

SECTION '2' – Applications meriting special consideration

Application No : 15/02985/FULL1

Ward:
Darwin

Address : Dovedale Berrys Green Road Berrys
Green Westerham TN16 3AJ

OS Grid Ref: E: 543872 N: 159061

Applicant : Mr Lee Richardson

Objections : YES

Description of Development:

Proposed demolition of existing building and erection of new dwelling.

Key designations:

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

Proposal

This site measures 0.2751 ha and is occupied by a detached single storey dwelling of a duo-pitched roof construction. The site has a large frontage and is sited approximately 26m back from the highway with off street parking capability for several cars. The property is located within a substantial plot between two neighbouring bungalows and hosts several outbuildings within the rear garden in close proximity to the host dwelling house. The site is located within the Green Belt, adjacent to a site of nature conservation.

It is proposed to demolish the existing bungalow and erect a three bedroom bungalow with double ceiling height to allow for the dwelling to reach passive house status within the code for sustainable homes. The dwelling is proposed with barn hip roof, 0.5m higher than the existing bungalow with a central taller element running central through the property 0.6m higher than the existing bungalow.

The dwelling would maintain separations of 1.4m along the eastern flank boundary with Ivanhoe to the north and 3m from Claremont to the south. The application also proposes the removal of the outbuildings within the rear amenity space, condensing the length of the development on the site from 25.5m to 11.2m. The width of the new dwelling is proposed at 16m, no wider than the original dwelling and garage outbuilding combined.

Consultations

Nearby owners/occupiers were notified of the application however no comments were forthcoming formally. Several letters of support have been received from neighbouring residents within the submission of the application.

Highways - The proposal includes a garage but it is too small to accommodate most cars. However, the site has an "in & out" drive with ample parking available on the frontage. Any gates should be set back from the carriageway as present. No objections subject to conditions.

Environmental Health (Pollution) - No objection

Environmental Health (Housing) - Comments have been raised by the Environmental Health Officer with regards to ventilation however none of the concerns raised would substantiate a reason for refusal of this application.

Drainage - Please advise the applicant that contrary to his answer to the question on the form there is no public surface water sewer near to this site. Surface water will therefore have to be drained to soakaways.

The proposed works appear to be very close to or over existing public sewer(s); the applicant should be advised to consult TWU as soon as possible to ascertain the exact sewer locations and to establish what protection measures may be required. No objections subject to conditions.

Thames Water - No Objections subject to informatives

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
BE11 Conservation Areas
H7 Housing Density and Design
G1 Green Belt
G4 Dwellings in the Green Belt or Metropolitan Open Land
G5 Replacement dwellings in the Green Belt
H9 Side Space
T18 Road Safety
H1 Housing Supply
T3 Parking
T18 Road Safety
NE7 Development and Trees

SPG1
SPG2

London Plan Policies:

3.3 Increasing Housing Supply

3.4 Optimising Housing Potential
3.5 Design and Quality of Housing Developments
3.8 Housing Choice
5.1 Climate Change
5.2 Minimising Carbon Dioxide Emissions
5.3 Sustainable Design and Construction
6.9 Cycling
6.13 Parking
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local character
7.6 Architecture
7.15 Noise
7.16 Green Belt
8.3 Community infrastructure levy

National Planning Policy Framework

History

15/00046/HHPA - Single storey rear extension, extending beyond the rear wall of the original house by 8.0m, for which the maximum height would be 4.0m, and for which the height of the eaves would be 2.5m.
(42 Day Notification for Householder Permitted Development Prior Approval) - Prior Approval Not Required

Conclusions

The main issues to be considered in respect of this application are:

- o Design
- o Standard of Residential Accommodation
- o Highways and Traffic Issues
- o Impact on Adjoining Properties
- o Impact upon the Green Belt

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

The main issues in this case are whether this type of development is acceptable in principle in this location with specific relevance to the Green Belt, the likely impact of the proposed scheme on the character and appearance of the surrounding area and the impact of the proposal upon the amenities of neighbouring residential properties.

