

4.3 – SE/14/03939/FUL Date expired 12 February 2015

PROPOSAL: Conversion of existing two storey detached garage building with rooms over into a self-contained two bedroom house with parking.

LOCATION: Brenden , Billet Hill, Ash TN15 7HE

WARD(S): Ash And New Ash Green

ITEM FOR DECISION

Councillor Clarke has referred this application to Development Control Committee as this proposal would lead to, the creation of an additional dwelling contrary to Green Belt policies and due to highways safety implications.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development is in harmony with the existing character of the building as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) No development shall take place until details of the layout and construction of areas for the parking of cars including garage spaces and means of access have been submitted to and approved in writing by the Council. The parking areas approved shall be provided and kept available for parking in connection with the use hereby permitted at all times. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In the interest of highway safety as supported by Policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development shall be carried out within Classes A, B, C, D, E, F, G of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

To ensure that openness of the Green Belt and the character and appearance of the landscape is protected in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and Policies SP1, L08 of the Core Strategy.

5) No development shall be carried out until full details of all existing and proposed

means of enclosure have been submitted to the Council for written approval. These details shall include a plan indicating the positions, design and materials of all means of enclosure. The development shall be carried out in accordance with the approved details. No other means of enclosure other than those shown on the approved plans shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure that openness of the Green Belt and the character and appearance of the landscape is protected in accordance with Policy EN1 of the Allocations and Development Management Plan and Policies SP1, L08 of the Core Strategy.

6) No development shall take place until a scheme detailing measures for the enhancement of biodiversity on the site, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be in place prior to the first occupation of the dwelling and shall thereafter be retained. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To provide opportunities to conserve and enhance biodiversity on the site, in accordance with Policy SP11 of the Sevenoaks District Core Strategy.

7) Details of any outside lighting shall be submitted to and approved in writing by the Council before the development commences. Despite any development order, outside lighting shall only be provided in accordance with the approved details.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

8) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 unnumbered 1:1250 scaled location plan, 501 Rev. A, 101 Rev. A, 102 Rev. A, 103 Rev. A, 104 Rev. A.

For the avoidance of doubt and in the interests of proper planning.

Informatives

1) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

2) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing

sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk.

3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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 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) Did not require any further assistance as the application was acceptable as submitted.

Description of Proposal

- 1 This proposal seeks to convert an existing detached garage into a two bedroomed dwelling. A small single storey extension will be proposed to the eastern elevation of the existing building to form an entrance lobby. The site will be sub-divided from Brenden and a new residential curtilage would be established as a result. Off street parking provision would be provided and the existing off-street parking area to the rear of Brenden would be retained albeit at a lower level of provision.

Description of Site

- 2 The application relates to a two storey building used for ancillary residential purposes for the enjoyment of the occupiers of Brenden. The building is currently used as a games room and as a garage. Directly to its front, is an existing parking area and the vehicular entrance that leads onto Billets Hill.
- 3 The site forms parts of a small cluster of buildings of various ages and architectural styles that surround the crossroads of Billet Hill and Crowhurst Lane.
- 4 The site is within the Metropolitan Green Belt.

Constraints

- 5 Metropolitan Green Belt

Policies

Sevenoaks Core Strategy

- 6 Policies– L08, SP1, SP2, SP3, SP11

Allocations and Development Management Plan:

- 7 Policies - EN1, EN2, GB7, T2

Other

- 8 National Planning Policy Framework (NPPF)
- 9 National Planning Practice Guidance (NPPG)
- 10 SDC Development in the Green Belt SPD

Planning History

- 11 88/02598 - Detached double garage with playroom and store over – GRANTED

Consultations

Ash-cum-Ridley Parish Council

- 12 Raise objections for the following reasons:
 - Creation of a new dwelling in the Green Belt

- Highway safety issue being generation of additional traffic in proximity to existing crossroads.

Kent Highways Services

13 No objection. Highway Informative recommended.

Thames Water

14 No objection raised. Water Informative recommended.

Southern Water

15 No comment.

Representations:

16 None received.

Chief Planning Officer Appraisal

Principal Issues

17 The main considerations of this application are:

- Impact on the Green Belt
- Impact on character and appearance of the area;
- Impact upon existing residential amenity;
- Highways;
- Biodiversity;
- Affordable Housing

Impact upon the Green Belt

Whether the proposal is inappropriate development or not?

18 National planning policy guidance relating to the Green Belt is set out in paragraph 80 of the NPPF. The Government attaches great importance to Green Belts. 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 document states that there is a general presumption against inappropriate development, where the openness of the countryside/landscape would be adversely affected. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

19 The NPPF states that certain other forms of development are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include:-

The re-use of buildings provided that they are of permanent and substantial construction.

