

4.6 19/02304/HOUSE Revised expiry date 21 November 2019

Proposal: Erection of a single storey rear extension.

Location: Rushmore Lodge, Rushmore Hill, Knockholt KENT TN14 7NS

Ward: Halstead, Knockholt & Badgers Mount

Item for decision

This application has been referred to the Development Control Committee by Councillor Grint as the proposals constitute inappropriate development in the Green Belt

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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, B or E of that Order.

In recognition of the very special circumstances of the case and to mitigate harm to the openness of the Green Belt as supported by the National Planning Policy Framework and policy GB1 of the Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 0052.3 Rev A; application form dated 6/8/19

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

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The application site comprises of a two storey detached dwelling and annex set south of Rushmore Hill. The property is located on a substantial plot set deep into the site. It has been previously extended and there are neighbouring properties set forward of the property. The site falls within the Metropolitan Green Belt.

Description of proposal

- 2 This proposal seeks permission for a single storey rear extension to create a new 'Garden room'. This application follows 19/01432/HOUSE for the same work.

Relevant planning history

- 3 00/00624/FUL - First floor and rear extension and demolition of double garage - GRANTED - 03/07/2000
- 4 88/02511/HIST - Erection of double garage and covered way adjacent to house - GRANTED - 20/01/1989
- 5 19/00593/LDCPR - Erection of a single storey side extension - GRANTED - 10/05/2019
- 6 81/00282/HIST - Two storey extension to dwelling- - GRANTED - 30/03/1981
- 7 764/79 - Rebuild of single storey lean to block (Building Control Record)
- 8 916/00 - Loft Conversion (Building Control Record) - 06/10/2000
- 9 19/01432/HOUSE - Erection of a single storey rear extension - REFUSED - 05/08/2019

Policies

- 10 National Planning Policy Framework (NPPF)
- 11 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
- 12 Allocations and Development Management Plan (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
 - GB1 Limited Extensions to Dwellings in the Green Belt

13 Other:

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Development in the Green Belt (SPD)

Constraints

14 Metropolitan Green Belt

Consultations

Knockholt Parish Council

15 Object: “We appreciate that there have been changes to the application but we still stand by our previous comments on application SE/19/01432/HOUSE as it would seem that previous extensions would preclude any further increase in footprint and bulk.”

16 For clarity the previous comments from the Parish Council read as follows:

17 We object to this application as there is insufficient information as to previous development on this site which falls outside the Village envelope and is therefore subject to Green Belt restrictions.

18 Local knowledge suggests that the property has been previously extended, but no data has been provided. It is of interest that this property has a large building in the grounds which is currently advertised as a holiday Let.”

Representations

19 No representations have been received

Chief Planning Officer’s appraisal

20 The main planning considerations are:

- Impact to the openness of the Green Belt
- Design and impact on the character of the area
- Amenity protection
- Very Special Circumstances

Impact on the Green Belt

21 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as limited extensions to dwellings providing that they do not result in disproportionate additions over and above the original dwelling. Paragraph

143 states that 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.

- 22 Paragraph 144 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.
- 23 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.
- 24 Policy GB1 states that proposals to extend an existing dwelling within the Green Belt, which is both permanent and lawful in nature, and designed to respond to the original form and appearance of the building with a proposed volume which is proportional and subservient to the original dwelling, not materially harming the openness of the Green Belt though excessive scale and bulk, will be permitted. Policy GB1 further states that where a proposal is considered acceptable in regards to cumulative bulk, the resultant additional floor space should not exceed 50% over and above that of the original dwelling.
- 25 The host dwelling is historic in nature and based on historic maps appears to have been constructed between 1909 and 1932. As such the 'original' dwelling would be considered as it stood on 1 July 1948. On the presumption that the dwelling was originally two storeys in height which, based on planning and building control records, is most likely the approximate original floor area would be around 194m².
- 26 The property has benefited from a number of additions. Building control records show that there was a 'lean-to' extension to the rear which was rebuilt with a flat roof in 1979. Building control drawings show that the original may have been smaller in footprint but, as no existing drawings are available on file, it is not possible to ascertain the size of the original lean to extension or whether or not it was built after July 1948.
- 27 A two storey extension was built in 1981 on the southern elevation. In 1988 a detached garage and covered way were constructed on the north elevation within 5m of the dwelling. The garage has since been demolished however a covered terrace area attached to the house is now in this location and would be included within the Green Belt calculations. The garage was demolished as part of an application made in 2000 for a first floor extension over the flat roofed extension reconstructed in 1979. A balcony serving the first floor, which creates a covered area over the existing side patio, was constructed sometime between 2000 and 2008.

