

SECTION '2' – Applications meriting special consideration

Application No : 12/03191/FULL1

Ward:
Darwin

Address : Silverstead Annexe Silverstead Lane
Westerham TN16 2HY

OS Grid Ref: E: 545218 N: 156999

Applicant : Mr And Mrs Mark Winsper

Objections : NO

Description of Development:

Demolition of annexe and outbuildings and erection of a single storey three bedroom detached dwelling and store outbuilding

Key designations:

Area of Outstanding Natural Beauty Area Of Outstanding Natural Beauty 02
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Sites of Interest for Nat. Conservation

Proposal

- The proposal seeks to remove all existing structures including the annexe and associated outbuildings.
- The replacement three bedroom building will have a height of 4.2m and will be single storey.
- The building will have an overall length of 20.5m and a width of 11.5m.
- The existing structure has a height of approximately 3.3m and a length of approximately 14m.
- A small hardstanding to the front will be provided with the existing access onto Silverstead Lane.

Location

Silverstead is located on the southern side of Silverstead Lane and is isolated within an area of open countryside which falls within the Green Belt. The land is also within the North Kent Downs Area of Outstanding Natural Beauty.

The site contains a single storey detached annexe building which is in the garden of the main house at Silverstead.

Comments from Local Residents

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

Comments from Consultees

Technical drainage comments have been received suggesting conditions.

The Environment Agency has not commented on the application.

No Thames Water objections are raised subject to an informative.

Technical highways comments have been received stating that due to the nature of the lanes leading to the site there is the need to condition routes/types of vehicle to be used etc during the demolition and construction phase. It is not clear if the access is suitable for use by construction vehicles and any changes need to be included in the Construction Management Plan. Conditions are suggested.

Waste Services has advised that refuse and recycling should be left at edge of curtilage.

Environmental Health (Housing) comments have been received stating that there must be an area of unobstructed window/door glazing (natural lighting) to a habitable room (i.e. bedroom or dining room) equivalent to at least 1/10th of the room's floor area to achieve the requirement for natural light. There must also be an area of openable window equivalent to 1/20th of the floor area to the room to achieve the natural ventilation requirement. The plans indicate a number of habitable rooms have external glazed doors providing part or all of the rooms natural light and ventilation provision. External doors are not included when calculating the natural ventilation provision for a room. Unlike an external window an external door can not be left open to provide natural ventilation without compromising the security of a property and in winter time allowing excessive heat loss. Part of the living space and kitchen area in the proposed property is combined which is not desirable due to the risk of accidents associated with areas used for food preparation and recreation.

Environmental Health (Pollution) has commented suggesting informatives.

Planning Considerations

The main policies relevant to this case are Policies BE1 (Design Of New Development), H7 (Housing Density And Design), G1 (Green Belt), G5 (Dwellings In The Green Belt Or On Metropolitan Open Land), NE2 (Development And Nature Conservation Sites), NE7 (Development And Trees) and NE11 (North Kent Downs Area Of Outstanding Natural Beauty (AONB)).

London Plan Policy 3.4 Optimising Housing Potential

London Plan Policy 3.5 Quality and Design of Housing Developments

London Plan Policy 7.16 Green Belt

London Plan Policy 7.8 Heritage Assets And Archaeology
London Plan Policy 7.21 Trees And Woodlands

The National Planning Policy Framework and the Council's adopted SPG guidance are also considerations.

Planning History

A Certificate of Lawfulness application was granted under ref. 03/04524 to certify the annex to separate dwellinghouse, however no residential curtilage was established.

Conclusions

The main issues relating to the application are the effect that it would have on the rural character and openness of the Green Belt, the impact on the nearby Area of Outstanding Natural Beauty (AONB), the impact on highway safety and the impact on nearby residential amenities. The impact on trees is also a consideration.

Silverstead Annexe benefits from a certificate of lawfulness under 03/04524 which was granted for "Convert annex to separate dwellinghouse CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE". However there is no established separate residential curtilage for the Annexe which stands in the residential curtilage of the main dwelling without physical separation. The existing dwelling is a simple flat roof building approximately 3m high which has a floorspace of approximately 100sqm. There are additionally two sheds and a garage which have a total floorspace of 57sqm and are also a maximum of 3m high as shown on the submitted plans. The total amount of built development at the application site (to be demolished) is therefore 162sqm.

