
Platt Borough Green And Long Mill	562359 156104	18 May 2010 6 May 2010	(A) TM/10/00975/FL (B) TM/10/00936/FL
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Proposal: (A) Rear and side extension to dwelling and addition of pitched roofs to areas of existing flat roofs
(B) Proposed outbuilding for workshop/store room and first floor storage. Including demolition of existing barn

Location: Napps Farm Long Mill Lane Platt Sevenoaks Kent TN15 8QG

Applicant: Mrs Sally Rutherford

1. Description:

(A) TM/10/00975/FL:

- 1.1 It is proposed to erect a rear extension to the kitchen measuring 2.3m deep by 3.9m wide and a side/rear extension to form an entrance hall, bathroom and rear hall with a maximum depth of 5.2m and a maximum width of 7.8m. The works will involve the creation of a new principal side entrance with a gable feature of glazed panels above the entrance door with a flat roofed canopy set on piers. All the new roof extensions will have pitched roofs and the application includes adding further pitched roofs to existing areas of flat roof.
- 1.2 The existing bungalow is 4.7m high to the ridge on its southern flank. The new roofs all have ridges that tie into the existing ridge.
- 1.3 The host bungalow is in the process of being insulated and weather boarded with black stained timber boards (which does not require the Council's approval) and the proposed extensions are to be created in materials to match - brickwork and weatherboarding with matching clay tiles. Windows and external doors are to be painted timber.
- 1.4 The applicant has submitted a statement in support of this application as follows:
 - *The Victorian farmhouse is being brought up to modern standards.*
 - *Due cognisance should be taken of the setting of Napps Farm which has been opened up – nearly 160 sqm of buildings in the domestic curtilage has been the subject of a phased removal and demolition. The previous sprawl of buildings has been vastly reduced and tidied up.*
 - *A mobile home has been removed and a brick built workshop and a range of kennels have been removed and planted over with grass.*
 - *Planning permission TM/04/00875/FL for a replacement house was granted 19.07.2004 but not implemented.*

- *The addition to the kitchen is modest and is to facilitate an eating area.*
- *The new entrance hallway will have a cloakroom/shower-room leading off, erected on the site of an old carport.*
- *The increase in footprint is 36 sqm which is a modest increase of one fifth of the property size.*
- *The extensions will preserve and enhance the character and remove time expired leaking and unsightly flat roofs with insulated roofs to the highest standard.*

(B) TM/10/00936/FL:

- 1.5 It is proposed to erect a new outbuilding at the rear of the site. The main element will have 2 storeys and will be erected parallel to the eastern boundary. It will have a width of 12m and a depth of 5.5m, ridge height of 5.2m and an eaves height of 2.35m. The ground floor is shown to be garaging and storage and the upper floor (accessed by an internal staircase) is shown to also be storage. There are 2 gable windows and 4 rooflights to the first floor.
- 1.6 A forward single storey projection 4.8m by 3m will angle along the northern boundary of the established residential curtilage as detailed in the application papers. This element has a ridge height of 4.2m and an eaves height of 2.35m. It is also shown to be used for storage.
- 1.7 The applicant has submitted a statement in support of this application as follows:
- *The parking barn currently dominates the house and streetscene and in consultation with adjoining neighbours and many of the residents who use the private lane, there is support to relocate/replace this present unsightly structure.*
 - *An existing high sided parking barn and the range of 4 stables, will be removed.*
 - *Due cognisance should be taken of the setting of Napps Farm which has been opened up – nearly 160 sqm of buildings in the domestic curtilage has been the subject of a phased removal and demolition. The previous sprawl of buildings has been vastly reduced and tidied up.*
 - *The amount of development is minimal in terms of the large garden and setting.*
 - *The replacement building will have a smaller footprint than the 2 buildings being demolished (82.5 sqm offset against 86 sq m).*

- *The new building will be a more appropriate location for the parking at the back of the site, screened and nestled into the natural high bank.*
- *The scale of the proposal will not challenge the existing property.*
- *The setting of the bungalow will become enhanced as lawn and garden.*
- *The materials and design will be Kent vernacular.*

1.8 Members are advised that, in relation to the first point, the Council has not been provided with the details of the applicant's own consultation and no letters of support have been submitted from the applicant directly relating to the current application for relocation/replacement of the parking barn. However, individual letters have been submitted direct as detailed below.

2. Reason for reporting to Committee (A) and (B)

2.1 Development at this site has been unusually controversial and the Committee has recently authorised the service of an enforcement notice on a recently constructed outbuilding at this site (refused under ref TM/09/00136/FL). Members are advised that there are current appeals pending decision by the Planning Inspectorate relating to:

- the refusal of planning permission and
- the service of an enforcement notice.

