

5.05 - SE/11/03230/FUL Date expired 23 February 2012

PROPOSAL: Demolition of existing dwelling and erection of replacement dwelling.

LOCATION: Bucklers, The Coppice, Lower Bitchet, Bitchet Green
TN1 ONB

WARD(S): Seal & Weald

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Hogarth on the basis of the Parish Council comments and concern that the design of the dwelling would be out of keeping with the area.

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) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

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 District Local Plan.

3) The development shall achieve a Code for Sustainable homes minimum rating of level 3, and shall include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources. Evidence shall be provided to the Local Authority -
i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3, including a 10% reduction in total carbon emissions, or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 and has achieved a 10% reduction in total carbon emissions, or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported by Policy SP2 of the Sevenoaks Core Strategy.

4) Before the use or occupation of the development hereby permitted, the car parking area shown on the approved plans shall be provided and shall be kept available for the parking of cars at all times.

To ensure a permanent retention of vehicle parking for the property as supported by Policy EN1 of the Sevenoaks District Local Plan.

5) No extension or enlargement shall be carried out to the dwelling hereby approved, despite the provisions of any Development Order.

To protect the character, functioning and openness of the Green Belt, and to prevent any further development that would erode the very special circumstances presented in this application. As supported by Policy H13 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

6) No building or enclosure shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To protect the character, functioning and openness of the Green Belt, and to prevent any further development that would erode the very special circumstances presented in this application. As supported by Policy H13 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

7) Prior to first occupation of the dwelling hereby permitted, the boundaries of the site shall be physically defined by fencing or other treatment in accordance with a scheme that has been submitted to and approved in writing by the local planning authority.

To clarify the residential curtilage and to prevent encroachment into the surrounding countryside, in accordance with Policy L08 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

8) No development shall take place until details of tree protection measures for all trees and hedges shown for retention on the submitted plans have been submitted to and approved in writing by the Local Planning Authority. The details shall be designed in accordance with BS5837:2005 - Trees in Relation to Construction, and the approved protection measures shall be implemented in full prior to any development or demolition works taking place. The protective fencing shall remain in place for the duration of the construction and no works shall take place, no materials, plant or machinery shall be stored, and no fires shall be lit within the protected areas unless agreed otherwise in writing by the local planning authority.

To safeguard the visual amenities of the area, in accordance with Policies L08 and SP1 of the Sevenoaks District Local Plan.

9) No development shall be carried out on the land until full details of soft landscape works within the application site have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation. The development shall be carried out in accordance with the approved details. If within a period of 5 years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual amenities of the area, in accordance with Policies L08 and SP1

of the Sevenoaks Core Strategy.

10) The off-site planting scheme as shown on the approved drawings shall be implemented in full prior to first occupation of the dwelling. If within a period of 5 years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To accord with the terms of the application and to enhance the visual amenities of the area, in accordance with Policies LO8 and SP1 of the Sevenoaks Core Strategy.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: 11032.01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11B, 12, 13, 14, 15, 16 and 17.

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

The following is a summary of the main reasons for the decision:

The following very special circumstances exceptionally outweigh any harm by reason of inappropriateness and any additional harm to the Metropolitan Green Belt and the visual amenities of the Kent Downs Area of Outstanding Natural Beauty:- The replacement dwelling would be less harmful than the scheme that could be built under permitted development on the site.

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policy C3

Sevenoaks District Local Plan - Policies EN1, H13

Sevenoaks District Core Strategy 2011 - Policies LO8, SP1, SP2

Description of Proposal

- 1 This application seeks planning permission to erect a single storey dwelling as a replacement for an existing bungalow and garage / outbuilding.
- 2 The existing dwelling is a single storey structure of approximately 3.6 metres in height, 11 metres in length and 6 metres in width. A small flat-roofed porch structure exists to the front of the property. The existing property has no proper foundations and is supported above ground level by breeze blocks. The existing outbuilding to the dwelling is a larger structure, at between 3.6 and 3.9 metres in height, 13.8 metres in length and 5.1 metres in depth. The floor area of the dwelling measures 67 sqm whereby the outbuilding measures 70 sqm. The existing dwelling is in a poor state of repair and of poor visual appearance. The outbuilding has a utilitarian appearance.

