

Committee Date	03.09.2020	
Address	Croft Cottage High Elms Road Downe Orpington BR6 7JL	
Application Number	19/05271/FULL1	Officer - Robin Evans
Ward	Darwin	
Proposal	Demolition of existing buildings Nos. 2, 3 and 4. Subdivision of residential curtilage of Croft Cottage to form two residential curtilages, erection of extensions to building No.1 and conversion to residential dwelling with associated parking, amenity space and shared access with Croft Cottage.	
Applicant	Agent	
Mr & Mrs P Warren	Mr Peter Hadley	
Croft Cottage, High Elms Road Downe Orpington BR6 7JL	Robinson Escott Planning Downe House 303 High Street Orpington BR6 0NN	
Reason for referral to committee	Councillor call in	
Call-In	Yes	

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill/London City Airport Safeguarding</p> <p>Listed Building – Local</p> <p>Statutory listed buffer</p> <p>Green Belt</p> <p>Site of Importance for Nature High Elms</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3 – B1(a)	162

Proposed	C3	176
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Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	At least 4	At least 4 (2 per dwelling)	0
Disabled car spaces	n/a	n/a	n/a
Cycle	0	At least 2	+2

Electric car charging points	Percentage or number out of total spaces
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Representation summary	Neighbour letters were sent 12/6/2020 A Site Notice was displayed on 16/6/2020 A press advert was published on 17/6/2020
Total number of responses	1
Number in support	
Number of objections	1

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of the development has previously been established (in the previous appeal),
- The proposal would not comprise inappropriate development in the Green Belt,
- The proposal would not detract from the character and appearance of the area,
- The proposal would not detract from heritage assets,
- The proposal would provide a satisfactory standard of accommodation,
- The proposal would not detract from neighbouring residential amenities,
- The proposal would not have adverse highway impacts,
- There would be no other significant adverse effects,

2. LOCATION

- 2.1 The application site relates to Croft Cottage, High Elms Road; a detached two storey locally listed dwellinghouse located on the south/eastern side of the highway close to the junction with and abutting the High Elms golf course. The application site comprises an area to the south of the dwelling accommodating a cluster of three outbuildings; two long single storey sheds/garages and a single storey "L" shaped shed/workshop. The application site lies within the Metropolitan Green Belt (MGB). The site shares a boundary with a Statutory Listed Building known as High Elms Clockhouse. The site does not lie within a Conservation Area or an Area of Special Residential Character.

