

Committee Date	21.03.2024	
Address	Little Orchard Barnet Wood Road Hayes Bromley BR2 8HJ	
Application Number	23/04822/FULL6	Officer - Louisa Bruce
Ward	Bromley Common And Holwood	
Proposal	Single storey rear extension; existing covered side car port to form ground floor extension with parapet wall and tiled pitched roof. First floor front and side extension.	
Applicant	Agent	
Mr Mark Rutherford	Mr Bob McQuillan	
Little Orchard Barnet Wood Road Hayes Bromley Bromley BR2 8HJ	Downe House 303 High Street Orpington BR6 0NN	
Reason for referral to committee	Call-In	Councillor call in
	Call-In	Yes - Cllr Gupta: This application had been approved in the past , it is a reapplication of the same , so I don't see any reason why it should be refused.

RECOMMENDATION	Application Refused
-----------------------	---------------------

<p>KEY DESIGNATIONS</p> <p>Adj Conservation Area: Bromley Hayes And Keston Commons Article 4 Direction Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding Smoke Control SCA 22</p>
--

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3	240sqm (approx.)
Proposed	C3	298sqm (approx.) (approx. 24% increase)

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

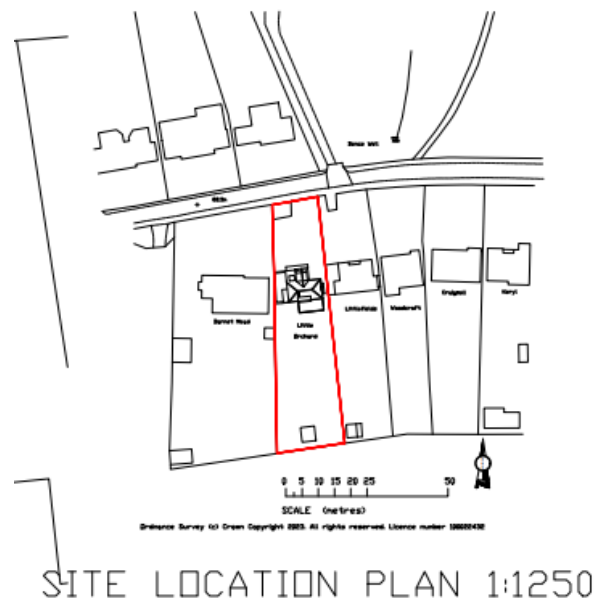
- The proposed extensions, together with existing extensions would, cumulatively, result in a net increase in floor area of over 10% compared to that of the original dwellinghouse, resulting in disproportionate additions over and above the size of the original building; thereby causing incremental harm to the Green Belt by reason of harm to its openness
- The proposal would therefore result in an inappropriate development within the Green Belt by definition
- No very special circumstances have been demonstrated to justify the inappropriate development.

2. LOCATION

- 2.1 The application property is located on the southern side of Barnet Wood Road, Bromley and is host to a detached dwelling which is set back from the roadside.
- 2.2 The property is located within the Green Belt and lies adjacent to the Bromley, Hayes & Keston Commons Conservation Area



Figure 1: Site Location Plan



3. PROPOSAL

- 3.1 Planning permission is sought for a single storey rear extension; existing covered side car port to form ground floor extension with parapet wall and tiled pitched roof. First floor front and side extension.
- 3.2 The planning application form sets out that the extension will be finished in matching materials to the host property; white render pattered render and facing brickwork.

3.3 The application should also be considered in line with Application Ref: 23/04823/FULL6 which is currently pending consideration for a part one/two storey side extension. It is not known if the applicant prefers one proposal to be implemented over the other.

