
Report of 31 March 2010

Wrotham Wrotham	562545 158883	26 October 2009	TM/09/01623/FL
Proposal:	Provision of first floor side extension through alteration of catslide roof with dormers into a 'butterfly' pitched roof and addition of single storey extension to rear		
Location:	Little Nepicar Cottage London Road Wrotham Sevenoaks TN15 7RR		
Applicant:	Mr And Mrs R Bonny		

1. Description:

- 1.1 Members will recall that this application for extension to Little Nepicar Cottage was withdrawn from the agenda of the Area 2 Planning Committee on 24 February 2010. The full Committee Report and Supplementary Report are attached as an annex to this report.
- 1.2 There have been no amendments to the proposal since last month. However the Applicant's Agent set out further supporting information on the day of Committee which led to the withdrawal of the case from the agenda. This report will therefore consider that additional information, being details of the needs of Mrs Bonny's mother and a recent appeal case relating to a Certificate of Lawfulness for a single storey rear extension.

2. The Site:

- 2.1 Please see previous Committee Report. In addition, a large outbuilding appears to have recently been constructed within the curtilage of the property but it does not have a bearing on the consideration of this application before Members.

3. Planning History:

- 3.1 Please see previous Committee Report.

4. Consultees:

- 4.1 No further representations have been received.

5. Determining Issues:

- 5.1 This section of the report should be read in conjunction with the previous Committee Report and Supplementary Report which are annexed to this report.
- 5.2 The Agent has stated that there is a garden wall approximately 6 metres high which encloses the site along its northern and western boundaries. The Agent believes the wall significantly reduces both the visibility of the site and also its

contribution towards the Green Belt's openness. This argument is expanded by stating that the existence of this wall will limit the impact of the proposed addition on the openness of the Green Belt, as the extension would only be visible from the south; and that the area proposed for the extension is not "open" in terms of its character – it is a courtyard which is enclosed on three sides by built form.

- 5.3 I do not contest the existence of the tall wall. However, inappropriate development is, by definition, harmful to the Green Belt regardless of the public visibility of the development. Within a local appeal in 2005, reference number APP/H2265/A/04/1165328 (TM/04/01844/FL) the Inspector states that:

".... I accept the extensions would be barely discernable from the nearby public road or neighbouring properties, due to the large trees and other vegetation, in and around the spacious plot. In my opinion, none of those circumstances is very special. Each could commonly occur when considering disproportional extensions to dwellings."

- 5.4 The appeal in this instance was dismissed. It is my view therefore that the existence of the walls around the north and west boundaries of the garden, which reduce the visibility of the proposal, do not provide sufficient justification for disproportionate extensions to Little Nepicar Cottage.
- 5.5 The Agent has queried the comments regarding the Permitted Development (PD) fallback position within paragraph 6.8 of the main report. A recent appeal decision in Guildford (APP/Y3615/X/09/2111591) has been provided which the applicant considers demonstrates that a full width PD single storey rear extension can be added to this property without the need to gain approval from the Local Planning Authority (LPA). The Agent considers this appeal decision results in the PD fallback for a single storey rear extension being larger than that set out in the previous Committee Report.
- 5.6 Any decision to refuse the proposed development may result in a Householder Planning Appeal. Within this new appeal process, the LPA has no opportunity to put forward additional representation to the Inspector and accordingly the Committee Reports and Supplementary Reports relating to this application would form the entirety of the Council's case. Accordingly, the further points raised by the Agent must be considered here in sufficient detail to ensure the Council is shown to have assessed and considered the arguments made by the agent. Paragraphs 5.7 - 5.9 therefore go in to the finer details of the Guilford appeal and its relevance to this application.
- 5.7 The Guilford appeal relates to a single storey rear extension which would project off the rear wall of the original house, as well as off a rear and side wall of a subsequent extension. The Inspector defines the main points of relevance as being the limitations of A.1(e) and A.1(h) of Class A, of Part 1 of Schedule 2 of the

General Permitted Development Order 1995 (GPDO) as amended in 2008. For clarity, the text relating to the limitations of Class A.1(e) and (h) is set out below:

A.1.(e) the enlarged part of the dwellinghouse would have a single storey and -
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height.

