

SECTION '2' – Applications meriting special consideration

Application No : 16/03794/FULL6

Ward:
**Chelsfield And Pratts
Bottom**

Address : Feathercot Skeet, Hill Lane, Orpington
BR5 4HB

OS Grid Ref: E: 549047 N: 165484

Applicant : Mr D Gibson

Objections : NO

Description of Development:

Partially retrospective outbuilding to be used as an annex to the main dwelling and garden store.

Key designations:

Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Smoke Control SCA 26

Proposal

The application seeks retrospective permission for the replacement of an outbuilding within the residential curtilage of Feathercot, Skeet Hill Lane and the use of the building as an annexe to the main dwelling and garden store. The application is partially retrospective in nature and most of the works have been undertaken. Although no plans exist of the previous building, photographic evidence appears to show that the ridge of the building has been raised by approximately 0.5m, and the 'wings' of the outbuilding by approximately 0.3m. The new building also includes additional fenestration and the cladding of the outbuilding in timber. The application proposes amendments to the retrospective works to reduce the ridge height by 0.5m and amend the fenestration inclusive of the change from a machinery opening at ground floor level to a front door.

The building is located to the west of the site, between 3-4m from the highway. The outbuilding and garage is set within a courtyard area which also provides the parking area for the main host dwelling at Feathercot.

Consultations

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

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

BE1 Design of New Development
BE3 Buildings in rural areas
H8 Residential Extensions
G1 Green Belt

Supplementary Planning Guidance 1 General Design Principles
Supplementary Planning Guidance 2 Residential Design Guidance

The application falls to be determined in accordance with the following policies of the London Plan:

Policy 3.5 - Quality and design of housing development
Policy 7.16 - Green Belt

The National Planning Policy Framework is also a key consideration in the determination of this application. The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework.

Planning History

15/04057/ELUD - Use of land as residential curtilage in connection with residential use at Feathercot. LAWFUL DEVELOPMENT CERTIFICATE (existing) - Development is lawful

As an overview, the site became known to the Council as a consequence of the reconstruction of the building. Through pre-application advice the Council advised the owner to submit a certificate of lawfulness to establish the residential curtilage of the site prior to a retrospective full planning application for the building works and its use as a residential annexe. The certificate of lawfulness was granted and confirms that the application building is within the lawful residential curtilage of Feathercot.

Conclusions

The main issues relating to the application are the appropriateness of the structure in the Green Belt including an assessment as to the impact on openness and visual amenity, as well as the principle of the partial use of the outbuilding as a residential annexe to the main dwellinghouse.

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.

Green Belt and rural character

Chapter 9 of the National Planning Policy Framework (NPPF) 2012 is a material planning consideration. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The National Planning Practice Guidance details that the NPPF is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Such policies include those relating to sites protected, as in this case as land designated as Green Belt.

Policy 7.16 of the London Plan gives the strongest protection to London's Green Belt in accordance with national guidance. Inappropriate development should be refused except in very special circumstances and development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance; such improvements are likely to help human health, biodiversity and improve overall quality of life.

The NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt. The NPPF notes at Paragraph 87 that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

NPPF Paragraph 89 states that exceptions to inappropriate development within the Green Belt include 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 UDP states that within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. The construction of new buildings or extensions to buildings on land falling within the green belt will be inappropriate unless it is for a limited extension, alteration or replacement of existing dwellings.

It is clear from photographs (on file) that the replacement outbuilding is larger than the building it replaces and it is therefore considered that it constitutes inappropriate development within the green belt. The floor space calculations of the previous structure are unknown, however it is clear that the useable floor space was restricted by the head height of the building to a centralised and northern position. Whilst it is appreciated that the ridge of the outbuilding is proposed to be lowered by 0.5m to allow for a similar height development to the previous structure, the overall increase in massing of the outbuilding inclusive of the raised height 'wings' by 0.3m allows for an incongruent and bulky form of development that appears disproportionately larger than the existing outbuilding. An accurate

assessment of any increase in width cannot be undertaken as existing dimensions are unknown, however from looking at site photographs including the overlays provided, it is possible that the width of the building has also been increased. The materials proposed, as well as the proposed arrangement of the fenestration further exacerbates the buildings prominence within the rural location, appreciably appearing more as a dwelling house than an outbuilding.

No very special circumstances have been presented as part of this application, however a detailed planning statement has been forthcoming.

