

Committee Date	21.07.2022	
Address	36 Camden Park Road Chislehurst BR7 5HG	
Application Number	21/02834/FULL1	Officer - Lawrence Stannard
Ward	Chislehurst	
Proposal	Demolition of the existing dwelling and construction of a replacement 2 storey detached 6 bedroom dwelling with accommodation within the roof and basement levels.	
Applicant	Agent	
Mr and Mrs Kallar	Mr Peter Swain	
36 Camden Park Road Chislehurst BR7 5HG	90 Borough High Street London SE1 1LL	
Reason for referral to committee	Call In	Councillor call in
	Call In	Yes

RECOMMENDATION	Refused
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<p>KEY DESIGNATIONS</p> <p>Chislehurst Conservation Area Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 16</p>

Representation summary	<ul style="list-style-type: none"> • Neighbour notification letters were sent on the 5th July 2021. • A Press Ad was published on the 14th July 2021. • The site notice was displayed on the 10th July 2021.
Total number of responses	16
Number in support	9
Number of objections	7

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application would result in the demolition and loss of the existing dwelling, which is located within the Chislehurst Conservation Area, causing less than substantial harm to the designated heritage asset (the Conservation Area) to which there would be no public benefits.
- The proposed replacement dwelling would neither preserve or enhance the character and appearance of the Chislehurst Conservation Area within which it lies.
- The proposal is therefore contrary to the aims and objectives of Section 16 of the National Planning Policy Framework (2021), Policy HC1 and D4 of the London Plan and Policies 4, 8, 37 and 41 of the Bromley Local Plan, as well as the Chislehurst Conservation Area SPG.
- The proposed development would result in an unacceptable risk of harm to a valuable category A TPO tree by way of root damage / soil compaction during demolition, digging and construction, and from future pruning pressure, and insufficient information has been submitted to provide reassurance that any such risk can be controlled to within acceptable levels. The proposal is therefore contrary to Policies 43 and 73 of the Bromley Local Plan.

2 LOCATION

- 2.1 The application site currently hosts a detached Arts and Crafts style dwelling located on the southern side of Camden Park Road.
- 2.2 The site lies within the Chislehurst Conservation Area.
- 2.3 The Chislehurst Conservation SPG outlines the character of the Conservation Area, with paragraph 3.21 referring to residential areas developed on former country estates during the nineteenth and early twentieth centuries, particularly examples which are of historical and/or architectural note (such as Camden Park Road).
- 2.4 Paragraph 3.4 discusses Mead Road as standing out, though notes that it underwent a very similar period of development in the late 19th and early 20th centuries to the Camden estate, and has similarities of character with Camden Park Road.
- 2.5 Paragraph 3.57 further outlines the character of Camden Park Road and notes the size of plots and grandeur of residences with most architecturally noteworthy houses being towards the upper end of Camden Park Road.



