

SECTION '2' – Applications meriting special consideration

Application No : 16/05553/FULL1

Ward:
Darwin

Address : 378 Main Road Biggin Hill TN16 2HN

OS Grid Ref: E: 543164 N: 157784

Applicant : Mr David Abbott

Objections : YES

Description of Development:

Erection of a detached two storey three bedroom dwelling with associated car parking at front and new vehicular access on to main road.

Proposal

- The proposal seeks permission for the erection of a detached two storey three bedroom dwelling with associated car parking at front and new vehicular access onto Main Road.
- The proposed house will have a total width of 8.3m and a length of 11.5m, set back 6m from the highway.
- The house will have a height of 7.0m with hipped roofs and an eaves height of 3.4m.
- The proposed house will be served by a new access onto the Main Road, which will be shared with No. 378, providing a new area of car parking to the front and a turning area within the site.

Location

The site comprises a detached two storey residential dwelling with an open area of garden to the side where the proposed dwelling will be sited. The area is characterised by a ribbon of residential and other development on either side of Main Road to the south end of Biggin Hill. The site and surroundings fall within the Green Belt.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations received are summarised as follows:

- impact on the rural character of the Green Belt with no very special circumstances to justify the development
- new accesses would impact on highway safety by creating a hazard to road users in an area where many accidents occur. Cherry Lodge Golf Club development adds further to this issue.

- proposal matches the previous application and therefore the same objections are upheld

Comments from Consultees

Highways - the proposal has a similar turning layout as the 2014 application. This type of parking/turning layout is basically the same that was agreed for a similar proposal at 305 Main Road (13/00444). It was agreed that there would be reference in the title deeds for the 2 properties that the turning area would be a right of way for both properties. Given that this has been agreed previously for a nearby site it was previously accepted for this suit. Conditions are suggested should permission be granted.

Tree Officer - no comments received.

No Thames Water objections are raised subject to an informative.

No technical drainage objections are raised subject to a standard condition.

Planning Considerations

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

BE1 Design of New Development
H7 Housing Density and Design
NE7 Development and Trees
T3 Parking
T11 New Accesses
T18 Road Safety
G1 Green Belt

The National Planning Policy Framework

In strategic terms, the application falls to be determined in accordance with the following Policies of the London Plan:

London Plan Policy 3.4 Optimising Housing Potential
London Plan Policy 3.5 Quality and Design of Housing Developments
London Plan Policy 7.16 Green Belt

Housing: Supplementary Planning Guidance. (March 2016)

Technical Housing Standards - Nationally Described Space Standard (March 2015)

Emerging Local Plan

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closes on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that submission of the draft Local Plan to the Secretary of State will occur in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 1 - Housing Supply
Draft Policy 4 - Housing Design
Draft Policy 30 - Parking
Draft Policy 31 - Relieving Congestion
Draft Policy 32 - Road Safety
Draft Policy 33 - Access for All
Draft Policy 37 - General Design of Development
Draft Policy 49 - The Green Belt
Draft Policy 73 - Development and Trees
Draft Policy 77 - Landscape Quality and Character
Draft Policy 113 - Waste Management in New Development
Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)
Draft Policy 123 - Sustainable Design and Construction

Planning History

Planning permission was refused under ref. 12/02604 for erection of 2 semi-detached two storey three bedroom dwellings with associated car parking at front and new vehicular access onto Main Road. The refusal grounds were as follows:

'The proposal would constitute an inappropriate development in the Green Belt, resulting in significant harm to the visual amenities, openness and rural character of the Green Belt by reason of the scale, bulk and proposed use, and the Council sees no very special circumstances which might justify the grant of planning permission, thereby the proposal is contrary to Policy G1 of the Unitary Development Plan.

The proposed additional vehicular access would lead to dangerous reversing manoeuvres onto the highway and would be prejudicial to conditions of general highway safety, contrary to Policies T11 and T18 of the Unitary Development Plan.'

Planning permission was refused under ref. 13/00127 for erection of a detached two storey three bedroom dwelling with associated car parking at front and new vehicular access onto Main Road. The refusal grounds were similar to the 2012 application.