Figure 2: Existing Elevation



Figure 3: Proposed Elevations



Figure 4: Existing Floorplans

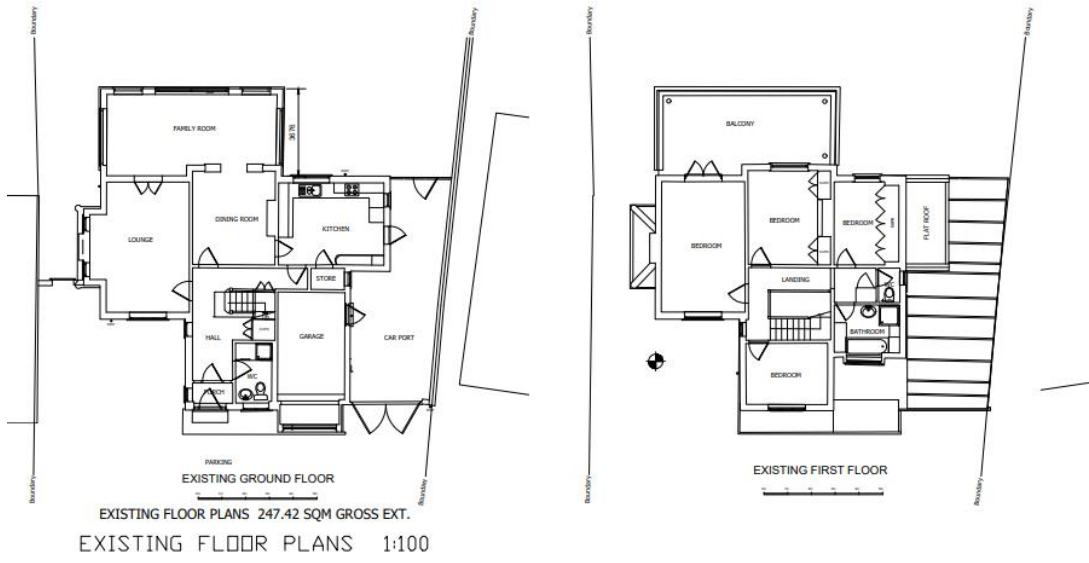
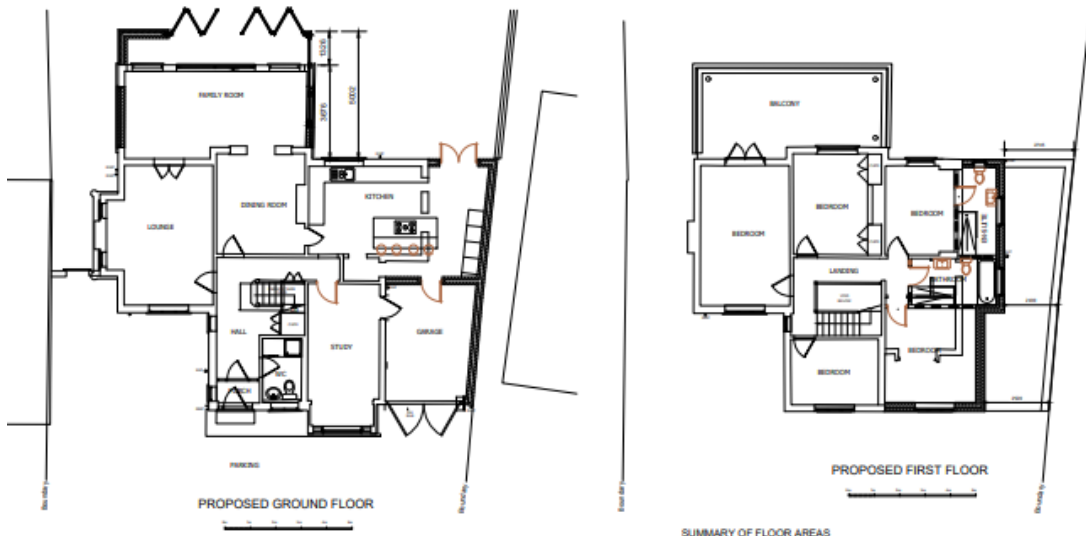


Figure 5: Proposed Floorplans



4. RELEVANT PLANNING HISTORY

23/04823/FULL6 – Part one/two storey side extension (Pending Consideration)

23/00227/FULL6 - Single storey rear extension; existing covered side car port to form utility room and garage with new brick external wall and tiled pitch roof; first floor front and side extension (Refused) & (Dismissed at Appeal).

