

SECTION '2' – Applications meriting special consideration

**Application No :** 14/01046/FULL1

**Ward:**  
**Darwin**

**Address :** 378 Main Road Biggin Hill TN16 2HN

**OS Grid Ref:** E: 543164 N: 157784

**Applicant :** Mr David Abbott

**Objections :** YES

**Description of Development:**

Erection of a detached two storey three bedroom dwelling with associated car parking at front and new vehicular access on to main road.

Key designations:

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

**Proposal**

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- The proposal seeks permission for the erection of a detached two storey three bedroom dwelling with associated car parking at front and new vehicular access onto Main Road.
- The proposed house will have a total width of 8.3m and a length of 11.5m, set back 6m from the highway.
- The house will have a height of 7.0m with hipped roofs and an eaves height of 3.4m.
- The proposed house will be served by a new access onto the Main Road, which will be shared with No. 378, providing a new area of car parking to the front and a turning area within the site.

A supporting letter has been submitted by the applicants which outlines the appeal decision and the Inspector's conclusions regarding Green Belt considerations and the character of the area.

**Location**

The site comprises a detached two storey residential dwelling with an open area of garden to the side where the proposed dwelling will be sited. The area is characterised by a ribbon of residential and other development on either side of

Main Road to the south end of Biggin Hill. The site and surroundings fall within the Green Belt.

### **Comments from Local Residents**

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

- impact on the rural character of the Green Belt with no very special circumstances to justify the development
- new accesses would impact on highway safety by creating a hazard to road users in an area where many accidents occur. Cherry Lodge Golf Club development adds further to this issue.

### **Comments from Consultees**

No Thames Water objections are raised.

No Environmental Health objections are raised subject to informatives.

No technical drainage objections are raised subject to a standard condition.

TfL raises no objection to the application.

Technical highways comments have been received. This proposal has a different layout with 2 spaces provided for each unit with a turning area between the 2 houses. This accords with the parking standards in the UDP although there is no nearby provision for visitors parking. This which would have to be on Main Road or perhaps in the pub opposite although that is obviously private property. There are some properties nearby in a similar situation this alone is not a strong enough ground for refusal. This type of parking/turning layout is basically the same that was agreed for a similar proposal at 305 Main Road (13/00444). It was agreed that there would be reference in the title deeds for the 2 properties that the turning area would be a right of way for both properties. Given that this has been agreed previously for a nearby site it would be difficult to raise an objection here. Conditions are suggested should permission be granted.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

- BE1 Design of New Development
- H7 Housing Density And Design
- NE7 Development And Trees
- T3 Parking
- T11 New Accesses
- T18 Road Safety
- G1 Green Belt

## The National Planning Policy Framework

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

### **Planning History**

Planning permission was refused under ref. 12/02604 for erection of 2 semi-detached two storey three bedroom dwellings with associated car parking at front and new vehicular access onto Main Road. The refusal grounds were as follows:

'The proposal would constitute an inappropriate development in the Green Belt, resulting in significant harm to the visual amenities, openness and rural character of the Green Belt by reason of the scale, bulk and proposed use, and the Council sees no very special circumstances which might justify the grant of planning permission, thereby the proposal is contrary to Policy G1 of the Unitary Development Plan.

The proposed additional vehicular access would lead to dangerous reversing manoeuvres onto the highway and would be prejudicial to conditions of general highway safety, contrary to Policies T11 and T18 of the Unitary Development Plan.'

Planning permission was refused under ref. 13/00127 for erection of a detached two storey three bedroom dwelling with associated car parking at front and new vehicular access onto Main Road. The refusal grounds were similar to the 2012 application.

The application was subsequently dismissed on appeal. The Inspector states:

'The appeal site is located within the Green Belt and comprises part of the side and rear garden area of number 378 Main Road (number 378). It lies between number 378 and a grassed driveway which serves a detached dwelling lying to the rear of the site. A public footpath is located on the opposite side of the grassed driveway. Although the site is garden land and open in appearance, it is part of a substantially built up frontage forming ribbon development along Main Road.

The Council contends that the proposal would be inappropriate development within the Green Belt and quotes paragraph 89 of the Framework in this regard. It argues that the proposal would be unacceptable and would have a harmful effect on the Green Belt by reason of its bulk; increase in intensity of use; associated traffic; and visual impact. Policy G1 of the adopted London Borough of Bromley Unitary Development Plan 2006 (UDP) states that planning permission will not be granted for inappropriate development unless very special circumstances can be demonstrated. This policy accords with Green Belt policy as contained within the Framework.

