

SECTION '2' – Applications meriting special consideration

**Application No :** 13/00416/FULL1

**Ward:**  
**Darwin**

**Address :** 3 Layhams Farm Cottages Layhams  
Road Keston BR2 6AR

**OS Grid Ref:** E: 539986 N: 162567

**Applicant :** Mr A Johnson

**Objections :** YES

**Description of Development:**

Demolition of existing dwelling and erection of replacement two storey four bedroom detached dwelling.

Key designations:

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

**Proposal**

Permission is sought to replace existing two storey dwelling and outbuilding and erect a two storey four bedroom detached dwelling.

The proposed dwelling has a total width of 12.5 metres centred upon a central core, giving the front elevation a width of 7.7 metres and the rear elevation a width of 9.5 metres. A total depth of 13.7 metres is proposed with an eaves height of 4.9 metres and a total height of 8.2 metres; the southern elevation has a cat-slide roof with an eaves height of 2.4 metres. A side space of 3.5 metres is allowed to the northern boundary and 2 metres to the southern boundary.

**Location**

The application site is located to the eastern edge of Layhams Road, to the south east of Layhams Farm, and features a detached two storey single family dwelling with detached garage located within the Green Belt.

**Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- there is no mains sewer in the area

### **Comments from Consultees**

Drainage has commented that there is no surface water or foul water sewers near the site and that appropriate conditions should be imposed should permission be granted.

Highways have commented that there is a good sized garage proposed and there is a parking / turning area on the site. Given the location a construction management plan should be provided if permission is granted

### **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  
G1 The Green Belt  
G5 Dwellings in the Green Belt  
H1 Housing Supply  
H7 Housing Density and Design  
H9 Side Space  
T3 Parking  
T18 Road Safety

Supplementary Planning Guidance 1 and 2

London Plan Policy 3.4 Optimising Housing Potential  
London Plan Policy 3.5 Quality and Design of Housing Developments  
Mayor of London's Housing Supplementary Planning Guidance

The National Planning Policy Framework

### **Planning History**

In 2004 under planning application ref. 04/00275 granted permission for a part one/part two storey extension. This permission was not implemented but is similar to the proposed two storey 'rear' extension under a certificate of lawfulness ref. 12/00126.

Application ref. 12/00126 sought a lawful development certificate for a two storey rear extension, single storey side extension, two side dormer dormers, a rooflight to the side elevation and the insertion of windows to the second floor front and rear elevations. This was refused by the Council in April 2012 on the grounds that:

“The two storey rear extension, two side dormer window extensions, insertion of windows in second floor front and rear elevation do not constitute permitted development as they do not comply with Schedule 2, Part 1, Class A, Part (h); Class B, Part (c) and Condition B.2 (c) respectively of the Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended).”

However, this decision was overturned at a subsequent appeal, with the Inspector stating that the north-west elevation is the front of the property.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area, the openness of the Green Belt and the impact that it would have on the amenities of the occupants of surrounding residential properties.

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 replacement of existing buildings within the Green Belt is considered acceptable under the Policy G5 and the National Planning Policy Framework (NPPF). The NPPF states that such replacement buildings are appropriate provided the one building is in the same use and not materially larger than the one it replaces, with Policy G5 measuring such materiality as being above 10% of the existing floor area, including any outbuildings within 5 metres. The existing floor area of the dwelling and detached garage (which is within 5 metres) is some 128 square metres, with the proposed dwelling being 209 square metres, an increase of 81 square metres or 63%.

The applicant's position is that the 2012 certificate of lawfulness granted extensions that would result in a total floor area of 211 square metres and that this should be treated as the existing dwelling for the purposes of assessing whether the development is inappropriate or otherwise. In this regard it is contended that the development is therefore appropriate and no very special circumstances are required. This position is not accepted, however the granting of the certificate on appeal is considered to be a significant material consideration.

The proposed dwelling would have a larger footprint than the existing dwelling, although this would be comparable to any dwelling resulting from the implementation of the extensions granted under the 2012 certificate. At 8.2 metres in height the proposed dwelling would be some 0.3 metres lower, with the proposed front elevation being staggered and resulting in lower degree of impact upon the street scene than a uniform building line.

The replacement dwelling would maintain a good level of separation to the both the northern and southern boundaries with a limited number of dwellings in the vicinity

and Layhams Farm to the north. It is considered that there would be no harm to residential amenity as a result of the development.

Consideration must be given to the extensions that have been granted on appeal under the 2012 certificate and that would result in a marginally larger property than is currently proposed. It is considered that the resultant dwelling under permitted development would be of a less attractive design and that the proposed development would have a more acceptable impact upon the character of the Green Belt. Consideration must also be given to the structural survey accompanying the application outlining a number of issues with the existing building, namely poor structural integrity and severe damp. Together it is considered that the proposed dwelling would represent an improvement over the existing dwelling and upon the enlarged property as per the 2012 certificate, which is considered the applicant's genuine fall-back position in this instance.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character, openness, or visual amenity of the Green Belt.

Background papers referred to during production of this report comprise all correspondence on files refs. 13/00416 and 12/00126, excluding exempt information.

