

<b>Committee Date</b>	07.03.2024	
<b>Address</b>	54 Lubbock Road, Chislehurst, BR7 5JX	
<b>Application Number</b>	23/03687/FULL1	<b>Officer</b> - Amy Jenner
<b>Ward</b>	Chislehurst	
<b>Proposal</b>	Construction of a 4 bedroom two storey dwellinghouse including integral open fronted garage and cycle parking to land r/o 54 Lubbock Road	
<b>Applicant</b> Dr A MacDonnell	<b>Agent</b> Mr James Sharp	
54 Lubbock Road Chislehurst Bromley BR7 5JX	2 Pickering Lane Orpington BR5 1FA	
<b>Reason for referral to committee</b>	Call in	<b>Councillor call in</b>  Cllr Mark Smith - Concerns of local residents at loss of amenity and over-densification in a conservation area. Ward Councillors have had requests from both objectors and applicant to call in this application.

<b>RECOMMENDATION</b>	Application Refused
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<b>KEY DESIGNATIONS</b>  <b>Conservation Area: Chislehurst</b> <b>Article 4 Direction</b> <b>Biggin Hill Safeguarding Area</b> <b>London City Airport Safeguarding</b> <b>Open Space Deficiency</b> <b>Smoke Control</b> <b>Locally Listed Building</b>
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<b>Representation summary</b>	<p><i>Neighbours were notified of the application by letters dated 3<sup>rd</sup> October 2023.</i></p> <p><i>A statutory site notice was displayed on 6<sup>th</sup> October 2023</i></p> <p><i>Press advert was published in the News Shopper on 11<sup>th</sup> October 2023</i></p>	
Total number of responses		12
Number in support		0
Number of objections		11

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would result in a harmful impact on the character of the Chislehurst Conservation Area.
- The development would result in a harmful impact on the appearance and setting of the locally listed host dwelling.
- The development would have a significantly harmful impact on the amenities of neighbouring residents.

## 2. LOCATION

- 2.1 The application site hosts a large detached dwellinghouse on the south-western side of Lubbock Road and is located within the Chislehurst Conservation Area. The host property (No.54) is a large impressive double fronted Victorian house (Neo-classical style) which is Locally Listed.
- 2.2 The area is predominantly residential in nature. The surrounding properties comprise predominantly detached dwellings with some flatted developments. To the rear of the site lies properties in Abbey Gardens. The site as present forms part of the rear garden of No.54 Lubbock Road. The land at the rear of the house slopes steeply downwards towards the rear gardens in Abbey Gardens.
- 2.3 The site does not fall within a designated Flood Zone.

**Figure 1: Site location plan:**



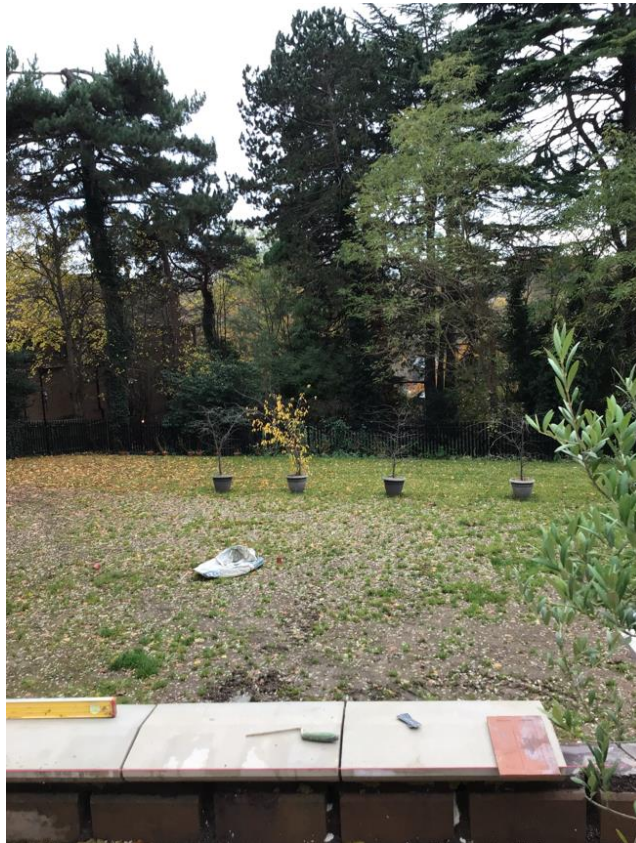
### 3 PROPOSAL

- 3.1 Planning permission is sought for the construction of an additional dwellinghouse on the land to the rear of the existing site at No.54 Lubbock Road (proposed floor area of 266sqm as stated by Agent). The proposed dwelling would be two storey in height, with 4 bedrooms at first floor level. The property design is referred to a 'coach house'. The dwelling would have an attached open fronted double garage to provide parking for 2 cars. A private garden is proposed for the new dwelling with a cycle storage for 4 bicycles on the submitted plans.
- 3.2 The development is arranged with the rear elevation of the proposed dwelling facing onto the existing boundary with No.3 Abbey Gardens and the front elevation facing back onto the donor property at No. 54.
- 3.3 The new property would be accessed via an access road which would runs alongside No.54 and rear garden of No. Abbey Gardens / Enderfield Court.
- 3.4 The detached house would be located approximately 2.5m to the boundary with No.4 Abbey Gardens and would retain a minimum of approximately 7.5m to the boundary with No.3 Abbey Gardens (when scaled from the electronic drawings).
- 3.5 The application is accompanied by the following documents:
  - Tree Survey
  - Planning Statement
  - Heritage Statement
  - Design and Access Statement

