

SECTION '2' – Applications meriting special consideration

Application No : 16/04600/FULL6

Ward:
Darwin

Address : Gordon House Berrys Green Road
Berrys Green Westerham TN16 3AH

OS Grid Ref: E: 543832 N: 159428

Applicant : Mr Ankur Agrawal

Objections : No

Description of Development:

Increase and change of roof design to incorporate both side and rear extensions

Key designations:

Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

This application seeks permission for an increase and change of roof design to incorporate both side and rear extensions which were approved under refs: 16/00679/HHPA and 16/04202/PLUD.

The original house as approved in 1922 and designed in a "T" shape with the widest part measuring 9.41m at the front reducing to 7.1m to the rear.

Location

The property is a detached bungalow located on the eastern side of Berrys Green Road within the Green Belt as allocated within the Unitary Development Plan.

Consultations

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

Planning Considerations

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

National Planning Policy Framework (NPPF) (2012):

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 7 - Requiring Good Design

Chapter 9 - Protecting Green Belt land

The London Plan (2016):

The most relevant London Plan policies are as follows:

- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 7.4 Local character
- 7.6 Architecture
- 7.16 Green Belt

Unitary Development Plan (2006):

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

- BE1 Design of Development
- G1 Green Belt
- G4 Extensions / Alterations to Dwellings in the Green Belt or on Metropolitan Open Land

Draft Local Plan (2016):

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 37 General Design of Development
- Draft Policy 49 The Green Belt

Other Guidance

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

Planning History

77/1849 – Single storey rear extension – Approved 28.9.77

84/1353 – Sitting of single storey mobile home for a granny annexe – Refused 23.7.84

96/1665 – Single storey side extension – Approved 9.9.96

16/00540/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 3.0m. 42 Day Notification for Householder Permitted Development Prior Approval – Approved 24.03.2016

16/00679/HHPA - Single storey rear extension, extending beyond the rear wall of the original house by 8m, for which the maximum height would be 4m and for which the height of the eaves would be 3m. 42 day notification for householder permitted development prior approval. Approved 22.03.2016

16/04202/PLUD – Single storey side and rear extension with detached garage for which prior approval was granted under refs:16/00679/HHPA and 16/00540/HHPA. CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT. Granted 15.11.2016.

Conclusions

It is considered the planning issues and considerations relate to:

- Principle of Development;
- Appropriate Development within the Green Belt;
- Openness and Character and Appearance of the Green Belt;
- Design, scale and bulk; and
- Neighbouring amenity

Principle of Development:

The primary consideration in this case is whether the proposed extension would be appropriate development within the Green Belt.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.

The 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 and states that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

London Plan Policy 7.16 and Policy G1 of the UDP state that 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. Policy G1 of the UDP adds further to this by stating that the construction of new buildings or extensions to buildings on land within the Green Belt will be inappropriate, unless it is for the following purposes:

- (i) agriculture and forestry;
- (ii) essential facilities for outdoor sport and outdoor recreation and open air facilities and other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it;
- (iii) limited extension, alteration or replacement of existing dwellings;
- (iv) limited infilling or redevelopment in accordance with the guidance in PPG2 Annex C within the designated major developed sites at Biggin Hill Airport and Cheyne Centre, Woodland Way, West Wickham.

Policy G4 states that “*extensions or alterations to dwelling houses in the Green Belt or Metropolitan Open and (MOL) will only be permitted if:*

- (i) the net increase in the floor area over that of the original dwelling house is no more than 10%, as ascertained by external measurement; and*
- (ii) their size, siting, materials and design do not harm visual amenities or the open or rural character of the locality; and*
- (iii) the development does not result in a significant detrimental change in the overall form, bulk or character of the original dwellinghouse.*

Proposals to extend converted or replacement dwellings will not normally be permitted.

This policy relates to proposals for extensions, alterations or outbuildings, which are to be sited within 5m of the existing dwelling house. Other development within the curtilage is inappropriate by definition and would only be permitted where very special circumstances have been demonstrated”.

The Council wishes to ensure that there is no incremental harm to the Green Belt or MOL by excessive subsequent extensions to dwellings within the Green Belt or MOL that collectively may jeopardise the open nature of the countryside, or other open land.

The openness and visual amenity of the Green Belt shall not be injured by any proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reasons of scale, siting, materials or design.

Therefore the principle of the acceptance of the development needs to be considered on balance between Policies G1 and G4.

Policy G1 states that the construction of extensions to buildings on land within the Green Belt will be inappropriate, unless it is for (iii) limited extension, alteration or replacement of existing dwellings. Paragraph 89 of the NPPF states the "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building" would be acceptable.

In this instance the proposal would not increase the footprint of the building over the extensions allowed under planning ref: 16/04202/PLUD (granted on 15th November 2016) for single storey side and rear extensions and detached outbuilding however, will marginally increase the overall height of the building but in doing so would create a cohesive development which would not cause harm to

the Green Belt by reason of inappropriateness and thus would constitute very special circumstances as identified in paragraph 87 of the NPPF. As such it is considered that the proposal would comply the above policies.

Appropriate Development within the Green Belt:

The primary considerations in this case are the impact of the proposal on the Green Belt, including whether or not the development is appropriate and if it is not, whether there are any very special circumstances to justify inappropriate development which mean that the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, as set out in the NPPF and Policy G1 of the UDP.

The NPPF confirms that the construction of new buildings inside a Green Belt is inappropriate with only limited exceptions. One exception is 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.'