A.1.(h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would -
(i) exceed 4 metres in height
(ii) have more than one storey, or
(iii) have a width greater than half the width of the original dwellinghouse;

5.8 The Inspector considered the Guildford proposal would meet the limitations of A.1(e) and that the limitations under A.1(h) are not relevant to the proposal as the proposal would extend beyond a side wall which was not original.

5.9 I do not agree with the Agent that the Guildford appeal is relevant to the current case. Paragraph 6.8 of the previous report remains in my opinion a correct interpretation of the remaining potential for Class A extensions for the rear of Little Nepicar Cottage. This assessment is made on the basis that a full width rear extension would not comply with the limitations of A.1(e).

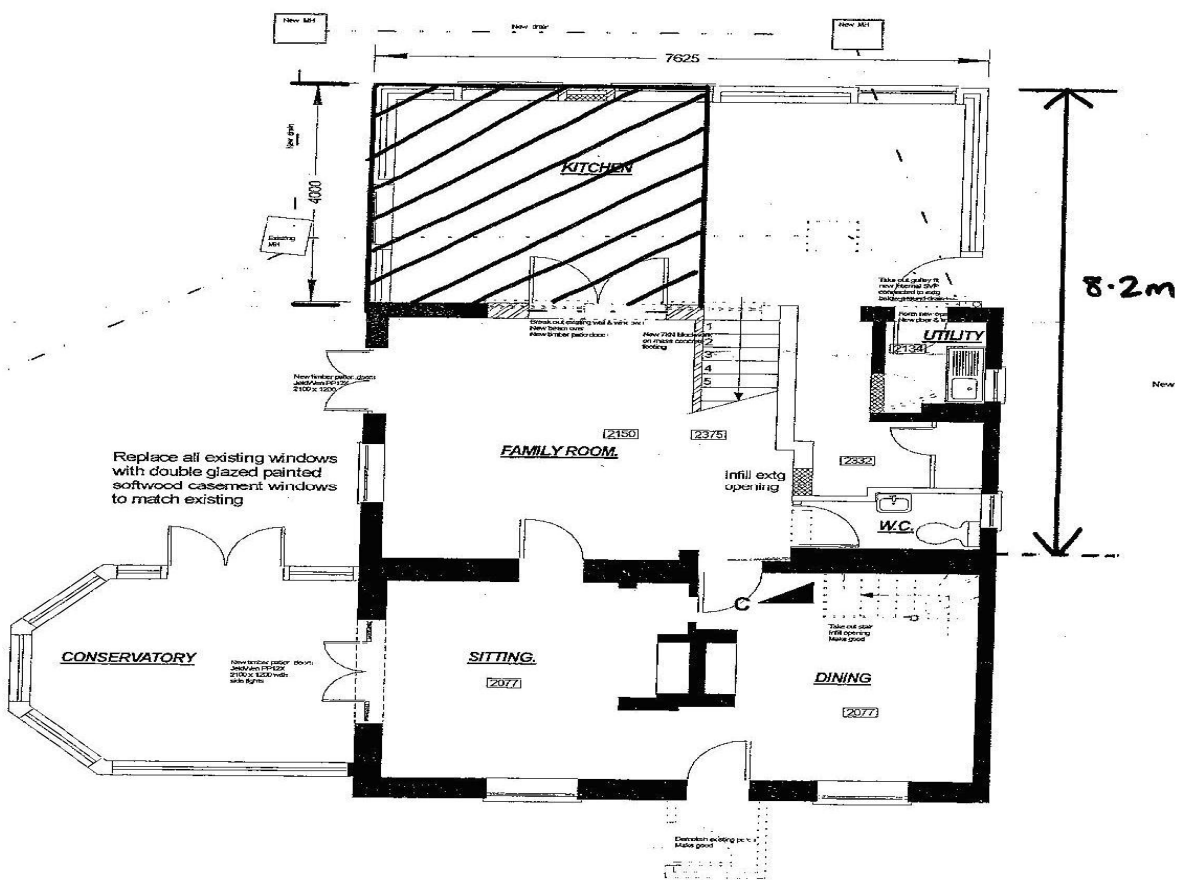
5.10 The **original** elevations and floor plans i.e. pre 1948 are set out below to assist Members in their assessment of whether the proposed extensions represent disproportionate extensions, over and above the original house. In addition, the proposed ground floor plan is laid out next to the original to show original rear walls and the remaining potential (hatched) for single storey rear extensions under permitted development. For information the remaining (un-hatched) area of the proposed rear extension would constitute an extension extending 8.2m beyond the line of an original rear wall.



