

4.5 SE/14/03983/FUL

Date expired 31 March 2015

PROPOSAL: Demolition of existing detached dwelling and garage and erection of a replacement detached dwelling with basement, including introduction of new garage outbuilding currently permitted by lawful development certificate. Introduction of outdoor swimming pool in rear garden. (Amended proposal reduced in size and height to that refused planning permission under SE/14/02079/FUL).

LOCATION: Henmans, High Street, Cowden Kent TN8 7JL

WARD(S): Cowden & Hever

### **ITEM FOR DECISION**

This application is referred to Development Control Committee in the absence of a Ward Member for the Cowden and Hever Ward and the Officer's recommendation being contrary to that of the Parish Council.

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 replacement 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 locality as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. 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

3) No development shall take place until details of the: existing levels of the land; any proposed slab levels and any changes in levels have been submitted for approval. The development shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. 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

4) No development shall be carried out on the land until full details of soft landscape works 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.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. 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) If within a period of five 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 preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. 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

6) The development shall achieve a Code for Sustainable homes minimum rating of level 3. 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 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 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 in Policy SP2 of the Sevenoaks Core Strategy. 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

7) Prior to the commencement of development, the existing dwelling known as Henmans and garaging identified on submitted drawing 1205/106 A, shall be demolished and removed from the site, including the removal of all resultant materials.

To protect the openness of the Metropolitan Green Belt and the character of the landscape as supported by policy GB1 of the Sevenoaks Allocations and Development Management Plan and the guidance outlined within the National Planning Policy Framework.

8) No extension or external alterations shall be carried out to the replacement dwelling hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt as supported by policy GB1 of the Sevenoaks Allocations and Development Management Plan.

9) No building, enclosure or swimming pool, 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.

To prevent inappropriate development in the Green Belt as supported by of the Sevenoaks Allocations and Development Management Plan.

10) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Plan, Drawing No's 1205/98 A, 1205/99 A, 1205 100 B, 1205/101 C, 1205/02 C, 1205/103 A, 1205/104 B, 1205/105 A, 1205 106/A, 1205/108 A, 1205/109 A, received 23.02.14 and 03.02.15.

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.

### **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 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 provided with pre-application advice.
- 2) The application was dealt with/approved without delay.

### Description of Proposal

- 1 Demolition of existing detached dwelling and garage and erection of a replacement detached dwelling with basement, including introduction of new garage outbuilding currently permitted by lawful development certificate. Introduction of outdoor swimming pool in rear garden. (Amended proposal reduced in size and height to that refused planning permission under SE/14/02079/FUL).

### Description of Site

- 2 The site consists of Henmans which is located within the rural locality of Cowden. The existing dwelling is single storey with a pitched roof. The dwelling has been previously extended to the western side and to the rear.
- 3 The site is located within the High Weald Area of Outstanding Natural Beauty and the Metropolitan Green Belt.

### Constraints (eg: AONB, Green Belt)

- 4 Area of Outstanding Natural Beauty – High Weald
- 5 Area of Special Control of Advertisement
- 6 Residential Community Infrastructure Levy Rates – Area A
- 7 Metropolitan Green Belt

### Policies

#### *ADMP:*

- 8 Policies – EN1, EN2, EN4, GB2, GB3, GB4

#### *Sevenoaks Core Strategy:*

- 9 Policies – SP1, SP2, LO8

#### *Other*

- 10 National Planning Policy Framework

### Planning History

- 11 14/02079/FUL - Demolition of existing dwelling and garage and erection of a replacement dwelling with basement, including introduction of new garage outbuilding currently permitted by lawful development certificate (SE/13/03107/LDCPR) and outdoor swimming pool in rear garden (refused 19.09.14)

13/03107/LDCPR - Erection of outbuilding within rear garden (granted 16.12.13)

13/03102/LDCPR - Erection of a single storey rear extension. Alterations to fenestration (granted 02.01.14)

## Consultations

*Cowden Parish Council (comments received outside of statutory 21 day consultation period)*

- 12 *Members of the Planning Committee of Cowden Parish Council have recently reviewed the Planning Application referenced above.*

*Members remain concerned about the extent of the proposed development at this site.*

*Members do not believe the proposals to be in keeping with the surrounding area. There is a significant amount of glass and rendering proposed for the replacement dwelling which would be totally out of character with surrounding properties. Members are concerned about the height, size and appearance of the proposed development and the impact that this would have on the character of the village, particularly given its proximity to the centre of the village and its situation within an Area of Outstanding Natural Beauty.*

*Members resolved not to support this application.*

## *Kent Highways*

- 13 *The Kent Highways Engineer has commented ‘[t]hank you for your request for consultation comments. The proposals appear to have no significant impact on the public highway, and we therefore have no reason to make any objection or request any changes’.*

