

SECTION '2' – Applications meriting special consideration

Application No : 13/02996/FULL1

Ward:
Darwin

Address : 115 Leaves Green Road Keston BR2
6DG

OS Grid Ref: E: 541561 N: 162187

Applicant : Mr & Mrs Keith Hopton

Objections : NO

Description of Development:

Demolition of existing dwelling and erection of single storey detached dwelling.

Key designations:

Biggin Hill Noise Contours
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

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

The dwelling has a width of 9.3 metres, a depth of 10.8 metres and a height of 5.2 metres. A hipped roof is proposed with a small gable end to the rear elevation while a side space of 1between 1.67 metres and 1.33 metres is allowed for the southern boundary and between 1.47 metres and 1.24 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

No consultations were undertaken.

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
- H1 Housing Supply
- H7 Housing Density and Design
- 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 policies:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 7.16: Green Belt

The Mayor's Supplementary Planning Guidance: Housing

The National Planning Policy Framework (the NPPF) is also of relevance, in particular Section 9 (Protecting Green Belt Land) and Section 7 (Requiring Good Design), and the above policies are considered to be in accordance with this framework.

Planning History

Two previous applications of relevance to the current proposal, which can be summarised as follows:

Application ref. 12/02856 was refused by Members in December 2012. This sought permission for the existing dwelling and the erection of a single storey 3 bedroom detached dwelling with accommodation in the roofspace and was refused on the following grounds:

"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.

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."

This decision was subsequently appealed and dismissed by the Inspector. The Inspector concluded that the proposal would be materially larger than the existing dwelling and would constitute inappropriate development within the Green Belt under paragraph 89 of the NPPF. In terms of openness and character, the Inspector found that the proposal only caused harm due to a lack of adequate side space, but fulfilled all other design criteria of the NPPF.

Members should note that the Inspector accorded the structural state of the existing dwelling and the replacement with a modern, larger house with high levels of energy efficiency 'significant weight'. 'Significant weight' was also attached to the larger level of development undertaken at Nos. 117 (a 75% increase in floorspace), No.109 and No.111.

The possible development that could be undertaken under permitted development was accorded 'some weight' as there were no plans demonstrating how this would actually be realistically implemented. On balance the Inspector concluded that these arguments did not outweigh the harm to the Green Belt by way of openness and inappropriate development.

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. 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."

Members should be aware that neighbouring properties have had previously approved proposals that are relevant to this application and have previously been commented upon as having significant weight by the Inspector in the recent appeal decision:

- No.117 - The replacement of a detached bungalow with a 3 bedroom detached dwelling was permitted under application ref. 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 ref. 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 ref. 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 (ref. 02/01177) and a detached garage (ref. 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 and openness of the Green Belt and the impact that it would have on the amenities of the occupants of surrounding residential properties. The previous refused applications are material consideration, primarily in relation the Inspector's comments.

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.

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 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.

A number of design changes have been implemented by the applicant in order to overcome the most recent refusal and the comments of the Inspector in dismissing the appeal. The side space has been increased to between 1.47 metres and 1.24 metres to the northern boundary and to between 1.67 metres and 1.33 metres to the southern boundary. A single storey rear extension is retained, however this has been reduced in height and the entire proposed roofspace no longer includes any

accommodation. It is not considered that the proposed roof design is capable of future conversion to habitable space.

The result of these changes is to significantly alter the amount of floorspace being proposed to 96.15 square metres against the previously refused 160.35 square metre replacement dwelling dismissed at appeal and the 119.5 square metre extended existing dwelling previously refused. Members should be aware that at the recent appeal the Inspector assessed the property in terms of the impact of its footprint as well floor area, commenting that the scheme would result in an 82% increase and must be seen within the context of the very small size of the existing dwelling. The current proposal would see an increase in footprint of 49%. In this instance, due to a lack of any roof accommodation, this figure also reflects the total increase in floor area to be considered under Policy G5 and paragraph 89 of the NPPF.

In terms of design the proposal is considered to represent a significant improvement over both refused schemes. The roof design has been reduced in height and the spatial standards would maintain those in place and increased over the refused replacement dwelling. The front building line would see no alteration, whilst to the rear the lower rear element would not project beyond the rear wall of No.117. In terms of amenity it is not considered that there would be any detrimental impact.

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 and the Inspector accorded significant weight these developments.

The 49% increase in floor area is over the 10% stipulated within Policy G5 and may therefore be considered as a materially larger dwelling over the existing property and therefore constitutes inappropriate development. However, as also noted by the Inspector, such a figure is also reflective of the small scale of the existing property and this must be taken into consideration. Also of consideration is the replacement dwelling effectively being an extended form, to the rear, of the current building. The rear 'extension' has a depth of less than 4 metres and, although what can be achieved under permitted development is not binding upon the Council, the existing dwelling could achieve a similar footprint with an extension of the same size.

The proposal is of a smaller scale in both design and floor area and it is considered that the impact of the development upon the character of the Green Belt would be acceptable. The increase in spatial standards and the lowering of the roof height greatly improve the impact of the dwelling and it is not considered that the proposal would have a significantly greater impact upon the openness of the Green Belt than that present to the site. On this basis it is considered that the proposal overcomes the concerns raised by the Council previously and by the Inspector at paragraph 18 of his decision letter.

