

Committee Date	23 rd November 2023	
Address	13 Birchwood Road Petts Wood Orpington BR5 1NX	
Application Number	23/03040/FULL6	Officer - Zoe Douglas
Ward	Petts Wood And Knoll	
Proposal	Addition of electric gates to front of property	
Applicant	Agent	
Mr Mitchell Green		
13 Birchwood road Petts wood Orpington Br5 1nx United Kingdom		
Reason for referral to committee	Call-In	Councillor call in Yes - Councillor Onslow Reason: General concerns regarding security; application fills in an existing gap rather than expanding high walls; and there are other similar gates nearby.

RECOMMENDATION	REFUSE
-----------------------	--------

<p>KEY DESIGNATIONS</p> <p>Conservation Area: Chislehurst Road Petts Wood Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 4</p>
--

Representation summary	<i>Neighbour notification letters sent 11th August 2023</i>	
	<i>Site Notice displayed 11th August 2023</i>	
	<i>Press Ad published 23rd August 2023</i>	
Total number of responses		1
Number in support		0
Number of objections		1

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would result in a harmful impact upon the character and appearance of the conservation area.
- The proposed gates would unacceptably enclose the open nature of the front garden of the property within the Chislehurst Road, Petts Wood Conservation Area.

2. LOCATION

- 2.1 The application site hosts a detached dwelling located on the southern side of Birchwood Road, within the Chislehurst Road, Petts Wood Conservation Area.
- 2.2 There is an Article 4 Direction that covers the area, preventing the installation of front boundary treatments without full planning permission.



Figure 1. Location Plan

3. PROPOSAL

- 3.1 Permission is sought for the addition of electric gates to the front boundary of the property.
- 3.2 The pedestrian gate would measure 1.1m in width and the vehicular gate would measure 3.68m in width, with a height of 1.3 metres.
- 3.3 The gates would be black powder coated iron railings.



