

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/00607/FULL1

Ward:
Darwin

Address : Trowmers Luxted Road Downe
Orpington BR6 7JS

OS Grid Ref: E: 543102 N: 161551

Applicant : Mr E Bullion

Objections : YES

Description of Development:

Detached dwelling with integral garage on land adjacent to Trowmers with vehicular access from Cudham Road (Revisions to permission ref 15/04895 comprising dormer extensions and a front gable to incorporate rooms within the roof)

Key designations:

Conservation Area: Downe Village
Areas of Archeological Significance
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

Permission was granted in March 2016 (ref.15/04895) for the erection of a detached two storey dwelling with integral garage on this infill site which lies between the existing dwelling at Trowmers and The Downe Baptist Church Manse to the north-east. The permitted vehicular access to the new property was from an existing rear access to Trowmers from High Street/Cudham Road.

The dwelling was designed so that the front elevation would face the south-east over the rear gardens of Trowmers, whilst the rear elevation would back onto Luxted Road.

The current application has been submitted in order to provide accommodation within the roof space, and would include the addition of front, side and rear dormers along with a front gable extension. An additional 49sq.m. floorspace would be created at second floor level to provide a bedroom, an office and a bathroom.

Location

The application site is located on the south-eastern side of Luxted Road within Downe Village Conservation Area. It falls within an Area of Archaeological Significance and also lies within the Green Belt. The site currently forms part of the

side garden of Trowmers, a locally listed building, and would have a frontage onto Luxted Road of approximately 13m, and a depth of 54m.

To the front of the site is a 2.5m high flint wall, whilst the rear of the site is bounded by the substantial gardens of Trowmers.

Consultations

Nearby owners/occupiers were notified of the application and representations were received, including from Downe Residents' Association, which can be summarised as follows:

- * contrary to the Design and Access Statement, the new house will be seen from a number of public viewpoints
- * increased floorspace would be contrary to Green Belt policy
- * overlooking of the gardens of The Manse and the 4 flats at Forgecroft
- * would the boundary Leylandii trees remain?
- * the boundary now allows no access to the rear entrance to the Trowmers garage.

A letter of support has also been received to the proposals.

Comments from Consultees

The Council's Highways Officer raises no objections to the increase in the number of bedrooms from 4 to 5/6 as it is unlikely to give rise to any additional highway impact over the approved scheme, and in any case, there would be sufficient space within the site to accommodate any additional parking demand.

The application was not considered by the Advisory Panel for Conservation Areas.

Planning Considerations

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

G1 The Green Belt
G4 Dwellings in the Green Belt
BE1 Design of New Development
BE10 Locally Listed Buildings
BE11 Conservation Areas
H7 Housing Density & Design
H9 Side Space
T3 Parking
T18 Road Safety
NE7 Development and Trees

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 closed on December 31st 2016 (under The Town and Country Planning (Local

Planning) (England) Regulations 2012 as amended). It is anticipated that the draft Local Plan will be submitted to the Secretary of State in mid-2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The relevant policy is as follows:

- Draft Policy 4 - Housing Design
- Draft Policy 8 - Side Space
- Draft Policy 30 - Parking
- Draft Policy 32 - Road Safety
- Draft Policy 37 - General Design of Development
- Draft Policy 39 - Locally Listed Buildings
- Draft Policy 41 - Conservation Areas
- Draft Policy 49 - The Green Belt
- Draft Policy 51 - Dwellings in the Green Belt
- Draft Policy 73 - Development and Trees

London Plan (2015) Policies:

- Policy 3.3 Increasing Housing Supply.
- Policy 3.4 Optimising Housing Potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.7 Renewable energy
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater Infrastructure
- Policy 5.15 Water use and supplies
- Policy 5.16 Waste net self-sufficiency
- Policy 5.17 Waste capacity
- Policy 5.18 Construction, excavation and demolition waste
- Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.14 Improving Air Quality
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

Housing Supplementary Planning Guidance (2016)

The National Planning Policy Framework (NPPF) is also a consideration.