Original elevations (pre 1948)



Original Floor Plans (pre 1948)



Proposed Ground Floor Plan (TM/09/01623/FL)

5.11 The next point raised by the Agent is the amount of floor space the proposal would add compared to the *existing* house, being an extra 48 sq m, 30 sq m of which he feels could be achieved through a PD extension. I continue to dispute the claimed PD issue as above. The amount of floor area being added is not, in my view, normally the prime consideration when assessing a Green Belt addition. Volume is a more appropriate measure as it gives a clearer impression of the additional bulk

and mass being added to a property which can harm the openness of the Green Belt. These extensions have already been assessed against relevant Green Belt policies and have been found to be disproportionate to the **original** house considered in 3 dimensions. That is the correct test when applying Green Belt policies. Any comparison to the **existing** house is therefore immaterial. In addition, the appeal referred to in paragraph 5.3 above also discounts an argument relating to a small increase in floor area compared to the original house.

- 5.12 The Agent does not consider the needs of the family, in caring for their severely disabled relative, have been adequately taken into account within the previous report. His detailed arguments were set out in my previous supplementary report (para 4) which is appended to this report.
- 5.13 Members are reminded that personal circumstances are rarely VSC as they are not land use considerations, they could be repeated numerous times in other cases and they rarely outlive the permanence of the building works being justified. Logically, personal circumstances would necessitate a personal planning permission but Government advice is that these are seldom warranted as such arguments will seldom outweigh the more general planning considerations.
- 5.14 Therefore I remain of the view that the needs of a non-resident relative, who resides in another County and has full time care in her current home, do not represent a case of very special circumstances for extensions to this dwellinghouse. Moreover, I consider that there are alternative solutions to the internal layout problems identified by the agent.
- 5.15 The Agent sent in another email which raised further points: i.e. a stated lack of bathroom facilities for the family which includes three children, two of whom are approaching teenage years. It is also stated that the existing rear extension has a low roof, hence inadequate room for any wardrobes. The Agent also clarifies the needs of the disabled relative, that Mrs Bonny regularly drives to provide respite care for her mother and so having facilities at Little Nepicar Cottage will allow her to provide longer periods of respite care.
- 5.16 Their justifications, set out by their Agent, have all been considered and do not represent individually, nor cumulatively, a case of very special circumstances.
- 5.17 I therefore consider the proposal remains inappropriate development, for which a sufficient case of very special circumstances has been presented, and duly recommend refusal.

6. Recommendation:**6.1 Refuse Planning Permission** for the following reasons:

1. The proposed extensions would, by virtue of their cumulative volume, be inappropriate development in the Green Belt, resulting in harm to the Green Belt by definition, and actual harm through loss of openness. The proposal is therefore inappropriate development which is contrary to PPG2 Green Belts and policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.
2. The proposed extensions would, through their form, scale and proportions, result in harm to the character of the building. The proposals are therefore contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and Saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998.

