4.1 20/01692/HOUSE Revised expiry date 2 October 2020

Proposal: Canopy and porch to front elevation, single storey side and rear extension and two storey rear extension.

Location: 6 Hailwood Place, School Lane, West Kingsdown KENT TN15 6FQ

Ward(s): Fawkham & West Kingsdown

Item for decision

The application has been called to the committee by Councillor Harrison, Councillor Fothergill and Councillor Parkin on the basis that it would be inappropriate development in the Green Belt and would impact the Area of Outstanding Natural Beauty.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development is in harmony with the existing character of the building as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: COB/20/1048/02C

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 site comprises of a large dwelling situated within Hailwood Place, formerly called Stacklands Retreat. The dwelling forms part of a residential development that lies within the Green Belt and Area of Outstanding Natural Beauty which was granted in 2018 under very special circumstances. In granting permission for this scheme, the Council removed permitted development rights for extensions and external alterations (including porches) as well as outbuildings.

Description of proposal

2 The application seeks permission for the erection of a canopy and porch to the front elevation, a single storey side and rear extension and a two storey rear extension.

Relevant planning history

3	16/00626/FUL	Demolition of existing retreat house and outbuildings. Construction of 4 detached double garages and associated access road, gates and parking areas. GRANT 12/10/2016
4	17/00410/FUL	Demolition of existing retreat house and construction of 6 no. detached dwellings and associated access, gates and parking areas. GRANT 19/01/2018
5	20/01009/HOUSE	Front entrance porch. GRANT 28/05/2020

Policies

6 National Planning Policy Framework (NPPF)

7 Core Strategy (CS)

- LO1 Distribution of Development
- LO8 The Countryside and the Rural Economy
- SP1 Design of New Development and Conservation
- SP11 Biodiversity

8 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- GB1 Limited Extensions in the Green Belt
- GB5 Dwellings Permitted under Very Special Circumstances or as Rural Exceptions in the Green Belt

9 Other:

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

Constraints

10 The following constraints apply

- Metropolitan Green Belt
- Area of Outstanding Natural Beauty (AONB)
- Local Wildlife Site (outside of application site boundary)
- Ancient Woodland (outside of application site boundary)
- Public Right of Way (northern boundary of site and across the vehicular access road to Hailwood Place)

Consultations

11 West Kingsdown Parish Council

"1) The proposal constitutes inappropriate development in this Green Belt AONB location. 6 Hailwood Place is part of a replacement development for the buildings at "The Retreat". In granting permission, SDC removed permitted development rights for extensions and external alterations as well as outbuildings. Therefore the 50% rule does not apply as no extensions are permissible.

2) The proposal conflicts with the most important aspect of Green Belts, namely openness, as the extensions would be seen from Bridleway SD291 and Footpath SD270, particularly in winter when the ancient woodland trees that abut the site are bare.

The Parish Council did not object to the minor front porch extension, providing the Approval contained a condition that the extension was the limit of any development allowed at this property. This remains Members opinion."

12 KCC Ecology

"We assume the building related to this application is not yet complete, or has been very recently completed and, therefore, is unlikely to support roosting bats (the primary ecological consideration). As such, we have no further comments regarding this application."

13 Natural England

"Natural England has no comments to make on this application."

KCC Public Rights of Way

14 "Public Rights of Way Footpath SD270 crosses the vehicular access road, and Public Rights of Way Bridleway SD291 skirts the northern boundary of the site but I do not believe they will be affected by the development."

