

<b>Committee Date</b>	16.05.2024	
<b>Address</b>	Abbots Park House Orpington Road Chislehurst BR7 6RA	
<b>Application Number</b>	23/00429/FULL6	<b>Officer</b> - Jacqueline Downey
<b>Ward</b>	Chislehurst	
<b>Proposal</b>	Proposed outbuilding with carport, first floor leisure accommodation including three pitched roof dormers and rooflights.	
<b>Applicant</b>	<b>Agent</b>	
Mrs J Collins	Mr David Draper	
Abbots Park House Orpington Road Chislehurst BR7 6RA	9 Ruskin Grove Dartford DA1 5DD	
<b>Reason for referral to committee</b>	<b>Call-In</b>	<b>Councillor call in</b>
	Call-In	Yes - Cllr Mark Smith Reason: On the balance of what I have read and seen with regard to this application, I feel it is worthy of support.  If officers are minded to refuse this application, I would ask that the final decision is made by a plans sub-committee.

<b>RECOMMENDATION</b>	REFUSAL
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<p>KEY DESIGNATIONS</p> <p>Article 4 Direction Area of Special Residential Character Biggin Hill Safeguarding Area London City Airport Safeguarding Sites of Interest for Nat. Conservation Smoke Control SCA 17</p>
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3 Single Dwelling	Not provided
Proposed	C3 Single Dwelling	51sqm additional floor space

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	(Details not provided)	(Details not provided)	

<b>Representation summary</b>	Letters to neighbours were sent out on the 15.03.2023 A statutory site notice was displayed on the 21.03.2023 A press advert was published in the News Shopper on the 22.03.2023
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 on the character of the Marlings Park Estate Area of Special Residential Character and the area generally.**
- **The development would have an unacceptable impact on valuable trees**

## 2. LOCATION

2.1. The site comprises a detached two storey dwelling set within a generous plot. The site is located on the eastern side of Orpington Road and the wider area is characterised by residential properties which are principally detached within large plots to the eastern side of Orpington Road. The site is situated within the Marlings Park Estate Area of Special Residential Character (ASRC). To the western side of Orpington Road is St Paul's Common which is designated as Green Belt land and a Site of Importance for Nature Conservation (SINC).

2.2. There are three trees on the site which are subject to a Tree Preservation Order (TPO ref. 2925 date made 20/10/2023) which are a Yew, Sycamore and Lime trees.

Figure 1: Location Plan:



### 3. PROPOSAL

3.1. Planning permission is sought for a raised outbuilding supported by columns to the front which would comprise of a car port for four cars at ground floor and at first floor, accommodation including a games room, bathroom, kitchen and study and would be accessed by an external staircase.

