



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333 CONTACT: Joanne Partridge
joanne.partridge@bromley.gov.uk

THE LONDON BOROUGH
www.bromley.gov.uk

DIRECT LINE: 020 8461 7694
FAX: 020 8290 0608 DATE: 19 October 2021

To: Members of the
PLANS SUB-COMMITTEE NO. 3

Councillor Katy Boughey (Chairman)
Councillor Tony Owen (Vice-Chairman)
Councillors Kevin Brooks, Christine Harris, Samaris Huntington-Thresher,
William Huntington-Thresher, Charles Joel, Alexa Michael and Keith Onslow

A meeting of the Plans Sub-Committee No. 3 will be held at Bromley Civic Centre on
THURSDAY 28 OCTOBER 2021 AT 7.00 PM

PLEASE NOTE: This meeting will be held in the Council Chamber at the Civic Centre, Stockwell Close, Bromley, BR1 3UH. Members of the public can attend the meeting to speak on a planning application (see the box on public speaking below).

There will be limited additional space for other members of the public to observe the meeting – if you wish to attend, please contact us before the day of the meeting if possible, using our web-form:

<https://www.bromley.gov.uk/CouncilMeetingNoticeOfAttendanceForm>

Please be prepared to follow the identified social distancing guidance at the meeting, including wearing a face covering.

ADE ADETOSOYE OBE
Chief Executive

Members of the public can speak at Plans Sub-Committee meetings on planning reports, contravention reports or tree preservation orders. To do so, you must have

- already written to the Council expressing your view on the particular matter, and
- indicated your wish to speak by contacting the Democratic Services team by no later than 10.00am on the working day before the date of the meeting.

These public contributions will be at the discretion of the Chairman. They will normally be limited to two speakers per proposal (one for and one against), each with three minutes to put their view across.

To register to speak please e-mail joanne.partridge@bromley.gov.uk (telephone: 020 8461 7694) or committee.services@bromley.gov.uk

If you have further enquiries or need further information on the content of any of the applications being considered at this meeting, please contact our Planning Division on 020 8313 4956 or e-mail planning@bromley.gov.uk

Information on the outline decisions taken will usually be available on our website (see below) within a day of the meeting.

Copies of the documents referred to below can be obtained from
<http://cds.bromley.gov.uk>

A G E N D A

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

2 DECLARATIONS OF INTEREST

3 CONFIRMATION OF MINUTES OF MEETING HELD ON 8 JULY 2021 (Pages 1 - 8)

4 PLANNING APPLICATIONS

Report No.	Ward	Page No.	Application Number and Address
4.1	Bromley Common and Keston	9 - 28	(21/01465/FULL1) - Land adjacent to Walnut Tree Cottage, Jackass Lane, Keston
4.2	Chislehurst	29 - 42	(21/02235/FULL6) - 25 Grove Vale, Chislehurst, Kent, BR7 5DS
4.3	Chislehurst Conservation Area	43 - 50	(21/03668/FULL6) - The Croft, Yester Park, Chislehurst, BR7 5DQ
4.4	Farnborough and Crofton	51 - 58	(21/03396/PLUD) - 17 Drayton Avenue, Orpington, BR6 8JN

5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
6.1	Orpington	59 - 64	CONFIRMATION OF TREE PRESERVATION ORDER (TPO) 2710 – 2 & 6 Lynwood Grove, Orpington, BR6 0BG

The Council's [Local Planning Protocol and Code of Conduct](#) sets out how planning applications are dealt with in Bromley.

PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 7.00 pm on 8 July 2021

Present:

Councillor Katy Boughey (Chairman)
Councillor Tony Owen (Vice-Chairman)
Councillors Kevin Brooks, Simon Fawthrop, Christine Harris,
William Huntington-Thresher, Charles Joel, Alexa Michael and
Keith Onslow

30 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Samaris Huntington-Thresher; Councillor Simon Fawthrop attended as substitute.

31 DECLARATIONS OF INTEREST

No declarations of interest were received.

32 CONFIRMATION OF MINUTES OF MEETING HELD ON 5 MAY 2021

RESOLVED that the Minutes of the meeting held on 5 May 2021 be confirmed and signed as a correct record.

33 PLANNING APPLICATIONS

33.1 BROMLEY COMMON AND KESTON CONSERVATION AREA

(21/00491/FULL1) - 1 Beech Dell, Keston, BR2 6EP

Description of application – Demolition of existing house and outbuildings and replacement three storey detached house with garage in basement. Garden pavilion. New terrace area together with associated hard and soft landscaping. New driveway with three parking bays.

Oral representations in support of the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED** that **PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Assistant Director, Planning.

**33.2
CHELSFIELD AND PRATTS
BOTTOM**

**(21/00566/FULL6) - 40 Warren Road, Orpington,
BR6 6HY**

Description of application – Detached garage and hardstanding to the front, ground floor front and rear extensions, roof extensions including increase in ridge height, hip to gable extensions and side dormers to create additional habitable rooms in the roof, first floor balcony and single storey detached rear outbuilding.

Oral representations in objection to and in support of the application were received at the meeting.

In response to a Member question, the applicant stated that with the proposed 1m distance between the property and the boundary across the site, side space policy would not be breached.

The Principal Planner reported the following updates to the recommendations in the report:-

- The materials condition be amended for materials to be submitted for approval.
- A finished floor levels and slab levels condition be added in regard to the outbuilding (subject to the applicant agreeing to it being a pre-commencement condition).

The Principal Planner also confirmed that a planning officer had visited the site.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions and informatives set out in the report together with any other planning condition(s) considered necessary by the Assistant Director, Planning.

Condition 3 of the recommendations in the report was amended to read:-

- ‘3(a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the buildings which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be

submitted to and approved in writing by the Local Planning Authority.

- (b) The development shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.'

The following three conditions were also added:-

11. Prior to commencement of the outbuilding hereby approved (excluding demolition) details of the existing site levels and proposed slab levels of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved levels.

Reason: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy 37 of the Bromley Local Plan

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure, extension, enlargement or alteration permitted by Class A, B, D or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policies 6 and 37 of the Bromley Local Plan

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no change of use of any kind permitted by Class L (Houses of Multiple Occupation) of Part 3 of Schedule 2 of the 2015 Order (as amended), shall be undertaken within the curtilage of

the dwelling without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Council to consider future development at the site in the interest of local amenity, in accordance with Policies 9 and 37 of the Council's Local Plan (2019).

**33.3
CHISLEHURST**

**(21/00897/FULL6) - 25 Grove Vale, Chislehurst,
BR7 5DS**

Description of application – Retrospective application for a children's activity frame and swings.

The Head of Development Management reported the following:-

- Paragraph 8.1 on page 48 of the report had been amended to read:- 'Having had regard to the above it is considered that the development is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on trees as a result of the modification proposed.
- A late objection had been received in relation to overlooking, a matter which had already been summarised in the report.
- Further modifications had been requested i.e. to move equipment further away from the boundary of 7 Selby Close; further screening and a reduction in height.

Concerns were raised in regard to the size of the structure, the tower, clatter bridge and balcony, all of which would be far too visible from the property at No 7 Selby Close even with the modifications proposed. The structure was only 0.4m away from the rear boundary fence and there was no room for screening; two of the five confers already planted had died.

Members having considered the report and objections, **RESOLVED that PERMISSION BE REFUSED** for the following reason:-

1 The development, by reason of its scale and siting, would result in a significant degree of overlooking and loss of privacy to the neighbouring properties to the rear at Nos. 7 and 9 Selby Close, thereby contrary to Policy 37 of the Bromley Local Plan.

It was **FURTHER RESOLVED** that **ENFORCEMENT ACTION BE AUTHORISED** to require the removal of the play equipment (to be carried out within one month).

The Head of Planning and Development Support advised that the applicant may have been known to Members through a previous matter when he had complied with a roof profile as requested. In this matter and following discussions with the applicant, he was confident that upon receipt of the decision made at this Committee, the applicant would take steps to remove the structure.

**33.4
BROMLEY COMMON AND
KESTON**

**(21/01327/FULL6) - 23 Oakfield Lane, Keston
BR2 6BY**

Description of application – Two storey front, two storey side and first floor extension with enlargement and alterations of roof to create a two storey dwelling, single storey rear extension, and elevational alterations.

Oral representations in support of the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED** that **PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Assistant Director, Planning.

**33.5
BROMLEY COMMON AND
KESTON**

**(21/01353/FULL1) - 13B Cherry Orchard Road,
Bromley BR2 8NE**

Description of application – New 3-bedroom dwelling on land adjacent to 13B Cherry Orchard Road.

Oral representations in objection to and in support of the application were received at the meeting.

In response to a Member question, the objector stated that a smaller family property would be more appropriate. The current proposed development was too large and out of keeping with the area. It was important for green space to be retained and protected.

Members agreed that the proposals would result in an over-development of the site, would lead to an increase in parking issues and lead to loss of light to

the property at No.15. Garden space should be preserved and protected.

Referring to the elevations drawing on page 75 of the report, the Head of Development Management reported that the plans had been amended so that facing brickwork would be used rather than a white render finish. He also suggested that Policy 4 of the Bromley Local Plan (relating to housing design) be referenced in the officer recommendations.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the following reason:-

1 The proposed development, by reason of the design, dimensions and the constraints of the site, would result in a cramped, piecemeal form of development being created that seriously diminishes the high spatial standards that exist in this location. This is contrary to Policies 4, 8 and 37 of the Bromley Local Plan.

**33.6
BROMLEY COMMON AND
KESTON**

(21/01946/FULL6 - 8 Ebury Close, Keston, BR2 6EL

Description of application – Part one/two storey side/rear extension to enclose swimming pool and first floor side extension.

Oral representations in support of the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions and informatives set out in the report and subject to any other planning condition(s) considered necessary by the Assistant Director, Planning. The following conditions were also added:-

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure, extension, enlargement or alteration permitted by Class A, B, D or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the

curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policies 6 and 37 of the Bromley Local Plan

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no change of use of any kind permitted by Class L (Houses of Multiple Occupation) of Part 3 of Schedule 2 of the 2015 Order (as amended), shall be undertaken within the curtilage of the dwelling without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Council to consider future development at the site in the interest of local amenity, in accordance with Policies 9 and 37 of the Council's Local Plan (2019).

34 CONTRAVENTIONS AND OTHER ISSUES

34.1 DARWIN

Land at the Back of Number 4 and Number 5 Leaves Green Crescent, Keston BR2 6DN

Report CSD21068

Members considered whether all necessary enforcement action should be pursued in order to remedy current breaches of planning control.

Oral representations from the owner of the land in objection to enforcement action being taken were received at the meeting.

The Head of Planning and Development Support outlined the history of this case. He confirmed that Permitted Development Rights (PDRs) had been removed from the plot of land and the Council had written to the owner on numerous occasions to inform him of this and to set out the three options that were available to him.

Members considered it was very clear from the report that PDRs had been removed and that a planning

application should have been submitted. The applicant had opted not to follow the advice of the Planning Department.

The Head of Planning and Development Control confirmed that research on the case had been undertaken and it was found that PDRs had been removed. It was a duty of the Council to write to the owner informing him of this and a letter had been sent.

In the event that enforcement action was authorised, Members requested the required action be completed within three months.

Members having considered the report, objections and representations, **RESOLVED that PLANNING ENFORCEMENT ACTION BE AUTHORISED to require the current owner to:-**

- 1) remove from the land, the extension to the existing detached garage, in the approximate position marked A on the plan attached to the report;**
- 2) remove from the land, the single storey detached outbuilding adjacent to the double garage, in the approximate position marked B on the plan attached to the report;**
- 3) reinstate the land and restore the existing detached garage to its condition prior to the unauthorised developments; and**
- 4) remove from the land, all materials and debris associated with paragraph 5(1), 5(2) and 5(3).**

It was FURTHER RESOLVED that the required action be completed within three months.

The meeting ended at 8.24 pm

Chairman

Agenda Item 4.1

Committee Date	28 October 2021		
Address	Land adj to Walnut Tree Cottage Jack Ass Lane Keston		
Application Number	21/01465/FULL1	Officer – Robin Evans	
Ward	Bromley Common and Keston		
Proposal	Erection of a single storey detached 2 bed dwelling following demolition of existing dwelling		
Applicant Mr P Gardner	Agent Mr Peter Hadley		
Walnut Tree Cottage Jackass Lane Keston BR2 6AN	Robinson Escott Planning LLP Downe House 303 High Street Orpington BR6 0N		
Reason for referral to committee	Call-In	Councillor call in Yes	

RECOMMENDATION	REFUSAL
-----------------------	----------------

KEY DESIGNATIONS Green Belt Area of Special Advert Control Biggin Hill Safeguarding Area Smoke Control

Residential Use					
	Number of bedrooms per unit				
	1	2	3	4	Total
Market		1			1
Affordable (shared ownership)					N/A
Affordable (social rent)					N/A
Total		1			1

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	2	+2
Disabled car spaces	0	0	0
Cycle	0	2	+2

Representation summary	Neighbour notification letters sent 19.4.21 Newspaper advert published 2.6.21 site notice displayed 4.6.21.		
Total number of responses	4		
Number in support	4		
Number of objections	0		

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

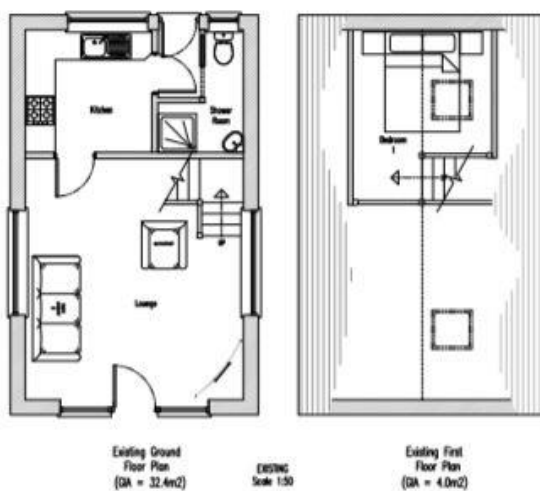
- The principle of the development is established,
- The proposal would comprise inappropriate development in the Green Belt,
- The proposal would provide a satisfactory standard of accommodation,
- The proposal would not detract from the character and appearance of the site and the wider area,
- The proposal would not detract from neighbouring residential amenities,
- The proposal would not have adverse highway impacts,
- There would be no other significant adverse effects,
- There are no Very Special Circumstances existing in this particular case that clearly outweigh the harm arising from inappropriate development

2. LOCATION

2.1 The application site is a parcel of land known as Land adjacent to Walnut Tree Cottage, positioned in between Walnut Tree Cottage and Fairways on the southern side of Jackass Lane, Keston. There is a single storey detached dwelling on the land although it does not appear to have a registered address. The dwelling is a modest single storey timber cabin measuring approximately 40sqm in footprint, 40sqm in floor area, 5m in height and 151cubm in volume, it has small area of roof accommodation. The area is rural characterised mostly by open fields and countryside and few residential dwellings although those few dwellings are predominantly two storey semi-detached dwellings set in spacious plots. The application site is not listed or located within a Conservation Area or an Area of Special Residential Character. The application site lies within the Metropolitan Green Belt.