2.2 We appreciate the considerations in this case are potentially confusing owing to the incremental development of the dwelling and the way that Green Belt policy should be applied. In view of this officers will provide further oral clarification at the meeting if needed.

3. The Site (A) and (B)

3.1 The site is located outside the settlement confines of Platt, within the Metropolitan Green Belt and open countryside. The site lies on the east side of Long Mill Lane and contains a bungalow (the building the subject of application TM/10/00975/FL), and a number of outbuildings including former stabling. One recently built outbuilding is the subject of an enforcement notice, currently being appealed.

4. Planning History: (A) and (B)

MK/4/59/187

Refuse

20 May 1959

Outline application for residential development and accesses.

MK/4/60/539 Refuse 19 December 1960

An outline application for sawmill manager's house.

MK/4/64/570 Refuse 18 November 1964

Outline application for residential development with garages and estate road.

MK/4/67/424 Refuse 18 October 1967

Outline application for a dwelling.

TM/79/1152 grant with conditions 15 November 1979

Extension to side front and rear to form 2 bedrooms, porch and utility room.

TM/99/00052/LDCP Certifies 14 June 1999

Lawful Development Certificate Proposed: Siting of mobile home as ancillary accommodation

TM/99/02035/FL Section 73A Approved 22 May 2000

Application under s.73A: Continued use as livery yard and provision of 48m x 18m sandschool

TM/03/01594/FL Application Withdrawn 14 July 2003

Replacement dwelling

TM/04/00895/FL Grant With Conditions 19 July 2004

Replacement dwelling (Resubmission of application TM/03/01594/FL)

TM/09/00136/FL Refuse and enforcement notice subsequently served - related appeals pending PINS decision 13 April 2010

Retrospective application under Section 73A of the Town and Country Planning Act 1990 for the erection of an outbuilding for the private ancillary use by the occupiers of the single dwelling within the site at Napps Farm, Long Mill Lane, Platt

TM/10/00941/LDE Application Withdrawn 23.07.10

Lawful Development Certificate (Existing): Replacement of rear elevation felt flat roofs to the kitchen, study and bathroom with timber framed, felt battened and tiled (reclaim plain clay) pitched roofs

5. Consultees:

(A) TM/10/00975/FL:

- 5.1 PC: Platt PC have no real objection to this application but wonders how much more this site can be expanded with one application on appeal and another in addition to this one. Would like materials to match existing. Pitch roofs would be an improvement. PPC dispute that the mobile home has been there for over 25 years.
- 5.2 Private Reps (15/2R/0X/7S + Art 8 Site Notice): Two objections have been received and are set as follows:
- *"Thank you for the opportunity to comment on the above. This, as you know, is the latest in a series of applications in relation to this property. The common themes running through all of them are that they are misleading and on close examination should obviously be rejected. This application is for rear and side extension to dwelling and addition of pitched roofs etc. However photographs taken by Council employees on 25 February 2010 (which should be on your files but I can supply copies if necessary) clearly show that a pitched roof has already been constructed. Is this pitched roof the subject of this application in which case it should be retrospective? Or alternatively is the applicant saying that roof was within permitted development rights - why is the position not clear from the application? Also the diagrams attached in this application show weather boarding on existing building and existing window in pitched tower roof - these are both recent additions that have not as the diagrams suggest been there for some time. It is also important to understand exactly why the applicant requires a pitched roof with windows - are they intending to add an upstairs? The previous paragraph raises a number of issues that need to be addressed. However the fundamental point in relation to this application is that the applicant is proposing to extend the building from its existing width of 7.25m to 12.45m ie. an increase of 5.2m (over 70%)! This is clearly completely unacceptable - buildings on green belt land cannot be extended by over 70% - if everyone were to do that then the countryside would look dramatically different. Also the total floorspace increase from the proposed extensions is nearly 30% - again this cannot possibly be acceptable. A lot of time was wasted on Application TM/09/00136 as a result of the Council's support for an application that obviously should have been rejected (which is what happened at the Committee stage). I hope that this time the application is looked at properly by the Council so that the whole process does not have to be*

repeated (which is clearly a huge waste of taxpayers' money). As usual the applicant has attached a separate note to the application. A couple of observations on this. Firstly she refers to the proposals being 'a modest addition'. An extension of over 70% is clearly not modest! Secondly she also refers to plans for the family to return to Napps Farm - I am not sure why this is remotely relevant but in any case I am not sure what family she is referring to. And again (consistent with previous applications) the applicant refers to the hope that 'due cognisance' will be taken of the setting of Napps Farm etc but without mentioning the demolition order on a building that was erected without planning consent.

