

Committee Date	28 October 2021		
Address	Land adj to Walnut Tree Cottage Jack Ass Lane Keston		
Application Number	21/01465/FULL1	Officer – Robin Evans	
Ward	Bromley Common and Keston		
Proposal	Erection of a single storey detached 2 bed dwelling following demolition of existing dwelling		
Applicant Mr P Gardner	Agent Mr Peter Hadley		
Walnut Tree Cottage Jackass Lane Keston BR2 6AN	Robinson Escott Planning LLP Downe House 303 High Street Orpington BR6 0N		
Reason for referral to committee	Call-In	Councillor call in Yes	

RECOMMENDATION	REFUSAL
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KEY DESIGNATIONS Green Belt Area of Special Advert Control Biggin Hill Safeguarding Area Smoke Control

Residential Use					
	Number of bedrooms per unit				
	1	2	3	4	Total
Market		1			1
Affordable (shared ownership)					N/A
Affordable (social rent)					N/A
Total		1			1

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

Representation summary	Neighbour notification letters sent 19.4.21 Newspaper advert published 2.6.21 site notice displayed 4.6.21.		
Total number of responses	4		
Number in support	4		
Number of objections	0		

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

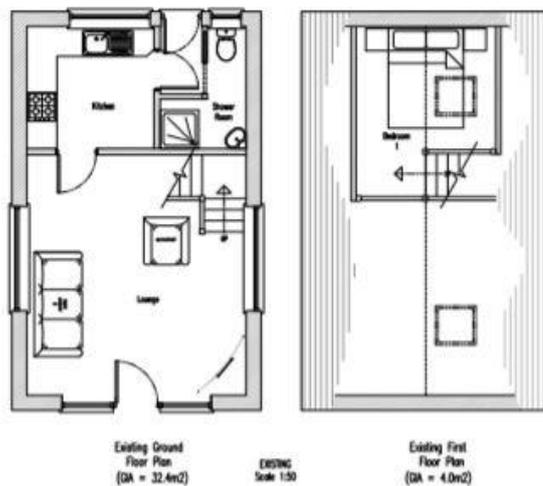
- The principle of the development is established,
- The proposal would comprise inappropriate development in the Green Belt,
- The proposal would provide a satisfactory standard of accommodation,
- The proposal would not detract from the character and appearance of the site and the wider area,
- The proposal would not detract from neighbouring residential amenities,
- The proposal would not have adverse highway impacts,
- There would be no other significant adverse effects,
- There are no Very Special Circumstances existing in this particular case that clearly outweigh the harm arising from inappropriate development

2. LOCATION

2.1 The application site is a parcel of land known as Land adjacent to Walnut Tree Cottage, positioned in between Walnut Tree Cottage and Fairways on the southern side of Jackass Lane, Keston. There is a single storey detached dwelling on the land although it does not appear to have a registered address. The dwelling is a modest single storey timber cabin measuring approximately 40sqm in footprint, 40sqm in floor area, 5m in height and 151cubm in volume, it has small area of roof accommodation. The area is rural characterised mostly by open fields and countryside and few residential dwellings although those few dwellings are predominantly two storey semi-detached dwellings set in spacious plots. The application site is not listed or located within a Conservation Area or an Area of Special Residential Character. The application site lies within the Metropolitan Green Belt.



Fig 1. Site location plan.



PL	all	Client Comments Added
PD	all	Client Comments Added
PC	all	Client Comments Added
PI	all	Issued for Comment
Rev:	Description	
Date:	20/2/21	Scale @/h
		1:50/100
Project:	Mr Gardner Garden Cottage Jackass Lane Keston BR2 6AN	
Title:	Proposed Replacement	
	-Planning Drawing 1 of	
Drawing No:	3205-19-PL101	
		
2-3 Rice Parade, Fairway		

Fig 2. Existing floor plan and elevations.



Photo 1. Existing building viewed from Walnut Tree Cottage the northwest.