## Representations

- 14 None received

## **Chief Planning Officer’s Appraisal**

### Principal Issues

#### Green Belt

##### *National Planning Policy Framework (NPPF)*

- 15 *The NPPF (with regards to green belts) states that the primary purpose of the Green Belt is to keep land open to check unrestricted sprawl and to safeguard the countryside from encroachment. The document states that there is a general presumption against inappropriate development, where the openness of the countryside/landscape would be adversely affected. Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why planning permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*
- 16 *Paragraph 89 of the NPPF sets out what is considered to be appropriate development. This paragraph highlights that the replacement of buildings,*

provided that the new buildings are in same use and not materially larger than those to which they would replace, is acceptable.

- 17 On this basis, the principle of replacing the existing dwelling is considered to be acceptable in terms of the guidance outlined within the NPPF.

*Policy GB4 of the Sevenoaks Allocations and Development Management Plan (ADMP)*

- 18 Policy GB4 of the Sevenoaks ADMP states that proposals to replace an existing dwelling within the Green Belt which would meet the following criteria will be permitted:-

(a) *the existing dwelling is lawful and permanent in nature;*

In terms of the existing dwelling at the application site, such is considered to be lawful and permanent in nature.

(b) *the design and volume proposed does not materially harm the openness of the Green Belt through excessive bulk, scale or visual intrusion;*

The replacement dwelling proposed will be located to the west of the existing dwelling with a minimal overlap in terms of built form. The ridge height of the proposed dwelling will be 1 metre higher than that of the existing dwelling which has been reduced from the previous 2014 submission (the 2014 permission sought a ridge height which would have been 1.5 metres higher than that of the existing dwelling). It is considered that proposed modest increase in ridge height is acceptable and would not result in a substantially greater level of visual intrusion of scale within the landscape than that which already lawfully exists. A levels condition is recommended to ensure that the proposed dwelling would remain to be located at a ridge height as that described.

The dwelling will be larger than the existing. In terms of footprint, the floorspace will occupy two floors, but with a reduced footprint when compared against the existing dwelling which is rather sprawling from east to west across the plot. The reduction in 'footprint' thereby offsets the increase in ridge height by 1 metre to contribute to a more compact form of replacement dwelling. The bulk and scale of the dwelling at first floor level will also be subservient in scale and form to that of the overall profile with a mixture of gable features to all elevations and a variety of pitched roofs. As such, it is not considered that the proposed development would result in a form of development which would harm the openness of the Metropolitan Green Belt.

(c) *the proposal adheres to the 'original' curtilage of the dwelling;*

From historic mapping sheets, it appears that the proposed development adheres to the 'original' curtilage.

The proposed development is therefore considered to be acceptable on this ground.

(d) *the applicant provides clear evidence that the total floorspace of the replacement dwelling, together with any retained extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the 'original' dwelling (measured externally).*

- 19 Henmans, in terms of its 'original' form exhibited a 'gross floor area' of 110 square metres. 50% of this figure therefore accounts for 55 square metres square metres and thus, a total of 165 square metres would be available for development at the application site.
- 20 The replacement dwelling proposed would exhibit a 'gross floor area' of 232.21 square metres (this figure excludes the subterranean basement which is proposed which is covered by policy GB2 below). The replacement dwelling proposed would therefore exceed the floor space figures stipulated above and the proposed development would be unacceptable on this ground.

#### *Very Special Circumstances*

- 21 In asserting the case for a replacement dwelling larger than the 50% (permissible under policy GB1 of the Sevenoaks Allocations and Development Management Plan), the agent has submitted a case of a permitted development fallback position. The applicant has put forward the Very Special Circumstances that:
- 1). the proposed development would represent an alternative to that granted under SE/13/03102/LDCPR (the extension to the existing dwelling) which exhibited a floor area of 40.7 square metres; and,
  - 2). the existing garage is to be demolished which exhibits a 'gross floor area' of 40.6 square metres as a trade-off for greater floor space (which is located approximately 6 metres from the existing dwelling).
- 22 Thus, under the case of Very Special Circumstances, taking the LDC granted under SE/13/03102/LDCPR into account, a total of 205.7 square metres could be erected at the site when relying on the Permitted Development fallback position. This 'fallback' position, in addition to the demolition of the garage which exhibits 40.6 square metres, would result in a potential floorspace calculation at the application site of 246.3 square metres.
- 23 The replacement dwelling proposed as part of the application would exhibit a floor area of 232.21 square metres which would be below the maximum floor area outlined under the Very Special Circumstances. On this basis, I consider that there is merit in terms of the Very Special Circumstances submitted, to warrant a grant of planning permission.

