

Committee Date	03.08.2023	
Address	Pickwick Kemnal Road Chislehurst BR7 6LT	
Application Number	23/01167/FULL6	Officer - Manpreet Viridi
Ward	Chislehurst	
Proposal	First floor side extension	
Applicant	Mr Alexey Luzhnov	Agent Mr Ian Hubbarde
	Pickwick Kemnal Road Chislehurst Bromley BR7 6LT	The Grange 20 Market Street Swavesey Cambridge CB24 4QG
Reason for referral to committee	Side space	Councillor call in No

RECOMMENDATION	Permission
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding area Conservation Area London City Airport Safeguarding Smoke Control Tree Preservation Order</p>
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Representation summary	<ul style="list-style-type: none"> • Neighbour letters were sent 24.03.2023 • A Statutory site notice was displayed at the site between 24.03.2023 • A press advert was published on 05.04.2023
Total number of responses	0
Number in support	0
Number of objections	0

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character of the Chislehurst Conservation Area.
- The development would not result in a harmful impact on the appearance of the host dwelling.
- The development would not have a significantly harmful impact on the amenities of neighbouring residents.

2 LOCATION

- 2.1 This detached two storey dwelling is located on the Western side of Kemnal Road, within the Chislehurst Conservation Area. The site is covered by an Area Tree Preservation Order (TPO) made in 1971. There is an Oak tree belonging to neighbouring property Selwood House which overhangs the southern side boundary.
- 2.2 The surrounding area is characterised by a mixture of detached dwellings and large flatted developments set within spacious grounds.



Figure 1: Site Location Plan



Figure 2: Front of the property



Figure 3: Rear of the property

3 PROPOSAL

- 3.1 It is proposed to construct a first floor storey side extension above the garage which would extend up to the side boundary with shared with Selwood House.
- 3.2 The first floor element of the proposals would be in line with the front and rear elevation of the main dwelling house and would align with the side elevation of the existing ground floor. The roofline would match the height of the main roof ridge.
- 3.3 The application is supported by the following documents:
 - Revised Arboricultural Impact Assessment and Method Statement
 - Revised Tree Plan
 - Design and Access Statement



Figure 4: Existing floor plans

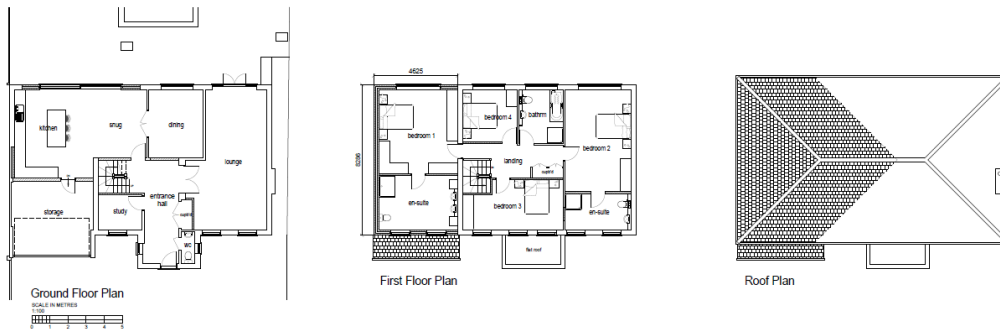


Figure 5: Proposed floor plans

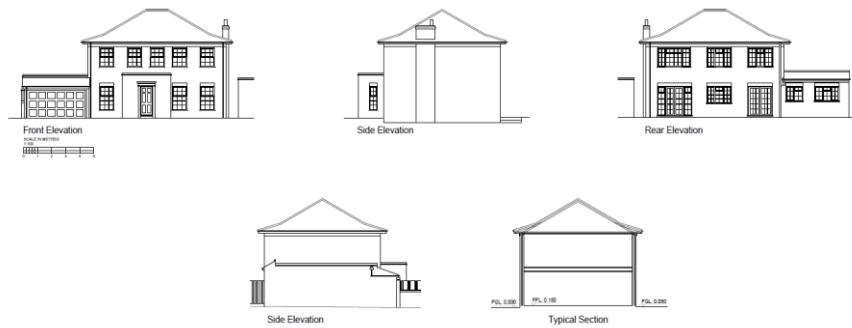


Figure 6: Existing elevations

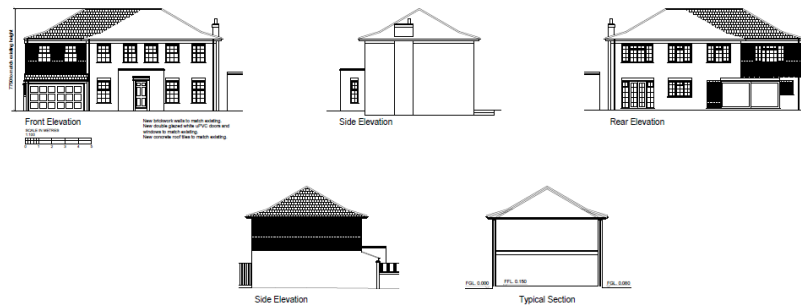


Figure 6: Proposed elevations

4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 85/01530/FUL - Single storey side extension and front extension to existing garage detached house - GRANTED 07.08.1985.
- 4.3 15/00401/FULL6 - Single storey rear and first floor side extensions – REFUSED 09.04.2015 for the following reason:

'The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene and the area, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policies BE1, H8 and H9 of the Unitary Development Plan.'

