

SECTION '2' – Applications meriting special consideration

**Application No :** 12/03282/FULL1

**Ward:**  
**Darwin**

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

**OS Grid Ref:** E: 544852 N: 159111

**Applicant :** Mr And Mrs C Ganley

**Objections : NO**

**Description of Development:**

Demolition of existing dwelling and outbuildings and erection of detached two storey four bedroom dwelling and stable building

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Local Distributor Roads

**Proposal**

It is proposed to demolish the existing bungalow and five other outbuildings on the site (leaving only the large detached shed), and construct a detached two storey four bedroom house along with a stable block at the rear of the site. 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.

The proposed stable block would measure 20.7m x 6m, and would contain a hay store above. It would be sited to the rear of Maple Cottage, and would have a pitched roof up to 5.9m in height. The plans originally submitted were revised to reduce the depth of the building by 7m and the height by 0.9m, thus reducing the floorspace of the stable building by 27.75sq.m.

**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 and 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.

Environmental Health suggest that informatives be attached regarding measures for any site contamination found, and compliance with the Control of Pollution and Environmental Protection Acts.

### **Planning Considerations**

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

- BE1 Design of New Development
- H7 Housing Density & Design
- G1 The Green Belt
- 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.

Permission was refused in July 2012 (ref.12/00961) for the demolition of the existing dwelling and an outbuilding, and the erection of a replacement two storey 4 bedroom dwelling on the following grounds:

“The proposed replacement dwelling house would, by virtue of its bulk and height, have a detrimental impact on the character and openness of the Green Belt wherein there is a presumption against inappropriate residential development, and the proposal would therefore be contrary to Policies G5 and BE1 of the Unitary Development Plan.”

No appeal has been lodged to date.

## **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.

The National Planning Policy Framework (NPPF) contains a general presumption against inappropriate development within the Green Belt. Paragraph 87 states that such development should not be approved except in very special circumstances, while paragraph 89 sets out a number of exceptions, including the replacement of a building where the new building is in the same use and not materially larger than the one it replaces, and the provision of appropriate facilities for outdoor recreation.

Policy G1 of the UDP allows for the construction of new buildings within the Green Belt where they are inter alia for essential facilities for outdoor sport or recreation, and limited replacement of existing dwellings. Such proposals should not be harmful to the openness or visual amenity of the Green Belt.

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 nearest outbuilding to be removed (and which lies approximately 5m from the dwelling) measures 30.38sq.m., giving a total floor area of 150.88sq.m. The proposed dwelling would have a floor area of 181.7sq.m., which is an increase in floor area of 30.82sq.m., and equates to a 20% 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 150.88sq.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 development 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.

However, Members previously considered the replacement dwelling in the 2012 scheme (which is identical to the current scheme) to have a detrimental impact on the character and openness of the Green Belt by virtue of its bulk and height,

although in that scheme only one outbuilding was to be removed, and another re-located. In the current scheme, a further four buildings are to be removed (which total a further 156.6sq.m. in floorspace) which would considerably open up the site, whilst the replacement timber stable building would be located much further to the rear adjacent to the existing large shed.

The new stable building would have a ground floor coverage of 135.45sq.m., and would be built using traditional materials of brick plinth with a timber frame and boarding, giving a rural appearance. It would be located in the north-eastern part of the site, some 23m away from the replacement dwelling, on the site of some of the outbuildings to be removed. The stables represent essential facilities for outdoor recreation in line with the NPPF and Policy G1 of the UDP, and would not, therefore, comprise inappropriate development in the Green Belt.

As a whole, the proposals would result in an overall reduction in ground coverage by buildings of 69.22sq.m. or 22%, which would be contained within 3 as opposed to 7 buildings on the site. It is therefore 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 stable block would be situated approximately 27m to the rear of Maple Cottage, and would not be excessively high, measuring 5.9m to the roof apex. 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, 12/00961 and 12/03282, excluding exempt information.

as amended by documents received on 28.01.2013

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | ACA04  | Landscaping Scheme - full app no details |
|   | ACA0R  | A04 Reason                               |
| 3 | ACA07  | Boundary enclosure - no detail submitted |
|   | ACA07R | Reason A07                               |
| 4 | ACC01  | Satisfactory materials (ext'nl surfaces) |
|   | CC01R  | Reason C01                               |
| 5 | ACD02  | Surface water drainage - no det. submitt |
|   | ADD02R | Reason D02                               |
| 6 | ACD04  | Foul water drainage - no details submitt |

- 7 ADD04R Reason D04  
 7 ACH02 Satisfactory parking - no details submit  
 ACH02R Reason H02  
 8 ACH16 Hardstanding for wash-down facilities  
 ACH16R Reason H16  
 9 ACH27 Arrangements for construction period  
 ACH27R Reason H27  
 10 ACI02 Rest of "pd" Rights - Class A, B,C and E  
 ACI03R Reason I03  
 11 ACI13 No windows (2 inserts) northern first floor flank  
 dwelling  
 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 Before commencement of the development hereby permitted, the existing  
 dwelling and outbuildings shown to be removed on Plan No.CLS-504-PD-  
 ST-010 Rev A, shall be demolished and the site cleared of all waste  
 material, unless previously agreed in writing by the Local Planning Authority.  
 ACK04R K04 reason  
 15 The stable building hereby permitted shall be used only for the private  
 stabling of horses in the ownership of the person(s) in possession of the  
 building, with ancillary tack room, and shall not be used for or in connection  
 with any commercial use.  
 ACJ14R J14 reason  
 16 Details of the residential curtilage attached to the dwelling hereby permitted  
 shall be submitted to and approved in writing by the Local Planning  
 Authority before first occupation of the dwelling.

**Reason:** To safeguard the character and openness of the Green Belt and to comply with Policy G1 of the Unitary Development Plan and the National Planning Policy Framework.

**Reasons for granting 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
- G1 The Green Belt
- 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 and rural nature of the Green Belt

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

### 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](http://www.bromley.gov.uk/CIL)

- 2 Non-standard Informative: 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.

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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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