

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 17/01797/FULL6

**Ward:**  
**Chislehurst**

**Address :** Uplands, Kemnal Road, Chislehurst  
BR7 6LT

**Objections: No**

**OS Grid Ref: E: 544623 N: 171679**

**Applicant :** Mr B Karia

### **Description of Development:**

Part single, part two storey side extension, first floor infill extensions to balconies and new roof with increased ridge level, single storey front side extension partial conversion of garage to habitable space (demolition of existing conservatory and scattered outbuildings).

Key designations:

Conservation Area: Chislehurst  
Smoke Control SCA 16  
Green Belt

### **Update**

This application was deferred without prejudice by Members of the Plans Sub Committee 4 held on the 8th March 2018, in order to seek a reconfiguration of the footprint and an overall reduction in width to enhance the open nature of the Green Belt.

The applicant has sent through a revised plan (drawing No. 005 P2), additional supporting statement and CGI's to show how the proposed development would fit into the surrounding area.

The CGIs show the dwelling and its associated garage. The proposed narrow link will follow the line of an existing standard fence. The proposed frontage shows that the link would be screened when viewed from Kemnal Road whilst the glazing is shown to the rear. The agents have confirmed that the front elevation is to be coved in climbing plants to screen the extension.

The agents have included a further supporting statement which is set out below:

"Although residential garden area was removed from the definition of 'previously developed land' (PDL) recent case law: Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015) held that the wording of the exemption to previously developed land, within the National Planning Policy Framework (NPPF) was significant. It reads "land in built-up areas such as: private residential gardens". As such, it was found that only residential gardens within the

"built-up area" were exempt from the definition of PDL whereas, residential gardens outside "built-up areas" were 'brownfield' or PDL.

Given the above, the character of the area surrounding the application site, and its Green Belt status it is considered that the site's residential curtilage could be classed as PDL and certainly this small area between the two buildings.

Paragraph 145 of the NPPF allows for, as an exemption to 'inappropriate' development' in the Green Belt, limited infilling of PDL "which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development"

To reiterate, the proposal would also involve the demolition of outbuildings and existing extensions and a resultant consolidation and concentration of the living area. This would mean a reduction in the depth of the house itself by the removal of the bulky, out of character, conservatory. As a consequence there would be a net loss of floor space of some 30 sqm, thereby beneficial to the openness.

When taken along with the proposal's attractive appearance and the link's facilitative function in the house's much needed re-configuration, this particular aspect of the proposal has definite merit, especially as an integral part of a scheme for which planning permission has been recommended by officers."

The contents of the original report are repeated below and updated where necessary.

## **Proposal**

Planning permission is sought for roof alterations to increase the ridge height, part one/two storey front/side/rear extension with Juliet balconies to rear. Together with single storey side extension with sedum roof, part conversion of garage to habitable room, elevational alterations and demolition of existing conservatory and various outbuildings and stables on site.

The proposed development can be divided into 6 main elements:

1. Increase in ridge height: The height of the ridge would be increased by approximately 1.6m.
2. Part one/two storey northern flank extension: This would wrap around the northern flank elevation. At ground floor level the extension would infill the section in front of the kitchen/utility room and project 4.55m forward and 5.8m wide. At first floor level the existing balcony and flat roof will be enclosed together with accommodation above the front ground floor extension.
3. Two storey rear extension: This would project 2m and 4.85m wide.
4. Part one/two storey southern flank extension: This would be 11.35m in length and 4.6m wide, the extension will wrap around the south-eastern corner and project 3.2m beyond the existing dining room at ground floor level. At first floor the

extension would be 10.6m in length and 4.6m wide to the south and increasing to 9.15m wide to the front of the house.

5. Glazed Link extension: This extension would link the main house with the garage. This would measure 7.1m wide and 7.8m in depth and is proposed to have a flat sedum roof to a maximum height of 3.3m. The front is proposed to be covered in climbing plants.

6. Demolition of the following (Total 312 m<sup>2</sup>):

- Conservatory - 57m<sup>2</sup>
- Dog house - 11m<sup>2</sup>
- southern stable block - 95m<sup>2</sup>
- eastern stable block - 70m<sup>2</sup>
- Outbuilding - 15m<sup>2</sup>
- Outbuilding - 30m<sup>2</sup>
- Outbuilding attached to garage - 34m<sup>2</sup>

### **Location and Key Constraints**

The application site is located to the western side of Kemnal Road and is a detached two storey dwelling. The site is located within the Chislehurst Conservation Area and Green Belt.

