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DATE: 31 January 2024

To: Members of the
PLANS SUB-COMMITTEE NO. 2

Councillor Peter Dean (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Mark Brock, Will Connolly, Sophie Dunbar, Simon Fawthrop,
Keith Onslow, Chris Price, Will Rowlands and Ryan Thomson

A meeting of the Plans Sub-Committee No. 2 will be held at Bromley Civic Centre,
Stockwell Close, Bromley, BR1 3UH on **THURSDAY 8 FEBRUARY 2024 AT 7.00
PM**

TASNIM SHAWKAT
Director of Corporate Services & Governance

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 telephone Democratic Services on 020 8461 7588

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 12TH OCTOBER 2023**
(Pages 1 - 4)
- 4 **PLANNING APPLICATIONS**

Report No.	Ward	Page No.	Application Number and Address
4.1	Darwin	5 - 16	(22/04228/FULL6) - Jubilee Cottage Cudham Lane South Cudham Sevenoaks TN14 7PA
4.2	Darwin	17 - 62	(23/02241/PLUD) - 5 Leaves Green Crescent, Keston BR2 6DN
4.3	Crystal Palace & Anerley	63 - 72	(23/02944/ADV - Crystal Palace Park, Thicket Rd, Penge, SE20 8DT)
4.4	Chislehurst	73 - 98	(23/03457/FULL1) - Suite 6, Royal Parade Mews, Chislehurst, BR7 6TN
4.5	Crystal Palace & Anerley	99 - 110	(23/03655/FULL1) - Betts Park, Croydon Rd, Penge, SE20 8TJ
4.6	St Mary Cray	111 - 124	(23/04083/FULL6) - 51 Sweeps Lane, Orpington, BR5 3PE
4.7	Farnborough & Crofton	125 - 140	(23/04349/FULL6) - Briarfield, Hazel Grove, Orpington, BR6 8LU

5 **CONTRAVENTIONS AND OTHER ISSUES**

NO REPORTS

6 **TREE PRESERVATION ORDERS**

NO REPORTS

The Council's [Local Planning Protocol and Code of Conduct](#) (Chapter 7, Section 30, Page 19) sets out how planning applications are dealt with in Bromley.

PLANS SUB-COMMITTEE NO. 2

Minutes of the meeting held at 7.00 pm on 12 October 2023

Present:

Councillor Peter Dean (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Mark Brock, Will Connolly, Kira Gabbert,
Keith Onslow and Chris Price

Also Present:

Councillor Alison Stammers

14 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Rowlands and Councillor Gabbert attended as Substitute. Apologies also received from Councillors Dunbar, Fawthrop and Thomson.

15 DECLARATIONS OF INTEREST

There were no declarations of interest.

16 CONFIRMATION OF MINUTES OF MEETING HELD ON 17TH AUGUST 2023

The Minutes of the meeting held on 17th August 2023 were agreed and signed as a correct record.

17 PLANNING APPLICATIONS

17.1 CHISLEHURST

**(22/01109/FULL1) - 14 - 16 High Street,
Chislehurst, BR7 5AN**

Retrospective application for a replacement shopfront.

In a presentation given by the Planning Officer, Committee Members were informed that the application was previously considered by Members on 29th September 2022. The application was deferred without prejudice to seek further consideration on mitigation measures to offset the heritage objection to

the new shopfront, in regard to too much unbroken glazing, the enlargement of the stall riser and a more traditional entrance door. Planning confirmed that no revised plans had been submitted following the deferral, but the Report has been put before Members again for further consideration.

An oral representation from the Agent in support of the application was received at the meeting. It was highlighted to Members that the design of the shopfront had been made to maintain the 'rhythm' of shop frontages on the same side of the street, and this included the lowering of the stall riser.

The Agent stated that the open and high quality design, making use of modest lettering in muted colours, is seen as a big improvement on the previous shopfront. Members were also informed that no objections to the application had been received.

In response to a question from a Committee Member regarding the design, the Agent confirmed that following the previous deferral, the design was looked into in more detail. However it was felt that no changes were needed as although it is a contemporary design, it is still in-keeping with the look of the high street.

Visiting Ward Member, Councillor Alison Stammers, gave a presentation to the Committee in support of the application. Councillor Stammers confirmed that she was also speaking on behalf of her fellow Ward Members, Councillors Mike Jack and Mark Smith.

Councillor Stammers' view was that the shopfront was well-designed and contributes positively to the streetscape, sitting comfortably with surrounding shops. There are also several examples of low or minimal stall risers and predominantly glazed shopfronts on that side of the high street.

Additionally it does not have any detrimental impact upon the character and appearance of the building, located within the Chislehurst Conservation area. It is seen as a visual improvement to the previous shopfront.

During a discussion on the application, several Members remarked that they do not have any objections to the shopfront, agreeing that it was a

simple, clean and tasteful design in-keeping with the rest of the high street. Members also discussed the importance of regulations, guidance etc being followed when shopfronts are designed.

Members having considered the report and objections, **RESOLVED** that **PERMISSION BE GRANTED**

In resolving to grant planning permission Members considered that the shopfront is a highly attractive frontage, sympathetic to its surroundings and recognised the public benefits in that it is a visual improvement on what existed before and would therefore preserve the character and appearance of the Chislehurst Conservation Area.

Members also recognised that it is a viable business attracting footfall to the High Street and adds to the local economy which would outweigh the harm identified within the Chief Planner's Report.

**17.2
DARWIN**

(23/03000/FULL1) - High Elms Country Park, Shire Lane, Farnborough, Orpington

Installation of new Changing Places Accessible WC Pre-Fabricated Unit adjacent to existing Visitor Centre.

An oral representation in support of the application was given by Max Graham, Regeneration Project Manager (LBB). As stated in the Report, in March 2022 Bromley Council was awarded £220K grant funding from the Department of Levelling Up, Housing and Communities to deliver four Changing Places facilities at agreed locations across the Borough which included High Elms Country Park.

The facilities support the needs of profoundly disabled users which include washing and changing facilities. The proposed building would reduce the overall footprint, although it would be wider.

The Chairman stated that he felt there was no reason not to approve the application as Members were fully supportive of the Changing Places scheme.

Members having considered the report and objections, **RESOLVED** that **PERMISSION BE GRANTED** as recommended, subject to the conditions as set out in the report.

18

CONTRAVENTIONS AND OTHER ISSUES

NO REPORTS

19

TREE PRESERVATION ORDERS

NO REPORTS

The Meeting ended at 7.33 pm

Chairman

Agenda Item 4.1

Committee Date	08.02.2024	
Address	Jubilee Cottage Cudham Lane South Cudham Sevenoaks TN14 7PA	
Application Number	22/04228/FULL6	Officer - Suzanne Lyon
Ward	Darwin	
Proposal	Formation of an additional vehicular access to create a carriage driveway.	
Applicant	Agent	
Mr Dan Moorcroft	Mr Frank Knight	
Jubilee Cottage Cudham Lane South Cudham Sevenoaks TN14 7PA	1 Forde Avenue Bromley BR1 3EU	
Reason for referral to committee	Councillor call in	
	Call-in	<p>Cllr Andrews</p> <p><i>“Concern regarding the potential for contravention of the policies of the Bromley Local Plan, including but not limited to Policy 49 (The Green Belt) which states that “Within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. The construction of new buildings on land falling within the Green Belt will be inappropriate” unless it falls into specific categories.”</i></p>
RECOMMENDATION	Application Permitted	

KEY DESIGNATIONS

- Article 4 Direction
- Special Advertisement Control Area
- Biggin Hill Safeguarding Area
- Green Belt
- London City Airport Safeguarding

Representation summary	Neighbour letters were sent 28/10/2022 A site notice was displayed on 16/11/12
Total number of responses	2
Number in support	0
Number of objections	2

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- No unacceptable impact on the Green Belt would arise,
- No unacceptable Highways impacts would arise,
- No unacceptable impact would arise to neighbouring occupiers

2 LOCATION

2.1 The application site is host to a detached dwelling located on the eastern side of Cudham Lane South.

2.2 The site lies within a rural area that is designated as Green Belt.



Fig.1 – OS Map

3 PROPOSAL

3.1 Permission is sought for the formation of an additional vehicular access to create a carriage driveway.

3.2 This application has been 'called-in' by ward Councillors.

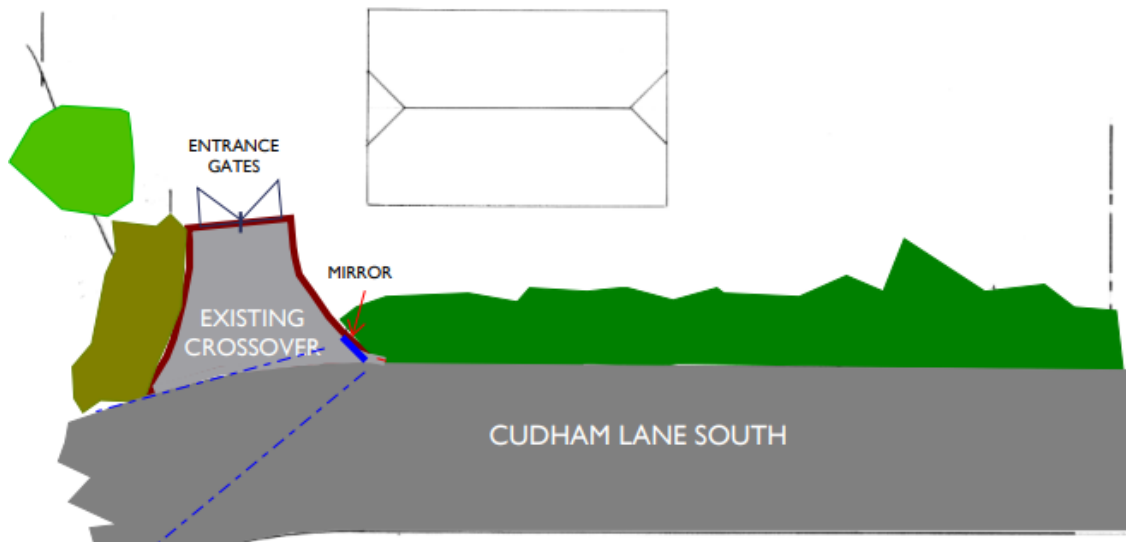


Fig.2 – Existing plans

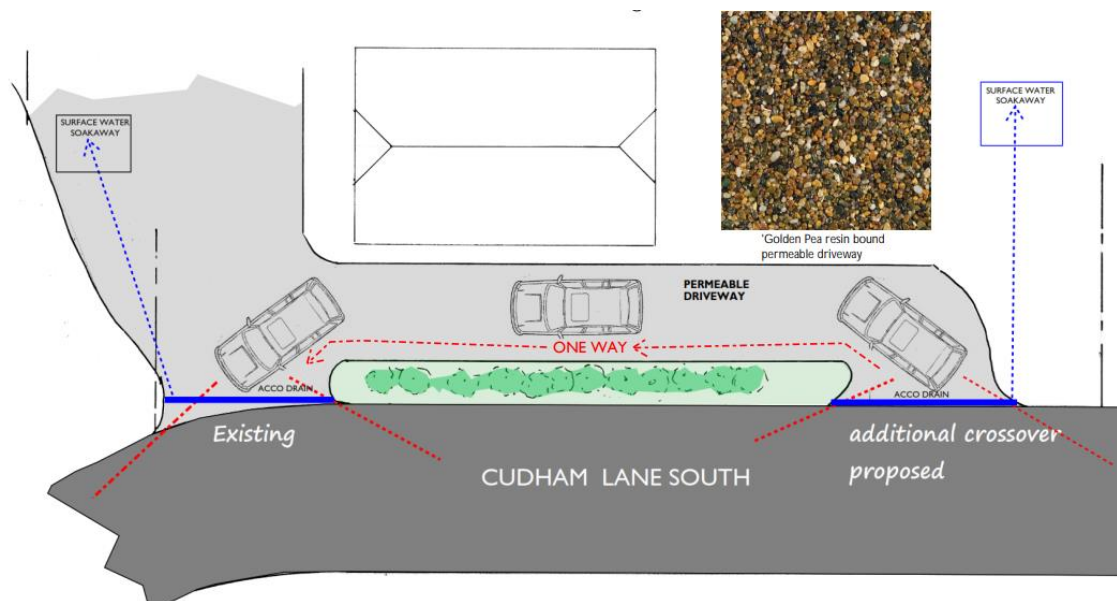


Fig.3 – Proposed plans



Fig.4 – Site photos

4 RELEVANT PLANNING HISTORY

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

- 05/02790/FULL6 - Single storey front extension, and enlargement of roof including front and rear dormers to provide first floor accommodation - Refused 28.09.2005
- 06/01173/FULL6 - Enlargement of roof including front and rear dormers to provide first floor accommodation – Permitted 24.05.2006
- 08/00044/FULL6 - Roof alterations to include front and rear dormers with end Juliet balcony and front porch - Refused 19.02.2008
- 08/01118/FULL6 - Roof alterations to include one rear dormer with end Juliet balcony and front porch - Refused 09.06.2008
- 09/01529/FULL6 - Single storey rear extension and roof alterations to incorporate front and rear dormers - Refused 07.09.2009
- 12/00361/FULL6 - Enlargement of roof including front and rear dormers to provide first floor accommodation - Permitted 14.05.2012
- 14/05011/PLUD - Replacement detached garage. CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT. – Proposed Development Is Lawful 16.02.2015
- 21/03586/ELUD - Outbuilding to accommodate a gym LAWFUL DEVELOPMENT CERTIFICATE (EXISTING) – Existing Use/Development Is Not Lawful 24.02.2023
- 22/04172/PLUD - Single storey side and rear extensions with relocation of front door. LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) – Proposed Use/Development Is Not Lawful 06.10.2023

5 CONSULTATION SUMMARY

A) Statutory

- Highways
 - Cudham Lane South is a classified road, a Local Distributor.
 - The existing access has a gate set back from the lane which does not match the layout shown on the plan supplied. I note there is a mirror on the access which indicates there is an issue with sightlines.
 - The proposed access will also have sub-standard sightlines.
 - I would ask that a detailed layout drawing is supplied of the proposed access arrangements with all features gates, mirrors, etc existing and proposed shown. Policy 34 of the Local Plan indicates that, as

the access will be on a classified road, a road safety audit is required. I would therefore ask that a combined Stage 1 / 2 Road Safety Audit is supplied using the detailed layout

- Road Safety Audit was submitted 22nd September 2023

- Trees
 - No objection

B) Local Groups

- N/A

C) Adjoining Occupiers (summary)

- Parking
 - The dwelling and surrounding areas are used to operate a property maintenance business. The existing parking areas are used for numerous commercial vans, trucks, plant and equipment, ladders, gas bottles and diesel storage.
 - The drive area will be extended on the right side into the newly acquired agricultural land providing easy access for further storage of builders plant and materials.
- Other
 - The newly acquired agricultural land is now often used for quad bike racing. With easy access the quad bike racing will be increased with visitors. This creates a great deal of noise and fumes. This is in the green belt. The current agricultural use should not be changed because a change of owner.
 - Allegations of multiple inappropriate activities in the Green Belt would indicate the need for enforcement investigation prior to any consideration of the current planning application

Please note the above is a summary of the material planning considerations and the full text is available on the council's website.

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 Bromley Local Plan (Jan 2019) and the London Plan (March 2021). 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 The London Plan 2021

D1 London's form character and capacity for growth
D3 Optimising site capacity through the design-led approach
D4 Delivering good design
D5 Inclusive design
G2 London's Green Belt
T6 Car parking

6.6 Bromley Local Plan 2019

30 Parking
32 Road Safety
37 General Design of Development
49 Green Belt
51 Dwellings in the Green Belt or on Metropolitan Open Land
73 Development and Trees

6.7 Bromley Supplementary Guidance

Urban Design SPC (Bromley, 2023)

7 ASSESSMENT

7.1 Green Belt

7.1.1 Chapter 13 of the NPPF (2023) deals with 'Protecting Green Belt land'. The NPPF (2023) places great importance on the protection of Green Belt land and states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belts being their openness and their permanence.

7.1.2 Paragraph 143 of the NPPF (2023) states that the Green Belt serves 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.

- 7.1.3 Paragraph 155 of the NPPF (2023) states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
 - b) engineering operations;
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 7.1.4 As highlighted by paragraphs 152-153 of the NPPF inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Further, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that '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.
- 7.1.5 Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF.
- 7.1.6 Policy 49 of the BLP states that within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. The construction of new buildings or extensions to buildings on land falling within the Green Belt will be inappropriate unless it is for a limited extension, alteration or replacement of existing dwellings.
- 7.1.7 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 7.1.8 The proposed access and hardstanding would provide an in-and-out driveway which runs in front of the property, parallel to the road, creating an area which would measure approximately 115 sqm. The proposal indicates that vegetation will be retained along the frontage. The hardstanding is also indicated to be "Golden Pea resin bound" permeable paving.
- 7.1.9 It is considered that the proposed development is an engineering operation and therefore may not be inappropriate in the Green Belt as set out in Paragraph 155, provided that it preserves its openness and does not conflict with the purposes of including land within it. The area of hardstanding is reasonable in relation to the size of the plot and dwelling, and given the proposed permeable material, together with the siting of the hardstanding between the dwelling and

the road, it is not considered to impact significantly on the openness of the Green Belt. The removal of the part of the hedge to form the access point is modest in scale and not considered to impact significantly on the openness of the Green Belt.

7.2 Design - Acceptable

7.2.1 The proposed access and hardstanding would provide an in-and-out driveway which runs in front of the property, parallel to the road. It is noted that no fence or gates are proposed.

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

7.3 Highways - Acceptable

7.3.1 The area has a PTAL level of 1a (on a scale of 0 - 6b, where 6b is the most accessible). Cudham Lane South is a classified road, a Local Distributor.

7.3.2 Initial concerns were raised regarding the sightlines. Additional information was requested regarding the layout, proposed arrangements. Policy 34 of the Local Plan indicates that, as the access will be on a classified road, a Road Safety Audit is also required.

7.3.3 The Road Safety Audit was received 22nd September 2023. It recommends that:

1. Any disturbed soil/vegetation is suitably compacted/reinforced following construction of the access, in order to ensure that any risk of loose material on the adjacent highway is minimised, and
2. Precautions are taken as appropriate, to ensure that the stability of the telegraph pole will not be compromised during the works or thereafter

7.3.4 Subject to the above, no objection was raised from a highways perspective.

7.4 Trees – Acceptable

7.4.1 The proposed access would provide an in-and-out driveway which runs in front of the property, parallel to the road. The proposal includes the removal of a section of hedge which borders Cudham Lane South, to accommodate the proposed access. The site is located within the Green Belt however there are no Tree Preservation Orders on or around this site. The Councils Tree Officer raised no objection.

7.5 Residential Amenity – Acceptable

- 7.5.1 Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.5.2 Having regard to the scale, siting and separation distance of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.
- 7.5.3 It is noted that concern has been raised regarding the use of the adjacent land, however this would be a matter for Planning Enforcement.

8 CONCLUSION

- 8.1 Having regard to the above, the development in the manner proposed is acceptable in that it would not result in a significant impact on the character of the surrounding area, openness of the Green Belt or the amenities of neighbouring residential properties.

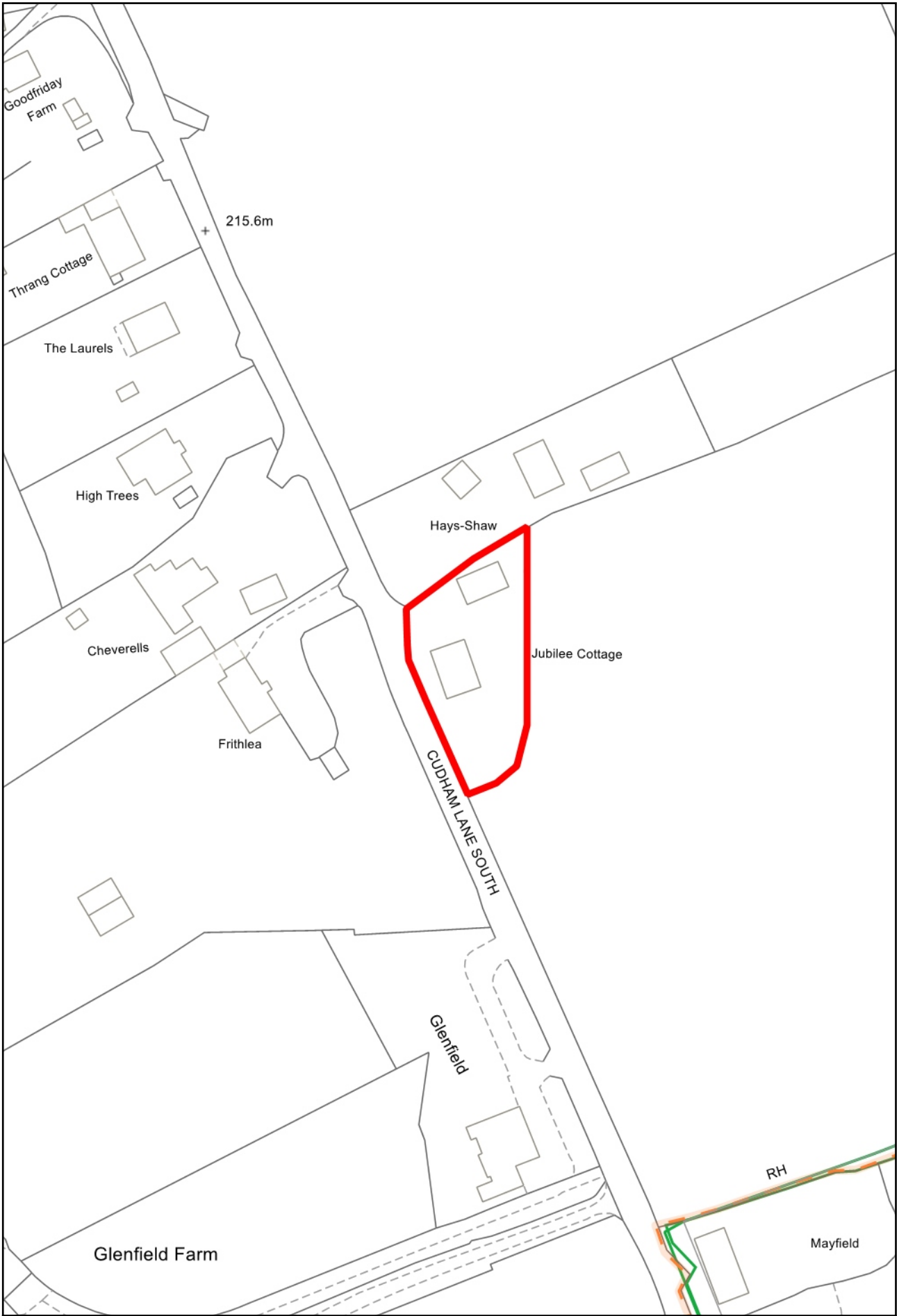
RECOMMENDATION: Application Permitted

As amended by documents received on 22/09/23 and 6/12/23


Subject to the following conditions:

1. **Standard time limit of 3 years**
2. **Standard compliance with approved plans**
3. **Materials in accordance with the approved plans**
4. **Disturbed soil/vegetation is compacted/reinforced following construction**
5. **Precautions are taken to ensure that the stability of the telegraph pole**

And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary



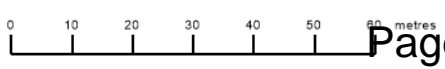
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 22/04228/FULL6



31 January 2024

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Agenda Item 4.2

Committee Date	8 th February 2024	
Address	5 Leaves Green Crescent Keston BR2 6DN	
Application Number	23/02241/PLUD	Officer – Joanna Wu
Ward	Darwin	
Proposal	Siting of a caravan/ mobile home within the rear garden area of the existing property for purposes incidental to the enjoyment of the dwellinghouse as such (Lawful Development Certificate Proposed)	
Applicant	Agent	
Mr Callum Harwood	Mr Irfan Tailor	
5 Leaves Green Crescent Bromley Keston BR2 6DN	Sufair Ltd 36 Wolsey Crescent New Addington London CR0 0PE	
Reason for referral to committee	Deferred	Councillor call in Yes – Cllr Andrews Call-in reasons: - Some uncertainty with respect to whether or not the caravan/mobile home constitutes development. - Concerns that it would be inappropriate to place a caravan/mobile home on land within the Green Belt.

RECOMMENDATION	Proposed Use/ Development is Lawful
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Noise Contours Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding Smoke Control Technical Sites Biggin Hill</p>
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Representation summary	Neighbour notification letters sent 27.10.2022	
Total number of responses		1
Number in support		0
Number of objections		1

1. REPORT UPDATE

- 1.1 This application was originally discussed at Planning Sub-Committee No. 4 (11.01.24) but was deferred as it was requested that officers should provide further information, especially some details on relevant law/ appeal cases.
- 1.2 The relevant law/ appeal cases are summarised in Appendix C. Two allowed appeal decisions have been included. As part of these appeal decisions, the Inspectors assessed whether a caravan structure can be considered to be ancillary to the main dwelling. Three tests were used in their assessments of ancillary use, i.e. the construction, size and mobility of the caravans.
- 1.3 Also, for members' information, an extract of caravan definition as stated in the Caravan Site Act (section 29(1)) and the extract of The Caravan Sites Act 1968 Section 13 are also attached in Appendix D. The legislation states that "caravan" means any structure designed or adopted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle. In the Caravan Sites Act 1968, it further clarifies that the caravan should be composed of not more than two sections separately constructed and designed to be assembled on a site. As highlighted in the applicants' supporting statement, the caravan does not consist of more than 2 sections as it is a single structure which would be towed onto the site behind a Range Rover (or similar) style vehicle.
- 1.4 Full details of the relevant legislation can be found here:
Caravan Sites and Control of Development Act 1960
<https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62>
- The Caravan Sites Act 1968
<https://www.legislation.gov.uk/ukpga/1968/52>
- 1.5 In conclusion, the review of these appeal cases has not provided any additional information that would warrant a change in the recommendation for the Certificate of Lawfulness to be granted for this proposal.
- 1.6 Members should be aware that these appeal cases are only for information and reference only. It is advised that members should review this proposal based on the supporting documents submitted in this LDC application.

2. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal is not classified as operational development and does not represent a material change of use of the residential land.

- An identical LDC application (planning ref: 22/04204/PLUD) was previously refused at the planning sub-committee in April 2023 and this application is currently at the appeal stage. The applicants have provided some additional information to address the reasons for refusal. After assessing this information, the Council has decided that the appeal case will not be contested.
- The existing TPO tree is not part of this application assessment as any works to this TPO tree due to the caravan structure will be subject to a separate TPO consent.

3. LOCATION

- 3.1 The application site hosts a two storey semi-detached house located on the western side of Leaves Green Crescent, Keston. The property is located within an area designated as Green Belt land.
- 3.2 As shown in Figure 1, the curtilage of No.5 extends to include a large parcel of land to the rear. This part of the application site, where the caravan/ mobile home would be located, had its permitted development rights for any buildings, structures, alterations walls or fence removed in 1994 (planning ref: 94/0028/FUL).
- 3.3 It is noted that in October 2023, a Tree Preservation Order (TPO: 2874) was put in place for a tree on the site after the submission of this LDC application. This TPO oak tree is located to the east side of the proposed location for the caravan.

Fig 1: Site plan (Location of caravan/ mobile home)

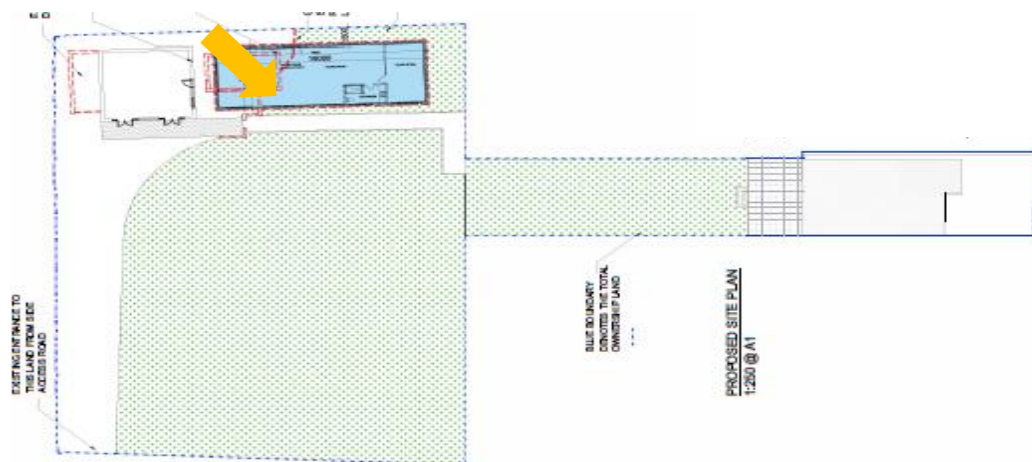


Fig 2. Location of TPO 2874 tree



Photo 1: Existing garden (view from the main house)



Photo 2: Existing garden (view from the garage)



4. PROPOSAL

- 4.1 The application seeks a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 (as amended) for the siting of a caravan/mobile home.
- 4.2 The proposed caravan/ mobile home would measure 18m in length and 6.7m in width (maximum) and would have a total height of 3m with an eaves height of 2.4m. The proposed mobile home would be sited in the rear garden and would provide a hobby room (music/ study), computer/ digital mixing area, a bathroom and a store room.

Fig 3: Proposed floorplan and roof plan

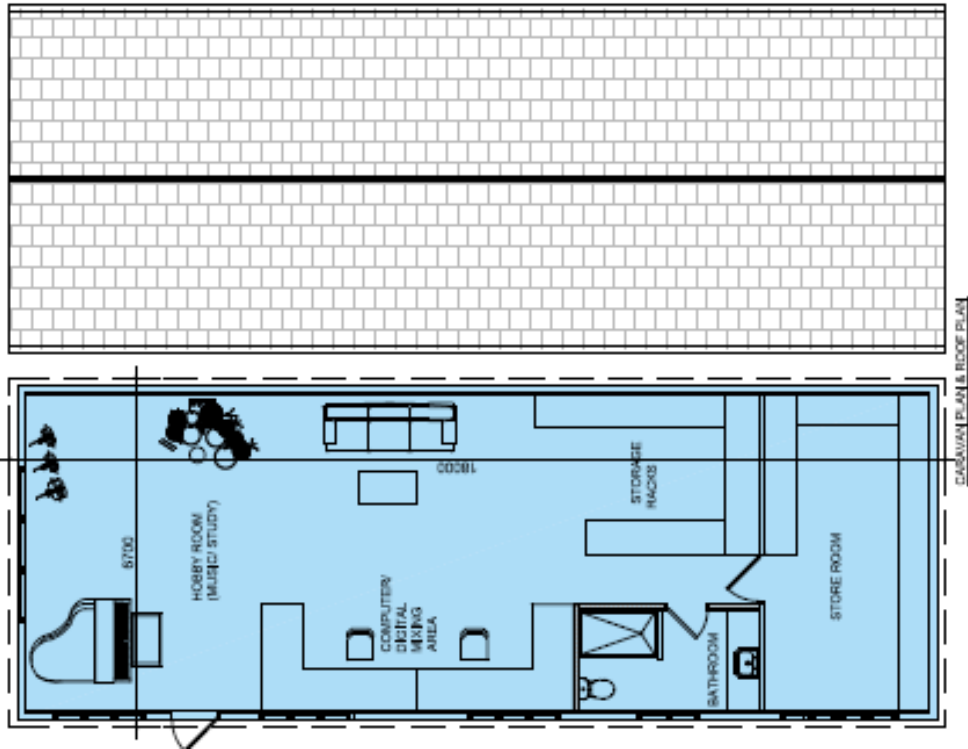
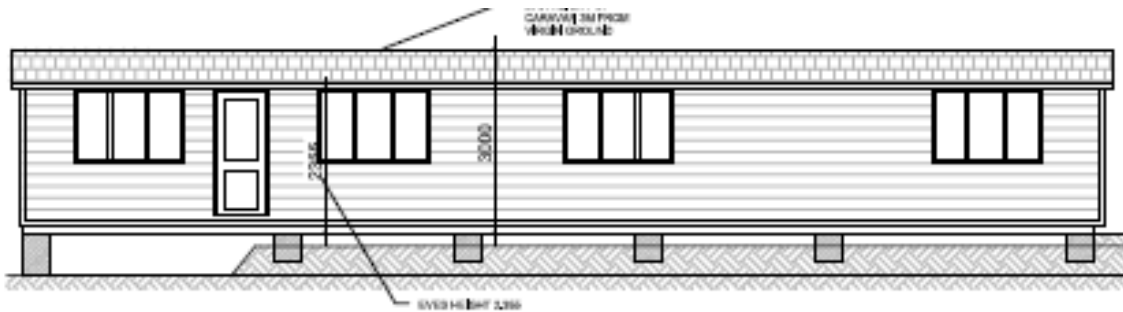
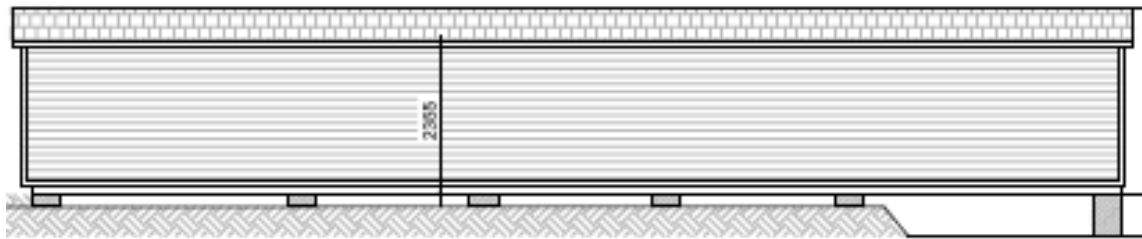


Fig 4: Proposed elevation plans

South elevation (front elevation)



North elevation (rear elevation)



- 4.3 An identical LDC application (planning ref: 22/04204/PLUD) was refused in April 2023. For Members' information, that application is currently at the appeal stage (Appeal ref: APP/G5180/X/23/3323690). The reason for refusal was:

“In light of the failure by the speaker on behalf of the applicant to confirm the applicant has a musical and computer/digital mixing hobby and the size of the caravan (absolutely and relative to the main dwelling), it is not considered that the caravan would be incidental to the enjoyment of the main dwellinghouse as such. Its siting would therefore be unlawful.”

- 4.4 In this current scheme, the applicants have now provided additional information to address the above reason for refusal. A full copy of this supporting statement is attached in Appendix A. In particular, the applicants have provided further clarification and justification for the proposed use of the caravan (bullet point 5) and the size of the caravan relative to the main dwellinghouse and in absolute terms (bullet point 7).
- 4.5 After assessing the above information, the Council has resolved not to contest the appeal and confirmed this position to the Planning Inspectorate. A copy of the Council’s appeal statement is attached in this report (Appendix B).

5. Comments from Local Residents and Groups

- 5.1 Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

Objections

- The proposal would be very close to the edge of the neighbouring land;
- Loss of privacy
- The mobile home/ caravan would constitute inappropriate development in the Green Belt;
- Reduces the availability of sunlight to immediately adjacent garden.

6. RELEVANT PLANNING HISTORY

- 6.1 The relevant planning history relating to the application site is summarised as follows:
- 6.2 94/00028/FUL – Change of use from grazing land to residential garden and retention of 2 pigeon lofts and storage shed and aviary (RETROSPECTIVE) – 07.03.1994
- 6.3 88/01039/FUL - Single storey rear extension - (Permitted) 12.05.1988
- 6.4 91/01425/FUL - Single storey side/ rear/ front extension - (Permitted) 05.08.1991
- 6.5 19/05262/FULL6 - Extension to the eastern end of an existing single storey detached double garage to incorporate a study and playroom - (Refused) 09.03.2020
- 6.6 21/05110/PLUD - Single storey outbuilding LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) - (Lawful) 10.02.2022
- 6.7 21/05172/PLUD - Erection of an outbuilding comprising home office and gym (Lawful Development Certificate Proposed) - (Appeal allowed)
- 6.8 22/04204/PLUD - Siting of a caravan/ mobile home within the rear garden area of the existing property for purposes incidental to the enjoyment of the dwellinghouse as

such. LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) - (Not lawful)
26.04.2023

Reason for refusal:

"In light of the failure by the speaker on behalf of the applicant to confirm the applicant has a musical and computer/digital mixing hobby and the size of the caravan (absolutely and relative to the main dwelling), it is not considered that the caravan would be incidental to the enjoyment of the main dwellinghouse as such. Its siting would therefore be unlawful."

- 6.9 23/01539/PLUD – Hip to gable loft conversion including rear dormer with two front roof lights and eight front solar panels (three additional and rearrangement of five existing solar panels) LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) - (Lawful)
15.06.2023

7. PLANNING ASSESSMENT

- 7.1 Given that the proposal is identical to the previous refusal scheme, Members should be aware that the officers' assessment in this section is similar to that presented in the previous report. It is advised that Members should read this section in conjunction with the Council's Appeal Statement (Appendix B).

The Meaning of Development

- 7.2 According to section 55 (1) of the Town and Country Planning Act 1990 "development, means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land".
- 7.3 According to section 55 (2) (d) of the Town and Country Planning Act 1990 "the use of any buildings or other land within the curtilage of a dwellinghouse for the purposes incidental to the enjoyment of the dwellinghouse, shall not be taken to involve development of the land".
- 7.4 Legal advice was sought on whether the proposed caravan location is part of the curtilage of No. 5. This confirms that the land where the caravan/mobile home is proposed to be located is under the same ownership as No 5 and can be directly accessed from the rear of No 5 as there is no boundary treatment between the two plots. It is therefore considered that it is within the curtilage of No. 5.

The definition of a caravan/ mobile home

- 7.5 The definition of a caravan, which includes a mobile home, as outlined within section 29(1) of the Caravan Sites and Control of Development Act 1960 states that a caravan is any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent.

7.6 The Caravan Sites Act 1968 Section 13 - definition of twin unit caravans as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 provides as follows:

- (1) A structure designed or adapted for human habitation which:
 - (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and
 - (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.
- (2) For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely:
 - (a) length (exclusive of any drawbar): 20 metres;
 - (b) width: 6.8 metres;
 - (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05 metres."

7.7 In order to assess whether a caravan is permitted at this location, two criteria have to be considered:

- whether the proposal is an operational development
- whether the proposal comprises a material change of use of the land

The proposal would not comprise operational development

7.8 The applicants confirm that the caravan would be towed in with the help of a Land Rover or similar vehicle and placed in the desired location. This caravan will remain movable, which falls within the definition of a caravan as stated within the 1960 Caravan Site and Control of Development Act and Caravan Sites Act 1968.

7.9 The caravan would be stationed on padstones and jacks. The supports (jacks and padstones) will be taller at some locations where the ground level is lower as shown in Figure 3. It would be connected to utilities such as electric, water etc but these could be easily disconnected. The details show that the caravan would measure approximately 18m in length and 6.7m in width (maximum) and would have a total height of 3m with an eaves height of 2.4m (3m from the finished floor to the highest point of the ceiling).

- 7.10 The application drawings and accompanying planning statement indicate that the proposed unit would comply with the dimensions set out in the 1968 Act and that it could be lawfully transportable to/from the site by towing by suitable vehicle. It is therefore accepted that the caravan/ mobile home would fall within the definition of a caravan, provided that the construction and the required measurements stated in the application are met.
- 7.11 However, it should be noted that the continued mobility of the structure is essential to its definition as a caravan. If that is lost due to development carried out upon the structure, then it will cease to be a caravan.
- 7.12 The submitted drawings show that the proposed caravan/ mobile home would not be permanently fixed to the ground and could be easily removed from the site. The proposal, therefore, would not be considered to be a "building".
- 7.13 Having considered all the above, the proposal would not be classified as operational development under section 55 of the Act, given that the mobile home would continue to be a mobile and removable structure (i.e. by definition it is a caravan).

The proposal would not comprise a material change of use of the land

- 7.14 With regards to whether this part of the land is within the curtilage of the dwellinghouse, the case officer has carried out a site visit and has confirmed that the proposed location of the caravan is part of the curtilage of No. 5.
- 7.15 The caravan by its nature would be physically separated from the dwellinghouse and it could be accessed externally and separately from the dwellinghouse. However, the applicants have confirmed that the caravan would be used by the members and guests of the main dwelling and the electricity and plumbing etc is connected to the main dwelling supply. Therefore, the proposal would be functionally connected to and subservient to the dwellinghouse. It is accepted that there is a clear functional link between the dwellinghouse and the caravan. The proposal, therefore, would be incidental to the use of the dwellinghouse.
- 7.16 If, when sited, the caravan was not actually used for incidental purposes, the certificate of lawfulness would not prevent the Council from taking enforcement action. This is because the certificate is expressly limited to a caravan used for incidental purposes and does not cover any other use.

Location of TPO 2874 tree in relation to the proposed caravan

- 7.17 With regards to the existing TPO tree, any works to this TPO tree, e.g. such as tree pruning, would require the applicants to apply for a TPO consent which would be assessed separately by the Council.
- 7.18 It is noted that in the supporting statement submitted in June 2023, the applicants state that "if the tree cannot be retained, the applicants is happy to plant a replacement tree on site." However, since the oak tree has now been protected and no detailed works to the tree have been included as part of the LDC application, this TPO tree assessment will need to be assessed separately.

- 7.19 Nevertheless, the tree officer has been consulted and has not raised any objections to the LDC application. Given that the proposal does not require any excavations on site, it is the tree officer's view that the caravan structure will not directly impact the protected tree.
- 7.20 However, it is noted that the facilitation of the caravan structure on the land next to the tree could potentially put the canopy at risk of future pruning pressure. Therefore, should any work be considered necessary on the tree, this will need to comply with the separate TPO application consent process for further assessment. It is advised that an informative should be imposed to ensure that the applicant is aware that if any pruning is planned, that a separate TPO application would be required.
- 7.21 As any proposed tree works will be subject to further additional assessment as part of the TPO consent, this is not covered as part of this LDC application consideration.

8. CONCLUSION

- 8.1 The caravan/ mobile home is not classified as a permanent structure fixed to the ground as it could be moved or removed easily from the site if necessary and it would provide incidental space to the main house without providing a new, separate dwelling severed from the main house. In these circumstances and for these reasons the proposal is not regarded as operational development and doesn't represent a material change of use of the residential curtilage land.
- 8.2 In conclusion, the review of the relevant Appeal cases has not provided any additional information that would warrant a change in the recommendation for the Certificate of Lawfulness to be granted for this proposal.
- 8.3 Therefore the proposal would comprise lawful development under section 192 of the Town and Country Planning Act 1990, and it is recommended that a Lawful Development Certificate is granted.
- 8.4 Background papers referred to during production of this report comprise all correspondence on the file, excluding exempt information.

Recommendation: CERTIFICATE BE GRANTED

The siting the caravan would not amount to operational development and use of the caravan would not result in a material change of use of the land by virtue of Section 55(2)(d) of the Town and Country Planning Act 1990.

Informative:

The applicants should be aware that a separate TPO consent application should be submitted if there are any potential impacts on the protected oak tree (TPO 2874). If the applicant requires to prune the tree, details of this should be specified in a separate TPO consent application for further assessment.

Encl.:

Appendix A – Statement by applicant

Appendix B – The Council's Appeal Statement for planning ref: 22/04204/PLUD (Appeal ref: APP/G5180/X/23/3323690)

Appendix C – Appeal Cases Study

Appendix D – A copy of section 29(1) of the Caravan Sites and Control of Development Act 1960 (c. 62) and section 13 of Caravan Sites Act 1968

Appendix A

Statement by applicant

In relation to concerns raised previously regarding the application, the applicant provides the following further information, while noting that under Government Guidance relating to LDCs, planning merits should not be considered.

1. **Regarding a tree that would have to be felled.** This is a young tree of no specific note. While there is no matter of planning law that would require it, the applicant is happy to plant a replacement tree on site, if the tree cannot be retained.
2. **Regarding making the development smaller if required.** As already noted by the Planning Officer, this is not development. Since no development exists it is not possible to make said 'development' smaller. The applicant commits to keeping the caravan within the definitions stipulated by the Caravan Act.
3. **Regarding how the caravan would be brought onto site.** The caravan would be towed onto site behind a Rangerover (or similar) style vehicle – as explained in the Planning Officer Report, via the driveway and gates to the south west of the site:



4. **Regarding need for a bathroom in a caravan.** While not a planning consideration, the main dwelling has just 2 bathrooms some 60m away. The applicant has a family of 5 (including very young children), and often more on site with visiting relatives. Noting the desire for this

to be used as a year round facility, it would be unreasonable to expect young children in need of the toilet to venture 60m away - potentially in darkness and rain - in the hope of finding an unoccupied toilet. Previous statements in reference to school outbuildings are not valid comparisons. In response to concerns about whether anyone would struggle to get to a toilet; yes – the applicant’s 1 year old and wheel-chair bound grandparent would struggle.

5. **Regarding use as a music room including piano, drums and digital mixing area and whether the applicant plays any of these instruments.** The applicant has a GCSE in music, has composed concert music and has passed graded exams in piano, trumpet, french horn, saxophone and music theory. In his time he has been a member of various musical ensembles including the Kent Youth Wind Orchestra and Kent Youth Jazz Orchestra. The applicant’s brother in law has been a professional DJ for over 20 years. The desire is for the applicant’s children to have a musical upbringing and the proposed suite of instruments in the application represents those in which the applicant anticipates the children will find their grounding in music.
6. **Regarding ‘specifically what the caravan would be used for’.** This has been addressed extensively in the application. However, if the Caravan were used for any other purposes, which were found to be unlawful, normal enforcement options exist. The application is to determine whether the uses stated would be lawful – not any other uses.
7. **Regarding the size of the caravan in relative (to the main dwellinghouse) and absolute terms.** There is no aspect of law which determines what size a caravan can be (either in absolute or relative terms) in relation to any other building, other than as provided for in the Caravan Act, as referenced in the application and Planning Officer report. As a Lawful Development Certificate application (rather than a Planning Application), the only question to be put is whether the proposal – as described, and used for the purposes described – would transgress any stated law. It is not subject to the subjective opinions of a Planning Application.
8. **Regarding the site does not have (some) permitted development rights.** This is irrelevant since the LDC does not propose to make use of any permitted development rights.
9. **Regarding whether a caravan constitutes development.** This Planning Report considers this extensively and concludes it does not constitute development.
10. **Regarding the site is in green belt land.** This is not relevant since the proposal does not constitute development.

It is hoped that all additional queries raised have been addressed by the answers given in this statement. Should there be any further questions or queries, the applicant is happy to meet with any relevant parties to discuss.

Appendix B

LONDON BOROUGH OF BROMLEY
HOUSING, PLANNING AND REGENERATION



STATEMENT OF CASE

LBB REF: 22/04204/PLUD

PINS REF: APP/G5180/X/23/3323690

Appeal by Mr Callum Harwood against the refusal by LB Bromley to grant a Certificate of Lawfulness for the siting of a caravan/mobile home within the rear garden of the existing property for purposes incidental to the enjoyment of the dwellinghouse as such at 5 Leaves Green Crescent, Keston, BR2 6DN.

1. Introduction

1.1 The appeal relates to the refusal by LB Bromley to grant a Certificate of Lawfulness for the siting of a caravan/mobile home within the rear garden of the existing property for purposes incidental to the enjoyment of the dwellinghouse under Section 192 of the Town and Country Planning Act 1990 (as amended).

1.2 The Council refused to grant a Certificate of Lawfulness by Notice dated 26 April 2023 the following reason:

“In light of the failure by the speaker on behalf of the appellant to confirm the applicant has a musical and computer/digital mixing hobby and the size of the caravan (absolutely and relative to the main dwelling), it is not considered that the caravan would be incidental to the enjoyment of the main dwellinghouse as such. Its siting would therefore be unlawful.”

1.2 Following further legal advice sought by the Council, the Council will not be contesting this appeal.

1.3 This statement forms the background history of site for the Inspector’s information for an informed decision to be made.

2. Appeal Site and Surroundings

- 2.1 The appeal site hosts a two storey semi-detached dwellinghouse located on the western side of Leaves Green Crescent, Keston. The property is located within an area designated as Green Belt land.
- 2.2 The curtilage of No.5 includes a large parcel of land to the rear. This part of the appeal site, where the caravan would be located, had its permitted development rights for any buildings, structures, alterations, walls or fence removed in 1994 (planning ref. 94/00028/FUL). This area of land has an existing double garage associated with No.5. The approved building measures approximately 8m x 7.6m (60.8sqm)
- 2.3 It should also be noted that two Lawful Development Certificates were granted permission in 2021 (identical submission), for the erection of an outbuilding within the original garden of No.5 for use as a home office and gym, measuring 10m x 3.7m (37sqm)
- 2.4 A Lawful Development Certificate for a hip to gable loft conversion including rear dormer was also granted permission in 2023 to provide an additional bedroom and bathroom (4 bedrooms in total) measuring approximately 38.8cu.m.
- 2.5 The host dwelling measures approximately 140sqm over two floors (179,6sqm including the approved loft conversion)

3.0 Proposal

- 3.1 The appeal seeks a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 (as amended) for the siting of a caravan/mobile home.
- 3.2 The proposed mobile home would measure 18m in length and 6.7m in width and would have a total height of 3m with an eaves height of 2.4m. The proposed mobile home would be sited in the rear garden and would provide a hobby room (music/study), computer/digital mixing area, a bathroom and a store room.
- 3.3 The application was accompanied by a planning statement which states that ***“the caravan will be primarily used as a music/hobby room along with a store. It also has toilet facilities, to be connected to the existing drain via detachable pipes.*”**

The caravan will be used by members of the household incidental to their enjoyment of the house, using the path from the house.”

4.0 Planning history

4.1 The relevant planning history on the site can be summarised as follows:

4.2 Under planning reference 94/00028/FULL6 planning permission was granted for the change of use of the land from grazing land to land within the residential curtilage of No.4 Leaves Green Crescent, subject to conditions, and in particular Condition 1, which reads as follows:

“notwithstanding the provisions of the Town and Country General Development Order 1988 (or any Order amending revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind, other than those hereby permitted, shall be erected or carried out on the land the subject of this permission without the prior approval of the Local Planning Authority”.

4.3 Under planning reference 96/00714/FUL permission was granted for a detached double garage, subject to conditions, in particular Condition 3, which reads as follows;

“The garage shall only be used for purposes ancillary to the residential use of 4 Leaves Green Crescent and shall not be used for any commercial or other purpose.”

4.4 Under planning reference 19/05262/FULL6 permission was refused for an extension to the eastern end of an existing single storey detached double garage to incorporate a study and playroom. The reasons for refusal are as follows:

“The proposal would constitute inappropriate development in the Green Belt and would result in a detrimental impact on its openness and visual amenity with no very special circumstances demonstrated to outweigh the harm caused; thereby the proposal would be contrary to Policy 51 of the Bromley Local Plan.

The proposal, by reason of its size, layout, siting and detached position, is capable of being severed and used as a separate self-contained unit of accommodation and therefore does not represent an ancillary form of accommodation to the main dwelling, which would in turn result in a cramped form of development that would be out of character with the area and contrary to Policy 7 of the Bromley Local Plan.”

- 4.5 Under planning reference 20/00229/OPDEV an appeal was dismissed for the erection of an extension to the existing double garage and the erection of a single storey detached outbuilding.
- 4.6 Under planning reference 21/05110/PLUD a certificate was granted for a single storey outbuilding.
- 4.7 Under planning reference 21/05172/PLUD certificate was granted under appeal ref. 3291627 sought for the erection of an outbuilding comprising home office and gym.
- 4.8 Under planning reference 23/01539/PLUD certificate was granted for a hip to gable loft conversion including rear dormer with two front roof lights and eight front solar panels.
- 4.9 Under planning reference 23/02241/PLUD permission is pending consideration for the Siting of a caravan/ mobile home within the rear garden area of the existing property for purposes incidental to the enjoyment of the dwellinghouse. This application is identical to the appeal scheme, however information has been submitted in an attempt to address the concerns raised at Plans Sub Committee.

