

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 15/04202/PLUD

**Ward:**  
**Cray Valley East**

**Address :** Ruxley Sandy Lane Sidcup DA14 5AH

**OS Grid Ref:** E: 547968 N: 170152

**Applicant :** Mr Michael Collier

**Objections : NO**

### **Description of Development:**

Detached single storey building for parking and storage ancillary to the main dwelling

**CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT**

Key designations:

Areas of Archeological Significance

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

Gas HP Zones Gas HP Zones:

Green Belt

London City Airport Safeguarding

London City Airport Safeguarding Birds

Local Distributor Roads

Sites of Interest for Nat. Conservation

Smoke Control SCA 20

### **Proposal**

A Certificate of Lawfulness is sought for the proposed erection of a detached outbuilding for parking and storage ancillary to the dwelling at Ruxley.

The building would have a slight L-shape, and would measure 30.5m in width, between 6.3-9.8m in depth, and would have a pitched roof with a ridge height of 4m. The eaves height would measure 2.5m.

Revised plans were submitted on 23rd November 2015 which set the building further back from the north-eastern boundary of the site in order to provide a minimum 2m separation.

### **Location**

The property known as Ruxley is located on the eastern side of Sandy Lane, just to the north of the A20, and comprises the main house, a coach house/garage block, an outdoor swimming pool, and a detached single storey cottage located towards the eastern end of the site which has been used for purposes ancillary to the main

residential dwelling. The site lies within the Green Belt and an Area of Archaeological Significance.

## **Consultations**

Nearby owners/occupiers were notified of the application and no representations were received.

## **Planning Considerations**

The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and specifically whether any limitations/conditions of the Order are infringed.

## **Planning History**

Permission was granted in 1992 (ref.92/01809) for the change of use of an existing outbuilding (to the south-east of the proposed site for the new outbuilding) for purposes incidental to the dwelling at Ruxley. This was subject to the following condition:

"The building the subject of this permission shall only be used by members of the household occupying the dwelling known as "Ruxley", only for purposes incidental to that dwelling, and shall not be severed to form a separate self-contained unit."

The reason for imposing this condition was: "To ensure that the building is not used separately and unassociated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings."

Permission was refused in September 2014 (ref.13/04061) for the replacement of this building with a two storey 4 bedroom dwelling to be used ancillary to Ruxley on the following grounds:

- 1 The site is located within the Green Belt wherein there is a presumption against inappropriate residential development, and the Council sees no very special circumstances in this case which might justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan.
- 2 The proposed building, by reason of its size, height, and bulk, would be detrimental to the visual amenities and open nature of the Green Belt, thereby contrary to Policies BE1, H7 and G1 of the Unitary Development Plan.

## **Conclusions**

Class E permits the provision of a building within the curtilage of a residential dwelling required for a purpose incidental to the enjoyment of the dwellinghouse subject to compliance with various criteria. The proposed outbuilding would meet the following criteria:

- (a) the property at Ruxley was originally constructed as a dwellinghouse
- (b) the ground area of the building and other outbuildings at the property would not exceed 50% of the residential curtilage
- (c) the building would not be situated on land forward of the principal front elevation of the dwelling at Ruxley
- (d) the building would be single storey only
- (e) the building would not fall within 2m of the boundaries, and it would not exceed 4m in height to the top of the dual-pitched roof
- (f) the height of the eaves of the building would not exceed 2.5m
- (g) the building would not lie within the curtilage of a listed building
- (h) no veranda, balcony or raised platform are proposed
- (i) the building would not be used as a dwelling
- (j) the proposals do not include a container.

However, in order to comply with Class E, it would need to be demonstrated that the outbuilding is reasonably required for purposes incidental to the enjoyment of the dwellinghouse.

The applicant has confirmed that the proposed outbuilding would be used for: the parking of two vehicles; the storage of junior league football equipment in connection with the applicant's role as chairman of a local junior football club; the storage of quad bikes and carts which are used in the adjacent woodland owned by the applicant; the storage of gardening/landscaping maintenance equipment required to maintain the residential grounds and the adjoining woodland; the storage of garden furniture, barbeque equipment and other items associated with the domestic enjoyment of the garden and grounds; the storage of a large collection of boxing memorabilia; and an area for hobbies carried on by the applicant's adult children, five of whom live at Ruxley.

The existing outbuilding which appears to have originally been the coach house is located closer to the house, and is of a significant size (26m in width and 6m in depth). The applicant has confirmed that it is currently used for garaging, a workshop, a games room and a gym/sauna.

The proposed outbuilding would have a floor area of 214sq.m., whilst the existing outbuildings (the coach house and cottage) have a combined floor area of 268sq.m. The proposals would therefore almost double the amount of accommodation currently provided within outbuildings at the site to 482sq.m., and would not be far below the floor area of the existing dwelling at 632sq.m.

Members will therefore need to carefully consider whether the proposed building could be said to be reasonably required for purposes incidental to the main dwelling, given the size of the existing outbuildings at the site and the size of the building currently proposed, or whether those uses could be accommodated within the existing house or outbuildings.

On balance, it is considered that it has not been sufficiently demonstrated that the outbuilding is reasonably required for purposes incidental to the enjoyment of the dwellinghouse, and therefore, the Certificate of Lawfulness should not be granted

under Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**as amended by documents received on 23.11.2015 09.02.2016 12.02.2016**

**RECOMMENDATION: CERTIFICATE BE REFUSED**

- 1 The proposal as submitted would not constitute permitted development under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as it has not been sufficiently demonstrated that the outbuilding is reasonably required for purposes incidental to the enjoyment of the dwellinghouse.**