Figure 2 Existing front elevation

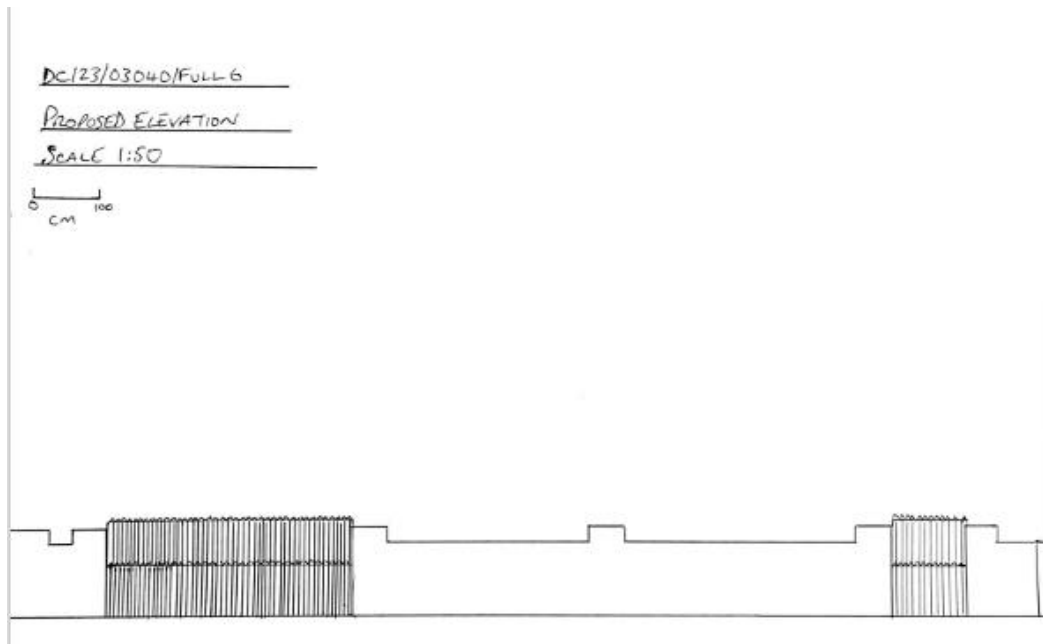


Figure 3 Proposed front elevation



Figure 4 Existing front boundary treatment

Mitchell green

13 BIRCHWOOD RD
PETTS WOOD
BR5 1NX

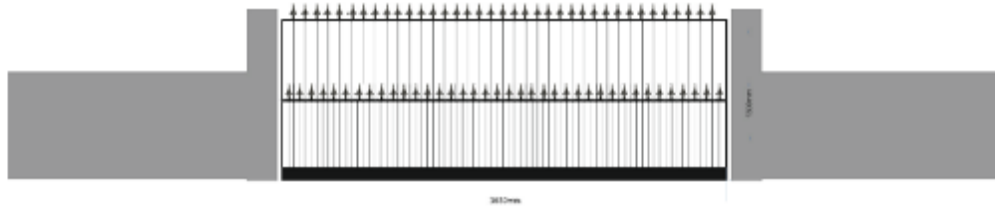


Figure 5 Proposed front boundary treatment – vehicular gate



Figure 6 Existing front garden looking out towards Birchwood Road

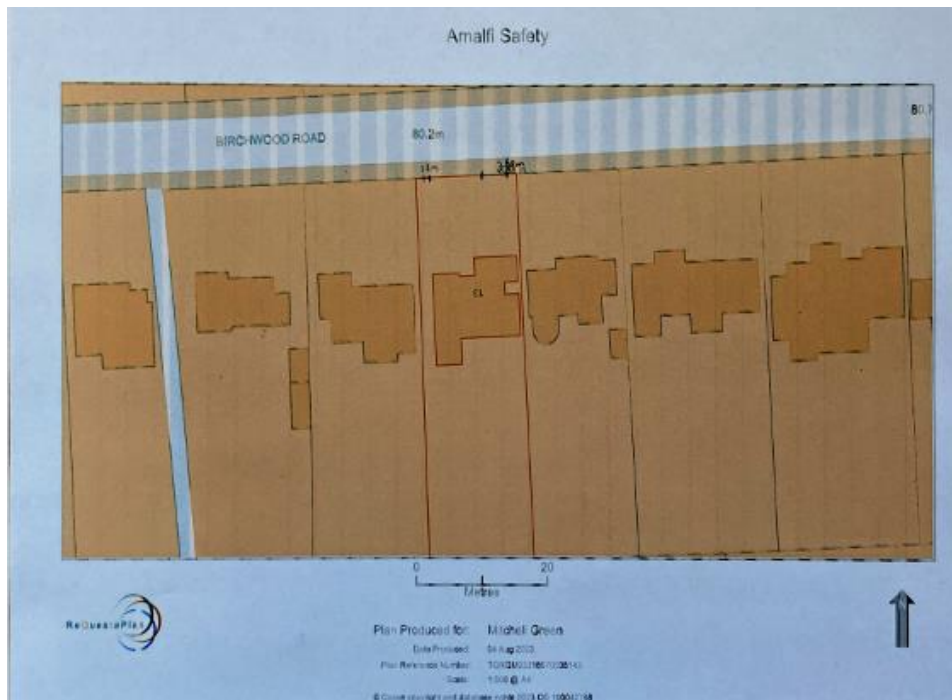


Figure 7 Proposed block plan of site

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history relating to the application site can be summarised as follows:

95/00088/FUL - Single storey front and rear extension GRANTED.

97/01554/FUL - Single storey rear extension GRANTED.

21/02279/FULL6 - Single storey rear extensions and elevational alterations. GRANTED.

22/02598/FULL6 – proposed garden room. GRANTED.

There are various appeal decisions that have been upheld in the local vicinity that relate to very similar forms of development, including 82 Lynwood Grove and 2 Willet Close.

5. CONSULTATION SUMMARY

A) Statutory

A.1 Highways – No Objection

- Birchwood Road is not a classified road and is relatively wide;
- A car waiting while the gate opens is unlikely to interfere with the traffic flow;

- No technical objection is raised with regard to the application.

A.2 Conservation Officer – **Objection**

- The open character of the area and plots is a highlight in the SPG;
- Very poor drawings and no evidence that the CA SPG has been considered;
- Objection is raised as the proposed development is considered to cause less than substantial harm to the conservation area.

B) Local Groups

Objection

Petts Wood and District Residents Association (addressed in paras 7.2.1 – 7.3.7):

- The relative openness of front gardens of these properties, plus others in the immediate location, adds to the character of the Chislehurst Road Conservation Area (CRCA) and enhances the airy, spacious feel of the area;
- The CRCA Supplementary Guidance includes references to the area being developed as a Garden Suburb;
- The original estate plan and the intentions of the estate developers did not include the enclosure of front gardens but in fact the opposite;
- This proposal will fully extend across the frontage and give a sense of enclosure;
- Proposal will impact upon the street scene by causing an element of visual intrusion;
- Other properties in Birchwood Road might have front boundary gates but these are largely historic and were installed prior to the adoption of the current Bromley Local Plan;
- PWDRA respectfully request that this planning application is refused.

Advisory Panel for Conservation Areas (APCA) (addressed in paras 7.2.1 – 7.3.7):

- The proposal is quite out of character in principle with the rest of the road which is characterised by low hedges or walls and no gates;
- Whilst the SPG does not refer specifically to gates, the open aspect of the area is stressed as a key characteristic;
- Objection is therefore raised.

C) Adjoining Occupiers

No comments were received from local residents.

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

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 must be made in accordance with the development plan and any national development management policies taken together, unless material considerations strongly indicate otherwise.
- 6.3 The National Planning Policy Framework was updated on 5th September 2023 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:

National Policy Framework (updated 2023)

NPPG

The London Plan

- D1 London's form, character and capacity for growth
- D4 Delivering good design
- D5 Inclusive Design

Bromley Local Plan 2019

- 6 Residential Extensions
- 37 General Design of Development
- 41 Conservation Areas

Bromley Supplementary Guidance

Urban Design Supplementary Planning Document (July 2023)

7. ASSESSMENT

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

- Design – layout and scale
- Heritage Impact – conservation area
- Highways
- Residential amenity

7.2 Design – Layout and scale – Not 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. London Plan and Bromley Local Plan (BLP) policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

7.2.2 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.

