



DEVELOPMENT CONTROL COMMITTEE

30 June 2011 at 7.00 pm
CONFERENCE ROOM - COUNCIL OFFICE

AGENDA

Membership:

Chairman: Cllr. Mrs A Dawson

Cllrs: Cllr. B Ayres, Cllr. R Brookbank, Cllr. C Brown, Cllr. C Clark, Cllr. P Cooke, Cllr. R J Davison, Cllr. M Dickins, Cllr J Gaywood, Cllr Ms M Lowe, Cllr. P McGarvey, Cllr. Mrs F Parkin, Cllr. R Piper, Cllr. G Ryan, Cllr. J Scholey, Cllr. J Thornton, Cllr. J Underwood and Cllr. R Walshe

Apologies for absence

Apologies for absence

1. **Minutes of the meeting of the Committee held on 9 June 2011** (Pages 1 - 22)
2. **To receive any declarations of interest or predetermination in respect of items of business included on the agenda for this meeting.**
3. **To receive any declarations of lobbying in respect of items of business included on the agenda for this meeting.**
4. **Ruling by the Chairman regarding Urgent Matters**
5. **Planning Applications – Head of Development Services' Report**
 - 5.1. **SE/11/00776/FUL Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH** (Pages 23 - 34)

Demolition of existing dwelling and associated development, erection of replacement 1 - 2 storey detached dwelling, with garaging and parking facilities; associated works.
 - 5.2. **SE/11/00966/FUL Stag Cottage, Ryewell Hill, Chiddingstone Hoath Chiddingstone TN8 7BN** (Pages 35 - 46)

Demolition of existing property and outbuildings and construction of a detached 5 bed house with double garage.

**5.3. SE/11/01277/FUL Longmynd, Greenlands Road,
Kemsing TN15 6PG**

(Pages 47 - 54)

Demolition and rebuilding of existing garage and utility room incorporating new WC. Resubmission of application SE/10/03230/FUL. New information showing areas and temporary building identified. Retrospective.

**5.4. SE/11/01105/PART11 Eynsford Railway Station,
Station Road, Eynsford DA4 0HP**

(Pages 55 - 60)

Replacement of the station footbridge.

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format

please do not hesitate to contact the Democratic Services Team as set out below.
If you wish to speak in support or against a planning application on this agenda,
please call the Council's Contact Centre on 01732 227000

For any other queries concerning this agenda or the meeting please contact:
The Democratic Services Team (01732 227241)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227199 by 5pm on Monday, 6 June 2011.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting of the Development Control Committee
held on 9 June 2011 commencing at 7.00 pm

Present: Cllr. Williamson (Vice-Chairman in the Chair)

Cllr. B Ayres, Cllr. R Brookbank, Cllr. C Clark, Cllr. P Cooke,
Cllr. R J Davison, Cllr. M Dickins, Cllr J Gaywood, Cllr Ms M Lowe,
Cllr. P McGarvey, Cllr. Mrs F Parkin, Cllr. R Piper, Cllr. G Ryan,
Cllr. J Scholey, Cllr. J Thornton, Cllr. J Underwood and Cllr. R Walshe

Apologies for absence were received from. Cllr. Mrs A Dawson and
Cllr. C Brown

Cllr. L Ayres, Cllr. Mrs E Bracken and Cllr. M Fittock were also present.

1. **MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 7 APRIL 2011**

Resolved: That the minutes of the meeting of the Development Control
Committee held on 7 April 2011 be approved and signed by the Chairman as a
correct record.

2. **DECLARATIONS OF INTEREST OR PREDETERMINATION**

Cllr. Williamson declared a personal interest in respect of item 5.10 SE/10/03498:
91 High Street and The Shambles, Sevenoaks as his business abutted the
Shambles. However the item was not discussed and it was not necessary for him
to withdraw from the meeting.

Cllrs. Brookbank declared a personal interest in item 5.14 SE/11/01076/TELNOT:
Land South of Service Station, London Road, Swanley as a dual hatted member of
both the District Council and Swanley Town Council which had already expressed
views on the matter.

Cllr. McGarvey declared a personal interest in items 5.08 SE/11/00774/FUL and
5.09 SE/11/00775/LBCALT: Hodsoil House, High Street, Farningham, Dartford as
a dual hatted member of both the District Council and Farningham Parish Council
which had already expressed views on the matter. He stated that the Town
Council's views were not binding and he would be considering the matters afresh
but made it clear he would not vote on the issue.

Cllr. Piper declared a personal interest in items 5.08 SE/11/00774/FUL and
SE/11/00775/LBCALT: Hodsoil House, High Street, Farningham, Dartford as a
dual hatted member of both the District Council and Sevenoaks Town Council
which had already expressed views on the matter.

Cllr. Underwood declared a personal interest in item 5.14 SE/11/01076/TELNOT: Land South of Service Station, London Road, Swanley as a dual hatted member of both the District Council and Swanley Town Council which had already expressed views on the matter.

3. **DECLARATIONS OF LOBBYING**

All Members of the Committee declared that they had been lobbied in respect of item 6.01 - Enforcement of Planning Control: Four Winds, Farley Common, Westerham.

Cllr. Miss. Thornton also declared that she had been lobbied in respect of item 5.03 – SE/11/00370/FUL Fairlawn, Wildernesse Avenue, Sevenoaks.

Cllr. McGarvey also declared that he had been lobbied in respect of item 7.01 - Objection to TPO/01/2011: Crispins, The Street, Horton Kirby, South Darenth.

4. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

The Chairman ruled that additional information received since the despatch of the agenda be considered at the meeting as a matter of urgency by reason of the special circumstances that decisions were required to be made without undue delay and on the basis of the most up to date information available.

5. **ORDER OF THE AGENDA**

The Chairman indicated that, with the approval of Members, he would deal first with the tree preservation orders at items 7.01 and 7.02 as the Officer concerned was not involved in any other matters on the agenda.

6. **OBJECTION TO TPO/01/2011: CRISPINS, THE STREET, HORTON KIRBY, SOUTH DARENTH**

The Committee noted that the Order related to an individual Ash tree located within the garden of Crispins, The Street, Horton Kirby. The report advised that the owner of the property had stated within her objection that the tree was overbearing. The owners also stated that the tree caused all surrounding buildings and furniture to be coated in a green residue that required constant attention.

Members were advised that its removal would be very much noticed and would have a negative affect on the local landscape. Any problem of restriction of light and overhanging branches could be overcome by sensibly pruning the canopy of this tree.

The Local Member was concerned by its proximity to the house given its size. He informed the Committee that the house predated the tree. The Arboricultural and Landscape Officer told Members that there was potential for pruning, possibly of 30%, which could last 5 or 6 years. He was prepared to give free advice on the matter to the owners of the property.

Resolved: That the Tree Preservation Order No. 1 of 2011 be confirmed without amendments.

Informatives

The Arboricultural and Landscape Officer is invited to discuss acceptable pruning of the tree with the property owner.

7. **OBJECTIONS TO TPO/206/2011: 14 WOODLANDS RISE, SWANLEY**

The committee noted that the order related to an individual oak tree located within the garden of 14 Woodlands Rise, Swanley. The report advised that an objection was received on the grounds that this tree had damaged the boundary wall between two properties damage.

Members were advised that it was beyond dispute that damage had occurred to the boundary wall. No evidence had been provided to prove that the tree was the cause of the damage but given the proximity of the tree to the wall, it was extremely likely. They were also advised that the tree's removal would be very much noticed and would have a negative affect on the local landscape. Objections could be overcome by the submission of an application to carry out periodic pruning works.

Some Members were concerned by the size of the tree. The Arboricultural and Landscape Officer recommended that it be pruned.

Resolved: That the Tree Preservation Order No. 6 of 2011 be confirmed without amendments.

UNRESERVED PLANNING APPLICATIONS

There were no public speakers against the following items. Therefore, in accordance with Part 7 3.5(e) of the constitution, the following matters were considered en bloc:

8. **SE/11/00470/FUL - GREEN COPPERS , WILDERNESSE AVENUE, SEVENOAKS TN15 0EA**

The report advised that permission was now sought for a further amendment to the original planning permission (SE/08/00930/FUL), as later amended, for a glazed link extension of between the main body of the dwelling and the adjoining garage. The addition was a conservatory style element with glazed pitched roof.

It was MOVED by the Chairman that the recommendation in the report be adopted.

Resolved: SE/11/00470/FUL: That planning permission be GRANTED subject to the following conditions:

Agenda Item 1

Development Control Committee - 9 June 2011

- 1) All doors and windows shall be constructed in accordance with the detailed drawings submitted under SE/08/02305, unless agreed otherwise in writing by the local planning authority.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

- 2) Soft landscape works shall be undertaken in accordance with the details approved under SE/08/02411 unless agreed otherwise in writing by the local planning authority.

To safeguard the visual appearance of the area as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan

- 3) The soft landscape works shall be carried out before the end of the first planting season following completion of the development or first occupation of the dwelling, whichever is sooner. The landscape works shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan.

- 4) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species

To safeguard the visual appearance of the area as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan.

- 5) Tree protection measures shall be undertaken in accordance with the details approved under SE/08/02434 unless agreed otherwise in writing by the local planning authority. The approved protection measures shall be in place before demolition commences and before any equipment, machinery or materials are brought on to the land for the purposes of the development. Protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the land. Unless agreed otherwise, within a retained tree protected area:

- Levels shall not be raised or lowered in relation to the existing ground level
- No roots shall be cut, trenches cut, or soil removed
- No buildings, roads, or other engineering operations shall be constructed or carried out
- No fires shall be lit; -No vehicles shall be driven or parked over the area;
- No materials or equipment shall be stored.

To secure the retention of the trees on site and to safeguard their long-term health as supported by Policy EN1 of the Sevenoaks District Local Plan

- 6) Hard landscaping and surfacing shall be undertaken in accordance with drawing numbered FLA/GD/P/180/001/D as approved under SE/08/02411 unless agreed otherwise in writing by the local planning authority, prior to first occupation of the dwelling hereby permitted.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan

- 7) The proposed window (serving 'Bedroom 3) on the first floor of the west facing elevation of the dwelling shall be obscure glazed at all times. No further windows, other than those shown on the approved plans, shall be inserted in the west facing elevation of the approved dwelling.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan

- 8) All works for underground drainage and services shall be carried out in accordance with the details submitted under SE/08/02437 unless agreed otherwise in writing by the local planning authority.

To safeguard trees on site, in accordance with policy EN1 of the Sevenoaks District Local Plan

- 9) The development hereby permitted shall be carried out in accordance with the following approved plans: 4156-PD4-001, 002, 003, 004, 005 and 006

For the avoidance of doubt and in the interests of proper planning.

Informatives

This application relates to the amendment described above and does not infer consent for any other changes to the original permission SE/08/00930/FUL (or any later variations).

9. **SE/11/00471/FUL - GREEN COPPERS , WILDERNESSE AVENUE, SEVENOAKS TN15 0EA**

The report advised that permission was now sought for a further amendment to the original planning permission (SE/08/00930/FUL), as later amended, being the installation of two entrance dormer elements to the garage roof to the south and east elevations of the garage.

It was MOVED by the Chairman that the recommendation in the report be adopted.

Resolved: SE/11/00471/FUL: That planning permission be GRANTED subject to the following conditions:

Agenda Item 1

Development Control Committee - 9 June 2011

- 1) All doors and windows shall be constructed in accordance with the detailed drawings submitted under SE/08/02305, unless agreed otherwise in writing by the local planning authority.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

- 2) Soft landscape works shall be undertaken in accordance with the details approved under SE/08/02411 unless agreed otherwise in writing by the local planning authority.

To safeguard the visual appearance of the area as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan

- 3) The soft landscape works shall be carried out before the end of the first planting season following completion of the development or first occupation of the dwelling, whichever is sooner. The landscape works shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan.

- 4) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species

To safeguard the visual appearance of the area as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan.

- 5) Tree protection measures shall be undertaken in accordance with the details approved under SE/08/02434 unless agreed otherwise in writing by the local planning authority. The approved protection measures shall be in place before demolition commences and before any equipment, machinery or materials are brought on to the land for the purposes of the development. Protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the land. Unless agreed otherwise, within a retained tree protected area:

- Levels shall not be raised or lowered in relation to the existing ground level
- No roots shall be cut, trenches cut, or soil removed
- No buildings, roads, or other engineering operations shall be constructed or carried out
- No fires shall be lit;
- No vehicles shall be driven or parked over the area;
- No materials or equipment shall be stored.