Representations

15 1 letter of objection has been received relating to the following issues:

- Impact on the openness of the Green Belt
- The proposals would not conserve or enhance the AONB
- Impact on visual amenity of Hailwood Place
- The scale and location of the proposed extensions would adversely impact on the openness of the development and the views of residents
- Percentage increase in floor space would be disproportionate
- The development would reduce space between properties
- Two storey extension would be visible and dominant from bridle paths and would encroach on ancient woodland
- The development could be repeated by other properties which would have a more serious and cumulative impact on the Green Belt
- Control of hours of operation
- Restrictive covenants

16 4 letters of support have been received relating to the following issues:

- The development would enhance the appearance of the property
- The extension would be contained and harmonious within the development
- The development would have a limited impact due to ample views and spacing between properties
- Surrounding areas are fenced and protected fully
- The development would not be disproportionate or limiting due to the spaces and openness of the development
- The development would maintain the AONB and Green Belt
- The development would not cause obstruction in the way of views or height
- The development would not have a visual impact
- Proposed increase in footprint would have no impact

Chief Planning Officer's appraisal

17 The main planning consideration are:

- Impact on the Green Belt
- Impact on the AONB
- Impact on the character of the area
- Impact on neighbouring amenity

- Impact on Public Rights of Way
- Impact on Ecology and Biodiversity

Impact on the Green Belt

18 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 "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"

19 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.

20 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.

21 Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.

22 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.

23 Whether the development would be inappropriate in the Green Belt

24 With regards to whether the development would be inappropriate in the Green Belt, Policy GB1 of the ADMP provides the local policy on extensions in the Green Belt.

25 Policy GB5 of the ADMP provides the local policy on dwellings permitted under very special circumstances.

26 Paragraph 7.19 of the ADMP and paragraphs 5.3 to 5.8 of the Development in the Green Belt SPD, which support GB1 and GB5, state that for the purposes of residential extensions and replacement dwellings "original" means the dwelling as existing on 1st July 1948 even if the original dwelling has since been replaced.

27 Despite this, the NPPF provides a more recent definition of "original" which conflicts with the ADMP. The NPPF states original means "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally."

28 As the definitions set out in the ADMP are in conflict with those of the NPPF, the NPPF carries more weight in this instance as it is more up to date (February 2019).

29 Stacklands Retreat previously comprised of three detached buildings set within a large plot. Hailwood Place now contains 6 detached dwellings which are all set within their own residential curtilages.

30 The dwelling under this application was constructed after 1 July 1948 following the grant of planning permission in 2017. Therefore, regardless of what was previously on site, the Council must assess any size increase in relation to the replacement dwelling, as opposed to the building(s) the dwelling has replaced, in accordance with the definitions set out in the NPPF.

31 The dwelling has not been extended since its completion. It is understood that planning permission was granted earlier this year for a front porch under 20/01009/HOUSE. A site visit confirmed that this porch has not been built.

32 The increase in floor space of the dwelling, as a result of the proposed extensions, is set out in the table below.

Original floor space	311.08 (including detached garage within 5 metres)
50% limit	155.54
Existing extensions	0
Proposed development	122.2 (front porch, single storey side extension and two storey rear extension)
Floor space to be removed	0
Proposed floor area	433.28
Total increase from original	39.28%

33 The proposed extensions would not exceed the gross floor area of the original dwelling by more than 50%. As such, the extensions would not result in disproportionate additions over and above the size of the original dwelling and would not cause significant harm to the openness of the Green Belt.

34 While it is acknowledged that there would be a significant uplift in floor space on the site from what previously existed, it remains the case that the extensions are appropriate by definition as defined by the NPPF.

35 Impact on openness of the Green Belt

36 With regards to the impact on openness, it is considered that the design and form of the extensions would be in keeping with the character of the existing dwelling. The proposed extensions would be located to the front, side and rear of the dwelling and, when viewed from these elevations, the extensions would appear proportional and would not dominate the existing building.

37 The extensions would sit below the ridge of the main roof and the two storey extension would be discretely located and would infill the space at the rear extremity of the dwelling.

38 It is acknowledged that both the two storey and single storey extensions would extend beyond the rear and south flank elevation of the existing property. However, they would be located in an area of low visibility that has a residential use. Hailwood Place is self-contained and the dwellings are well screened from outside of the estate. There is limited visibility of the existing dwelling from the bridleway located to north-west of the application site. This is due to the woodland which surrounds it as well as the high close boarded fencing along the northern and western boundary of the site. In this regard, it is considered that the proposed extensions would not have a significant impact on the countryside and would not harm the openness of the Green Belt through visual intrusion.