This application was subsequently allowed at appeal. The Inspector stated that:

"the justification for the policy explains that its purpose is to retain space around residential buildings and to ensure their adequate separation and prevent a cramped appearance and "terracing", as well as safeguarding the privacy of adjoining residents.

In this case the flank boundary of the plot where the extension is proposed is to a copse of woodland including protected trees within the ground of the Willet House case home and the appellant has pointed out that the nearest building is at a distance of 19m. Bearing in mind both that land use and the protected trees, there is firstly no issue of the two-storey development on the appeal site needing to be separated from another existing building, and secondly little realistic prospect of additional housing being permitted close to the boundary in the longer term...I therefore conclude that the appeal scheme would not have any adverse effect on the character and appearance of the area..."

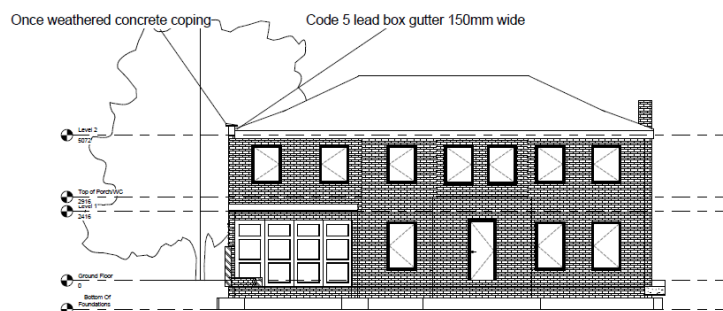


Figure 7: 15/00401/FULL6 - Proposed front elevation

4.4 15/00401/AMD - Amendment: To reduce the size of the approved ground floor rear extension - Approve Non Material Amendment - APPROVED 22.10.2015.

4.5 21/05761/FULL6 - First floor side extension above existing garage to create one additional bedroom with en-suite bathroom - REFUSED 12.09.2022 for the following reason:

'The proposed first floor extension, by reason of its flat roof design, would detract from the appearance of the dwelling and would have a harmful impact on the character and appearance of Chislehurst Conservation Area, thereby contrary to Policies 6, 37 and 41 of the Bromley Local Plan, and the NPPF.'



Figure 8: 21/05761/FULL6 – Proposed front elevation

4.6 22/03085/FULL6 - Installation of 2 rooflights to flat roof above kitchen, alteration of existing window in west elevation to form French doors to kitchen and removal of single door and adjoining window to form one window to kitchen RETROSPECTIVE APPLICATION - GRANTED 03.10.2022.

5 CONSULTATION SUMMARY

A) Statutory/Non-Statutory

5.1 Conservation:

No objection in principle as this is a 1980s house. However, this proposal is not subservient and overly large and should be set back and down and off the boundary. The advisory panel for Conservation Areas (APCA) also raised objection.

5.2 Trees:

An objection was initially raised to the above proposal due to the unacceptable risk of harm to valuable Oak tree that is a significant feature of the street scene, to be pruned.

However, the revised tree report/ Plan and an additional site inspection has indicated that the tree has not come to leaf this spring and appears to be of poor health.

On balance it is therefore considered that given the fate of the tree, no objections are raised.

B) Adjoining Occupiers

No adjoining occupier comments have been 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 20th July 2021, and is a material consideration.

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

The London Plan

- D1 London's form and characteristics
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- HC1 Heritage conservation and growth

Bromley Local Plan 2019

6	Residential Extensions
8	Side Space
37	General Design of Development
41	Conservation Areas
43	Trees in Conservation Areas
73	Development and Trees
123	Sustainable Design and Construction

Supplementary Planning Guidance

Chislehurst Conservation Area SPG
Urban Design Supplementary Planning Document (July 2023)

7 ASSESSMENT

7.1 Resubmission

7.1.1 The 2021 application (ref.21/05761) proposed a first-floor side extension with a similar design to the current application; however with a flat roof. It was proposed to be built up to the side boundary above the existing garage abutting the southern boundary. The application was refused on the basis of the flat roof design which would detract from the appearance of the dwelling and have a harmful impact on the character and appearance of the Chislehurst Conservation Area.

7.1.2 To address this recent refusal, a pitched roof has been added to the proposed extension, resulting in a similar scheme to that which was allowed at appeal in 2015 as set out in the planning history section above.

7.2 Design and Heritage impact – Acceptable

7.2.1 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.

7.2.2 London Plan and Bromley Local Plan (BLP) policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

7.2.3 Policies 6 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.

7.2.4 Policy 8 of the BLP requires a minimum separation of 1m to be retained to the flank boundaries of the site in respect of two storey development for the full height of the extension.

