

Committee Date	21/03/2024	
Address	Little Orchard Barnet Wood Road Hayes Bromley BR2 8HJ	
Application Number	23/04823/FULL6	Officer - Louisa Bruce
Ward	Bromley Common And Holwood	
Proposal	Part one/two storey 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	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
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<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	256sqm (approx.) (approx. 6.6% increase)

Representation summary	Neighbour notification letters sent 09.01.2024 Site Notice displayed: 15.01.2024	
Total number of responses	2	
Number in support	2	
Number of objections	0	

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 the construction of a part one/two storey side extension.
- 3.2 The application is supported by a Planning Statement which 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: 23/04822/FULL6 which is currently pending consideration 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. It is not known if the applicant prefers one proposal to be implemented over the other.

Figure 2: Existing Elevations



Figure 3: Proposed Elevations



Figure 4: Existing Floorplans

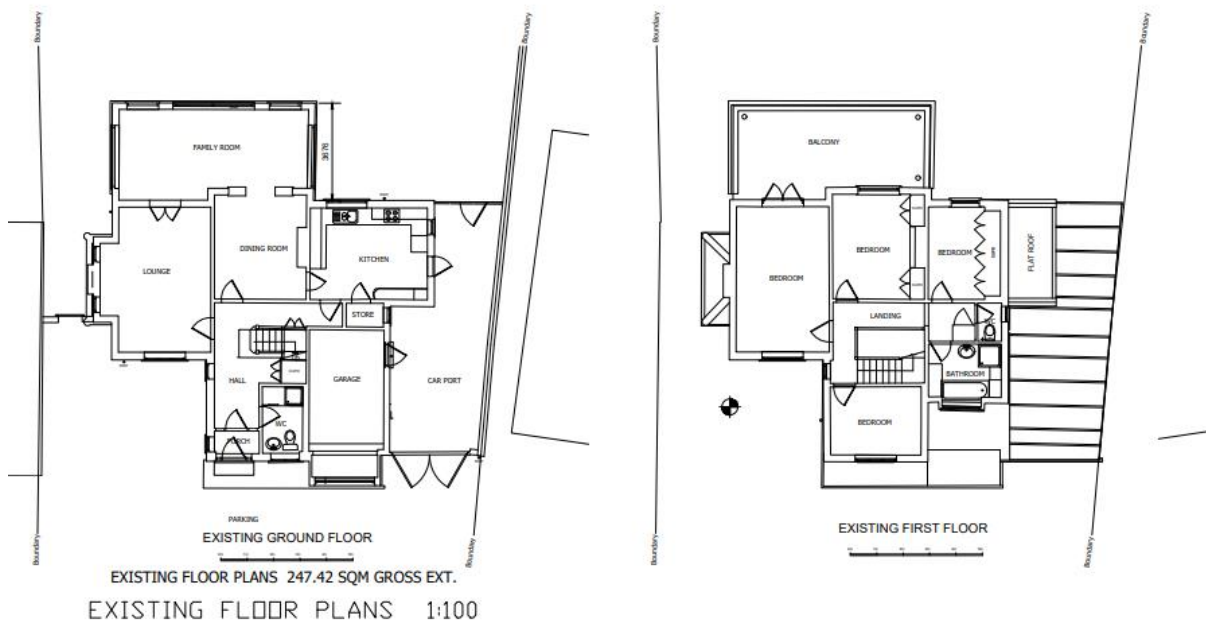
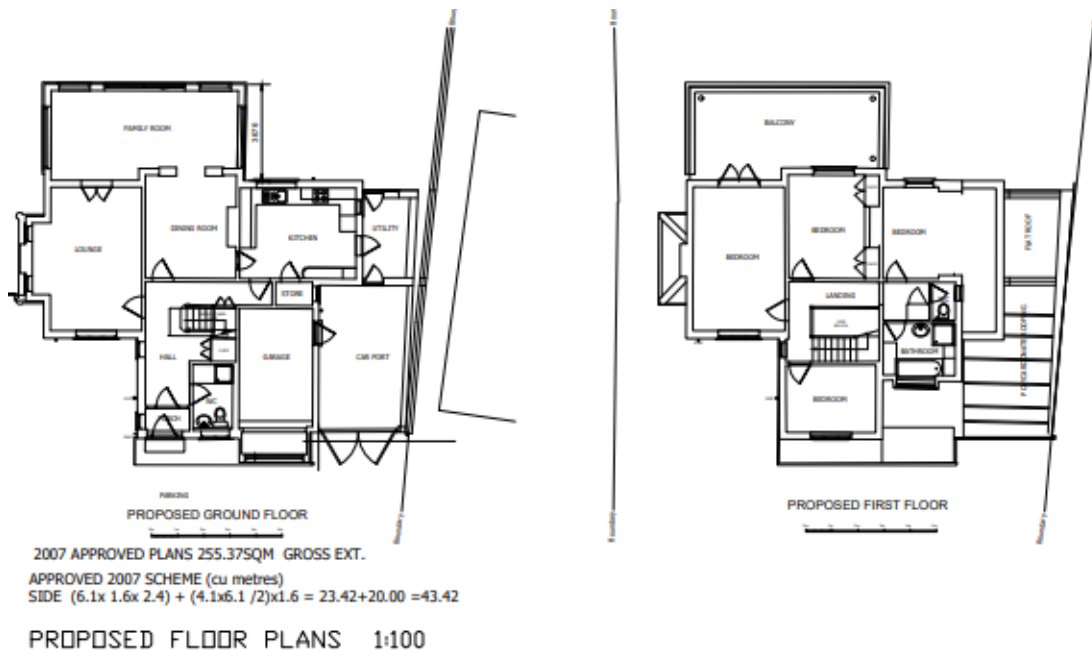


