

4.3 20/03261/FUL

Revised expiry date 12 March 2021

Proposal: Demolition of single storey garage and plant room.
Conversion of existing outbuilding to provide two bedroom dwelling erection of single storey extension, creation of garden utilising part of existing garden land serving Cherry Tree Cottage and use of existing access.

Location: Land North Of Cherry Tree Cottage, Main Road,
Knockholt KENT TN14 7LH

Ward(s): Halstead, Knockholt & Badgers Mount

Item for decision

The application has been called to Development Control Committee by Councillor Grint because the proposed development would be a backland development, which would have an adverse impact on the neighbouring properties.

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 area 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: 4182-20-PL001-P5 1 of 3, 4182-20-PL001-P6 2 of 3, 4182-20-PL001-P6 3 of 3.

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

4) Prior to first occupation, details of two independently assessable parking spaces per dwelling shall be submitted and approved in writing by the Local Planning Authority. The parking shall be retained on site thereafter at all times.

To ensure highway safety as supported by Policy T2 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to first occupation, details of an electrical vehicle charging point shall be submitted and approved in writing by the Local Planning Authority. Details shall include a specification and location of the charging point. The electrical vehicle charging point shall remain thereafter at all times.

(Item No. 4.3)

To promote sustainable development as supported by Policy T3 of the Sevenoaks Allocations and Development Management Plan.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, AA, B, C, D or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the local planning authority.

To ensure any future development on the site maintains the character of the area and protects neighbouring amenity in accordance with Policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

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 currently comprises of a detached dwelling with associated outbuildings. There are neighbouring properties located either side of the site and fields opposite and to the rear. The site is located within the parish of Knockholt.

Description of proposal

- 2 Demolition of single storey garage and plant room. Conversion of existing outbuilding to provide two-bedroom dwelling. Erection of single storey extension, creation of garden utilising part of existing garden land serving Cherry Tree Cottage and use of existing access.

Relevant planning history

- 3 93/01466/HIST - Detached single storey garden building incorporating indoor swimming pool - GRANT - 16/12/1993

Policies

- 4 National Planning Policy Framework (NPPF)
- 5 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.

(Item No. 4.3)

- 6 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 proposed⁶; 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.
- 7 Core Strategy (CS)
- L01 Distribution of Development
 - SP1 Design of New Development and Conservation
 - L08 The Countryside and the Rural Economy
 - SP5 Housing Size and type
 - SP7 Density of Housing Development
 - SP11 Biodiversity
- 8 Allocations and Development Management (ADMP)
- SC1 Presumption in Favour of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - GB7 Re-use of a building in the Green Belt
 - T2 Vehicle Parking
 - T3 Provision of Electrical Vehicle Charging Point

Constraints

- 9 The following constraints apply;
- Metropolitan Green Belt

Consultation responses

- 10 Knockholt Parish Council - objection: Object pending clarification of our concerns: we note pre-application advice PA/20/00059 was obtained and is stated to appear in appendix 1 to the draft statement but this is not available to view online. We note that this is a conversion of an existing build in the Green Belt with a modest increase in size, offset by a removal of 2 existing structures. This would potentially be considered as back land development in an area where there are properties having similarly generous facilities. If Sevenoaks are minded to grant this application should remain ancillary to the main domicile and not awarded its own hereditament and we ask that permitted development rights are removed.

We have some concerns about sight lines but would defer to Kent Highways for a definitive opinion. We support any neighbour concerns.

- 11 KCC Highways-the access to be used for the proposed dwelling is existing and the traffic movements from a two-bed house is unlikely to be significant. The moving of the gate back 4.8m is an improvement. However it would appear from the submitted plan that there is insufficient space when one or both parking spaces are occupied for a vehicle to turn and existing the driveway in forward gear which would make exiting the access difficult and possibly detrimental to highway safety. There would appear to modify the parking/turning area to provide sufficient space. I would therefore raise no highway objection to the application provided that the parking/turning area is modified as described above.
- 12 Further comments: I refer to the above planning application and my previous consultation comments and having considered the revised development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

