

**SECTION '7' – Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS**

**Application No : 10/01016/FULL1**

**Ward:  
Mottingham And Chislehurst  
North**

**Address : The Elms and Land Adjacent  
Mottingham Lane Mottingham London**

**OS Grid Ref: E: 541438 N: 173190**

**Applicant : Mr G Humphris-Day**

**Objections : YES**

**Description of Development:**

Detached two storey 5 bedroom dwelling with rear balcony integral double garage, vehicular access and front boundry wall, fence and gates.

Key designations:

Areas of Archeological Significance  
Green Chain  
Metropolitan Open Land

**Proposal**

- It is proposed to construct a detached two storey 5 bedroom dwelling on this site which would include an integral double garage
- A new front boundary wall would be provided with electrically-operated gates
- A 3m wide ransom strip is shown adjacent to the eastern side boundary of the site

**Location**

This plot of land measures 0.23ha. and is located within Metropolitan Open Land while also being part of the designated Green Chain. Until recently, the land was used as an area of woodland containing no buildings, however, structures, including a mobile home, a shed and hardstanding, have recently been erected without planning permission, and are currently the subject of enforcement action.

The site lies adjacent to Fairmount Nursing Home to the west (which is Grade II Listed), and Norlesden House to the east, both of which are substantial sized buildings within large plots, which are set back some 18-20m from their respective front boundaries. An area of land to the rear is also within the ownership of the applicant (outlined in blue on the submitted plans).

The whole site is covered by a blanket Tree Preservation Order (No.2339) made in October 2009.

### **Comments from Local Residents**

A number of letters in support of the proposals have been received from nearby residents who consider mainly that the proposals would enhance the street scene and prevent the site from being used for fly tipping or other unauthorised activities.

However, Mottingham Residents' Association raises the following objections:

- the application does not provide very special circumstances to justify the development
- the residential use is deemed inappropriate under MOL Policy G2
- the proposals would be detrimental to the openness and visual amenity of the MOL, and would be detrimental to the views from Mottingham Lane and surrounding properties.
- proposals would set an unwelcome precedent.

### **Comments from Consultees**

The Council's highway engineer considers that there is ample parking and turning areas provided within the site, and notes that the proposed gate has been set back 5m from the highway and the wall set back to provide pedestrian visibility splays. However, the proposed front boundary wall affects the sightlines to the left, and it is therefore considered that a speed survey should be carried out to establish whether the existing sightlines are adequate, or whether the front boundary wall should be amended.

Drainage comment that as there are no public surface water sewers near this site, surface water would have to be drained to soakaways.

Environmental Health recommend the imposition of conditions regarding protection from traffic noise (due to the close proximity to the Sidcup By Pass) and any site contamination.

Thames Water raises no objections in principle to the proposals, subject to adequate provision for the disposal of surface water.

With regard to protected trees, inadequate information has been submitted regarding the existing trees on the site, therefore no proper assessment can be made as to the likely impact of the proposals on the trees.

Any further comments received with regard to Countryside Management and Waste will be reported verbally at the meeting.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

BE1 Design of New Development  
H7 Housing Density and Design  
G2 Metropolitan Open Land  
G7 South East London Green Chain  
T3 Parking  
T18 Road Safety  
NE7 Development and Trees

### **Planning History**

This site was previously occupied by a large detached Victorian dwelling, but this was removed during the mid-1960s, and the site has been vacant ever since, covered by an area of regenerated woodland.

Permission was refused in 1987 (ref.87/00705) for the erection of a four storey block comprising 14 flats and associated parking on this site on grounds relating to detrimental impact on Metropolitan Open Land and on the Green Chain within which recreational uses should predominate, loss of trees, creation of a hazardous vehicular access, and loss of privacy and prospect to the occupiers of Norlesdon House adjacent.

The subsequent appeal was dismissed in 1988 wherein the Inspector recognised that the general character of the immediate locality was one of mostly open land within an attractive environment of trees, woodlands and houses in large curtilages. He considered that to intensify development in this area would cause significant harm to the character of this part of Mottingham Lane and the general environment of the locality, and would thus be contrary to Government advice and the policies of the Council's adopted Borough Plan.

The Inspector also considered that the dense regenerated woodland provided a substantial contribution to the character of the locality, and that the loss of trees required to carry out the development would cause significant harm to the appearance of the area.