- 28 Finally building control records show that, as part of the 2000 application, the roof of the dwelling was extended which accommodated a loft conversion although this was not part of the planning application. In accordance with Policy GB1 as the work involved a significant extension of the roof the resultant floorspace would be included in the calculations.
- 29 On this basis, with no evidence to the contrary, the original dwelling will include the 1979 extension and the later additions will be considered as the two storey extension, first floor addition, and second storey loft conversion, the covered seating area on the northern elevation and the balcony on the south elevation.
- 30 On this basis the floorspace calculations would be as follows:

	m ²	% increase
Original dwelling	193.56	
Extensions to date	234.07	
Existing uplift	427.63	120.93
Proposed extensions	35.7	
Total increase on the original	463.33	139.37

- 31 The proposals would therefore result in an uplift far in excess of the 50% guideline of Criterion C of Policy GB1 and would result in cumulative additions disproportionate to the original form of the dwelling. Thus the proposals would result in material harm to the Green Belt through excessive scale and bulk of the extended house and would constitute inappropriate development in the Green Belt contrary to Policy GB1 of the ADMP and the NPPF.

Very special circumstances

- 32 The applicant has made a claim for very special circumstances. In this case there are material considerations that may amount to or contribute to a case for very special circumstances. This issue is considered in more detail in this report.

Design and impact to the character of the area

- 33 The host dwelling is set on a substantial plot with the house located deep into the site and the proposals would not be visible within the public realm. As such the extension and would have a limited impact both within the wider area and within the site itself.
- 34 The proposed extension would have a simple form of limited height, width and projection and would be considered subservient to the host dwelling on its own merits in accordance with the design guidance set out within the Residential Extensions SPD. The materials would match the existing dwelling and would be sited in an unobtrusive location and so would be considered to integrate well on site. Although flat roofed, due to the limited height of the extension, and the discrete location this would be considered acceptable in this case.
- 35 The proposals would be considered to be in keeping with the host dwelling and area in accordance with Policy EN1.

Amenity protection

- 36 The nearest neighbours to the application site are located approximately between 33m and 38m from the property and are entirely separated from the site by standard boundary treatments, trees and vegetation.
- 37 Due to the location of the extension, at single storey, the proposals would not result in loss of daylight, sunlight, outlook or privacy to its neighbours and would accord with Policy EN2.

Very Special Circumstances

- 38 Para 144 of the NPPF states that when considering any planning application, LPAs 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 other considerations.
- 39 In this case the possible Very Special Circumstances can be summarised as:
- The applicant would be able to construct a single storey extension of the same design and footprint under permitted development on the opposite side of the dwelling. This would be in a much more visually prominent location within the site.

