

Committee Date	03/02/2022		
Address	Kinross North End Lane Downe Orpington BR6 7HQ		
Application Number	19/03568/RECON	Officer - Jacqueline Downey	
Ward	Darwin		
Proposal	Minor material amendment comprising of variation of conditions 2 and 4 of planning Application Reference: DC/19/03568/FULL6 for demolition of existing conservatory and erection of single storey ground floor extension to the side, elevational alterations to provide roof over extended bungalow with habitable accommodation in the roof space and rooflights to sides/front - to allow for incorporating sliding doors and juliet balconies and the use of new slate tiles instead of retaining existing tiles.		
Applicant	Agent		
Mr W Harris	Mr Andy Barrett		
Kinross North End Lane Downe Orpington BR6 7HQ	4 Barnet Wood Road Hayes Bromley BR2 8HJ		
Reason for referral to committee	Councillor call in		
	Call-In		Yes

RECOMMENDATION	Approved
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3 Dwellinghouse	153.0
Proposed	C3 Dwellinghouse	173.7

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	Approx. 4	Approx. 4	0
Disabled car spaces			0
Cycle			0

Electric car charging points	Percentage or number out of total spaces 0
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Representation summary	Letters to neighbours were sent out on the 26.05.2020.	
Total number of responses	2	
Number in support	0	
Number of objections	2	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not impact detrimentally on the openness and visual amenities of the Green Belt over the extensions already permitted 19/03568/FULL6
- The development would not impact detrimentally on the character of the area,
- The development would not have a significantly harmful impact on the amenities of neighbouring residents

2. LOCATION

2.1. The property is a detached chalet bungalow and is situated to the eastern side of North End Land.

2.2. The property is situated close to the south western side boundary and has a large side garden to the northern side as well as a more modest rear garden.

2.3. The site is situated within designated Green Belt land.

2.4. Site location plan



3. PROPOSAL

3.1. The application seeks minor material amendments to planning permission under ref. 19/03568/FULL6 for a replacement part one/two storey side extension, and enlargement of the roof to provide additional accommodation at first floor level incorporating rear gable extensions and linking dormer and an increase in the ridgeline. The application is retrospective and the development with the proposed amendments have been carried out.

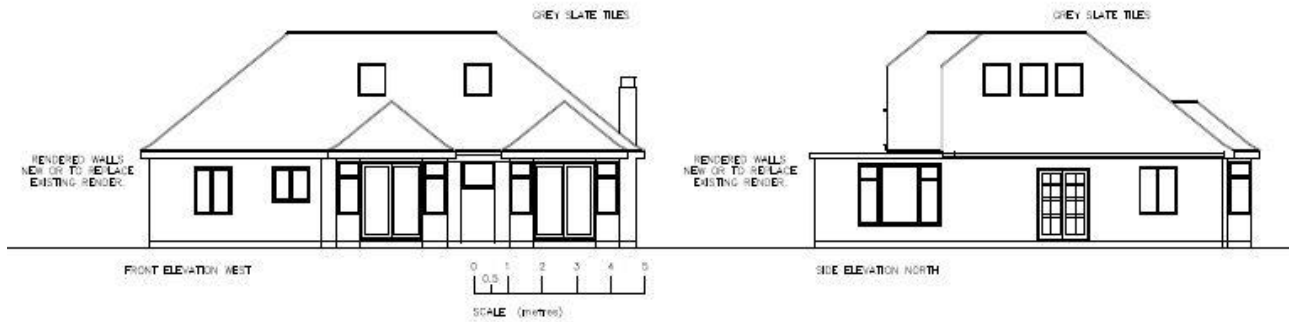
3.2. The proposed amendments involve the following:

- Alterations to glazed doors and window to the first floor rear gable elevations and dormer and provision of Juliet balconies to the glazed doors
- New slate tiles to the roof instead of retaining existing tiles.
- Alterations to the sizes and position of the proposed front and side rooflights, there would be two to the front roofslope, one in the south side roofslope and three to the north.