39 In addition, the scale and size of the extensions would not appear to encroach on the open nature of the countryside nor result in unrestricted sprawl resulting in the Green Belt. The existing property occupies a modestly sized piece of land. Properties within Hailwood Place are evenly dispersed around an island of open space and there is an existing buffer between the housing, green open spaces and ancient woodland within and around the wider estate. As such, while there would be some impact on openness through the presence of built form within the site, the overall sense of openness around the site and the wider estate would be maintained.

40 In light of all of the above the above, the development would be appropriate in the Green Belt and would preserve openness.

Impact on the AONB

41 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.

42 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.

43 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.

44 As described in the officer report for 17/00410/FUL, Hailwood Place is located within the East Hill Woodlands/North Downs/Wooded Downs character area and is described in the Sevenoaks Countryside Character Area Assessment as being characterised by a strong sense of enclosure from the topography, densely tree lined lanes and many blocks of woodland. The Character Area Assessment seeks to ensure that that any development reinforces the sense of enclosure and incidences of local vernacular within the area.

45 Hailwood Place itself can be defined by large areas of open space. However, as previously mentioned, views of Hailwood Place and the application site are relatively limited from outside of the estate, such as from the public rights of way and School Lane. This is due to the dense woodland surrounding the estate, the high close boarded fencing along the northern and western boundaries of the application site and the distance of the existing dwelling from School Lane.

46 For the reasons described above, the proposed porch and single storey side extension would not be highly visible within the wider landscape. The upper floor of the proposed two storey extension would be partially visible from the bridleway located to the rear to the application site, however as mentioned in 17/00410/FUL, this has low usage.

47 The proposed extensions would retain the defined features of the estate and the surrounding area's sense of enclosure and would retain the buffer between the housing, green open spaces and ancient woodland. The hedges and open fencing along the front boundary of the application site would also be maintained. As such, it is considered that the proposed extensions would conserve the character of this part of the AONB.

48 It is also considered that the extensions would enhance the AONB. The proposed extensions would be sensitive to the design approach of the host dwelling and the surrounding properties within Hailwood Place. The extensions would also utilise a similar pallet of materials. As such, the proposed extensions would contribute positively to the character of the existing property and would, in turn, positively enhance the character of the wider area.

49 As a result, the proposed extensions would comply with Policy EN5 of the ADMP and would conserve and enhance the AONB.

Impact on the character of the area

50 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.

51 The proposed development would include a canopy and front porch, single storey side and rear extension and a two storey rear extension.

52 The porch would be of a similar form and design to the porch previously approved under 20/01009/HOUSE. The proposed canopy would extend along the front elevation of the existing property and would have a similar roof design to the main roof of the dwelling. Both the front porch and canopy would be modest additions to the property and would not significantly alter its character when viewed from the front elevation. Furthermore, they would not appear unduly prominent within the street scene.

53 Porches and canopies are a common feature of properties within Hailwood Place and the proposed porch and canopy would have a cohesive design when viewed against the existing property. As such, the porch and canopy would not appear incongruous with the street scene and, due to their limited projection, would not have a harmful impact on the unified appearance of properties within the estate.

54 The proposed single storey side and rear extension would extend beyond the side elevation of the dwelling by approximately 8.7 metres and beyond the rear elevation by 2.7 metres. The extension would also be set back from the front elevation of the existing property. This would ensure that the visual primacy of the original dwelling is maintained along the front elevation and that the extension does not appear unduly dominant within the street scene.

55 The two storey rear extension would extend beyond the rear elevation of the existing property by approximately 4.6 metres with a width of 6.5 metres. The two storey extension would sit below the main roof of the existing dwelling which would ensure that the extension appears subordinate and fits unobtrusively with the existing building. The incorporation of a pitched roof would also respond positively to the design features of the dwelling along the rear elevation.

56 The materials used in the construction of the development would match those of the existing dwelling. For example, the external walls of the

extensions would be constructed of facing brickwork. The windows and doors would consist of dark grey frames and would also be of a similar size and proportion to those of the existing dwelling. The use of matching materials would help to integrate the extensions into the existing dwelling and can be secured by a condition.