Fig 1. Site location plan.




PL	all	Client Comments Added
PS	all	Client Comments Added
PC	all	Client Comments Added
PI	all	Issued for Comment
Rev:	Description	
Date:	20/2/21	Scale @/h
		1:50/100
Project:	Mr Gardner Garden Cottage Jackass Lane Keston BR2 6AN	
Title:	Proposed Replacement	
	-Planning Drawing 1 of	
Drawing file:	3205-19-PL101	
		
2-3 Rice Parade, Fairway		

Fig 2. Existing floor plan and elevations.



Photo 1. Existing building viewed from Walnut Tree Cottage the northwest.

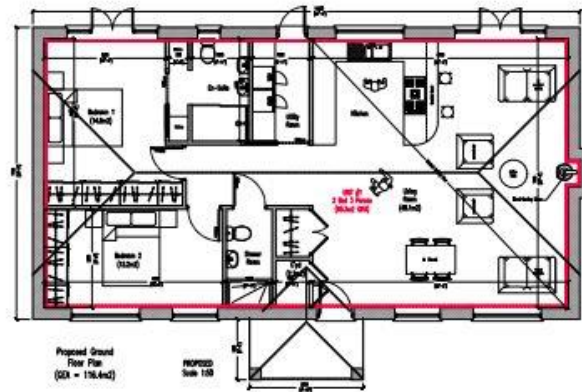


Photo 2. Existing building viewed from the southwest.

3. PROPOSAL

- 3.1 Planning permission is sought for demolition of existing dwellinghouse and erection of a single storey detached 2-bedroom dwellinghouse, accessed via the existing vehicular access on to Jackass Lane serving Walnut Tree Cottage, with associated parking area in front of the new dwelling. The proposed dwelling would measure approximately 112sqm in building footprint, 130sqm in floor area, 4.7m in maximum

height and 419cubm in volume (Council's calculations). The roof formation appears to accommodate an upper floor or loft area over the bedroom area (providing an upper floor space) and an open vaulted ceiling area over the main living space area. It is understood that the Applicant intends to occupy the new proposed dwelling and vacate their existing dwelling Walnut Tree Cottage.



Outright Area Calculations (GFA Area G5)	Floor Area Calculations (GFA Area G6)	Volume Calculations
Approved Building Area = 121.2m ²	Approved Building Area = 118.4m ²	Approved Building Volume = 363.7cubm
Total Area = 121.2m ²	Total Area = 118.4m ²	Total Volume = 363cubm
(Planning) Proposed Sample Area = 14.2m ²	(Planning) Proposed Sample Area = 14.2m ²	(Planning) Proposed Sample Volume = 37cubm
Total Difference = +14m ²	Total Difference = -25m ²	Total Difference = -8cubm



Fig 3. Proposed plans and sections.

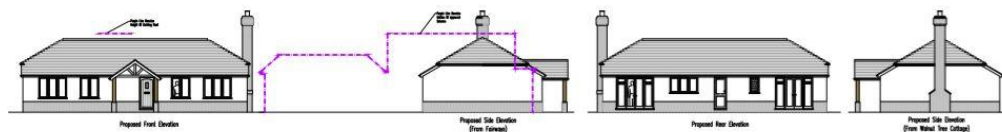


Fig 4. Proposed elevations.

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 84/01752/FUL – Two storey side extension and single storey front extension with balcony detached house was approved.
- 4.3 00/02796/ELUD – Use of Wendy house as a dwelling (CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE) was granted on 21.02.2001.
- 4.4 03/02170/FULL1 – Use of land as residential curtilage of the Wendy House was refused on 06.08.2003.

- 4.5 03/04136/FULL6 – Replacement three bedroom bungalow with 2 car parking spaces at The Wendy House was refused on 05.02.2004.
- 4.6 04/04194/FULL6 – Detached double garage and store was refused on 15.02.2005. The corresponding appeal was dismissed on 27.10.2005.
- 4.7 04/04197/FULL4 – Application to modify legal agreement attached to permission reference 84/01752 which removed permitted development rights to erect curtilage buildings at Walnut Tree Cottage, to reinstate such permitted development rights for the benefit of The Wendy House was refused on 15.02.2005. The corresponding appeal was deemed to be invalid and did not receive a decision.
- 4.8 12/01080/ELUD – Use of 'The Cabin' as dwelling house CERTIFICATE OF LAWFULNESS FOR AN EXISTING DEVELOPMENT was granted on 16.07.2012.
- 4.9 19/04461/HHPA – Single storey rear extension, extending beyond the rear wall of the house as existing by 8m (beyond the original rear wall by 8m), for which the maximum height would be 4m (maximum height of proposed and previous extensions 4m), and for which the height of the eaves would be 2.867m (maximum eaves height of proposed and previous extensions 2.867m) - (42 Day Notification for Householder Permitted Development Prior Approval) prior approval was not required on 05.12.2019.
- 4.10 19/05210/PLUD – Erection of 8 metre single storey rear extension for which prior approval was not required under planning ref. DC/19/04461/HHPA. Introduction of single storey half width side extension, provision of loft conversion with side dormer additions and creation of front porch PROPOSED LAWFUL DEVELOPMENT CERTIFICATE was refused on 14.02.2020.
- 4.11 20/01557/ELUD – Use of land outlined in red on drawing no. 3205-19PD002 REV P4 (received 29.06.20) as residential curtilage of the 'Wendy House' enclosed by post and rail boundary fence EXISTING LAWFUL USE was granted on 08.07.2020.
- 4.12 20/03703/PLUD – Erection of 8 metre single storey rear extension for which prior approval was not required under planning ref. DC/19/04461/HHPA. Introduction of single storey half width side extension, provision of loft conversion with side dormer additions and creation of front porch PROPOSED LAWFUL DEVELOPMENT CERTIFICATE was granted on 10.12.2020. The lawful scheme measures approximately 102sqm in footprint, 118sqm in floor area, 3.6m-5.0m in height and 234cubm.

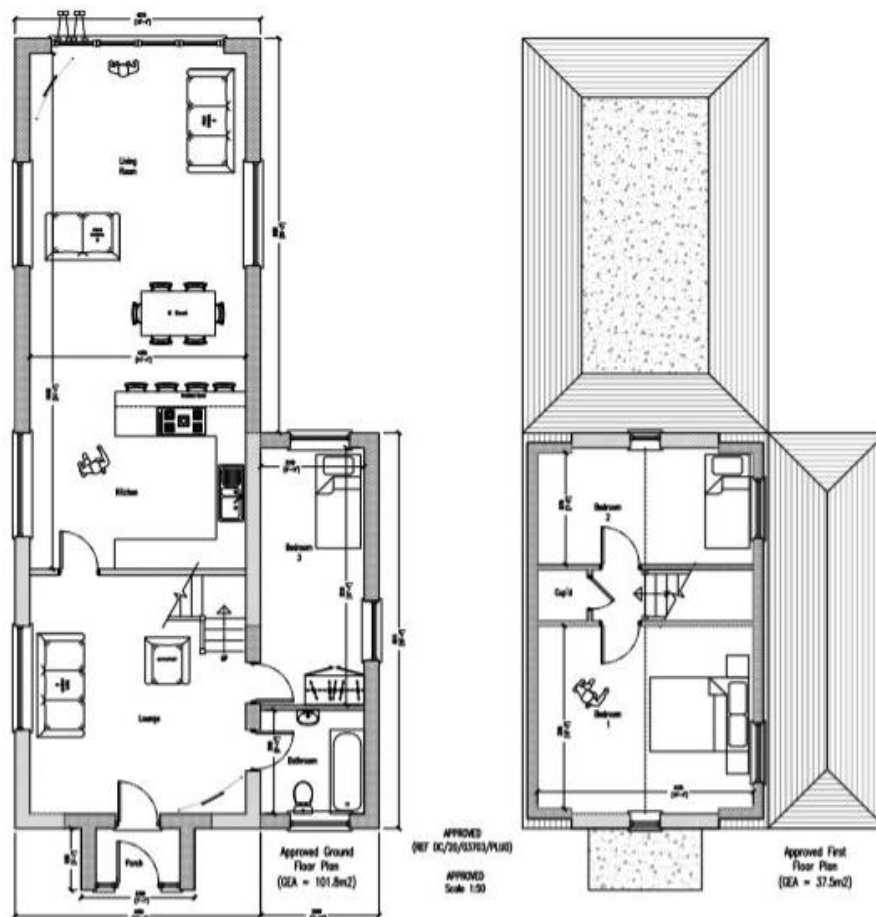


Fig 3. Approved floor plans 20/03703/PLUD.



Fig 4. Approved elevations 20/03703/PLUD.

5. CONSULTATION SUMMARY

5.1 A) Statutory

5.1.1 Highways – No objection

The previous permitted development would allow for a 3-bedroom dwelling on the site. The proposal is for a 2-bedroom dwelling. The new dwelling would continue to share the existing highway access with Walnut Tree Cottage and parking for at least 2 vehicles would be provided for the new dwelling in accordance with the Council's standards.

5.1.2 Drainage – no comments received

5.2 B) Local Groups

5.2.1 No comments received

5.3 C) Adjoining Occupiers

5.3.1 Support

5.3.1.1 Standard of Residential Accommodation – addressed in para 7.3.2

- New dwelling would be better suited to modern living and would have a longer lifespan

5.3.1.2 Design and landscaping – addressed in para 7.5

- New dwelling would improve design and appearance of the site,
- New dwelling would be smaller and design more in keeping with the rural area than the approved scheme(s),

5.3.1.3 Neighbouring amenity – addressed in para 7.6

- Siting and building mass No greater impact on neighbouring properties than the approved scheme(s),

5.3.1.4 Highways and parking – addressed in para 7.7

- No increase in traffic

6. POLICIES AND GUIDANCE

6.1 National Policy Framework 2021

6.2 NPPG

6.3 The London Plan 2021

D1 London's form and characteristics

D4 Delivering Good Design

D5 Inclusive Design

D6 Housing Quality Standards

D8 Public Realm

G2 London's Green Belt

T5 Cycling

T6.1 Residential Parking

6.4 Bromley Local Plan 2019

3 Backland and Garden Land Development

4 Housing Design

8 Side Space

30 Parking

32 Road Safety

33 Access for All

37 General Design of Development

49 The Green Belt

73 Development and Trees

6.5 Other Guidance

Housing: Supplementary Planning Guidance. (March 2016)

Technical Housing Standards - Nationally Described Space Standard (March 2015)

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

7. ASSESSMENT

7.1 The main issues to be considered in respect of this application are:

- Principle and location of development
- Housing matters
- Green Belt
- Design and landscaping
- Neighbouring amenity
- Highways
- Sustainability
- Other matters
- CIL

7.2 Principle and location of development – Acceptable

- 7.2.1 Housing is a priority use for all London Boroughs. London Plan Policies H1, H2, H10, D3, D4 and D7 generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.
- 7.2.2 Paragraph 53 of the NPPF also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.
- 7.2.3 Policy 4 of the Local Plan advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.
- 7.2.4 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.
- 7.2.5 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is

consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.

- 7.2.6 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.
- 7.2.7 Paragraph 11 of the NPPF sets out 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.
- 7.2.8 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.2.9 This proposal would provide 1 dwelling although it would be a replacement dwelling and would not lead to a net gain in the number of units and therefore it would not contribute towards the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.
- 7.2.10 The application site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development, by definition, and development that would be harmful to the openness of the Green Belt and would conflict with the principle of locating new residential development in existing urban and built up areas. However according to the Council's records/planning history the existing building is a lawful market dwellinghouse and therefore the principle of one market dwellinghouse on the land is already established and is a material planning consideration. The current proposal; replacing one existing dwellinghouse with one new dwellinghouse, would not conflict with this established principle.

7.3 Housing Matters – Acceptable

7.3.1 Optimising site capacity/Density:

- 7.3.1.1 The application site lies within a rural area, albeit that there are some residential properties in the immediate locality. The proposal would provide one replacement dwelling within the application site in place of an existing dwelling and although it would

be larger than the existing dwelling it nonetheless would not lead to a significantly more dense or intensified form of residential development than the existing dwelling.

7.3.2 Standard of accommodation:

7.3.2.1 In March 2015 the Government published The National Technical Housing Standards. This document 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 occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

7.3.2.2 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation 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 to reflect the Government's National Technical Housing Standards.