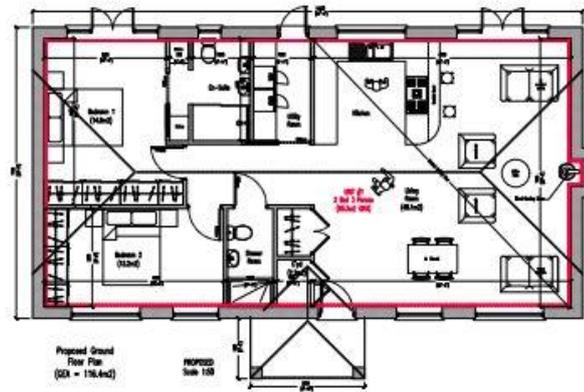


Photo 2. Existing building viewed from the southwest.

3. PROPOSAL

- 3.1 Planning permission is sought for demolition of existing dwellinghouse and erection of a single storey detached 2-bedroom dwellinghouse, accessed via the existing vehicular access on to Jackass Lane serving Walnut Tree Cottage, with associated parking area in front of the new dwelling. The proposed dwelling would measure approximately 112sqm in building footprint, 130sqm in floor area, 4.7m in maximum

height and 419cubm in volume (Council's calculations). The roof formation appears to accommodate an upper floor or loft area over the bedroom area (providing an upper floor space) and an open vaulted ceiling area over the main living space area. It is understood that the Applicant intends to occupy the new proposed dwelling and vacate their existing dwelling Walnut Tree Cottage.



Outright Area Calculations (GFA Area 05)	Floor Area Calculations (GFA Area 06)	Volume Calculations
Approved Building Area = 121.2m ²	Approved Building Area = 118.4m ²	Approved Building Volume = 363.7cubm
Total Area = 121.2m ²	Total Area = 118.4m ²	Total Volume = 363cubm
(Planning) Proposed Sample Area = 14.2m ²	(Planning) Proposed Sample Area = 14.2m ²	(Planning) Proposed Sample Volume = 37cubm
Total Difference = +14m ²	Total Difference = -25m ²	Total Difference = -8cubm



Fig 3. Proposed plans and sections.

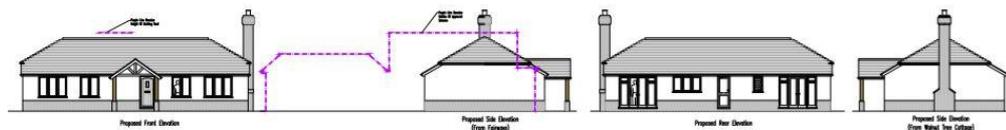


Fig 4. Proposed elevations.

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 84/01752/FUL – Two storey side extension and single storey front extension with balcony detached house was approved.
- 4.3 00/02796/ELUD – Use of Wendy house as a dwelling (CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE) was granted on 21.02.2001.
- 4.4 03/02170/FULL1 – Use of land as residential curtilage of the Wendy House was refused on 06.08.2003.

- 4.5 03/04136/FULL6 – Replacement three bedroom bungalow with 2 car parking spaces at The Wendy House was refused on 05.02.2004.
- 4.6 04/04194/FULL6 – Detached double garage and store was refused on 15.02.2005. The corresponding appeal was dismissed on 27.10.2005.
- 4.7 04/04197/FULL4 – Application to modify legal agreement attached to permission reference 84/01752 which removed permitted development rights to erect curtilage buildings at Walnut Tree Cottage, to reinstate such permitted development rights for the benefit of The Wendy House was refused on 15.02.2005. The corresponding appeal was deemed to be invalid and did not receive a decision.
- 4.8 12/01080/ELUD – Use of 'The Cabin' as dwelling house CERTIFICATE OF LAWFULNESS FOR AN EXISTING DEVELOPMENT was granted on 16.07.2012.
- 4.9 19/04461/HHPA – Single storey rear extension, extending beyond the rear wall of the house as existing by 8m (beyond the original rear wall by 8m), for which the maximum height would be 4m (maximum height of proposed and previous extensions 4m), and for which the height of the eaves would be 2.867m (maximum eaves height of proposed and previous extensions 2.867m) - (42 Day Notification for Householder Permitted Development Prior Approval) prior approval was not required on 05.12.2019.
- 4.10 19/05210/PLUD – Erection of 8 metre single storey rear extension for which prior approval was not required under planning ref. DC/19/04461/HHPA. Introduction of single storey half width side extension, provision of loft conversion with side dormer additions and creation of front porch PROPOSED LAWFUL DEVELOPMENT CERTIFICATE was refused on 14.02.2020.
- 4.11 20/01557/ELUD – Use of land outlined in red on drawing no. 3205-19PD002 REV P4 (received 29.06.20) as residential curtilage of the 'Wendy House' enclosed by post and rail boundary fence EXISTING LAWFUL USE was granted on 08.07.2020.
- 4.12 20/03703/PLUD – Erection of 8 metre single storey rear extension for which prior approval was not required under planning ref. DC/19/04461/HHPA. Introduction of single storey half width side extension, provision of loft conversion with side dormer additions and creation of front porch PROPOSED LAWFUL DEVELOPMENT CERTIFICATE was granted on 10.12.2020. The lawful scheme measures approximately 102sqm in footprint, 118sqm in floor area, 3.6m-5.0m in height and 234cubm.

