

4.4 20/03739/HOUSE Date expired 12 February 2021

Proposal: Removal of existing 2.5m high gazebo framework.
Erection of a single storey, flat roof, open sided garden room.

Location: Rosewood, Stonehouse Road, Halstead KENT TN14 7HN

Ward(s): Halstead, Knockholt & Badgers Mount

Item for decision

This application has been referred to Development Control Committee by Councillor Grint due to the impact on neighbouring properties and the openness of 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) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1556/P4; 1556/P3

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

Description of proposal

2 The application seeks permission for the removal of a 2.5m high pergola and the construction of a flat roofed and open sided garden room. The building

would be 2.8m in height and measuring 44 square metres. It would be white rendered with grey aluminium windows and a grey flat roof.

Relevant planning history

- 3 11/01885/FUL Revised scheme as permitted under reference SE/11/00011/FUL for a five bedroom detached house, with integral basement parking. GRANT 14/09/2011
- 4 20/03738/LDCPR Erection of single storey, open sided, flat roof garden room - GRANT 09/02/2021

Policies

- 5 National Planning Policy Framework (NPPF)
- 6 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
- 7 Allocations and Development Management Plan (ADMP)
 - SC1 Presumption In Favour Of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - GB3 Residential Outbuildings in the Green Belt
- 8 Other:
 - Sevenoaks Residential Extensions SPD
 - Development in the Green Belt SPD

Constraints

- 9 The following constraints apply
 - Metropolitan Green belt

Consultations

- 10 Halstead Parish Council: This council feel that, due to the lay of the land, the proposed development would have a significant impact on both the neighbouring properties and the openness of the green belt.
- 11 The bulk, height and scale of this development on the elevated position would be in direct contravention to policy GB1 (section b)
- 12 This council also have concerns that the proposed development is too close to the neighbouring boundary and that, compounded with the elevated

position, makes for an overbearing structure that attributes to loss of light for the neighbouring property

13 Halstead Parish Council have spoken with a neighbour who have voiced their objections on similar grounds.

14 Other Consultees - None

Representations

15 One letter of objection has been received relating to the following issues:

- Encroachment and overdevelopment of the Green Belt.
- Excessive volume, scale and bulk.
- It would set a precedent for larger scale development in the Green Belt.
- The building would be less than 1m from the shared boundaries
- Impact to daylight and overshadowing of the garden due to the height of the building and fall in ground levels.

Chief Planning Officer's appraisal

16 The main planning consideration are:

- Impact to the Green Belt
- Design and impact to the character of the area
- Impact to neighbouring amenity

Impact to the Green Belt

17 Part of the rear garden of the application site is located within the Green Belt. The main dwelling is not located within it however, most of the proposed outbuilding would be. As such Policy GB3 (Residential Outbuildings in the Green Belt) of Sevenoaks Allocations and Development Management Plan will therefore apply.

18 Policy GB3 of the Sevenoaks Allocations and Development Management Plan states that outbuildings located more than 5m from the existing dwelling will be permitted where the building, including the cumulative impact of other outbuildings and extensions within the curtilage of the dwelling, would be ancillary to the 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.

19 The proposed outbuilding would replace an existing open framed pergola with a flat roofed, partly open-sided outbuilding. An LDC Proposed has already been granted, (reference 20/03738/LDCPR), which confirms that this outbuilding, 2.5m in height, would not require planning permission.

20 The reason this outbuilding requires planning permission is that the overall height would be 0.3m taller than what would normally be allowed under permitted development for an outbuilding in this location. An outbuilding of

this size, if sited 2m from the property boundary line, would similarly not require planning permission. At its shortest distance, the outbuilding would be located 0.7m from the northern boundary, 0.4m from the eastern boundary and 22m from the southern boundary.

- 21 It is the statutory duty of the LPA to determine an application as it has been submitted and the existence of the LDC confirming that a near identical outbuilding does not require planning permission lends material weight to the consideration of this planning application.
- 22 Rosewood has not previously been extended and currently has no outbuildings other than the existing pergola. As it would be located within the existing area as the pergola and formal patio seating area, it would not materially alter the overall openness of the site. The outbuilding would be located close enough to the existing dwelling in order to centralise existing built form on the site mitigating the impact to openness. The outbuilding would similarly be located closer to the main house compared to other neighbouring outbuildings located within the Green Belt sections of the gardens.
- 23 The proposed outbuilding in this case would have a flat roof and therefore a low height which would be minimally higher than the existing trellis above the boundary fence, thereby limiting the bulk of the development which would not appear visually intrusive. It would also have a much lower height than other outbuildings that have been previously approved at other domestic properties within the green belt.
- 24 The outbuilding would measure approximately 44sqm in footprint which is only marginally over the recommended 40sqm set out in the Development in Green Belt SPD. However, the overall acceptability of the footprint depends ultimately on the overall context. For example in a recent appeal decision for a property, (application reference 20/00650/HOUSE), made in December 2020 the planning inspector did not agree that a detached garage of 57sqm constituted inappropriate development in the green belt as the scale was proportionate to the main dwelling and did not adversely impact the openness of the site in accordance with the broader terms of GB3.
- 25 Therefore an increase of 4sqm in this case would not be considered substantial enough to result in material harm to the green belt where 40sqm would normally be considered acceptable. The main dwelling is large and the outbuilding would be clearly be subservient, as well as being proportionate to it in scale and form. The land levels of the site do rise however, the level of the proposed outbuilding would not have a substantial impact to the main dwelling or the site due to the low height of the building and its distance from the house. The development would therefore comply with GB3 and would constitute appropriate development in the green belt.

