

4.4 – SE/14/01897/HOUSE Date expired 24 September 2014

PROPOSAL: Remove existing garden shed & erect new wooden outbuilding.

LOCATION: 3 Colinette Cottages, Chart Lane, Brasted TN16 1LP

WARD(S): Brasted, Chevening and Sundridge

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Firth to consider whether the proposal would be proportionate and not harmful the openness of the Greenbelt at this particular location.

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

The cumulative impact of the proposal and the existing extensions to the property would result in disproportionate additions over and above the size of the original dwelling and would therefore be inappropriate development in the Green Belt in accordance with the National Planning Policy Framework and policies H14A and B of the Sevenoaks District Local Plan and Policy GB1 and GB3 of the Allocation and Development Management Plan. No case for very special circumstances has been put forward to clearly outweigh this harm.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

Description of Proposal

- 1 Removal of existing garden shed and erect new wooden outbuilding.
- 2 The existing wooden shed measures 2.42m by 3.6m rising to a height of 2.7m with a ridged roof.
- 3 The proposed outbuilding would measure 3.0m by 5.4m rising to a height of 3.06m with a ridged roof. The materials would comprise of an oak frame with pine cladding sides with reclaimed clay tile roof to match the house.

Description of Site

- 4 The property is a semi-detached property located 0.7km south of Brasted village within a rural locality. The garden to the northwest and rear of the proposed outbuilding rises up from the level of the proposal.

Constraints

- 5 Area of Archaeological Potential
- 6 Area of Outstanding Natural Beauty
- 7 Adjacent Public Right of Way
- 8 Metropolitan Green Belt

Policies

Sevenoaks District Local Plan:

- 9 Policies – EN1, H6B, H14A,

SDC Core Strategy

- 10 Policy - SP1

SDC Allocations and Development Management Plan (Submission draft)

Following the examination of the ADMP policies within the ADMP are in the final stages of preparation and the policies are now attributed weight in decision making.

- 11 Policies – EN1, EN2, EN4, GB1, GB3

Other

- 9 National Planning Policy Framework
- 10 National Planning Policy Guidance

Planning History

- 11 77/00491/HIST Attached domestic garage/workshop at side of dwelling and construction of vehicular access. Grant 28/03/1978.
- 12 78/01082/HIST Two storey extension to side of dwelling incorporating a garage and construction of vehicular access. Grant 26/09/1979.
- 13 14/00673/HOUSE Removal of existing garden shed and replace with new shed. Refuse 13/05/2014.

Consultations

Brasted Parish Council

- 14 Brasted Parish Council supports this application.

Representations

- 15 None received

Chief Planning Officer's Appraisal

Impact upon the Green Belt

- 16 The National Planning Policy Framework (NPPF) states that 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, is clearly outweighed by other considerations.
- 17 Paragraph 89 of the National Planning Policy Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt.
- 18 Exceptions to this are:
 - buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserved the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a great impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 19 Policy H14A provides a local interpretation on what is an appropriate extension to dwellings within the Green Belt. It lists a number of criteria with which extensions to dwellings within the Green Belt must comply. This includes the criteria that the “gross floor area” of the existing dwelling plus the “gross floor area” of the extension must not exceed the “gross floor area” of the “original” dwelling by more than 50%. The design of the extension should also be sympathetic and well articulated.
- 20 In respect to local policy H14B which relates to proposals for the erection of buildings and enclosures within the residential curtilages of dwellings within Areas of Outstanding Natural Beauty and within the Green Belt only criterion 4 requiring that the outbuilding should be well designed in relation to the dwelling comparable with the area and designed and sited to minimise visual intrusion is compatible with the NPPF.
- 21 The emerging ADMP has been to examination and is in its final stages of preparation and accordingly its policies carry weight. Policy GB3 which relates to residential outbuildings within the Green Belt carries significant weight.
- 22 This policy states that proposals for residential outbuildings, within the curtilage of an existing dwelling in the Green Belt, will be treated as an extension under Policy GB1 if the proposed outbuilding would be located within 5m of the existing dwelling.
- 23 Outbuildings located more than 5m from the existing dwelling will be permitted where the building, including the cumulative impact of other outbuildings and extension within the curtilage of the dwelling, would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.
- 24 The proposed outbuilding would be within 5m of the dwelling and is therefore treated as an extension under Policy GB1. Policy GB1 states that proposals to extend an existing dwelling within the Green Belt which would meet the following criteria will be permitted:
- a) the existing dwelling is lawful and permanent in nature; and
 - b) the design is proportional and subservient to the 'original' dwelling and does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion; and
- 25 If the proposal is considered acceptable when considered against criteria a) and b), the following criterion will then be assessed and must also be met for the proposal to be considered appropriate:
- c) that the total floor-space of the proposal, together with any previous extensions, alterations and outbuildings would not result in an increase of more than 50% above the floor-space of the "original" dwelling (measured externally) including outbuildings within 5m of the existing dwelling.
- 26 Having reviewed the history for the property I have come to the following calculations:
- Total of original house = 121.76 m²