To secure the retention of the trees on site and to safeguard their long-term health as supported by Policy EN1 of the Sevenoaks District Local Plan

- 6) Hard landscaping and surfacing shall be undertaken in accordance with drawing numbered FLA/GD/P/180/001/D as approved under SE/08/02411 unless agreed otherwise in writing by the local planning authority, prior to first occupation of the dwelling hereby permitted.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan

- 7) The proposed window (serving 'Bedroom 3) on the first floor of the west facing elevation of the dwelling shall be obscure glazed at all times. No further windows, other than those shown on the approved plans, shall be inserted in the west facing elevation of the approved dwelling.

o safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan

- 8) All works for underground drainage and services shall be carried out in accordance with the details submitted under SE/08/02437 unless agreed otherwise in writing by the local planning authority.

To safeguard trees on site, in accordance with policy EN1 of the Sevenoaks District Local Plan

- 9) The development hereby permitted shall be carried out in accordance with the following approved plans: 4156-PD2-001, 002, 003, 004, 005 and 006

For the avoidance of doubt and in the interests of proper planning.

Informatives

This application relates to the amendment described above and does not infer consent for any other changes to the original permission SE/08/00930/FUL (or any later variations).

10. **SE/11/00370/FUL - FAIRLAWN , WILDERNESSE AVENUE, SEVENOAKS TN15 0EA**

The report advised that permission was sought for: the replacement of the demolished "west wing" with a two-storey projecting wing with catslide roof and dormers creating a first floor; the erection of two rear-projecting single storey extensions to the rear of the extended and existing part of the dwelling; the creation of an inverted dormer type balcony; the erection of a replacement porch to main entrance with pitched catslide style roof; and the erection of a detached pool house building to the rear of the site near to the western boundary.

It was MOVED by the Chairman that the recommendation in the report be adopted.

Resolved: SE/11/00370/FUL: That planning permission be GRANTED subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the extensions and outbuildings hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development enhances the character and appearance of the conservation area as supported by Policy EN23 of the Sevenoaks District Local Plan.

- 3) Prior to the commencement of the swimming pool building hereby permitted, a method statement shall be supplied and approved in writing by the Council. This statement shall give detail of the method of construction of the swimming pool building having regard to the protection of surrounding and adjacent trees. The development shall be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Council.

To safeguard the retention and long term health of trees in accordance with EN1 and EN23 of the Sevenoaks Local Plan.

- 4) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

- 5) All soft landscape works shall be carried out before the first occupation of the development hereby permitted. The landscape works shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by EN1 and EN23 of the Sevenoaks District Local Plan.

- 6) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased

then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by EN1 and EN23 of the Sevenoaks District Local Plan.

- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: DS/140/01, 02A, 03A, 04A, 05B, 06, 07A, 08B, 09, 10B, 11B, 12B, 13B, 14, 15, 16, 17, 18A and 19

For the avoidance of doubt and in the interests of proper planning.

- 8) Prior to the commencement of the swimming pool building, details of acoustic insulation of the proposed plant room shall be provided to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and thereafter maintained as such.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

11. **SE/11/00371/CAC - FAIRLAWN , WILDERNESSE AVENUE, SEVENOAKS TN15 0EA**

The report advised that the application was for Conservation Area Consent for the demolition of the two-storey "west wing" of the dwelling, the gabled roof double garage adjacent to the western boundary and the adjoining rear projecting single-storey hipped roof swimming pool building adjacent to the western boundary. This proposal was made concurrent with application SE/11/00370/FUL.

It was MOVED by the Chairman that the recommendation in the report be adopted.

Resolved: SE/11/00371/CAC: That planning permission be GRANTED subject to the following conditions:

- 1) The works to which this consent relates shall begin before the expiration of three years from the date of this consent.

In pursuance of section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the redevelopment works has been made and planning permission has been granted for the redevelopment for which the contract provides.

To ensure that the demolition is carried out as a continuous operation with the redevelopment of the site, in the interests of visual amenity in accordance with Policies EN1 and EN23 of the Local Plan.

12. **SE/10/03498/FUL - 81 HIGH STREET AND THE SHAMBLES, SEVENOAKS**

The report advised that application was for approval of change of use of both 81 High Street and an area of the Shambles to its rear to become a mixed use comprising both A1 (coffee shop) and A3 (café and outside seating area).

It was MOVED by the Chairman that the recommendation in the report be adopted subject to the inclusion of the additional condition set out in the Late Observations sheet.

Resolved: SE/10/03498/FUL: That planning permission be GRANTED subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) The use of the unit and land to the rear hereby permitted is for use as a coffee shop/cafe only and for no other purpose, including any purpose within Class A3 of the Town and Country Planning (Use Classes Order) 1987 (as amended).

To safeguard the amenity of the locality as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 3) The use hereby permitted shall only occur between 7am and 6pm Monday to Friday, between 7am and 7pm Saturday and between 8am and 5pm Sundays and Bank Holidays.

To safeguard the amenity of the locality as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 4) Bins shall be provided for the use by customers whilst the outdoor seating area is in operation.

To safeguard the amenity of the locality as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 5) The tables, chairs and any associated equipment or paraphernalia associated with the operation of the outside café area shall be removed from the Shambles at the close of business each day.

To ensure that the development preserves the character and appearance of the area as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan.

- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: SB/2010/1/site plan revised and 2/block plan revised.

For the avoidance of doubt and in the interests of proper planning.

13. **SE/11/00102/FUL - LAND ADJACENT TO, 1 & 2 SHACKLANDS COTTAGES, SHACKLANDS ROAD, SHOREHAM, SEVENOAKS**

The report advised of the application which sought permission to replace a defective septic tank with a new treatment plant to serve no.s 1 & 2 Shacklands Cottages.

It was MOVED by the Chairman that the recommendation in the report be adopted subject to the inclusion of the additional informative set out in the Late Observations sheet.

Resolved: SE/11/00102/FUL: That planning permission be GRANTED subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) Prior to the development commencing, the Arboricultural Officer is to be contacted to agree which trees are to be removed. After this, a detailed plan showing the trees to be felled shall be submitted and approved in writing to the local planning authority. The development shall take place in accordance with the approved details.

To ensure that the proposal does not detract from the character and appearance of the area; as supported by Policy EN1 of the Sevenoaks District Local Plan and LO8 of the Core Strategy.

- 3) No development shall be carried out until a scheme of soft landscaping, including type and size of species has been submitted to the Council for approval in writing. The scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of the development. The soft landscape works shall be carried out before the first dwelling is occupied or in accordance with a programme of implementation agreed in writing with the Council. The landscape works shall be carried out in accordance with the approved details.

To ensure that the proposal does not detract from the character and appearance of the area; as supported by Policy EN1 of the Sevenoaks District Local Plan and LO8 of the Core Strategy.

- 4) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To ensure that the proposal does not detract from the character and appearance of the area; as supported by Policy EN1 of the Sevenoaks District Local Plan and LO8 of the Core Strategy.

- 5) The development hereby permitted shall be carried out in accordance with the following approved plans PS001/4, ENTEX Biotec package sewage treatment plants, PS001/2, PS001/6.

For the avoidance of doubt and in the interests of proper planning.

- 6) No development shall commence until a works plan has been submitted and approved in writing by the Local Planning Authority. It should cover the following (although it may include other things): the timings of the works, methodology to minimise impacts on tree roots, location of the construction compound and details of the post development works restoration. The development shall be carried out in accordance with the approved details.

In the interest of protecting existing wildlife in accordance with PPS9

Informatives

Please be advised that the soakaway system does not allow effluent discharge directly into the groundwater. The plant must continue to be maintained in accordance with the manufacturer's instructions to function efficiently going forward.

14. SE/11/00765/FUL - 66 LONDON ROAD, SEVENOAKS, TN13 1AT

The report advised that planning permission was sought for a change of use only of the ground floor of 66 London Road from A1 (retail) to A3 (restaurants and cafes) with no external alterations.

It was **MOVED** by the Chairman that the recommendation in the report be adopted.

Resolved: SE/11/00765/FUL: That planning permission be **GRANTED** subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) Before the development / use hereby permitted commences, a suitable scheme for the mechanical ventilation of the kitchen area, including filtration

to remove grease and cooking odours shall be submitted to and be approved in writing by the Local Planning Authority. The submission shall include a detailed and scaled plan of the scheme proposed, together with manufacturers' noise data on the fan unit and silencer(s) and details of maximum noise levels to emanate through the ducting and from the flue terminal (including details of background noise where necessary). The approved system shall be installed and operational before the premises are first brought into use and permanently maintained in full and effective working order at all times. The system shall be used when cooking is being carried out.

To safeguard the visual amenity of the area and the amenities of the occupiers of properties nearby to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: SP1244/10 and 11.

For the avoidance of doubt and in the interests of proper planning.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

15. **SE/11/00034/FUL - 1 CHARTS EDGE COTTAGE , HOSEY HILL, WESTERHAM TN16 1TA**

The report advised that the proposal was for a single storey side and rear extension to the semi detached property.

It was noted that the report had been referred to Committee because the recommendation was contrary to the view of the Parish Council and Councillor Bracken wished the Committee to consider the impact upon the existing dwelling and surrounding countryside.

Officers stated that the proposed scheme was considered to be acceptable in terms of its design and impact upon both the listed buildings and the surrounding area. The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality. It would also lie sufficiently far from any neighbouring houses to protect their amenities.

It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application:	Mr. Peter Waller
For the Application:	Mr. Adam Penton
Parish Representative:	Cllr. Phillip Ashley
Local Member:	Cllr. Mrs. Bracken

During consideration of this item Members were reminded that the previous application had only been refused because of an error of calculating size. However, Members particularly raised concerns about the proposed oxidised copper cladding and its possible effect on the streetscene and landscape character of the area.

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

1 vote in favour of the motion
14 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED by Cllr. Walshe and duly seconded:

“That planning permission be REFUSED for the following reason:

The proposed extension by virtue of its flat roof design and material finish would be detrimental to the landscape character of the Area of Outstanding Natural Beauty, detrimental to the streetscene and harmful to the character and setting of the Listed Building contrary to policies BE6 and C3 of the South East Plan, LO8 and SP1 of the Core strategy and EN1 and H6B of the Sevenoaks District Local Plan.”

The motion was put to the vote and there voted –

14 votes in favour of the motion
1 vote against the motion

Resolved: That planning permission be REFUSED for the following reason:

The proposed extension by virtue of its flat roof design and material finish would be detrimental to the landscape character of the Area of Outstanding Natural Beauty, detrimental to the streetscene and harmful to the character and setting of the Listed Building contrary to policies BE6 and C3 of the South East Plan, LO8 and SP1 of the Core strategy and EN1 and H6B of the Sevenoaks District Local Plan.

16. **SE/11/00035/LBCALT - 1 CHARTS EDGE COTTAGE, HOSEY HILL, WESTERHAM TN16 1TA**

The report advised that the application was for Listed Building Consent for a single storey side and rear extension to the semi detached property.

It was noted that the report had been referred to Committee had been referred to the Development Control Committee because the recommendation was contrary to the views of the Parish Council and Councillor Bracken wished the Committee to consider the impact upon the existing dwelling and surrounding countryside.

Officers stated that the proposed scheme would respect the context of the Listed Building. The design, bulk, mass and contemporary design were all considered to be acceptable within the context of the original dwelling enabling the maximum retention of original fabric and neither dominating nor detracting from the original dwelling.

It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application:	Mr. Peter Waller
For the Application:	Mr. Adam Penton
Parish Representative:	Cllr. Phillip Ashley
Local Member:	Cllr. Mrs. Bracken

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

2 votes in favour of the motion
13 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED by Cllr. Walshe and duly seconded:

“That planning permission be REFUSED for the following reason:
The proposed extension by virtue of its flat roof design and material finish would be harmful to the character and setting of the Listed Building contrary to policies BE6 of the South east plan, SP1 of the Core Strategy and EN1 of the Sevenoaks District Local Plan.”

The motion was put to the vote and there voted –

14 votes in favour of the motion
1 vote against the motion

Resolved: That planning permission be REFUSED for the following reason:

The proposed extension by virtue of its flat roof design and material finish would be detrimental to the landscape character of the Area of Outstanding Natural Beauty, detrimental to the streetscene and harmful to the character and setting of the Listed Building contrary to policies BE6 of the South east plan, SP1 of the Core Strategy and EN1 of the Sevenoaks District Local Plan.

Following a question from a Member an Officer clarified that the decision did not remove the planning history.

17. **SE/10/03522/FUL - CHELSHAM, CHURCH ROAD, HARTLEY, LONGFIELD DA3 8DN**

The Committee was advised that objections to this application from Ward Councillors had been withdrawn and the application would be dealt under the Scheme of Delegations to Officers.

18. **SE/11/00774/FUL - HODSOLL HOUSE , HIGH STREET, FARNINGHAM**
DARTFORD DA4 0DH

The report advised that the proposal was for demolition of an existing garage and its replacement with a single storey building comprising a single garage and a one bedroom self contained unit.

It was noted that the report had been referred to Committee because the recommendation was contrary to the Parish Council's recommendation and Councillor McGarvey wished the Committee to consider the issues surrounding the ancillary nature of the proposed dwelling and the impact of this relationship upon the surrounding area.