7.3.2.3 The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

7.3.2.4 The proposal would provide a spacious dwelling measuring approximately 98sqm GIA exceeding the minimum gross internal floor area and built-in storage requirements for a 2-bedroom 4-person single storey dwelling (70sqm), with a suitable layout and appropriate outlook. There would be a similarly suitably sized and laid out private amenity space for a family dwelling.

7.4 **Green Belt – Unacceptable**

7.4.1 Paragraphs 136 – 150 of the NPPF sets out the Government's intention for Green Belt. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

7.4.2 Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF.

7.4.3 The Green Belt is intended to serve five purposes:
a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;

- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.4.4 Paragraphs 146 – 150 deal specifically with development proposals in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Very special circumstances by their nature will also usually be unique to the application site and not capable of being easily repeated elsewhere as the effect of such inappropriate development would be cumulatively harmful throughout the Green Belt area.

7.4.5 Therefore, the main issue in relation to the Green Belt is whether the proposal would represent inappropriate development and if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

7.4.6 Whether the proposal would represent inappropriate development in the Green Belt

7.4.6.1 Paragraph 148 states A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions are stated, the most relevant of which to this application is/are:

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

7.4.6.2 Paragraph 149 provides for certain other forms of development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it however they are not relevant to this proposal.

7.4.6.3 For the purposes of the Green Belt the "original dwelling" is as it stood from July 1948. According to the Council's planning records the existing building was concluded and confirmed to be a lawful dwelling in July 2012 and its curtilage as a residential curtilage in July 2020.

7.4.6.4 In relation to NPPF 148 d):

The proposal would demolish the existing building and replace it with another building as follows:

Built form	Footprint (sqm)	Floor space (sqm)	Height (m)	Volume (cubm)
Existing	40	40	5.0	151
Proposed	112	97	4.7	419
Difference	+72	+57	-0.3	+268
Difference %	+180%	+143%	-6%	+177%

7.4.6.5 Although there is no technical definition for "materially larger", and it can depend on the overall design, this proposal would more than double the footprint, floor space and volume of the building that it would replace it would clearly be materially larger than

the existing building. The proposal would conflict with NPPF paragraph 148 d) and would comprise inappropriate development by definition.

7.4.6.6 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form and has been described by Appeal Inspectors as an "absence of development". Even if there is no harm to openness, there can be harm to the Green Belt in principle due to definitive inappropriate development. Openness takes into account the effect of built form on the otherwise open landscape and therefore the three-dimensional mass of a building, as compared with a two-dimensional form of a flat surface, is a critical element of this part of the assessment. Furthermore, the impact on the openness of the Green Belt is inherent and exists whether or not the development can be seen from a view or vantage point.

7.4.6.7 Given that the proposed building would be significantly larger than the existing building it would replace it would also have a greater impact on the openness of the Green Belt. The proposed building would also be re-oriented through 90 degrees across the width of the site and although openness is an inherent quality and does not necessarily rely on new development being seen the overall greater bulk of the new building combined with its re-orientation would reduce the space around it when viewed from the highway, as compared overall less bulky existing building which also projects rearwards into the site and has a narrower and more streamlined appearance in terms of spacing. As the proposed building would encroach further into the countryside than the existing building it would also conflict with the primary purposes of including land within the Green Belt.

7.4.7 Summary:

7.4.7.1 In summary, the proposed replacement dwelling would be materially larger than the one it would replace, and it would comprise inappropriate development in the Green Belt by definition. The proposed greater building mass would place more built form in the Green Belt thereby detracting from its openness, and the additional encroachment into the countryside would conflict with the primary purposes of including land within the Green Belt. For these reasons the proposal would comprise inappropriate development within the Green Belt.

7.4.7.2 It is now necessary to establish whether there is any other harm arising from the development and/or whether there are any Very Special Circumstances existing that clearly outweigh the harm identified.

7.4.8 **Very special circumstances – Unacceptable**

7.4.8.1 According to the Green Belt assessment above the application proposal would comprise inappropriate development within the Green Belt and it would be necessary to demonstrate Very Special Circumstances (VSCs) to clearly outweigh the definitive harm by reason of inappropriateness and the actual harm identified to the openness of the Green Belt. Very special circumstances by their nature will also often be unique to the application site and not capable of being easily repeated given that the effect of such inappropriate development would be cumulatively harmful throughout the Green Belt area. In order to clearly outweigh any harm arising from inappropriate development VSCs should also provide a clear improvement over the inappropriate development, i.e. they should not provide a neutral effect and should certainly not provide a more harmful effect.

7.4.8.2 The application details set out the comparison between the existing/original building, the approved permitted development extensions to the existing building (20/03703/PLUD) and the currently proposed building, suggesting that the proposed dwelling would be smaller in footprint and similar in height to the existing/extended dwelling (as well as a design improvement) and that this should be considered as a Very Special Circumstance to outweigh the harm of inappropriate development in the Green Belt.

7.4.8.3 The Council calculates the building(s) measure as follows:

Built form	Footprint (sqm)	Floor space (sqm)	Height (m)	Volume (cub m)
Existing	40	40	5.0	151
Existing plus 20/03703/PLUD	102	113	3.6-5.0	377
Difference	+62	+73	0-(-1.4)	+226
Difference %	+155%	+183%	(-31%) - 100%	+150%
Proposed	112	97	4.7	419
Difference	+10	-16	-0.3	+42
Difference	+10%	-14%	-10%	+11%

7.4.8.4 As mentioned above the proposed new building would be significantly larger than the existing small, modest and diminutive cabin, and would be “materially larger” according to NPPF 145 d).

7.4.8.5 Although the Applicant seeks to demonstrate that the existing dwelling could be enlarged through the “permitted development rights” the current proposal would also be larger than the “permitted development” extensions that could be added through the lawful development certificate. Although the proposed new dwelling may appear to have a more compact and integrated footprint than the piecemeal design of the approved lawful extensions 20/03703/PLUD, the rationalised building shape and layout would by its nature therefore have a considerably greater footprint and floor area and it would naturally a much larger roof formation spanning the larger footprint shape. Overall, the proposed building would be materially larger than the existing building it would replace and the approved extended building that it could replace (if those extensions were to be constructed).

7.4.8.6 In addition to this the proposed replacement dwelling, and as mentioned by the Applicant is intended for their future occupation and is consequently designed to their specifications, would have significantly different design, layout and type and quality of living space compared with either the very basic existing building or the existing building as it could be extended. The currently proposed replacement dwelling would therefore provide a much improved and incomparable standard of living than the existing dwelling and/or as it could be extended. As such, although the Applicant has demonstrated that an alternative form of development could be constructed through the lawful development certificate planning appeal Inspectors are also mindful of how likely it is that an alternative development would actually be occupied when deciding to attribute weight to that alternative in the planning balance. In this instance the Council considers that it less likely that the Applicant would intend to occupy either the existing dwelling or as it could be extended, and therefore less weight is attributed to the alternative “permitted development” scheme in weighing the overall effects.

7.4.8.7 Although the Council has reached different figures than the Applicant, particularly in relation to the volume, for these reasons the proposed new dwelling would have a greater degree of harm to the Green Belt than either the current building and/or as extended, and particularly given its more bulky design, shape and orientation, and this regard the proposed replacement dwelling would provide a more harmful form of development, not a neutral effect and not a clear improvement, than either the existing dwelling or the lawful development alternative scheme. Furthermore, less weight is attributed to the actual likelihood of carrying out the lawful development scheme. For these reasons the Very Special Circumstances put forward by the Applicant do not clearly outweigh the significant harm arising from the inappropriate development in the Green Belt.

7.4.8.8 Having considered all of the available information in this case it is concluded that are no material considerations that may amount to or contribute to a case for Very Special Circumstances that clearly outweigh the harm from the inappropriate development in the Green Belt.

7.5 Design – Layout, scale and landscaping – Acceptable

7.5.1 The proposed building would be positioned partly in the same place and partly on the same building footprint as the existing building albeit reoriented through ninety degrees; positioned across the width of the plot rather than along its length. Notwithstanding this, the building would be single storey in height, and it would have a hipped roof thereby reducing its width. Its size and scale together with its position in the plot and relationship with the neighbouring properties would not cause it to appear overdeveloped within the plot or cramped in relation to its boundaries. Notwithstanding the harm to Green Belt identified above the proposed design, materials and overall external appearance would not detract from the character and appearance of the site or its wider rural setting.

7.5.2 Notwithstanding this however the scale, residential intensity and design of the proposal is concluded to be acceptable as shown, however as a new planning unit the proposed dwelling could potentially be significantly further extended/enlarged or altered and additional outbuildings constructed through the "permitted development rights" which could be detrimental to its character and appearance and its setting within the local area and this could be managed by planning condition.

7.5.3 The application site contains some trees and vegetation, contributing towards appearance and character of the area, however they appear to be capable of being retained as well as some new planting provided to enhance the development, and there is no objection from the Council's Tree Officer subject to recommended conditions.

7.6 Neighbourhood Amenity – Acceptable

7.6.1 Bromley Local Plan Policies 6 and 37 seek 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.

7.6.2 Bromley Local Plan Policy 4 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.

7.6.3 As mentioned, the proposed new dwelling would be positioned in a similar place and would have a similar relationship and its size and scale would be not significantly more harmful than the existing building of the amenities of the immediately neighbouring properties by reason of overshadowing or overbearing effect.

7.6.4 The main outlook would continue be to the front and rear of the site (as per the existing dwelling) where it would be unlikely to lead to significantly more harmful overlooking.

7.7 Highways and parking – Acceptable

7.7.1 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.

7.7.2 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.

7.7.3 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.

7.7.4 The application site lies within a rural area with a low 0 PTAL rating indicating that it would be reliant on private transport such as the private car and bicycle, however the transport impacts would not differ significantly in principle from the existing dwellinghouse that it would replace.

7.7.5 The proposal would use the existing highway for Walnut Tree Cottage that is currently also shared to serve the existing dwelling. the proposal would not intensify the residential use of that existing highway access. The proposal would provide 2 car parking spaces for the new unit in accordance with the Council's standards.

7.7.6 The proposal does not indicate cycle or refuse storage facilities although the plot is spacious and could provide space for this subject to details.

7.7.7 There is no objection from the Council's Highway Department subject to recommended conditions.

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 Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

- 7.8.2 The London Plan encourages the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy SI 2 Minimising greenhouse gas emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be Clean: supply energy efficiently, Be Green: use renewable energy and Be Seen: monitor those renewable energy measures.
- 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 As the proposal is for a new dwelling it would offer the opportunity to include energy efficient and sustainable construction methods improving its environmental performance. Furthermore, as the proposal would comprehensively redevelop the site it would also offer the opportunity to incorporate renewable energy generating technology such as ground source or air source heat pumps and/or solar panels thereby also contributing towards carbon dioxide emissions savings and this would be encouraged although as it is not a Major development is not compulsory.

7.9 Other matters

7.9.1 Ecology

- 7.9.1.1 Although the application is not a designated site for nature conservation given its location in a rural area, close to trees/vegetation and open countryside the site and its surrounding could offer suitable wildlife habitat, foraging or commuting habitat and a precautionary approach to demolition of the existing building including removal of roof tiles and roofing materials and removal of birds nests and other relevant species prior to demolition should be undertaken in order to allow those animals to have left the site and this could be managed by planning condition/informative.

7.9.2 Drainage

- 7.9.2.1 Although the application site may not necessarily be at risk of flooding, given its rural location there is unlikely no public surface water sewer near the site, and the development should maximise the use of SuDS to attenuate surface water run-off. There is no objection subject to recommended condition(s).

7.10 CIL

- 7.10.1 Mayoral and Borough CIL is a material consideration. CIL is payable on this application.