Principle of Development

The primary issue to be considered in the determination of this application is whether the proposal is appropriate development in the Green Belt and, if not, whether very special circumstances have been demonstrated to warrant the setting aside of the normal presumption against inappropriate development within the Green Belt.

Paragraph 89 of the National Planning Policy Framework states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are... the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Policy G1 of the Unitary Development Plan reiterates this requirement stating 'The construction of new buildings or extensions to buildings on land falling within the Green Belt will be inappropriate, unless it is for... limited extensions, alterations or replacement of existing dwellings.

Policy G5 specifically concerns the replacement of dwellings within the Green Belt and notes that permission will be granted if the proposed development meets the following criteria:

- The resultant dwelling (including garaging and any accommodation below ground) does not result in a material net increase in floor area compared with the existing dwelling as ascertained by external measurement
- The size, siting, materials and design of the replacement dwelling and of any associated works (such as boundary fences or walls) does not harm the visual amenities or the open or rural character of the locality.

The Applicant has stated that the new dwelling will have a net increase in floor space of 9.2%, increasing from 164.1 m² to 179.2m². The Applicant has included within this calculation the removal of the existing outbuildings within the rear amenity space.

Policy G4 states that extensions or alterations to dwelling houses in the Green Belt will only be permitted if the increase in the floor area over that of the original dwelling house is no more than 10%, as ascertained by external measurement. This policy relates to proposals for extension, alterations or outbuildings which are to be sited within 5m of the existing dwellinghouse.

The Applicant in his floor space calculations has included the removal of the outbuildings on the site. All of the outbuildings on the site fall within 5m of the existing dwelling and can be taken into consideration except the furthest and smallest outbuilding which is located over 13m from the existing dwelling. When the floor space of this outbuilding (3.36m²) is taken out of the floor space calculation, the proposed increase in floor area of the new dwelling in comparison to the existing dwellinghouse is 11.49%. It is considered reasonable to assume that an increase of no more than 10% in the floor area over that of the original dwellinghouse would not be considered a 'material net increase' in floor area compared with the existing dwellinghouse and as the new dwellinghouse is marginally over this calculation Members may wish to consider the merits of the scheme in terms of size, siting, materials and design of the new dwelling.

The application proposes the removal of all the existing outbuildings to condense the development to one single form of development, in doing so the proposed building will increase in height by 1m to the two storey barn hipped projecting gable that runs centrally through the development and 0.4m to the ridge of the 'wings' projecting from the gable to the north and south. The new property is proposed at 5m in height, with the middle gabled section at 5.6m in height. The eaves height of the dwelling remains unaltered at 2.4m. The proposed new dwelling will have a width of 16m, matching the width of the existing dwelling when viewed in tandem with the existing garage outbuilding to the southern elevation. The depth of the building is proposed at 12.1m, 1.6m larger than the existing dwelling. The proposed dwelling also seeks the removal of the existing outbuildings which would decrease the projection of the built form into the rear amenity space by approximately 13m. The majority of the dwelling has a height matching to the neighbouring properties, Claremont and Ivanhoe whereas the taller middle section projects 0.6m above the neighbouring ridge heights.

Members may consider that weight should be given to the fall-back position of the applicant who has consent to build an 8m rear extension to the rear of the existing dwelling. By virtue of the design and the layout of the development it is considered that this proposal is considered a betterment to the fall-back position of the Applicant and would improve the visual amenity of the Green Belt and protect the purposes of including land within the Green Belt to a far greater extent.

On balance, whilst the net increase in floor space is slightly over the 10% considered reasonable within local plan policy, Members may consider that a modest increase in the height and depth of the dwelling is acceptable and should be weighed up with the merits of the scheme and the proposed sustainable nature of the design.

The applicant states that the proposed dwelling will be code for sustainable homes level 6 and will be a certified passive home, a checklist of the requirements to gain this status has been submitted within the application. The recent Housing Standards Review has moved reliance away from Codes for Sustainable Homes, however, the NPPF and London Plan (2015) remain strong in their policy requirements that properties should try to achieve the highest standards of sustainable construction and design to improve environmental performance of new developments and to adapt to the effects of climate change. Members may consider that some weight can be placed on this designation within the decision making process.