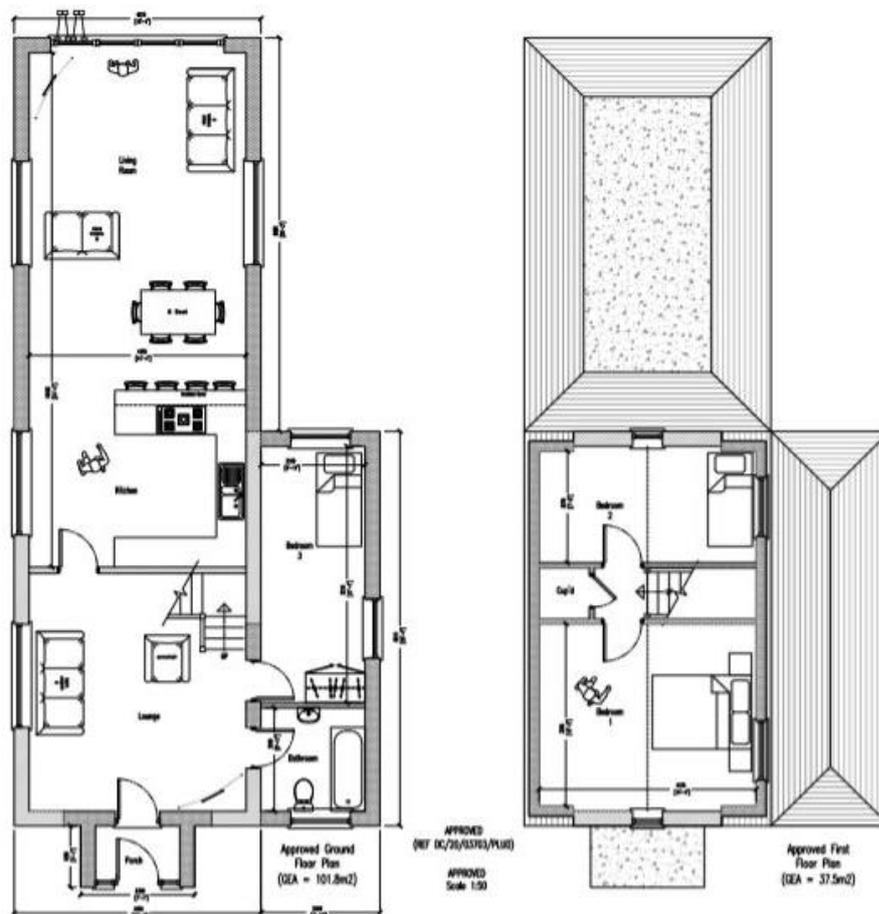


Fig 3. Approved floor plans 20/03703/PLUD.



Fig 4. Approved elevations 20/03703/PLUD.