(includes single storey and two projections and porch)

This gives an allowance of 60.88m² for the property to be extended in accordance with criteria c) of Policy GB1.

In 1978 planning permission was granted for a two storey side extension which has been implemented. The floor area for this extension is as follows:

Total of two storey extension =53.08m²

A shed currently exists 1.8m from the original house which is within 5m of the dwelling and accordingly will be included as an extension of the dwelling.

Existing shed on site = 8.64m²

Total of extensions to the dwelling (including existing shed) 61.72m² / original house 121.76m² = 51% increase on the floor area of the original house. As the existing shed is being demolished, this is not being considered in the calculations for the proposed shed.

Proposed replacement shed =16.2m²

Total extensions two storey side extension and proposed shed = 69.28m²

(this excludes the shed to be demolished).

Total extensions (two storey side and proposed new shed) 69.28m² / original house 121.76m² = 56.89% increase on the floor area of the original house

As well as assessing the increase in floor area the impact of the cumulative three dimensional bulk being added to the property needs to be considered.

- 27 The NPPF clearly states that proposals should not result in disproportionate additions over and above the size of the original dwelling. Therefore the cumulative impact of the replacement shed and the two storey extensions have to be taken into consideration.
- 28 The combination of the existing two storey extension and the proposed shed already add a significant amount of bulk to the original dwelling. The increase in the size of the shed will therefore exacerbate this. The proposal will therefore result in harm to the openness of the Green Belt contrary to policies H14A and H14B of the Sevenoaks District Councils Local Plan and policies GB1 and GB3 of Sevenoaks District Councils Allocations and Development Management Plan.
- 29 Therefore the proposal would represent inappropriate development within the Green Belt. Consideration of Very Special Circumstances will be considered later within this report.

Impact upon the street scene and Area of Outstanding Natural Beauty

- 30 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 1 states that the form of the proposed development, including any buildings or extensions 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. Policy H6B of the

SDLP states that residential extensions shall be subject to the principles of Appendix 4. Amongst other things, Appendix 4 states that the extension 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. The extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling. In addition Appendix 4 also states that a minimal distance of 1m is normally necessary for two storey extensions where extensions which extend to the side boundary of the property could lead to visual terracing.

- 31 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 32 The NPPF paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.
- 33 Policy L08 states that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced.
- 34 The front elevation of the proposed shed would be set forward of the current shed by 1.6m, with a width of 3.0m rising to a height of 3.06m compared to a width of 2.42m with a height of 2.7m. The proposal would comprise of wooden walls and roof with a tiled roof. The proposed shed would be set back from the house at a distance of 1.3m and would be clearly visible from the road. To the north west and south west the land rises above the level of the land upon the shed would be located to a hedge rising to a height of approximately 2m and a hedge to a height of approximately 3m to the northwest of the proposed shed. The impact of the proposal would be minimised by the siting and adjacent foliage and would not be out of character within the setting of the property. In consequence the proposal would not have a detrimental impact upon the street scene.
- 35 The proposed garage would be set adjacent to the western elevation of the property with a bank with bushes rising to the west of the site. The garden behind the proposed outbuilding rises up above the level of the outbuilding with a field beyond screened by a mature hedge. In consequence the proposed outbuildings would be partially screened by land rising to the south and west and would be read against the context of the house which would minimise its impact within the wider landscape and so conserve the character of the Area of Outstanding Natural Beauty.
- 36 In consequence the proposal would incorporate an appropriate design which would not have a detrimental impact upon the street scene and would conserve the character of the Area of Outstanding Natural Beauty.