Figure 2: Proposed site plan showing dotted outline and columns of the car port



Figure 3: Proposed car port and first floor plans

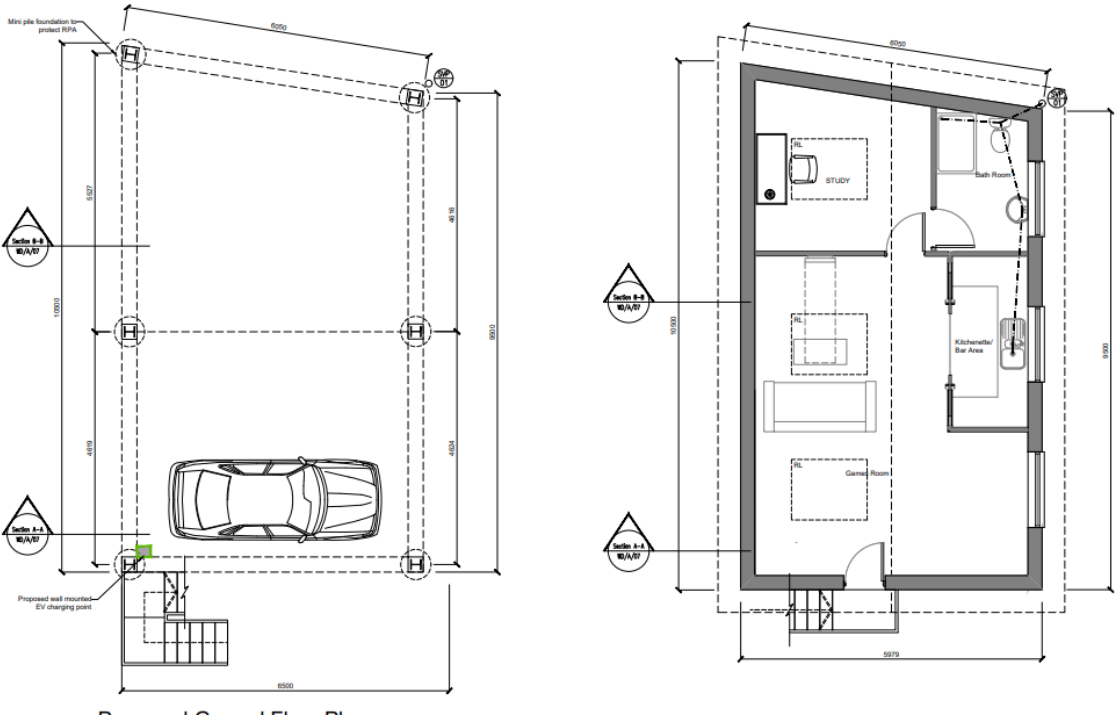
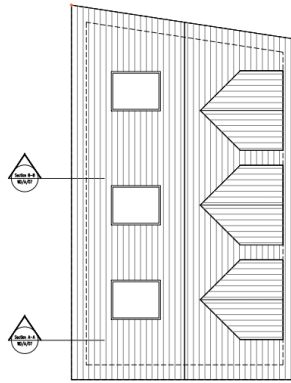


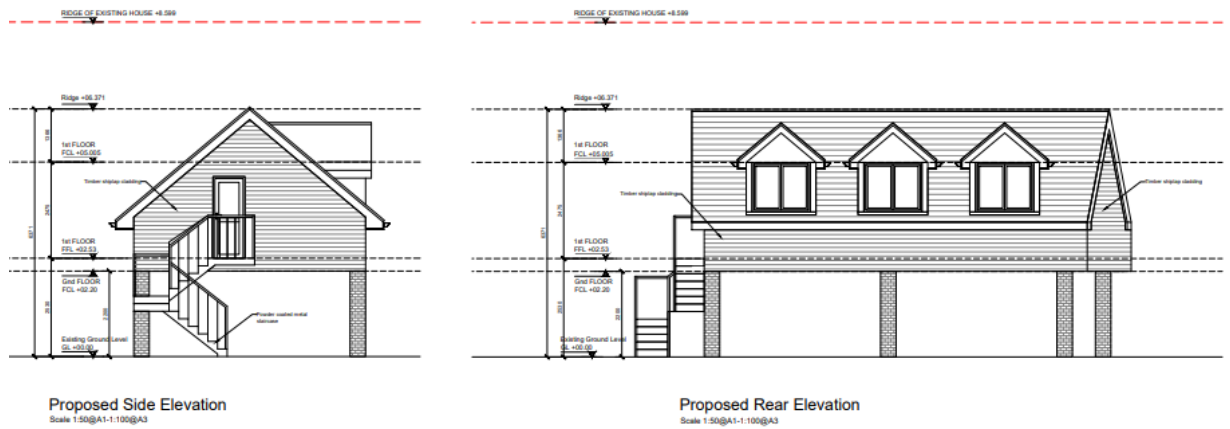
Figure 4: Proposed roof plan



Proposed Roof Plan  
Scale 1:50@A1-1:100@A3

3.2. The outbuilding would have a width of between 10.5m and 9.5m, a depth of 6m and it would have a pitched roof with three pitched roof dormers and rooflights with a ridge height of 6.4m.