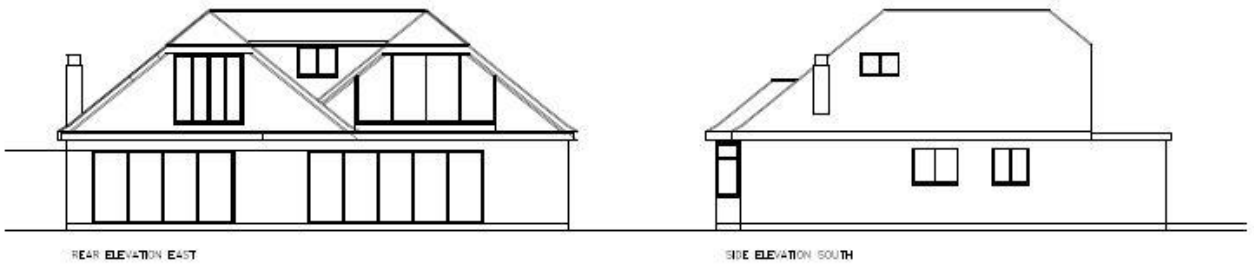
3.3. Proposed amended rear and south side elevations (19/03568/RECON):



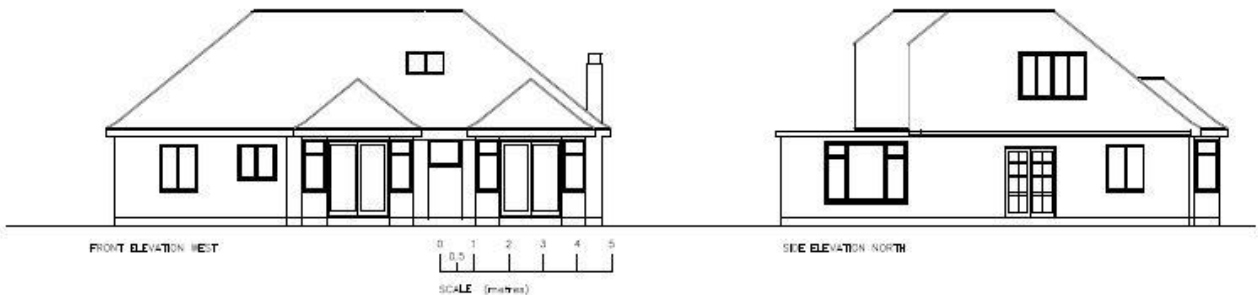
3.4. Proposed amended front and north side elevations (19/03568/RECON):



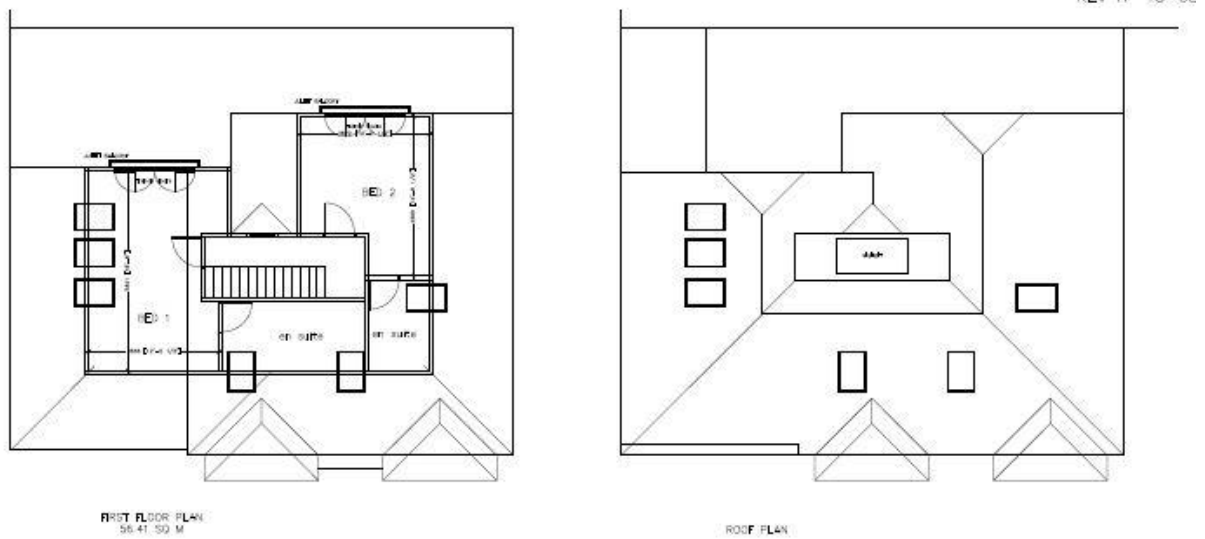
3.5. Previously approved rear and south side elevations (19/03568/FULL6):



