

**4.1 – SE/15/01535/HOUSE** Date expired 27 July 2015

**PROPOSAL:** Erection of a single storey extension.

**LOCATION:** The Spinney, Manor Lane, Fawkham DA3 8NB

**WARD(S):** Fawkham & West Kingsdown

#### **ITEM FOR DECISION**

Councillor Parkin has referred the application to Development Control Committee so the impact on the Green Belt can be fully discussed.

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

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposed extension would result in a disproportionate addition to the original house and would constitute inappropriate development, harmful to the maintenance of the character of the Green Belt and to its openness. It is considered that the very special circumstances put forward do not outweigh the harm to the Green Belt thus the proposal would be contrary to the National Planning Policy Framework, Policy GB1 of the Sevenoaks Allocations and Development Management Plan (2015) and the Development in the Green Belt SPD (2015).

#### **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](http://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 The application proposes a single storey rear extension, which would have a depth of 5 metres and would measure 2.4 metres to the eaves and 5.4 metres to the ridge.
- 2 The materials have been proposed to match the existing facing brickwork and roof tiles.
- 3 The application also proposes the replacement of the two rooflights in the existing extension with a dormer window which was approved under the extant permission SE/03/02986/FUL.

### Description of Site

- 4 The site comprises a detached bungalow, situated on the western side of Manor Lane, within the Fawkham and West Kingsdown Ward. The dwelling sits on a fairly large plot, with detached garage and two accesses onto the private road.
- 5 The site shares a boundary with a dwelling to the north, the private road to Fawkham Manor Hospital on the east, Fawkham Manor Farm to the south and open countryside to the west.

### Constraints

- 6 Area of Special Control of Advertisements
- 7 Metropolitan Green Belt

### Policies

#### *Sevenoaks District Core Strategy*

- 8 Policies – SP1

#### *Sevenoaks District Allocations and Development Management Plan (ADMP)*

- 9 Policies – EN1, EN2, GB1

#### *Other*

- 10 Development in the Green Belt Supplementary Planning Document (SPD)
- 11 Residential Extensions Supplementary Planning Document (SPD)

### Material Considerations

- 12 National Planning Policy Framework (NPPF)

### Relevant Planning History

- 13 TH/5/59/430 – Erection of bungalow – Granted  
88/01255/HIST – Extension to bungalow – Granted  
89/00869/HIST – Erection of conservatory – Granted

98/02407/HIST - Alterations and extensions to dwelling (roof conversion and extension at ground floor) – Granted

03/02986/FUL - Renewal of planning permission SE/98/2407 alterations and extensions to dwelling (roof conversion and extension at ground floor) – Granted

04/02827/LDCPR - Erection of detached garage and garden room (permitted development) – Granted

05/02668/DETAIL - Details pursuant to condition 2 (materials) of SE/03/02986/FUL – Granted

15/00651/LDCPR - Erection of a garden room and garage outbuilding – Granted

### Consultations

- 14 Fawkham Parish Council – Support - The extension and forfeiting of the extant permission is a material benefit to the green belt, because it results in a reduction in the overall proposed floor area.

### Representations

- 15 Two letters of support were received from neighbours – stating that the extension would be a modest proposal, would not harm the Green Belt and would enhance the property.

### **Chief Planning Officer's Appraisal**

- 16 The main issues for consideration of this planning application are:

- Green Belt and Very Special Circumstances
- Design and appearance
- Impact on neighbouring amenity

### Green Belt

- 17 Section 9, paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances.
- 18 Paragraph 89 of the NPPF however, does permit some development, such as an extension or alteration to a building, providing it is limited in nature and does not result in disproportionate additions over and above the size of the original building.
- 19 Policy GB1 of the ADMP and the Development in the Green Belt SPD states that proposals to extend existing dwellings within the Green Belt would be permitted if:
- a) the development is lawful and permanent in nature and;
  - b) the design is in keeping with the original form and appearance of the building and the proposed volume of the extension, taking into consideration any previous extensions, 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

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) the applicant provides clear evidence that the total floorspace of the proposal, together with any previous extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the 'original' dwelling (measured externally) including outbuildings within 5m of the existing building.