Officers stated that the structure of the existing garage was poor and its loss was accepted in principle. The proposed scheme would not have an unacceptable impact on the residential amenities of nearby dwellings. The design, bulk and mass of the proposed new building was considered acceptable both in terms of its impact upon the character and appearance of the surrounding conservation area and in terms of its impact upon the setting of the listed building, Hodsoll House.

A Local Member, who sat on the Committee, raised concerns that if granted the permission would allow buildings to be converted to separate dwellings. Officers reassured Members that they believed the recommended conditions were enforceable and that the applicant would have to reapply to the Council to make it into a separate dwelling. Following a question, Officers clarified that permitted development rights would not apply to the new structure.

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

14 votes in favour of the motion
0 votes against the motion

Resolved: SE/11/00774/FUL: That planning permission be GRANTED subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the Conservation Area as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 3) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

To protect the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

- 4) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To preserve the appearance and character of the surrounding Conservation Area in accordance with policy EN1 of the Sevenoaks District Local Plan.

- 5) The approved garage shall be provided prior to the first occupation of the building and shall be permanently retained for the parking of a motor vehicle.

To ensure a permanent retention of vehicle parking for the property.

- 6) No window(s) or other opening(s) shall be inserted at any time in the south elevation(s) of the garage or building hereby approved, despite the provisions of any Development Order.

To protect the privacy of the adjoining occupiers in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

- 7) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Hodsoll House.

So that any other proposal for the use of the building is the subject of a separate application to be determined on its merits having regard to the character and appearance of the surrounding Conservation Area and the character and setting of the adjacent Listed Building.

- 8) The development hereby permitted shall be carried out in accordance with the following approved plans: HODSOLL-PL01,PL02

For the avoidance of doubt and in the interests of proper planning.

- 9) The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds. The developer shall inform the County Archaeologist of the start date of construction works on site not less than two weeks before the commencement of such works.

To ensure that features of archaeological interest are properly examined and recorded.

19. **SE/11/00774/FUL - HODSOLL HOUSE , HIGH STREET, FARNINGHAM
DARTFORD DA4 0DH**

The report advised that the application sought listed building consent for demolition of an existing garage.

It was noted that the report had been referred to Committee because the recommendation was at variance with the Parish Council's views and Councillor McGarvey wished Committee to consider the issue of the ancillary nature of this new dwelling and the impact of this relationship with the existing house.

Officers stated that given the garage's structural status and the amount of work that would be required to repair the building to current standards in principle the loss of this building was agreed. It was considered that in view of the siting of the new building largely behind the line of the existing garage and its general design, bulk and scale that it would not harm the setting of Hodsoll House.

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

15 votes in favour of the motion
0 votes against the motion

Resolved: SE/11/00775/LBCALT: That planning permission be GRANTED subject to the following conditions:

- 1) The works to which this consent relates shall begin before the expiration of three years from the date of this consent.

In pursuance of section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To maintain the integrity and character of the site as supported by policy EN1 and EN23 of the Sevenoaks District Local Plan.

- 3) No works shall take place until all door and window details, at a scale of not less than 1:20 have been submitted to and approved in writing by the Council. The works shall be carried out in accordance with the approved details.

To maintain the integrity and character of the building as supported by policies EN1 and EN213 of the Sevenoaks District Local Plan.

- 4) No works shall take place until details of all rainwater goods proposed have been submitted to and approved in writing by the Council. The works shall be carried out in accordance with the approved details.

To maintain the integrity and character of the building as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan.

20. **SE/11/01024/TELNOT - PROPOSED TELECOMMUNICATIONS MAST NORTH OF JUNCTION WITH LONDON ROAD, SHURLOCK AVENUE, SWANLEY**

This item was withdrawn by the applicant.

21. **SE/11/01076/TELNOT- LAND SOUTH OF SERVICE STATION, LONDON ROAD, SWANLEY BR8 7QD**

The report advised the proposal was for a 12.5m slim line pole to be positioned on the grass verge which separated the footpath from the Texaco garage. There was also to be a small equipment cabinet which would measure 1.8m by 0.8 m and be 1.5m high.

It was noted that the report had been referred to Committee by Councillor Ball as concerns had been raised about the siting and appearance of the mast.. Officers stated that they found that there was no planning objection to be raised on either ground. The siting was appropriate within the context of the site and the design was acceptable.

The Committee was addressed by the following speaker:

Local Member: Cllr. Fittock

Although objections from the Parish Council could not be included in the late observations, a Local Member, who was not on the Committee, assured Members that the public speaking had covered the objections raised. Various Members raised concerns at the effect the mast and box would have with cluttering the street.

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

6 votes in favour of the motion

7 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED by Cllr. Brookbank and duly seconded:

“That an objection be raised due to the impact of the siting on the streetscene adjacent to residential properties.”

The motion was put to the vote and there voted –

10 votes in favour of the motion

3 vote against the motion

Resolved: SE/11/01076/TELNOT: That an objection be raised due to the impact of the siting on the streetscene adjacent to residential properties.

At 8.57 p.m. the Chairman adjourned the Committee for a short time for the convenience of Members and Officers. The meeting resumed at 9.07 p.m.

22. **310/05/085: FOUR WINDS, FARLEY COMMON, WESTERHAM**

Members noted that planning permission had been refused and subsequently dismissed on appeal for the retention of a replacement dwelling including a basement double garage and a 2.5m high boundary wall at Four Winds, Farley Common, Westerham. It was noted that the matter was previously presented to Committee on 10 March 2011, when Members authorised the service of an Enforcement Notice. Following receipt of further advice, the measures seeking the complete removal of the brick boundary wall were considered unreasonable, as the owner could erect a brick wall up to 2m in height without the benefit of planning permission.

The Committee considered the expediency of enforcement action to the basement garage and to require the reduction in height of the brick wall to a height not exceeding 2m in height.

Officers stated that they found that the basement garage/store, the associated access ramp and retaining walls and brick boundary represented inappropriate development harmful to the maintenance of the Green Belt and its openness. The works also adversely affected the visual amenities of the Green Belt and this part of the Area of Outstanding Natural Beauty.

Following questions, Officers reminded Members that although the only aspect of the enforcement application to change was the wall, Members still had to consider the matter in full.

A Member believed that the height of the wall would be little over 2m, if at all, on the side of the property, that enforcement would be disproportionate and that enforcement could cause significant damage to the property.

Officers explained that the options in the recommendation would provide Officers with flexibility over how enforcement took place.

Resolved: That authority is to serve an Enforcement Notice, subject to the Head of Legal and Democratic Services agreeing the wording of the terms of the Notice, requiring:

- (a) the reduction in the height of the brick boundary wall along the eastern boundary to a height not exceeding 2m above ground level.
- (b) the back filling of the basement garage structure with inert material and permanent closure of any internal access and permanent cessation of uses within the garage.
- (c) the breaking up and removal of the retaining walls adjacent to the access ramp to the garage and;
 - (i) The restoration of the original ground levels to the front north-eastern corner of the site, or;
 - (ii) The restoration of the original ground levels incorporating the approved parking layout under ref: SE/07/03532/FUL and SE/08/01003/DETAIL, or;
 - (iii) The implementation of an alternative scheme of restoring this part of the site to include a car parking layout, (i.e. not at the original ground level), details of which shall first have been submitted to and approved in writing by the District Planning Authority. Such details to include cross sections (both north-south and east-west), to show the original and proposed levels.

For the following reasons:

1 The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The developments comprising the retention of a 2.5m high wall and basement garage with access ramps, add to the built form on the land to a degree that is harmful to the character and appearance of the area. This conflicts with PPG2 (Green Belts) and policy H13 of the Sevenoaks District Local Plan.

2 The land lies within an Area of Outstanding Natural Beauty. The developments comprising the boundary wall and basement garage with access ramps, detract from the character and appearance of that area. This conflicts with policy L08 of the Sevenoaks District Council's Core Strategy Development Plan Document.

Compliance period: Six months

THE MEETING WAS CONCLUDED AT 9.36 PM

CHAIRMAN

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5.01 - SE/11/00776/FUL Date expired 20 May 2011

PROPOSAL: Demolition of existing dwelling and associated development, erection of replacement 1 - 2 storey detached dwelling, with garaging and parking facilities; associated works

LOCATION: Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH

WARD(S): Sevenoaks Eastern

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Town Council and at the request of Councillor Walshe who has concerns that the proposal could potentially have a detrimental impact upon neighbouring amenity.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

4) Soft landscape works shall be carried out before first occupation of the dwelling. The landscape works shall be carried out in accordance with the approved details.

To preserve the visual appearance of the area as supported by policy EN1 of the

Sevenoaks District Local Plan.

5) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

6) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

7) The garage and hard standing to the front of the house shown on the approved drawing number 10120-PL02 Rev B and 03 Rev B shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the garage and hard standing to the front of the house.

To ensure a permanent retention of vehicle parking for the property as supported by policy EN1 of the Sevenoaks District Local Plan.

8) The first floor windows in the south flank elevation of the dwelling shall be obscure glazed and non openable, apart from any top hung lights, at all times.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

9) No extension or external alterations shall be carried out to the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

10) No building, enclosure or swimming pool, other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

11) No development shall take place until details of the existing levels of the land, any proposed slab levels and any changes in levels have been submitted for approval. The development shall be carried out in accordance with the approved details.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

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- 12) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -
- i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and
 - ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, policies CC2 & CC4 of the South East Regional Plan & Policy NR1 of the Kent & Medway Structure Plan.

- 13) The development hereby permitted shall be carried out in accordance with the following approved plans: ORD SURV, 10120-PL01, 02 Rev B, 03 Rev B and 04 Rev B.

For the avoidance of doubt and in the interests of proper planning.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies CC1, CC4, CC6, H4, H5, T4 and LF1.

Sevenoaks District Local Plan - Policies EN1 and VP1.

Sevenoaks District Core Strategy 2011 - Policies LO2, SP1, SP2, SP5 and SP7.

The following is a summary of the main reasons for the decision:

The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.

Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by way of the conditions imposed.

Informatives

- 1) The applicant should be aware that it may be necessary for the entrance of the new dwelling to have a ramp installed up to it to comply with Building Regulations. If this is the case the applicant is encouraged to contact the planning department at the Council to check whether planning permission is required for the ramp.

Description of Proposal

- 1 The application seeks the approval of the demolition of the existing bungalow and the erection of a two storey detached dwelling. The proposed house would be sited in a similar position to that of the existing bungalow but would be re-orientated to face the plot frontage, whereas the bungalow currently faces a more south-easterly direction. The dwelling would be set 13m back from the plot frontage.

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- 2 The proposed house would be mainly square shaped in design with ground and first floor front projections, and several single storey and two storey rear projections. The main house would have a pitched roof, hipped to the flanks and a roof valley formed between the two large rear projections. The front projection would have a gable end.
- 3 The dwelling would have a height of 7m, a maximum width of about 14.3m and a maximum depth of 17.5m. The ridge height of the property would be 56.40m AOD.
- 4 The application proposes to use the existing access onto the site, which also serves Salterns, Dawning House and Summerhill to the north and west of the application site.

Description of Site

- 5 The site currently comprises a detached bungalow set a minimum of 10.5m back from the plot frontage. The site is located just to the north of the junction with Blackhall Lane and is one of a row of sites which faces those which define the edge of the Wildernesse Estate.
- 6 The bungalow is set within a plot similar in size and shape to that of Thornwood, the adjacent plot to the south, and other properties along Hillborough Avenue and Seal Hollow Road to the south. The majority of properties to the north of the site are accessed from Wildernesse Mount and front onto this street scene context rather than Seal Hollow Road. There is a mature and established tree and vegetation screen to Seal Hollow Road and the land generally rises up beyond this to meet Wildernesse Mount. Opposite these houses are much larger properties defining the western edge of the Wildernesse Estate. The level of landscaping is lessened with the majority of properties being clearly visible within the street scene context and generally follow an established building line set back from Seal Hollow Road.
- 7 There is a shared driveway access which runs between the application site and Dawning House, which also serves Salterns and Summerhill to the rear. Hillborough Avenue further to the south serves a range of properties to the west of the application site which visually step up the rising topography. The network of roadways of Hillborough Avenue, Wildernesse Mount and Seal Hollow Road provide a varying character of plot shapes, sizes and orientation surrounding Sealcot, many properties appear to sit in a tandem relationship to each other. There is variety in the size of property from single storey and split level properties at Sealcot and Thornwood, to more imposing three storey traditional properties of Hill House and Salterns.
- 8 The immediate neighbour to the south is Thornwood, which is a split level dwelling with a two storey central section and large single storey front and rear projections. This property has a flat roof with a height of about 6m, a ridge height of 55.25m AOD. and is sited approximately 2m from the shared boundary. To the north of Sealcot is Dawning House, a large two storey detached property which is divided from the application site by the shared access track and approximately 38m separation to the boundary of the application site. Dawning House possesses a ridge height of 58.07m AOD. To

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the west of the plot is Salterns, a large three storey semi-detached dwelling, which shares a boundary with the site treated with mature screening of trees.

