

4.3 20/01809/HOUSE Revised expiry date 25 September 2020

Proposal: Construction of detached timber framed outbuilding.

Location: 27 Truggers Cottages, Truggers Lane, Chiddingstone Hoath
KENT TN8 7BP

Ward(s): Penshurst, Fordcombe & Chiddingstone

Item for decision

This application has been called to Committee by Councillor Coleman over concerns on the harm to the Green Belt, the overbearing and dominating impact of the development, its impact upon the street scene and proximity of the development to the common boundary.

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: Location Plan, Block plan 7160-P-02- B, Proposed Plan and Elevations, Proposed Section AA 7160-P-04 -A, Existing Section AA 7160-P-03- A and Application Form dated 29 Jun 2020

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

3) The laurel hedge shall be retained in accordance with plan 7160-P-02 -B and 7160-P-04 -A. If, within a period of five years from the completion of the development., any part of the laurel hedge is removed, dies, or in the opinion of the local planning authority, becomes seriously damaged or diseased, the hedge shall be replaced in the next available planting season with a hedgerow of similar size, height and species, unless otherwise agreed in writing by the local planning authority.

In order to preserve the open feeling of the Green Belt and to conserve the visual amenity of the local area, in accordance with Policies GB3 and EN1 of the Sevenoaks ADMP

4) The outbuilding hereby approved shall remain of a function which is ancillary to the dwelling and shall not be subdivided nor used as a separate dwelling.

To preserve the visual amenity of the area and existing parking provision for the site, in accordance with Policies EN1 and T2 of the Sevenoaks ADMP.

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 forms one of four semi-detached dwellings set around a private track, creating an informal group of residential buildings within the hamlet of Chiddingstone Hoath. The site is located within the Green Belt and High Weald Area of Outstanding Natural Beauty. The site is also adjacent to Hoath Corner Conservation Area.
- 2 Dwellings are surrounded by open countryside to the south, west and north of the site, and by small clusters of residential and agricultural buildings located to the north east of the site. A small area of woodland is located to the east of the site.
- 3 Of the four dwellings, numbers 26 and 27 Truggers Cottages are located to the west of the private track and numbers 28 and 29 Truggers Cottages are located to the east of the private track. The four dwellings are accessed to the south of Truggers Lane. The four dwellings have small side and rear gardens which are generally enclosed behind formal hedges or partially screened by the dwellings themselves.
- 4 The application site has a side garden which is set at a slightly higher ground level than the adjacent dwellings (27 and 28 Truggers Cottages) and is forward of the main building line of the dwelling.
- 5 An existing laurel hedge screens the garden from public and private neighbouring views.

Description of proposal

- 6 It is proposed to construct an outbuilding in the side garden of the dwelling.
- 7 The outbuilding would be of a rectangular footprint, located forward of the dwelling's building line and would be positioned on a sunken area of ground behind an existing laurel hedge.
- 8 The outbuilding would have a dual pitched roof and timber cladded elevations, with an open fronted timber projection which would face the dwelling. The outbuilding would be used as a garden room/ garden store.

Relevant planning history

- 9 84/00465/HIST - Two-storey extension to dwelling and construction of vehicular access - GRANTED

Policies

- 10 National Planning Policy Framework (NPPF)
- 11 Core Strategy (CS)
 - LO8 The Countryside and the Rural Economy
 - SP1 Design of New Development and Conservation
- 12 Allocations and Development Management Plan (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN5 Landscape
 - GB3 Residential Outbuildings in the Green Belt
 - T2 Vehicle Parking
- 13 Other:
 - Residential Extensions Supplementary Planning Document (SPD)
 - Development in the Green Belt SPD
 - The High Weald AONB Management Plan 2019-2024
 - Hoath Corner Conservation Area Appraisal

Constraints

- 14 The following constraints apply:
 - Metropolitan Green Belt
 - High Weald Area of Outstanding Natural Beauty (AONB)
 - Adjacent to Conservation Area (CA) - Hoath Corner
 - Great Crested Newt Risk Zone

Consultations

- 15 Chiddingstone Parish Council - objection lodged
- 16 “Chiddingstone Parish Council object to this application due to the prominent position of the proposed outbuilding. It would be situated on an elevated piece of land and would have an intrusive and dominant impact on neighbouring properties.
- 17 The residents of both 28 and 29 Truggers Cottages have said that they would have severe loss of light in their properties due to the development. Green Belt policy GB3 states that it may be permitted to erect an outbuilding further than 5m from the existing dwelling if it would be ancillary to the main dwelling in terms of function and design, however the Parish Council

feel that this proposal is contrary to this policy as the proposed outbuilding is not sited to minimise visual intrusion.

