

SECTION '2' – Applications meriting special consideration

Application No : 11/02039/FULL1

Ward:
**Chelsfield And Pratts
Bottom**

Address : Silverthorn Norsted Lane Orpington
BR6 7PQ

OS Grid Ref: E: 547078 N: 162047

Applicant : Mr P Brush
Description of Development:

Objections : YES

Erection of replacement 5 bedroom detached dwelling
Retrospective Application

Key designations:

Special Advertisement Control Area
Green Belt

Proposal

- The proposal seeks permission to replace the bungalow on the site with a new five bedroom dwelling
- the proposed dwelling will be larger than the previous bungalow and will include 2 side and 1 rear dormers within the roof slope.
- the dwelling will have a width of 14.5m and a depth of 15.7m. The roof will have a maximum height of 6.4m. The existing dwelling had a height of 6.4m and dimensions of 9.6m in width by 11.7m in length.

Location

The application site is on the south eastern side of Norsted Lane. The site previously comprised a detached bungalow which has now been demolished. Currently, ground floor walls of a new structure have been erected on the site and building works appear to have ceased. The site is a relatively large plot situated in an area comprised by detached buildings in generous plot sizes. The site lies within the Green Belt.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations received are summarised as follows:

- loss of outlook and visual impact
- inaccuracy on the plans concerning boundary locations

Comments from Consultees

Technical drainage comments have been received stating that a condition will be required as no foul water drainage details have been submitted. Surface water will need to be drained to soakaways as there is no public surface water sewer near the site.

Thames Water and technical highways comments will be reported verbally at the meeting.

Planning Considerations

Policies relevant to the consideration of this application are BE1 (Design of New Development), H7 (Housing Density And Design), G1 (Green Belt), G5 (Dwellings In The Green Belt Or On Metropolitan Open Land) and T18 (Road Safety) of the adopted Unitary Development Plan.

PPG2 Green Belts is also a consideration.

Planning History

A certificate of lawfulness was granted under ref. 10/00481 for a two single storey side extensions, single storey rear extension, rear dormer two single storey outbuildings and hard standing. The current application proposes to construct a new dwelling of very similar scale and dimensions.

Planning permission was refused for extensions to the existing building to provide a 4/5 bedroom two storey dwelling under ref. 10/02199. The refusal grounds were as follows:

‘The proposed extensions would result in cumulatively disproportionate and unacceptable additions to the original building, resulting in a significant increase in bulk, substantially altering its overall form and character, and would in view of the contemporary design adopted appear incongruous in the locality. No very special circumstances exist to warrant setting aside normal policy requirements and as such, the extensions would constitute inappropriate development which would harm the openness, rural character and visual amenities of the Green Belt, contrary to Policies G1 and G4 of the Unitary Development Plan and Central Government Guidance contained in PPG2 ‘Green Belts’.’

This particular application resulted in a bulkier dwelling with a scale and bulk excessive of the granted Certificate of Lawfulness. The design was also considered to be out of keeping with the surrounding area.

Conclusions

The main issues relating to the application are the effect that it would have on the open character of the Green Belt. The impact on neighbouring residential amenities is also a consideration.

The replacement of dwellings in the Green Belt can be appropriate development but only if the new dwelling is not materially larger than the dwelling it replaces. The UDP addresses replacement dwellings in Policy G5. With regard to this policy, the proposal does not comply as G5 states that proposals to replace dwellings must not result in a net floor area increase of more than 10%. The size, materials and design of any replacement dwellings must also not harm visual amenities or the open character of the Green Belt. It is clear from the plans that the proposed replacement building will have a floor area in excess of 10% over that of the original dwelling and therefore the proposal is contrary to Policy G5 and inappropriate development.

This Policy is designed to ensure that there is no incremental harm to the Green Belt by excessive subsequent redevelopments of residential dwellings that collectively may jeopardise the open nature of the countryside.

