

SUMMARY REPORT

Application Ref:	20211213
Site Address:	Tranklyn Wrangling Lane Luddesdown Gravesend
Application Description:	Erection of replacement dwelling and associated works
Applicant:	Mr and Mrs Bill Phelps
Agent:	Mr Alan Divall, Walsingham Planning
Ward:	Shorne, Cobham & Luddesdown
Parish:	Luddesdown
Decision due date:	29 November 2021
Publicity expiry date:	5 November 2021
Decision Level:	Planning Committee – Wednesday 24 November 2021
Reason for referral:	At the request of Cllr Rice so Members can determine the application against relevant local and national planning policy.
Recommendation:	Refuse

Summary of Reasons for Recommendations

The proposal is for the erection of a replacement dwelling located at Tranklyn, Wrangling Lane in Luddesdown.

The recommendation is for the application to be REFUSED Planning Permission for the following reasons:

1. The proposed replacement dwelling, by virtue of its increase in size, height and bulk over the existing original property will result in a development inappropriate within the Green Belt that meets none of the exceptions listed in para. 149 of the National Planning Policy Framework 2021 nor has the application demonstrated that very special circumstances exist. The proposed new dwelling therefore conflicts with the objectives of Policy CS02 of the Core Strategy 2014, Policy C12 of the Local Plan First Review (1994) and Section 13 of the National Planning Policy Framework 2021
2. The proposed development, due to its overall increase in size, bulk and height compared to the original dwelling, is not considered to conserve, restore or enhance the landscape character area or the Kent Downs Area of Outstanding Natural Beauty and therefore conflicts with the objectives of Policy CS12 of the Core Strategy 2014 and SD2 of the Kent Downs AONB Management Plan 2014.

The application is identical to that which was refused under delegated powers under reference 20210249. Following the refusal of 20210249 no attempt has been made to revise the scheme or to enter into pre-applications discussions with the Council and neither has the previous decision been appealed against.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is a detached bungalow located within the Green Belt. The driveway leading to the property is long (approx. 70m) and the dwelling is located to the rear of the site where the ground levels are higher. There are a number of outbuildings on the site, to the west of the main dwelling, with the large front garden laid to grass with low level fencing around the site. To the front of the site are a number of mature trees. The neighbouring properties are all detached and differ in design.

2. Relevant Planning History

20210249	Erection of replacement dwelling and associated works.	Reused	17.06.2021
20191123	Erection of a replacement dwelling and associated works.	Refused	17.12.2019
20190152	Erection single storey rear extension, new pitched roof and replacement of exterior cladding, windows and doors.	Permission	26.04.2019
20181190	Application for a Lawful Development Certificate in respect of the proposed erection of a single storey rear extension.	Permission	02.01.2019
20180603	Application for a Lawful Development Certificate in respect of the proposed erection of single storey side and rear extensions.	Permission	28.06.2018
20070083	Application for the renewal of temporary planning permission reference number GR/2004/512 for the retention of the cattery of a permanent basis.	Permission	28.02.2007
20040512	Conversion of domestic dog kennels into a boarding cattery with 22 pens.	Permission	11.02.2005
19490040	Additions to Orchard Tea Gardens, Great Buckland	Permission	06.05.1949

3. Proposal

- 3.1 The proposal is for the erection of replacement dwelling and associated works. The proposed dwelling will be 13.7m wide, 12.7m deep and 7.2m high. It will have a pitched roof with pitched roof dormer windows to the front and side. There will be a canopy to the side

protecting the door to the utility room. There will be bi-fold doors to the rear at ground floor.

3.2 Internally there will be a kitchen/dining area, utility, lounge, WC/shower and study at ground floor and four bedrooms, bathroom and two en-suites at first floor.

4. Planning Policy, Development Plan and other Material Considerations

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Design & Development Principles

Paragraph 33 of the National Planning Policy Framework (2021) sets out those policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and the review found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02 due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these saved policies via the emerging Local Plan.

