

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

**Application No :** 16/03189/FULL1

**Ward:**  
**Darwin**

**Address :** Elder Cottage Jail Lane Biggin Hill  
TN16 3AU

**OS Grid Ref:** E: 542716 N: 159338

**Applicant :** Mr Robert Woolgar

**Objections : NO**

### **Description of Development:**

Proposed demolition of existing dwelling and outbuildings and the erection of a detached chalet bungalow with accommodation in the roof space

Key designations:

Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Smoke Control SCA 24

### **Proposal**

It is proposed to demolish the existing bungalow, garage and outbuildings on this site, and construct a detached 4 bedroom chalet bungalow in a similar position.

The proposed dwelling would have a larger footprint than the existing bungalow (170sq.m as opposed to 60.9sq.m.) and would contain first floor accommodation within the roof giving a total floor area of 304sq.m. The overall height of the dwelling would at 7.2m be 2.8m higher than the existing dwelling which has a height of 4.4m.

The new dwelling would be set 6m further forward than the existing dwelling, but would still be set back at least 12.8m from the front boundary of the site. It would be sited slightly closer to the western flank boundary with Barn Farm Cottage, but would still maintain a 1.5m separation to this boundary. A separation of 4.5m would be provided to the eastern flank boundary with Chavic Park Farm, whilst the rear of the new dwelling would project approximately 1.4m further to the rear.

The detached garage to be demolished has a floor area of 20.2sq.m. and lies within 5m of the existing dwelling. The other outbuildings to be demolished are over 5m away from the existing house in the rear garden, and their floor areas total 58.4sq.m.

## **Location**

This detached bungalow is located on the northern side of Jail Lane, and lies within the Green Belt. It is bordered to the east by the dwelling at Chavic Park Farm, and to the west by Barn Farm Cottage.

## **Consultations**

A letter has been received in support of the proposals from a nearby resident at Barn Farm.

## **Comments from Consultees**

There are no highways objections raised to the proposals as the access arrangements are not changing and there would be adequate room to park 3 vehicles on the site. Due to the close proximity of Charles Darwin School, a construction management plan should be submitted by way of a condition.

The Council's Drainage Engineer advises that as there is no public surface water sewer near the site, surface water would have to be drained to soakaways. No drainage objections are raised to the proposals.

Thames Water has no concerns.

The Environmental Health Officer raises 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 specifically Part 9 - Green Belt.

#### Planning History

A Lawful Development Certificate was granted in October 2014 (ref.14/02693) for a single storey rear extension, a rear dormer extension, a front porch and a single storey detached outbuilding at the rear for use as a gym/games room incidental to the main house.

It was determined in October 2015 (ref.15/03689/HHPA) that prior approval was not required for an 8m deep single storey rear extension.

Permission was refused at planning committee in March 2016 ref: 15/05597/FULL1 for the demolition of an existing dwelling and outbuildings, and erection of detached chalet bungalow including accommodation in the roof, and detached single storey ancillary outbuilding to rear. The reason for refusal was:

The proposed dwelling would be materially larger than the existing building and would therefore constitute inappropriate development in the Green Belt, and would by reason of its height and bulky design result in an overdevelopment of the site which would be harmful to the openness and visual amenity of the Green Belt and result in a loss of amenity to adjacent residents. No very special circumstances have been demonstrated to clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, and the proposed development is therefore contrary to Policies G1, G5 and BE1 of the Unitary Development Plan, Policy 7.16 of the London Plan, and paragraphs 87 to 89 of the NPPF.

#### Conclusions

The main issues in this case are whether the proposals comprise inappropriate development in the Green Belt, and if so, whether very special circumstances exist that clearly outweigh the harm by reason of inappropriateness and 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 application proposes a replica of the scheme submitted and refused under reference 15/05597/FULL1 however now proposes just the dwelling house and removes all reference to an outbuilding. A reduction of 22.4sqm of floor space is proposed from the previous application.