The application was subsequently dismissed on appeal. The Inspector states:

'The appeal site is located within the Green Belt and comprises part of the side and rear garden area of number 378 Main Road (number 378). It lies

between number 378 and a grassed driveway which serves a detached dwelling lying to the rear of the site. A public footpath is located on the opposite side of the grassed driveway. Although the site is garden land and open in appearance, it is part of a substantially built up frontage forming ribbon development along Main Road.

The Council contends that the proposal would be inappropriate development within the Green Belt and quotes paragraph 89 of the Framework in this regard. It argues that the proposal would be unacceptable and would have a harmful effect on the Green Belt by reason of its bulk; increase in intensity of use; associated traffic; and visual impact. Policy G1 of the adopted London Borough of Bromley Unitary Development Plan 2006 (UDP) states that planning permission will not be granted for inappropriate development unless very special circumstances can be demonstrated. This policy accords with Green Belt policy as contained within the Framework.

However, paragraph 89 of the Framework (5th bullet point) states that one of the exceptions to the general presumption against new buildings in the Green Belt is limited in-filling in villages. Whilst I have no information regarding the formal status of Westerham, the settlement contains a number of dwellings, a public house, local shops and businesses. In my opinion, it displays all of the characteristics of a village. Given the location of the site between existing properties in a substantially built up frontage, I conclude that the proposal would represent limited infilling, and on this basis, it is not inappropriate development within the Green Belt. Consequently, the proposal would not conflict with the Framework or with Policy GB1 of the UDP in this regard.

Main Road is a busy classified highway, which carries significant amounts of vehicular traffic. Consequently, I agree with the Council that vehicles should be able to enter and leave the appeal site in a forward gear. Whilst the submitted plans demonstrate that manoeuvring space would be available for vehicles associated with the proposed new dwelling, the parking and manoeuvring area for number 378 is less clear. Due to the limited width and depth of the frontage to 378, it does not appear that vehicles would be able to park on the site without reversing either onto or from the highway.

In reaching my decision, I have taken into account that other properties on Main Road do not have turning space within the site. However, in my opinion this is not a reason to accept further development that would potentially be dangerous to highway users.

I therefore conclude that, as submitted, the proposal does not provide adequate detail to demonstrate that the development would not have a detrimental impact on highway safety. Consequently, the proposal would conflict with Policy T18 of the UDP, which seeks to ensure that road safety is not adversely affected.'

Planning permission was refused under ref. 14/01046 for erection of a detached two storey three bedroom dwelling with associated car parking at front and new vehicular access on to main road. The refusal grounds were as follows:

'The proposal would constitute an inappropriate development in the Green Belt, resulting in significant harm to the visual amenities, rural character and openness of the Green Belt by reason of the scale, bulk and proposed use, and the Council sees no very special circumstances which might justify the grant of planning permission, thereby the proposal is contrary to Policy G1 of the Unitary Development Plan and the NPPF.

The site does not comprise part of a clearly defined settlement or village and therefore 'limited infilling' as described in paragraph 89 of the NPPF would not be appropriate.'

The application was subsequently dismissed on appeal. The Inspector states:

'Policy G1 in the London Borough of Bromley Unitary Development Plan (UDP) (2006) accords with the Framework with respect to seeking to protect the Green Belt from inappropriate development.

The previous Inspector considered that the proposal constituted limited infilling in a village. I realise that he referred to the area as being Westerham, which is actually some distance away. Nevertheless, it is reasonable to assume from the context of his assessment of the area that he was referring to the area surrounding the appeal site.

The previous Inspector acknowledged that he had no information regarding the formal status of the area. I am not aware of any of the information he had received. I have had the benefit of the Council's definition of the status of this area. I have not been made aware of whether or not the previous Inspector had been provided with this information.

In the representations before me, the Council has stated that the appeal site lies within an area that does not constitute a clearly defined settlement or village. The Council takes the view that the area provides an area of rural land that should be protected under Green Belt policy, rather than as an individual village settlement. The Council has stated that the appeal site is in an area washed over by Green Belt to prevent the encroachment of Biggin Hill into the Green Belt.

I consider that the Council has clearly defined the purpose of including the appeal site and the surrounding area within the Green Belt and explained the function of this area as an area of rural land to prevent the encroachment of Biggin Hill into the Green Belt.

