

Committee Date	25.06.2020	
Address	Hewitts House Hewitts Road Orpington BR6 7QL	
Application Number	20/01286/FULL6	Officer - Robin Evans
Ward	Chelsfield And Pratts Bottom	
Proposal	Removal/demolition of existing post and rail fence to the highway. Erection of 1.65m high wall, railings and gates to the highway.	
Applicant	Agent	
Mr & Mrs Keith & Yvonne Bear		
Hewitts House Hewitts Road Orpington BR6 7QL		
Reason for referral to committee	Outside Delegated Powers	Councillor call in No

RECOMMENDATION	Application Permitted
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KEY DESIGNATIONS Biggin Hill Safeguarding Area Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding London City Airport Safeguarding

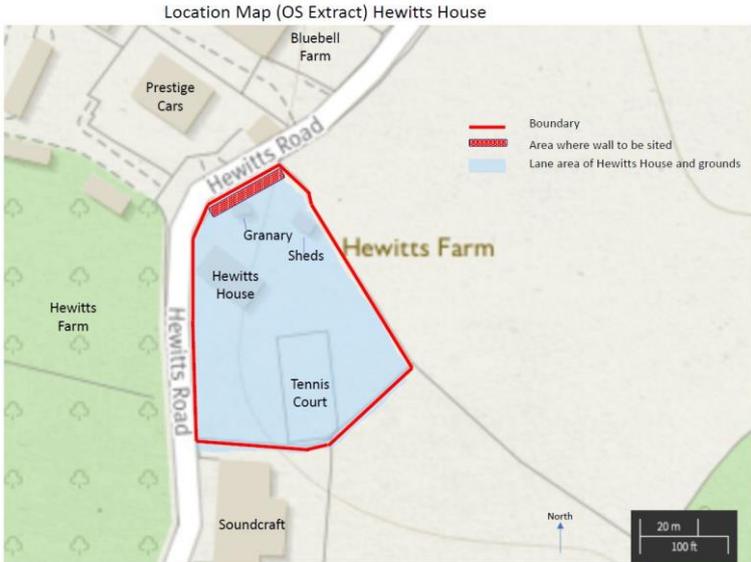
Representation summary	Neighbour letters (sent 5/5/2020), newspaper advert (published 6/5/2020), site notice (placed 8/5/2020).	
Total number of responses	0	
Number in support	0	
Number of objections	0	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not have a harmful impact on the character and appearance of the area,
- The development would not have a harmful impact on the listed building,
- The development would not adversely affect the amenities of neighbouring residential properties,
- The development would not have harmful highway impacts,
- The development would not conflict with the purposes of including land within the Green Belt and there are sufficient Very Special Circumstances existing to clearly outweigh the harm arising from inappropriate development by definition.