**Figure 2: Rear of the site looking back onto No.54:**



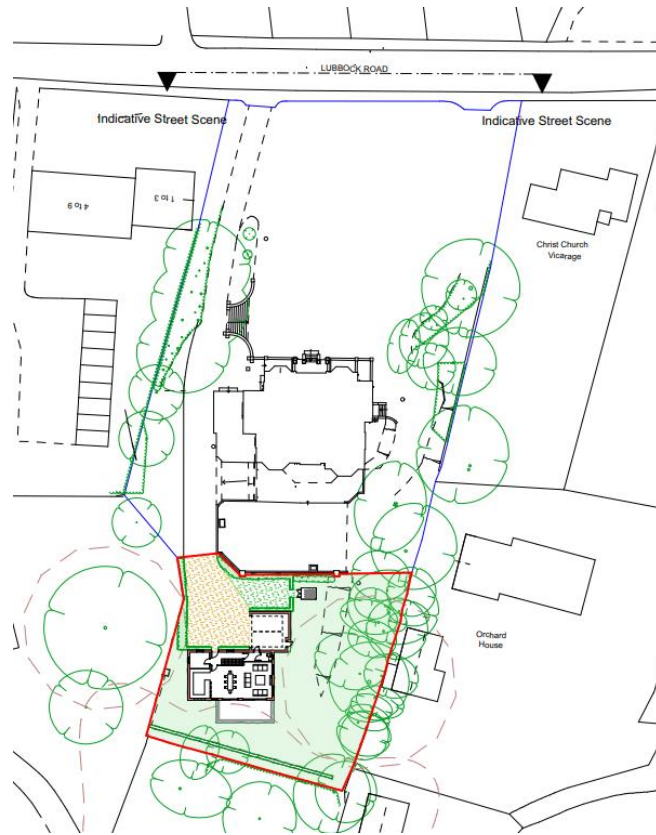
**Figure 3: Photograph toward the rear of the site:**



