

<b>Committee Date</b>	11.01.2024	
<b>Address</b>	The Roses Kemnal Road Chislehurst BR7 6LT	
<b>Application Number</b>	23/03765/FULL6	<b>Officer</b> - Gill Lambert
<b>Ward</b>	Chislehurst	
<b>Proposal</b>	Garage conversion into habitable room. Construction of a part one/two storey side/rear extension.	
<b>Applicant</b>	<b>Agent</b>	
Mr & Mrs Mothersole	Mr Sanjay Kanadia	
The Roses Kemnal Road Chislehurst BR7 6LT	260 Sherwood Park Avenue Sidcup DA159JN	
<b>Reason for referral to committee</b>	<b>Councillor call in</b>	
Side space	No	

<b>RECOMMENDATION</b>	Application Permitted
-----------------------	-----------------------

<b>KEY DESIGNATIONS</b>
<p>Conservation Area: Chislehurst  Biggin Hill Safeguarding Area  London City Airport Safeguarding  Open Space Deficiency  Smoke Control SCA 16  Tree Preservation Order</p>

<b>Representation summary</b>	Neighbour letters were sent 19/10/23 A Statutory site notice was displayed at the site between 2.10.23 – 10.11.23
-------------------------------	--

Total number of responses	1 (neutral)
Number in support	0
Number of objections	0

## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposals would not result in unacceptable harm to trees on the site which are considered to be of significant value to Chislehurst Conservation Area, subject to safeguarding conditions
- The development would not result in a harmful impact on the character and appearance of Chislehurst Conservation Area
- The development would not adversely affect the amenities of neighbouring residential properties
- The development would have no adverse impact on parking provision or conditions of highway safety.

## 2 LOCATION

- 2.1 This detached two storey dwelling occupies a corner site at the junction of Kemnal Road and Dickens Drive, and is located within Chislehurst Conservation Area. The site is covered by a blanket TPO made in the 1970s.
- 2.2 The surrounding area is characterised by a mixture of detached dwellings and large flatted developments set within spacious grounds.





### 3 PROPOSAL

- 3.1 It is proposed to convert the existing side garage into habitable accommodation, and construct a part one/two storey side/rear extension which would abut the side boundary with Middlemarch and would project between 1-2m to the rear at ground floor level only.
- 3.2 The first floor element of the proposals would be set back 0.8m from the front elevation of the dwelling, and 1m from the side boundary, and the roofline would be 0.4m lower than the main roof ridge.
- 3.3 The single storey rear extension would be triangular in shape but it would have a deeper rectangular canopy over it which would project between 2-3m to the rear.
- 3.4 The application was supported by the following documents:
  - Arboricultural Impact Assessment and Method Statement

