

**Wrotham**

Wrotham, Ightham And  
Stansted

**30 November 2016**

**TM/16/03038/FL**

Proposal: Conversion of garage, loft conversion, installation of 4 No. dormer windows and installation of patio doors to west elevation of former annex to Park View House  
Location: Rose Cottage Bull Lane Wrotham Sevenoaks Kent TN15 7RF  
Applicant: Mr J Garlinge  
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**1. Description:**

- 1.1 This application seeks planning permission for the conversion of garage, loft conversion, installation of 4 No. dormer windows and installation of patio doors to the west elevation of a former annex now used as a separate dwelling known as Rose Cottage.
- 1.2 The existing double garage is to be converted into habitable accommodation. The garage doors are to be removed with a single window to be installed in the opening. The remainder is to be infilled with matching brickwork. Patio doors are to be installed to the north and west elevations.
- 1.3 Additional bedroom accommodation is to be provided within the existing loft space, facilitated through the installation of four dormer windows.

**2. Reason for reporting to Committee:**

- 2.1 Called in by Cllr Coffin due to the nature of the planning history of the site.

**3. The Site:**

- 3.1 The application site lies to the south of Bull Lane, Wrotham. It is located outside the built confines of Wrotham, within the Metropolitan Green Belt and North Downs Area of Outstanding Natural Beauty.
- 3.2 The site consists of the original host dwelling (Park View House) and the former annexe (Rose Cottage). The planning history is complex and planning permission was granted at appeal under application reference TM/94/01712/FL for the erection of two outbuildings, one being for a residential annexe. Since that time the residential annexe appears to have been adapted internally to provide first floor accommodation and has been rented as a separate dwellinghouse (known as Rose Cottage) in breach of the planning condition imposed under TM/94/01712/FL. The annexe has been separately banded by Council tax since 1999 as an independent dwelling.

#### 4. Planning History (relevant):

TM/94/01712/FL      Appeal allowed

Erection of two single storey outbuildings to provide 5 No. garaged parking spaces and a residential annexe.

#### 5. Consultees:

##### 5.1 Wrotham PC: Objects (summarised):

- Rose Cottage has a separate unconsented access to the north and is an outbuilding of Park View House;
- Two single storey outbuildings granted at appeal in 1994. One for a three parking bay garage and one for a two parking bay garage and one-bedroom annex for elderly relative;
- Single storey building between Park View House and 'Rose Cottage' now has dormers and is used as ancillary accommodation to Park View House. The change of use and the dormers appears to be unconsented development;
- The single storey 1 bedroom annex appears now to have had dormers and an upstairs added and it's a 2 bedroom building without an intervening planning application;
- WPC understands why the current owner believe that the current application is a reasonable one, however when you consider the totality of what has been gained to date and that the 78% increase in volume has been exceeded by unconsented dormers and a loft extension in both of the outbuildings, then this has a bearing on consideration of the current application;
- Current application would again increase the volume of the building to perhaps double its original size, which is contrary to the opens of the Green Belt. Moving internal parking externally would cause harm to the beauty of the AONB without justification.

##### 5.2 Private Reps (Article 15 Site Notice/0X/0R/0S)

#### 6. Determining Issues:

##### Background matters and planning history:

- 6.1 Concern has been raised by the PC relating to the unconsented works that have taken place on site. These works include internal alterations to create a first floor within the annexe, the provision of dormer windows and the formation of a new vehicular access to the north of Rose Cottage. In addition to this the building

allowed at appeal was restricted by condition so that it could only be used in connection with Park View House rather than as a separate unit of accommodation. However it appears to have been occupied as a separate residential unit without the benefit of planning permission in breach of this condition.

6.2 The PC is correct that no planning permission has been granted for the works outlined above. However, it must be recognised that development becomes immune from enforcement if no action is taken:

- Within 4 years of substantial completion for a breach of planning control consisting of operational development;
- Within 4 years for an unauthorised change of use to a single dwellinghouse;
- Within 10 years for any other breach of planning control (essentially other changes of use).

6.3 These time limits are set out in Section 171B of the Town and Country Planning Act 1990.

6.4 It is my understanding that the unauthorised operational development was undertaken shortly after the building was constructed, if not at the time of construction itself. As such, these aspects are immune from enforcement action and effectively have become “lawful” in planning terms under Section 191 of the Town and Country Planning Act 1990.

