

4.5 21/02577/FUL

Revised expiry date 20 December 2021

Proposal: Demolition of existing garages and erection of two x 3 bed dwellings, together with landscaping and parking.

Location: The Lock Up Garages, Lombard Street, Horton Kirby
KENT DA4 9DF

Ward(s): Farningham, Horton Kirby & South Darent

Item for decision

This application has been called into committee by Councillor McGarvey on grounds that the proposal could improve and enhance the Green Belt, village and streetscene, improve road safety, improve the gateway view into the village and help meet housing need.

RECOMMENDATION: That planning permission be **REFUSED** for the following reasons:

The site lies within the Green Belt where strict policies of restraint apply. The proposal, by reason of its siting, scale, bulk, massing and design, would have a greater impact on the openness of the Green Belt than the existing development. The proposals therefore represent inappropriate development which by definition is harmful to the Green Belt. The Council do not consider that the special circumstances advanced are sufficient to clearly outweigh the harm to the Green Belt and other harm identified. Therefore the proposals would be contrary to Government advice in the form of the National Planning Policy Framework.

The proposed development by reason of its siting and proximity to the boundary of Oak View Stud Farm industrial estate would give rise to poor quality of outlook and external amenity space would result in cramped and oppressive accommodation for future occupiers of the property. As such the proposal would be contrary to Policy EN2 of the Council's Allocations and Development Management Plan 2015.

The proposed houses, by reason of their siting, scale, height, bulk, massing and design, would represent an unduly prominent form of development which would be detrimental to the visual amenities of the street scene and at odds with the character of the area. As such the proposals would be contrary to policy SP1 of the Council's Core Strategy and EN1 of the Council's 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 comprises of a parcel of land, on the eastern side of Lombard Street. The plot sits along the western boundary of Oak View Trading Compound fronting an open field on the western side of the road. The site currently accommodates a group of six small of single storey flat roof garages that spread across the site from its southern boundary to the centre. The units are in use for lock up and garaging purposes.
- 2 Ground level within the site is relatively flat with a gentle west to east incline. However, there is a significant drop in ground level between the application site and the adjacent Trading compound of approximately 2m.
- 3 The site's current use is similar to those on the adjoining site characterised by commercial light industrial and storage uses located to the east and south of the site, neighbouring properties to the north and south-west and fields to the west.
- 4 This application relates only to the southern part of the plot. The northern part of this site is presently under consideration for a separate use.
- 5 The site is located within the parish of Horton Kirby. The application property is located within a Metropolitan Green Belt.

Description of proposal

- 6 Demolition of existing garages and erection of 2no. 3 bed dwellings, together with landscaping and parking.

Relevant planning history

- 7 05/02121/OUT: Two semi-detached houses or two detached houses. REFUSE
- 8 21/02310/FUL: Erection of fences around the boundary of the land. GRANT
- 9 21/02578/FUL: Change of use to car park for public and community use. Under Consideration.

Policies

- 10 National Planning Policy Framework (NPPF)
- 11 Core Strategy (CS)
 - LO1 Distribution of development
 - LO8 The Countryside and the Rural Economy

- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP5 House Size and Type
- SP7 Density of Housing Development
- SP11 Biodiversity

12 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- T2 Vehicle Parking.
- T3 Provision of Electrical Vehicle Charging Points
- SC1 Presumption in favour of sustainable development

13 Other

- Horton Kirby and South Darenth Village Design Statement 2005.

Constraints

14 The following constraints apply:

- Green Belt

Consultations

15 Horton Kirby & South Darenth Parish Council:

16 Recommended Approval as it will take cars off the road, improve highway safety

17 KCC Ecology:

18 KCC Ecology advise that there are very unlikely to be any protected species utilising the site. They recommend a biodiversity enhancement condition is attached to any granted planning permission.

19 KCC Highways:

20 It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

21 SDC Environmental Health:

22 The applicant will need to provide a phased contaminated land assessment to include a phase 1 (desk top) study and if so identified an phase 2

(intrusive) investigation. If so required a remediation strategy to be agreed in writing by the local planning authority prior to implementation and on completion of any remediation and soil importation a verification report shall be submitted to the local planning authority and agreed in writing prior to any habitation of any dwelling.

- 23 Due to the proximity of commercial activity the applicant should provide a noise assessment to include evaluation to BS8233:2014 and BS4142:2014+A1:2019. The applicant should also address the requirements of paragraph 187 of the National Planning Policy Framework and be mindful of the planning practice guidance on noise. These could be addressed by pre-commencement condition if you are minded to grant permission.

