

4.4 SE/13/00119/HOUSE Date expired 18 March 2013

PROPOSAL: Construction of new roof.

LOCATION: Crossways, 8 Greenlands Road, Kemsing Sevenoaks
TN15 6PH

WARD(S): Kemsing

ITEM FOR DECISION

This application has been called to Development Control Committee at the request of Councillor Stack in order for the views of the Parish Council who consider that the extension does not conflict with policy EN1 of the SDC Local Plan by way of size and scale and that its bulk does not have a detrimental impact on the street scene to be considered.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green belt and to its openness contrary to policy H14A of the Sevenoaks Local Plan, LO8 of the Core Strategy and the National Planning Policy Framework.

The proposed development, by reason of its, scale, bulk and massing would represent a disproportionate addition to the building which would fail to respect the character and appearance of the existing and neighbouring dwellings to the detriment of their design character and appearance and would therefore represent an incongruous addition which would be harmful when viewed within the context of the street scene of Greenlands Road and which would fail to maintain the present open appearance of the site to the detriment of the character and appearance of Green Belt. As such the proposal would be contrary to policies EN1 and H6B of the Sevenoaks Local Plan, SP1 and LO8 of the Core Strategy, the Councils Residential Extensions Supplementary Planning Document 2009 and the National Planning Policy Framework.

Description of Proposal

- 1 The application seeks permission for the construction of a new roof.
- 2 The proposal is to alter the roof form and raise the height of the property, by introducing a new crown roof that would extend across the full depth of the building, raising the height of the ridge by 600mm from 4.89 metres to 5.49 metres.

Description of Site

- 3 The site the subject of this application is a detached bungalow set in a ribbon development in a rural location outside of the settlement boundary of Kemsing as defined on the proposals map to the Sevenoaks District Local Plan.
- 4 The original dwelling has been extended, to the front and rear and a detached replacement garage added.

5 The site is located in the Green Belt.

Constraints

6 Green Belt

Policies

Sevenoaks Local Plan

7 Policies: - EN1, H6B, H14A, Appendix 4 Residential Extensions

Core Strategy

8 Policies: - SP1, L08

Others

9 SDC Residential Extensions SPD 2009

10 National Planning Policy Framework (NPPF)

Planning History

11	07/01953/FUL	Extension to front of bungalow measuring 7.93m ² to bring in line with existing front wall.	GRANT	07/09/2007
12	05/03083/FUL	Single storey front extension and extension to roof to provide accommodation at first floor level.	REFUSE	25/01/2006
13	01/01329/FUL	Demolition of existing garages and construction of new double garage.	GRANT	30/07/2001

Consultations

Parish / Town Council

14 Kemsing Parish Council recommends approval.

Representations

15 2 representations received objecting to the application on the following grounds:

- Proposed changes are out of keeping with the property
- Previous similar applications have been refused
- Would result in a loss of sunlight to their properties
- No need for the development
- Increase in bulk will be detrimental to surrounding properties

Group Manager Planning Services Appraisal

Principle Issues

- 16 The principle issues to consider in the determination of this application are:
- Whether the proposal would amount to inappropriate development in the Green Belt;
 - Whether there would be any other harm to the Green Belt;
 - The impact of the proposal on the visual amenity of the locality;
 - The impact of the proposal on the amenity of neighbouring properties; and
 - Highway implications.

Background

- 17 On 25 January 2006 planning permission reference SE/05/03083/FUL was refused at the property for a single storey front extension and extension to the roof to provide accommodation at first floor level. Two reasons for refusal were given as follows:
- The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal when taken together with previous development on the land, would cumulatively add to the built form to a degree that would be harmful to the openness of the green belt, and the character and appearance of the area. This conflicts with the rural settlement policies of the Kent Structure Plan and policies GB2, GB4 and H14A of the Sevenoaks District Local Plan.
 - The development and use of the building would harm the residential amenities presently enjoyed by the occupants of no. 7 Greenlands Road because of a significant reduction in sunlight and daylight levels. This conflicts with policy ENV15 of the Kent Structure Plan and EN1 and H6B of the Sevenoaks District Local Plan.
- 18 An appeal against the Council's decision was subsequently lodged and dismissed by the Planning Inspector on 6 December 2006. The Inspector concluded that *"the harm which would be caused to the openness of the Green Belt, together with the harm to the living conditions of the occupiers of number 7 Greenlands Road would not be outweighed by any other material consideration....."*
- 19 With the exception of proposing habitable accommodation at first floor, the extensions to the roof proposed in 2005 were similar in terms of overall scale, bulk, height and design to the scheme currently submitted for consideration by the Council.