5.0 Planning Legislation

Section 55 of the Town and Country Planning Act 1990 (as amended).

- 5.1 According to Section 55 ***“development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.”***
- 5.2 According to Section 55(2)(d) of the Town and Country Planning Act 1990 ***“the use of any buildings or other land within the curtilage of a dwellinghouse for any purposes incidental to the enjoyment of the dwellinghouse”***

Caravan Sites and Control of Development Act 1960 (“Act”)

- 5.3 The definition of a caravan, which includes a mobile home, as outlined within Section 29(1) of the Act states that a caravan is any structure designed or adapted for human

habitation which is capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer).

5.4 The Caravan Sites Act 1968 Section 13 - definition of twin unit caravans as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 provides as follows:

- (1) A structure designed or adapted for human habitation which:
 - (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and
 - (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.
- (2) For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely:
 - (a) length (exclusive of any drawbar): 20 metres;
 - (b) width: 6.8 metres;
 - (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05 metres."

5.5 In order to assess whether a caravan is permitted at this location, two criteria have to be considered:

- whether the proposal is an operational development
- whether the proposal comprises a material change of use of the land

6.0 Main Submissions

6.1 The certificate was refused for the following reason:

“In light of the failure by the speaker on behalf of the appellant to confirm the applicant has a musical and computer/digital mixing hobby and the size of the caravan (absolutely and relative to the main dwelling), it is not considered that the caravan would be incidental to the enjoyment of the main dwellinghouse as such. Its siting would therefore be unlawful”

7.0 Conclusion

- 7.1 The Council considers that the proposal would not be classified as operational development under section 55 of the Act, given that the mobile home would continue to be a mobile and removable structure as indicated by the appellant.
- 7.2 The Council also considers that the proposal does not represent a material change of use of the residential curtilage land, given that there would be no subdivision of the residential curtilage and would be occupied by the same family providing incidental space to the main house, without providing a new, separate dwelling severed from the main house.
- 7.3 The appellant has submitted a further LDC application in which additional information has been provided, the Council's considers the additional information addresses, in the most part, the grounds of refusal. On the basis of this supporting evidence the Council no longer wishes to contest this appeal.

Appendix C: Appeal Cases Study

Summary of appeal cases

Assessment Criteria	Appeal case 1	Appeal Case 2a + 2b (Cost)
Ancillary to the main dwelling	√	√
Construction test	√	√
Size test	√	√
Mobility test	√	√
Appeal Decision	Allowed	Allowed
Date	10.01.23	26.10.22

Summary of each appeal cases

Appeal Case 1 - Appeal Decision – Allowed

26 Friars Close, Whitstable, Kent (ref: APP/J2210/X/22/3298471)

1.1 The appeal site contained an enlarged semi-detached dwelling. It is proposed to set up a detached structure described as mobile home or caravan within the curtilage of the dwelling. The structure would be around 6m long, 5.5m wide and 2.7m high. The structure would contain a living area and kitchen together with a bedroom and ensuite WC.

1.2 The issues in dispute were whether the proposed structure would meet the definition of a caravan as defined by the Caravan Sites and Control of Development Act 1960, and the issue of mobility.

1.3 The inspector considered that the proposed structure was well within the maximum size limits defined in the 1960 Act. It would be held in place by its own weight without the use of foundations and would be easily detached from services.

1.4 It was noted that the structure lacked wheels or a tow-bar and it could not simply be towed away. However, it could be lifted onto a trailer in one piece. It was stated that the wheel-less structure assembled on site would still be considered to be a caravan and the proposal met the definition of a caravan.

1.5 The inspector found that neither development nor the undertaking of building operations had occurred, and granted the LDC.

Appeal Case 2a (LDC Decision) 2b (Cost Decision) – Allowed

3A Coombe Lane West, Kingston-upon-Thames (Ref: APP/Z5630/X/21/3277752)

2.1 The appeal site contained a detached dwelling. A caravan would be located within the curtilage of the dwelling, measuring 6m long, 5m wide and 2.8m high. The proposed caravan would be composed of two sections which would be separately constructed and then joined together on the site as the final act of assembly. The caravan unit would then rest on blocks and would not be fixed to the ground.

2.2 Based on the information provided, the inspector was satisfied that the structure would accord with the statutory definition of a twin-unit caravan in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, after applying the tests commonly referred to as the construction test, the mobility test and the size test. The inspector further considered that use of the caravan, fitted out with kitchenette and bathroom and accommodating office workspace and gym equipment, would be incidental to the main house and therefore not a material change of use of the land.

2.3 The inspector allowed this certificate of lawful use for the proposed caravan, making a full award of costs.



Appeal Decision

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH JANUARY 2023

Appeal Ref: APP/J2210/X/22/3298471
26 Friars Close, Whitstable, Kent CT5 1NU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Sally Turner against the decision of Canterbury City Council.
 - The application Ref CA/22/00409, dated 25 January 2022, was refused by notice dated 26 April 2022.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is use of the land for siting a mobile home for use ancillary to the main dwelling.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is considered to be lawful.

Preliminary Matter

2. I consider that the appeal can be determined without the need for a site visit. This is because I have been able to reach a decision based on the information already available.

Main Issue

3. The main issue in this appeal is whether the Council's refusal to grant an LDC in respect of the proposal was well-founded. This turns on whether the appellant has been able to show that, on the balance of probability, the proposal would not involve the carrying out of development as defined in s55(1) of the 1990 Act.

Reasons

4. The appeal site contains an enlarged semi-detached dwelling. It is proposed to set up a detached structure described as a mobile home or caravan within the curtilage of the dwelling. The structure would be around 6 m long and 5.5 m wide, the overall height not exceeding 2.7 m. It would have a timber laminate frame with composite timber cladding and a rubber covered roofing material. The structure would contain a living area and kitchen together with a bedroom and ensuite WC.
5. A caravan is defined in s29 of the *Caravan Sites and Control of Development Act 1960* as "any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or

by being transported on a motor vehicle or trailer)...". The stationing on land of a structure which would satisfy the definition of a caravan in s29 of the 1960 Act would not normally involve building operations. The established tests of size, degree of permanence and physical attachment are relevant when ascertaining whether a structure is a building.

6. The size of the structure falls well within the maximum size allowed for caravans in s13(2) of the *Caravan Sites Act 1968*. The structure would rest on the site solely by means of its own weight. Services would be provided separately and could be detached with ease. The structure would not be fixed to the supporting foundation. There was no dispute between the main parties regarding the limited extent to which the structure would be physically attached to the site and there is nothing before me to suggest that I should find otherwise.
7. A factor critical to ascertaining whether the structure would be a caravan or a building is its mobility. The structure would not be wheeled, nor would it have a drawbar as in a caravan in the conventional sense. However, that does not necessarily mean that the structure would be immobile. 'Mobility' does not require a caravan to be mobile in the sense of being moved on its own wheels and axles. A caravan may be mobile if it can be picked up intact and put on a lorry. The available evidence clearly showed that the structure would be capable of being picked up intact and moved, either by lifting it onto a trailer using a hoist attached to a crane, or by using a removable wheeled skid.
8. It is proposed to assemble the structure on site using pre-manufactured components; it was estimated that such works would take around five days to complete. The definition of a caravan contains no requirement for pre-assembly or for it being brought to site intact. Moreover, the number of components involved in assembling the structure has only a limited bearing on whether it is capable of being moved subsequently. The requirements set out in s13(1)(a) of the 1968 Act to be no more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other device apply in respect of twin-unit caravans. However, the above requirements do not extend to single unit caravans. It is more appropriate to regard the structure as a single unit, as it would be much smaller than a twin-unit caravan. The structure would be about a quarter of the floor area of the largest twin-unit allowed by s13(2) of the 1968 Act. Moreover, it is clear that unlike in the case of a twin-unit, the structure could be brought to the site intact if desired. Consequently, the structure does not need to meet the statutory requirements in respect of the maximum number of sections applicable to a twin-unit caravan.
9. Drawing the above matters together, as a matter of fact and degree the structure would not have the characteristics of a building and it would meet the definition of a caravan in the 1960 Act. It follows that setting up the structure on the site would not involve the carrying out of building operations.
10. The stationing on land of a caravan for purposes that are part and parcel of and integral to the lawful use as a single residential planning unit would not involve a material change of use. Generally, provision within the curtilage of a dwelling of a separate structure which would provide the facilities for independent day-to-day living but is nevertheless intended to function as part

and parcel of the main dwelling would also not involve a material change of use¹.

11. I am given to understand that the structure would be used to provide additional living accommodation for the appellant's family. It was not disputed that the intended use of the structure would be as an integral part of the primary use of the planning unit as a single dwellinghouse; there is no sound reason why I should find otherwise. As a result, the proposal would also not involve the making of any material change of use.
12. On the balance of probability, the available evidence therefore shows that the proposal would not involve the carrying out of development, as it would not involve undertaking building operations or the making of any material change in the use of the site.

Conclusion

13. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the siting of a mobile home for use ancillary to the main dwelling was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Stephen Hawkins

INSPECTOR

¹ *Uttlesford DC v SSE & White* [1992] JPL 171.



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 25 January 2022 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

On the balance of probability, the proposal involves the stationing of a mobile home and its use integral to and part and parcel of the primary use of the planning unit as a single dwellinghouse and therefore would not fall within the definition of development in s55(1) of the 1990 Act.

Signed

Stephen Hawkins

Inspector

Date 10TH JANUARY 2023

Reference: APP/J2210/X/22/3298471

First Schedule

Siting a mobile home for use ancillary to the main dwelling [as shown on drawing reference nos 995551/01, 995551/02 and 995551/03]

Second Schedule

Land at 26 Friars Close, Whitstable, Kent CT5 1NU

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 10TH JANUARY 2023

by **Stephen Hawkins MA, MRTPI**

Land at: 26 Friars Close, Whitstable, Kent CT5 1NU

Reference: APP/J2210/X/22/3298471

Scale: Not to scale





Appeal Decision

Site visit made on 31 August 2022

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2022

Appeal Ref: APP/Z5630/X/21/3277752

3A Coombe Lane West, Kingston-upon-Thames KT2 7EW

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr and Mrs B Barikor against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 21/00987/CPU, dated 30 March 2021, was refused by notice dated 26 May 2021.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is described as: Proposed siting of a caravan for purposes incidental to the enjoyment of the dwellinghouse.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is found to be lawful.

Application for Costs

2. An application for costs was made by Mr and Mrs B Barikor against the Council of the Royal Borough of Kingston-upon-Thames. This application is the subject of a separate decision.

Preliminary Matters

3. There is no clear description on the application form and so I have taken the description in the heading above from the appeal form which is consistent with the Council's decision notice.
4. The application has been made under section 192 ('Certificate of lawfulness of **proposed** use or development'). Yet at my site visit I saw that a structure exists within the garden of the appeal property in broadly the same location as the proposal. What I saw is not entirely consistent with drawings provided for this appeal. So I cannot be certain whether the structure which exists is that which is described in the application or not. Therefore, I have based my decision on the application documents provided and not what I saw on my site visit. Should it transpire that what exists is materially different to that described, it may be a breach of planning control which could be liable to enforcement action by the local planning authority.

5. I am aware that the appellant wished for video evidence to be accepted as part of their submissions. Video evidence cannot be accepted as part of a written representations appeal and so it was returned to the appellant and I have not taken it into account in my deliberations.

Main Issue

6. The main issue is whether the Council's decision to refuse the certificate was well-founded or not.

Reasons

7. Section 192(1) of the 1990 Act provides for the making of an application to ascertain whether (a) any proposed use of buildings or other land; or (b) any operations proposed to be carried out in, on, over or under land would be lawful. In an LDC appeal the onus is on the appellant to make out their case to the standard of the balance of probabilities.
8. In an LDC application the question is whether the proposed use or operation would be lawful if 'instituted or begun' on the date of the application. Evidence should not be rejected simply because it is uncorroborated. If there is no evidence to contradict the appellant's version of events or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted.
9. The appellant proposes the siting of a caravan for purposes incidental to the enjoyment of the dwellinghouse on the site. A drawing provided indicates the caravan would be fitted out with a kitchenette and bathroom and would accommodate office workspace and gym equipment. It appears that it would be designed for human habitation.
10. The information provided indicates that the proposed caravan would be composed of two sections and it is the appellant's position that it is a twin-unit caravan. As such, in broad terms, the basis of the application is that what is proposed is not "development" under the 1990 Act. However, as is reflected in the Council's first reason for refusing the application, the Council is not satisfied that the proposal would not constitute building operations as defined within section 55(1A) of the 1990 Act.
11. In summary, section 55(1) of the 1990 Act defines development as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Section 55(1A) clarifies that building operations includes other operations normally undertaken by a person carrying on business as a builder.
12. Section 55(2)(d) of the 1990 Act provides that the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such shall not be taken for the purpose of the Act to involve development of the land.
13. The stationing of a caravan is normally taken as constituting a use of land, rather than operational development, and so I need to consider, based on the information provided, whether what is proposed would constitute a caravan or not.

14. The term 'caravan' is defined in section 29(1) of the Caravan Sites and Control of Development Act 1960 (CSCDA60) as meaning 'any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include—(a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent'.
15. In law, a caravan is only a caravan if it meets the description laid down in section 29 of the CSCDA60 and the Caravan Sites Act 1968 (CSA68) as amended. Section 13 of the CSA68 defines twin-unit caravans, as follows:
 - (1) A structure designed or adapted for human habitation which— (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.
 - (2) For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely— (a) length (exclusive of any drawbar): 65.616 feet (20 metres); (b) width: 22.309 feet (6.8 metres); (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).
16. In light of the above, the tests to be applied in determining whether a proposed structure is a caravan are commonly referred to as the construction test, the mobility test and the size test.
17. In respect of the size test, based on the submitted drawings, the Council states the approximate measurements for the proposed caravan are 6.12 metres wide, 4.92 metres deep and with a maximum external height of 2.79 metres. As such, there is no dispute between the parties that the proposed caravan would satisfy the size test.
18. In respect of the construction test, the appellant states that the proposed caravan would be composed of two sections which would be separately constructed and then joined together on the site as the final act of assembly. This being the case, I have no reason to believe that the proposal would not satisfy the construction test, based on the information provided.
19. In respect of the mobility test, the appellant states that the unit will rest on blocks and is not fixed to the ground. It is said that at all times it will remain capable of being moved. A lifting diagram has been provided which, according to the appellant, shows how temporary lifting beams could be installed under the unit, to enable it to be lifted safely for transportation. I have no reason to believe this would not be the case.

20. A drawing indicates the caravan would likely need to be connected to services. But it is invariably simple to detach a caravan from connections to services such as water, drains and electricity.
21. Given the limited degree of the proposal's attachment to the ground, other than service connections and that the caravan would rest by its own weight, I have no reason to believe that it would not satisfy the mobility test, based on the information provided.
22. Taking all of the above points into account, I conclude, as a matter of fact and degree, that the proposed structure would accord with the statutory definition of a caravan.
23. In respect of the caravan's use, the Council states that as the site is already established as a residential use and the placing of a 'mobile home' would be for use in conjunction with the original property, it is not considered that the proposal would constitute a material change of use of the land in this case. I have no reason to disagree with the Council's assessment in this regard. So based on the information provided, and consistent with section 55 referred to above, I conclude that the proposal would not constitute a material change of use of the land.
24. Turning to the Council's concern that the proposal may constitute building operations, pursuant to section 55 of the 1990 Act, I have had regard to section 336(1) of the 1990 Act and the *Skerritts*¹ case.
25. Section 336(1) states that a "building" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. But as has been established in case law, it is not the case that because caravans are defined as 'structures' in the CSA68, that they fall within the definition of a building in the 1990 Act.
26. The *Skerritts* case established 3 primary factors as decisive of what constitutes a 'building': size, permanence and physical attachment to the land. None of these factors are necessarily decisive and greater weight may be given to one over others in reaching a conclusion on whether a structure constitutes a building.
27. I have considered these 3 factors for the proposal described and I make the following observations. A caravan is mobile by definition and I have found that the proposal would be a caravan. Notwithstanding that its size would be considerable, I have not found it would be a permanent structure given that it would be mobile and with a limited degree of attachment to the land.
28. The proposed caravan may well remain in place for years. But this is not unusual for a twin-unit caravan and does not necessarily mean therefore that the proposal would be permanent. There is no evidence that the proposal would result in a permanent physical alteration to the land or interfere with its physical characteristics.
29. Taking into account all of the above, and as a matter of fact and degree, I give greater weight to the lack of permanence and physical attachment to the ground than to the size of the proposal. I conclude that what is proposed is not

¹ *Skerritts of Nottingham Ltd v SSETR (No. 2)* [2000] 2 PLR 102

a building, notwithstanding that section 336(1) contains a wide definition of what a building is.

30. The Council has indicated that the appellant has not discharged the burden of proof that the proposal would not constitute 'other operations'. But, in this regard, nothing has been provided to substantiate the Council's position or to contradict the appellant's case or make it less than probable. So I have no reason to believe the proposal would constitute other operations, pursuant to section 55(1) of the 1990 Act.
31. With regards to the *Woolley*² case, this concerned poultry units and so, in my view, it has limited (if any) relevance to a very different structure, such as a caravan, as proposed in this application, to which specific tests apply, based on the statutory definition of a caravan.
32. I have also been referred to an appeal decision at 14 Almshouse Lane in Chessington³. Nevertheless, each case will turn on its own specific facts and, based on the information provided, I cannot be certain that the circumstances in that case are the same as those in the case before me.
33. In respect of the Council's second reason for refusing the application, given that I have found the proposal would not be operational development, I do not need to consider whether it is permitted development, under Schedule 2, Part 1, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Other Matters

34. Representations received raise concerns about ownership of the access to the site, plan accuracy, damage said to have been caused, visual effects and loud music. But as is set out in the Planning Practice Guidance, views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application⁴. Therefore, I cannot take planning merits into account.

Conclusion

35. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed siting of a caravan for purposes incidental to the enjoyment of the dwellinghouse, was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

L Perkins

INSPECTOR

² *R (Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council* [2012] EWHC 2161 (Admin)

³ Reference APP/Z5630/X/20/3254407 dated 1 March 2021

⁴ Lawful development certificates, paragraph: 008 Reference ID: 17c-008-20140306



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 30 March 2021 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposal described in the application documents and shown on the unnumbered drawing entitled "THE CARAVAN" and drawing number 2021_0033-01 dated September 2021, constitutes a caravan and would not be operational development or a material change of use of the land and so planning permission is not required.

Signed

L Perkins
INSPECTOR

Date: 26 October 2022

Reference: APP/Z5630/X/21/3277752

First Schedule

Proposed siting of a caravan for purposes incidental to the enjoyment of the dwellinghouse.

Second Schedule

Land at 3A Coombe Lane West, Kingston-upon-Thames KT2 7EW

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

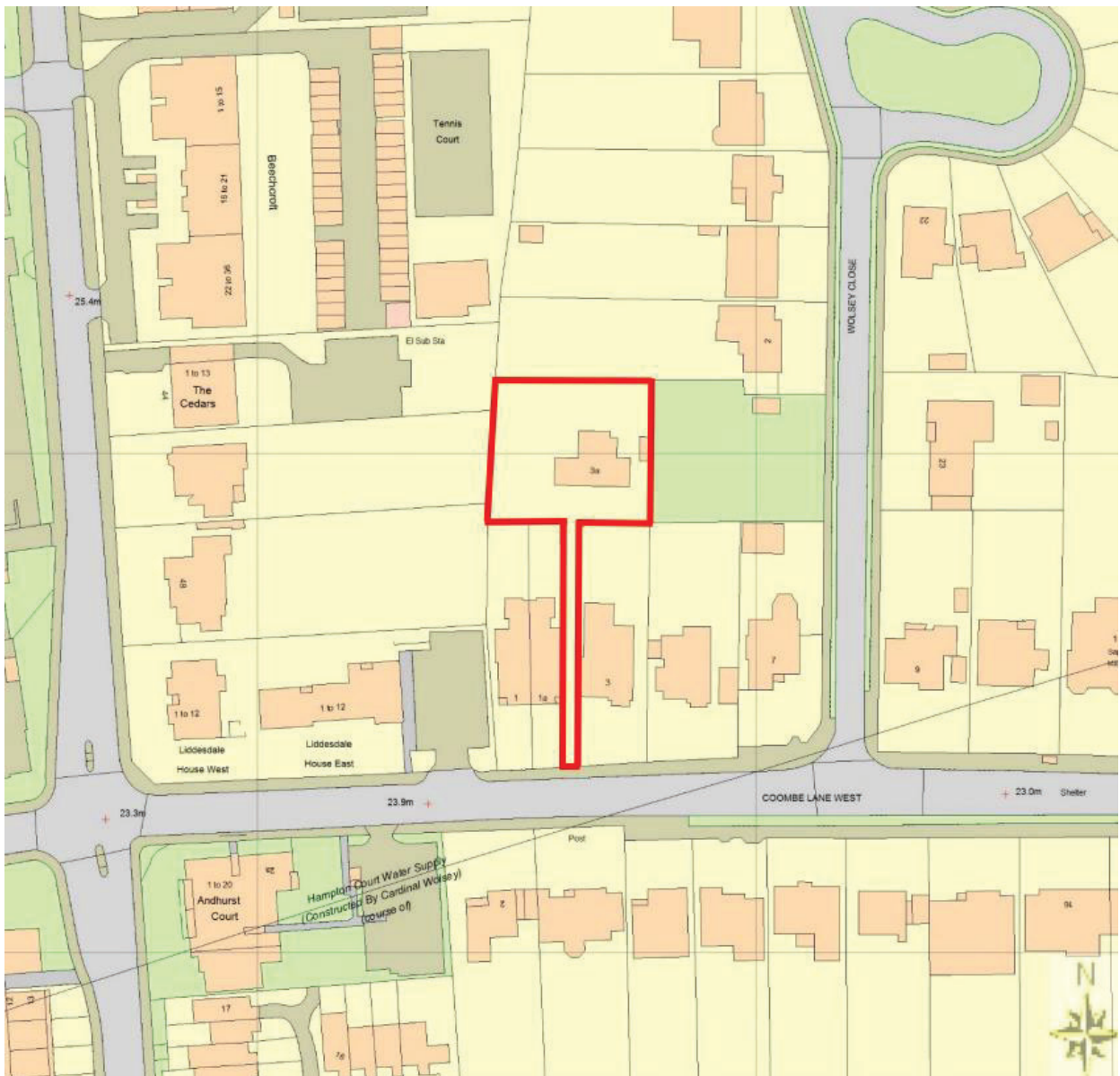
This is the plan referred to in the Lawful Development Certificate dated: 26 October 2022

By **L Perkins BSc (Hons) DipTP MRTPI**

Land at: **3A Coombe Lane West, Kingston-upon-Thames KT2 7EW**

Reference: **APP/Z5630/X/21/3277752**

Scale: Not to scale





Costs Decision

Site visit made on 31 August 2022

by **L Perkins BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 October 2022

Costs application in relation to Appeal Ref: APP/Z5630/X/21/3277752 3A Coombe Lane West, Kingston-upon-Thames KT2 7EW

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Mr and Mrs B Barikor for a full award of costs against the Council of the Royal Borough of Kingston-upon-Thames.
- The appeal was against the refusal of a certificate of lawful use or development for: Proposed siting of a caravan for purposes incidental to the enjoyment of the dwellinghouse.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Unreasonable behaviour may be procedural – relating to the process; or substantive – relating to the issues arising from the merits of the appeal. In this case the application is made on substantive grounds.
4. The applicant has referred to paragraph 38 of the National Planning Policy Framework (the Framework) and states that the Council has not been proactive and that there has been no opportunity for meaningful engagement with the Council at all. But based on the information provided, the Council offers a pre-application advice service and section 10 of the application form indicates that the applicant did not avail themselves of this.
5. The applicant states that at no point did the Council request additional information in order to demonstrate that the siting of the proposed caravan would not constitute building operations or other operations as defined within section 55(1) of the 1990 Act. But as is set out in the PPG, the applicant is responsible for providing sufficient information to support an application¹ and in this regard a Council is under no obligation to request additional information.
6. However, the applicant states that the Council's decision appears to be predicated primarily upon a judgement that has no relevance to the siting of a caravan, ie the *Woolley*² case.

¹ Lawful development certificates - paragraph:006 Reference ID: 17c-006-20140306

² *R (Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council* [2012] EWHC 2161 (Admin)

7. In its assessment, the Council also drew on an appeal decision at 14 Almshouse Lane in Chessington³, which it said was for a "similar proposal". But, as the applicant has pointed out, the Inspector in that case stated that the *Woolley* case had no bearing on his decision, given the very different nature of the structures being considered. So, as is set out in my appeal decision, the *Woolley* case has limited (if any) relevance to a caravan and in my view, the Council misdirected itself in relying on this case law to substantiate its decision.
8. The Council says that a "comprehensive assessment" of the application is contained within the officer's report. But there is no mention in the report of the Caravan Sites and Control of Development Act 1960 or the Caravan Sites Act 1968. So I am not satisfied that the Council properly engaged with the statutory definition of a caravan and whether the proposal complied with this or not.
9. In light of the case put forward by the appellant for the appeal and consistent with the PPG⁴, the Council should have reviewed its case promptly following the lodging of the appeal, as part of sensible on-going case management. But there is no evidence this occurred, despite the appellant inviting the Council to reconsider its position via the appeal and noting that no statement for the appeal was provided by the Council to counter any of the evidence submitted by the appellant.
10. The appellant has indicated that the appeal would have been withdrawn if the Council had confirmed its support for a resubmission, on the basis of the evidence submitted with the appeal. The implication of this is that the appeal was avoidable and nothing has been provided by the Council to satisfy me this was not the case.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the Royal Borough of Kingston-upon-Thames shall pay to Mr and Mrs B Barikor, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to the Council of the Royal Borough of Kingston-upon-Thames, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L Perkins

INSPECTOR

³ Reference APP/Z5630/X/20/3254407 dated 1 March 2021

⁴ Appeals – paragraph: 049 Reference ID: 16-049-20140306



Caravan Sites and Control of Development Act 1960

1960 CHAPTER 62 8 and 9 Eliz 2

PART I

CARAVAN SITES

Miscellaneous and supplemental

29 Interpretation of Part I.

(1) In this Part of this Act, unless the context otherwise requires—

“caravan” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include—

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or
- (b) any tent;

“caravan site” has the meaning assigned to it by subsection (4) of section one of this Act;

“development order” means an order made under section thirteen of the Act of 1947 (under which orders may be made which, in some cases, themselves grant permission for development and, in other cases, provide that permission shall be granted on an application in that behalf);

^{F1} . . .

