



Sevenoaks
DISTRICT COUNCIL

Despatched: 12.09.12

DEVELOPMENT CONTROL COMMITTEE

20 September 2012 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Mrs. Dawson

Vice-Chairman Cllr. Williamson

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Davison, Dickins, Gaywood, Ms. Lowe, McGarvey, Orridge, Mrs. Parkin, Piper, Scholey, Miss. Thornton, Underwood and Walshe

Apologies for absence

1. **Minutes** (Pages 1 - 12)

Minutes of the meeting of the Committee held on 23 August 2012

2. **Declarations of Interest or Predetermination**
Including any interests not already registered

3. **Declarations of Lobbying**

4. **Planning Applications - Group Manager - Planning's Report**

- 4.1. SE/12/01031/HOUSE - 51 Greenhill Road, Otford, Sevenoaks TN14 5RR (Pages 13 - 24)

Demolition of existing garage. Erection of a part two storey part first floor extension to the side of the property, the construction of a glazed link leading to a two storey structure incorporating a garage and gym with games room over. New cladding to first floor and the construction of a new access and driveway.

- 4.2. SE/12/00875/FUL - Little Grange, Duncans Yard, Fullers Hill, Westerham TN16 1AD (Pages 25 - 38)

The erection of a detached four bedroom house

- 4.3. SE/12/01529/FUL - Cavendish House, Clenches Farm Road, (Pages 39 - 46)
Sevenoaks TN13 2LU

Demolition of the existing dwelling and attached garage and erection of a detached house and garage

- 4.4. SE/12/01530/CAC - Cavendish House, Clenches Farm Road, (Pages 47 - 54)
Sevenoaks TN13 2LU

Demolition of the existing dwelling and attached garage

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 227350 by 5pm on Monday, 17 September 2012.

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.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 23 August 2012 commencing at 7.00 pm

Present: Cllr. Mrs. Dawson (Chairman)

Cllr. Williamson (Vice-Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Dickins, Gaywood, Ms. Lowe, McGarvey, Orridge, Mrs. Parkin, Piper, Scholey, Miss. Thornton and Walshe

Apologies for absence were received from Cllrs. Davison and Underwood

Cllrs. Ayres, Eyre, Horwood and Mrs. Hunter were also present.

58. Chairman's Announcements

The Chairman welcomed to the Committee Mr. Martin Rayner a Highways Engineer from Kent County Council, Ms. Claire Pamberi the new Sevenoaks District Council Development Control Manager and Mr. Leslie Roberts who was Sevenoaks District Council's new Legal Services Manager.

59. Minutes

Resolved: That the minutes of the meetings of the Development Control Committee held on 26 July 2012 and 1 August 2012 be approved and signed by the Chairman as a correct record.

60. Declarations of Interest or Predetermination

Cllr. Miss. Thornton notified the meeting that she had a disclosable pecuniary interest in item 4.2 - SE/11/03327/FUL - Land Adjacent To Woodseaves, 5 Knole Paddock, Seal Hollow Road, Sevenoaks TN13 3RX. She left the meeting while the item was considered.

61. Declarations of Lobbying

All members of the Committee declared that they had been lobbied in respect of item 4.1 - SE/12/01279/FUL - Caffyns PLC , 80 London Road, Sevenoaks TN13 2JD.

Cllr. Mrs. Dawson further declared that she had been lobbied in respect of item 4.2 - SE/11/03327/FUL - Land Adjacent To Woodseaves, 5 Knole Paddock, Seal Hollow Road, Sevenoaks TN13 3RX.

Reserved Planning Applications

The Committee considered the following planning applications:

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62. SE/12/01279/FUL - Caffyns PLC , 80 London Road, Sevenoaks TN13 2JD

Permission was sought for the demolition of the existing buildings on the site and the erection of a 1,918sqm (gross external floor area) food store building. The proposal also included the provision of 70 car parking spaces, cycle parking, landscaping and the repositioning of the site access.

Officers considered that subject to the receipt of an acceptably worded and completed S.106 undertaking to limit the retail offer on the site to a “deep discounter” type store (including a restriction on product lines and services provided) and to provide an air quality contribution, the proposal was acceptable.

Members’ attention was drawn to the tabled Late Observations sheet including further representations from Lidl, local residents, the Sevenoaks Society and the Sevenoaks Conservation Council.

The Committee was addressed by the following speakers:

Against the Application: Brian Peacock

For the Application: Jason Gratton

Parish Representative: -

Local Member: Cllr. Mrs. Hunter

In response to a question the Officer from Kent Highways confirmed that peak traffic flows had been considered for the morning and afternoon rush hours and the weekend rather than events linked specifically to Lidl stores. The junction improvement scheme at the site was to improve access manoeuvrability rather than capacity. Early on Highways Officers had considered possible access from Morewood Close but had been informed the applicants had no control over the relevant land.

