

SECTION '2' – Applications meriting special consideration

Application No : 13/03906/FULL1

Ward:
Darwin

Address : Trowmers Luxted Road Downe
Orpington BR6 7JS

OS Grid Ref: E: 543102 N: 161551

Applicant : Mr E Bullion

Objections : YES

Description of Development:

Two storey 4 bedroom dwelling house with attached garage and access via Cudham Road on land at Trowmers

Key designations:

Conservation Area: Downe Village
Areas of Archaeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

- Two storey 4 bedroom detached L-shaped dwelling measuring approximately 9.1m in height
- Attached double garage.
- Access is proposed from Cudham Road, utilising an existing strip of land with gates fronting the road which would lead to a circular driveway adjacent to the house.
- Tile hanging and brickwork is proposed for the dwellinghouse

Location

- The application site is part of the existing garden of Trowmers.
- Trowmers is a large Victorian detached house situated in extensive grounds. It is Locally Listed.
- The proposed access from Cudham Road comprises a grassed area with wrought iron gates and is located between Downe Hall Farm Cottage and 30 High Street Downe.
- The application site is located within the Downe Village Conservation Area and forms part of the Green Belt.

- The site is bounded by predominantly residential development along Cudham Road/High Street Downe to the north-east and Luxted Road to the north-west.
- To the east and south is open Green Belt land with limited development.
- To the south-west further along Luxted Road are a number of larger dwellings set on spacious plots fronting the road.
- The organic evolution of the village has led to a variety of building and plot sizes and shapes with a mix of large detached gentry properties, semi-detached houses and terraced housing. The majority of these also front the road.
- The unifying characteristic of the area is the rural backdrop to the built environment with mature vegetation appreciated not only in the views between buildings but also the open agricultural landscape around the edge of and surrounding the conservation area.

Comments from Local Residents

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

Objections:

- not an infilling development but a proposal for backland development
- entirely inappropriate
- proposed egress onto Cudham Road is opposite a dangerous T-junction where sight lines are obscured by parked vehicles
- intrusion into visual amenity of the green areas behind house
- blot on the landscape
- contrary to Green Belt policy and government guidelines
- detrimentally impact the Downe Village Conservation Area
- two storey house within the centre of Downe and within the Green Belt would be a disaster
- safety concerns to pedestrians and residents by creating new driveway onto Cudham Road
- serious overlooking and privacy issues to neighbouring residents
- contrary to Policy H7, as it is backland development, G1, BE10, NE6
- access is in fact onto High Street not Cudham Road
- sight lines are poor and opposite a busy junction
- unhappy about disruption whilst it is being built
- would create a precedent and encourage similar applications - infill by stealth
- inappropriate interpretation of Green Belt policy
- had the NPPF intended new detached two-storey buildings to be constructed on vacant Green Belt land they would have said so
- does not constitute or support "limited infilling" due to the large plot size proposed
- no "very special circumstances" that can justify or permit the proposed development on Green Belt land

- detrimental impact to neighbouring properties and residents and to Downe Village community
- does not support local context and street pattern
- grass area with iron gates not presently used as a driveway or thoroughfare for vehicles
- would create additional pressures on surrounding traffic
- harm amenities enjoyed by local residents, in particular the safe and available on-road parking and pedestrian route along Cudham Road
- proposed development is of enormous proportions with parking for up to 4 vehicles
- future possibility of a loft conversion due to height and pitch of roof which far exceeds any neighbouring property
- scale and design out of keeping with any neighbouring property and would appear cramped
- detrimentally impact the rear open outlook of properties on Cudham Road
- openness and visual amenity of Green Belt would be irreparably injured
- loss of privacy to neighbours
- overlooking from windows
- obstruction to the view from the public right of way to the south of Trowmers and would obstruct views on Cudham Road and Luxted Road
- view from outside Downe Church and across Cudham Road would be altered
- cumulative effects on surrounding environment
- no guarantee that existing screening and shrubs would be retained
- proposed dwelling would be clearly visible from neighbouring house and harm an otherwise unobstructed view of Green Belt green field
- could impact on root stock of trees, including those that are protected.

