

4.2 - 17/03545/FUL

Date expired 5 January 2018

Proposal: Demolition of existing dwelling; erection of replacement dwelling and single storey garage and associated works.

Location: The Coach House, Swan Lane, Edenbridge TN8 6AJ

Ward(s): Edenbridge North & East

#### **ITEM FOR DECISION**

Councillor Scholey has referred the application to Development Control Committee on the grounds that the proposed new dwelling would not have a more harmful impact on the openness of the Green Belt when compared to the existing dwelling.

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

The site lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposed development, by reason of its siting and the combination of its height, bulk and site coverage, would be inappropriate development in the Green Belt, harmful to its permanence and openness and contrary to Policy GB2 and GB4 of the Sevenoaks Allocations and Development Management Plan, the Sevenoaks Development in the Green Belt Supplementary Planning Document and the NPPF. The potential very special circumstances do not individually or cumulatively outweigh the harm to the Green Belt which is given significant weight.

#### **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 the demolition of the existing dwelling and erection of a replacement dwelling and detached garage to the north-east of the site of the existing property, within the garden.
- 2 The new dwelling would be loosely 'U' shaped, located to the north-east of the existing property, within the centre of the existing garden area. The new dwelling would be arranged over two floors. The ground floor would feature two projecting wings, connected to the main bulk of the property which would have a ridge height of 6.7 metres at its tallest with a varying height of 3 - 3.9 metres for the sloped wings. Below ground would be a basement, entirely submerged with no external openings or windows.
- 3 The materials have been proposed as larch cladding with terracotta coloured render for the external faces, with standing seam metal roofing.
- 4 The detached double garage would be sited centrally behind the new dwelling to the north, with a pitched ridge height of 4 metres and three rooflights.

### **Description of site**

- 5 The site comprises a two storey detached dwelling, situated on the northern side of Swan Lane, outside the urban confines of Edenbridge which lies to the south of Swan Lane.
- 6 The property sits directly behind the larger Lyncroft House, accessed by a driveway to the south-east. The property lies on a slightly sloping site, with land levels decreasing towards the north. The property features barn hipped roofs with red facing brickwork and large prominent chimney, mirroring features of Lyncroft House.

### **Constraints**

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

## **Policies**

### *Core Strategy (CS)*

#### 9 Policies:

- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP11 Biodiversity

### *Allocations and Development Management (ADMP)*

#### 10 Policies:

- EN1 Design Principles
- EN2 Amenity Protection
- GB2 Basements within Residential Developments in the Green Belt
- GB3 Residential Outbuildings in the Green Belt
- GB4 Replacement Dwellings in the Green Belt
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

### *Other*

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

Para 14 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)

Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

#### 12 Development in the Green Belt Supplementary Planning Document (SPD)

### **Relevant Planning history**

#### 13 SW/5/66/456 - Proposed bathroom and garage - Granted

16/01278/LDCPR - To provide extension to the front of the property within permitted development - Withdrawn.

17/01445/FUL - Demolition of existing dwelling and erection of a new dwelling - Withdrawn.

## Consultations

### *Edenbridge Town Council*

14 Support - with the following comments:

- Provided adequate drainage is included
- Provided the original dwelling is knocked down in good time.

### *Environmental Health*

15 Comments:

- Drainage details have not been submitted - need to be approved by Building Control
- Applicant advised to contact Environment Agency to determine if any additional consents needed
- Recommended conditions:
  - Construction Management Plan - for demolition and construction (including demolition survey identifying any asbestos and its safe removal)
  - Contamination condition
  - Written scheme for disposal of foul drainage.

### *Environment Agency*

16 No comments to make - but other consents from Environmental Agency may be required.

### *Southern Water*

17 Comments:

- Applicant advised to consult Environment Agency regarding use of package treatment plant/cess pit
- May be possible for the flows to be connected to a nearby public sewer - subject to consent from Southern Water
- An informative should be attached regarding the basement, stating: 'Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.'

## Representations

18 One representation of support has been received with the following comments:

- Proposed dwelling is noticeably lower and of less mass than the existing
- Materials are modern but perfectly acceptable.

## Chief Planning Officer's appraisal

### Principal issues

- Impact on the Green Belt
- Design and impact on the streetscene
- Neighbouring amenity
- Highways and parking
- Trees and landscaping
- Biodiversity
- Drainage
- Very Special Circumstances
- CIL

### *Impact on the Green Belt*

- 19 As set out in paragraph 87 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this such as replacement buildings, provided the new building is in the same use and not materially larger than the one it replaces. Where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 20 Paragraph 88 of the NPPF advises we should give substantial weight to any harm to the Green Belt. 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. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.
- 21 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.
- 22 The proposal comprises three parts for the purposes of planning policy, primarily the replacement dwelling itself, but also the proposed basement and detached garage. These elements will be considered below against the relevant policies.