The existing dwelling has a floor area of 60.9sq.m., whilst the garage to be removed has a floor area of 20.2sq.m., giving a total floor area of buildings to be demolished (apart from the outbuildings that are more than 5m away from the dwelling) of 81.1sq.m. The new dwelling would have a floor area of 304sq.m. This would result in an increase in floor area of 222.9sq.m., which equates to a 274.84% increase. This would be significantly above the 10% normally seen as constituting a material net increase in floor area compared with the existing dwelling, and would therefore be considered inappropriate development in the Green Belt. However, the applicant has put forward the following very special circumstances in order to justify the inappropriate development:

- a Lawful Development Certificate has been granted for a single storey rear extension, a rear dormer extension and a front porch - this would result in a total floor area of 140.5sq.m. if built, and is a valid fallback position
- taking into account the larger single storey rear extension that could be built without the need for planning permission (as ascertained by the Householder Prior Approval application for an 8m rear extension), this could add a further 54sq.m. to the existing floor area, giving a total of 194.5sq.m.
- there are 4 additional outbuildings within the rear garden (with a total floor area of 58.4sq.m.) that would be removed as part of the proposals - they are in a more exposed position than the existing and proposed dwellings, and their removal would be beneficial to the openness of the site and the Green Belt
- the footprint of the proposed replacement dwelling (170sq.m.) would be less than the footprint of the existing dwelling once extended under permitted development rights (177.45sq.m.)

Although the total amount of floor area (ground and first floor cumulatively) created by the redevelopment proposals would still exceed the floor area of existing and potential development on the site (if permitted development rights are exercised), the overall footprint of built development on the site (including the outbuildings to be removed) would be slightly reduced, and would be concentrated within the central part of the site, leaving the rear largely open. The removal of the proposed outbuilding from the proposed plans also increases the spaciousness of the site, removing built form away from the boundary with Chavic Park Farm. In this regard, the applicants would accept the removal of permitted development rights for further extensions and outbuildings. Furthermore, the house has been designed to accommodate the first floor within the roofspace, with the use of front and rear dormers and hipped ends, in order to minimise the impact of the overall size, mass and height of the building within the street scene and on the Green Belt. These factors are therefore considered to outweigh the small increase in the floor area normally allowed for a replacement dwelling in the Green Belt and would amount to a suitable case of very special circumstances on this occasion.

Good separation distances would be maintained to the side boundaries and to neighbouring properties. Although the neighbouring properties appear to be bungalows, they are of a substantial size with large roof structures, and the proposed dwelling is not therefore considered to appear unduly large or cramped on the site cramped nor have an adverse impact on the visual amenities of the Green Belt or rural character and openness of the area.

With regard to the impact on residential amenity, the proposed dwelling would be positioned approximately 4.2m forward of Barn Farm Cottage and 6m forward of the dwelling at Chavic Park Farm, but given the separation distances to these properties (4m and 9m respectively), the proposals are not considered to result in a significant loss of light, privacy or outlook to these properties.

## **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.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 Details 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 prior to above ground works. The works shall be carried out in accordance with the approved details.**

**Reason: 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**

- 3** 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

- 4** Before commencement of the use of the land or building hereby permitted parking spaces and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

**Reason:**In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 6** Before any part of the development hereby permitted is first occupied that part of a sight line of 59m; which can be accommodated within the site shall be provided in both directions at 2.4m; and with the exception of trees selected by or the Local Planning Authority no obstruction to visibility shall exceed 59m; in height in advance of this sight line, which shall be permanently retained as such.

**Reason:**In order to comply with Policy T18 of the Unitary Development Plan and to ensure that the proposal does not prejudice the free flow of traffic and conditions of general safety along the adjoining highway.

- 7** Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to the first habitation of the dwelling and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**Reason:**In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a

location which is acceptable from the residential and visual amenity aspects.

- 8 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

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

- 9 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.

- 10 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.

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

- 11 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 building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), 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.

Reason: In order to comply with Policies H7 and BE1 of the Unitary Development Plan and to prevent overdevelopment of the site.

- 12 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.**

**Reason: 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.**

**13 The existing buildings on the site shall be demolished and the site cleared within three months of the first occupation of the building hereby permitted.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to prevent overdevelopment of the site.**

**14 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.**

**Reason: 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.**

**15 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.**

**Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.**

**16 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority prior to first habitation 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.**

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



- 17 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

You are further informed that :

- 1 You are reminded of your obligation under Section 80 of the Building Act 1984 to notify the Building Control Section at the Civic Centre six weeks before demolition work is intended to commence. Please write to Building Control at the Civic Centre, or telephone 020 8313 4313, or e-mail: [buildingcontrol@bromley.gov.uk](mailto:buildingcontrol@bromley.gov.uk)
- 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](http://www.bromley.gov.uk/CIL)

- 3 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. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

If during the works on site any 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.**