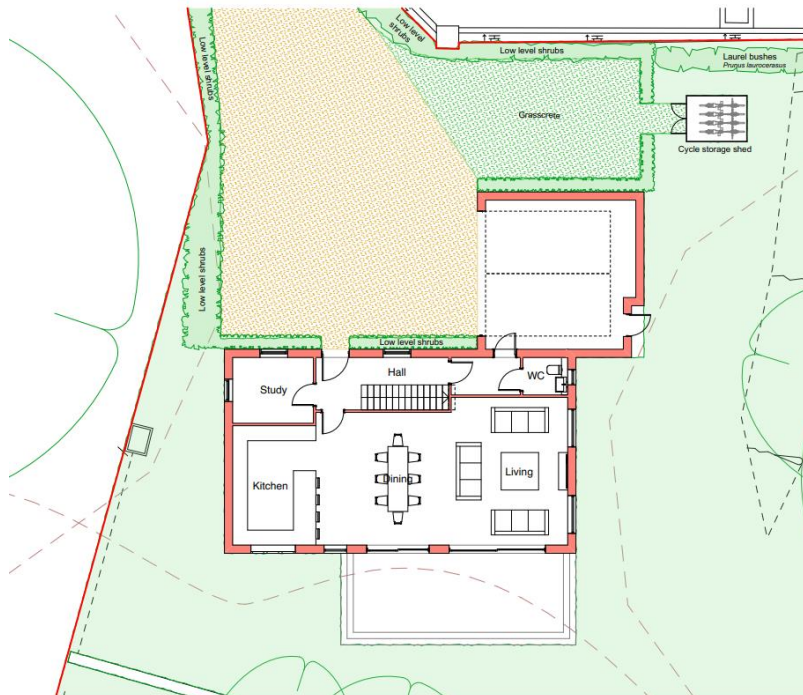
**Figure 4: Photograph of No.54:**



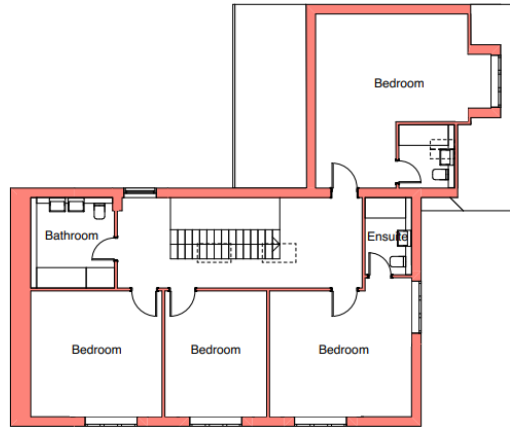
**Figure 5: Proposed block plan:**



**Figure 6: Proposed ground floor plans:**



**Figure 7: Proposed first floor plans:**



**Figure 8: Proposed front and rear elevations:**



Front Elevation

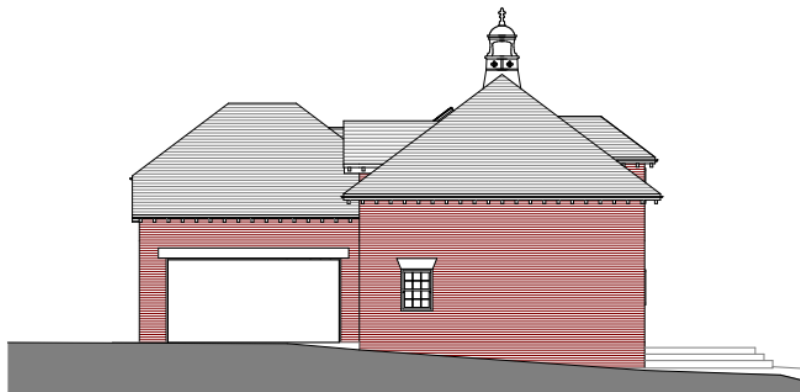


Rear Elevation

**Figure 9: Proposed side elevations:**



Side Elevation - Left



Side Elevation - Right

## **4 RELEVANT PLANNING HISTORY**

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

- 21/01514/FULL6 - Rear and side terrace, with an under-croft parking area/Garage and additional storeroom to the basement. Levelling of the rear garden beyond the terrace, with retaining walls to the rear (2.7m) and side. New balustrades. Underground rainwater storage tank, one repaired manhole and one relocated manhole. (PART RETROSPECTIVE) – Permission
- 21/00269/PLUD - Single storey side extension (Lawful development certificate Proposed) – Withdrawn
- 07/04342/FULL2 - Temporary change of use of lower ground floor of residential dwelling to provide church hall facilities in association with Christ Church Lubbock Road – Permission

- 07/02105/FULL2 - Temporary change of use of lower ground floor of residential dwelling to provide church hall facilities in association with Christ Church Lubbock Road – Refused
- 01/01124/FULL1 - 2 metre high front boundary railing and entrance gates; formation of first floor balcony at rear – Permission
- 01/00806/FULL1 - Single storey rear extension for swimming pool building with balcony/balustrading over; regrading of levels in rear garden – Permission
- 01/00187/FULL1 - Installation of roof lights and french doors to rear elevation and erection of retaining wall in front garden – Permission
- 00/01664/FULL1 - 4 detached five bedroom houses each with detached garage and access road (enlargement of garage on Plot 3 to provide first floor storage area together with external staircase) – Permission
- 00/00789/ELUD - Use as four self-contained flats CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE – LEUD
- 00/00612/CAC - Demolish existing garages and outbuildings CONSERVATION AREA CONSENT – Conservation Area Consent Granted
- 00/00611/FULL1 - Two detached double garages and a detached quadruple garage – Permission
- 00/00025/FULL1 - 4 detached five bedroom houses each with detached garage and access road from Porrington Close; Land at Petra, Porrington Close and rear of 54 Lubbock Road – Permission
- 98/01938/CON – Demolition of existing garages - Refused
- 98/01772/FUL - LAND R/O ABBEY LODGE 54 LUBBOCK ROAD CHISLEHURST – 3 Detached 5 bedroom houses and 3 detached triple garage association parking and access road – Refused – Appeal withdrawn

## **5 CONSULTATION SUMMARY**

### **A) Statutory**

Conservation Officer – Objections raised

Highways - No objections subject to suggested conditions

Trees – No objections subject to suggested conditions



Drainage Officer - Although no public surface water sewer exist near the site, first indications of BGS Data show soil to be favourable to infiltration. We ask for SUDS options to be incorporated on site. Standard condition suggested.

## **B) Local Groups**

APCA - *The ground floor treatment is strangely bland, incongruous and out of character with the quality of the interesting treatment of the upper storey and roofscape and should be much improved to reflect the quality of the proposed upper storey and that of the locally listed main house and its setting.*

Chislehurst Society – *Although the proposed house is a sympathetic design to the host property and would not be visible from the road, loss of amenity space to 54 Lubbock Road seems disproportionate and should the house be used for other purposes could be wholly inadequate. While 54 sits in a large plot – the majority of the space is given over to the hard landscaping of the front car park. The proposal would intensify development and hard landscaping in the area potentially resulting in the loss of habitat. In addition the new dwelling would be dwarfed by the existing property. The officer should check tree cover and should perhaps require an arboricultural report.*

## **C) Adjoining Occupiers**

Nearby owners/occupiers were notified of the application and the following representations were received:

### Character and Conservation Area (addressed in paragraphs 7.2 and 7.3)

- siting and design of the development
- squeezes a large four-bed two-story two-garage house, together with an access drive and patio, onto what used to be the rear garden of 54 Lubbock Road
- plot size is small relative to the size of the proposed property
- loss of green space
- unacceptable impact on character, appearance and context of area
- cramped
- does not preserve or enhance Conservation Area
- out of character with the beautiful surroundings
- poor design
- locally listed