### **Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and representations were received which supported the application.

### **Comments from Consultees**

Built Conservation: This part of the Chislehurst Conservation Area is characterised by its semi-rural and relatively open appearance. The existing house is within the Green Belt and has been previously extended. Given the applicant is to be demolishing existing buildings on site and consolidating the built development on balance no objections are raised.

### **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.

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

National Planning Policy Framework (NPPF) (2018):

- Chapter 12 - Achieving well-designed places
- Chapter 13 - Protecting Green Belt land
- Chapter 16 - Conserving and enhancing the historic environment

The London Plan (2016):

- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 7.4 Local Character
- Policy 7.6 Architecture
- Policy 7.8 Heritage Assets
- Policy 7.16 Green Belt

Unitary Development Plan (2006):

- BE1 Design of New Development
- BE11 Conservation Areas
- H8 Residential Extensions
- H9 Side Space
- G1 Green Belt
- G4 Dwellings in the Green Belt or MOL
- NE7 Development and trees

Supplementary Planning Guidance 1: General Design Principles

## Supplementary Planning Guidance 2: Residential Design Guidance

### Draft Local Plan (2016):

Draft Policy 6 Residential Extensions  
Draft Policy 8 Side Space  
Draft Policy 37 General Design of Development  
Draft Policy 41 Conservation Areas  
Draft Policy 49 Green Belt  
Draft Policy 51 Dwellings in the Green Belt or MOL

### **Planning History**

There is a long planning history which can be summarised as follows:

85/00008/FUL - Erection of a single story stables tackroom and store - Refused  
87/03797/FUL - Part one/two storey side extension to detached house - Refused  
89/00454/FUL - Two storey side extension - Refused  
90/03009/FUL - Two storey side extension - Refused and dismissed at appeal  
93/00909/FUL - Two storey front extension part open sided at ground floor - Approved  
94/02431/EUC - Use of land as residential curtilage to Uplands House - Approved  
94/02188/FUL - Detached double garage (Retrospective Application) - Approved  
98/00790/FUL - Two storey front extension, enlargement of extension - Approved

### **Considerations**

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

- Openness and Character in the Green Belt;
- Appropriate Development within the Green Belt;
- Very Special Circumstances;
- Design and impact on host building;
- Impact on Neighbouring Amenities; and
- Mayoral CIL.

### Green Belt and Openness and Character in the Green Belt:

Having established that the site is within the Green Belt the Authority must consider both its own Development Plan Policy and edicts of the NPPF.

As set out in para 143 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 144 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

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.

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.

Assessing proportionality is an objective test based on size. In this instance the proposal would not increase the built footprint of the site over and beyond the current situation, but would contain the built development on one part of the site resulting in a more orderly and cohesive site arrangement. The property has already been extended, and the applicant has provided a supporting statement which states the aim is to rationalise the floor space by removing some parts of the existing building, together with some under used outbuildings and stables to compensate for the increased built form which would off-set the net increase and provide a more cohesive site arrangement. The design also proposes a green, sedum roof to the link extension.

The NPPF dictates that the construction of new buildings and limited extension to existing buildings in the Green Belt is inappropriate, with a few exceptions. In this case given the size of the extensions proposed they would result in disproportionate additions over and above the size of the original building. The Council is therefore satisfied that the proposed form of development is, by definition inappropriate development in the Green Belt and as such requires very special circumstances.

#### Appropriate Development within 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.

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 dwelling by approximately 1.6m which would affect the openness of the Green Belt, 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 development would be counter-balanced and outweighed by the substantial demolition and by containing all of the built development in one part of the site. The sizeable rear conservatory would reduce the dwelling's depth whilst the outbuildings and stables set for removal (totalling approximately 312m<sup>2</sup>) would provide for a more orderly and cohesive site arrangement. As such it is considered that the modest increase in ridge height together with the new extensions 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 given the removal of other buildings on the site.

In the circumstances, given the resultant significant loss of built floorspace, the proposals would be beneficial to the openness of the Green Belt, from the more consolidated physical arrangement that would result.

#### Very Special Circumstances:

Paragraph 88 of the NPPF requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. If the Council considers that they have identified harm by reason of inappropriateness and a small degree of harm to its openness, to justify the proposal other considerations, in favour of the development, must clearly outweigh the harm.