- 9 The levels of the area are such that both Sealcot and Thornwood are slightly higher than the highway to the front, Sealcot is set slightly higher than Thornwood, and both Salterns and Dawning House are higher than Sealcot.
- 10 Members may recall an outline planning application heard at the Development Control Committee Meeting held on 17th February 2011 for the replacement of the two dwellings on Dawning House and Summerhill with four units, SE/10/02625/OUT. The Committee resolved to grant permission subject to the receipt of a signed legal agreement. To date this agreement has not been received and so no decision has formally been issued for the application.

Constraints

- 11 The site lies within the built confines of Sevenoaks.

Policies

South East Plan

- 12 Policies– CC1, CC4, CC6, H4, H5, T4 and LF1

Sevenoaks District Local Plan

- 13 Policies– EN1 and VP1

Sevenoaks District Core Strategy

- 14 Policies – LO2, SP1, SP2, SP5 and SP7

Others

- 15 Planning Policy Statement 1: Delivering Sustainable Development (PPS1)
- 16 Planning Policy Statement 3: Housing (PPS3)

Planning History

- 17 None relating to this application.

Consultations

Parish / Town Council

- 18 Comments from Sevenoaks Town Council – 21.04.11

‘Sevenoaks Town Council recommended refusal, due to the loss of residential amenity to Thornwood next door. Thornwood which is mostly single storey, and has living room windows on this side would be overshadowed by the two storey building.’

Representations

- 19 Six letters of representation have been received, three in support of the proposal and three have highlighted concerns regarding the following matters:

Loss of light

Impact on trees

Over bearing effect

Outlook

Overlooking

Loss of privacy

Visual impact

Highways safety

Over development of the site

Inaccuracies in the plans

Character and appearance of the area

Head Of Development Services Appraisal

Principal Issues

- 20 The main issues in this case are whether or not the site constitutes previously developed land, the principle of the development, the potential impact on the character and appearance of the street scene and the potential impact on neighbouring amenity. Other issues include the potential impact on highways safety and parking provision.

Whether or not the site constitutes previously developed land

- 21 With the recent revision to PPS3 it is necessary to determine whether or not the site falls within the category of previously developed land. The site comprises a detached dwelling and its residential curtilage, which lies within the built confines of Sevenoaks. The site therefore constitutes previously developed land in accordance with the definition held within PPS3.

Principle of development

- 22 The application comprises a replacement of an existing dwelling. Since this is the case the principle of the development is one that is acceptable provided the proposal complies with all other relevant policies.

Impact on character and appearance of the area

- 23 Policy EN1 states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also

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states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

- 24 In addition to this, PPS1 also emphasises the need to achieve good design standards for new development and a high quality of urban design in the wider context. This document recognises that design issues are matters of proper public interest and the relationships between buildings in their wider setting is often as important or more important than individual designs.
- 25 PPS3 also states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. In addition to this it also states that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.
- 26 As stated above, the dwelling would have a height of 7m, a maximum width of 14.3m and a maximum depth of 17.5m. This height is comparable to properties in the locality, with Thornwood having a maximum height of about 6m and Dawning House having a height of roughly 7-8m. The ridge heights across the three sites would read well, since they would rise from south to north with the gently rising levels of the plots.
- 27 The proposed siting and layout of the new dwelling would respect the existing pattern of development which fronts Seal Hollow Road, and which generally reflects a ribbon layout of built form. The position to the highway varies in this part of the street, but the proposed development would maintain a separation to the highway greater than that of the existing bungalow. The proposed house would also possess a similar overall width and depth to the existing bungalow, and would therefore have a similar plot coverage and a similar separation from boundaries of the plot and neighbouring properties.
- 28 The proposed house would therefore maintain the layout and pattern of development along Seal Hollow Road. As noted earlier there is variety in the pattern of built form around the site resulting from the network of roads to the. Accordingly, I do not concur with comments made by representations received that the replacement dwelling would harm the character and appearance of the area, would be over development of the site or would impact upon the visual amenities of the area. The area is generally well developed with varying plot sizes, orientation and size of property.
- 29 I consider that the proposed dwelling would maintain the existing scale, site coverage and density of built form within the surrounding area and would accord with the above policy requirements.
- 30 If the proposal recently heard by the Committee on the adjacent Dawning House and Summerhill site, or the development allowed by the Inspector on Dawning House, was built out the proposed house would continue to read well in the context of the street scene. The dwelling would possess a ridge height between that of Thornwood to the south and the proposed new dwellings on the Dawning House site, and would therefore continue to

respond well to the rise in levels along the street. The bulk and scale of the proposed house would also continue to fit in well with the property proposed to have a similar width to that of the two units proposed on the Dawning House site.

Impact on neighbouring amenity

- 31 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 32 Concern has been raised by the Town Council and the occupants of surrounding properties of the impact of the proposed development on their residential amenities, particularly those who live at Thornwood to the south of the site. The issues raised are loss of light, over bearing effect, impact on outlook, overlooking and loss of privacy.
- 33 The block plan submitted demonstrates that with the size of house proposed it would be possible to maintain sizable distances between the proposed house and neighbouring properties. The house directly to the north of the site, Dawning House, would maintain a distance of 27m to the flank of the proposed house and would be separated by the access drive, which serves Salterns and Summerhill. To the west of the site, Salterns, would maintain a distance of 37m. Both properties would continue to be situated on higher levels than the proposed property. Conditions could be incorporated into any approval of consent to confirm slab levels and a soft landscaping scheme to ensure that the potential impact of the house would be kept to a minimum.
- 34 It is acknowledged that Thornwood would be the property most affected by the proposed house since the dwelling would stand adjacent to the northern boundary of Thornwood. It is also acknowledged that the plan showing the internal layout of Thornwood is slightly inaccurate since it was taken from plans submitted to the Council in 2001. Since this time alterations have been carried out to Thornwood which means that the windows in the kitchen are not shown correctly and the store door no longer exists. Windows and doors to the family room and utility room are also incorrect, but this area of the house would be less affected by the proposal.
- 35 The kitchen now possesses two high level windows, one of which is likely to be partially affected by a overshadowing from the proposed house. However, the second window would remain unaffected and these high level windows are north facing and therefore provide the kitchen with a limited amount of light currently. In addition to this, the family room possesses a large roof lantern which provides a significant amount of light to this open plan part of the house and would continue to do so.
- 36 The majority of ground floor habitable rooms within Thornwood have a southern aspect, as well as a northern aspect, out of the windows which exist in the property. The exception to this are the kitchen and dining area, which possess windows that only face in a northerly direction towards Sealcot. However, the windows in the kitchen are high level and so the only view is upwards. As well as this, the proposed house would be sited roughly 6m from

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the flank of Thornwood which would provide sufficient separation for the dwelling not to be overbearing or impact outlook from the northern windows in Thornwood.

- 37 Finally, the proposed house would possess a number of ground floor south facing secondary windows and two first floor windows that would serve a bathroom. The ground floor arrangement is not an unusual relationship between adjoining properties. Thornwood may possess some primary windows that serve habitable rooms which face onto Sealcot. However, the flank windows in the proposed house would be secondary to those primary windows that face to the front and rear of the house. The bathroom windows at first floor level could be conditioned as part of any approval of consent requiring them to be obscure glazed and fixed shut to ensure that no overlooking or loss of privacy occurs.
- 38 Given the above, it is therefore considered that the proposed development would preserve the amenities of the occupiers of adjoining properties.

Other Issues

Parking provision and highways safety

- 39 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should provide parking facilities and should ensure satisfactory means of access for vehicles. Policy VP1 of the Sevenoaks District Local Plan requires that vehicle parking provision in new developments should be made in accordance with adopted vehicle parking standards.
- 40 The proposed integral garage would provide sufficient space for one vehicle and further provision for parking is made on the proposed hard standing to the front of the house. This would result in the provision of a minimum of three parking spaces which complies with current standards.
- 41 The proposal would also utilise the existing access onto Seal Hollow Road, the continued use of which would be entirely appropriate given the current use of this could replicate the possible vehicle movements from the proposed house.
- 42 It is therefore considered that the proposed scheme provides sufficient parking and would preserve highways safety.

Impact on trees

- 43 PPS9 states that "Aged or 'veteran' trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Planning authorities should encourage the conservation of such trees as part of development proposals."
- 44 One representation received highlights a concern regarding the impact of the proposed house a tree which stands on the shared boundary with Thornwood. This tree is not protected, the site does not fall within a Conservation Area

and the tree offers little in the way of amenity to the area since it sits behind larger trees that line the frontage of the plot.

- 45 Damage to this tree may occur as a result of the development taking place but since no protection is afforded to the tree its loss would not be detrimental to the area as a whole.

Inaccuracies in the plans

- 46 One representation received highlights a concern regarding inaccuracies in the plans submitted. The agent acting on behalf of the applicant has responded to state that no inaccuracies exist and that information has been accurately been taken from topographical surveys.
- 47 I have personally taken several measurements from the front of the plot including the width and the dimensions of the existing bungalow and each measurement has concurred with the plans submitted.

Access Issues

- 48 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development provides appropriate facilities for those with disabilities. The front elevation plan shows that the house would be accessed via a step up. The applicant can be notified by way of informative that if Building Regulations require a ramp up to the front door a further planning application may be required for these works.

Conclusion

- 49 It is considered that the proposed replacement house would preserve character and appearance of the area and neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block Plan

Contact Officer(s): Mr M Holmes Extension: 7406

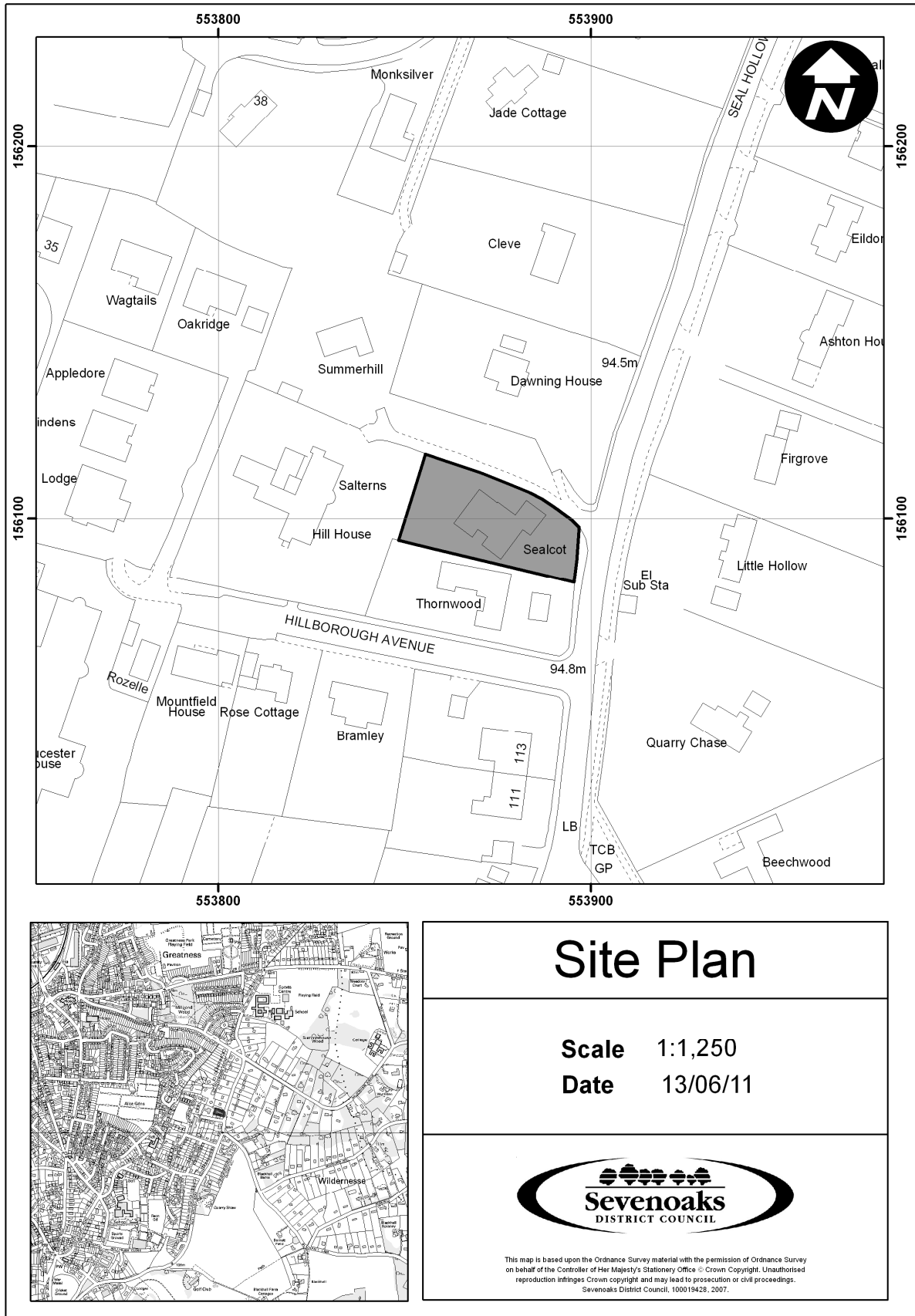
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LIRHRBBK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LIRHRBBK0CR00>

