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**PLANNING APPLICATION
BY**

MR AND MRS B HARRIS

RELATING TO

**PROPOSED EXTENSIONS AND ALTERATIONS
AT**

**APPLEGARTH HOUSE
IDE HILL ROAD
SUNDRIDGE
KENT
TN14 6AX**

PLANNING STATEMENT

OUR REF: JA/20/199

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1. INTRODUCTION

- 1.1. We are instructed by the applicants to prepare and submit this application for planning permission for extensions to the property known as Applegarth House, Ide Hill Road, Sundridge. The proposal is for a single storey extension on the rear elevation, a modest infill extension on the front elevation, alongside interior reconfigurations.
- 1.2. The site has been the subject of some recent planning history which includes an existing planning consent granted by a Lawful Development Certificate under reference 20/02766/LDCPR. This Certificate confirms that the construction of a large single storey extension on the western side and new porch features would be 'lawful'.
- 1.3. The site is located within the Green Belt where strict policies of restraint apply. This planning application essentially seeks to reconfigure the floor area of the 'approved' development to provide a higher quality rear extension, alongside other alterations, in a more logical and appropriate part of the site. This would also result in an extension of a smaller overall floor area than that which has already been approved.
- 1.4. In our view the scheme simply rationalises the approved floor area into a more appropriate design which would have a net benefit to the openness of the Green Belt. The detail of the proposal is discussed later in this statement.

2. THE SITE AND SURROUNDING AREA

- 2.1. The application site comprises a detached property on the western side of Ide Hill Road, Sundridge. The property is located within the Green Belt and is within an Area of Outstanding Natural Beauty (AONB).
- 2.2. The site is not within a designated Conservation Area, and the host building is neither statutory nor locally Listed.

3. RELEVANT PLANNING HISTORY

- 3.1. It is pertinent to identify that planning permission was granted for extensions to the house - as it existed at that time - in 2007 under reference 07/02196/FUL. This established planning permission for a two storey side extension, internal alterations and a new detached garage. This consent has been implemented.
- 3.2. The 2007 approval reorientated the house within the site, effectively making the 'original' rear elevation the current front of the house. Originally the front of the property faced towards the highway; the property is now accessed via an existing driveway to the north with the front elevation of the existing property facing to the west.
- 3.3. In November 2020 the Council granted a Lawful Development Certificate under reference 20/02766/LDCPR. This confirmed that a single storey extension with two porch additions would comply with all parts of Schedule 2, Part 1, classes A and D of the Town and Country (General Permitted Development) Order in 2015 (as amended).
- 3.4. As stated, the current 'front' of the property faces to the west but the extension has been approved on the basis that it does not project forward of the front elevation of the 'original' building. The result of the Lawful Development Certificate is such that a substantial single storey extension could be constructed to the front of the existing house. The LDC also confirms that additional floor area could be added to the property, which is acknowledged as being previously extended to around 50% of the original floor area.

4. THE APPLICATION PROPOSAL

- 4.1. Having considered the development which could be constructed by virtue of the extant Lawful Development Certificate, the applicants are keen to provide similar accommodation within a more appropriately located extension, seeking to consolidate the level of built form which is approved. A reduction in overall floor area is also proposed.
- 4.2. As per the submitted drawings, the proposal is to construct a modest infill extension to the existing study, effectively enclosing part of the area covered by an existing canopy on the front elevation. The main element of the proposal, however, is the construction of a single storey extension to the rear elevation of the existing property alongside internal reconfigurations to improve the layout and provide additional habitable accommodation for the applicants.
- 4.3. Clearly the existing Lawful Development Certificate for the formation of a large single storey extension and porch additions is a material consideration in this case. These establish consent for the construction of a single storey extension and porch additions which amount to a total of 36.55^m2. It is accepted that this enlargement to the existing property would be deemed '*disproportionate*' when applying the provisions of the Council's currently adopted policies.
- 4.4. In this case, however, the proposed extensions seek to add an alternative single storey extension to the rear of the property alongside a modest infill addition which represents an overall reduction in floor area over the extant approvals. The total proposed floor area is 36^m2; this represents a 1.5% reduction in built form over the approved Lawful Development Certificate scheme.
- 4.5. The proposed extensions will ensure a more coherent design solution and allow a more logical alteration given that the rear of the existing property is the eastern elevation. Furthermore, the extant approval is for a somewhat utilitarian front addition; its repositioning to the rear elevation vastly improves the visual appearance of the development and results in a far more aesthetically pleasing alteration to the existing property.