- 20 The proposed extension would be lawful and permanent in nature. The proposed extension, while matching the eaves of the existing dwelling, would have a relatively tall ridge height. It is acknowledged that it would be set below the existing extension and would represent a subservient addition in relation to the existing dwelling onsite, however part b) above relates to the *original* dwelling. It is therefore considered that in relation to the original dwelling, the proposal would not be a subservient addition when taken in consideration alongside the previous extensions to the rear, front and side elevations. It is acknowledged that the proposed extension would be slightly screened from the front elevation by the existing garage, yet the drawings indicate that it would sit above the roofline of this garage, thus it would not be entirely obscured from view.
- 21 The table below indicates that in relation to part c), the existing dwelling already exceeds the 50% limit and if combined with the proposed extension, would unacceptably represent a 95.8% increase on the floorspace of the original dwelling. It is considered that this would harm the openness of the Green Belt and would be contrary to the NPPF, Policy GB1 of the ADMP and the Development in the Green Belt SPD.

Original floor space	126.04m <sup>2</sup>
50%	63.02m <sup>2</sup>
Previous extensions/additional floorspace	Rear extension – 48m <sup>2</sup> Side extension – 11.16m <sup>2</sup> Conservatory – 24.12m <sup>2</sup> Totals – 83.28m <sup>2</sup> (66%)
Proposed rear extension	37.5m <sup>2</sup>
Total additional floorspace (previous and proposed)	120.78m <sup>2</sup>
Total percentage increase from original	95.8%
<b>Volumes</b>	
Extant loft conversion permission	168.65m <sup>3</sup>
Proposed rear extension	202.5m <sup>3</sup>

*Green Belt Calculations (Table 1)*

- 22 The applicant has made a case of very special circumstances and this will be discussed towards the end of this report.

## Design and Appearance

- 23 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the character of the area in which it is situated. Policy EN1 of the ADMP also states that the development should respond to the scale, height, materials and site coverage of the area and should respect the character of the site and surrounding area.
- 24 The Residential Extensions SPD echoes this and states that the scale, proportion and height of an extension should respect the character of the existing building. The Residential Extensions SPD also suggests that the materials of new windows and doors should match those of the original house and that windows should line up with those existing to give balance and proportion.
- 25 These policies are consistent with Paragraph 17 of the NPPF, which states that planning should take into account the varying roles and character of different areas and should always seek high quality design.
- 26 The proposed single storey rear extension would have a high ridge height which, as aforementioned, would not be a subservient addition in relation to the original dwelling. In relation to the dwelling as it currently exists, it is acknowledged that the extension would reflect the character of the host dwelling well through the matching eaves height, stepped down ridge to reflect the slope of the site and the use of matching materials. The proposed fenestration would also be appropriate and proportionate and it is considered that the large rear windows would create a balanced rear elevation, with the front window reflecting the character of the dormer at first floor. It is considered that through the use of matching materials, the extension would not look out of place against the existing dwelling when viewed from the streetscene and wider area. It is therefore deemed that although the proposed extension would be rather tall, it would on balance not harm the character of the existing dwelling and as such would comply with Policy EN1 of the ADMP and the Residential Extensions SPD.

## Amenity impact

- 27 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development, while ensuring it would not result in excessive overlooking or visual intrusion and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 28 The Residential Extensions SPD expands upon this and states that any extension should not cause a significant loss of light to neighbouring properties and to protect against overlooking, a side wall facing a neighbour should not normally contain windows unless privacy can be retained.
- 29 These policies are consistent with Paragraph 17 of the NPPF, which states that planning should always seek to secure a good standard of amenity for all existing and future occupants.
- 30 Due to the siting of the proposed extension, at approximately 25 metres to the northern boundary and the dense screening at this boundary, it is considered that it would not impact on the amenity of the only neighbouring property, The Grange.