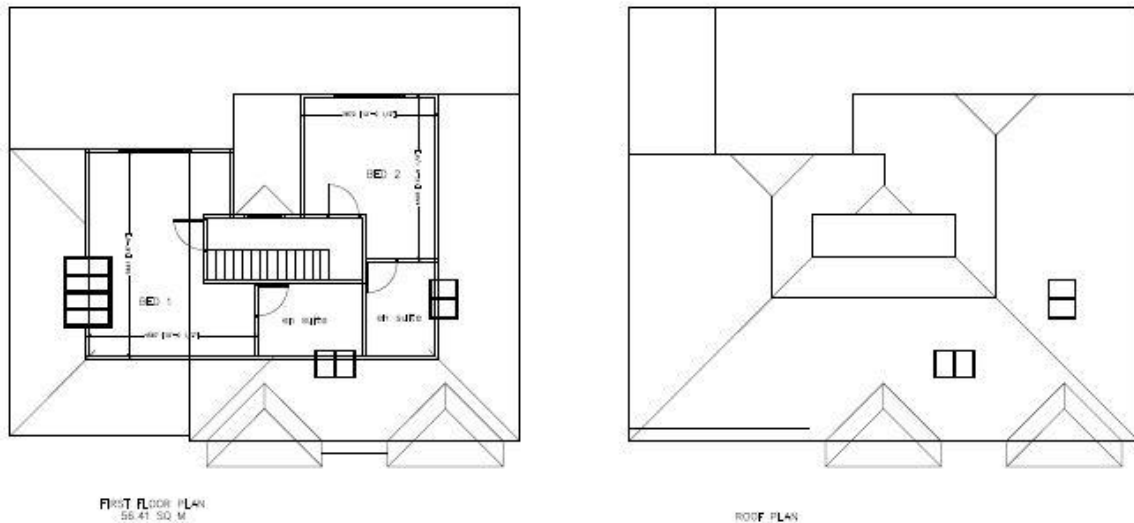
3.6. Previously approved front and north side elevations (19/03568/FULL6):



3.7. Proposed amended first floor and roof plans (19/03568/RECON):



3.8. Previously approved first floor and roof plans (19/03568/FULL6):



4. RELEVANT PLANNING HISTORY

- 4.1. 67/1041- Single storey extension to form lounge and new entrance hall- Permitted
- 4.2. 67/02232 - Single storey extension at rear (Revised Details) – Permitted
- 4.3. 73/3449- Single storey side and rear extension (new entrance hall, enlarged lounge and new laundry room) – Permitted
- 4.4. 01/00182/FULL1 Single storey side extension for conservatory – Permitted

4.5. 18/04846/PLUD proposed roof alterations – Permitted

4.6. 18/04809/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 3.6m (maximum height of proposed and previous extensions 3.6m), and for which the height of the eaves would be 3m (maximum eaves height of proposed and previous extensions 3m) - (42 Day Notification for Householder Permitted Development Prior Approval) - Prior Approval not required