Contact: Lucy Stainton

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 31 March 2010

**Wrotham
Wrotham**

TM/09/01623/FL

Provision of first floor side extension through alteration of catslide roof with dormers into a 'butterfly' pitched roof and addition of single storey extension to rear at Little Nepicar Cottage London Road Wrotham Sevenoaks TN15 7RR for Mr And Mrs R Bonny

APPLICATION WITHDRAWN FROM THIS AGENDA

Report of 24 February 2010

Wrotham Wrotham	562545 158883	26 October 2009	TM/09/01623/FL
Proposal:	Provision of first floor side extension through alteration of catslide roof with dormers into a 'butterfly' pitched roof and addition of single storey extension to rear		
Location:	Little Nepicar Cottage London Road Wrotham Sevenoaks TN15 7RR		
Applicant:	Mr And Mrs R Bonny		

1. Description:

- 1.1 Planning permission is sought for a first floor extension to create a "butterfly" pitched roof and a rear addition which links with the proposed first floor element by way of a cat-slide roof.
- 1.2 The existing house has four bedrooms. The proposal would add a kitchen area at ground floor and, at first floor, two existing bedrooms would be made larger.
- 1.3 The "single storey" rear extension is, in my view, more in the region of a 1 ½ storey to 2 storey extension when viewed from the elevations. Accordingly the roof area shown could partly accommodate full head height and has now been amended to show that the two existing rear bedrooms would be enlarged in to that roof space, with two new rear windows.
- 1.4 The eaves height on the south elevation is to be raised from 2.75m to 3.7m, while the eaves height for the north elevation would remain at 3.7m. The eaves for the proposed rear extension to provide for the kitchen would be 2.55m for the rear elevation and rising to 3.7m where it meets the eaves line on the proposed first floor extension.
- 1.5 Two first floor rear "cut-out" windows are proposed in the cat-slide roof. An additional first floor north facing window is proposed to serve one of the enlarged rear bedrooms. Larger openings are proposed at first floor on the south elevation in place of the existing small dormer windows. At ground floor three rear facing windows are proposed, one additional flank window to the north side and a pedestrian door to the south side, all to serve the proposed kitchen.

2. Reason for reporting to Committee:

- 2.1 Called in by Local Ward Member.

3. The Site:

- 3.1 The site is situated within the Metropolitan Green Belt and Area of Outstanding Natural Beauty (AONB) and outside of the village confines of Wrotham, within the open countryside.
- 3.2 The site fronts on to the A20, London Road and has vehicular access off a private drive to the south of the site.
- 3.3 The front portion of the house has some historical value but is not listed. The later addition to the rear has a cat-slide to the south roof slope with two small dormer windows.
- 3.4 There are a couple of small sheds within the garden and small flat roof garage. The house has a conservatory on the north elevation.

4. Planning History:

TM/00/01398/FL Grant With Conditions 8 August 2000

Rear Conservatory.

TM/57/10466/OLD Refuse 28 November 1957

Outline Application for one dwelling and access.

TM/76/10001/ADV Refuse 21 October 1976

Erection of illuminated sign.

TM/84/11328/FUL grant with conditions 16 April 1984

Two storey rear extension.

TM/89/10967/FUL Refuse 6 December 1989

Vehiucular access to A20.

TM/05/02228/TPOC Grant With Conditions 18 August 2005

Remove dead wood, split branches and thin remaining canopy of two Chestnut trees; remove one Chestnut tree near highway (TPO ref. 12-24-22)

TM/08/02563/FL

Refuse

5 November 2008

Two storey rear extension. Demolition of existing garage and replacement with new detached double garage

5. Consultees:

- 5.1 PC: (24.07.09) No objections.
- 5.2 Private Reps + Article 8 Site Notice: (31.07.09) No response.