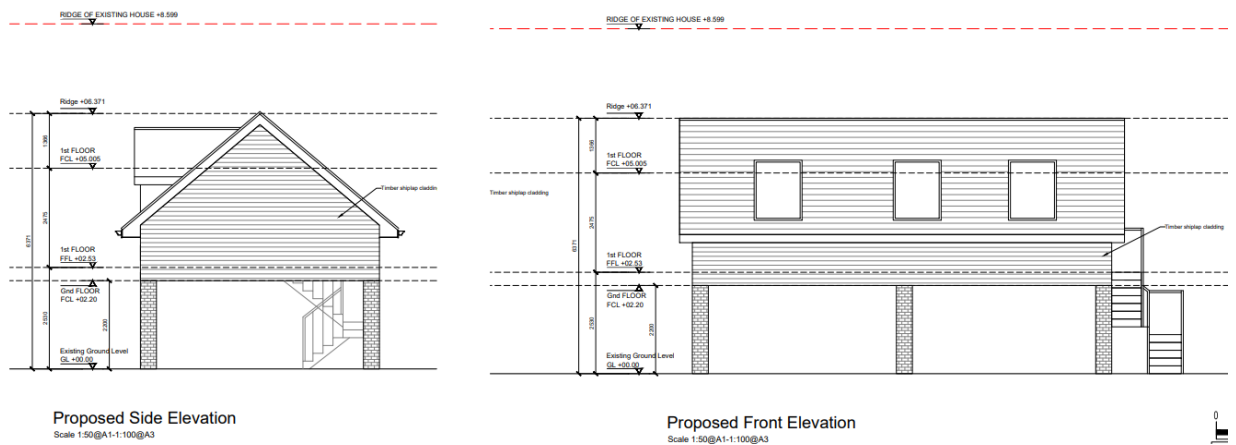
Figure 5: Proposed side and rear elevation



Proposed Side Elevation  
Scale 1:50@A1-1:100@A3

Proposed Rear Elevation  
Scale 1:50@A1-1:100@A3

Figure 6: Proposed side and front elevation



Proposed Side Elevation  
Scale 1:50@A1-1:100@A3

Proposed Front Elevation  
Scale 1:50@A1-1:100@A3



## 4. RELEVANT PLANNING HISTORY

4.1.19/04635/FULL6 - Demolish existing single garage and conservatory and construction of single storey rear extensions, incorporating new orangery. Construction of two storey side extension, loft conversion with dormer to rear and elevational alterations. – Permitted

## 5. CONSULTATION SUMMARY

### A) Statutory

Trees: **Objections** -: An objection is raised to the above proposal due to the unacceptable risk of harm to valuable TPO trees.

The reasons for the objection can be brought under 3 headings:

- 1) Lack of information
- 2) Risk of harm during construction
- 3) Future pressure to prune/remove

1) A tree survey has not been submitted. An Arb Impact Assessment has not been submitted. Any potential impact on the trees from construction or future pressure has not been assessed. For example, the RPAs of the trees have not been plotted, the extent of each proposed encroachment has not been calculated, the impact on the trees of each encroachment has not been assessed and the extent of the canopies has not been accurately depicted.

2) Given the size of the trees and the proximity of the footprint, there is a risk of direct harm to the tree roots from any digging required for foundations within the RPA and unfavourable cutting of branches required to facilitate development.

3) Though it has not been assessed by the applicant, the proposed building could position a permanent target within the dripline of the canopy of the TPO Lime, Yew and Sycamore trees. Whilst this does not increase the likelihood of branch failure, it does increase the following:

- a) the likelihood of branches hitting a target in the event of failure,
- b) the likelihood of nuisance factors being experienced by the homeowner
- c) the perception of risk experienced by the homeowner,

All of the above increase the likelihood of the homeowner making applications for permission to prune/remove the tree. Whilst b) and c) may not be given much weight in any decisions, the Council must give weight to a). Therefore, works that would otherwise not have occurred are more likely to be undertaken to the tree.

