

Section '2' - Applications meriting special consideration

Application No : 12/03761/FULL6

Ward:
Darwin

Address : Poppyfield Cottage 63 Cudham Lane
North Orpington BR6 6BX

OS Grid Ref: E: 545243 N: 163046

Applicant : Mr Lenny Ponder

Objections : NO

Description of Development:

Single storey rear extension

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
Flood Zone 3
Green Belt
London City Airport Safeguarding
Local Distributor Roads

Proposal

Retrospective permission is sought for the erected single storey rear extension which has a depth of 4 metres, a width of 7.9 metres and a height of between 2.5 metres and 3.65 metres. The extension features a hipped roof and is set to the western part of the rear elevation, a gap of 5.4 metres is present to the eastern flank elevation of the host dwelling.

Location

The application site is located to the southern edge of Cudham Lane North and features a single storey detached dwelling with accommodation within the roofspace and dormers to the rear. This part of Cudham Lane North is characterised by relatively low level residential development being located to the southern edge with predominately agricultural land to the north. The site is located within the Green Belt.

Comments from Local Residents

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

Comments from Consultees

No technical consultations were carried out for this application

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
- G1 The Green Belt
- G5 Dwellings Within the Green Belt or on Metropolitan Open Land

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

Application ref. 92/01123 granted permission for front and side dormers.

Application ref. 04/00129 granted permission for a part one, part two storey side extension with two rear dormers. This has been implemented and completed, with the extension forming the side and rear element to the western edge of the dwelling.

In 2008, a car port to the front of the dwelling was refused on the following grounds:

1. The carport is located in a prominent location in front of the existing dwelling and by virtue of its size, location and design is harmful to the character and visual amenities of the area, contrary to Policy BE1 of the Unitary Development Plan.
2. The car port is inappropriate development within the Green Belt and no very special circumstances have been demonstrated to warrant the setting aside of Green Belt policy and the carport is therefore harmful to the openness and character of the Green Belt, contrary to Policies G1 and G4 of the Unitary Development Plan.

This application was subsequently dismissed at appeal. The Inspector concluded that the car barn was inappropriate development that was harmful to the openness of the Green Belt with no very special circumstances existing to justify the development.

A recent certificate of lawfulness for the rear extension under consideration was refused on the ground that:

The proposed development would extend beyond a rear wall that does not form part of the original dwelling and would extend beyond the original side elevation of the dwelling whilst exceeding half the width of the original dwelling and is there not permitted by virtue of Class A (e) and (h) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended).

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 extension of buildings within the Green Belt is considered acceptable under the Council's relevant policies and the National Planning Policy Framework (NPPF). The NPPF states that such extensions are appropriate where they do not result in disproportionate additions over and above the size of the original building provided, with Policy G4 measuring this as being above 10% of the original floor area.

The property has been previously enlarged in 2004 by a part one, part two storey side extension with two rear dormers which added some 48 square metres to the floor area of the original dwelling. The proposal measures 32 square metres in floor area which results in total additions to the original floor area of some 79 square metres. It should be noted that the 2004 enlargement created a 24% increase over the original dwelling and the current proposal adding another 16.4%, with both adding a total of 41% over the original building.

It is not considered that such increases over and above the original dwelling are proportionate as required by paragraph 89 of the NPPF and are well above the 10% threshold stipulated by Policy G4. As such the proposal 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. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Within the Statement submitted it is argued that the extension is aimed at improving the ground floor accommodation; the ground floor bathroom is too small for the family and the size of the dwelling; the living room was too small and poorly accessed and the extension gives much more useable floor space; emergency access is improved at ground floor and first floor level; the extension is designed to limit the impact upon the rear elevation and with little impact upon neighbouring properties.

It is not considered that this position qualifies as very special circumstance that justify the setting aside of established Green Belt policy in this instance. The

circumstances given are not very special in their nature and could be applied throughout the Green Belt, with the justification amounting to a desire to have a bigger property.

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. The proposal seeks a further substantial increase over the original dwelling in addition to previous developments and is considered to result in a detrimental impact upon the openness of the Green Belt for which no very special circumstances have been demonstrated.