- 18 The Parish Council suggests that this application is withdrawn and the applicant considers re-submitting the application showing a proposal where either the existing site is dug down maybe half way to the car parking level, which would lower the overall height of the outbuilding, or alternatively site the outbuilding elsewhere on the plot. A condition of any approval must be the removal of the existing garden shed.”

Representations

- 19 Three representations have been received, raising objection to the proposal, relating to the following issues:

- loss of light;
- scale of development,
- visual amenity, visual intrusion,
- privacy,
- land covenants,
- purpose of development,
- impact on AONB,
- impact to Green Belt,
- permitted development rights,
- parking, siting of development.

Deputy Chief Executive and Chief Officer - Planning & Regulatory Services' appraisal

- 20 The main planning considerations are:

- Impact on the Green Belt
- Impact on the Area of Outstanding Natural Beauty
- Impact on the character of the Conservation Area
- Impact on the character of the local area
- Impact on residential amenity
- Impact on parking and highways safety
- Other issues

Impact on the Green Belt

- 21 Paragraph 143 of the NPPF 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 GB3 of the ADMP provides the local policy on outbuildings in the Green Belt.
- 25 Policy GB3 states outbuildings located more than 5 metres from a 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.
- 26 The Development in the Green Belt SPD advises that outbuildings for domestic purposes should not normally exceed a single storey in height, should not detrimentally impact the space surrounding buildings, and should be limited to 40 square metres. It further advises that outbuildings should not compete with the main house, which can be reinforced through a simplicity in the design of outbuildings.
- 27 The Parish and neighbouring properties have expressed concern over the potential impact of the proposal on the Green Belt.
- 28 The proposed outbuilding would be located more than 5 metres from the dwelling and would be comfortably sited within the plot, to respect the existing space surrounding the dwelling.
- 29 The outbuilding would be of a modest size, measuring approximately 30.2 sqm. This includes the footprint of the open-fronted timber projection, so that the enclosed footprint of the outbuilding is further reduced, measuring less, at approximately 26.5 sqm.
- 30 The outbuilding would be single-storey and measure 3.9 metres in height. The outbuilding would be sited, on an area of sunken ground behind an existing mature laurel hedge, which is presently over 3 metres high. Although the land level of the garden is higher than the dwelling, the provided plans demonstrate that the laurel hedge would shield the majority of built form from view, with less than 1m of the development visible - showing part of the roof. As the roof is pitched, the massing of the roof would be further visually reduced.
- 31 A planning condition to secure that the laurel hedge is retained, is proposed to ensure effective screening of the development.
- 32 The width of the outbuilding would be approximately 4.65m and the length 5.7m. Together with the single storey nature of the outbuilding, its volume would be modest and subservient to the main dwelling. The function of the building would be ancillary, given its modest scale. Furthermore, the

outbuilding is of a simple, rectangular, timber-framed design, to be constructed of timber cladding and clay tiles which visually reinforces the ancillary relationship to the main dwelling.

- 33 The Parish Council has requested for the existing shed on site to be demolished. The shed is of a modest bulk and scale and is read against a series of neighbouring sheds located to the rear of the site on its southern border. The proposed outbuilding would screen the existing shed from public vantage points of the site and both outbuildings would remain comfortably sited. As a result, it is not considered that the shed, in tandem with the outbuilding would result in the overdevelopment of the site. As a result, it would not be reasonable or necessary to apply a condition to demolish the shed, as both buildings would remain of visually modest proportions.
- 34 In summary, the outbuilding proposed is of a modest footprint and massing, with an ancillary function and simplistic design which has been appropriately sited to minimise visual intrusion. As a result, the proposed outbuilding would not materially harm the openness of the Green Belt and would accord with both Policy GB3 of the ADMP and supplementary planning guidance for development in the Green Belt.