Therefore, an objection is raised on the basis that there is a risk of unacceptable harm to valuable trees and insufficient information submitted to provide reassurance that any such risk can be controlled to within acceptable levels. The proposal conflicts with policies 73 and 74 of the Bromley Local Plan

## **B) Local Groups**

None were received

## **C) Adjoining Occupiers**

### Overdevelopment and excessive scale (addresses in para 7.1)

- this two-storey building constitutes over-development of the neighbourhood and is excessive
- proposal for first floor leisure, built with a substantial roof is essentially a third house at the same address
- Not appropriate

### Disturbance from building works (addresses in para 7.4)

- already endured significant building works directly adjacent to neighbouring house very recently
- suffered significant deterioration of views from the garden
- Whilst the current proposal occupies land not adjacent to their boundary, they also object on grounds of construction work and noise.
- currently nursing very elderly parent and this would be most unwelcome at this time
- especially if there was any construction access proposed from our side

## **6. POLICIES AND GUIDANCE**

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

#### **NPPG**

#### **The London Plan**

- D1 London's form and characteristics
- D3 Optimising site potential through the design led approach
- D4 Delivering good design
- G6 Biodiversity and access to nature
- T6 Car Parking

#### **Bromley Local Plan 2019**

- 6 Residential Extensions
- 7 Accommodation for Family Members
- 32 Road Safety
- 37 General Design of Development
- 44 Areas of Special Residential Character
- 69 Development and Nature Conservation Sites
- 73 Development and Trees
- 74 Conservation and Management of Trees and Woodlands

## **Bromley Supplementary Guidance**

- Urban Design Supplementary Planning Document (July 2023)

### **7. ASSESSMENT**

#### **7.1. Design and impact on the ASRC – Unacceptable**

7.1.1. Policies 6 and 37 of the Bromley Local Plan and the Council's Supplementary Planning 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.

7.1.2. Policy 44 requires development to respect, enhance and strengthen the special and distinctive qualities of the designated Areas of Special Residential Character. Relevant extracts from the ASRC description are as follows:

- The area is bounded by the A208 and Greenbelt to the West, the railway to the south and by residential areas of a distinct character to the east and the north beyond Leasons Hill which all provide a defensible and robust boundary
- Houses include good size back gardens and front gardens most of which remain open and many of which are landscaped with trees, shrubs and flower beds and/or fronted by low boundary walls.
- Properties on Orpington Road however are an exception as these feature gates, high boundary walls and hedges in keeping with the larger average size and footprint of houses which are set within larger and longer plots than in other parts of the area. Trees to the rear and in gaps between properties are visible from the street. The public realm is of a high quality with pavements featuring grassed verges and trees.
- Most houses are of a good quality Neo Tudor architectural or Arts and Craft design which gives pride of place to English vernacular features.

7.1.3. In the local area, many properties feature large front gardens and driveways with many being free of development, though there is an example of a front detached garage at the nearby neighbouring property 'Cedarwood' which is adjacent to the front boundary. However, this structure is a single storey with a low crown pitched roof which therefore does not appear dominant or overbearing from the street scene.

7.1.4. The proposed outbuilding would be substantial in scale with a very tall pitched roof of 6.4m in height with three dormers and a maximum length of 10.5m and width of 6m. Furthermore, it would be situated close to the front boundary with a gap of between 2.4m and 1.7m. Therefore, as a result of its scale, height and proximity to the front boundary would appear as a more dominant and bulky structure to the front garden than the example at 'Cedarwood' and would result in an incongruous and visually dominant addition to the street scene.

7.1.5. The proposed car port and outbuilding would provide approx. four parking spaces below with an external stairs to the accommodation at first floor level with a garden room, study bathroom and kitchen and would have a gross internal areas (GIA) of



51sqm which is a significant floor area in particular considering its raised and prominent position.

- 7.1.6. Whilst the properties are set back from the main road with a number of trees along the front boundaries, there is a public footpath which is in close proximity to the front boundary of the site and the outbuilding would be constructed very near to the front boundary and to the trees to the front of the site which could lead to pressure on the pruning on the trees. The building would project significantly above the existing front boundary wall and would be prominent and detrimental to the visual amenity in particular from the path and also from the road. Whereas currently there are generally only glimpses of the well set back houses visible from the public highway. It would also be highly visible from the surrounding properties which would result in a detrimental impact on the visual amenities of the surrounding area. This tall, substantially sized front raised outbuilding and car port would therefore appear over dominant and incongruous building in the street scene which would be detrimental to the woodland setting and large generally open front gardens of this part of the Markings Park ASRC.
- 7.1.7. The accommodation proposed would include a kitchen and bathroom as well a large games room and a study and is situated to the front of the site accessed from an external stairwell. There is however no indication that the accommodation is intended to be for residential accommodation (i.e. sleeping) and in the event that the application were acceptable in all other respects, a condition would be recommended to ensure that the outbuilding would only be used for purposes incidental to the enjoyment of the main dwelling, and not as self-contained residential accommodation.
- 7.1.8. Having regard to the form, scale, siting, and accommodation proposed it is therefore considered that the outbuilding would not complement the host property and would appear out of character with surrounding development and the Marlings Park Estate ASRC.

