

## Application report

<b>Application Reference:</b>	<b>18/03817/HOUSE</b>	<b>Date of determination:</b>	<b>7 February 2019</b>
<b>Proposal:</b>	<b>Demolition of existing garage/outbuilding. Erection of single storey outbuilding with rooflight.</b>	<b>Case officer:</b>	<b>Natalie Rowland</b>
<b>Address:</b>	<b>The Old Laundry, The Lane, Fordcombe, Kent, TN3 0RP</b>		

### Description of site

The site comprises a detached residential property on the northern side of The Lane in Fordcombe. A detached garage is situated approximately 20 metres to the north of the dwelling, close to the western side boundary. A swimming pool is situated to the east of the garage. The land slopes up from the highway to the principal elevation of the dwelling with the plot level thereafter. The plot is bound to the front by a stone wall and to the sides and rear by established hedging. The site lies on the eastern outskirts of the residential centre of Fordcombe with the wider area comprising a rural character.

### Description of proposal

Planning permission is sought for the demolition of the existing garage/outbuilding and the erection of a single storey outbuilding with rooflight.

The building would measure 12.1 metres x 5.6 metres. It would have a flat roof measuring 3.3 metres in height and would serve a living/games room, bedroom/hobbies room and a wet room.

### Relevant planning history

14/03351/HOUSE - Demolition of rear extension, erection of replacement extension, and provision of new roof windows. Approved

### Policies

National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

#### Core Strategy (CS)

- SP1 Design of New Development and Conservation

#### Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection

#### Other

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

#### Constraints

- Metropolitan Green Belt
- Area of Outstanding Natural Beauty

#### Consultations responses

- Peshurst Parish Council - Supports the application
- Tree Officer - Based upon aerial imagery there are no trees of special merit within close proximity to the proposals, I do not therefore offer any objections.

#### Representations

No representations have been received

#### Planning appraisal

The main planning considerations are:

- **Impact on the Green Belt**
- **Impact on character and appearance**
- **Impact on neighbouring amenity**
- **Impact on Area of Outstanding Natural Beauty (AONB)**
- **Trees**

## **Impact on the Green Belt**

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 extensions to buildings and replacement buildings. 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.

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.

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.

### Assessment against policy and impact on openness

The NPPF states that the construction of new buildings in the Green Belt is inappropriate, with a few exceptions one of which being replacement buildings, provided that they are not materially larger than the one being replaced. The proposed outbuilding is a 49% increase in floorspace on the existing building, which is not considered to be materially larger. Subject to the impact on openness, the proposed form of development could be, by definition appropriate development in the Green Belt, inline with the NPPF.

Although situated away from the main dwelling, the proposed building would largely be on the same footprint of the existing structure. The built form would extend slightly towards the north however will still remain within the residential curtilage of the dwelling. The height of the proposed building would match the existing with the same flat roofed design not resulting in excessive bulk.

Whilst GB3 of the ADMP also applies for new outbuildings, this scheme relates to demolish and rebuild and therefore the NPPF test is more applicable.

### **Impact on character and appearance**

The existing outbuilding is set approximately 36 to the north of the highway and despite being on a higher gradient due to the topography, is not particularly visible from the street scene. As the proposed building is in the same position and would have a very similar appearance, there would be no harm to the character of the surroundings. The external surfaces of the building would be constructed of brickwork which would match the appearance of the main dwelling. For these reasons the proposed development will not detract from the character and appearance of the building or the surrounding area and complies with Policy EN1 of the ADMP and Core Strategy Policy SP1.

## **Impact on neighbouring amenity**

Gate Cottage is situated to the west and due to the topography is on a slightly lower gradient than the development site. This neighbouring dwelling does not form part of the regular building line within the surroundings and is therefore set behind the Old Laundry. As evident from the site visit and from the site plan, Gate Cottage benefits from a detached garden room/annexe situated close to the boundary between the two properties. The proposed outbuilding is larger than the neighbouring outbuilding and due to the differing levels will be visible from the garden of Gate Cottage however due to the minimal height is not considered to result in an overbearing or overshadowing structure.

One door is proposed to the western elevation however due to the existing boundary treatment and the ancillary use of the structure, the use of this door is not expected to result in harm to the amenity of the neighbouring property by virtue of overlooking or loss of privacy.

No other properties would be harmed by the proposal.

For the above reasons the proposed development would not create a substantial impact on the amenities of the neighbouring properties or the local area and complies with Policy EN2 of the ADMP.

## **Impact on Area of Outstanding Natural Beauty (AONB)**

The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.

There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.

Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings 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 will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.

A flat roofed outbuilding is not considered to be particularly sympathetic to rural surroundings such is similar to the existing, with the brickwork matching the appearance of the dwelling. It's positioning poses no harm to the AONB inline with Policy EN5 of the Local Plan

## **Trees**

The Council's mapping system indicates the presence of two Tree Preservation Orders (TPO) along the western boundary however one has been removed, with the other approximately 16 metres to the north. The Tree Officer raised no concerns with the proposal is considered to comply with Policy EN1 of the ADMP.

### **Community Infrastructure Levy (CIL)**

This proposal is CIL liable and there is no application for an exemption.

### **Other issues**

There are no other issues to consider.

### **Conclusion**

The proposal represents appropriate development within the Green Belt and would not result in harm to the character and appearance or neighbouring amenity. The proposal complies with the Development Plan in all other respects.

### **Recommendation**

It is therefore recommended that this application is approved.

Case officer: Natalie Rowland

Date: 24 January 2019

Manager/Principal: **Aaron Hill**

Date: **30/1/19**