



Appeal Decision

Site visit made on 16 August 2022 by T Bennett BA (Hons) MSc

Decision by Chris Forrett BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 SEPTEMBER 2022

Appeal Ref: APP/G5180/D/22/3290623

6 Sheridan Crescent, Chislehurst, Kent, BR7 5RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Palmer against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/03569/FULL6, dated 7 July 2021, was refused by notice dated 22 October 2021.
 - The development proposed is one/two storey side and rear extension with Juliet balcony and loft conversion with rear dormer and front rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for a one/two storey side and rear extension with Juliet balcony and loft conversion with rear dormer and front rooflights at 6 Sheridan Crescent, Chislehurst, BR7 5RZ in accordance with the terms of the application, Ref DC/21/03569/FULL6, dated 7 July 2021, subject to the conditions outlined in the attached Schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. In the interest of accuracy, the description of development in the header above is based on that used on the Council's decision notice, which I also note has been adopted by the appellant on their appeal form.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Chislehurst Conservation Area with particular regard to the health and wellbeing of the nearby sycamore tree.

Reasons for the Recommendation

5. The appeal property is a 1970's link-detached two storey property located at the end of a cul-de-sac of similar designed properties in a residential area, where mature trees are a prominent feature of the estate.
6. The site lies within the Chislehurst Conservation Area (CCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the

- character or appearance of the Conservation Area. The overall significance of the CCA is derived from the large arts and crafts houses around the common within woodland settings. Whilst the appeal property is not directly visible from the common, it is surrounded by a number of mature trees which contributes positively to the character and appearance of the CCA as a whole.
7. The proposal would be positioned discretely at the side of the host property and only partially visible from public vantage points. The Council have not raised any concerns in relation to the design, scale or appearance of the proposal and I have no reason to come to a different conclusion on these matters.
 8. The Council's main concern relates to the health and wellbeing of the nearby sycamore tree, labelled as T5 on the submitted plans, in relation to possible root damage and pressure for future pruning works. The tree is located in the garden of the adjacent property 5 Sheridan Crescent, close to the appeal site boundary. The tree is highly visible from the public realm and consequently makes a positive contribution to the CCA.
 9. My attention has been drawn to a recent planning permission¹ which has been granted by the Council. The Appellant has stated that this permission is being implemented. However, the development I observed on site differs from the plans before me with obvious differences being a window opening on the side elevation to the kitchen/dining room and the utility room being of a different shape, together with different window and door positions.
 10. Notwithstanding that, given this permission, any concerns over potential future pruning works have clearly been overcome and I consider that this is not a barrier to the granting of planning permission. I also consider that should any future limited pruning of the tree branches be necessary, then this would not adversely affect the shape or amenity value of this tree.
 11. Turning to the potential impact on the tree roots, it is clear from the submitted information and my observations on site that the proposed works encroach into the root protection area (RPA) of the sycamore tree. That said, I agree with the tree reports which set out that the tree may be tolerant to root disturbance and that the proposed foundation design could limit any damage.
 12. In my view this detail, together with tree protection measures during the construction period, is crucial to the overall acceptability of the proposal. As I understand it, the foundations within the RPA would be piled, although full details of this are not shown within the appeal documentation. Notwithstanding the fact that construction works for an alternative development are underway, which would ultimately have to be removed to implement the development before me, it is possible to attach a suitably worded planning condition to secure the necessary details.
 13. Taking the above factors into account, the proposal would not give rise to any harm to the character or appearance of the CCA. The proposal would also accord with Policy 43 and 73 of the Bromley Local Plan (2019) which, amongst other matters, requires development to take account of existing trees and not cause damage or loss to them.

¹ Reference DC/22/00142/FULL6, dated 22 March 2022

Other Matters

14. I have also had regard to the representations received on the proposal including matters relating to the character and appearance of the area, drainage, biodiversity and privacy. However, none of these matters provide a compelling reason why planning permission should not be granted, subject to conditions. In coming to this view, I am also mindful of the permission already granted by the Council.

Conditions

15. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. I have also had regard to the conditions imposed on the subsequent planning permission at the appeal site.
16. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary.
17. As noted above, and in the interests of the character and appearance of the area (including the CCA) a condition is necessary in relation to tree protection measures, including details of the foundation design of the proposal. Whilst the Council had attached such a condition on their subsequent permission, I have utilised a more concise form of wording. Given the nature of the details required it is necessary for this to be a pre-commencement condition.
18. In addition to the above, to protect the living conditions of the occupiers of the adjoining properties, a condition is necessary to prevent the use of the flat roof extension being used as an amenity area. However, I consider it unnecessary to impose a condition relating to any additional doors or windows in the side elevation of the first floor given that there are already adequate restrictions in place through the permitted development rights set out in the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Conclusion and Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Block Plan, Location Plan, SP/21/02 and SP/21/03.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The flat roof areas of the development shall not be used as a balcony, terrace, patio or as an amenity area.
- 5) Prior to the commencement of the development (including any demolition and all preparatory work) a scheme for the protection of the retained trees shall be submitted to and approved in writing by the local planning authority. The scheme shall include a tree protection plan and details of the foundations to the proposed extension. The development thereafter shall be implemented in strict accordance with the approved details.