- 3 The replacement dwelling would be a single storey building of contemporary design. It is roughly T shaped in footprint with what can best be described as a series of circular shaped flat roofs layered on top of one another. The building would measure between 3 metres and 4 metres in height (excluding the chimney and central glazed dome). The building would measure up to 32 metres in length and 19 metres in depth. The floor area of the building would measure 360 sqm.

Description of Site

- 4 Bucklers is a detached single storey structure that consists of a twin unit mobile home with a substantial porch. It has no permanent foundations and is raised above ground level on a plinth. The structure is in poor condition but is occupied as a dwelling. An Inspector concluded in a previous appeal decision (SE/05/01689) that the structure was not a caravan, but a lawful residential dwelling.
- 5 The dwelling is sited in an isolated rural location at the end of a private road serving a small cluster of conventional detached dwellings. A detached garage / outbuilding is sited to the front of the dwelling. The land, as outlined in the site plan submitted with the application, includes wooded and overgrown areas of land to the south east and south west of the dwelling and an access drive which follows a loop from the private road to the dwelling and barn.
- 6 The site is located within the Metropolitan Green Belt, and the Kent Downs Area of Outstanding Natural Beauty.

Constraints

- 7 Metropolitan Green Belt
- 8 Area of Outstanding Natural Beauty
- 9 The site is subject to a woodland Tree Preservation Order

Policies

South East Plan

- 10 Policy- C3

Sevenoaks District Local Plan

- 11 Policies – EN1, H13

Sevenoaks Core Strategy

- 12 Policies – L08, SP1, SP2

Other

- 13 The National Planning Policy Framework
- 14 St Lawrence Village Design Statement

Planning History

15 SE/10/01062 – Lawful development certificate for alterations and extensions to the existing dwelling, (as amended by revised plans removing proposed swimming pool building from the scheme). Alterations to existing curtilage building. Certified.

SE/09/02274 – Lawful development certificate for erection of curtilage building, alterations and extensions to dwelling porches over external doors - Refused

SE/05/01689 – Lawful Development Certificate for stationing of more than 1 caravan on the land – Refused. Dismissed on appeal

SE/03/02243 – erection of a single dwelling – Withdrawn

SE/03/03005 – erection of a single dwelling - Refused

Consultations

Seal Parish Council

16 The built form of the current application is greater than the potential of the existing unit (including any extensions that may be physically possible under SE/10/01062/LDCPR), and is therefore harmful to the openness of the countryside that is part of an AONB and MGB where the overriding objective is of protection.

17 The Parish Council cannot see any reason why the proposal demonstrates that exceptional circumstances should apply.

SDC Tree Officer

18 The details of the proposal to build on the edge of the existing woodland was well demonstrated at a recent site meeting. The stated residential curtilage with a required margin of cleared space, which will be required for such a residence, will require the loss of a number of trees immediately adjacent to the proposed build area. An assessment of the trees that will be required to be removed to accommodate the new build, have limited value in the greater amenity value of the woodland. I do not therefore have any objections to this scheme based upon the details provided. I also note and accept the details provided for the soft landscaping.

19 Additional tree protection details will be required. Drawing number 11032.03 shows root protection areas (RPA's) in general. Tree protection areas will be required to fit this proposal. I also note that the aforementioned drawing does not show all trees within the wooded area. This is acceptable as long as the understanding is that all trees are to remain as they currently are. A woodland management scheme could be looked at and discussed if required.

Thames Water

20 No objection

Kent Highways

21 No comments received

Representations

22 5 letters of objection were received

- The replacement dwelling would be much higher than the existing dwelling
- Impact upon AONB
- There are a number of mistakes in the application
- The proposal is for a large dwelling whereby smaller houses are required to create more balanced communities
- The design is unattractive
- No garaging is provided
- The roofline of the new dwelling is higher than permitted under the lawful development certificate
- The landscaped screen proposed would not be effective
- The chimney is 1 metre higher than the existing dwelling
- The application fails to comply with the St Lawrence Village Design Statement
- The application fails to comply with PPS7
- Loss of trees
- Non-compliance with Policy H13 of the local plan
- The residential curtilage may not be correct
- The replacement dwelling is much larger than the existing building

Group Manager - Planning Appraisal

Background

23 It is important to set out the background and expand upon the planning history and circumstances relating to this site.

