



Late Observations Sheet
DEVELOPMENT CONTROL COMMITTEE
17 July 2013 at 7.00 pm

Late Observations

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DEVELOPMENT CONTROL COMMITTEE

17 July 2013

LATE OBSERVATION SHEET

Item 4.1 SE/12/02799/FUL Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH

The attached statement (attachment 1) has been received from Cllr Mrs Purves.

The following additional comments have also been received from the Town Council –

“Sevenoaks Town Council noted the correction of the error in the application papers.

//Informative// The Town Council would request that the combined effect of both the house and garage are considered when this application is determined by the Development Control Committee.”

A representation has been received stating that the works to the bell mouth of the shared access drive adjacent to the access for the site may be reversed. In response to this the Highways Engineer has provided the following sets of comments –

“We try to obtain standards or betterment where and when we can and this statement was objectively intended to do that. In terms of the existing situation being ‘inadequate’ enough to warrant or sustain a recommendation for refusal on highway grounds however, this is not the case for a replacement – like for like – dwelling.”

“Yes having said the below, at Sealcot this is for a replacement dwelling. A passing area of at least 4.1m wide by 5m long is sought as a holistic goal for the benefit and use generally for all dwellings leading off this track.

It is my understanding that the numbers of bedrooms will increase from 3 to 5 with this proposal and given the proximity of this access to Seal Hollow Road there would be no highway grounds to recommend refusal.

On behalf of the Highway Authority I would not object to the Sealcot replacement dwelling proposed with the original bell mouth in place.

I note on the application form that car parking is proposed to remain unchanged (from 4 existing to 4 proposed). With regards to the proposed garage – as discussed before I think the applicant needs to clarify the hard standing and thereby the associated turning and parking area for this property.”

“In terms of the driveway width itself it would be preferable, for Fire Service access, for the driveway to be 3.7m wide (Building Regulation requirement B5 (2000)) this is to allow for operating space around an appliance although over short distances this can be reduced to 2.75m with consultation with the local Fire Safety Officer.

In terms of the bell mouth, 4.1m is a width which allows two cars to pass one another and I consider it is important to achieve this as a minimum in order avoid the possibility of a vehicle having to reverse out onto Seal Hollow Road to allow another car to exit. This width also needs to be at least 5m long.

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It terms of visibility splays the views of Inspector Papworth on 21 May 2009 gave a definitive response on this (paragraphs 12, 13 and 14) and it is my understanding that if not done so already, this is to be implemented."

It is therefore the case that the Highways Engineer finds the development to be acceptable with or without the alterations to the bell mouth to the shared access drive on to Seal Hollow Road.

A second representation has been received raising the following points –

- The neighbouring property to the south, Thornwood, is designed to fit in with the contours of the site and is largely hidden from Seal Hollow Road, but is vulnerable to loss of light to the north and loss of privacy;
- The proposed house does not respect the levels of the site;
- The proposed house is too high, with enough space in the roof for extra accommodation;
- The design of the house would lead to a loss of light and a dominating effect;
- The proposed levels of the site are greater than the previous bungalow;
- Loss of amenity;
- Overdevelopment of the site;
- The proposal fails to comply with several criteria of policy EN1.

In response to this representation officers are confident that these issues have already been dealt with in detail within the main body of the report, particularly where consideration has been given to the impact on the character and appearance of the area has been carried out along with the impact on neighbouring amenity (paragraphs 35 – 64).

For clarification, the integral garage of the original bungalow was a minimum of 2m from the northern boundary of the site. In addition, Dawning House currently stands about 27m back from the frontage of its site and the two approved dwellings would stand a minimum of 19m back from the site frontage.

Where reference has been made to a reduction in the distance between the proposed house and the shared boundary with Thornwood, in paragraph 7, this is incorrect since the distance is the same as was approved under the 2012 consent, that is 3.4m.

The second sentence in paragraph 41 is incomplete and should read “As noted earlier there is variety in the pattern of built form around the site resulting from the network of roads in the local area.”