- *A further Application TM/10/00975/FL has been made to extend yet further the existing building and to increase the volume by changes to the pitch of the roof lines. As you are aware there are still unresolved issues as to whether works already undertaken by the Applicant without consent is outside the Permitted Development guidelines and I cannot see how the Planning Department can allow such an Application until the circumstances of lawful development has been resolved. The works now proposed extend even further the works that are subject of this ongoing investigation. Again this Application should be referred to Area 2 Planning if TMBC Planning Office decide to continue with this Application.”*

5.2.2 Seven letters of support have been submitted as follows:

- *Improvements at Napps Farm would be to everyone's advantage.*
- *The property is in need of repair and renovation.*
- *It became quite scruffy, untidy and in need of modernisation. We are pleased to see that someone was proposing to do that.*
- *The proposed works will make the house more attractive and habitable and make the general area of the Stables much more useful and pleasing to the eye.*
- *The Old Saw Mills estate has increased traffic enormously along Long Mill Lane.*
- *I understand that objections to this development come from 2 residents of that Estate- their effrontery amazes me. They neither adjoin nor are close neighbours.*
- *The proposed works will have no impact on the Saw Mill development as not visible from there.*
- *The owners of Napps Farm have endorsed a dormice conservation project on their land.*

- *There will be improvements to the setting, ecology and biodiversity from opening up the site. These are thought through plans.*
- *The extensions provide kitchen extension (a mere 2m) and bathroom - I believe there is only one toilet at present which is in the shower room.*
- *The applicant should be congratulated for the roof tile choice.*
- *In 2004, there was planning permission for a replacement dwelling with a two storey house of considerably larger footprint than the existing farmhouse. I am pleased the original house remains as it is full of character and part of the history of the area. The house has been greatly improved and carefully restored.*
- *I have known Napps Farm for over 50 years.*
- *This should not be a committee decision but delegated, reducing costs for the taxpayer.*
- *It is a questionable reason that this site had been considered controversial-why? Surely because an individual has threatened the Council with Judicial Review.*
- *I am at a complete loss as to why objectors are questioning and opposing opportunity for the applicant to make improvements to her property and to bring Napps Farm into the 21st century.*
- *There is no pitched "tower" roof; the roof window was very old and a new one fitted. It is the only means of natural light entering the vaulted ridge of the dining room.*
- *The flat roofs are time expired, unsightly and need replacing, they leak and have rotten timbers. The hipped roof design is pleasing. Rooms in the roofspace are not an option.*
- *Properties at the Old Saw Mill development had 3 bathrooms and 4 toilets.*
- *The applicant wants to make the home workable. It is not a 70 % increase.*
- *The applicant has taken time to explain her plans, there will be no negative impacts on us. The site has been greatly tied up since the start of the building works.*

5.2.3 In addition to comments on the substantive merits of the proposals I have received a number of items of correspondence relating to matters of process. These do not affect the substantive considerations in this case. This correspondence is available for Members' inspection.

(B) TM/10/00936/FL:

5.3 PC : No objections as long as it is conditional that use is purely for storage and stabling.

5.4 Private Reps: (18/3R/0X/6S) Three objections have been received and are set out as follows:

- *“This application is very misleading (maybe deliberately so) in that it attempts to draw together two completely separate events. On the one hand it is proposed that the existing parking barn/store will be demolished. For the avoidance of doubt I have no problem whatsoever with this. The building in question is a complete eyesore and it is good news that the intention is to demolish it. That said there is no connection whatsoever between this building and the proposed new one for which application is sought – the new building is in a completely different place and should be considered by reference to the existing building already there rather than the one elsewhere within the site. Given that the appropriate comparison is with the existing building the issues that arise in relation to the proposed building are exactly the same as those dealt with by retrospective application TM/09/00136 for another building on this plot. As I am sure you are aware this application was rejected at the Area 2 Planning Committee (despite the Council consistently supporting it) and furthermore there is now a demolition order on this building. The proposed building clearly does not fall within permitted development rights as its height exceeds the 4m limit. Even if this were not the case I still do not believe that these rights would apply for a number of reasons:*
 - *The building is not within the curtilage of the dwelling house.*
 - *The building has more than one storey – it has an upstairs with windows.*
 - *Even if the building can be regarded as one storey (which I do not believe it can) the upstairs must constitute a ‘raised platform’.*
 - *Finally I do not believe that it can be said that the building is required for a purpose ‘incidental to the enjoyment of the dwelling house’. Quite why a garage on this scale with an upstairs and conservation roof lights is required is not dealt within the application at all. It is very difficult to reconcile how someone who claims to have already spent their life savings on the property is now “investing” in a huge garage - for what purpose exactly?*
- *Looking then at policy DC1, replacement building in countryside is only permitted where it is not materially larger than the existing building that it replaces. The word “existing” cannot possibly be referring to a building elsewhere on the site - it must mean the building exactly on the spot where*

the new building is to be constructed. The building in question is clearly materially larger than that it is replacing. There can be no question about this whatsoever – it is obvious. As I said earlier the issues raised by this proposal are exactly the same as the retrospective application. And here I have set out below the recommendations reached by the Planning Committee.

