

**LONDON BOROUGH OF BROMLEY**  
**TOWN PLANNING**  
**RENEWAL AND RECREATION DEPARTMENT**

**DELEGATED DECISION**

**23/03277/FULL1**

**Lawrence**  
**Stannard**

**Cudham Frith**  
**Cudham Lane South**  
**Cudham**  
**Sevenoaks**  
**TN14 7NZ**

**Description of Development**

Conversion of existing residential annexe (The Cottage) to form a separate detached 3 bedroom dwelling with its own curtilage to be served by an existing single storey detached garage, with alterations to include conversion of integral garage to a bedroom and the provision of two dormers on the south-eastern roof slope

**Proposal**

The application seeks permission for the conversion of an existing residential annexe (The Cottage) to form a separate detached 3 bedroom dwelling with its own curtilage to be served by an existing single storey detached garage, with alterations to include conversion of integral garage to a bedroom and the provision of two dormers on the south-eastern roof slope.

**Location and Key Constraints**

The application site hosts a two storey detached dwelling located on the western side of Cudham Lane South. The eastern side of the road lies within Sevenoaks District Council.

The site lies within the Metropolitan Green Belt and the Kent Downs Area of Outstanding Natural Beauty.

**Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and no representations were received.

**Comments from Consultees**

**Highways:**

- o In addition to the detached garage the annexe has other parking available.
- o The main building also has a large parking area.
- o Both properties would use the same, existing, access. The fence line is set back to provide some sightlines and there is no accident record here.
- o I would have no objection to the application.
- o A pre-commencement condition is recommended to seek details for the arrangements for the construction period.

Sevenoaks District Council:

- o No objection.

## Policy Context

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.

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.

The National Planning Policy Framework was updated in September 2023.

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.

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

### London Plan (2021)

- D1 London's form and characteristics
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- H1 Increasing housing supply
- H2 Small sites

### Bromley Local Plan

- 1 Housing Supply
- 4 Housing Design
- 6 Residential Extensions
- 8 Side Space
- 30 Parking
- 37 General Design of Development
- 49 Green Belt
- 51 Dwellings in the Green Belt
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- 123 Sustainable Design and Construction

### Supplementary Planning Guidance

Urban Design Supplementary Planning Document (July 2023)

### Planning History

The relevant planning history relating to the application site is summarised as follows;

- o 84/00160/FUL - Detached bungalow - Refused
- o 85/01959/FUL - Attached two storey building - Refused
- o 86/00538/FUL - Detached single storey building for stables - Permitted
- o 04/03966/FULL6 - Demolition of existing outbuilding and erection of detached garage - Permitted
- o 05/03927/FULL6 - Demolition of existing outbuilding and erection of detached garage - Permitted
- o 11/02295/ELUD - Continued use of existing outbuilding for residential use - Refused and Dismissed on Appeal
- o 13/00477/VAR - Variation of condition 3 of application reference 05/03927 (demolition of existing outbuilding and erection of detached garage) for all the building to be used as ancillary accommodation to the main dwelling. - Allowed on Appeal

### Considerations

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

- o Housing Supply
- o Green Belt
- o Design
- o Standard of Accommodation
- o Highways
- o Neighbouring amenity

### Housing Supply

The current published position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee on the 2nd of November 2021 and acknowledged as a significant undersupply. Subsequent to this, an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293) concluded that the Council had a supply of 3,235 units or 3.38 years. The Council has used this appeal derived figure for the purposes of assessing this application. This is considered to be a significant level of undersupply.

For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development may apply. It is noted that the appeal derived FYHLS figure assumes the new London Plan target of 774 units per annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019.

The NPPF (2023) sets out in paragraph 11 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.

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.

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.

This application includes the provision of one additional dwelling and would represent a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

## Green Belt

Paragraphs 137-151 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.

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.

Paragraphs 147-151 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.

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.

Inappropriate development in the Green Belt is harmful by definition (in principle) and should not be approved except in very special circumstances. Therefore, the harm to the Green Belt in principle remains even if there is no further harm to openness arising from the development. Local planning authorities should give substantial weight to any

harm to the Green Belt. "Very special circumstances" (VSCs) will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. VSCs by their nature will also often be unique to the application site and will not be capable of being easily repeated as the effect of such inappropriate development would be cumulatively harmful throughout the Green Belt area.

Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form, it has been described by Appeal Inspectors as an "absence of development", and therefore any new development, built form or a more intensive use of land in the Green Belt is likely to have a greater effect on openness than the current situation. Openness takes into account the effect of build 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. This may be concluded to compromise openness and conflict with the purpose(s) of including land within Green Belts; in this case assisting in safeguarding the countryside from encroachment. With regard to "openness" the Supreme Court has also recently ruled, clarifying that "matters relevant to openness in any particular case are a matter of planning judgement, not law" and that "visual effects" are a relevant material consideration. However as mentioned above, even if there is absence of harm to openness, there may still be harm in principle to the Green Belt by reason of inappropriate development. Furthermore, it is established in the assessment of the impact of new development on the openness of the Green Belt that the land in question does not need to be prominent or visible from the public realm; as the mere fact that the development exists at all is inherently harmful to openness as compared with the same land that is absent of the proposed development in question.