Design

In terms of design, within the wider street scene Berrys Green Road benefits from considerable variance in dwelling types inclusive of bungalows and larger two storey dwellings. The dwelling that this application seeks to replace is of poor architectural merit and after a comprehensive site visit, was considered to be in a poor state of repair. The proposed dwelling is not considered to be out of place or prominent within the wider street scene and will follow the same front building line as the existing bungalow. The dwelling is proposed to be constructed using stock 'autumn blend' brickwork and red tiles. Members may consider the materials

acceptable with the inclusion of a condition for the submission of samples of the materials if permission was to be forthcoming. Furthermore, a landscaping scheme will also be conditioned for submission in order to ensure the open character of the front amenity space is retained, if permission was to be forthcoming. Members may consider that the scheme would improve the aesthetic quality of the dwelling and would make a positive contribution to the wider street scene.

The dwelling would maintain separations of 1.4m along the eastern flank boundary with Ivanhoe to the north and 3m from Claremont to the south compliant with policy H9 of the Unitary Development Plan.

Neighbouring Amenity

The proposed new dwelling will increase the depth of the property to the rear by approximately 2m. By virtue of the separation distances between the dwelling and the neighbouring properties and the modest increase in height of the dwelling, it is not considered that the proposed new dwelling would impact detrimentally upon residential amenity. Due to the plethora of outbuildings to be removed that are located along the southern common side boundary with Claremont, the new dwelling is considered a betterment in this regard. All windows within the flank elevations of the dwelling will be conditioned to be obscurely glazed and non-opening to prevent any actual or perceived overlooking of the neighbouring properties.

Standard of Residential Accommodation

Policy 3.3 of the London Plan (2011) Quality and Design of Housing Developments states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants.

The shape, room size and layout of the rooms in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. All habitable rooms would have satisfactory levels of light and comply with the internal room space requirements within policy 3.3.

In terms of amenity space the depth of the rear garden is of sufficient depth and proportion to provide a usable space for the purposes of a three bedroom dwelling house.

On balance, Members may consider that the proposed replacement bungalow is considered acceptable. Whilst the increase in floor area is over the 10% usually required, the benefits of the scheme in terms of condensing the sprawl of development on the site and the aesthetical improvements to the wider street scene balanced with the sustainable qualities of the dwelling, are considered to be appropriate within the Green Belt and will improve the open character of the locality that the Green Belt seeks to protect.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4 Details and samples of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 5 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) at a scale of 1:5 shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.**

In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 6 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.**

In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 7 Details of a scheme of landscaping, which shall include the materials of paved areas, other hard surfaces and types and specifications of trees (including age and size), shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.**

In order to prevent overdevelopment of the site in future, to protect the amenities of future residents and nearby residents, and to comply with Policy BE1 of the Unitary Development Plan.

- 9 Before the development hereby permitted is first occupied the proposed window(s) in the north and south side elevations shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.**

In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

10 During the demolition and construction works hereby approved no operations including deliveries to or from the site shall be carried out on the site other than between the hours of 07.30 to 17.00 Mondays to Fridays inclusive and to 13.00 on Saturdays and no operations shall be carried out at all on Sundays or on statutory Bank Holidays.

To maintain the residential amenity of the surrounding residential development in accordance with policy BE1 of the Unitary Development Plan and the aims and objectives that the National Planning Policy Framework seeks to protect and promoted with regard to amenity.

11 No wall, fence or hedge on the front boundary or on the first 2.5 metres of the flank boundaries shall exceed 1m in height, and these means of enclosure shall be permanently retained as such.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

12 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

13 Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

14 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any

part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

In order to comply with Policy T18 of the Unitary Development Plan

- 15 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan

You are further informed that :

- 1 The proposed works appear to be very close to or over existing public sewer(s); the applicant should be advised to consult TWU as soon as possible to ascertain the exact sewer locations and to establish what protection measures may be required.
- 2 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

- 3 With regard to surface water drainage it is the responsibility of a 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 groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.