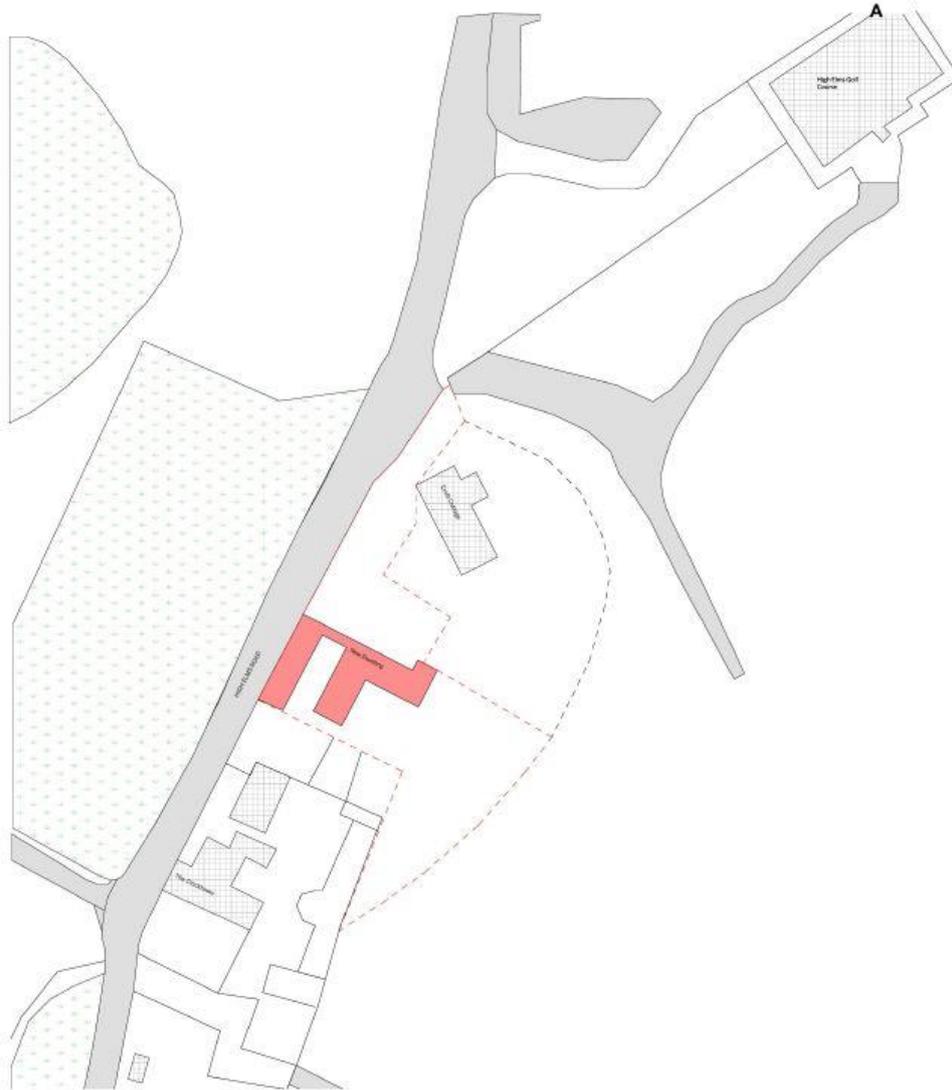


Fig. 1 Site location plan

3. PROPOSAL

- 3.1 Planning permission is sought for demolition of existing buildings Nos. 2, 3 and 4, subdivision of residential curtilage of Croft Cottage to form two residential curtilages, erection of extensions to building No.1 and conversion to 3-bedroom dwelling with associated parking, amenity space and shared access with Croft Cottage.
- 3.2 The application is supported by the following documents:
- Application form,
 - Application drawings,
 - Design and Access Statement
 - Accessible/Adaptable Homes Statement
 - Arboricultural Report
 - Structural survey,

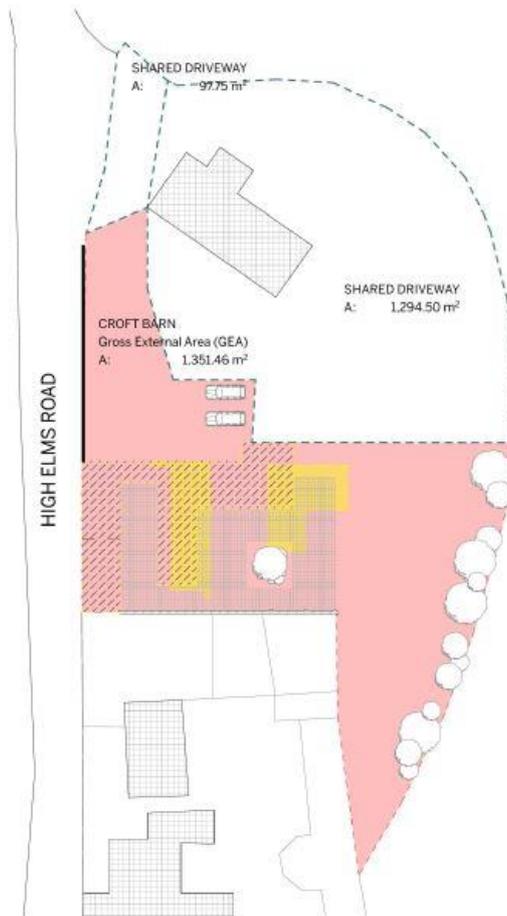


Fig. 1 Site location plan

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 18/03991/FULL1 – Conversion and modification of 2 existing outbuildings to provide a 3-bedroom dwelling; and conversion of 2 existing outbuildings to provide a home office, a games room and a gym in connection with Croft Cottage, High Elms Road was refused on 7 February 2019 for the following reason:
1. The site is located within the Green Belt and the proposed re-use of the building as a residential dwelling and formation of a residential curtilage would harm the openness of the Green Belt and conflict with the purposes of retaining land within it. The Council sees no very special circumstances which might justify the grant of planning permission contrary to Bromley Local Plan Policy 49 and Section 13 of the NPPF: Protecting Green Belt Land.