### *Replacement Dwelling*

- 23 Policy GB4 of the ADMP states that proposals for replacement dwellings in the Green Belt which would meet the following criteria will be permitted:
- a) the existing dwelling 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 scale, bulk or visual intrusion;
  - c) the proposal adheres to the 'original' dwelling curtilage; and
  - 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).

- 24 While the original permission for the dwelling cannot be found, it is lawful and permanent in nature. A planning application from 1966 (SW/5/66/456) indicates that the garden area to the north of the property formed part of the residential curtilage, which matches that shown on our historical mapping. Due to this, while the new dwelling would be sited away from the existing property, it would remain within the original curtilage, without any further evidence to the contrary. The proposal would therefore meet parts a) and c) above. However, while it would remain within the curtilage, it would be sited in a more prominent location compared to the existing dwelling, thus the impact of its siting will be assessed below.
- 25 The agent has provided calculations for the increase in floorspace between the original dwelling and the proposed replacement. These are based upon calculations from the 1966 permission and include two areas of covered space by the porch and bathroom. There is no other planning history or drawings which are contrary to this calculation of floorspace, and the Council's mapping layer from 1900-1949 appears to show these areas of covered space. Due to this, the calculations are considered as follows:

Original floor space	222m <sup>2</sup>
<b>50% increase set out in policy</b>	<b>111m<sup>2</sup></b>
Proposed dwelling (including bay windows)	320m <sup>2</sup>
<b>Total percentage increase from original</b>	<b>44.1%</b>

- 26 The proposal would therefore also meet part d) of Policy GB4.
- 27 As evidenced above, it is considered that the proposed replacement dwelling would meet criteria a), c) and d). However, while the dwelling would comply with policy in respect of the 50% increase in floorspace, local policy above and paragraph 89 of the NPPF is clear that replacement structures must not result in an overall built form which materially harms openness. The floorspace calculation is therefore just one factor of consideration within Green Belt applications and all other requirements must also be met in order for a development to be appropriate development.
- 28 The proposed dwelling would have a larger footprint than the existing dwelling, increasing from the existing 112sqm footprint to a 310sqm footprint, spread out on the site through the two elongated 'wings' of the dwelling. This represents an increase in the footprint and spread of the property by 176%, a materially harmful increase.
- 29 The main bulk of the property would be located within the 6.7 metre tall hallway, kitchen/living area. This would give the appearance of a large two

storey dwelling within the middle of the site, which would only be 0.15 metres lower than the existing property. This large two storey section would be located in a more prominent, visually intrusive position, and would mean that the perceived and actual bulk on the site would encroach further into the Green Belt. This harm to the openness and permanence of the Green Belt would be compounded by the increase in volume on the site which would be materially larger when compared to the existing dwelling. Based upon the application drawings provided, the volume of the existing dwelling is in the region of 620 cubic metres, whereas the volume of the proposed dwelling would amount to in the region of 1170 cubic metres (the latter of which does not include the vaulted roof element to the new dwelling). This is an increase, which coupled with the more prominent siting, would be materially harmful to the openness and permanence of the Green Belt when compared with the impact of the existing dwelling.

- 30 Therefore, it is considered that the cumulative impact of the tall, wide ridgeline with the elongated broad wings of the proposal would result in a bulk and scale which would be materially larger in regard to its actual and perceived impact on the openness of the Green Belt which would be more harmful.
- 31 While the site is screened by trees and vegetation, the impact to the openness of the Green Belt is not solely in regard to visibility, as openness is different from visual impact and is about freedom from built form. Therefore, while the proposed dwelling may not be visible from the wider landscape, the impact of the additional three dimensional bulk on the site when compared to the original dwelling is considered to be materially harmful to openness in this instance.

### *Basement*

- 32 Policy GB2 of the ADMP is also relevant as it relates to the provision of basements in the Green Belt. This states that:

Basements will be permitted and will not be subject to the floorspace allowance as set out in Policies GB1 and GB4 if:

- a) the basement would not exceed the footprint of the original dwelling (based on the footprint of the original building as at 1st July 1948 or, when it was first constructed, if this is later);
- b) the basement would be situated entirely underground with no part of it visible at any point externally;
- c) there would be no external windows, entrances or exits to the basement;
- d) the extension or replacement dwelling would not be artificially raised above natural ground level to accommodate the extension; and
- e) the elements of the proposal situated above ground would comply with Policy GB1 (extension) or GB4 (replacement dwellings) in all other respects;

For basement proposals that do not comply with the above, the floorspace of the basement shall be included within the calculation for the purpose of Policy GB1 or GB4.

