

SECTION '2' – Applications meriting special consideration

Application No : 12/00961/FULL1

Ward:
Darwin

Address : Maple Farm Cudham Lane South
Cudham Sevenoaks TN14 7QD

OS Grid Ref: E: 544852 N: 159111

Applicant : Mr C Ganley

Objections : NO

Description of Development:

Demolition of existing dwelling and outbuilding and erection of detached two storey four bedroom dwelling

Key designations:

Special Advertisement Control Area
Green Belt

Proposal

It is proposed to demolish the existing bungalow and outbuilding closest to the dwelling, and construct a detached two storey four bedroom house.

The dwelling would be set back 13.8m from the front boundary of the site, and 3.3m from the side boundary with Maple Cottage.

Location

This detached bungalow is located on the eastern side of Cudham Lane South within the Green Belt, and occupies a site area of 0.18ha. It was built in the mid-1930s, and originally contained a sitting room, kitchen, two bedrooms, and a small scullery at the rear. A conservatory was added to the side of the bungalow in 1966, and a single storey rear extension was permitted in 1968 (ref. 68/01185) which comprised a bedroom, bathroom and extension to the kitchen.

There are a number of outbuildings to the rear of the bungalow which lie within the residential curtilage, while the applicant also owns fields to the south and east.

The site is bounded to the north by Maple Cottage which is a two storey dwelling.

Comments from Local Residents

No third party comments have been received to date.

Comments from Consultees

No objections are seen to the proposals from a highways point of view as there are no proposals to alter the existing access to the site, and the proposals are unlikely to result in a significant increase in the use of the access.

No drainage objections are seen to the proposals in principle, subject to the submission of further details of the foul water and surface water drainage systems.

No objections are raised by Thames Water in principle, subject to safeguarding conditions.

Planning Considerations

The proposal falls to be considered primarily with regard to the following policies:

- BE1 Design of New Development
- H7 Housing Density & Design
- G5 Dwellings in the Green Belt
- T3 Parking
- NE7 Development and Trees

Planning History

With regard to the recent history of the site, permission was refused in 2007 (ref. 06/04221) for a four bedroom replacement dwelling, and the appeal was dismissed in October 2008 on grounds relating to inappropriate development within the Green Belt, with no very special circumstances to justify the proposal.

Under ref. 09/00068, a Certificate of Lawfulness for part one/two storey side/rear and first floor extensions was refused in 2009 as the rearward projection of the part one/two storey side/rear extension from the original rear wall would exceed the permitted limits.

Under ref. 09/02085, a Certificate of Lawfulness for a single storey side/rear extension and roof extensions including side and rear dormers was refused as it would exceed the limits of parts (f)(i) and (h)(iii) of Class A. The subsequent appeal was dismissed in August 2010 as the Inspector considered that the single storey side/rear extension would breach limitation (h)(iii) of Class A.

Under ref.10/03320, a Certificate of Lawfulness for single storey side and part one/two storey rear extensions, and roof alterations including side dormers and rooflights was refused as it wouldn't comply with criteria (f)(i) and (h)(iii) of Class A, nor criteria (c) of Class B.

Under ref.11/01635, a Certificate of Lawfulness was granted in August 2011 for a proposed single storey side extension to replace the existing lean-to, and roof extensions providing first floor accommodation over the original part of the bungalow. This has not yet been implemented.

An application for a replacement dwelling was submitted in November 2011 under ref.11/03255, but was withdrawn prior to determination.

Conclusions

The site is located within the Green Belt, and the main issues are; firstly, whether the proposals comprise inappropriate development, and if so, whether very special circumstances exist that clearly outweigh the harm by reason of inappropriateness or any other harm; and secondly, whether the proposals would be harmful to the character or appearance of the surrounding area, or detrimental to the amenities of nearby residential properties.

Policy G5 of the UDP allows for a replacement dwelling in the Green Belt provided that the resultant dwelling would not result in a material net increase in floor area compared with the existing dwelling (an increase of over 10% would normally be considered material, depending on design issues), and that the size, siting, materials and design of the replacement dwelling would not harm the visual amenities or the open or rural character of the locality.

