

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

**Application No :** 18/05488/FULL6

**Ward:**  
**Bromley Common And  
Keston**

**Address :** Hartland Jackass Lane Keston BR2  
6AN

**Objections: No**

**OS Grid Ref: E: 540882 N: 164049**

**Applicant :** Mr & Mrs J Vowell

### **Description of Development:**

Demolition of existing utility room to the side and construction of side and rear extension

Key designations:

Areas of Archaeological Significance  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Smoke Control SCA 22

### **Proposal**

The application seeks consent for the construction of a single storey side/rear extension.

The proposed single storey side/rear extension would wrap around the existing north-eastern rear corner of the dwelling, being sited within the existing single storey side projection - utility room (to be demolished) and being aligned with the main front elevation of the dwelling in the width of 4.5m, would project from the rear elevation of the host building by 5m. The rear element would be 8.2m wide. The eastern elevation would be 13m deep. The proposed extension would incorporate rather shallow pitched roof with a combination of gable ending to the front and to the rear and hipped ending; 4m high to the pitch and 2.8m to the eaves. The large French windows/doors are proposed on the front elevation, one window and French doors on the rear and two small windows with a glass door in the between on the flank elevation. French doors would be inserted on the western flank wall as well (revised drawings from 3 May 2019).

The proposed extension would provide a large kitchen/dining room together with a pantry, toilet and utility room.

Prior Approval was Not Required under ref.18/03690/HHPA for a single storey rear extension, extending beyond the rear wall of the house as existing by 5m (beyond the original rear wall by 5m), for which the maximum height would be 4m

(maximum height of proposed and previous extensions 4m), and for which the height of the eaves would be 2.9m.

A Certificate of Lawful Development was approved in January 2018 for a single storey side extension.

The proposal is for the 'relocation' of a single storey rear extension to be aligned with the eastern elevation of a single storey side extension approved under ref. 18/00209/PLUD resulting in the wrap around the north eastern rear corner of the host building. The footprint would remain the same.

### **Location and Key Constraints**

Detached property located on the western side of Jackass Lane. The property is single storey in built form but does have rooms in the roof-space. A detached outbuilding is located within the site boundary.

The site is located within the Green Belt and in an area of archaeological significance.

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

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

### **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 and updated on 19th February 2019.

The development plan for Bromley comprises the Bromley Local Plan (January 2019), 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

7.16 Green Belt  
7.4 Local character  
7.6 Architecture

## Bromley Local Plan

6 Residential Extensions  
37 General Design of Development  
49 Green Belt  
51 Dwellings in the Green belt or in Metropolitan Open Land

## Planning History

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

- Graylins - continued use of dwelling without compliance with condition 3 of 782433. Refused 22/10/1987
- Outline application for demolition of existing buildings and erection of one detached dwelling and double garage . Refused 16/02/1989
- Removal of condition restricting occupation to person employed locally in agriculture . Refused. 31/07/1991
- Graylings Farm. Single storey front and side extensions. Refused 01/04/1993
- Graylings Farm Retention of bungalow without complying with condition 4 of permission 771578. Refused 16/03/1996. Granted on appeal and relating to occupation of dwelling by person employed in agriculture
- Retention of bungalow without complying with condition III of permission 782433 relating to the occupation of the dwelling only by a person employed or being retired last employed locally in agriculture. Refused 05/11/1998 - Allowed at appeal.
- Roof alterations. Certificate of lawfulness for an existing development. Granted 21/08/2015

Planning permission was granted for Roof alterations to incorporate 3 dormers to front and 3 dormers to rear to provide habitable accommodation in roof-space under reference 16/00505/FULL6

Planning permission was refused in November 2017 for and Increase in roof height to incorporate front and rear dormers, part one/two storey side/rear extension and front porch for the following reason:

The proposed extension would be an inappropriate form of development that would be detrimental to the openness of the Green belt, conflicting with the purposes of including land within the Green belt. This would be contrary to Policies G1 and G4 of the UDP and the NPPF and Draft policies 49 and 51 of the Draft Local Plan.

