

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 14/03132/FULL1

Ward:
Darwin

Address : Maple Farm Cudham Lane South
Cudham Sevenoaks TN14 7QD

OS Grid Ref: E: 544852 N: 159111

Applicant : Mr & Mrs C Ganley

Objections : NO

Description of Development:

Demolition of existing dwelling and 3 outbuildings and erection of detached single storey 3 bedroom dwelling.

Key designations:

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

Proposal

It is proposed to demolish the existing bungalow and three other outbuildings on the site, and construct a detached L-shaped single storey three bedroom dwelling in a similar position to the existing bungalow.

The dwelling would be set back approximately 13m from the front boundary of the site (as is the existing), and 1.5m from the side boundary with Maple Cottage. It would have a pitched roof and would reach an overall height of 6.5m.

Location

This detached bungalow is located on the eastern side of Cudham Lane South within the Green Belt, and occupies a site area of 0.18ha. It was built in the mid-1930s, and originally contained a sitting room, kitchen, two bedrooms, and a small scullery at the rear. A conservatory was added to the side of the bungalow in 1966, and a single storey rear extension was permitted in 1968 (ref. 68/01185).

There are a number of outbuildings to the rear of the bungalow and the applicant also owns fields to the south and east.

The site is bounded to the north by Maple Cottage which is a two storey dwelling.

Comments from Local Residents

A letter has been received from Orpington Field Club querying whether bats roost in any of the buildings to be demolished as they are known to forage in this part of LB Bromley, and if so, a bat survey may be required. Even if no bats are present, they consider that due to the close proximity to Cudham Frith Site of Metropolitan Importance for Nature Conservation, the applicant should consider installing bat bricks in the new development.

Comments from Consultees

No objections are seen to the proposals from a highways point of view as there are no proposals to alter the existing access to the site, and the proposals are unlikely to result in a significant increase in the use of the access.

No drainage objections are seen to the proposals in principle, subject to the submission of further details of the surface water drainage system.

No objections are raised by Thames Water in principle, and Environmental Health suggest that informatives are attached regarding measures for any site contamination found, and compliance with the Control of Pollution and Environmental Protection Acts.

Planning Considerations

The proposal falls to be considered primarily with regard to the following policies:

- BE1 Design
- H7 Housing Density & Design
- G5 Dwellings in the Green Belt
- T3 Parking
- NE7 Development and Trees

The application was called in to committee by a Ward Councillor.

Planning History

With regard to the recent history of the site, permission was refused in 2007 (ref. 06/04221) for a four bedroom replacement dwelling, and the appeal was dismissed in October 2008 on grounds relating to inappropriate development within the Green Belt, with no very special circumstances to justify the proposal.

Under refs. 09/00068, 09/02085 and 10/03320, Certificates of Lawfulness for various extensions to the property were refused in 2009/10 as they were considered to exceed the permitted limits.

Under ref.11/01635, a Certificate of Lawfulness was granted in August 2011 for a proposed single storey side extension to replace the existing lean-to, and roof

extensions providing first floor accommodation over the original part of the bungalow.

Permission was refused in 2012 (ref.12/00961) for the demolition of the existing dwelling and an outbuilding, and the erection of a replacement two storey 4 bedroom dwelling on grounds relating to its excessive bulk and height, and its detrimental impact on the character and openness of the Green Belt.

Permission was subsequently granted in 2013 (ref.12/03282) for the demolition of the existing dwelling and outbuildings and the erection of a detached two storey four bedroom dwelling and stable building to the rear.

A Certificate of Lawfulness was granted in March 2014 (ref.14/00255) for single storey side and rear extensions, roof extensions comprising side gables and a rear dormer, and a detached building within the rear garden for use as a sauna and hydro pool house.

A further application was granted in July 2014 (ref.14/00298) for the construction of a sand school on land to the rear of Maple Farm.

None of the permitted schemes have yet been implemented.

Conclusions

The site is located within the Green Belt, and the main issues are; firstly, whether the proposals comprise inappropriate development, and if so, whether very special circumstances exist that clearly outweigh the harm by reason of inappropriateness or any other harm; and secondly, whether the proposals would be harmful to the character or appearance of the surrounding area, or detrimental to the amenities of nearby residential properties.

The National Planning Policy Framework (NPPF) contains a general presumption against inappropriate development within the Green Belt. Paragraph 87 states that such development should not be approved except in very special circumstances, whilst paragraph 89 sets out a number of exceptions, including the replacement of a building where the new building is in the same use and not materially larger than the one it replaces.