Figure 1: Site Location Plan



Figure 2: Front of existing dwelling



Figure 3: Rear of existing dwelling

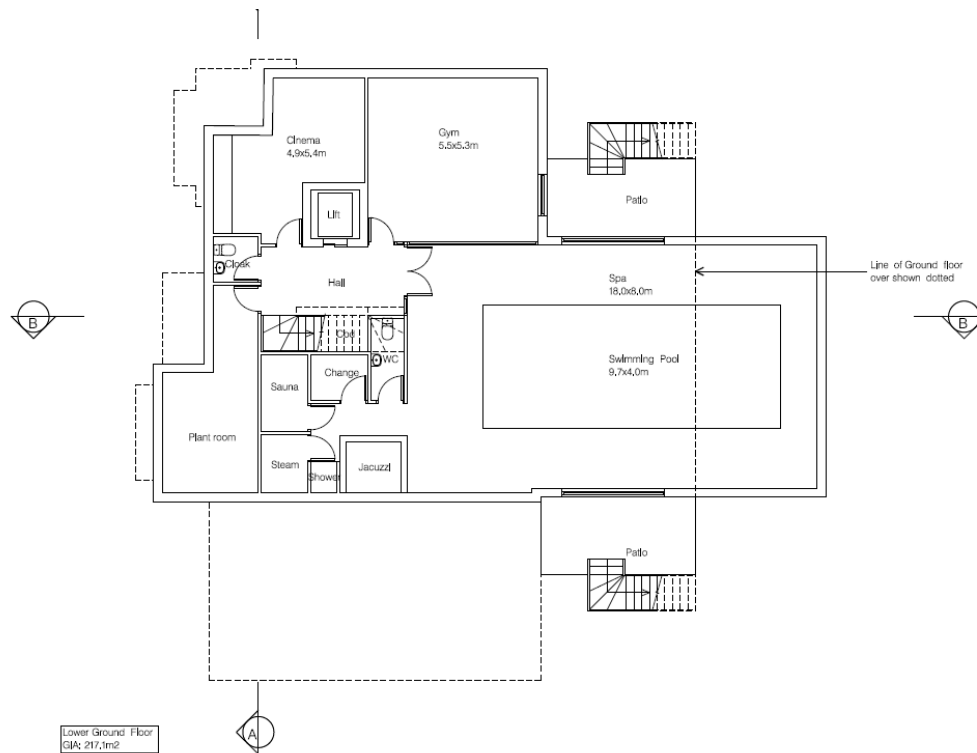


Figure 4: Lower Ground Floor Plan

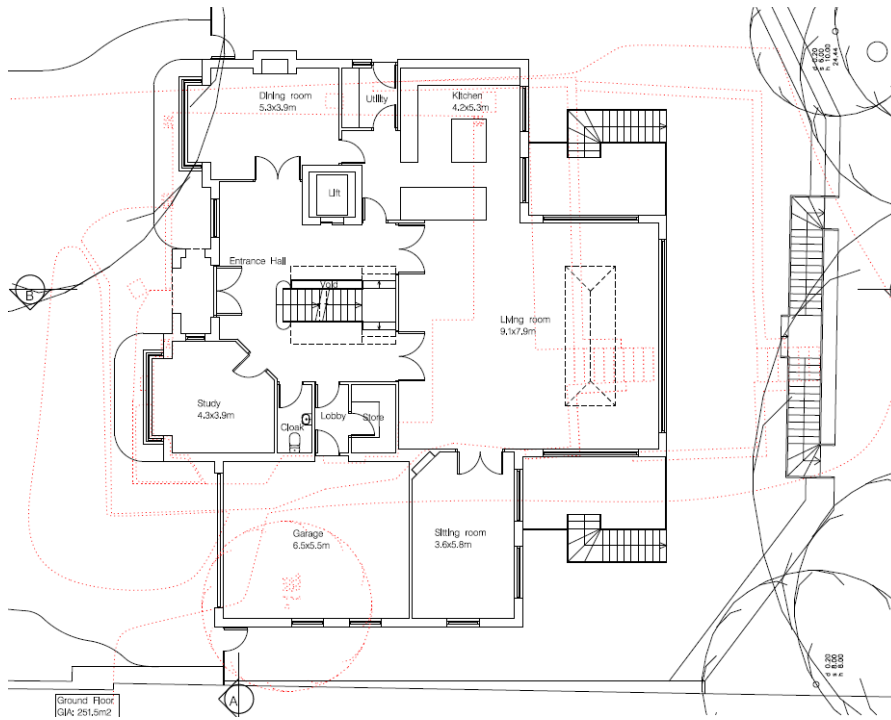


Figure 5: Proposed Ground Floor Plan

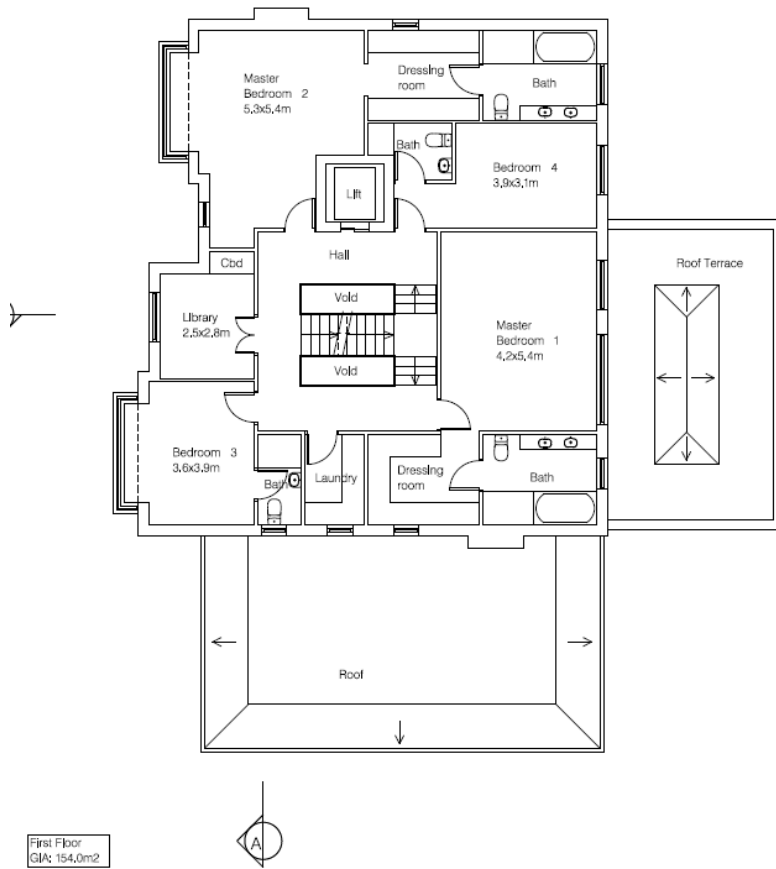


Figure 6: Proposed First Floor Plan

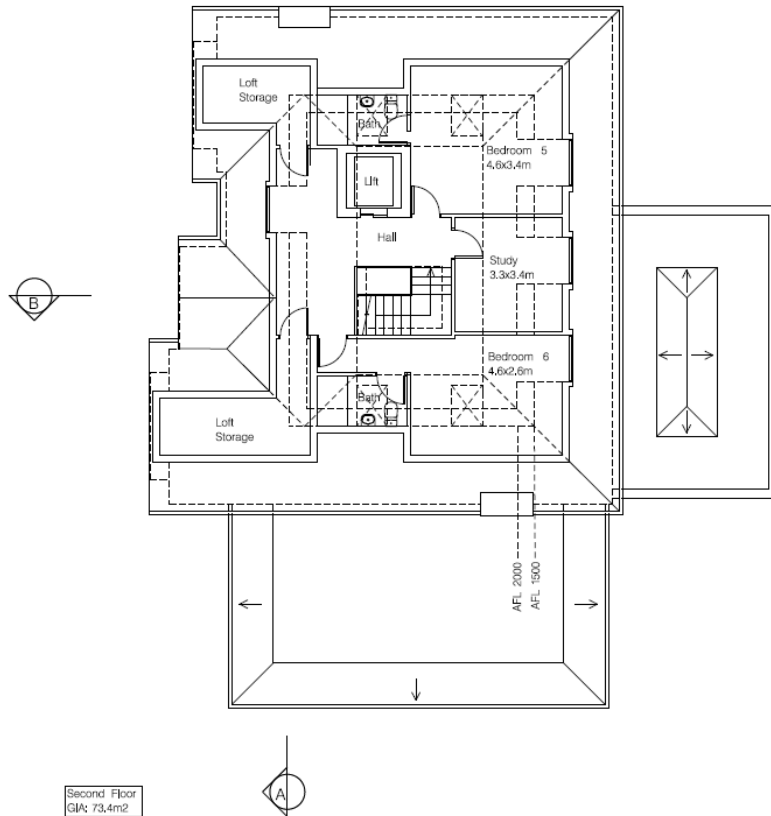


Figure 7: Proposed Second Floor Plan

3 PROPOSAL

- 3.1 The application seeks permission for the demolition of the existing dwelling and construction of a replacement 2 storey detached 6 bedroom dwelling with accommodation within the roof and basement levels.
- 3.2 The proposed dwelling would project approx. 20.25m in width (including the 5.8m wide single storey garage to its side). It would have a depth of approx. 13.5m at two storey level, with an additional 4.7m single storey projection to its rear.
- 3.3 The proposed basement level would include additional accommodation to provide a cinema, gym and swimming pool, and would have a similar footprint to the ground floor, though would project beyond the rear of the single storey rear element.