Whilst the previous Inspector was not aware of the formal planning status of the area, it is clear from the Council's representations that the appeal site lies within an area that is not a village for the purposes of local planning policy. Although this area may have many of the characteristics of a village,

it also takes the form of a ribbon of development extending out from Biggin Hill into the surrounding countryside that UDP Policy G1 seeks to protect from further encroachment. Indeed, even if I were to conclude that this area constituted a village, UPD Policy G1 makes no provision for limited infilling in villages. I consider that, notwithstanding the findings of the previous Inspector, the proposal would be contrary to UDP Policy G1 in this respect.

The Framework postdates the UDP and is a material consideration, which I have taken into account. The appeal site is a side garden to a residential property. It would constitute development in a gap in a built frontage. As such, I do consider that the proposal would constitute limited infilling. Nevertheless, the Framework excludes private residential gardens from the definition of previously developed land. Therefore, the proposal would not constitute limited infilling of a previously developed site as defined in paragraph 89 in the Framework.

The proposal would not accord with the list of exceptions in paragraph 89 in the Framework. The Framework has not altered my conclusion that the appeal site is not in a village for planning purposes. I see no material reason to determine this appeal other than in accordance with the development plan.

For the above reasons, I consider that the proposal would constitute inappropriate development in the Green Belt, which the Framework states is, by definition, harmful to the Green Belt.

Added to the harm of being inappropriate development is the impact that the proposal would have in diminishing the sense of openness of this part of the Green Belt and any other harm. The proposal would introduce additional built form into this Green Belt location. Due to the bulk, design and scale of the proposed dwelling, it would significantly diminish the sense of openness in this part of the Green Belt. Therefore, I consider that not only would the proposal constitute inappropriate development, there would be additional harm with respect to the openness of the Green Belt.'

Conclusions

The main issues relating to the application are the effect that it would have on the openness and visual amenity of the Green Belt, and the impact that it would have on the amenities of the occupants of surrounding residential properties and the impact on highway safety.

Following the dismissal of the previous scheme (ref. 14/01046) at appeal, the current proposal does not differ, however it is accompanied by a supporting statement that provides an affordable housing offer in order for the house to be occupied by a family relative.

It is noted that the standard of accommodation and housing type has never been objected to and therefore the provision of an affordable housing unit, whilst

considered positively, would not alter the main consideration of the impact of the development on the visual amenity and openness of the Green Belt.

The Inspector agreed with the Council's assertion that the site is not located within a village location for planning policy purposes, rather the site forms part of a ribbon of development on the Main Road between Biggin Hill and Westerham. The Inspector was therefore satisfied that Policy G1 of the UDP seeks to protect such land and should be applied in this instance.

When considering Para 89 of the NPPF, the Inspector considered that the development of the site would constitute a limited infill, however the NPPF states that such infilling is not inappropriate in village locations, which the site is not. In addition, the site cannot be considered to be Previously Developed Land as it forms part of a residential garden and such lands falls outside of this definition. The Inspector therefore concluded that the proposal would not meet any of the exceptions under Para 89 (particularly points 5 and 6) and therefore the proposal constitutes inappropriate development in the Green Belt.

Aside from being inappropriate development, the Inspector also considered that the introduction of a building of the size and scale proposed would diminish the sense of openness at the site and this would result in additional harm to the Green Belt.

It is not considered that there have been any significant changes in circumstances since the latest appeal decision, and therefore there is no reason for the Council to take a contrary view to that which was taken under the previous application and appeal decision. The benefit of providing an affordable housing unit is not considered to outweigh the harm caused in this case.

Having had regard to the above it was considered that the proposal is unacceptable in that it would result in a significantly detrimental impact on the openness and visual amenity of the Green Belt. It is therefore recommended that Members refuse planning permission.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposal would constitute an inappropriate development in the Green Belt, resulting in significant harm to the visual amenities and openness of the Green Belt by reason of the scale, bulk and proposed use, and the Council sees no very special circumstances which might justify the grant of planning permission, thereby the proposal is contrary to Policy G1 of the Unitary Development Plan and the National Planning Policy Framework.**

