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| **Wrotham** | **562545 158883** | **26 October 2009** | **TM/09/01623/FL** |
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| 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1.1 Members will recall that this application for extension to Little Nepicar Cottage was withdrawn from the agenda of the Area 2 Planning Committee on 24 February 2010.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 Guildford appeal and its relevance to this application.

5.7 The Guildford 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.*

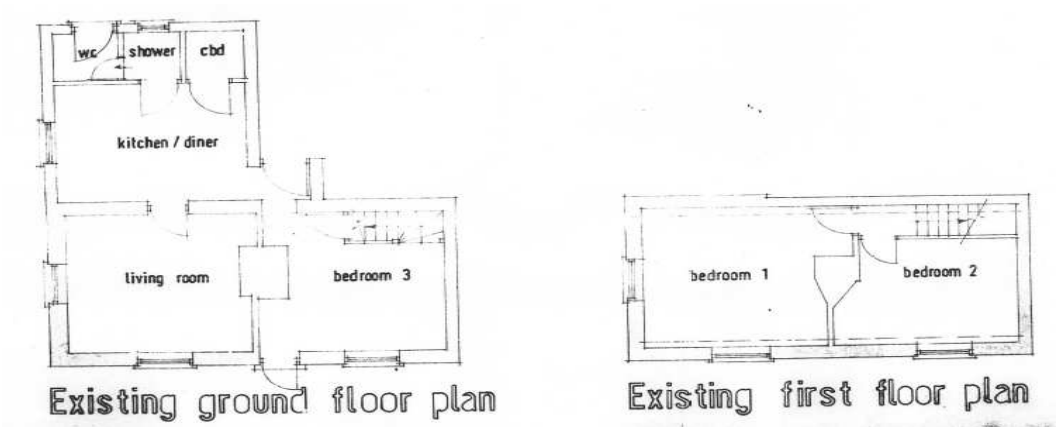
*A.1.(h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would -*
*(i) exceed 4 metres in height*
*(ii) have more than one storey, or*
*(iii) have a width greater than half the width of the original dwellinghouse;*

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.

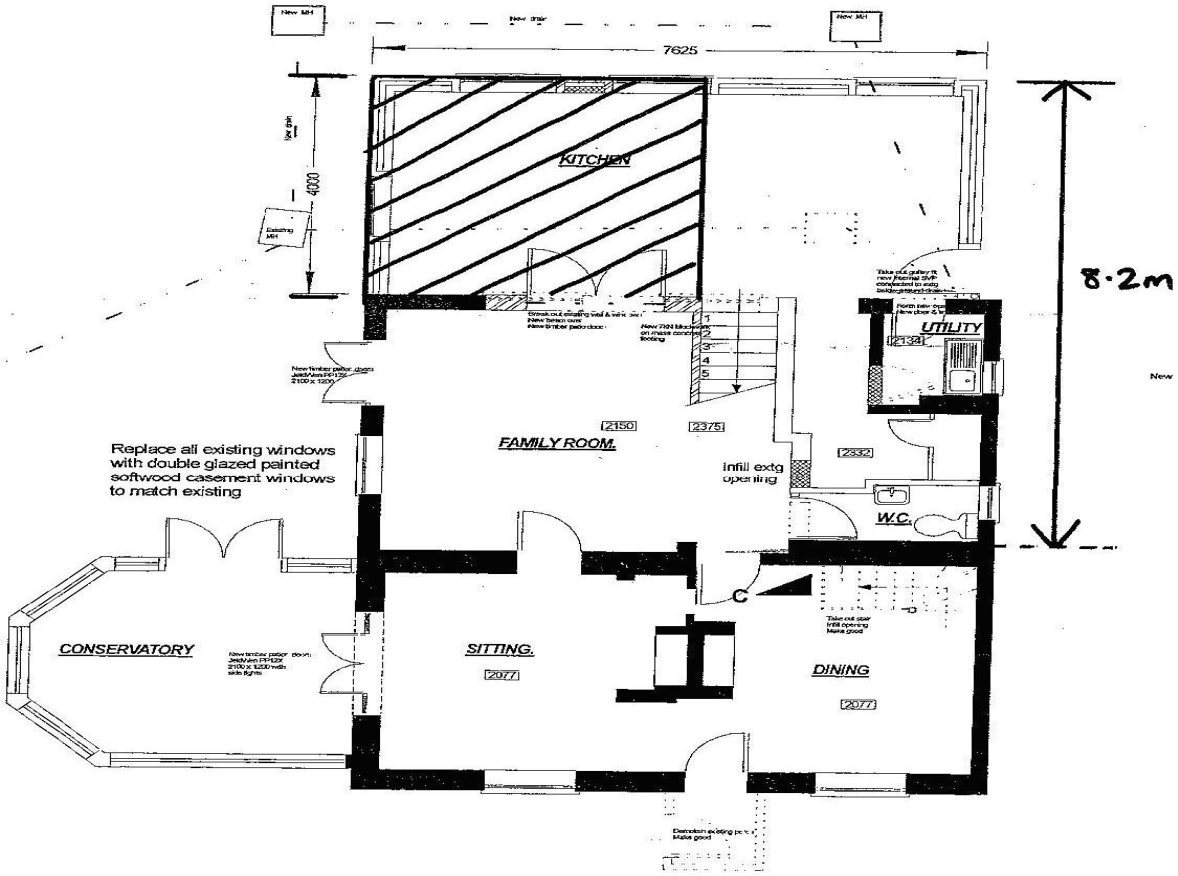
5.9 I do not agree with the Agent that the Guildford appeal is relevant to the current case. Paragraph 6.8 of the previous report remains in my opinion a correct interpretation of the remaining potential for Class A extensions for the rear of Little Nepicar Cottage. This assessment is made on the basis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