Green Belt

Policy Criteria

- 20 Government advice contained in the National Planning Policy Framework (NPPF) states that there is a general presumption against inappropriate development

within the Green Belt. The NPPF makes clear that the most important attribute of Green Belts is their openness and that inappropriate development, by definition, is development that is harmful to the Green Belt because it detracts from its openness. The NPPF advises that, such development should not be approved, except in very special circumstances and that very special circumstances to justify inappropriate development 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.

21 Having regard to inappropriate development in the Green Belt, paragraph 89 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 include:

- *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;*

22 Having regard to the above criterion, at local level, policy H14A of the SDLP sets out the criterion against which applications for extensions to dwellings in the Green Belt need to be assessed in order to establish whether they are proportionate and thus appropriate development. Amongst other things, policy H14A seeks to restrict the amount of floor space which can be added to any dwelling within the Green Belt, to no more than 50% stating that:

- *The “gross floor area” of the existing dwelling plus the “gross floor area” of the extension does not exceed the “gross floor area” of the “original” dwelling by more than 50%;*

23 The design of the extension should also be sympathetic and well articulated to the existing dwelling so that it does not result in a large, bulky or intrusive building in the landscape.

24 Having carried out a search of the planning history, based on the evidence available at this time, it is the Councils view, that the total gross floor area of the original dwelling as first built is approximately 77.3 metre square.

25 This gives a 50% limit of 38.65 metre square.

26 Having regard to extensions to the original dwelling, in 1997 the dwelling was extended to the rear which added a further 34.79 metre square.

27 In 2001 planning permission was granted and implemented for a double garage to serve numbers 7 and 8 Greenlands Road. The part of the garage apportioned to number 8 is calculated to be approximately 19.789 metres square. Based on submitted drawing number AC/GR/2012/06 the garage is located 5 metres from the dwelling and is therefore classed as an extension to the dwelling for the purpose of applying policy H14A.

28 In 2007 the property was extended to the front to add an additional 7.475 metre square.

29 As such the total number of extensions to the original dwelling amounts to 62.054 metre square.

30 It should be noted that the figure for the original floor area differs to that cited in the officer’s report in 2005, as does the figure for the rear extension and the

distance of the garage from the house all of which were subsequently agreed by the Planning Inspector at the time. In 2005 the original floor area was calculated to be 84.23 metre square, the rear extension 27.3 metre square and the garage was perceived to be in excess of 5 metres from the house and thus discounted for the purpose of applying policy H14A. However, it is feasible that these variances are due to the fact that different architects were used for the drawings and different surveying methods may have also been used.

- 31 To clarify, the current position in terms of the floor area of the dwelling in its current form is calculated as follows:

	<u>M²</u>	<u>cumulative %</u> <u>increase</u>
Original dwelling	77.3	
1997 rear extension	34.79	45.01
2001 Garage within 5m	19.789	70.61
2007 front extension	7.475	80.28

- 32 Therefore, at present, and as set out in the table above, the current extensions to the dwelling already represent a 80.28% increase in the total gross floor area of the original dwelling, contrary to policy H14A.

- 33 Even if the garage is excluded from the calculations, the rear and front extensions would still represent a 54.67% increase in the floor area of the original dwelling. The current proposal does not show first floor accommodation on the plans, but does show a hatch to a large loft. Planning permission would not be required to install an internal staircase and convert the loft to habitable accommodation at a later stage, though planning permission may be required to provide natural light.

- 34 For this reason, we have not included the floor space figures for the loft in the above table. However, the area of the loft is approximately 119.564 metre square and this extent of floor space would amount to a cumulative increase in the floor area of the original dwelling of 234%.

Extent of Harm from the Additional Extension

- 35 It is my view that extensions to the dwelling are already disproportionate and that any further extensions to the dwelling would serve to compound this issue resulting in additional harm and further inappropriate development in the Green Belt.

- 36 The application proposal is to provide a new roof. At paragraph 5.2 of the Planning Design and Access Statement submitted with the application its states that the applicant acknowledges the restrictive nature of Green Belt Policy and therefore proposes no increase to the existing floor area. The roof is identified on the proposed floor plans as loft space and no windows are proposed.