The application was refused for the following reason:

The proposal would result in a cumulatively disproportionate addition over and above the size of the original building and would comprise inappropriate development in the Green Belt by definition. Furthermore, the proposal would be harmful to the openness of the Green Belt; conflicting with the fundamental aim of the Green Belt to keep land permanently open and detracting from the visual amenities of the Green Belt and its essential characteristics, its openness and permanence. 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 conflicts with Policies 49 and 51 of the Bromley Local Plan (2019) Policy G2 of the London Plan (2021).

07/02106/FULL6 - Part one/two storey side extension (Permitted) (Not implemented)

02/00696/FULL1 - Single storey/first floor side extensions (Permitted)

97/01131/FUL – Single storey front extension (Permitted)

82/1212 – Front porch (Permitted)

76/1955 – Single storey rear extension for conservatory carport & covered way at side (Permitted)

5. CONSULTATION SUMMARY

A) Statutory

No consultee comments sought.

B) Local Groups

No letters of objection or support were received from any local groups.

C) Adjoining Occupiers

Nearby owners/occupiers were notified of the application representations were received which can be summarised as follows:

Support

- Two letters of support from neighbours at Barnet Mead and Littlefields confirming no objections to the proposals.

6. POLICIES AND GUIDANCE

National Policy Framework 2023

- Chapter 13 (Protecting Green Belt Land)

The London Plan

- D1 London's form, character and capacity for growth
- D4 Delivering good design
- G2 London's Green Belt
- T6 Parking

Bromley Local Plan 2019

- 6 Residential Extensions
- 8 Side Space
- 32 Road Safety
- 37 General Design of Development
- 42 Development Adjacent to a Conservation Area
- 49 The Green Belt
- 51 Dwellings in the Green Belt

Supplementary Planning Guidance

Urban Design Guide - Supplementary Planning Guidance (July 2023)

7. ASSESSMENT

- Resubmission
- Principle of development
- Design & side space
- Heritage Impact
- Highways
- Neighbouring Amenity

7.1 Resubmission

7.1.1 The current application is a resubmission of Application Ref: 23/00227/FULL6 which is a similar application that was refused planning permission on the 17th March 2023 and dismissed at appeal on the 9th October 2023.

7.1.2 The main changes between the previous application refused in March 2023 and the current application Ref: 23/04823/FULL6 are set out below;

- Design change to the roof of the single storey side extension with a sloping roof to the garage
- Reduced the size of the single storey rear extension from 1.350m to 1.326m in depth and from 3.150m in height to 2.8m
- The existing balcony will no longer be extended over the proposed ground floor rear extension.

- Design changes to the fenestration in the ground floor side extension and ground floor rear extension and the existing flank elevation of the family room.
- Internal changes with the removal of the proposed utility room to an enlarged kitchen.

Figure 6: Elevations of previously refused application (App Ref: 23/00227/FULL6)