In the corresponding appeal:

The Inspector noted that the existing buildings are of permanent and substantial construction. The Inspector considered that the main physical built form of the building(s) already exists and that the additional physical impact on openness arising from the modest single storey linking extension was not significant. The Inspector noted that the land already forms a single residential curtilage and the subdivision and formation of

another residential curtilage would not result in a change in the character of the land and along with any additional curtilage/boundary demarcation this would not adversely affect the openness of the Green Belt. Furthermore, there is already a driveway and hard surfaced car parking area; requiring no additional physical works and the parked cars themselves would not be prominent in the local area and would not give rise to any visual impact. Additional residential structures could be managed by planning condition and more temporary residential paraphernalia would be also be hidden from view. Overall the Inspector concluded that this would not adversely affect openness and would not conflict with the overarching purposes of including the land in the Green Belt and consequently allowed the appeal on 26 July 2019. The permission does not appear to have been implemented however it remains an extant permission which could be implemented and is therefore a material consideration to which appropriate weight shall be attributed.

5. CONSULTATION SUMMARY

A) Statutory

5.1 Highways: No objection

The previous application 18/03991/FULL1 for conversion of the existing buildings into a dwelling was allowed at appeal. The current proposal is laid out as two dwellings although it is stated to be for one dwelling. The proposed dwelling appears to be serviced by refuse/recycling as per the existing dwelling. There would be sufficient space within the curtilage for parking for the host and new dwelling. No objection is raised subject to relevant conditions.

B) Local Groups

5.2 Downe Residents' Association

General

- The application should be referred to the Planning Committee,
- The proposal would set a precedent for further harmful development

Green Belt (addressed in section 7.4)

- The previous appeal was for the re-use of the existing buildings remaining mainly in their current form with only minimal additions (only 7% larger); having “the same visual appearance as a group of outbuildings between two larger houses”, permitted development rights were removed to prevent any further development. The Inspector concluded this would preserve openness, would not conflict with the purposes of including land within the Green Belt and would not comprise inappropriate development,
- The construction of a new dwelling would comprise inappropriate development in the Green Belt,
- The proposal would be much larger than the appeal scheme, it would not have the same visual appearance, and would not preserve openness,
- The proposal would conflict with the purposes of including land within the Green Belt,
- There are no Very Special Circumstances to clearly outweigh those considerations,
- The current proposal would not satisfy the Inspectors previous criteria/conclusions,
- A new dwelling would have permitted development rights to further enlarge/extend; further impacting the Green Belt,

Design and landscaping (addressed in section 7.5)

- The proposal would have a greater height (at least 1m) and visual impact

- The proposal would change the character of the area,

Heritage Assets (addressed in section 7.6)

- The greater visual impact and design features; including bi-fold doors and roof light windows, would appear incongruous and would adversely affect the neighbouring listed building Clock House,

C) Adjoining Occupiers

5.3 None received

6. POLICIES AND GUIDANCE

6.1 National Policy Framework 2019

6.2 NPPG

6.3 The London Plan

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.16 Green Belt

6.4 Draft London Plan

6.4.1 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

6.4.2 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 was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.

6.4.3 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.

6.4.4 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been

incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.

6.4.5 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. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

- GG2 Making the best use of land
- D4 Delivering good design
- D5 Inclusive Design
- D6 Housing quality and standards
- D7 Accessible housing
- H1 Increasing housing supply
- H12 Housing size mix
- G7 Trees and woodlands
- SI 3 Energy infrastructure
- SI5 Water infrastructure
- SI13 Sustainable drainage
- T5 Cycling
- T6.1 Residential parking

6.5 Mayor Supplementary Guidance

- Homes for Londoners (2017)
- Housing (March 2016)
- Sustainable Design and Construction (2014)

6.6 Bromley Local Plan 2019

- 6 Residential Extensions
- 30 Parking
- 37 General Design of Development
- 38 Statutory Listed Buildings
- 39 Locally Listed Buildings
- 49 Green Belt

6.7 Bromley Supplementary Guidance

- SPG1 – General Design Principles
- SPG2 – Residential Design Guidance

7. ASSESSMENT

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

- Resubmission
- Principle and location of development
- Green Belt (appropriateness and impact on openness)
- Design and landscaping
- Heritage Assets
- Standard of residential accommodation
- Neighbouring amenity
- Highways and parking
- Sustainability
- Drainage