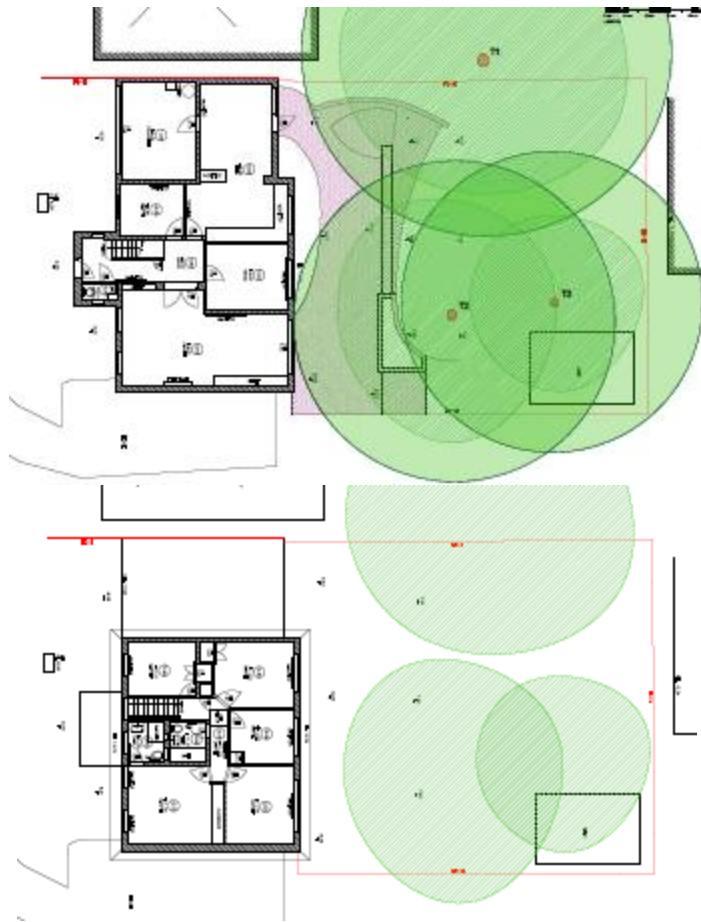


Figure 1 – Existing floor plans



**Figure 2 – Proposed floorplans**



**Figure 3 - Existing front and rear elevations**



**Figure 4 – Proposed front and rear elevations**

#### **4 RELEVANT PLANNING HISTORY**

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Permission was granted in 2001 (ref.00/03519/FULL1) for a single storey rear extension.
- 4.3 Retrospective permission was granted in 2009 (ref.09/02001/FULL6) for front entrance gates with metal railings and pillars (maximum height 2.1m).
- 4.4 Permission was refused in January 2015 (ref.14/04431) for a side and rear boundary wall/fence with a maximum height of 2.5m on the following grounds:

“The proposed boundary wall and fence would, by reason of its size, height and siting at the back edge of the footway, have a seriously detrimental impact on the character and open-plan nature of this part of Chislehurst Conservation Area, thereby contrary to Policies BE1, BE7 and BE11 of the Unitary Development.”

4.5 Permission was granted in August 2015 (ref.15/02931/FULL6) for the replacement of the rear boundary wall to the north and west.

4.6 Permission was refused in August 2022 (ref.21/04873/FULL6) for the demolition of the existing garage and the erection of a part one/two storey side/rear extension with elevational alterations on the following grounds:

“The proposals would result in unacceptable harm to trees on the site which are considered to be of significant value to Chislehurst Conservation Area, thereby contrary to Policies 43 and 73 of the Bromley Local Plan.”

4.7 The subsequent appeal was dismissed in February 2023 on grounds relating to the unacceptable risk of harm to the protected trees which, if realised, could result in the loss or premature decline, or damage to at least one of the three protected trees. Due to their size and value, this was considered to be to the detriment of the significant and positive contribution they make, both individually and as part of a group, to the wider wooded character and appearance of the Conservation Area.

4.8 Permission was refused in June 2023 (ref.23/01103/FULL6) for the same scheme but with additional tree information provided on the following grounds:

“The proposals would result in unacceptable harm to valuable trees on the site which are considered to be of significant public amenity value to the Chislehurst Conservation Area, and it would thereby fail to respect and incorporate into the design, existing landscape features that contribute to the character and appearance of Chislehurst Conservation Area contrary to Policies 37, 41, 43 and 73 of the Bromley Local Plan 2019.”

## **5 CONSULTATION SUMMARY**

### **A) Statutory/Non-Statutory**

#### Conservation – No objections

This modern house is of low significance in the Conservation Area, and the proposals represent an acceptable level of subservience within the Conservation Area setting. No objections are therefore raised from a heritage viewpoint.

#### Highways – No objections

The proposal will remove the existing garage. However, there is parking for a number of vehicles available on the frontage, and no highways objections are therefore raised to the proposals.

Given the status of Kemnal Road as an unadopted street, informatives are suggested to protect the condition of the relevant section of the road, and the requirement to obtain the agreement of the owner(s) of the sub-soil upon which Kemnal Road is laid out.