57 The existing property is located to the east of School Lane within Hailwood Place. Hailwood Place consists of six detached two-storey dwellings. Each of these properties occupy large pieces of land which are clearly demarcated by hedges and open fencing along the frontages of the properties. The properties are of a similar size and architectural design and are evenly dispersed around an island of open space with regular spacing between the properties also.

58 The proposed front porch, canopy and single storey side extension would be visible from the vehicular access road situated within Hailwood Place and the proposed two storey rear extension would be partially visible from the bridleway located to the rear of the application site. However, due to the limited visibility of Hailwood Place, the extensions would not be visible from the public realm or the wider area.

59 It is acknowledged that, cumulatively, the extensions would increase the overall size and width of the existing property. However, this would not be harmful to the character of the surrounding area. The proposed extensions would not have an adverse impact on the nature of space between 6 Hailwood Place and the surrounding properties. Furthermore, they would not have a detrimental impact upon the island of open space towards the centre of the Hailwood Place and the unified alignment of properties within the estate.

60 The remaining gap between 6 Hailwood Place and 5 Hailwood Place, as a result of the proposed extensions, would be approximately 25 metres and the property would remain set back from the centre of Hailwood Place due to the limited projection of the proposed front porch and canopy. As such, the character of Hailwood Place and its sense of openness would be maintained.

61 In addition, the design of the extensions would appear cohesive and would be sympathetic to the architectural design of the surrounding properties located within Hailwood Place.

62 Overall, it is considered that the proposed development would preserve the character and appearance of the area in accordance with the NPPF and policies SP1 of the Core Strategy and EN1 of the ADMP.

Impact on neighbouring amenity

63 Light

64 The Sevenoaks Residential Extensions SPD seeks to ensure that a significant loss of daylight should not occur and the 45 degree test is used, whereby a significant loss of light would only occur if the proposal fails in both plan and elevation in line with BRE guidance. In terms of the loss of sunlight, the

Residential Extensions SPD seeks to ensure that the proposed will not result the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or private amenity space.

65 The 45 degree test was conducted and the proposed extensions would not result in a loss of light for any neighbouring property within Hailwood Place. This is due to the distance of the neighbouring properties from the application site and the proposed development.

66 Privacy

67 The proposed extensions would not result in a loss of privacy for any neighbouring property within Hailwood Place. The single storey side and rear extension would not contain any windows on the left flank elevation facing towards the neighbouring property 5 Hailwood Place.

68 There would be a ground floor window on the left flank elevation of the two storey rear extension. However, 5 Hailwood Place would be located approximately 36 metres from this extension. The windows situated on the flank elevation of the neighbouring property facing the application site are also obscure glazed. Therefore, these windows would be unaffected and there would be no direct overlooking as a result of the development.

69 Visual Intrusion

70 The proposed extensions would not result in visual intrusion nor harm the normal outlook of neighbouring properties within Hailwood Place. As previously mentioned above, the windows of the neighbouring property 5 Hailwood Place which face towards the application site are obscure glazed. Therefore, the extensions would not be visible from these windows.

71 The other neighbouring properties within Hailwood Place are situated a sufficient distance away from the application site and none of their main windows would directly overlook the proposed extensions. As such, their normal outlook would not be adversely affected by the development.

72 Notwithstanding the above, it is important to note that as per the Residential Extensions SPD the planning process cannot protect a view from a private property.

73 Overall, the development would safeguard the amenities of existing and future occupants of nearby properties and would provide adequate residential amenities for existing and future occupiers in compliance with the NPPF and Policy EN2 of the ADMP.

Impact on Public Rights of Way

74 A footpath crosses the vehicular access road to Hailwood Place and a bridleway skirts the northern boundary of the application site. As per the comments made by KCC Public Rights of Way, it is considered that the footpath and bridleway would not be affected by the development as the proposed extensions would be contained within the application site.

Impact on Ecology and Biodiversity

75 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.