However, paragraph 89 of the Framework (5th bullet point) states that one of the exceptions to the general presumption against new buildings in the Green Belt is limited in-filling in villages. Whilst I have no information regarding the formal status of Westerham, the settlement contains a number of dwellings, a public house, local shops and businesses. In my opinion, it displays all of the characteristics of a village. Given the location of the site between existing properties in a substantially built up frontage, I conclude that the proposal would represent limited infilling, and on this basis, it is not inappropriate development within the Green Belt. Consequently, the proposal would not conflict with the Framework or with Policy GB1 of the UDP in this regard.

Main Road is a busy classified highway, which carries significant amounts of vehicular traffic. Consequently, I agree with the Council that vehicles should be able to enter and leave the appeal site in a forward gear. Whilst the submitted plans demonstrate that manoeuvring space would be available for vehicles associated with the proposed new dwelling, the parking and manoeuvring area for number 378 is less clear. Due to the limited width and depth of the frontage to 378, it does not appear that vehicles would be able to park on the site without reversing either onto or from the highway.

In reaching my decision, I have taken into account that other properties on Main Road do not have turning space within the site. However, in my opinion this is not a reason to accept further development that would potentially be dangerous to highway users.

I therefore conclude that, as submitted, the proposal does not provide adequate detail to demonstrate that the development would not have a detrimental impact on highway safety. Consequently, the proposal would conflict with Policy T18 of the UDP, which seeks to ensure that road safety is not adversely affected.'

## **Conclusions**

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

Following the dismissal of the previous scheme (ref. 13/00127) at appeal, the current proposal differs from that scheme by providing an enlarged car parking and turning area within the site, sharing an access with No. 378. The scale, size and design of the proposed dwelling remain the same as that previously dismissed.

The site of the proposed dwelling is currently open garden and is considered to provide a positive impact on the character of the area and openness of the Green Belt. The erection of a house would erode this open space to the detriment of the Green Belt and the provision of a house would be inappropriate by definition and contrary to Policy G1 of the UDP.

NPPF Para 89 states that limited infilling or complete redevelopment in the Green Belt may be appropriate provided that it does not have a greater impact on openness. The proposal to build a dwelling on this site by subdividing the plot of No. 378, with associated gardens and hardstanding, is considered to result in severe harm to the Green Belt by reason of the increase in bulk and increase in intensity of the use of the land, which would provide greater noise/disturbance and comings and goings to the site, including vehicular traffic.

The Inspector, when considering the previous scheme (ref. 13/00127), asserted that the dwelling fell within Westerham and that this is a village. On this basis, the proposal was considered by the Inspector to constitute 'limited infilling' of the ribbon development either side of Main Road and the provision of additional housing for such a village may be considered acceptable. The Council respectfully asserts that the area does not constitute a clearly defined settlement or village, as the Inspector states, but instead forms the southern edge of Biggin Hill rather than Westerham, which is a separate town that is located over two miles away to the south. The Council takes the view that the area in question, which falls within the Green Belt, provides an area of rural land that should be protected under Green Belt policy, rather than an individual village settlement.

Paragraph 89 of the NPPF states that limited infilling in the Green Belt may not be considered inappropriate, along with redevelopment of previously developed sites. The NPPF is unclear as to a definition of 'limited infilling' and states that Local Plan policies should provide more detail. The NPPF therefore continues to give weight to the policies of the Local Plan. The NPPF also states that such infilling should not have a greater impact on the openness of the Green Belt. UDP Policy G1 is a 'saved' policy and lists the appropriate sites for infilling, thereby providing this further detail. These sites are limited to designated major development sites within the Borough. Policy G1 also states that the purpose of the policy is not to allow further new development within the Green Belt and in village locations.

The proposal would also introduce a large new structure within a currently open garden belonging to an existing dwelling. The site does not constitute a gap and the development would neither fill nor physically close this area of the site. The development would provide a detached building that would retain space around it and therefore is not considered to constitute either 'infilling' or 'limited' development.

The purposes of retaining land in the Green Belt, as outlined in the NPPF, is to preserve the rural character of the land and to prevent the spread of urban development into the countryside. The introduction of a house in this case would not contribute to these objectives. The proposed development would not be sympathetic to the Green Belt by reason of its bulk, the increase in intensity of the use of the site, associated traffic and visual impact. The proposal is inappropriate under G1 and contravenes the purposes of retaining land in the Green Belt. It is therefore considered that the previous refusal ground would not be addressed by the proposal.

The proposal is not considered to impact harmfully on the amenities of neighbouring residential properties. The house will be sited 7m from the flank wall

of No. 378. Although there is a first floor flank window facing the site which would be overshadowed, the window serves a room which also has a front window. This room therefore has multiple sources of light and outlook and the relationship is considered acceptable due to this and the separation proposed. This relationship was also considered to be suitable under the previous proposal, where the separation was lower and the height of the proposed houses higher. The development would also be suitably separated from No. 386 to avoid loss of amenity.

From a highway safety point of view, the proposal has sought to overcome the previous refusal ground by providing a larger parking space and turning area within the site, allowing cars to exist the site in a safe forward gear. In light of the technical highways comments received, the proposal would not result in a highway safety issue that would warrant a ground of refusal.