8. CONCLUSION

- 8.1 Having had regard to the above it is considered that the development in the manner proposed would be unacceptable as it would result in inappropriate development within the Green Belt by definition, it would have actual harm to its openness and would therefore impact detrimentally on the character of the area and visual amenities of the

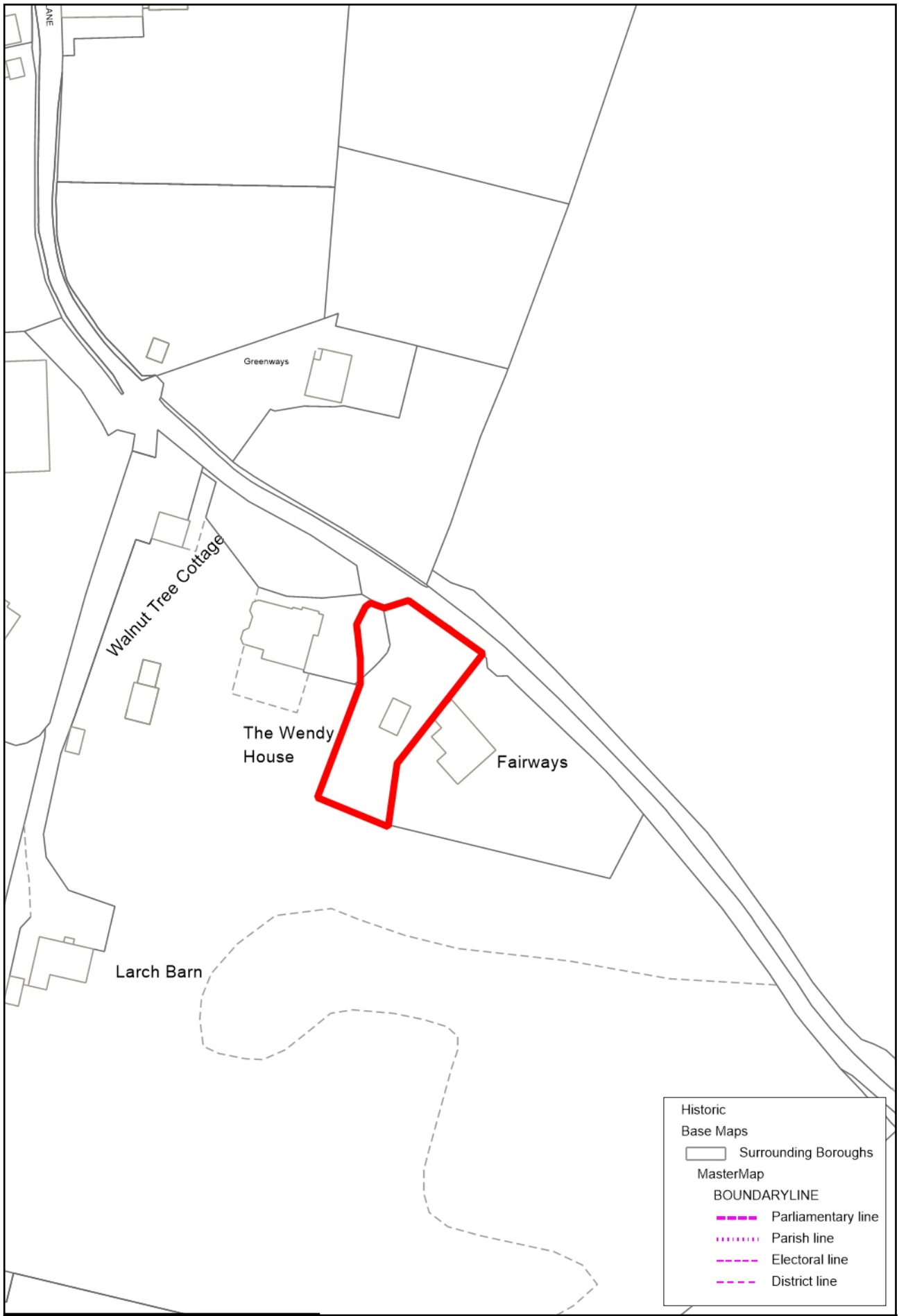
Green Belt which are formed of its essential characteristics including its openness and its permanence. There are no Very Special Circumstances of sufficient weight existing in this particular instance to clearly outweigh the harm by reason of inappropriateness and the actual harm to openness. It is therefore recommended that planning permission is refused.

- 8.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.


RECOMMENDATION: PERMISSION BE REFUSED

The reason for refusal is:

1. The proposal would provide a replacement dwelling materially larger than the one it replaces and would comprise inappropriate development in the Green Belt by definition. Furthermore, the proposal would be harmful to the openness of the Green Belt; detracting from the visual amenities of the Green Belt and conflicting with its essential characteristics and the fundamental aim of the Green Belt to keep land permanently open. The proposal would also encroach into the countryside and would therefore conflict with the purposes of including land within the Green Belt. There are no Very Special Circumstances of sufficient weight to clearly outweigh the harm by reason of inappropriateness and the other harm identified. For these reasons the development would conflict with Policies 49 and 52 of the Bromley Local Plan 2019.



© Crown copyright and database rights 2021.
Ordnance Survey 100017661.

 21/01465/FULL1



19 October 2021

1:1250



Page 27

This page is left intentionally blank

Agenda Item 4.2

Committee Date	14.10.2021	
Address	25 Grove Vale Chislehurst BR7 5DS	
Application Number	21/02235/FULL6	Officer - Jennie Harrison
Ward	Chislehurst	
Proposal	Part one/two storey rear and first floor side extensions, loft conversion incorporating dormer to rear and rooflights to all elevations including cabrio rooflight to rear and elevational alterations. PART RETROSPECTIVE	
Applicant	Agent	
Mr Yavuz	Mr Turan Karamanoglu	
25 Grove Vale Chislehurst BR7 5DS	Unit D Broomsleigh Business Park Worsley Bridge Road Sydenham SE26 5BN	
Reason for referral to committee	Enforcement history	Councillor call in
		No

RECOMMENDATION	Application permitted
-----------------------	-----------------------

<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding TPO Smoke Control SCA 16</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Pre-existing	C3	155.6
Existing	C3	223.4
Proposed	C3 (no change proposed)	275

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	2	2	0
Disabled car spaces	0	0	0
Cycle	0	0	0

Electric car charging points	0
-------------------------------------	---

Representation summary	Neighbour letters issued –01.07.2021	
Total number of responses	10	
Number in support	3	
Number of objections	7	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development would not cause any significant harm to the character and appearance of the host dwelling or street scene
- Additional accommodation in the roof would not cause any significant harm to neighbouring amenity.

2. LOCATION

2.1 The application site hosts a two storey detached dwelling on the South Eastern side of Grove Vale, Chislehurst. The rear garden adjoins properties in Selby Close and there is a blanket TPO in place at the rear of the garden.

2.2 Site Location Plan:



3. PROPOSAL

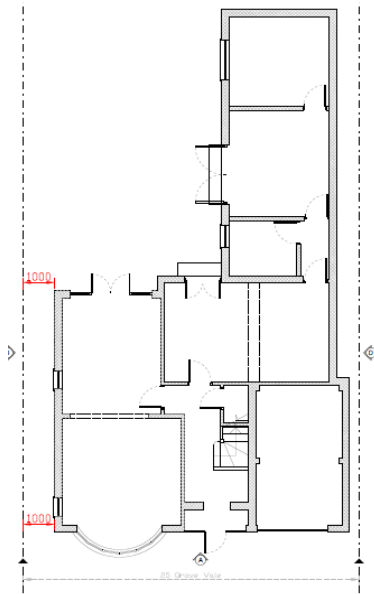
3.1 The application seeks part retrospective permission for, single storey front, first floor side and part one/two storey rear extensions, loft conversion incorporating dormer to rear and rooflights to all elevations and elevational alterations.

3.1.1 The differences between the previously approved application and the retrospective alterations can be summarised as follows:

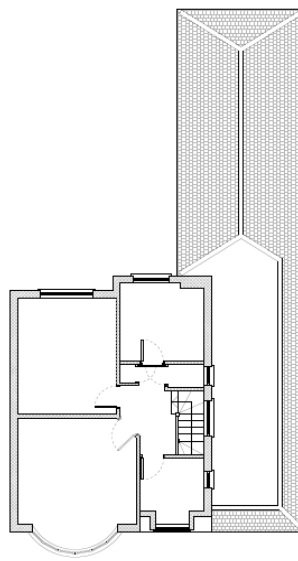
- A single storey front extension
- A first floor side extension; including an additional obscure glazed side window
- A larger section of flat roof in the main roof
- A different style of rooflight in the single storey rear extension
- An altered design of roof at the side at ground floor level, providing a pitched roof at the side
- Standard window to the rear first floor to replace Juliet balcony
- French doors to the rear ground floor to replace a window

3.1. The extensions to the dwelling are all retrospective whilst the proposal for the loft conversion has not yet been constructed.

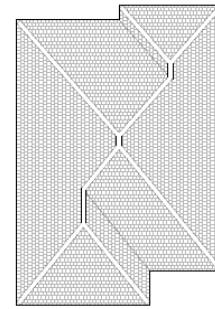
3.2 Pre-existing plans and elevations



PREVIOUS EXISTING GROUND FLOOR PLAN
Scale @ 1/100



PREVIOUS EXISTING FIRST FLOOR PLAN
Scale @ 1/100



PREVIOUS EXISTING ROOF PLAN
Scale @ 1/100



PREVIOUS EXISTING SIDE ELEVATION
NORTH EAST
Scale @ 1/100



PREVIOUS EXISTING FRONT ELEVATION
Scale @ 1/100

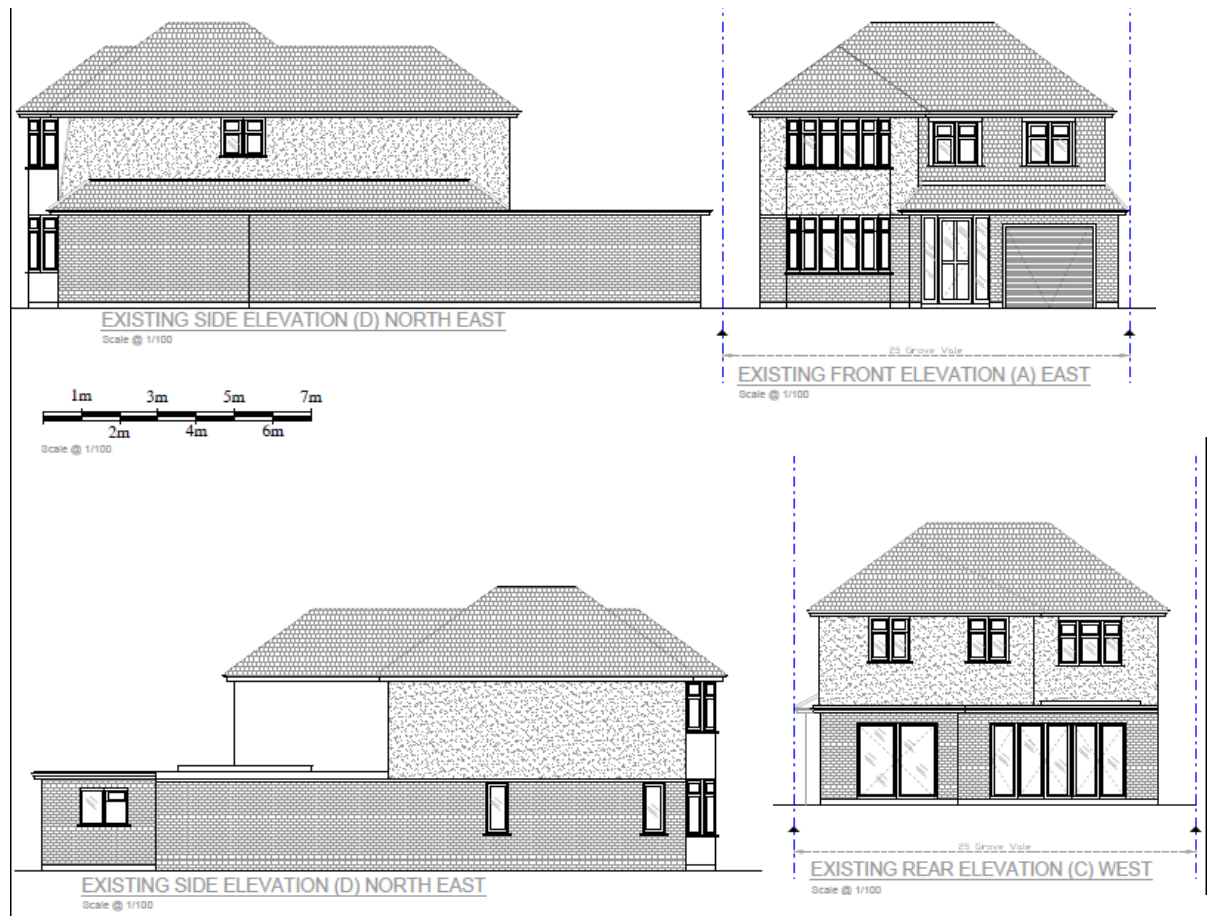
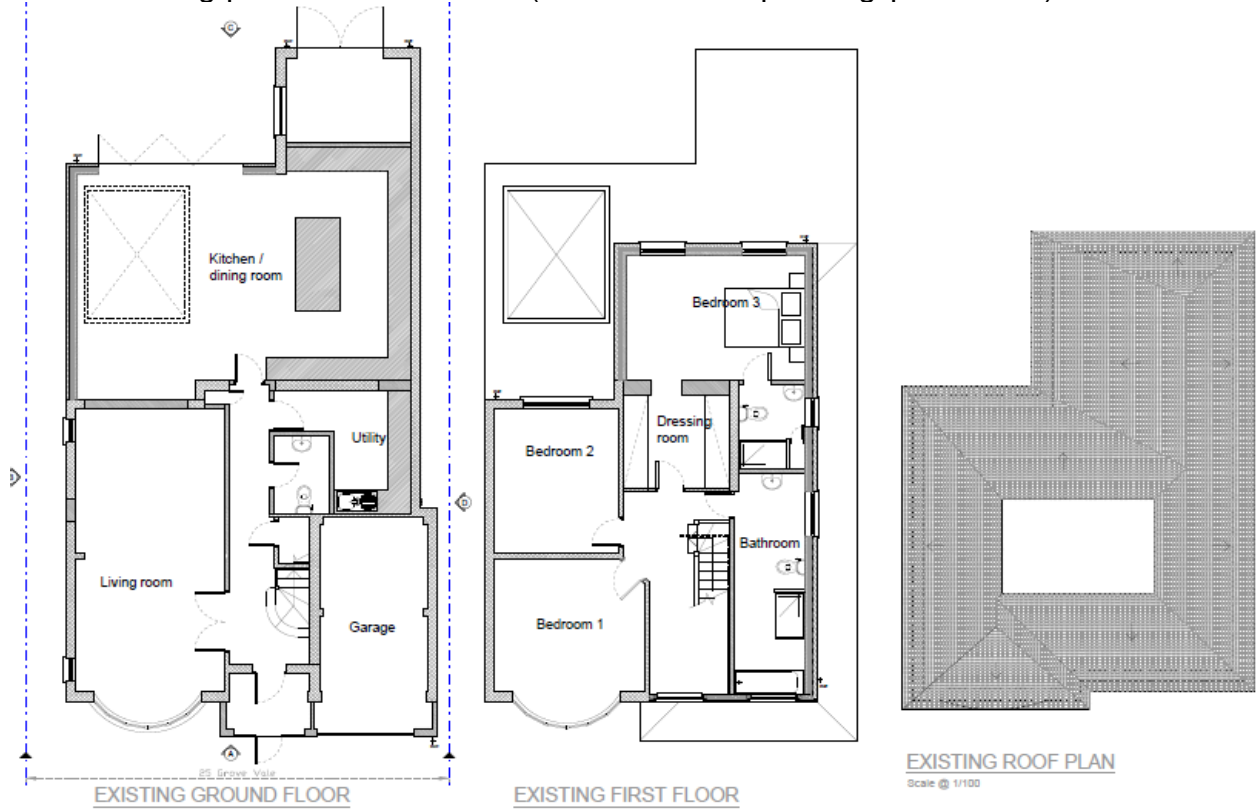