A recent application for the erection of 1.8m high timber fencing to the front, side and rear boundaries and a new vehicular access (ref.10/00133) was refused in March 2010 on the following grounds:

- 1 The front gates and fencing, by reason of their size and siting, result in a detrimental impact on the open character of the site and the views into the Metropolitan Open Land, contrary to Policy G2 of the Unitary Development Plan.

An enforcement notice was served to secure the removal of the gates and fencing, and an appeal has now been lodged.

An appeal has also been lodged against the serving of an enforcement notice for the unauthorised construction of an area of hardstanding and concrete slab, while enforcement action has recently been authorised to seek the removal of a mobile home on the site.

## **Conclusions**

The primary considerations in this case are, in the first instance, whether the proposal would constitute inappropriate development within an area designated as Metropolitan Open Land, and if so, its effect on the openness and visual amenities of and the purposes for including land in MOL, and whether any benefits of the scheme would clearly outweigh any harm by reason of inappropriateness and any other harm, and thus justify the development on the basis of very special circumstances.

If the principle of the scheme is accepted, the other main considerations are the impact of the proposals on the character and spatial standards of the surrounding area, on the amenities of neighbouring residents, on protected trees on the site, and on pedestrian and vehicular safety in the close vicinity.

UDP Policy G2 states that the construction of new buildings within MOL is inappropriate unless it is for purposes including agriculture, forestry, essential facilities for outdoor sport and recreation, and limited extensions, alterations or replacement of existing dwellings. In this regard, the residential use of the site has been long abandoned (as accepted by the applicant), therefore, the proposals would constitute inappropriate development in MOL, which is, by definition, harmful to the openness of MOL.

The applicant has put forward very special circumstances in order to justify inappropriate development, the main points of which are summarised as follows (the full planning statement is available on file for Members' information):

- the site was previously in residential use and can be defined as previously developed land, while the proposed dwelling would be smaller than that originally on the site

- the larger area of “blue land” also in the applicant’s ownership would be retained as woodland and a 3m wide “ransom strip” would be retained along the eastern boundary to allow access for the Green Chain and maintain a feeling of openness
- the site is within a built-up area with residential properties either side, both of which are in MOL, and the land does not have any of the open character associated with MOL designation but should be regarded as derelict land which can provide regeneration benefits
- Fairmount to the west (which also lies within MOL) has been greatly extended over the years, and the proposed dwelling would not project further to the rear than the building at Fairmount, thus not encroaching on an area of openness
- several mature trees would remain on the frontage, and along with a low fence, would retain its semi-rural character
- the land is too small to be considered suitable for recreational uses (a purpose for including it within MOL) or for agriculture, and has never provided public access.

The residential use of the application site was abandoned over 40 years ago, and the rural and open nature of the site, free from built development, has since made a substantial contribution to the character of the locality, as recognised by the Inspector on appeal in 1987. The proposals would result in a loss of openness, and the above considerations would not outweigh the presumption against inappropriate development in this area of Metropolitan Open Land.

In terms of the impact on neighbouring properties, the proposed dwelling would provide adequate separations to the adjoining buildings and would follow the general line of built development along this side of Mottingham Lane. The western part of the house would be set back approximately 5.5m with a lower roofline to provide a more subservient feature, and no windows are proposed in the side elevations. The proposals are not, therefore, considered to have an adverse impact on the amenities of adjoining occupiers.

There are a number of protected trees on this site which make a significant contribution to the character of the locality, and without adequate information to ensure that these trees will be properly protected, the proposals may have a detrimental impact on the trees on the site, adding further to the harm caused to this area of MOL.

With regard to pedestrian and highway safety, the proposed front boundary wall would affect sightlines along Mottingham Lane, and in the absence of a speed survey to ascertain the adequacy of the existing sightlines, the proposals may have an adverse effect on road safety.