- 20 In addition to the policy advice in the NPPF, the advice and guidance from relevant policies in the ADMP and current SPD should also be considered in respect of this proposal.
- 21 Policy GB7 of the ADMP will permit the re-use of buildings within the Green Belt providing the proposal complies with the following criteria:
- a) *the proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area; and*
- b) *the applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character.*
- 22 The existing building lies within the existing curtilage of Brenden, to its front within an enclosed area. The building is currently used for purposes incidental to residential use in connection with the enjoyment of the occupiers of Brenden. The proposed residential use of the building would have no greater impact upon the surrounding area than its existing ancillary residential use. The main amenity area would be predominately used for parking which would be no different to how this area is currently used.
- 23 The building lies within the residential curtilage of Brenden and adjacent no's 1 – 4 Billets Cottages. The use of the existing parking area for the proposed use would have no additional impact on the openness of the site and would not result in any additional harm. Whilst the residential use of the building could result in the requirement for some additional equipment to be externally sited (for example washing lines, tables and chairs etc.) this would not be any more harmful and would not be of a scale that could be deemed to materially harm the openness of the Green Belt. To ensure that the proposal would have no adverse impact on the character and appearance of the area, it is considered that conditions in respect of fencing, use of materials and the removal of permitted development rights would be appropriate in this instance (see conditions 4 & 5)
- 24 With regard to criteria b of Policy GB7 of the ADMP, no structural survey has been submitted with the application however having visited the site, the existing building built of bricks and mortar with a tiled roof and an internal first floor level. The building appears sound and capable of conversion without major or complete reconstruction in compliance with policy GB7 of the ADMP. The proposed development would comprise the reuse of a building of permanent and substantial construction. Building Control records show that the building was substantially completed in 2004 and in particular, the first floor has been internally insulated and plaster-boarded. The building is only approximately ten years old, it is unlikely that the building would be structurally unsound and there is no evidence on site to contradict this view. In this respect the proposal is considered to comply with this element of the policy given the age, design and construction of the garage. This policy criteria was essentially written to deal with agricultural buildings to be converted not domestic garages built in the last ten

years. The proposed development would comprise the reuse of a building of permanent and substantial construction.

- 25 Upon considering the above, proposed conversion of the existing garage is considered to be appropriate development providing it can be demonstrated that there is no greater harm caused to the openness of the Green Belt and to the character and appearance of the area.
- 26 It is acknowledged that a small single storey porch is proposed to the eastern elevation of the unit. The explanation note in the Green Belt SPD for policy GB7 of the ADMP does allow for extensions to converted buildings providing it does not have a materially greater impact upon the Green Belt.
- 27 This extension to create an entrance lobby is single storey in height and has floor area of approx. 2.9m² to facilitate the creation of an entrance to the unit. Its erection to the eastern elevation of the building would increase its footprint by approximately 2.9m² or 3.3%. Its form and design would be sympathetic to the original character and appearance of the building. As the proposal does marginally increase the its size, as the development is wholly contained within an area that is already used for parking and does not encroach outside the boundaries of the site, it is considered that this small addition has no greater impact upon the openness character and appearance of the green belt. This small addition would be considered as being appropriate in this instance.
- 28 No other external operational development other than the infilling of an existing opening is proposed.
- 29 Overall it is considered that the proposed conversion of the building would not have an materially greater impact upon the open character and appearance of the Green Belt than the existing building. This proposal would be appropriate development and accords with Policy GB7 of the ADMP.

Impact on character and appearance of the area

- 30 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 31 Policy LO8 of the Council's Core Strategy also applies and states that the countryside will be conserved and its biodiversity will be protected and enhanced where possible.
- 32 The conversion will use a palette of materials that are suited to the local vernacular. The overall appearance of the building is legible and the architectural style compliments the existing character and appearance of the building. In principle there is no objection raised to the extension proposed to facilitate the conversion. The development is therefore considered to be sympathetic to the character and appearance of the area and no objection is raised to its appearance.
- 33 The other impacts from development of this nature arises from the provision of parking areas and paraphernalia associated with a residential use however as previously mentioned, this would not harm the openness character and appearance of the Green Belt.

- 34 Overall, the development has been designed to maintain the appearance of an ancillary building by keeping alterations to a minimum, whilst respecting the scale and setting of the surrounding development and the character and appearance of the area. Therefore the development would comply with policy EN1 of the ADMP, and policies SP1, LO8 of the Core Strategy.