^{F2} ^{F3} “fire and rescue authority”, in relation to any land, means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the land is situated;]

“local authority” means a council of a [^{F4}London borough or a] . . . ^{F5} district [^{F6}the Common Council of the City of London] and the Council of the Isles

Changes to legislation: There are currently no known outstanding effects for the Caravan Sites and Control of Development Act 1960, Section 29. (See end of Document for details)

of Scilly; [^{F7}but, in relation to Wales, means the council of a Welsh county or county borough]

“occupier” has the meaning assigned to it by subsection (3) of section one of this Act and “occupied” and “occupation” shall be construed accordingly;

[^{F8}“relevant protected site” has the meaning assigned to it by section 5A(5);

“relevant protected site application” has the meaning assigned to it by section 3(7);]

“site licence” has the meaning assigned to it by subsection (1) of section one of this Act;

“the Minister” means [^{F9}the Secretary of State].

[^{F10}“tribunal” means the First-tier Tribunal or where determined by or under Tribunal Procedure Rules, the Upper Tribunal.]

- (2) Any reference in this Part of this Act to the carrying out of works shall include a reference to the planting of trees and shrubs and the carrying out of other operations for preserving or enhancing the amenity of land.
- (3) For the purposes of any provision of this Part of this Act relating to the expiration of permission granted under Part III of the Act of 1947 for any use of land, permission granted for the use of land for intermittent periods shall not be regarded as expiring at any time so long as the permission authorises the use of the land for further intermittent periods.
- (4) Any reference in this Part of this Act to permission granted under Part III of the Act of 1947 for the use of land as a caravan site shall be taken as a reference to such permission whether or not restricted in any way or subject to any condition or limitation, and any reference in this Part of this Act to such permission shall include a reference to permission deemed to be granted under the said Part III [^{F11}or granted on the designation of an enterprise zone under Schedule 32 to the Local Government, Planning and Land Act 1980].
- (5) In this Part of this Act references to the local planning authority shall, where appropriate, be taken as references to any local authority to whom any of the functions of the local planning authority under Part III of the Act of 1947 have been delegated.

Textual Amendments

- F1** Definition in s. 29(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group 1.
- F2** Definition inserted (E.W.) by **Local Government (Miscellaneous Provisions) Act 1982** (c. 30, SIF 81:1), s. 8(2)(e)
- F3** Words in s. 29(1) substituted (E.W.) (1.10.2004 for E., 10.11.2004 for W.) by **Fire and Rescue Services Act 2004** (c. 21), s. 61, **Sch. 1 para. 14(4)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F4** By **Greater London Council (General Powers) Act 1976** (c.xxvi), s. 11 it is provided that the definition of “local authority” in section 29(1) shall have effect and be deemed to have had effect as from 1 April 1974 as if after the words “of a” there were inserted the words “London borough or a”
- F5** Words repealed by **Local Government Act 1972** (c. 70), **Sch. 30**
- F6** Words inserted by **London Government Act 1963** (c. 33), **Sch. 17 para. 21(1)(b)**
- F7** S. 29(1): words in definition of “local authority” added (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16**, para. 16(3) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F8** Words in s. 29(1) inserted (E.W.) (1.4.2014) by **Mobile Homes Act 2013** (c. 14), ss. 1(7), 15(1)
- F9** Words substituted by virtue of S.I. 1965/319, arts. 2, 10(1)(a) Sch. 1 Pt. I and 1970/1681, arts. 2, 6(3)
- F10** Words in s. 29(1) inserted (18.7.2014) by **The Transfer of Tribunal Functions (Mobile Homes Act 2013 and Miscellaneous Amendments) Order 2014** (S.I. 2014/1900), art. 1, **Sch. 1 para. 11**

Changes to legislation: There are currently no known outstanding effects for the Caravan Sites and Control of Development Act 1960, Section 29. (See end of Document for details)

F11 Words inserted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 8](#)

Modifications etc. (not altering text)

C1 Definition of "caravan" amended by [Caravan Sites Act 1968 \(c. 52\),s. 13](#)

C2 By [Greater London Council \(General Powers\) Act 1976 \(c.xxvi\), s. 11](#) it is provided that the definition of "Local Authority" in section 29(1) shall have effect and be deemed to have had effect as from 1 April 1974 as if after the words "of a" there were inserted the words "London borough or a"



Caravan Sites Act 1968

1968 CHAPTER 52

PART III

MISCELLANEOUS

13 Twin-unit caravans.

- (1) A structure designed or adapted for human habitation which—
- (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and
 - (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),

shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the ^{M1}Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a [^{F1}highway][^{F1}road] when assembled.

- (2) For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, the expression “caravan” shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—
- (a) length (exclusive of any drawbar): [^{F2}65.616] feet ([^{F3}20] metres);
 - (b) width: [^{F4}22.309] feet ([^{F5}6.8] metres);
 - (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): [^{F6}10.006] feet ([^{F7}3.05] metres).
- (3) The [^{F8}Secretary of State] may by order made by statutory instrument after consultation with such persons or bodies as appear to him to be concerned substitute for any figure mentioned in subsection (2) of this section such other figure as may be specified in the order.

Changes to legislation: There are currently no known outstanding effects for the Caravan Sites Act 1968, Section 13. (See end of Document for details)

- (4) Any statutory instrument made by virtue of subsection (3) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

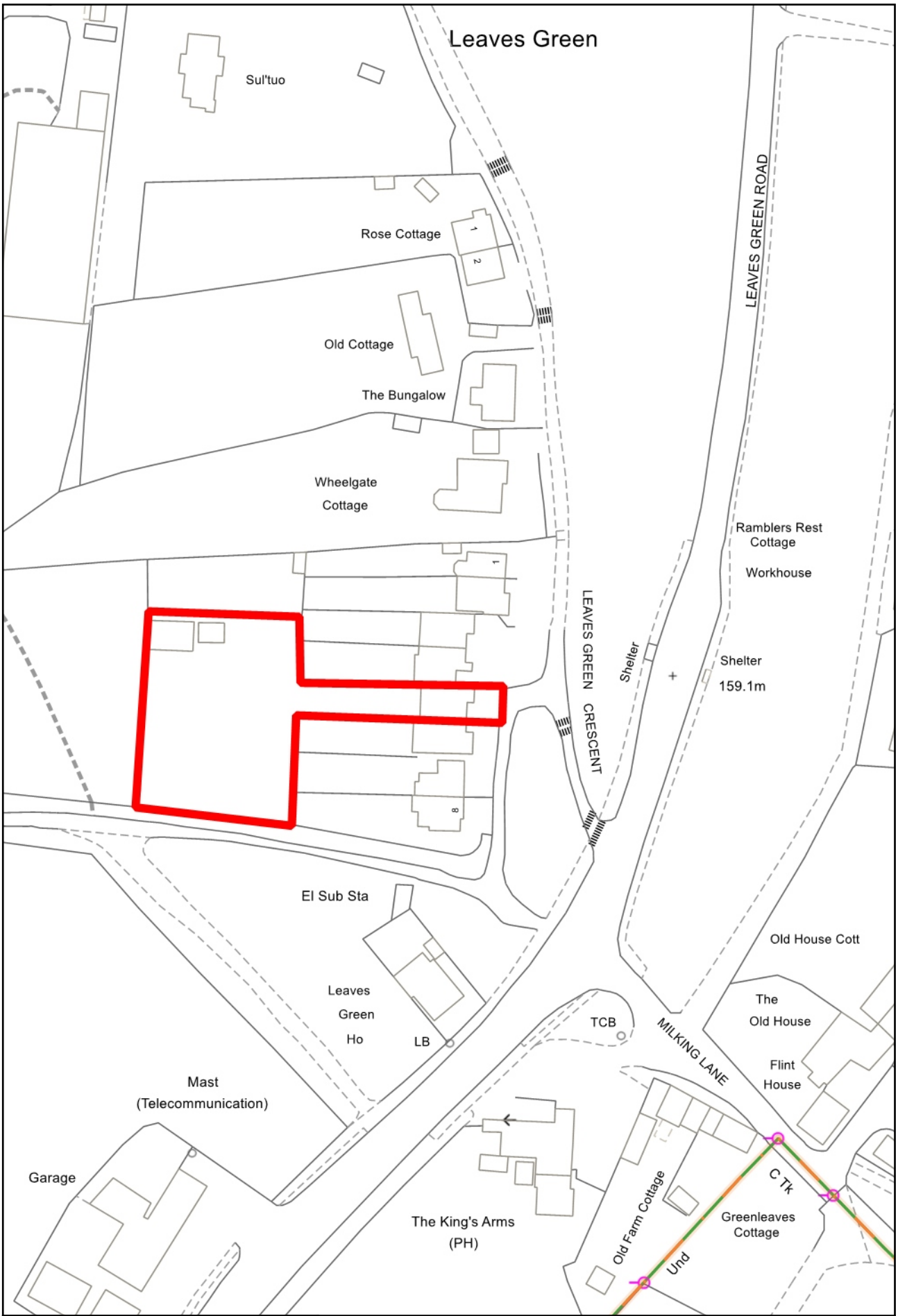
Textual Amendments

- F1** Word “road” substituted (S.) for word “highway” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 128(1), [Sch. 9 para. 65](#)
- F2** Word in s. 13(2)(a) substituted (1.10.2006 for E., 30.11.2007 for W., 15.11.2019 for S.) by [Caravan Sites Act 1968 and Social Landlords \(Permissible Additional Purposes\) \(England\) Order 2006 \(Definition of Caravan\) \(Amendment\) \(England\) Order 2006 \(S.I. 2006/2374\)](#), arts. 1(1), 2(a); [The Caravan Sites Act 1968 \(Amendment\) \(Wales\) Order 2007 \(S.I. 2007/3163\)](#), arts. 1, 2(a); [The Caravan Sites Act 1968 \(Amendment of Definition of Caravan\) \(Scotland\) Order 2019 \(S.S.I. 2019/295\)](#), arts. 1(1), [2\(2\)\(a\)\(i\)](#)
- F3** Word in s. 13(2)(a) substituted (1.10.2006 for E., 30.11.2007 for W., 15.11.2019 for S.) by [Caravan Sites Act 1968 and Social Landlords \(Permissible Additional Purposes\) \(England\) Order 2006 \(Definition of Caravan\) \(Amendment\) \(England\) Order 2006 \(S.I. 2006/2374\)](#), arts. 1(1), 2(a); [The Caravan Sites Act 1968 \(Amendment\) \(Wales\) Order 2007 \(S.I. 2007/3163\)](#), arts. 1, 2(a); [The Caravan Sites Act 1968 \(Amendment of Definition of Caravan\) \(Scotland\) Order 2019 \(S.S.I. 2019/295\)](#), arts. 1(1), [2\(2\)\(a\)\(ii\)](#)
- F4** Word in s. 13(2)(b) substituted (1.10.2006 for E., 30.11.2007 for W., 15.11.2019 for S.) by [Caravan Sites Act 1968 and Social Landlords \(Permissible Additional Purposes\) \(England\) Order 2006 \(Definition of Caravan\) \(Amendment\) \(England\) Order 2006 \(S.I. 2006/2374\)](#), [arts. 1\(1\), 2\(b\)](#); [The Caravan Sites Act 1968 \(Amendment\) \(Wales\) Order 2007 \(S.I. 2007/3163\)](#), [arts. 1, 2\(b\)](#); [The Caravan Sites Act 1968 \(Amendment of Definition of Caravan\) \(Scotland\) Order 2019 \(S.S.I. 2019/295\)](#), arts. 1(1), [2\(2\)\(b\)\(i\)](#)
- F5** Word in s. 13(2)(b) substituted (1.10.2006 for E., 30.11.2007 for W., 15.11.2019 for S.) by [Caravan Sites Act 1968 and Social Landlords \(Permissible Additional Purposes\) \(England\) Order 2006 \(Definition of Caravan\) \(Amendment\) \(England\) Order 2006 \(S.I. 2006/2374\)](#), [arts. 1\(1\), 2\(b\)](#); [The Caravan Sites Act 1968 \(Amendment\) \(Wales\) Order 2007 \(S.I. 2007/3163\)](#), [arts. 1, 2\(b\)](#); [The Caravan Sites Act 1968 \(Amendment of Definition of Caravan\) \(Scotland\) Order 2019 \(S.S.I. 2019/295\)](#), arts. 1(1), [2\(2\)\(b\)\(ii\)](#)
- F6** Word in s. 13(2)(c) substituted (1.10.2006 for E., 30.11.2007 for W., 15.11.2019 for S.) by [Caravan Sites Act 1968 and Social Landlords \(Permissible Additional Purposes\) \(England\) Order 2006 \(Definition of Caravan\) \(Amendment\) \(England\) Order 2006 \(S.I. 2006/2374\)](#), [arts. 1\(1\), 2\(c\)](#); [The Caravan Sites Act 1968 \(Amendment\) \(Wales\) Order 2007 \(S.I. 2007/3163\)](#), [arts. 1, 2\(c\)](#); [The Caravan Sites Act 1968 \(Amendment of Definition of Caravan\) \(Scotland\) Order 2019 \(S.S.I. 2019/295\)](#), arts. 1(1), [2\(2\)\(c\)\(i\)](#)
- F7** Word in s. 13(2)(c) substituted (1.10.2006 for E., 30.11.2007 for W., 15.11.2019 for S.) by [Caravan Sites Act 1968 and Social Landlords \(Permissible Additional Purposes\) \(England\) Order 2006 \(Definition of Caravan\) \(Amendment\) \(England\) Order 2006 \(S.I. 2006/2374\)](#), [arts. 1\(1\), 2\(c\)](#); [The Caravan Sites Act 1968 \(Amendment\) \(Wales\) Order 2007 \(S.I. 2007/3163\)](#), [arts. 1, 2\(c\)](#); [The Caravan Sites Act 1968 \(Amendment of Definition of Caravan\) \(Scotland\) Order 2019 \(S.S.I. 2019/295\)](#), arts. 1(1), [2\(2\)\(c\)\(ii\)](#)
- F8** Words in s. 13(3) substituted (E.W.) (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), [Sch. 4 para. 2\(4\)](#) (with [Sch. 5 para. 7](#)) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of [S.I. 2014/11](#), art. 3(2))


Marginal Citations


- M1** 1960 c. 62.

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23/02241/PLUD - 5 Leaves Green Crescent, Keston, BR2 6DN



03 January 2024

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Agenda Item 4.3

Committee Date	08.02.2024	
Address	Prehistoric Monsters Crystal Palace Park Thicket Road Penge London	
Application Number	23/02944/ADV	Officer - Louisa Bruce
Ward	Crystal Palace And Anerley	
Proposal	8 x non-illuminated information signs to be displayed on existing railings surrounding dinosaur sculptures	
Applicant	Agent	
Dr Ellinor Michel		
88B Thicket Road London SE20 8DR		
Reason for referral to committee	LBB owned land	Councillor call in No

RECOMMENDATION	Grant Advertisement Consent
-----------------------	-----------------------------

<p>KEY DESIGNATIONS</p> <p>Conservation Area: Crystal Palace Park Areas of Archeological Significance Article 4 Direction Green Chain Historic Parks and Gardens Metropolitan Open Land Renewal Area Sites of Interest for Nat. Conservation Smoke Control SCA 6 Statutory Listed Building Views of Local Importance</p>

Representation summary	<i>A site notice was displayed on the railings in the park on the 28th August 2023.</i>	
Total number of responses		0
Number in support		0
Number of objections		0

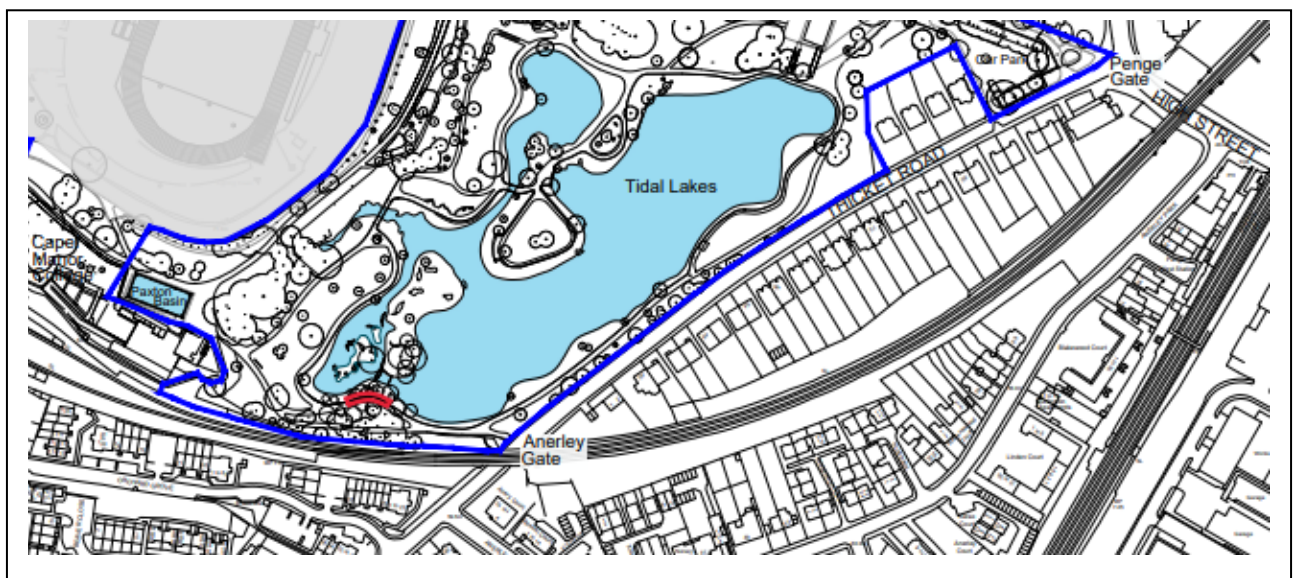
1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would not detract from the Historic Setting of the Park
- The advertisement signs would support and recognise the individuals, groups and stakeholders who supported the funding raising of the Dinosaur Swing Bridge.

2. LOCATION

2.1 The application site lies within Crystal Palace Park which is a Grade II* Listed park designated as Metropolitan Open Land and within the Crystal Palace Park Conservation Area. The site borders Thicket Road, Crystal Place Park Road and Anerley Hill.

2.2 The Dinosaur Swing Bridge is located on the southern edge of Crystal Palace Park at the south-western end of the Geological Court or Dinosaur Landscapes. The plates are proposed to be installed on the existing fencing that enclose the Dinosaur Landscapes at the location closest to the new bridge next to the public footpath.

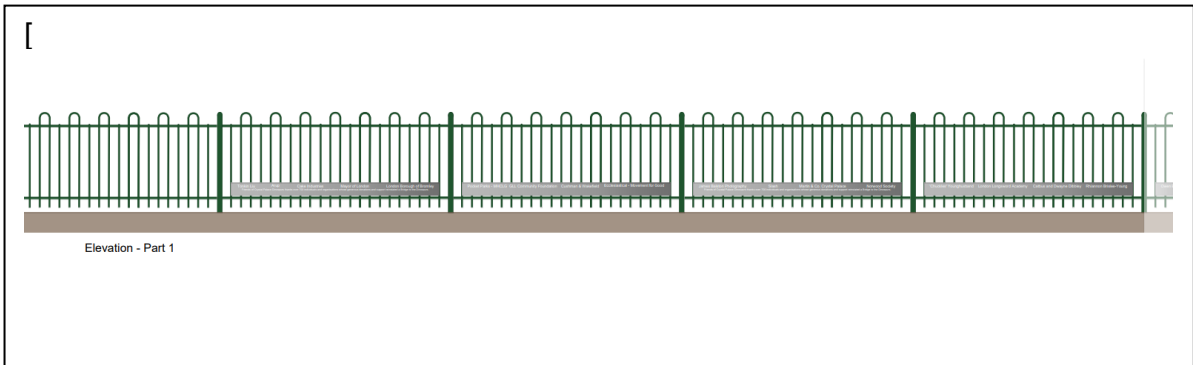




Illustrative view showing six (of eight) donor recognition plates fixed to the existing fencing, with the new Dinosaur Swing Bridge behind

3. PROPOSAL

- 3.1 The application seeks advertisement consent for 8 x non-illuminated information signs/donor recognition plates to be displayed on existing railings surrounding the lake and dinosaur sculptures. The adverts will also be located within sight of the new Dinosaur Bridge on the lake.
- 3.2 The application is accompanied by a supporting statement which sets out that in 2018 the Friends of Crystal Palace Dinosaurs launched a successful crowd funding effort to raise money to reinstate a bridge to the Dinosaur Island. The Dinosaur Swing Bridge proposal was supported by key organisations including The London Borough of Bromley Housing, Regeneration and Planning Departments, Historic England and all other statutory consultees. Planning permission for the bridge was granted in 2018 and installed in 2021. The Swing Bridge was made possible by support from many organisations and individuals. To give recognition to the supporters plates with the names of the top donors to be installed on the existing railings outside of the landing area to the bridge.



4. RELEVANT PLANNING HISTORY

- 4.1 Under ref: 23/03026/FULL1 planning permission was granted for changing place facility for users of the park with severe disabilities at land adjacent to the Crystal Palace Park Café.
- 4.2 Under ref: 19/03578/FULL1 planning permission was granted for Construction of a footbridge in Crystal Palace Park for access to the Crystal Palace Dinosaurs on Dinosaur Island.
- 4.3 Under ref: 20/00325/OUT outline planning permission was granted for comprehensive phased regeneration of Crystal Palace Park. This will include: conservation and repair of heritage assets; removal of existing hard surfaces; alterations to ground levels and tree removal; landscaping including planting of new trees; demolition of existing buildings and structures; creation of new pedestrian paths/vehicular access roads / car, coach and cycle parking; changes of use including part of the caravan site to part public open space and part residential; erection of new buildings and structures comprising: up to 2300sqm for a cultural venue (Use Class D2), up to 530sqm of park maintenance facilities (Sui Generis) including the dismantling and reconstruction of existing maintenance depot; up to 150sqm information centre (Use Class D1); up to 670sqm for a community centre (Use Class D1); up to 3779sqm of educational institution at the Capel Manor College Farm Site (Use Class D1) of which 3399sqm comprises educational buildings and 380sqm comprises ancillary shelters/ outbuildings; and up to 16,352 sqm of residential (Use Class C3) accommodation to provide up to 210 residential dwellings, together with associated and ancillary works including utilities and surface water drainage, plant and equipment. Full planning permission is sought for alteration to highways access at Anerley Hill Gate entrance, Penge Gate car park, Old Cople Lane (Rockhills Gate), Sydenham Gate car park and the creation of three additional accesses for the residential development at Rockhills and Sydenham Villas. (amended description).
- 4.4 Under reference: 16/02679/FULL1 planning permission was granted for proposed formation of skatepark (outdoor wheeled sports area) with associated landscaping/ excavation/ regrading works on land adjacent to sports pitches.
- 4.5 Under ref: 15/03106/FULL1 planning permission was granted on the 23rd November 2015 for 'Demolition of existing single storey cafe and terrace and erection of two storey building comprising cafe on ground floor and cafe/ event space on first floor;

external ground and first floor terraces and construction of connecting bridge from first floor terrace to lakeside path’.

5. CONSULTATION SUMMARY

A) Statutory

Historic England – *No objection*

Outside of remit which relates to designated heritage assets only.

Gardens Trust – *No objection*

LPG has considered the information that you have provided and on the basis of this there are no comments on these proposals. This does not in any way signify either our approval or disapproval of the proposals and should new information come to light that may have an impact on the heritage asset the Trust reserves the right to alter its observations

Conservation Officer – *No objection*

I have discussed this with the Historic England Inspector and they agree.

B) Local Groups

No responses received from any local groups. Neighbouring Council’s The London Borough of Croydon and Lambeth raised no objections.

C) Adjoining Occupiers

No letters of representation were received from neighbours.

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 National Planning Policy Framework was updated on the 19th December 2023.

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

6.5 The London Plan 2021

- D1 London's form and characteristics
- D4 Delivering Good Design
- D8 Public Realm
- HC1 Heritage conservation and growth
- G3 Metropolitan Open Land
- G4 Open Space
- G7 Trees and woodlands

6.6 Bromley Local Plan 2019

- 37 General Design of Development
- 38 Statutory Listed Buildings
- 41 Conservation Areas
- 45 Historic Parks and Gardens
- 46 Ancient Monuments and Archaeology
- 50 Metropolitan Open Land
- 73 Development and Trees
- 79 Biodiversity and Access to Nature
- 102 Advertisements

6.7 Bromley Supplementary Guidance

Urban Design Guidance – July 2023

7. ASSESSMENT

7.1 Principle of Development – Acceptable

7.1.1 Crystal Palace Park is subject to a wide range of planning designations, including the following, which are particularly relevant to the determination of this application:

- The entire Park is Grade II* registered & the dinosaurs are Grade I listed
- The Park lies within the Crystal Palace Park Conservation Area
- A large majority of the Park is designated as Metropolitan Open Land (MOL)

7.2 Design, Layout and Scale – Acceptable

7.2.1 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. Policy 37 of the Bromley Local Plan sets out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Whilst London Plan Policies also seek to enhance local

context and character, as well as encouraging high quality design in assessing the overall acceptability of a proposal.

- 7.2.2 Policy 102 states that advertisements, hoardings and signs should:
- a - have regard to the character of the surrounding area,
 - b - be in keeping with the scale, form and character of any buildings on which they are placed,
 - c - generally not be located in residential areas and the Green Belt, Metropolitan Open Land (MOL) and Urban Open Space,
 - d - preserve or enhance the character or appearance of conservation area,
 - e - not be likely to create a hazard to road users, and
 - f - avoid harm to the significance of listed buildings.