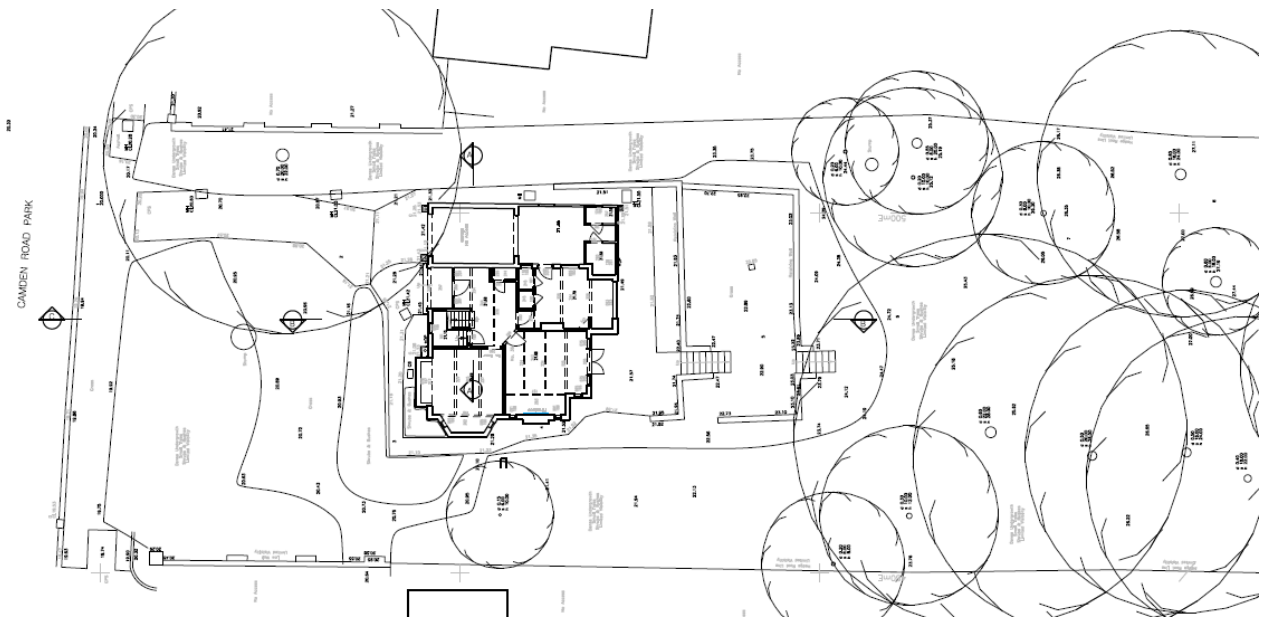


Figure 8: Existing Site Plan

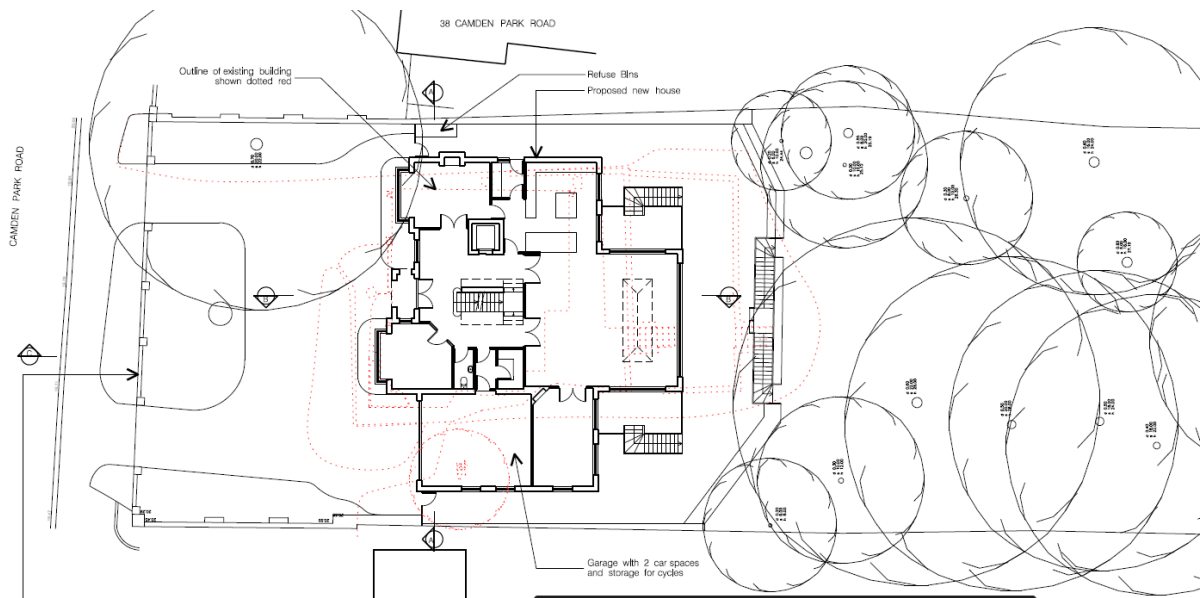


Figure 9: Proposed Site Plan



Figure 10: Existing and Proposed Front Elevations

4 RELEVANT PLANNING HISTORY

4.1 The application site has the following relevant planning history;

- 21/05317/TREE - Large Beech tree in front garden (approximately 17m in height) - Remove lowest lateral branch back to boundary. Reduce the length of the branches above on the south-eastern side and extending up to the top of the tree by approximately 3-4m. Reduce the length of the branches on the western side by up to 1m. – Authorised.
- 22/01362/TPO – T1 Beech (approximately 17m in height) in front garden - Reduce length of lower lateral branch extending over garage of No. 38 back to near boundary to a suitable union (one cut approximately 250-300mm). Reduce branches on the south-east side of tree by approximately 3-4m and remove similar amounts at the top

(numerous cuts approximately 50-75mm). Reduce branches on the west side by 1m (one cut approximately 50mm). – Refused

The above application (22/01362/TPO) was refused on the following grounds;

1. The proposed works are considered unnecessary at this time, have not been sufficiently justified and would therefore have an undue impact on the amenity of the local area. This application would negate the objectives of the TPO and conflict with Policies 73 and 74 of the Bromley Local Plan (adopted January 2019) and Policy G7 of the London Plan (adopted March 2021).

5 CONSULTATION SUMMARY

A) Statutory

Drainage Officer:

- We welcome the proposed use of SUDS to attenuate for surface water run-off.
- Please impose condition PC06 (Surface water drainage).

Highways Officer:

- The proposed dwelling would have an “in & out drive” with parking for a number of vehicles including a double garage.
- Camden Park Road is recorded as private with a right of way on foot over the footway outside the property.
- The Council has no jurisdiction over the road and the applicant will need to take the necessary measures to ensure no damage is caused to the road or obstruction to its users during or after construction.
- I would have no objection to the application.

Conservation Officer:

- In principle objection to this proposal from the heritage point of view as this house is an original 1930s house and makes a positive contribution in the CA with its attractive leaded light windows and asymmetrical design. The interior is also very attractive and historically and architecturally important.
- I also consider that the swept catslide rear roof to the rear with the accompanying attractive dormer windows with smaller swept roofs to the front and rear is a very attractive feature.
- The condition of this house is not a matter for heritage as paragraph 196 of the NPPF clearly says.
- Paras. 3.21 and 3.40 of the SPG is relevant and refers directly to this road in the Arts and Crafts context including this house which I consider is of special interest. This house is an integral part of the Arts and Crafts character of this Conservation Area in my view and its demolition would therefore be unacceptable.
- I consider that this proposal causes substantial harm to the designated heritage asset which is the Conservation Area and I see no particular justification and that NPPF guidelines.
- Appeal Ref: APP/G5180/W/19/3244027, Pucks Cottage, Hazel Grove, Orpington BR6 8LU is directly relevant.