Representations

- 24 None received.

Chief Planning Officer's appraisal

Policy Background

- 25 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.
- 26 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:
- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 27 Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Principal Issues

- Principle of development and impact on Green Belt
- Impact on the character of the area
- Impact on residential amenity
- Impact on Parking & Highways
- Impact on Ecology/Trees

Principal of Development and impact on Green Belt

- 28 Para 119 of the NPPF (in part) states 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 (including residential gardens) or of promoting regeneration and change.
- 29 Policy L01 of the Council’s Core Strategy seeks to focus development within existing defined built up areas, whilst policy LO8 of the CS seeks to maintain the extent of the Green Belt and to conserve and enhance the landscape.
- 30 The site lies entirely within the Green Belt.
- 31 Current Government advice, in the form of the National Planning Policy Framework, supports the protection of the Green Belts and seeks to restrict development.
- 32 Paragraph 137 of the NPPF states that “The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”
- 33 Openness is an essential characteristic of the Green Belt and proposals may have a spatial and visual implication. 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. There may also be a visual as well as a spatial implication.
- 34 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 35 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, there are some exceptions to this. Of particular relevance to this application, this includes:
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development;
- 36 The site has formally been used for the lockup/storage and general commercial activities and this represents the lawful use of the land. As such, the plot as existing represents previously developed land.
- 37 It is clear from an assessment of the existing and proposed built forms, that the proposed development would represent a significant increase in footprint, floorspace and overall volume. Furthermore, the maximum height of the new development would be close to triple the height of the existing garages.

- 38 It is noted that assessment of impact on openness is not solely quantifiable in terms of floorspace and volume, but will depend on the way the way that the built form manifests itself on the site.
- 39 The application site measures approximately 537sqm. The proposed dwellings would be contained along the site's southern boundary. It would comprise two, two storey form with large gable sides, set 1m apart from each other. The proposed massing would be set back from the front boundary by approximately 8.8m at its narrowest point and 13.4m at its widest point.
- 40 The existing single storey garages with their flat roofs appear more subordinate within the setting by virtue of their visual form and setting within the site. Their dispersed footprint into the site's centre allows for the existing massing to remain largely screened within its setting. The proposals by comparison, would have a marginally larger footprint and significantly larger, height, bulk and scale that bring it visually closer to the roadside. This would allow for the development to be easily perceived from the public realm. Whilst presence of foliage around the site's boundary is noted. However, it is not considered that their presence would be enough to adequately screen the proposed development's massing.
- 41 The cumulative impact from the form of two substantial units placed side by side would represent an unduly prominent focal point along the street scene. This would be to the detriment of visual connectivity given that it would be visible from the north of south facing long views of Lombard Street. Therefore, the development would constitute a sprawling visual encroachment within the surrounding street scene adversely impacting the perception of openness from the surrounding context.
- 42 It is considered that the proposed development would have a significant impact on the openness of the Green Belt than the existing. This is primarily by virtue of its pulling forward within the site, the introduction of a full second floor and large gabled roof, the creation of a new resident properties outside the confines of the village setting. For this reason, the development is not considered to be appropriate under the first part of para 149g.
- 43 In light of the above, it is my conclusion that the two-storey houses proposed would have a materially greater impact on the openness of the Green Belt than the existing development.
- 44 The proposals therefore represent inappropriate development and are harmful to the maintenance of the Green Belt in principle. Furthermore, as described above, they would also be harmful to the openness of the Green Belt.
- 45 Any case for Very Special Circumstances will be considered further below.

Impact on Character of Area

- 46 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.
- 47 The application site is located within the immediate proximity of an industrial compound that sits within an otherwise rural setting. The rural setting is characterised by large irregular fields, narrow rural lanes and sporadic residential development. The commercial area is characterised by large stacks of metal containers, and a mixture of corrugated sheet and tiled roofs and brick-built structures.
- 48 Viewed from the public highway the larger commercial buildings to the south of the site and buildings on raised ground level land to the north are dominant features. However, the structures immediately to the rear of the site are lower level. The site itself appears relatively open, as the flat roof garages have little impact on the wider street scene. Set within this context, I consider the introduction of the 2-storey houses proposed would appear at odds to the scale and nature of the surrounding development.
- 49 Furthermore, residential development in the area has a rural character, with the pallet of materials comprising brick, slate roofs and the occasional render with hipped roofs, reflecting more traditional rural vernacular. In contrast, the proposed dwellings would have a simple design of rendered block work, uPVC windows, and bandings of brick detailing. It is considered that this palette of materials would not be reflective the development immediately adjacent to the site or nearby within the village setting. As such, the design and materials proposed would appear visually at odds with the setting of the site. The proposed development would appear more visually incongruous within the surrounding Metropolitan Green Belt Area.
- 50 The proposed development is not therefore considered in keeping with the character of the area and would fail to comply with policy EN1 of the ADMP.