Impact on the Area of Outstanding Natural Beauty

- 35 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.
- 36 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.
- 37 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB) 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.
- 38 The Parish and neighbouring properties have expressed concern over the potential impact of the proposal on the High Weald AONB.
- 39 As highlighted in the High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024, the natural beauty of the High Weald is characterised by dispersed settlement and use of locally distinctive geological materials, which includes clay brick and tiles. Timber is also a prevalent construction material across the AONB.

- 40 The proposed outbuilding would be of a modest scale and largely screened from public and private vantage points within the AONB due to the existing laurel hedge which screens all but a portion of the pitched roof from view.
- 41 The outbuilding is proposed to utilise clay tiles, a brick plinth base and timber cladded elevations, that would be responsive to materials found across the wider landscape of the AONB and would conserve its visual beauty and rural settlement character.
- 42 Glazing is minimal on the proposed outbuilding, with one set of glazed double-doors on the west elevation, which would be sheltered by the roof which overhangs the doors, and with one window on the north-facing side elevation of the outbuilding. This is of a modest size and together with the doors, would be screened from public view by the laurel hedge. As a result, the proposed glazing would result in minimal light spillage, conserving the dark skies of the AONB.
- 43 Due to the modest scale and vernacular design of the proposal, the outbuilding would both conserve and enhance the character of the Area of Outstanding Natural Beauty, in accordance with Policy EN5 of the ADMP and the High Weald AIMB Management Plan.

Impact on the character of the Conservation Area

- 44 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 45 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 46 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 47 The eastern edge of the outbuilding would be sited within the Hoath Corner Conservation Area which includes two semi-detached neighbouring dwellings located opposite the application site.
- 48 The Hoath Corner Conservation Area Appraisal states that the Conservation Area contains examples of buildings of the Kentish vernacular with roofs typically covered with clay tiles. Brick and timber are also acknowledged to be typical construction materials across the Conservation Area.
- 49 The outbuilding would be of a modest scale, largely screened from view of the Conservation Area by the existing laurel hedge on site. As a result, it is considered that the siting of the development would conserve views in and out of the Conservation Area, and the design of the development would

visually conserve the character and appearance of the Conservation Area, in accordance with Policy EN4 of the ADMP and Conservation Area Appraisal.

Impact on the character of the local area

- 50 The relevant policies relating to design and the character of the area are SP1 of the Core Strategy and EN1 of the ADMP.
- 51 Policy EN1 states proposed development would be permitted where it would respond to the scale, height, materials and site coverage of the area.
- 52 Concern has been raised over the siting of the outbuilding, forward of the main building line of the property and the potential to create a cul-de-sac effect.
- 53 The application site, together with the neighbouring dwelling located directly opposite the site on its eastern boundary, would be set back furthest from the public highway called Truggers Lane. The existing laurel hedge which encloses the side garden of the site, and part of the dwelling would be visible from the highway.
- 54 A shed is located on an area of raised ground which forms part of the side garden of the application site.
- 55 At present, the roof of the existing shed, and neighbouring sheds to the rear are visible above the existing laurel hedge. Although the development is sited nearer to the hedge, the view from the street would remain visually similar with the view continuing to be that of a laurel hedge with a pitched roof visible. This visual impact of the development upon the character and appearance of the area is considered to be minimal and would not create a 'cul-de-sac' effect nor appear visually prominent.
- 56 Concern has been raised with regard to the scale of development. The outbuilding would remain comfortably sited within the land plot, set over 4 metres from the nearest dwelling. A small shed exists on the site. Both the shed and outbuilding would remain sited comfortably on the land plot and are not considered of an excessive scale to present overdevelopment of the site.
- 57 As a result, the modest form of the development, together with the retention of the existing screening, would conserve the visual character of the street scene and accord with both Policy EN1 of the ADMP and the Residential Extensions SPD.

Impact on residential amenity

- 58 Policy EN2 of the ADMP states proposals will be permitted where they provide adequate residential amenities for present and future occupiers of the site, and where they safeguard the amenities of existing and future neighbours of the development. Development should not result in

unacceptable loss of privacy or light to nearby properties not be visually intrusive to neighbouring outlook.