The proposal includes the formation of a residential curtilage and construction of a new dwelling. The new dwelling features two single pitch sloping roof elements and the building rises to just over 4m high on one side and slopes down to an eaves around 2.6m, with some other flat roof areas around 3m high. The new dwelling has a floorspace of approximately 175sqm. The Council must consider whether the proposed development is materially larger than what it replaces and the resulting impact on the openness of the Green Belt. The replacement building will be around 6m wider than the existing structure.

The NPPF (para 89) states that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, can constitute appropriate development in the Green Belt. It also states that limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development can also be appropriate development. Should a proposal be inappropriate in the Green Belt, very special circumstances must be demonstrated to outweigh any harm caused. The current Bromley Unitary Development Plan defines a material increase as 10% in Policies G4 and G5.

The redevelopment of this site will result in a replacement dwelling that would not be materially larger than the one that currently exists, with the overall built development increasing the floor area by under 10% from 162 square metres to 175 square metres. The maximum height of the development at the site will increase by approximately 1m. The proposal includes the formation of a new residential curtilage, however it is considered that the proposal will not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The replacement building will also not be materially larger than the one it replaces. The proposal is therefore considered to be appropriate development in the Green Belt.

The site is close to the North Kent Downs Area of Outstanding Natural Beauty. The proposal would provide a simple design incorporating a low roof and it would appear only slightly bulkier than the current structure when viewed from the nearby AONB. On balance, it is considered that the proposal would not harm views from the nearby AONB and would detract from its natural beauty.

The Annexe building is currently sited a significant distance from neighbouring properties and the proposal is therefore not considered to be harmful to nearby residential amenities.

The proposal will utilise an existing access onto Silverstead Lane and it is considered that the use of this access would not be detrimental to highway safety as a dwelling already exists at the annexe.

This is a balanced case with regard to guidance in the NPPF, however it is considered that the proposal would not impact harmfully on the openness and rural character of the Green Belt and AONB. It is therefore recommended that Members grant planning permission.

Amended documents have been received dated 21/02/13 indicating the removal of the originally proposed car port and store building, and an increase in the living room size. The wing walls and paved terraces have also been reduced.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/03191, excluding exempt information.

as amended by documents received on 21.02.2013

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 | Satisfactory materials (ext'nl surfaces) |

- 5 ACC01R Reason C01
- 5 ACC03 Details of windows
- ACC03R Reason C03
- 6 ACD02 Surface water drainage - no det. submitt
- ADD02R Reason D02
- 7 ACH03 Satisfactory parking - full application
- ACH03R Reason H03
- 8 ACH29 Construction Management Plan
- ACH29R Reason H29
- 9 ACI01 Restriction of all "pd" rights

Reason: In order to comply with Policies BE1 and G1 of the Unitary Development Plan and in the interests of the visual amenities of the Green Belt.

- 10 ACK01 Compliance with submitted plan

Reason: In order to comply with Policies BE1 and BE11 of the Unitary Development Plan and in the interest of the visual amenities of the conservation area and the amenities of the nearby residential properties.

- 11 A woodland management plan, including tree and shrub planting, habitat enhancement, long term design objectives, management responsibilities and maintenance schedules for screening the development from views in from the AONB shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The plan shall include arrangements and timetable for its implementation and shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy NE11 of the Unitary Development Plan and in the interest of good arboricultural practice and the visual amenities and special character of the North Kent Downs Area of Outstanding Natural Beauty.

Reasons for granting permission:

In granting planning 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 Green Belt
- G5 Dwellings in the Green Belt or on Metropolitan Open Land
- NE2 Development and Nature Conservation Sites
- NE7 Development and Trees
- NE11 North Kent Downs Area Of Outstanding Natural Beauty (AONB).

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

- (a) the relationship of the development to adjacent properties
- (b) the character of the development in the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties, including light, prospect and privacy
- (d) the impact of the development on the openness and rural character of the Green Belt

- (e) the impact of the development on the Area of Outstanding Natural Beauty (AONB)
- (f) the impact of the development on the Site of Importance for Nature Conservation (SINC)
- (g) the impact on trees

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 2 If during works on site suspected contamination is encountered, Public Protection should be contacted immediately. The additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.
Before the use commences, the applicant is advised to contact the Pollution Team of Public Protection regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990.
- 3 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)).

