

Alleged Unauthorised Development
Addington 16/00350/WORKM
Downs And Mereworth

Location: The Birches Sandy Lane Addington West Malling Kent ME19
5BX

1. Purpose of Report:

- 1.1 To report the unauthorised construction of rear extension, described as a covered swimming pool and gym.

2. The Site:

- 2.1 The site is located on the north side of Sandy Lane, about 200m east of Ford Lane, immediately to the north of the settlement confines of Wrotham Heath and therefore in the countryside. The site is large, providing an area of 0.31ha, and is occupied by a chalet bungalow that has been extended at the rear and both sides.
- 2.2 The site is located within the Metropolitan Green Belt and countryside and a Water Catchment Area. It is surrounded to the north, east and west by woodlands that are covered by an Area Tree Preservation Order (TPO). The woodlands to the west are designated as Ancient Woodlands. A number of residential properties within the settlement confines are located to the south.

3. Planning History:

TM/47/10110/OLD grant with conditions 10 January 1947

Bungalow.

TM/68/10446/OLD grant with conditions 14 May 1968

Extension and double garage.

TM/87/11053/FUL grant with conditions 27 February 1987

Side extension, sun lounge and porch.

TM/97/00543/FL Refuse 9 June 1997

Extensions to existing house including new roof construction to form a 5 bedroom house.

TM/97/01412/FL Refuse 9 October 1997

Extension to existing house including new roof construction to form a 5 bedroom house.

TM/97/02059/FL Grant With Conditions 4 February 1998

Extensions to existing house including new roof construction to form a 5 bedroom house.

TM/15/03255/LDP Application Withdrawn 9 December 2015

Lawful Development Certificate Proposed: erection of a detached pool house to accommodate a swimming pool, changing facilities, sauna, steam room, plant room and gym. Conversion of attached garage to games room. Erection of detached triple garage.

TM16/01204/FL Refused; Appeal dismissed 4 January 2017

Single storey rear extension housing swimming pool, gym and garage, addition of 2 front dormers and conversion of the garage to living space.

4. Alleged Unauthorised Development:

4.1 Without planning permission the construction of a rear extension.

5. Determining Issues:

5.1 Planning permission was refused in July 2016 for the construction of a single storey rear extension housing a swimming pool, gym and garage along with the addition of 2 front dormers and conversion of an existing garage. Planning permission was refused for the following reasons:

“The proposed extension, by virtue of its significant cumulative size, would result in disproportionate additions over and above the size of the original building. The proposal is therefore inappropriate development that by definition would be harmful to the Green Belt and no very special circumstances exist that would outweigh this harm. The proposal is therefore contrary to policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraphs 87-89 of the National Planning Policy Framework 2012.”

“The proposed extension, due to its significant size and resultant unsympathetic appearance would harm the character of the existing dwelling and the visual amenity of the area. The proposal is therefore contrary to policies CP1, CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 56, 60 and 64 of the National Planning Policy Framework 2012.”

5.2 Despite this decision, the Council received information that works had commenced on site in September 2016. At the end of September 2016, the owner of the site

appealed against the refusal of planning permission but the appeal was dismissed in January 2017, with the Planning Inspector concluding as follows:

“The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal would have a harmful effect upon appearance of the host dwelling. This carries significant weight. In contrast, the other considerations carry minimal or limited weight and are not sufficient to clearly outweigh the harm to the Green Belt. Consequently very special circumstances do not exist as the harm, by reason of inappropriateness, and the other harm that has been identified above, is not clearly outweighed. The proposed development would conflict with Policy CP1, CP3, CP14, CP24 of the TMBCS and Policy SQ1 of the MDE DPD, and the advice in the Framework.”

- 5.3 The unauthorised development on site comprises foundations and brick walls to a height of around 2m, extending to a depth of around 16m from the back of the main house. Given the refusal of permission and the dismissal of the appeal, it is now appropriate to seek authorisation to issue an enforcement notice to remove the unauthorised development and as such the following recommendation is put forward:

6. Recommendation:

- 6.1 An Enforcement Notice **BE ISSUED** to seek the removal of the unauthorised extension and the infilling of the unauthorised foundations, the detailed wording of which is to be agreed with the Director of Central Services.

Contact: Richard Edmonds