The arguments in favour and against remain finely balanced. The improvements in terms of design, scale and spatial standards result in an acceptable development within the site whilst the increase in floor area, the increased energy efficiency attained from the development as well as the previously approved development nearby and the possible level of extension under permitted development are considered to cumulatively result in very special circumstances that outweigh the harm to the Green Belt by definition. It is therefore considered that the proposal is acceptable.

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

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACC01 Satisfactory materials (ext'n'l surfaces)
 ACC01R Reason C01
- 3 ACK01 Compliance with submitted plan
 ACC01R Reason C01
- 4 ACI02 Rest of "pd" Rights - Class A, B,C and E

Reason: In the interests of preventing an unacceptable overdevelopment of the site that would have a detrimental impact upon the character and openness of the Green Belt and in the interests of the amenities of neighbouring residents in accordance with Policies BE1, G1 and G4 of the Unitary Development Plan and the National Planning Policy Framework.

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)).

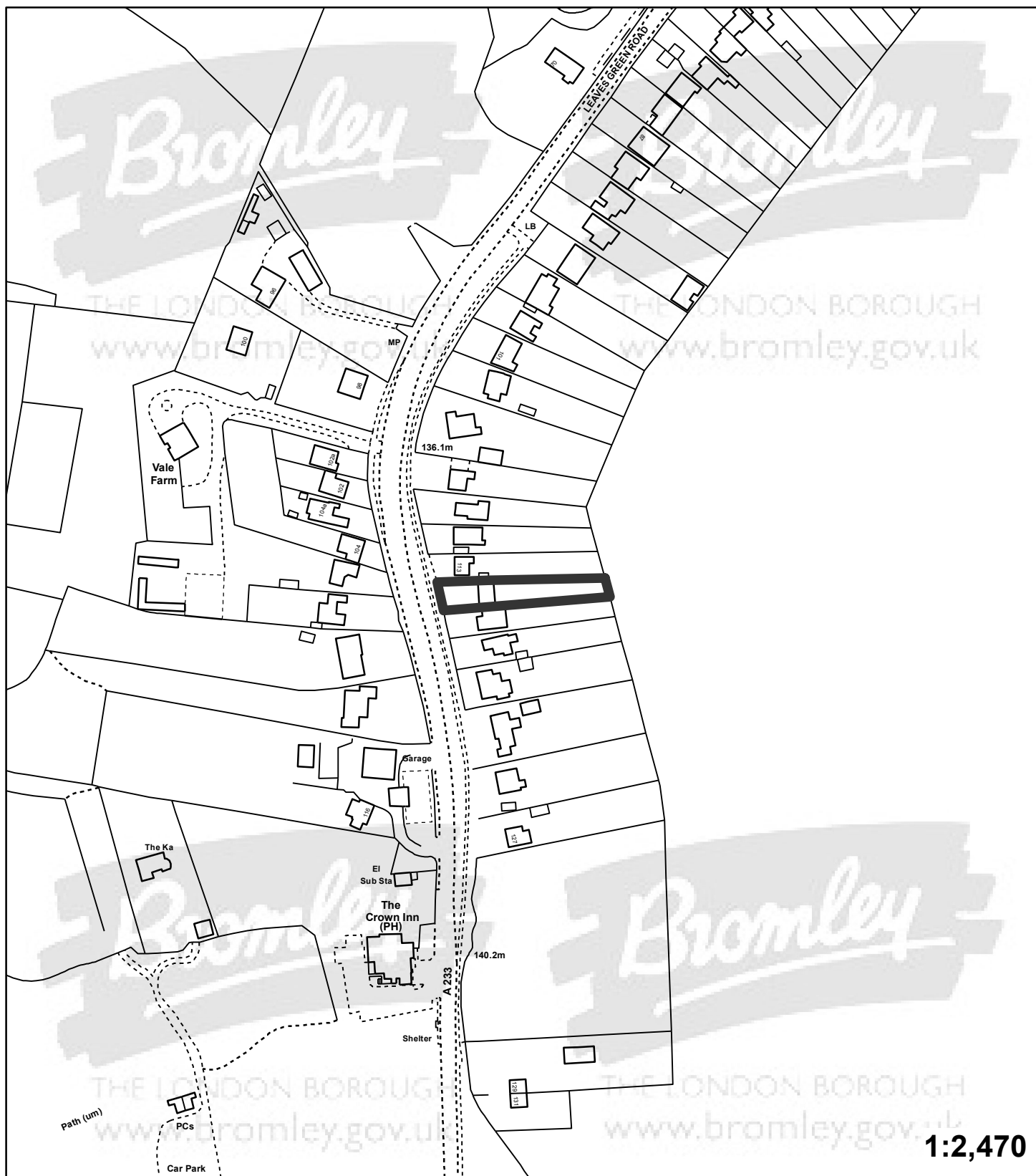
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

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

Application:13/02996/FULL1

Address: 115 Leaves Green Road Keston BR2 6DG

Proposal: Demolition of existing dwelling and erection of single storey detached dwelling.



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

© Crown copyright and database rights 2013. Ordnance Survey 100017661.