4.7. 18/04848/PLUD - Proposed single storey side extension – Refused

4.8. 19/00619/FULL6 - Replacement of detached garage and summer house with garden building (RETROSPECTIVE) – Refused

4.9. 19/00641/FULL6 - Demolition of existing conservatory and erection of single storey ground floor extension to the side, elevational alterations to provide roof over extended bungalow with habitable accommodation in the roof space. – Refused

4.10. The refusal reasons were as follows:

4.11. The proposal would constitute inappropriate development in the Green Belt and would result in a detrimental impact on its openness and visual amenity with no very special circumstances demonstrated to outweigh the harm caused, thereby the proposal would be contrary to Paragraph 89 of the National Planning Policy Framework and Policy 51 of the Bromley Local Plan.

4.12. The application was subsequently dismissed on appeal.

4.13. 19/03568/FULL6 - Demolition of existing conservatory and erection of single storey ground floor extension to the side, elevational alterations to provide roof over extended bungalow with habitable accommodation in the roof space and rooflights to sides/front. – Permitted subject to a legal agreement

5. CONSULTATION SUMMARY

A) Statutory

None were received.

B) Local Groups

Downe Residents' Association

Detrimental to visual and residential amenity (addressed in para 7.4)

- Condition 2 seeks to protect interest of visual and residential amenity
- To allow amendment to plan for provision of doors and juliet balconies at first floor would be significantly detrimental to both visual and residential amenity

Contrary to Green Belt Policy (addressed in para 7.2)

- Doors with juliet balconies at the first floor would not be in keeping with the character of the area and would be incompatible with surrounding developments
- Style and design of juliet balconies are not in keeping with open and rural character of the locality
- Introduction of the doors and juliet balconies would result in a significant detrimental change in the character of the original dwellinghouse and is therefore contrary to Green Belt policy
- no such very special circumstances and the alteration is contrary to policy.

Neighbouring amenity would be significantly harmed (addressed in para 7.4)

- Introduction of doors and juliet balconies at the first floor would have a significant and harmful impact on the amenities of the neighbouring property, Little Orchard
- Would lead to wider visibility
- Overlooking over and above that which already exists of garden and into bedroom and bathroom windows
- Unacceptable overbearing effect

Other variations from permitted plans (addressed in para 7.2 and 7.4)

- no amendment shown for the rooflights at the front or the side of the property
- window openings built are significantly larger and not in accordance with the approved plans
- An additional window opening and a much enlarged window opening have been built to the front which again is not in accordance with the plan.
- The plans showed the roof ridge height of the development to be the same as the original dwelling. It was clear during construction that the new roof ridge height appeared considerably higher than the approved plans.
- The proposal permitted was assessed to have largely the same bulk as the original dwelling. Given that the height of the development now appears to exceed the original dwelling the facts underlying this assessment are no longer correct and the development could be considered in contravention of Green Belt policy.

C) Adjoining Occupiers

Overlooking from Juliet balconies and potential roof terrace (addressed in para 7.4)

- Drawing shows French doors to both 1st floor rooms not sliding doors as described in the application title.
- either French doors or sliding doors the addition of Juliet balconies will give a wider visibility and rear bedroom window, which is at the side, will be overlooked resulting in an unacceptable loss of privacy
- addition of sliding doors or French doors on the 1st floor rooms will make it very likely and easy for the owner to use the flat roof as a balcony or roof terrace.