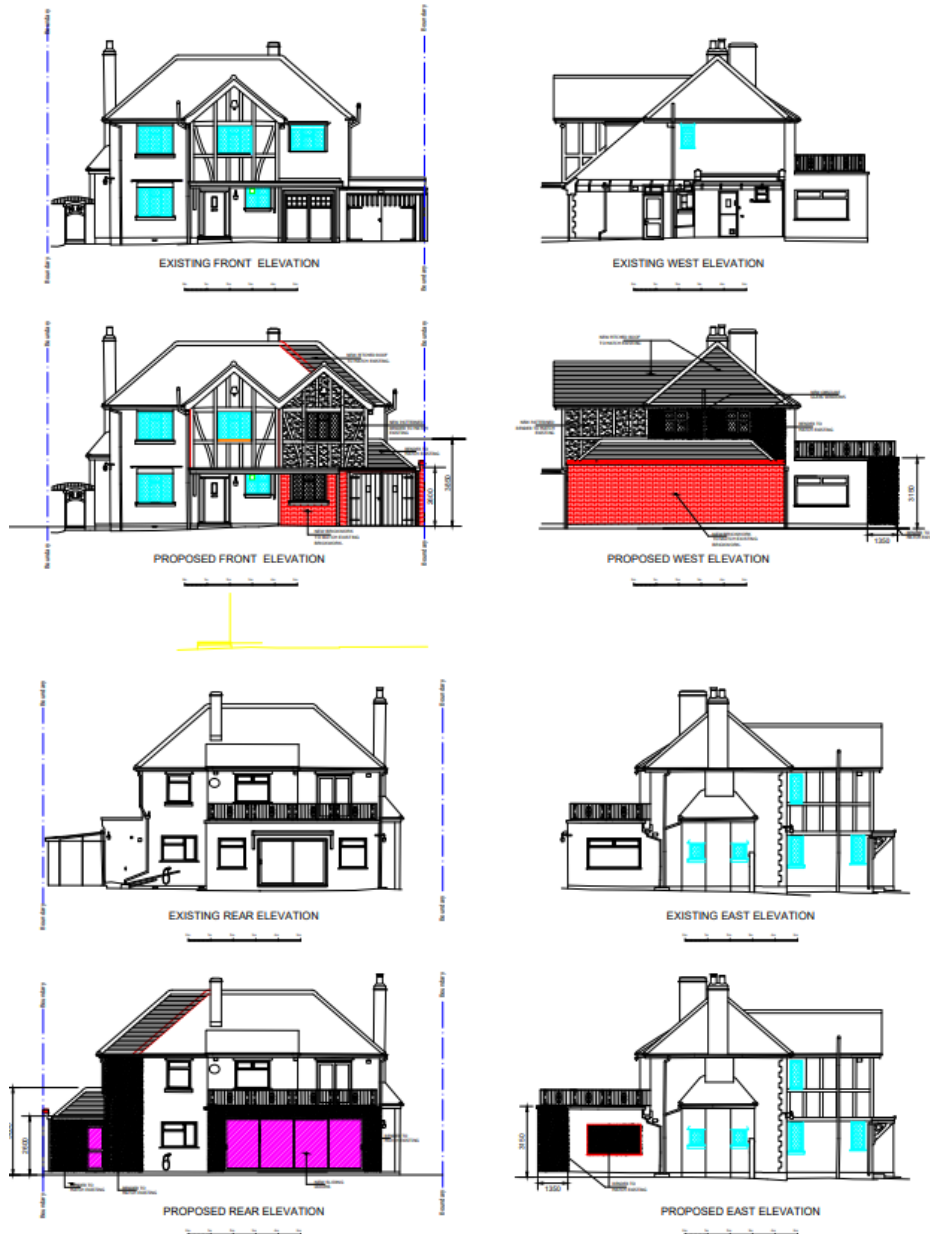
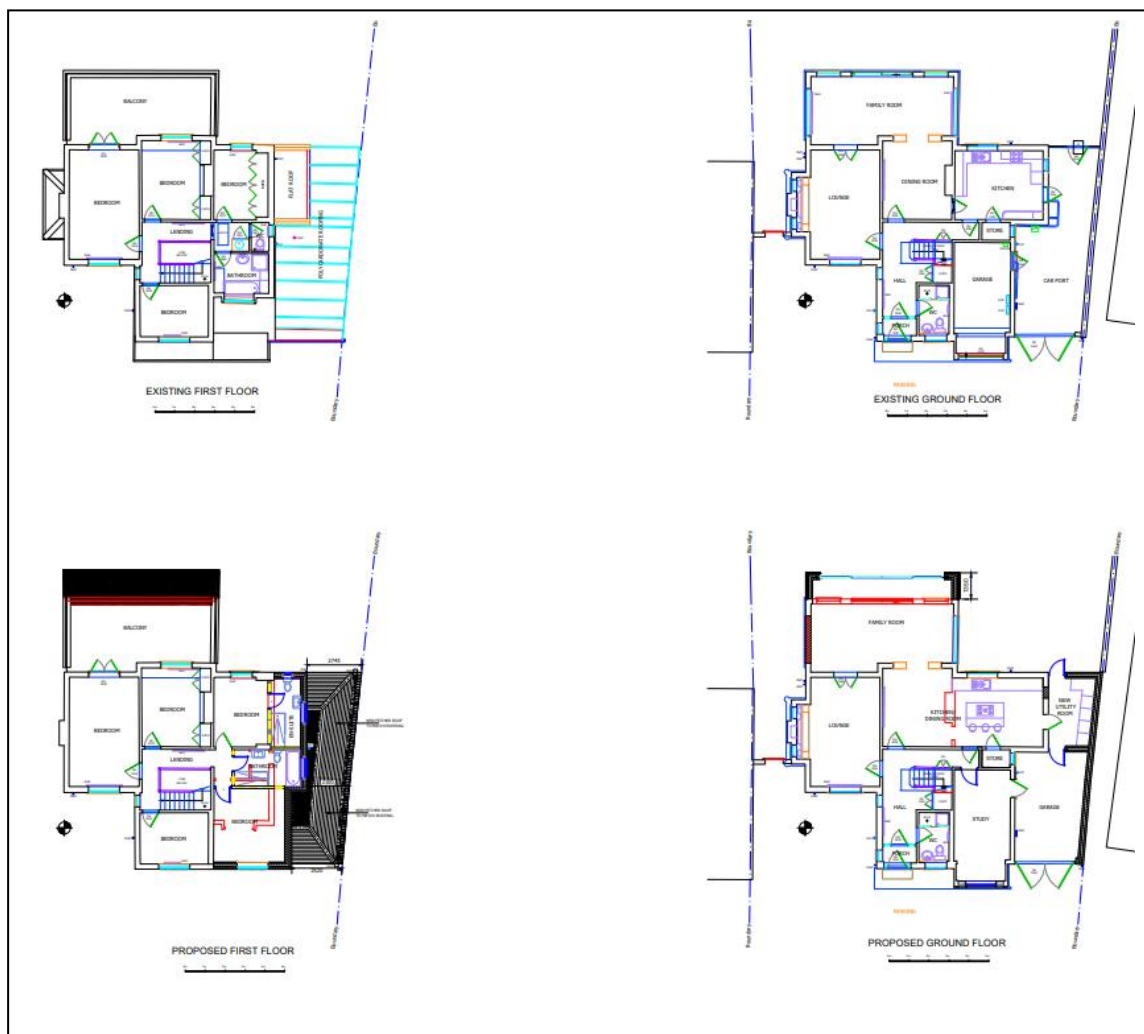