Figure 5: Proposed Floorplans



4. RELEVANT PLANNING HISTORY

23/04822/FULL6 - 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 (Pending Consideration). It is not clear which application the applicant would implement in the event permission is granted for both.

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)

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 stating they have no objections to the proposals

6. POLICIES AND GUIDANCE

National Policy Framework 2023

- Chapter 13 (Protecting Green Belt Land)
- Chapter 16 (Conserving and Enhancing the Historic Environment)

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 that the front extension has been removed, as has the extension to the single storey rear extension. The ground floor side extension, which includes a new utility room, would replace the existing 'lean to' style car port with a more permanent structure. A first floor side extension is still proposed above this.

7.1.3 The following sections of the report assess the current proposals against the up-to-date, relevant policies of the development plan and having due regard to the Inspector's conclusions in dismissing the previous appeal.

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

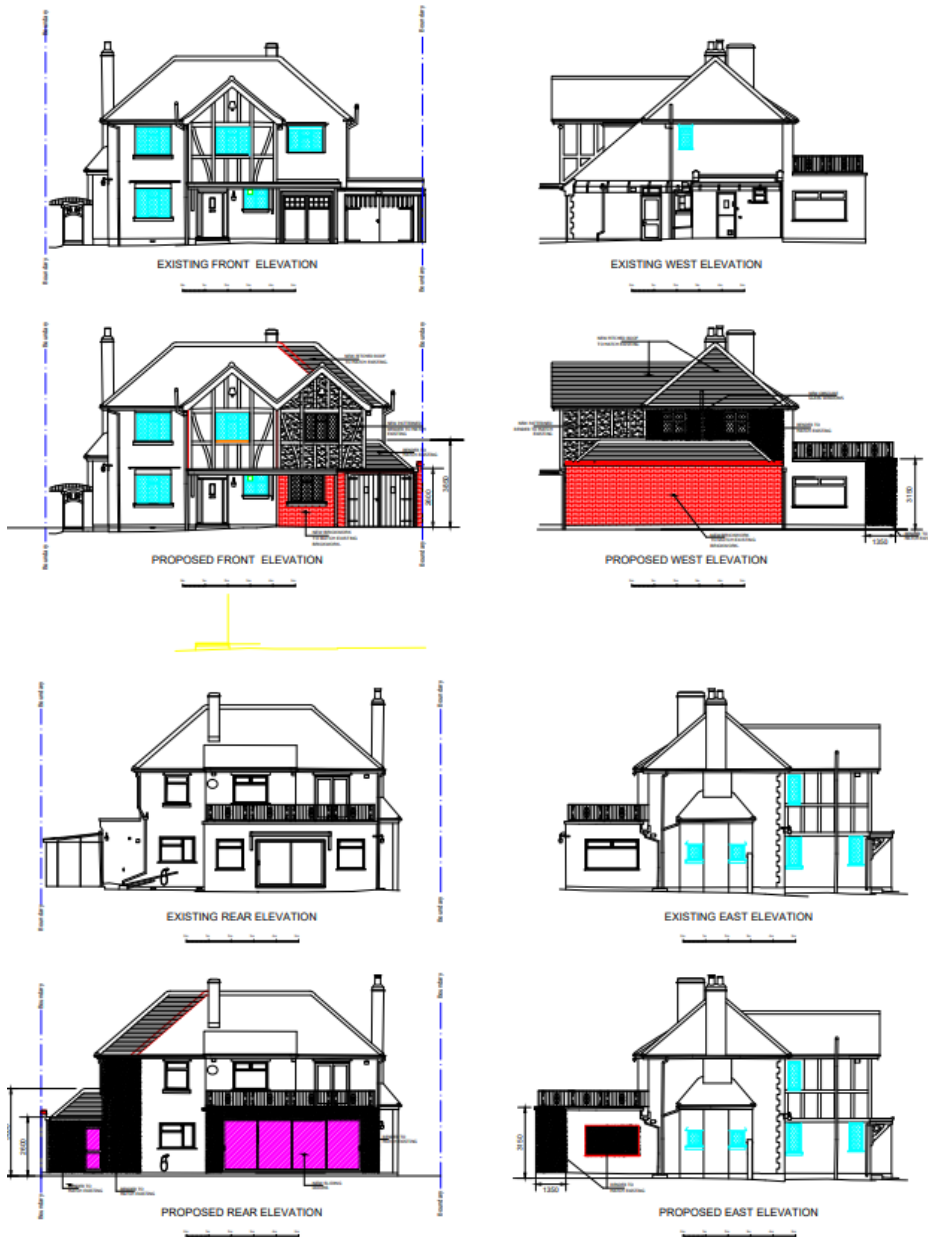
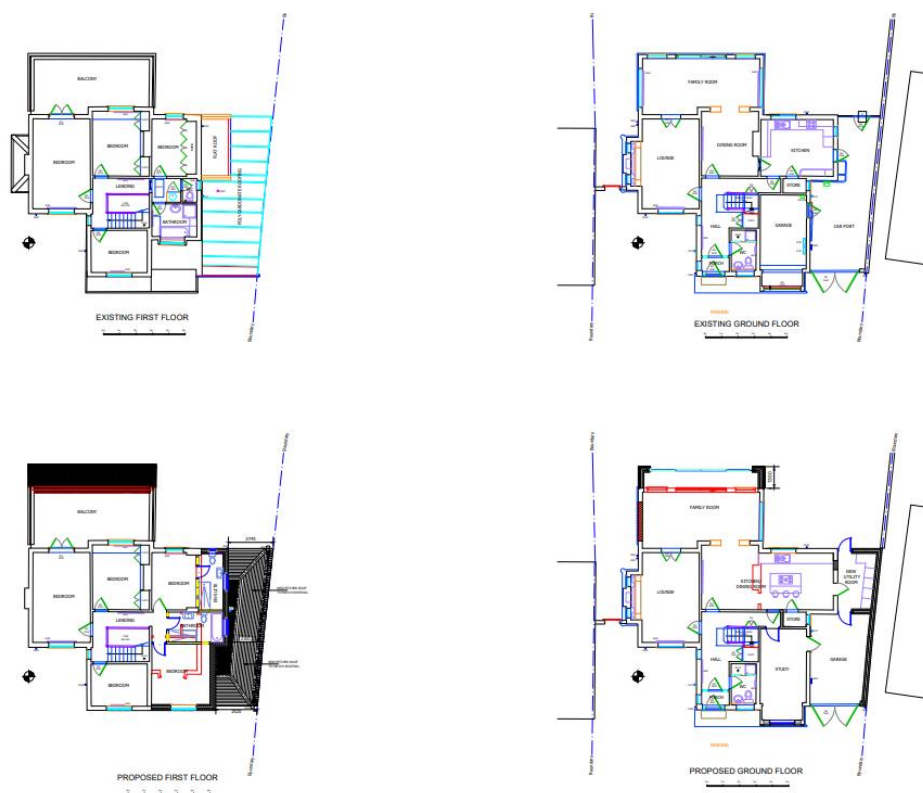


Figure 7: Floorplans of previously refused application (App Ref: 23/00227/FULL6)



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:

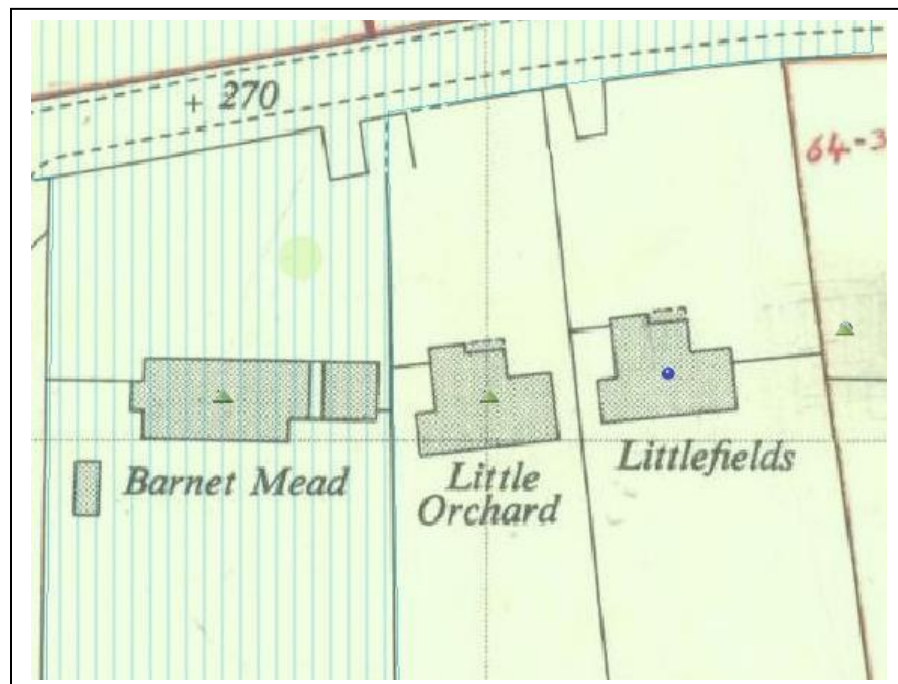
- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green 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 new utility room (within the footprint of part of the existing car port) and a partial first floor side extension to enlarge one of the existing bedrooms. 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. The current property, as of 2024, measures approximately 240sqm. The proposed extensions to both the ground and first floor amount to an approximate floor area of almost 16sqm which

represents a percentage increase of approximately 7%, this however excludes all of the 'as built' extensions added to the property between 1976-2002. 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.

7.2.6 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 in 2007 under planning application Ref: 07/02106/FULL6 for a 'Part one/two storey side extension' stating that Policy G4 of the 2006 Bromley UDP remains identical in its wording to Policy 51 of the 2021 Bromley Local Plan. The Council consider that a sizeable passage of time has passed since the unimplemented permission was granted and that National Planning Guidance has been updated several times since 2007. The 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.