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- C12 – Replacement Dwellings
- P3 – Vehicle Parking Standards

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (Amended 2020)
- SPG 4 - KCC Parking Standards (2006)
- Gravesham Landscape Character Assessment (2009)
- Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019 (2014)

5. Consultations and Publicity Responses

Consultations

5.1 Environmental Protection Team (Regulatory Services)

We have no objection subject to the following comments. If permission is given, we would ask that the following conditions/ informatvies be applied:

Watching Brief

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the

matter and they are satisfied that those measures have been carried out

Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable. If foul sewage is to be removed using non-mains sewerage systems, a sewage treatment plant or septic tank system will be considered in preference to a cesspool. Such a system may require the prior consent of the Environment Agency under the terms of the Water Resources Act 1991. Applicants are therefore advised to discuss their requirements with the Environment Agency at the earliest opportunity. It should be ensured that the septic tank or cesspool is of adequate capacity to serve the proposed development and suitable access and hardstanding area shall be maintained to it on site.

Smoke Control

The property is located within the smoke control area and we would therefore ask for the following Informative to be included:

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed.

When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services by emailing: air.quality@gravesham.gov.uk

Code of Practice on Construction and Demolition

Please apply

5.2 KCC Highways & Transportation

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

5.3 Kent Downs AONB Management Unit.

Thank you for consulting the AONB Unit on the above application. The following comments are from the Kent Downs AONB Unit and as such are at an officer level and do not necessarily represent the comments of the whole AONB partnership. The legal context of our response and list of AONB guidance is set out as Appendix 1 below.

We note that planning permission has previously been granted on this site for the replacement of the existing building with a larger dwelling. The current proposal is for a larger building again, and to be sited forward of the existing dwelling. The principle of whether a larger replacement building is acceptable in this location, in view of the site's location within the Green Belt is a planning policy issue, rather than an AONB impact one. In terms of AONB impacts, the site is well contained within the local and wider landscape and is generally screened from views. Although the revised proposal incorporates a building of larger mass than that previously approved, the design is considered more appropriate to the site's location within the Kent Downs AONB, being of a more traditional design and using materials appropriate to the site's context.

5.4 GBC – Highways Officer

I have no objections to the proposal, providing the existing dwelling is removed upon occupation of the new one as there will be no difference in highway terms.

5.5 KCC - West Kent Public Rights Of Way Officer

Public Rights of Way NS310 runs to the east of the site and may be affected by the application and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of this path for your information.

It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

5.6 Dickens' Country Protection Society

The Society wishes to register an objection to the application on the following grounds:

- The Society has no objection in principle to the replacement of the dwelling, subject to the original dwelling including its foundations and service and any hardstandings being removed and the land restored to its natural state when the new building is occupied.
- The site is in an area within which Green Belt Policies apply and the North Downs Area of Outstanding Natural Beauty where development should be contained. In the Society's view the proposed new dwelling is excessive in size. In considering any replacement dwelling in the Green Belt the size of the original building before any extensions should be

used as the basis for comparison. To do otherwise would result in an incremental increase in the quantum development every time consent is granted. As a rule any increase should not exceed one third of the original. The floor area of the proposed dwelling is almost double that of the original dwelling and the bulk is significantly greater.

- In the Society's view proposed development by virtue of its height and bulk would adversely affect the openness of the Green Belt.

The Society notes that the proposal dwelling is substantially similar to that proposed under planning applications 2021/0493 and 2019/1123 both of which have been refused and no attempt appears to have been made to reduce the size of the proposed building.

The Society supports the decision of Gravesham Council and the Local Planning Authority in refused planning consent for the two earlier applications.

5.7 Neighbouring properties

The application has been advertised by site notice and individual letters to six properties which expired on 5th November 2021. One letter of support has been received.

6. Planning Analysis and Service Manager (Planning) Comments

6.1 Principal Issues

The principal issues to consider in determining this application are whether the proposed extension would:

- be appropriate development in Green Belt for the purposes of the NPPF and development plan policies, and the potential effect on the openness of the Green Belt and the purposes it serves;
- respect the character and appearance of the surrounding area;
- cause harm to the Luddesdown Downs Landscape Character Area;
- cause harm to the Area of Outstanding Natural Beauty;
- safeguard the amenity of existing and future occupiers of the property;
- safeguard the privacy and amenity of adjoining residents;
- result in any parking and highways issues.

6.2 Background

20181190

A lawful development certificate had been granted for a single storey rear extension under reference 20181190 which was approved. This showed a rear extension of 4m in depth and a dual hipped roof.