5. CONSULTATION SUMMARY

5.1 A) Statutory

5.1.1 Highways – No objection

The previous permitted development would allow for a 3-bedroom dwelling on the site. The proposal is for a 2-bedroom dwelling. The new dwelling would continue to share the existing highway access with Walnut Tree Cottage and parking for at least 2 vehicles would be provided for the new dwelling in accordance with the Council's standards.

5.1.2 Drainage – no comments received

5.2 B) Local Groups

5.2.1 No comments received

5.3 C) Adjoining Occupiers

5.3.1 Support

5.3.1.1 Standard of Residential Accommodation – addressed in para 7.3.2

- New dwelling would be better suited to modern living and would have a longer lifespan

5.3.1.2 Design and landscaping – addressed in para 7.5

- New dwelling would improve design and appearance of the site,
- New dwelling would be smaller and design more in keeping with the rural area than the approved scheme(s),

5.3.1.3 Neighbouring amenity – addressed in para 7.6

- Siting and building mass No greater impact on neighbouring properties than the approved scheme(s),

5.3.1.4 Highways and parking – addressed in para 7.7

- No increase in traffic

6. POLICIES AND GUIDANCE

6.1 National Policy Framework 2021

6.2 NPPG

6.3 The London Plan 2021

D1 London's form and characteristics

D4 Delivering Good Design

D5 Inclusive Design

D6 Housing Quality Standards

D8 Public Realm

G2 London's Green Belt

T5 Cycling

T6.1 Residential Parking

6.4 Bromley Local Plan 2019

3 Backland and Garden Land Development

4 Housing Design

8 Side Space

30 Parking

32 Road Safety

33 Access for All

37 General Design of Development

49 The Green Belt

73 Development and Trees

6.5 Other Guidance

Housing: Supplementary Planning Guidance. (March 2016)

Technical Housing Standards - Nationally Described Space Standard (March 2015)

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

7. ASSESSMENT

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

- Principle and location of development
- Housing matters
- Green Belt
- Design and landscaping
- Neighbouring amenity
- Highways
- Sustainability
- Other matters
- CIL

7.2 Principle and location of development – Acceptable

7.2.1 Housing is a priority use for all London Boroughs. London Plan Policies H1, H2, H10, D3, D4 and D7 generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

7.2.2 Paragraph 53 of the NPPF also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

7.2.3 Policy 4 of the Local Plan advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

7.2.4 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.

7.2.5 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is

consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.

- 7.2.6 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.
- 7.2.7 Paragraph 11 of the NPPF sets out 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.
- 7.2.8 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'. 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.
- 7.2.9 This proposal would provide 1 dwelling although it would be a replacement dwelling and would not lead to a net gain in the number of units and therefore it would not contribute towards 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.
- 7.2.10 The application site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development, by definition, and development that would be harmful to the openness of the Green Belt and would conflict with the principle of locating new residential development in existing urban and built up areas. However according to the Council's records/planning history the existing building is a lawful market dwellinghouse and therefore the principle of one market dwellinghouse on the land is already established and is a material planning consideration. The current proposal; replacing one existing dwellinghouse with one new dwellinghouse, would not conflict with this established principle.

7.3 Housing Matters – Acceptable

7.3.1 Optimising site capacity/Density:

- 7.3.1.1 The application site lies within a rural area, albeit that there are some residential properties in the immediate locality. The proposal would provide one replacement dwelling within the application site in place of an existing dwelling and although it would

be larger than the existing dwelling it nonetheless would not lead to a significantly more dense or intensified form of residential development than the existing dwelling.

7.3.2 Standard of accommodation:

7.3.2.1 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.

7.3.2.2 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 Government's National Technical Housing Standards.

7.3.2.3 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.

7.3.2.4 The proposal would provide a spacious dwelling measuring approximately 98sqm GIA exceeding the minimum gross internal floor area and built-in storage requirements for a 2-bedroom 4-person single storey dwelling (70sqm), with a suitable layout and appropriate outlook. There would be a similarly suitably sized and laid out private amenity space for a family dwelling.

7.4 **Green Belt – Unacceptable**

7.4.1 Paragraphs 136 – 150 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 Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF.

7.4.3 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.

