

Committee Date	23.07.2020	
Address	Old Farmhouse Luxted Road Downe Orpington BR6 7JS	
Application Number	20/01309/FULL6	Officer - Nicholas Trower
Ward	Darwin	
Proposal	Erection of detached garage	
Applicant	Agent	
MS D Jeff	Neal Thompson	
Old Farmhouse Luxted Road Downe Orpington BR6 7JS	Downe House 303 High Street Orpington BR6 0NN	
Reason for referral to committee	Councillor call in	
	Call-In	Yes

RECOMMENDATION	Permission Subject to Legal Agreement
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Downe Village Areas of Archeological Significance Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3	Not specified

Proposed	C3 (no change proposed)	48.72

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	1	2	+1
Disabled car spaces	0	0	0
Cycle	0	0	0

Electric car charging points	0
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Representation summary	Neighbour letters issued – 17.04.2020 Site notice issued – 17.04.2020 Press advert issued – 29.04.2020
Total number of responses	5
Number in support	4
Number of objections	1

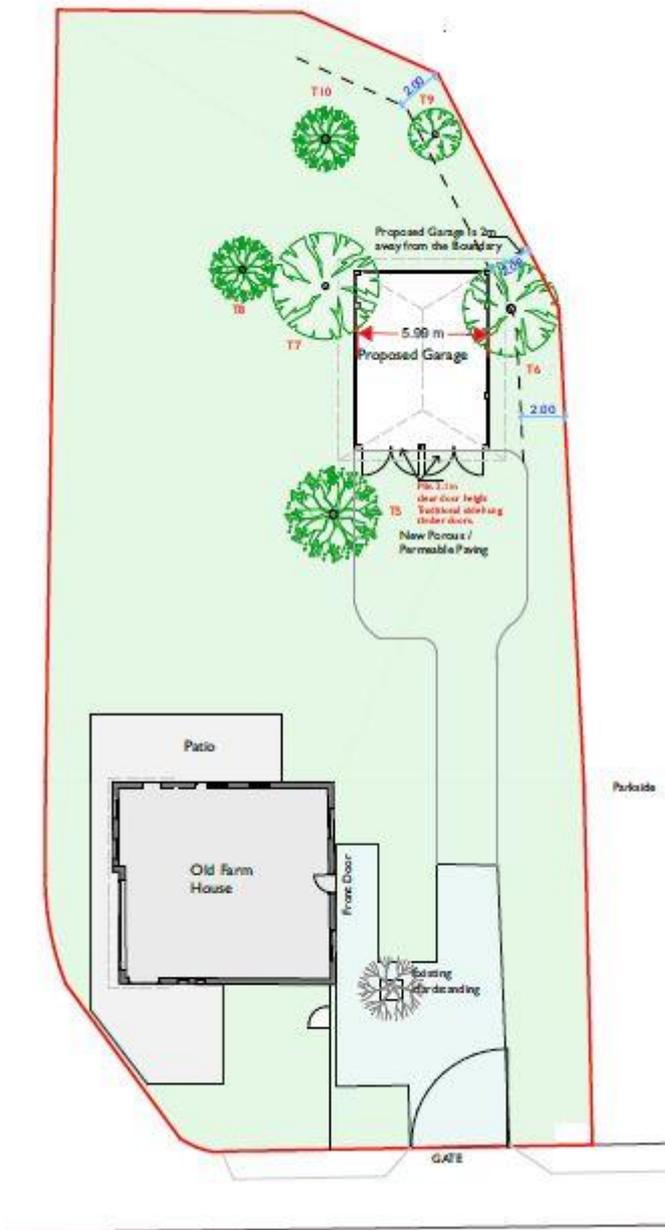
1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Proposed extension and alterations would not have a detrimental impact on design of host building and would not overdevelop the site;
- No unacceptable impact on Conservation Area or Green Belt;
- No unacceptable impact on trees;
- No unacceptable impact would arise to neighbouring occupiers; and
- No unacceptable Highways impacts would arise.

