

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 18/03895/FULL1

Ward:
Darwin

Address : Glen Haven Berrys Hill Berrys Green
Westerham TN16 3AG

Objections: NO

OS Grid Ref: E: 544026 N: 159782

Applicant : Mr A Denham and Miss C Adams

Description of Development:

Demolition of existing bungalow and partial demolition of outbuildings and the erection of a 2 storey four bedroom chalet bungalow

Key designations:

Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

Planning permission is sought for the demolition of the existing bungalow and part of an existing outbuilding and construction of a replacement dwelling which would be a 4 bedroom dormer bungalow in a similar position as the demolished bungalow.

The proposed dwelling would have an 'L' shape with a maximum width of 21.8m and would have depth of between 15m and 7m. A front porch is proposed which would have a width of 5.9m, a front projection of 1.9m and would have a gable roof with a height of 4.9m. The proposed dwelling would have a pitched roof and would have a height of 6.6m, an eaves height of 2.5m and would incorporate 7 dormers with pitched roofs with a height of 2.3m - 2.5m.

The application was supported by the following documents

- Design and Planning Statement
- Topographical Survey

Location and Key Constraints

The site hosts an 'L' shaped bungalow in a substantial plot with an area of approx. 0.69 hectares with 3 large outbuildings. The land to the east is also owned by the applicant. The topography of the land within the site and adjacent land slopes towards the east and west.

The site is situated within the Green Belt and to the north of Berrys Hill.

Comments from Local Residents and Groups

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

Support

- fully support the application to rebuild their existing bungalow
- have worked extremely hard to improve the whole site since they have moved there
- it was in a very derelict state
- improved the openness and visual amenities of the valley
- as owners of farmland surrounding Glen Haven we are particularly aware of the sensitivities of this valley and its significance
- hope that you can allow Mr Denham and Miss Adams to rebuild a slightly larger bungalow on the site.
- Feel that these plans will finally tidy up the whole site
- Will ultimately enhance our beautiful valley

Comments from Consultees

Drainage Engineer: Please note that there is no public sw sewer near the site and a public foul sewer crosses south of the site, therefore TW need to be consulted.

Highways: All previous application which was not refused on highway grounds. Consequently there are no highway objections to this proposal subject to standard conditions.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24th July 2018.

According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- and

C) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Design and Quality of Housing Developments
3.8 Housing Choice
5.1 Climate Change
5.2 Minimising Carbon Dioxide Emissions
5.3 Sustainable Design and Construction
6.9 Cycling
6.13 Parking
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local character
7.6 Architecture
7.15 Noise
7.16 Green Belt
7.19 Biodiversity and Access to Nature
8.3 Community infrastructure levy

Unitary Development Plan

BE1 Design of New Development
H8 Residential Extensions
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
G1 The Green Belt
G4 Extensions and Alterations to Dwellings within the Green Belt or Metropolitan Open Land
G5 New Dwellings within the Green Belt
NE7 Development and trees
T3 Parking
T18 Road Safety

Emerging Local Plan

Draft Policy 37 - General Design of Development

Draft Policy - 1 Housing Supply
Draft Policy - 4 Housing Design
Draft Policy 8 - Side Space
Draft Policy 49 Green Belt
Draft Policy 51 Dwellings in the Green Belt or MOL
Draft Policy - 52 Replacement Residential Dwellings in the Green Belt
Draft Policy - 73 Development and Trees
Draft Policy - 30 Parking
Draft Policy 32 - Road Safety

Supplementary Planning Guidance

SPG1
SPG2

The Mayor of London's Housing Supplementary Planning Guidance (2016)

Technical Housing Standards (2015)

Planning History

The relevant planning history relating to the application site is summarised as follows:

Application Number	Description	Decision
71/00648	- Detached 3 bed dwelling	- Refused
79/01461	- Bow window	- Permitted
16/02947/FULL1	- Replacement dwelling: Demolition of existing bungalow and outbuildings and the erection of two storey dwelling.	- Refused

The application was refused for the following reasons:

The proposed replacement dwelling, by reason of its excessive scale, height, siting and floor area would constitute inappropriate development and would result in a dwelling significantly larger than that existing, harmful to the openness, visual amenities and rural character of the Green Belt. No very special circumstances have been demonstrated to warrant the setting aside of normal policy requirements and the proposal is therefore contrary to Policies G1 and G5 of the Unitary Development Plan and the NPPF.

17/00207/FULL1 - Demolition of existing bungalow and outbuildings and the construction of a two storey detached dwelling with associated landscaping and ground levelling. - Refused

The application was refused on the similar grounds as the previous application ref. 16/02947.