- 7.2.3 Each of the eight recognition plates are to be fixed to the existing railings in front of the Dinosaur Swing Bridge and measure 150mm x 2500mm, machined from 3mm thick brushed steel to match the bridge material. The letters are cut out from the plates as illustrated in the planning statement. The eight plates will be fixed in a single row, one per fence panel, with the bottom of the plate 150mm above existing ground level. Each of the plates has threaded bolts welded to the back which combined with the tensioning plates and tamper proof nuts allow them to be bolted to existing railings.

7.3 Heritage Impact – Acceptable

- 7.3.1 Para 200 of the NPPF requires that in determining applications, *"LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."*

- 7.3.2 Policy 41(Conservation Areas) states that Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

- 7.3.3 Policy 38 (Statutory Listed Buildings) states that applications for development involving a listed building or its setting, will be permitted provided that the character, appearance and special interest of the listed building are preserved and there is no harm to its setting.

- 7.3.4 The advertisements would be installed on the existing railings that enclose the Dinosaur Landscapes at the location closest to the new bridge next to the public footpath. The visual impact of the development would be limited as a result of the partial screening by existing trees and landscaping.

7.3.5 No objections have been raised by Historic England, The Gardens Trust or Conservation Officer and given the small size and use of appropriate materials coupled with the secluded location the advertisements are deemed to preserve and enhance the Conservation Area and the park as a whole.

7.4 Residential Amenity – Acceptable

7.4.1 Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

7.4.2 The signs are located well away from surrounding residential properties and deep within the park. Given the location of these signs no concerns are raised in respect of their impact on the amenity of the neighbouring occupiers.

8. CONCLUSION

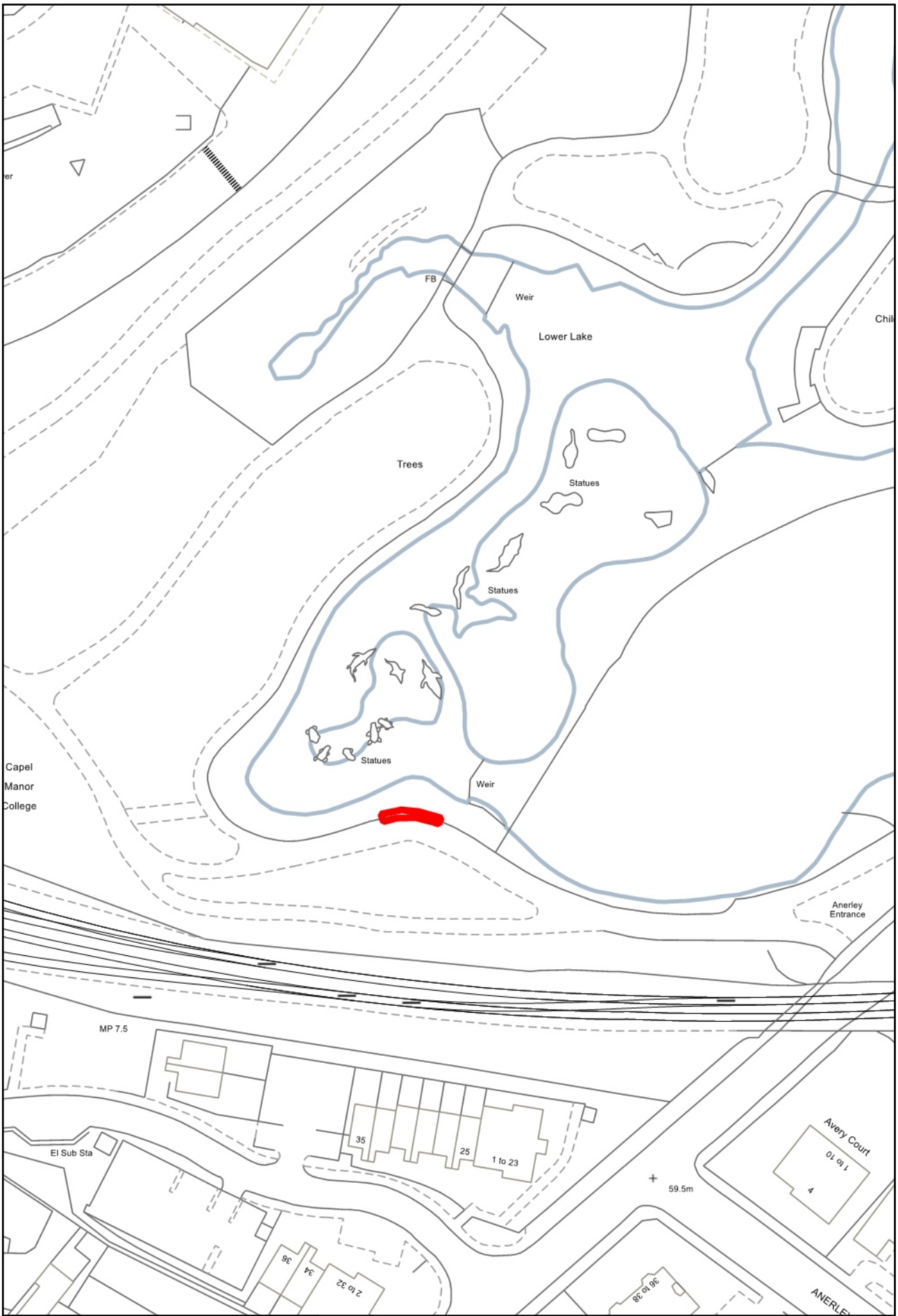
8.1 The proposed advertisement signs are considered acceptable and in accordance with the relevant policies contained within the London Plan, Bromley Local Plan and the NPPF.

RECOMMENDATION: Grant Advertisement Consent

Subject to the following conditions:

- 1. Standard – maintenance of sign**
- 2. Standard – maintenance of sign support/structure**
- 3. Standard – removal of sign in accordance with Advert Regulations**
- 4. Standard – consent of the landowner**
- 5. Standard – time limit of 5 years**
- 6. Standard – compliance with the approved plan**
- 7. No illumination**
- 8. The advertisement shall be sited or displayed so as to obscure, or hinder the highway.**

Any other planning condition(s) considered necessary by the Assistant Director of Planning

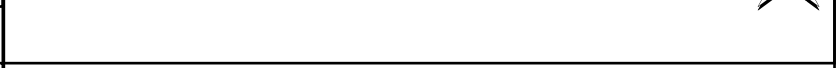


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 23/02944/ADV 

31 January 2024

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Agenda Item 4.4

Committee Date	08.02.2024	
Address	Suite 6 Royal Parade Mews Chislehurst BR7 6TN	
Application Number	23/03457/FULL1	Officer - Robin Evans
Ward	Chislehurst	
Proposal	Erection of first floor extension and Mansard roof over part of existing building and conversion of existing offices to form 4x dwellinghouses and 1x roof flat (total 5 units) with cycle storage, car parking spaces, refuse/recycling storage and landscaping. (Amended plan).	
Applicant	Agent	
Mr Mike Clark	Mr John Escott	
Suite 6 Royal Parade Mews Chislehurst BR7 6TN	Downe House 303 High Street Orpington BR6 0NN	
Reason for referral to committee	Call-In	Councillor call in Yes Cllr Mark Smith – local residents concerns

RECOMMENDATION	Application Permitted
-----------------------	-----------------------

<p>KEY DESIGNATIONS</p> <p>Conservation Area: Chislehurst Article 4 Direction Biggin Hill Safeguarding Area GS Protection Zone London City Airport Safeguarding Statutory Listed Buffer Smoke Control SCA 16</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)

Existing	Office Residential	445 200
Proposed	Residential	828

Residential Use					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total/Payment in lieu
Market	0	1	4	0	5
Total	0	1	4		5

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	1	9	+8
Disabled car spaces	0	0	0
Cycle	0	8	+8

Electric car charging points	Percentage or number out of total spaces 20%
-------------------------------------	---

Representation summary	Neighbour letters sent 17.10.2023 and 27.11.2023 Newspaper advert published 18.10.2023 Site notice displayed 20.10.2023
Total number of responses	9
Number in support	0
Number of objections	9

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would not impact detrimentally on the character of the area including the Conservation Area and Listed Buildings,
- The proposal does not result in a significant loss of amenity to local residents
- There would be no other adverse impacts.

2. LOCATION

- 2.1 The application site relates to Royal Parade Mews, located on the southwestern side of Royal Parade Chislehurst. Royal Parade Mews is a single lane/width

access between No. 12 and Ivy Cottage Royal Parade. The application buildings within Royal Parade Mews are a mixture of joined up single storey and two storey buildings set around a courtyard and according to the planning records it appears to be in use or last in use as offices. The rear (southern) site boundary abuts properties at No 9 Church Road and The Studio, Church Road. The building(s) are not locally or statutorily listed although they lie close to/or abut a row of Grade II Listed dwellings Ivy Cottage, Gravetts Cottage and Walton Lodge, and locally listed buildings Nos. 6-12 Royal Parade. The site lies within the Chislehurst Conservation Area: Sub Unit 5 – Royal Parade.

2..2 The Chislehurst Conservation Area: Sub Unit 5 – Royal Parade, commemorates the association of Chislehurst with the French Imperial Family. The main part of the sub-unit comprises the shops fronting on to Royal Parade, like the High Street, Chislehurst. However, the dominant elements of Royal Parade are terraced shop/houses, providing it with a substantially different character from most other parts of Chislehurst. Although it is a retail area, the character of Royal Parade is distinct from that of the High Street as it has become an area of specialist shops, antiques, fashions and small restaurants, also with some other businesses and professional services including architect and accountant offices, and the diverse and specialist nature of the retailing on the Parade contributes greatly to its character. The use of each shopfront by a separate business reinforces the ‘village shopping’ effect of multiple small traders and the retention of this format is encouraged. The appearance of the street is further enhanced by the condition of the buildings: original shop windows, fittings and signage remain in place in some cases. The parade setting is greatly enhanced by the tongue of green (being the former village pound), which extends open space from the Common into the active core.

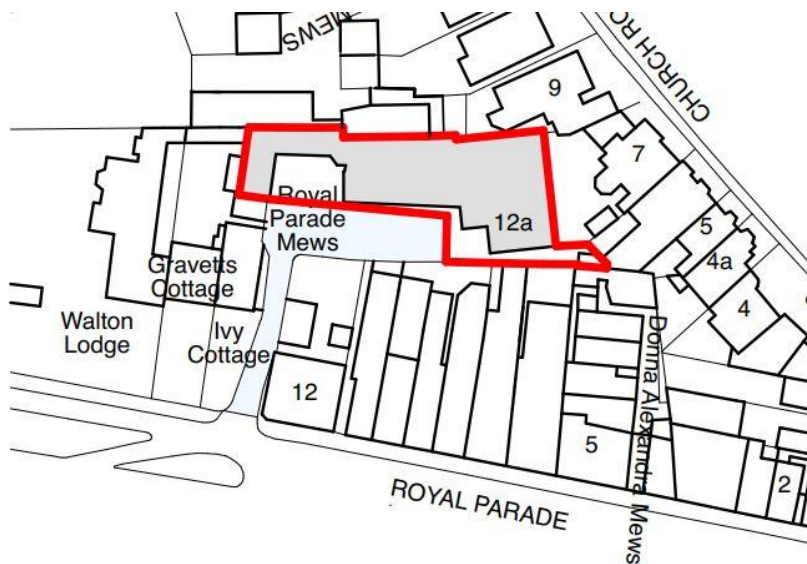


Fig 1 Site location plan.



Photograph 1 view from Royal Parade into Royal Parade Mews.



Photograph 2 internal site looking southwest towards The Studio.



Photograph 3 internal site looking south east.



Photograph 4 internal site looking northwest towards existing maisonette.

3. PROPOSAL

- 3.1 Planning permission is sought for erection of first floor extension and Mansard roof over part of existing building and conversion of existing offices to form 4x dwellinghouses and 1x roof flat (total 5 units) with cycle storage, car parking spaces, refuse/recycling storage and landscaping.



Fig 2. Proposed ground floor plan.

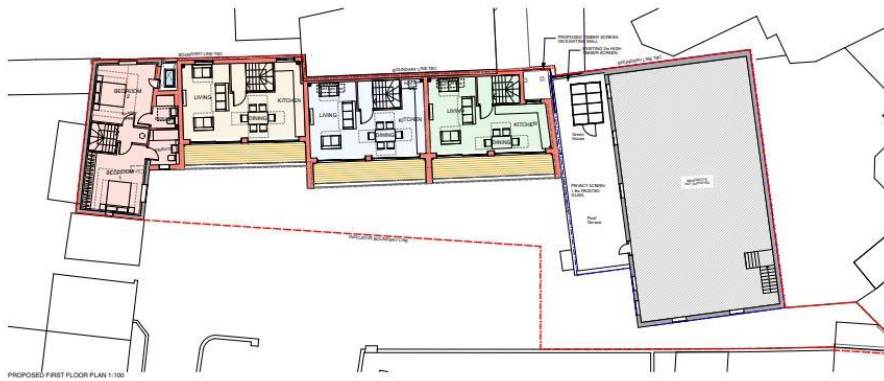


Fig 3. Proposed first floor plan.

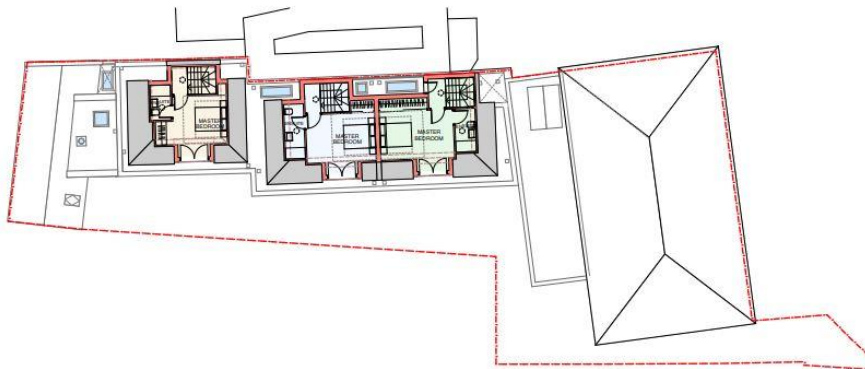


Fig 4. Proposed second floor plan.



Fig 5. Proposed elevations.



Fig 6. Refused/dismissed elevations 21/04266/FULL1.

4. RELEVANT PLANNING HISTORY

- 4.1 19/00216/FULL1 – Erection of first floor extension over part of existing building and formation of 6 apartments with 7 car parking spaces – was approved on 15.07.2019. According to the Appeal Inspector’s decision (21/04266/FULL1) the ground works have commenced, the permission is extant, with a prospect of

being completed as a fallback option, and it is therefore a material consideration in assessing any new scheme.

- 4.2 21/04266/FULL1 – Erection of first floor extension and Mansard roof over part of existing building and conversion of existing offices to form 4x dwellinghouses and 1x roof flat (total 5 units) with cycle storage, car parking spaces, refuse/recycling storage and landscaping was refused by the Council for the following reasons:
1. The proposal would overdevelop the site and would lead to an excessive, cramped and incongruous form and design of development out of keeping with the prevailing character and appearance of the site and the local area, harmful to the visual amenities of the site the wider Chislehurst Conservation Area contrary to Policies D4 and HC1 of the London Plan 2021 and Policies 3, 4, 8, 37 and 41 of the Bromley Local Plan 2019.
 2. The siting, mass and bulk of the proposed development would be significantly harmful to the amenity of occupiers of neighbouring buildings by reason of overshadowing and overbearing effect and it would fail to respect amenity of occupiers of neighbouring buildings contrary to Policy 37 of the Bromley Local Plan 2019.

In the corresponding appeal the Appeal Inspector agreed that the development would appear cramped and that its built form together with the proposed materials would not be visually separate from The Studio at the rear and it would be visually over dominant to the existing maisonette at 12A and to the smaller modest scale of the neighbouring dwellings at Ivy Cottage and Gravetts Cottage, and would therefore harm the character of this localised area. However the Inspector considered that the site location; within a rear courtyard area makes a limited contribution to the Conservation Area (CA) as the CA Supplementary Planning Guidance (SPG) mostly focuses on the frontages, and that the proposal would not affect the key attributes of the CA and upon specific locally listed and statutorily listed buildings, including the streetscene of the Royal Parade and the designated Heritage Assets which would continue to be preserved. The Inspector considered that the height and length of the additional storey and mansard roof would have a harmful effect on the outlook of neighbouring occupants at No. 12A although it would not be more harmful to The Studio. The Appeal Inspector consequently dismissed the appeal.

5. CONSULTATION SUMMARY

A) Statutory

- 5.1 Highway Department: No objection
Planning permission was refused for a previous scheme although not on highway grounds. The application site lies in an area with a PTAL 2 rating (on a scale where 0 has the poorest access and 6b has the best access to public transport services) indicating that the application site and the proposed development would be more dependent upon private transport such as the car or bicycle than on public transport, and indicating a potentially higher demand for car ownership and vehicle parking than an area/development with better public transport accessibility. Access to the site is via Royal Parade Mews, a private road with a narrow width, no dedicated pedestrian footpath and limited turning space with

limited turning at the end, and appears to be unlit. Given the narrow width of the access and parking area large vehicles would have difficulty entering the site, turning and leaving. Servicing and deliveries are likely to have to take place from Royal Parade causing obstruction to the free flow of traffic and inconvenience to other highway users and pedestrians. It is not clear how refuse collection would take place. Given the narrow width of the access and the lack of pedestrian footpath the proposal would cause conflict between vehicles and pedestrians. The proposal is for 3x 3-bedroom units and 2x 2-bedroom units; requiring 4.5 parking spaces according to The London Plan maximum standards and 6.5 spaces according to the Bromley Local Plan minimum standards. The proposal would provide 8 parking spaces for the new units and one space for the existing maisonette, which just exceeds the Local Plan minimum standard. Given the layout of the bays it is not clear whether they would be allocated or unallocated. The proposed cycle store would be positioned in a remote corner of the site, where it would not provide convenient access and lacking natural surveillance would be at risk of theft/vandalism, and the route to the store would be obstructed by the parking space for the maisonette, and this is likely to discourage its use and therefore lower the likelihood and frequency of cycling in the development. If planning permission is granted it will require a detailed CEMP, refuse storage/collection and delivery and serving plan.

B) Local Groups

- 5.2 APCA: comments 21/04266/FULL1 – The proposal is an overdevelopment, and its strident design is inappropriate for this mews location and in the setting of listed buildings such as Ivy cottage and non-designated heritage assets such as the former stable block which would be overwhelmed with much of its historic integral lost and the development allows no separation or legibility from other buildings such as the studio to the rear.

C) Adjoining Occupiers

- 5.3 Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

5.3.1 Procedural matters – addressed in section 7.1

- A revised red edged application site plan has been submitted however the concerns/objections raised still remain,
- The application relates to land outside the Applicant's ownership/control,
- There is inconsistency in the assumed property boundary,
- The application site does not include access from a public highway,
- Access to the development is over separate private land, notice has not been served on that owner, permission to pass over that land will not be granted, and the development could not be delivered,

5.3.2 Design and landscaping – addressed in section 7.6

- Over intensification of residential development,
- Overdevelopment of the site,

- 5.3.3 Residential amenity – addressed in section 7.8
- Overshadowing to neighbouring properties,
 - Upper floor windows and patio areas are unnecessary and overlook neighbouring properties,
 - Noise impact to neighbouring properties during and after construction,
- 5.3.4 Highways and parking – addressed in section 7.9
- High parking stress in the area,
 - Insufficient on-site parking
 - Additional parking pressure/stress exacerbating existing on-street parking,
 - Constrained turning space would hinder service and delivery for large vehicles,
- 5.3.5 Drainage and flooding – addressed in section 7.11
- Additional properties would exacerbate existing poor drainage utilities,
- 5.3.6 Ecology – addressed in section 7.12
- Impact on wildlife and ecology,
- 5.3.7 Other – addressed in section 7.1
- Impact on neighbouring property values,
- 5.4 The above is a summary of comments received and the full text is available to view on the Council's website.

6. POLICIES AND GUIDANCE

6.1 National Policy Framework 2023

6.2 NPPG

6.3 The London Plan

H1 Increasing Housing Supply

H2 Small sites

H10 Housing size mix

D3 Optimising site capacity through the design-led approach

D4 Delivering Good Design

D6 Housing quality and standards

D14 Noise

HC1 Heritage conservation and growth

S13 Sustainable Drainage

T5 Cycling

T6.1 Residential parking

DF1 Delivery of the Plan and Planning Obligations

6.4 Mayor Supplementary Guidance

The Mayor's Housing Supplementary Planning Guidance (March 2016)
London Plan Guidance Housing Design Standards (June 2023)

6.5 Bromley Local Plan 2019

1 Housing Supply
3 Backland and Garden Land Development
4 Housing Design
9 Residential Conversions
10 Conversion of Non-Residential Buildings to Residential
30 Parking
32 Road Safety
37 General Design of Development
38 Statutory Listed Buildings
39 Locally Listed Buildings
41 Conservation Areas
83 Non-Designated Employment Land
115 Reducing Flood Risk
116 Sustainable Urban Drainage Systems
119 Noise Pollution

6.6 Bromley Supplementary Guidance

Urban Design Supplementary Planning Document (Bromley, 2023)

7. ASSESSMENT

7.1 Procedural matters

7.1.1 In response to the Council and representations received, the Applicant has submitted an amended red edged application site plan which they state is correct and that they have right of way over the private highway of Royal Parade Mews to access the application/development site. Matters of land ownership, boundaries, means of access over private land are not a planning matter, they are private/civil matters to be addressed by the parties concerned. If planning permission is granted it does not convey any permission or consent that might also be separately required from a relevant landowner(s) and as such if permission to build on land or to access private land is not forthcoming, then it is possible that a development cannot be implemented. As such the Council has endeavoured to address this issue/matter and based on the information submitted is able to continue to determine the planning application as submitted. If planning permission is granted it is for the relevant individual parties to address the land ownership/access issues and to obtain any necessary consents or permissions from the landowner(s). Matters of construction impacts such as upon the condition/structure/stability of neighbouring land or on public utilities and infrastructure, and effects on property values, are not a planning matter, although

they may relate to other legislation such as Building Regulations, and are a matter for the parties/utilities companies involved.

7.2 Resubmission

7.2.1 As mentioned above the current application follows the previous application 21/04266/FULL1 and according to the application details compares/differs in ways including the following:

- reduction in size and scale of mansard roof formation,

7.2.2 The current proposal is therefore materially different from the previously proposed scheme, and it will be assessed on its own merits.

7.3 Principle of development – Acceptable

7.3.1 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. 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.

7.3.2 Paragraph 119 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.

7.3.3 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.

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

7.3.5 For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development may apply. It is noted that the appeal derived FYHLS figure assumes the new London Plan target of 774 units

per annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019.

- 7.3.6 Paragraph 11 of the NPPF (2023) 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.
- 7.3.7 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.
- 7.3.8 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.
- 7.3.9 This proposal would provide 5 new dwellings, representing a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.
- 7.3.10 The application lies within the Conservation Area which is a designated heritage asset and therefore an area where policies in the NPPF that protect such areas or assets of particular importance, may give a clear reason for refusing the proposed development and in that event the presumption in favour of sustainable development would not apply as directed in paragraph 11. d) i. 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.
- 7.3.11 The application site lies within the confines of a built up village location. The location of the proposed new building/extension itself lies within the village area where there is no objection in principle to the loss of the employment site and

new residential development at the site although it lies within a Conservation Area and close to statutorily listed buildings where any new development may be constrained in the interest of preserving the historic setting/context of the application site. Furthermore, it is noted that the earlier permission 19/00216/FULL1 for 6 flats within part(s) of the building could be completed and the principle of that development is a material consideration in assessing a new application. For these reasons there is no objection in principle to residential development at the site, although this is subject the other detailed considerations set out herein.

7.4 Land use – loss of employment site – Acceptable

7.4.1 Policy 83 of the Local Plan (Non-Designated Employment Land) states that proposals for change of use or redevelopment of non-designated sites containing Class B uses for alternative employment generating uses will normally be allowed provided that the amenity of any nearby residential areas is not detrimentally affected. However, it was demonstrated in the earlier application (19/00216/FULL1) and accepted by the Planning Committee Members that there would not be an unacceptable loss of a viable office use at the site, thereby establishing the principle the loss of the commercial use and the change of use from office to residential, and given the unchanged Development Plan Policy context the current proposal does not alter this conclusion.

7.5 Housing matters – Acceptable

7.5.1 Unit size and mix

7.5.1.1 New development is expected to provide mixed and balanced communities. The Bromley Local Plan does not set a prescriptive unit size breakdown and individual sites are assessed on a case by case basis in consultation with the Council's Housing Department. The 2014 SHMA highlights that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2 bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of units sizes and considered on a case by case basis.

7.5.1.2 This proposal would provide 3x 2-bedroom 4-person units and 3x 3-bedroom 5 person units, and would not directly reflect the greater need for smaller 1-bedroom units within the Borough although balanced with the density characteristics of the area it may provide a suitable arrangement within this area.

7.5.2 Standard of residential accommodation

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

- 7.5.2.2 Policy D7 of the London Plan - Accessible Housing, states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and; all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. The relevant category of Building Control Compliance should be secured by planning conditions. The proposal would comprise a purpose built residential development and should either provide directly accessible/adaptable homes and/or opportunity for future adaptation to comply with this requirement. In this case it is proposed to provide 5 new dwelling(s) and category M4(2) is applicable, and this could be managed by condition.
- 7.5.2.3 Policy 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity. 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 London Plan's 'Housing quality and standards'.
- 7.5.2.4 The minimum space standard for the proposed 2-bedroom 4-person (2b4p) to 3-bedroom 5-person (3b5p) units ranges from 70sqm–99 sqm with corresponding room size/dimension requirements. The proposed units would exceed the relevant internal space standards, room sizes and room dimensions including the relevant ceiling heights where the mansard roof has been reduced. It would also provide exterior balcony/terrace private amenity space for the 3x 3-storey units in the centre. Although the 2x end units would not have exterior amenity space they would comfortably exceed the overall floor space standard, and this would go towards offsetting the absence of external space. Overall, in this context and having regard to a numerical/quantitative analysis and a qualitative analysis the proposed dwelling would appear to function reasonably well in terms of their internal space and layout.
- 7.5.2.5 The Council's Environmental Health (Housing) Department notes some of the internal layouts, with bedrooms accessed directly off communal areas and combined kitchen/dining/living spaces, would compromise the living environment for the future occupants however although they may not be ideal, they are not necessarily unusual and furthermore do not differ significantly from the previously approved scheme. Many of the units would have a less desirable single aspect and some of the rooms in some of the units would not have an ideal outlook however the main living spaces and bedrooms would have a normal window and in some cases another secondary window or patio door and some of the other interior spaces would have a roof light window and this would provide an overall suitable living arrangement.