7.2 Resubmission

- 7.2.1 As mentioned above the current proposal follows the previously allowed application 18/03991/FULL1 and differs from the previous scheme in the following main ways:
- the complete demolition of Buildings 2, 3 and 4 and replacement with an extension to the remaining Building 1,
 - repositioning the approved linking element between Buildings 1 and 2,
 - attaching the previously detached “L” shaped outbuilding Buildings 3 and 4 to the main building and repurposing it as an integral part of the main living space rather than an associated gym/home office in a domestic outbuilding.

7.3 Principle and location of development – **Acceptable**

- 7.3.1 The site lies within the Metropolitan Green Belt where there is a presumption against new buildings and new residential development (subject to certain exceptions). However as mentioned in the planning history, in this instance the principle for subdividing the existing residential curtilage and forming an additional residential dwelling has already been established in the previous appeal decision.
- 7.3.2 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.3.3 A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being ‘out of date’.
- 7.3.4 In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.3.5 This application includes the provision of 1 new/additional dwelling, which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

7.3.6 This application would provide 1 additional dwelling comprising a modest contribution to the supply within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

7.4 Green Belt (appropriateness and impact on openness) – Acceptable

7.4.1 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.

7.4.2 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.

7.4.3 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.

7.4.4 Paragraphs 145 states A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The most relevant exceptions to the current proposal are:

- 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;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and/or
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting

an identified affordable housing need within the area of the local planning authority.

- 7.4.5 Paragraph 146 provides for certain other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. The most relevant exception to the current proposal is:
1. the re-use of buildings provided that the buildings are of permanent and substantial construction;
- 7.4.6 Inappropriate development in the Green Belt is harmful by definition (in principle) and should not be approved except in very special circumstances. Therefore, the harm to the Green Belt in principle remains even if there is no further harm to openness arising from the development. Local planning authorities should give substantial weight to any harm to the Green Belt. "Very special circumstances" (VSCs) 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. VSCs by their nature will also often be unique to the application site and will not be capable of being easily repeated as the effect of such inappropriate development would be cumulatively harmful throughout the Green Belt area.
- 7.4.7 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 built 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. As such the effect of new built form could be concluded to compromise the openness of Green Belts and conflict with the purpose(s) of including land within Green Belts (such as assisting in safeguarding the countryside from encroachment). However as mentioned above, even if there is no harm to openness, there may still be harm in principle to the Green Belt by reason of it being "inappropriate development". Furthermore it is established in the assessment of the impact of new development on the openness of the Green Belt that the land in question does not need to be prominent or visible from the public realm; as the mere fact that the development exists at all is inherently harmful to openness as compared with the same land that does not contain that development.
- 7.4.8 Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF.
- 7.4.9 The Council considered the appeal scheme (18/03991/FULL1) in relation to the NPPF exceptions 145c), 145g) and 146d), although the Appeal Inspector concluded that the assessment should be based mainly on NPPF exceptions 145c) and 146d). As mentioned, although in contrast to the appeal scheme the current proposal would demolish most of the existing buildings (2, 3 and 4) it would retain Building 1 and would still involve the extension or alteration of a building under exception 145c) and it would still involve the re-use of that existing building under exception 146d).

