

Shipbourne
Borough Green And
Long Mill

31 July 2018

TM/18/01840/FL

Proposal: Conversion of existing outbuilding containing garage/residential accommodation to a 3 bedroom dwelling with single storey rear and side extension and roof enlargement (Amendment to 17/01741/FL)

Location: School Lane Cottage School Lane Shipbourne Tonbridge Kent TN11 9RT

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1. Description:

- 1.1 This application seeks planning permission for the conversion of the existing outbuilding which currently forms a garage and residential accommodation to provide a 3 bedroom independent dwelling.
- 1.2 This permission is an alternative to planning permission TM/17/01741/FL which granted permission for the conversion of the building to a residential dwelling. The alterations to the previously approved scheme are;
 - Enlargement of roof which includes the increase in ridge height by 1m and eaves height by 2m.
 - Inclusion of a single storey side extension. The extension measures 2.5m long by 3m wide, is to include a dual pitch hipped roof with an eaves height of 2.8m and a total height of 4.5m.
 - Alteration of roof of single storey rear addition to provide conventional mono pitch roof pitch.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Mike Taylor as the scheme is considered to be a departure from policy.

3. The Site:

- 3.1 The application site consists of a semi-detached property, detached outbuilding and the dwellings associated curtilage. The site lies within the Metropolitan Green Belt and is approximately 400m south of the settlement of Plaxtol. School Lane runs to the west of the site with access to the highway via a drive the south-western corner of the site.

4. Planning History (relevant):

TM/98/01038/FL	Grant With Conditions	14 August 1998	garage, dormer window and alterations to existing access
TM/99/00539/ORM	ORM approved	6 May 1999	increase in size of garage by 1 metre submitted pursuant to permission TM/98/1038/FL
TM/04/02366/FL	Grant With Conditions	12 November 2004	Two storey side and rear extension with dormer window to rear
TM/05/00141/FL	Refuse	11 April 2005	Two storey side and rear extension
TM/05/01578/FL	Grant With Conditions	29 June 2005	Two storey side and rear extension and front dormer window
TM/05/02850/RD	Grant	10 November 2005	Details joinery pursuant to condition 4 of planning permission ref. TM/05/01578/FL (two storey side and rear extension and front dormer window)
TM/06/01546/ORM	ORM approved	26 June 2006	Minor amendment including rear dormer window pursuant to planning permission ref. TM/05/01578/FL (two storey side and rear extension and front dormer window) (RETROSPECTIVE)
TM/07/01983/FL	Approved	1 August 2007	Erection of conservatory
TM/13/01130/FL	Approved	12 June 2013	Proposed bespoke orangery
TM/17/01741/FL	Approved	23 November 2017	Conversion of existing outbuilding containing garage/residential accommodation to main house to 2 bedroom dwelling, with single storey rear extension

5. Consultees:

5.1 Parish Council: Objection on the grounds of;

- Inappropriate within the Green Belt, harmful to openness.

- No longer subservient to School Lane Cottage and would alter the character/appearance of the environs.
- Proposal shows extension to residential curtilage.
- Overdevelopment of the site
- No tree survey provided
- Permitted development rights for garages should be removed.

5.2 Neighbours: 1 + site notice/0X/0R/1S

6. Determining Issues:

6.1 As a background for Members this application is an alternative to the one approved under delegated powers on the 23 November 2017 under reference TM/17/01741/FL. That permission allowed for the conversion of the garage into a single residential unit, predominately converting within its existing extent of the garage with a small rear extension. The current application is a revised scheme in totality and therefore will be re-assessed against the relevant local and national policies.

Principle of development:

6.2 In terms of the principle of development of this nature, it should be noted that the Council cannot presently demonstrate an up to date five year supply of housing when measured against its objectively assessed need (OAN). Whilst this will be addressed through the local plan, it has clear implications for decision making in the immediate term. In this respect, a new version of the NPPF has been published (24 July 2018) and this now forms a material planning consideration. Overall, in respect of this development the general thrust of government guidance has not altered and the presumption in favour of sustainable development still falls to be applied in the absence of a five year supply of housing, which it is accepted the Council cannot currently demonstrate. The precise wording which sets out the “presumption” is now contained at paragraph 11(d) of the NPPF and states that in effect because the Council cannot demonstrate an up to date five year supply, much of the development plan is considered to be out of date for the purposes of determining applications which propose new housing such as this.

