

4.1 – SE/15/02057/HOUSE Revised expiry date 2 November 2015

PROPOSAL: Demolition of existing outbuilding and erection of a single storey rear extension.

LOCATION: San Michele, Church Road, Hartley, Kent DA3 8DZ

WARD(S): Hartley & Hodsoil Street

ITEM FOR DECISION

This application is referred to Development Control Committee at the request of Councillor Gaywood on the basis that the proposed development would represent inappropriate development in the Green Belt and the Very Special Circumstances advanced are not considered sufficient to justify the development.

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 development hereby permitted shall be carried out in accordance with the following approved plans: BDS-1298-05 Rev A, BDS-1298-02 Rev A, BDS-1298-100 Rev A.

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

3) The materials to be used in the construction of the development shall be those indicated in email dated 06.10.15.

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

4) Prior to the commencement of the development the outbuilding within 5 metres of the dwelling identified on drawing number BDS-1298-05 Rev A shall be demolished in its entirety and all resulting materials shall be removed from the land.

To protect the openness of the Green Belt and to support the very special circumstances of the case including maintaining the openness of the Green Belt. 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.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England and Wales) 2015 as amended (or any Order revoking or re-enacting those Orders) no development falling within Classes A, B, C, D, E, F and G of Part 1 of Schedule 2 to the said Order shall be carried out.

To prevent further inappropriate development in the Green Belt as supported by the National Planning Policy Framework and policy GB1 of the Allocations and Development

Agreement Plan.

6) No development shall take place until all existing outbuildings (excluding those identified on site location plan number BDS-1298-100 Rev A) have been demolished and all resulting materials have been removed from the land.

To protect the openness of the Green Belt and to support the very special circumstances of the case including maintaining the openness of the Green Belt. 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.

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) Was updated on the progress of the planning application.
- 2) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Description of Proposal

- 1 The application seeks permission for the demolition of existing outbuilding and erection of a single storey rear extension.

Description of Site

- 2 The site extends to approximately 0.6 hectares and comprises a detached two storey dwelling set back from the road and a series of outbuildings located to its front and rear.
- 3 The site is located within the Metropolitan Green Belt.

Constraints

- 4 Green Belt

Policies

Allocations and Development Management Plan (ADMP) policies:

- 5 Policies - EN1, EN2, GB1.

Sevenoaks Core Strategy policies:

- 6 Policies - SP1, LO8.

Other

- 7 Supplementary Planning Document (SPD) titled Development in the Green Belt
- 8 Supplementary Planning Document (SPD) titled Residential Extensions
- 9 National Planning Policy Framework (NPPF)

Planning History

- 10 TH/5/66/585 Swimming pool. GRANT 10.01.67
TH/5/67/92 Portal frame cover to swimming pool. GRANT 04.04.67
89/00432/HIST Proposed 2 storey rear extension. GRANT 20.06.1989
02/02430/OUT Erection of a single dwelling in front garden including demolition of existing storage building and erection of two garages. REFUSED 10.12.02
15/01402/PAE Prior notification of a single storey rear extension which extends 8.0m beyond the rear wall of the original dwelling house with a maximum height of 3.0m and eaves height of 3.0m. PRIOR APPROVAL NOT REQUIRED 12.06.15

Consultations

Parish Council

- 11 Hartley Parish Council object to the application on the following grounds:

- *The proposal would exceed the permitted 50% increase in floor area of the original dwelling, contrary to Green Belt regulations and*
- *No special circumstances have been shown in support of the application. Should the application be approved, the Council would ask that a condition be imposed, requiring the existing outbuilding to be demolished prior to any building work commencing.*

Representations

12 None received

Chief Planning Officer's Appraisal

Principal Issues

- 13 The principle issues to consider in the determination of this application concern:
- *The principle of the development in the Green Belt, including whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on the openness of the Green Belt;*
 - *If it is inappropriate development, whether the harm by reason of inappropriateness, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development;*
 - *Impact on the character and appearance of the area.*
 - *Impact on residential amenity.*