“The outbuilding is inappropriate development in the Green Belt and is harmful by reason of its inappropriateness and because of its detrimental impact upon the openness and visual amenities of the rural locality by reason of its height and bulk and because of its domination over the host dwelling. The building is also materially larger, in terms of footprint and volume, than the building that it replaced on this site. It is therefore contrary to PPG2 (Green Belts) and Policies CP1, CP3, CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy DC1 of the emerging Managing Development and the Environment DPD. The Local Planning Authority is of the view that there are no adequate “very special circumstances” to justify this inappropriate development.”

- *Clearly a huge amount of time was wasted on that application caused primarily by the Council’s ridiculous support of it. I can only hope that we do not have to go through a similar process and that the current application is reviewed in an appropriate way by the Council. I should also briefly refer to the note attached to this application by the applicant. Reference was made to consultation with the adjoining neighbours. There has been no attempt whatsoever to consult with me. Whilst I can fully understand that there may be support for demolishing the existing building I would be amazed if there is any support for creating an equally unsightly building elsewhere on the site. I look forward to seeing how many residents write in expressing their support for this! Later on in the note the applicant expresses hope that “due cognisance” will be taken of the setting of Napps Farm and the work that has been carried out etc. Conveniently here it is not even mentioned that there is a huge ugly building which was built without permission – as mentioned above retrospective application was refused and there is now a demolition order on the building concerned*
- *There are a number of issues that will need to be considered with regard this Application not least that the Applicant is attempting to combine the footprints of two completely independent buildings on separate parts of the development to justify the proposed new structure which is significant in its size and would be out of character with the existing main building. Reference needs to be made to the previous Application TM/09/00136 for a building which was erected with a smaller footprint than this new proposal which was unanimously rejected by Area 2 Planning Committee and is the subject of an enforcement proposal to demolish the building in its entirety. It is difficult to see why such a large building is required particularly as the Applicant has suggested that the other building, TM00136, would be used as a store and why the design of the building requires a first floor with roof lights unless it is intended that again this building be used as an accommodation unit. I would*

suggest that given the historical issues pertaining to this site, the ongoing issues with TM/09/00136/FL and the involvement of a Councillor as Partner to the Applicant that this Application will be referred to Area 2 Committee and we will then be able to see in the report the Planning Department's Recommendation against which we can comment further."

5.5 The Management Company for Old Saw Mill has also objected as follows:

"the applicant should be required to make good any damage to Long Mill Lane at their expense or the applicant should lodge with the Council an appropriate deposit to cover any repairs necessary as a result of the works proposed under the planning application and the applicant should enter in to a deed of covenant with the management company to pay a fair proportion of the future maintenance costs of Long Mill Lane in perpetuity."

5.6 Six letters of support have been received as follows:

- *It became quite scruffy, untidy and in need of modernisation. We are pleased to see that someone was proposing to do that.*
- *The proposed works will make the house more attractive and habitable and make the general area of the Stables much more useful and pleasing to the eye.*
- *The demolition of the high sided barn and stables away from the lane surely makes sense. It will open up the area and accord with Green Belt policy.*
- *The cart lodge will be similar to others built in Long Mill Lane and are pleasing outbuildings very much in the local vernacular.*
- *The Old Saw Mills estate has increased traffic enormously along Long Mill Lane.*
- *I understand that objections to this development come from 2 residents of that Estate- their effrontery amazes me.*
- *The proposed works will have no impact on the Saw Mill development as not visible from there.*
- *The owners of Napps Farm have endorsed a dormice conservation project on their land.*
- *There will be improvements to the setting, ecology and biodiversity from opening up the site. These are thought through plans.*
- *I have known Napps Farm for over 50 years.*
- *This should not be a committee decision but delegated, reducing costs for the taxpayer.*

- *It is a questionable reason that this site had been considered controversial-why? Surely because an individual has threatened the Council with Judicial Review.*
- *The applicant has taken time to explain her plans, there will be no negative impacts on us. The site has been greatly tied up since the start of the building works.*