24 The existing residential unit on site was, for many years, considered to be a mobile structure and not a dwelling. A number of planning applications were submitted to the Council to replace the unit with a dwelling and all were resisted on the basis that the replacement of a mobile unit with a permanent dwelling would represent inappropriate development in the green belt.

- 25 In 2005 an application for a lawful development certificate to allow caravans to be stationed on the land was submitted to the Council and refused. An appeal followed and, as part of the appeal decision, the Planning Inspector considered the status of the mobile unit on site. The Inspector took the view that as the structure consisted of three sections and exceeded maximum dimensions under the Caravan Sites Act, that it was a dwelling, and not a caravan.
- 26 As a result of this, the existing building as a dwelling benefited from permitted development rights to allow it to be extended without the need for planning permission. Following changes in 2008 to the legislation relating to permitted development, this has given the potential for a significant extension to the property to be built, without requiring planning permission from the Council. This has been confirmed through the submission and granting of a lawful development certificate to extend the existing property under SE/10/01062. This confirms that the existing dwelling can be extended from an existing floor area of 67 sqm to 291 sqm without planning permission, in addition to retention of the existing garage / outbuilding of 70 sqm.

Principal Issues

Green Belt

- 27 The main relevant local plan policy relating to the replacement of dwellings in the Green Belt is H13. This sets out a number of criteria which replacement dwelling proposals must follow to be acceptable. The policy is based around an assessment and comparison between the size of the original dwelling and its proposed replacement. These details are provided in the description of development earlier in the report.
- 28 In this instance, the proposal would not comply with criteria 2 of H13 insofar that the existing dwelling is not built on permanent foundations.
- 29 Criteria 4 of H13 stipulates that the floor area of the replacement dwelling should not exceed the floor area of the original dwelling by more than 50%. In this instance, the floor area of the replacement dwelling as proposed is 360 sqm. In comparison with the existing dwelling (67 sqm), it is clear that the replacement dwelling would significantly exceed the floor space threshold.
- 30 Criteria 5 of H13 states that the replacement dwelling should be well designed, sympathetic to the character of the area, and sited and designed to minimise visual intrusion into the landscape, particularly within the AONB. The existing dwelling has the appearance of an extended mobile home (to quote the appeal inspector) and is in a poor state of repair. However it is entirely screened from any public vantage points. Whilst the new dwelling would undoubtedly be of better aesthetic appearance, the significant increase in floor area would result in a building of much greater scale than existing. This would have a much greater impact on the openness of the green belt and the visual amenities of the landscape and AONB, and would be visible from some medium range views gained from the road 250 metres to the east of the site, and the public footpath approximately 100m to the north of the site.
- 31 Criteria 7 of H13 states that the proposal should adhere to the original curtilage of the dwelling. In this instance, the curtilage of the site is not physically well defined by features such as fencing. As part of the recent lawful development

application (SE/10/01062), the Council outlined what it considered to be the residential curtilage to Bucklers, and the current application reflects this position.

- 32 Therefore taking policy H13 as a whole, it is evident that the proposal would not accord with criteria 2, 4 and 5 of the policy.
- 33 The National Planning Policy Framework states that the construction of new buildings in the Green Belt is inappropriate unless (inter-alia) it is for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Taking into account the assessment between the existing and proposed dwelling as set out above, it is evident that the replacement dwelling would not accord with this part of the NPPF, and would represent inappropriate development.
- 34 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It states that 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.