There has been a claim made of very special circumstances. The applicant has stated that the proposal, involving the demolition of a series of sprawling outbuildings to the side of the dwelling, would dispense with the current physical fragmentation and bring better cohesion to the property, beneficial to the openness of the Green Belt. Consolidating the built form by the enlargement of the dwelling around its flank wall, yet reducing its depth with the removal of what is a sizeable, near full width rear addition, would represent both a visual improvement and also a better internal configuration for the benefit of the dwelling's occupiers. The consequent net reduction in floorspace of 30m<sup>2</sup> should also be borne in mind.

Taken together, it is considered that these various factors combine to outweigh the harm to the Green Belt by reason of inappropriateness, and they would provide the very special circumstances necessary to justify the development.

In this case there are material considerations that may amount to or contribute to a case for very special circumstances as set out above.

#### Design and impact upon the host building:

National policy on design is set out in the National Planning Policy Framework, this states that the appearance of proposed development and its relationship to its surroundings are material planning considerations. Therefore development plans should provide clear indications of a planning authority's design expectation and concentrate on broad matters of scale, density, height, layout, landscape and access.

New development should contribute towards a better quality of environment as part of a coherent urban design framework, which looks at how the urban form is used and how that form has an impact on the way development is planned. The Unitary Development Plan contains policies designed to promote very high standards of design, to preserve and enhance the existing character of areas to promote environmental importance, and to ensure that the natural environment is not adversely affected.

Policy BE1 of the UDP requires all development proposals, including extensions to existing buildings to be of a high standard of design and layout. Policy H8 of the Unitary Development Plan states that proposals for alterations and enlargements should respect and complement the host dwelling and be compatible with the surrounding area. This is supported by London Plan Policies 7.4 and 7.6.

The host property is within the Chislehurst Conservation Area; therefore BE11 is relevant to this application. This policy seeks to preserve and enhance the character and appearance of Conservation Areas and is supported by London Plan Policy 7.8.

The extensions are shown to have pitched roofs which are considered to complement the design of the host building. The design of the single storey glazed link extension would seamlessly join the host building to the garage together with the introduction of planting to the front and a sedum roof is considered to add a modern design twist to the site and lessening the impact of the extension on the site. Whilst these are large extensions and it is noted that the property has been previously extended, given the size of the overall plot and its relationship with the neighbouring properties the design of the extensions are considered to complement the character and appearance of the host dwelling and for these reasons, it is considered that the proposed development is unacceptable and do not comply with policy on design.

#### Impact on Neighbouring Amenities:

It is important to ensure the safeguarding of the interests of local residents in surrounding properties by ensuring that their residential amenity is maintained.

In considering planning proposals the Council gives particular regard to the amenity of adjoining occupiers. Policy BE1 (v) states that the development should respect the amenity of occupiers of neighbouring building and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is supported within Policy 7.6 of the London Plan.

Due to the orientation of the site, location of existing buildings and extension, the overall size and scale of the extension and its distance from the boundary; the proposed extension would not impact on any of the neighbouring occupiers in terms of creating a sense of enclosure loss of sunlight / daylight and loss of outlook from the adjoining neighbours.

#### Mayoral Community Infrastructure Levy (CIL):

The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1st April, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail. The Mayor has arranged boroughs into three charging bands. The rate for Bromley is £35 (plus indexing) per square metre.

The current application maybe liable to this requirement and will be requested to complete a CIL liability form.

## **Conclusion**

Having had regard to the above, it is considered that the proposed extensions are 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: 17/01797/FULL6 set out in the Planning History section above, excluding exempt information.

**as amended by documents received on 21.12.2017, 24.01.2018 and 19.10.2018**

## **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, 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 Policy G4 of the Unitary Development Plan and to prevent overdevelopment of the site.

- 5 Before any part of the development hereby permitted is first occupied, all the buildings/structures shown on Drawing No. 001 P2 (received 21.12.17) shall be removed.

**REASON:** In order to comply with policies G1 and G4 of the Unitary Development Plan (2006) and policy 7.16 of the London Plan (2016) and in the interest of the protection of the Green Belt and to preserve the openness of the area.

- 6 The sedum roof and climbing plants hereby approved and as shown on Drawing No. 005 REV P2 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 and retained in perpetuity. Any plants which 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 policies G1 and G4 of the Unitary Development Plan (2006) and policy 7.16 of the London Plan (2016) and in the interest of the protection of the Green Belt and to preserve the visual openness of the area.