- 37 However, notwithstanding the above, the proposed elevation drawings indicate adequate head room for habitable accommodation and thus useable space. In my view therefore, the assessment should not exclude its floor area on the

assumption that it is currently proposed to be used as storage, as if permitted, whilst conditions could be imposed to restrict alterations and extensions to the roof, it would be difficult to resist its conversion to living accommodation at a later date should an application be submitted for conversion with roof lights which did not alter the form of the roof and were appropriately positioned to prevent any adverse impact on neighbouring amenity.

- 38 As such, it follows that if all (or even part) of the proposed new roof were used for habitable accommodation in the future the proposed extension would represent an overall increase in the floor space that would be significantly more than the 50% limit set out in criterion (2) of policy H14A and would therefore be unacceptable in terms of this policy.
- 39 To clarify, the proposed new roof could potentially increase the floor area of the dwelling by 119.564 metre square. If added to the floor area of existing extensions to the original dwelling the total amount of extensions would amount to a gross floor area of 181.618 metre square which would represent a 234% increase in the total gross floor area of the original dwelling.
- 40 Furthermore, whilst at present no additional habitable space is shown, it should be noted that the NPPF is not prescriptive about floor space, the test in terms of the NPPF is whether or not the proposed extension would be a disproportionate addition over and above the size of the original building. This is not solely a matter of floor space calculations, but must also take into consideration the size, bulk and mass of the proposed extension and its relationship with the original dwelling.
- 41 This approach was supported at a recent appeal, when a Planning Inspector placed more emphasis on the test set out in the NPPF than the percentage increase referred to in policy H14%.
- 42 The existing bungalow has a modest pitched roof with a lower double pitched roof to the front elevation. As stated previously, the proposal is to alter the roof form and raise the height of the property, by introducing a new crown roof that would extend across the full depth of the building, raising the height of the ridge by 600mm from 4.89 metres to 5.49 metres. A larger dwelling would result and the overall scale and consequently bulk and massing in comparison to the original dwelling will substantially increase. This arrangement would contrast with the modest scale and proportions of the existing dwelling.
- 43 Furthermore, the additional built form of No 8 would be evident from various public vantage points along Greenlands Road. In these views, the proposed extended building would appear more substantial in built form than the immediate adjacent dwellings (also bungalows of a similar design), which would be accentuated by the scale and bulk of the new roof form. As such the property would have a greater visual impact on the amenities of the locality appearing unduly large, bulky and intrusive.
- 44 The proposal would therefore constitute inappropriate development in the Green Belt and would represent a disproportionate addition to the building which would fail to maintain the present open appearance of the site to the detriment of the character and appearance of Green Belt.
- 45 There are no very special circumstances put forward which would outweigh such harm.

46 These alterations could not be carried out under permitted development.

Visual Impact

47 The NPPF states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (paragraph 56).

48 Policy LO8 of the Core Strategy requires development to respect the countryside by having no detrimental impact upon the quality of the landscape character.

49 Policy EN1 of the Local Plan indicates that, amongst other criteria, 'the form of the proposed development ... should be compatible in terms of scale height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard'.

50 Policy H6B of the Local Plan states that residential extensions shall be subject to the principals in Appendix 4. Amongst other things, Appendix 4 states that the extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling or adversely affects the street scene.

51 Regard should also be had to the Councils Residential Extensions Supplementary Planning Document (RESPD).

52 The Councils Residential Extensions SPD, at paragraph 4.8 states that:

“An extension should not have a detrimental visual impact or overbearing effect on the original building or the street scene. No proposal should be of such a size or proportion that it harms the integrity of the design of the original dwelling”.

53 By reason of the scale, bulk and massing of the new roof the proposed extended dwelling, would bear no relation to the modest form of the original dwelling, nor indeed the existing dwelling in its extended form, which is a relatively modest and unobtrusive structure. Furthermore, the proposed extended dwelling would gain prominence in the local street scene to which it belongs. In doing so, the rhythm to the scale and general appearance of bungalows amongst which number 8 is sited, and which are generally low profile with roofs that consistently step down in height to reflect the gentle change in ground levels, would be disrupted.

54 As such, the proposal would fail to respect the character and appearance of the existing and neighbouring dwellings to the detriment of their design character and appearance and would therefore represent an incongruous addition which would be harmful when viewed within the context of the street scene of Greenlands Road contrary to policy EN1 and H6B of the Local Plan, LO8 of the Core Strategy, guidance contained in the RESPD and the National Planning Policy Framework.