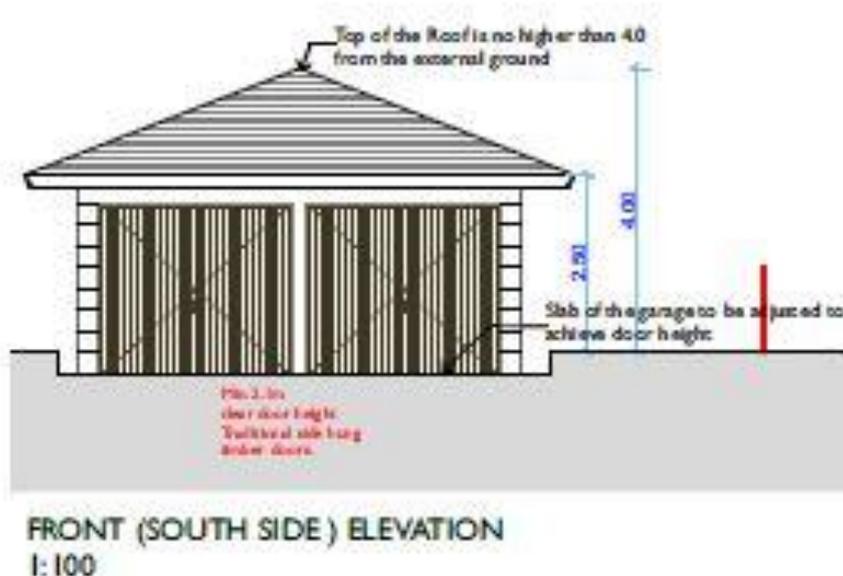
1 LOCATION

- 1.1 The application site comprises a two storey detached dwelling on the north-west side of Luxted Road, Downe. The property is locally listed and lies within both the Green Belt and the Downe Village Conservation Area.

2.4.1 Proposed floor plan



2.4.1 Proposed front elevation



3 RELEVANT PLANNING HISTORY

- 3.1 The relevant planning history relating to the application site is summarised as follows:
- 3.2 00/00141/FULL4 - Removal of condition 01 of permission 70/1295 relating to the dwelling to be occupied by persons engaged or employed in the use of Petleys Farm, Luxted Road for agriculture - Permission Subject to Legal Agreement.
- 3.3 09/00465/FULL4 - Discharge of S106 legal agreement attached to permission 00/00141 relating to the requirement for the dwelling to be occupied by persons engage or employed in the use of Petleys Farm Luxted Road for agriculture - Application Refused.
- 3.4 14/03050/FULL4 - Removal of Agricultural occupancy. Condition imposed under application Ref. 00/00141 - Application Refused/Appeal Allowed.
- 3.5 17/03833/FULL6 - Single storey rear extension - Application Permitted.
- 3.6 20/00305/PLUD - Erection of 3no. outbuildings – Proposed use/development is lawful.

4 CONSULTATION SUMMARY

A) Statutory

Highways: No technical highways objections.

- Please note that internal observations, when not statutory, will only be addressed in the body of the report to avoid repetition e.g conservation and trees.

B) Local Groups

Downe Residents' Association (addressed in para. 6.1.9-6.1.15, 6.2.14, and 6.4.3):

- The proposal is contrary to the NPPF and policies of the Bromley Local Plan.
- The proposal constitutes inappropriate development in the Green Belt and is contrary to Local Plan policy to protect and enhance the Conservation Area.
- No weight should be given to the 'trade off' proposed if the Council is to maintain control of developments in the Green Belt.
- We remind the Council of the Framework guidance set out in Para 88 of the NPPF.
- The application seeks to mitigate the impact of the proposal and trade future 'Class E' permitted development rights. This is not acceptable practice.
- The property is fully development and any further development under planning permission is inappropriate.
- The outbuildings deemed lawful under PD would have a much smaller impact on the openness of the Green Belt due as they would not be visible due to their location.
- The detached garage would have a much greater impact being visible the access road. This would not preserve the character of the Conservation Area.
- Pedestrians have used the track as a path for generations despite no formal right of way and so the development will be visible to the public from the access road.
- We believe the garage would be visible from the main highway during winter months and, should the hedgerow or landscaping be removed or lowered, all year.
- Trees have been felled (ref. 19/04811/TREE) to make way for the proposal contrary to policy to preserve the character of the Conservation Area.
- To allow the development in place of the felled apple tree would seriously question the Council's commitment to preserving the character of the Conservation Area.

C) Adjoining Occupiers

- The application has been sensitively thought through with minimal impact that will only serve to enhance the surroundings.
- The new scheme is more in keeping with the open farmyard scene and will see the garage subtly hidden in mature trees.
- The proposed position will greatly enhance the views from our property to the surrounding countryside, an improvement on the previously approved scheme.
- The design has been sympathetically and aesthetically considered.
- The location in the back garden doesn't detract or impose on the surrounding area.