Impact upon existing residential amenity

- 35 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. Policy EN2 of the ADMP requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 36 The nearest residential property would No. 1 Billets Cottage to the south of the site. It is considered that as no additional windows are being proposed to the first floor of the building, the current relationship between No.1 and this site would remain unchanged and the amenity impact upon this neighbour would be minimal.
- 37 In terms of the impact upon Brenden to the east of the building, there would be a window to window distance of approximately 24m. It is noted that the existing tree screen to the western boundary of Brenden would remain in place and would provide sufficient screening measures as not to cause a loss of privacy and amenity to the occupants of this property. In any event, it is considered that the private amenity space of Brenden is located to its rear, which cannot be seen from the proposed development.
- 38 In terms of loss of light and overshadowing, this proposal relates to an existing building plus a single storey extension to its front. Due to the height of the proposed porch, it's siting and distances between the affected properties, it is not considered that the surrounding occupiers would be detrimentally affected.
- 39 In terms of increase in vehicle movements, it is accepted that there would be an increase. The rise in associated movement by approx. 6-10 trips is not considered to cause disturbance to adjacent properties especially when the area is already used for parking.
- 40 For the reasons above, it is concluded that this proposal would not have a materially harmful effect on the living conditions of the surrounding occupiers of dwellings and would not conflict with policy EN2 of the ADMP subject to condition.

Highways

- 41 The proposal seeks to utilise the existing access into the site and for parking, the existing hardstanding area immediately adjacent to the western elevation of the building where sufficient capacity exists to meet future demand for a two bedroomed dwelling in accordance with policy T2 of the ADMP.
- 42 It is noted that the development would displace some of the off-street parking provision to Brenden, however there is other off-street parking provision for a further two vehicles found within the rear garden of that property together with its own separate access.

- 43 KCC Highway Services raises no objection to the development. The imposition of a planning condition can be used to ensure that off-street parking within the site is maintained. (see Condition 3)
- 44 On considering the above, no objection can be raised as the development would comply with Policy T2 of the ADMP.

Biodiversity

- 45 Para. 118 of the NPPF and SP11 of the Core Strategy sets out that new development should maximise opportunities to build in features which are of benefit to biodiversity as part of good design. Proposals do not include a range of features designed to enhance the ecological value of the site. As such a condition could be required to secure those details to improve the ecological value of the site in accordance with the advice of policy SP11 of the Core Strategy. (see Condition 6)

Sustainable Development

- 46 Policy SP2 of the Core Strategy states that conversions to residential use will be required to achieve BREEAM “Very Good” standards.
- 47 Section 1(1)(c) of the Planning and Energy Act 2008 gives local planning authorities in England and Wales the power to include, in their development plan documents, policies that require development in their areas to comply with energy efficiency standards that are more stringent than those under the Building Regulations.
- 48 Section 43 of the Deregulation Act will stop section 1(1)(c) of the Planning and Energy Act 2008, applying to construction of or any other work on dwellings in England. As yet section 43 of the Deregulation Act is not in force and will be commenced by a commencement order at some future time. When the section is in force the development plan will no longer be able to require energy efficiency standards to application on dwellings – new or adaptations.
- 49 For the time being Policy SP2 is still backed by legislation in the Planning and Energy Act 2008. Until section 43 of the Deregulation Act is in force it must be considered where relevant.
- 50 However, a material consideration is the recent ministerial statement. Therefore, whilst the application has been considered against the development plan in this respect, material considerations dictate that in this instance the required conditions should not be imposed.

Affordable Housing

- 51 Policy SP3 of the Core Strategy requires a financial contribution to be made towards improving affordable housing provision off-site where residential developments of less than five units would involve a net gain in the number of units. The policy indicates that for residential developments of this size a financial contribution based on the equivalent of 10% affordable housing would be required.
- 52 In a residential development of this size, Policy SP3 expects off-site affordable housing provision. However, on 28 November 2014 the Government amended

the National Planning Practice Guidance (NPPG) to restrict the circumstances where contributions for affordable housing should be sought. Under the new guidance, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m². As a result Policy SP3 of the Core Strategy and the Affordable Housing SPD are no longer consistent with the NPPG in relation to developments below the new NPPG size threshold and are not likely to be supported on appeal.

- 53 This proposal is for a development below the NPPG threshold and a contribution to affordable housing cannot therefore be sought.

Community Infrastructure Levy

- 54 As no exemptions have been applied for the development, it is CIL liable.