- 33 While the proposed basement would be sited entirely underground and would meet parts a) to d) of the above policy criteria, as the replacement dwelling as a whole would fail to meet all parts of Policy GB4, the basement would fall foul of part e). This would therefore also, in combination with the above ground elements, be inappropriate development in the Green Belt.
- 34 The proposed replacement dwelling is therefore considered overall to be contrary to Policy GB2 and GB4 of the ADMP and the NPPF. As such, the replacement dwelling would be inappropriate development in the Green Belt and harmful to openness.

#### *Detached garage*

- 35 The detached garage, although within 5 metres of the proposed replacement dwelling, would be more than 5 metres away from the existing property. Therefore, when regarding interpretation of policy, which makes reference to existing dwellings, the new garage would need to be assessed under Policy GB3 of the ADMP.
- 36 This states that outbuildings are permitted where the building, including the cumulative impact of other outbuildings and extension within the curtilage of the dwelling, would be ancillary to main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.
- 37 The Development in the Green Belt SPD states that we will seek to restrict outbuildings of more than 40 square metres in order to protect the openness of the Green Belt.
- 38 The proposed garage would have a modest form in relation to both the original dwelling and that proposed. It would meet the 40 square metres guidance and would be viewed as having an ancillary function and design, with a comfortable relationship with the dwelling. It would not have an excessive bulk, nor would it be visually intrusive within the landscape. The removal of two outbuildings to the west of the siting of the garage would also aid to offset the additional bulk created by the garage. Therefore, the garage would comply with Policy GB3 of the ADMP.
- 39 While the proposed garage itself may not be considered to harm the Green Belt through inappropriate development, in combination the overall proposal would remain inappropriate development in principle and harmful to openness as a whole.

#### *Very special circumstances*

- 40 The applicant has not specifically submitted a claim for Very Special Circumstances. However, there are some planning considerations that could have weight in such circumstances. These will be assessed towards the end of the report.

### ***Design and impact on street scene***

- 41 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 expands upon this and states that development should respond to the scale, height, materials and site coverage of the area and respect the character of the site and surrounding area.
- 42 The site lies outside of the more clustered and regular development of the confines of Edenbridge just south of Swan Lane. The properties along the northern edges vary in age and design and there is no set streetscene pattern.
- 43 The proposed dwelling would have a uniquely modern appearance, which would appear different to the existing and that of Lyncroft House. While this is the case, the property is set well into the site so would not be widely visible from Swan Lane and does not lie within a landscape constrained setting. The site is relatively screened to the north and east by trees and vegetation which would soften the development within wider views. In addition, any grant of permission would ensure landscaping conditions are attached to ensure this remains the case, alongside materials condition to ensure the wooden cladding is the most appropriate in this location and the roofing would not have an unduly reflective quality.
- 44 The proposed detached garage would be constructed with materials to match the cladding of the new dwelling. This would provide consistency across the development. The garage, as discussed above, is considered to be a modest and ancillary structure which would have a comfortable relationship with the dwelling.
- 45 Therefore, while different, the design of the dwelling would not be overly harmful to the character of the area, and as such, would comply with Policy SP1 of the Core Strategy, Policy EN1 of the ADMP and the NPPF in this regard.

### ***Neighbouring amenity***

- 46 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, visual intrusion, noise, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.
- 47 The nearest neighbour to the new dwelling would be Lyncroft, which would be sited between 24 and 25 metres away to the south-west from the new dwelling. The removal of the existing property would improve the outlook from Lyncroft, reducing its sense of enclosure to the north, particularly as the new dwelling would be sited on lower ground.
- 48 The distances between the proposed dwelling and Lyncroft would mean there would not be a loss of light or a reduction in privacy compared to the existing situation.

- 49 Due to the above, the proposal would comply with Policy EN2 of the ADMP and the NPPF.

### ***Highways and parking***

- 50 Policy T2 of the ADMP states that vehicle parking provision should be made in accordance with the current Kent County Council (KCC) vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide. This states that properties with 3 or more bedrooms require 2 parking spaces in this location.
- 51 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.
- 52 The proposal would provide a double garage and alterations to the driveway which would provide more than sufficient room for the parking of 2 vehicles. The alteration to the driveway would not affect the access into the property which would remain as existing and as such, would be acceptable.
- 53 In order to promote transport sustainability, a vehicle charging point would need to be provided on any new dwelling through a condition on any grant of permission.