Please note that the above is a summary of representations received and that the full text can be found on the Council's website. In addition the applicants have provided a response to the Downe Residents' Association's representations which can also be read in full on the Council's website.

5 POLICIES AND GUIDANCE

5.1 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.

5.2 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.

5.3 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.

5.4 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

5.5 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.

5.6 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

5.7 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.

5.8 The application falls to be determined in accordance with the following policies:-

5.9 National Policy Framework 2019

5.10 The London Plan

6.13 Parking

7.4 Local character

7.6 Architecture

7.8 Heritage Assets and Archaeology

7.16 Green Belt

5.11 Draft London Plan

D4 Delivering Good Design

HC1 Heritage, Conservation and Growth

G2 London's Green Belt

T6 Car Parking

T6.1 Residential Parking

5.12 Bromley Local Plan 2019

6 Residential Extensions

30 Parking

32 Road Safety

37 General Design of Development

39 Locally Listed Buildings

41 Conservation Areas

43 Trees in Conservation Areas

49 Green Belt

51 Dwellings in the Green Belt or on Metropolitan Open Land

73 Development and Trees

5.13 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

Supplementary Planning Guidance – Downe Village Conservation Area

6 ASSESSMENT

6.1 Green Belt - Acceptable

6.1.1 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.

6.1.2 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.

6.1.3 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.

- 6.1.4 As set out in para 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. Para 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.
- 6.1.5 Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development. Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 6.1.6 Paragraph 145 states that the LPA should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are 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. An additional exception is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
- 6.1.7 Bromley Local 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.
- 6.1.8 Policy 51 very clearly states that other development within the curtilage of a dwellinghouse is inappropriate by definition and would only be permitted in very special circumstances. As a result the proposed garage would constitute inappropriate development in the Green Belt and would require very special circumstances to justify departing from the NPPF and Development Plan Policies.
- 6.1.9 The applicants have set out a case for very special circumstances within the submitted Planning, Design and Access Statement. The main point advanced in

support of the proposal is that a Lawful Development Certificates (LDC) have been approved which, if built, would result in a development that has a greater floor area than that currently proposed. In March 2020 an LDC was obtained (ref. 20/00305/PLUD) for three single storey outbuildings. The development proposed under the current application is indicated as having a footprint of approximately 51.58sqm. If the development approved under the LDC application is built out it would result in an additional footprint of approximately 60.73sqm.

6.1.10 The current proposal seeks to consolidate the three outbuildings which were proposed under the LDC and provide one detached garage towards the rear of the site. By extending the property in this manner rather than as proposed under the LDC a reduction of approximately 9.1sqm in footprint would be achieved. The overall height of the garage, when taken from the adjacent land level, would be greater than the approved outbuildings by approximately 1.5m. While taller the roof of the garage would be pitched which will work to reduce its overall bulk. It is considered that, on balance, the proposed development would not have a greater impact on the openness of the Green Belt over the previously approved permitted development scheme.

6.1.11 In the event planning permission is granted for the proposal there is currently nothing to stop the LDC application being implemented alongside this proposal. This would result in significant additions to the site and harm to the openness of the Green Belt.

6.1.12 The applicants have agreed to enter into a legal agreement which would prevent further development of the site in this regard. The first part of the agreement would relate preventing the implementation of the previous permitted development application for the three outbuildings. The second part of the agreement would relate to the removal of permitted development rights allowed under Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

6.1.13 Subject to the legal agreement it is considered that the proposal would not result in actual harm to the openness and visual amenities of the Green Belt above that already approved under reference 20/00305/PLUD. Therefore, it is considered that very special circumstances have been demonstrated by way of the proposal resulting in a slightly reduced floor area which has already been shown to be permitted development by way of a lawful development certificate.

6.2 Design and Heritage Impact - Acceptable

6.2.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

6.2.2 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution

but also through development that leaves the character or appearance of the area unharmed.

6.2.3 Given that the application property is a locally listed building, consideration must also be given to Policy 39 of the Bromley Local Plan which states that applications to alter or extend a locally listed building will be permitted provided that the proposal is sympathetic to the character, appearance and special local interest of the building and that it respects its setting.