20190152

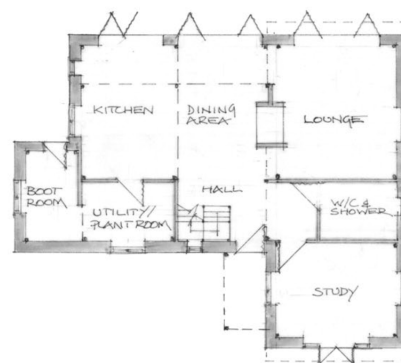
20190152 allowed a single storey rear extension with a depth of approx. 4m and a width of approx. 9.25m. The height was 4.99m and the plans can be seen below:



20191123

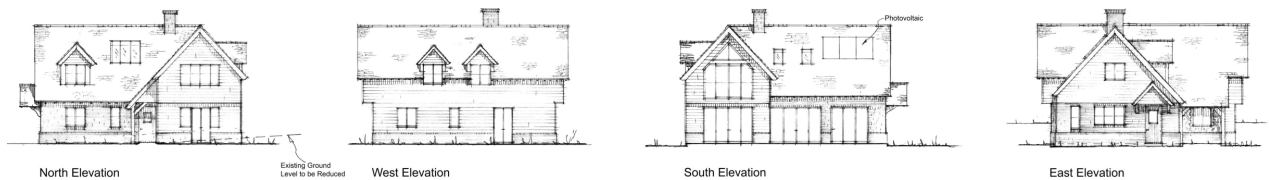
Under reference 20191123 planning permission was refused for the replacement dwelling shown below on the following grounds:

1. The proposed replacement dwelling, by virtue of its increase in size, height and bulk over the existing original property will result in a development inappropriate within the Green Belt that meets none of the exceptions listed in para. 145 of the National Planning Policy Framework 2019 nor has the application demonstrated that very special circumstances exist. The proposed new dwelling therefore conflicts with the objectives of Policy CS02 of the Core Strategy 2014, Policy C12 of the Local Plan First Review (1994) and Section 13 of the National Planning Policy Framework 2019
2. The proposed development, due to its overall increase in size, bulk and height compared to the original dwelling, is not considered to conserve, restore or enhance the landscape character area or the Kent Downs Area of Outstanding Natural Beauty and therefore conflicts with the objectives of Policy CS12 of the Core Strategy 2014 and SD2 of the Kent Downs AONB Management Plan 2014.
3. The proposed replacement dwelling will result in substandard accommodation for the future occupiers of bedrooms 4 and 5 and therefore conflicts with the objectives of Policy CS19 of the Core Strategy 2014 and para. 127f of the National Planning Policy Framework 2019.



20210249

The difference between the replacement dwelling that was refused and the next application (20210249) was that now the house was to be moved further forward within the site, with ground levels lowered slightly. Internally, the boot room was to be removed and two bedrooms were replaced with a Jack and Jill bathroom and a bedroom:



This application was refused for the following reasons:

1. The proposed replacement dwelling, by virtue of its increase in size, height and bulk over the existing original property will result in a development inappropriate within the Green Belt that meets none of the exceptions listed in para. 145 of the National Planning Policy Framework 2019 nor has the application demonstrated that very special circumstances exist. The proposed new dwelling therefore conflicts with the objectives of Policy CS02 of the Core Strategy 2014, Policy C12 of the Local Plan First Review (1994) and Section 13 of the National Planning Policy Framework 2019.
2. The proposed development, due to its overall increase in size, bulk and height compared to the original dwelling, is not considered to conserve, restore or enhance the landscape character area or the Kent Downs Area of Outstanding Natural Beauty and therefore conflicts with the objectives of Policy CS12 of the Core Strategy 2014 and SD2 of the Kent Downs AONB Management Plan 2014.

20211213

The current application is shown below:



The plans have not been changed since the previous application that was refused. The applicant's agent is asking that the application be reconsidered for the following reasons:

- Whether the conclusion reached by the LPA in the first reason of refusal is right and specifically that the proposed building can be properly to be concluded to be inappropriate development in the Green Belt when considering the test set out in the NPPF at paragraph 149 (d) as to whether the replacement building is in the same use and is not materially larger than the one it replaces.
- Whether the conclusion reached that the proposal will be harmful to the landscape character and the AONB is justified.