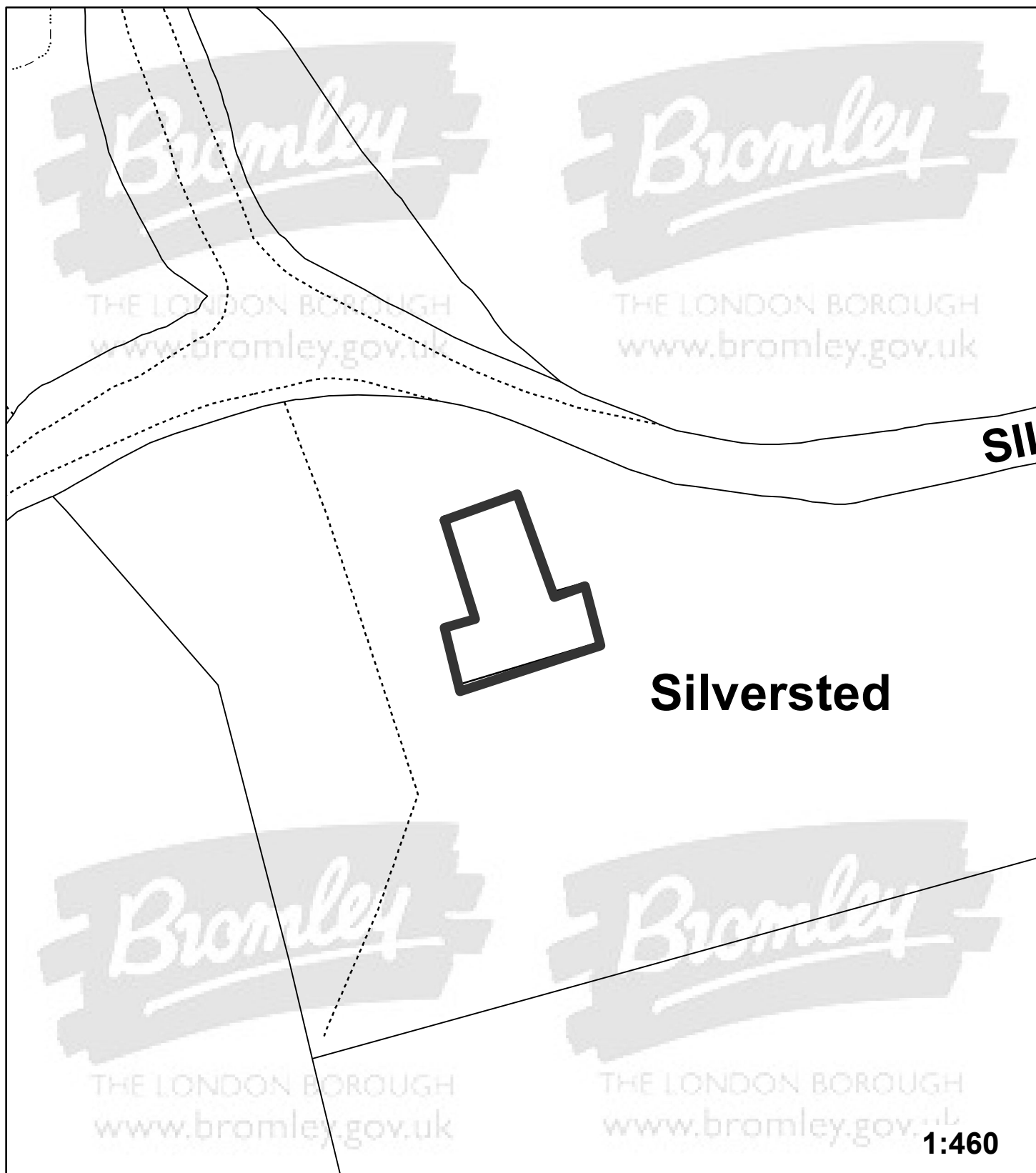
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

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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