7.4.4 Paragraphs 146 – 150 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. Very special circumstances by their nature will also usually be unique to the application site and not capable of being easily repeated elsewhere as the effect of such inappropriate development would be cumulatively harmful throughout the Green Belt area.

7.4.5 Therefore, the main issue in relation to the Green Belt is whether the proposal would represent inappropriate development and if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

7.4.6 Whether the proposal would represent inappropriate development in the Green Belt

7.4.6.1 Paragraph 148 states A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions are stated, the most relevant of which to this application is/are:

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

7.4.6.2 Paragraph 149 provides for certain other forms of development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it however they are not relevant to this proposal.

7.4.6.3 For the purposes of the Green Belt the "original dwelling" is as it stood from July 1948. According to the Council's planning records the existing building was concluded and confirmed to be a lawful dwelling in July 2012 and its curtilage as a residential curtilage in July 2020.

7.4.6.4 In relation to NPPF 148 d):

The proposal would demolish the existing building and replace it with another building as follows:

Built form	Footprint (sqm)	Floor space (sqm)	Height (m)	Volume (cubm)
Existing	40	40	5.0	151
Proposed	112	97	4.7	419
Difference	+72	+57	-0.3	+268
Difference %	+180%	+143%	-6%	+177%

7.4.6.5 Although there is no technical definition for "materially larger", and it can depend on the overall design, this proposal would more than double the footprint, floor space and volume of the building that it would replace it would clearly be materially larger than

the existing building. The proposal would conflict with NPPF paragraph 148 d) and would comprise inappropriate development by definition.

7.4.6.6 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. Furthermore, the impact on the openness of the Green Belt is inherent and exists whether or not the development can be seen from a view or vantage point.

7.4.6.7 Given that the proposed building would be significantly larger than the existing building it would replace it would also have a greater impact on the openness of the Green Belt. The proposed building would also be re-oriented through 90 degrees across the width of the site and although openness is an inherent quality and does not necessarily rely on new development being seen the overall greater bulk of the new building combined with its re-orientation would reduce the space around it when viewed from the highway, as compared overall less bulky existing building which also projects rearwards into the site and has a narrower and more streamlined appearance in terms of spacing. As the proposed building would encroach further into the countryside than the existing building it would also conflict with the primary purposes of including land within the Green Belt.

7.4.7 Summary:

7.4.7.1 In summary, the proposed replacement dwelling would be materially larger than the one it would replace, and it would comprise inappropriate development in the Green Belt by definition. The proposed greater building mass would place more built form in the Green Belt thereby detracting from its openness, and the additional encroachment into the countryside would conflict with the primary purposes of including land within the Green Belt. For these reasons the proposal would comprise inappropriate development within the Green Belt.

7.4.7.2 It is now necessary to establish whether there is any other harm arising from the development and/or whether there are any Very Special Circumstances existing that clearly outweigh the harm identified.

7.4.8 **Very special circumstances – Unacceptable**

7.4.8.1 According to the Green Belt assessment above the application proposal would comprise inappropriate development within the Green Belt and it would be necessary to demonstrate Very Special Circumstances (VSCs) to clearly outweigh the definitive harm by reason of inappropriateness and the actual harm identified to the openness of the Green Belt. Very special circumstances by their nature will also often be unique to the application site and not capable of being easily repeated given that the effect of such inappropriate development would be cumulatively harmful throughout the Green Belt area. In order to clearly outweigh any harm arising from inappropriate development VSCs should also provide a clear improvement over the inappropriate development, i.e. they should not provide a neutral effect and should certainly not provide a more harmful effect.

7.4.8.2 The application details set out the comparison between the existing/original building, the approved permitted development extensions to the existing building (20/03703/PLUD) and the currently proposed building, suggesting that the proposed dwelling would be smaller in footprint and similar in height to the existing/extended dwelling (as well as a design improvement) and that this should be considered as a Very Special Circumstance to outweigh the harm of inappropriate development in the Green Belt.