Very Special Circumstances

- 35 In this instance, the applicant has advanced the fall-back position of extending the existing dwelling under the lawful development certificate as a case to consider under very special circumstances. This fall back position would allow for the dwelling to be extended to 291 sqm in floor area, together with the retention of the existing garage / outbuilding at 2 metres distance from the extended dwelling. Cumulatively, this would result in a built footprint of 361 sqm. In addition to this, the applicant considers that the dwelling could be further extended by a further 22 sqm to the north east boundary of the site without the need for planning permission, and I would agree that this is possible. Taking this into account as well, it would be possible to extend the dwelling to 313 sqm and to retain the garage / outbuilding of 70 sqm.
- 36 It should firstly be considered whether the fallback position of extending the existing dwelling under permitted development is in fact a realistic scenario. It is recognised that the existing dwelling is of poor construction with no foundations. However the Council's Building Control department has confirmed under previous applications that it would be technically possible to extend the property without the need to rely on any structural support from it. It is also clear from the floor plans that the extension would provide a suitable internal layout. Whilst the appearance of the building would be slightly unconventional, consisting of a series of pitched roofs and valleys, given the likely value and desirability of the extended property in this attractive rural location, I consider the prospect of a large extension to be built under permitted development to be a credible and realistic fallback position.
- 37 In comparison to the fallback position, the proposed replacement dwelling would occupy a footprint of 360sqm which would be smaller than the above fallback position of the combined structures.. This would be a benefit in favour of the scheme for a replacement dwelling.
- 38 In terms of bulk and scale, the main elevation of the replacement dwelling at some 32 metres in length would face to the north east of the site. Excluding the

chimney and the lantern feature in the roof, the building would stand at between 3 and 4 metres in height. The fallback scheme would extend the building to 29 metres in length, with the main elevations facing to the north west and south east. The extended property would have a roof ridge of up to 4metres in height whilst the existing garage is approximately 3.7 metres in height. It is also noted that the new dwelling would be set further down into the ground level by 500mm in comparison to the fallback scheme. As a result it would be lower in height than the existing garage and the extension that could be built under permitted development. This would be a benefit in favour of the scheme for a replacement dwelling.

- 39 In terms of the footprint, bulk and scale of the two proposals, the replacement dwelling would occupy a slightly smaller built footprint and would be lower in height than the fallback scheme. The NPPF advises that one of the essential characteristics of Green Belts is openness, and in this respect I consider that the replacement dwelling would result in slightly less harm to the openness of the Green Belt than the fallback scheme, which is of slightly larger proportions. This again would be a benefit in favour of the scheme for a replacement dwelling.
- 40 In terms of visual impact, it is noted that the proposed dwelling would be screened from the private road that it gains access from, as is the existing dwelling. As stated earlier, some medium range views of the site are available from Blakes Green Road to the north and east, at distances of between 100 metres and 250metres, although such views are limited by existing trees and boundary vegetation and the undulation of the land. At present, limited views of the existing garage / outbuilding can be attained from these locations, and it would be possible to catch similar views of the dwelling if it were extended using permitted development under the fallback scheme. The elevation of the replacement dwelling facing these viewpoints would be of greater length, although at the same time it would be lower in height than the existing garage and the fallback scheme. In addition the replacement dwelling would be set further back into the site by some 8 metres, whereas the existing garage and fallback scheme would extend up to the north facing boundary. Taking these factors into account, I consider the difference in visual impact between the two schemes to be closely balanced.
- 41 The application has been submitted with a visual impact assessment which examines the visual impact of the site as existing, as would be the case if the permitted development scheme was built, and as would be the case if the replacement dwelling were built. It also includes provision for new planting and landscaping on land to the north east of the site which is under the applicant's control, to add further screening to the site. This is noted, and it is accepted that such landscaping would have the potential to further limit views into the site. However I also note that the land is physically divorced from the residential curtilage of Bucklers and could be separated from it (i.e sold) in the future, and that the long term management and maintenance of the trees and landscaping would not be controlled beyond the standard 5 year period normally applied through planning conditions. On this basis, I consider the additional planting proposed to be of some benefit in favour of the scheme for a replacement dwelling, but of potential limited value over the longer term.
- 42 The test under the NPPF is whether any harm to the Green belt, by reason of inappropriateness, is clearly outweighed by other considerations. In this instance, I am of the opinion that the replacement dwelling proposed would be a better

alternative to the fallback scheme to extend the existing dwelling. As such, I would conclude that a case of very special circumstances exists to outweigh harm to the green belt by reason of inappropriateness.