Some Members were concerned that the projected increase of traffic flow, particularly at the morning peak time, had been underestimated. The Kent Highways Officer clarified that the figure discounted some traffic where the customers were already expected to travel past the site.

A Member enquired whether deliveries could be limited to one per day with an increase to two in December to cope with peak demand at Christmas. Officers confirmed this could be considered by Officers under the amended condition 18 management plan. The representative of Lidl accepted that this would be viable.

It was MOVED by the Vice-Chairman and was duly seconded that the two recommendations in the report, as amended by the Late Observations Sheet, be adopted.

The Committee noted the considerable public support for the application and agreed that a deep discount store would fill a niche market in Sevenoaks.

Some Members were concerned by the impact the shop would have smaller corner-shops in the area. They also noted the concerns of the Local Ward Member that the shop could exacerbate an existing traffic problem.

A Member proposed an amendment to condition 5 that the opening hours be 09:00 to 21:00 Monday to Friday. This was duly seconded. Following debate this amendment was put to the vote and there voted –

4 votes in favour of the amendment

12 votes against the amendment

The original motion, as amended by the Late Observations sheet, was put to the vote and there voted –

15 votes in favour of the motion

1 votes against the motion

Resolved: That

a) subject to the receipt of an acceptable completed S.106 undertaking before 13th September 2012 to limit the type of retail use on the site to a ‘deep discounter’ type store and to provide an acceptable contribution towards air quality measures, 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 and 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 surroundings as supported by Policy EN1 of the Sevenoaks District Local Plan.

3. No development shall commence until details of all external lighting, including floodlighting (whether temporary or permanent in nature), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and so maintained thereafter.

In the interests of the visual amenities of the area in accordance with EN1 and EN31 of the Sevenoaks Local Plan.

4. Prior to its installation, full details of the type and position of proposed plant (including air conditioning, refrigeration and similar plant) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include

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product details and noise specifications where appropriate and scaled drawings to the show appearance and position of the plant on the site.

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

5. The premises shall not be open to visiting members of the public outside the hours of 08:00 to 21:00 Monday to Saturday and 10:00 to 17:00 Sundays and Bank Holidays. Deliveries shall not be taken in or dispatched from the site outside the hours of 07:00 to 22:00 Monday to Saturday and 09:00 to 17:00 Sundays and Bank Holidays.

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

6. The net sales area within the development hereby approved shall be no more than 1,286sqm and of this no more than 322sqm shall be used for display and sale of comparison goods.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Sevenoaks Town Centre in accordance with policy LO2 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

7. Boundary treatments shall be provided in accordance with approved drawing 11063-LO1.02 prior to the first use or occupation of the building hereby permitted and shall thereafter be maintained as such.

In the interests of visual amenity in accordance with EN1 of the Sevenoaks Local Plan.

8. Irrespective of the provisions the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no improvement, enlargement or other alteration to the building and the site the subject of this application, including further horizontal subdivision to provide a mezzanine floor, shall be undertaken.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Sevenoaks Town Centre in accordance with policy LO2 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

9. The retail unit shall be occupied as a single retail unit only and shall not be subdivided into separate units.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Sevenoaks Town Centre in accordance with policy LO2 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

10. No part of the development shall be occupied until vehicle parking and turning space has been provided in accordance with the approved drawing

11063-L01.02. The space approved shall be retained for parking and turning in association with the development.

To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety in accordance with EN1 of the Sevenoaks Local Plan.

11. No part of the development shall be occupied until secure cycle parking facilities for both staff and customers have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport in accordance with SP2 of the Core Strategy

12. Throughout the course of construction of the development, tree protection measures shall be carried out in complete accordance with the recommendations of the 'Arbtech Consulting Ltd' Arboricultural Development Report dated 9th May 2012 and accompanying Tree Protection Plan ATC-TPP 02 Rev A.

To ensure the long term retention of trees in accordance with EN1 of the Sevenoaks Local Plan.

13. No development shall be carried out on the land until full details of soft and hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- details of proposed hard surfaces, including details of the materials to be used on the finished parking, access and pathway surfaces.
- planting plans (identifying existing planting, plants and trees to be retained and new planting).

Notwithstanding the details shown on drawing no.1093, the proposed planting plans shall show native tree planting to the boundary of the site with London Road:

- a schedule of new plants and trees (noting species, size of stock at time of planting and proposed number/densities); and
- a programme of implementation.