Figure 7: Floorplans of previously refused application (App Ref: 23/00227/FULL6)



7.2 Principle of development – *Unacceptable*

7.2.1 The property is designated as lying within the Metropolitan Green Belt. Chapter 13 of The National Planning Policy Framework (2023) therefore applies. The Framework explains that the essential characteristics of Green Belts are their openness and permanence. There is a general presumption against inappropriate development in the Green Belt unless very special circumstances exist.

7.2.2 Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

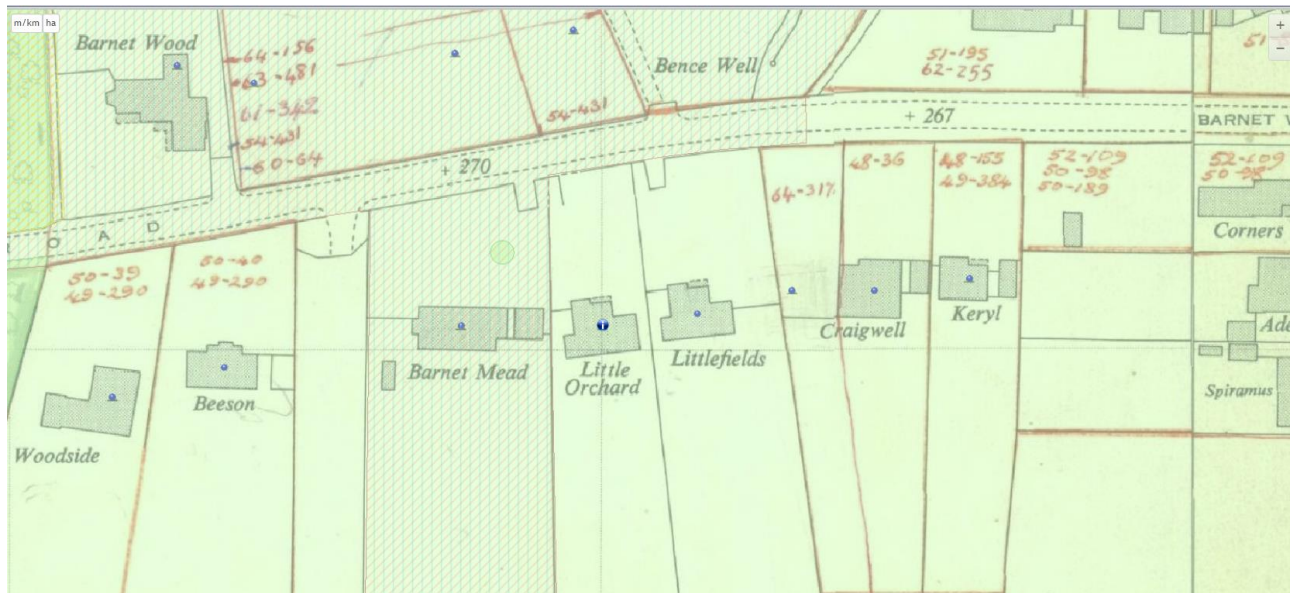
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;