## **7.2. Highways – Acceptable**

- 7.2.1. The proposal involves the creation of a carport below the proposal outbuilding on pillars and there would be at least two additional spaces, given the hardstanding and trees restrict access to the western half of the car port and there would continue to be a number of spaces on the front drive for parking, therefore the proposal would continue to have sufficient on-site parking. The outbuilding and car port would however be built across a gate and driveway between Abbots Park House and Kyrle House which would obstruct vehicular access between the two sites therefore it is unclear whether the existing hardstanding here can be used for parking. If the application were otherwise recommended for permission, details could be sought on its status and what are the access arrangements for Abbots Park House and Kyrle House and this is not considered to be a significant concern which would amount to a refusal of the application on this basis.

## **7.3. Trees – Unacceptable**

- 7.3.1. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in

biodiversity where possible. The NPPF addresses ecology in paragraph 109 which states, the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in 10 biodiversity where possible, contributing to the Government's commitments, which include establishing ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

7.3.2. Policy G7C of the London Plan states: Development proposals should ensure that, wherever possible, existing trees of value are retained\*. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments - particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

7.3.3. Policy 73 of the Bromley Local Plan requires proposals for new development to take particular account of existing trees and landscape features on the site and adjoining land. Policy 74 stipulates that to improve the amenity and conservation value of trees and woodlands, the Council will:

- Encourage appropriate beneficial management;
- Encourage appropriate new tree planting in suitable locations; and
- Promote public interest in and enjoyment of trees and woodlands.

7.3.4. The proposed outbuilding would be sited to the front (south-western) corner of the application site and there are a number of mature trees in close proximity to the siting of the proposal including three TPO trees comprising of a Yew, Lime and Sycamore trees (TPO ref. 2925) and the TPO was made of the 10/10/2023 and confirmed on the 16/04/2024. The Tree Officer's having assessed the trees' condition, retention span, relative public visibility, other factors and the extent of any threat to the trees, concluded that the trees were worthy of protection by a TPO. The trees are situated to the front of the site and therefore are of high amenity value to the street scene and are considered desirable to be retained.

7.3.5. Tree Officers have reviewed the submission and have raised objection to the application due to the unacceptable risk of harm to valuable TPO trees and lack of information submitted to provide reassurance that any such risk can be controlled to within acceptable levels which is as following:

7.3.6. 1) An Arboricultural Impact Assessment has not been submitted which was requested and has not been provided. Any potential impact on the trees from construction or future pressure has not been assessed. In the Tree Survey drawing submitted the RPAs of the trees have not been accurately plotted, the extent of each proposed encroachment has not been calculated, the impact on the trees of each encroachment has not been assessed and the extent of the canopies has not been accurately depicted.

2) Given the size of the trees and the proximity of the footprint, there is a risk of direct harm to the tree roots from any digging required for foundations within the RPA and unfavourable cutting of branches required to facilitate development.

3) Though it has not been assessed by the applicant, the proposed building could position a permanent target within the dripline of the canopy of the TPO Lime, Yew and Sycamore trees. Whilst this does not increase the likelihood of branch failure, it does increase the following:

- a) the likelihood of branches hitting a target in the event of failure,
- b) the likelihood of nuisance factors being experienced by the homeowner
- c) the perception of risk experienced by the homeowner,

7.3.7. All of the above increase the likelihood of the homeowner making applications for permission to prune/remove the trees. Whilst b) and c) may not be given much weight in any decisions, the Council must give weight to a). Therefore, works that would otherwise not have occurred are more likely to be undertaken to the trees.