### Very Special Circumstances

- 31 The applicant proposes a trade off in floorspace of the proposed single storey rear extension with the extant, but not yet completed, loft conversion. The forfeiting of permitted development rights and the loft conversion permission through the use of a legal agreement, or similar is also proposed.
- 32 It is suggested that the Council would be in a position to prevent further development on the site through the use of a condition or legal agreement to prevent the loft conversion taking place. In this respect, it is considered that the Council cannot prevent this building work as this permission has already been partially implemented under application SE/03/02986/FUL. This application proposed a ground floor side extension and loft conversion and was approved in February 2004. The ground floor extension has already been built, thus rights cannot be removed at this stage. Even if this extension were to be demolished, the permission is still deemed as implemented.
- 33 For completeness, the works to the loft have been compared and assessed against the proposed rear extension. The single storey rear extension has a floorspace of 37.5m<sup>2</sup> and the loft conversion has a floorspace of approximately 56.6m<sup>2</sup>, as calculated from the plans submitted. It is acknowledged that the proposed extension would have less floorspace in comparison to the loft conversion. However, upon calculating the volumes of the two additions, the proposed extension would have a far higher volume at 202.5m<sup>3</sup>, as highlighted in table 1, compared to the volume of the loft conversion at approximately 168.65m<sup>3</sup>. It is considered that this proposed volume of the extension, combined with the previous extensions to the property, would have greater harm on the openness of the Green Belt than the loft conversion. The loft conversion would only produce bulk through the introduction of three dormer windows, one in the southern, eastern and western elevation. It is considered that the single storey rear extension on the other hand, due to its tall height and 5 metre depth would produce more bulk in the Green Belt, particularly as it would be visible above the existing garage on the front elevation, as discussed in the section above. It is therefore considered that the proposed rear extension would be more harmful to the openness and permanence of the Green Belt than the extant loft conversion permission.
- 34 The applicant has also proposed the removal of permitted development rights.
- 35 The property's permitted development rights remain intact and the loft space could be utilised through the introduction of roof-lights instead of dormer windows. This alteration would not create any additional bulk to the existing dwelling so there would be no harm to the openness of the Green Belt. We have considered an alternative legal agreement which would remove the ability for any permitted development rights to be exercised on the site. There could be benefits to this, however due to the previous extensions there is limited scope on the site to undertake works under permitted development. It is therefore felt that this proposal would not give sufficient weight to clearly outweigh the harm to the Green Belt.
- 36 It is considered there is no legitimate method within the current application that would prevent the implementation of the loft conversion under the extant permission or works to a loft conversion under permitted development, before then carrying out works to the proposed rear extension.

- 37 Thus, it is deemed that due to the reasons above, the very special circumstances claimed would not individually or cumulatively hold sufficient weight to clearly outweigh the harm to the Green Belt.

#### Community Infrastructure Levy

- 38 The Council adopted the Community Infrastructure Levy on 18 February 2014 and began charging on applications approved from the 4th August.
- 39 The proposal has been assessed against CIL legislation. The proposal is under 100m<sup>2</sup> and is therefore not CIL liable.

#### **Conclusion**

- 40 It is considered that the proposed extension would reflect the character of the existing dwelling well and would not harm the character of the streetscene.
- 41 However, it would result in an increase of 95.8% on the original floorspace of the dwelling, including the 66% already permitted and as a result, would be a disproportionate addition to the original dwelling-house. The proposal would harm the openness and permanence of the Green Belt and would be contrary to the NPPF, Policy GB1 of the ADMP and the Development in the Green Belt SPD.
- 42 The very special circumstances proposed are not considered to clearly outweigh this harm to the Green Belt as the proposed single storey rear extension would have a more harmful impact on the openness of the Green Belt than the construction of the loft conversion. In addition, it is considered that there is no legitimate method within the current application that would prevent the implementation of the loft conversion under the extant permission and no benefit from the removal of permitted development rights to clearly outweigh the harm to the Green Belt in principle and to its openness.
- 43 It is recommended that permission is refused.