A petition against the development was also received.

Supporting Comments:

- Downe Village is well suited to small sympathetic expansion
- small infill development will benefit village
- will cause no distress to the local area or community due to the discreet location
- access via Cudham road is existing and will not cause road congestion
- will enhance village.

Comments from Consultees

The Council's Highways Development Engineers have raised no objections to the proposed garage or use of the existing access. However, it appears that it will also be used for construction traffic and concerns are raised over how they will accommodate construction vehicles.

The Council's Environmental Health Officer has raised no objections to the proposal but has recommended informatives regarding the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990 and contamination.

The Council's Drainage Advisor has advised that contrary to the information provided by the applicant, there is no public surface water sewer near to the site, surface water will therefore have to be drained via soakaways.

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
- BE3 Buildings in rural areas
- BE10 Locally Listed Buildings
- BE11 Conservation Areas
- BE14 Trees in Conservation Areas
- G1 The Green Belt
- H7 Housing Density and Design
- H9 Side Space
- NE6 World Heritage Site
- T3 Parking
- T7 Cyclists
- T18 Road Safety

- SPG1 General Design Principles
- SPG2 Residential Design Guidance

Downe Village Conservation Area Statement

London Plan:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.2 An Inclusive Environment
- 7.3 Designing out crime
- 7.4 Local Character
- 7.6 Architecture
- 7.16 Green Belt

Mayor of London's Housing Supplementary Planning Guidance

Chapter 9 of the National Planning Policy Framework (NPPF) 2012 is a material planning consideration. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The applicant has suggested that the Council's Unitary Development Plan Policy G1 can be afforded little or no weight as it is inconsistent with the National Planning Policy Framework 2012 because limited infilling in villages is not included in the exceptions to inappropriate development listed within the policy. Members are advised that this Policy can be afforded weight, however it should be read in conjunction with the NPPF to ensure any decision made reflects current policy. This report includes references to Policy G1 where it is up to date and relevant.

Planning History

In 1985, outline planning permission was refused under ref. 85/02568 for four houses and garages. The application was dismissed at Appeal.

In 1994, outline planning permission was again refused and dismissed at Appeal for a detached four bedroom house and detached double garage under ref. 94/02057.

Conclusions

The main issues relating to the application are firstly whether or not the proposal is appropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances justifying inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

According to the NPPF, new buildings within the Green Belt will be inappropriate, unless they are for certain purposes. With regard to this proposal, these include limited infilling in villages, which the applicant has argued makes this proposal appropriate development in the Green Belt.

In order to constitute appropriate development as set out in the application, the proposal must be limited infilling within a village. The NPPF and the Bromley UDP do not define 'limited infilling' or 'a village'. Furthermore the boundaries of Downe Village are not defined within the UDP for the purposes of Green Belt policy, however the village is included within the Green Belt.

It is not considered that the proposal constitutes 'limited infilling'. An "infill" site is commonly understood to constitute development between existing buildings, generally fitting within a pattern of existing development and involving the completion of an otherwise continuous and largely uninterrupted built frontage of dwellings adjacent to the street. The proposed location of the dwelling is not within the space between existing structures but would intrude into currently open land to the rear, extending the built-up area of the village. Furthermore, the L shaped footprint of the building and overall height results in a building of substantial scale. The proposed dwelling therefore does not constitute limited infilling and is considered inappropriate development in the Green Belt, and in this instance no very special circumstances have been demonstrated and no exception to the fundamental aims of Green Belt policy has been justified.