### ***Trees and landscaping***

- 54 The proposed new dwelling and garage would result in the loss of some trees within the immediate area. The Arboricultural report has assessed the majority of these trees as being young specimens with a low amenity value. It is considered that the loss of these would therefore not be harmful to the character of the wider area. It is welcomed that the larger and mature trees, particularly the Oaks along the boundary, are to be retained, as these do contribute to the rural character of this northern part of Swan Lane and act as a natural screen between the development to the south and the rural landscape to the north.
- 55 The proposed block plan provides an indicative landscaping scheme, although further details of this would be required in order to establish if this was acceptable. As this would normally be requested by condition on any grant of permission, the lack of information regarding the landscape would not form a reason for refusal in this instance.

### ***Biodiversity***

- 56 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 57 The site would provide a good opportunity for enhancing the biodiversity of the immediate area due to its location close to the edge of Edenbridge but within a semi-rural location. The application does not contain any information regarding ecological enhancements, however, as this could be

requested by condition on any grant of permission, the lack of proposed enhancements would not form a reason for refusal in this instance.

### ***Drainage***

- 58 It is noted that the Town Council has made comments regarding the drainage of the site. The site slopes downwards to the north and the site visit indicated that this has resulted in land that is more prone to surface water. There is an existing drainage trench which runs along the existing driveway, northwards before being routed to the east.
- 59 The comments received from the Environmental Health team indicate that satisfactory drainage could be achieved through appropriate conditions upon any grant of permission, and as the Environment Agency has no comments regarding the scheme, it is considered that there is the ability to provide sufficient drainage.

### ***Assessment of any Very Special Circumstances***

- 60 Para 88 of the NPPF states that when considering any planning application, we should ensure that substantial weight is given to any harm to the Green Belt. 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 any other considerations.
- 61 Possible very special circumstances - these can be summarised as:
- Architectural merit of the proposed dwelling
  - Low visibility within landscape.
- 62 The harm in this case has been identified as:
- The harm in principal from inappropriate development in the Green Belt, which must be given significant weight.
  - The harm to the openness of the Green Belt which is also given significant weight.
- 63 It is acknowledged that the dwelling provides interesting architectural merit and would provide a sustainable family home. However, there is nothing to suggest that such a dwelling could not be achieved at a smaller scale. While the NPPF encourages good design, in this case, the architectural and sustainability of the dwelling is given moderate weight against the harm to the Green Belt.
- 64 The application has been supported by various photographs with the outline of the new dwelling indicated on them. The agent has stated that the new dwelling would have a low visual impact within the landscape. While this may be the case due to the screening around the site, the openness of the Green Belt is about the freedom of built form and is different to visual amenity. The siting of the dwelling would result in increased visual intrusion within the immediate landscape when compared to the existing property and the impact of the additional three dimensional bulk where there is currently none would remain harmful. This therefore has limited weight in consideration.

## Conclusion on very special circumstances:

65 In reviewing the extent of harm and the potential very special circumstances, it is concluded that the very special circumstances at this time do not provide enough weight individually or cumulatively which outweigh the significant weight given to the harm to the Green Belt through inappropriate development and harm to openness.

## **CIL**

66 This proposal is CIL liable and an exemption has been sought. This will be assessed at the end of this report.

## **Access issues**

67 The access would not be altered as a result of the application.

## **Conclusion**

68 The proposal has been robustly tested against our policies and the NPPF. We have concluded that this new property in this location would be inappropriate development in the Green Belt in principle and would be harmful to its permanence and openness.

69 The potential very special circumstances do not provide enough weight individually or cumulatively which outweigh the significant weight given to the harm to the Green Belt through inappropriate development and harm to openness.

## **Background papers**

Site and block plan.