7.3.8. It was also requested for further details of the pile foundation be submitted including a drawing that shows pile locations relative to tree stems and RPAs (so a typical aerial view plan) and also a cross section above/below ground drawing to show levels relative to the original ground level (where piles are within the RPA). The reason for the latter is that some of the benefit of using piles would be to some degree negated if, for example, the ground preparation involved scrapping away the top 30cm of soil anyway.

7.3.9. The above details, survey and Arboricultural Impact Assessment and tree pruning schedule would determine whether the Tree Officers would consider the impact acceptable so the information would be required prior to determination.

7.3.10. Further information was submitted by the agent on the 12/01/2024 which included additional drawings comprising of a site plan titled 'proposed tree survey' with tree RPA and tree schedule, 'proposed section CC' drawings with a proposed foundation pile detail with trees shown along with revision of the submitted drawings including 'proposed sections' with a mini pile foundation detail, existing location and site plan, proposed block plan and proposed elevations. The drawings include updated trees and vegetations plotting.

7.3.11. Whilst some additional information has been provided, several of the points raised by the Tree Officer in their objections and requested information and survey above (points 1 -3) have not been addressed and still remain. For instance, Arboricultural Impact Assessment has not been submitted, the extent of the canopies has still not been accurately depicted, the extent of each proposed encroachment has not been calculated nor has the impact on the trees of each encroachment been assessed, no specification of pruning works required to facilitate development has been submitted and the concern about future pressure (no.3 of the objection) remains due to the proximity of the proposed building to the trees.

7.3.12. Therefore, an objection is raised on the basis that there is a risk of unacceptable harm to valuable trees and insufficient information submitted to provide reassurance

that any such risk can be controlled to within acceptable levels. The proposal conflicts with policies 73 and 74 of the Bromley Local Plan

#### **7.4. Neighbouring Amenity – Acceptable**

- 7.4.1. 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.
- 7.4.2. The proposed outbuilding on pillars would be separated by 10.4m from the neighbouring property at Kyrle House and it would be sited between 1.8m and 2.1m from the shared boundary. There is a significantly greater level of separation to the other side boundary shared with Two Elms therefore it would not be highly visible from this neighbouring property. The separation from Kyrle House is still fairly significant, therefore whilst the main bulk is raised up at first floor level with a maximum height of 6.4m and its overall size with a length of 10.5m along the shared boundary is quite significant, the separation and oblique siting of the proposed outbuilding is considered sufficient to prevent a harmful loss of amenity to the neighbouring properties in terms of outlook, light and prospect.
- 7.4.3. The first floor of the outbuilding would be served by rooflights to the side facing Kyrle House and three dormers to the northern side. The rooflights are at a low level in the roof slope therefore would provide an outlook towards the neighbouring site. However, it is considered that this matter could be addressed through a condition being imposed restricting the rooflights to obscure glazing if permission was otherwise recommended.
- 7.4.4. Concerns have been raised by local residents regarding the construction noise and disturbance. The hours of construction would however been controlled by other acts or consents such as Public Protections and Building Regulations and are not a material planning consideration.
- 7.4.5. Having regard to the scale, siting, separation distance, orientation, 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.

#### **8. CONCLUSION**

- 8.1. Having had regard to the above it is considered that the development in the manner proposed is unacceptable as it would impact detrimentally on the character of the Marlings Park ASRC and the visual amenities of the area generally. Furthermore, the proposal would result in a risk of unacceptable harm to valuable trees and insufficient information submitted to provide reassurance that any such risk can be controlled to within acceptable levels.
- 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: REFUSED**

- 1. The proposed detached garden outbuilding by reason of its overall scale, siting and proximity to the boundaries would result in an incongruous and visually dominant addition to the street scene and would fail to respect, enhance or strengthen the character and distinctive qualities of the Marlings Park Estate Area of Special Residential character; thereby contrary to Policies 6, 37 and 44 of the Bromley Local Plan.**
- 2. The proposed development would present a risk of unacceptable harm to valuable trees and insufficient information has been submitted to provide reassurance that any such risk can be controlled to within acceptable levels, contrary to policies 73 and 74 of the Bromley Local Plan.**