Design and impact to the character of the area

- 26 The development would not be visible within the street scene which limits the overall impact of the building to the character of the area. The area character comprises of residential properties and outbuildings within the rear gardens are common. Only the roof and parts of the upper walls of the outbuilding would be visible to neighbours over the existing fence towards the bottom of their gardens which is common situation for residential properties. The outbuilding would therefore preserve the character of the area.
- 27 As noted above the outbuilding would not be excessive in size and would be clearly proportionate to the existing house in scale. The building would cover an outdoor seating and barbeque area which would be clearly ancillary to the main dwelling in function. The proposed materials would be similar in appearance to the existing property and would blend in well with the site for this reason. The outbuilding would therefore be in full accordance with Policy EN1 and the Residential Extensions SPD.

Impact to neighbouring amenity

- 28 The outbuilding would be located a substantial distance away from the direct neighbours; approximately 27m away from Briar Bank and 24m from Uplands. The existing boundary treatments comprise of standard height fencing and tall trees and hedging that are taller than the proposed outbuilding.
- 29 Loss of Light and Overshadowing
- 30 Due to this substantial distance between the proposed outbuilding and the neighbouring properties the development would pass the sunlight and daylight tests to both neighbours. The light test is applicable to the windows serving habitable rooms and their private amenity space which is defined as the first 5m of garden from the property's rear elevation. Impact to non-habitable rooms and garden space generally is not protected by the planning system.
- 31 The proposed outbuilding would be set on the same level as Uplands to the south but due to the higher gradient in levels would be set above the level of Briar Bank and slightly above the property's garden directly adjacent where the levels similarly rise in the same direction.
- 32 Both boundary treatments comprise of trees which are taller than the proposed outbuilding. With regard to Briar Bank to the north, the trees lining this boundary run along and past Briar Bank and its private amenity space. As such there would not be increased overshadowing to the property or its private amenity space. The line of trees stop at the location of the proposed outbuilding which is directly adjacent to the middle of the garden where the neighbouring property has a vegetable garden. It is possible that there could be increased overshadowing in this location due to the orientation of the properties however, although regrettable, this part of the site would not be considered private amenity space that could be protected by the planning system.

33 Privacy

The outbuilding would have no windows in the side elevation facing with Briar Bank. Due to the existing boundary treatments views from the proposed outbuilding into the neighbouring properties would not be possible.

34 Visual Intrusion

35 Due to the location of the proposed outbuilding and existing boundary treatments the development would not be visible from Uplands. The outbuilding would be mostly screened from view from Briar Bank however, a corner of it would be visible at a distance from the rear windows to the north of the property past the line of trees. As such, the development would not be prominently visible and would not materially alter the normal outlook of Briar Bank in accordance with policy EN2 of the ADMP.

36 The outbuilding would be located 0.6m from the northern boundary shared with Briar Bank however, there is no policy requirement that an outbuilding must be located a specified distance away. The acceptability of a distance from a boundary depends on the overall site context. Due to the substantial distance of the building from the house the impact of the development would be greatly mitigated and would not appear an overbearing structure due to this and its low height.

37 Views cannot be protected by the planning system and that the development can be seen would not result in material harm in principle to the normal outlook of a property. Whilst the roof and parts of the upper wall would be visible over the fence as viewed from the middle or top of the garden at Briar Bank this would not result in harm to the normal outlook which is concerned with the outlook from habitable windows and the 5m rear private amenity space. Therefore, the proposal will not result in any loss of residential amenity to the neighbouring properties.