### Neighbouring Amenity (addressed in paragraph 7.4)

- impact on privacy
- overlooking (windows facing onto Abbey Gardens)
- majority of windows facing rearwards (south-westerly), away from No. 54
- proposed siting of the new property minimises the privacy impact on the owners of No.54, no regard to neighbours
- elevated position of proposed development provides clear sight lines to adjoining properties
- concerns regarding proposed patio – impact on privacy

- impact upon privacy of future and existing occupiers
- traffic disturbance from access road
- light pollution

Other comments (addressed in sections 7.8, 7.9 and 7.10 )

- contrary to planning policies
- impact on local nature, green space and biodiversity
- loss of landscaping and natural habitats, and play space
- fails to provide sufficient external, private amenity space
- "existing" coach house referred to does not exist on the site of No.54
- planning history 00/00611/FULL relating to the replacement of these garages by new garages – condition added to restrict use (not for living accommodation)
- is not a "compromised" site in need of development
- works to garden process of being prepared on the presumption that planning permission for a new 4 -bed house
- garden destroyed
- coach house would not have been sited on formal grounds
- concerns about impact on trees
- Chislehurst Caves – lack of reference (not assessed properly)
- Site specific historical mining investigation and risk assessment should be undertaken
- concerns about rainfall and removal of natural soakaway
- flood risk assessment should be submitted
- additional flood impact on neighbouring properties
- damage to adjoining property
- no proposed site levels
- no site sections with adjoining sites
- lack of ecological survey
- no pre-planning advice
- no display of site notice

## **6 POLICIES AND GUIDANCE**

### **6.1 National Planning Policy Framework 2023**

### **6.2 NPPG**

### **6.3 The London Plan (2021)**

D1 London's form and characteristics

D2 Infrastructure requirements for sustainable densities

D3 Optimising site capacity through the design-led approach

D4 Delivering good design

D5 Inclusive design

D6 Housing quality and standards

D7 Accessible housing

D11 Safety, security and resilience to emergency

D12 Fire safety  
D13 Agent of change  
D14 Noise  
H1 Increasing Housing Supply  
H2 Small sites  
H5 Threshold Approach to application  
H9 Ensuring the best use of stock  
H10 Housing Size Mix  
S4 Play and informal recreation  
HC1 Heritage conservation and growth  
G6 Biodiversity and access to nature  
G7 Trees and woodlands  
SI1 Improving air quality  
SI2 Minimising greenhouse gas emissions  
SI3 Energy infrastructure  
SI4 Managing heat risk  
SI5 Water infrastructure  
SI7 Reducing waste and supporting the circular economy  
SI13 Sustainable drainage  
T2 Healthy Streets  
T3 Transport capacity, connectivity and safeguarding  
T4 Assessing and mitigating transport impacts  
T5 Cycling  
T6 Car parking  
T6.1 Residential Parking  
T7 Deliveries, servicing and construction

#### 6.4 Bromley Local Plan (2019)

1 Housing supply  
3 Backland and Garden Land Development  
4 Housing design  
8 Side Space  
30 Parking  
32 Road Safety  
33 Access for All  
34 Highway Infrastructure Provision  
37 General design of development  
39 Locally Listed Buildings  
41 Conservation Areas  
70 Wildlife Features  
72 Protected Species  
77 Landscape Quality and Character  
112 Planning for Sustainable Waste management  
113 Waste Management in New Development  
115 Reducing flood risk  
116 Sustainable Urban Drainage Systems (SUDS)  
117 Water and Wastewater Infrastructure Capacity  
118 Contaminated Land  
119 Noise Pollution

- 120 Air Quality
- 121 Ventilation and Odour Control
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

## 6.5 Bromley Supplementary Guidance

Housing Design Standards - London Plan Guidance (June 2023)  
National Design Guide (September 2019)  
Urban Design Supplementary Planning Document (July 2023)  
Supplementary Planning Guidance for Chislehurst Conservation Area

## 7 ASSESSMENT

### 7.1 Principle of Development – Unacceptable

- Housing supply

7.1.1 The current published position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee on the 2nd of November 2021 and acknowledged as a significant undersupply. Subsequent to this, an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293) concluded that the Council had a supply of 3,235 units or 3.38 years. The Council has used this appeal derived figure for the purposes of assessing this application. This is considered to be a significant level of undersupply.

7.1.2 The Housing Delivery Test 2022 results (published in December 2023 indicate that housing delivery against Bromley's housing requirement has fallen below 85% over the HDT period; this requires the addition of a 20% buffer to the Council's housing requirement over the FYHLS period (in accordance with Footnote 8 of the NPPF). Applying this buffer to the appeal derived figure noted above gives a supply of 2.96 years. The Council acknowledges this amended appeal derived figure for the purposes of determining this application, and considers this to be a very significant level of undersupply.

7.1.3 The Council is in the process of preparing an updated FYHLS position, reflecting changes since the last published position in November 2021.