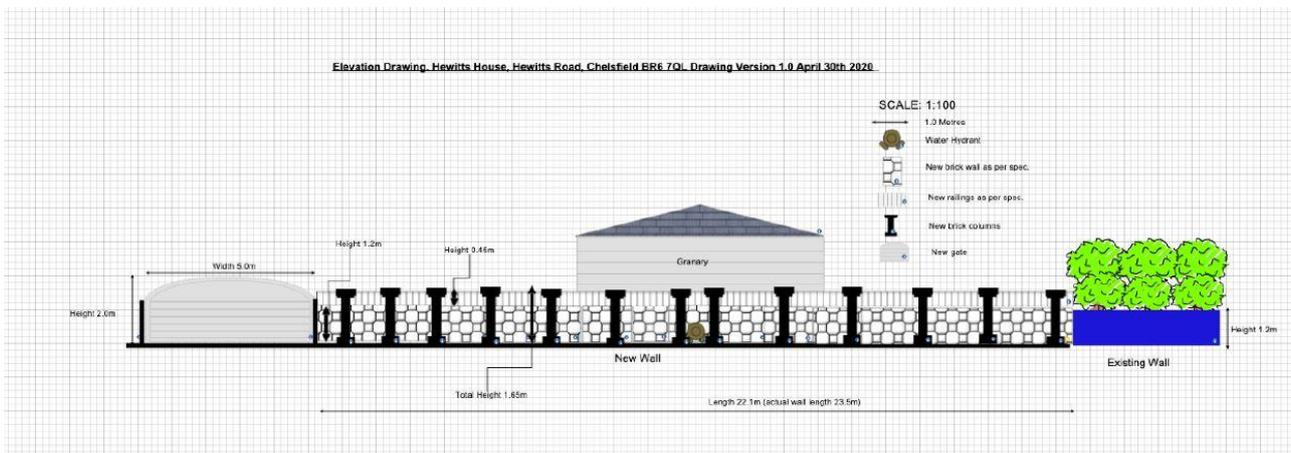
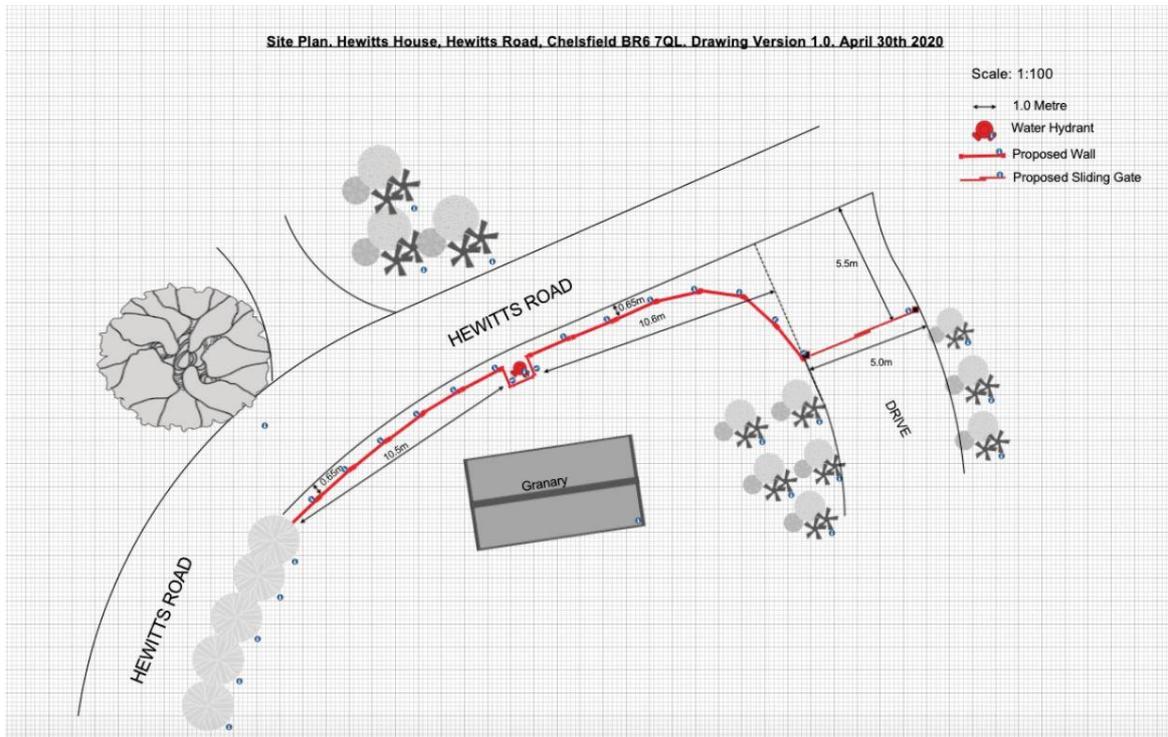
2. LOCATION

2.1 The application site is Hewitts House, Hewitts Road, Orpington, a detached two storey dwelling located on the south/eastern side of the highway approximately 250m north of the junction with the A21 Sevenoaks Road. The dwelling is a Grade II listed building dating from the 1500s; extended over time and with a Victorian boundary wall made of red brick. The area is rural; located within the Metropolitan Green Belt area and is characterised by open farm land, with pockets of development and farm (or former farm) complexes mainly located along the highways.



3. PROPOSAL

- 3.1 Planning permission is sought for demolition/removal of existing post and rail fence to highway and erection of 1.2m high wall, topped with 0.45m high railings and 2m high gates to the highway. The wall would be constructed in reclaimed red bricks to match the existing wall; interspersed with brick columns and topped with wrought iron “Francombe” design railings. The proposed 2m high gate would match the “Francombe” design railing on a sliding mechanism.
- 3.2 The application is accompanied by application forms, application drawings, Planning Statement, Heritage Statement, Arboricultural Statement and a Geotechnical/Structural Report.