Representations

- 13 We received three letters of objection relating to the following issues:
- Inaccuracies on the plan in relation to neighbouring gardens.
 - Screening to assist with privacy concerns
 - Noise from people and cars
 - Increase in domestication
 - Does not comply with green belt policy
 - Harmful to the green belt
 - Increase in light, noise and traffic
 - Use of building no longer being ancillary
 - Does not comply with building regulations
 - Scale and bulk out of keeping
 - Parking and access concerns - emergency services
 - Set back from the building line
 - Sound and privacy concerns
 - Plans not showing accurately the site in regard to trees
 - Lack of information in terms of disposal of run-off
 - flooding
 - visual appearance

Chief Planning Officer's appraisal

- 14 The main planning considerations are:
- Principle of development
 - Impact on the Green Belt
 - Impact on the character of the area
 - Impact on residential amenity
 - Parking and Highway Safety

Principle of Development

- 15 Whilst the NPPF places an emphasis on development on previously developed land, it does not preclude other land, including garden land from being developed for residential use, provided such development is in a suitable location and relates well to its surroundings.
- 16 Paragraph 122 of the NPPF refers to the fact that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting of or promoting regeneration.
- 17 Policy L01 of the Core Strategy states that development will be focused within the built confines of existing settlement. The site lies outside of defined settlement and as such Policy L08 applies. Policy L08 allows development where the countryside and its surrounding landscape is protected with particular regard to the Green Belt.
- 18 The proposal does represent previously developed land as the outbuilding is currently used as a residential outbuilding ancillary to the main host building and the site lies within a rural, non-urban area. The dwelling would be located close to existing building form. Subject to the impact on the Green Belt, the proposal is acceptable in principle.

Impact on the Metropolitan Green Belt

- 19 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 re-use of an existing building provided that the buildings are of permanent and substantial construction.
- 20 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.
- 21 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 principle 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 Policy GB7 of the ADMP allows the re-use of an existing building, subject to the development not having a greater impact on the openness of the Green Belt or the character of the area, along with evidence that the building is capable of conversion without having to be structurally altered. The supporting text to policy GB7 of the ADMP also states that *“to avoid increasing impact, conversions that involve disproportionate extensions will*

not be considered acceptable". Therefore, proportionate extensions to the converted dwelling are permissible.

- 24 The proposal is to convert an existing relatively large residential outbuilding, currently used a swimming pool, within the curtilage of the host dwelling to a create separate dwelling. An independent structural survey has been submitted with the application, which confirms that the building is structurally sound and does not require any major or complete reconstruction for the conversion to take place. When conducting a site visit, it is also clear that the outbuilding can clearly be converted, with the existing building still being in use.
- 25 The site is currently used as residential, and would remain residential. Due to this, the re-use of the building and its land will not have any greater impact upon the openness of the green belt than the current situation.
- 26 The proposal also includes the addition of extensions to the existing building. Paragraph 145 c) allows the addition of extensions as long as they are not disproportionate additions in comparison to the original building. This is also supported by Policy GB7 of the ADMP, which also confirms that proportionate extensions would be acceptable. The proposed extensions would be a minimal addition to the original building, which would result in an increase in floor area by 17.2m². This would result in a percentage increase of just 15.9% from the original building and therefore would be an insignificant addition to the building. The proposal also includes the demolition of the existing plant room and garage, which would result in a loss of 17.3m². Therefore, the addition of the extension to the proposed dwelling would result in no additional built form to the site, in relation to floor area. Overall there would be no greater extent of built form in the green belt than what currently exists. The proposal would result in a minimal addition to the building and would not be a disproportionate addition to the building being converted. Therefore, the proposal will have no greater impact on the openness of the green belt than the existing situation and complies with policy GB7 of the ADMP.

Design and impact on the character of the area

- 27 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.
- 28 The proposal is to convert an existing large residential outbuilding to a new dwelling within the curtilage of Cherry Tree Cottage. The building is set back from the highway and therefore would not be directly visible from the street scene. The proposed extension would not be visible from the highway due to being shielded by the building. The proposed dwelling would be located in an existing residential area, and therefore would not be out of keeping.
- 29 The proposed building is currently a large outbuilding and the proposal is to extend the building to include a single storey side extension. The extension would be a modest addition in scale, in a similar location to the existing plant room. It would be set in from both the side elevations of the building

and would be in keeping in relation to design and height to the existing building. It would be located within 1 metre from the rear boundary of the site, however due to the varied spacing of properties in the street and the fact that this opens up onto a field, this would not be out of keeping or an overdevelopment. The application site is of the large size and therefore would not appear as an overdevelopment. The plot sizes also already vary within the area, and therefore this would not be out of keeping.