- 59 The Parish Council and neighbouring properties have expressed concern over the potential impact of the proposal in terms of loss of light to neighbouring properties, visual intrusion loss of privacy.
- 60 The Sevenoaks Residential Extensions SPD seeks to ensure that a significant loss of daylight should not occur and a 45 degree light test is used, whereby a significant loss of daylight would only occur if the proposal fails to pass the 45 degree test at both plan and elevation view.
- 61 The outbuilding would be sited over 4 metres from the nearest neighbouring dwelling. As a result, the proposed development would pass the 45 degree light at both plan and elevation view and would have no impact upon daylight levels of neighbouring dwellings.
- 62 Due to the separation distances between the development and neighbouring dwellings, this together with the orientation of the sun's path, it is considered that the proposal would not reduce the sunlight levels received to neighbouring dwellings to a significant degree.
- 63 The proposed outbuilding would have one, small, window on its north-facing side elevation. This window would be located directly behind the hedge and would afford no outlook towards neighbouring dwellings. The proposed glazed double doors would be west facing and look back towards the applicant property, with no outlook towards neighbouring dwellings.
- 64 As a result the proposal would safeguard the existing privacy levels of neighbours of the development. The continued presence of the laurel hedge would protect the existing privacy levels of the occupants of the development.
- 65 It is considered that the outbuilding is appropriately sited and that it would not become visually intrusive to the neighbouring outlook of adjacent properties.
- 66 The proposed outbuilding would conserve the daylight, sunlight and privacy levels of both occupants and neighbours of the development. The siting of the outbuilding, at an oblique angle to the nearest neighbouring dwelling would safeguard the outlook from the neighbouring dwellings. The proposal accords with all aspects of Policy EN2 of the ADMP and Residential Extensions SPD.

Impact on parking and highways safety

- 67 Policies T2 and EN1 relate to residential parking. Appendix 2 of the ADMP also sets maximum and minimum parking requirements for residential developments.
- 68 Concern has been raised of a need for increased parking requirements for the site as a result of the outbuilding.

- 69 The site has access for two vehicles to be parked to the front of the dwelling. No additional bedrooms have been indicated to be provided in the outbuilding. Should the outbuilding be used to provide an additional bedroom, the parking arrangements would remain satisfactory for dwellings in rural locations, in accordance with guidance on residential parking outlined in Appendix 2 of the ADMP. It is not considered that the outbuilding would generate on-site parking issues and a planning condition is recommended to ensure that the outbuilding is not used as a separate dwelling.

Other issues

- 70 Representations have highlighted land covenants on the land which restrict buildings being built, as well as concerns over the accuracy of the boundary line between the application site and the neighbouring site located to the east of the development.
- 71 The applicants have signed Certificate B to confirm the development may cross land not within the applicant's ownership and have served notice on neighbouring land owners. The applicant has therefore met the requirements of the planning process. Planning permission cannot restrict works which may affect neighbouring boundaries and neighbours are advised to seek separate legal advice with regards to land boundaries and the Party Wall Act.
- 72 Any covenants on the land are also the responsibility of the land owners and are not relevant material considerations in the determination of this application.
- 73 Neighbouring representations regarding the purpose of the development indicate the building is to be converted to a dwelling. A planning condition can be used to ensure the proposal remains of an ancillary function to the building and would not be used as a separate dwelling.
- 74 It has been highlighted that the development would not be a permitted form of development, due to the proximity of the development to a neighbouring boundary and this is why a planning application has been submitted.

Community Infrastructure Levy (CIL)

- 75 The development is not CIL liable.

Conclusion

- 76 The modest and simple form of the outbuilding, together with the palette of materials proposed, would visually conserve the character and appearance of the Conservation Area, AONB landscape and openness of the Green Belt. As a result, the proposed outbuilding would accord with the Sevenoaks Development Plan and there are no other material considerations to indicate otherwise.
- 77 It is therefore recommended that this application is GRANTED.