Impact upon visual amenities of the area within the AONB

- 43 The site is located within an attractive rural location and adjacent to a small cluster of residential development of varied but generally attractive design and appearance. The existing dwelling is of poor form and visual appearance, whilst the garage structure is rather utilitarian in design and appearance. In my opinion, the existing buildings on site do not contribute positively to the attractive rural surroundings.
- 44 The extension that could be built under permitted development would also appear rather disjointed and utilitarian, given the need to follow a pitched roof and valley design to conform to the existing dwelling.
- 45 The proposed dwelling would be undeniably contemporary in appearance and form, although in taking a modern approach to the design, this enables the height of the building to be kept to a minimum. The elevations would be clad in timber boarding whilst the roof is intended to be clad using zinc or copper sheeting. Whilst this would be very different to surrounding buildings, the site is fairly secluded and is not seen as part of a larger group of dwellings, and as such has the potential to accommodate a design that does not follow surrounding buildings. In this instance, I consider the design would be interesting and unified, unlike the extension that could be erected under permitted development.
- 46 The proposal would result in some loss of trees, primarily within the woodland adjacent to the application site which is also owned by the applicant. These trees and the surrounding woodland are protected by a woodland Tree Preservation Order, although the Council's Tree Officer is satisfied that the trees shown for removal are of low amenity value and does not object to their loss. I am satisfied that the tree removal proposed is limited and would not alter the character of the wooded backdrop to the site.
- 47 The St Lawrence village design statement sets out a number of recommendations for new buildings in the Parish, with the critical factors being their impact upon the immediate vicinity and prominence in the wide landscape. Buildings should be of appropriate materials which would blend in with their rural surroundings over time. Flat roofs are generally discouraged although "original" design is preferred to pastiche. In well-concealed locations a more adventurous design may be acceptable. In this instance, I consider that the site is capable of accommodating an original design, and that the use of timber boarding would be appropriate to the rural setting. The roof is proposed to be either copper (which turns green over time) or zinc (which can be of matt effect and not dissimilar in colour to slate). The layered flat roof is part of the contemporary design of the scheme and minimises visual impact and I do not consider that this would be fundamentally unacceptable in this location.
- 48 Policy L08 of the Core Strategy states that distinctive features of the countryside and landscape of the AONB should be conserved and enhanced. In my opinion, the proposal would be of much greater size and scale than the existing dwelling on site and although of better design and appearance, this would normally be harmful to the distinctive character of the AONB. However, in comparison with the

extension that could be built under permitted development, I consider the replacement dwelling to be of much better cohesive design and, being of similar footprint and scale, a better alternative within the context of the AONB.

Impact upon neighbouring amenities

- 49 The replacement dwelling would be separated from the nearest neighbouring properties at The Falcons and Greensleeves by a distance of some 70 metres, which is significant. Furthermore, the building would be single storey and screened by existing vegetation. In my opinion, the proposal would not have any adverse impact upon neighbouring amenities, and in this respect would comply with Policy EN1(3) of the local plan.

Conclusion

- 50 The scheme is clearly contrary to development plan policies and advice contained within the NPPF. However the ability to significantly extend the dwelling under permitted development as a fallback position needs to be given weight, and in this respect I consider the replacement dwelling to be a better alternative than this fallback position. Taking this into account, I consider that Very Special Circumstances exist to allow the proposal and that planning permission should be granted.