In addition to the question of whether the proposal is appropriate development, the openness and visual amenity of the Green Belt should not be injured by any proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reasons of scale, siting, materials or design. The dwelling, as proposed, would extend the built-up area of the village to the south of Cudham Road and the east of Luxted Road, encroaching on open Green Belt land. Currently open views from the rear of properties surrounding the site would be particularly impacted, as well as views from the public right of way to the south of Trowmers. Of particular significance would be the impact of the proposal on the current open views of the lawns and trees of Trowmers obtained from between the buildings either side of the access from Cudham Road. These would be replaced by that of a large two storey dwelling and driveway with vehicle parking. All of this would have a significant visual impact on the openness and character of the Green Belt.

Also of material consideration is the Conservation Area designation of the site and surrounding area. Within the Conservation Area the vast majority of houses, gardens and spaces contribute positively to its character and appearance. Soft landscaping and the spacious character of the street scene are of particular importance and "development of parcels of land created from rear gardens will be resisted as the gardens contribute to the character of the area, are an important amenity for residents, often provide wildlife habitats and help to integrate the built environment into its wider landscape context" (Downe Village Conservation Area Statement).

Trowmers is noted in the Conservation Area statement for the positive contribution it makes to the character of the Conservation Area and is also included on the Council's Local List. In this instance, the proposed dwelling and associated hard landscaping which is expected would have the effect of closing the existing open vista which exists between the cottages either side of the Cudham Road access, detrimental to the spaciousness and visual amenities of the area and harmful to the setting of the locally listed building.

Concerns have been raised by local residents over loss of privacy and overlooking from the development. However, there is considerable separation proposed between the new dwelling and surrounding buildings, as well as substantial screening from trees and vegetation around the edge of the site. As such, the development is unlikely to give rise to significant overlooking into neighbouring residential dwellings. However, the proposed two storey dwelling would be clearly visible from the rear elevations of neighbouring dwellings which currently enjoy an otherwise unobstructed view of open Green Belt land. This would be harmful to the amenities of the occupiers of those buildings and would set a precedent for further similar development in Downe and other villages in the Borough.

With regard to the impact of the development on trees, while the proposal would involve the removal of some trees, it would not affect any significant trees at the site.

In terms of the impact on Highways and road safety, while the size of the proposed garage is considered sub-standard, there would be ample parking available on the

driveway as well as adequate turning space and, as such, the proposal is considered acceptable from a parking perspective. The proposed access via Cudham Road would utilise an existing crossover and as it would only serve one dwelling it unlikely to result in an unacceptable intensification of its use. However, it appears that it would also be used by construction traffic during construction phase and concerns are raised over how construction vehicles will be accommodated. As such, a condition requiring a construction management plan is recommended should permission be granted.

Having had regard to the above, it is considered that the proposed development is inappropriate in the Green Belt and would impair the openness and visual amenities of the Green Belt. Furthermore, the proposal would fail to either preserve or enhance the character and appearance of the Downe Village Conservation Area. In addition, the development proposed would have a detrimental impact on the outlook from neighbouring properties, harmful to the amenities of the occupiers of those buildings.

Background papers referred to during production of this report comprise all correspondence on files refs. 85/02568, 94/02057 and 13/03906, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