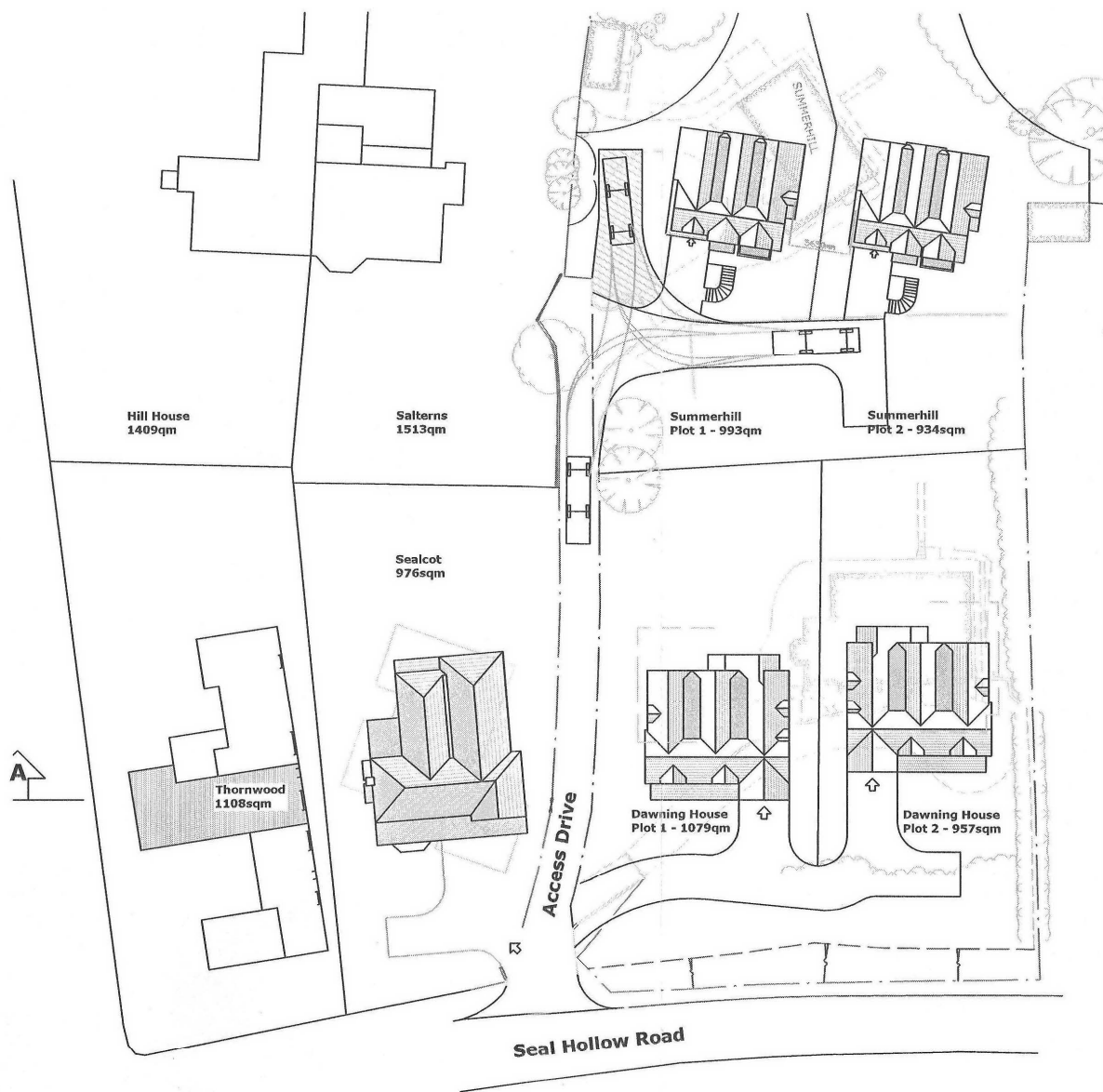


Site Plan

Scale 1:1,250
 Date 13/06/11



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PROPOSED DEVELOPMENT IN CONTEXT

5.02 – SE/11/00966/FUL Date expired 13 June 2011

PROPOSAL: Demolition of existing property and outbuildings and construction of a detached 5 bed house with double garage.

LOCATION: Stag Cottage, Ryewell Hill, Chiddingstone Hoath
Chiddingstone TN8 7BN

WARD(S): Penshurst, Fordcombe & Chiddingstone

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Patrick Cook, who considers the design and bulk of the proposed replacement dwelling to be contrary to Local Plan policies.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) The first floor window(s) in the south west facing side elevation(s) shall be obscure glazed at all times.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) Prior to the commencement of the development hereby approved, details showing the use of anti-glare glazing to the south eastern side elevation to control any light pollution resulting from the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and thereafter maintained as such.

In the interests of residential amenity and the visual amenity of the area in accordance with Policy EN1 of the Sevenoaks Local Plan.

5) No development shall be carried out on the land until samples of the materials to be used in the construction of the hardstanding (drive way) hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To safeguard the appearance of the area

6) No development shall be carried out on the details of the proposed new access gates and fencing hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved details

To safeguard the appearance of the area

7) No window(s) or other opening(s) shall be inserted at any time in the south west elevation(s) of the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) No extension or external alterations shall be carried out to the dwelling hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt and unacceptable impact upon the Area of Outstanding Natural Beauty as supported by Policy EN1 of the Sevenoaks District Local Plan.

9) No building or enclosure other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt and unacceptable impact upon the Area of Outstanding Natural Beauty as supported by Policy EN1 of the Sevenoaks District Local Plan.

10) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority –

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1 and Policy SP2 of the Core Strategy

11) The development hereby permitted shall be carried out in accordance with the levels shown on drawing 4151-PD-002 Rev A.

In the interests of visual amenity and residential amenity, as supported by Policy EN1 of the Sevenoaks District Local Plan.

12) The development hereby permitted shall be carried out in accordance with the following approved plans: 4151-PD-001 A, 4151-PD-002 A, 4151-PD-003 A, 4151-PD-004 A, Site Survey r854

For the avoidance of doubt and in the interests of proper planning

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policy CC6

Sevenoaks District Local Plan - Policies EN1, H13

Sevenoaks District Core Strategy 2011 - Policies SP1, SP2.

The following is a summary of the main reasons for the decision:

Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by way of the conditions imposed.

The development would respect the context of the site and would not have an unacceptable impact on the street scene.

Description of Proposal

- 1 It is proposed to demolish the bungalow and detached garage and replace it with a two storey five bedroom property, similarly sited to front the road but set back slightly from the existing bungalow.
- 2 The property will have a basement.
- 3 This application is a resubmission of a similar scheme (SE/11/00138/FUL) which was withdrawn.
- 4 This current proposal has attempted to overcome the issues raised for the previous scheme by reducing the height of the replacement property to no higher than the existing bungalow ridge (by sinking the property into the site by 1.2m), reducing the scale of the basement and making it completely subterranean and reducing the amount of fenestration and roof pitches in an attempt to simplify the design.

Description of Site

- 5 The application site lies within Chiddingstone Hoath, within the Metropolitan Green Belt and an Area of Outstanding Natural Beauty. The site is located approx 100m from the Hoath Corner Conservation Area.
- 6 The site relates to an existing detached bungalow (and detached garage) in a large plot of approx 0.122ha that slopes slightly down towards the rear of the site (to the south east).
- 7 The bungalow has been previously extended by a rear conservatory and additional internal first floor accommodation.

Constraints

- 8 Metropolitan Green Belt
- 9 Area of Outstanding Natural Beauty

Policies

Sevenoaks District Local Plan

- 10 Policies - EN1 Development Control – General Principles, and HR13 – Replacement Dwellings in the Green Belt.

Sevenoaks Core Strategy

- 11 Policies SP1 – Design of new Development and Conservation and SP2 – Sustainable Development

Others

- 12 Planning Policy Guidance 2

Planning history

- 13 SE//79/2130 Extension and double garage at side/alterations, formation of rooms in roof space with dormer windows at side. Refused
- 14 SE/80/27 Extension and detached double garage at side of dwelling and extension of dormer windows to side and rear. Withdrawn
- 15 SE/98/80 Conversion of roof space into living accommodation, dormer windows, study and garage. Refused.
- 16 SE/11/00138/FUL Demolition of existing property and outbuilding and construction of a detached 5 bed house with linked double garage. Withdrawn

Consultations

- 17 None received.

Representations

- 18 Neighbours - 25 letters of objection have been received, which are summarised as follows:

The building, due to its scale and amount of glazing would be quite out of keeping with this rural area of natural beauty and all other dwellings in this hamlet

It surely conflicts with Green Belt and AONB policies

The proposal would completely dominate the approach to Chidingstone Hoath.

The overpowering size of the proposal together with the numerous balconies and large windows would mean that the four adjacent houses would be completely overlooked and lose all privacy

Granting permission for anything approaching this scale would set a dangerous precedent for the future destruction of this rural area.

SE/11/00966/FUL

The proposal would be infinitely more obtrusive than the existing dwelling.

None of the properties on that side of the road are two storeys tall.

Having such a large house backing onto open fields is inappropriate and would also be a visual intrusion approaching Hill Hoath, a Conservation Area.

Given the lack of detail and objective evidence, the calculations for the original floor space of the property cannot be verified or validated.

The historic evidence submitted must be disputed and does not accord with the plan drawn by the lady who lived there at the time.

The property would completely overshadow my property

Other properties in the area have had to strictly abide by planning policies

The resultant garden space for the property is unsuitable for a property of 5 bedrooms

The proposal conflicts with Policy EN1, EN6 and H13 of the Local Plan.

The proposed property will totally overlook the rear garden of Squirrels and will have an enclosing and detrimental impact upon the openness and sense of privacy which the two properties currently enjoy.

The numerous remaining windows will lead to light pollution

The development and build will lead to unacceptable disruption for residents and wildlife

The existing hedge to the front is not evergreen and the proposed development will impact our views from most of our rooms.

The property would overlook my property opposite.

Our outlook will not be the same as we currently enjoy.

We will experience overshadowing and loss of light.

The submitted Design and Access statement contains inaccuracies with regards to the front boundary hedge. It is not evergreen.

The design of the proposed courtyard area will lead to unacceptable noise encroachment.

There is no measurements on the drawings.

The outbuildings shown on the historic maps may have no foundations and therefore should not be included in any floor space calculations.

Head of Development Services Appraisal

- 19 The main considerations of this application are:
- Principle of development – The impact upon the Green Belt
 - Impact upon character and appearance of the area (ANOB)
 - Impact on the amenities of adjacent properties
 - Access issues

Appropriate development in the Green Belt?

- 20 The application site lies within the Green Belt. National planning policy guidance relating to Green Belt is set out in Planning Guidance Note 2 – Green Belts (PPG2). This document states that the primary purpose of the Green Belt is to keep land open to prevent urban sprawl and to safeguard the countryside. The document states that there is a general presumption against inappropriate development, where the openness of the countryside/landscape would be adversely affected.
- 21 Policy H13 of the Local Plan relates to proposals for replacement dwellings in the Green Belt and lists a number of criteria with which proposals must comply. Amongst other things, these include that the gross floor area of the replacement dwelling must not exceed the gross floor area of the “original” dwelling (as first built or as stood in 1948) by more than 50%. The replacement dwelling must be well designed, sympathetic to the character of the area, and sited and designed to minimise the visual intrusion into the landscape.
- 22 PPG2 states that there is a general presumption against inappropriate development within the Green Belt. Therefore such development should not be approved unless there are very special circumstances.
- 23 According to the applicants statement, the existing bungalow had a floor space of 103m² (measured on plan as approx 100m²). The application has also included a historic map dated 1936-1937 which shows three large outbuildings to the side and rear of the bungalow. This drawing matches that of 1922-1969 historic drawings on the council records, and the council has no information to contradict this submitted drawing, and the approximate floor space of these outbuildings, given (in total) as 92m².
- 24 Therefore, taken on face value, and again, the Council has no information to contradict this, the approximate total floor space as stood in 1948 is 195m².
- 25 50% of 195 is 97.5m², and therefore the maximum allowed replacement dwelling would be 292.5m².
- 26 The submitted ground floor plans show a floor space of approx 119m².
- 27 The submitted first floor shows a floor space of approx is also 119m².