- 4.6. The Green Belt designation of the site and the restrictive nature of Green Belt policy is such that we are of the view that this proposal advances the required 'very special circumstances' in terms of the impact on the openness of the Green Belt, the character and appearance of the main house, and the overall character and appearance of the area.
- 4.7. The details of the relevant planning policy considerations in this case are set out below.

5. RELEVANT PLANNING POLICY CONSIDERATIONS

5.1. Of relevance to this application are the Government's objectives for the planning system as set out in the National Planning Policy Framework, the detailed policies within the Sevenoaks Core Strategy, the Sevenoaks Allocations and Development Management Plan (ADMP), plus any supplementary planning guidance.

National Planning Policy Framework (2019)

5.2. The main purpose of the revised Framework remains to achieve sustainable development through a plan-led system. The presumption in favour of sustainable development remains and, if development is sustainable, this should go ahead without delay.

5.3. The Government continue to recognise that design is indivisible from good planning, and that high-quality design is a key aspect of sustainable development. Paragraph 127 seeks to ensure that development proposals add to the overall quality of the area, are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping, and are sympathetic to local character and history.

5.4. Paragraph 130 recognises that whilst poor design which fails to take opportunities available for improving the character and quality of an area should be avoided, design should not be used by the decision maker as a valid reason to object to development.

5.5. Paragraph 134 explains that the Green Belt serves five purposes:

- *To check the unrestricted sprawl of large built up areas;*
- *To prevent neighbouring towns from merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *To assist in regeneration by encouraging the recycling of derelict and other urban land.*

- 5.6. Paragraph 143 confirms that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances.
- 5.7. Paragraph 145 sets out that the construction of new buildings should be regarded as inappropriate, unless any of the exceptions in bullet points (a) to (g) can be applied. Paragraph 145(c) states that:
- “The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building” is not inappropriate development.*
- 5.8. Whilst the Framework does not set out a definition of ‘proportionality’, Local Planning Authorities’ adopted planning policies should seek to ensure that an enlargement over an existing building in the Green Belt does not result in a harmful increase in overall floor area or a ‘disproportionate’ enlargement. The Councils adopted planning policies seek to ensure that any enlargements over an existing residential building in the Green Belt do not extend beyond a maximum of 50% in terms of an increase in floor area.
- 5.9. If development is deemed to be ‘inappropriate’ then then Very Special Circumstances must be advanced.

PLANNING PRACTICE GUIDANCE (PPG) (2014)

- 5.10. What we consider to be the relevant parts of the PPG are set out below.

Design

- 5.11. Achieving good design is about creating places, buildings or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development.

5.12. Planning policies should look to create streets that support the character and use of the area. Plans, policies and decisions can effectively manage physical form at a variety of scales. This is how planning can help achieve good design and connected objectives. Where appropriate the following should be considered:

- ***Layout – the way in which buildings and spaces relate to each other.***
- ***Form – the shape of buildings.***
- ***Scale – the size of buildings.***
- ***Detailing – the important smaller elements of buildings and spaces.***
- ***Materials – what a building is made from***

THE DEVELOPMENT PLAN

Sevenoaks Core Strategy (2011)

5.13. The Core Strategy sets out the overarching vision for the Council and details the strategic policies for consideration when determining planning applications.

5.14. Core Strategy Policy SP1 explains that all new development should be designed to a high quality and should respond to the distinctive character of the area in which it is situated.

5.15. Core Strategy Policy LO8 relates to the countryside and rural economy, explaining that the extent of Green Belt land will be maintained, and the countryside will be preserved.

Allocations and Development Management Plan (2015)

5.16. Policy EN1 – Design Principles - is a general criteria setting policy, against which most development proposals in the District are tested. The policy seeks to ensure that developments are well designed and laid out, respecting the character of the area within which they are located.

5.17. Policy EN2 – Amenity Protection - seeks to and the amenity of neighbouring occupiers, plus that of existing or future occupants of the development. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

5.18. Policy GB1 – Limited Extensions to dwellings in the Green Belt - outlines criteria which relates to limited extensions to dwellings in the Green Belt. Proposals to extend 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; and

(b) the design responds to the original form and appearance of the building and the proposed volume of the extension, taking into consideration any previous extensions, is proportional and subservient to the 'original' dwelling and does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion; and

5.19. If the proposal is considered acceptable when considered against criteria a) and b), the following criterion will then be assessed and must also be met for the proposal to be considered appropriate:

(c) the applicant provides clear evidence that the total floorspace of the proposal, together with any previous extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the "original" dwelling (measured externally) including outbuildings within 5m of the existing dwelling.