Assessment of Very Special Circumstances

- 40 The harm in this case has been identified as:
- The harm in principle 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
- 41 In this case the applicant has provided evidence of a Lawful Development Certificate (19/00593/LDCPR) which confirms that the applicant can build a single storey extension of the same design and footprint on the opposite side of the dwelling without planning permission.
- 42 Thus the case of Very Special Circumstances amounts to a ‘fall back’ position. As supported by case law, appeal decisions and consideration of similar planning applications, fall back positions constitute a material planning consideration which can constitute Very Special Circumstances in some cases. This is a position which the Council has also previously taken.
- 43 When considering the merits of fall back positions as a case of Very Special Circumstances the alternative development must not only be theoretical but neither is it necessary for the applicant to demonstrate with evidence that its construction is imminent. Rather, the likelihood of the alternative being implemented is the matter under consideration. Considerations affording weight to the likelihood include the similarities of the development and this can constitute the type of development (i.e. are both proposals for extensions), is the same living provision being provided in both schemes and similarities between the scale, form and design.
- 44 In this case the proposals of this application and the alternative scheme are both for extensions. Moreover the extension subject of this application would provide the same living accommodation as the extension of the LDC and would not be materially different in design or footprint. As such I consider that, on the balance of probability, it is entirely reasonable to conclude that the applicant could carry out this work should this application be refused and that a reasonable likelihood of its construction exists. As such it is recognized as a legitimate fallback position and should be afforded substantial weight.
- 45 The proposed extension being considered in this application is located on the rear elevation. This extension would be considered a more appropriate location for the additional built form, rather than the eastern elevation, in that the built form would be compactly located adjacent to the boundary rather than extending centrally into the site as the extension of the LDC would do. The scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms. The current proposal would therefore, offer an opportunity for a more suitably located extension as opposed to a more visually intrusive

form of development that would arise should the applicant seek to undertake to implement permitted development rights. As such the impact to openness of the LDC application would be considered greater than the resultant impact in this case.

- 46 It is therefore considered that the proposed extension would not result in any greater material harm to the Green Belt by virtue of its scale or form than the extension of the existing LDC application. I am satisfied that there is a reasonable likelihood that the extension of the LDC could be carried out and, as such, I am satisfied that Very Special Circumstances exists in this case which clearly outweighs the harm to the Green Belt in accordance with Para 144 of the NPPF.
- 47 As the property has already been significantly extended well beyond the 50% uplift, and that this application is reliant upon a case of VSC, it is considered reasonable to remove permitted development rights for Classes A, B and E of the General Permitted Development Order should this application be granted to control further development that could result in further inappropriate development harmful to the Green Belt.

Community Infrastructure Levy (CIL)

- 48 This proposal is not CIL liable.

Conclusion

- 49 Whilst the proposed extension would result in disproportionate additions constituting in inappropriate development in the Green Belt in this case it is clear that there are other material considerations which amount to a case of Very Special Circumstances that clearly outweigh the harm identified. The removal of permitted development rights relating to Classes A, B and E would ensure that future development can be controlled and would reduce future harm.
- 50 It is therefore recommended that this application is Granted

