

SECTION '2' – Applications meriting special consideration

Application No : 13/04248/FULL6

Ward:
Darwin

Address : Two Ways Viewlands Avenue
Westerham TN16 2JE

OS Grid Ref: E: 545432 N: 157384

Applicant : Mr Tim Smith

Objections : YES

Description of Development:

Roof alterations to provide habitable accommodation within roofspace, conversion of existing garage to habitable room, erection of chimney to side, elevational alterations and detached double garage/gym/store to rear

Key designations:

Area of Outstanding Natural Beauty
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

- The proposal is for roof alterations to the main dwelling to provide a gable ended roof and additional second floor accommodation. The existing garage will be converted to a habitable room with elevational alterations to provide a front window to replace the existing garage door. At the rear of the site, a detached garage/gym/store building is proposed.
- The proposed detached garage will have dimensions of 8.8m by 7.2m. The roof will be pitched with a height of 4.4m.
- The applicant has provided a draft legal agreement which revokes the extant Certificate of Lawfulness schemes previously approved.

Location

The site lies on the corner of Viewlands Avenue and Grays Road and comprises a two storey detached dwelling. The site lies within the Green Belt and The North Kent Downs Area of Outstanding Natural Beauty.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- impact on the special character of the AONB, Green Belt and conservation area
- precedent for future inappropriate developments in the area
- the outbuilding would be excessive in size and site coverage
- dwelling benefits from significant extension without further additions which would be harmful

Comments from Consultees

No technical highways objections are raised subject to an informative.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development
H8 Residential Extensions
T3 Parking
T18 Road Safety
G1 Green Belt
G4 Dwellings In The Green Belt Or On Metropolitan Open Land
NE11 North Kent Downs Area of Outstanding Natural Beauty

The National Planning Policy Framework

Planning History

Planning permission was granted under ref. 95/02461 for a single storey side/front extension with enlargement of roof over whole property incorporating front side and rear dormer extensions to provide first floor accommodation including demolition of existing garage.

A Certificate of Lawfulness was refused under ref. 13/01042 for a single storey rear extension, conversion of garage into habitable room and detached garage at rear on the basis that the proposal would breach Condition 3 planning permission ref. 95/02461.

A Certificate of Lawfulness was granted under ref. 13/02162 for a single storey rear extension and detached garage.

A Certificate of Lawfulness was granted under ref. 13/02976 for two detached outbuildings at rear.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area, the impact on the openness and rural character of the Green Belt and the Area of Outstanding Natural beauty and the impact that it would have on the amenities of the occupants of surrounding residential properties. The impact on highway safety is also a consideration.

Condition 3 of planning permission ref. 95/02461 states:

'The garage hereby permitted shall be used solely for the accommodation of private motor vehicles and for purposes incidental to the dwelling at 'Two Ways' Grays Road.'

The proposal therefore seeks a variation to what was granted planning permission under ref. 95/02461 to allow the space to be used for purposes incidental to the main dwelling without also being used to store private vehicles. In light of the proposal to replace the garage with a detached one, the conversion of the garage per se is not considered to result in a loss of car parking or highway safety implications. No objections are raised by the highways engineers.

The proposed gable extension and elevational alterations may be considered not to impact harmfully on the character and appearance of the building per se. In terms of impact on the Green Belt, the proposed gable ended roof extension is considered to be modest in scale and would not add a disproportionate amount to the existing dwelling. Similarly, the floor space created at second floor level will be minimal, with a small bedroom created only. The overall roof height will not be increased. Having said this, the property benefits from a substantial extension granted in 1995 which created a two storey dwelling from the original bungalow and this, coupled with the proposal, would result in a disproportionate addition to the dwelling over and above the size of the original building. The quantum of development would therefore be inappropriate and contrary to Policy G4 and Para 89 of the NPPF, which states that the increase in size of a building resulting from its extension should not be disproportionately over and above the size of the original building. Policy G4 states that floor area increase should not exceed 10% of the original dwellinghouse. No adequate very special circumstances have been demonstrated to justify the setting aside of policy in this instance.

The proposals are not considered to impact harmfully on the amenities of neighbouring properties. The gable will be sited a significant distance from neighbouring properties and the garage will not be clearly visible from the front windows of Casita. The flank boundary is well screened and this will also obscure the garage from the view of Casita to some extent. As a result, the proposals would not impact harmfully on light or outlook from neighbouring dwellings.

The proposed detached garage, being sited in the Green Belt, is considered to be excessive in height, scale and bulk. The structure would detract from the visual amenities of the Green Belt and would have a clear impact on the openness of the area at 4.5m in height. The building will be sited at the end of the garden away from the existing built development at the site, thereby further impacting on the openness of the area. Policy G4 states that structures within the curtilage of dwellings in the Green Belt will be unacceptable by definition and no very special

circumstances have been demonstrated to justify the setting aside of Green Belt policy. In addition, the NPPF states in Para 89 that new buildings will be inappropriate, unless they fall within the list of exceptions. Domestic outbuildings do not fall within this list. The applicant has stated that the previously certified outbuildings provide a fall-back position should the proposal be refused and this is true, however it is considered that the proposed garage would be more harmful to the Green Belt than the previously certified outbuildings as well as the existing building due to its scale, bulk and height.