### Trees – No objections

The reduced rear extension largely addresses the tree objections to the previous application. The Arboricultural Report has not been updated and shows the footprint of the previous proposal, therefore, a condition requiring the submission of a revised Arboricultural Method Statement and tree protection plan is recommended.

### **B) Adjoining Occupiers**

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

Local Groups (The Chislehurst Society)

- The Council should check the arboricultural impact of this extension, as it would appear that the tree report has not changed since the last application.

## **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 updated in December 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.

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



T6 Car parking

## **Bromley Local Plan 2019**

6	Residential Extensions
8	Side Space
30	Parking
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**

Bromley Urban Design Guide SPD (2023)  
Chislehurst Conservation Area SPG

## **7 ASSESSMENT**

### **7.1 Resubmission**

7.1.1 The current proposals differ from the previously refused schemes in that the single storey rear extension has been reduced in depth by between 1.3-2.3m.

### **7.2 Design and Heritage Impact – Acceptable**

7.2.1 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.

7.2.2 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

7.2.3 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.

7.2.4 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.

7.2.5 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.

7.2.6 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.

7.2.7 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.

7.2.8 As with the previous scheme, the proposed part one/two storey side/rear extension would extend up to the boundary at ground floor level, and would not therefore comply with the Council's side space policy. However, the first floor element would be set back 1m from the side boundary, and given that it would also be set back 0.8m from the front façade and would have a lowered roofline, it would result in a subservient appearance. The proposals are not therefore considered to detract from the appearance of the dwelling nor appear unduly cramped within the street scene.

7.2.9 This modern house is of low significance in the Conservation Area, and the subservient design of the proposed extension is considered to preserve the character and appearance of Chislehurst Conservation Area. The Inspector in the previous appeal agreed with this assertion.

7.2.10 The impact of the proposals on protected trees in the Conservation Area is discussed in the Trees section below.

### 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 The proposed single storey rear extension would now project only slightly beyond the rear of the adjacent dwelling at Middlemarch to the south which is set at a slightly higher level. Given the orientation and modest depth of the extension, it is not considered to result in a significant loss of light to or outlook from the adjacent property.
- 7.3.3 No windows are proposed in the southern flank elevation of the extension facing Middlemarch, and the proposals would not therefore result in any undue overlooking of the neighbouring property.
- 7.3.4 Having regard to the scale, siting, separation distance, orientation and existing boundary treatment 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 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 The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 7.4.3 London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and BLP should be used as a basis for assessment.
- 7.4.4 No highways objections are raised to the proposals.

#### 7.5 Trees - Acceptable

- 7.5.1 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).

7.5.2 In the previous appeal, the Inspector considered that the proposals would have an unacceptable risk of harm to the protected trees which, if realised, could result in the loss or premature decline, or damage to at least one of the three protected trees. Due to their size and value, this was considered to be to the detriment of the significant and positive contribution they make, both individually and as part of a group, to the wider wooded character and appearance of the Conservation Area.

7.5.3 The revised scheme, which includes the reduction in the depth of the single storey rear extension, has now overcome the previous concerns raised about the impact on protected trees on the site, subject to safeguarding conditions.

## **8 CONCLUSION**

8.1 Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character and appearance of Chislehurst Conservation Area, or on protected trees on the site. No adverse impact on parking provision or conditions of highway safety are anticipated to arise.

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 GRANTED**

**The following conditions are recommended:**

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Arboricultural Method Statement and Tree Protection Plan**
- 4. Matching materials**

**Any other planning condition(s) considered necessary or requires amending by the Assistant Director of Planning**

**The following Informative is recommended:**

**Given the status of Kemnal Road as an unadopted street, you are advised that the condition of the section of the street to which the proposed development has a frontage should, at the end of development, be at least commensurate with that which existed prior to commencement of the development. You are also advised that before any works connected with the proposed development are undertaken within the limits of the street, it will be necessary for you to obtain the agreement of the owner(s) of the sub-soil upon which Kemnal Road is laid out.**