- This house makes a direct positive contribution to the Arts and Crafts character.

A response to the above comments was received on the 17th September, and following this the Conservation Officer has confirmed that their view would not change and the above comments would remain. The Conservation Officer also confirmed that;

- “When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset’s significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation (PPG, paragraph: 013).”
- In my view if this proposal was allowed this would damage the designated heritage asset and in line with the advice given above in the PPG would also damage its economic viability and threaten its ongoing conservation.
- Camden Park Road is specifically mentioned in para 3.21 of the SPG as being of particular architectural note and containing a number of locally listed properties by notable Arts and Crafts architects and this particular house undoubtedly does have some Arts and Crafts features of note as mentioned in my previous reports.

APCA:

- Objection.
- The house is a fine example of Arts & Craft design and should be regarded as a Non Designated Heritage Asset as well as a building which makes a positive contribution to the character or appearance of the CA and adjacent houses.
- Demolition is unacceptable and contrary to Local Plan Policy and NPPF policy as well as Historic England Guidance (previously English Heritage as updated).
- The proposed replacement is, by contrast, a plain and uniform development which will detract from the high quality of the street scene in this part of the CA.

Trees:

- Whilst the north side of the proposed footprint does not appear to extend any further than the existing footprint it is understood existing foundations would be completely removed so there is a risk of root damage in this process.
- Pruning of the crown to provide clearance from scaffolding may also be required which would be more extensive than would otherwise be required for minimum clearance from the existing dwelling and, for such a high value tree sensitive to pruning, a potential cause for objection.
- The drive is proposed to be extended within the RPA of the Beech which is unfavourable.
- The AIA states that existing ground levels will be preserved but even if permeable surfacing is proposed the change would bring about a reduction in the capacity of soil surface for gaseous exchange. Anything but the most porous of surfaces and subbases would also lead to a reduction in water infiltration. Both these factors would not have an immediate visual impact on the tree but would create less favourable conditions which would not be acceptable for this high value aged tree.
- Furthermore, a risk of future pressure exists by virtue of the extension of the driveway underneath the tree. Increased use of the land beneath the canopy would only increase this nuisance.

- Even with the proposed protection measures, risk remains: of root damage and/or soil compaction during demolition, digging and construction, from the proposed pruning and from future pressure.
- Therefore, an objection is raised by Tree Officers on the basis that there is a risk of unacceptable harm to a highly valuable cat A tree.

A response to the Tree Officers comments was received from the agent on the 5th July. Following this, the Tree Officer confirmed that whilst the points raised are noted, given the high value and relative sensitivity of this particular tree there is insufficient justification for the proposal and that the risk is unacceptable in this instance.

Thames Water:

- Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water.
- With regard to surface water drainage Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.
- We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.
- Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. 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.

B) Local Groups

The following comments were received from local groups.

The Chislehurst Society

- Consider it should be approved as it formed a more cohesive approach to the current needs of the application concerning modernisation of the accommodation.
- Subject to inclusion of adequate protection against loss of amenity due to overlooking adjoining buildings.
- Acknowledge trees have already been removed which formed a screen – this matter can be dealt with by restrictions on windows including use of frosted glass and that the windows only provide secondary lighting to the house.

C) Adjoining Occupiers

The following comments were received from local residents;

Design / Impact on Conservation Area (Addressed in Para 7.1);

- House is too big overall.
- Beauty of the road is that houses compliment each other and have substantial space between them.
- Building will compromise spacing between buildings and large gardens which are important features of the Camden Park Estate.
- Overdevelopment.
- House may be in poor condition but it is of special interest and its total demolition is unnecessary.
- Inserting a new build in this line of properties (even of an Arts and Crafts style) would spoil the balanced look of the road.
- Other houses have been more sympathetically developed.

Impact on neighbouring property (Addressed in Para 7.3);

- Loss of privacy.
- May be acceptable if they are made of frosted glass / the windows in the roof space are angled to not overlook.
- Concerns over first floor roof terrace and impact on privacy.

Other Matters (Addressed in Para 7.6)

- Concerns over disturbances to the ground of digging a basement / impact on foundations etc.
- Plot is believed to be over Chislehurst Caves.
- Have had previous issues with drainage and water flooding the road.
- Can't understand why so many people who would not have been advised of the application and don't live near the site feel they need to make a comment.

The following comments were received in support of the application:

- Designed in a sensitive manner which is appropriate in scale and setting.
- Arts and Crafts styling positively contributes to the Chislehurst Conservation Area.
- Would be more sustainable than the old house.
- Design is in keeping with other buildings.
- Doesn't impact on neighbours.
- Already plenty of houses in the area with basements.
- Plenty of other buildings in Camden Park Road which use the whole width of the plot.

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

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

6.5 **National Policy Framework 2019**

6.6 **The London Plan**

- D1 London's form and characteristics
- D4 Delivering good design
- D5 Inclusive design

6.7 **Bromley Local Plan 2019**

- 4 Housing Design
- 8 Side Space
- 37 General Design of Development
- 43 Trees in Conservation Areas
- 44 Areas of Special Residential Character
- 73 Development and Trees
- 123 Sustainable Design and Construction

6.8 **Bromley Supplementary Guidance**

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

7 **ASSESSMENT**

7.1 Demolition of existing dwelling, Impact on Conservation Area/Heritage Impact, and Design – Unacceptable

7.1.1 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.