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

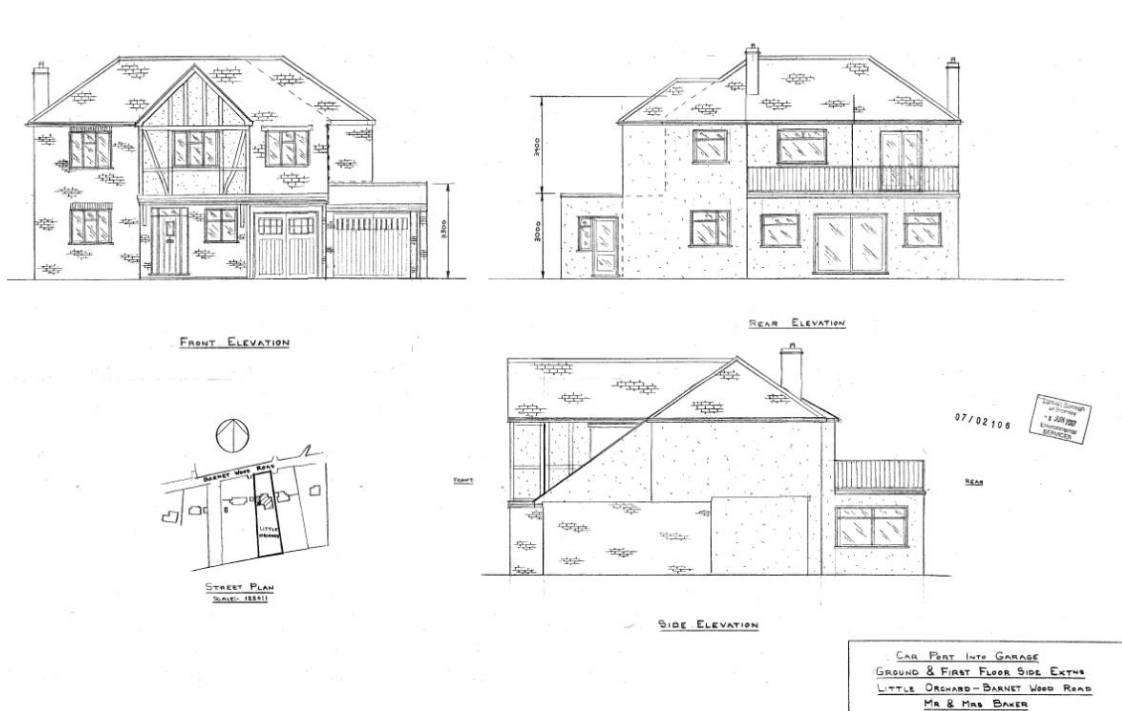
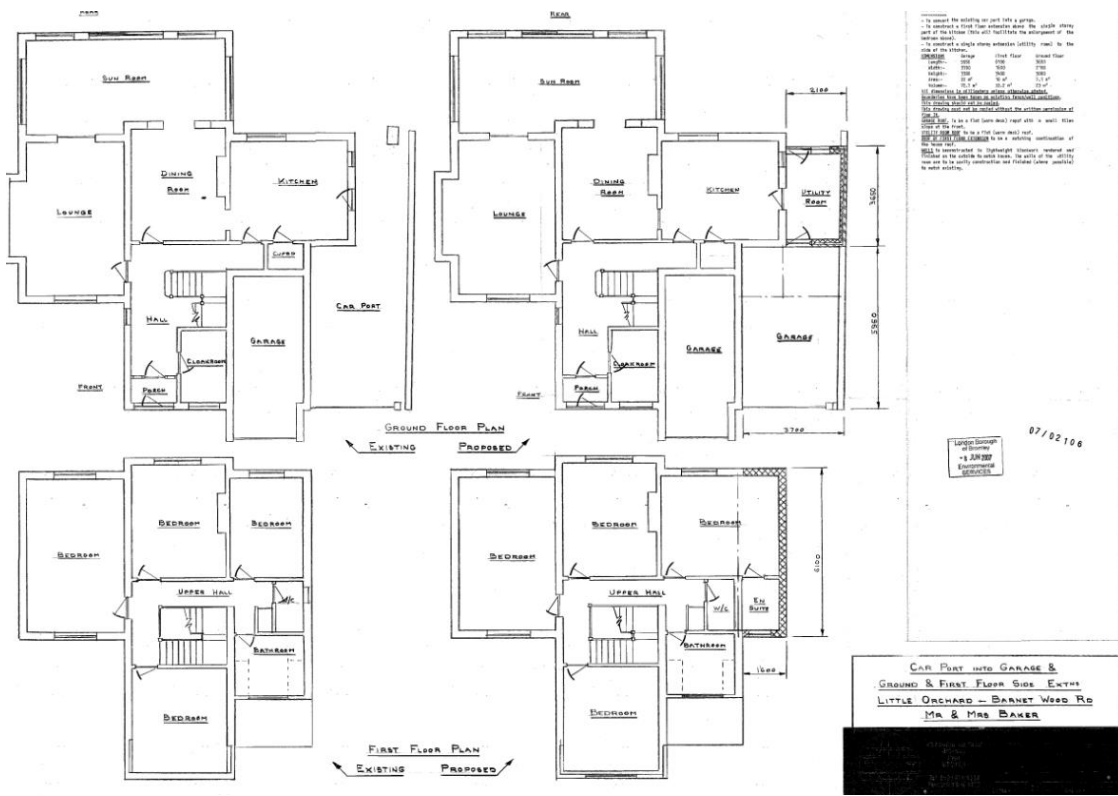


Figure 10: Floorplans of previously approved application
(App Ref: 07/02106/FULL6)



7.2.7 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’.*

7.2.8 As the built form of the proposed extensions would be cumulatively disproportionate to the original dwelling it would comprise inappropriate development in the Green Belt by definition. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.2.9 The agent has not put forward any very special circumstances in the Council’s view, only that the plans are the same as those permitted in 2007 but not implemented, and that Policy G4 of the Bromley UDP 2006 remains identical in its wording to Policy 51 of the current Bromley Local Plan (2019).

7.2.10 Whilst the proposal would not represent a form of encroachment in the countryside in the true sense when taking into account the immediate surroundings of the original building the additional mass and volume of the extensions would noticeably change its appearance and take up significant space and land in the Green Belt. In being built in the Green Belt where there was previously none would be have an unavoidable reducing effect on the Green Belt's openness both spatially and visually. Based on what extensions have previously gone before there would be a further unacceptable harm to the Green Belt as a result of the brick built car port and utility room as well as that caused by the scheme's inappropriateness.

7.2.11 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would be harm in this respect as well as the same to the openness to the Green Belt. No very special circumstances have been demonstrated to justify the application is in accordance with policies 49 and 51 of the Bromley Local Plan and NPPF para. 154.

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 (2-2.5m) 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 inappropriate development.

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 this is a reduced scheme, 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 retain the garage and adjacent car port and coupled with the existing driveway there would be no reduction in 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 2.2-2.5m 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).