6. Determining Issues:

- 6.1 Key policies relating to these 2 applications are as follows:
- 6.2 TMBCS Policy CP1 refers to the need to protect and enhance the natural and built environment and that the quality of the countryside and residential amenity will be preserved and, wherever possible, enhanced.
- 6.3 Policy CP3 states that National Green Belt policy will be applied to developments within the Green Belt.
- 6.4 Policy CP14 states that in the countryside, development will be restricted to the appropriate extension of an existing dwelling and that within the Green Belt, inappropriate development which is otherwise acceptable within the terms of this policy will still be needed to be justified by “very special circumstances”.
- 6.5 Policy CP 24 requires all development to be well designed and of a high quality in terms of detailing and use of materials. Development must be designed to respect the site and its surroundings through scale, layout, siting, character and appearance.
- 6.6 MDE DPD Policy DC2 relates to replacement rural buildings and states that a replacement building in the countryside should not be materially larger than the existing building and should be appropriate in scale and design to its setting and any neighbouring buildings and to the character of the area within which it is located. It also states that the demolition of the existing building should not result in the loss of a building of architectural or historic interest or a building that contributes to local character. It also states that the replacement of non-residential buildings in the countryside with residential development will be considered on the basis that it is new residential development and will therefore also be subject to Core Policy CP14. Proposals in the Green Belt will be considered in the light of PPG2.
- 6.7 TMBLP Saved Policy P4/12 remains in force and is intended to ensure that extensions to residential properties should not have an adverse impact on the character of the property to be extended or the area, nor should there be adverse impact in terms of light, privacy or over looking of garden areas of neighbouring properties.

6.8 National Government advice in PPG2 (Green Belts) seeks to control development within the Green Belt. It states that there is a general presumption against inappropriate development which, by definition, is harmful to the Green Belt. PPG2 also states that inappropriate development should not be allowed except in “very special circumstances”.

6.9 Whilst the Courts are frequently asked to consider the application of Green Belt policy, this has not meant that the meaning of PPG 2 is settled. However, it is suggested that the Committee consider the following 5 questions in deciding whether permission should be granted.

- Is the proposed development “inappropriate”? This can be answered by applying the criteria in PPG 2.
- what harm if any (in addition to the in-principle harm to the green belt arising from the simple fact of inappropriateness), is caused? This need not necessarily be limited to harm in the green belt context.
- Are there any material considerations in favour of the development? The Courts have held that these may vary widely, and may include green belt factors e.g. that the development might preserve or increase openness or contribute to the function of the Green Belt.
- If so, are they sufficient to outweigh the combined harm caused to the green belt by reason of inappropriateness and any other harm identified at point 2 above? The weight to be given to any one factor will be one for the Committee. It is possible that a number of ordinary factors when combined may together represent 'very special circumstances'.
- And if so, do those countervailing material considerations actually amount to “very special circumstances”? It is not possible to provide an exhaustive list of those factors that may or may not amount to very special circumstances. However, a few examples of possible factors that may amount to very special circumstances are a relevant fall-back position (although the decision taker must assess the likelihood of the fall-back position actually being taken up), planning history (e.g. a building destroyed by fire), removal of contamination, personal circumstances.

(A) TM/10/00975/FL:

6.10 The application is for the addition of ground floor extensions with pitched roofs and the proposed works are linked to other pitched roofs recently constructed over flat roofs. These latter roofs were the subject of a Lawful Development Certificate (LDC) application TM/10/00941/LDE that was withdrawn before a decision was issued. It is the case that less than 50 cu m. of roof space added to the building since 1948 would be “lawful” as “permitted development” and would not require any further consideration or approval by the Council. It must be noted that to be

lawful the development must meet certain criteria but *does not expressly need to be subject to the grant of an LDC*. From the information available at the time the LDC application was withdrawn, it seemed to me that, on the “balance of probabilities”, the 50 cu.m. permitted development limit of roofspace appeared to be exceeded by some 8 cu.m. However the form of the works comprised in that “excess” 8 cu.m. matches the appearance of the lawful 50 cu.m. and makes a significant improvement to the visual appearance of the bungalow which previously had a series of flat roof extensions. These works, in my opinion, meet the intentions of acceptable design which underlie P4/12. Even though it is likely that it would not have proved possible to grant the LDC, I would not recommend any action against the unresolved 8 cu.m as those works improve the whole appearance of the building and do not create any demonstrable harm in my opinion and I consider that enforcement action would not be expedient.