76 There is a Local Wildlife Site and Ancient Woodland located to the north of 6 Hailwood Place outside of the application site boundary. Natural England's standing advice states that when assessing the impacts of a development on Ancient Woodland and protected species, the relevant inventories should be consulted and the direct and indirect impacts should be considered.

77 Natural England have not provided any comments on the application. However, it is considered that the proposed extensions would have no direct impacts on the Ancient Woodland or protected species. This is because the extensions would take place within the application site and therefore would not result in the damaging or destroying of the ancient woodland located the north of the application site.

78 It is also considered that the extensions would have no indirect impacts as they would preserve the landscape character of Hailwood Place and the surrounding area. The extensions would not constitute major development and therefore would be unlikely to result in damaging activities or significantly increase the amount of pollution (light and air) and disturbance to wildlife.

79 As per the comments made by KCC Ecology, the existing building on site has been recently completed and, therefore, is unlikely to support roosting bats (the primary ecological consideration).

80 In light of the above, it is considered that the proposed development would not cause a net loss of biodiversity and would not harm the Ancient Woodland or Local Wildlife Site located outside the application site.

Other issues

81 Parish Council comments

82 Permitted Development Rights and conditions limiting development

83 The Parish Council have raised that permitted development rights for extensions and external alterations as well as outbuildings have been removed and that the 50% rule does not apply as no extensions are permissible.

84 Permitted development rights for the property were removed under 17/00410/FUL. However, the removal of permitted development rights does not prohibit the owners of 6 Hailwood Place from seeking planning permission for further extensions or alterations to the property. When an application is made for planning permission, the Council is required to assess the proposals in light of local and national policies.

85 In a similar vein, the Parish Council have also raised that they did not object to the minor front porch extension, approved under 20/01009/HOUSE,

providing that the approval contained a condition that the extension was the limit of any development allowed at 6 Hailwood Place.

86 The Council is unable to condition that an extension be the limit of any development at a property. We cannot prevent the owners of 6 Hailwood Place from applying for planning permission and we have an obligation to assess any applications made. We can only aim to control the amount of development through our policies and through the removal of permitted development rights which still remains to be the case for 6 Hailwood Place.

87 Neighbour comments

88 Restrictive covenants

89 One neighbouring property has raised that there are restrictive covenants which include protections to green spaces and the openness of Hailwood Place, the protection of sightlines and boundaries, the protection of the environment and visual amenity by restricting parking on the development road and preventing landscaping and development to the front of individual properties.

90 Covenants are a private legal matter and are not a material planning consideration. Therefore, the application can be approved despite these restrictions.

91 Repetition of development by other properties

92 The neighbouring property has also raised that the proposed development could be repeated by other properties within Hailwood Place and that this would have a cumulative impact on the Green Belt and the urbanisation of the countryside.

93 It remains the case that whilst permitted development rights for properties within Hailwood Place have been removed, these properties can still be extended in line with the NPPF. Any application made must be assessed on its own merits against local and national policies. As such, the possibility that the proposed development could be repeated by other properties within Hailwood Place would not be an appropriate planning reason to refuse the current application.

94 Hours of operation

95 It has been requested by a neighbouring property that, if the development is approved, the Council enforce controlled hours of operation and also consider how and where construction vehicles would access the site for unloading and parking.

96 The proposed extensions would not constitute major development and it is unlikely that they would have a harmful impact on the vehicular access road within Hailwood Place. The existing property benefits from a driveway which can be used for parking. As such, it is not considered reasonable to condition that a Construction Management Plan be provided for this development.

Community Infrastructure Levy (CIL)

97 The application is CIL liable and the applicant has applied for an exemption. This will be considered separately once the Committee has made its decision on the application.