- 28 In addition to this there is a detached double garage (connected by a pergola which is not included in the above floor space calculations) which measures 32.5m², and a basement, which measures 21m².
- 29 This gives a total of approx 291.5m² (this is less than the 292.5m stated in the Design & Access statement.
- 30 Therefore, on balance, in accepting the floor plan calculations as given for 1948 to be reasonable, the proposed dwelling is considered to comply to the above policy and represents appropriate development in the Green Belt

Impact upon the character and appearance of the area

- 31 Policy EN1 (from SDLP) and CC6 from (SEP) state that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard and that the proposed development should not have an adverse impact on the privacy and amenities of a locality.
- 32 Criterion 5 of Policy H13 also requires the replacement dwelling to be well designed and sympathetic to the character of the area and to minimise visual intrusion.
- 33 The existing bungalow is of little architectural merit and does not positively contribute to the character or appearance of the area. Whilst the development on this side of the road is mainly single storey (with some roof dormers) in nature, directly opposite the application property is a two storey semi detached, and there is no specific uniformity in design.
- 34 The site is particularly prominent as it is the first property on the left when reaching the village from the north, and can be viewed from a substantial distance.
- 35 The proposed dwelling, whilst two storey, is of a height that is no higher than the existing bungalow, and is set below (mostly due to the slope of the land) its adjoining neighbour, Squirrels. Whilst there is additional massing then, the impact is considered acceptable.
- 36 The design of the property includes a lot of fenestration and a numerous barn hips. Whilst the numerous projections result in a reduction in the visual massing of the building, it does result in a particularly individual, slightly complex design.
- 37 The materials to be used, clay tiled roof, clay tile hanging, timber framed windows and multi stock brickwork appears suitable for the location.
- 38 Given the lack of uniformity (in design as well as materials used) in the street scene, it is, on balance, considered that the proposal would not detract from the street scene, or, given its limited height, the AONB.

- 39 Therefore it is considered that this proposal complies with the above policies and is considered appropriate development within the Green Belt and will not detract from the Area of Outstanding Natural Beauty.

Impact upon residential amenity

- 40 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 41 The proposed dwelling will be sited further back in the plot than the existing bungalow, with its detached double garage to the front sited no nearer the highway than the existing bungalow. However, the proposed property will extend to the rear by a further 4.6m approx. This will bring the rear elevation to roughly be in line with that of the adjoining neighbour, Squirrels.
- 42 The property will be sited approx 5.1m from the side elevation of Squirrels (save for the single storey garage to the front, sited 3.1m from this property), compared to the existing 3.6m approx separation distance. The property will sunk into the site by 1.2m thereby being no higher than the ridge (and on this side elevation, the eaves) of the existing bungalow, which, given the slope of the land, is lower than the ridge of Squirrels.
- 43 This neighbouring property has one side elevation window facing the application property, and this serves a hallway/staircase (not a habitable room).
- 44 It is therefore considered that any additional overbearing or overshadowing impact from the increase in massing immediately adjacent to this neighbour (due to the re-siting of the property back into the plot) would not be sufficient to warrant a recommendation of refusal in this instance.
- 45 The properties opposite, No 1 and 2 Ryewell Cottages, are sited approx 29m from the re-sited property (21m to the single storey garage) and therefore it is not considered that the proposed property will have an unacceptable impact in terms of overbearing and overshadowing, upon these neighbours.
- 46 Turning to overlooking, the proposed dwelling will have two small first floor side elevation windows directly facing Squirrels. These serve two en-suite bathrooms and are indicated as obscure glazed. A condition is recommended to ensure this and prevent unacceptable direct overlooking. This side elevation also has four roof lights, however given their height, it is not considered that they should be obscure glazed.
- 47 The proposed rear elevation has a set of large French doors serving the master bedroom sited approx 5m from the boundary. This window faces directly down the rear garden, and whilst nearer to the boundary and set back from the current first floor window, it will be lower in height than this window (due to the property being set down into the plot), and given the angles of both properties, will only offer oblique overlooking (over the existing established 2m approx boundary hedge) of the rear amenity area of Squirrels.

- 48 On balance therefore, it is not considered that this window will have a sufficiently detrimental overlooking impact upon this neighbour to warrant a recommendation of refusal in this instance.
- 49 As stated above, there will be a separation distance of approx 29m from the first floor fenestration to the properties opposite the site, 1 and 2 Ryewell cottages. There are no locally adopted minimum distance guidance, however as a guide it is generally accepted that a suitable distance for back to back first floor fenestration is 21m. Given this distance therefore, it is not considered that the potential overlooking to the front fenestration of these neighbouring properties is unacceptable.
- 50 Therefore this proposal would comply with policy EN1 of the Local Plan in this regard.

Access

- 51 The proposal would utilise the existing access from the existing lane however the access will be widened by cutting back the existing boundary hedging and introducing new gates. The new gates are similar in height to the existing (1.8m) but will be set back from the highway. However given the design and siting of the fencing, which arches around to 1m from the highway, it would require planning permission. A condition requiring details of this fencing/gates to be submitted and approved is recommended.
- 52 In terms, of parking provision, a two bay garage is proposed as well as the extensive hard standing to the front of the property, and therefore it is considered there is sufficient off road parking provided.

Other issues

- 53 The Parish Council object to the proposal and consider the proposal contrary to the provisions of Policies H13 and EN1. This issue is addressed above. In terms of the issue raised regarding light pollution, it is considered that a condition is appropriate for the fenestration on the north east facing elevation, facing the paddock and open land beyond, to use anti-glare fenestration to limit and control any light pollution escaping this elevation, given its prominent siting.
- 54 Notwithstanding the above, 25 letters of objection have been received, and the material planning considerations have been addressed above. With regards the submitted plan of the former owner of the application property, this drawing is based upon memory alone, cannot be scaled, is not dated (in the sense of when it is supposed to relate to), and is not accompanied by a sworn affidavit. Therefore, it is considered that this drawing carries little weight as to determine what the original dwelling was in 1948.
- 55 The issues raised regarding the impact upon views and the potential disturbance of a build in this location, unfortunately these are not material planning considerations, as are the lack of measurements on the drawings, as they are drawn to scale, which is clearly shown. It is not considered that an outdoor courtyard area or terrace will have an unacceptable noise impact.

There is no exact policy size requirement for domestic gardens, and in any case, it is considered that the remaining rear garden area is more than adequate. With regards to the foundations of the historic outbuildings, Policy H14 makes no reference to this, only that the structures should be '*a garage or domestic outbuilding incidental to the enjoyment of the dwelling*'.

- 56 Finally, the fact that the front boundary hedge appears to be deciduous rather than evergreen is noted but is not considered to have an effect on the determination of this application.

Conclusion

- 57 In summary, the proposal complies in principle with PPG2 and Policy H13 of the Sevenoaks District Plan, and is not considered to detract from the openness of the Green Belt, or from the visual amenities of the street scene or Area of Outstanding Natural Beauty. The proposal therefore also complies with Policy En1 of the Local Plan And SP1 of the Core Strategy.

Recommendation

- 58 Approve

Background Papers

Site and Block Plans

Contact Officer(s): Ben Phillips Extension: 7387

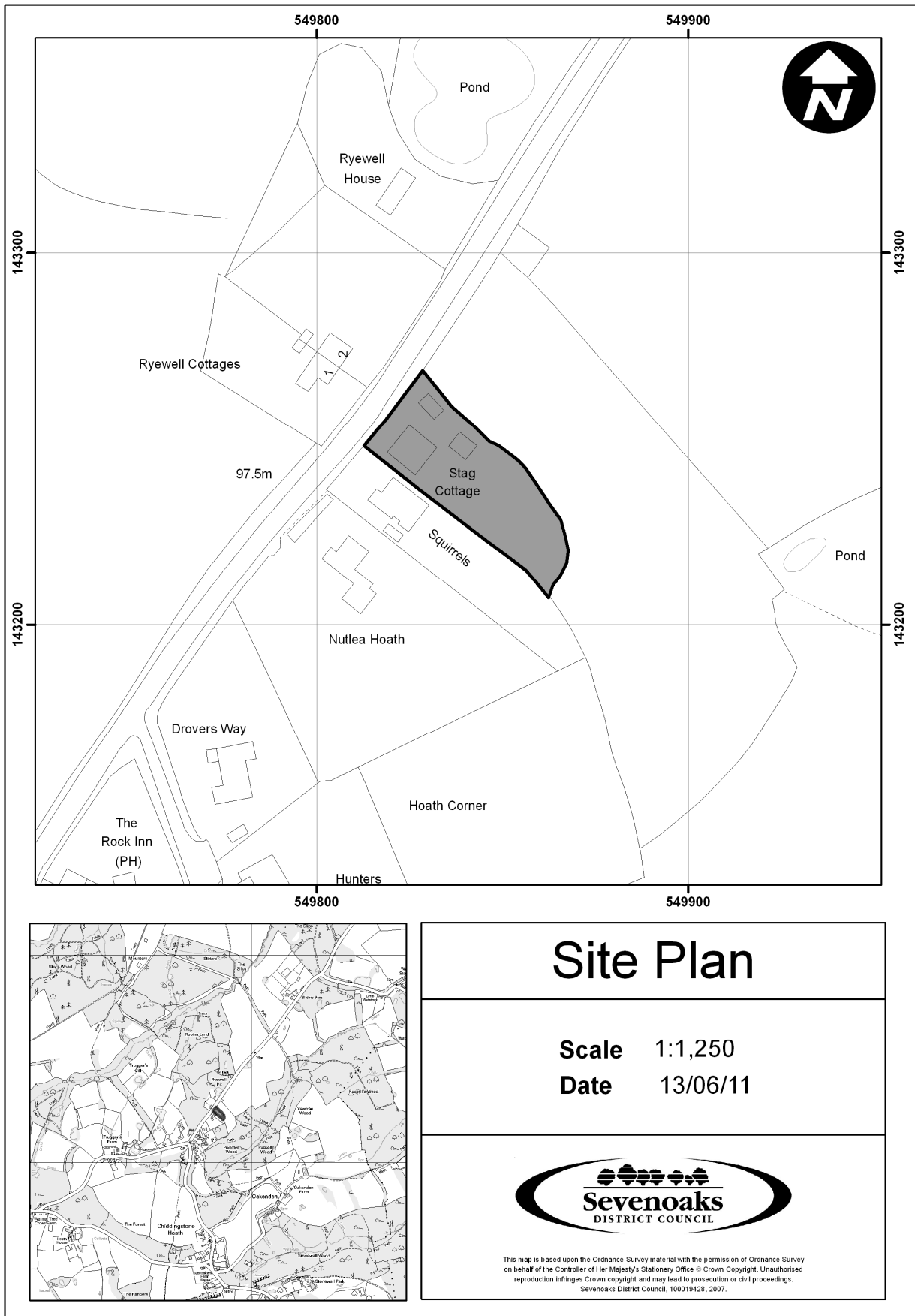
Kristen Paterson
Community and Planning Services Director

Link to application details:

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5.03 – SE/11/01277/FUL Date expired 14 July 2011

PROPOSAL: Demolition and rebuilding of existing garage and utility room incorporating new WC. Resubmission of application SE/10/03230/FUL. New information showing areas and temporary building identified. Retrospective

LOCATION: Longmynd, Greenlands Road, Kemsing TN15 6PG

WARD(S): Kemsing

ITEM FOR DECISION

The application has been called to Development Control Committee by Councillor Stack who feels that the development is appropriate in the Green Belt as there are very special circumstances which outweigh the policy objection.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The land lies within the Green Belt where strict policies of restraint apply. As the site is within the Green Belt but not within an Area of Outstanding Natural Beauty there is no policy provision for the proposed development. Therefore the development is inappropriate and harmful to the maintenance of the character of the Green belt and to its openness. No very special circumstances have been put forward that outweigh this harm. This conflicts with policies SP5 of the South East Regional Plan, LO8 of the Sevenoaks Core Strategy and H14B of the Sevenoaks District Plan.

Description of Proposal

- 1 The application is for the retrospective replacement of a garage and utility room incorporating a new WC. Resubmission of SE/10/03230/FUL. New information has been submitted showing areas and a temporary building has been identified.

Description of Site

- 2 The site includes a semi detached bungalow within the Green Belt on the edge of Kemsing.
- 3 Greenlands Road is a quiet residential street which ends in a hammer head. The road has a mix of detached and semi detached dwellings, and is mostly bungalows with some two storey dwellings to the south.
- 4 Longmynd has been previously extended with a single storey extension to the rear, and a conservatory added on to this. The existing garage which is the subject of this application is to the south of the dwelling house and set slightly to the rear.

Constraints

- 5 Metropolitan Green Belt.