6. Determining Issues:

- 6.1 The site lies within the Metropolitan Green Belt where residential extension can be considered appropriate development provided the level of cumulative extension is not disproportionate to the original house. PPG2: Green Belts and Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 set out the framework for considering proposals in the Green Belt.
- 6.2 Within the AONB proposals must preserve or enhance the natural beauty of the landscape and accord with policy CP7 of the Tonbridge and Malling Borough Core Strategy 2007.
- 6.3 Saved Policy P4/12 and Policy Annex PA4/12 of the Tonbridge and Malling Borough Local Plan (TMBLP) 1998 relate to residential extensions and seek to ensure that proposals are of a form, scale, and design (including the use of appropriate materials) which would not adversely impact on the character of the building or wider streetscene. These policies also consider the impact of residential extensions on residential amenity through loss of light, privacy and overlooking of garden areas.
- 6.4 The original volume of the Little Nepicar Cottage was approximately 240 cubic metres (243 cubic metres including the existing porch). The cottage was extended in 1984 in the form of a two storey rear extension and has subsequently been added to by way of a conservatory to the north elevation. The proposed extensions would further extend the property both in volume and footprint. The proposed volume of the total house is approximately 556 cubic metres which would represent a volume increase of 129%. A cumulative increase of 129% would represent a significantly disproportionate level of extension compared to the original house and would therefore result in harm by definition to the amenities and openness of the Green Belt. The increase in bulk and mass which would arise from the proposed extensions would also represent harm to the Green Belt through loss of openness. I therefore consider the proposals represent inappropriate development in the Green Belt which is contrary to PPG2 and Policy CP3 of the TMBLP.

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- 6.5 The design of the proposed extensions is not, in my view acceptable in policy terms. The proposed addition at first floor (over the existing footprint) would erode the subservience which the existing cat-slide roof and dormers provide on the south elevation. The proposal would not only erode this subservience, but further extend the property in the form of the rear kitchen extension which is, in my view more than a single storey addition. This further increase in bulk and mass results in a set of extensions which pay no regard to the form, scale, proportion or design of the original cottage which would be subsumed when viewed from the south. I do not therefore consider the proposal would respect the character of the building through its form, scale and design and is therefore contrary to Saved Policy P4/12 of the TMBLP.
- 6.6 The applicant's agent has put forward a case that the first floor extension is a limited "infill" extension in place of the existing cat-slide roof and dormers and would not add significant bulk. In addition, the agent has stated that the proposed 4m deep rear extension would have no more additional impact than a similar extension which could be erected under permitted development (PD) rules. It is also stated by the agent that the proposals would improve the dwelling's aesthetics.
- 6.7 It is my view that the first floor extension is not limited to an infill of the existing south facing cat slide. When the first floor extension and rear extension are combined there is a large increase in bulk at first floor level due to the butterfly roof and the "cat-slide" above the proposed kitchen extension. I am of the opinion that the kitchen extension cannot be read as a single storey extension, or indeed as separate from the first floor extensions. The proposal is a package of extensions which would cumulatively increase the volume and bulk of the property to a disproportionate extent.
- 6.8 The "fall back" of a single storey rear extension is not in my view relevant to this application. This is due to the width of the extension being wider than current PD allowances. In addition, the tall eaves at the rear (2.65m) and taller eaves at the side (3.8m) along with a maximum height of 6.2m could not be regarded to have any parallels to PD rules which limit the overall height of an extension to 4m. The Council would have no control over a single storey rear extension which did meet current PD requirements and I would argue that such an extension would have a greatly reduced impact on the openness of the Green Belt compared to this proposed "single storey" rear extension.
- 6.9 As set out in paragraph 6.5 above, I do not consider the proposed extensions improve the aesthetics of the building.
- 6.10 The applicant has forwarded a letter from Mr West (Mrs Bonny's father) which supports the application and sets out that the application for extension would also facilitate the care of Mrs West (Mrs Bonny's mother) who has Parkinson's disease.

Mr West states that Mr and Mrs Bonny are keen to help out with the care of Mrs West and to do so would require toilet and bathroom facilities at ground floor.

6.11 I do not consider the needs of a relative who is not a dependant in the household, and who has sufficient care at present, to constitute a case of very special circumstances. Indeed, these circumstances are fairly commonplace and cannot therefore, by definition, be described as “very special”. Moreover, the proposed plans do not provide for bathroom facilities at ground floor. There is a WC at present and the proposed provide the same level of facilities.