7.1.2 Paragraph 202/203 states 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.

- 7.1.3 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.
- 7.1.4 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.
- 7.1.5 Policy HC1 of the London Plan states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 7.1.6 Policy 41 of the Bromley Local Plan states that proposals for development in Conservation Areas should preserve and enhance its characteristics and appearance by respecting or complementing the layout, scale, form and materials of existing buildings and spaces; respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and using high quality materials.
- 7.1.7 The Chislehurst Conservation Area SPG outlines various areas of the Conservation Area which include notable groups of Arts and Crafts houses, with Paras. 3.21 and 3.40 of the SPG referring directly to Camden Park Road where it notes that the road contains a number of locally listed properties by Arts and Crafts architects, with dwellings such as this existing property considered of special interest.
- 7.1.8 The existing 1930s dwelling is considered to make a positive contribution to the Chislehurst Conservation Area with its attractive leaded light windows and asymmetrical design. The interior is also very attractive and historically and architecturally important, and the swept catslide rear roof to the rear with the accompanying attractive dormer windows with smaller swept roofs to the front and rear is also considered a very attractive feature which contributes positively to its appearance and the overall character of the Conservation Area.
- 7.1.9 The existing dwelling is an integral part of the Arts and Crafts character of this Conservation Area. Accordingly, this dwelling is one of the only remaining original dwellings within the road, its many Arts and Crafts features are considered worthy of retention and make a positive contribution to the conservation area and as such it is considered that its demolition would result in an unacceptable level of harm to the character of the Conservation Area.

- 7.1.10 It is noted that the application is supported by a Heritage Statement and Design and Access Statement, and a further document in response to initial concerns raised by the Conservation Officer was also received on the 17th September 2021, to which consideration has been given. It is further noted that this relates to case law, which is considered a material consideration, however it is important to assess the application on its own merits and whilst the points raised regarding the removal of the host dwelling not being the only consideration are noted, it is considered that the replacement dwelling would not be of a design that would positively contribute to the character of the Conservation Area as much as the existing dwelling.
- 7.1.11 With regards to the recent application in the London Borough of Bromley at Pucks Cottage, Hazel Grove, BR6 8LU referred to within the submission, it is considered that this has some relevance – though it is noted that it lies within a different Conservation Area. However, within the original appeal decision it is considered that relevant comments were made by the Planning Inspector, who stated that "the loss of the existing building and its arts and crafts elements would eliminate the positive contribution of the site to the Conservation Area where this style of architecture is widely featured" and that "although the proposed dwelling would use high quality materials and would be in keeping with the size and design of some other replacement properties within the area, its contribution to the Conservation Area would be neutral".
- 7.1.12 It concludes therefore that the character of the Conservation Area would not be preserved, and these comments are considered applicable to the scheme proposed within this submission. It is noted that approval was subsequently granted for a replacement dwelling at Pucks Cottage under ref: 21/03075/FULL1 following the plans-sub committee meeting on the 25th November 2021, however the points raised by the Inspector in the original appeal are considered relevant for this application.
- 7.1.13 A further recent application at 1 Beech Dell, ref: 22/00781, included the demolition of the existing house and replacement with a new detached house within the Keston Park Conservation Area is also considered somewhat relevant to the current application. The application was refused at a recent plans-sub committee on the 23rd June with grounds including the demolition of the existing dwelling resulting in an unacceptable impact upon the Conservation Area.
- 7.1.14 Whilst these cases are considered material considerations, the application site lies within a separate Conservation Area and is required to be assessed on its own merits. It is considered that the retention of the existing dwelling is considered important within the Chislehurst Conservation Area and Camden Park Road, and significant weight is given to this.
- 7.1.15 It is noted that several permissions within the road are referred to within the submitted D&A statement, in particular No.46 Camden Park Road (originally approved under ref: 12/01893/FULL1). However, these appear to have been granted prior to current planning policies including the current Bromley Local Plan and in any case other examples the original dwellings such as No.20 Camden Park Road (15/02282/FULL1) were not considered to positively contribute to the character of the Conservation Area in the same way as the existing dwelling at the application site.
- 7.1.16 Furthermore, Planning Policy Guidance outlines that "When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also

need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation" (PPG, paragraph: 013).