7.1.4 The NPPF (2023) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.1.5 Whilst this proposal would provide 1 new dwelling representing a minor contribution to the supply of housing within the Borough, the site is located within Chislehurst Conservation Area, which is an area or asset of importance for the purposes of Paragraph 11(d). In the event that the policies protecting this area or asset of importance provide a clear reason for refusal, the presumption in favour of sustainable development may not apply.

- Land Use and Optimising Sites:

7.1.6 Policy H1 Increasing Housing Supply of the London Plan states that to ensure housing targets are achieved boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. Policy 1 of the Local Plan and Policy H1 of the London Plan set the context in the use of sustainable brownfield sites for new housing delivery.

7.1.7 Policy H2 Small Sites of the London Plan states that Boroughs should proactively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to significantly increase the contribution of small sites to meeting London's housing needs.

7.1.8 The London Plan does not include a prescriptive density matrix and promotes a design-led approach in Policy D3 to optimise the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity. Policies D2 and D4 are also relevant to any assessment of development proposals, including whether the necessary infrastructure is in place to accommodate development at the density proposed.

7.1.9 Local Plan Policies 4 and 37 accord with paragraph 130 of the National Planning Policy Framework, which requires development to be sympathetic to local character whilst optimising the potential of sites

7.1.10 Policy 3 of the Bromley Local Plan in respect of 'Backland and Garden Land Development' states new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met; there is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development; there is no unacceptable loss of landscaping, natural habitats, or play space or amenity space; there is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic; and a high standard of separation and landscaping is provided.

7.1.11 The supporting text states that in the past the role of small sites in providing additional housing within the Borough has been significant. It is important to also consider the value of backland and garden land in helping to define local

character. There is a risk that inappropriate development of these small sites over time could adversely impact upon local character, especially as the availability of sites diminishes.

## 7.2 Design, Scale and Layout – Unacceptable

- 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 Paragraph 131 of the NPPF (2023) states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.2.3 Paragraph 135 of the NPPF (2023) requires Local Planning Authorities to ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users<sup>52</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.2.4 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF
- 7.2.5 Policy D3 of the London Plan relates to ‘Optimising site capacity through the design-led approach’ and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

- 7.2.6 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.
- 7.2.7 Policy D5 of the London Plan relates to 'Inclusive Design' and states that development proposal should achieve the highest standards of accessible and inclusive design.
- 7.2.8 Policy H2 of the London Plan states that Boroughs should also recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.
- 7.2.9 Policy 3 of the Bromley Local Plan details in that new residential development will only be considered acceptable on backland or garden land if there is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development; there is no unacceptable loss of landscaping, natural habitats and a high standard of separation and landscaping is provided.
- 7.2.10 Policy 4 of the Local Plan details that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places respecting local character, spatial standards, physical context and density. To summarise the Council will expect all of the following requirements to be demonstrated: The site layout, buildings and space around buildings be designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas; compliance to minimum internal space standards for dwellings; provision of sufficient external, private amenity space; provision of play space, provision of parking integrated within the overall design of the development; density that has regard to the London Plan density matrix whilst respecting local character; layout giving priority to pedestrians and cyclists over vehicles; safety and security measures included in the design and layout of buildings; be accessible and adaptable dwellings.
- 7.2.11 Policy 8 of the Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.
- 7.2.12 The proposed dwelling would be located to the rear part of the garden currently belonging to No.54. The existing garden would be sub-divided with the donor property retaining only the higher raised garden permitted under ref. 21/01514/FULL6 and garden to the front. Whilst it is acknowledged that the proposed dwelling may not be at odds with the prevailing pattern of development in the area given the scattered nature of dwellings in this part of Chislehurst, the development in the manner proposed is not readily comparable to these adjoining sites given its relationship to the main dwelling and access

along the side of the site. The proposed dwelling and associated landscaping would occupy a large proportion of the external amenity space to the rear of the existing locally listed building. The spatial quality (openness) of the original plot is considered to be commensurate with the scale of the large Victorian property, which together make a positive contribution to the wider setting. Only a relatively small area of external amenity space (to the rear) would remain for the occupiers of the existing dwelling which is considered to be disproportionately small for a property of its size and heritage status/value.

7.2.13 The proposed layout of the dwelling would sit within close proximity to the adjoining boundaries (in particular No.4) and would appear visually prominent when viewed from the west particularly given the change in levels between the respective plots. With reference to Policy 3, backland or garden land development would only be compliant if there is no unacceptable impact upon the character, appearance and context of an area. In this case, it is considered that there would be unacceptable impact upon the character and appearance of the area given the excessive scale, layout and design of the proposed dwelling. The proposal would result in a detrimental impact upon the existing spatial quality of the site and wider area, the generosity of landscape and would be harmful to the sense of openness of the site.

7.2.14 In terms of design and appearance, the application proposes a 'converted coach house' inspired design which may be appropriate in terms of style but is considered that proposed the bulk and scale of the new building would not result in a subservient addition to the original Victorian house. The dovecoat element on the roof would appear as a particularly prominent feature at odds with the design intent for the new dwelling to appear as a low-key modest addition to the site, with other design issues outlined below within the 'Heritage' section of the report.