6.3 Green Belt

Para. 147 of the National Planning Policy Framework 2021 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Para. 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. There are exceptions to this which include (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. As can be seen from the table below, the proposed replacement building is approx. 174% larger in floorspace terms than the original building it replaces. The property is already 46% larger than it was originally and, the extant permission was allowed on the basis that the fall-back position would also provide a similar increase in floor area, allows a total increase of 97%. The proposed development does not meet exception (d) of para. 149 and there is no justification or exceptional circumstances given to allow a new dwelling that is 174% larger than the original dwelling it replaces. It should be noted that it is also significantly beyond the policy requirement in regard to the increased volume.

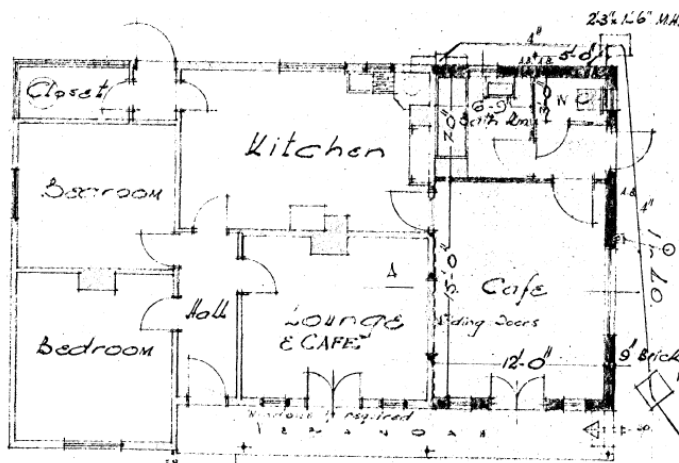
The applicant's agent has argued that the wording of para. 149 (d) only relates to replacement buildings 'not materially larger than the one it replaces' and does not refer to the original building (unlike para. (c) that specifically refers to the 'original building'). He goes on to argue that there is no definition of what is materially larger.

Policy C12 of the Gravesham Local Plan First Review 1994 still applies and states that there will be a strong presumption against allowing the replacement of existing dwellings which will only be set aside if the following criteria are satisfied:-

- (i) The existing dwelling must be an "original dwelling"* in permanent use as a dwelling. Proposals for the replacement of dwellings which are not "original" but which have gained immunity from the enforcement of planning control will be considered on their individual merits, having regard to their origins, their location and the nature of the accommodation they currently provide.*
- (ii) The existing dwelling must be in an appropriate location, meaning that it must be well related to existing roads and to essential services and must be in or close to an established rural settlement. The only exception to this criterion will be where the proposed replacement dwelling is required on the site for an agricultural worker, where the standard agricultural occupancy condition will be imposed.*
- (iii) The replacement dwelling must be of similar scale and mass to the existing dwelling and must be no larger than the existing dwelling, unless it can be demonstrated that modest enlargement+ is required to allow the provision of essential basic amenities such as a bathroom, toilet or kitchen, which currently do not exist or are clearly inadequate or to meet the special needs of the occupants.*
- (iv) The internal layout of the replacement dwelling shall not be such as to facilitate its later subdivision.*
- (v) The replacement dwelling should normally occupy the same site as the existing dwelling. Where it is agreed that the replacement dwelling may be located elsewhere on the plot, adequate safeguards# will be required to ensure the demolition of the existing dwelling.*
- (vi) The existing or proposed means of access, including access for fire fighting appliances, must be satisfactory.*
- (vii) The existing or proposed site drainage and means of soil and waste disposal must be satisfactory.*

Floor Space:

It would appear that the original building consisted of this floor plan (minus the extension shown) which measures approx. 72sqm:



The proposed replacement dwelling has an external floor area of 197.2sqm ($106.5 + 90.7 =$) which is 174% larger than the original building. In terms of height the original building is 4.7m high and the proposed is 7.21m high.

	Original Dwelling	Existing Extensions	Existing and Proposed Extensions allowed by 20190152	Proposed replacement dwelling
Floor space (m²) gross external ground	72m ²	33.5m ²	33.5m ² + 37m ² 70.5m ²	197.2m ²
Percentage increase	-	<u>46%</u>	<u>97%</u>	<u>174%</u>
Current building as it exists	105m ²			<u>87% larger</u>

The proposed replacement dwelling is significantly larger than the original and therefore fails to meet the objectives of this Policy. For arguments sake, the current building as exists today has an external floor area of 105sqm and the proposed is 197.2sqm. This is an 87% increase over and above the current building. Either way the NPPF is interpreted (materially larger than the 'existing building' or materially larger than the 'original building') an increase in floor area of this amount can only be considered as materially larger. Therefore whether the measurement is taken from the original dwelling or that which exists, the proposed replacement dwelling is significantly larger than that which it is to replace.