6.12 The proposal therefore represents inappropriate development for which a sufficient case of “very special circumstances” has not been advanced and accordingly the proposal remains contrary to policy as set out above.

6.13 The proposal would not increase the number of bedrooms and accordingly no additional parking provision is required.

6.14 In light of the above considerations I consider the proposal is contrary to Green Belt and residential extension policy and therefore recommend the application be refused.

7. Recommendation:

7.1 **Refuse Planning Permission** subject to the following reasons:

1. The proposed extensions would, by virtue of their cumulative volume, result in harm to the Green Belt by definition, and actual harm through loss of openness. The proposal is therefore inappropriate development which is contrary to PPG2 Green Belts and policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.
2. The proposed extensions would, though their form, scale and proportions, result in harm to the character of the building. The proposals are therefore contrary to Saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998.

Contact: Lucy Stainton

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 24 February 2010

**Wrotham
Wrotham****TM/09/01623/FL****Provision of first floor side extension through alteration of catslide roof with dormers into a 'butterfly' pitched roof and addition of single storey extension to rear at Little Nepicar Cottage London Road Wrotham Sevenoaks TN15 7RR for Mr And Mrs R Bonny**

I received from the applicant's Agent on 24 February 2010.

I would like to make the following comments in support of the proposed development having read the committee report for this case:

1. In the site description section, the report does not mention the fact that a garden wall approximately 6 metres high (which is the remnants of a former brewery building) encloses the site along its northern and western boundaries. I think that this is an important consideration because the wall significantly reduces both the visibility of the site and also its contribution towards the Green Belt's 'openness'. In real terms, the impact of the proposed addition upon the openness of the Green Belt will be limited by the existence of the wall's built form and, essentially, outside views of the addition will be gained from the south only. The rear yard of the property in which the extension is to be sited is not 'open' in terms of its character - it is a courtyard that is enclosed on three sides by tall built form.

2. The comments set out regarding the PD fallback position in paragraph 6.8 are not believed to be entirely correct. Having researched this matter previously, my understanding is that a full width extension could be added under permitted development rights taking into account recent appeal decisions relating to interpretation of the current GPDO regulations. (I attach an example for your information/research purposes).

3. The assessment of the proposal has been largely made in volume terms. If one considers the proposal in terms of additional floorspace, the proposals would add around 48 square metres and approximately 30 square metres of this could be can (sic) already be provided through a single storey rear addition under permitted development rights. Accordingly, the applicants are actually only asking for an additional 18m² of floor space and this is only being asked for solely to enlarge two existing bedrooms and not to create additional first floor rooms.

4. The report implies that the proposals do not assist the family in caring for their severely disabled immediate relative. This is incorrect. The changes to the ground floor will mean that either the sitting room or dining room can be set up for use as an occasional bedroom at ground floor level. At present, when the applicants provide respite care, the disabled relative has to be accommodated in the lounge area on the sofa and this arrangement naturally has a distinct lack of privacy and is understandably

embarrassing and quite degrading for the relative involved because she is incontinent. Currently, the layout of the house does not allow a 'private' room to be used because the stairs run through the dining room and the main access into the house runs through the kitchen. The lounge is the only room that can be used at present to accommodate the relative therefore. The applicants do plan to install a walk in shower room but have not yet decided where the best location for this will be. It is unlikely to be provided within the proposed extension or family room area because of the 'through route' privacy problems described above. Most likely the facility will be provided in the current dining room.

I would be grateful if you would please take these comments into account."

DPTL: The comments above were accompanied by a recent appeal decision in which an Inspector made an interpretation of the impact of "permitted development" rights. As this decision arrived only today it has not been possible to carry-out a thoroughgoing analysis of the reasoning behind that decision to establish its applicability or otherwise in this case. It will also be necessary to assess if that Inspector's decision is fully representative of interpretations of the recently revised "permitted development" rights.

CASE WITHDRAWN FROM THE AGENDA
