

SECTION '2' – Applications meriting special consideration

Application No : 12/02856/FULL1

Ward:
Darwin

Address : 115 Leaves Green Road Keston BR2
6DG

OS Grid Ref: E: 541561 N: 162187

Applicant : Mr And Mrs Keith Hopton

Objections : NO

Description of Development:

Demolition of existing dwelling and erection of a single storey 3 bedroom detached dwelling with accommodation in the roofspace

Key designations:

Biggin Hill Safeguarding Area
Green Belt
London Distributor Roads

Proposal

The proposal consists of a replacement single storey dwelling with accommodation within the roof space.

The dwelling has a width of 9 metres, a depth of 10.5 metres and a height of between 3.4 metres and 6.5 metres. Gable-ends are proposed to the flank and rear elevations while a side space of 1.08 metres is allowed for the southern boundary and between 0.8 metres and 1.3 metres to the northern boundary.

Location

The application site is located to the eastern edge of Leaves Green Road, just north of Leaves Green petrol station to the western edge, and consists of a single storey detached dwelling.

Neighbouring properties are predominately two storey in nature, although the adjoining property to the northern boundary, No.113, is of a similar design and scale as the application dwelling.

Comments from Local Residents

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

Comments from Consultees

Environmental Health have raised no objections

Highways comments have not been received at the time of writing and will be reported verbally to Members at Committee.

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions
H9 Side Space
G1 The Green Belt
G5 Dwellings Within the Green Belt or on Metropolitan Open Land
T3 Parking

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

London Plan Policy 7.16: Green Belt

The National Planning Policy Framework

Planning History

Members refused planning permission for the increase in the roof height of the existing dwelling to form accommodation in roof space, a single storey rear extension and bay windows to front at Committee on 2nd August 2012 under application ref. 12/01250. Members should note that the refused design of the resultant dwelling matches that of the now proposed replacement dwelling, however the current proposal differs in terms of location within the plot and is marginally larger in terms of width, length and depth. The ground of refusal was:

“The site is located within the Green Belt and the proposal represents a disproportionate addition to the host dwelling resulting in a detrimental impact upon the amenities of neighbouring residents and character of the area and the Council sees no very special circumstances which might justify the grant of planning permission for such inappropriate development as an exception to Policies G1 and G4 of the Unitary Development Plan.”

Neighbouring properties have had previously approved proposals that are relevant to this application:

- No.117 – The replacement of a detached bungalow with a 3 bedroom detached dwelling was permitted under application reference 00/00384, this has been implemented. The former property had been previously extended and the replacement dwelling represented an increase of 32% over the

existing floor area and a 75% increase over the original floor area with a total floor area of 183 square metres.

- No.111 – The demolition of the existing bungalow and the erection of a detached 4 bedroom dwelling was permitted under application reference 96/00813, this has been implemented. The officer's report for this application states that the principal for development in the area has been set by the replacement dwelling at No.109 in 1992 with subsequent extensions giving a footprint of 198 square metres and that the proposal at No.111 'is below this figure'.
- No.109 was granted permission under application reference 90/00799 for a replacement 4 bedroom detached dwelling. This replaced a bungalow of 143 square metres with a house of 166 square metres. Subsequent permissions for a single storey side extension (02/01177) and a detached garage (06/03105) have given a total footprint of 198 square metres.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the Green Belt and the impact that it would have on the amenities of the occupants of surrounding residential properties. The previously refused enlargement of this existing dwelling is also considered to be a material consideration.

The existing property is of a similar scale and design to No.113 to the north, with No.113 being set further forward to Leaves Green Road. To the boundary No.113 has a single storey detached garage which offers a degree of screening to the northern flank elevation of No.115, although there are currently no boundary fences. Further to the north No.111 is a two storey dwelling permitted under application ref. 96/00813, the rear elevation of which is more in line with the existing front elevation of No.115.

In order to overcome the refusal ground of the previously refused extensions, the applicant has sought to demolish the existing dwelling and erect a replacement dwelling of similar scale and proportion as that previously refused, but set further forward than the current dwelling. The rear building line of the proposed dwelling will now be around 1 metre further forward than that of No.117 to the southern boundary, whereas the refused extended property would have been level to the rear elevations.

However, the now proposed dwelling is larger than the resultant dwelling previously refused. In comparison to the refused scheme, the proposal would be 0.2 metres higher at ridge and eaves level, 0.5 metres longer in depth and 0.4 metres wider. It should be noted however, that this would still see the replacement dwelling being lower than that at No.117. This results in a larger floor area of 160.35 square metres against the previous 119.5 square metres. With an existing floor area of 52 square metres this represents an increase of some 200%. This figure is due to the relatively small footprint of the existing single storey dwelling, with the creation of a first floor automatically doubling the existing floor space.

Replacement dwellings within the Green Belt are considered acceptable under the Council's relevant policies and the National Planning Policy Framework (NPPF), provided they are not disproportionately large which under Policy G5 is ascertained as being above 10% of the original floor area. The proposal, as a result of the scale and floor area of the proposed dwelling, consists of inappropriate development within the Green Belt and as such very special circumstances must be demonstrated by the applicant to warrant permission being given.

Within the Statement submitted it is argued that due to a lack of urban sprawl resulting from the proposal, the relatively small scale in context with neighbouring properties, and the lack of visual impact such circumstances exist. Additionally, the dwelling is stated as being of poor energy efficiency and that the proposed alterations would substantially improve this situation. Such circumstances would not normally be considered very special circumstance that justify the setting aside of established Green Belt policy.

Notwithstanding the above, Members are asked to consider the replacement dwellings at No.109, No.111 and No. 117 that have seen the demolition of single storey bungalows and the erection of two storey detached dwellings with larger overall floor areas than the current proposal. These have in the past been considered not to be disproportionate in relation to the dwellings they replace, however the majority of these cases were determined some time ago.

Green Belt policy seeks to protect the openness within the Green Belt although this is not specifically defined, but can be taken to mean the absence of visible development. The effect of a development on the openness of the Green Belt is primarily a matter of its nature, scale, bulk and site coverage. That is to say its physical effect on the application site rather than any visual or other impact on its surroundings.

Given the increase in floor area over the previously refused enlargements, the retention of the gable-end design and the increases in height, width and length over the existing dwelling it is not considered that the proposal overcomes the refusal ground of application ref. 12/01250. It is also considered that no very special circumstances have been provided to justify the setting aside of local or national policy or to demonstrate any benefits of the proposal that outweigh the harm to the Green Belt.

The replacement dwelling is also subject to Policy H9, which requires all new residential development retains a minimum 1 metre side space, which the proposal does not. Although it is appreciated that the proposal maintains the separations that currently exist, it is also true that the replacement dwelling is within a different footprint further forward of that at present and is of a substantially larger floor area, depth and height and it would be possible to design a scheme that complies with the criteria. It is therefore considered that the proposal is contrary to the requirements of Policy H9.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/01250 and 12/02856, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The site is located in the Green Belt wherein there is a presumption against inappropriate development and the Council sees no very special circumstances which might justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan.
- 2 The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundaries in respect of new residential development, in the absence of which the proposed dwelling would constitute a cramped form of development harmful to the amenities of neighbouring residents and contrary to Policy H9 of the Unitary Development Plan.

INFORMATIVE(S)

- 1 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

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"
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