PREVIOUS EXISTING SIDE ELEVATION
SOUTH WEST
Scale @ 1/100

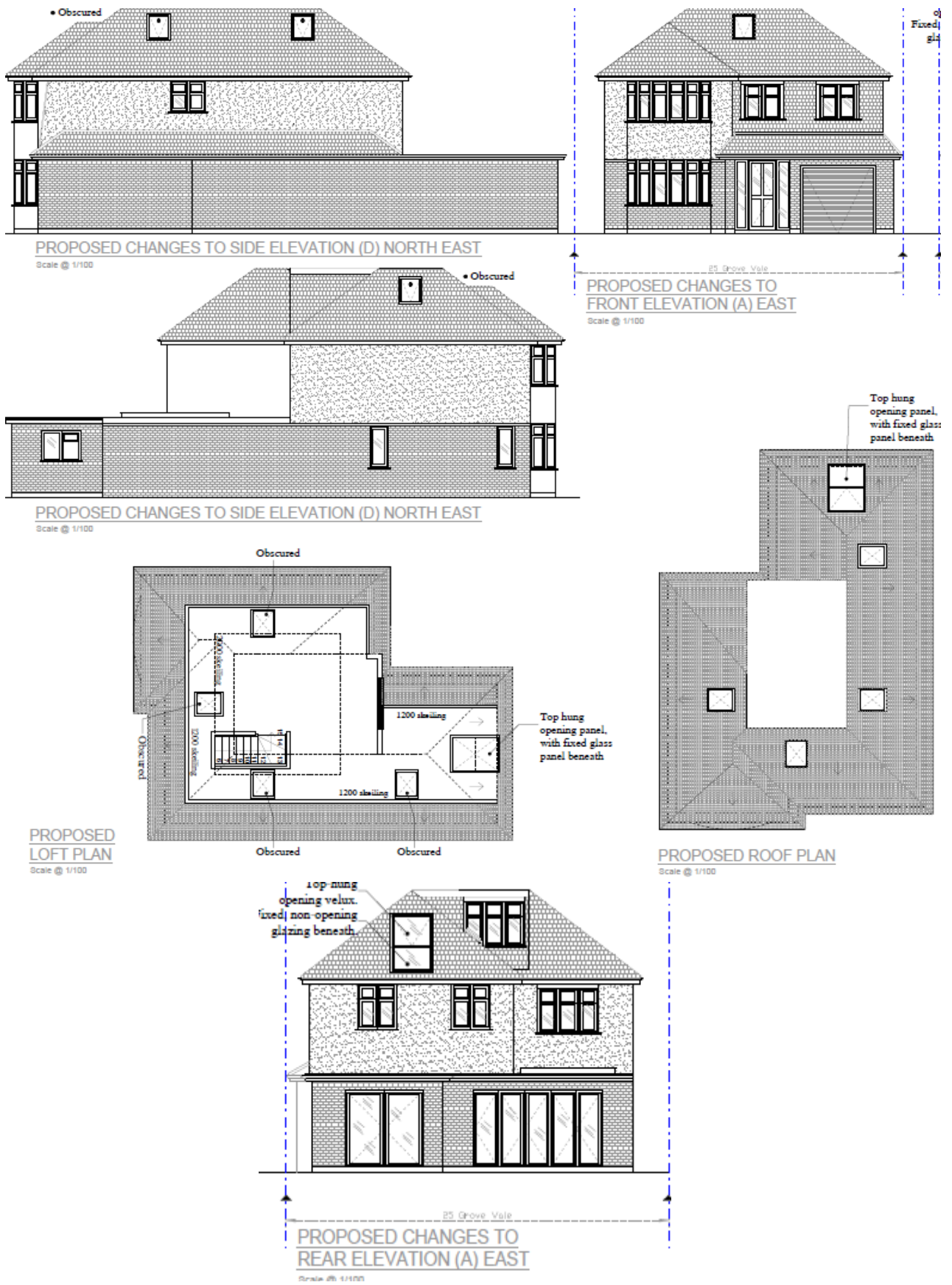


PREVIOUS EXISTING REAR ELEVATION

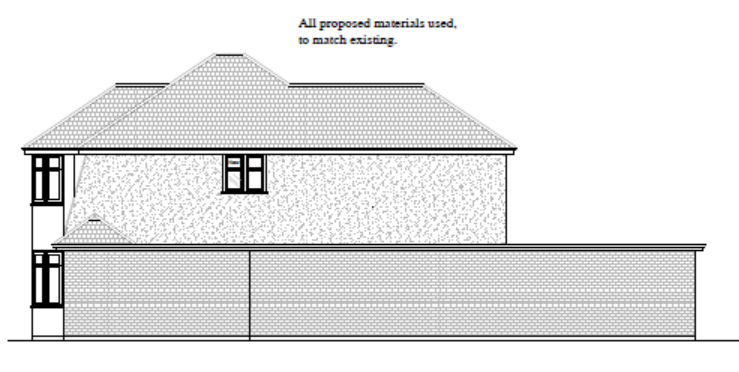
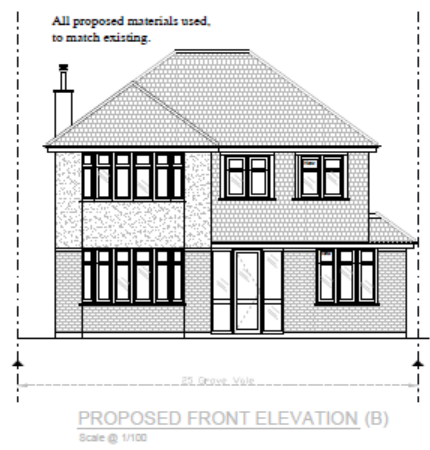
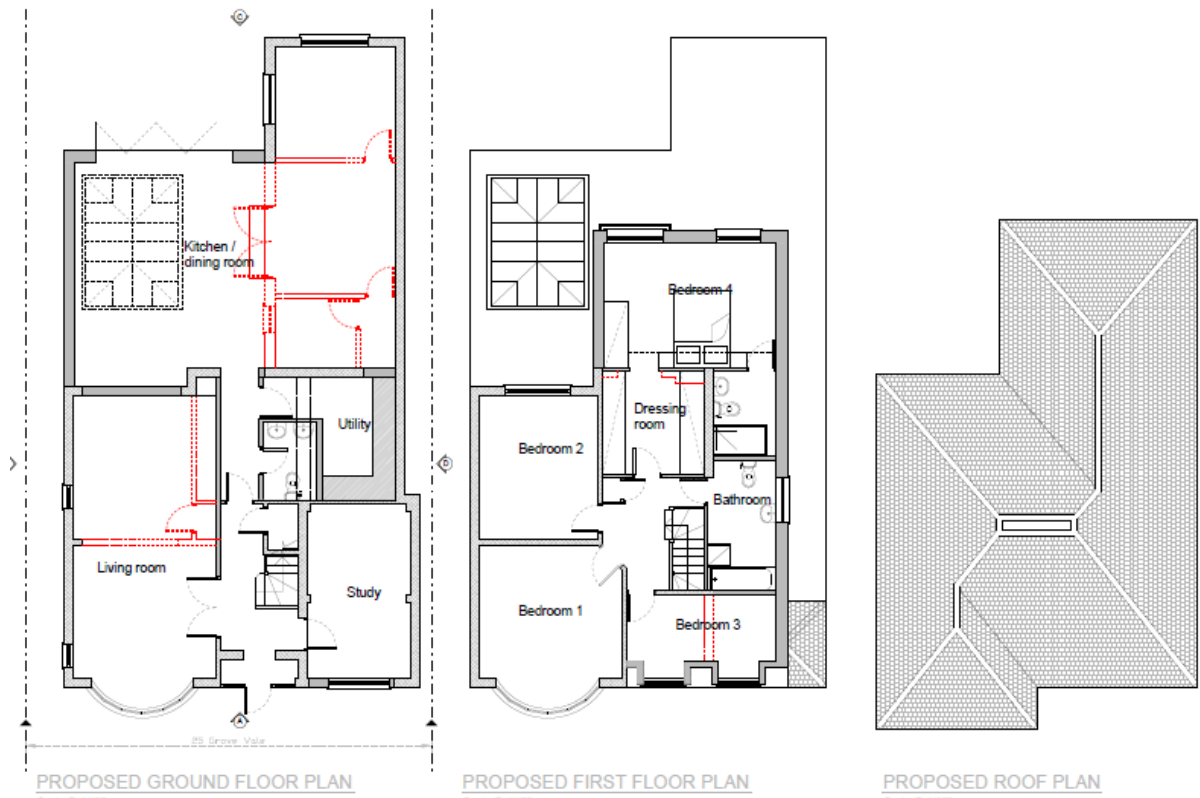
3.3 Existing plans and elevations (as built without planning permission):



3.4 Proposed plans and elevations:



3.5 Previously approved plans and elevations (17/01456/FULL6) – Refused; Appeal Allowed



4. RELEVANT PLANNING HISTORY

- 4.1 04/00004/FULL6 - Single storey side and rear extension – Permitted
- 4.2 17/01456/FULL6 - First floor side/rear and single storey rear extensions - Refused. Appeal Allowed
- 4.3 17/02276/HHPA - Single storey rear extension, extending beyond the rear wall of the house as existing by 6m (beyond the original rear wall by 6m), for which the maximum height would be 2.6m (maximum height of proposed and previous extensions 2.6m), and for which the height of the eaves would be 2.6m (maximum eaves height of proposed and previous extensions 2.6m) - (42 Day Notification for Householder Permitted Development Prior Approval) - Prior Approval Not Required
- 4.4 18/02423/FULL6 - First floor side/rear and single storey rear extensions. Retrospective amendments to previous planning application with reference 17/01456/FULL6 to change the pitch of the roof, increase the ridge height and incorporate rooflights on all sides to facilitate a loft conversion and elevational alterations - Refused. Appeal Dismissed
- 4.5 20/01668/FULL6 - Proposed changes to the roof on the front elevation - Decline to Determine
- 4.6 20/02809/FULL6 - Proposed changes to the roof - Decline to Determine
- 4.7 21/00897/FULL6 - Retrospective application for a children's activity frame and swings – Refused; Appeal Lodged
- 4.8 Planning Enforcement EN/18/00278/PLANS in 2018 complaint received 03.5.2018 from the local ward Councillor in connection with the allegations that the roof was not built in accordance with the approved plans. Enforcement Notice issued dated 19th November 2019 against the unauthorised development for the reasons that the form of construction of the roof through the steepening of the pitches, appears to be bulky and top-heavy in it's appearance, it is considered to have a dominant impact within the street scene. The roof alterations are out of character and detrimental to the character and appearance of both the host dwelling and the street scene, contrary to policies 6 and 37 of the Bromley Local Plan.
- 4.9 Prosecution action commenced against the Owner for failing to comply with the requirements of the Enforcement Notice, however this is currently held in abeyance as a direct result of the works that have been carried out in order to comply with the requirements of the Enforcement Notice
- 4.9 Numerous site visits and inspections have been carried out by the investigating officer's and the Head of Planning and Development Support to check that the roof structure was altered significantly to comply with the requirements of the Enforcement Notice. The owners have now altered the pitch of the roof and complied with the requirements of the notice by removing the unauthorised structure as built and has made the relevant changes to overcome the previous reasons for the Council taking action.

5. CONSULTATION SUMMARY

A) Statutory

5.1 None

B) Local Groups

5.2 N/A

C) Neighbouring occupiers

5.3 Objections

5.3.1 Neighbouring amenity and privacy

- Loss of privacy as a result of cabrio rooflight
- Cabrio window is invasion of privacy
- Negative impact on privacy and enjoyment of garden as a result of cabrio window
- Cabrio rooflight will give panoramic views of gardens and properties in Grove Vale and Selby Close

5.3.2 Character and Appearance

- Will spoil the present open and green ambience of the cul-de-sac
- Bulky and out of keeping with the rest of the street
- Dormer is the same as the dismissed planning application
- Dormer and large cabrio may make the roof seem bulky and oversized

5.3.3 Retrospective Application

- Will allow others to go beyond council limits
- Just a way to get around the previously dismissed application
- Enforcement notice has already been served that requires roof to be reinstated to what was permitted

5.4 Support

- Dormer is similar to the one at number 23
- Works have not been overly disruptive or noisy
- Dormer extension is in keeping
- Sensible use of space for a growing family
- Previous issues have been rectified and as such the application should be considered on its own merits
- Proposed plans are nothing more than the addition of a dormer and rooflights
- Number 25 have considered all planning aspects
- Disruption caused by construction is minimal and to be expected

6. POLICIES AND GUIDANCE

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

6.3 The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

6.4 The application falls to be determined in accordance with the following policies:-

6.5 National Policy Framework 2019

6.6 The London Plan

D1 London's form, character and capacity for growth
D4 Delivering good design

6.7 Bromley Local Plan 2019

6 Residential Extensions
8 Side Space
37 General Design of Development
73 Development and Trees

6.8 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance

7. ASSESSMENT

- Design – Layout and scale
- Residential Amenity

7.1 Design – Layout and scale - Acceptable

7.1.1 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. The NPPF states that it is important to plan positively for the achievement of high quality and

inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

7.1.2 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

7.1.3 Permission was refused under 18/02423/FULL6 for the harm to the character of the host dwelling and street scene as a result of the increased ridge height. The ridge height is now 0.5m less than that which was proposed previously and the pitch of the roof is altered by the first floor side extension which allows for a more traditional style pitched roof.