Background papers

Site and block plan

Contact Officer(s): Samantha Simmons: 01732 227000

Richard Morris

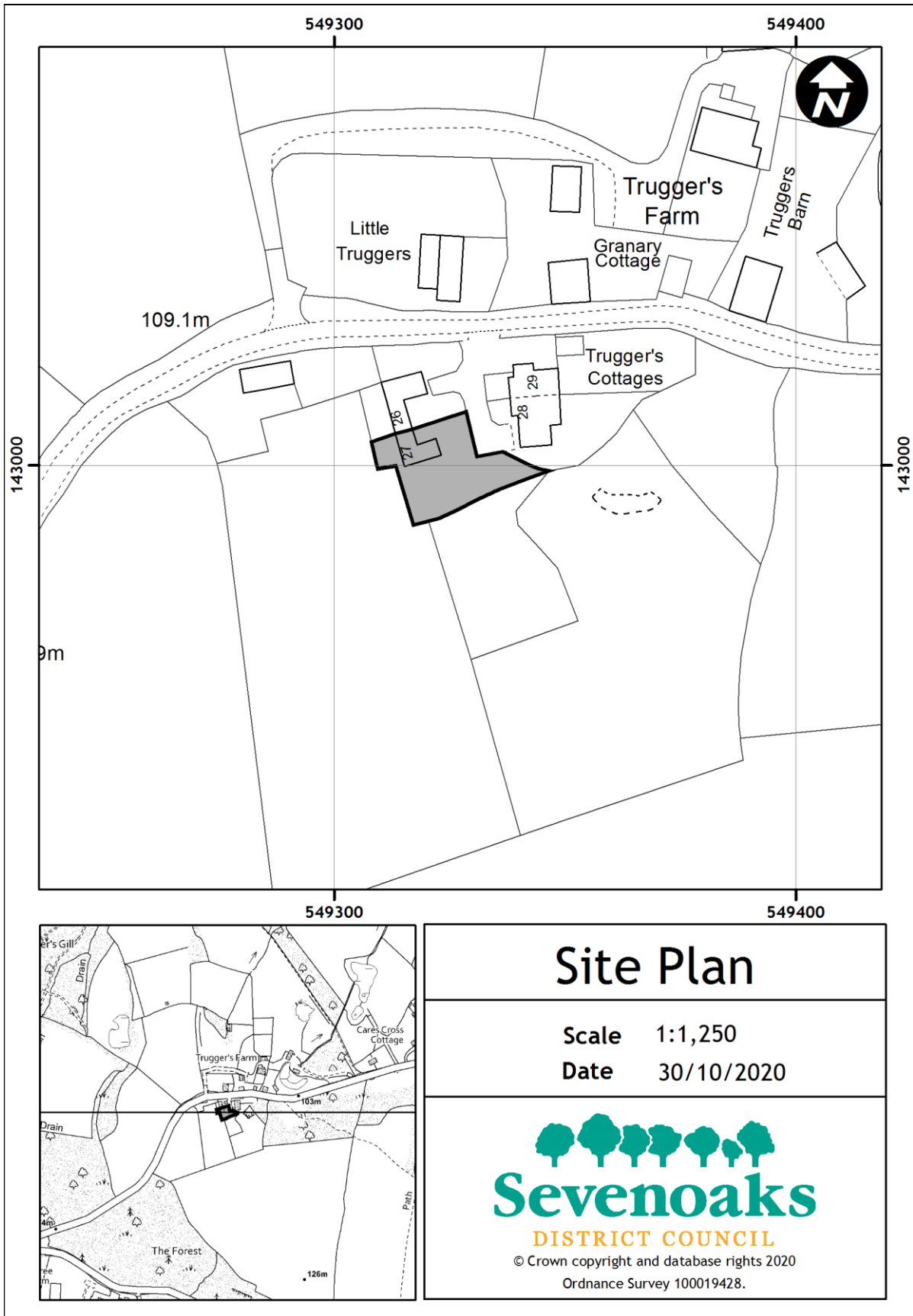
Deputy Chief Executive and Chief Officer - Planning & Regulatory Services

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=QCP4FABKMPJ00>



Site Plan

Scale 1:1,250

Date 30/10/2020



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Ordnance Survey 100019428.

BLOCK PLAN