Impact upon local amenities

- 37 Policy EN1 of the SDLP lists a number of criteria to be applied in the consideration of planning applications. In particular, Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Criteria 6) states that the proposed development must ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards. Criteria 10) states that the proposed development does not create unacceptable traffic conditions on the surrounding road network and is located to reduce where possible the need to travel. Policy H6B of the SDLP states that residential extensions shall be subject to the principles in Appendix 4. This is further supported by SDC's Residential Extensions Supplementary Planning Document. Amongst other things, Appendix 4 and the Residential Extensions SPD states that proposals should not result in material loss of privacy, outlook, daylight or sunlight to habitable rooms or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties or the street scene. The Residential Extensions SPD states that an extension should maintain an acceptable outlook from a neighbouring property.
- 38 3 Colinette Cottages is a semi-detached property with the bulk of the house obscuring views of the proposed development from the adjoining property. The proposed shed would as viewed from the south and west be largely screened by the land behind and to the side of the shed and the vegetation screening the site.
- 39 Whilst 1 and 2 Colinette Cottages lie to the northwest these properties are at least 20m distant and would be partially screened by the existing hedge running down the lane between the two properties.
- 40 The proposal would not accordingly affect any neighbouring properties in respect to a loss of light, outlook or privacy.
- 41 KCC Highways were previously informally consulted on this application however whilst the address is Chart Lane the track upon which this property lies is beyond the classified road and accordingly KCC Highways stated that they did not have a concern in respect to the proposal. Parking currently exists on hardstanding in front of the house. Accordingly there is no objection to the proposal in respect to its potential impact upon highway safety.
- 42 In consequence the proposal would not have a detrimental impact upon local amenities.

Impact upon Public Right of Way

- 43 3 Colinette Cottages lies adjacent to a junction with a public right of way passing directly in front of the adjoining property no. 4 Colinette Cottages. The shed does not lie on the right of way which accordingly would not be affected by the proposed development.

Impact upon the Area of Archaeological Potential

- 44 Section 12 of the NPPF relates to conserving and enhancing the historic environment and identifies that heritage assets are a 'irreplaceable resource'. As

such, paragraphs 131-132 seek to ensure that development makes a positive contribution to local character and distinctiveness and that great weight is given to asset's conservation including 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Emerging policy EN4 (Heritage Assets) of the ADMP seeks to relate to proposals which affect a heritage asset or its setting it supports proposals where the character, appearance and setting of the asset is conserved or enhanced. Assessment will relate to the significance of the asset, prominence and any elements to be lost or replaced.

- 45 The proposal relates to a wooden garage which is partially located on the site of the existing wooden garden shed. Due to the limited scale of the works the impact upon potential archaeology would be minimal.

Assessment of any Very Special Circumstances

- 46 No very special circumstances have been advocated to support this application. No Lawful Development Certificate has been granted for an outbuilding on this site. In reviewing Class E of the General Permitted Development Order 1995 (amended) due to the property lying within an Area of Outstanding Natural Beauty no development would be permitted to the side of the dwelling-house and the area to the rear would be insufficient to accommodate an outbuilding of the size being proposed.

Conclusion

- 47 The proposal would represent inappropriate development which would harm the openness of the Green Belt. There are no very special circumstances which would outweigh the harm to the Green Belt or its openness.

Background Papers

Site and Block plans

Contact Officer(s): Guy Martin Extension: 7351

Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N7928IBKG7100>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N7928IBKG7100>