- 7.1.17 As discussed previously, the existing dwelling is considered to have a significant positive contribution to the Chislehurst Conservation Area and Camden Park Road in particular. It is therefore considered by the Conservation Officer that the proposed development to include the loss of the existing dwelling would damage the designated heritage asset and in line with the advice given above in the PPG would also be considered to damage its economic viability and threaten its ongoing conservation.
- 7.1.18 Notwithstanding the above, in terms of the concerns raised over the loss of the existing dwelling and its harmful impact on the conservation area, the design and scale of the replacement dwelling must also be assessed.
- 7.1.19 The general design and overall scale would not be unduly out of character with some other large properties in the area and the design would have elements of an asymmetrical design which is not considered unduly inappropriate for its location. However, it is considered that the overall design would not have a significant positive contribution to the Conservation Area given that it would fail to respect the modest nature and Arts and Crafts character of the existing house.
- 7.1.20 Policy 8 of the Bromley Local Plan normally requires proposals of two or more storeys in height to have a minimum 1m space from the side boundary of the side for the full height and length of the building, and where higher standards of separation already exist (such as within Camden Park Road) a more generous side space will be expected.
- 7.1.21 The proposed dwelling would provide approx. 1.8 and 2m separations to each of its flank boundaries, with a greater separation (7.7m) at first floor level to the western elevation given the design to include a single storey attached garage on this side. The existing dwelling features significantly larger separation distances at present (approx. 4.4m and 7.1m) and the current spatial standards contribute to the overall character and visual amenity of the area.
- 7.1.22 The proposed development would result in a significant increase in the width of the property which would reduce the high spatial standards that currently exist; however it is considered on balance that the retained separation distances, particularly at first floor level, would not result in it appearing overly cramped in its plot and that it would comply with Policy 8 of the Bromley Local Plan.
- 7.1.23 Having regard to the above, on balance it is considered that the siting and separation distance to the flank boundaries of the site would comply with Policy 8 and would not harm the spatial standards of the area.
- 7.1.24 However, it is considered that the development would cause less than substantial harm (as defined by the NPPF) to the designated heritage asset which is the Conservation Area given that the resulting harm to the character of the Conservation Area would outweigh any benefit of the new dwelling.
- 7.1.25 The proposal is therefore contrary to the aims and objectives of Section 16 of the National Planning Policy Framework (2021), Policy HC1 of the London Plan and Policy 41 of the Bromley Local Plan, as well as the Chislehurst Conservation Area SPG.

7.2 Standard of Accommodation - Acceptable

- 7.2.1 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.
- 7.2.2 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. 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.
- 7.2.3 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.
- 7.2.4 The application proposes a 6 bedroom detached dwelling set over 4 floors (including the basement). For reference, the minimum space standard for a 3 storey, 6 bedroom, 8 persons unit is 138sqm.
- 7.2.5 The proposed dwelling would significantly exceed the required standards in terms of internal space and the indicated shape, room size and layout of the rooms in the proposed building are also considered satisfactory. Furthermore, the property would benefit from a generous garden space and would have sufficient private amenity space.
- 7.2.6 The proposed replacement dwelling would therefore provide a suitable level of residential amenity for future owner / occupiers.

7.2 Residential Amenity – Acceptable

- 7.3.1 The rear building line of the existing dwelling projects a similar distance to the rear elevations of the neighbouring properties. The proposed dwelling would have a similar rear building line at two storey level, though the single storey rear element would project beyond this by approx. 4.8m. The single storey element would be well set in from either flank boundary and it is therefore considered that the rearward projection of the dwelling would not result in any unacceptable level of harm to the neighbouring properties.
- 7.3.2 Furthermore, whilst the dwelling would be enlarged significantly compared to the existing in terms of its width and ridge height, it would retain sufficient separation

distance from the boundary and the flank windows of neighbouring properties at two storey level to prevent any significant loss of light, outlook or visual amenity occurring.

- 7.3.3 The proposed dwelling would include some first floor flank windows which could provide some opportunities for overlooking. These would serve dressing rooms, bathrooms and a laundry room and therefore it is considered appropriate to a condition in the event permission is forthcoming to ensure that they would be obscure glazed in order to prevent any adverse harm to the privacy of the neighbours. Furthermore, the rear facing windows are unlikely to cause significant additional opportunities for overlooking and therefore subject to the above condition it is considered the scheme would not harm the privacy of neighbouring residents.
- 7.3.4 The proposed dwelling would also include a roof terrace at first floor level above the single storey rear projection. The terrace would be set in from the flank boundaries of the site which would lessen its impact upon privacy somewhat, however it would still provide additional views towards the neighbouring properties. A condition would be recommended to seek details of screening to the flank boundaries of the terrace, and subject to this it is not considered that it would result in any unacceptable harm to the privacy of the neighbouring properties.
- 7.3.5 Having regard to the scale, siting and separation distance of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

7.4 Highways - Acceptable

- 7.4.1 The proposed dwelling would have an "in & out drive" with parking for a number of vehicles on the frontage, as well as an attached double garage.
- 7.4.2 Camden Park Road is recorded as private with a right of way on foot over the footway outside the property. The Council has no jurisdiction over the road and the applicant will need to take the necessary measures to ensure no damage is caused to the road or obstruction to its users during or after construction.
- 7.4.3 Highways Officers have confirmed they would have no objection to the application.
- 7.4.4 Having regard to the above, it is considered the dwelling would provide adequate off-street parking and would not impact detrimentally upon highways matters.