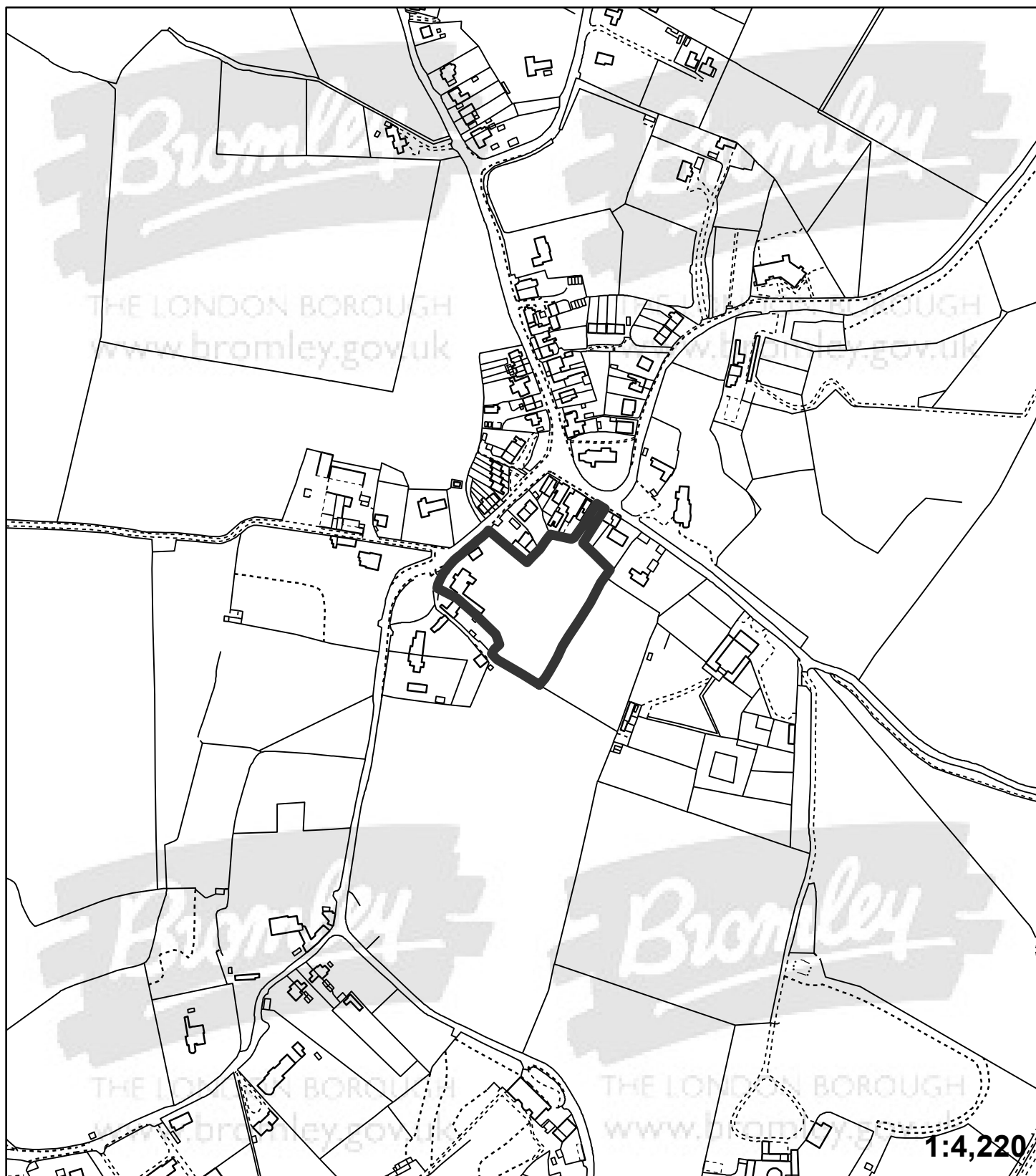
The reasons for refusal are:

- 1 The proposed development constitutes inappropriate development within the Green Belt and no special circumstances exist which might justify the grant of planning permission as an exception to established Policy G1 of the Unitary Development Plan and the National Planning Policy Framework 2012.
- 2 The proposal, by reason of its size, layout, design and bulk would fail to take into account the existing character, landscaping and spaciousness of the site, which contribute to the character and appearance of the Downe Village Conservation Area and the proposal would therefore fail to either preserve or enhance the character and appearance of the Conservation Area. This would be contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan.
- 3 The proposal, by reason of its size, layout, design and bulk would be detrimental to the amenities that the occupiers of nearby and adjacent properties might expect to be able to continue to enjoy by reason of visual impact and loss of prospect, contrary to Policy BE1 of the Unitary Development Plan.

Application:13/03906/FULL1

Address: Trowmers Luxted Road Downe Orpington BR6 7JS

Proposal: Two storey 4 bedroom dwelling house with attached garage and access via Cudham Road on land at Trowmers



"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.