- 7.5.2.6 The Council's Environmental Health Department notes potential issues of landownership (of the whole site), rights of way and access to the existing/proposed properties and potential conflict that might arise therefore affecting the standard of living for the future occupants. Notwithstanding this, matters of landownership and private rights of way are a private/civil matter to be addressed by the private individual parties involved and not a planning matter. Furthermore, the principle for the development and this arrangement has already been established in the previous permission.
- 7.5.2.7 The Council's Environmental Health Department noted that the site lies within a mixed residential and commercial area where previous commercial uses and may have lead to contaminant linkages and or other effects on the residential amenities of future occupants and neighbouring properties and considers that this could be addressed through a site inspection/investigation and recommended mitigation measures as necessary and that there is no objection in principle subject to the recommended conditions.
- 7.5.2.8 The Council's Waste Services has not commented on the refuse/recycling storage and collection arrangement, nonetheless there are existing dwelling(s) on the site including No. 1 Royal Parade Mews which is served by the Council's Waste Services arrangements.

7.6 Design and landscaping – Acceptable

- 7.6.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.6.2 NPPF paragraph 131 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.6.3 NPPF paragraph 135 requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for

existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 7.6.4 Policy 37 of the Bromley Local Plan requires all development proposals, including extensions to existing buildings, to be of a high standard of design and layout. Policies 43 and 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.
- 7.6.5 Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.
- 7.6.6 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.6.7 Policy D3 of the London Plan relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.
- 7.6.8 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.
- 7.6.9 As set out above the Appeal Inspector noted the two storey built form of extant permission 19/00216/FULL1 (which could be constructed) and considered that the width, height and overall scale of the previously proposed third storey of the appeal scheme 21/04266/FULL1 would have appeared cramped within the site, it would not have been sufficiently separate from the Studio at the rear and it would have been over dominant to the existing retained maisonette building at No. 12A. The current proposal maintains the ground and first floor elements of the appeal scheme 21/04266/FULL1 (and the extant scheme 19/00216/FULL1) and in terms of the second floor and it would split the mansard roof into two separate elements and reduce its maximum width setting it in from both sides. As such it would allow views through to the roof of The Studio behind and it would have a generally less extensive roof formation which would be less dominant to The Studio, to No. 12A Royal Parade Mews and to the more modest scale of Ivy Cottage and Gravetts Cottage. In light of these reductions in size and scale and the greater separation from the neighbouring properties, the remainder of the design and the external materials would appear suitable to this reduced scale of building and would not appear out of keeping, as the Appeal Inspector did not

appear to object to the principle of this design approach, subject to its scale and massing. Notwithstanding this, the detail of the proposed external materials are required for the Council's consideration and approve to ensure they would be appropriate and sensitive to this location.

- 7.6.10 Notwithstanding this, although the proposed dwelling would be considered acceptable in its current form and in relation to the site context and its surroundings; including the neighbouring dwellings, it is possible that the dwelling(s) could potentially be substantially further extended through permitted development rights, such as upper floor extensions, and this could be significantly harmful to the character of the area and/or the amenities of neighbouring properties and therefore it would be prudent to remove the permitted development rights through planning condition.
- 7.6.11 The NPPF and Bromley Local Plan Policies 4 and 37 encourage all new housing developments to include appropriate measures to maximise security and prevent crime and in terms of security and crime prevention measures the development has the potential to achieve the physical security requirements of Secured by Design incorporating the use of tested and accredited products this development will be safer and more secure and providing a more resilient and attractive development overall including: approved doors, windows and locks, post boxes, robust/secure cycle store and the Developer can be reminded of this by planning informative.

7.7 Heritage Assets – Acceptable

- 7.7.1 NPPF Section 16 sets out the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.
- 7.7.2 NPPF paragraphs 207-208 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.7.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 7.7.4 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive

contribution but also through development that leaves the character or appearance of the area unharmed.

7.7.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

7.7.6 The Appeal Inspector noted the location of the site within the Chislehurst Conservation Area summarising that its significance visually and in terms of character is in still retaining the atmosphere and character of a traditional village or small market town, enhanced by elegant street trees and the visual immediacy of the commons. The Inspector observed that in the Sub-Unit 5 Royal Parade the parade itself, also comprising locally listed buildings, is its key feature comprising a retail and service node with a strong range of facilities and particularly specialist shops, and that the parade provides the area with a substantially different character from most other parts of Chislehurst. The Inspector also noted the statutorily listed buildings including Gravetts Cottage and Ivy Cottage, and Walton Lodge at the entrance to Royal Parade Mews contributing towards this group of heritage assets. Notwithstanding this, the Inspector observed that the application site itself forms part of a rear courtyard area behind the key Royal Parade section and that Royal Parade Mews is not historic and does not contribute significantly towards the wider Conservation Area and notwithstanding the Inspectors objection in pure design terms, did not consider that the appeal scheme harmed the key attributes of Royal Parade as a focal point, nor the visual setting and importance of the heritage assets or its relationship with the adjacent commons. As such the Inspector noted that the proposal would not be prominent within the streetscene and would be separated from the listed buildings and did no object to the loss of some attractive historic patina from the application site as it is not itself a designated heritage asset. As mentioned, the current proposal; seeking to address the Inspectors objections in design terms and residential amenity terms would have a smaller roof formation and mass and as such this would have a neutral if not a reduced impact in heritage terms compared with the appeal scheme considered by the Inspector.

7.8 Neighbourhood Amenity – Acceptable

7.8.1 Policies 4, 6 and 37 of the Bromley Local Plan 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.

7.8.2 The Appeal Inspector; observing that the roof formation was the main difference between the appeal scheme and the extant scheme, noted that the length/width, height and overall massing of the appeal scheme and its proximity would have a harmful effect on the outlook of No. 12A Royal Parade Mews. However, the Inspector did not consider that the roof formation in the appeal scheme would adversely affect The Studio. As mentioned, the current proposal would amend

the roof formation separating it into two individual roofs and set in from each side, and this would reduce the impact on the outlook of the neighbouring properties including No. 12A.

- 7.8.3 The existing building beneath No. 1 Royal Parade Mews is an existing office space, its southern elevation forms the boundary with No. 9 Church Row, which does not appear to have another boundary or form of screening in between, and it has two windows in the ground floor south elevation facing into No. 9 Church Row. However those windows are higher level and obscure glazed and the application details confirm that they would remain as such, in order to preserve neighbouring privacy amenity, whilst maintaining a suitable standard of accommodation for the future of occupants of this proposed residential part of the building (compared with the existing office part of the building and the undercroft parking area in the previously approved scheme 19/00216/FULL1), and this could be managed by planning condition.

7.9 Highways – Acceptable

- 7.9.1 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.
- 7.9.2 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.
- 7.9.3 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.
- 7.9.4 The Council's Highway Department raised concern over the nature of the access into the site; its narrow width, absence of a pedestrian footpath, and the limited turning space within it particularly to accommodate larger vehicles such as emergency services, refuse vehicles or delivery vehicles. However, notwithstanding this, the current scheme and the appeal scheme did not alter the red edged application site area from the and would not encroach further into the highway of Royal Parade Mews than the extant scheme and it would therefore have the same access and turning space than in the extant scheme. The proposal would provide 8 parking spaces for the new units and one space for the existing maisonette, exceeding the London Plan maximum standard of 4.5 spaces and the Bromley Local Plan minimum standard of 6.5 spaces. The layout and allocation of the bays is unclear however this could be confirmed if necessary. The proposed cycle store is not ideally located, obstructed by a proposed parking space, and located in a remote corner overall not as

encouraging to cyclists as it could be however again this would not differ significantly from the extant scheme. If planning permission is granted it will require a detailed CEMP, refuse storage/collection and delivery and serving plan. Neither the Council nor the Appeal Inspector objected to this part of the appeal scheme and the current proposal would not differ in this regard.

7.10 Climate change, sustainable construction and energy saving

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

7.10.2 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 S12 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.

7.10.3 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.

7.10.4 The proposal would involve existing and new building elements offering the opportunity for some modern construction; energy efficiency measures, and the opportunity to incorporate renewable energy generating technology such as air source heat pumps and/or solar panels, thereby contributing towards carbon dioxide emissions savings. Neither the Council nor the Appeal Inspector objected to this part of the appeal scheme and the current proposal would not differ in this regard.

7.11 Drainage Flooding

7.11.1 There is no objection from the Council's Drainage Engineer or Thames Water regarding drainage matters. Neither the Council nor the Appeal Inspector objected to this part of the appeal scheme and the current proposal would not differ in this regard.

7.12 Ecology

7.12.1 Although the site is not a designated site for nature conservation given the age and condition of the existing buildings and proximity to trees and areas of woodland it could nonetheless potentially offer suitable habitat and/or commuting/foraging habitat and any demolition and site clearance should be undertaken in accordance with the Natural England precautionary approach and could be managed by planning condition/informative.

8.CIL

- 8.1 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

9. CONCLUSION

- 9.1 The NPPF (2023) sets out in paragraph 11 a presumption in favour of sustainable development. 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 terms of decision making, where a plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole.
- 9.2 As mentioned, the application site is designated land protected by policies in the Framework [NPPF], which may provide a clear reason for refusing the development, however in this particular case they do not provide a clear reason for refusing the development and as such the presumption in favour of sustainable development in NPPF 11 d) does apply.
- 9.3 Having regard to the above it is considered that the development in the manner proposed is acceptable in that it would not impact detrimentally on the character of the area, it would not result in a significant loss of amenity to local residents nor other adverse impacts.
- 9.4 There are also no other adverse impacts of the scheme that are considered to significantly and demonstrably outweigh the economic, social and environmental benefits of the scheme when considering the objectives of the NPPF as a whole. The balance test is therefore tilted towards granting planning permission and the scheme is considered to be acceptable overall. Subject to compliance with the approved drawings and documents and implementation of the recommended works undertaken where necessary, it is concluded that the application should be approved.
- 9.5 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

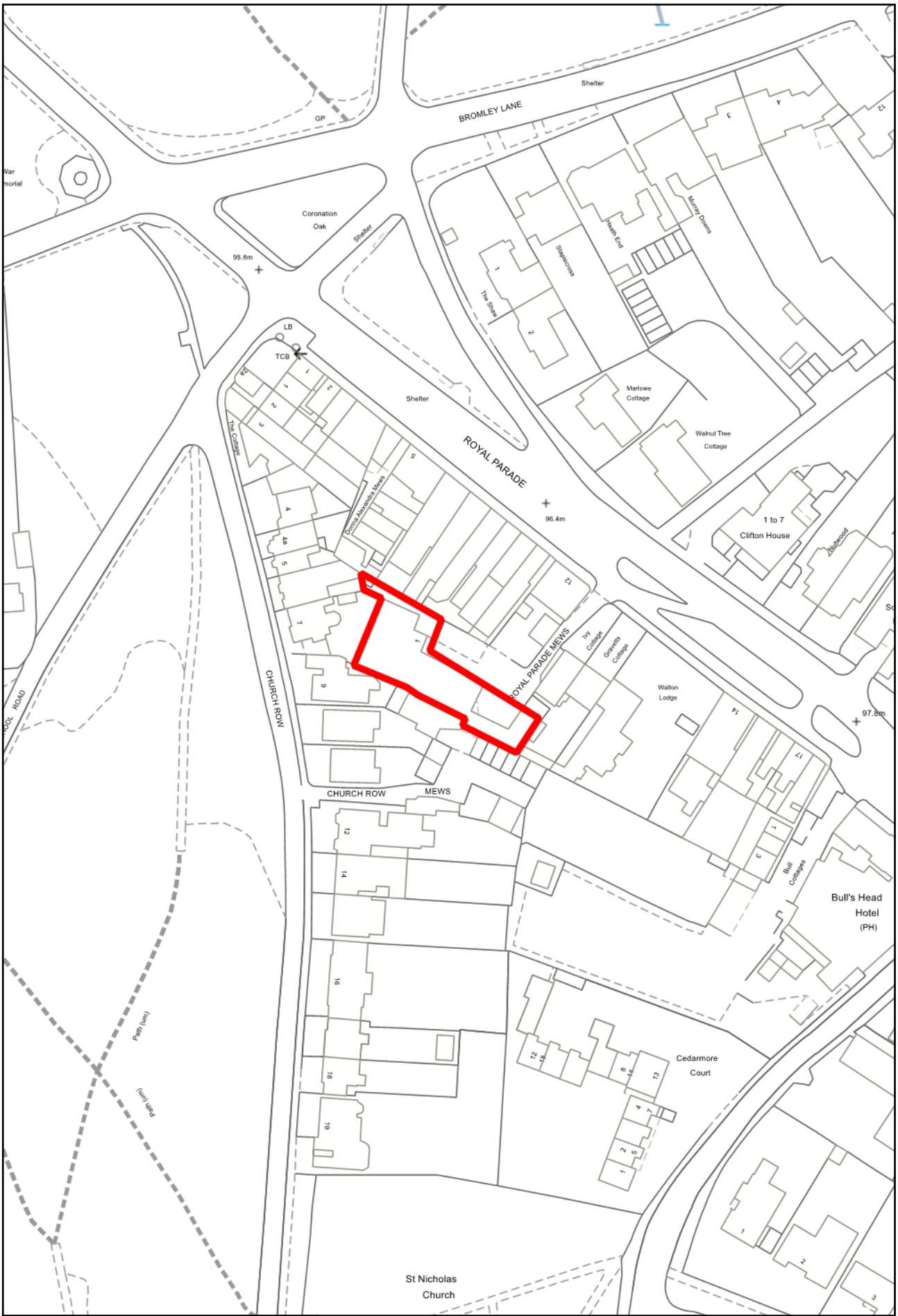
Subject to the following conditions:

Statutory time limit
Accordance with the approved plans/details
Existing site ground levels and proposed slab levels
Scheme for Surface Water Drainage
Contaminated Land Assessment and Mitigation
Sound insulation


Construction and Environmental Management Plan
External materials
Landscaping (soft and Hard)
Refuse Storage Details
Cycle parking Details
Obscure glazing/restricted opening windows (ground floor southern boundary)
Balcony privacy screening
Provision of parking/turning spaces
Restricted permitted development rights (extensions/alterations)
Restricted upward extensions
Wheel wash facility
Electric vehicle charging points
Accessible adaptable dwellings
Low NOx gas boilers
Non-road mobile machinery emissions
Ecology precautionary approach

Any other planning condition(s) considered necessary by the Assistant Director of Planning.

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23/03457/FULL1



31 January 2024

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Agenda Item 4.5

Committee Date	08.02.2024	
Address	Betts Park Croydon Road Penge London	
Application Number	23/03655/FULL1	Officer - Louisa Bruce
Ward	Crystal Palace And Anerley	
Proposal	Erection of a cast stone obelisk with concrete core on an existing stone plinth, to create a monument of approximately 6m in height	
Applicant	Agent	
Mr Alan Pottinger 17 Ridsdale Road London SE20 8AG		
Reason for referral to committee	Council owned land	Councillor call in No

RECOMMENDATION	PERMISSION
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<p>KEY DESIGNATIONS</p> <p>Area of Deficiency in Access to Nature Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Renewal Area Sites of Interest for Nat. Conservation Smoke Control SCA 32 Urban Open Space Views of Local Importance</p>
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Representation summary	<i>A site notice was displayed on the notice board on Anerley Road on the 31st October 2023.</i>	
Total number of responses		3
Number in support		1
Number of objections		2

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The applicant has evidenced why the obelisk statue has been chosen to be installed within the centre of Betts Park. Furthermore, the proposed statue has been sensitively designed to limit the impact on the Urban Open Space.
- The scale, height, layout and appearance of the proposed development would respond appropriately to its setting and given its siting would not cause undue harm to neighbouring amenity.
- It is considered the proposed development would be built from appropriate material and is recommended for permission.

2. LOCATION

- 2.1 Betts Park is a small public park in Anerley, London SE20 with a free outdoor gym, children's playground, basketball courts and football field, set across 13 acres of the ancient Penge Common.
- 2.2 Betts Park is owned by the London Borough of Bromley. *Friends of Betts Park* is a community volunteer organisation dedicated to maintaining and improving the park.
- 2.3 The park is located between Seymour Villas and Anerley Road. The site is designated as lying within an Area of Urban Open Space.



Figure 1 – Site location plan



Figure 2 – photograph of the existing plinth



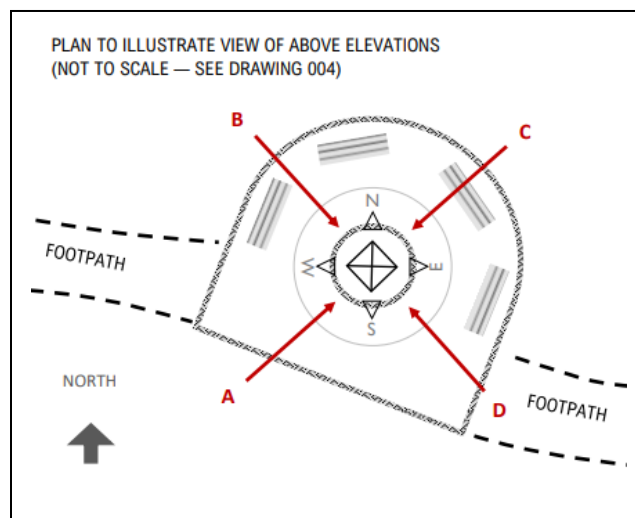
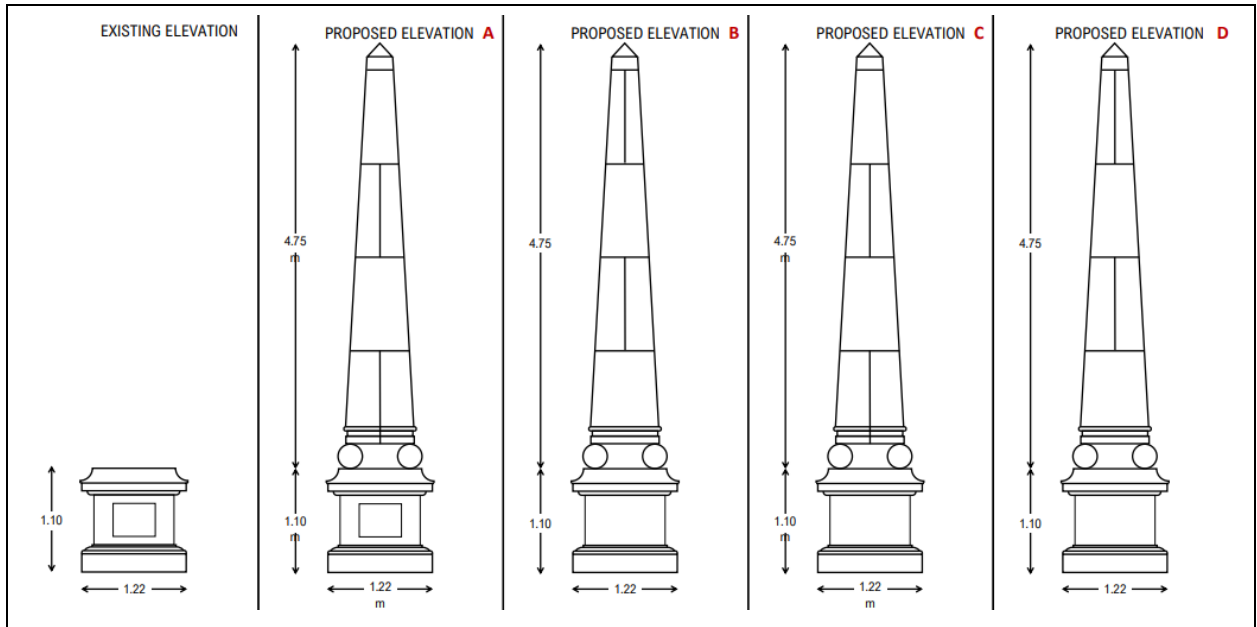
Figure 3 – photograph of Betts Park



Figure 4 – wider photograph of Betts Park (including the existing plinth)

3 PROPOSAL

- 3.1 Planning permission is sought for the erection of a cast stone obelisk with concrete core on an existing stone plinth to create a monument of approximately 6m in height.



4. RELEVANT PLANNING HISTORY

4.1 No recent planning history

5. CONSULTATION SUMMARY

A) Statutory

Heritage & Conservation Officer – *no objection*

No heritage objections.

Metropolitan Police (Secure by Design Officer) – *no objections*

Having looked at the proposal it would not be something I would be commenting on.

Highways – *no objections*

TfL – *no objections*

Having assessed the proposals, we can confirm that TfL has no comments to make on this planning application regarding strategic transport issues. We would, however, expect the application to be determined in line with relevant London Plan policy and guidance plus that issued by TfL including the Mayor's Transport Strategy.

B) Local Groups

No comments were received from any local residents groups.

C) Adjoining Occupiers

Nearby owners/occupiers were notified of the application and several letters of objection and support were received, which can be summarised as follows:

Objection

- The park is an open space of natural beauty in the midst of a concrete jungle. The last thing needed is more concrete imposed on it, never mind the environmental damage.
- It will ruin the view of the trees in the park. Obelisks are traditionally used to commemorate something, which this does not.

Support

- A great addition to a gem of a park in Penge

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 National Planning Policy Framework was updated on the 19th December 2023.

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

6.5 The London Plan 2021

- D1 London's form and characteristics
- D4 Delivering Good Design
- D8 Public Realm
- HC1 Heritage conservation and growth
- G4 Open Space
- G7 Trees and woodlands

6.6 Bromley Local Plan 2019

- 37 General Design of Development
- 45 Historic Parks and Gardens
- 46 Ancient Monuments and Archaeology
- 55 Urban Open Space
- 73 Development and Trees
- 79 Biodiversity and Access to Nature

6.7 Bromley Supplementary Guidance

Bromley Council's Urban Design Guidance – July 2023

7. ASSESSMENT

7.1 Background

7.1.1 The friends of Betts Park applied for funding from the Council's Platinum Jubilee Parks Fund to restore the historic monument. The friends have been working with Iverde and the Council to obtain quotes from Stonemasters to carry out the works.

Should planning permission be granted Idverde would procure the works on behalf of the Council.

- 7.1.2 The specific location was chosen as it was the site of the 1960 Penge Urban District Council diamond jubilee monument, celebrating independence from Battersea - the existing plinth held an armillary sundial which was removed by the new Bromley Council in 1965 (probably for safety reasons).
- 7.1.3 Betts Park is the only remaining undeveloped fragment of the original Penge Common, dating back to 956AD. This end of the park is significant as it has original trees from the Common, the last remaining canal in south London, and was where the town of Anerley was founded in 1827.
- 7.1.4 An obelisk was selected as the Friends of Betts park wanted a monument that was non-religious and non-military, yet would link Anerley to its Victorian heritage, to the Crystal Palace, and to the inter-war period when the current Betts Park was established in 1928 - Egyptomania was a strong influence throughout this period and will neatly link to the *art deco* "King George V" gates at the Croydon Road end of the park (when they are refurbished and reinstated under a separate project).
- 7.1.5 The group wanted a monument that references the 1960s sundial by casting a shadow on the points of the compass that remain around the old plinth, and that is bold enough to act as a statement for the *Heart of Anerley Campaign* during the bicentenary in 2027.
- 7.1.6 To this purpose the obelisk will be dedicated at the bicentenary to *all the people whose names never appear on memorials*. It is intended to publicly represent the past, present and future of all the diverse people who built own small town, connected by one timeless symbolic.

7.2 Principle of development/Land use - *Acceptable*

- 7.2.1 The site is located within land designated as Urban Open Space (UOS), Policy 55 of the Bromley Local Plan sets out that “proposals for built development in Urban Open Space (UOS) will be permitted only under the following circumstances:
 - a - The development is related to the existing or allocated use (in this context, neither residential nor indoor sports development, other than sports development related to educational use on the site, will normally be regarded as being related to the existing use); or
 - b - The development is small scale and supports the outdoor recreational uses or children's play facilities on the site; or
 - c - Any replacement buildings do not exceed the site coverage of the existing development on the site”.
- 7.2.2 The proposed statue whilst not related to education or outdoor sport of children’s play facilities it can be considered small scale and does not exceed the sites coverage. The proposed development will allow users to observe a statue which is

dedicated at the bicentenary to all the people whose names never appear on memorials.

7.3 Design – Layout, scale height and massing - *Acceptable*

- 7.3.1 Paragraph 131 of the NPPF (2023) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.3.2 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.3.3 Policy D3 of the London Plan relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.
- 7.3.4 Policy 37 of the Bromley Local Plan requires a high standard of design and layout in all new development which should complement adjacent buildings and areas and positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features. Space about buildings should also provide opportunities to create attractive settings with hard or soft landscaping (including enhancing biodiversity) and should allow for adequate daylight and sunlight to penetrate in and between buildings. Suitable access should also be provided for people with impaired mobility and meet the principles of inclusive design. In addition, Policy 37 highlights that development proposals should also respect non designated heritage assets and should be accompanied by a written statement setting out design principles and illustrative material showing the relationship of the development to the wider context.
- 7.3.5 The statue will be located in the park at the convergence of several pathways. Presently there is a plinth which was erected on the site in the 1960's which originally held a brass type armillary sundial. It is proposed to retain and reuse the existing plinth for the new installation.
- 7.3.6 The obelisk will be installed on top of the existing stone plinth which measures approximately 1.2m in width x 1.1m in height. The stone obelisk will measure approximately 6m in height (including the height of the plinth).
- 7.3.7 The obelisk will be constructed from a cast stone shell, infilled with poured concrete for strength.

