



North Cray Residents Association

www.northcrayresidents.org.uk

Dear Ms. Christophi

DATE: 15 February 2019

Ref 18/03181/FUL Demolition of No. 20 St James Way, erection of 4 x 4 bed detached dwellings and a new access road

This is to ask you to please register our strong Objection to the above development. Our reasons are given below.

First, however, I ask you to please read our letters of 25 April 2016, 5 September 2016 and 10 January 2017.

1. THE HISTORIC WALL

1.1 The foundations required for the house proposed for plot 1 are exceptionally close to this Grade 11 Listed wall. It is difficult to see how these will not cause harm to it and its foundations.

1.2 The risk from excavation and subsequent vibrations are a serious threat to this wall, a risk not outweighed by a genuine need for this housing development.

1.3 Has Listed Building Consent been obtained for these Works?

2. THE HISTORIC CEDAR TREE

2.1 This Cedar of Lebanon tree, planted in c1782 by the famous landscape gardener Lancelot 'Capability' Brown, is protected by a TPO. It is located in the garden of No. 22 St James Way, part of the garden land to which the above planning application relates.

2.2 The effect of the previous, unsuccessful, attempt to develop this garden land (Ref 16/ 00348/FUL), upon this tree was considered by the Appeal Inspector in 2017 (Ref APP/D5120/W/16/3162363). Please see his paras. 2-11. He dismissed the Appeal, stating that there was “*a failure to demonstrate that an unacceptable risk of harm to the protected cedar tree would be avoided, contrary to development plan policies*” (para 29).

2.3 In the current scheme, the houses planned for plots 2 and 4 are set very close to the protected cedar tree. In the case of the house in plot 2, its rear elevation is almost within touching distance of the tree's canopy. The house in plot 4 is also very close to

the tree and will look directly into its canopy, causing a sense of gloomy darkness to the occupants of the house. For these reasons it is likely that there will be future pressure on the Council to allow extensive and harmful pruning. This would be very difficult to resist, particularly when collectively considered in relation to the existing shading caused by the tree's canopy to houses in The Grove – all this would give rise to collective group pressure for harmful pruning adversely affecting the importance and character of this protected tree.

2.4 We are concerned about the risk to the tree from large vehicles using the turning-area that is being built so close to it.

2.5 We are concerned, too, about the effect on the cedar tree's shallow roots of excavations made to lay the foundations of the proposed houses and the proposed internal access road.

2.6 As in the case of the previous application to develop this garden land (and in the case of all the previous attempts over the years) we consider that the applicant has failed to demonstrate that an unacceptable risk of harm to the cedar tree has been avoided, contrary to development policies.

3. PLANNING POLICY REQUIREMENTS

3.1 The house proposed for plot 4 has less than 22 mtrs between its windows and those of the opposite house in The Grove, distances required by planning policy.

3.2 The applicant overstates the existing garden distances to Nos. 22 and 24 St James Way.

4. NATURE OF THE APPLICATION SITE

4.1 The application site is part of the *garden* land owned by the occupant of No. 22 St James Way that runs behind Nos. 22 and 24 St James Way, and at the rear of houses in The Grove. Before this garden land was purchased by No. 22 St James Way it once formed the gardens of other properties, and has never been developed. Although it contains the remains of a former tennis court in one of these former gardens, this is 'red herring', one used in the past to try to demonstrate that it is brownfield land.

4.2 It is not scrub or derelict land as described by the applicant. It is backland on garden land lying between houses in St James Way and the Grove, and Policy CS17 promises to resist harmful backland development.

5. IMPACT UPON NEIGHBOURING HOUSES

5.1 The application site is on high ground and, this time, what is being proposed are not one-storey bungalows but large 4-bed houses,

5.2 The high ground of the site descends steeply down to the small rear gardens of houses in The Grove. Houses built above them on this higher level will have a seriously overbearing effect. This would be exacerbated if the occupants of the new houses were, in the future, to be allowed to enlarge them by the addition of garages, extensions, conservatories and garden buildings such as summer houses.

5.3 Any development such as is again being proposed would have a negative impact on the character and appearance of the otherwise sylvan and verdant feel to the surrounding gardens owners and give a negative sense of enclosure to them.

5.4 The houses proposed for plots 3 and 4 will obscure trees and sense of openness as viewed from the existing houses backing on to the application site from The Grove.

5.5 In particular, the house proposed for plot 4 is positioned very close to Nos. 52, 54, 60 and 62 The Grove and will have a harmful overbearing impact on them – particularly in the context of the otherwise sylvan and verdant outlook currently enjoyed by those houses.

5.5 In his response to the 2016 Appeal the Inspector commented that the proposed dwellings in that scheme would not cause harm to existing properties. However, the dwellings proposed in that scheme were set much further away from the rear gardens of the existing houses in The Grove. In the current scheme the impact of the houses being constructed so much closer is harmful and the significant difference in distance between the two schemes should not be underestimated.

5.6 Significant harm to the existing houses (including Nos. 22 and 24 St James Way) will be caused by light pollution that will arise as a result of this development when set against the sylvan and verdant backdrop as currently enjoyed. To this will be added noise and air pollution caused by introducing vehicle movements – exacerbated by the proposed communal turning area set close to surrounding boundaries.

5.7 No. 24 St James Way will be particularly badly affected in this respect by the garage proposed for the house on plot 3.

5.8 Nos. 18 and 22 St James Way will also be badly affected by light pollution from street lighting along the new access road, and by noise and air pollution from vehicles of all kinds using this new road that will run between their houses.

6. WATER RUN-OFF

6.1 In this scheme there is a great deal of hard-surface area - both in the proposed communal turning and access area, and in the new access road. At present, being undeveloped garden land, rainwater is easily and quickly absorbed. What will be effect of so much hard-surfacing?

6.2 There is also the fact that the application site is on much higher ground than the existing houses in The Grove (see para 5.2 above). What will be the effect of rain water running down the steep slope into their gardens?

IMPACT ON WILDLIFE

As well as other wildlife, there are badgers in this garden land. They are a Protected Species; but there is no indication in the application documents that their welfare and the protection of their setts is being considered, with the correct protective action taken.

7. SUMMARY

- In the case of plot 1, the proposed development presents a serious threat to the Grade 11 Listed wall.
- The development presents a serious risk to the TPO protected Cedar tree.
- These risks are not outweighed by a genuine need for a housing development that would add just three new dwellings to Bexley's housing stock.
- Planning policy requirements as regards distances have not been met.
- The application site is not derelict and previously developed brownfield land – it is garden land that should be protected from backland development as promised by CS17.
- The development would have a harmful effect on existing houses in St James Way and in The Grove, and their amenities. Including light, noise and air pollution.
- The application is silent as regards any management plan for the TPO-protected Cedar tree, and whose responsibility it will be as regards ownership and the need to protect it.
- There is nothing in the application to prevent any future enlargement of the proposed houses by (a) garages, extensions, sheds and summerhouses and (b) an extension of the hard surfaces by the construction of patios.
- The impact on badgers and their setts living in this garden land seems to have been ignored; but they are a Protected Species.

In conclusion, our opinion is that, when taken as a whole, this proposed development is harmful to the sylvan and verdant character enjoyed by the existing houses in St James Way and The Grove. Harmful in a location close to a Conservation Area (High Beeches). And harmful to the occupants of neighbouring properties.

It is difficult to see, when considered against the need to protect this otherwise delightful area of North Cray, so close to a Conservation Area, how consent for the proposal could be justified.

Yours sincerely

Jean Gammons
Secretary