#### *Removal of Permitted Development Rights*

- 24 Given that the replacement dwelling proposed exceeds the 50% stipulated within policy GB4, a condition shall be imposed upon the planning decision notice removing permitted development rights for further extensions and alterations to the dwelling. The condition shall be imposed in the interest of preserving the openness of the Metropolitan Green Belt.

#### *Conclusion*

- 25 The replacement dwelling is therefore considered to be acceptable in light of the Very Special Circumstances put forward.

### *Basement*

- 26 A subterranean basement is proposed which would be within the footprint of the building and would therefore comply with the criteria outlined within policy GB2 of the Sevenoaks Allocations and Development Management Plan.

### *Demolition of existing dwelling*

- 27 It has been indicated within the submission that the applicants wish to live in part of the existing dwelling known as Henmans (and only demolish part of the dwelling) whilst the replacement is constructed. Therefore, it is suggested that 2 (No.) residential dwellings will potentially be in situ at the application site for an unspecified period of time. The agent has suggested that a condition could be imposed upon the planning decision notice controlling this. However, such a course of action would result in inappropriate development within the Metropolitan Green Belt and would be harmful to the landscape character of the area. The proposed development is only considered to be acceptable as a replacement dwelling and not a development where 2 (No.) dwellings are potentially in situ concurrently.
- 28 On this basis, a condition shall be included upon the planning decision notice requiring that the existing dwelling and linked garaging be demolished prior to the commencement of development.

### *Impact upon the High Weald Area of Outstanding Natural Beauty*

- 29 Policy L08 of the Sevenoaks District Core Strategy states that the countryside and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced.
- 30 Policy EN5 of the ADMP states that the Kent Downs Area of Outstanding Natural Beauty will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance. Policy EN5 follows on to state that proposals that affect the landscape throughout the District will be permitted where they would a). conserve the character of the landscape, including areas of tranquillity, and b). where feasible, help secure enhancements in accordance with landscape actions in accordance with the Sevenoaks Countryside Assessment SPD.
- 31 The proposed development would occupy less of the plot than that currently exhibited across its width from east to west. The ridge height of the proposed dwelling would be equal to 1 metre greater than that of the existing dwelling and therefore I do not consider that the replacement dwelling will have a materially greater impact upon the High Weald Area of Outstanding Natural Beauty than that of the existing dwelling. On this basis, the proposed development is considered to be acceptable within the High Weald Area of Outstanding Natural Beauty.



### *Impact upon residential amenity*

- 32 Policy EN2 of the Sevenoaks Allocations and Development Management Plan states that proposals will only be permitted where they would safeguard the amenities of occupiers of nearby properties by ensuring that the development would not result in excessive noise, odour, activity or vehicle movements, overlooking or visual intrusion and that the built form would not significantly adversely prejudice outlook, privacy, or light enjoyed by the occupiers of nearby properties.
- 33 Given the location of the replacement dwelling such will not be located close to any neighbouring residential properties. On this basis, the proposed development is not considered to result in a loss of amenity to the residents at neighbouring properties.

### Other Issues

#### *Sustainable development*

- 34 Policy SP2 of the Core Strategy requires that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes.
- 35 No information relating to this has been submitted by the applicant however it is possible for the achievement of Level 3 to be required by way of condition. As such, a condition shall be imposed upon the planning decision notice requiring such.

#### *Community Infrastructure Levy*

- 36 A self build exemption is available to anyone who builds or commissions their own home for their own occupation providing the relevant criteria are met as set out in Sections 54A, 54B, 54C and 54D of The Community Infrastructure Levy Regulations 2010 (as amended).
- 37 The self build exemption for housing can only be claimed if the person making that claim has in accordance with Section 54B (2) (a) (ii) of the regulations: assumed liability to pay CIL in respect of the new dwelling, whether or not they have also assumed liability to pay CIL in respect of other development.
- 38 The applicant is claiming exemption for a self build dwelling within the definition in Regulation 54A. A person is eligible for an exemption from liability to pay CIL in respect of a chargeable development, or part of a chargeable development, if it comprises self-build housing (or self-build communal development).
- 39 The applicant has only submitted the CIL questions form. I am not therefore satisfied that Mr & Mrs A St. Pierre are exempt from CIL for planning application SE/14/03983/FUL at this stage.

### Access Issues

- 40 Access arrangements will remain unchanged as part of the proposal.

## **Conclusion**

- 41 For the reasons stated previously within this report, the proposed development is considered to be acceptable. It is therefore considered that planning permission be granted.