Impact on Residential Amenity

- 51 Policy EN2 of the ADMP and our Residential Extensions SPD are relevant in the consideration of this application.
- 52 Given that the proposed development's location at the edge of Oak View Industrial compound, it would be sufficiently set away from residential properties. Therefore, it is not considered that the proposed development would give rise to adverse overlooking, loss of outlook impact or loss of daylight, sunlight.
- 53 Given its modest scale within its setting, the proposed change of use to residential would not result in significant increase the noise levels within the surrounding area.

- 54 With regard to the potential impact on the occupiers of the proposed houses, given the development's siting within close proximity of noise emitting business activities at the adjacent Oak View Trading Compound, it is considered that future occupiers would likely be impacted by irregular noise impact. However, it is considered that the impact can be sufficiently mitigated design details of which can be secured by condition had this application been considered for approval.
- 55 The unit would benefit from dual aspect outlook to its front and rear, it would provide sufficient car parking space per unit. The proposed internal layout would be acceptable.
- 56 However, outlook to the rear would be the eastern boundary of Oak View industrial compound which has several stacked container storages, and a retaining wall. Similarly the rear garden areas of both properties would be enclosed by the boundary wall of Oak View industrial compound. As a consequence of the difference in ground level between the site and the adjacent industrial property, the siting of the houses in close proximity to the boundary wall, which would be approximately 3m in height, the siting of the building would result in a restricted outlook and poor quality amenity space. Thus the relationship with the neighbouring commercial use would be an uncomfortable one. Overall, it is considered that the reduced levels of residential amenity would be contrary to policy EN2 and paragraph 187 of the NPPF 2021.

Impact on Parking and Highways

- 57 Policy T2 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. The proposed new residential units will not benefit from any designated parking spaces.
- 58 The proposed unit would benefit from two parking spaces per unit, located within a communal front garden area. Access to the site and would retain sufficient space on the driveway to the front to park two cars independently. Two cars are the maximum requirement for a dwelling of this size in this location in accordance with Policy T2 of the ADMP and therefore the proposal complies with the Council's parking requirements. As such the proposed development is acceptable in terms of its access and the parking provision.

Impact on Ecology/Trees

- 59 The proposed development includes an increase in soft landscaping within the development. The details of these works and the materials that the hardstanding will be constructed from have not been provided and therefore a condition requiring details of the proposed landscaping to be submitted to the Council will be attached to any permission granted.
- 60 Subject to the attachment of these conditions I am satisfied that the proposed development can be constructed without having a detrimental

impact upon the surrounding trees. Consequently, the proposal accords with policy EN1 of the ADMP.

Community Infrastructure Levy (CIL)

- 61 The proposals are CIL liable.

Very Special Circumstances

- 62 Para 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given 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 any other considerations.
- 63 The harm has been identified above as the harm to the Green Belt in principle and the harm to the openness of the Green Belt. There would also be harm to the amenities of potential occupiers of the new houses.
- 64 The applicant has sought to demonstrate very special circumstances, firstly on grounds that the council are currently unable to demonstrate a five-year supply of housing and secondly the public benefit through the provision of 18 car parking spaces on the northern parts of this site (as part of application 21/02578/FUL which is being considered separately to this application). Given that the land to the north does not form part of this planning application, it would be assessed separately on its own individual merits.
- 65 It is noted that the applicant has not submitted a sufficient evidence based assessment to demonstrate that the overall benefit of the proposed car parking spaces would outweigh the proposed harm to the openness of the Green Belt.
- 66 I have therefore given only limited weight to any benefit, which may arise from the provision of parking on the adjacent land.

Conclusion

- 67 In light of the above, it is my conclusion that the proposals represent inappropriate development and is, by definition, harmful to the maintenance of the Green Belt. In addition, by reason of the increase in height, bulk, massing and scale the proposed houses would also be harmful to the openness of the Green Belt. The very special circumstances advanced do not clearly outweigh the harm to the Green Belt and other harm identified.
- 68 The proposed development by reason of its scale, height, bulk, massing and design would adversely impact the street scene and because of the relationship with the adjacent Oak View Industrial compound would fail to sit comfortably within its setting, giving to poor quality of outlook, and external amenity space to the detriment of future occupiers. As such the

proposal is contrary to Policies EN1 and EN2 of the Allocated development management Plan.