7.1.4 The existing dwelling incorporates a Crown top roof, similar in style to those at numbers 23 to the North and number 7, almost directly opposite. The single storey front extension also incorporates a pitched roof to the front at a single storey level and it is considered that the design of the roof as a result of the works would not cause any significant harm to the character and appearance of the host dwelling, or street scene.

7.1.5 At ground floor the garage is set in 0.3m from the boundary whilst the first floor is set in 0.6m, whilst policy 8 would normally require 1m side space it is considered that given the scale/boundary relationships of other properties in the area, and a side space of 1m nearest the other side boundary, that on balance, the extensions would not create any unrelated terracing nor would it appear to be a cramped, overdevelopment of the site.

7.1.6 The rear part of the extension incorporates a flat roof and incorporates matching brick, this is considered to give a contemporary appearance to the main dwelling and is therefore not considered to be harmful to the character of the host dwelling and is not visible within the street scene.

7.1.7 In regards to the loft conversion, the proposal incorporates rooflights to all elevations including a large style rooflight to the rear, where the bottom half would be fixed shut and obscure glazed; the loft conversion also incorporates a small dormer to the rear elevation.

7.1.8 Given the scale and siting of the alterations to the roof it is considered that there would be no significant harm to the character and appearance of the host dwelling or street scene.

7.1.9 Having regard to the form, scale, siting and proposed materials it is considered that the proposed extension(s) would complement the host property and would not appear out of character with surrounding development or the area generally.

7.2 Residential amenity – Acceptable

7.2.1 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.

- 7.2.2 The loft conversion is considered to create some additional overlooking, however it is not considered that this would be unduly harmful in a residential setting such as this. Indeed it is noted that the dwelling at number 23 benefits from a rear dormer.
- 7.2.3 The single storey front extension, given its scale and siting is not considered to cause any significant harm to the outlook and amenity of the adjoining occupiers.
- 7.2.4 At ground floor at the rear the extension is a similar depth to that at number 24, and as such it is considered that this element has no significant impact on these adjoining occupiers.
- 7.2.5 Nearest the boundary with number 26 the ground floor extension projects 5m past the rear building line of this adjoining occupier, given the slight separation from the boundary and the height of 2.5m it is considered that this element does not cause any significant harm to the outlook and amenity of the adjoining occupiers at number 26.
- 7.2.6 The first floor side/rear extension projects minimally past the first floor rear building line of number 26 and as such it is considered that there is no significant detrimental impact on these adjoining occupiers.
- 7.2. Having regard to the scale, siting and separation distance of the development, it is considered that no significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

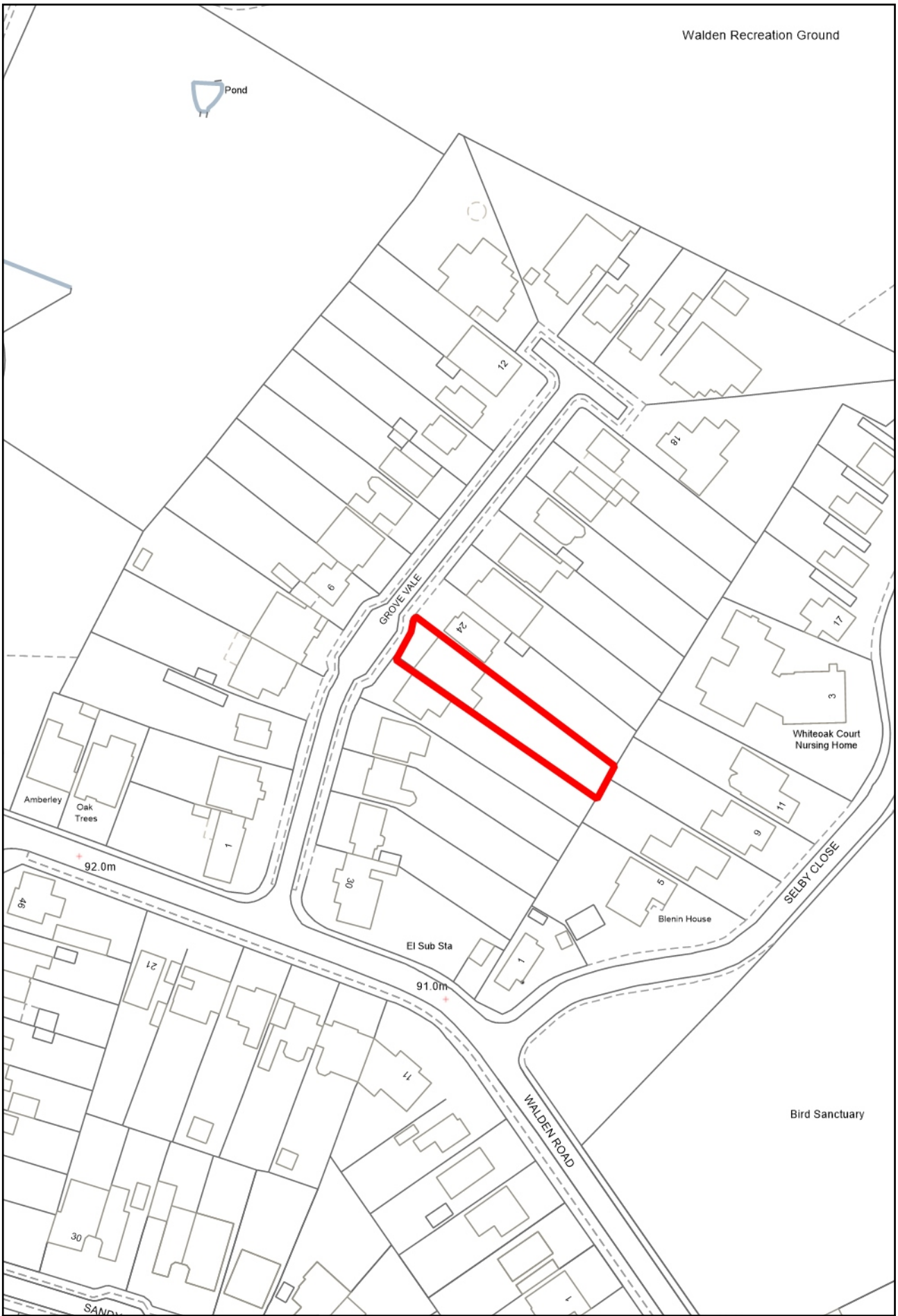
8. CONCLUSION

- 8.1 Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area. It is considered that the previous concerns raised regarding the unauthorised development, particularly in relation to the bulk and scale of the enlarged roof, have now been addressed and accordingly it is recommended that planning permission is granted.
- 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: Application Permitted

Subject to the following conditions

- 1. Work completed within 3 months and retained thereafter**
- 2. Obscure glazing to flank windows and rooflights**



© Crown copyright and database rights 2021.
Ordnance Survey 100017661.



21/02235/FULL6



19 October 2021

1:1250



This page is left intentionally blank

Agenda Item 4.3

Committee Date	28 th October 2021	
Address	The Croft Yester Park Chislehurst BR7 5DQ	
Application Number	21/03668/FULL6	Officer - Lawrence Stannard
Ward	Chislehurst	
Proposal	Two storey side/rear extensions with single storey rear extension and loft conversion (renewal of permission 18/04093/FULL6 allowed on appeal on 01 March 2019)	
Applicant	Agent	
Mr & Mrs N Carpenter	Mr Peter Hadley	
The Croft, Yester Park Chislehurst BR7 5DQ	Robinson Escott Planning Downe House 303 High Street Orpington BR6 0NN United Kingdom	
Reason for referral to committee	Councillor call in	
Side Space	No	

RECOMMENDATION	Permission
-----------------------	------------

KEY DESIGNATIONS Chislehurst Conservation Area Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 16

Representation summary	<ul style="list-style-type: none"> Neighbour notification letters were sent on the 1st September 2021. A site notice was displayed on the 12th September 2021. A Press Advert was published on the 1st September 2021.
Total number of responses	0
Number in support	0
Number of objections	0

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character of the Conservation Area.
- The development would not result in a harmful impact on the appearance of the host dwelling.
- The development would not adversely affect the amenities of neighbouring residential properties

2 LOCATION

- 2.1 The site is located on the northern side of Yester Park within Chislehurst Conservation Area and hosts a detached two storey dwelling set within a generous plot size.
- 2.2 The site lies within the Chislehurst Conservation Area and the wider area is characterised by other similar residential properties.



Figure 1: Site Location Plan

3 PROPOSAL

- 3.1 The application seeks permission for two storey side/rear extensions with single storey rear extension and loft conversion. The application is a renewal of permission 18/04093/FULL6 which was allowed on appeal on 1st March 2019.
- 3.2 It is proposed to add a first floor side extension to its western side over the existing garage, and extend to the rear with a part two storey extension (measuring 2.45m deep, which is similar to the existing single storey rear extension with balcony over which would be removed), and single

storey rear extension (measuring a further 5.3m deep), giving an overall depth from the original rear wall of 7.75m.

- 3.3 Second floor accommodation is also proposed within the extended roof and includes side roof lights and 2 rear dormers.

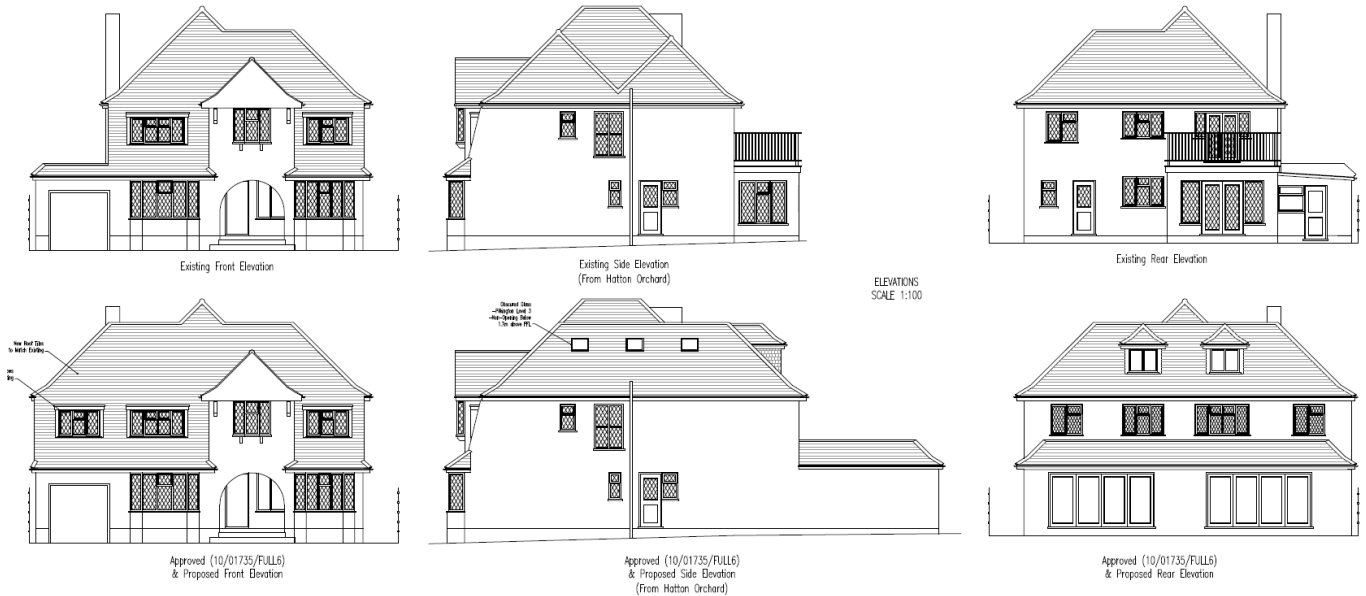


Figure 2: Existing and Proposed Elevations

4 RELEVANT PLANNING HISTORY

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

- 10/00150/FULL6 - First floor side and one/two storey side and rear extensions. Rear dormer extension - Permitted
- 10/01735/FULL6 - First floor side and one/two storey side and rear extensions. Rear dormer extension. (Amendment to permission ref: 10/00150 to increase depth of single storey rear extension) – Allowed on Appeal
- 18/04093/FULL6 - Two storey side/rear extensions with single storey rear extension and loft conversion with rear dormers. – Allowed on Appeal.

5 CONSULTATION SUMMARY

A) Statutory

No Statutory Consultations were received.

B) Local Groups

No Comments were received from local groups.

C) Adjoining Occupiers

No comments were received from adjoining occupiers.

6 POLICIES AND GUIDANCE

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

6.3 The development plan for Bromley comprises the London Plan (March 2021) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

6.4 The application falls to be determined in accordance with the following policies:-

6.5 National Policy Framework 2019

6.6 The London Plan

- D1 London's form and characteristics
- D4 Delivering good design
- D5 Inclusive design

6.7 Bromley Local Plan 2019

- 6 Residential Extensions
- 8 Side Space
- 37 General Design of Development
- 41 Conservation Areas
- 123 Sustainable Design and Construction

6.8 Bromley Supplementary Guidance

- Supplementary Planning Guidance 1 - General Design Principles
- Supplementary Planning Guidance 2 - Residential Design Guidance

7 ASSESSMENT

7.1 Resubmission

7.1.1 Following the allowing of appeal ref. 10/01735/FULL6 and ref: 18/04093/FULL6 the current application is identical to that previously allowed and is resubmitted as a result of the expiration of the appeal decision / to extend the time period for the implementation of the development.

