

SECTION '2' – Applications meriting special consideration

Application No : 17/00542/FULL1

Ward:
**Bromley Common And
Keston**

Address : 12 Barnet Wood Road Hayes Bromley
BR2 8HJ

OS Grid Ref: E: 541895 N: 165654

Applicant : Mr Richard North

Objections : YES

Description of Development:

Part one/two storey rear extension with rear rooflight and elevational alterations to front and side

Key designations:

Conservation Area: Bromley Hayes And Keston Commons

Biggin Hill Safeguarding Area

Green Belt

London City Airport Safeguarding

Smoke Control SCA 22

Proposal

The site is a detached two storey dwelling located on the north side of Barnet Wood Road, within the Bromley, Hayes and Keston Commons Conservation Area and within Green Belt. This application proposes a part one/two storey rear extension with rear rooflight and elevational alterations to front and side.

Consultations

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

- o Raising the roofline and a window to the rear will effect privacy and will be a blight on the landscape.
- o Far too many alterations have gone on in the road in the past few years and a stop needs to be made before we all become semi detached.

APCA raise no objection to the proposal.

Planning Considerations

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

BE1 Design of New Development
BE11 Conservation Areas
H8 Residential Extensions
H9 Side Space
G1 Green Belt
G4 Extensions in the Green Belt

Draft Local Plan Policy 37
Draft Local Plan Policy 41
Draft Local Plan Policy 7
Draft Local Plan Policy 8
Draft Local Plan Policy 49
Draft Local Plan Policy 51

SPG

London Plan Policy 7.4

The planning history includes application reference 16/00983 which was refused for a part one/two storey side/rear extension. The reasons for refusal were:

The site is located within the Green Belt wherein there is a presumption against inappropriate development, and the Council sees no very special circumstances in this case which might justify the grant of planning permission as an exception to Policy G4 of the Unitary Development Plan and the requirements of the NPPF.

The proposed development by reason of its size and siting would be harmful to the character and appearance of the Conservation Area, and would therefore be contrary to Policies BE11, BE1 and G4 of the Unitary Development Plan.

This was subsequently dismissed at appeal.

Application reference 16/04941 for a two storey rear extension and single storey side/rear extension was refused for the following reasons:

The site is located within the Green Belt wherein there is a presumption against inappropriate development, and the Council sees no very special circumstances in this case which might justify the grant of planning permission as an exception to Policy G4 of the Unitary Development Plan and the requirements of the NPPF.

The proposed development by reason of its proximity to the boundary would be harmful to the character and appearance of the Conservation Area, and would therefore be contrary to Policies BE11, BE1 and H9 of the Unitary Development Plan and Policy 7.4 of the London Plan.

Conclusions

The site is within the Green Belt and therefore the main issues relating to the application are as before, and include:

- o whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (Section 9: Protecting Green Belt land) and development plan policy;
- o the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area and
- o if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- o its effect on the character and appearance of the conservation area
- o and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Para 89 of the NPPF advises that the construction of new buildings is inappropriate in the Green Belt; exceptions to this include 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. The additional accommodation proposed represents 35% increase in floor area and falls outside the Council's 10% increase in floor area tolerance by 25% (Policy G4). The Inspector noted in the appeal decision:

"...Notwithstanding whether a specific percentage limit should be applied, I consider that an increase in the floor space of the appeal property of 56% together with the increase in volume and mass would result in disproportionate additions over and above the size of the original building. It, therefore, follows that the proposal is inappropriate development..."

"...Saved Policy G4 of the UDP seeks to ensure that national Green Belt policy is applied. Although based on previous national policy, and notwithstanding the percentage limit, the thrust of the Policy is to avoid disproportionate additions to buildings in accordance with the Framework. It does not, therefore, alter my conclusion that the proposal would be inappropriate development..."

Given the proposed percentage increase it remains that the extensions are to be considered inappropriate development in the Green Belt. Consideration therefore is to be given as to whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The statement submitted in support of the application puts forward special circumstances to support the proposal. It concludes that the extension is proportionate to No12 and is not out of proportion to either the host dwelling or to nearby properties at Nos 14 and 16 and that it does not compromise openness or any of the five purposes of including land in the Green Belt. It also states that the property makes a neutral contribution to the conservation area.

Additional information has been submitted to demonstrate very special circumstances and includes plans which show the magnitude of PD rights for a single storey extension, which the agent highlights is "... greater than the total sought by this proposal... The volume which can be added to 12 Barnet Wood Road as "Permitted development" exceeds the volume of what is proposed in the application...". In addition the applicants have indicated that they would accept a planning condition removing relevant Permitted Development rights in the event of a planning permission.

The information also indicates the extent by which the immediate property has been extended and states "... which in my opinion would clearly demonstrate that limiting our modest proposals would be simply unfair". The submissions go on to state "...Two obvious conclusions can therefore be drawn, which are very special circumstances to which significant weight should be given. Firstly, the extension proposed is proportionate on any reasonable assessment. A proportionate extension is appropriate in the Green Belt. Secondly, as regards openness (which is the absence of development) a smaller volume must have a lesser impact than a larger volume".

Given the scheme is inappropriate development it is for careful consideration to be given to the matters put forward by the applicant's agent which they consider the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, and which amount to the very special circumstances necessary to justify the development. (It is noted that '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).

Members will note the matters put forward by the applicant's agent and which they consider comprise very special circumstances necessary to justify the development. The additional plan submitted which demonstrates the extent of permitted development for residential extension in this location is helpful and whilst the lawfulness of the extent of development has not been established the applicants have indicated their willingness to accept a restriction on permitted development rights in the event of a planning permission.

In respect of other matters it is considered that the revised layout does allow for views through the site to the open space beyond and impacts to a lesser extent on the conservation area and openness of the Green Belt than the previous proposals. The revised layout also pulls development away from the boundary.

No concerns are raised from a conservation point of view.

Neighbour objections have been received in respect of raising the roof, impact on privacy and the overdevelopment of the area generally. The latter point is addressed within the policy considerations. In respect of impact on privacy, this scheme proposes a flank window which will serve a bedroom. Given existing development to the neighbouring property and distance to the rear garden it may be considered that the resultant oblique overlooking may not be so great as to warrant a planning ground of refusal. Given the existing situation and relationship

to neighbouring properties windows to the first floor rear and roof light are not likely to result in such undue overlooking as to raise planning concern. The roofline of the proposed extension sits in a subservient manner to the main ridge.

Overall, given the relationship of the proposed development to neighbouring development it is unlikely that neighbouring amenity will be so affected by the proposal as to raise planning concern.

Members may consider that the very special circumstances put forward and which include the analysis and future restriction of permitted development combined with the limited visual intrusion and the clustering of built development in this location present the very special circumstances necessary to outweigh the usual Green Belt Policy considerations.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/00542 and any other applications on the site set out in the Planning History section above, excluding exempt information.

as amended by documents received on 24.04.2017 12.05.2017 28.03.2017

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 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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 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.

- 4 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 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.**

In the interest of the openness of the Green Belt and in order to comply with the NPPF and Policy G4 of the adopted Unitary Development Plan and to prevent overdevelopment of the site.