



**Late Observations Sheet
DEVELOPMENT CONTROL COMMITTEE
18 February 2021 at 7.00 pm**

This page is intentionally left blank

DEVELOPMENT CONTROL COMMITTEE

Thursday 18th February 2021

LATE OBSERVATION SHEET

4.1 20/03245/FUL- Linwood, Main Road, Knockholt KENT TN14 7NT

The NPPF and ADMP policies allow additions and alterations to buildings in the Green Belt provided they do not allow in disproportionate additions in relation to the original building.

Policy GB1 of the ADMP is the policy by which a residential extensions in the Green Belt will be considered. Policy GB4 of the ADMP is the policy by which replacement dwellings in the Green Belt will be considered.

For the benefit of providing clarification as to the interpretation of these two policies, a number of appeal decisions have been gathered where the Planning Inspector concluded a replacement dwelling becomes the 'original building'.

As such, the very special circumstances identified by the applicant, demonstrate development that could be built on the site using the extant approval and subsequent application of Policy GB1 and GB4. This is a material consideration that can be given weight.

The very special circumstances have been identified as;

- The applicant's fallback position is to construct the development as already approved. This would then represent the 'original' building in the terms of Policy GB4 of the ADMP. It is the case, therefore, that the approved building could be constructed and then subsequently replaced with a building 50% larger. This would be a policy compliant and appropriate development, resulting in an increased impact on the Green Belt.
- Furthermore, the approved dwelling could also be constructed, and permission sought to extend it by 50%. This, again, would accord fully with the requirements of Policy GB1 of the ADMP and would result in a potentially far larger building.
- The extant approval also allows a dwelling to be created which retains all Permitted Development rights for extensions and alterations. This is a material consideration. While the Planning Policy Guidance is clear that the blanket removal of PD rights rarely meets the test of necessity or reasonableness, this is something that may be a consideration upon an approval of this application.

APP/G2245/D/16/3159633

16/01351/HOUSE Elphinstone, Honeygot Lane, Edenbridge, TN8 6QJ

Construction of single storey extension

Para. 4

'The site is situated within the Green Belt and therefore paragraph 89 of the Framework is relevant. This states that new buildings inside the Green Belt are inappropriate unless, amongst other things, it involves the limited extension of an existing dwelling. This is provided that it does not result in disproportionate additions over and above the size of the original building. Most significantly in this case, the Framework defines the 'original building' as that which existed on 1 July 1948 or, if constructed after 1948, as it was built originally'.

Para. 7

'I appreciate the Council's view that the existing dwelling is significantly larger than the one it replaced. However, given the definition of 'original building' provided in the Framework, it is logical that any assessment in terms of any size increase should relate to the replacement building as opposed to the building it replaced'.

APP/G2245/D/18/3205825

18/00560/HOUSE Elphinstone, Honeygot Lane, Edenbridge, TN8 6QJ

Construction of single storey conservatory

Para. 8

'The bungalow as erected in 1999 had a floor area of 140m². An extension of 28m² was allowed on appeal by letter dated 2 December 2016 [ref: APP/G2245/D/16/3159633]. I have been provided with a copy of that decision letter, in which the Inspector concluded at paragraph 7 that the 'original' building in that case comprised the dwelling as erected in 1999'.

Para. 9

'Having regard to the definition of an 'original' building as set out in the Glossary to the Framework I see no reason to conclude differently'.

Other Districts

APP/K0425/D/18/3202096

17/08303/FUL Lark Rise, Stocking Lane, Hughenden Valley, Bucks, HP14 4NE

Rear extension

Para. 6

'The original building is defined in the glossary of both the original and updated Framework as that which existed on 1 July 1948 or, if constructed after that date, as it was built originally. The Council take the view in the supporting text to its Green Belt policies that a replacement dwelling is not the 'original dwelling' and that extensions will be assessed against earlier building, not the replacement. In my opinion, that is not consistent with the policy in the Framework. The use of the word 'it' in the glossary clearly relates the term 'original building' to what was constructed after 1948'.