Background papers referred to during production of this report comprise all correspondence on file refs. 87/00705, 10/00133 and 10/01016, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

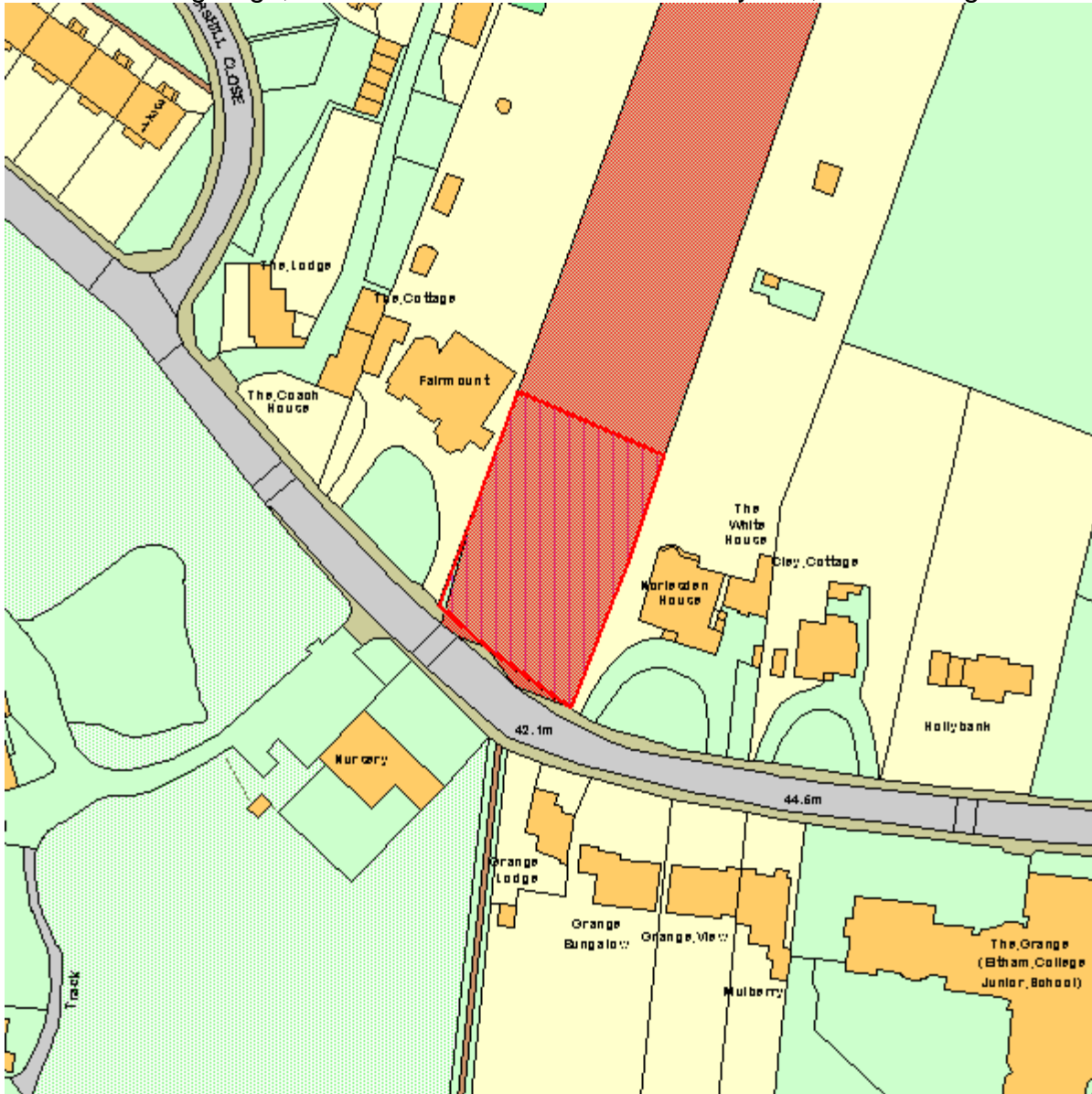
The reasons for refusal are:

- 1 The site is located within Metropolitan Open Land where there is a presumption against inappropriate residential development, and the Council sees no very special circumstances in this case which might justify the grant of planning permission as an exception to Policy G2 of the Unitary Development Plan.
- 2 The proposals would result in a loss of openness, detrimental to the character and appearance of this area of Metropolitan Open Land, thereby contrary to Policy G2 of the Unitary Development Plan.
- 3 The protected trees on this site make a significant contribution to the character of the locality, and in the absence of adequate information to ensure that the trees will not be affected by the development, the proposals are likely to have a detrimental impact on the trees on the site, thereby contrary to Policy NE7 of the Unitary Development Plan.
- 4 The proposed front boundary wall would affect sightlines along Mottingham Lane, and in the absence of a speed survey to ascertain the adequacy of the existing sightlines, the proposals are likely to have an adverse effect on road safety, thereby contrary to Policy T18 of the Unitary Development Plan.

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