4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 95/02622/FUL – Re-siting and refurbishment of detached granary building and re-siting of vehicular access was approved on 14 March 1996.

5. CONSULTATION SUMMARY

A) Statutory

Conservation Officer: No objection

The proposed wall would be detached from the Listed Building and will be low and traditionally made in reclaimed brick to match the existing Victorian wall and its relationship to the road will be discreet. Flood water in 2019 caused major damage to the floors and cellar of the listed building and this has been viewed by the Council. The proposed section of wall intends to avoid the ingress of such large amounts of flood water and major damage to the listed building in the future. The bricks should be handmade reclaimed bricks, the bond should match that in the Victorian bond (likely to be Flemish Bond) and sample panel should be built for the Council's consideration and this could be managed by planning condition.

Highways: No objection

The access has poor highway visibility; reduced by the existing wall and hedge. The proposed wall and gates would be set back from the highway and would not worsen the existing situation. No objection.

B) Local Groups

n/a

C) Adjoining Occupiers

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

6. POLICIES AND GUIDANCE

- 6.1 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.
- 6.2 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.

- 6.3 The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.
- 6.4 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.
- 6.5 The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.
- 6.6 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan
- 6.7 Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan. This affects the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.
- 6.8 The application falls to be determined in accordance with the following policies:

6.9 **National Policy Framework 2019**

6.10 **The London Plan**

7.4 Local Character

7.6 Architecture

7.8 Heritage Assets and Archaeology

7.16 Green Belt

6.11 **Draft London Plan**

D4 Delivering good design

6.12 **Bromley Local Plan 2019**

37 General Design of Development

38 Statutory Listed Buildings

41 Conservation Areas

49 Green Belt

73 Development and Trees

6.13 **Bromley Supplementary Guidance**

Supplementary Planning Guidance 1 – General Design Principles

Supplementary Planning Guidance 2 – Residential Design Guidance

7. ASSESSMENT

7.1 Green Belt: appropriateness and impact on openness – Unacceptable

7.1.1 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.

7.1.2 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.

7.1.3 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.

7.1.4 As set out in paragraph 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.

7.1.5 Paragraph 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.

7.1.6 Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions are stated although they are not directly relevant to this proposal.

7.1.7 Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

7.1.8 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form and has been described by Appeal Inspectors as an "absence of development". Even if there is no harm to openness, there can be harm to the Green Belt in principle due to definitive inappropriate development. Openness takes into account the effect of build form on the otherwise open landscape and therefore the three dimensional mass of a building, as compared with a two dimensional form of a flat surface, is a critical element of this part of the assessment.

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

7.1.10 Boundary enclosures of over 1m in height adjacent to a highway, of over 2m in height and/or within the curtilage of or surrounding a listed building require express planning permission in order that the Local Planning Authority can consider the impact of any proposed treatment on the setting of the listed building and/or its garden. The proposed boundary treatment does not fall within the list of exceptions set out in the NPPF or the corresponding Development Plan policies and therefore comprises inappropriate development by definition and would require Very Special Circumstances (VSCs) to clearly outweigh the harm by reason of inappropriateness. As such it is now necessary to assess whether there would be any other harm arising from the proposal and/or whether there are any VSCs to clearly outweigh the harm.

7.1.11 Notwithstanding this, returning to the five main principles for including land within the Green Belt and the proposal would not encroach upon the countryside and as such it would not conflict with these original purposes. Furthermore, the proposed wall would replace an existing timber post and rail fence and although the post and rail fence is more modest in design and material it nonetheless provides a sense of enclosure to the property and its curtilage and would not detract significantly from the openness of the Green Belt.

7.2 Design and landscaping: Acceptable

7.2.1 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.

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

7.2.3 Policies 6 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.

7.2.4 The proposed wall would differ from the existing post and rail fence; however it would form an extension to the existing red brick wall along the southern part of the highway boundary. It would have a more formal appearance however it would not appear excessive in size, overly ornate and would and would not appear unduly prominent within the locality, on this visible position at a kink in the highway, and its overall design and the external materials would appear appropriate to its use and the site.

7.2.5 The proposal would not directly remove existing trees and; subject to some minor removal of the existing hedgerow to facilitate access and construction, would not directly remove significant amount of vegetation important within the street scene.