Green Belt

- 14 At a National level, the NPPF sets out the criteria against which applications for development in the Green Belt shall be assessed. The NPPF states that inappropriate development, by definition, is development that is harmful to the Green Belt. Paragraph 79 of the document 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.
- 15 The advice in the NPPF states that there is a general presumption against inappropriate development within the Green Belt and that such development should not be approved except in very special circumstances.
- 16 The NPPF indicates that it is for applicants to demonstrate why permission should be granted 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.
- 17 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”;

- 18 The NPPF does not empirically define what is considered to be a ‘disproportionate addition’, however policy GB1 of the ADMP offers a local interpretation.
- 19 Among other criteria, GB1 requires the existing dwelling to be lawful and permanent in nature; and requires the design to respond to the original form and appearance of the building and the proposed volume of the extension, taking into consideration any previous extensions, to be proportional and subservient to the 'original' dwelling. Furthermore it states that the extension should not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion. Finally, the policy indicates that the total floor space of the proposal, together with any previous extensions, alterations and outbuildings should not exceed 50% of the original floor space of the property.
- 20 The existing dwelling is lawful and permanent in nature.
- 21 At single storey the proposed extension would remain proportional and subservient to the original dwelling.
- 22 A thorough search of the planning history for the site indicates that the dwelling has been extended with the benefit of planning permission reference SE/89/00432 for a two storey rear extension. No planning permission could be found for the original construction of the dwelling. Aerial photography held on the Councils geographical information system dated 1922-1969 indicates a dwelling in the location of the existing property. The earliest planning applications submitted in respect of this property illustrate a dwelling with a comparable footprint in the location it is now. I can find no evidence to suggest whether the outbuilding proposed for demolition (and located within 5 metres of the dwelling) is original. The applicant has not stated either. Consequently, for the purpose of calculating floor space I will assume that the outbuilding is not original.
- 23 Based on this I have come to the following conclusions:
- Original property – 154m²
- 50% - 77m²
- Existing Extensions:*
- Two storey rear extension – 79.48m²
- Outbuilding – 6.49m²
- Proposed Extension:*
- 23.15m²
- 24 The table below is provided in order to clarify, the current position in terms of the floor area of the dwelling in its current and proposed form.

Table 1

	Floor space (m ²)	Total Extended Floor Space (m ²)	Cumulative % increase above original dwelling.
Original dwelling	154		
Two storey extension 1989	79.48	233.48	51.61
Outbuilding proposed for demolition	6.49	239.97	55.82
Proposed rear extension minus the above outbuilding	16.66	256.63	66.64

- 25 The table indicates that based on the information submitted extensions to the original dwelling already exceed 50% of the original floor space representing inappropriate development in the Green Belt.
- 26 Including the proposed development, and even taking the demolition of the existing outbuilding into consideration total extensions to the dwelling would increase the original floor space by 102.63m² which represents a 66.64% increase in the original floor space. As a consequence cumulatively extensions to the dwelling would result in disproportionate additions representing inappropriate development in the green belt which is harmful by definition contrary to the NPPF and local policy guidance contained in GB1 of the ADMP.
- 27 A case for very special circumstances is advanced in the applicants Design, Access and Planning Statement. This case is discussed below.

Extent of Harm

- 28 In light of the above, it follows that the proposed extensions would further increase the harm to the Green Belt by reason of inappropriate development and would result in a continued increase in the gross floor area that would exceed the 50% limit deemed appropriate by the Council.
- 29 The NPPF confirms that the most important aspect of Green Belts is their openness and the fundamental aim of Green Belt Policy is to maintain this. It states that the open character must be maintained as far as can be seen ahead.
- 30 It should be noted that openness is not reliant upon degree of visibility but upon an absence of built development. Openness can be diminished by the cumulative “footprint” of discreetly sited incremental additions to existing individual buildings as much as it can by conspicuous swathes of new development.
- 31 The figures indicate that extensions to the dwelling represent an increase in overall scale and consequently bulk and massing in comparison to the ‘original’ dwelling which occupied the site to a degree which would further erode the openness of the site and the Green Belt.

- 32 As discussed in the preceding paragraphs, existing extensions to the dwelling already represent disproportionate additions and the proposed development would only serve to compound this issue by creating further inappropriate development in the Green Belt.