7.2.3 The site is highly visible within the public realm. It is noted that the pedestrian gate would measure 1.1m in width and the vehicular gate would measure 3.68m in width, with a height of 1.3 metres. The gates would be black powder coated iron railings.

7.2.4 Whilst there is an existing low level front boundary wall, the sections where the proposed gates are to be located currently remain open which visually provides an openness that is in keeping with the character of the wider area.

7.2.5 Whilst the Council recognises that open plan front gardens can lead to a lack of privacy, it is encouraged to retain this openness through planning policy and supplementary guidance. The construction of new front boundary walls will normally be resisted, likewise introducing gates, railings or other forms of enclosure to the front would also usually be resisted.

7.2.6 Most houses in this area have large rear gardens in which high hedges or wooden fences provide adequate privacy. Where properties do have a traditional front enclosure to the front garden, the use of hedging or timber fencing is generally considered to be more in keeping with the "Garden Suburb" atmosphere than any masonry wall.

7.2.7 In general, a front boundary in this vicinity should be relatively low and should not include additional railings. The application site already benefits from a low front boundary wall, it is considered any further development would not be in keeping with the design of the host dwelling or wider area.

7.2.8 By introducing the proposed metal gates for both pedestrian and vehicular access, it is considered that this would result in a much more dominant feature within the streetscene and a greater sense of enclosure.

7.2.9 The cumulative impact of the height and design of the proposed gates would therefore result in a much more visually prominent and intrusive appearance which is contrary to the garden suburb character of the area.

7.2.10 Given the height, colour and siting of the proposed entrance gates, they are not considered in keeping with the surrounding boundary treatments.

7.3 Heritage Impact – Conservation Area – Not Acceptable

7.3.1 The site is located within the Petts Wood, Chislehurst Road Conservation Area.

7.3.2 Policy 41(Conservation Areas) of the BLP states that Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. This policy therefore requires development to respect, enhance and strengthen the special and distinctive qualities of the designated Conservation Area.

7.3.3 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.

7.3.4 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.

7.3.5 Objection has been raised by the Council's Conservation Officer and the Advisory Panel for Conservation Areas (APCA), the view being that the proposed development would result in less than substantial harm to the character of the conservation area.

7.3.6 Accordingly it is considered that the character and appearance of the Conservation Area would not be preserved in this case.

7.3.7 The proposal is considered to result in a significant impact on the character and appearance of the area, and harmful to the Chislehurst Road, Petts Wood Conservation Area.

7.4 Highways – Acceptable

7.4.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

7.4.3 No adverse highway impacts are expected to arise. No technical objections have been raised by the Council's Highways Officers.

7.5 Neighbourhood Amenity – Acceptable

7.5.1 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.

7.5.2 Whilst resulting in harm to the visual amenities of the area generally, taking into account the siting of the proposed gates and the location of neighbouring properties, they are not considered to result in any harm to the residential amenities of these neighbouring dwellings in terms of light and outlook.

7.5.3 Having regard to the scale and siting of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect or privacy would arise to neighbouring properties.

8. CONCLUSION

8.1 Having had regard to the above it is considered that principle of the proposed development is unacceptable by reason of their nature and enclosing the current open aspect of the front boundary, therefore failing to preserve or enhance the character and appearance of the Conservation Area.

8.2 It is acknowledged that there are other examples of front boundary treatments within close proximity of the application site in Birchwood Road, such as at No.1, No.2a, No.3, No.6 and No.7, as well as others in the road slightly further away, such as No.16 and No.53. However, either these are historical and do not benefit from any form of planning permission, or they were granted permission but are not directly comparable. No.53 had permission granted for alterations to front boundary. Whilst this description may sound similar to the current proposal at No.13, No.53 is on a corner site and the boundary treatment was positioned more to the side of the site, with the fence in question to the front/side, rather than the application property of No.13 seeking alterations definitively to the front. Therefore it can be argued that no direct comparison can be drawn between the two sites.

8.3 In general, front boundary treatments within the area are characterised by low hedges or walls with no gates. Any other proposals to alter front boundaries or increase the height of existing, historical front boundary treatments, are generally resisted. Therefore the proposed height, colour and design of the proposed gates would be out of character with surrounding front boundary treatments and development in general, and as such are considered to be detrimental to the visual amenities of the streetscene and the appearance of the conservation area generally.

RECOMMENDATION: REFUSAL

The proposed addition of entrance gates, by reason of their siting, height, colour and design, would be out of character with surrounding development and detrimental to the visual amenities of the streetscene, and would therefore fail to preserve or enhance the character and appearance of the Chislehurst Road, Petts Wood Conservation Area, thereby contrary to Policies 37, 41 and 44 of the Bromley Local Plan.