Policies

South East Regional Plan

- 6 Policies – SP5 and CC6

Sevenoaks District Local Plan

- 7 Policies - EN1, H6B, H14B

Sevenoaks Core Strategy:

- 8 Policies - SP1, LO8

National Policy

- 9 Planning Policy Guidance Note 2: Green Belts

Planning History

- 10 SW/5/63/386 – Extension to living room and addition of study. Approved.
- 11 98/00726/HIST - Ground floor front extension. GRANTED
- 12 10/03230/FUL - Demolition and rebuilding of existing garage and utility room incorporating new WC. REFUSED

Consultations

Parish Council

- 13 Recommend APPROVAL.
- 14 The land lies within the Metropolitan Green Belt and we understand that by not including the conservatory this proposal now falls within the 50% enlargement rule.

Representations

- 15 Four neighbours were consulted and a site notice was posted on the 6 June. No responses have been received for this application, however the consultation period expires on 23 June, which is after the deadline for this report to be drafted. Neighbour representations will be added to the late observations if they are received.

Head Of Development Services Appraisal

Principal Issues

- 16 The current application is a resubmission of SE/10/03230/FUL which was refused for the following reasons:

The land lies within the Green Belt where strict policies of restraint apply. As the site is within the Green Belt but not within an Area of Outstanding Natural Beauty there is no policy provision for the proposed development. Therefore the development is inappropriate and harmful to the maintenance of the character of the Green belt and to its openness. No very special circumstances have been put forward that outweigh this harm. This conflicts with policies SP5 of the South East Regional Plan, LO8 of the Sevenoaks Core Strategy and H14B of the Sevenoaks District Plan.

- 17 The principal issues in this instance are:

That the proposal is not in accordance with policy H14B of the Sevenoaks District Plan

The impact on the openness of the Green Belt.

The affect on the character of the existing dwelling and the wider street scene.

The impact on the amenities of neighbouring properties, including loss of light, privacy and outlook.

Appropriate development within the Green Belt

- 18 The main issues in determining this application are whether the development is appropriate for the Green Belt and if not what the impacts are on the character and openness of the Green Belt and whether there are any special circumstances that would allow it. Other issues including the impact on the character and amenity of the local area, impact on residential amenities will also be considered.
- 19 PPG2 states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt. The construction of new buildings inside the Green Belt is inappropriate unless, amongst other things, it is for the limited extension to an existing dwelling.
- 20 Policy H14B of the Sevenoaks District Local Plan adds to this stating that *'the erection of buildings and enclosures within the residential curtilages of dwellings within Areas or Outstanding Natural Beauty, but outside the confines of any town or village shown on the proposals map, must not conflict with the Green Belt policy'*
- 21 Longmynd is within the Green Belt, but not within an Area of Outstanding Natural Beauty. Therefore, there is not a policy provision within the

Sevenoaks District Plan that applies to this type of development. It is therefore inappropriate development within the Green Belt.

Any other harm

- 22 The garage that is the focus of this application replaces an existing garage/utility room. The existing garage has been extended by 1 metre in length, and the utility room by 0.3 metres in length, as well as the width being increased so its walls are level with those of the garage. There will also be some differences in height, the pitched roof element to the front of the garage has been altered and will now be 4 metres in height. But this will be concentrated to the front of the building. The majority of the building has a flat roof and will be 2.7 metres in height.
- 23 The height of the previous garage has not been supplied but photographs of the site estimate it at an average of 3 metres in height. The old garage also had a shallow roof which did not reduce its bulk to a significant amount.

Affect on the dwelling house and street scene

- 24 The new garage is visible from the street scene, however it will be set back behind the existing building line of the dwelling house. Therefore it will not have an overbearing affect on the street scene. Most of the properties along this stretch of Greenlands Road have added either detached or attached garages. Some of these were granted permission in the 1970's (including those at Maranello under planning reference number SE/75/0324 and Adelaide under planning reference number SE/79/0804) however, it appears that some have been built either without formal planning consent, or under permitted development rights. These garages vary in both the materials and styles used. It is felt that the proposal will not be out of keeping with the wider area.
- 25 In terms of the existing dwelling house the proposal will still appear subsidiary as it will have a lower height than the main dwelling. The property has already been extended to the rear, and therefore the character has already been altered in part.

Affect on the neighbouring properties

- 26 The neighbour most likely to be affected by the proposal is Anderida to the south of the site. The property has a garage of its own on the shared boundary which is adjacent to the garage at Longmynd.
- 27 Concerns have been raised about the impact of the garage on the kitchen window on the side elevation of Anderida which is on the elevation facing the garage at Longmynd. The 25 degree test for daylight on facing elevations has been conducted and the new garage passes. In addition a kitchen window is not considered to be a habitable room, and therefore any loss of light would not be sufficient to warrant a refusal.
- 28 Concerns have also been raised about the loss of privacy at Anderida due to the window on the rear elevation of the new utility room. It is acknowledged

that this window is close to the existing shared boundary. However given that the window will serve a utility room and not a habitable space any overlooking caused is likely to be negligible. In addition, given the position of the window and the existing boundary treatment there will be some screening which will reduce any impact.

Very special circumstances

- 29 There is some scope for the replacement of existing buildings on a like for like basis. This would require, however, a new building to be similar in appearance, bulk, footprint and height to the building that it is replacing. Given that the garage has a larger footprint than the one that was demolished and appears to have a higher roof at the front, this does not apply in this instance.
- 30 As a further case for very special circumstances the revised application makes an argument for a conservatory to the rear of the dwelling as a temporary structure, and therefore excludes it from their calculations. However, in case law (specifically *Cheshire CC vs. Woodward and Barvis Ltd. V Secretary of State for the Environment*) the conservatory cannot be counted as a temporary structure due to its size, permanence and physical attachment.
- 31 Information submitted with the application states that the applicant considers the conservatory to be temporary as it has no proper footings and is built straight off the original patio. Informal correspondence with Cllr. Stack has stated that the conservatory is bolted to the main dwelling and could be demolished in half a day and removed.
- 32 This means that the physical attachment of the structure to the ground could be questioned. This evidence has been considered, however, it is still felt that with reference to the case law above, that the conservatory is considered a permanent fixture on the site as aerial photographs show the conservatory in position from 2001-2003. I would argue that due to its size, permanence, position and function it forms part of the site. As stated above the reason for refusal given in the previous application was that there was no policy provision in the Sevenoaks District Plan for outbuildings that are in the Green Belt, but not in an Area of Outstanding Natural Beauty. It is therefore inappropriate development. Although the extensions do exceed 50% of the original floor area of the dwelling house this was not the original reason for refusal. The very special circumstances proposed are not sufficient to outweigh the objection on policy grounds.
- 33 Permitted development can also be considered a material consideration in these cases. Although there is scope for some outbuildings to be built under permitted development at the site. As the existing garage is within two metres of a boundary and exceeds 2.5 metres in height it does not constitute permitted development.

Conclusion

- 34 Given the above the proposal represents inappropriate development in the Green Belt as it is not within the policy provision of the Sevenoaks District Plan. There are no very special circumstances to outweigh this harm.

Background Papers

Site and Block Plans

Contact Officer(s): Deborah Miles Extension: 7360

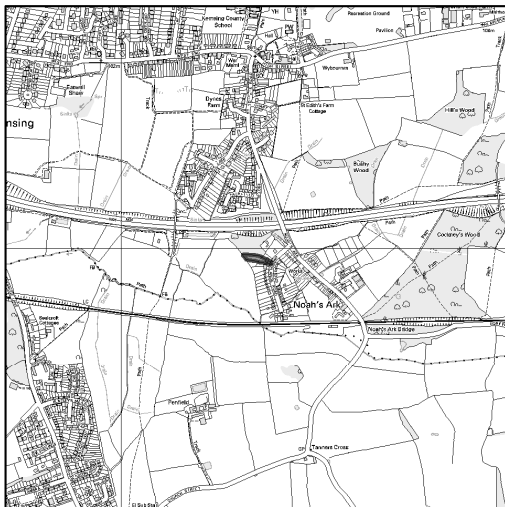
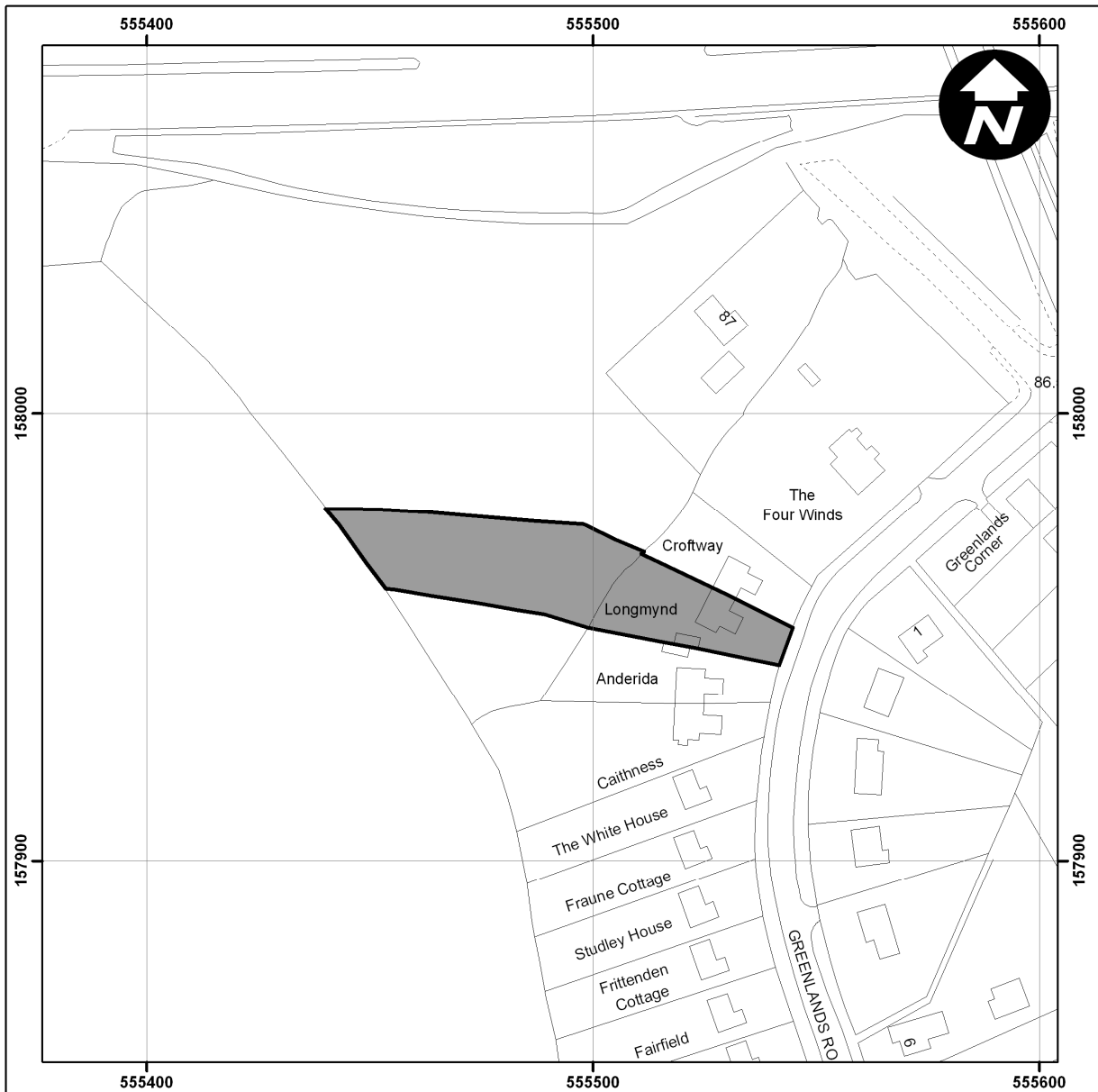
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=LLFKS9BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LLFKS9BK8V000>