6.2.4 Policy 41 of the Bromley Local Plan seeks to preserve or enhance the character or appearance of conservation areas. The policy sets out that proposals for new development, for engineering works, alteration or extension to a building or for change of use of land or buildings within a conservation area will need to preserve and enhance its characteristics and appearance by:

- Respecting or complementing the layout, scale, form and materials of existing buildings and spaces;
- Respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and
- Using high quality materials.

6.2.5 The Conservation Area SPG states that the *'the southern part of Luxted Road, with its informal grouping of gentry houses and the old pond, has a different character. Petley's Farm up the 'landway' to the West adds to this more rural character, at its centre, behind the farmhouse, being various barns of both 19th and 20th Century origins'*. The SPG goes on to state that some of the early-mid Victorian buildings, including Petleys Farmhouse (now known as Old Farmhouse), *'are more 'urban' in their materials and detailing, with yellow brick walls and sometimes slate roofs. These buildings too contribute to the character of the conservation area but should not be used to dictate to the appearance of any new buildings'*.

6.2.6 The SPG advises that *'given the grain of the development within the village there are relatively few buildings with private garages – these are modest structures either located in space to the side of the host building or attached to the side of the host building'*.

6.2.7 The SPG also advises that any extensions or additions *'should reflect the forms, materials, textures and finishes of the host building, along with the design philosophies underlying its style. These vary between individual buildings in this Conservation Area, and will need to respond to the specific building. The proportions, positioning and integration of any addition relative to the host building are important and deserving of significant design effort to safeguard not only the building's contribution to the public realm, but its enduring value to the owner'*.

6.2.8 The proposed detached garage will be set back approximately 32m from the access road to the front of that property and will sit among a group of trees which will provide a degree of screening. It is proposed for the slab level of the garage to be set down so that it has a maximum height of 4.0m when taken and viewed from the adjacent land level. The structure would be set approximately 2.0m away from

the nearest neighbouring boundary and is considered to be subservient to the host building with a size, scale and bulk that will not lead to an over development of the site. The proposed materials are considered to be sympathetic to those of the locally listed host building and the wider Conservation Area.

6.2.9 It is considered that the proposed garage will not have a detrimental impact on the appearance of the host building or its sitting and will not have a harmful impact on the streetscene or wider Conservation Area. The Council's Conservation Officer has raised no objection to the proposed development.

6.3 Neighbouring Amenity, Noise and Disturbance - Acceptable

6.3.1 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.

6.3.2 The proposed garage will provide a separation distance of between 2.0m-3.3m from the closest neighbouring property, 'Parkside' which sits to the east of the application site. Having regard to the scale and siting of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise. There is a sufficient level of separation between the proposed outbuilding and the adjacent dwellings to ensure that there will be no detrimental impact upon the visual or residential amenities of the surrounding properties. In addition it is not considered that the garage will lead to an increase in noise outside that which already exists or which would be expected from a residential dwelling.

6.4 Trees – Acceptable

6.4.1 The proposed garage will be situated within close proximity to a number of trees. The applicants have set out that the proposed building will largely be of timber construction and in order to avoid damage to tree roots the structure will specify a reinforced raft foundation with a thickening out to pick up loadings. The Council's Tree Officer has raised no objection to the development subject to the inclusion of a condition with any permission. The condition will require details of a method of foundation construction to be submitted and approved prior to commencement of the development along with a Tree Protection Plan.

6.5 Highways – Acceptable

6.5.1 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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

6.5.3 The proposed development will be large enough to accommodate a vehicle and sufficient parking will be retained on the frontage for additional cars. Based on the information submitted, the Council's Highways Officer has not raised an objection to the development. It is therefore considered that, on balance, the proposed would not have an adverse impact on parking or highway safety.

6.6 CONCLUSION

6.6.1 Having had regard to the above it is considered that the proposed development is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area. Subject to a legal agreement being signed the proposed would not result in a loss of openness or cause harm to the visual amenities of the Green Belt and the rural landscape in the locality. The proposal would not lead to parking inconvenient to other road users and would not be prejudicial to road safety.

6.6.2 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.

RECOMMENDATION: PERMISSION SUBJECT TO PRIOR COMPLETION OF A LEGAL AGREEMENT

Subject to the following conditions:

1. Standard time limit of 3 years
2. Standard compliance with approved plans
3. Materials in accordance with approved plans
4. Details of a method of foundation construction and Tree Protection Plan to be submitted prior to commencement.

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