Impact on Amenity

55 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

- 56 Policies EN1 and H6B of the Sevenoaks District Local Plan require that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 57 The most immediate affected neighbours are numbers 7 and 9 Greenlands Road.
- 58 Both neighbouring dwellings are located in line with the application property.
- 59 The current scheme does not propose any windows and as such neighbours privacy is maintained.
- 60 At the time of the previous refusal to extend and increase the height of the roof one of the windows in the side elevation of no 7 was clear glazed and said to serve a kitchen.
- 61 Daylight and sunlight reaching the windows in the side of number 7 is already restricted by the scale and proximity of the properties to one another. As such, the Inspector concluded that due to the relationship of the two properties a roof extension over the existing rear extension of the scale and height proposed together with the increase in the height of the roof at the front would cause a significant reduction in the levels of daylight and sunlight reaching the side window given the proximity and orientation of the properties to one another. He subsequently dismissed the appeal in this respect.
- 62 In terms of the current scheme, due to the similarities in the form, scale and height of the proposed replacement roof and its extension over the entire depth of the property, it is considered that the proposal would have a similar impact in terms of loss of sunlight and daylight to the side facing windows of number 7 Greenlands Road. However, since the refusal of the previous application to extend and increase the height of the roof, all of the ground floor windows in the side elevation of number 7 Greenlands Road have been replaced and obscurely glazed. It would appear that at least two of these windows continue to serve non habitable rooms and the third (formerly considered to be a kitchen window) also now appears to serve a non habitable space or be either a secondary kitchen window or utility room window. In either case the fact that this window is now obscurely glazed is material to the consideration of the current application.
- 63 Since the refusal of the previous scheme the Council has published its Residential Extensions SPD adopted in 2009. Paragraph 5.7 of this, identifies habitable rooms as lounges, dining rooms, kitchen diners and bedrooms. To clarify, at a local level, a kitchen alone is no longer considered to be a habitable space. As the windows in the side elevation of number 7 are now all obscurely glazed, and the former clear glazed window now appears to be secondary and serve a non habitable space limited weight can be given to any additional shadow cast over these windows as in the circumstances any additional shadow cast over these windows is unlikely to result in any significant harm to neighbouring amenities. As such, it is no longer considered that a ground of refusal in this respect can be sustained.
- 64 As such, it follows that the proposal would not harm the immediate outlook from the side facing windows of number 7.
- 65 In relation to sunlight, daylight and outlook from number 9, number 9 does not have any side windows, therefore, it is not considered that a reduction in light will result and outlook will remain unaffected.

Highways

- 66 With regard to highway safety, this is a category of development which does not require consultation with Kent Highways Services.
- 67 The existing access is not proposed to be altered and the number of bedrooms is not proposed to increase.
- 68 Therefore, the proposal would not interrupt the safe flow of traffic and is not perceived to result in an intensification of vehicle movements.

Conclusion

- 69 The land lies within the Green Belt where strict policies of restraint apply.
- 70 Existing extensions to the dwelling already exceed 50% of the floor area of the original dwelling.
- 71 The proposed new roof is of a sufficient height to accommodate habitable floor space which if calculated alongside existing extensions to the dwelling would further exceed 50% of the floor area of the original dwelling.
- 72 The proposal would therefore constitute inappropriate development in the Green Belt.
- 73 The proposed development, by reason of its, scale, bulk and massing would represent a disproportionate addition to the building which would fail to respect the character and appearance of the existing and neighbouring dwellings to the detriment of their design character and appearance and would therefore represent an incongruous addition which would be harmful when viewed within the context of the street scene of Greenlands Road and which would fail to maintain the present open appearance of the site to the detriment of the character and appearance of Green Belt.
- 74 The proposal would result in additional shadow cast over the ground floor windows in the side elevation of number 7 Greenlands Road, but given that these windows are obscurely glazed and appear to serve non habitable rooms it is not considered that the additional shadow cast would result in any significant harm to the amenities of the occupants therein such as to justify refusing planning permission.
- 75 In conclusion, for the reasons set out in the report, the proposal is considered to be contrary to policies EN1, H6B and H14A of the Sevenoaks Local Plan, SP1 and L08 of the Core Strategy, the guidance contained in the RESPD and the National Planning Policy Framework.