69 As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. However, in this instance, as the development is situated within the Green Belt the policies of the NPPF for the protection of the Green Belt provide a clear reason for the refusal of planning permission in terms of NPPF paragraph 11d) i). While the proposals would provide two additional housing unit, this benefit is not outweighed by the harms arising from the development.

70 I therefore recommend the application be **REFUSED**

Background papers

Site and block plan

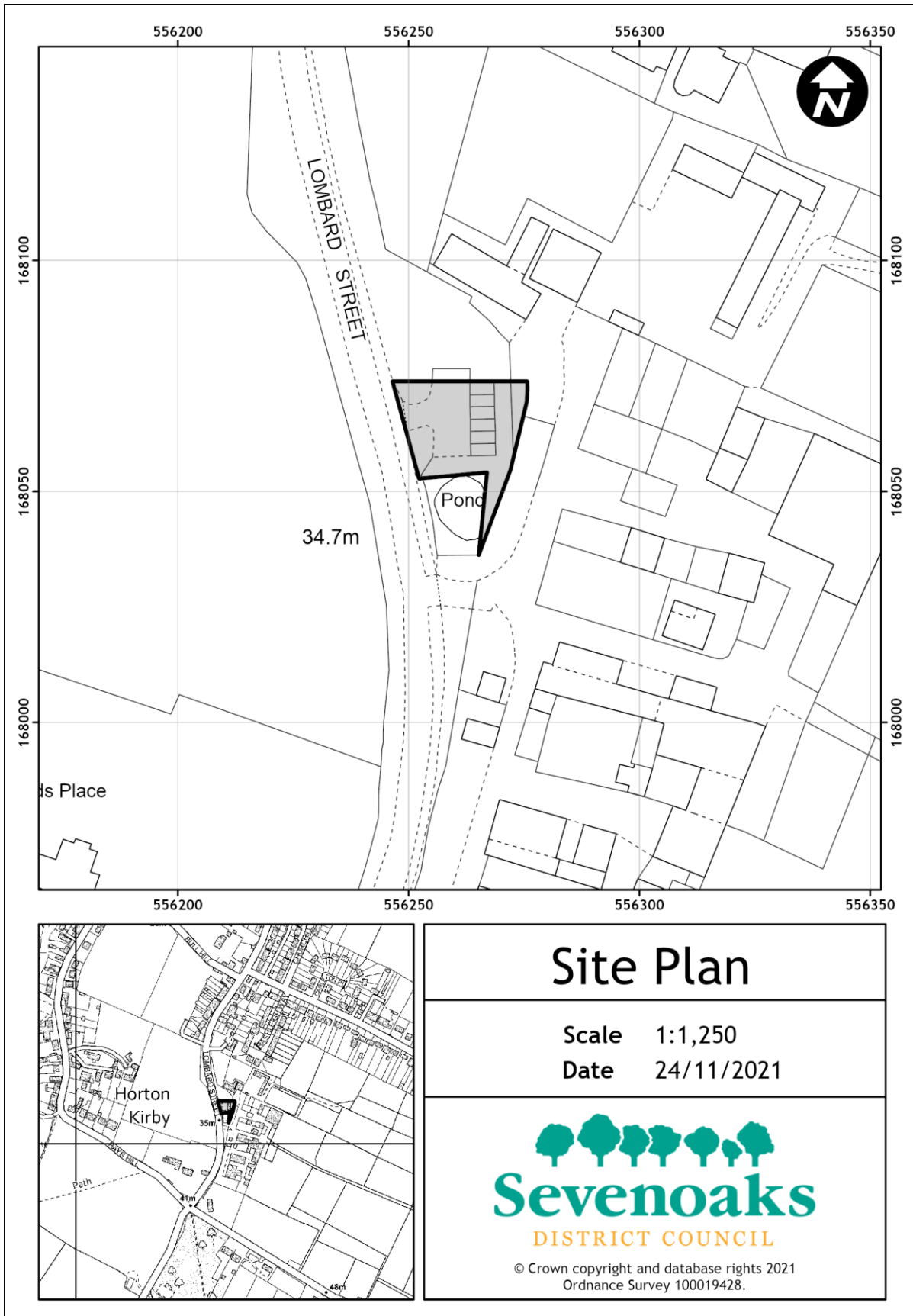
Contact Officer(s):

Joshua Ogunleye: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250
 Date 24/11/2021



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 Ordnance Survey 100019428.

BLOCK PLAN