Contact Officer(s): Sarah Cottingham Extension: 7481

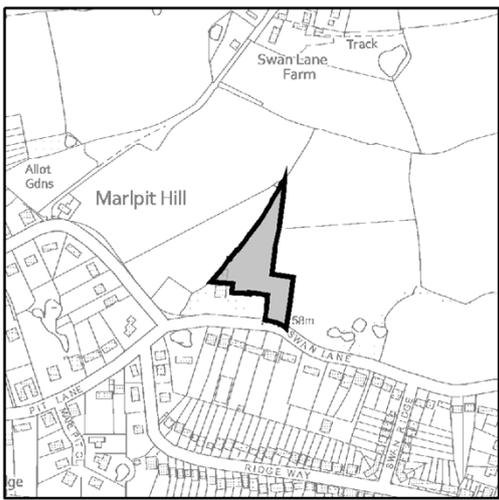
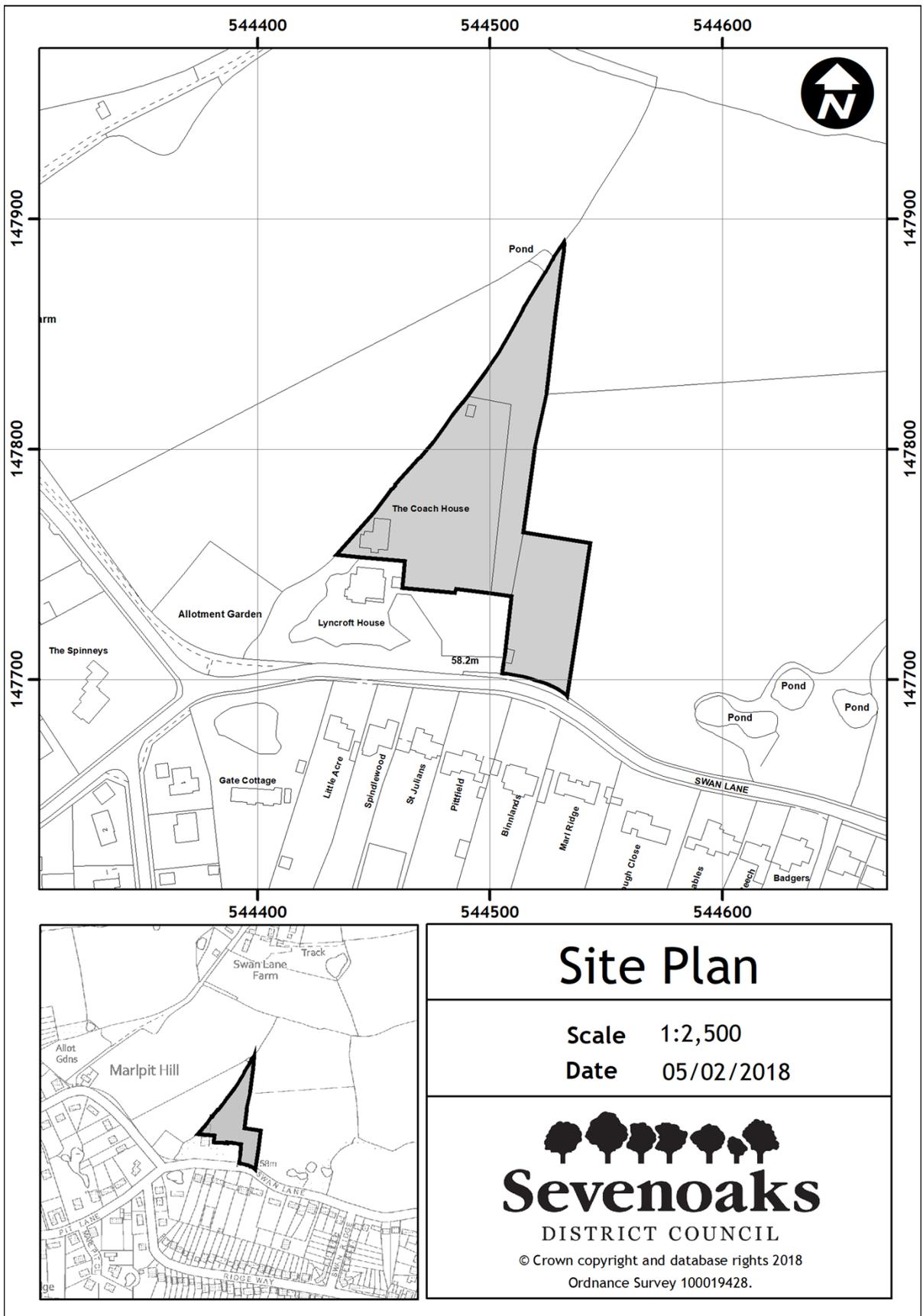
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OZ3ZBBBKITA00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OZ3ZBBBKITA00>



# Site Plan

Scale 1:2,500

Date 05/02/2018



DISTRICT COUNCIL

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Ordnance Survey 100019428.

Block Plan