The Bromley Local Plan Policies 49 and 51 provide the same level of protection to Green Belt as the NPPF.

Paragraphs 149 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 are;

- 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;

Paragraph 150 provides for certain other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it, including;

- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);

The proposed development would result in modest external alterations to the existing buildings to facilitate the conversion from a residential annexe to a separate detached unit. The external alterations would consist of the addition of two dormers which are considered modest in their scale and would not significantly increase the floor area of the host building. On balance, it is considered that these dormers would not result in a disproportionate addition to the original building.

Furthermore, it is noted that the proposed development would re-use an existing building which is of permanent and substantial construction. The change of use from a residential annexe to a separate residential unit would not be considered to significantly alter the overall impact of the development on the Green Belt given that its use as a separate dwelling would not result in any significant additional domestic features compared to the use as a residential annexe. Therefore, it can be considered that the proposal would not conflict with the purposes of including the land within the Green Belt.

It is therefore considered that the development would meet the exceptions outlined within the NPPF and would not be inappropriate development within the Green Belt, and that on balance it would therefore not result in any unacceptable harm to the openness and visual amenities of the Green Belt.

However, given the scale of the existing building and that its floor space and overall scale would be increased as part of the application, and that the property would also benefit from a detached garage outbuilding, it is considered appropriate for permitted development rights to be removed in relation to development under Class A, B, and E in order to protect the visual amenities and openness of the Green Belt.

#### Kent Downs Area of Outstanding Natural Beauty

Policy 76 of the Bromley Local Plan outlines that the Council will protect, conserve and enhance the Kent Downs Area of Outstanding Natural Beauty (AONB) and its setting from development considered to have a detrimental impact on the landscape of the area.

It is considered that the design of the extension to include a modest enlargement of the existing building would not appear as a disproportionate addition to the host dwelling or appear overly prominent within views from the wider area. As such, it is considered that the development would preserve the setting of the Kent Downs Area of Outstanding Natural Beauty, though the removal of permitted development rights and a condition to request details of the boundary treatments would also ensure that this setting is protected.

#### Design

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.

Policy 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.

The proposed external alterations would include the addition of two dormers to the existing outbuilding / proposed dwelling. The existing building already features two dormers to its north-western roofslope, with the proposed dormers sited on its south-eastern roofslope. The dormers would measure approx. 1.7m wide and 2.6m high, featuring a gabled roof design.

The dormers are not considered excessive additions to the host building and would not be considered to detract from its appearance or the general character of the area.

The development would not include any other external alterations to the host dwelling, or any other alterations to the existing garage building that would also be included within the proposed site.

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

#### Standard of Accommodation

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 Governments National Technical Housing Standards.

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.

The proposed new three bedroom dwelling would provide accommodation for 5 persons with an internal floor area of 97.9sqm.

It is therefore considered that the dwelling would be compliant with the required standards in terms of internal space, and that the shape, room size and layout of the rooms would also be considered satisfactory.

The dwelling would also benefit from its own private amenity space to the rear that would provide suitable outdoor private amenity space for occupiers of the dwelling, subject to a condition for details to be provided for adequate boundary treatments.

It is therefore considered that the proposed dwelling would provide a satisfactory standard of accommodation for future occupiers of the property.

#### Highways

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

Highways Officers consider that the proposed dwelling would have adequate parking within the detached garage and within the curtilage of the site, whilst the donor dwelling would also have a larger parking area which would provide adequate off-street parking.

Both properties would use the same existing access and the fence line is set back to provide some sightlines. Highways Officers note that there is no accident record here and no objections have therefore been raised regarding the intensification of the use of the access on road safety.

Subject to a pre-commencement condition to seek details for the arrangements for the construction period, no objection is therefore raised from Highways Officers. A condition is also recommended to retain the proposed parking layout.

### Neighbouring amenity

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.

The proposed external alterations would consist of the addition of two dormers to the south-eastern elevation of the proposed dwelling. Given the siting they would not be visible from the donor dwelling at Cudham Frith, and there would be a significant separation distance to other nearby properties to the south of the site. It is therefore considered the external alterations would not impact detrimentally upon neighbouring amenity by way of loss of light, outlook or visual amenity.

With regards to privacy, it is considered that there would be a sufficient separation distance to nearby properties to the south to prevent any adverse impact from the proposed new dormer windows.

In terms of the existing layout, the building features two dormer windows facing to the north which would provide some views towards Cudham Frith, in particular the rear part of the garden. On balance, it is not considered that this would result in such significant opportunities for overlooking that would warrant a refusal of the application on the grounds of loss of privacy.

Having regard to the above, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

### Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents, would not impact detrimentally on the character of the area, and would preserve the openness of the Green Belt and setting of the Kent AONB.

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.

### Decision

Application Permitted

**For conditions or grounds of refusal please refer to the Decision Notice**