Whilst the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate in the Green Belt save for several specified exceptions. One such exception is the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. The NPPF establishes two tests, firstly relating to the use, and then an objective assessment of the relative size of the existing and replacement building.

The proposal would be the same use, passing the first test. The second test is a matter of judgement based on the evidence of each case as the NPPF does not define 'materially larger'. When considering whether or not a proposal is 'materially larger' factors such as footprint, floorspace, volume and massing are taken into consideration. The latter being clarified by the High Court in *R (Heath & Hampstead Society) v. Camden LBC & Vlachos* [2008] 3 All E.R. 80 (CA), [2007] 2 P. & C.R. 19 (High Ct). Where Sullivan J when considering the meaning of

“providing the new dwelling is not materially larger than the dwelling it replaces (then set out in PPG2 para 3.6),” stated:

“20. However ... the exercise under paragraph 3.6 is primarily an objective one by reference to size. Which physical dimension is most relevant for the purpose of assessing the relative size of the existing and replacement dwellinghouse, will depend on the circumstances of the particular case. It may be floor space, footprint, built volume, height, width, etc. But, as Mr Lockhart-Mummery said in Surrey Homes:

” In most cases floor space will undoubtedly be the starting point, if indeed it is not the most important criterion.”

It is one thing to say that in a case where the increase in dimensions is marginal in quantitative terms, some regard may be had to other matters “such as bulk, height, mass and prominence”; it is quite another thing to set consideration of the physical increase in size to one side altogether, and, in effect, to substitute a test such as “providing the new dwelling is not more visually intrusive than the dwelling it replaces” for the test in paragraph 3.6: “providing the new dwelling is not materially larger than the dwelling it replaces.”

In this instance, the proposal fails to demonstrate that it would not be ‘materially larger’ than the original or existing dwelling, as such the proposed development does not meet the requirements of para. 149 of the NPPF and would amount to be inappropriate development in the Green Belt.

6.4 Character and Appearance of the Surrounding Area and Openness of the Green Belt

The property at Tranklyn is a single storey cabin style property built on a generous plot in the Green Belt, the property is also within the Kent Downs Area of Outstanding Natural Beauty. Tranklyn is characterised by its timber cladding and large veranda at the front of the property, the property was originally built as a tea room, it has since had a front extension and has been converted to a residential property.

In terms of design, the street scene is mixed and therefore the use of materials will have no detrimental impact on the appearance of the surrounding area. However the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. ‘Openness’ is not defined in the NPPF, however Planning Inspectors have described Openness as, “essentially freedom from any development.” This definition has been accepted by the High Court (CO/277/2015).

The proposed replacement dwelling, due to its increase in floor area and increase in height of approx. 2.5m is not considered to keep the land permanently open and is harmful to the openness of the Green Belt. It is appreciated that the land level is lower further to the east of the site and that the proposals include lowering the land level further but this does not overcome the concerns raised as the prominence of the building is increased. The proposal is not compatible with national policy and therefore fails to comply with Policy CS02 of the Core Strategy 2014.

6.5 Luddesdown Downs Landscape Character area and Kent Downs AONB

Policy CS12 (Green Infrastructure) of the LPCS 2014 seeks to conserve, restore and enhance the overall landscape character of the Borough taking account in this case the Gravesham Landscape Character Assessment. The application site lies within the Luddesdown Downs Landscape Character Area, the area is characterised by very undulating topography with farmland used as

arable and pasture, areas of native woodland and small settlements within valleys. The application property is a part of a small settlement within a valley. The properties are well distributed and are surrounded by open fields. The proposed dwelling will be bulkier and higher than the existing property and will also be relocated further to the front of the plot.