7.4.8.3 The Council calculates the building(s) measure as follows:

Built form	Footprint (sqm)	Floor space (sqm)	Height (m)	Volume (cub m)
Existing	40	40	5.0	151
Existing plus 20/03703/PLUD	102	113	3.6-5.0	377
Difference	+62	+73	0-(-1.4)	+226
Difference %	+155%	+183%	(-31%) - 100%	+150%
Proposed	112	97	4.7	419
Difference	+10	-16	-0.3	+42
Difference	+10%	-14%	-10%	+11%

7.4.8.4 As mentioned above the proposed new building would be significantly larger than the existing small, modest and diminutive cabin, and would be “materially larger” according to NPPF 145 d).

7.4.8.5 Although the Applicant seeks to demonstrate that the existing dwelling could be enlarged through the “permitted development rights” the current proposal would also be larger than the “permitted development” extensions that could be added through the lawful development certificate. Although the proposed new dwelling may appear to have a more compact and integrated footprint than the piecemeal design of the approved lawful extensions 20/03703/PLUD, the rationalised building shape and layout would by its nature therefore have a considerably greater footprint and floor area and it would naturally a much larger roof formation spanning the larger footprint shape. Overall, the proposed building would be materially larger than the existing building it would replace and the approved extended building that it could replace (if those extensions were to be constructed).

7.4.8.6 In addition to this the proposed replacement dwelling, and as mentioned by the Applicant is intended for their future occupation and is consequently designed to their specifications, would have significantly different design, layout and type and quality of living space compared with either the very basic existing building or the existing building as it could be extended. The currently proposed replacement dwelling would therefore provide a much improved and incomparable standard of living than the existing dwelling and/or as it could be extended. As such, although the Applicant has demonstrated that an alternative form of development could be constructed through the lawful development certificate planning appeal Inspectors are also mindful of how likely it is that an alternative development would actually be occupied when deciding to attribute weight to that alternative in the planning balance. In this instance the Council considers that it less likely that the Applicant would intend to occupy either the existing dwelling or as it could be extended, and therefore less weight is attributed to the alternative “permitted development” scheme in weighing the overall effects.

7.4.8.7 Although the Council has reached different figures than the Applicant, particularly in relation to the volume, for these reasons the proposed new dwelling would have a greater degree of harm to the Green Belt than either the current building and/or as extended, and particularly given its more bulky design, shape and orientation, and this regard the proposed replacement dwelling would provide a more harmful form of development, not a neutral effect and not a clear improvement, than either the existing dwelling or the lawful development alternative scheme. Furthermore, less weight is attributed to the actual likelihood of carrying out the lawful development scheme. For these reasons the Very Special Circumstances put forward by the Applicant do not clearly outweigh the significant harm arising from the inappropriate development in the Green Belt.

7.4.8.8 Having considered all of the available information in this case it is concluded that are no material considerations that may amount to or contribute to a case for Very Special Circumstances that clearly outweigh the harm from the inappropriate development in the Green Belt.

7.5 Design – Layout, scale and landscaping – Acceptable

7.5.1 The proposed building would be positioned partly in the same place and partly on the same building footprint as the existing building albeit reoriented through ninety degrees; positioned across the width of the plot rather than along its length. Notwithstanding this, the building would be single storey in height, and it would have a hipped roof thereby reducing its width. Its size and scale together with its position in the plot and relationship with the neighbouring properties would not cause it to appear overdeveloped within the plot or cramped in relation to its boundaries. Notwithstanding the harm to Green Belt identified above the proposed design, materials and overall external appearance would not detract from the character and appearance of the site or its wider rural setting.

7.5.2 Notwithstanding this however the scale, residential intensity and design of the proposal is concluded to be acceptable as shown, however as a new planning unit the proposed dwelling could potentially be significantly further extended/enlarged or altered and additional outbuildings constructed through the "permitted development rights" which could be detrimental to its character and appearance and its setting within the local area and this could be managed by planning condition.

7.5.3 The application site contains some trees and vegetation, contributing towards appearance and character of the area, however they appear to be capable of being retained as well as some new planting provided to enhance the development, and there is no objection from the Council's Tree Officer subject to recommended conditions.