Having had regard to the above it was considered that the proposal is unacceptable in that it would result in a significantly detrimental impact on the character and openness of the Green Belt. It is therefore recommended that Members refuse planning permission.

Background papers referred to during production of this report comprise all correspondence on the files refs. 12/02604, 13/00127 and 14/01046 set out in the Planning History section above, excluding exempt information.

### **RECOMMENDATION: PERMISSION BE REFUSED**

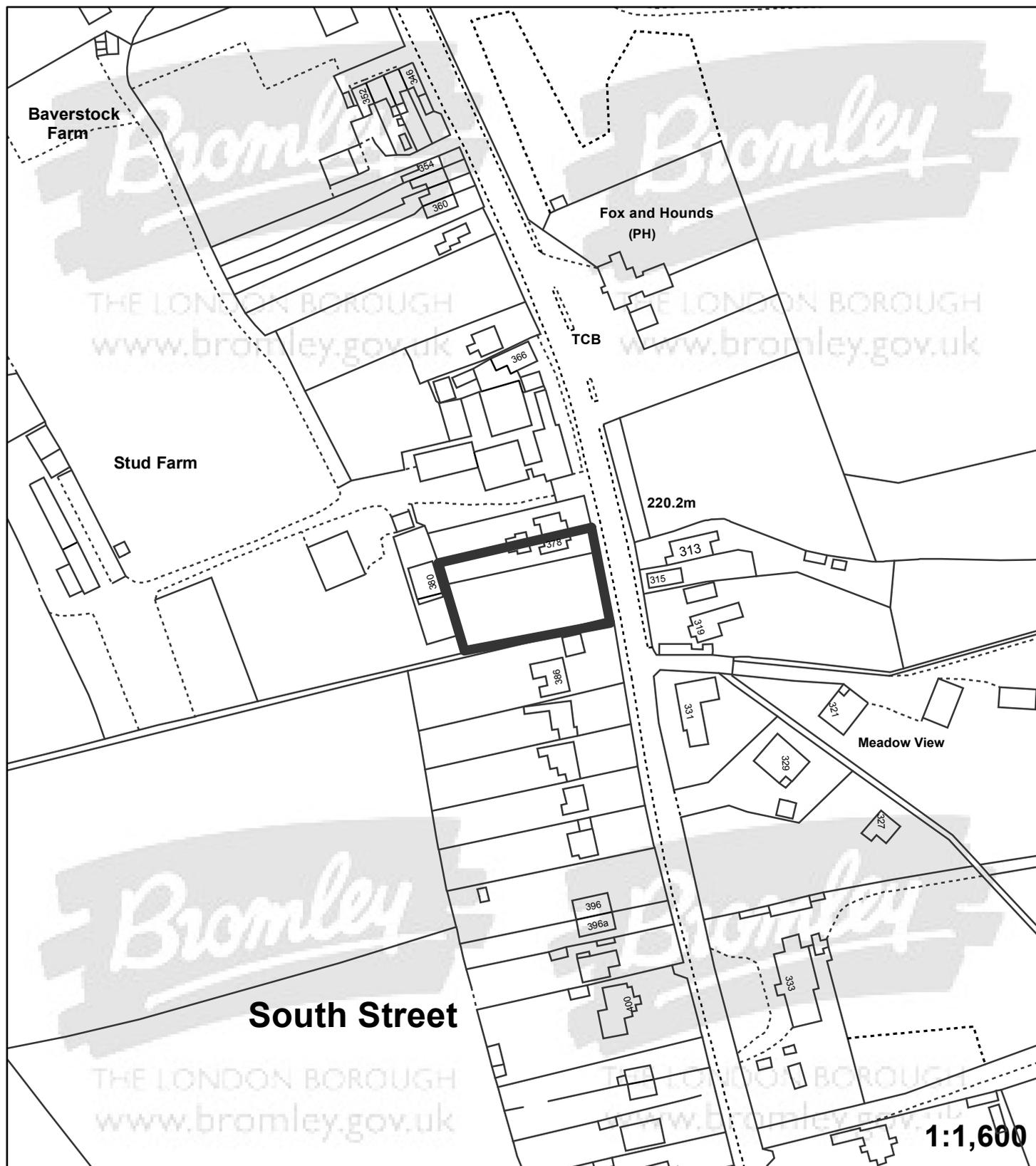
The reasons for refusal are:

- 1 The proposal would constitute an inappropriate development in the Green Belt, resulting in significant harm to the visual amenities, rural character and openness of the Green Belt by reason of the scale, bulk and proposed use, and the Council sees no very special circumstances which might justify the grant of planning permission, thereby the proposal is contrary to Policy G1 of the Unitary Development Plan and the NPPF.

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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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