Policy G5 of the UDP allows for a replacement dwelling in the Green Belt provided that the resultant dwelling would not result in a material net increase in floor area compared with the existing dwelling (an increase of over 10% would normally be considered material, depending on design issues), and that the size, siting, materials and design of the replacement dwelling would not harm the visual amenities or the open or rural character of the locality.

The existing dwelling has a floor area of 120.87sq.m., whilst the nearest outbuilding to be removed which lies approximately 5m from the dwelling, measures 30.38sq.m (Building B), giving a total floor area of 150.88sq.m. The proposed dwelling would have a floor area of 198.59sq.m., which would result in an increase in floor area of 47.71sq.m., and equates to a 32% increase. This would

result in a material net increase in floor area compared with the existing dwelling, and would thus be considered inappropriate development in the Green Belt. However, the applicant has put forward the following special circumstances to justify inappropriate development:

- The Certificate of Lawfulness granted under ref.14/00255 would, if implemented, result in a part one/two storey dwelling with a floor area of 267.56sq.m. which greatly exceeds the floor area of the replacement dwelling currently proposed (198.59sq.m.)
- The design of the replacement dwelling, although slightly higher, would be much improved over the contrived and unattractive appearance of the extended dwelling permitted by the Certificate of Lawfulness, and would be single storey only
- The dwelling would have less impact on the Green Belt than the two storey dwelling permitted under 12/03282
- The design of the dwelling would be more suited to a rural location than either of the permitted dwellings.
- The removal of 3 domestic outbuildings within the residential curtilage would result in an improvement to the appearance of the site and to the openness of the Green Belt
- The applicant would accept the removal of permitted development rights for Class E outbuildings within the residential curtilage (including the hydro pool spa building granted under the Certificate of Lawfulness).

The "fallback position" of the two earlier schemes, the replacement dwelling (12/03282) and the extended dwelling permitted under a Certificate of Lawfulness (14/00255), is an important consideration as both schemes could realistically be implemented.

The current scheme would have a slightly greater floor area than the permitted replacement dwelling (198.59sq.m. as opposed to 181.7sq.m.), but it would be significantly smaller than the permitted development scheme comprising ground and first floor extensions (267.56sq.m.). Although the height of the replacement dwelling at 6.55m would be greater than the existing dwelling or permitted development scheme (both 5.39m), it would not be as high as the permitted replacement dwelling (6.9m).

The proposed replacement dwelling would be single storey only compared with the previous two storey developments permitted, and the removal of three outbuildings located around the rear garden (which total 70sq.m. in floorspace) would help to open up the site. It is therefore considered, on balance, that there is sufficient justification to allow the current proposals which would result in an acceptable form of redevelopment, and would adequately protect the open and rural nature of the site along with the visual amenities of the surrounding area.

In dismissing an earlier scheme for a replacement dwelling (ref. 06/04221), the Inspector considered that the proposed dwelling (with a floor area of 261sq.m.) would be significantly larger than the existing, and that the removal of a number of former agricultural buildings would not be sufficient to justify inappropriate development in the Green Belt. However, the current scheme is for a significantly

smaller dwelling containing 198.59sq.m. floor space, and subject to a condition removing permitted development rights for extensions and outbuildings, the proposals are not considered to result in an overdevelopment of the site, nor be harmful to the open and rural nature of the Green Belt.

With regard to the impact on neighbouring properties, the replacement dwelling would be sited a similar distance away from the northern boundary with Maple Cottage, and would contain only four ground floor windows in the facing flank elevation, two of which would be obscure glazed. It would extend further to the rear of Maple Cottage, but would not project significantly beyond the permitted development scheme for extensions to the existing property. The proposals are not, therefore, considered to result in any undue loss of light, privacy or prospect to the adjacent property.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, 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 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 6 ACH16 Hardstanding for wash-down facilities
ACH16R Reason H16
- 7 ACH27 Arrangements for construction period
ACH27R Reason H27
- 8 ACI02 Rest of "pd" Rights - Class A, B,C and E
ACI03R Reason I03
- 9 ACK01 Compliance with submitted plan
ACK02R K02 reason (1 insert) G05
- 10 ACK05 Slab levels - no details submitted
ACK05R K05 reason
- 11 Before commencement of the development hereby permitted, the existing dwelling and outbuildings shown to be removed on Plan No.2195/12, shall be demolished and the site cleared of all waste material, unless previously agreed in writing by the Local Planning Authority.
ACK04R K04 reason
- 12 The residential curtilage attached to the dwelling hereby permitted shall be as shown on Plan No.2195/12.

