

SECTION '2' – Applications meriting special consideration

Application No : 18/05466/FULL6

Ward:
Darwin

Address : 2 Buckston Browne Gardens, Downe,
Orpington BR6 7FF

Objections: Yes

OS Grid Ref: E: 542861 N: 161087

Applicant : Ms Natalie Fitz-George

Description of Development:

Single storey rear extension

Key designations:

Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

It is proposed to replace the existing 3m x 3m conservatory with a single storey rear extension which would project 4.7-5.1m to the rear, and would be 6m in width. The extension would have sloping roofs to the sides and a gable end at the rear. Rooflights would be installed in the sloping roofs.

The proposals have been revised since originally submitted to reduce the depth of the extension from 6m to between 4.7-5.1m.

The applicant has submitted a supporting statement explaining that the extension is needed in order to provide adaptable ground floor accommodation for the current and future needs of the applicant's daughter who has complex medical needs. It also explains why a smaller extension would not meet the specific needs of the family.

Location and Key Constraints

The application property is a mid-terrace townhouse with accommodation over three floors. It was formed from the conversion of Buckston Browne House into 4 separate dwellings in a scheme that also included the replacement of disused laboratory buildings to the rear with 3 new detached dwellings.

The property is locally listed and lies within the Green Belt.

Comments from Local Residents and Groups

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

Objections

- Possible obstruction of the rear accessway during construction works
- Proposals would affect the symmetrical appearance of the building as a whole
- Loss of outlook from No.7 which is located to the rear.

Local Groups (Downe Residents' Association)

- The property has already been developed to its full extent
- The proposal would exceed the 10% increase normally allowed for extensions in the Green Belt
- Proposals would significantly alter the appearance of the dwelling and add to the bulk
- Detrimental impact on the character and openness of the Green Belt.

Neighbours were notified of the revised proposals but no further comments had been received at the time of preparing the report.

The application has been called into committee by a Ward Councillor.

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 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 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:

London Plan Policies

7.4 Local character
7.6 Architecture
7.16 Green Belt

Bromley Local Plan

6 Residential Extensions
37 General Design of Development
39 Locally Listed Buildings
49 Green Belt
51 Dwellings in the Green Belt

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance
National Planning Policy Framework (Feb 2019)

Planning History

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

Permission was granted in 2011 (ref.10/03267) for the alteration, extension and conversion of Buckston Browne House into 4 dwellings with 2 pairs of garages, the demolition of disused laboratory buildings and the erection of 3 detached one/two storey 5 bedroom houses with garages, and 10 car parking spaces for use by staff of Down House. Permitted development rights for all 7 dwellings were removed by condition 13.

Minor material amendments to the proposals were approved in 2012 (refs.11/02824 and 12/00853).

Rear conservatories/extensions appear to have been added to Nos.1, 2 and 4 Buckston Browne Gardens without the benefit of planning permission.

Considerations

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

- Green Belt
- Design
- Neighbouring amenity
- CIL

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.

Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions are stated, the most relevant of which to this application is

- 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.

The NPPF dictates that the construction of new buildings or extensions in the Green Belt is inappropriate, with a few exceptions. In this case the proposed development is one of the specified forms of development considered to be an exception unless it is considered to result in disproportionate additions over and above the size of the original building. The Council is therefore satisfied that the proposed form of development could be, by definition, appropriate development in the Green Belt.

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

Policy 51 of the Bromley Local Plan deals specifically with extensions or alterations to dwellings in the Green Belt. The policy states that proposals 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.

Assessment against development plan policy:

The conservatory to be removed is not part of the original building as permitted in 2011, therefore the original floor area of the dwelling (measured externally) is 206.5sq.m. The proposed extension would add a further 28.9sq.m. which equates to a 14% increase over the original dwelling, and therefore exceeds the normally permitted 10% increase under Policy 51 of the BLP. The proposals are therefore considered to result in disproportionate additions over and above the size of the original building, and would therefore comprise inappropriate development in the Green Belt. Furthermore, Policy 51 of the BLP states that proposals to extend converted or replacement dwellings will not normally be permitted.

Impact on openness:

The proposed single storey extension would be located to the rear of the property adjacent to a 4.5m deep conservatory at No.1 and an external rear porch which is shared by Nos.2 and 3. It would be a maximum 5.1m in depth and would be rendered with a tiled pitched roof to match the existing building. In view of its size in relation to the existing three storey building and its matching design, it is not considered to have a significant impact on the form, bulk or character of the original building.

Nos 1 and 4 have rear wings which project 4.6m to the rear, whilst the proposed extension would project only 0.5m beyond them. The proposals are not therefore considered to have a significant detrimental impact on the openness or visual amenities of the Green Belt.

Very special circumstances:

There has been a claim made of very special circumstances which mainly relates to the current and future medical needs of the applicant's 6 year old daughter and are summarised as follows:

- It is necessary to provide a ground floor bedroom and bathroom with hoist system for her due to difficulties in lifting her upstairs to bathe and put her to bed, which will only get worse as she grows up
- The existing property does not have the space to provide a downstairs bedroom and bathroom
- There is an uneven threshold between the dining room and the conservatory, and from the conservatory to the garden giving her limited access to the garden

- The Adaptions Team at LB Bromley have considered other options, such as a lift, but consider the current proposals to be the most suitable
- The size of the proposed extension is required in order to accommodate wheelchair movements
- Large bi-fold doors provide easier access to the garden
- The applicant wishes to remain at the property as she is close to supportive family and friends and her son attends the local school.

Given the very special circumstances of the case, and the fact that the extension would be only slightly over the 10% increase normally allowed, it is considered that these amount to a case for very special circumstances which clearly outweigh the harm by reason of inappropriateness, and the limited harm to openness.

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. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

The proposed extension would be of matching design and materials and would be confined to the rear. It would not therefore appear overly bulky or out of character with the locally listed building. A 10.8m deep rear garden would still remain, and the proposals are not considered to result in an overdevelopment of the site.

Having regard to the form, scale, siting and proposed materials, it is considered that the proposed extension would complement the host property and would not appear out of character with surrounding development or the area generally.

Neighbouring amenity

Policy 37 of the BLP 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.

The proposed 5.1m deep extension would project only 0.6m beyond the rear conservatory at No.1 immediately adjacent to the boundary, which increases to 1.2m at the set back, and the roof has been designed to slope away from this property to reduce any impact.

To the north-east, No.3 is set beyond the external shared porch, and the proposed extension would be set some distance away from the nearest windows of this property.

The neighbour to the rear of the property has raised concerns to the plans originally submitted with regard to loss of outlook from facing windows. However, the extension would be single storey only, and there would still be a reasonable separation between the extension and the neighbouring property (with an access road in between). Concerns about disruption during building works are not a planning matter.

Having regard to the scale, siting, separation distance, orientation and existing boundary treatment of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above, it is considered that the very special circumstances put forward by the applicant regarding the need for an extension of this size clearly outweigh the harm by reason of inappropriateness, and the limited harm to the openness and visual amenities of the Green Belt. The proposals would not result in a significant loss of amenity to local residents nor impact detrimentally on the locally listed building or on the character of the area, and are therefore considered acceptable.

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.

as amended by documents received on 13.03.2019

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: To comply with 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 37 of the Bromley Local 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 37 of the Bromley Local Plan and in the interest of the visual and residential amenities of the area.