An appeal was subsequently dismissed and the Inspector states in their appeal decision as follow:

From the evidence before me I consider that the relative difference in floorspace means that the proposal would not result in harm to the openness of the Green Belt, when assessed purely in spatial terms. However it is necessary to go further than this and to consider the development in visual terms as part of the assessment as to whether there would be harm to the openness of the Green Belt.

It seems to me that, viewed from the east, the existing buildings have a very recessive appearance within the surrounding landscape.

The proposed replacement dwelling would be taller than the existing one and in a more centralised location, away from boundary screening. Despite the extensive woodland backdrop providing some assimilation and the proposal to excavate and site at a lower ground level, I am firmly of the view that the proposed building would appear more conspicuous in the landscape than the cumulative impact of the various buildings earmarked for demolition.

However the taller dwelling would be more prominent and distinguishable in the landscape than is the case at present in terms of existing buildings on the site. I conclude that the net impact of the proposal would be one of further encroachment into the countryside and detriment to openness. Accordingly it would have a greater material impact on the openness of the Green Belt in visual terms and the purposes of including land within it than the existing development.

The dwelling would therefore be inappropriate development which is, by definition, harmful to the Green Belt. In this regard it would be in conflict with the Framework and Policies G1 and G5 of the UDP

The very special circumstances necessary to justify the development have not been demonstrated. Consequently the proposed development conflicts with the Green Belt protection aims of the Framework and development plan.

17/05563/FULL1 - Demolition of existing bungalow and the construction of a replacement chalet bungalow. - Refused

The application was refused on the similar grounds as the previous application ref. 16/02947 and 17/00207/FULL1.

Considerations

The main issues to be considered in respect of this application are:

- Resubmission
- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity

- Sustainability
- Trees
- drainage/flooding
- CIL

Resubmission

The proposal is a resubmission following previous refusals and an associated dismissed appeal under refs. 16/02947, 17/00207 and 17/05563 and the main amendments to the proposed from the most recently refused dwelling (ref. 17/05563) are as follows:

- The proposal involve the demolition of part of a 38sqm area of an existing outbuilding to the west of the site
- Another 2 outbuildings are indicated on the site plan as demolished which were previously indicated as being retained in the 17/05563 plans, however these outbuildings have already long been demolished

Principle

The National Planning Policy Framework 2012 (NPPF) within paragraph 90 does state that replacement buildings may be classed as appropriate development within the green belt provided the new building is in the same use and not materially larger than the one it replaces.

Green Belt

Paragraphs 133 - 147 of the NPPF sets out the Government's intention for Green Belt. The NPPF states that 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 Green Belt is intended to serve five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraphs 143 - 147 deal specifically with development proposals in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 resulting from the proposal, is clearly outweighed by other considerations.

Paragraphs 145 states A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;

- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF.

Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

Policy G1 of the Unitary Development Plan reiterates this requirement stating 'The construction of new buildings or extensions to buildings on land falling within the Green Belt will be inappropriate, unless it is for limited extensions, alterations or replacement of existing dwellings.

Policy G5 specifically concerns the replacement of dwellings within the Green Belt and notes that permission will be granted if the proposed development meets the following criteria:

- The resultant dwelling (including garaging and any accommodation below ground) does not result in a material net increase in floor area compared with the existing dwelling as ascertained by external measurement
- The size, siting, materials and design of the replacement dwelling and of any associated works (such as boundary fences or walls) does not harm the visual amenities or the open or rural character of the locality.

As set out in para 87 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

Para 88 of the NPPF advises that LPAs should give substantial weight 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.

Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

In the appeal decision for application ref. 17/00207, the Inspector acknowledges that the submitted information demonstrated that the proposed dwelling would be less than the cumulative footprint of the buildings subject to demolition. The buildings being demolished previously consisted of the existing bungalow and two outbuildings of a significant floor area. The Inspector went on to state that "From the evidence before me I consider that the relative difference in floorspace means that the proposal would not result in harm to the openness of the Green Belt, when assessed purely in spatial terms."

A revised scheme was then submitted under ref. 17/05563 which was refused, in which the proposal was amended from a two storey dwelling sited further rearwards in the plot to a dormer 'L' shaped bungalow sited in a similar position as the existing dwelling which had a floor area which was significantly increased over the size of the previous application from approx. 213sqm to 328sqm (this remains the same floor area in the current proposal). This refused scheme also omitted the proposal to demolish the existing outbuilding on the site to condense the development on the site and therefore it was proposed to retain all the existing outbuildings.