7.2 Design, Layout, Scale and Heritage Impact – Acceptable

- 7.2.1 The proposed extension will include a two storey side extension that would be constructed within 1m of the flank boundary of the site at ground floor level.
- 7.2.2 Policy 8 of the Bromley Local Plan requires a minimum 1 metre space from the side boundary of the site for proposals of two or more storeys in height to be retained for the full height and length of the flank wall of the building. This policy seeks to ensure "that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas."
- 7.2.3 It is noted that, the presence of the term 'normally' in the body of policy 8 implies a need for discretion in the application of the policy, having regard to several factors including the characteristics of the site and its surroundings, the precise nature of the proposal and the objectives of the policy as set out in the explanatory text.
- 7.2.4 As the site falls within the Chislehurst Conservation Area there is a presumption to preserve and enhance the special character and features of the area.
- 7.2.5 It is noted that Yester Park is characterised by large detached dwellings within large plots, many of which provide a variety of side space to the flank boundaries. It is considered important to preserve the areas of side space which do exist in order to retain the character and appearance of the conservation area.
- 7.2.6 This design matches the design allowed under appeal under ref. 10/01735/FULL6 and more recently under ref: 18/04093/FULL6.
- 7.2.7 When considering the most recent appeal, the Inspector states:
- "Due to the height, scale and design of the proposal within a plot of significant size, I do not consider that the cumulative extensions proposed, including those to the rear and the loft conversion, would cause an over development of the appeal site. The spacious setting of the appeal dwelling within the plot and within the wider street scene would be retained."
- 7.2.8 The proposed development seeks permission for extensions of the same design and scale, as those previously allowed on appeal and there are no significant changes of circumstances at the site or surroundings that would lead the Council to consider the application differently to the Inspector. The current development would therefore not result in any additional impact above that which has previously been approved and the Council's Conservation Officer has confirmed no objection from a heritage point of view as the proposal is the same as the previous scheme.
- 7.2.9 Having regard to the form, scale, siting and proposed materials it is considered that the proposed extensions would complement the host property and would not appear out of character with surrounding development or the area generally. It is therefore considered that the character of the Conservation Area would be preserved.

7.3 Residential Amenity – Acceptable

7.3.1 The adjacent dwelling to the east, known as Hatton Orchard, has been extended to the rear at ground floor level, but the current scheme would project significantly further to the rear. This relationship was considered acceptable under ref. 10/01735 and 18/04093/FULL6 when the Inspector allowed the previous appeal.

7.3.2 Within the original appeal (ref: 10/01735/FULL6) The Inspector stated:

'I accept that the single storey element of the extension would be both wide and deep but that would not, in itself, make it harmful. The boundaries on both sides of the rear garden have very substantial planting which would screen the extension. Moreover, the extension would be built at the level of the existing patio which is cut slightly into the rising ground to the rear and the floor level would thus be below the neighbouring gardens which would reduce the visual impact of the building. The extension would be set in slightly from the boundary with Hatton Orchard which is itself set in from the boundary apart from the integral garage. The extension would be significantly deeper than the single storey extension at Hatton Orchard but, in my judgement, it would not be overbearing or intrusive in the outlook from Hatton Mount because of its low profile and the effective boundary screening.'

7.3.3 In light of the identical nature of the proposed development and the similar circumstances of the site and surroundings, the proposal would not be considered to impact harmfully on the amenities of Hatton Mount to a degree that would warrant refusal of the application.

7.3.4 There would be sufficient separation between the extensions and the adjoining property to the west (Wychling) to ensure that their amenities would not be unduly affected. This relationship was also considered acceptable previously.

7.3.5 Having regard to the above, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

8 CONCLUSION

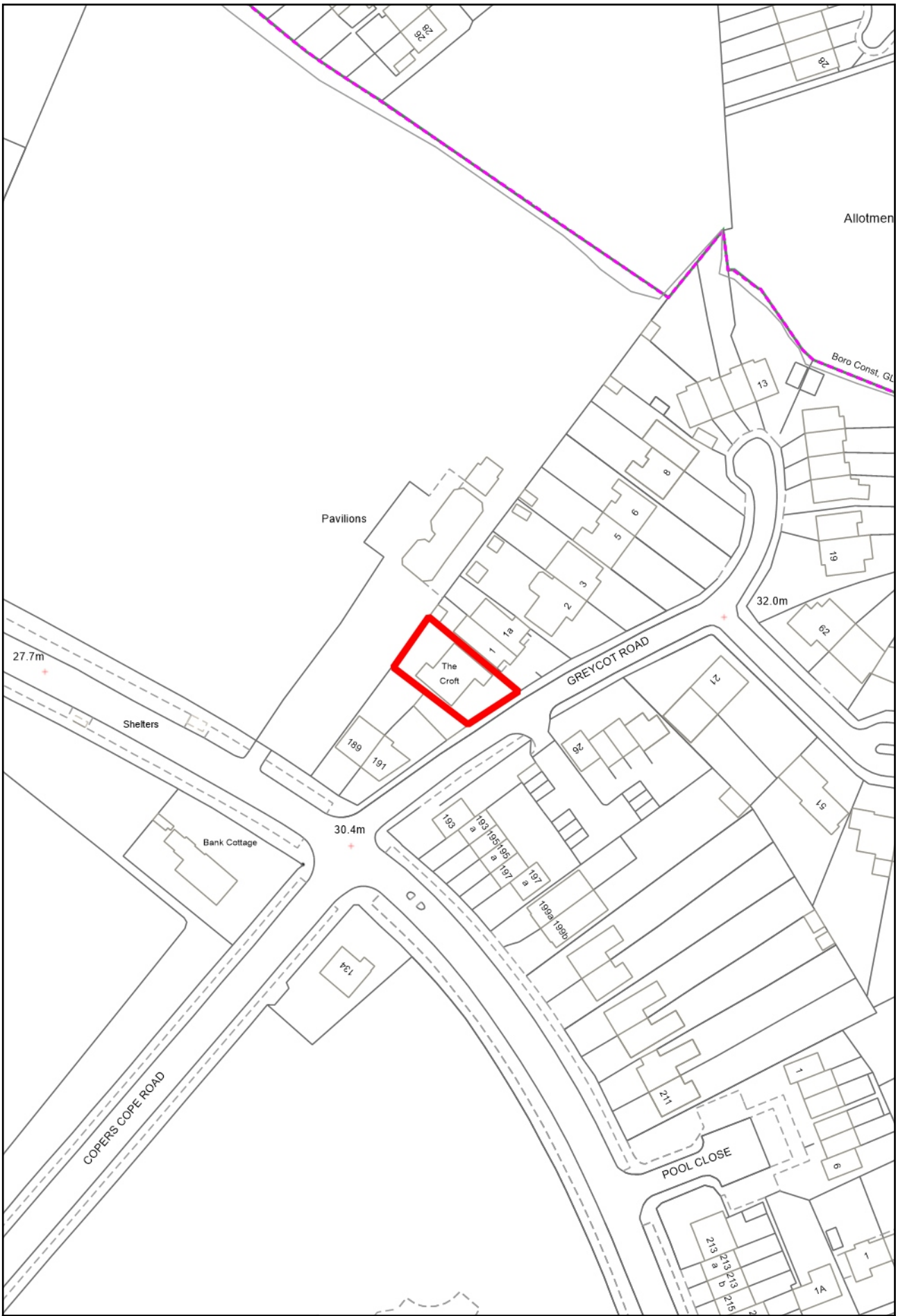
8.1 Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the Conservation Area.

8.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.


Recommendation: Permission

Conditions

1. Time Period
2. Matching Materials
3. Compliance with approved plans



© Crown copyright and database rights 2021.
Ordnance Survey 100017661.

 21/03668/FULL6



19 October 2021

1:1250



Page 49

This page is left intentionally blank

Agenda Item 4.4

Committee Date	28 October 2021	
Address	17 Drayton Avenue Orpington BR6 8JN	
Application Number	21/03396/PLUD	Officer - Alexander De
Ward	Farnborough and Crofton	
Proposal	Single storey detached outbuilding	
Applicant	Agent	
Mrs Elaine Harrison	N/A	
17 Drayton Avenue Orpington BR6 8JN	N/A	
Reason for referral to committee	Councillor call in	
	Related to Council employee	No

RECOMMENDATION	Proposed Use/Development is Lawful
-----------------------	------------------------------------

<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding</p>
--

Representation summary	Neighbouring properties were notified of the application by letter dated 06 August 2021. Neighbouring properties were also consulted on 16 September 2021 following reconsultation for newly submitted plans.
Total number of responses	0
Number in support	0
Number of objections	0

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1 The proposed development falls within the scope of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

2. LOCATION

- 2.1. The application site is occupied by a detached bungalow facing north onto Drayton Avenue. The site is not situated within any designated land.

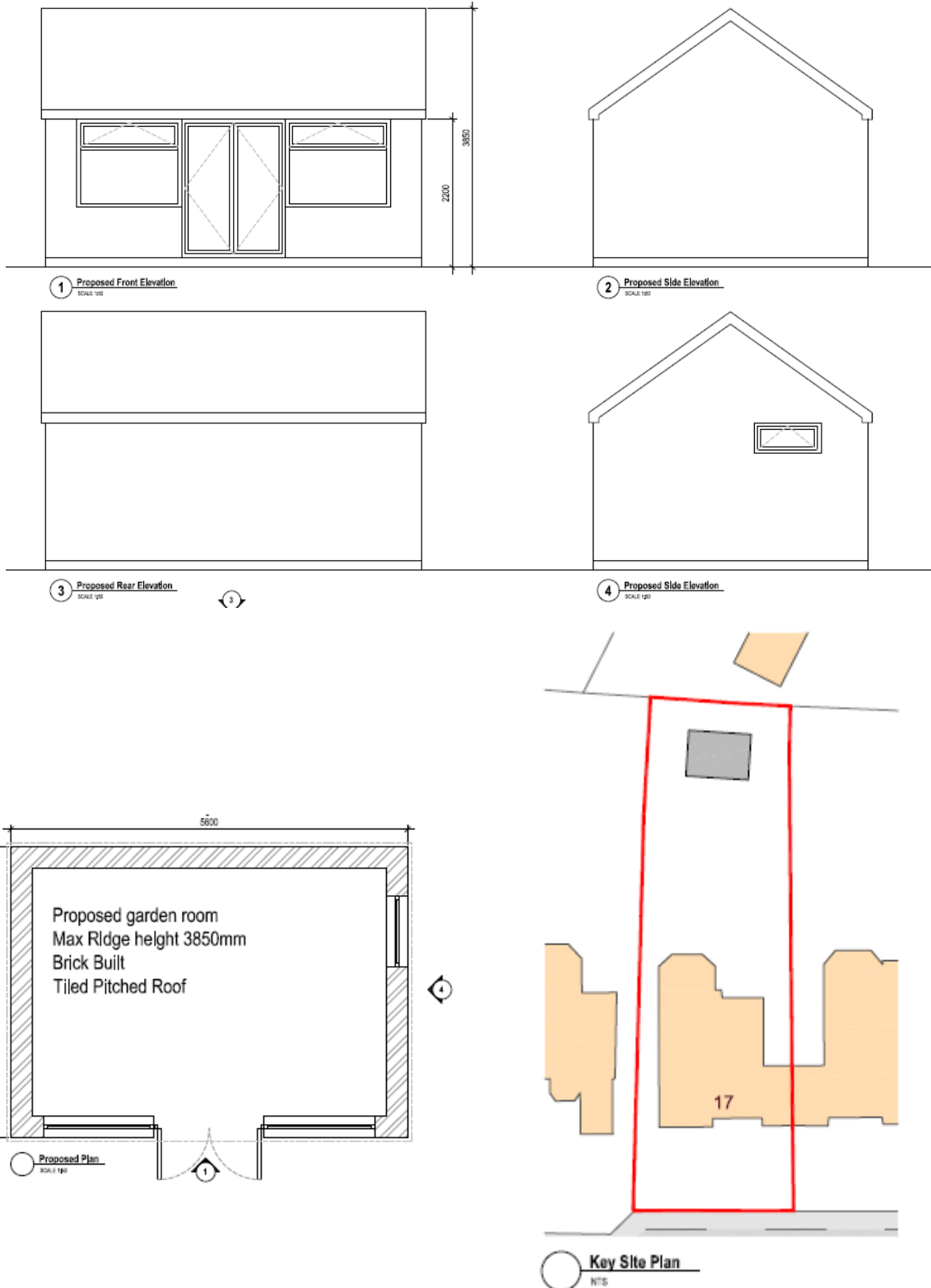
- 2.2. Site location plan



3. PROPOSAL

3.1. A Certificate of Lawfulness is sought for the erection of an outbuilding towards the foot of the rear garden. The outbuilding will measure 4.1 metres deep, 5.6 metres wide and have a height of 2.2 metres to the eaves and a maximum height of 3.85 metres.

3.2. Proposed drawings below;



4. RELEVANT PLANNING HISTORY

- 4.1. 20/04636/PLUD - Erection of a garden room Lawful Development Certificate. Proposed use is lawful 09 March 2021.
- 4.2. 20/04638/FULL6 - Demolish conservatory and erect single storey rear extension. Pending decision. Application permitted 09 March 2021.

5. CONSULTATION SUMMARY

A) Statutory

No requirement to consult any statutory consultees due to the nature of this application.

B) Local Groups

None were received

C) Adjoining Occupiers

Nearby owners/occupiers were notified of the application and no representations were received.

6. POLICIES AND GUIDANCE

- 6.1. The application requires the Council to consider whether the proposal falls within the parameters of permitted development under **Class E** of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and specifically whether any limitations/conditions of the Order are infringed.