- 7.2.5 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.
- 7.2.6 Paragraphs 202 and 203 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
- 7.2.7 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.
- 7.2.8 Policy 41 of the Bromley Local Plan (BLP) requires development in a conservation area to preserve and enhance its characteristics and appearance by:
- (1) Respecting or complementing the layout, scale, form and materials of existing buildings and spaces;
 - (2) Respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and
 - (3) Using high quality materials.
- 7.2.9 As with the previous schemes in 2015 and 2021, the proposed first floor side extension would extend up to the boundary at first floor level. It is noted that, the presence of the term 'normally' in the body of Policy 8 implies a need for discretion in the application of the policy, having regard to several factors including the characteristics of the site and its surroundings, the precise nature of the proposal and the objectives of the policy as set out in the explanatory text.
- 7.2.10 Kemnal Road is characterised by large, detached dwellings within large plots, many of which provide a variety of side space to the flank boundaries. It is considered important to preserve the areas of side space which do exist in order to retain the character and appearance of the Conservation Area.

- 7.2.11 The design of the extension would be very similar to the one allowed at appeal under ref: 15/00401/FULL6. When considering the appeal, the Inspector noted that the neighbouring building is approximately 19m away and given this and that Pickwick and its attached garage is already close up to the boundary and the edge of the copse, as well as being framed by trees, it was concluded that the first floor side extension would not have any adverse effect on the character and appearance of the area and there would not be in conflict with the side space policy.
- 7.2.12 The proposal would be flush with the front elevation of the host dwelling with a pitched roof design to address the previous reason for refusal relating to application ref: 21/05761/FULL6. It is noted that the Conservation Officer considers that the current proposals would not overcome the previous ground of refusal. However, the only reason for the 2021 application being refused was due to the flat roofed design of the extension and the current pitched roof design results in a similar extension to the 2015 application which was allowed at appeal
- 7.2.13 Pickwick is a modern house which is of low significance in the Conservation Area, and therefore the design of the proposed extension is considered to preserve the character and appearance of Chislehurst Conservation Area.
- 7.2.14 The proposed side extension would not appear excessive in its width and is considered to provide a sympathetic addition to the frontage of the existing dwelling. Accordingly, the overall scale of the resulting development would not be out of character with some other large properties in the area.
- 7.2.15 The extensions are indicated to be finished with materials to match the existing dwelling and this would be conditioned on any approval.
- 7.2.16 Having regard to the form, scale, siting and proposed materials it is considered that the proposed extensions would complement the host property and would not appear out of character with surrounding development or the area generally. It is therefore considered that the character of the Conservation Area would be preserved.

7.3 Neighbouring amenity - Acceptable

- 7.3.1 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.
- 7.3.2 There are no side windows proposed, and in view of the sufficient amount of separation distance from neighbouring properties it is considered that the proposal would not affect neighbouring properties by way of overshadowing, nor impact upon the daylight or sunlight

7.3.3 Having regard to the scale and siting of the development, it is considered that no significant loss of amenity with particular regard to light, outlook, prospect or privacy would arise.

7.4 Trees - Acceptable

7.4.1 Policy 43 of the Bromley Local Plan resists development where it would damage or lead to the loss of one or more significant and/or important trees in a Conservation Area unless:

(a) Removal of the tree(s) is necessary in the interest of good arboricultural practice, or

(b) The benefit of the development outweighs the amenity value of the tree(s).

7.4.2 The site is covered by an area TPO, there is an Oak tree belonging to the neighbouring property, Selwood House, and some of the branches overhang the boundary above the existing garage.

7.4.3 Whilst the previous two planning applications were not supported by tree reports, the current application includes an Arboriculture Report (18 June 2023) prepared by Simon Pryce.

7.4.4 The Arboricultural Report states that the Oak tree did not produce leaves this spring and on inspection whilst the buds had opened and started to produce catkins and young leaves, as is normal in mature oaks, this had stopped suddenly and the emerging growth was all dead. Close inspection also showed that the bark on the twigs had also died; they snapped easily and there was no live green tissue inside. The only live foliage was a handful of unhealthy leaves on twigs growing from the trunk at about 2m above ground. The report therefore concludes that if the tree does survive the failure to produce leaves this spring will be a severe setback to its life expectancy. For that reason, the tree has been downgraded to U category.

7.4.5 Notwithstanding this the application is also accompanied by a tree protection plan (TPP) to ensure the tree is safeguarded during construction work.

7.4.6 On the basis of the accompanying documents the Council's Tree Officer has advised that no objections are raised in regard to the proposal.

8 CONCLUSION

8.1.1 Having had regard to the above, it is considered that the development would not result in a significant loss of amenity to local residents and would preserve the character and appearance of Chislehurst Conservation Area.

8.1.2 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

As amended by documents received on 20.06.2023

The following conditions are recommended:

- 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. The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

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.

And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.