

SECTION '2' – Applications meriting special consideration

Application No : 14/03150/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 : NO

Description of Development:

Demolition of existing dwelling and garage and erection of replacement two storey four bedroom detached dwelling with basement level accommodation

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. This part of the proposal is identical to that granted planning permission under ref.13/00416. This application seeks the introduction of a basement that would be constructed within the footprint of the approved dwelling. The basement would provide a cinema/games room, a shower room, a playroom and storage. No elevational changes are proposed.

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 no representations were received.

Comments from Consultees

Highways - the additional basement is unlikely to have an impact on the highway- previously comments apply: 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.

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

Thames Water- informatives suggested

Environmental Health (Pollution)- no objections

Environmental Health (Housing)- No basement rooms should be used for habitable accommodation given the lack of natural light and ventilation.

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
- G4 Dwellings in 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, planning application ref. 04/00275 was 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.

Most recently, planning permission was granted under ref. 13/00416, planning permission was granted for the Demolition of existing dwelling and erection of replacement two storey four bedroom detached dwelling.

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 principle of the replacement house has been established by the granting of planning permission under ref.13/00416. This application seeks the addition of a basement area below the permitted footprint of the previously approved dwelling. The proposed basement would have approximately 110m² gross external floor area. 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 replacement dwelling was granted planning permission at 209 square metres (the existing floor area of the dwelling and detached garage is some 128 square metres), with the proposed additional basement of 110 square metres or approximately 52% increase.

The proposed increase is clearly above the 10% threshold outlined in Policy G4 for extensions to dwellings within the Green Belt. However, the Applicant's position is that the proposed basement would be contained within the footprint of the approved dwelling, with no external alterations to the approved scheme under ref.13/00416 with the additional floorspace contained below ground level, and for non-habitable purposes. In this case, given that the basement would not extend beyond the footprint and is unlikely to intensify the use of the proposed of the approved dwelling, Members may agree that very special circumstances exist in this case to grant planning permission for the development, which is inappropriate by definition.

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. 14/03150, 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'n'l surfaces)
 ACC01R Reason C01
 - 4 ACD02 Surface water drainage - no det. submitt
 AED02R 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
- Reason:** 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

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.

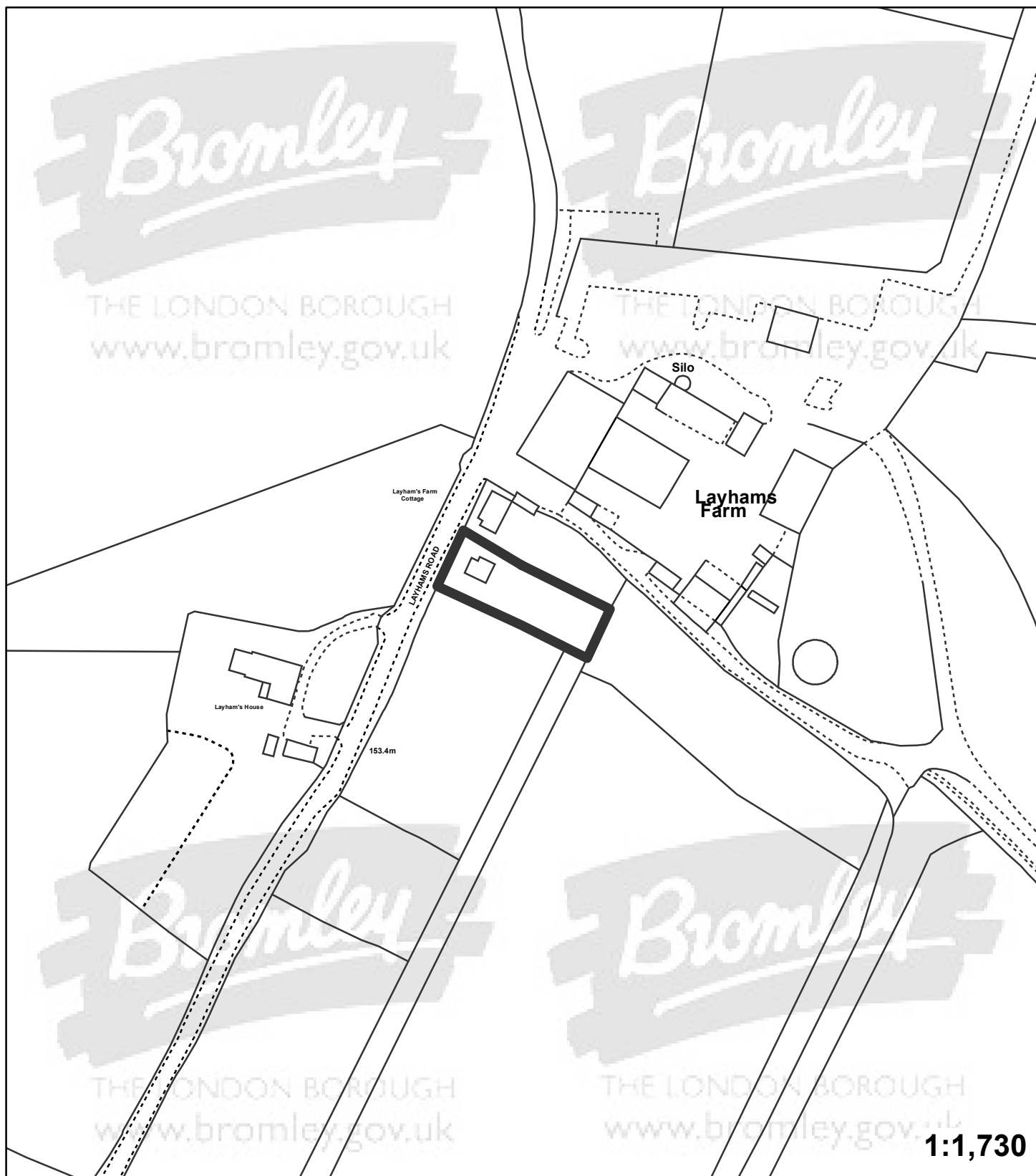
Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

- 2 With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge from the site prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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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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