A Certificate of Lawfulness application for extensions to the original dwelling was granted under ref. 10/00481. The current application proposal seeks to replace the dwelling with a new dwelling of matching dimensions to the resulting dwelling certified under this certificate. It is noted that the Certificate of Lawfulness application was granted to include two large outbuildings towards the side and rear of the site. It is considered that should planning permission be granted, permitted development rights can be reasonably removed to prevent outbuildings from being constructed given the Green Belt location, and this must be given consideration when assessing the suitability of the scheme. At present, there is no dwelling on the site and it is considered that an application for a new house should be treated no differently than any other such application, regardless of the granting of a Certificate of Lawfulness previously for outbuildings.

As a result, the dwelling in isolation may be considered to result in a less harmful impact on the character of the Green Belt than the certified permitted development scheme did, although this was not constructed, and now cannot be as the original dwelling has already been demolished.

The issue of permitted development and the recent grant of the certificate are cited by the applicant as very special circumstances. Although these circumstances are unusual, they are not very special and indeed a similar situation could be arrived at with any dwelling within the Green Belt. On this basis, the grant of the certificate states that the dwelling's bulk is lawful under permitted development legislation, however the building has now been demolished and a new dwelling of similar size does not benefit from these rules, and must be considered on its planning merits. As a result, the granting of a Certificate of Lawfulness cannot be used to justify as development under Green Belt policy. Therefore the new dwelling cannot be considered to fall within very special circumstances and these circumstances are not satisfactory to justify the development.

In respect to residential amenities, the dwelling will be sited on a similar part of the site to the original bungalow. The nearby residential properties are not sited in close proximity to the proposed dwelling and therefore it is considered that no serious impact on neighbouring amenities would result from the proposal. The flank boundary between the site and Atlasta is relatively well screened and this will reduce the visual impact. The low roof and dormers will be sympathetic in scale and are not considered to be significantly harmful to the light or outlook from Woodhill. A condition can be imposed to secure obscure glazing to be used on the first floor flank windows in order to prevent overlooking. No serious overlooking would occur to 1 Lambards Close to the rear and this property currently overlooks the site.

Having had regard to the above Members will need to consider the suitability of the development in the manner proposed in respect to the issue of inappropriate development within the Green Belt and whether the floor area and bulk increase, which is contrary to Green Belt policy, is acceptable in this case given the unusual circumstances of the case. Although the visual impact and the additional scale of the development must be assessed independently, in light of the recent planning history and the Certificate of Lawfulness for works to the dwelling it is considered that the proposal would not result in a net increase in harm to the Green Belt over that previously certified. There is also a clear benefit to the Green Belt that the Council will now have control over the outbuildings whereas before it did not, thus enabling more control over the impact of the development on the Green Belt.

On the basis that the construction on site without the demolition may have been similar to that now proposed, Members will need to consider whether the impact on the Green Belt is acceptable in this case.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/00481 and 11/02039, excluding exempt information.

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

0 D00002 If Members are minded to grant planning permission the following conditions are suggested:

1 ACA01 Commencement of development within 3 yrs

ACA01R A01 Reason 3 years

2 ACC01 Satisfactory materials (ext'n'l surfaces)

ACC01R Reason C01

3 ACD04 Foul water drainage - no details submitt

ADD04R Reason D04

4 ACI02 Rest of "pd" Rights - Class A, B,C and E

Reason: In the interests of the rural character of the Green Belt and to prevent the overdevelopment of the site.

5 ACI12 Obscure glazing (1 insert) in the first floor flank elevation

ACI12R I12 reason (1 insert) BE1 and H7

6 ACK01 Compliance with submitted plan

Reason: In the interests of Policies BE1 and H7 of the Unitary Development Plan.

Reasons for granting permission

In granting planning permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- H7 Housing Density and Design
- G1 Green Belt
- G5 Dwellings In The Green Belt Or On Metropolitan Open Land
- T18 Road Safety

The development is considered to be satisfactory in relation to the following:

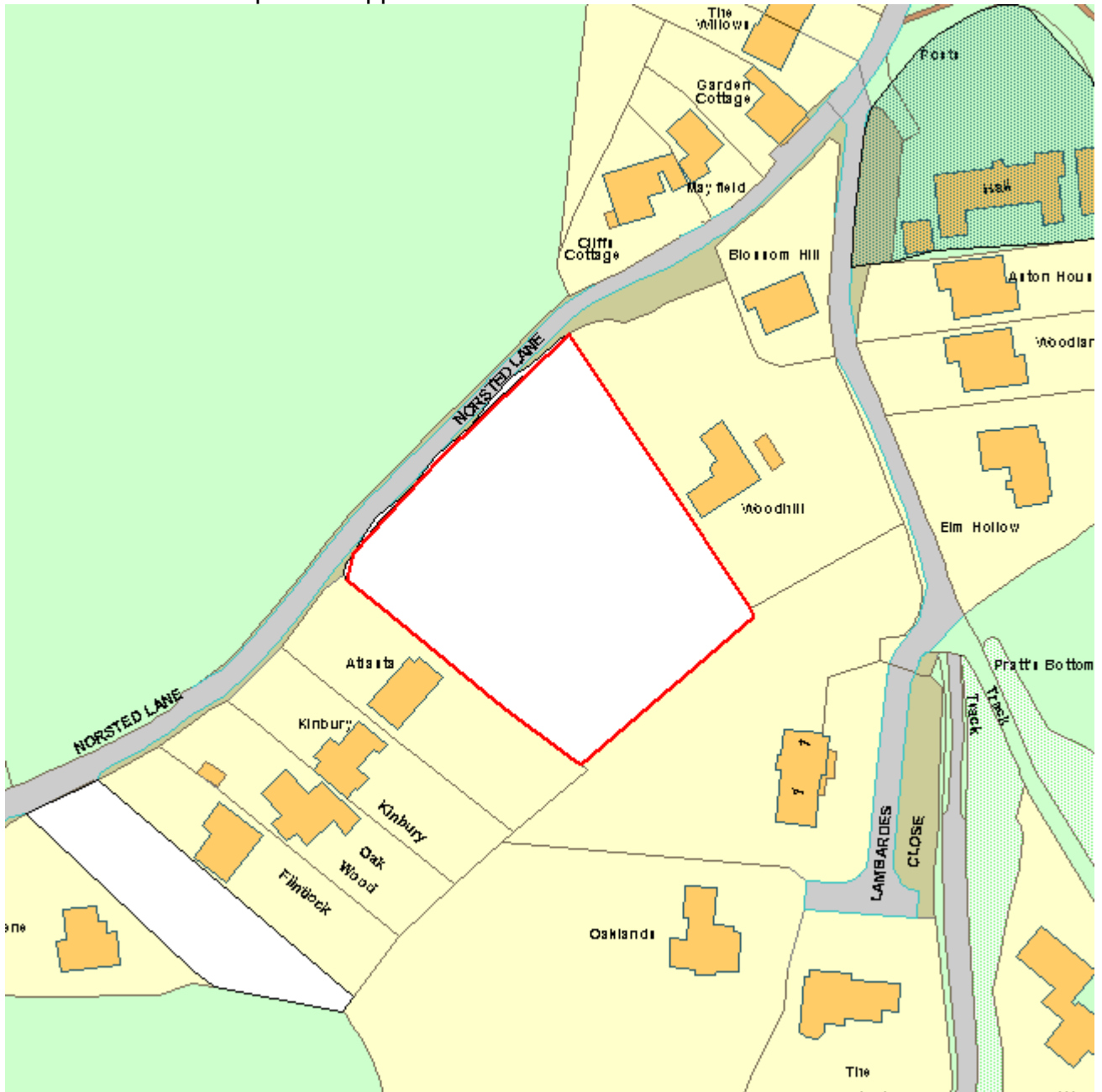
- (a) the impact on the character of the surrounding area
- (b) the impact on the openness and rural character of the Green Belt
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties, including light, prospect and privacy
- (d) the spatial standards to which the area is at present developed
- (e) the transport policies of the UDP

and having regard to all other matters raised.

D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The proposed replacement dwelling, by reason of its excessive scale and bulk, would constitute inappropriate development and would result in a dwelling significantly bulkier than that existing, harmful to the openness, visual amenities and rural character of the Green Belt, and the Council sees no special circumstances which might justify the grant of planning permission as an exception to established Green Belt policy, therefore the proposal is contrary to Policies G1 and G5 of the Unitary Development Plan and Central Government Guidance contained in PPG2 'Green Belts'.

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