- 7.4.10 In relation to paragraph 145c) the proposal would involve the much greater gross floor area extension to Building 1 than in the appeal scheme however given that this would replace existing Building 2 and the detached Buildings 3 and 4 the currently proposed net increase in total built form would comprise approximately 8sqm; resulting in an estimated 5% increase in the floor area of the existing buildings and this would not lead to a disproportionate addition over and above the size of the original building.
- 7.4.11 In relation to paragraph 146d) the submitted structural statement continues to confirm that the existing buildings are of permanent and substantial construction and could continue to be re-used if desired, and given the short timescale since that study and the use and condition of the buildings since then there is no reason to conclude differently. As such, although the current scheme proposes to re-use only Building 1 (and to replace Buildings 2, 3 and 4) Buildings 2, 3 and 4 could still be retained and re-used if so desired. However, as the current proposal would technically replace most of the existing buildings and would not re-use them then this differs from the Council and the Appeal Inspectors previous assessment. Furthermore, in relation to paragraph 146d) as the current proposal would technically comprise a new large addition to Building 1 then this building work in itself would not preserve the openness of the Green Belt and as it would encroach upon the countryside it would conflict with the purposes of including land in Green Belt. The current proposal would therefore differ in substance and effect on the Green Belt compared with the appeal scheme and would conflict with exception 146d).
- 7.4.12 As the current proposal would differ in substance to the appeal scheme then, notwithstanding the Inspector's views, it would be reasonable to consider it again in relation to exception 145g). As mentioned, the current proposal in itself would comprise a substantial gross floor area addition to Building 1, however in the context of the demolition of Buildings 2, 3 and 4 it would amount to an approximate 8sqm or estimated 5% net increase in the floor area of the existing building(s) and would comprise a relatively minor addition to the existing building in that context. Furthermore, compared to the extant permission which would result in an approximate 10sqm or an estimated 7% increase in the floor space of the existing building, the current proposal would lead to a reduction in built floorspace compared to the extant permission which could still be implemented. Taking into account the physical mass of the proposed buildings, they would remain single storey in height, although they would all have dual pitched roofs; varying from 3.7m minimum height to 5.0m maximum height as compared with the mainly flat roofed and some dual pitched roofed existing buildings varying from 2.4m minimum height to 4.6m maximum height. As such the current proposal would measure approximately the same height as Building 1, approximately 1.3m higher than Building 2, 0.4m higher than Building 3 and 2.1m higher than Building 4. The current proposal would consolidate the built form together compared with the existing more fragmented layout and as mentioned in the previous appeal scheme it would remove/reduce the hard surfacing around the site thereby also reducing built form and the urbanising appearance. The Appeal Inspector also noted that the majority of the built form in the appeal scheme would not have a significant additional visual impact on the surroundings given the wall along the highway boundary and this would also have the same effect in relation to the current scheme; notwithstanding the form/mass of the extensions and the altered roof design compared with the appeal scheme. The repositioning of the "linking element" would not have a significantly greater effect than in the appeal scheme. Furthermore the current proposal; when compared to the extant permission would lead to a reduction in built floorspace and as such it would provide similar degree of built form and physical mass to the existing buildings and to the approved scheme.

- 7.4.12 The current scheme would continue to subdivide the existing curtilage and to provide a new separate residential curtilage however, as mentioned in the appeal decision, the Appeal Inspector did not raise an objection to this in Green Belt terms and the current proposal would not differ in this overall principle.
- 7.4.13 For these reasons, and in context to the Appeal Inspector's conclusions, the proposal would not have a significantly greater impact on the openness of the Green Belt than the existing development (or the previously approved appeal scheme) and would not comprise inappropriate development within the Green Belt by definition and would not have a significantly different impact on its openness or conflict with the purposes of including land within the Green Belt.
- 7.4.14 Although the proposed dwelling would be acceptable in its current size and form and in relation to the site context and its surroundings; including the neighbouring dwellings, it is possible that the new dwelling could be substantially further extended through permitted development rights which could be significantly harmful to the openness of the Green Belt. Therefore in this instance it would be prudent to remove the permitted development rights through planning condition and this approach is often supported by Appeal decisions including the previous appeal decision on this site (18/03991/FULL1).

7.5 Design and landscaping – Acceptable

- 7.5.1 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.
- 7.5.2 Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.5.3 Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.5.4 Policy 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land,

which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

- 7.5.5 Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.
- 7.5.6 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.5.7 Neither the Council nor the Appeal Inspector objected to the previous scheme on design grounds. As mentioned above, the proposal would differ in nature to the approved scheme however it would retain the overall concept and principle of the approved scheme. Furthermore it would not appear excessive in size or scale and would not lead to a cramped or overdeveloped appearance. The design and external materials would appear suitable to the site and its rural setting and this could be managed by planning condition. Notwithstanding this, as mentioned the proposed dwelling could potentially be substantially further enlarged through the permitted development rights and therefore in this instance it would be prudent to remove the permitted development rights through planning condition in the interest of the design of the building and the site.

7.6 Heritage Assets – Acceptable

- 7.6.1 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.
- 7.6.2 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.
- 7.6.3 Within or adjacent to a Conservation Area:
- 7.6.4 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.
- 7.6.5 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.
- 7.6.6 Impact on Listed Buildings and their setting:
- 7.6.7 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.