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

7.3 Heritage Assets: Acceptable

7.3.1 The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

7.3.2 Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.3.3 Impact on Listed Buildings and their setting:

7.3.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

7.3.5 Although the existing post and rail fence appears appropriate to the rural setting and the character, appearance and setting of the listed building it does not contribute significantly towards its historic importance of the site and there is no objection to its removal. As mentioned, the proposed brick wall would relate to the existing Victorian red brick wall along the southern stretch of the highway boundary which already forms part of and contributes towards the setting of the listed building and it would be relatively discreet from the view of the building from the highway. Providing that it would be constructed in reclaimed handmade brick to match the existing Victorian stretch of the wall it would not detract from the setting of the listed building, and this could be managed by planning condition.

7.3.6 According to the application details including flood waters in 2019 entered the site and the building causing some major damage to the ground floor and cellar, and exposing/identifying a previously unknown void and other structural weaknesses around the building. The submitted Geotechnical Survey Report and structural report recommends requiring structural engineered solutions; such as filling in the void to

stabilise the structure. The proposed wall intends to form a defensive barrier against highway flood waters from entering the site and the listed building; having explored other options for defences/mitigation measures. As such the proposed wall would contribute towards the protection of the heritage asset and this also weigh in favour of the proposed development.

7.3.7 For these reasons the proposal would not detract from the special historic or architectural importance or setting of the listed building and there is no/objection from the Council's Conservation Officer in this respect.

7.4 Neighbouring amenity: Acceptable

7.4.1 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.

7.4.2 The existing dwelling and site is well removed from the neighbouring residential properties. Although the proposed boundary treatment would be visible from the highway and may be visible from neighbouring properties it would nonetheless be well removed and in combination with its position, size/extent and scale it would not have a significantly harmful impact on the amenities of neighbouring occupants by reason of overshadowing and overbearing effect.

7.5 Highways: Acceptable

7.5.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.5.2 The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

7.5.3 London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and BLP should be used as a basis for assessment.

7.5.4 As mentioned by the Council's Highway Department the proposed wall and gates would be set back from the highway and would not detract from the existing highway visibility.

7.6 Very Special Circumstances: Acceptable

7.6.1 As mentioned above, although the proposal would not fall within the list of exceptions of development that is concluded to be acceptable (not inappropriate) within the

Green Belt it would not conflict with overriding purposes of including land within the Green Belt; which are the principle matter that exist and precede an assessment of new development against the exceptions set out thereafter. Furthermore, the proposal would not detract from the openness of the Green Belt which along with its permanence is stated to be its most essential characteristic. For these reasons Very Special Circumstances exist to clearly outweigh the definitive harm by reason of inappropriateness. No other harm has been identified in other grounds.

8. Conclusion

- 8.1 The proposal would comprise inappropriate development within the Green Belt by definition. The proposal would not detract from the character and appearance of the site or the setting of the listed building; indeed it would contribute towards the protection of the heritage asset from future flood events and this would weigh in its favour in the overall planning balance. The proposal would not be harmful to neighbouring residential amenities, or to highway conditions. The proposal would not conflict with the principle purposes of including land within the Green Belt and it would not detract from its openness and in this instance Very Special Circumstances exist to outweigh the definitive harm. For these reasons it is recommended that planning permission is granted.
- 8.2 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.
- 8.3 Conditions are recommended to secure the permission.

RECOMMENDATION: Application Permitted

Subject to the following conditions:

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3.** The development hereby permitted shall be constructed in handmade reclaimed bricks with the bond to match that in the existing Victorian wall (likely to be Flemish Bond).
 - (a) Prior to commencement of above ground works, sample panels of the facing brickwork showing the proposed colour, texture, facebond and pointing (to match the existing Victorian wall) shall be provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed.
 - (b) The facing brickwork of the development hereby permitted shall be carried out in accordance with the details of the approved sample panels.

REASON: In the interest of the appearance of the site and the listed building and the visual amenities of the area and to comply with Policies 37 and 38 of the Bromley Local Plan 2019.

Any other planning condition(s) considered necessary by the Assistant Director of Planning.

Informatives

1. The Applicant is reminded of their requirements and responsibilities according to The Party Wall etc. Act 1996. Further details can be found at the following address: https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/16