7. ASSESSMENT

- 7.1. Class E allows for the provision within the curtilage of the dwellinghouse of any building or enclosure required for a purpose incidental to the enjoyment of the dwellinghouse. In this instance, the proposed outbuilding (Garden Room) is considered to be for a purpose incidental to the enjoyment of 17 Drayton Avenue and would fall within the scope of Class E and is considered to be permitted development for the following reasons:
- 7.2. The total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage;
- 7.3. No part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- 7.4. The building would not have more than one storey;

- 7.5. The height of the proposed outbuilding to the eaves is 2.2 metres and it will have a maximum height of 3.85 metres. The outbuilding will not be within 2m of the boundary. It is proposed to have a dual pitched roof.
- 7.6. The building is not sited within the curtilage of a listed building;
- 7.7. It would not include the construction or provision of a veranda, balcony or raised platform.
- 7.8. It would not relate to a dwelling or a microwave antenna;
- 7.9. The land is not within –
- a World Heritage Site,
 - a National Park,
 - an area of outstanding natural beauty, or
 - the Broads
- 7.10. It is concluded that the development falls within permitted development under Class E and the certificate should therefore be granted.

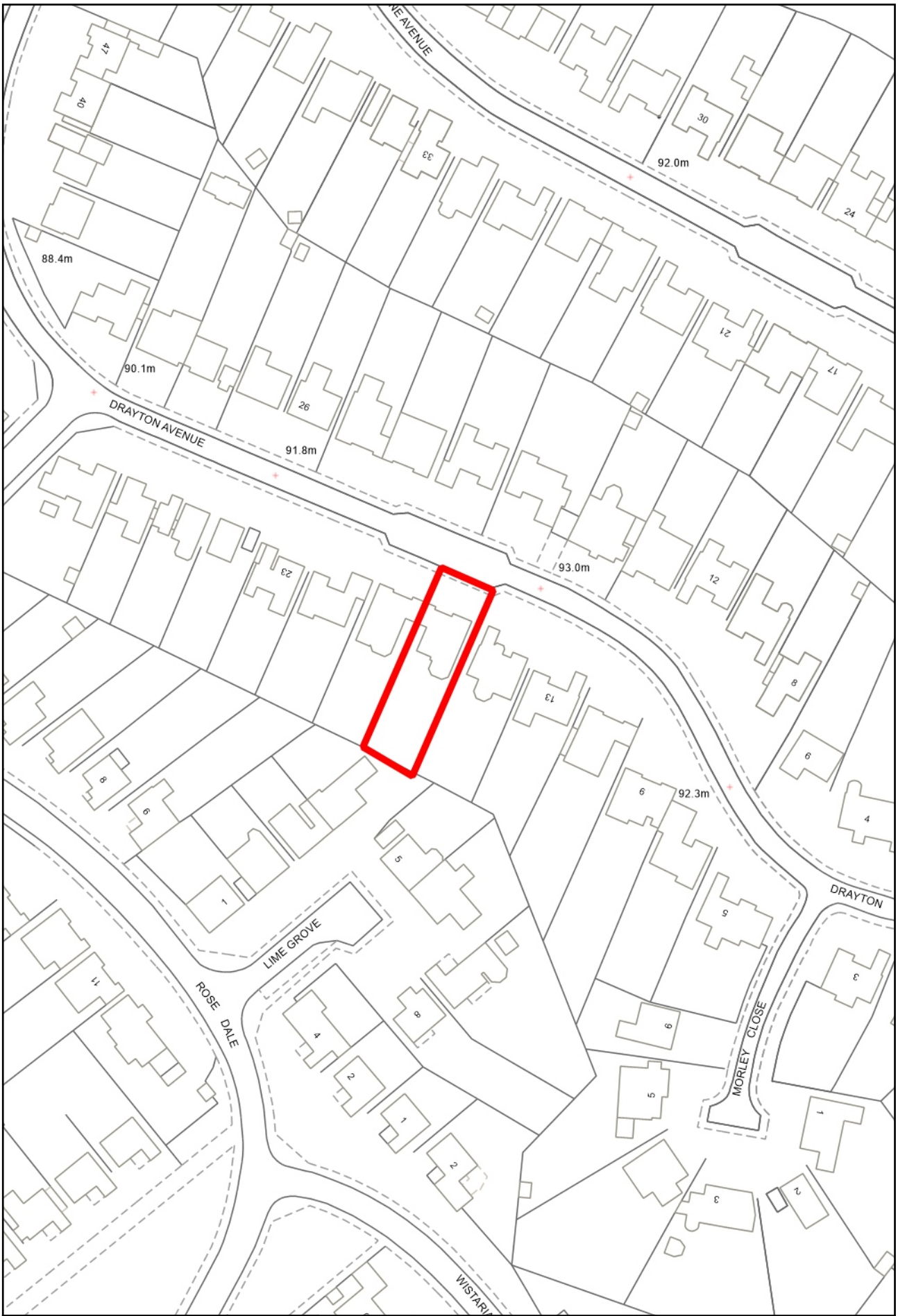
8. CONCLUSION

- 8.1. On the basis of the information before the Council and subject to the development complying with the relevant Conditions as contained in the Order it may be considered that the development falls within the relevant criteria of the Order and the certificate should be granted.
- 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: Proposed Use/Development is Lawful

The proposal as submitted would constitute permitted development by virtue of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

This page is left intentionally blank



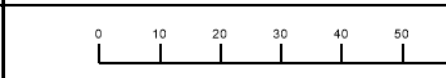
© Crown copyright and database rights 2021.
 Ordnance Survey 100017661.

 21/03396/PLUD



19 October 2021

1:1250



This page is left intentionally blank

HPR2021/046

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PLANS SUB-COMMITTEE NO.3

Date: Thursday 2nd September 2021

Decision Type: Non-Urgent Non-Executive Non-Key

Title: CONFIRMATION OF TREE PRESERVATION ORDER (TPO) 2710 - 2 & 6
LYNWOOD GROVE, ORPINGTON, BR6 0BG

Contact Officer: Chris Ryder, Principal Tree Officer
E-mail: christopher.ryder@bromley.gov.uk

Chief Officer: Tim Horsman, Assistant Director of Planning

Ward: Orpington

1. Reason for report

To consider an objection received against the making of the above referenced Tree Preservation Order (TPO).

2. **RECOMMENDATION(S)**

The trees make an important contribution to the visual amenity of the surrounding local area and are awarded high amenity value. The TPO should therefore be confirmed to secure tree protection.

Members must decide whether to confirm the order, make any necessary amendment or allow the order to lapse.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Planning – Tree Team
 4. Total current budget for this head: £135040.
 5. Source of funding: Existing Budget
-

Personnel

1. Number of staff (current and additional): 3
 2. If from existing staff resources, number of staff hours: 111pw
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those impacted by the TPO.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 TPO 2710 was made on 5th March 2021 and relates to an area containing oak and yew trees situated in the rear garden of 2 Lynwood Grove.

3.2 An objection has been received by a neighbour on the following grounds:

- “Both the trees (Oak and Yew) are mostly hidden from the public view and are in private land with no development planning.
- Our understandings based on the Governments own advice is that, only the most exceptional of circumstances should a TPO be placed on a tree that is not visible from a PUBLIC space. This means, in general, trees in rear gardens or on within gated communities, that are not visible should not be protected.
- The oak tree borders between 2 Bancroft Garden and 2 Lynwood Grove properties with majority of the branches hanging to the properties in Bancroft gardens.
- The Yew and Oak tree’s dead branches keep falling on our roof and conservatory causing unnecessary damage to the gutter and conservatory and some incurring expense for us annually.
- Some branches of the Oak and Yew tree are hanging above our garden.
- There had not been any maintenance of the trees for last 15 years and only about 8 months back at our repeated request and reminder some basic maintenance was done.
- Ours is a much smaller garden and it creates a risk to our property, safety and basic enjoyment of our garden if the trees are not maintained annually.
- The owner of the tree is trying to use the provisions of the Town and Country Planning Act to negate their responsibilities in respect of the trees and to (misguidedly) negate your common law rights.”

3.3 The Tree Preservation Order (TPO) was considered following the receipt of a request from the land owner.

3.5 Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the trees merit preservation. In summary, the trees were found to be of normal vitality with a suitable retention span and made a cohesive contribution to the locality. The trees are mature features of the local landscape.

3.6 The Order does not prevent future works from being carried out, but it requires that the Council’s consent be gained prior to removing trees and prior to carrying out most forms of tree pruning. In assessing applications to remove trees or carry out pruning, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the trees.

3.8 The TPO is valid for 6 months from the date the order was made. If the TPO is not confirmed within this period, the TPO will cease to exist. Members are respectfully requested to confirm the order with or without modification.

4. CONCLUSION

Officer observations reveal trees to be a value feature of the locality. The cohesive value is the most notable part of the assessment, however the maturity of trees is also a key factor.

A TPO has been merited in this case by the cohesive grouping of the trees and the general maturity of the trees identified.

Overhanging growth is not sufficient grounds to prevent the TPO being confirmed. Applications may be considered on clearance grounds, subject to sufficient justification. Officer observations reveal crown lifting has already been carried out and no clearance issues were present.

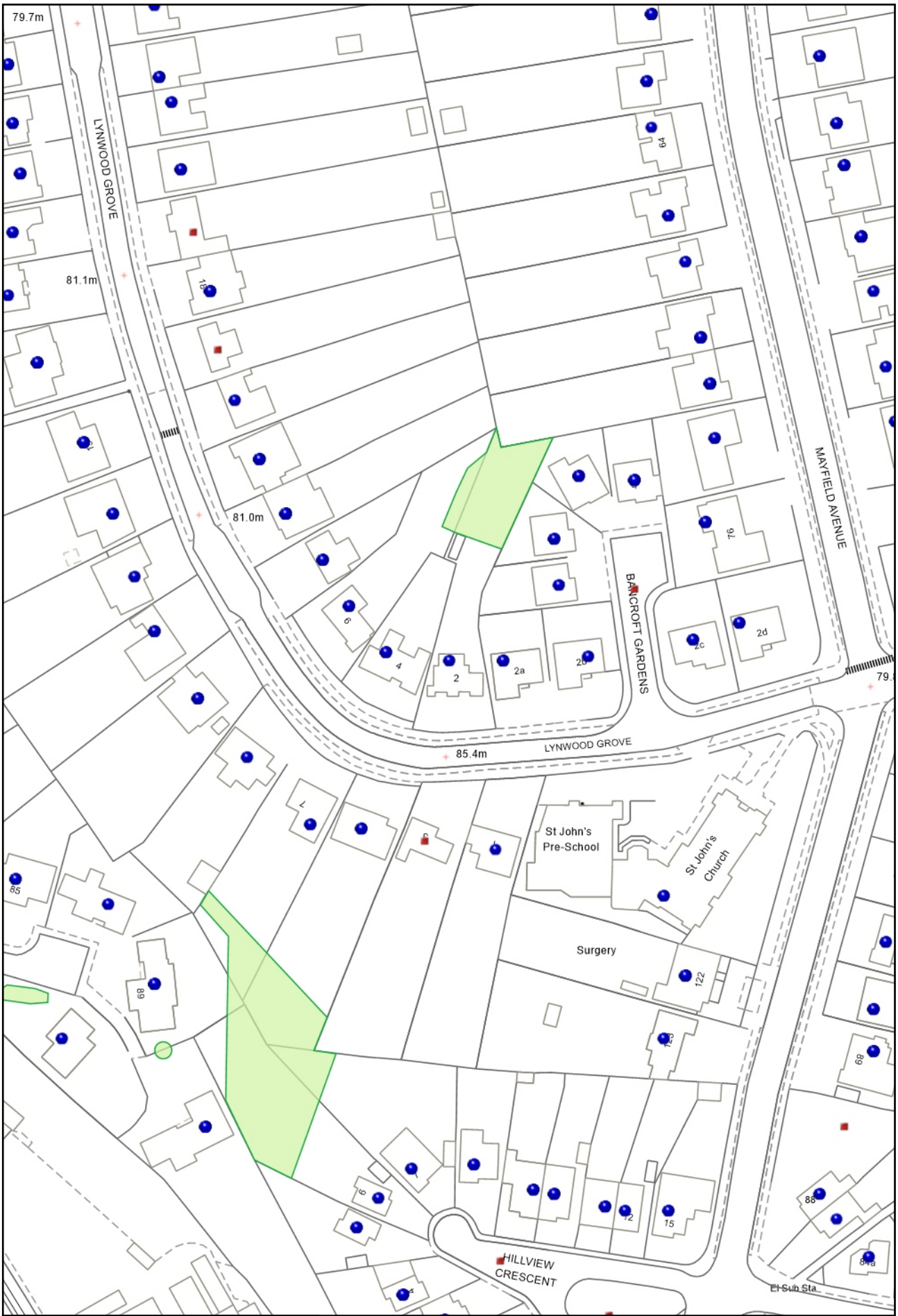
Surrounding properties would have been purchased on the basis that mature trees are located in the vicinity of the neighbouring boundaries. This is therefore not a reason to prevent confirmation.

Land owners are responsible for trees found growing within their land ownership. A duty of care exists on this basis in respect of ensuring trees are not unsafe and present a risk to neighbours. Exemptions are available to address safety matters and deadwood.

Members are requested to modify the TPO to apply to just 2 Lynwood Grove, as no trees of significant are located elsewhere.

5. PHOTO

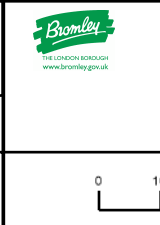




Planning

© Crown copyright and database rights 2021.
Ordnance Survey 100017661.

23 August 2021



**CONFIRMATION OF TREE
PRESERVATION ORDER (TPO)**
2710 - 2 & 6 Lynwood Grove,
Orpington, BR6 0BG

0 10 20 30 40 50 60 metres

Page 63



This page is left intentionally blank