Planning History

Outline permissions were refused in 1985 (ref.85/02568) and 1994 (ref.94/02057) for residential schemes involving land at Trowmers, and the subsequent appeals were dismissed.

Permission was refused in January 2014 (ref.13/03906) for the erection of a detached dwelling on part of the rear garden of Trowmers with access from Cudham Road, on grounds relating to inappropriate development in the Green Belt, detrimental impact on the character and spatial standards of Downe Village Conservation Area, and detrimental impact on neighbouring properties. The subsequent appeal was dismissed in June 2014 on grounds related to inappropriate development and detrimental impact on the openness of the Green belt. The dwelling proposed in this application was situated to the rear of The Manse, and not adjacent to Trowmers as in the current application.

An appeal was lodged against the non-determination of ref.14/04878 submitted for the erection of a detached two storey 4 bedroom dwelling with attached double garage and vehicular access from Luxted Road on the part of the site which lies between Trowmers and The Manse. The subsequent appeal was dismissed in September 2015 on grounds relating to the impact of the large forward-projecting linked garage on the character and appearance of the Conservation Area, and the impact of removing part of the flint wall fronting Luxted Road and lowering the height of a further part of the wall to 1m in order to provide vehicular access and sightlines on the character and visual amenities of the streetscape and the Conservation Area.

The proposals were not considered by the Inspector or the Council to be inappropriate development in the Green Belt as they would comprise limited infilling in Downe village which is considered to be appropriate development as set out in paragraph 89 of the NPPF.

Permission was subsequently granted in March 2016 (ref.15/04895) for a smaller dwelling which did not include the forward-projecting garage, and would gain access from High Street/Cudham Road rather than from Luxted Road thereby retaining the flint wall.

Conclusions

The main issues relating to the application are; whether the revised proposals constitute inappropriate development in the Green Belt, and if so, whether very special circumstances exist that outweigh the harm by reason of inappropriateness; the impact on the openness of the Green Belt; the impact on the character and appearance of Downe Village Conservation Area; and the impact on the amenities of the occupants of surrounding residential properties.

In granting planning permission for a new dwelling on the site under ref.15/04895, it was accepted that the proposal would comprise limited infilling in Downe Village,

and would therefore result in appropriate development in the Green Belt. The proposal now under consideration would occupy the same footprint and position as the permitted dwelling between Trowmers and the Manse, and it is still considered to comprise limited infilling in Downe Village, thereby resulting in appropriate development in the Green Belt.

In terms of the impact on the openness of the Green Belt, the Inspector in the 2014 appeal considered that it was principally the land to the east and south-east of Trowmers that made the most significant contribution to openness, and that the appeal site, being positioned between Trowmers and The Manse, read as part of the village, and did not make the same contribution to the openness of the Green Belt. Although he considered that the proposals would inevitably cause some diminishment to the openness of the Green Belt (as would most cases of limited infilling), he concluded that it would not significantly undermine the overall contribution to the area's openness made by Trowmers' extensive grounds.

The Inspector also found that the dwelling would sit comfortably within the plot, with sufficient space maintained to the boundaries, and that it would not undermine the character and setting of Trowmers, which is locally listed, nor would it appear overlarge in relation to the Manse.

The current proposals would increase the bulk of the roof by the addition of dormer windows in the front, rear and north-eastern roof slopes, along with a part gable roof to the front elevation in place of the previously proposed hipped back roof. However, these changes are not considered to significantly undermine the openness of this part of the Green Belt as the extensive grounds surrounding Trowmers and the new dwelling would still remain.

With regard to the impact on Downe Village Conservation Area, the proposed roof dormers would not appear overly bulky within the street scene, whilst the gable roof would be largely hidden behind the house when viewed from Luxted Road, and would face south-eastwards. The design of the dormers would be traditional in style and would be in keeping with the character and appearance of the Conservation Area.