## **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                                          |
|    | ACA04R         | Reason A04                                                                        |
| 3  | ACC01          | Satisfactory materials (ext'nl surfaces)                                          |
|    | ACC01R         | Reason C01                                                                        |
| 4  | ACD02          | Surface water drainage - no det. submitt                                          |
|    | ADD02R         | Reason D02                                                                        |
| 5  | ACD04          | Foul water drainage - no details submitt                                          |
|    | ADD04R         | Reason D04                                                                        |
| 6  | ACH03          | Satisfactory parking - full application                                           |
|    | ACH03R         | Reason H03                                                                        |
| 7  | ACH16          | Hardstanding for wash-down facilities                                             |
|    | ACH16R         | Reason H16                                                                        |
| 8  | ACH29          | Construction Management Plan                                                      |
|    | ACH29R         | Reason H29                                                                        |
| 9  | ACH32          | Highway Drainage                                                                  |
|    | ADH32R         | Reason H32                                                                        |
| 10 | ACI01          | Restriction of all "pd" rights                                                    |
|    | <b>Reason:</b> | In the interests of protecting the visual amenity and openness of the Green Belt. |
| 11 | ACK01          | Compliance with submitted plan                                                    |

- |    |                                                                                                                                                                                                        |                                        |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
|    | ACC01R                                                                                                                                                                                                 | Reason C01                             |
| 12 | ACK05                                                                                                                                                                                                  | Slab levels - no details submitted     |
|    | ACK05R                                                                                                                                                                                                 | K05 reason                             |
| 13 | The existing detached garage to the northern boundary annotated on drawing number AJ/11/232/10 shall be demolished and the site cleared prior to the commencement of the development hereby permitted. |                                        |
|    | ACK04R                                                                                                                                                                                                 | K04 reason                             |
| 14 | AJ02B                                                                                                                                                                                                  | Justification UNIQUE reason OTHER apps |

Policies (UDP)

- BE1 Design of New Development
- G1 The Green Belt
- G5 Dwellings in the Green Belt
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
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 Mayor of London's Housing Supplementary Planning Guidance

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INFORMATIVE(S)

- 1 Thames Water will aim to provide customers with a minimum pressure of 10m per head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take into account of this minimum pressure in the design of the proposed development.
- 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)).

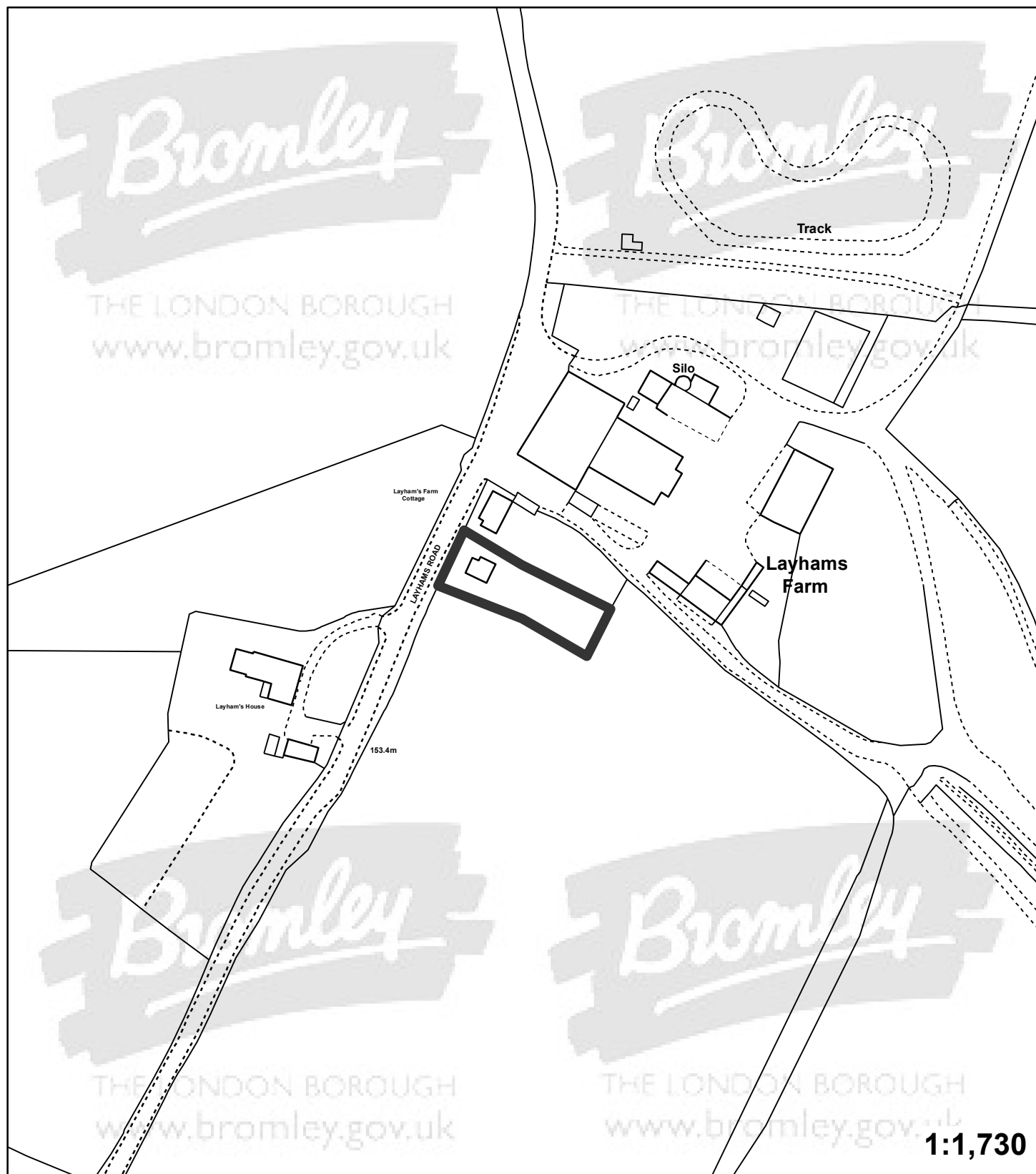
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

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