Community Infrastructure Levy (CIL)

38 The development is less than 100m² and is therefore not liable for CIL.

Conclusion

39 The proposal complies with all relevant national and local planning policies.

Recommendation

40 It is therefore recommended that this application is APPROVED.

Background papers

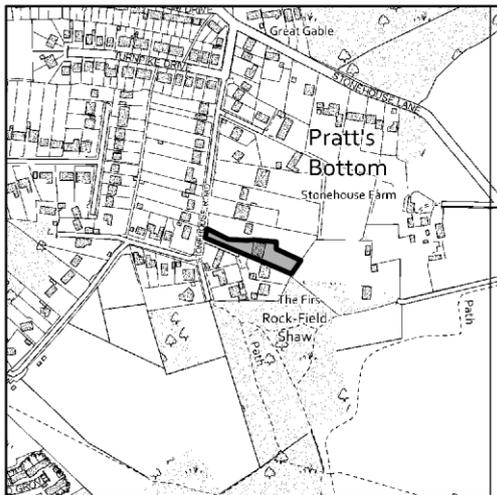
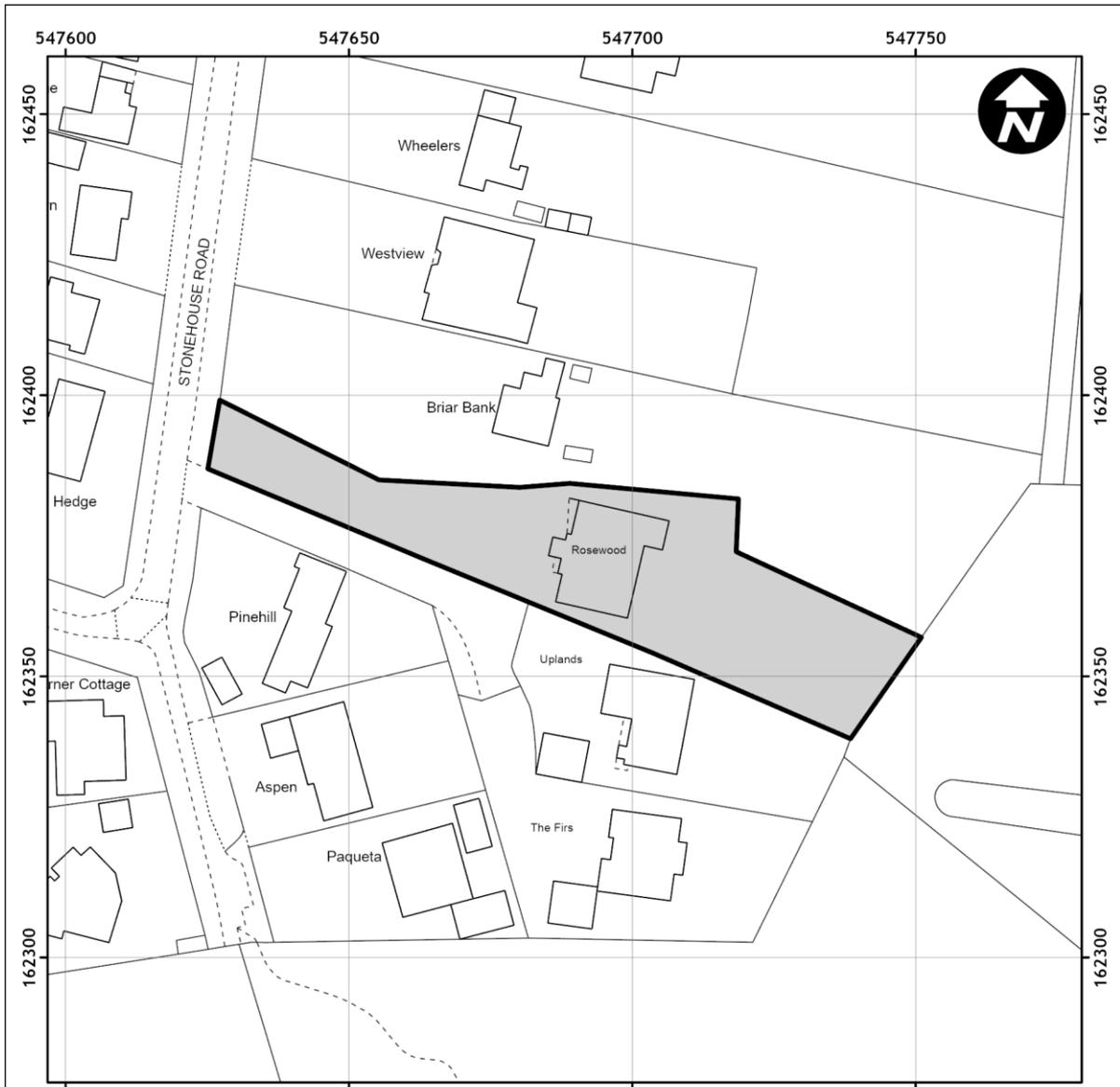
Site and block plan

Contact Officer(s): Hannah Donnellan 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250

Date 11/03/2021



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Ordnance Survey 100019428.

BLOCK PLAN