Sevenoaks District Council Residential Extensions SPD (2009)

5.20. The SPD offers further guidance to applicants in terms of design, amenity and other considerations. The SPD sets out that front extensions can appear unduly prominent within the street scene, and large scale front extension which extend beyond the front building line are generally resisted. The scale and form of an extension should normally fit unobtrusively with the building.

6. DISCUSSION OF THE PLANNING ISSUES

- 6.1. Given the context of the application site, the main issue to consider in this instance is whether the development is ‘*inappropriate*’ development in the Green Belt, and whether sufficient very special circumstances exist to justify development which is otherwise inappropriate. The impact on the openness of the Green Belt and the surrounding area, including nearby residential amenities and the overall character and appearance of the existing dwelling are also significant considerations.
- 6.2. In terms of the mathematical calculations, it is recognised that the existing building has been extended in 2007. However, the extant Lawful Development Certificate confirms that extensions could be constructed which would result in an additional gross internal area of 36.55^m². The proposed development as part of this submission would result in an overall reduction in internal floor area of 1.5%, resulting in an extension of 36^m².
- 6.3. Having due regard for the requirements of the Council’s Policy GB1 (which sets out that extensions to dwellings in the Green Belt are limited to a 50% increase in floor area) it is acknowledged that this would be classified as inappropriate development by definition. The Framework is clear that inappropriate development can only be justified where very special circumstances can be advanced.
- 6.4. In a relatively recent appeal decision from elsewhere within the district (appeal decision reference APP/G2245/D/16/3160342, see **APPENDIX 1**), a Planning Inspector considered an applicant’s permitted development ‘fallback position’ and noted the following:

“The appellant points out that Prior Approval has been granted in accordance with the General Permitted Development Order (GPDO) for a single storey rear extension offering an increase in footprint... [and]... in floorspace. This could be constructed if the current appeal were to be dismissed. The GPDO applies to the Green Belt without modification. It goes without saying that, in setting out the provisions of the GPDO the government has had regard to what would be proportionate and so the outworking of the GPDO gives a good indication of what should be regarded as proportionate or otherwise.”

In the light of that information and notwithstanding the requirement in policy GB1(c) of the Council's Allocations and Development Management Plan Development Plan Document adopted in February 2015 that total floorspace should not be increased by more than 50% by extensions to dwellings within the Green Belt, the proposed extension cannot be regarded as disproportionate.

I therefore conclude that the proposal would fall within one of the exceptions listed in paragraph 89 of the NPPF and that in consequence the proposal would not be inappropriate development within the Green Belt."

- 6.5. In light of the Inspector's comments above, it could be argued that this proposal is not inappropriate development, despite being contrary to the prescriptive percentage allowance for an increase in floor space in Policy GB1 (c). This is because the increase in floor area is less than the increase which is permitted by virtue of the extant LDC.
- 6.6. In this case, the existence of the recently approved LDC is such that the applicants could construct a significant increase in floor area to the existing building. This proposal seeks to consolidate the approved extension into a more appropriate design and location within the overall built development on site, whilst also reducing the level of built form.
- 6.7. The decrease in overall built floor area is of significant benefit to the openness of the Green Belt. It would decrease the volume of built form in comparison to the LDC approval and represent a far more logical and appropriate increase to the footprint of the existing property. From a visual perspective this would ensure that the extensions would be consolidated more coherently into the main dwelling – this also represents a significant benefit to the Green Belt.
- 6.8. The Council will recognise that there are various ways of assessing whether a proposal would represent a disproportionate addition. One method would be to assess the footprint of a proposed extension; in this case the proposal represents a more appropriate rearward projection from the existing rear elevation rather than an extension protruding significantly from the front elevation of the existing building. In our view the current proposal sits far more comfortably within the site and represents a more subservient and appropriate addition to the main house.