Most recently planning application reference number 18/00208/FULL6 for roof alterations was refused on 20.04.2018 for the following reason:

The proposed development would fail to provide satisfactory quality of accommodation for the occupiers of the dwelling by reason of the lack of openings to provide natural daylight, sunlight, ventilation or outlook to the existing bedrooms in the roof-space, contrary to Policies BE1 of the Unitary Development Plan and draft Policy 37 of the emerging Local Plan.

This application was subsequently allowed at appeal on 23.10.2018.

18/00209/PLUD      Single storey side extension Certificate of Lawfulness granted  
14.03.2018

18/03690/HHPA      Prior Approval for single storey rear extension, extending  
beyond the rear wall of the house as existing by 5m allowed    21.09.2018

18/03531/FULL6      Roof alterations to incorporate two rear/three front dormers  
and one front/three rear roof light granted    06.11.2019

## **Considerations**

The main issues relating to the application are;

Whether the proposals constitute inappropriate development in the Green Belt, and if so, whether very special circumstances exist that outweigh the harm by reason of inappropriateness; the impact on the openness of the Green Belt; the impact on the character and appearance of the area and the impact on the amenities of the occupants of any nearby residential properties.

### 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.

This application involves an increase in the footprint of the host building by 77 square metres which were approved under ref. 18/00209/PLUD and 18/03690/HHPA (Prior Approval not Required, proposal would constitute permitted development), only position of Prior Approval extension would be shift to the east to be aligned with the side elevation of the approved side extension.

The agent considers that the application falls into category C of paragraph 145. ( of the National Planning Policy Framework ) (NPPF)

"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".

In addition, the agent indicates "Whilst the clause doesn't determine what is considered to be 'disproportionate' when considering the original size of the dwelling, in relation to the plot, it is clear to see that that the land surrounding the property significantly exceeds the footprint. Moreover, the property cannot be seen from the road.

Having explained the above, perhaps the most important consideration, it would be possible for the owners, with their current permissions, to extend the property in any case. Whilst the layout may differ the overall footprint would remain the same and the impact on the greenbelt would therefore be no worse.

It is considered that bearing in mind the Councils Green Belt policies the proposal is considered to be inappropriate development within the Green Belt and therefore very special circumstances need to be demonstrated. It is noted that works could take place at the property under the previous applications and a "Fall back" situation does exist and must be taken into consideration in this instance especially if there is a reasonable expectation that the works could take place. In addition the revised submitted application results in less harm to the openness of the area. These factors would on balance amount to very special circumstances.

However, the applicant would need to provide a process that if this case is granted they could carry out the Householder prior approval and this application. Members may consider that could be achieved by way of a Unilateral Undertaking or Legal Agreement.

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

The proposed single storey side/rear extension as amended would maintain an element of subservience to host property. Therefore the proposed development would not be out of character with the scale and form of the host building and surrounding development.

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

## Neighbouring amenity

Policy 37 of the Bromley Local Plan 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. This is further supported by Policy 7.6 of the London Plan.

The property is not located within close proximity to any other dwellings and therefore will not have a significant impact upon neighbouring amenity in terms of privacy or outlook.

## CIL

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

## **Conclusion**

Taking into account Green Belt policies the proposal is considered to be inappropriate development within the Green Belt. Although it is noted the agent disagrees with this position However, on the basis only the previously approved scheme or this application can be implemented very special circumstances have been provided in this instance. In addition it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

However, a legal agreement or unilateral undertaking is suggested to ensure that the previous prior approval application cannot be implemented if the applicants decide to proceed with this application.

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 03.05.2019**

## **RECOMMENDATION: PERMISSION**

**Subject to the prior completion of a Legal Agreement**

**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.**