The submitted Landscape Visual Assessment states that the proposal has been revised (para. 1.12) but it has not. These revisions are related to the application before last and involved the loss of the boot room, relocating the position of the dwelling and the lowering of the land levels by approx. 0.5m. These revisions did not significantly change the view of the Local Planning Authority. The Assessment states that the proposals will be localised and well contained (para. 4.3). It may be the view of the author of this assessment that the site is well contained however, it is the opinion of the LPA that the site is large and open. Regardless of this, the proposals to significantly increase the size of the property on this plot are considered by the LPA to have a negative impact on the Landscape Character Area. Many proposals within such areas could be considered contained however allowing incremental development in such areas has a cumulative impact which significantly impacts on the surrounding landscape. Para. 5.9 goes on to say that the height and massing will be lower than the existing dwelling which is not true. The physical building proposed is higher and contains two stories. Relocating the dwelling to lower land and reducing the land level does not alter the fact the height and massing of the proposed building is increased. Being located nearer to the road further increases the visibility of the property. The Assessment also refers to the use of materials to 'blend' into the site however, no concerns are raised regarding this element as materials can be subject to condition in the event an application is approved.

The proposed development, due to its overall increase in size, bulk and height compared to the original dwelling or the dwelling as it stands currently, is not considered to conserve, restore or enhance the landscape character area or the Kent Downs Area of Outstanding Natural Beauty and therefore conflicts with the objectives of Policy CS12 of the Core Strategy 2014 and SD2 of the Kent Downs AONB Management Plan 2014.

6.6 Amenity of Future Occupiers

The National Housing Standards require 115sqm of internal floor space for a four bedroom, 7 person dwelling arranged over two floors. The internal floor area proposed is approx. 197.2sqm which far exceeds this standard.

The National Housing Standards require single bedrooms to have a floor area of at least 7.15sqm. Previously bedrooms 4 and 5 were only 5sqm and therefore did not meet the standards which raised concerns regarding adequate levels of amenity for the future occupiers of these rooms. This current application and the previous shows bedroom 5 removed and a Jack and Jill bathroom in its place serving bedroom 2 and 4. It is noted that bedroom 4 shows to be a double but falls short and could only be considered a single.

6.7 Neighbouring Amenity

The application site is a sufficient distance away from neighbouring properties that there will be no detrimental impact in terms of loss of outlook, privacy, sunlight or daylight from the proposed dwelling. It is noted that bedroom 1 contains a window that looks directly to the neighbouring property to the south. As the most useable part of the neighbours garden is over 25m away, on balance, no objections are raised, however, in terms of design this is not ideal and should be re-thought if a subsequent application is submitted.

The proposed replacement dwelling will not result in any significant detrimental impact to the amenities of the future occupiers or neighbouring dwellings and therefore accords with Policy

CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

6.8 Parking and Highways

No objections are raised to the proposal as the property is a replacement dwelling with all highway issues remaining the same.

7. Conclusion

The proposed dwelling is located in the Green Belt where the construction of new buildings are inappropriate. Whilst a replacement dwelling can be considered as an exception to this, the replacement must be in the same use and not materially larger than the one it replaces. The proposed dwelling is approx. 87% larger than the one it replaces and therefore does not meet this exception. In addition to this the significant increase in size, bulk and height compare to the original dwelling is not considered to conserve, restore or enhance the landscape character area or the Kent Downs Area of Outstanding Natural Beauty. The application is therefore recommended for refusal on the same grounds as before which are as follows

The proposed replacement dwelling, by virtue of its increase in size, height and bulk over the existing original property will result in a development inappropriate within the Green Belt that meets none of the exceptions listed in para. 149 of the National Planning Policy Framework 2021 nor has the application demonstrated that very special circumstances exist. The proposed new dwelling therefore conflicts with the objectives of Policy CS02 of the Core Strategy 2014, Saved Policy C12 of the Local Plan First Review (1994) and Section 13 of the National Planning Policy Framework 2021

The proposed development, due to its overall increase in size, bulk and height compared to the original dwelling, is not considered to conserve, restore or enhance the landscape character area or the Kent Downs Area of Outstanding Natural Beauty and therefore conflicts with the objectives of Policy CS12 of the Core Strategy 2014 and Policy SD2 of the Kent Downs AONB Management Plan 2014.

Recommendation

The recommendation is for the application to be REFUSED Planning Permission for the following reasons:

1. The proposed replacement dwelling, by virtue of its increase in size, height and bulk over the existing original property will result in a development inappropriate within the Green Belt that meets none of the exceptions listed in para. 149 of the National Planning Policy Framework 2021 nor has the application demonstrated that very special circumstances exist. The proposed new dwelling therefore conflicts with the objectives of Policy CS02 of the Core Strategy 2014, Policy C12 of the Local Plan First Review (1994) and Section 13 of the National Planning Policy Framework 2021
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