Reason: To safeguard the character and openness of the Green Belt and to comply with Policy G1 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.

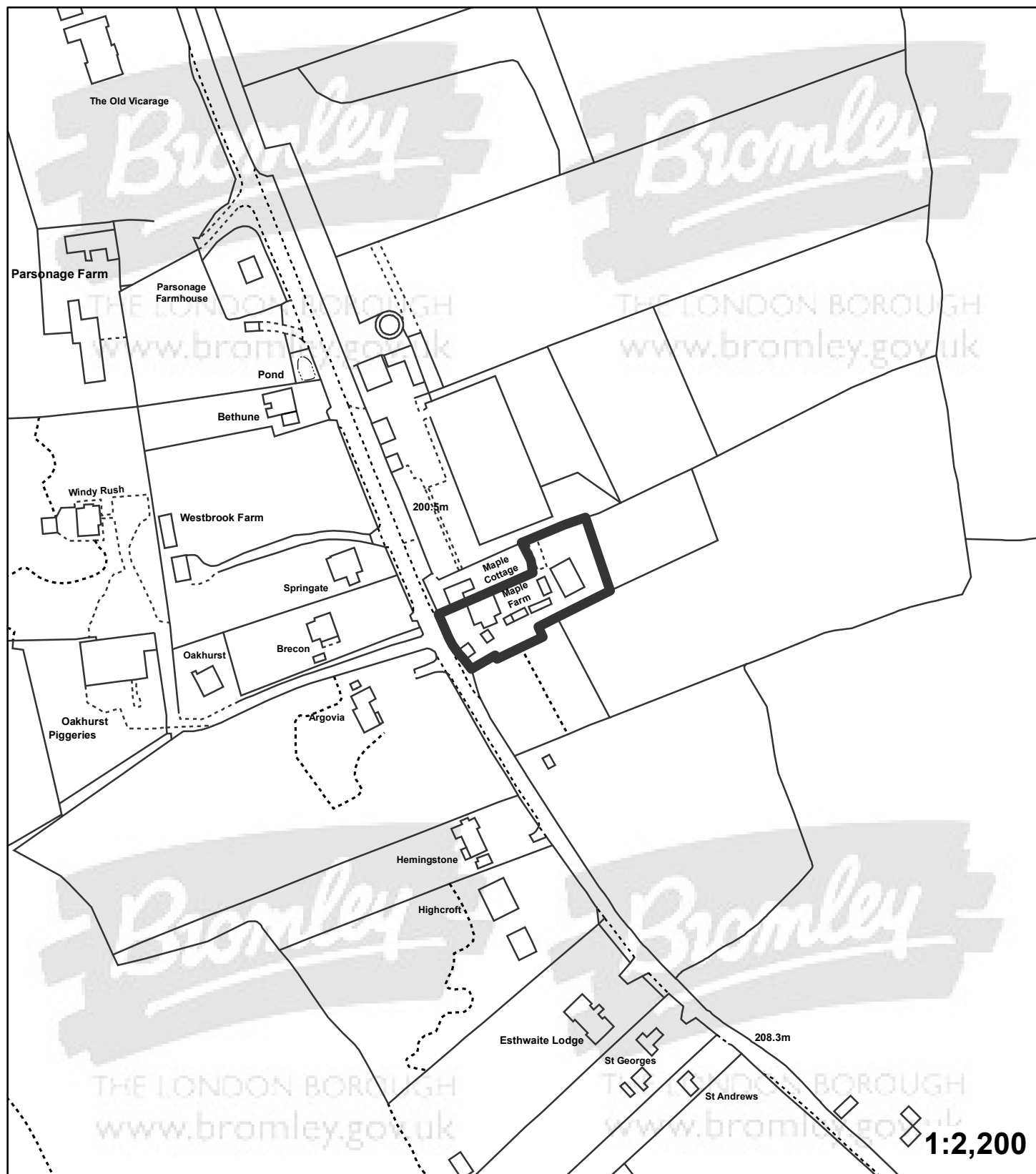
Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

- 2 In order to check whether the proposed storm water system meets drainage requirements, you are advised to submit the following information:
 - a clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways
 - where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365
 - calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.
- 3 If during works on site suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 4 Before works commence, the applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990.

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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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