Background Papers

Site and Block plans

Contact Officer(s): Claire Baldwin Extension: 7367

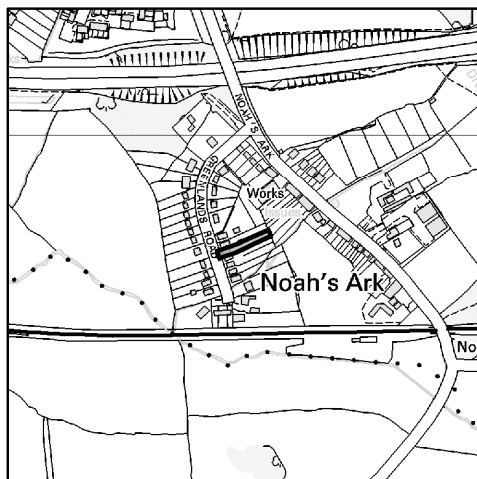
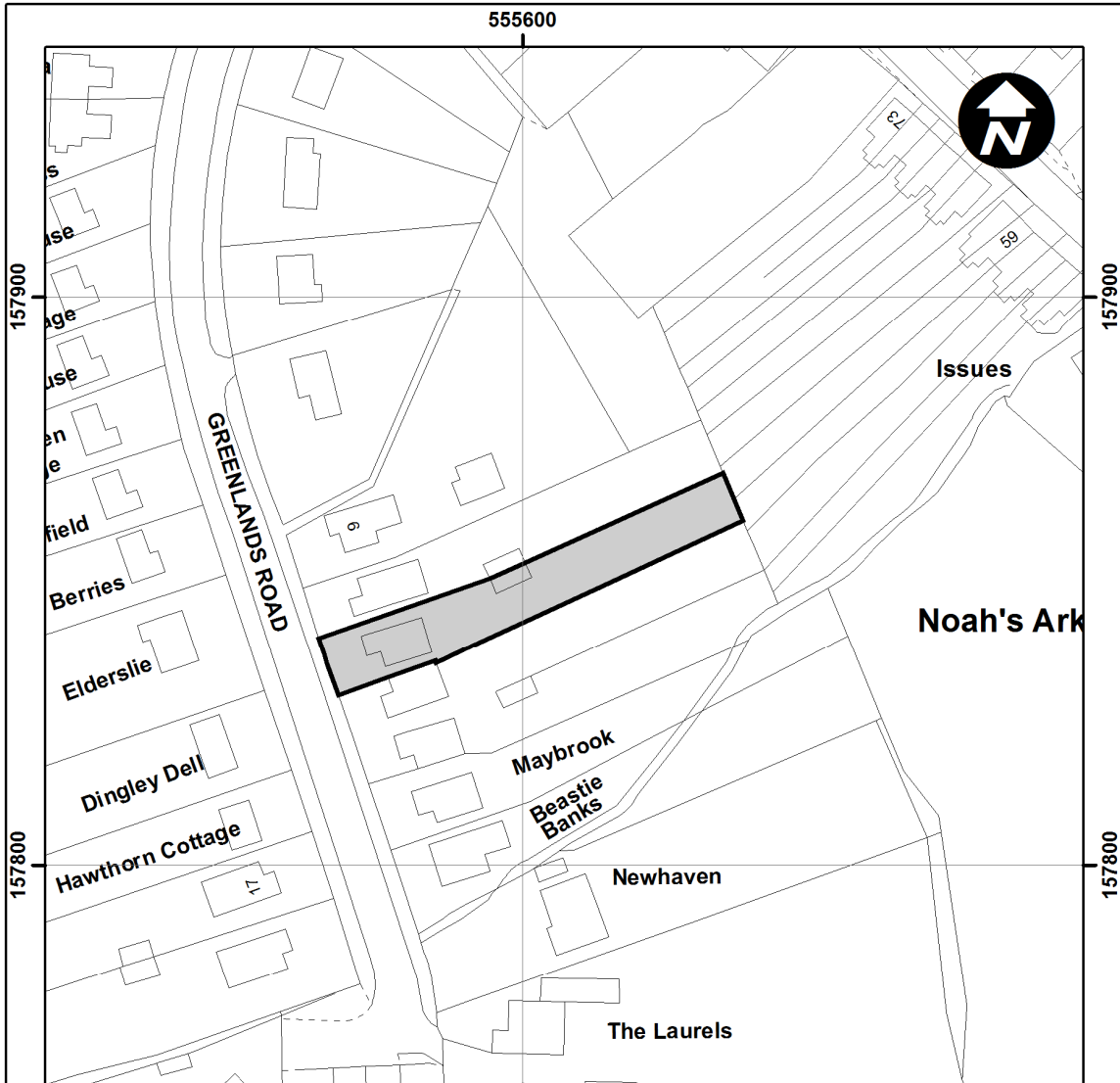
Pav Ramewal
Chief Executive Designate

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MGRFLOBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MGRFLOBK8V000>



Site Plan

Scale 1:1,250
Date 24/04/2013



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BLOCK PLAN