Impact on character and appearance of the area

- 33 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.’ (para. 56)
- 34 Policy SP1 of the Core Strategy 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. Policy EN1 of the ADMP states that the form of the proposed development should respond to the scale, height, materials and site coverage of the area. The design should be in harmony with adjoining buildings. Policy L08 of the Council’s Core Strategy also applies and 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. Development should cause no adverse impact on the character of the countryside.
- 35 At single storey the rear extension would appear subservient and proportionate to the host dwelling. The extension would have a flat roof with a flat glass roof light. Although the Council generally seek to resist flat roof extensions the extension would be located to the rear of the property where only a private view of the development exists. It is therefore screened from the road and wider locality. Due to its overall form and relatively modest proportions the proposal would not be out of scale and the existing design is satisfactory when viewed in context with the shape and style of the existing building.
- 36 As it is located to the rear the ground floor extension would not create any inconsistency along this part of Church Road and therefore the proposal would not have any unacceptable impact on the street scene.
- 37 The property will retain a large amount of garden space and consequently, there are no concerns relating to density or site coverage.
- 38 The submitted application form states that the existing wall materials consist of brick work, tile hanging and painted render and these materials are indicated on both the existing and proposed plans. In-fact, this is not the case, the walls to the existing dwelling are solely brickwork. However, in my view this minor error on the plans does not affect the applications validity particularly as it is noted that it may be possible to tile hang and render the property without the benefit of planning permission. In any case, the agent has confirmed by email dated 06.10.15 that the proposed extension is to be rendered and painted and that this treatment is to be carried round to the front of the building. The materials indicated would respond to existing materials used within the locality and therefore should not be harmful to visual amenity or create any inconsistency.
- 39 Overall, for the reasons set out above, in my view the development is subservient and proportionate to the host dwelling. It is sufficiently sympathetic in a way which would ensure that it would not have a negative or overbearing impact upon the character of the host building. As such the proposal would not adversely impact

upon the quality, character or visual amenity of the locality, and would not be harmful to the appearance of the street scene.

Impact on residential amenity

- 40 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.
- 41 Policy EN2 of the ADMP seeks to safeguard the amenities of existing and future occupants of nearby properties, including from excessive noise, activity or vehicle movements.
- 42 The proposed extension would be located to the rear of the property adjacent to the south west boundary which benefits from mature planting which provides a robust screen. There is no obvious reason why this planting would need to be removed in its entirety to accommodate the proposal.
- 43 In addition, the neighbouring property Homecot (who is located closest to the development) is set substantially forward of the site of the extension. The neighbouring property is sufficiently distanced away so that the development would not result in any adverse impact upon amenity by reason of form, scale, height, outlook, noise or light intrusion.
- 44 Due to the nature of the boundary treatment and the location of the neighbouring dwelling, proposed windows would not compromise the neighbours privacy.
- 45 It is therefore my view that the proposed development would not have an unacceptable impact on neighbouring properties and would comply with the aforementioned policy criteria.

Very Special Circumstances (VSC)

- 46 The following case is advanced by the applicant as VSC.
- 47 The Government has introduced more flexible forms of “Permitted Development” to enable householders to increase their living accommodation without the need to obtain a full grant of planning permission. In this case, the Applicant has previously obtained confirmation by way of prior notification that an 8m long extension can be provided at this site in the same location as the extension currently proposed.
- 48 The main difference is that the extension proposed in this application has a maximum depth of 5.455m whereas the extension that can be built under permitted development extends for 8m. The current proposal therefore results in a reduction in size of approximately $\frac{1}{3}$ compared with what could otherwise be built.
- 49 In all other respects, the proposed extension is of the same size and scale of that which can be built as permitted development.
- 50 The only significant difference between the two schemes is that the current proposal allows the extension to directly adjoin the side wall of the previously

permitted two storey rear extension which could not be achieved under permitted development because this is not an original wall.

51 In addition to the above, the extension proposed under this scheme would not extend beyond the furthest rear wall of the dwelling as per the scheme which could be built under permitted development. Therefore, it is my view that the proposed extension represents a more consolidated form of development and would be less harmful to the openness and character of the Green Belt than the works that can be built as permitted development.