6.5 In terms of the separate occupation of the building in breach of the condition, it is clear that the building has been banded for council tax purposes and let out since 1999 and therefore is also now lawful in planning terms.

6.6 It should be noted that internal alterations to a building in their own right do not amount to development as defined by the Act and no permission would have been required for such works alone.

6.7 In light of the above, the previous unauthorised works and the separate residential occupation of the building are considered to be lawful and as such it is only possible to consider the built development now proposed by this planning application and it is on this basis that the following assessment takes place.

*Principle of development:*

6.8 Paragraph 89 of the NPPF advises that new buildings should be regarded as inappropriate in the Green Belt. There are, however, exceptions and one of these includes the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy CP3 of the TMBCS requires proposed development within the Green Belt complies with National Policy.

- 6.9 Whilst the internal floor area of the building has been increased through the provision of a first floor, these works do not amount to development and cannot be considered in terms of an increase to the building for the purposes of applying Green Belt policy. The external alterations to date, if not included at the time of the original construction, have been minimal in the form of three dormer windows. I consider that the insertion of additional dormer windows would not represent disproportionate additions to the original building and as such the works do not constitute inappropriate development within the Green Belt.
- 6.10 The garage conversion and the alterations to facilitate the conversion amounts to a re-use of existing built footprint rather than any addition to the existing building and is therefore not considered to be inappropriate development within the Green Belt.
- 6.11 Policy CP14 of the TMBCS restricts development within the countryside to (inter alia) appropriate extensions of existing dwellings. The development proposed is considered to be appropriate in this regard given that the dormers proposed are small in scale and nature and the remainder of the works seek to utilise existing footprint. As such, the development accords with this policy.

Visual impact:

- 6.12 In general terms, policy CP24 of the TMBCS requires that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD. More specifically, saved policy P4/12 of the TMBLP states that dormer windows should be in keeping and in scale with the roof area in which they are installed. In this respect, the proposed dormers achieve this in terms of their proportions and appearance. All the dormers are to be tile hung to match the existing dwelling. All windows are proposed to be painted timber with the brickwork to match the existing building.
- 6.13 Paragraph 115 of the NPPF requires that great weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which has the highest status of protection in relation to landscape and scenic beauty. Policy CP7 of the TMBCS states that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the AONB. The proposal seeks minimal external alterations to the building which would not harm the landscape of the AONB for the reasons given above. Given the limited scale of the proposed works and that materials are to match the host building the proposal will not be detrimental to the natural beauty or quiet enjoyment of the AONB. As such, the requirements of paragraph 115 of the NPPF and policy CP7 of the TMBCS are met.

Residential amenity:

- 6.14 The only nearby residential property is Park View House, to the immediate south of Rose Cottage.
- 6.15 The patio doors and dormer windows located to the north, west and east elevation of the building do not overlook residential properties and therefore will have no impact on amenity.
- 6.16 The south facing dormer window and two new ground floor windows will face towards the shared parking courtyard which separates the two buildings at a distance of around 17m. Given that two dormer windows already face towards Park View House, and given the distances involved, I do not consider that the insertion of a further dormer in this roof slope would cause any harmful overlooking to occur.

Parking provision:

- 6.17 The proposed works would increase the number of bedrooms within the building from two to three. This would increase the need for parking to serve the building from 1.5 spaces to 2 independently accessible spaces when applying KHS IGN3: Residential Parking. The submitted plans indicate that the building is already served by an area that can accommodate four vehicles and as such this requirement is met.

Conclusions:

- 6.18 In light of the above considerations, it is clear that the unauthorised development that has taken place here is now lawful and cannot be considered any further within the context of this application. The development proposed by this application accords with the requirements of the NPPF and LDF and as such the following recommendation is put forward:

**7. Recommendation:**

- 7.1 **Grant planning permission** in accordance with the following submitted details: Existing Floor Plans 16-38-02 dated 10.10.2016, Existing Elevations 16-38-03 dated 10.10.2016, Proposed Floor Plans 16-38-04 dated 10.10.2016, Email dated 30.11.2016, Location Plan 16-38-01 A dated 16.01.2017, subject to the following conditions:

**Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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.

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

**Informative:**

- 1 As you are proposing to convert a garage/workshop to living accommodation you are advised to incorporate an impermeable vapour membrane within the floor slab of the development to act as a barrier against any oils or chemical that could have been used or stored there. Any services entering/leaving the structure should either be located above the vapour impermeable membrane or be sealed with appropriate top hat and tape to current guidelines.

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