7.2.15 The proposed design of the new dwelling house is also of concern with its sizable dormer windows, large window openings with expansive glazing at ground floor level and significant areas of blank brickwork with limited design detailing, which would cumulatively result in an unrelieved appearance of poor design quality.

7.2.16 On balance, the proposed design, scale and layout of the proposed dwelling is not considered to be acceptable and would result in a detrimental impact to the appearance of the host property and would appear out of character with surrounding development or the area generally.

### 7.3 Heritage Impact – Unacceptable

7.3.1 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.



- 7.3.2 Paragraph 207/208 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.
- 7.3.3 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 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.
- 7.3.6 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.
- 7.3.7 Policy 39 of the Bromley Local Plan states that buildings on the Local List are considered to be non-designated heritage assets in the NPPF and that proposals to alter or extend a locally listed building should be sympathetic to the character, appearance and special local interest of the building and should respect its setting.
- 7.3.8 As the application site forms part of the Chislehurst Conservation Area and the host dwelling is locally listed, the Council's Conservation Officer was consulted regarding the proposal. Objections have been raised on the basis that the proposal would disrupt the important open nature of the site which is referred to specifically in the local listing description which make specific reference to the mature garden setting. The description is unusually detailed and specific

about the setting of the building in terms of both the historic and architectural importance of the building and the Conservation Area.

- 7.3.9 Heritage concerns have also been raised given that the proposed dwelling would be visible from street level on Lubbock Road and that the additional domestic clutter (such as additional hard standing, sheds, fences and gates) is not conducive to the open nature of the site. The additional hardstanding may also have a negative and harmful effect on surrounding greenery which is important in this case to the character of the Conservation Area.
- 7.3.10 It is considered that the proposal would be harmful to both the designated heritage asset which is the Conservation Area and the non-designated heritage asset which is the locally listed building. The site is considered a sensitive heritage setting and that under the heritage definition in the NPPF this harm would be less than substantial to which no particular justification has been made. The proposal would also be harmful to the setting of the locally listed building, contrary to Policy 39 of the BLP.
- 7.3.11 Paragraph 3.57 of the Chislehurst SPG indicates that topography is an important part of the character of this area, with the sizes of plots and grandeur of residents generally increasing with altitude. This character is integrally intertwined with the dominant Arts and Crafts style of the buildings and architecture and therefore a large scale development within a private garden of a very prominent and architecturally important house is considered unacceptable in this delicate heritage context.
- 7.3.12 In terms of design, the specific design of the proposed dwelling house is also of heritage concern with the design, size and siting of the dormer windows, large and unarticulated areas of glazing at ground floor level and sizeable areas of blank brickwork resulting in quite significant parts of the elevations having an unrelieved and unbalanced appearance.
- 7.3.13 Having regard to the above, the proposed dwelling would impact detrimentally upon the character and appearance of the Chislehurst Conservation Area, and impact upon the open setting of the Locally Listed building and would cause less than substantial harm to these designated and non-designate heritage assets. This harm would also need to be assessed against paragraph 208 of the NPPF, but in heritage terms no public benefit is seen which would outweigh this harm.

#### 7.4 Residential Amenity – Unacceptable

- 7.4.1 Policy 37 of the Bromley Local Plan 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.

- 7.4.2 Policy 4 of the Bromley Local Plan also 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.
- 7.4.3 In determining any application, a key consideration is the impact of the development on the amenities of neighbouring properties.
- 7.4.4 As summarised within Section 5 of this report, concerns have been raised by nearby neighbours, including the adjacent neighbours to the rear, in particular overlooking, loss of privacy and noise and disturbance. Full copies of the representations are available to view on the electronic file.
- 7.4.5 The proposed dwelling would be sited at the rear of the existing garden serving No.54 and would be accessed via an access road which would run alongside the boundary with Enderfield Court and No.4 Abbey Gardens. Having visited the site, the ground level differs significantly within the plot with the lower part of the garden at a lower ground level than the main house. Beyond the site, the ground level further falls downwards towards the properties within Abbey Gardens. The photographs included within the report clearly demonstrate that the application site is at a higher level than properties to the rear.
- 7.4.6 The proposal seeks to introduce a two storey dwelling house onto garden land at the rear of No.54. There are a number of concerns regarding the potential of overlooking and loss of privacy of adjoining properties, with large windows to the rear and south-eastern elevations, facing onto Abbey Gardens, Merripit and Orchard House. However, it is noted that these boundaries do benefit from dense tree screening and given the separation distances on balance it is unlikely that significant overlooking would occur. With regards to No.4 Abbey Gardens, given the height and scale of the proposed dwelling and the existing ground levels, it is likely that the proposal would result in a dominant building close to the shared boundary. The intensified use of the site would also involve increased vehicular and pedestrian movements along this boundary which would be detrimental to the current residential amenities this property currently enjoys.