- 6.11 The main issues relating to TM/10/00975 are the principle of the development in the countryside/Green Belt and the impact of the outbuilding upon the character of the rural locality. The extension of dwellings in the Green Belt is inappropriate unless the works fall within the relevant category of development listed in paragraph 3.4 of PPG2, that being a modest extension which is not disproportionate to the “original” dwelling (i.e. the dwelling as it was on 1 July 1948).
- 6.12 The design, appearance and materials of the extensions and their scale and location are considered to be acceptable in terms of LDF policy framework including Policies CP1, CP24 DC2 and P4/12 and, in respect of the works adding a further roof over the remaining flat roof elements of the existing dwelling, will themselves be an improvement over the existing situation.
- 6.13 The existing bungalow is currently being internally renovated and the submitted drawings show it has existing kitchen/utility, 3 bedrooms, a study, a dining room and a lounge entered direct off the porch and one shower-room. This application would allow an enlargement of the kitchen, the creation of an entrance hall from a new principal entrance porch on the northern elevation and also a new bathroom. No net gain in bedrooms is shown to be proposed. No first floor is proposed – and in any event, the roof form and limited height do not facilitate a first floor in my view.
- 6.14 In floor area terms, the proposed extensions in application (A) would add approximately 42 sq m to an existing floor area of 139 sq m (i.e. total of 181 sq m). This is a 30% increase over existing (not original). I therefore calculate these figures differently from the agent who gives a figure of 36 sq m. and 20% respectively. The resultant dwelling is not particularly excessive in size in my view, taken in the context of the site and I also consider that an increase of 30% can be described as a modest and proportionate increase

- 6.15 However, there are 2 issues which merit further consideration. One is that the assessment of impact on the MGB normally needs to include reference to the overall volume of new works, as well as footprint, as impact on the Green Belt is clearly in 3 dimensions. In this case, the increase in volume is greater than a pure footprint consideration as there is extensive addition of pitched roofs (over and above those roofs in the LDCE application) to existing flat roofs and also pitched roofs to the new ground floor extensions. It is my opinion that it would not be good planning in the rural area to discourage the aesthetic benefits of pitched roofs, notwithstanding that they add bulk to a building – this usually being felt to be undesirable in Green Belt terms. This is a long standing tension in Green Belt planning policy and Members may concur with my view that the addition of pitches to flat roofs which are betterment from an aesthetic and/or functional point of view should be supported and could be considered as contributing to “very special circumstances” which benefit rural visual amenities.
- 6.16 The second issue is that PPG2 is explicit in referring to extensions to a Green Belt dwelling being compared to the original (i.e. that existing in 1948). In that context, the extensions now proposed, when added to additional floor area and volume added in increments over the last 62 years, would not be modest or proportionate and hence would have to be defined as inappropriate.
- 6.17 It is therefore necessary to assess whether there are very special circumstances that would outweigh the harm by inappropriateness and any other harm.
- 6.18 As discussed above, the design and materials of the extensions would be acceptable and visually beneficial and would help to eliminate unsightly flat roofs. The extensions are to the rear of the bungalow and would not significantly impact on the view of the dwelling from the street scene or other public vantage points and, even where they do, they bring about a visual improvement in terms of the aesthetic appearance of built development. Hence I would advise Members that it is the **technical** inappropriateness of the extensions which is the only harm that I identify from this application.
- 6.19 Another factor that must be weighed in the balance of the context for the consideration of this application is the 2004 planning permission for a replacement dwelling, a 3/4 bedroomed chalet bungalow. That planning permission expired in July 2009. However, there has been no major policy change since 2004 which would militate against a renewal of that planning permission. One of the anomalies in PPG2 is that the acceptability of extensions is judged in the context of the 1948 benchmark as mentioned above, whereas the acceptability of the size of a replacement dwelling is benchmarked to the existing dwelling whether or not that has been extensively extended since 1948. On the face of it, this seems perverse but this is applicable national policy. In areas constrained by Green Belt designation, that can act as an incentive to maximise residential floorspace by demolishing and rebuilding dwellings rather than extending them.

6.20 Hence, comparing the result of a renewal of TM/04/0895/FL with the result of application (A), it is the case that the replacement chalet bungalow has a footprint of approx 118 sqm, a total of approx 200 sqm floor area, an eaves height of approx 2.3m and a ridge height of approx 5.9m. The replacement bungalow would be set in the middle of the site. It is the case that planning permission was dependant on the removal of a mobile home (which has gone from the site) plus the open fronted barn (which remains). Thus in terms of ridge height and floor area, the resultant dwelling with the extensions applied for under application (A) would have a more limited impact than would the implementation of a renewal of planning permission TM/04/00895/FL, the ridge height of the replacement dwelling being approx 1.2m higher than the in situ bungalow and the floor area being approx 19sqm greater.

6.21 I consider that the matters raised above, the improved appearance arising from the proposed new works and the considerations around the previous grant of permission for the replacement dwelling as in 2004, are important factors that have to be considered in deciding whether the extensions, which are technically inappropriate development, are nevertheless acceptable or indeed desirable. I consider that those other factors may be considered to be very special circumstances that lend support for the proposed extensions. If Members concur that the above issues amount to very special circumstances, it would be logical to require the removal of the open fronted barn as mitigation for the inappropriateness of the extension works as defined in PPG2. For similar reasons, Members may also consider it appropriate to remove certain permitted development rights for further extensions and curtilage buildings.