7.2.3 Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF. Policy 51 of the Bromley Local Plan deals specifically with extensions or alterations to dwellings in the Green Belt. The policy states that proposals will only be permitted if:

- (i) the net increase in the floor area over that of the original dwelling house is no more than 10%, as ascertained by external measurement; and
- (ii) their size, siting, materials and design do not harm visual amenities or the open or rural character of the locality; and
- (iii) the development does not result in a significant detrimental change in the overall form, bulk or character of the original dwellinghouse.

7.2.4 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 property has previously been extended at ground floor and first floor level, including a single storey rear extension to lounge and dining room (1976), car port (1977), front porch extension (1982), single storey front extension to garage (1997) and first floor side extension (2002).

Figure 8: Historic Map of the original property



7.2.5 The current application proposes a single storey rear extension to the existing family room, a single storey side extension to convert the existing 'lean-to' style car port at the side of the property to a garage and enlarged kitchen and a first floor

front and side extension to provide a new bedroom, enlarged bathroom and ensuite.

- 7.2.6 Accounting for the previous additions already built at the property, it is considered the proposed extensions would result in a net increase of over 10% in the floor area of the original dwelling house. Therefore, in relation to NPPF paragraph 154 and Local Plan Policy 51, the dwelling has already been disproportionately enlarged for the purposes of the Green Belt.
- 7.2.7 The accompanying Planning Statement acknowledges that the site lies within the Green Belt and the agent's justification for permitting the current application is that the application remains similar to that permitted but never implemented in 2007 under planning application Ref: 07/02106/FULL6 for a Part one/two storey side extension.
- 7.2.8 The agent states that the 2007 permission is a significant material planning consideration in the determination of this application. They also state that Policy G4 of the 2006 Bromley UDP remains identical in its wording to Policy 51 of the 2021 Bromley Local Plan. The 2006 UDP was superseded by the Bromley Local Plan in 2019 and a sizeable passage of time has passed since the unimplemented permission was granted. There have also been several other updated policy documents including the publication of the latest iteration of the London Plan (March 2021) and the publication of the National Planning Policy Framework in March 2012 (updated in December 2023).
- 7.2.9 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 7.2.10 The 2023 NPPF is clear in its policy objective that any extension or alteration should not result in a disproportionate addition over and above the size of the original dwellinghouse.
- 7.2.11 The National Planning Practice Guidance (NPPG) which was published in July 2019 and updated in December 2023 sets out what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt. These include, but are not limited to:
- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
 - the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
 - the degree of activity likely to be generated, such as traffic generation
- 7.2.12 The proposal would represent a significant increase in floor area compared to the existing arrangements. The additional mass and volume of the extensions would

noticeably change its appearance and take up significant space and land in the Green Belt both in isolation and cumulatively. Built form in the Green Belt where there was previously none therefore, there would be an unavoidable reducing effect on the Green Belt's openness both spatially and visually. As well as, and not instead of, that which has gone before. The replacement of the existing 'lean-to style' car port structure with a more permanent side extension would further impact on openness making it less likely that the land could be returned to its original state or to an equivalent (or improved) state of openness. All of this would lead to further unacceptable harm to the Green Belt as well as that caused by the scheme's inappropriateness.