The existing dwelling has a floor area of 120.5sq.m., while the outbuilding to be removed (and which lies approximately 5m from the dwelling) measures 29.66sq.m., giving a total floor area of 150.16sq.m. The proposed dwelling would have a floor area of 181.7sq.m., which is an increase in floor area of 31.54sq.m., and equates to a 21% increase. This would result in a material net increase in floor area compared with the existing dwelling, and would thus be considered inappropriate development in the Green Belt. However, the applicant has put forward the following special circumstances to justify inappropriate development:

- The Certificate of Lawfulness granted under ref.11/01635 would, if implemented, result in a part one/two storey dwelling with a floor area of 181.7sq.m. which is identical to the floor area of the replacement dwelling currently proposed
- The site coverage of the proposed dwelling would (at 103.17sq.m.) be significantly less than the site coverage by the existing dwelling and outbuilding (at 150.53sq.m.), thus opening up the site
- The replacement dwelling would be more centrally-located within the site, thus increasing the separation to the side boundary with Maple Cottage from 1.3m to 3.3m
- The design of the replacement dwelling, although slightly higher, would be much improved over the awkward design of the extended dwelling permitted by the Certificate of Lawfulness
- The use of traditional materials would further enhance the appearance of the dwelling.

In dismissing the earlier scheme for a replacement dwelling (ref. 06/04221), the Inspector considered that the proposed dwelling (with a floor area of 261sq.m.) would be significantly larger than the existing, and that the removal of a number of former agricultural buildings would not be sufficient to justify inappropriate development in the Green Belt.

The current scheme is for a significantly smaller replacement dwelling (181.7sq.m.) which would have the same floor area as the extended property permitted under the Certificate of Lawfulness. Although the maximum height of the replacement dwelling at 6.9m would be greater than the existing dwelling or permitted scheme (5.7m), the overall design of the dwelling would have a more symmetrical appearance and would result in a reduction in the overall footprint with greater separation to the northern flank boundary, thus improving the open aspect to this side of the dwelling.

It is considered, on balance, that there is sufficient justification to allow the current proposals which would result in an acceptable form of redevelopment, and would adequately protect the open and rural nature of the site along with the visual amenities of the surrounding area.

With regard to the impact on neighbouring properties, the replacement dwelling would be sited further away from the northern boundary with Maple Cottage, and would contain no windows in the facing flank elevation. The proposals are not, therefore, considered to result in any undue loss of light, privacy or prospect to the adjacent property.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/04221, 09/00068, 09/02085, 10/03320, 11/01635, 11/03255 and 12/00961, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | | | | |
|----|-------------------|--|----------|-------|-------|-------|
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years | | | | |
| 2 | ACA04
ACA04R | Landscaping Scheme - full app no details
Reason A04 | | | | |
| 3 | ACA07
ACA07R | Boundary enclosure - no detail submitted
Reason A07 | | | | |
| 4 | ACC01
ACC01R | Satisfactory materials (ext'nl surfaces)
Reason C01 | | | | |
| 5 | ACD02
ADD02R | Surface water drainage - no det. submitt
Reason D02 | | | | |
| 6 | ACD04
ADD04R | Foul water drainage - no details submitt
Reason D04 | | | | |
| 7 | ACH02
ACH02R | Satisfactory parking - no details submit
Reason H02 | | | | |
| 8 | ACH16
ACH16R | Hardstanding for wash-down facilities
Reason H16 | | | | |
| 9 | ACH27
ACH27R | Arrangements for construction period
Reason H27 | | | | |
| 10 | ACI02
ACI03R | Rest of "pd" Rights - Class A, B,C and E
Reason I03 | | | | |
| 11 | ACI13
dwelling | No windows (2 inserts) | northern | first | floor | flank |

- | | | | |
|----|--|------------------------------------|-----|
| | ACI13R | I13 reason (1 insert) | BE1 |
| 12 | ACK01 | Compliance with submitted plan | |
| | ACK02R | K02 reason (1 insert) | G05 |
| 13 | ACK05 | Slab levels - no details submitted | |
| | ACK05R | K05 reason | |
| 14 | The existing dwelling and outbuilding shown to be removed shall be demolished and the site cleared within 3 months of the first occupation of the building hereby permitted. | | |
| | ACK04R | K04 reason | |

Reasons for permission:

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- H7 Housing Density and Design
- G5 Dwellings in the Green Belt
- T3 Parking
- NE7 Development and Trees

The development is considered to be satisfactory in relation to the following:

- (a) the character and appearance of the development within the surrounding area
- (b) the impact of the development on the amenities of nearby residential properties
- (c) the impact of the development on the open nature of the Green Belt

and having regard to all other matters raised, including neighbours concerns.

INFORMATIVE(S)

- 1 In order to check whether the proposed storm water system meets drainage requirements, you are advised to submit the following information:
 - a clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways
 - where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365
 - calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.

- 2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of

the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

Application:12/00961/FULL1

Address: Maple Farm Cudham Lane South Cudham Sevenoaks TN14 7QD

Proposal: Demolition of existing dwelling and outbuilding and erection of detached two storey four bedroom dwelling