The Applicant considers that the partially retrospective development is the same size as the building prior to the works. This has been discussed in some detail above, and the Council do not consider this to be the case.

The Applicant also proposes a new native hedge to the west along the established boundary which will provide further screening however no details of this have been forthcoming but may be conditioned. The points raised by the Applicant are noted in terms of the proposed planting which would provide limited screening of the development, however when viewing the application site from the south and west, the outbuilding is located within a highly visible location, at the bottom of a sloping field wherein there appears to be little vegetation to impede views. The outbuilding is visible from Cookham Farm to the west, and whilst the introduction of a native hedgerow may mitigate some of the impact of the outbuilding from these vistas, given its height and bulk, this is not considered to overcome the harm to the openness and visual amenity of the Green Belt location.

Members may consider that the proposed need for the accommodation in terms of providing long term facilities for visiting relatives and to provide home working arrangements and garden storage would not outweigh the harm caused by this development and are not considered very special circumstances to warrant an approval of this application.

Principle of Annexe Accommodation

Policy H8 of the Unitary Development Plan relates to residential extensions. Para 4.47 states that residential extensions (so called "granny annexes") can provide accommodation which enables care for an elderly or disabled relative. However, it states that problems can arise where a development constitutes a self-contained unit which could potentially be severed from the main dwelling. The policy further states that the severance of the dwelling can result in substandard accommodation with inadequate privacy, access provision, parking and amenity space which is likely to be out of scale with the surrounding area and detrimental to neighbouring amenity. It is stated that these types of development should be designed to form an integral part of the main dwelling. New residential dwellings are also considered inappropriate development within the green belt. With regard to this application, within the planning statement previously submitted as part of the pre-application, the annexe will be used by visiting family members.

The proposed outbuilding features all of the requirements for self-contained living accommodation; bedrooms, office, bathroom, kitchen and lounge. Additionally, the

residential portion of the building would have an approximate footprint of 93.3sqm . The London Plan Table 3.3 states that for a two bedroom, two storey house a floor area of 70 squared metres should be provided; this scheme is above this requirement. As such the proposed annexe is considered more comparable to a self-contained dwelling rather than as ancillary to the main residential building. Furthermore, the size and location of the proposed annexe is not an integral part of the main dwelling being sited over 30m from the host property.

The Applicant has offered to enter into a legal agreement to prevent the sub-division of the building from the main dwellinghouse however it is noted that the building can be accessed from the street, has its own parking area to the front and has no interdependency to the host dwelling; therefore it is not deemed that a restrictive condition or legal agreement would be enforceable and therefore not appropriate in this context. Therefore, taking into account the policy outlined above and the siting and size of the proposed building, it is considered that the annexe in the manner proposed has the potential to be severed to form a separate residential dwelling and is not considered ancillary to the function of the main dwelling and could potentially form an inappropriate form of residential development within the Green Belt.

Members should note that policy H8 is clear that proposed developments of this nature should be designed to form an integral part of the main dwelling. It is not considered that this is the case and the relative size and location of the building to the dwelling is considered inappropriate and out of character with the area, and presents an unacceptable risk of severance. Furthermore, the outbuilding represents an inappropriate form of development within the green belt, harmful to the open and rural character of the area that presently existing.

On balance, the outbuilding is excessively large and contains all the facilities of a self-contained dwelling. It would not be possible to adequately control its occupation through legal agreement or planning condition. The building is inappropriate development in the Green Belt as it does not meet any of the tests in paragraph 89 of the NPPF, and no very special circumstances have been put forward that outweigh the harm caused. By reason of its prominent siting and size and design the building is also harmful to openness and the rural character of the area, and therefore refusal is recommended.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed development is considered to constitute inappropriate development which would have a substantially detrimental impact upon the openness of the Green Belt and the purposes of including land within it for which no very special circumstances are considered to exist to outweigh the harm to the Green Belt contrary to Policy G1 of the Unitary Development Plan,**

Policy 7.16 of the London Plan and the National Planning Policy Framework (2012).

- 2 The proposal, by reason of its siting, design, size and use, is unduly prominent and not considered to represent an ancillary form of accommodation to the main dwelling and is capable of be severed and used as a separate dwellinghouse which would result in a cramped form of development, out of character with the area and contrary to Policies BE1, BE3 and H8 of the Unitary Development Plan, Policy 3.5 of the London Plan and the National Planning Policy Framework.**