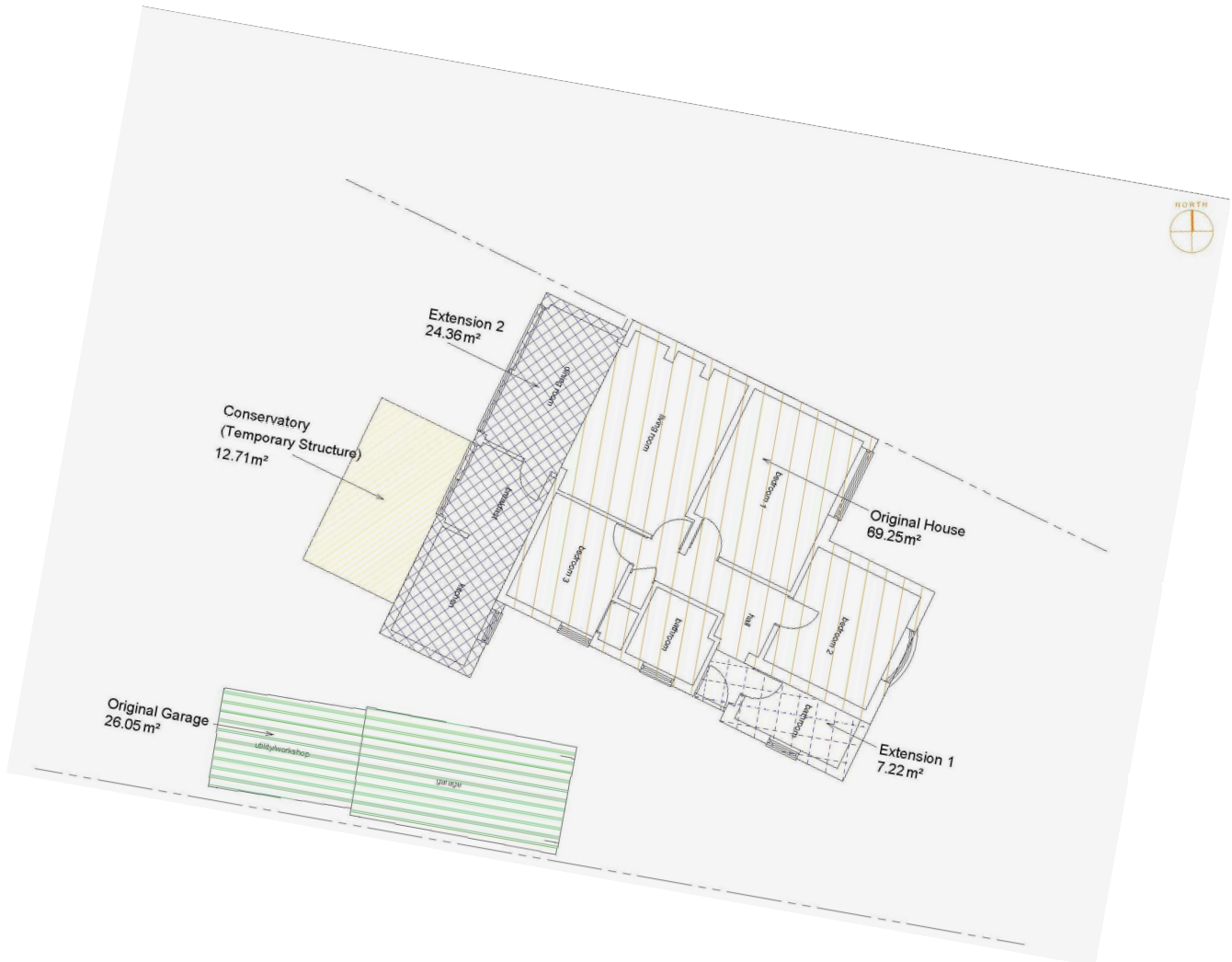
Site Plan

Scale 1:1,250

Date 13/06/11



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5.04 -SE/11/01105/PART11 Date expired 23 June 2011

PROPOSAL: Replacement of the station footbridge

LOCATION: Eynsford Railway Station, Station Road, Eynsford
DA4 0HP

WARD(S): Eynsford

ITEM FOR DECISION

Councillor Horwood has referred the application in to Development Control Committee as he feels the size and scale of the bridge is incompatible with the surrounding area.

RECOMMENDATION: No Objection Lodged

Description of Proposal

- 1 The proposal is to replace the existing railway footbridge. The existing Exmouth bridge is single span and made of concrete. It has a design defect which makes the bridge at Eynsford, and other bridges around the country, susceptible to failure. In 2005 a structural survey was carried out and it was found that there was spalling to the support trestles of the bridge, stair stringers, main span and other areas of corrosion. Therefore it is neither practical or economically viable to conduct repairs to the bridge.
- 2 The new bridge will be positioned 21.5 m the south of the existing bridge. It will be 6 metres above the platform and will incorporate stair ways to the rear of the station, and to the front, where the ramp will extend into the station car park.
- 3 The proposed footbridge will be modern in appearance and made predominantly of steel.

Description of Site

- 4 The site is on the southernmost end of Eynsford before the village boundary gives way to the A225 and the surrounding Countryside.
- 5 The station is situated at the bottom of Eynsford Rise, a well populated road, on a slope which rises up to the south east. Eynsford Rise is characterised by two storey detached dwellings set close together. There are no footpaths, but there is associated street furniture in the form of lamp posts and telegraph poles.
- 6 The station building, itself, is enclosed by trees to the west and south but is open on the other two sides. The station building is two stories and made of brick. There is a car park to the front, which apart from the surrounding trees has minimal landscaping.

Constraints

7 Area of Outstanding Natural Beauty

8 Metropolitan Green Belt

Policies

South East Regional Plan

9 Policies – CC6, SP5

Sevenoaks District Local Plan

10 Policy – EN1

Sevenoaks Core Strategy

11 Policies – SP1, LO8

Other

12 Planning Policy Guidance Note 2: Green Belts

Planning History

13 97/02001/HIST - Use of land as a two pitch site for the stationing of 2 gypsy residential caravans per pitch. Amended by plans accompanying agents letter dated 3.11.97. REFUSED.

Consultations

Parish Council

14 The Parish Council object to the application on the following grounds:

- the size and scale of the bridge, as it is out of character with the station buildings and inappropriate in a rural area, that councillors object to the loss of trees, to the loss of car park spaces and about the fact that disabled access is not included.

Representations

15 Six neighbours have been consulted and a site notice was put up on 12 May 2011. No representations have been received.

Head Of Development Services Appraisal

Principal Issues

16 This application is made on behalf of Network Rail to ascertain whether prior approval for the footbridge is required.

SE/11/01105/PART11

- 17 It is important to highlight that this is not a planning application, as under the Town and Country (General Permitted Development) Order 1995 (as amended), the proposal is considered to fall within the permitted development limits of Part 11, which makes provision for development authorised by a local or private Act or Parliament, in this case the Sevenoaks Railway Act 1859, which incorporated the Railway Clauses Consolidation Act 1845 (section 1) that includes the powers of alteration and substitution.
- 18 Part 11 states that prior approval is not to be refused by the Local Authority, nor are conditions to be imposed unless they are satisfied that;
- (a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
 - (b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.
- 19 Therefore the principal issues in this case are the siting and design of the proposed bridge.
- 20 Given the layout of the train station, and the length of the platforms it is felt that the siting of the bridge is not inappropriate. In addition the options for the layout of the bridge and associated stairs are limited. The current siting has been arranged to work with the existing station buildings, and to be convenient for people using the station.
- 21 The Parish Council has raised concerns to both the loss of car parking space and the lack of disabled access. Four parking spaces will be lost as part of the proposal, and whilst I note that this will result in some additional on street parking in the locality of Eynsford Rise, Part 11 of the Permitted Development Order does not give powers to the LPA to object on these grounds. In addition, the lack of disabled access is also something that cannot be considered under Part 11.
- 22 The appearance of the proposed footbridge will be modern, however the station building and associated development are also modern in appearance. Therefore it is felt that the proposed footbridge will not be an incongruous addition to the site. In addition the existing footbridge, although smaller than what is proposed, is a bulky and unattractive addition due to the density of the materials used in its construction. The proposed footbridge will have trestle supports beneath, and rails on the stairways which open up its appearance to its surroundings. Therefore given the design and the siting of the footbridge on the edge of the village, I do not feel that it will have an unacceptable impact on the openness of the Green Belt.
- 23 The proposal may result with the loss of trees to the west of the site. However there is a distance of approximately 19m between the station and the A225 and there will still be trees and landscaping in place outside the Network Rail Boundary. In addition the type of development is appropriate in this context and due to its location at the bottom of Eynsford Rise, its impact

on the surrounding area will be reduced. Given this it is not felt that the impact on the AONB will be sufficient to warrant an objection.

- 24 The footbridge will be galvanised and colour coated grey. The Council would not normally seek to raise objection to a colour finish particularly as this could be changed at any point without further consent.

Conclusion

- 25 For the reasons stated above, the proposal is acceptable in terms of siting and appearance and I therefore recommend that prior approval be given for the development.

Background Papers

- 26 Site and Block Plan

Contact Officer(s): Deborah Miles Extension: 7360

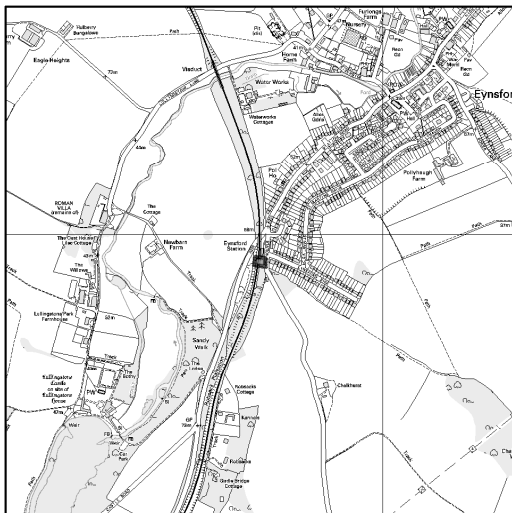
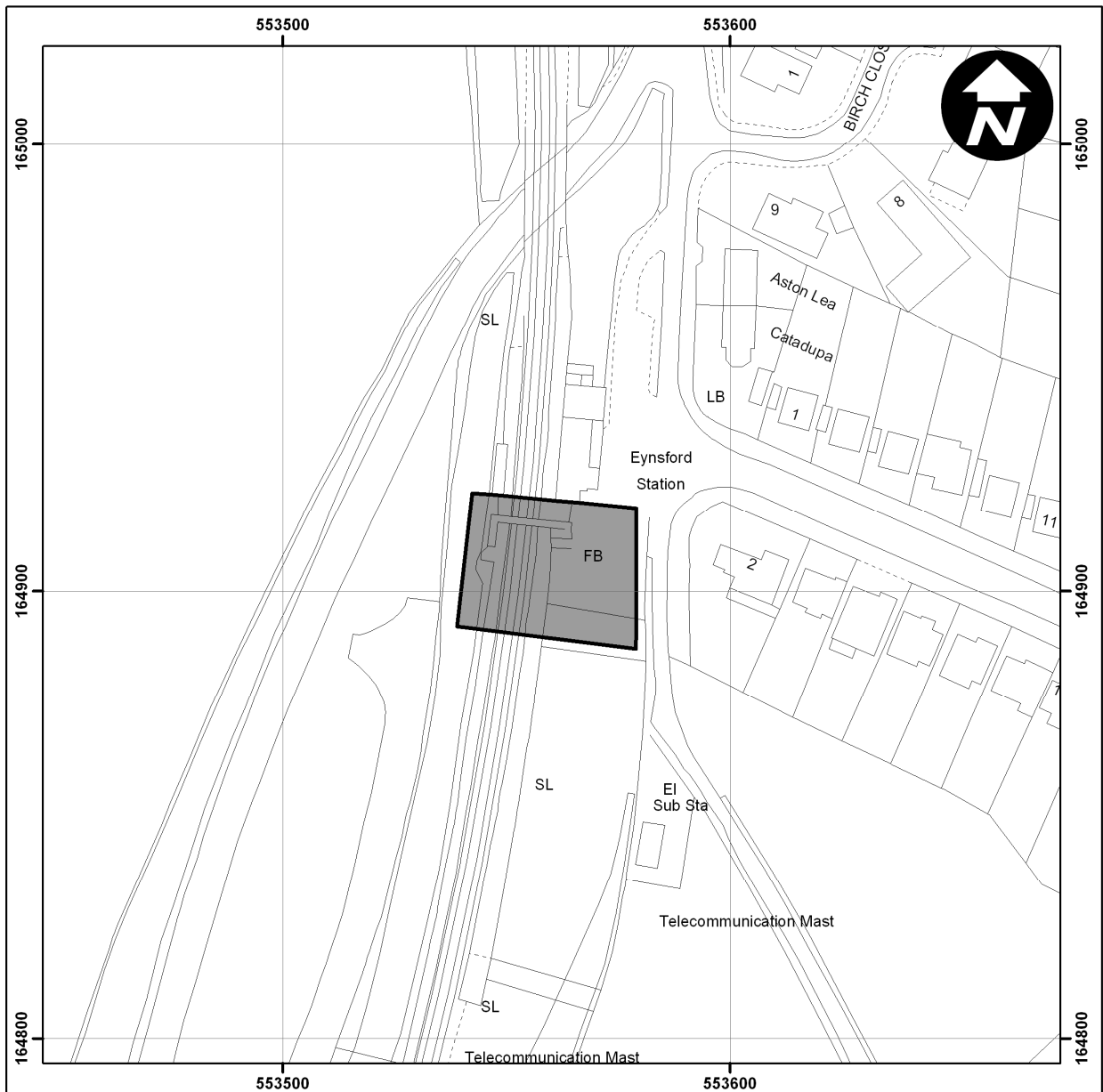
Kristen Paterson
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Site Plan

Scale 1:1,250

Date 13/06/11



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