.5 Access and car parking

7.5.1 The existing driveway will be widened and allow for three angled parking bays to the western edge of the site for visitors. Further parking for the occupants is also shown within the basement of the property. The Highways Officer has raised no objections to the parking arrangements.

7.6 Trees

7.6.1 Policy 73 (Development and Trees) of the Council's Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Policy 43 (Trees in Conservation Areas) also relates specifically to trees in conservation areas, which are afforded additional protection.

7.6.2 The application is accompanied by a tree survey which indicates the existing tree constraints. Whilst concerns have been raised locally with regards to the impact of the development on trees within and surrounding the site, the Council's Principal Tree Officer has advised that the submitted information satisfactorily indicates that the development can proceed with precautionary measures being adopted, subject to an appropriate tree protection condition.

7.7 Sustainability and Energy

7.7.1 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

7.7.2 Paragraph 9.2.3 of the London Plan states that Boroughs should ensure that all developments maximise opportunities for on-site electricity and heat production from solar technologies (photovoltaic and thermal) and use innovative building materials and smart technologies. This approach will reduce carbon emissions, reduce energy costs to occupants, improve London's energy resilience and support the growth of green jobs.

7.7.3 Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account. The Design and Access statement does indicate use of some green technologies.

7.8 CIL

7.8.1 The Mayor of London's and the London Borough of Bromley's CIL is a material consideration. The proposal is both local and Mayoral CIL liable.

7.9 Conclusion

7.9.1 The existing building is a two-storey Mock Tudor dwelling which typifies the original concept of the park, and its historic appearance and setting contributes to the value of the retention of the older buildings in Keston Park Conservation Area. Its demolition would deprive the immediate vicinity of an attractive building and harm the character and appearance of the Conservation Area generally. Furthermore, the proposed replacement development by reason of its modern neo-classical design, mass and scale would be detrimental to the character and appearance of this part of the conservation area, representing an inappropriate and visually obtrusive development that would neither preserve or enhance the character and appearance or the visual amenities of the conservation area. The proposal is therefore considered to be contrary to Policies 4, 37 and 41 of the Bromley Local Plan, as well as the Keston Park Conservation Area and policies D4

and HC1 of the London Plan and NPPF. The changes put forward by the applicants to change the design and appearance of the property following the previously refused application are not considered sufficient to overcome the previous two grounds of refusal.

RECOMMENDATION: REFUSAL

1. The existing building is a two-storey Mock Tudor style dwelling which typifies the original concept of the park, and its historic appearance and setting contributes to the value of the retention of the older buildings in Keston Park Conservation Area. Its demolition would deprive the immediate vicinity of an attractive building and harm the character and appearance of the Conservation Area generally, thereby contrary to Policy 41 of the Bromley Local Plan and Policy HC1 of the London Plan and National Planning Policy Framework.
2. The proposed replacement building by reason of its neo-classical design, massing, scale use of modern materials would be detrimental to the character and appearance of the Keston Park Conservation Area, and would therefore represent an inappropriate and visually obtrusive development that would neither preserve or enhance the character and appearance or the visual amenities of the conservation area, thereby contrary to Policies 4, 37 and 41 of the Bromley Local Plan and Policy HC1 of the London Plan.