## **Background Papers**

Site and Block Plan

Contact Officer(s): Helen Broughton Extension: 7136

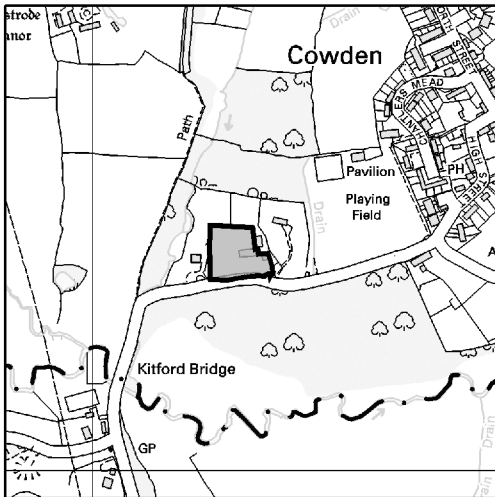
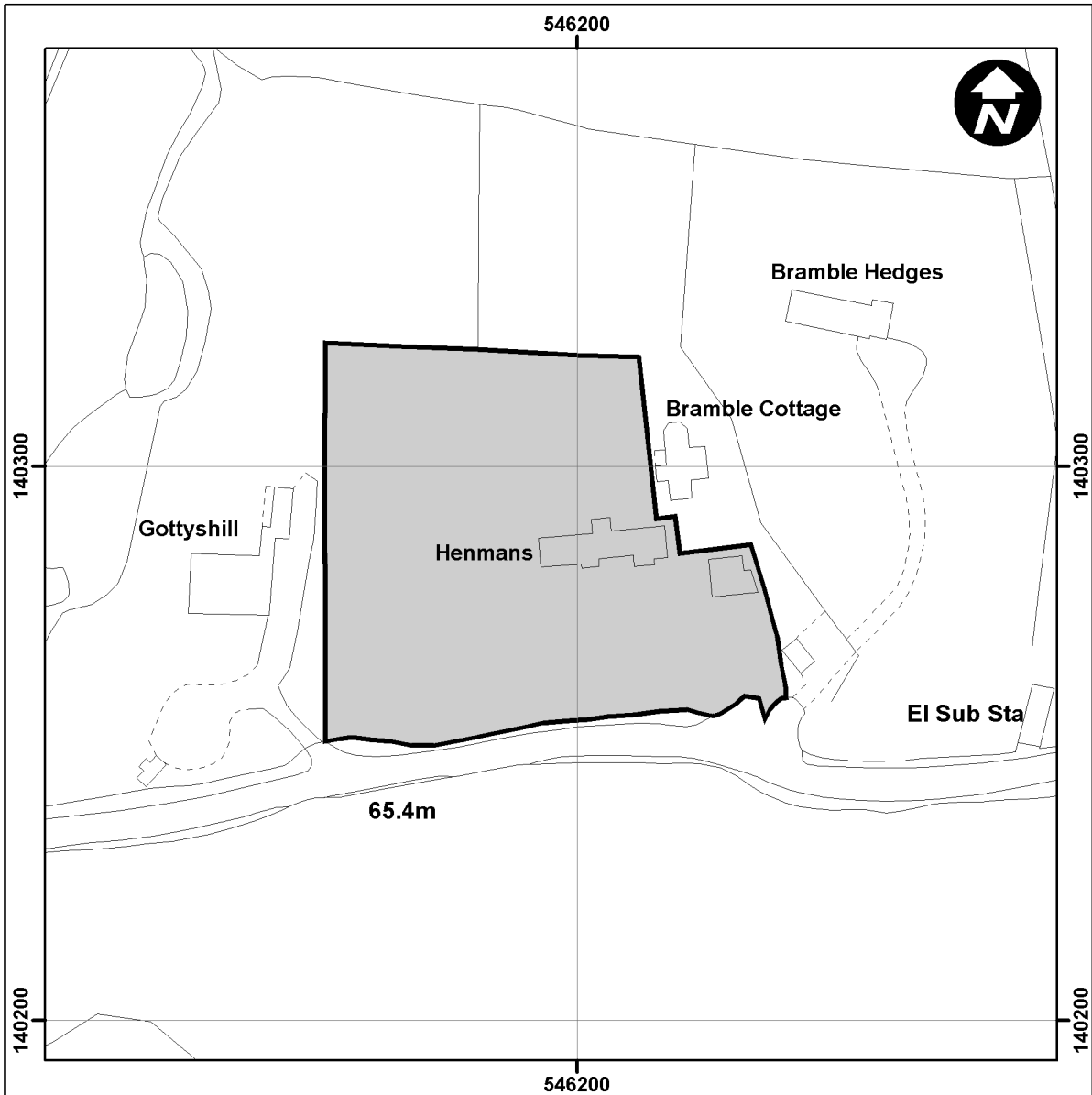
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NH0Z06BKI5E00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NH0Z06BKI5E00>



# Site Plan

Scale 1:1,250

Date 16/04/2015



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Sevenoaks District Council, 100019428, 2013.