#### **Background Papers**

Site and Block plans

Contact Officer(s): Sarah Cottingham Extension: 7481

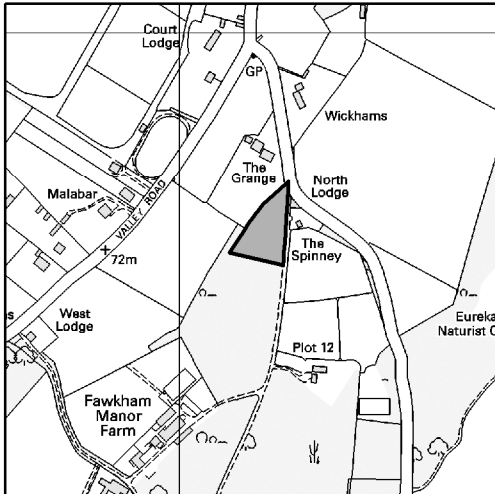
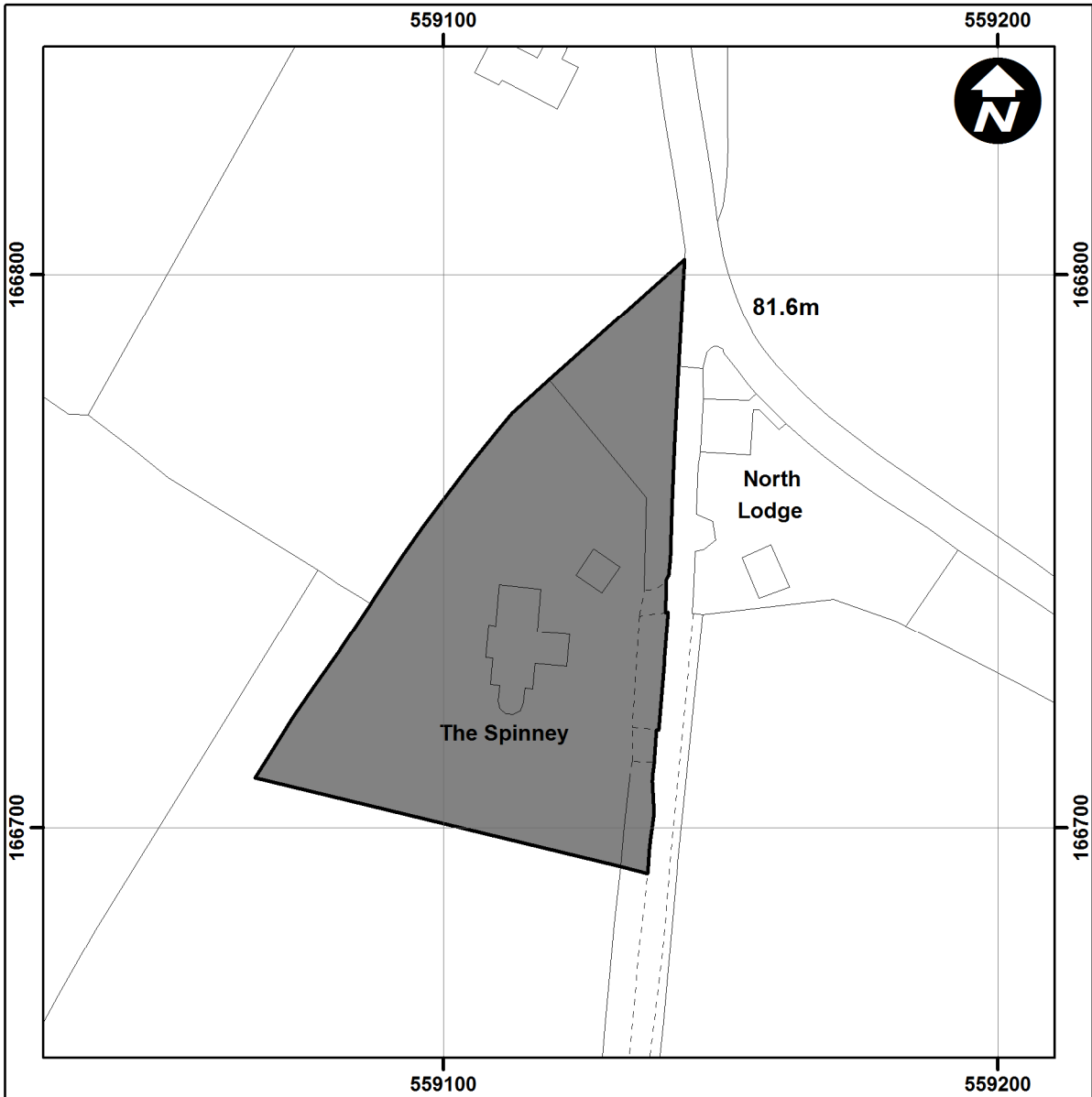
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NONKG1BK0L200>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NONKG1BK0L200>



# Site Plan

Scale 1:1,250

Date 03/08/2015



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Ordnance Survey 100019428.



Block Plan