With regard to the impact on neighbouring properties, the proposed front gable and front and rear dormers would not result in any significant overlooking of neighbouring properties or gardens. The proposed side dormer within the north-eastern flank roof slope would face the frontage of the Manse and further to the north-east the rear gardens of the maisonettes at Forgecroft. The window serves a bedroom in the proposed dwelling, and some degree of overlooking may occur, but this would be to a limited extent due to the distance from the Forgecroft gardens, and the oblique angle to the front elevation of the Manse.

The agent has confirmed that the proposals would comply with Part M4(2) of the Building Regulations "accessible and adaptable dwellings", and therefore complies with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016.

In conclusion, the revised proposals are considered to constitute appropriate development within the Green Belt, and would not have a significant adverse impact on the openness of the Green Belt, the character and spatial standards of the Conservation Area, or the amenities of neighbouring residential properties.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 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 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 before the commencement 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.

- 3 The boundary enclosures indicated on the approved drawings shall be completed before any part of the development hereby permitted is first occupied 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.

- 4 Before the development hereby permitted is commenced, details of the specification and position of fencing (and any other measures to be taken) for the protection of any retained tree shall be submitted to and approved in writing by the Local Planning Authority. The areas enclosed by fencing shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored or positioned within these areas. Such fencing shall be retained during the course of building work**

Reason: In order to comply with Policies NE7 and NE8 of the Unitary Development Plan to ensure works are carried out according to good arboricultural practice and in the interest of the health and visual amenity value of trees to be retained.

5 Before the development hereby permitted is commenced, details of the materials, depth, extent and means of excavation required for the construction of the access/car parking shall be submitted to and approved in writing by the Local Planning Authority, and the excavations and the access/car parking shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy NE7 of the Unitary Development Plan to ensure works are carried out according to good arboricultural practice, and in the interest of the health and visual amenity value of trees to be retained.

6 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 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 appearance of the building and the visual amenities of the area

7 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed 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.

8 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

9 No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan

10 Before commencement of the development hereby permitted details of (a) turning area(s) within the site shall be submitted to and approved in writing by the Local Planning Authority. The turning area(s) shall be provided before any part of the development is first occupied and shall be permanently retained thereafter.

Reason: In order to comply with Policies T3 and T18 of the Unitary Development Plan and to enable vehicles to enter and leave the site in a forward direction, in the interest of pedestrian and vehicular safety.

11 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

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

12 Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason: In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

13 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.

14 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.

15 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: To ensure satisfactory means of surface water drainage and to accord with Policy 4A.14 of the London Plan and Planning Policy Statement 25.

16 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.

17 No windows or doors shall at any time be inserted in the first floor flank elevation(s) of the dwelling hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

18 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.

19 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.

20 Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby permitted shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation by an archaeological organisation approved in writing by the Local Planning Authority. Access shall be permitted to the site at all reasonable times for the carrying out of the investigations, including making necessary records of items of interest and finds.

Reason: The site is of archaeological interest and detailed investigations should be undertaken to enable consideration to be given to preservation in situ and/or recording of items of interest in compliance with Policy BE16 of the Unitary Development Plan.

21 Before any work is undertaken in pursuance of the consent, details shall be submitted to and approved in writing by the Local Planning Authority of such steps to be taken and such works to be carried out as shall, during the progress of works permitted by this consent, secure the safety of the front boundary flint wall facing Luxted Road. The approved steps to secure the safety of the wall shall be in place for the full duration of the works hereby granted consent.

Reason: In order to comply with Policy BE7 of the Unitary Development Plan and to protect the flint boundary wall.

22 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be retained permanently thereafter.

Reason: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

You are further informed that:

1 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

- 2 You should seek engineering advice from the Environmental Services Department at the Civic Centre regarding the provision of a temporary vehicle crossover to Cudham Road for construction traffic during the construction period and its reinstatement to a permanent standard crossover on completion of the works (Dan Gordon 020-8313-4909)**