- rear bedroom window could be looked down into from less than 2 metres away
- will cause more loss of privacy and outlook from our garden.
- drawing also shows enlarged 1st floor windows including the one on the southern elevation which will overlook our middle bedroom window

6. POLICIES AND GUIDANCE

6.1. Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

6.2. Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

6.3. The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

6.4. The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.

6.5. The application falls to be determined in accordance with the following policies:

London Plan

D4 - Delivering good design
 D1 - London's form and characteristics
 G2 - London's Green Belt

Bromley Local Plan

6 Residential Extensions
 37 General Design of Development
 49 Green Belt
 51 Dwellings in the Green Belt or MOL

Additional guidance

Supplementary Planning Guidance 1
 Supplementary Planning Guidance 2

Bromley Supplementary Guidance

7. ASSESSMENT

7.1. Amended scheme

7.1.1. The proposal is an amended scheme to the previously permitted application under ref. 19/03568/FULL6 for the demolition of existing conservatory and erection of single storey ground floor extension to the side, elevational alterations to provide roof over extended bungalow with habitable accommodation in the roof space and rooflights to sides/front.

7.1.2. In terms of its design, the proposal has been amended to incorporating glazed doors and juliet balconies and the use of new slate tiles instead of retaining existing tiles however the overall scale and design of the proposal remains the same as the previous application.

7.2. Impact on Green Belt

7.2.1. 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.

7.2.2. 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.

7.2.3. 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.

7.2.4. Paragraphs 145 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

- 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;

- 7.2.5. Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF.
- 7.2.6. Policy 51 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.
- 7.2.7. Proposals to extend converted or replacement dwellings will not normally be permitted. This policy relates to proposals for extensions, alterations or outbuildings, which are to be sited within 5m of the existing dwelling house. Other development within the curtilage is inappropriate by definition and would only be permitted where very special circumstances have been demonstrated
- 7.2.8. The original permission ref. 19/03568/FULL6 was supported by an offer for a Unilateral Undertaking which would remove PD rights for larger householder extensions and an agreement to revoke the approval of the prior approval application for the 8m single storey rear extension under ref. 18/04809/HHPA. Having regard to the Inspector comments for the previously dismissed appeal ref. 19/00641/FULL6, along with a planning condition removing permitted development rights, it was considered that the fall-back position, consolidation of the roof profile and offer of removal of PD rights would be sufficient to materially outweigh the harm identified to the Green Belt and these would amount to very special circumstances that would justify departing from the normal policy provisions of the green belt.
- 7.2.9. The amended scheme would not increase the bulk or footprint from the previously approved extensions ref. 19/03568/FULL6 as it involves changes to the fenestration and changes to the roof tile materials. It is not therefore considered that the proposal would have a harmful impact on the openness or visual amenities of the Green Belt over the extensions originally permitted under ref. 19/03568/FULL6.
- 7.2.10. This amended scheme is part retrospective and the development has therefore been implemented, as such the conditions removing all PD has come into effect and the same condition could be imposed on this amended scheme should permission be recommended. Therefore, a larger householder extension under a prior approval such as the granted prior approval under ref. 18/04809/HHPA could not now be carried out as PD rights have now been revoked. Therefore, it is not considered that an update to the Unilateral Undertaking is now required as its main purpose was to prevent the

construction of the prior approval scheme before the full planning permission scheme was implemented 19/03568/FULL6.

7.2.11. Comments have been received by a Local Group which raised concern that the ridge height as constructed has been increased from the original ridge height. The Planning Investigations team have measured the ridge height as constructed and found that the ridge height does not exceed the ridge height shown on the original planning application ref. 19/03568/FULL6 which is 6.3m. The ridge height on this amended scheme drawings ref. 19/03568/RECON also measures 6.3m.

7.2.12. Taken together, it is considered that these various factors combine to outweigh the harm to the Green Belt by reason of inappropriateness, and they would provide the very special circumstances necessary to justify the development.

7.3. Design

7.3.1. The bulk and scale of the extensions and alterations remain the same as originally permitted under ref. 19/03568/FULL6 and were found to have an acceptable impact on the character of the area or the appearance of the host dwelling. The main considerations in terms of design are whether the proposed alterations to the fenestration and rooflights and change to slate roof tiles would impact detrimentally on local character and the appearance of the host dwelling.

