

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

**Application No :** 19/04739/FULL6

**Ward:**  
**Chislehurst**

**Address :** 21 Edgebury Chislehurst BR7 6JL

**Objections: Yes**

**OS Grid Ref:** E: 543811 N: 171716

**Applicant :** Mr & Mrs Collard

### **Description of Development:**

Erection of a single storey modular timber granny annexe at rear

Key designations:

Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 16

### **Proposal**

Planning permission is sought for a single storey annexe building at the rear of the house to be used as ancillary accommodation for an elderly family member. The building will have a flat roof with a height of 2.85m and will have a length of 11.5m and depth of 4.8m.

The layout of the building includes a bathroom and two rooms that are not clearly defined as bedrooms or living areas.

The application is submitted supported by a Planning, Design and Access Statement.

This application has been "called in" to committee by a Ward Councillor.

### **Location and Key Constraints**

The site is located on the northern side of Edgebury and comprises a semi-detached dwelling. The wider area is characterised by similar residential development.

The site has no specific planning designations or constraints. The land to the north of the site is Metropolitan Green Belt.

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

Nearby owners/occupiers were notified of the application and representations received are summarised as follows:

Support:

- We fully support our neighbour's application and hope this is also approved by the council.

### **Comments from Consultees**

None.

### **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

#### Bromley Local Plan

Policy 7 – Accommodation for Family Members  
Policy 37 – General Design of Development  
Policy 53 – Land Adjoining Green Belt or Metropolitan Open Land  
Policy 73 – Development and Trees

#### Other Guidance

Supplementary Planning Guidance 1 – General Design Principles  
Supplementary Planning Guidance 2 – Residential Design Guidance

### **Planning History**

19/03274/FULL6 - Erection of a single storey modular timber granny annexe at rear – REFUSED

Grounds of refusal:

‘The proposal, by reason of its design and detached position with the provision of self-contained accommodation is not considered to represent an ancillary form of accommodation to the main dwelling and is capable of being severed and used as a separate dwellinghouse which would in turn result in a cramped form of development that would be out of character with the area and contrary to Policies 7 and 37 of the Bromley Local Plan (2019).’

93/03141 – Two storey side extension - PERMITTED

## **Conclusion**

The main issues relating to the application are:

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

## Resubmission

Following the refusal of application ref. 19/03274, the current proposal is identical in external appearance and dimensions however the floorplan indicates that the kitchen area has been removed and the supporting statement outlines that the occupant will eat with the family in the main house. This arrangement was also outlined under the previous application.

## 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.

Policies 6 & 37 of the BLP and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respects the scale and appearance of host dwelling, neighbouring development and surrounding areas.

Policy 6 requires that dormer windows be of a size and design which is appropriate to the roof scape and sited away from prominent roof pitches, unless dormers are a feature of the area.

Policy 7 relates specifically for the provision of accommodation for family members. This states that an extension to provide space for additional family members will be expected to meet the following criteria:-

- a) the extension cannot be severed from the main dwelling-house, and
- b) is in keeping with the design and scale of the existing dwelling house, and
- c) access to the extension is provided and maintained through the original dwelling house.

The proposal comprises the erection of a detached outbuilding sited to the rear of the site. The building will be provided with a bedroom, bathroom and amenities/facilities for residential use. In design terms, the proposal would have a low flat roof and will be constructed with a timber frame and redwood cladding. In regards to the site coverage and amount of built development at the site, the proposal would not erode the rear garden or overdevelop the site to a degree that would be unacceptable.

The proposal seeks to create 'granny annex accommodation' for an elderly family member. In this case the outbuilding accommodation would be detached from the main house by over 20m and whilst the access would be from the main dwelling, the development would comprise a completely self-contained unit of accommodation with the provision of a bedroom, bathroom and living area. Whilst the kitchen area has been removed from the previous plans, this in itself is not considered to adequately address the concerns, and a cooking facility could be provided at the annexe without significant internal change.

As with the previous application, the building would have a floor area that would meet the minimum floor area for a one bedroom two person dwelling under the London Plan standard and this has not been altered following the recently refused application. Therefore the accommodation would have little reliance on the utilities and amenity of the main dwelling.

The judge in *Uttlesford DC v SSE & White (1992)* considered that, even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling-instead it would be a matter of fact and degree. In this case, whilst a degree of support will be required for the occupant, there would be no physical or function link to the main dwelling despite the removal of the kitchen area. For the above outlined reasons it is considered that the proposal would result in independent self-contained accommodation which is capable of being severed from the main, contrary to Policy 7 of the Bromley Local Plan.

#### Impact on Neighbouring Amenities

Policy 37 of the 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.

The proposed outbuildings will have a minimum bulk and will be sited over 20m from the nearest residential property. In light of the low height and separation provided, the outbuilding is not considered to have a detrimental impact on the amenities of neighbouring properties and would comply with Policy 37 of the Local Plan.

#### Impact on Neighbouring Green Belt

Sites adjacent to Green Belt land are expected to provide a degree of buffering in order to preserve views and protect openness, as outlined by Policy 53 of the BLP. In this case the building will be sited in close proximity to the neighbouring Green belt land, however the low roof height and bulk proposed may be considered not to impact significantly on the openness and visual amenity of the Green Belt in this case.

## **Conclusion**

Having had regard to the above it is considered that the development in the manner proposed is not acceptable in that it would result in the provision of independent self-contained residential accommodation which is capable severed from the main dwelling house contrary to Policies 6, 7 and 37 of the Bromley Local Plan (2019).

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: REFUSAL**

### **Grounds of refusal:**

**The proposal, by reason of its design and detached position with the provision of self-contained accommodation is not considered to represent an ancillary form of accommodation to the main dwelling and is capable of being severed and used as a separate dwellinghouse which would in turn result in a cramped form of development that would be out of character with the area and contrary to Policies 7 and 37 of the Bromley Local Plan (2019).**