Background papers

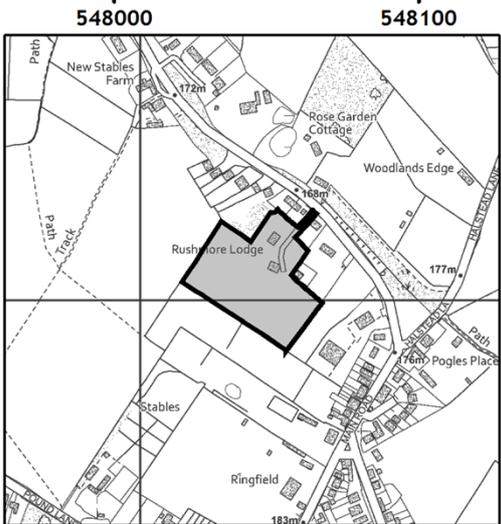
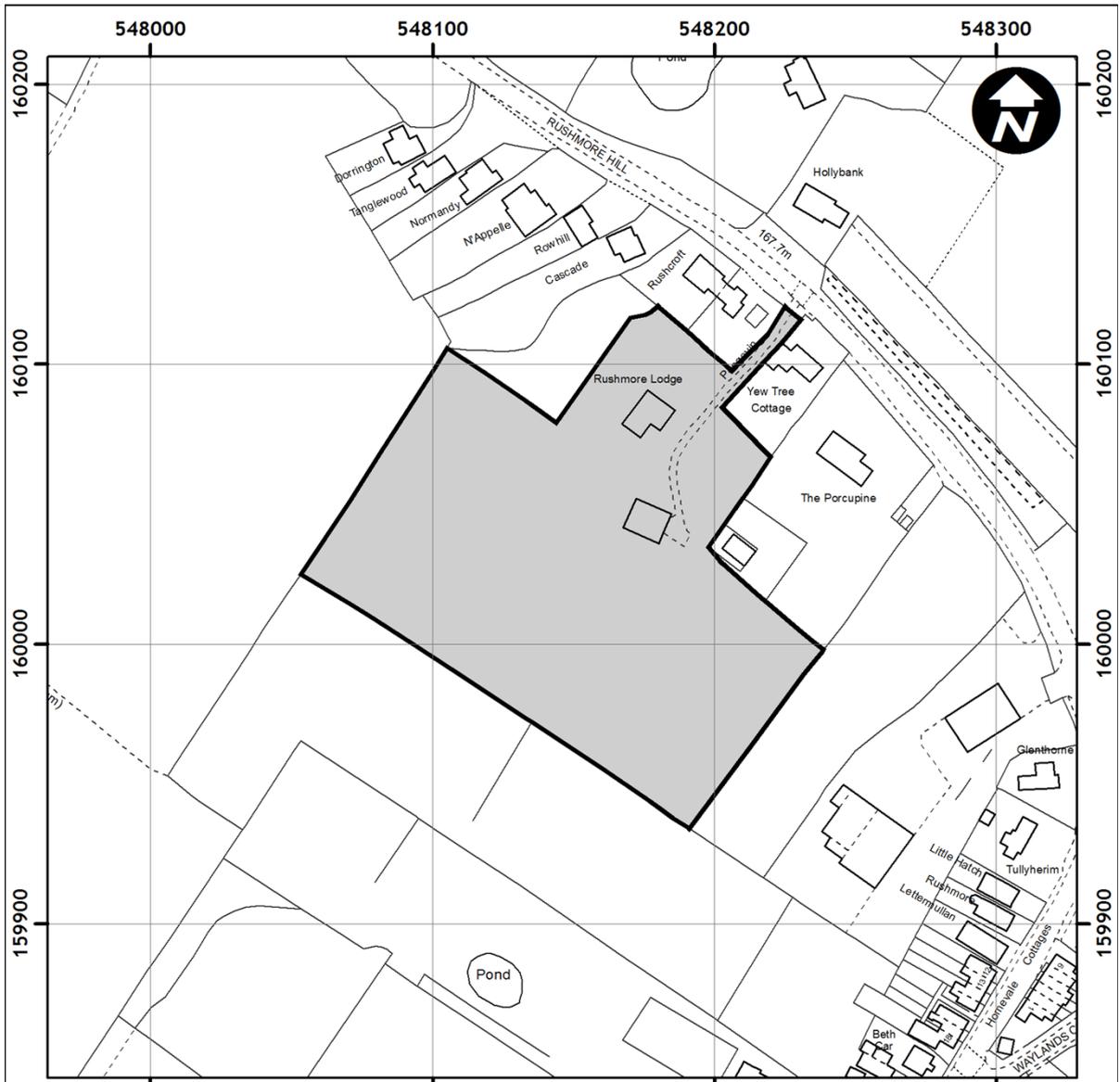
Site and block plan

Contact Officer: Hannah Donnellan Contact: 01732 227000

Richard Morris
Chief Officer Planning & Regulatory Services

Link to application details: <https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents: <https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PVTOA4BKGF500>



Site Plan

Scale 1:2,500
 Date 09/10/2019



© Crown copyright and database rights 2019
 Ordnance Survey 100019428.

BLOCK PLAN