The site falls within the North Kent Downs Area of Outstanding Natural Beauty. It is considered that the bulk and scale of the development overall would fail to preserve the visual amenities of this special area for the reasons stated.

The applicant has offered to revoke all permitted development rights by way of a Unilateral Undertaking, however for the reasons given this is not considered to mitigate the harm outlined above.

Having had regard to the above it was considered that the development in the manner proposed is unacceptable in that it would result in a significant detrimental impact on the character and openness of the Green Belt and Area of Outstanding Natural Beauty. It is therefore recommended that Members refuse planning permission.

Background papers referred to during production of this report comprise all correspondence on the files refs. 13/02162, 13/02976 and 13/04248, set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

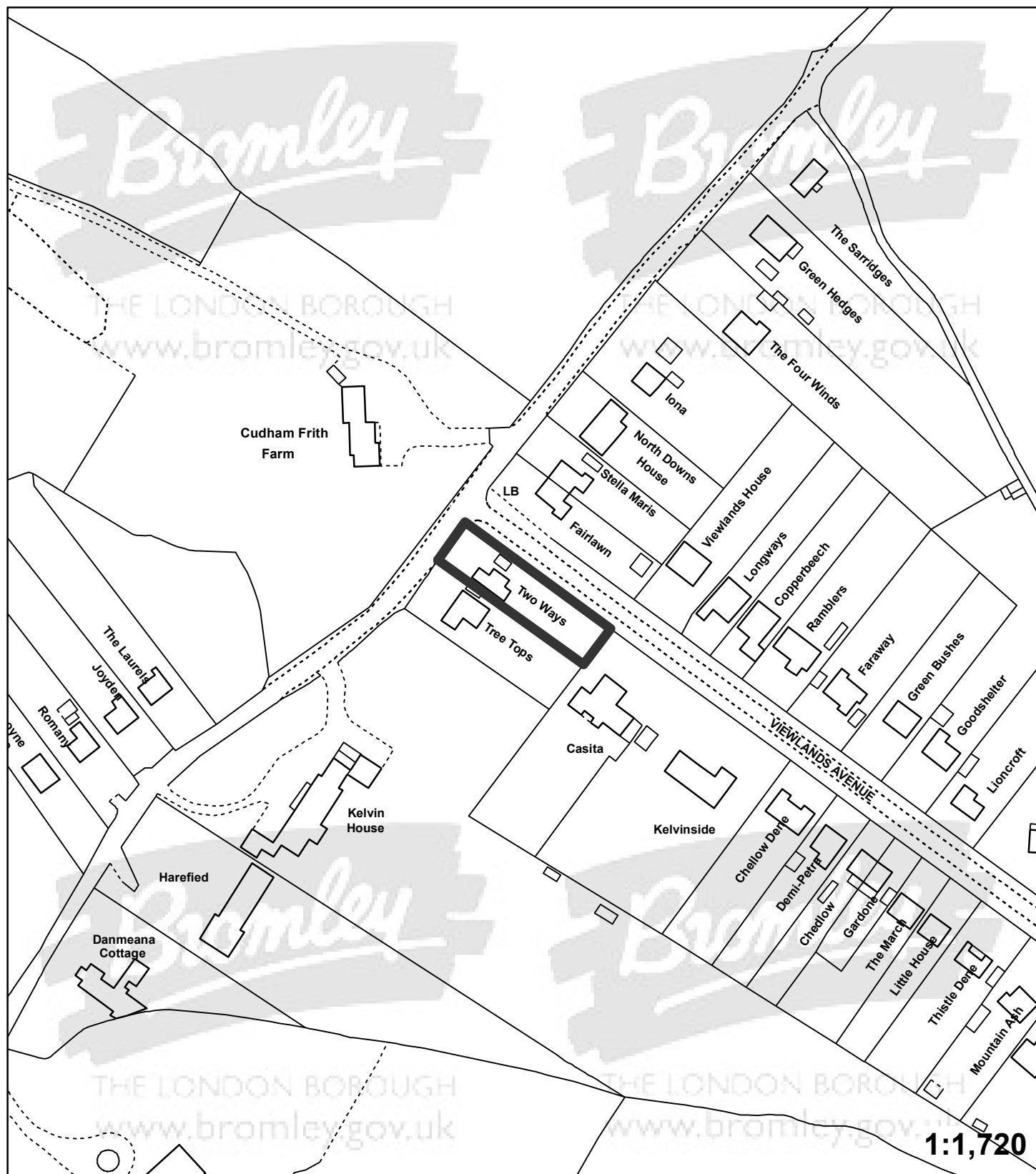
The reasons for refusal are:

- 1 The proposed extensions would constitute disproportionate and inappropriate development when considered alongside the existing extensions to the building, which would result in a significantly larger dwelling that would be detrimental to the openness and visual amenities of the Green Belt and the Area of Outstanding Natural Beauty, contrary to Policies BE1, H8, G1, G4 and NE11 of the Unitary Development Plan and guidance within the National Planning Policy Framework.
- 2 The proposed garage, by reason of its excessive height, size and scale, along with its siting in the Green Belt, would result in a harmful impact on the openness and rural character of the Green Belt and the Area of Outstanding Natural Beauty, contrary to Policies G1, G4 and NE11 of the Unitary Development Plan and the National Planning Policy Framework.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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