6.3 The development plan must remain the starting point for determining any planning application (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006) which is overtly reiterated at paragraph 12 of the NPPF, the consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the scheme for determination.

- 6.4 However, paragraph 11(d) of the NPPF sets out that planning permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development. Footnote 6 then sets out what those policies are and includes policies for land designated as Green Belt. It is therefore necessary to establish firstly whether the scheme accords with restrictive Green Belt policies before establishing whether the presumption applies.
- 6.5 Paragraph 143 of the NPPF sets out that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are considered inappropriate development within the Green Belt other than certain exceptions which are set out at paragraph 145 (a – g). One of the exceptions listed (c) relates to 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. Paragraph 146(d) allows for the re-use of existing buildings provided they are of substantial and permanent construction and preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 6.6 The previously approved scheme was assessed on the basis of these exceptions albeit in the context of the previous version of the NPPF (March 2012). The conclusion in that case was that the scheme amounted to a reuse of an existing building and that the extension proposed in that instance was not disproportionate. The current scheme proposes far more substantial alteration and extension to the building. The roof is to be removed in its entirety, to allow for the building up over two storeys leaving only the external walls remaining, also to be built up and re-clad. Sections of the south-west and south-east elevation will be removed to provide large openings. The extensions now proposed are therefore considered to be disproportionate and the scheme cannot reasonably be said to be re-using the existing building as it stands, thus not meeting the exceptions outlined above. In fact, the proposal effectively amounts to the redevelopment of the site in totality.
- 6.7 With this conclusion in mind, I have given regard as to whether any of the other exceptions set out in paragraphs 145 and 146 of the NPPF can reasonably be said to apply.
- 6.8 One of the exceptions listed 145 (g) relates to the partial or complete redevelopment of previously developed land where there the development would not have a greater impact on the openness of the Green Belt than the existing development.
- 6.9 The application site comprises previously developed land within the definition included at Annexe 2 of the NPPF and as such it is necessary to establish whether the redevelopment of the site in the manner proposed would have any greater impact on openness. The proposed works seek to increase the overall height of the building by 1m culminating in a partial flat top. The existing walls are to be built

up, increasing the eaves height and providing a full two storey building in addition to proposing two extensions. The garage building was originally permitted in 1998 as an ancillary outbuilding. An increase of bulk to this level would alter the subservience of this building in relation to the dwelling of School Lane Cottage. This substantial increase would result in a failure to preserve the openness of the Green Belt. By virtue of this visual harm and the failure to preserve this would have a greater impact on openness of the Green Belt and therefore this exception would not apply.

6.10 Furthermore, paragraph 145(d) sets out that a replacement building is not inappropriate provided that the new building is in the same use and not materially larger than the one it would replace. If the stance was taken that this is in effect an entirely new building, the exception would not apply in any event as it would be in a different use and materially larger.

6.11 The development therefore amounts to inappropriate development within the Green Belt, which is considered to be substantially harmful by definition and for which very special circumstances must be demonstrated that outweigh this, and any other harm, before permission can be granted. As has been set out above, the proposed works are considered to have a material harm to openness by virtue of its increased bulk and change in relationship of the built form. A case of very special circumstances will therefore have to overcome this material harm in addition to the definitional harm by virtue of inappropriate development.

6.12 The applicant has not formally put forward a case of very special circumstances to consider however has set out as follows:

“this second scheme whilst increasing its height, has been carefully designed such that it would result in a sympathetic and subservient addition to the subject building”.

“the scheme proposes a variety of architectural devices including set-backs and lowered roof levels (including felt flat roof behind pitched roof) which would help to minimise the bulk and massing, thereby ensuring that the extension is subservient and also reducing its impact upon the openness”.

“The proposed development would result in only a marginally larger dwelling to that initially approved and would result in an enlarged building of inherently acceptable design and form and architectural appearance. The character and appearance of the wider street-scene and general environment would not be adversely affected and no neighbouring property occupiers would suffer material harm to their residential amenities”.

6.13 I do not consider that these matters are sufficient to amount to a case of very special circumstances. In essence they seek to address matters of more general design and built form which are requirements of adopted policy in any event. Mere

compliance with other policies contained within the development plan cannot be very special circumstances, as a matter of law.