Soft and hard landscaping shall be carried out before the first use of the unit hereby approved or otherwise in accordance with the agreed programme of implementation. 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.

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To safeguard the visual appearance of the area in accordance with EN1 of the Local Plan.

14. No groundworks, other than the demolition of the existing buildings, shall be commenced until:

- a) a site investigation has been undertaken to determine the full nature and extent of any land contamination, and
- b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, has been submitted to and approved in writing by the Local Planning Authority.
The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land. The scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted, including a requirement to notify the Local Planning Authority of the presence of any such previously unidentified contamination. Prior to the first use of the development hereby permitted:
- c) the approved remediation scheme shall be fully implemented, and d) a certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted use. Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

In the interests of amenity and public safety in accordance with the NPPF.

15. Works to trees and / or hedgerows shall only be undertaken outside of the bird breeding season (between September and February inclusive) and at no other time unless supervised by an appropriately qualified ecologist. If any nesting birds are found, work must cease until after the juveniles have fledged.

In the interests of biodiversity and ecological conservation in accordance with the recommendations of the NPPF.

16. The development shall achieve BREEAM 'Very Good' standard including at least a 10% reduction in total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources. Evidence shall be provided to the Local Authority

- i) Prior to the commencement of development, a design stage assessment to demonstrate how it is intended the development will achieve BREEAM 'Very Good' standard (including a 10% reduction in total carbon emissions) 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 BREEAM 'Very Good' standard (including a 10% reduction in total carbon emissions) or alternative as agreed in writing by the Local Planning Authority.

In the interests of sustainable development in accordance with SP2 the Core Strategy and the NPPF.

17. Prior to the commencement of the development full details of surface water drainage including, where practical, the use of Sustainable Urban Drainage Systems (SUDS), 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.

In the interests of sustainability in accordance with SP2 of the Core Strategy.

18. Prior to the commencement of the development, a scheme for the management of deliveries and for the management of car parking spaces to ensure that the use of the spaces is reserved for customers and staff of the unit hereby permitted only shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the approved scheme shall be fully carried out and put into place prior to the first use of the building and thereafter maintained in operation.

To ensure the impact of deliveries is minimised and to ensure adequate parking for the proposed use and to prevent spill-over parking harmful to highways safety and convenience in accordance with EN1 of the Local Plan.

19. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The site is within an area of archaeological potential. A programme of work is required to mitigate the impact of development and ensure preservation "by record" of any surviving remains in accordance with EN25A of the Local Plan.

20. No display or storage of goods, materials, plant or equipment shall take place other than within the building.

In the interests of the visual amenities of the area in accordance with EN1 of the Local Plan.

21. Notwithstanding the details submitted with this application, prior to the commencement of the development, an appropriate 'measures based' travel plan identifying specific measures to encourage sustainable methods of travel to and from the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a programme of implementation of the recommended measures (including monitoring where appropriate) and the measures shall be put into place in accordance with this programme of implementation.

To encourage the use of sustainable forms of transportation in the interests of sustainable development in accordance with SP2 of the Sevenoaks Core Strategy.

22. No development shall take place on the site until the proposed junction improvement and access works shown on approved drawing 3768.001 Rev.D (or

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an alternative submitted to and approved in writing by the Local Planning Authority) have been secured through appropriate agreement with the Highways Authority. The agreed highways improvements and access shall be fully carried out in accordance with the agreed details prior to the first use of the building hereby approved.

In the interests of highways safety and convenience in accordance with EN1 and T10 of the Local Plan

23. The development shall be carried out in accordance with the following approved plans: 11063-L01.01 Rev A, 11063-L01.02, 11063 L02.01, 11063 L02.02, 11063-L04.01, 3768.001 Rev D, ATC-AIA 02 Rev A, ATC-TPP 02 Rev A and 1093

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

Informatives

1. You are advised to contact the County Highways Officer for advice on the content of an appropriate 'measures based' travel plan (Condition 21).

2. You are advised to contact the Council's Environmental Health Officer for advice on the appropriate position and type of external plant to be installed. Consideration should be given to the installation of necessary plant on the north-west facing elevation (Condition 4).

b) in the event that an acceptably worded and completed S.106 undertaking is not provided before 13th September 2012, planning permission be REFUSED for the following reason:

In the absence of information to the contrary, the unrestricted A1 (retail) use of the site would likely result in unacceptable traffic generation to and from the site, resulting in insufficient parking provision on the site detrimental to traffic conditions on the surrounding road network and an adverse and unmitigated impact upon air quality. To permit the development would therefore be contrary to policy EN1 of the Sevenoaks Local Plan, SP2 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

63. SE/11/03327/FUL - Land Adjacent To Woodseaves, 5 Knole Paddock, Seal Hollow Road, Sevenoaks TN13 3RX

The proposal sought permission to erect a dwelling on land at the rear of No. 5 Knole Paddock. The dwelling would be a 5 bed property, arranged over 2 storeys and T-shaped in footprint. The scheme included an integral garage and space for parking two vehicles to the front of the garage. A new access would be constructed in a relatively central position on the site.