7.3.8 It is intended that the base plinth will eventually have a plaque in the existing recess that once held a brass badge of Penge Council. The plaque will be added at a later date to coincide with the bicentenary of Anerley in 2027.

7.4 Impact on Neighbouring Amenity - *Acceptable*

7.4.1 Policy 37 (e) of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

7.4.2 The proposed obelisk statue would be sited away from the boundaries of the site, with the closest residential properties being located on Seymour Villas, Croydon Road and Anerley Road. Given the separation and the relatively modest height of the obelisk, there is not considered to be any significant adverse in impact on light, outlook or privacy resulting from the proposed development.

7.4.3 Concerns have been raised locally in respect of the proposed statue and its impact of the statue on the open nature of the park. The objections in this regard have been considered and in view of the relatively slender nature of the obelisk it is not considered to impact detrimentally upon the views across the park.

8. CONCLUSION

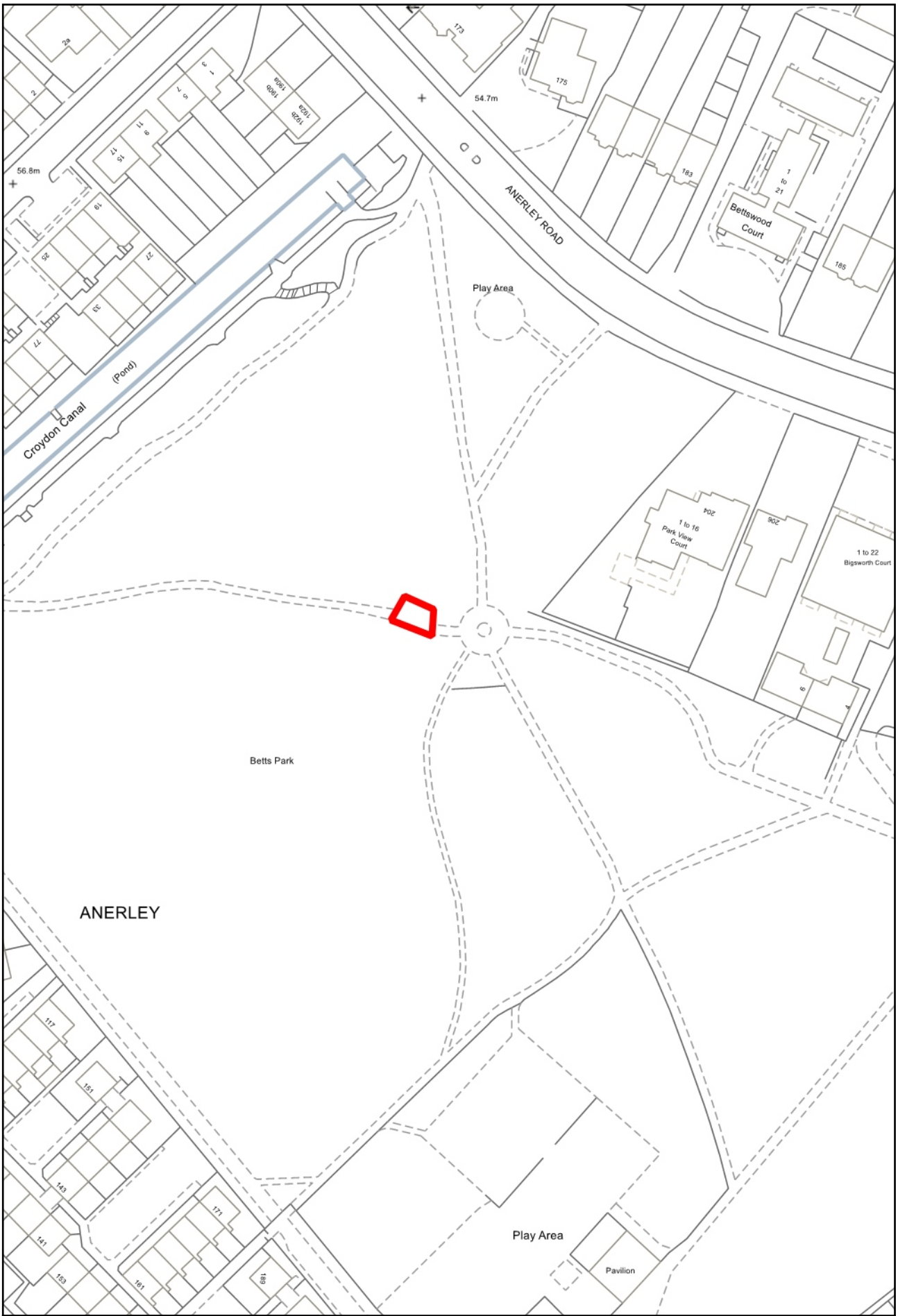
8.1 The Friends of Betts Park have provided evidence behind the reasoning for the installation of the obelisk structure. The scale, height, layout and appearance of the structure would respond appropriately to its setting and given its siting would not cause any undue harm to neighbouring amenity. The proposed structure has also been sensitively designed to limit the impact on the Urban Open Space and it is considered that the proposed development is acceptable.

RECOMMENDATION: Permission


Conditions


1. Time Period
2. Compliance with approved plans
3. In accordance with submitted materials

Any other planning condition(s) considered necessary by the Assistant Director (Planning and Building Control).




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23/03655/FULL1



31 January 2024

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Agenda Item 4.6

Committee Date	08.02.2024	
Address	51 Sweeps Lane Orpington BR5 3PE	
Application Number	23/04083/FULL6	Officer - Jennie Harrison
Ward	St Mary Cray	
Proposal	Reduction of height and depth of existing extension	
Applicant	Agent	
Mr A Soile	Mr A Martin	
51 Sweeps Lane Orpington BR5 3PE	Lyondale Crown House Home Gardens Dartford DA1 1DZ	
Reason for referral to committee	Effective enforcement notice at the site	Councillor call in No

RECOMMENDATION	Permitted
-----------------------	-----------

<p>KEY DESIGNATIONS</p> <p>Area of Archaeological Significance Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Renewal Area Smoke Control SCA 20</p>

Representation summary	Letters to neighbours were sent out on the 26.10.2023 and 15.01.2024	
Total number of responses	2	
Number in support	0	
Number of objections	2	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The depth of the extension would be reduced to that which was previously approved from application with reference 04/03570/FULL6
- The height of the extension would be reduced from 4.2m to 3m

2. LOCATION

- 2.1. The site hosts a part two/three storey semi-detached dwelling which is situated on the Northern side of Sweeps Lane, Orpington.

Figure 1: Location Plan:



3. PROPOSAL

- 3.1 An enforcement notice under ref: 21/00368/CHANGE, was issued on 26th May 2022. An appeal was subsequently submitted and upheld. The notice required:
- Removal unauthorised extension
 - Removal from the land all resulting debris and materials as a result of the above.
 - The period for compliance with the requirements was 10 months.
- 3.2 To address the enforcement notice planning permission is sought part-retrospectively for a single storey rear extension with a reduced height and depth from that which is currently on site.

Figure 2: Existing and proposed ground floor plan:



Figure 3: Existing and proposed rear elevation:



Figure 4: Existing and proposed side elevation:



Figure 5: Existing and proposed front elevation:

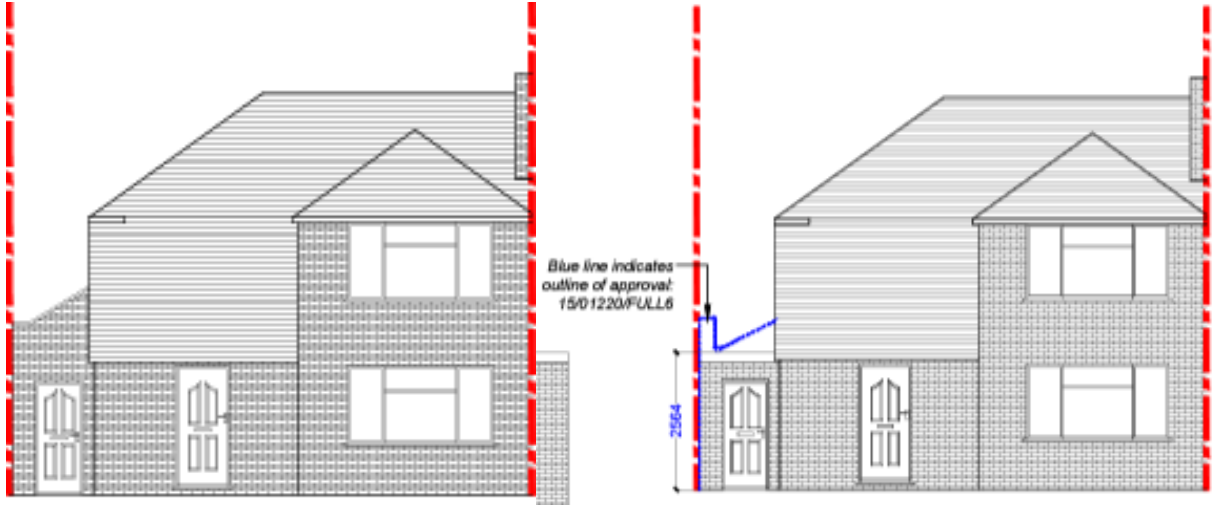


Figure 6: Photograph of the site from the front:



Figure 7: Photograph of the site from the rear:



4. RELEVANT PLANNING HISTORY

- 4.1. The relevant planning history relating to the application site is summarised as follows:
- 4.2. 03/02216/FULL6 - Single storey rear extension for conservatory – Permitted
- 4.3. 04/03570/FULL6 - Single storey side/rear extension - Permitted
- 4.4. 15/01220/FULL6 - Single storey rear/side extension - Permitted
- 4.5. 21/04728/FULL6 - Single storey rear/side extension (RETROSPECTIVE) - Refused

For the following reasons:

1. *The proposed extension, by way of its combined scale, excessive height, depth and siting, would result in a dominant, visually intrusive and overbearing form of development, which overwhelms the rear elevation of the host building and adversely impact the amenities of No. 49 Sweeps Lane by reason of loss of outlook and increased sense of enclosure, contrary to Policies 6 and 37 of the Bromley Local Plan.*

The appeal decision concluded:

“The excessive overall height, depth and scale of the extension has introduced an overly dominant and visually discordant feature, which fails to harmonise with the host building and the surrounding area. Therefore, the development has a harmful effect upon the character and appearance of the host building and the area.”

“The unauthorised rear extension is built along the shared boundary with 49 Sweeps Lane (No 49), which also has a single storey rear and side extension along this boundary. However, the structure at No 49 is relatively small in height and width. The unauthorised rear extension at No 51 is far greater in width and height than the neighbouring rear extension constructed at No 49, and the height of the extension rises well above the existing boundary treatment, which has resulted in a large expanse of the flank wall of the extension, built along this boundary.”

“The unauthorised extension appears as a dominant feature in the outlook from windows in the rear elevation of this neighbouring property at ground floor level and from the garden itself. In this respect the unauthorised rear extension creates an increased sense of enclosure to the neighbouring occupiers of No 49, which harms their living conditions.”

- 4.6. 23/01327/FULL6 - Reduction of height of existing extension - Refused

For the following reason:

1. *The proposed extension, by way of its combined scale, excessive height, depth and siting, would result in a dominant, visually intrusive and overbearing form of development, which overwhelms the rear elevation of the host building and adversely*

impact the amenities of No. 49 Sweeps Lane by reason of loss of outlook and increased sense of enclosure, contrary to Policies 6 and 37 of the Bromley Local Plan.

5. CONSULTATION SUMMARY

A) Statutory

None were received.

B) Local Groups

None were received.

C) Adjoining Occupiers

Nearby owners/occupiers were notified of the application representations were received which can be summarised as follows:

- Plans do not reflect the existing materials
- Concerns regarding how excessive rainwater will be drained
- Floor plan still extends out excessively relative to the original house
- Would not conform to the look and feel of the other residential houses
- Overly dominant and visually discordant
- Unauthorised developments and repetitive plans are draining for neighbours
- Worse outlook for number 49
- Materials are not in keeping
-

6. POLICIES AND GUIDANCE

National Planning Policy Framework 2023

NPPG

The London Plan

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

Bromley Local Plan 2019

- 6 Residential Extensions
- 37 General Design of Development

Bromley Supplementary Guidance

- Urban Design Supplementary Planning Document (July 2023)

7. ASSESSMENT

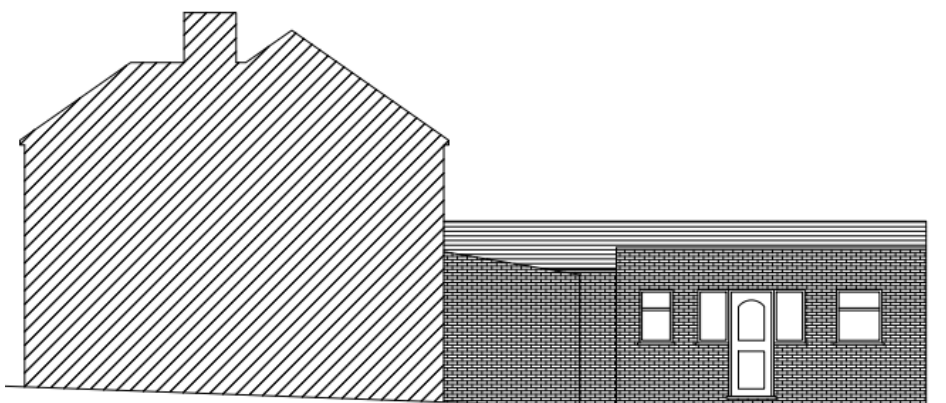
7.1 Resubmission

- 7.1.1 Under reference 23/01327/FULL6 for 'Reduction of height of existing extension' where the pitched roof remained and was reduced to a maximum height of 3.8m. The floor plans and depth of the extension remained unchanged.

Figure 8: Existing elevations from 23/01327/FULL6



Figure 9: Proposed elevations from 23/01327/FULL6





7.1. Design - 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 BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.1.3. Policies 6 and 37 of the Bromley Local Plan and the Council's Supplementary Planning Guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.
- 7.1.4. The alterations to the extension would introduce a significant expanse of flat roof, and whilst this would not reflect the character and appearance of the existing dwelling, this would not have any significantly detrimental impact on the character and appearance of the host dwelling.
- 7.1.5. A small part of the extension would be visible from the front of the property, however the alterations to the roof would not have any significant impact on the character and appearance of the street scene.
- 7.1.6. The extension is proposed to be reduced in depth by 0.9m, whilst this is a small alteration to the overall depth, this would comply with the permission that was granted in 2004 and would have a height of 2.9m. It is considered that this reduction in bulk would, on balance, help to maintain the character and appearance of the host dwelling and street scene.
- 7.1.7. Having regard to its scale, siting and appearance, the proposal would complement the host property and would not appear out of character with surrounding development or the area generally.

7.3 Neighbourhood Amenity – Acceptable

7.3.1 Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

7.3.2 The proposed alterations to the extension would significantly reduce the bulk of the development and would be similar in scale to the proposal that was permitted under references 04/03570/FULL6 and 15/01220/FULL6.

Figure 10: Proposed plans from 15/01220/FULL6 (permitted), 23/01327/FULL6 (refused) and 23/04083/FULL6 (left to right)

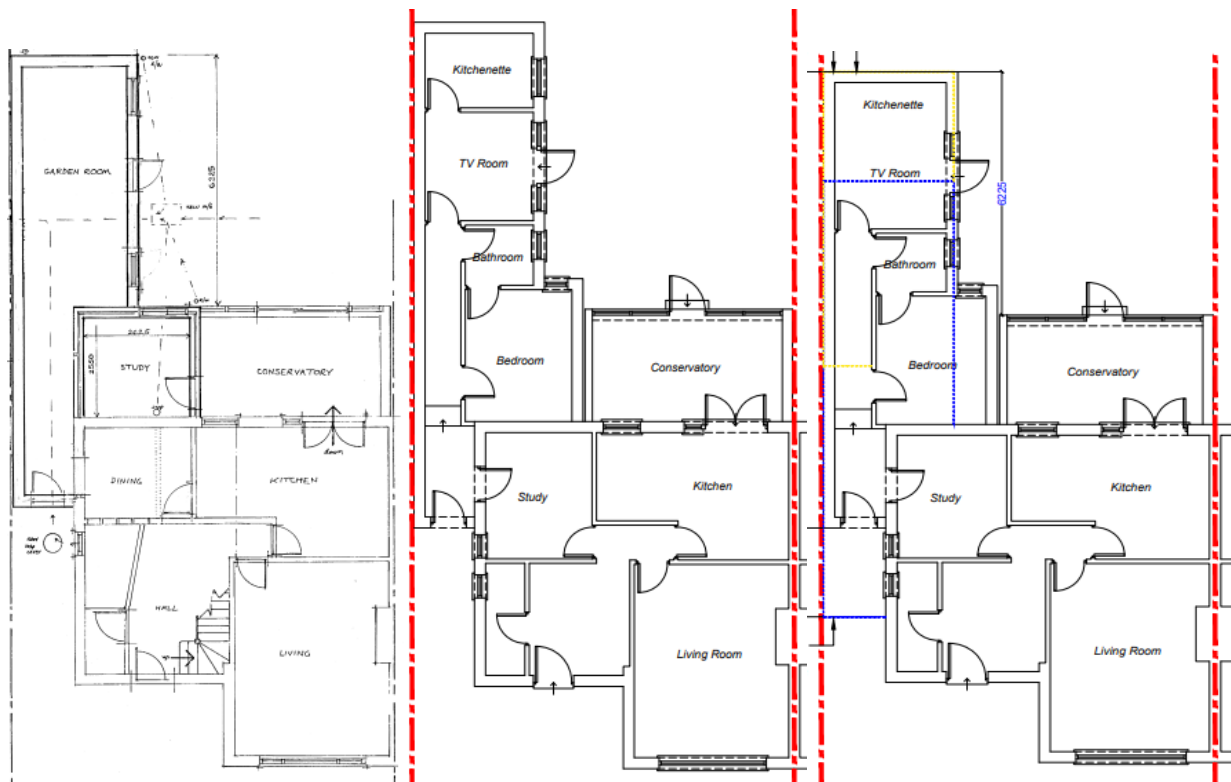
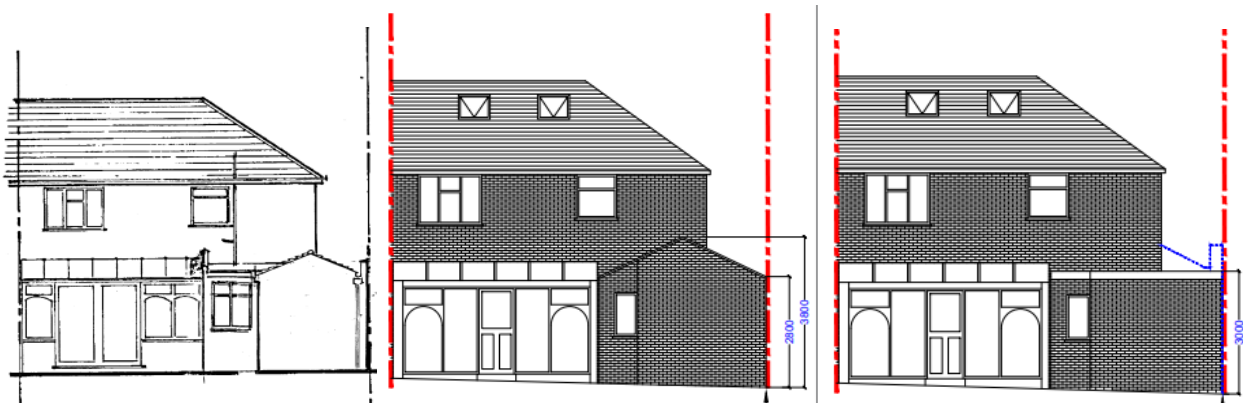


Figure 11: Proposed rear elevations from 15/01220/FULL6 (permitted), 23/01327/FULL6 (refused) and 23/04083/FULL6 (left to right)



- 7.3.3 The proposal would reduce the height to 3m and would reduce the rear extension in depth, so that it would project 10m from the original rear wall of the host dwelling. The dwelling at number 49 benefits from additions along the boundary, and this would help to provide some screening to the extension.
- 7.3.4 Previous alterations to the proposal under references 21/04728/FULL6 and 23/01327/FULL6, whilst making reductions did not reduce the bulk so significantly as the current proposal. It is considered therefore, that the reductions now proposed would help to lessen the impact on the amenities of the adjoining occupiers.
- 7.3.5 Whilst it is noted that the eaves would be higher than that which was permitted under reference 15/01220/FULL6, this proposal also included a parapet wall which had a height of 3m along the boundary, as can be seen in figure 11.
- 7.3.6 The proposal would incorporate a flat roof with a maximum height of 3m, it is considered therefore that the impact on the amenities of neighbouring properties and No. 49 in particular, would not be over and above that which was permitted under 15/01220/FULL6.
- 7.3.7 The case officer has assessed the proposal against the above mentioned policy in terms of the impact on neighbouring residential properties with specific regard to the above-mentioned criteria. Representations made by local residents have also been taken into account.
- 7.3.8 Having regard to the scale and siting of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect or 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.

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.

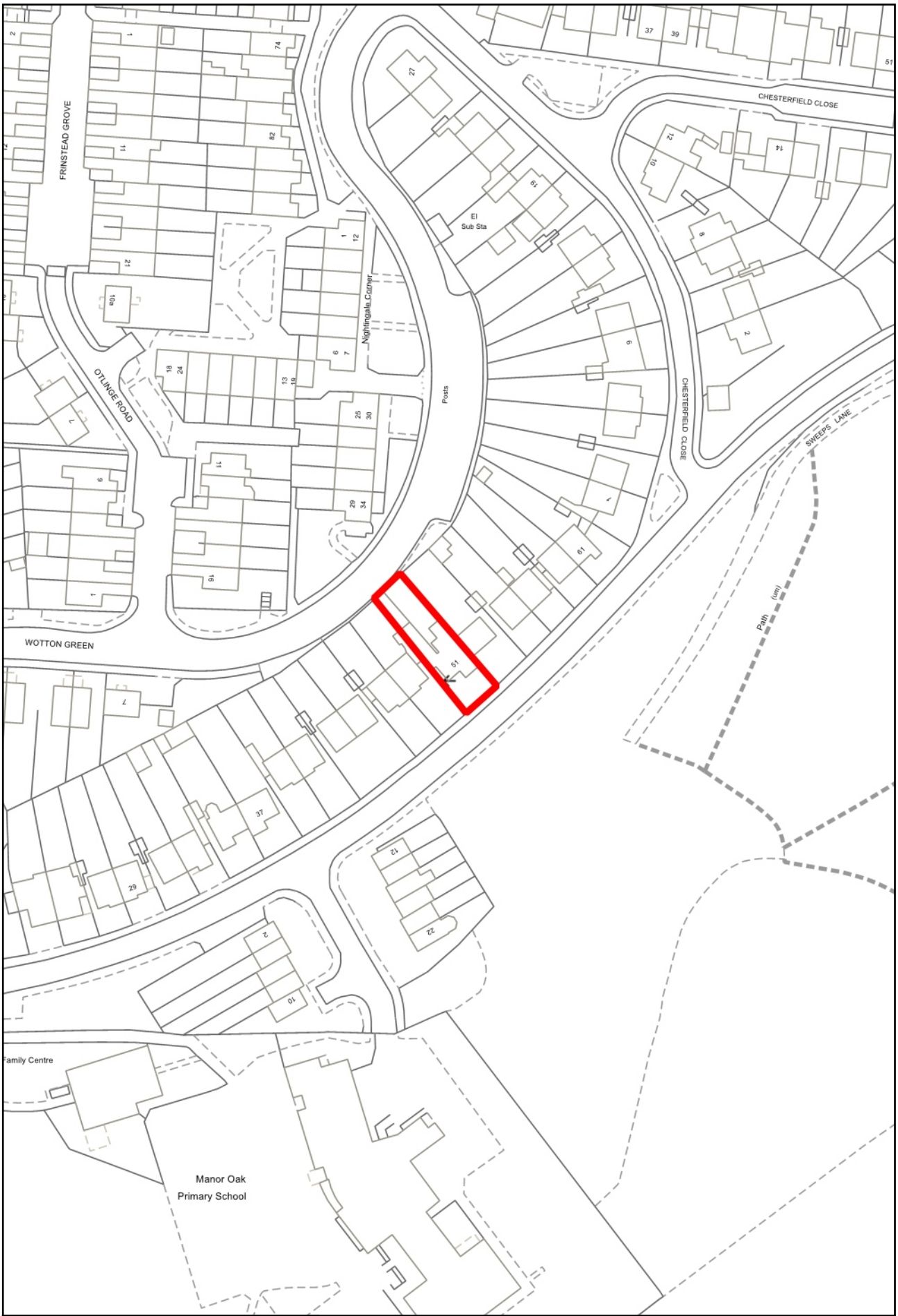
RECOMMENDATION:

Application Permitted


Subject to the following conditions:

- 1. Standard Compliance with Plans**
- 2. Alterations to be implemented within 4 months**
- 3. Occupation restricted to members of household at 51 Sweeps Lane**

And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.



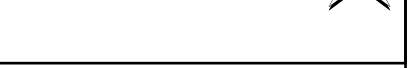
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 23/04083/FULL6



31 January 2024

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Agenda Item 4.7

Committee Date	25 th January 2024	
Address	Briarfield Hazel Grove Orpington BR6 8LU	
Application Number	23/04349/FULL6	Officer - Lawrence Stannard
Ward	Farnborough and Crofton	
Proposal	Demolition of existing garage and garden room. Construction of a two storey side/rear extension to existing main building plus part two storey front extension. Additional single storey side (to both sides) and part front extension. Roof ridge height raised with new crown top roof and central lantern to create loft conversion with rear dormers and side rooflights. General elevational alterations and remodelling with extended driveway.	
Applicant	Agent	
Mr & Mrs Raggett	Mr Jon Bale	
Briarfield Hazel Grove Orpington Bromley BR6 8LU	2-3 Rice Parade Fairway Petts Wood BR5 1EQ United Kingdom	
Reason for referral to committee	Councillor call in	
	Outside Delegated Powers	No

RECOMMENDATION	Permission
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KEY DESIGNATIONS Article 4 Direction Biggin Hill Safeguarding Area Conservation Area – Farnborough Park London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 11 TPO

Representation summary	<ul style="list-style-type: none"> Neighbour notification letters were sent on the 13th November 2023. The site notice was displayed on the 16th November 2023. A Press Ad was published on the 22nd November 2023.
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Total number of responses	1
Number in support	1
Number of objections	0

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the appearance of the host dwelling.
- The development would preserve the character of the Farnborough Park Conservation Area.
- The development would not result in an unacceptable impact upon the amenities of neighbouring residential properties.
- The development would not result in an unacceptable impact upon highways matters.

