

SECTION '2' – Applications meriting special consideration

Application No : 19/00594/FULL6

Ward:
Darwin

Address : 10 Hazelwood Road, Cudham,
Sevenoaks TN14 7QU

Objections: No

OS Grid Ref: E: 544626 N: 161609

Applicant : Mr & Mrs Causon

Description of Development:

Part one/two storey side/rear extension, and enlargement of roof to provide first floor accommodation including front and rear dormer extensions, and elevational alterations

Key designations:

Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

It is proposed to extend this property to the side and rear and enlarge the roof in order to provide first floor accommodation. The part one/two storey side extension would project 1m to the side, and would be set back 1m from the flank boundary with No.12. The part one/two storey rear extension would project a maximum 3m to the rear, and would extend across the full width of the dwelling.

The proposed extensions to the roof would include a 1m increase in the height of the roof, 3 front dormers and 3 rear dormers.

Location and Key Constraints

This detached bungalow is located on the western side of Hazelwood Road within a small enclave of residential development comprising a mix of bungalows and chalet bungalows with a small number of two storey houses. The site lies within the Green Belt, and it is bordered to the north by a detached chalet bungalow at No.6, and to the south by a detached bungalow at No.12.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were received.

The application was called into committee by a 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
- 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 refused in October 2017 (ref.17/03866) for single storey side and rear extensions and roof extensions including front and rear dormers to provide first floor accommodation on the following grounds:

"The proposed extensions, by reason of their size, bulk and additional floor area would result in a disproportionate addition over and above the size of the original dwellinghouse to the detriment of the openness and visual amenities of the Green Belt, thereby contrary Chapter 9 of the National Planning Policy Framework, 2012, Policy 7.16 of the London Plan, 2015 and Policies G1 and G4 of the Unitary Development Plan, 2006."

The subsequent appeal was dismissed in March 2018 on grounds relating to inappropriate development in the Green Belt and reduction in openness.

In July 2018, it was determined that prior approval was not required for an 8m deep single storey rear extension across the back of the house.

A Lawful Development Certificate was refused in August 2018 (ref.18/02696) for a proposed side extension, loft conversion with rear dormer, enclosed porch and internal alterations as the height of the eaves of the single storey rear extension would exceed those of the original house.

A revised LDC (ref.18/04087) for a proposed side extension, loft conversion with rear dormer, enclosed porch and internal alterations was approved in November 2018.

Considerations

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

- Resubmission
- Green Belt
- Design
- Neighbouring amenity
- CIL

Resubmission

The current application is very similar to the proposals which were refused under ref.17/03866 and subsequently dismissed on appeal, the main difference being the addition of small barn hip to each side of the roof.

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 Inspector in the previous appeal considered that the proposals would result in "a very considerable increase in floorspace over the original position" whether or not the existing garage was considered to be part of the original house (174% increase if the garage was not part of the original dwelling or 91% otherwise). She also considered that the proposal would add to the bulk and massing of the property by increasing the ridge height and form of the roof as well as the overall footprint of development. She therefore considered the proposals to result in a disproportionate addition over and above the size of the original dwelling, and would therefore comprise inappropriate development in the Green Belt.

The current proposals are almost identical to the dismissed proposals apart from the barn hips now proposed to each side of the roof. The very small decrease in the size and bulk of the extended roof is not considered to overcome the grounds for refusing the previous scheme, and the proposals would still result in a disproportionate addition over and above the size of the original dwelling, and would therefore still comprise inappropriate development in the Green Belt.

Impact on openness:

In the previous scheme, the Inspector took into account the proposed removal of the existing garage, but considered that "the addition of further built development on the site, with the consequent increase in the footprint, and more particularly the bulk and massing of the property, including at roof level, would inevitably lead to some reduction in openness, which is the essential attribute of the Green Belt". She considered that the harm to openness would therefore add to the harm caused by reason of inappropriateness that she had already identified.

The slight decrease in the bulk of the roof proposed under the current proposals by the provision of barn hips are not considered to overcome the previous Inspector's concerns regarding the reduction in openness, and this would still therefore add to the harm caused by reason of inappropriateness.

Very special circumstances:

There has been a claim made of very special circumstances which mainly relates to the potential fallback position with regard to the proposed single storey side and rear extensions and roof extensions which were previously considered to be either "permitted development" or would not require the Council's prior approval. These applications were made after the original scheme was dismissed on appeal and are still extant. The applicant claims that:

- The total floorspace of the proposed dwelling would be 15sq.m. less than if the dwelling were to be extended under permitted development
- The total volume would be 15% less than under the permitted development schemes
- The depth of the single storey rear extension would be reduced from 8m to 3m

- The end result would be of an improved design.

However, most of the additional floorspace allowed under the permitted development schemes would come from the 8m deep single storey extension which would have less of an impact on openness than the increased height and bulk of the roof of the dwelling which would be significantly greater than the extensions to the roof that could be carried out under permitted development. In the current proposals, the roof would be 1m higher than the permitted development scheme, would extend closer to the southern flank boundary, and would contain 3 front dormers rather than 3 rooflights. The first floor accommodation would also extend significantly further to the rear than the permitted development scheme.

In considering any potential fallback scheme, there must be a reasonable likelihood of the permitted development extensions being carried out. However, it appears that the permitted development roof extensions may not provide adequate headroom to reasonably accommodate two double bedrooms, and the proposals may not be feasible in this regard.

Therefore, 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. 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.

In the previous appeal, the Inspector considered that "notwithstanding the increase in bulk and massing over the existing position and effect on openness already considered....in design terms, the proposal would be designed to be in keeping with the appearance of the existing building as well as the varied pattern of development in the local area where dormer windows and chalet bungalows are a general feature." However, she considered that the absence of harm in this respect would not result in weight in favour of the proposal.

Having regard to the form, scale and siting of the development which is very similar to the appeal scheme, it is therefore considered that the proposed extensions 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 previous appeal proposals were not considered to have a significant detrimental impact on the amenities of adjoining residents. The current slightly amended proposals would have no additional impact on residential amenity.

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 development in the manner proposed is unacceptable as it would result in inappropriate development in the Green Belt with a reduction in openness, and no very special circumstance have been demonstrated to justify the development.

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 extensions, by reason of their size, bulk and additional floor area would result in a disproportionate addition over and above the size of the original dwellinghouse to the detriment of the openness and visual amenities of the Green Belt, thereby contrary to Policies 49 and 51 of the Bromley Local Plan (Jan 2019).**