**Figure 10: Photograph towards No. 4 Abbey Gardens:**

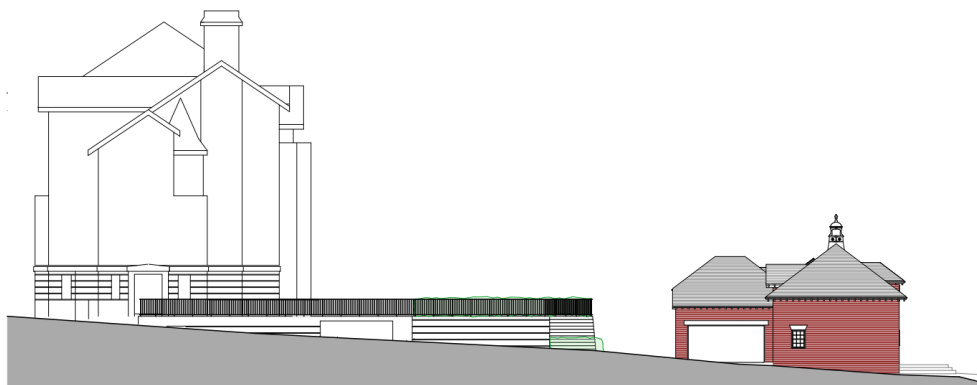


**Figure 11: Photo of boundary between application site and No.4 Abbey Gardens:**



7.4.7 As well as the impact of the proposal on neighbouring properties, it is also considered that the proposal will impact adversely on the amenities of the host (donor) property. The front elevation of the dwelling, including the front dormer would be clearly visible from the retained part of the raised rear garden of the host dwelling, and coming and going to the proposed dwelling, including manoeuvring within the parking and turning area, would be in close proximity of the garden and the main host dwelling. While it is acknowledged that the raising of the rear garden of the host property relative to the proposed severance plot would mitigate some of the immediate impact associated with loss of privacy, the siting of the dwelling would result in the provision of a separate and entirely unconnected residential unit within what is at present a private and secluded rear residential garden.

**Figure 12: Indicative site section showing proposed dwelling in relation to rear of host property:**



7.4.8 Having regard to the scale, height and siting of the proposed dwelling, it is considered that a significant loss of amenity with particular regard to loss of privacy, outlook and noise and disturbance would arise contrary to Policies 4 and 37 of the Bromley Local Plan.

## 7.5 Standard of Residential Accommodation – Acceptable

7.5.1 Policy D6 of the London Plan relates to ‘Housing quality and standards’ states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. The policy also prescribes internal space within new dwellings and external spaces standards that are in line with the Housing Design Standards.

7.5.2 The London Plan Guidance - Housing Design Standards (June 2023) and London Plan 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 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. The standards apply to new build, conversion and change of use proposals.

7.5.3 Policy 4 of the BLP also sets out a number of criteria to ensure that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places and ensuring a good standard of amenity for future occupiers.

7.5.4 In terms of the required Gross Internal Area (GIA) in relation to the number of occupants and bedrooms. The gross internal floor space size of the dwellings house is given as 266sqm over two levels as a four bedroom dwelling (number of persons not indicated). The relevant space standards require a Gross Internal Area of 97sqm (5person), 106sqm (6 person), 115sqm (7person) 115sqm (8 person) for a four bedroom dwelling house on two levels. Therefore, the GIA of the house meets (exceeds) these standards and is acceptable.

7.5.5 The shape, room size and layout of the rooms in both the proposed dwellings is considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use.

7.5.6 In terms of amenity space, sufficient provision and quality of space is indicated.

## 7.6 Highways – Acceptable

7.6.1 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.

7.6.2 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.

7.6.3 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.

- Car parking

7.6.4 Policy T6 Car Parking in the London Plan advocates that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite').

7.6.5 The application form indicates that four car parking spaces will be provided at the site, with the block plan showing two of these within the opened sided garage with parking for other vehicles on the frontage. The proposed dwelling will use one of the existing accesses from Lubbock Road. The Council's Highway Officer has not raised any objections to the level of parking provided at the site or the vehicle access arrangements from the highway. On balance it is considered that there will be minimal impact on parking in the vicinity and the proposal is considered generally acceptable from a highways perspective.

7.6.6 One electrical vehicle charging point is indicated. Further technical details of the installations are recommended to be sought by planning condition if permission were to be granted.

- Cycle parking

7.6.7 London Plan policy T6 seeks the provision of short-stay and long-stay cycle parking spaces in development proposals. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.

7.6.8 Cycle parking is required to be 2 spaces for dwellinghouses as proposed. The applicant has provided details of cycle storage within the garden (4 bicycles on the plans although the application form states 2 spaces) accessed from the proposed front parking area. A planning condition is recommended in this regard for further details of containment structures should permission be granted

- Refuse

7.6.9 All new developments shall have adequate facilities for refuse and recycling. No details of a location for refuse storage for the proposed dwelling has been provided, however the Planning Statement indicates that the refuse bins will be stored within the plot at all times except for on the day of collection, when the bins will be placed at a collection point adjacent to the crossover. A planning condition is recommended in this regard for further details including the containment structures.