- 6.9. Another way of assessing proportionality would be to examine floorspace – as mentioned, in this case the proposal seeks to reduce the overall floor area of the extension by around 1.5%. This is a reduction which is a direct benefit to the openness of the Green Belt over the existing approvals.
- 6.10. A reduction in the level of built form in the Green Belt alongside a reduction in overall proposed volume necessarily has a more positive impact on the overall ‘openness’ of the Green Belt. As a result of this proposal there will be less development than is already approved by virtue of the extant LDC.
- 6.11. A further method for assessing the proportionality of any proposal would be its visual impact. There is a visual dimension to openness which is explicit in undertaking the Green Belt openness assessment. It is well-established that an assessment of any impact on the openness of the Green Belt must necessarily encompass a wider analysis than simply a comparison between footprint, volume and height of existing buildings to a proposed building.
- 6.12. The visual dimension to openness was made explicit in the ‘Turner’ judgement (*Turner v SOS for Communities and Local Government (2016) EWVA Civ 466*) made by the Court of Appeal. The following extract of the judgement is useful:
- “The concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach. The word openness is open textured, and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.*
- The openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there. But, as observed above, it does not follow that openness of the Green Belt has no visual dimension.”*
- (Lord Justice Sales)
- 6.13. The judgement established that the consideration of openness cannot depend on a purely mathematical/volumetric approach; it is also necessary to consider the spatial implications of any proposal. In other words, it is necessary to take account of wider considerations

including the visual implications of a proposal in this location. In this case the extensions would reduce the level of development on site and provide an extension to the main house in a far more logical and appropriate location. The consolidation of development on site should be given substantial weight in the overall balancing exercise and represents a very special circumstance.

- 6.14. The dwelling is lawful and permanent in nature and therefore meets criterion (a) of Policy GB1 of the ADMP. In terms of criteria (b) it has been outlined above that the design responds to the existing form and appearance of the building and is proportional, ensuring that the extensions are not visually intrusive through excessive scale and bulk within the landscape.
- 6.15. In the context of section 13 of the NPPF and criterion (c) of Policy GB1, despite the Inspector's comments above, the Council may be of the view that by definition the development is '*inappropriate*'. Accordingly, it would require justification by way of very special circumstances (VSCs).
- 6.16. In defining what would amount to VSCs, the approach to be adopted in assessing an exception to Green Belt policy is set out in established case law. 'Inappropriateness' is not determinative of the application; it is then for the applicant to show particular circumstances that outweigh any harm.
- 6.17. In this case the proposed design is of a far higher quality, vastly improved over the extant consent. This is a positive benefit to the site and the wider Green Belt. The approved front extension would disrupt the established front building line and would be of a lesser quality design than that which is being proposed here. The use of matching materials to the existing building, the reduction in volume, and the main extension being positioned on the rear elevation of the property is far more in keeping with the surroundings than the approved development. This is a very special circumstance.
- 6.18. Given the context of the application property and its relationship to any nearby dwellings, there is no conflict with Policy EN2 of the ADMP. The reduced level of built form and the more coherent design which results in a far more positive and appropriate aesthetic appearance represents a benefit to the wider visual amenities of the area.

- 6.19. Overall, in light of the foregoing our firm view is that there is no conflict with Policies EN1 or EN2 of the ADMP in respect of any impact on the character of the area, the character of the host building or the residential amenities of neighbouring properties. This proposal would be a significant improvement over the development which is already approved.
- 6.20. In light of the Council's overall objectives with regard to extensions to dwellings in the Green Belt as set out in Policy GB1, in light of the extant approvals, the development could reasonably be assessed as 'not inappropriate' development. There is an overall decrease in floor area and a reduction in volume over what is already approved. However, should the Council consider that the development is 'inappropriate' it is our firm view that the applicants have demonstrated particular circumstances that outweigh any harm.

7. CONCLUSION

- 7.1. On behalf of the applicants, we contend that the proposed extensions would result in less overall impact to the openness of the Green Belt and will represent a far more appropriate and less intrusive appearance than the extensions which already benefit from consent.
- 7.2. There will be no harm arising to neighbouring residential amenities and the proposed extension will provide similar accommodation to that which is approved whilst resulting in less 'harm' (by definition).
- 7.3. From a design perspective the proposal is a significant improvement in terms of the impact upon the host building and having due regard for the Council's preferences within the Residential Extensions SPD Guidance.
- 7.4. In our view (and if required) sufficient very special circumstances have been advanced to justify the proposal in Green Belt terms. There will be no other harm arising from the proposal, and a significant enhancement to the host building.
- 7.5. As such, it is respectfully suggested that planning permission should reasonably be granted, subject to any suitable planning conditions.



APPENDICES

APPENDIX 1 Copy of appeal decision reference APP/G2245/D/16/3160342