- 7.6.8 Croft Cottage is a locally listed building and the neighbouring property *High Elms, Clockhouse* is a statutory Grade II listed building, however neither the Council nor the Appeal Inspector objected to the previous scheme on heritage grounds. The current proposal would not significantly alter the overall principle or design of the previously approved scheme in relation to the neighbouring heritage assets and no objection is raised in this respect.

7.7 Standard of residential accommodation – Acceptable

- 7.7.1 In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.
- 7.7.2 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.
- 7.7.3 The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.
- 7.7.4 The proposed single storey 3-bedroom 5 person (3b5p) dwelling would measure approximately 176sqm; well in excess of the minimum 86sqm GIA and 2.5m built-in storage required by the Technical Housing Standards and providing a suitable internal layout. According to the drawings, Bedroom 1 and Bedroom 2 would technically fall short of the required floor area for a double bedroom and single bedroom respectively however given the overall size of the dwelling; exceeding the minimum standard, there would be ample space to enlarge them according to the space standard without compromising the overall living space or layout of the unit. The proposal would also provide suitable outdoor amenity space given that this would appear to be a family sized property.

7.8 Neighbouring amenity – Acceptable

- 7.8.1 Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

- 7.8.2 Policy 4 of the Bromley Local Plan also 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.
- 7.8.3 Neither the Council nor the Appeal Inspector objected to the previous scheme on the grounds of residential amenity. The proposal would be relatively well separated from the immediately neighbouring dwellings and notwithstanding the proposed reconstruction of the existing building(s) and rooflines it would not have a significantly more harmful impact on the amenities of the neighbouring occupants by reason of overshadowing or overbearing effect. The main outlook would continue to be towards the south east and furthermore given that the dwelling would be single storey in height it would not have a significantly harmful additional impact by reason of overlooking over and above the existing building or approved appeal scheme.

7.9 Highways and parking – Acceptable

- 7.9.1 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.
- 7.9.2 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.
- 7.9.3 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.
- 7.9.4 Neither the Council nor the Appeal Inspector objected to the previous scheme on highway or parking grounds. The proposal would continue to utilise and share the existing highway access for the existing dwelling and would provide at least two parking spaces for the new dwelling in accordance with the Council's adopted standards and space within the curtilage for appropriate cycle parking which could also be secured by planning condition.

7.10 Sustainability – Acceptable

- 7.10.1 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.
- 7.10.2 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 7.10.3 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions

in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

- 7.10.4 Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.

7.11 Drainage – Acceptable

- 7.11.1 There is no objection from the Council's Drainage Engineer subject to recommended conditions.

8. OTHER MATTERS

8.1 Community Infrastructure Levy

- 8.2.1 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

9. CONCLUSION

- 9.1 The proposal would provide a suitable dwelling type and standard of accommodation; it would not comprise inappropriate development in the Green Belt and would not detract from the character and appearance of the site and neighbouring heritage assets. There would be not significant harm to neighbouring amenities, highway and parking conditions.
- 9.2 In this particular case the application site lies within the Green Belt where NPPF paragraph 11 d) i. applies. The current proposal would provide one additional dwelling; a modest contribution to the housing supply in the Borough. Nonetheless, as discussed in the preceding paragraphs, it is concluded that there would be no adverse effects of granting permission for the current scheme. Therefore in this particular case the adverse effects of granting permission would not significantly and demonstrably outweigh the benefits of granting permission and therefore the proposal does not conflict with paragraph 11 d) ii of the NPPF.
- 9.3 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

Standard Conditions

1. Time limit of 3 years
2. Approved drawings (numbered)

Pre-Commencement Conditions:

3. Construction parking management
4. Surface water drainage scheme

Above Ground Works conditions:

5. Cycle storage to be submitted

Prior to first occupation conditions:

6. Parking layout in accordance
7. Refuse/recycling storage to be submitted

Compliance conditions:

8. External materials
9. Remove permitted development rights
10. Construction traffic wash-down
11. Accessible and adaptable dwellings

Informatives

1. Mayoral CIL
2. Compliance with side space
3. Environmental Health – compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008.
4. Environmental Health – if suspected contamination is encountered
5. Compliance with Party Wall Act.