6.22 Many of the points made by the objectors from a planning point of view have been dealt with above. Other comments are as follows:

- The new roof works within TM/10/00941/LDE and TM/10/00975/FL do not include any first floor windows – a rooflight to the existing middle gable roof serves a vaulted ceiling of the lounge. It is agreed that Green Belt and countryside planning policy is intended to protect rural areas from the incremental impact of large extensions to dwellings but it is possible for cases to be looked at in terms of individual merits such as individual cases of very special circumstances.
- It is agreed that there are no personal circumstances relating to the desire of the applicant to return her family to Napps Farm that are material planning considerations.
- The relationship of the recent roof space extensions with this application has been explained above and it is not agreed that the proposal under application (A) cannot be determined until the circumstances of the lawful development have been “resolved” – the status and acceptability of the roof works are dealt with in paragraph 6.10 above

(B) TM/10/00936/FL:

- 6.23 The application is for the development of an outbuilding for use as garaging and parking, indicated to be ancillary to the primary residential use of the host dwelling. The main issues relating to this application are the principle of the development in the countryside/Green Belt and the impact of the outbuilding upon the character of the rural locality.
- 6.24 Members are reminded that the Council has recently refused and enforced against an outbuilding in the same curtilage where, in essence, the height/bulk relative to the height of the bungalow in this particular context was judged to be unacceptable.
- 6.25 The erection of a building within the Green Belt is inappropriate development unless it would fall within one of a number of categories of development listed in paragraph 3.4 of PPG2. Many dwellings in sizeable grounds in the Green Belt have outbuildings used incidentally to the dwelling house and in a way akin to or similar to the use of some extensions. However, domestic outbuildings are new buildings within the Green Belt, not expressly included in para 3.4 and hence, by definition, are inappropriate development. Similarly, reference to Policy CP14 of the TMBCS dictates that outbuildings are presumed against in the countryside at large. However, there may be “very special circumstances” or other material considerations that might, on balance of all factors, justify such outbuildings where they require a planning application.
- 6.26 The proposed new outbuilding would be inappropriate development within the Green Belt, and consequently the main issue in this case is whether there are any very special circumstances that would justify the grant of permission in the face of the harm caused by inappropriateness and any matters.
- 6.27 The proposed outbuilding itself would have a larger footprint than one that stands in the same location within this site. The stable block building in situ is sited at the rear of the site, close to the eastern boundary. It is comprised of brick and timber and has a monopitch corrugated roof. It is formerly a block of stables but is now used for domestic storage. Including a small canopy at the rear, it has a footprint of approx 58 sqm and an average height of 2.7m at the front sloping down to an average of 2.1m at the rear.
- 6.28 The proposed outbuilding would have a volume of approx 300 cu. metres which is some 181 cu metres (150%) larger in volume than the stable building it will replace.
- 6.29 The outbuilding as proposed to be constructed would stand 5.2m high due to a steeply pitched roof. Hence it would be taller (by approximately 2.5 m) than the stable building that it would replace. Due to the land rising from west to east, the new outbuilding will be on land that is higher (by 660mm) than the host bungalow which is 4.7m high at its ridge. Hence the level of the ridge of the new outbuilding

would be 1.16m above the level of the ridge of the bungalow (0.5m due to the design and 0.66m due to the rising land level). This proposed outbuilding would also be higher both in itself and overall than the outbuilding refused and enforced against under ref TM/09/00176/FL for reasons of its height and bulk.