Conclusion

- 55 In summary, the proposed development would not harm the character or appearance of the surrounding area and would be appropriate development within the Green Belt without compromising the quality of the local environment. The scheme would accord with national and local planning policies.
- 56 On considering the above, it is recommended that this application should be approved as it conforms to the relevant Development Plan policies and there are no other overriding material considerations to suggest otherwise.

Background Papers

Site and Block plans

Contact Officer(s): Sean Mitchell Extension: 7349

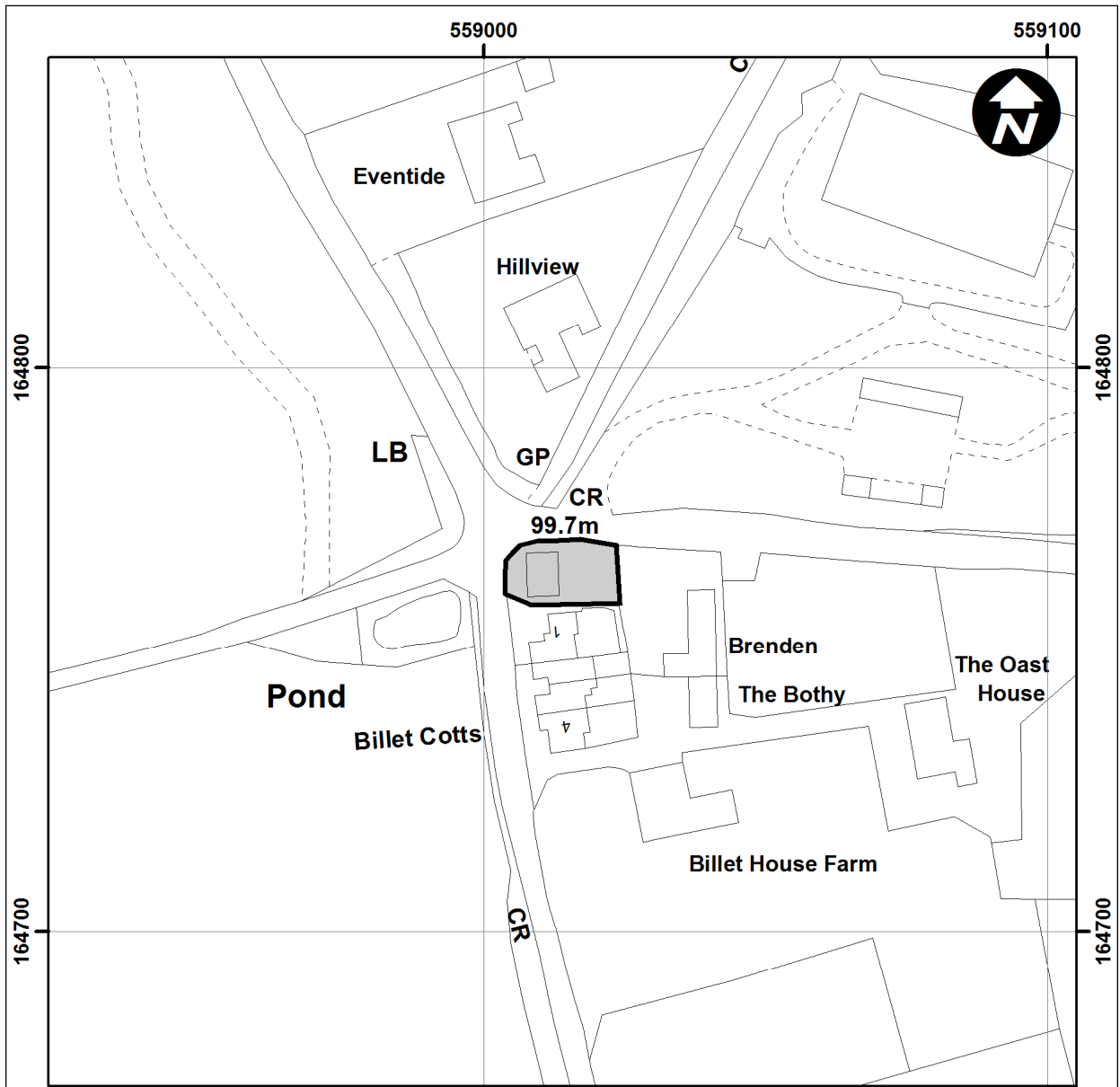
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NGRQANBKI3D00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NGRQANBKI3D00>



<h1>Site Plan</h1>	
Scale	1:1,250
Date	23/06/2015
<small>© Crown copyright and database rights 2014 Ordnance Survey 100019428.</small>	

Proposed Block Plan