Para. 7

'I conclude that the Framework carries the greater weight in this instance and that the replacement dwelling is the original dwelling against which the scale of proposed extension should be assessed'.

APP/Z4718/D/20/3249481

Meadowlands, Briestfield Road, Briestfield, Dewsbury, WF12 0PA

Proposed lean to garage to side and garden room extension to the rear

Para. 5

'The appeal property is a replacement dwelling. In relations to buildings constructed after 1 July 1948, the definition of 'original building' in the Glossary to the National Planning Policy Framework (the Framework) does not expressly deal with replacements. However, it can be taken that the 'original building' in such a case would be the replacement dwelling itself, as originally built, and that this forms the baseline against which subsequent extensions and alterations should be measured. Any replacement would presumably have satisfied applicable Green Belt policy at that time'.

Recommendation

Recommend as per the main papers.

4.2 20/03248 HOUSE - 47 The Drive, Sevenoaks KENT TN13 3AD

Further clarity was requested by a neighbour as to the type of glazing to be used in the windows. The agent for the applicant has since confirmed that the windows at first floor level along the rear elevation will have leaded panes in line with the style of the existing windows along the front elevation.

Supplementary Information

Condition 5 is to be added to ensure that this is implemented using the following condition wording:

‘Prior to the installation of the new proposed windows along the rear elevation at first floor level, further details as to the glazing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.’

Reason: To preserve and protect the integrity of the non-designated heritage asset in accordance with Policy EN4 of the Sevenoaks Allocations and Development Management Plan.’

The agent has annotated the elevation drawing relating to the side and rear elevations to show that the first floor window panes to the rear are to have square leaded panes. To take into account the amended drawing, conditions 2, 3 and 4 are to be amended as follows:

Condition 2:

‘The materials to be used in the construction of the development shall be those indicated on the following approved plans and details:

Application form, 2020 Rev E, 1020 Rev D, 2010 Rev D, 1010 Rev D, 401 Rev A, 402 Rev A, 701, 702.

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

Condition 3:

‘The development hereby permitted shall be carried out in accordance with the following approved plans and details:

2020 Rev E, 1020 Rev D, 2010 Rev D, 1010 Rev D, 401 Rev A, 402 Rev A, 701, 702, 104 Rev C, 301 Rev A, 190320-SURV-06.

Reason: For the avoidance of doubt and in the interests of proper planning.’

Condition 4:

‘The proposed new window to the south west facing elevation, located at first floor level which is shown to be obscure-glazed and non-openable up to a height of 1.7 metres on drawing number 2020 Rev E, shall remain obscure-glazed and non-openable up to a height of 1.7 metres above the internal finished floor level and maintained as such thereafter.’

Reason: To protect neighbouring amenity in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.’

The Public Rights of Way Officer has responded to the information only consultation and confirmed that her earlier consultee comments still stand.

Her comments are as follows:

'I have nothing further to add to my letter of 16th November 2020 and my comments of 17th December.

I would reiterate that there must be no mechanically propelled vehicles using the public footpath to access the rear of the property as it is an offence under Section 34 of the Road Traffic Act 1988 to drive along a public footpath without lawful authority.'

Recommend to add an additional/amended conditions as detailed above to the recommendation as per the main papers.

4.3 20/03286 FUL - Land South Of 19 Mount Close, Sevenoaks KENT TN13 3EG

For the avoidance of doubt, correction of typographical errors within report are as follows:

Paragraph 3: 'of' instead of 'pf'

Paragraph 32: 5-year land supply refers specifically to 'housing' land supply

Paragraph 42: 'North Downs' instead of 'North Down'

Paragraph 50: 'accessed' instead of 'accesses'

Paragraph 66: 'number 19 Mount Close' instead of 'number 10 Mount Close'.

Recommendation as per the main papers.

4.4 20/03257/HOUSE - 52 Capelands, New Ash Green KENT DA3 8LQ

No Late Observations

4.5 20/03106/HOUSE39 - Cobden Road, Sevenoaks KENT TN13 3UB

No Late Observations

5.1 TPO 06 of 2020 - 5a Holly Bush Lane, Sevenoaks

No Late Observations