- 6.30 The new outbuilding would be visible within the landscape. Its prominence is exacerbated by the fact that the building would dominate when viewed comparatively with the existing dwelling, especially in light of its height and bulk.
- 6.31 In terms of the benefits mentioned by the Design and Access Statement, the only point in my opinion that may potentially constitute a case of very special circumstances would be the removal of the open fronted barn at the frontage with the lane. I consider that the loss of that corrugated iron/timber barn would benefit the visual amenities of the rural locality. Indeed, that benefit was a factor in the positive determination of the planning permission for a replacement dwelling under ref TM/04/00895/FL as it was also proposed to be “traded off” in that application. The barn has a volume and a footprint which, when added to the volume and footprint of the stable block, would be greater than the new outbuilding being proposed. However, it is sited on lower ground level and its maximum height is less, being 4.52m. I remain concerned that the height of the proposed new outbuilding remains a fundamentally unacceptable and unjustified element of application (B).
- 6.32 Consideration as a very special circumstance could also be given to the fact that an outbuilding could be erected under permitted development rights within the lawful garden curtilage in this site without needing to be the subject of a planning application. Whilst the height limit for erecting such a building in this location is 4m (i.e. 1.2 m lower than the building the subject of this application) such a building could have a footprint similar to (or potentially larger than) the building the subject of this application. However, to meet the criteria for “permitted development” it could not have the first floor as is expressly intended in this application.
- 6.33 The new outbuilding would be a timber framed structure standing on a brick plinth and the walls would be principally clad with weatherboarding stained black in colour. The roof would be clad with reclaimed plain clay tiles. In terms of its materials and design, its appearance would suit the character of the rural locality and would be acceptable in those respects in terms of the relevant areas of the LDF policy framework including Policies CP1, CP24 and DC2.
- 6.34 Save for the matter of intrusive height, I do not consider in aesthetic design terms, that it would be out of keeping with this particular property or intrusive in the rural area,
- 6.35 In terms of the stated case of the applicants, whilst the applicant may have removed various outbuildings within the vicinity and thus have improved the visual amenities of the site, it is arguable whether this planning context can be considered as “very special circumstances”. The visual impact of the building may

be improved compared to what existed before, with the exception of its height, but those buildings are no longer a reality and it is my view that weight should not be given to the earlier removal of buildings when considering this new building.

6.36 The design and form of the building and the materials used are stated by the applicant in its favour. However, the new outbuilding would be a large and bulky structure, especially when it is viewed against the relatively modest height of the existing dwelling. The road along the front of the site is a promoted walking route which links to the two footpaths that run east - west and which lie just south of the application site. Whilst the materials used attempt to utilise the local vernacular, they cannot in themselves disguise the bulk and height of the building in the context of the countryside at this point.

6.37 I consider that the building in terms of its height and bulk does detract from the character of the site and the wider rural locality. I therefore consider that this proposal would not comply with policies CP1, CP14, CP 24 of the TMBCS and DC2 of the MDE DPD.

6.38 The use of this building for purposes ancillary to the residential use would not cause any detriment to the amenity of nearby residential properties nor upon highway safety, in my opinion.

6.39 Many of the points made by the objectors from a planning point of view have been dealt with above. Other comments are as follows:

- *There is no requirement on the applicant to consult with local residents. I have already highlighted above for Members' information that the applicant has not submitted the results of consultation she claims to have carried out.*
- *The existing outbuilding is not considered to be "ugly" - it was refused and enforced against for reasons of its bulk and height.*
- *It is correct that there are 6 windows proposed to serve the main roof but there is nothing in the application that details it is intended as an accommodation unit - that would require planning permission in its own right.*

6.40 The comments of the Management Company for Old Saw Mills relating to potential damage to the lane from construction traffic etc are private matters, not material to the consideration for this planning application.

6.41 In light of the above, I recommend that planning permission be refused for this new outbuilding development.

7. Recommendation:

(A) TM/10/00975/FL:

7.1 Grant Planning Permission as detailed by: Design and Access Statement dated 15.04.2010, Site Plan dated 15.04.2010, Drawing NAPPS/102 dated 15.04.2010, Drawing NAPPS/103 dated 15.04.2010, Drawing NAPPS/104 dated 15.04.2010, Drawing NAPPS/105 dated 15.04.2010, Drawing NAPPS/106 dated 06.05.2010, Drawing NAPPS/109 dated 18.05.2010, Location Plan NAPPS/001 dated 15.04.2010, Elevations NAPPS/107 rev A dated 05.07.2010, Elevations NAPPS/108 rev A dated 05.07.2010, 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. (Z013)

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2 All materials used externally shall match those of the existing building. (D002)

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3 The existing barn to the north of the bungalow shall be demolished prior to first occupation of the extensions hereby permitted, if not demolished previously, and all arisings therefrom shall be removed from the site.

Reason: In the interests of amenity and openness of the Green Belt.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto. (R001)

Reason: To allow the Local Planning Authority to assess the impact of further development in the interests of amenity and openness of the Green Belt.

(B) TM/10/00936/FL:

7.2 Refuse Planning Permission for the following reason:

1 The outbuilding is inappropriate development in the Green Belt and is harmful by reason of its inappropriateness and because of its detrimental impact upon the openness and visual amenities of the rural locality by reason of its height and bulk relative to the host dwelling. The building is also materially larger, in terms of footprint and volume, than the building that it replaces on this site. It is therefore

contrary to PPG2 (Green Belts) and Policies CP1, CP3, CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy DC2 of the emerging Managing Development and the Environment DPD. The Local Planning Authority is of the view that there are no adequate “very special circumstances” to justify this inappropriate development.

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