Paragraphs 48 and 61 make reference to a first floor bedroom window in the southern side elevation of the proposed house. Since completing the report the applicant has confirmed that only a bathroom window is proposed at first floor level in this side elevation and the plans have been amended to reflect this.

Paragraph 57 of the report makes reference to a right to light survey that the owners of Thornwood have had carried out. However, this survey has not been provided to the Council as part of the consideration of this application. It is therefore not possible for officers to confirm exactly how the survey was carried out.

Paragraph 58 of the report is to be replaced with the following paragraphs –

"A right to light survey is not a recognised material planning consideration and does not form part of any development plan document. Saved policy EN1 of the Sevenoaks District Local Plan 2000 requires that proposed new development does not have an adverse impact on amenities. The Council does not have a specific daylight test for just new dwellings, but applies the very sound 45 degree daylight tests, which is set out in the Residential Extensions SPD. While this SPD is not itself a material consideration in this case as the application is not for an extension the 45 degree daylight test can be used to help in assessing loss of light from a new dwelling. The principle of the impact of new development is no different whether it is a new dwelling or a two storey side extension and therefore the assessment through the 45 degree test is appropriate in the circumstances.

Further to this test, officers have also applied the Building Research Establishment (BRE) daylight test to the development. This assessment is more complex than the 45 degree test and is recognised as authoritative. The test has been applied to the dining room and the western kitchen windows, the windows most affected by the proposed house. To pass the test a figure of more than 27% must be achieved. The dining room window achieved a figure of 30% and the western kitchen window a figure of 30.5%. Both therefore pass the test, which further demonstrates that the loss of light to the windows in the northern elevation of Thornwood would not be detrimental."

In terms of an assessment of a possible loss of sunlight, Members are reminded that the application site lies to the north of Thornwood. Windows in the side elevation of Thornwood, which are adjacent to the shared boundary with Sealcot, face in a northern direction and therefore receive no direct sunlight. As a result of the development the south facing windows of the house would continue to receive uninterrupted sunlight.

For the reasons above, the changes to the report do not alter the overall conclusions and recommendation for approval held within the main papers.

Item 4.2 SE/1300787/HOUSE Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH

The attached statement (attachment 2) has been received from Cllr Mrs Purves.

A representation has been received raising the following points -

- The proposal has not been correctly assessed against policy EN1;
- The neighbouring property to the south, Thornwood, is designed to fit in with the contours of the site and is largely hidden from Seal Hollow Road, but is vulnerable to loss of light to the north and loss of privacy;
- The proposed house does not respect the levels of the site;
- Due to level changes between the two sites the height of the garage from Thornwood would be significantly greater;
- Impact on the light, amenity and outlook from the kitchenette to the front of Thornwood;
- Incorrect comparisons with the situation in relation to garages at neighbouring properties;
- Replacement of planting previously removed;
- Impact on highways safety.

In response to these representations officers are confident that these issues have already been dealt with in detail within the main body of the report, particularly where consideration

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has been given to the impact on the character and appearance of the area has been carried out along with the impact on neighbouring amenity (paragraphs 24 – 48).

For clarification, the proposed height of the garage is in fact 4.1m rather than the 3.9m referred to in the report. This error in the report has come about as a result of incorrectly scaling from the plans submitted. Officers are of the view that an increase in height of 0.2m would not affect the conclusions made in the main body of the report.

For the reasons above, the representations received and the changes to the report do not alter the overall conclusions and recommendation for approval held within the main papers.

Item 4.4 SE/13/01124/FUL Hillway, Pilgrims Way East, Otford, Sevenoaks TN14 4RX

For clarification, paragraph 103 of the committee report is the special circumstances that have been presented by the applicant.