- Fire Safety

7.6.10 Policy D12 of the London Plan states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they identify suitably positioned unobstructed outside space for fire appliances to be positioned on; appropriate for use as an evacuation assembly and are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire including appropriate fire alarm systems and passive and active fire safety measures; are constructed in an appropriate way to minimise the risk of fire spread; provide suitable and convenient means of escape, and associated evacuation strategy for all building users; develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in; provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

7.6.11 The application does not include a Fire Statement although the Planning Statement states that the proposal accords with appropriate guidance with for the provision of safe and convenient means of access for emergency and service vehicles. A plan has been included within the submission to show swept path analysis for Fire Appliance.

## 7.7 Trees and Landscaping – Acceptable

7.7.1 London Plan Policy G7 focuses on London's urban trees, setting out that development proposals shall ensure that, wherever possible, existing trees of value are retained. If the removal of trees is necessary, there should be adequate replacement based on the existing value of the benefits of the trees removed.

7.7.2 Policy 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

7.7.3 Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.

7.7.4 The Council's Tree Officer was consulted as part of the application process on the basis that the application site has a number of trees and is located within a Conservation Area.

7.7.5 An indicative landscaping layout has been submitted as shown on the proposed site plan drawing that details the areas given over to garden and hard landscaping for external amenity for future occupiers. Further details are recommended to be sought by planning condition if planning permission is granted.

## 7.8 Sustainability – Acceptable

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

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

7.8.3 Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.

7.8.4 An informative should be added to any approval to ensure that the development strives to achieve sustainability objectives. For a non-major scheme, energy and water efficiency can only be secured under the building regulation regime as standard, in order to meet the requirements of Policies 123 and 124 of the Local Plan and Policy SI 2 of the London Plan

## 7.9 Sustainable Drainage – Acceptable

7.9.1 Policy SI 13 Sustainable Drainage of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

7.9.2 Policy 116 of the Local Plan details that all developments should seek to incorporate sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible.

7.9.3 It is stated in the design and access statement that the permeable driveway and Grasscrete form a turning head for a Fire appliance and delivery vans. A terrace is provided off the Living area. The Council's Drainage Advisor has asked that SUDs options be incorporated on the site. It is recommended that should permission be granted further detail of a scheme for the provision of surface



water drainage and foul drainage shall be submitted by planning condition with any permission.

#### 7.10 Other matters

7.10.1 A number of other matters were raised by local residents, in particular with regard to flooding, ecology and the impact upon Chislehurst caves.

7.10.2 Policy SI 12 of the London Plan requires development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. This should include, where possible, making space for water and aiming for development to be set back from the banks of watercourses.

7.10.3 Policy 115 of the Bromley Local Plan states that to minimise river flooding risk, development in Flood Risk Areas (Environment Agency Flood Zones 2 and 3 and surface water flood risk hotspots) will be required to seek opportunities to deliver a reduction in flood risk compared with the existing situation. The site is not located within Flood Zone 2/3 and therefore no information regarding flooding would be required in this instance. The Drainage Officer has recommended the incorporation of SUDs within the site as outlined above which could be dealt with via condition.

7.10.4 In terms of an Ecology report, it is not currently a validation requirement for this type of proposal (not within a designated area or with identified protected species). From visiting the site it consists of a grass lawn with trees surrounding the edge of the site.

7.10.5 With regards to Chislehurst Caves, it is acknowledged that the caves may run underneath the site. Whilst it would be a private matter, further investigation may be required in order to comply with Building Regulations.

## **8 CONCLUSION**

8.1 Having had regard to the above, it is considered that the proposed development is unacceptable.

8.2 The proposed dwelling would impact detrimentally upon the character and appearance of the Chislehurst Conservation Area and upon the open setting of the Locally Listed building, and would result in a significant loss of amenity to neighbouring residents with particular regard to loss of privacy, outlook and noise and disturbance. The proposal is therefore contrary to the aims and objectives of Section 16 of the National Planning Policy Framework (2023), Policies D4 and HC1 of the London Plan and Policies 4, 37, 39 and 44 of the Bromley Local Plan.

- 8.3 While the application proposal would make a minor contribution to housing supply, the application site lies within the Chislehurst Conservation Area which comprises an area or asset of importance as set out in paragraph 11 of the NPPF. As previously stated it is considered that the proposal would harm the character and appearance of the Conservation Area and as such the provisions of paragraph 11d are not engaged.
- 8.4 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: REFUSED**

- 1. The proposed dwelling, by reason of its scale, design and close proximity to No.54 Lubbock Road, would result in an unsatisfactory sub-division of the existing plot and appear disproportionate to the scale of the host dwelling, failing to preserve or enhance the character and appearance of the Chislehurst Conservation Area and the special interest of the locally listed building, being harmful to its setting. The proposal would thereby be contrary to Section 16 of the National Planning Policy Framework, Policies D3 and HC1 of the London Plan and Policies 4, 37, 39 and 41 of the Bromley Local Plan.**
- 2. The proposed dwelling, by reason of bulk, siting and proximity to site boundaries, would result in a dominant form of development, significantly harmful to the residential amenity of existing and future occupants of neighbouring buildings and the host dwelling by reason of impact on outlook, noise and disturbance, thereby contrary to Policy D3 of the London Plan and Policies 4 and 37 of the Bromley Local Plan.**