- 30 As stated above, the proposed dwelling would be set back from the highway, up an existing access road on the site. This however, would not be out of keeping with the building line within the street as when assessing the building pattern and line, this is already varied within the locality of the area. Therefore, a dwelling in this location would be in keeping with the varied building line of Knockholt Main Road. More importantly the building already exists and we are simply assessing the impact of the use of the land, which will not affect the visual amenity of the local area.
- 31 The proposed materials on the dwelling would match the existing and therefore in appearance would be acceptable. The existing roof an overall height of the dwelling would also not be altered.
- 32 Therefore, the proposal complies with Policy EN1 of the ADMP.

Neighbouring Amenity

- 33 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 34 There are neighbouring properties located either side of the site and fields to the rear and opposite. The proposed dwelling would be approximately 25 metres from neighbouring property Fiveoaks and approximately 47 metres from Woodlands.
- 35 The proposal would result in additional ground windows on the front and side elevations. The window on the side elevation facing towards neighbouring property Fiveoaks is proposed to be obscure glazed and therefore the proposal would not result in any additional privacy concerns. The windows proposed on the other side would face towards neighbouring property Woodlands, however due to the boundary treatment and a distance of over 45 metres between the dwelling and this neighbour, it would not result in any loss of privacy. The front elevation would also include the addition of two windows and again will not result in any loss of privacy.
- 36 The building already exists on the site, and the proposed single storey extension will not result in any loss of sunlight, daylight, outlook or visual intrusion to the neighbouring properties, given the significant separation distances between the properties and given the single storey nature of the proposed extension.
- 37 Concern was raised in relation to noise pollution. The site is currently in residential use and will remain in residential use, albeit, a separate dwelling will now be created. However, the associated noise from a single residential dwelling within an existing residential area, will not be harmful.

In addition, the site will utilise an existing access for the new dwelling and the increased use will not result in significant or adverse noise disturbance and concerns. The proposal complies with Policy EN2 of the ADMP.

Parking and Highways Impact

- 38 The addition of a new dwelling would affect the application site and the access to and from the dwelling. However, the proposal would use the existing access to and from the site, therefore would not result in a significant increase or harmful impact upon the highway network.
- 39 A dwelling of this scale would require two parking spaces, which have been identified on the proposed block plan. The parking for the existing property has not been included, therefore a condition for further details can be included. A condition for electrical vehicle charging points would also be included
- 40 KCC Highways raised no objection to the proposal in principle. The access and visibility of this is also deemed acceptable by KCC Highways. However, they initially raised concerns in relation to the insufficient turning area for the proposed dwelling. KCC Highways requested an amended plan to show this and the amended plan has now been provided, in which KCC Highways have raised no objection.
- 41 Therefore the proposal will not result in hazardous highway conditions and therefore is acceptable.

Other issues

- 42 Concern has been raised in relation to potential inaccuracies on the plans in regards to the neighbouring gardens and trees. Based on our validation checklist, the proposed plans do not require to include any neighbouring properties, however are included for clarify and to show the development clearly in relation to its relationship with neighbouring sites. Therefore, the information included on the plans are sufficient enough. A site visit is also conducted to fully assess the relationship of the application site and neighbours.
- 43 A concern has been raised in relation to the boundary screening between the development and neighbours. The proposed site plan shows clearly both the existing and proposed boundary treatment on the site.
- 44 Concern has been raised in relation to the use of the building and how this should remain as being ancillary. However, the application is for a separate dwelling and has been assessed against the relevant policies.
- 45 A concern has been raised in relation to that the proposed development would not comply with the relevant building regulations, along with concerns in relation to the runoff water and drainage. These concerns relate to building control matters and are not material planning considerations that we take into consideration.

- 46 Concern was raised in relation to the potential impact with flooding on the site. The area is not within a flood zone 2 or 3 and therefore raises no significant concerns.

Community Infrastructure Levy (CIL)

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

Conclusion

- 48 The proposal complies with Policies EN1, EN2 and GB7 of the ADMP and the NPPF.

Recommendation

- 49 It is therefore recommended that this application is GRANTED.

Background Papers

Site and Block Plan

Contact Officer(s): Louise Cane 01732 227000

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[Link to application details](#)

[Link to associated documents](#)