Background Papers

Site and Block plans

Contact Officer(s): Mr A Byrne Extension: 7225

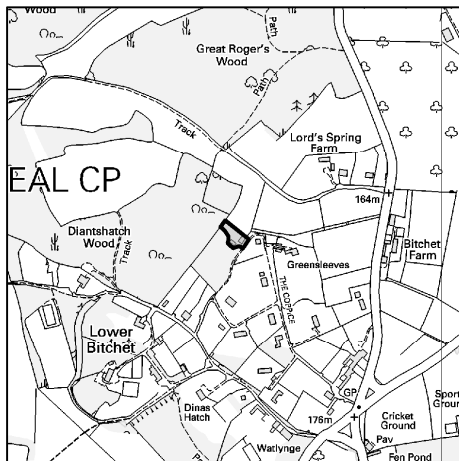
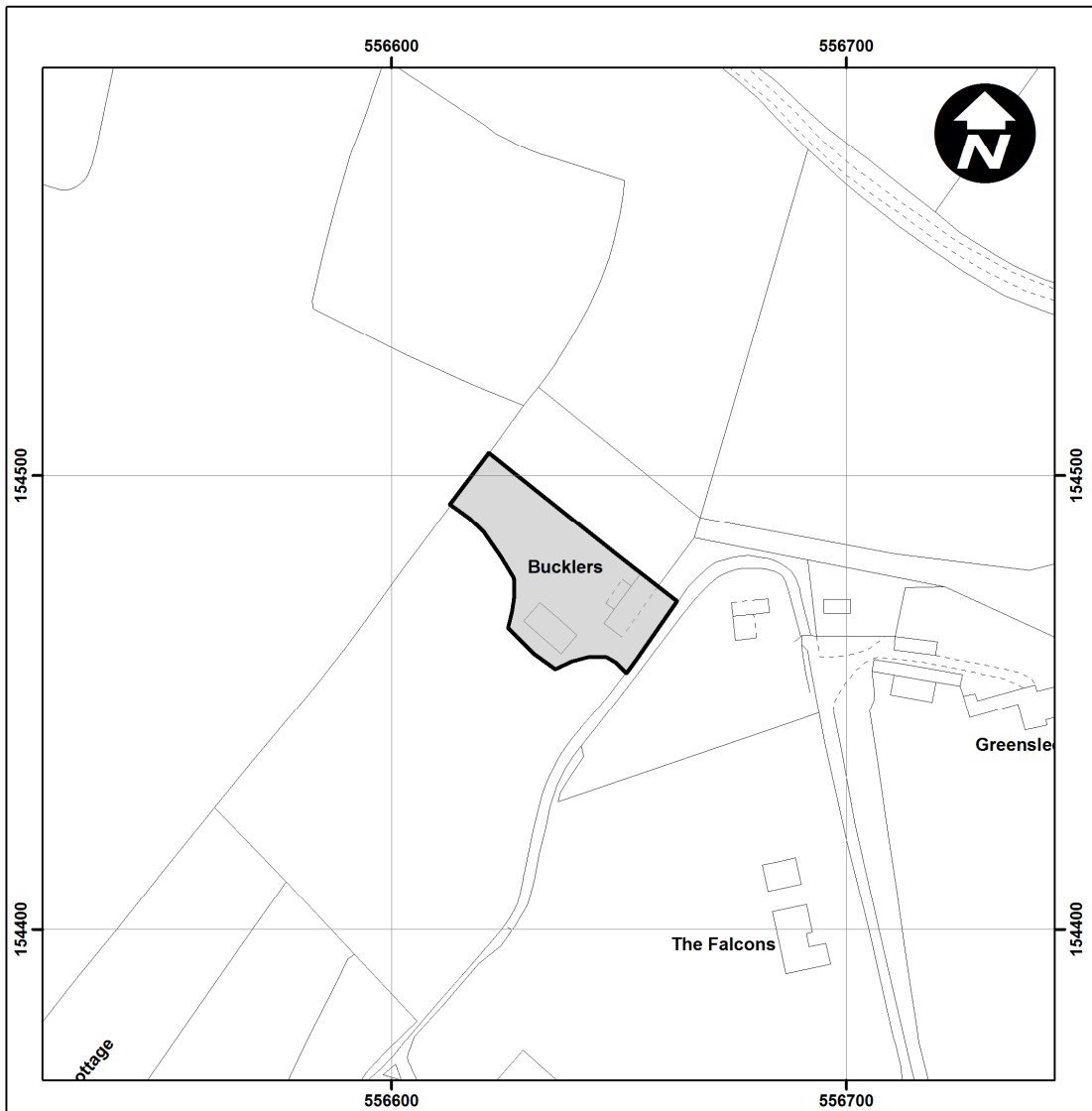
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LW4UA8BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LW4UA8BK8V000>



Site Plan

Scale 1:1,250
 Date 08.05.2012



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