The third indentation should read:-

- Under application 11/02762 (which is the permitted replacement dwelling) – no objection was placed on the basement space due to its lack of impact upon the openness of the Green Belt and to the 21.5 metre by 1.8 metre balcony approved on that house was not taken into consideration. If the same approach is taken here, then the above ground areas of the permitted and proposed dwellings remain the same. In my view the open but covered space at ground floor is not directly comparable to normal habitable space in that it clearly has less impact upon the openness of the Green Belt due to it being open and 2.7m below the existing 'field' surrounding land

In the second sentence of paragraph 118 should read, 'The document has not actually been approved yet.'

The report makes it clear that the key test in Green Belt terms relies on the National Planning Policy Framework and whether or not the replacement dwelling is materially larger.

The Council would like to draw member's attention to paragraph 59 of the report. As explained above, the test relies on whether a proposal is materially larger than a replacement dwelling. Paragraph 59 of the report does not place great weight on the basement when assessing whether the replacement dwelling is materially larger, as the proposal includes a completely underground basement with no part of it visible – no walls, windows or access points. It is concluded that this type of basement does not have an impact on the openness of the Green Belt. Whilst it does have a material impact on the size and bulk of a house when considering the materially larger test this impact is limited by the design of the basement which is completely underground and which in addition has no impact on the openness of the Green Belt.

The table shows the size and scale of the existing, approved and proposed dwelling:-

	Existing Dwelling	Approved Dwelling	Proposed Dwelling
Floor space above ground including undercroft areas	409.308 m2 (now includes small	394.008m2	494.5 m2 (including all undercroft areas on ground floor

	undercroft area)		
Floor space with the proposed basement levels	409.3008	616.659 m2	722.56 m2
Eaves height	4.8 m highest point 2.5 m at lowest point	5.2 m at highest point	5 m
Ridge height	7 m at highest point 5 m at its lowest point	8 metres at highest point	8 m
Finished floor level	Lower than proposed	unknown	132.3

The applicants have advised the table that they have provided for their presentation, show two different calculations for the existing dwelling. The latter figure of 474.3 sq metres for the dwelling has been calculated “as above including the turning area for existing and undercroft of proposed”. I have been advised that the applicants have included the external turning circle in front of the dwelling.

In response to a question asked during a site visit, there are no datum levels of the approved dwelling.

The following calculations of the heights of approved and proposed dwelling have been calculated.

Height of dwelling above original ground level (maximum principal ridge height from mid point perpendicular to main ridge)

	Approved	Proposed
South/southwest	7.2 metres	7.9 metres
North/ northeast	5.5 metres	6.3 metres
West/ northwest	6.3 metres	7.5 metres
East	5.4 metres	5.9 metres

Height of dwelling above proposed ground level (maximum principal ridge height from mid point perpendicular to main ridge)

	Approved	Proposed
South/southwest	8 metres	8 metres
North/ northeast	8.4 metres	8.4 metres
West/ northwest	7.8 metres	7.7 metres

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East/ southeast	8 metres	7.6 metres
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The approved property has a frontage width of 14.5 metres and a depth of 15 metres

The proposed property has a width of 20 metres and a depth of 19.5 metres.

The Environment Agency's have raised no objection to the application and have provided the comments:-

We have assessed these applications as having a low environmental risk, or being applications to discharge conditions which we did not recommend. We therefore have no comments to make.

Non planning consents

Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website to establish whether a consent will be required.

<http://www.environment-agency.gov.uk/netregs/>

If you feel we should assess this planning application in more detail due to local issues please contact me or email kentplanning@environment-agency.gov.uk

The site is in an Area of Archaeological Potential. The comments from SDC Archaeological Officer are as follows:-

As the ground works on the property have already been carried out then any potential archaeological finds would have been disturbed. However a condition/informative could be placed on any permission granted requiring that if any further excavation work was carried out a qualified archaeologist should be given access to the site to oversee the works.

Item 4.5 SE/13/01143/LBCALT The Chantry, The Green, Otford, Sevenoaks TN14 5PD

Additional Consultation Response,

English Heritage –

Thank you for your letter of 3 May 2013 notifying English Heritage of the scheme relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

The following consultations were also carried out with; Ancient Monument Society, Council for British Archaeology, Georgian Group, Society for Preservation of Ancient Buildings, Twentieth Century Society, Victorian Society. No responses were received.