- 6.14 Notwithstanding this, I do not concur with the conclusions drawn in these respects in any event. The resultant building would be far larger and bulkier and there would be overt harm arising to the Green Belt as a result of the development.
- 6.15 I acknowledge that the approved scheme represents a fallback position but that was markedly different in type and scale and not considered to be inappropriate development in the Green Belt. As such, it holds very little relevance to the assessment that has taken place and certainly does not amount to a case for very special circumstances.
- 6.16 With this in mind, the presumption in favour of sustainable development does not re-emerge to be applied.

Development in the countryside:

- 6.17 Paragraph 79 of the NPPF sets out that planning decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply. It is not considered that the proposal would introduce an isolated new home into the countryside, and this position was accepted in the previous grant of permission here. This does not, of course, override the earlier assessment concerning Green Belt impact.
- 6.18 Policy DC1 (2) of the MDE DPD relates to the conversion of rural buildings and permits the reuse of buildings that are of permanent and sound construction and capable of conversion without major or complete reconstruction. Whilst this may not be seen as a traditional rural building for which the policy was originally intended, the garage is a building within a rural area and therefore the policy falls to be applied. As set out above, the proposed development is far more substantial than a re-use of an existing building and therefore the policy requirements are not met in this respect.
- 6.19 Policy DC2 relates to the replacement of rural building. It sets out that (1) A replacement building in the countryside will be permitted subject to meeting all the following criteria:
- (a) it would not be materially larger than the existing building and it would 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 as defined in the Character Area Appraisals SPD;
 - (b) the proposal does not result in a the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit;

(c) full account is taken of any biodiversity interest in accordance with Policy NE3;

(d) it is not in an isolated position in relation to infrastructure and services and; (e) the demolition of the existing building would not result in the loss of a building of architectural or historic interest or a building that contributes to local character. It clarifies in (2) 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. The proposal would meet criteria b – e of DC2 (1) however for the same reasons as set out above the proposed building would be materially larger than the existing building. The proposal would therefore not be in accordance with Policy DC2 (1).

Visual amenity:

6.20 Policy CP24 of the TMBCS seeks to ensure that all new developments are well designed and respect the site and its surroundings. Policy SQ1 of the MDE DPD is also relevant and sets out that proposals for development will be required to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD. It continues that all new development should protect, conserve and, where possible, enhance: (a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity; (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and (c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.

6.21 In terms of its design the proposal seeks to alter the building to provide a hipped roof with flat top. The two extensions are subservient in their form and propose a mono-pitch and hipped roof for the kitchen and wc/entrance hall respectively. Materials proposed are to be a clay tiled roof with sawn oak featheredge weatherboarding. Given the substantial changes to the external appearance of the building it cannot be said to relate to the host building however it would generally be rural in its style. The wider area contains a mix of styles of buildings with no particular common vernacular. It is not considered that the alterations would harm the character of the area or appearance of the street scene.

Residential amenity:

6.22 With regards to impact on residential amenity the building itself is set some distance to the south-east of School Lane Cottage. Although the increase in bulk is likely to result in some loss of light, given its separation it is unlikely to result in a significant impact on their residential amenity. The proposed first floor windows within the north-east and south-west elevations will offer a view towards School Lane Cottage, however this is to be at approximately 17m and would be at an oblique angle. It is therefore considered that the proposal would have no significant impact on residential amenity in terms of privacy.

Parking provision:

6.23 KHS IGN3: Residential Parking is the relevant standard for residential parking and sets out that each property should have 2 independently accessible parking spaces. A new parking area is to be formed adjacent to School Lane Cottages to provide up to 3 parking spaces with the existing parking/turning area adjacent to the garage to be retained for the new dwelling. The proposal can demonstrate adequate parking for both the new and existing dwelling. The provision of these parking spaces can be secured by way of condition if members are minded to grant planning permission.

7. Recommendation:

7.1 **Refuse planning permission** for the following reasons:

Reasons:

- 1 The proposed development constitutes inappropriate development within the Green Belt which is considered to be substantially harmful by definition. In addition, by virtue of its overall size, bulk and scale, it would cause material harm to the open nature and function of the Green Belt. There are no very special circumstances which would clearly outweigh the definitional and material harm arising from the development and it is therefore contrary to policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and the requirements of paragraphs 143 – 147 of the National Planning Policy Framework 2018.
- 2 The proposed development would constitute the rebuilding of an existing building which would be materially larger than the building it would replace which is contrary to the requirements of policy DC2(1) of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

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