7.6 Neighbourhood Amenity – Acceptable

7.6.1 Bromley Local Plan Policies 6 and 37 seek 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.

7.6.2 Bromley Local Plan Policy 4 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.

7.6.3 As mentioned, the proposed new dwelling would be positioned in a similar place and would have a similar relationship and its size and scale would be not significantly more harmful than the existing building of the amenities of the immediately neighbouring properties by reason of overshadowing or overbearing effect.

7.6.4 The main outlook would continue be to the front and rear of the site (as per the existing dwelling) where it would be unlikely to lead to significantly more harmful overlooking.

7.7 Highways and parking – Acceptable

7.7.1 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.

7.7.2 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.

7.7.3 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.

7.7.4 The application site lies within a rural area with a low 0 PTAL rating indicating that it would be reliant on private transport such as the private car and bicycle, however the transport impacts would not differ significantly in principle from the existing dwellinghouse that it would replace.

7.7.5 The proposal would use the existing highway for Walnut Tree Cottage that is currently also shared to serve the existing dwelling. the proposal would not intensify the residential use of that existing highway access. The proposal would provide 2 car parking spaces for the new unit in accordance with the Council's standards.

7.7.6 The proposal does not indicate cycle or refuse storage facilities although the plot is spacious and could provide space for this subject to details.

7.7.7 There is no objection from the Council's Highway Department subject to recommended conditions.

7.8 Sustainability – Acceptable

7.8.1 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.

- 7.8.2 The London Plan encourages 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. Policy SI 2 Minimising greenhouse gas 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, Be Green: use renewable energy and Be Seen: monitor those renewable energy measures.
- 7.8.3 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.
- 7.8.4 As the proposal is for a new dwelling it would offer the opportunity to include energy efficient and sustainable construction methods improving its environmental performance. Furthermore, as the proposal would comprehensively redevelop the site it would also offer the opportunity to incorporate renewable energy generating technology such as ground source or air source heat pumps and/or solar panels thereby also contributing towards carbon dioxide emissions savings and this would be encouraged although as it is not a Major development is not compulsory.

7.9 Other matters

7.9.1 Ecology

- 7.9.1.1 Although the application is not a designated site for nature conservation given its location in a rural area, close to trees/vegetation and open countryside the site and its surrounding could offer suitable wildlife habitat, foraging or commuting habitat and a precautionary approach to demolition of the existing building including removal of roof tiles and roofing materials and removal of birds nests and other relevant species prior to demolition should be undertaken in order to allow those animals to have left the site and this could be managed by planning condition/informative.

7.9.2 Drainage

- 7.9.2.1 Although the application site may not necessarily be at risk of flooding, given its rural location there is unlikely no public surface water sewer near the site, and the development should maximise the use of SuDS to attenuate surface water run-off. There is no objection subject to recommended condition(s).

7.10 CIL

- 7.10.1 Mayoral and Borough CIL is a material consideration. CIL is payable on this application.

8. CONCLUSION

- 8.1 Having had regard to the above it is considered that the development in the manner proposed would be unacceptable as it would result in inappropriate development within the Green Belt by definition, it would have actual harm to its openness and would therefore impact detrimentally on the character of the area and visual amenities of the

Green Belt which are formed of its essential characteristics including its openness and its permanence. There are no Very Special Circumstances of sufficient weight existing in this particular instance to clearly outweigh the harm by reason of inappropriateness and the actual harm to openness. It is therefore recommended that planning permission is refused.

- 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.

RECOMMENDATION: PERMISSION BE REFUSED

The reason for refusal is:

1. The proposal would provide a replacement dwelling materially larger than the one it replaces and would comprise inappropriate development in the Green Belt by definition. Furthermore, the proposal would be harmful to the openness of the Green Belt; detracting from the visual amenities of the Green Belt and conflicting with its essential characteristics and the fundamental aim of the Green Belt to keep land permanently open. The proposal would also encroach into the countryside and would therefore conflict with the purposes of including land within the Green Belt. There are no Very Special Circumstances of sufficient weight to clearly outweigh the harm by reason of inappropriateness and the other harm identified. For these reasons the development would conflict with Policies 49 and 52 of the Bromley Local Plan 2019.