7.3.2. The proposed replacement of the existing brown/red roof tiles with slate tiles is not considered to appear harmfully out of character with the road. There is a mixture of property types, architectural styles and materials in the facades and roof including pantile and plain roof tiles with an example of slate roof tiles further along North End Lane to the north west at 'Stoneycroft'. Additionally, there is limited visibility of the property from the main road given the significant height of the boundary vegetation. Therefore, it is considered that the proposed slate roof tiles would not appear harmfully out of character with the road or have a significantly harmful impact on the appearance of the host dwelling.

7.3.3. The proposed changes to the fenestration are not considered to significantly impact on the appearance of the host dwelling. The changes which would be most visible from the road would be the front and side rooflights. The rooflight to the south side would be increased in height but reduced in width (from 1.1m wide to 0.74m wide) therefore it would have a similar overall size to the previously permitted rooflight and would have a more standard rooflight appearance. The change from a smaller double front rooflight to two separate slightly larger rooflights (from 0.57m wide to 0.74m wide) and from a large rooflight with four panes to three separate rooflights on the north flank roof slope are considered to be moderate alterations to the dwelling which

would not have a significant impact on the character of the host property or local area over the rooflights already permitted under ref. 19/03568/FULL6.

7.3.4. The rear first floor windows were already of a significant size, in particular the windows to the northern side of the rear elevation. The proposed amended first floor rear fenestration would incorporate two glazed doors with Juliet balconies of the same size. The south sized window would be increased in width from 2m to 2.3m and the north side window would be reduced from 3.9m to 2.3m. Overall the amount of glazing to the first floor rear glazed doors would be reduced and as the proposed rear doors would have a more symmetrical appearance, it is considered that the proposed first floor fenestration would be an improvement of the original submission (ref. 19/03568/FULL6) and would not impact detrimentally on the character of the area.

7.3.5. Having regard to the form, scale, siting and proposed materials it is considered that the proposed amended scheme would complement the host property and would not appear out of character with surrounding development or the area generally.

7.4. Neighbouring Amenity

7.4.1. Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

7.4.2. The proposal remains similar in scale, bulk and siting to the originally permitted application (19/03568/FULL6) and no significant concerns were raised in terms of neighbouring amenity in the scheme. The main consideration in terms of neighbouring amenity is the proposed alterations to the fenestration and the impact these may have on the privacy of the neighbouring properties.

7.4.3. The front rooflight would not overlook any neighbouring private amenity areas or properties. The south side rooflight adjacent to Little Orchard. A condition was previously imposed on the original application imposed to restrict the window to have obscure glazing and non-opening below 1.7m from the floor level to prevent a harmful loss of privacy to the neighbouring property as the rooflight would serve an ensuite and therefore a similar condition could be imposed if the window is not already obscured glazed, that obscure glazing should be installed with three months of the decision notice.

7.4.4. The proposed first floor windows to the south side which are closer to 'Little Orchard' would be increased in width by 0.3m however they would continue to have a similar separation from the shared boundary with this neighbouring property from 4.79m to 4.70 therefore the outlook and level of overlooking

would not be significantly different to that already permitted. The provision of opening doors would also not have a significant impact on overlooking as the Juliet balconies would not allow for a significantly greater outlook than fixed windows.

7.4.5. Concerns have been raised over the glazed doors providing access to the flat roof to be used as a terrace. A condition could be imposed to prevent access to the roof in order to prevent a terrace which would have a harmful impact on the privacy of the neighbouring property and its rear amenity space.

8. CONCLUSION

8.1. Having had regard to the above it is considered that the development in the manner proposed is acceptable in that very special circumstances have been put forward which are considered to outweigh the harm identified to the green belt and the proposal would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

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

Subject to the following conditions:

- 1. Standard compliance with plans**
- 2. Materials in accordance with application documents/drawings**
- 3. Removal of all PD rights**
- 4. Obscure glazing to south flank rooflight**
- 5. No access to flat roof**

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