52 The table below is provided in order to clarify, the current position in terms of the floor area of the dwelling in its current form and the position if the applicant were to build the extension which can be constructed under permitted development.

Table 2

	Floor space (m ²)	Total Extended Floor Space (m ²)	Cumulative % increase above original dwelling.
Original dwelling	154		
Two storey extension 1989	79.48	233.48	51.61
Outbuilding proposed for demolition	6.49	239.97	55.82
Extension proposed under permitted development minus the above outbuilding being demolished	27.47	267.44	73.66
Proposed rear extension minus the above outbuilding	16.66	256.63	66.64

53 Table 2 indicates that the extension built under permitted development would represent a greater % increase in the floor space of the original dwelling in comparison the % increase which would result if the extension currently being considered was built. The figures are a 73.66% increase in comparison to 66.64% demonstrating that the current proposal would have a lesser impact.

54 For clarification, other than the extension the subject of prior notification reference 15/01402/PAE, it does not appear possible to extend the foot print of the property any further under permitted development. However, it may be possible to convert and extend the roof which would further increase the dwellings scale and bulk. Permitting this development will allow the Local Authority to protect the openness of the Green Belt by removing permitted development rights to extend the property any further and to erect any more outbuildings on the site. Removing these rights can be achieved through appropriately worded conditions which would apply to the site if the applicant were to implement any subsequent planning permission. Recommended

condition 5 removes permitted development rights and condition 6 seeks to ensure that with the exception of the outbuilding proposed for removal, only those outbuildings which exist on the site at present are retained. If any further outbuildings were constructed on site prior to implementing the permitted scheme condition 6 secures their removal upon implementation.

- 55 In conclusion, whilst both the existing and proposed extensions to the property represent inappropriate development in the Green Belt when balanced against the benefits arising from permitting this proposal it is considered that in this instance the case for VSC would clearly outweigh the harm in principle to the Green Belt by reason of inappropriateness and any other harm.

Community Infrastructure Levy

- 56 The proposal has been assessed against CIL legislation. The proposal is under 100m² and is therefore not CIL liable.

Access Issues

- 57 Access to the site is not affected by this proposal.

Other Matters

- 58 The land to the rear of the property is extensive. All of this land is included within the red line boundary which illustrates the site. In an email from the agent dated 13.08.15 it is stated that it is the agents understanding that all of this land forms the curtilage to the dwelling. At the point of the stable block identified on drawing number BDS-1298-100 Revision A, there is a post and rail fence. In my view the fence appears to demarcate the point at which the residential curtilage ends.
- 59 Beyond this fence are stables, and outbuilding, a swimming pool within a building which has fallen into a poor state of repair and partially covered with shrubs/trees and land which I am told has previously been used for grazing horses, but was not being used as such at the time of my site visit. Consequently, in the absence of evidence to demonstrate otherwise, in my view not all of the land within the red line boundary appears to constitute curtilage and should the need arise the Council reserves the right to contest this.

Conclusion

- 60 Taking in to account the above quoted polices and very special circumstances, I am of the opinion that the proposed extension is an acceptable addition within the location. I consider that the proposed development would respect the context of the site and would not have a detrimental impact on the character of the area or the amenity of neighbours. It is my view that the VSC would clearly outweigh the harm in principle to the Green Belt by reason of inappropriateness and any other harm.
- 61 It is therefore recommended that this application is approved.

Background Papers

Site and Block Plan

Contact Officer(s):