Policy 7.16 of the London Plan similarly indicates Green Belts should be protected from inappropriate development. Saved Policies G1 and G4 of the UDP remain broadly in accordance with the Framework, confirming a presumption against inappropriate development unless very special circumstances exist although some of the detailed criteria set out within them no longer remains relevant.

The proposed development by reason of its size/bulk is considered to constitute development inappropriate within the Green Belt as specified by paragraphs 87, 88 and 89 of the NPPF. It is noted that the property has already been extended under refs: 77/1849 for a single storey rear extension and 96/1665/FUL for a single storey side extension. It should also be noted that under ref: 16/04204/PLUD a certificate has been approved for a single storey side and rear extension together with a single storey detached outbuilding, however this has not been constructed. It is noted that due to all these ad-hoc extension this property lacks cohesion in its design and therefore the main focus of the proposal is to harmonise the external appearance of the building. However, the applicant has put forward the following very special circumstances in order to justify the inappropriate development over the design which will allow for a more energy efficient house, the supporting energy statement states that the proposal aims to save 5.30 tonnes of Co2 per year (a reduction of 56.04% over the baseline) by including the following in the development:

- Passive solar heating;
- Solar panels
- Natural ventilation
- Mechanical ventilation heat recovery system
- Loft insulation
- External wall insulation
- Natural lighting.

Assessing proportionality is an objective test based on size. In this instance the proposal would not increase the footprint of the building over the extensions

allowed under planning ref: 16/04202/PLUD which was granted on 15th November 2016 for single storey side and rear extensions and detached outbuilding but will increase the overall height of the building by a maximum of 1.7m to have a ridge height of 7.03m.

Therefore on balance given the proposal development would result in a modern cohesively designed energy efficient dwelling the increase in the overall form and bulk would not significantly impact on the Green Belt and would still adhere to the objectives set out in the NPPF, London Plan and Bromley UDP as detailed above.

Openness and Character and Appearance on the Green Belt:

Beyond whether the proposal is considered to be “appropriate development”, it is necessary to assess the visual impact upon the Green Belt. The NPPF identifies that an essential characteristic of Green Belts is their openness. The property appears to have had a number of alterations and additions over time. In that the bulk of the building and its site coverage would be considerably increased by the additional built development put forward in this scheme, the proposal would reduce openness.

The NPPF confirms good design is a key aspect of sustainable development and that development of poor design, which fails to take the opportunities available for improving the character and quality of an area, should be refused. Policies H8 and BE1 of the UDP set out guidelines for all new development, including extensions. These require a high standard of design and for buildings to respect their setting and the character of the area in which they are located.

The proposal will increase the overall height of the bungalow by 1.7m, however would result in a property which would appear sensitively designed to its surroundings by taking into account the rural nature of the setting the development and the neighbouring properties. The increased ridge would still remain lower than the neighbouring property to the south Woodpeckers. As such it is considered that the modest increase in ridge height would not impact of the host building within this setting and nor result in a detrimental impact upon the openness of the Green Belt as a whole.

Design, Scale and Bulk:

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context. Policy BE1 states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy H8 states that the design and layout of proposals for the alteration or enlargement of residential properties will be required to *(i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area.*

The Council will normally expect the design of residential extensions to blend with the style and materials of the main building. Where possible, the extension should incorporate a pitched roof and include a sympathetic roof design and materials.

The ethos behind the extension is to harmonise the building given the number of extensions. It is considered that the new roof form creating a modern style bungalow is considered to make a coherent design scheme which respects the sensitive Green Belt setting and the objectives that policies 7.4 and 7.6 of the London Plan and Policies H8 and BE1 of the UDP seek to achieve.

For these reasons, it is considered that the proposed development is unacceptable and do not comply with policy on design.

Neighbouring Amenity:

Policy BE1(v) of the UDP identifies that new development will only be permitted where it can be demonstrated that the proposal does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an un-neighbourly sense of enclosure. This is further supported by Policy 7.6 of the London Plan.

The proposal will increase the overall height of the dwelling by 1.7m (maximum overall height of 7.03m). The increase in height is approximately 7.0m away from the boundary and a further 6.1m away from the main residence of Woodpecker. The increase in the ridge height is 4.08m in width before returning to the original ridge height and is a significant distance (approximately 20m) away from Brentfield to the north of the site. The original height of the roof (5.4m) extends across the western elevation for 9.6m; whereas given the low pitch it also reduces the appearance of bulk.

As such it is considered that the proposed development would not result in any loss of amenity in terms of increased sense of enclosure, loss of light or privacy. For these reasons, it is considered that the proposed development is acceptable and complies with policy on neighbouring amenity.

Summary:

Whilst the extensions in total represent inappropriate development in the Green Belt by definition, it is considered that the harm by reason of its inappropriateness is outweighed by other considerations so as to constitute very special circumstances. Members are asked to consider if the proposed increase and change of roof design to incorporate both side and rear extensions is an acceptable development within the Green Belt as detailed in the report including recent planning history at this site. It is considered that the development has been carefully and sympathetically designed to ensure that the proposal would not result in any amenity implications that would harm the existing quality of life or character of the surrounding area.

Accordingly, and taking all the above into account, it is recommended that planning permission be granted in line with the conditions contained within this report.

Background papers referred to during production of this report comprise all correspondence on the file ref: 16/04600/FULL6 set out in the Planning History section above, excluding exempt information.

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 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.

- 3 Details of the materials to be used for the external surfaces of the extension 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.**

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.