Impact on the Conservation Area,

The proposal meets the statutory test of preserving the Conservation Area as set out in the Town and Country Planning (Listed Building and Conservation Areas) Act 1990.

Further comments from SDC Conservation.

A Member has asked about the historic significance of the tiles that would need to be removed to provide the roof lights. In response the Conservation Officer comments as follows:

Roof lights are a fairly common type of application, there is an accepted view that a small number of tiles to be removed causes very little harm. Tiles are a relatively ephemeral part of a building's fabric and have a limited life span, much shorter than slates, so it's unlikely that they would be much older than 100 years.

Given the above the proposal meets the test set out in paragraph 132 of the National Planning policy Framework and there will be no unacceptable harm to the character or historic fabric of the listed building.

Statement from Cllr. Lowe who is unable to attend the Meeting

I have to say that I am shocked that I had to request that this application has to be decided at DC. I have no problem with the internal works, only with the proposed roof lights.

Paragraph 20 of the Officers report states:

Whilst roof lights are sometimes not considered to be appropriate in the context of historic roofscapes, these are discreetly positioned and will be difficult to see, and are located on the roof slope facing away from the church.

Some of you may not be familiar with the Chantry, but you will be familiar with its setting because together with the pond, the church and the Old Palace at the rear these buildings represent the Medieval heart of Otford.

As some of you may remember in February 2009 the Otford pond came to this committee because the Parish Council had started some repair works to it that this Council's Conservation Officer thought were not appropriate. At the time I was told:

The pond is located within the core of Otford village centre and functions not only as a roundabout for the connection of roads that meet in this location but also forms a visual centre for the village. The Pond was listed in 1975 All the buildings in The Green form a group."

The 2009 report goes on to say:

Once lost, listed buildings cannot be replaced; and they can be robbed of their special interest as surely by unsuitable alteration as by outright demolition. They represent a finite resource and an irreplaceable asset. While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability

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of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

I regard the rooflights to be an unnecessary and insensitive alteration and do not understand the point that they can't be seen as no-one could see the works done to the pond.

I ask the committee what is different between the listing of the Pond and the Chantry and what has changed since 2009 to make these two officer recommendations so different?



SEALCOT HOUSE. D.C. July 2013. 12/02799/FUL

The application for Sealcot is back before Development Control again because of inaccuracies in the previous applications.

Work started on a house for which planning permission (SE/12/00307) had been given on a site which had been inaccurately measured. The house could not be built in the approved position. Planning permission had been granted on a site which in fact was 0.5 metres narrower and 2 metres shorter than was shown on the plans.

Furthermore, as well as miscalculating the size of the plot of Sealcot, this application also did not accurately show the height of the new dwelling relative to Thornwood.

The sketch elevation showed the floor levels of Thornwood and the new dwelling to be the same, but when work started on the foundations, the slab level to be about two thirds of a metre above that of Thornwood.

So, building had started for a house on a plot which was smaller than that submitted and on a slab height which was incorrect.

I have asked for this latest application to come to Development Control as I believe it should be refused for the following reasons:

1 Over development of the plot

The proposed substantial two storey house is too large for the plot. The proposed house and detached garage is far greater than the original, now demolished, small house.

It would totally dominate the site and be out of keeping with the character and development of the area.

2 Detrimental impact on amenities of neighbours.

Policy EN 1 of the Sevenoaks District Local Plan states that the amenities of the occupiers of neighbouring properties should be safeguarded.

The neighbouring house to the south, Thornwood, lies in close proximity

to the boundary of Sealcot. The new development would dominate their house and garden and be detrimental to their amenities.