Claire Marchant Extension: 7367

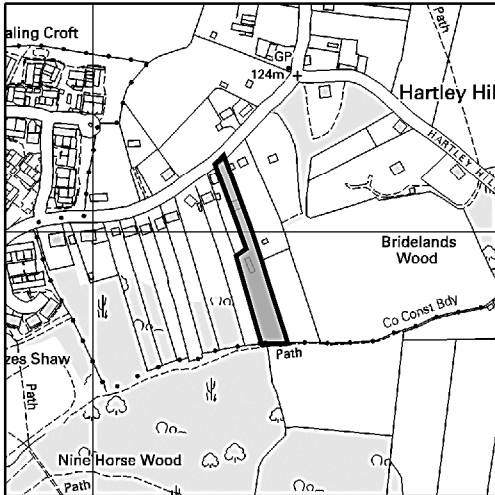
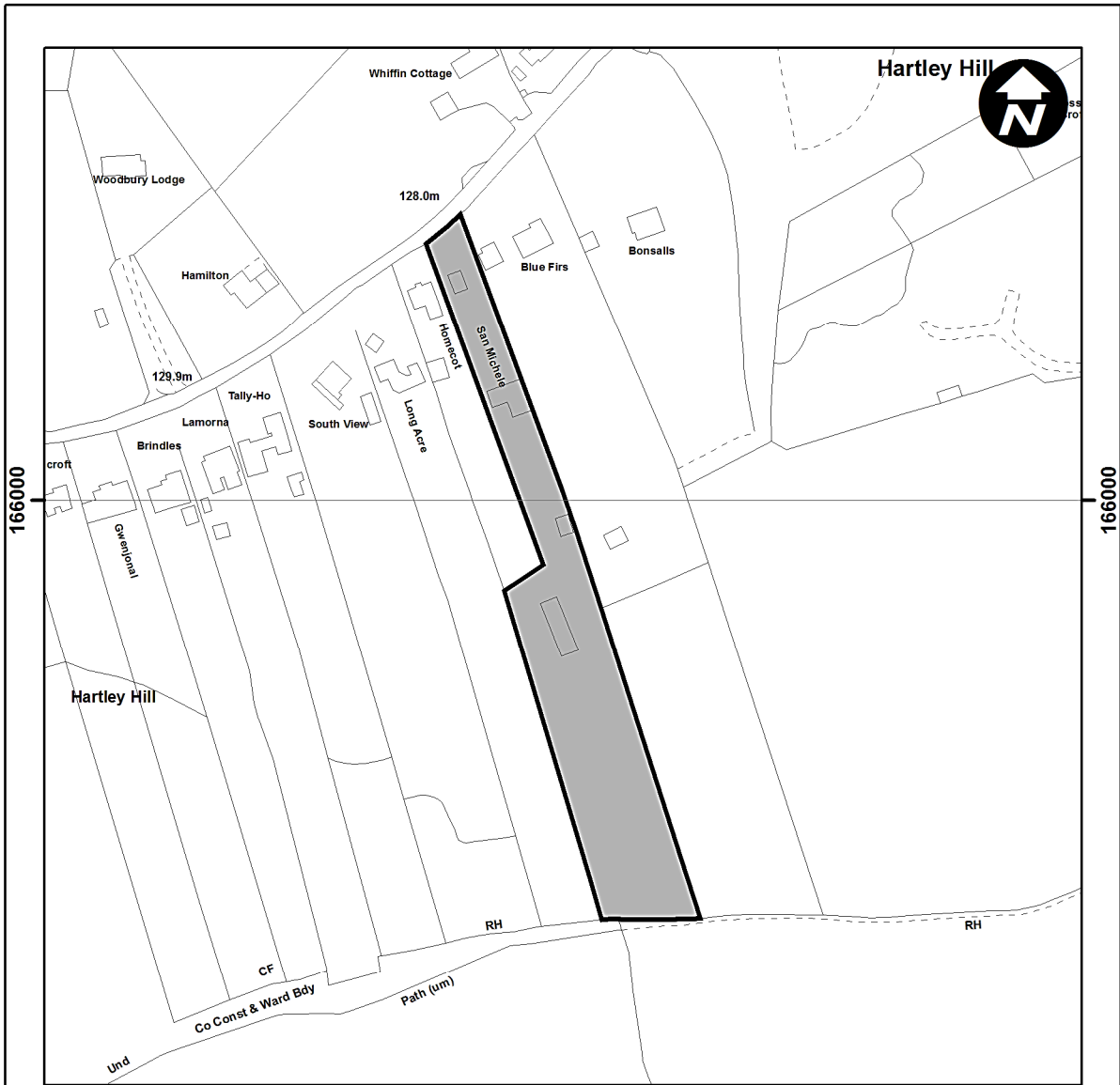
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NR2PW9BKK6Z00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NR2PW9BKK6Z00>



Site Plan

Scale 1:2,500

Date 02/10/2015



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Ordnance Survey 100019428.

Block Plan