7.2.13 Having regard to the above, the proposals do not accord with the up-to-date development plan or the NPPF (which is a material consideration) and officers do not consider that any weight can be given to the unimplemented 2007 permission.

Figure 9: Elevations of previously Approved (unimplemented) application (App Ref: 07/02106/FULL6)

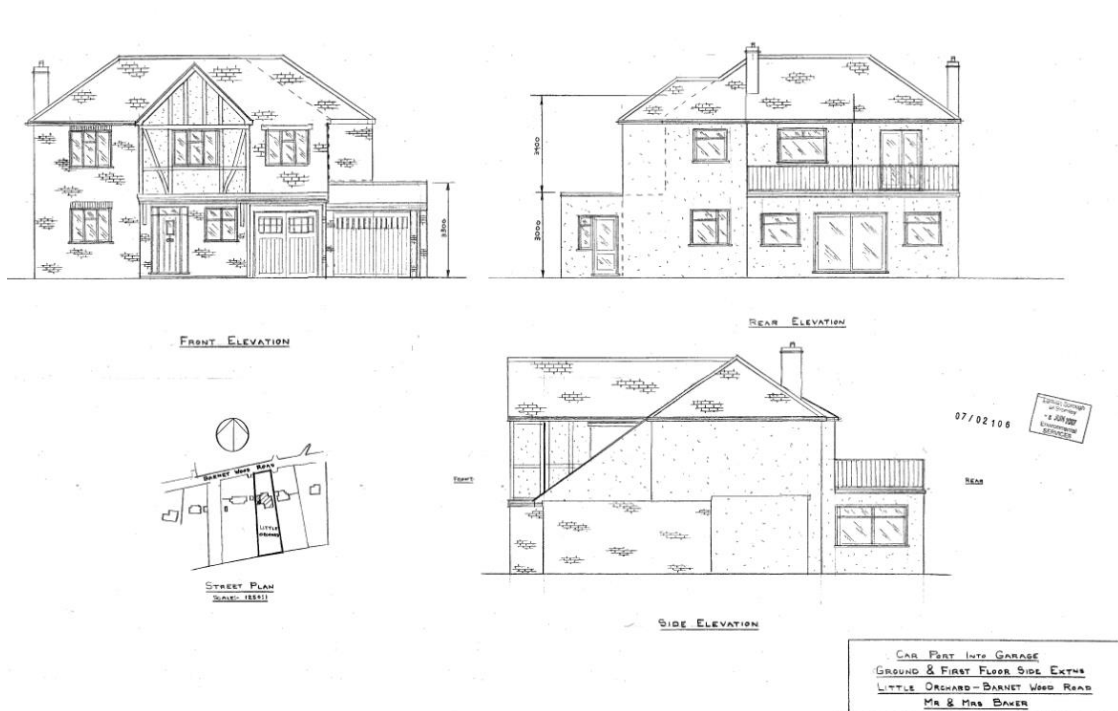


Figure 10: Floorplans of previously Approved (unimplemented) application (App Ref: 07/02106/FULL6)



7.2.14 Furthermore, the Appeal Inspector in dismissing the previous application set out in para 9 of the appeal decision that *“Neither main party have provided an original dwelling floor area in quantitative terms. It is not therefore clear, on paper at least, whether the 10% threshold has been reached or breached already. That said, it seems sufficiently clear that the floor area of the dwelling has grown over the original and by more than a marginal degree. Putting aside the fact that the additional floor area of the proposals in the appeal scheme would be very minor and that the majority of the works would be at first floor and thus within the confines of the floor area of the original, the previous extensions certainly appear, on visual inspection, to account for at the very least 10% of the original, but likely more. This no matter how small an additional floor area the proposals may be, I am sufficiently certain that they would amount to more than 10% of the original and thus they would conflict with Policy 51’.*

7.2.15 As the built form of the proposed extensions would be cumulatively disproportionate to the original dwelling they would comprise inappropriate development in the Green Belt by definition. Furthermore, there would be an unavoidable reducing effect on the Green Belt’s openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.2.16 The applicant has sought to argue that the 2007 permission is a material contributor to the weight to be given to very special circumstances. However, as discussed above, the 2007 permission pre-dates the current development plan and the NPPF which is a material consideration.