Thornwood, which is mainly single storey, has been designed as a light and airy house with large windows in their living/dining area. Instead of looking out at a neighbouring single storey building with a low roof with sky above, the aspect from windows of their dining and kitchen would be dominated by the solid brick wall of a two storey house.

The dining room, kitchen and bathroom would all lose light and the outlook become oppressive.

The privacy in their garden would also be compromised as some of the bedroom windows in the proposed house would overlook the garden.

Between Sealcot and Thornwood, there used to be a line of mature trees and shrubs which formed a screen between Sealcot and its neighbours and afforded them some privacy. This privacy no longer exists as eleven, thirty foot trees as well as various other trees and shrubs, have been chopped down, leaving the neighbours exposed.

3 Detrimental to the character of the area which is semi rural.

The scale, location and design of the development do not respect the context of the site and preserve the visual amenities of the locality.

The Sevenoaks Residential Character Area Assessment identifies the character of the area as having houses well screened from the road, set back behind hedged and treed front gardens, with houses generally not built up to the property boundary, resulting in landscaped space between buildings.

Since the wholesale destruction of the many trees and shrubs which surrounded Sealcot, the site has been left exposed to Seal Hollow Road and neighbouring houses. The house would be highly visible from the Seal Hollow Road as the property is elevated from the highway.

Thus the application is contrary to the character of the area as defined in the Residential Character Area Assessment, and also contrary to Policy EN1 in that it does not preserve the visual appearance of the area. .

In conclusion, I hope this Committee will refuse the application as it is

- 1 OVERDEVELOPMENT OF THE PLOT
- 2 DETRIMENTAL TO NEIGHBOUR'S AMENITIES
- 3 DETRIMENTAL TO THE CHARACTER OF THE AREA



SEALCOT GARAGE. SE/13/00787. D.C.. 17 July 2013.

Detached Garage shown at the front of the site with space for several cars to park.

Garages in the locality generally are integral to the main house. This garage is detached and due to its proximity and height above Seal Hollow Road, would be highly visible and detrimental to the street scene.

The Residential Extensions SPD states that garages should be not impact detrimentally on the street scene and that garages set in front of the building line (as this one is), will not be normally allowed.

The site is cramped and I do not believe it is possible to accommodate a garage, several parking spaces and a turning area. There would be insufficient space to turn which would mean cars having to reverse out on to Seal Hollow Road. A dangerous manoeuvre, particularly as the drive exit is on a bend, with fast traffic approaching from either direction.

In Conclusion.

I hope this Committee will recommend Refusal for the garage and parking arrangements:

- A detached garage in this location in front of the house would be detrimental to the street scene.
- Compromise highway safety.

Development Control Committee

Wednesday 17 July 2013

4.4 - SE/13/01124/FUL
Hillway, Otford

This application is an interesting, exciting development that will mainly be hidden from view by only having one floor above ground level with quite a low roof. It is a much more innovative design than either the existing property or the property that currently has planning permission. Only one local resident has objected to this application which shows that the majority of the village, including the Parish Council and Otford Society are broadly satisfied with the design. The applicant has worked hard to ensure the design, bulk and scale are acceptable to their neighbours.

The applicant is working with the Kent Wildlife Trust to return a lot of the land back to chalk grasslands and encourage more endangered species such as the Orchids that are plentiful on the site. They have fenced part of the land off to enable sheep to graze, to prevent having to cut the grass, making it even more conducive to wildlife.

The main area of dispute between the applicant and the officers is the size of the proposed dwelling and whether or not the undercrofts and car port count as habitable. The applicant would consider a condition to have grasscrete placed here to make the ground blend in more with the countryside and could keep paraphernalia to a minimum.

When the existing house was first built it was not within the greenbelt. The greenbelt boundary moved to incorporate the existing house in the 1990s. Are they therefore allowed a floor space of the existing house plus 50%?

Architecturally it is an interesting design that will enhance and improve the village. It is a vast improvement on the size, bulk and scale of the existing property that currently has planning permission and I hope this committee approves this application.

From: Cllr. Michelle Lowe

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