7.5 Trees – unacceptable

- 7.5.1 A Beech tree located to the front of the application site is the subject of a Tree Preservation Order (TPO Ref: 2760) which was confirmed on the 17th February 2022.
- 7.5.2 In terms of the current proposal for the replacement of the dwelling, the north side of the proposed footprint does not appear to extend any further than the existing footprint however it is understood that the existing foundations would be completely removed so there is a risk of root damage in this process.
- 7.5.3 Furthermore, pruning of the crown to provide clearance from scaffolding may be required which would be more extensive than would otherwise be required for minimum

clearance from the existing dwelling and, for such a high value tree sensitive to pruning, a potential cause for objection.

7.5.4 The drive is proposed to be extended within the root protection area (RPA) of the Beech tree which is unfavourable. The Arboricultural Impact Assessment (AIA) states that existing ground levels will be preserved but even if permeable surfacing is proposed the change would bring about a reduction in the capacity of soil surface for gaseous exchange. Anything but the most porous of surfaces and subbases would also lead to a reduction in water infiltration. Both these factors would not have an immediate visual impact on the tree but would create less favourable conditions that for younger or lower value trees could be considered acceptable, but that in this case for a high value aged tree the Council's Tree Officers would not find acceptable.

7.5.5 A risk of future pressure would also exist by virtue of the extension of the driveway underneath the tree.

7.5.6 It is also noted that a recent application under ref: 22/01362/TPO for works to the beech tree was recently refused. It is considered that this application makes clear the extent to which falling debris from the tree is considered a nuisance and an increased use of the land beneath the canopy would only increase this nuisance.

7.5.6 Having regard to the above, it is considered that such extensive demolition and construction work inevitably puts at risk the health of a highly valuable tree. Even with the proposed protection measures, risk remains of root damage and/or soil compaction during demolition, digging and construction, from the proposed pruning and from future pressure.

7.5.7 Therefore, an objection is raised on the basis that there is a risk of unacceptable harm to a valuable tree, contrary to policies 43 and 73 of the Bromley Local Plan.

7.6 Other Matters (Drainage and Impact on Foundations etc). - Acceptable

7.6.1 It is noted that some concerns have been raised in the received representations regarding the impact on drainage and surface water flooding, as well the potential impact on foundations / structural stability on neighbouring properties resulting from the excavation works for the basement.

7.6.2 The Council's Drainage Officer has been consulted and has confirmed that the use of SUDS to attenuate surface water run-off would be welcomed. They have therefore raised no objection in principle, however if permission were forthcoming then a condition to seek full details of a scheme for the provision of surface water drainage prior to the commencement of works would be recommended.

7.6.3 With regards to the impact on foundations / structural stability on neighbouring properties this is not a material planning consideration and would be covered by other legislation and regulations.

7.7 CIL

7.8.1 The Mayor of London's CIL and Bromley's Local CIL are both a material consideration. CIL is payable on this application and the applicant has submitted the relevant form.

8 CONCLUSION

- 8.1 Having had regard to the above it is considered that the development in the manner proposed is not acceptable in that it would result in the loss of fine Arts and Crafts style dwelling which makes a positive contribution to the Conservation Area. The replacement dwelling would not be considered to preserve or enhance the character of the Conservation Area and therefore the development would result in an unacceptable level of harm to its character and appearance.
- 8.1.1 It is acknowledged that the proposed development would not give rise to any significant loss of residential amenity to neighbouring occupiers and would not result in any harmful impact to levels of on-street parking within the area. It would also provide a good standard of accommodation for prospective occupiers.
- 8.1.2 However, these matters would not outweigh the harm that the proposed demolition and loss of the existing dwelling, which is located within the Chislehurst Conservation Area, would cause to the designated heritage asset (the Conservation Area). Whilst the harm would be less than substantial, as stated within paragraph 202 of the NPPF, this harm should be weighed against the public benefits of the proposal, of which there are considered to be none.
- 8.1.3 The proposal is therefore contrary to the aims and objectives of Section 16 of the National Planning Policy Framework (2021), Policy HC1 and D4 of the London Plan and Policies 4, 8, 37 and 41 of the Bromley Local Plan, as well as the Chislehurst Conservation Area SPG.
- 8.1.4 Furthermore, the development would result in an unacceptable risk of harm to a valuable cat A TPO tree by way of root damage / soil compaction during demolition, digging and construction, and from future pruning pressure, contrary to Policies 43 and 73 of the Bromley Local Plan.
- 8.2 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 BE REFUSED

For the following reasons;

- 1. The existing building is a fine Arts and Crafts style dwelling and its historic appearance makes a positive contribution to Camden Park Road and the Chislehurst Conservation Area, which is worthy of retention. Its demolition would deprive the immediate vicinity of an attractive building and negatively harm the character and appearance of the Conservation Area generally, thereby contrary to the aims and objectives of Section 16 of the National Planning Policy Framework, Policy 7.8 of the London Plan and Policy 41 of the Bromley Local Plan.**

- 2. The proposed development would result in an unacceptable risk of harm to a valuable category A protected Beech tree (TPO Ref: 2760) by way of root damage / soil compaction during demolition, digging and construction, and from future pruning pressure, and insufficient information has been submitted to provide reassurance that any such risk can be controlled to within acceptable levels. The proposal is therefore contrary to Policies 43 and 73 of the Bromley Local Plan.**