7.2.17 Reference is also made to the fallback position of adding an 8m deep single storey rear extension as set out on drawing no. BWR-921-PD-PD-01 titled *‘Potential*

Permitted Development Scheme' Permitted development rights are subject to a prior approval process. They do not crystallise until that procedure has been completed and granted. As the prior approval process has not been completed, the Council consider they can attach limited weight as a fallback position.

7.2.18 To conclude, there are no very special circumstances of sufficient weight existing in this particular instance to clearly outweigh the harm to the Green Belt by reason of inappropriateness and the actual harm to openness.

7.3 Design & Side Space - *Acceptable*

7.3.1 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. London Plan and Bromley Local Plan (BLP) policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

7.3.2 Policies 6 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. Policy 8 states that for new residential development of two or more storeys (including extensions) a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building.

7.3.3 The case officer has assessed the proposal against the above-mentioned policies in terms of its design, with particular regard to the impact on the character and appearance of the host building and the wider area. Adequate separation would be maintained to the flank boundary in compliance with Policy 8 and the development would not appear cramped in the street scene or result in unrelated terracing.

7.3.4 Notwithstanding the Green Belt perspective, the currently proposed extensions would appear to complement the scale, proportion, form, layout and materials of adjacent buildings and not appear cramped in relation to the boundaries. However, the absence of harm in design terms is not sufficient to overcome the harm to the Green Belt by reason of inappropriateness and impact on openness.

7.4 Heritage Impact

7.4.1 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.

7.4.2 Paragraphs 207 and 208 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

7.4.3 Within or adjacent to a Conservation Area:

7.4.4 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.

7.4.5 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.

7.4.6 The property lies adjacent to the Bromley, Hayes & Keston Commons Conservation Area. When considering the previous application the Council's Conservation Officer has raised no objection to the proposal and, given the similarities of the existing and previous schemes officers consider that there would be no harm to the setting of the CA. This would however be a lack of harm and thus would not weigh in favour of the application.

7.5 Highways

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

7.5.2 The current application seeks to convert the existing garage to a study and the adjacent car port to a garage. There is an existing driveway with space to park a number of vehicles and therefore there would be no significant impact on car parking on the site.

7.6 Neighbouring amenity

7.6.1 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.

7.6.2 The case officer has assessed the proposal against the above-mentioned policy in terms of the impact on neighbouring residential properties with specific regard to the above-mentioned criteria. Representations made by local residents have also been taken into account.

7.6.3 The main impact to neighbouring amenity would come from the first floor side extension. The side extension would retain between a 2.2-2.8m separation at first floor level from the shared boundary with Barnet Mead which is considered

acceptable and results in the proposal complying with the Council's side space policy. Furthermore, the first floor side extension would not contain any windows so there would be no overlooking or loss of privacy.

- 7.6.4 Having regard to the scale and siting of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect or privacy would arise.

8 CONCLUSION

- 8.1.1 Having had regard to the above it is considered that the development in the manner proposed is unacceptable as it results in inappropriate development within the Green Belt by definition, it has actual harm to its openness and therefore impacts 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.

RECOMMENDATION: Application Refused

The proposal would result in a cumulatively disproportionate addition over and above the size of the original building and would comprise inappropriate development in the Green Belt by definition. Furthermore, the proposal would be harmful to the openness of the Green Belt; conflicting with the fundamental aim of the Green Belt to keep land permanently open and detracting from the visual amenities of the Green Belt and its essential characteristics, its openness and permanence. 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 conflicts with Policies 49 and 51 of the Bromley Local Plan (2019), Policy G2 of the London Plan (2021) and chapter 13 of the NPPF (2023).