2 LOCATION

2.1 The application site hosts a two storey detached dwelling located on the southern side of Hazel Grove.

2.2 The site lies within the Farnborough Park Conservation Area.

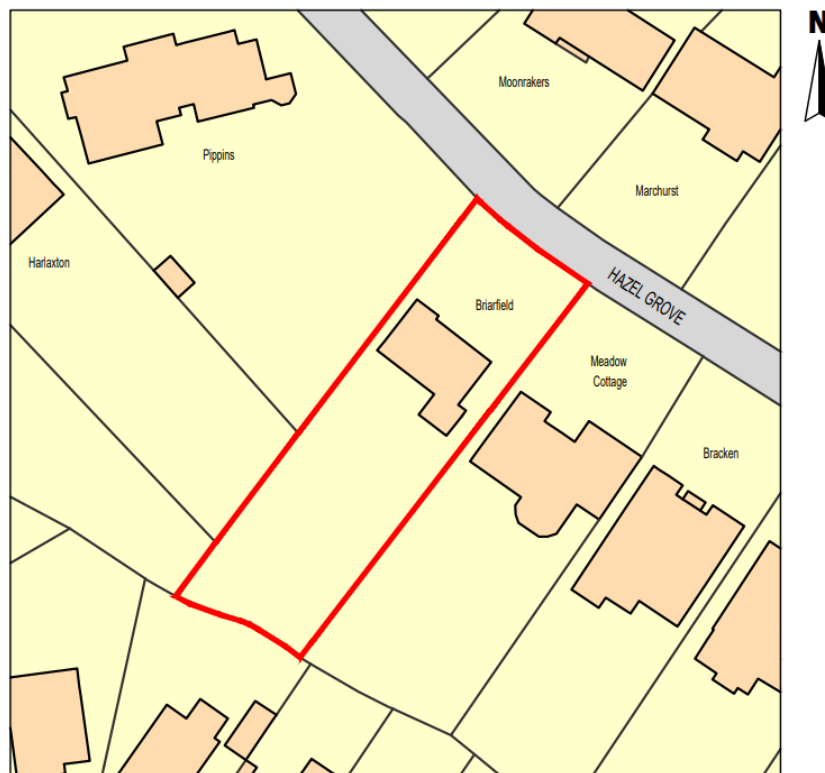


Figure 1: Site Location Plan

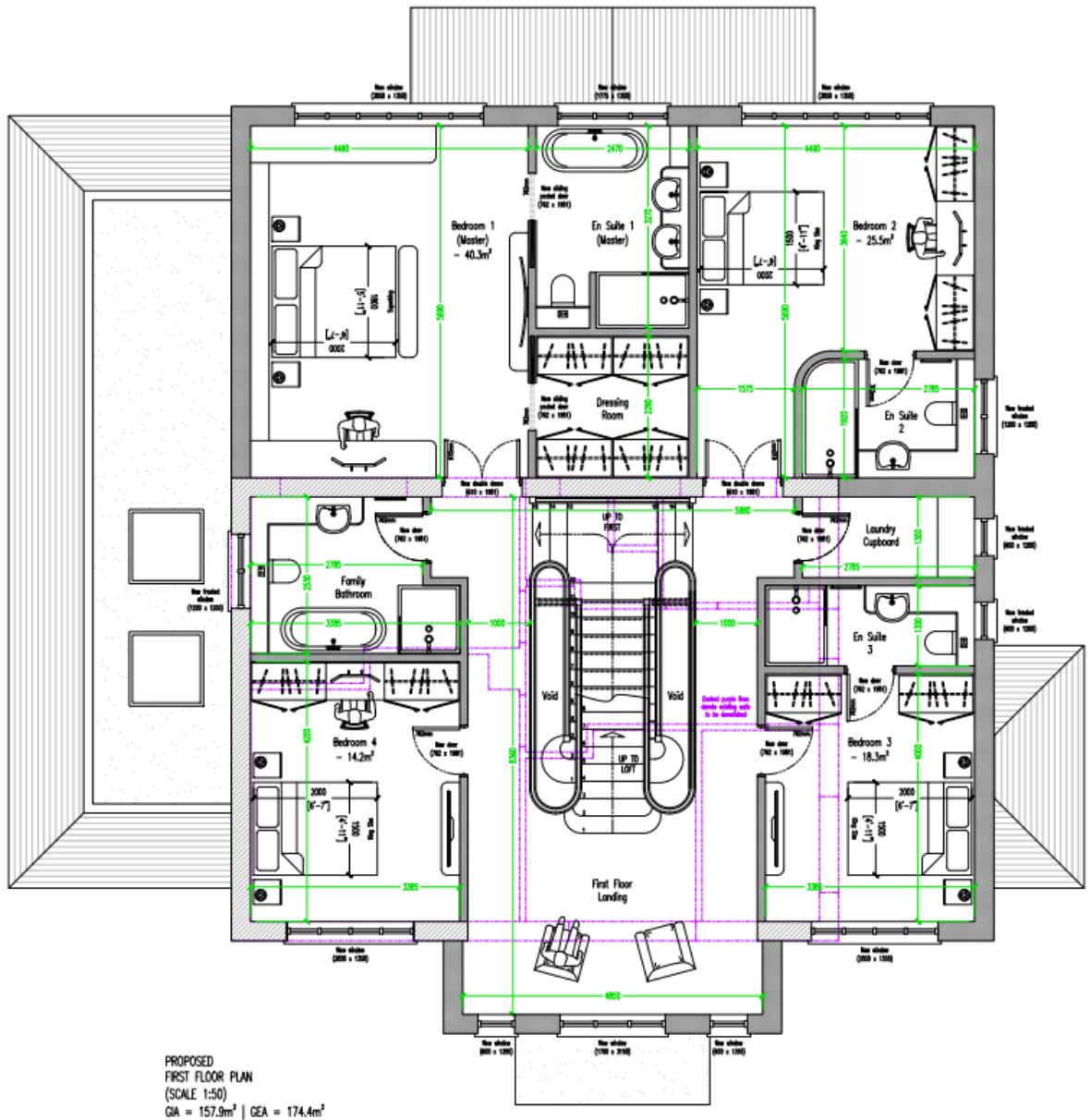


Figure 3: Proposed First Floor Plans

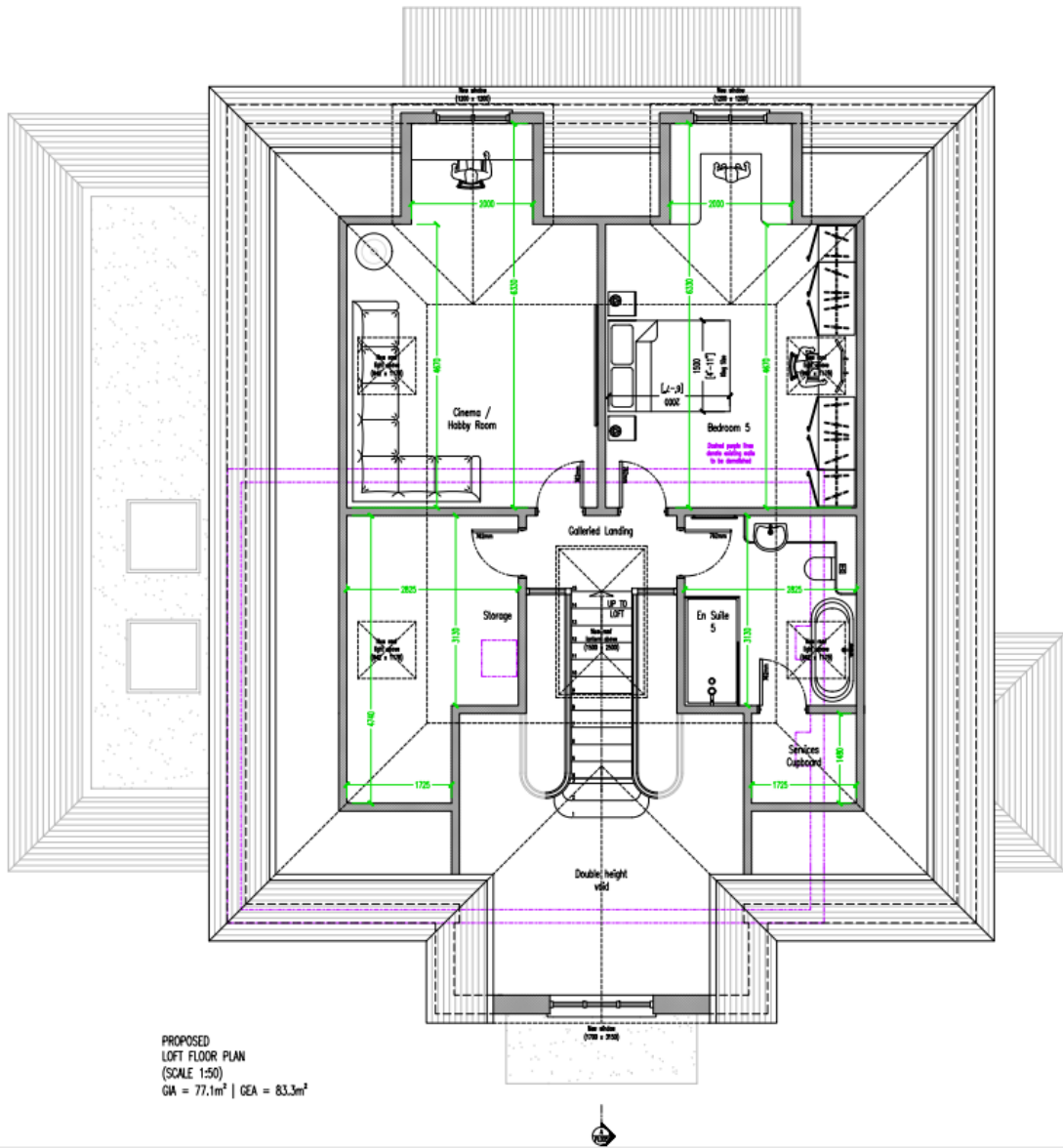


Figure 4: Proposed Second Floor Plans



EXISTING
FRONT SIDE ELEVATION
(SCALE 1:100)



PROPOSED
FRONT SIDE ELEVATION
(SCALE 1:100)

Figure 5: Existing and Proposed Front Elevations



EXISTING
REAR SIDE ELEVATION
(SCALE 1:100)



PROPOSED
REAR SIDE ELEVATION
(SCALE 1:100)

Figure 6: Existing and Proposed Rear Elevations



Figure 7: Existing and Proposed Side Elevations

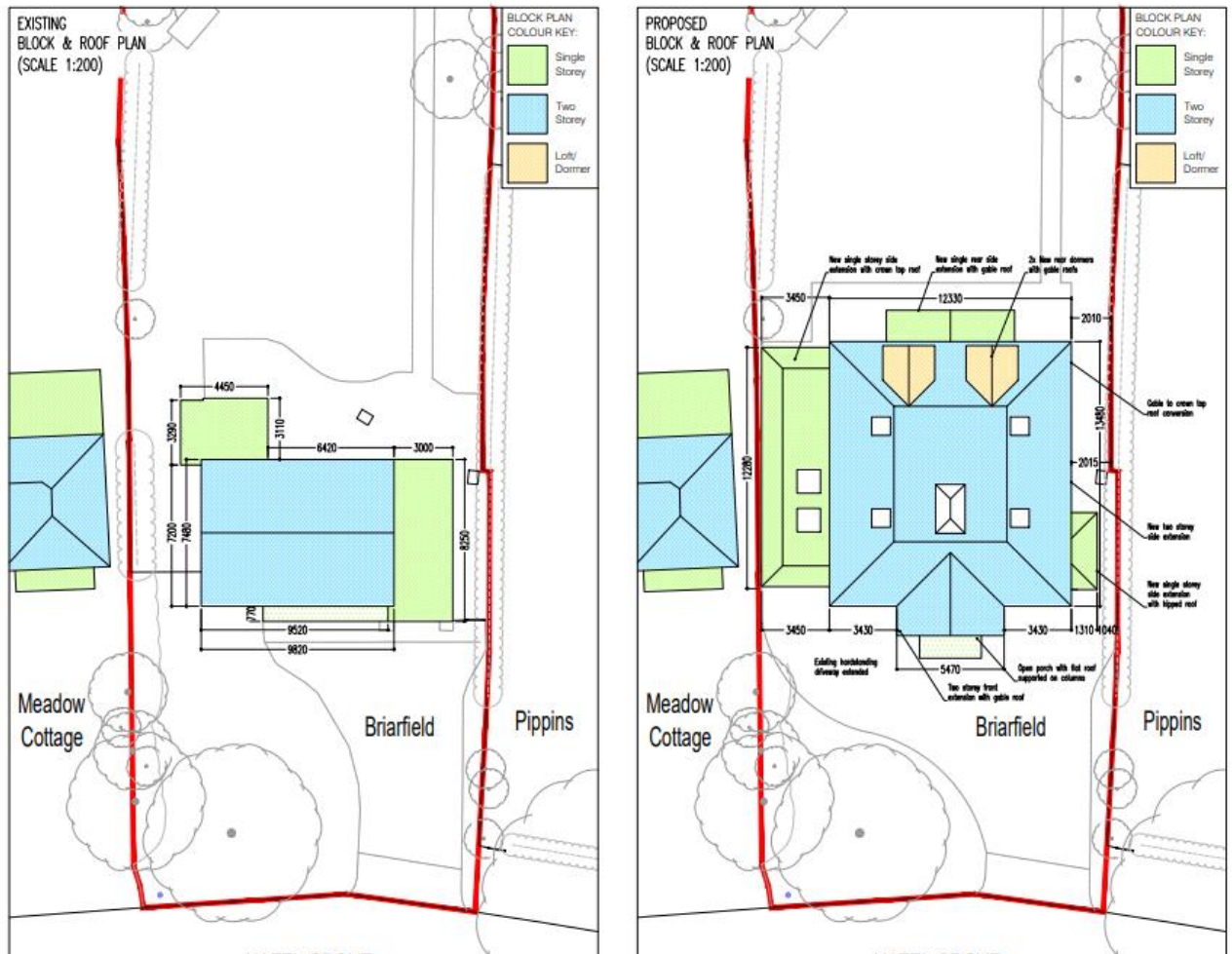


Figure 8: Existing and Proposed Site Plan



Figure 9: Photo of Rear Elevation



Figure 10: Photo of Front Elevation

4 RELEVANT PLANNING HISTORY

4.1 The application site has no recent planning history.

5 CONSULTATION SUMMARY

A) Statutory

Highways:

- Applicant should satisfy themselves that they have right of way over Hazel Grove as it is a private road.
- The access and parking arrangements appear satisfactory so I would have no comments on the proposal.

Conservation Officer:

- The existing house is of no significance in heritage terms and although this proposed design is perhaps a little ostentatious and the large crown roof is not particularly traditional, it will not be widely seen in the heritage context and I would not therefore object from that point of view.
- I note that this proposal will almost double the size of the existing house and appears to pressurise the side space. However these proposals will not be widely seen in the heritage context in my view.

B) Local Groups

No Comments were received from local groups.

C) Adjoining Occupiers

The following comments were received from adjoining occupiers (summarised);

Support

- I support the plans for this house as it looks like it will be a significant improvement on the current dwelling

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 2023**

6.6 **The London Plan (2021)**

D1 London's Form and Characteristics

D3 Optimising Site Potential Through the Design Led Approach

D4 Delivering Good Design

D5 Inclusive Design

6.7 **Bromley Local Plan 2019**

6 Residential Extensions

8 Side Space

30 Parking

37 General Design of Development

41 Conservation Areas

123 Sustainable Design and Construction

6.8 **Bromley Supplementary Guidance**

Urban Design Supplementary Planning Document (July 2023)

Farnborough Park Conservation Area SPG

7 ASSESSMENT

7.1 Design, Layout, Scale and Conservation Impact – 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. London Plan and Bromley Local Plan (BLP) policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

7.1.2 Policies 6 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.

7.1.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

7.1.4 The proposed development would result in a significant enlargement to the host dwelling and would significantly alter its appearance with the construction of a two storey side/rear extension, part two storey front extension, additional single storey side extensions, and alterations to the roof to include increase in ridge height and crown roof with rear dormers.

- 7.1.5 In terms of the heritage impact, the Conservation Officer has commented that the existing house is of no significance in heritage terms and that whilst the house would be almost doubled in size and would pressurise the side space it would not be widely seen in the heritage context. Furthermore, the Conservation Officer also noted that whilst the design would be a little ostentatious and the large crown roof not particularly traditional given it would not be widely seen in the heritage context no objection would be raised from the Conservation Officer.
- 7.1.6 It is accepted that the proposed dwelling would significantly increase the overall scale and bulk compared to the existing dwelling, however the resulting scale would not appear out of keeping with the scale of other dwellings within the Farnborough Park Conservation Area. Furthermore, the design features including the crown roof also appear similar to other properties within the area and it is not considered that the design would detract from the overall character of the conservation area.
- 7.1.7 With regards to the impact on side space in relation to Policy 8, it is noted that the dwelling would be enlarged with a two storey side extension to its north-western boundary. The dwelling would retain a minimum of 2.015m to the flank boundary at two storey level, with a 2.37m separation to the front of the two storey extension. A modest single storey projection would project further to the side though would retain a 1m separation distance to the boundary, and it is noted that given the side boundary adjoins the rear boundary of the adjacent property at Pippins and there would be a significant separation distance retained between these dwellings. Furthermore, the dwelling would retain an approx. 3.5m separation to its south-eastern boundary with Meadow Cottage at first floor level, and whilst the single storey side extension to this side would project up to the boundary it is considered that the sufficient separation at first floor level would prevent the development appearing as a cramped form of development. Having regard to the above, it is considered that the development would not harm the spatial standards of this part of the Conservation Area.
- 7.1.8 Having regard to the above, it is considered that the resulting scale and design of the development would not appear out of character or harmful to the visual amenities of the street scene and the existing spatial standards, and that the character of the Conservation Area would therefore be preserved.

7.2 Residential Amenity – Acceptable

- 7.2.1 The proposed development would result in an enlargement of the dwelling adjacent to the shared boundary with Meadow Cottage to include a 3.5m wide single storey side extension projecting for a depth of 12.28m, set approx. 0.1m from the boundary. The proposed 6m two storey rear extension would also result in the dwelling projecting further to the rear at two storey to a similar distance to the side extension, though it would remain 3.5m from the shared boundary and the roof would pitch away from the boundary to lessen its impact.
- 7.2.2 In terms of visual impact, this neighbour benefits from a single storey projection which currently projects beyond the rear of the application dwelling. The extensions would result in Briarfield projecting approx. 1m beyond the neighbour at ground floor level, and approx. 4.5m beyond the neighbours closest first floor windows. Having regard to the modest projection at single storey level and the separation distance between the

proposed two storey rear projection, it is not considered that the development would result in any unacceptable level of harm by way of loss of outlook or visual amenity.

- 7.2.3 Having regard to the orientation of the site, it is not considered that these extensions would result in any direct loss of light to the neighbour at Meadow Cottage.
- 7.2.4 With regards to the impact on other neighbours, the greater impact would be upon the neighbouring property at Pippins which rear boundary adjoins the flank boundary of the application site. It is considered that other adjoining / nearby neighbours to the rear and front of the site would not be significantly impacted given the retained separation distance between them.
- 7.2.5 The proposed extensions would result in the dwelling projecting 2.5m closer to the rear boundary of Pippins at two storey level that would project for a depth of 13.48m, set 2.015m separation away from the boundary. The extension would also include an additional single storey element projecting 1.31m closer for a depth of 3.9m.
- 7.2.6 The neighbouring property at Pippins is set approx. 29m from its own rear boundary and therefore there would be a significant separation distance retained between its rear elevation and the flank elevation of the proposed extensions. Furthermore, the boundary vegetation would provide some screening of the extensions, and the roof of the two storey part of the dwelling would pitch away from the shared boundary. On balance, having regard to the scale and separation distance it is considered that the development would not result in any unacceptable loss of light, outlook or visual amenity to this neighbour.
- 7.2.7 With regards to privacy, the upper floor windows would serve bathrooms or cupboards and are indicated to be obscured glazed which would prevent any overlooking towards the neighbouring properties. The front and rear facing windows are not considered to result in any significant or unacceptable level of overlooking above that which already exist, and therefore subject to a condition to ensure the upper floor flank windows are retained as obscure glazed then it is not considered the development would harm the privacy of the adjacent neighbours.

7.3 Highways - Acceptable

- 7.3.1 London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and BLP should be used as a basis for assessment.
- 7.3.2 The existing garage would be demolished as part of the development, however an integral garage would be provided within the proposed side extension to the eastern side of the dwelling and would provide one parking space. Further off-street parking would remain on the frontage of the site.
- 7.3.3 Highways Officers have confirmed that the access and parking arrangements would be satisfactory and that they would therefore not object to the proposed development.
- 7.3.4 However, it is noted that Hazel Grove is recorded as a private road and the applicants should therefore satisfy themselves that they have right of way over Hazel Grove.

7 CONCLUSION

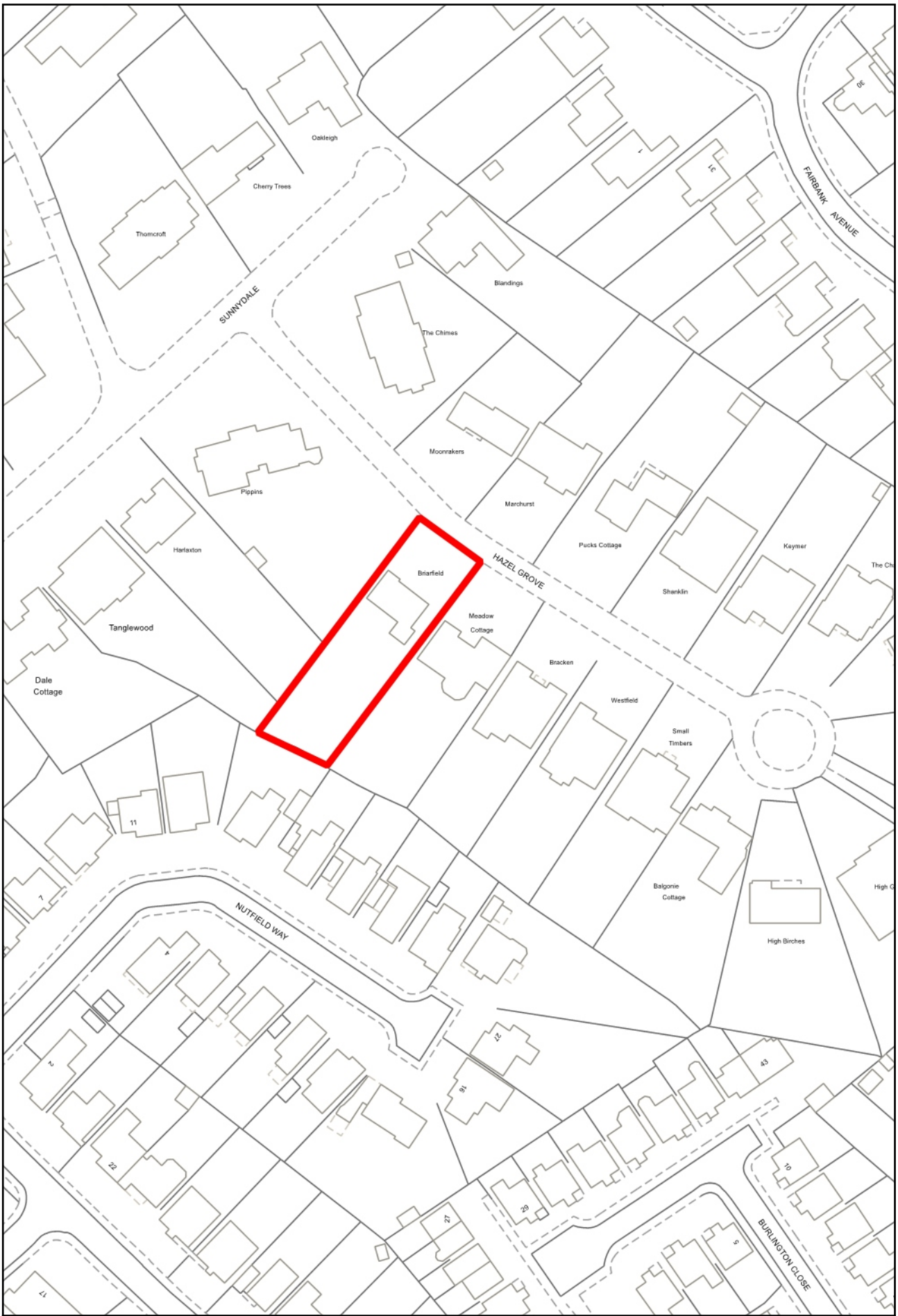
- 8.1 Having had regard to the above it is considered that the development in the manner proposed is acceptable as it would not harm the amenities of neighbouring properties or the appearance of the host dwelling, and would preserve the character and appearance of the Conservation Area.
- 8.2 Background 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. Compliance with approved plans**
- 3. In accordance with submitted materials**
- 4. Obscure glazing to flank windows**

Any other planning condition(s) considered necessary by the Assistant Director of Planning.



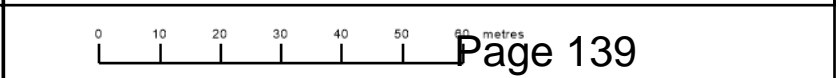
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