Given that the development has been undertaken without the benefit of planning permission and that planning permission has now been refused it is also considered expedient that enforcement action should be authorised in order to secure the removal of this unauthorised structure for the reasons of harm set out above.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/03761, excluding exempt information.

as amended by documents received on 05.02.2013

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 and the National Planning Policy Framework.

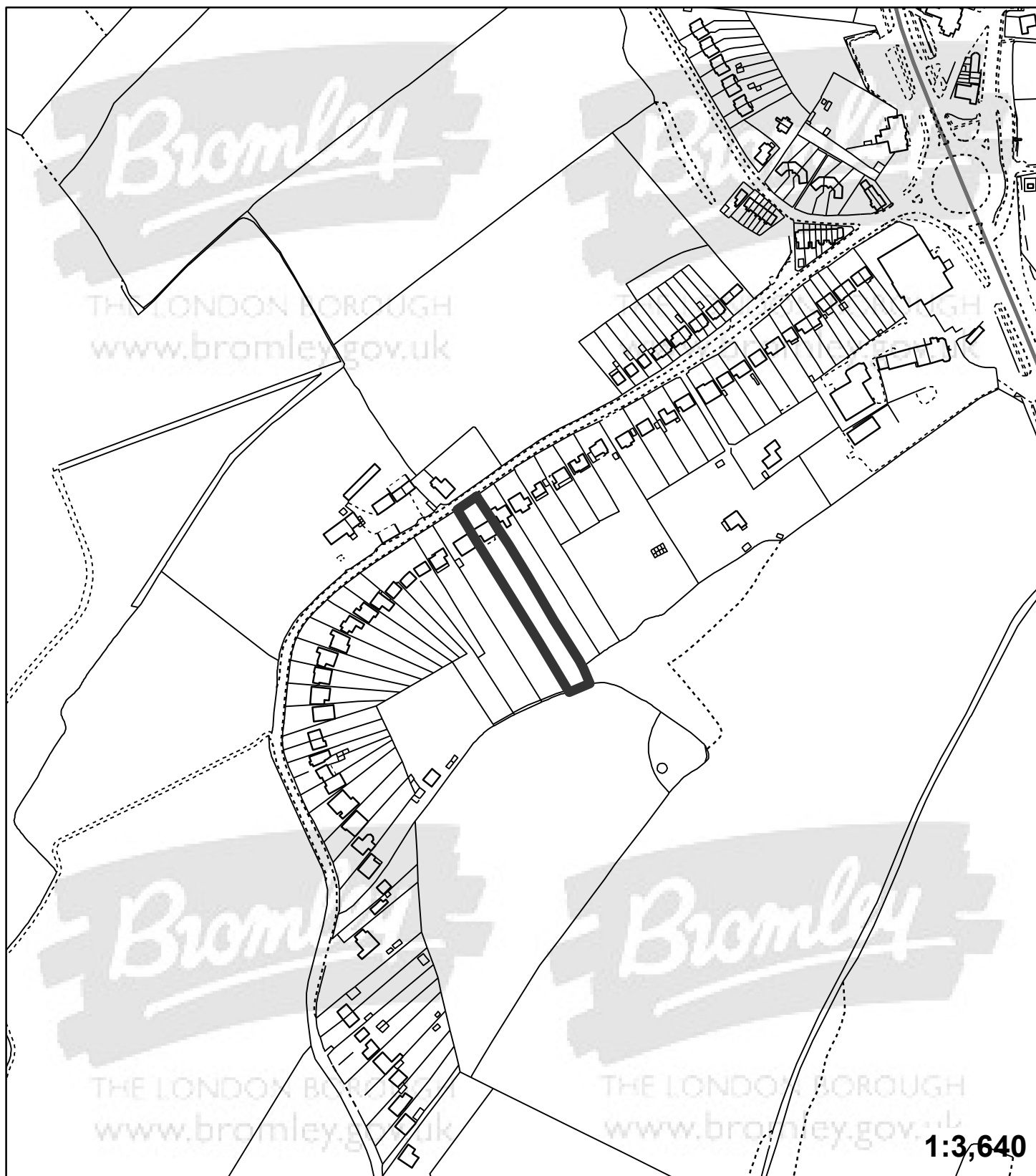
INFORMATIVE(S)

- 1 Further Recommendation: Enforcement action be authorised to secure the submission of a planning application for the development as the works near to completion require the removal of this unauthorised structure.

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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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