In contrast to the previous refused scheme (17/05563), the current proposal would involve the demolition of a 38sqm section of an existing outbuilding situated near to the western boundary of the site. However, this is still significantly less than the footprint of the outbuildings proposed to be demolished as part of the refused scheme under ref. 17/00207, which was also dismissed on appeal. The proposed dwelling would continue to have the same footprint as in the most recently refused scheme and the demolition of the 38sqm section of an existing outbuilding would not sufficiently condense the development of the site to outweigh the substantially increased floor space of the enlarged dwelling, from the existing dwelling having a total floor area of 117sqm to a proposed floor area of 328sqm. This would therefore result in a loss of openness within the site. The proposal would continue to have a materially greater cumulative footprint than the existing dwelling and outbuildings on the site and would constitute inappropriate development in the Green Belt. Furthermore, the proposal would result in harm to the openness of the

Green Belt in spatial terms by virtue of the significant increase in site coverage of the development.

The proposed dwelling would be sited in a similar position as the dwelling it would replace, although the 'L' shaped layout would be rotated through 270 degrees, which is immediately adjacent to the southern strongly planted boundary. The site is very prominent, viewed from higher ground to the east, where existing buildings on the site, including the dwelling, are visible. The replacement dwelling would be a dormer bungalow as in the previously refused application ref. 17/05563 and it would continue to increase the ridge height from 5.3m to 6.6m, an increase of 1.3m in height, which is significant.

In addition to the increased height, the proposal would also significantly increase the overall width of the existing bungalow of 15.6m to the proposed width of 21.8m and would therefore extend the width at least a further 6m to the north west. Furthermore, the proposal would also project 8m further rearward than the existing dwelling with a width of 7m, therefore extending significantly further into the site than the existing dwelling, resulting in a significantly increased frontage to the dwelling. As a result the proposal would be materially larger than the original dwelling it would replace and is considered to result in a harmful impact on the visual amenities of the Green Belt and the rural character of the area and would require very special circumstances to justify departing from the NPPF and Development Plan Policies.

Paragraph 87 of the NPPF states 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".

The applicant states that they have a 'fall back' position which would meet the test of paragraph 87, however it is not completely clear what the very special circumstances would be. It is stated within the Design and Access Statement that the proposal would not harm the openness of the Green Belt in terms of scale or siting nor would there be any harm to the character and appearance of the area. It is also stated within the statement that the dwelling would be of a high quality and energy efficient and would have economic benefits.

However, the Inspector in the appeal decision did not consider that the existing dwelling and outbuildings are in such a poor condition or sufficiently recessed in the landscape not to cause harm to the character and appearance of the surrounding area. The Inspector also stated that the use of high quality measures is not something that is unique to this proposal. With regards to economic benefits, it is acknowledged that the development would result in some job related benefits in its construction however these are considered very limited by reason of the small scale of the development.

None of the above points are considered sufficiently compelling or far-reaching enough to outweigh the harm caused to the Green Belt and to justify such inappropriate development in the Green Belt.

In this case there are no material considerations that may amount to or contribute to a case for very special circumstances.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy BE1 and H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

In terms of design, within the wider street scene there are various architectural styles of dwellings, inclusive of dormer bungalows and two storey buildings. The proposal dwelling is not considered to appear out of character with the surrounding development in design terms however this would not outweigh the concerns relating

to the size, scale and massing of the proposed dwelling and its impact on the openness and visual amenities of the Green Belt.

Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants.

The shape, room size and layout of the rooms in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. All habitable rooms would have satisfactory levels of light and comply with the internal room space requirements within policy 3.3.

In terms of amenity space the depth of the rear garden is of a substantial proportion to provide a usable space for the purposes of a four bedroom dwelling house.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability

and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

No objections are raised from highways subject to standard conditions.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

By virtue of the separation distances between the dwelling and the neighbouring properties, with a separation of approx. 45m to the west and over 120m to the east, it is not considered that the proposed new dwelling would impact detrimentally upon residential amenity. The dormer windows and juliet balcony are principally facing towards public areas or into the site and it is not considered that the proposed dwelling would allow for actual or perceived overlooking.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Conclusion

On balance, the proposed residential redevelopment of this site will represent inappropriate and harmful development within the Green Belt, in view of its height, scale and massing, and none of the benefits or very special circumstances advanced by the applicant would clearly and demonstrably outweigh the harm that this will cause.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed replacement dwelling, by reason of its excessive scale, height, and floor area would constitute inappropriate development and would result in a dwelling significantly larger than that existing, harmful to the openness, visual amenities and rural character of the Green Belt. No very special circumstances have been demonstrated to warrant the setting aside of normal policy requirements and the proposal is therefore contrary to Policies G1 and G5 of the Unitary Development Plan and the NPPF.**