Conclusion

98 The proposal would be an acceptable form of development and would comply with our policies.

99 It is therefore recommended that this application is APPROVED.

Background papers

Site and block plan

Contact Officer(s): Hayley Nixon : 01732 227000

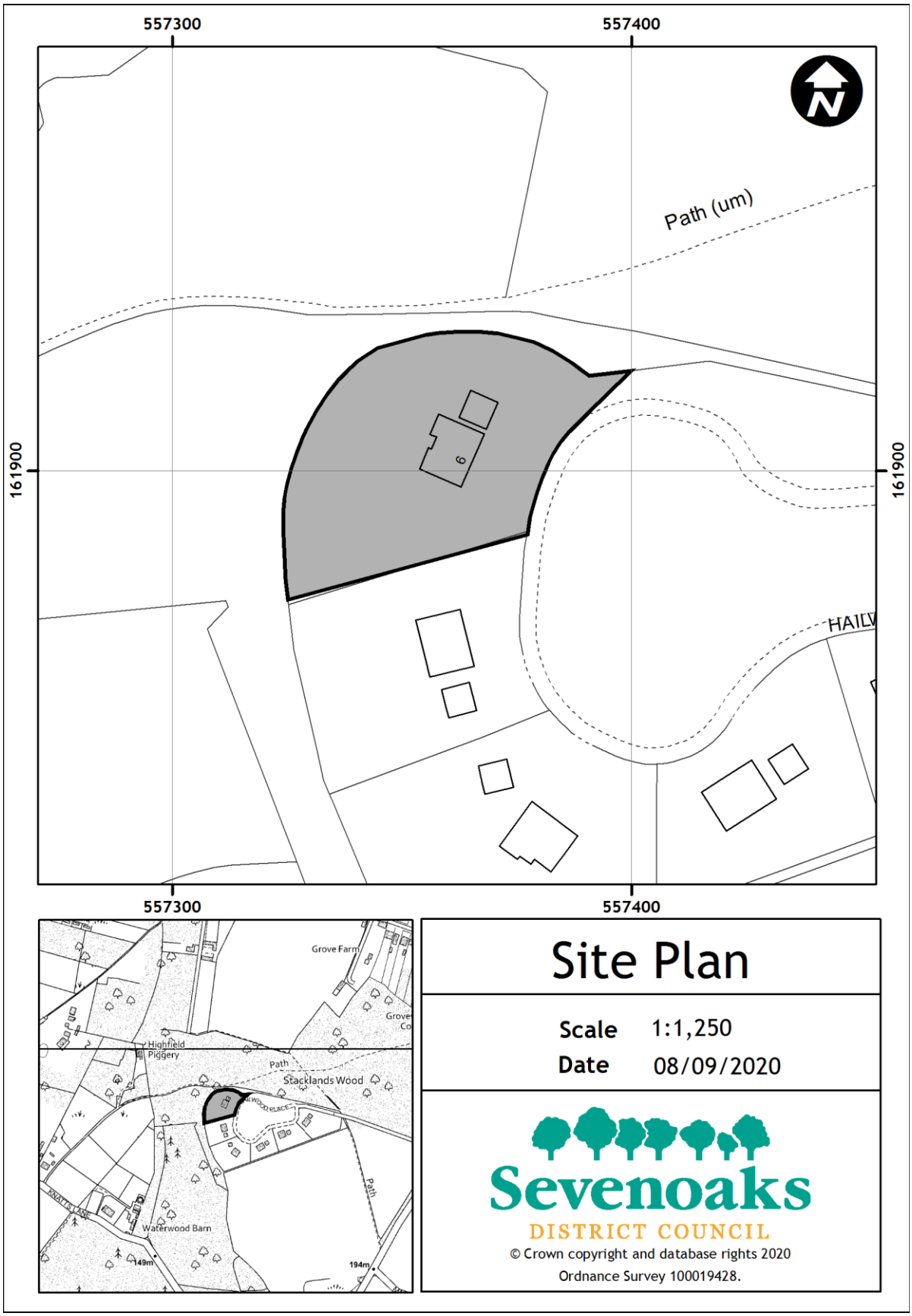
Richard Morris
Chief Planning Officer

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=QC4PKSBKLZM00



Site Plan

Scale 1:1,250

Date 08/09/2020

Sevenoaks
DISTRICT COUNCIL

BLOCK PLAN