Officers considered that the proposed dwelling, due to its position and scale in relation to the boundary with the drive, would be unduly prominent and detrimental to the informal, verdant and spacious character of the drive. In the absence of a completed S106

agreement, the development would also not secure an appropriate off site contribution towards affordable housing.

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:	-
For the Application:	Peter Hadley
Parish Representative:	-
Local Member:	-

In response to a question Officers confirmed they did not believe overlooking was a reasonable objection to the application.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report to refuse permission be adopted.

Some Members noted that that although higher than Birchwood, the application site was significantly lower than Falcon House and was lower than the land across the road. They also considered that the proposed dwelling would not have a greater visual impact than existing dwellings on the road.

Other Members considered that the proposal was not significantly different from the previous site application, which had been refused.

The motion was put to the vote and there voted –

6 votes in favour of the motion

8 votes against the motion

It was moved by the Chairman and duly seconded that:

“a) subject to the receipt of an acceptable completed S.106 Undertaking before 23 September 2012 to provide an acceptable financial contribution towards affordable housing, permission should be GRANTED subject to conditions to be agreed by Officers in consultation with Local Members. Conditions should include retention of boundary treatment as part of the landscaping.

b) if an acceptable S106 Undertaking is not received by 23 September 2012 permission be REFUSED as the development would fail to provide an off-site contribution towards affordable housing and would be contrary to Policy SP3 of the Sevenoaks Core Strategy.”

The motion was put to the vote and there voted –

9 votes in favour of the motion

5 votes against the motion

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Resolved: That

a) subject to the receipt of an acceptable completed S.106 Undertaking before 23 September 2012 to provide an acceptable financial contribution towards affordable housing, permission should be GRANTED subject to conditions to be agreed by Officers in consultation with Local Members. Conditions should include retention of boundary treatment as part of the landscaping.

b) if an acceptable S106 Undertaking is not received by 23 September 2012 permission be REFUSED as the development would fail to provide an off-site contribution towards affordable housing and would be contrary to Policy SP3 of the Sevenoaks Core Strategy.

64. SE/12/01107/HOUSE - Ringsdown , Crockenhill Lane, Eynsford Dartford DA4 0JL

The proposal was for permission to demolish an existing 1950s style asbestos flat roof precast concrete garage and erect a steel structure garage.

Officers considered that due to the sheet cladding the design and visual appearance the proposed garage would have an adverse impact on the character and appearance of the area and street scene would be unacceptable as the site was in the Green Belt and an Area of Outstanding Natural Beauty.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	-
Parish Representative:	-
Local Member:	Cllr. Horwood

Cllr. Horwood also read out a statement on behalf of the applicant who was unable to attend the meeting.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report to refuse permission, as amended by the Late Observations Sheet, be adopted.

Some Members felt that the proposal was a significant improvement on the existing structure, especially as the current structure was falling down and contained asbestos. Some Members noted the comments of the Local Member that the proposed garage was unlikely to be seen by those who passed the site. The Parish Council and local residents had not objected to the proposals.

In response to a question Officers confirmed that there was a duty to use high quality materials given the site of the application. Councillors commented that if the design was poor then it did not matter that the site was unlikely to be seen. One Member suggested that the proposal seemed more suited for agricultural or industrial use.

The motion was put to the vote and there voted –

10 votes in favour of the motion

7 votes against the motion

Resolved: That the application be delegated to the Group Planning Manager for refusal as per the report and amended plans received.

65. SE/12/00345/HOUSE - 10 Woodside Road, Sundridge TN14 6DW

The proposal was for the installation of an external insulation system. The proposed development would place insulation board over the wooden cladding with a sand/cement render finish which would increase the width of the wall by 100mm. The site was one of eight semi-detached dwellings of a similar design, it was in the urban confines of Sundridge and in an Area of Outstanding Natural Beauty.

Officers considered that the proposal would have a minimal impact upon the Area of Outstanding Natural Beauty and as viewed from within the street the impact of the rendering would have a minimal impact upon the design of the dwelling and would not impact detrimentally upon the street scene. The proposal would not harm the amenities of the locality and would not impact upon the Area of Archaeological Potential.

The Committee was addressed by the following speakers:

Against the Application: -
For the Application: -
Parish Representative: Cllr. Jolley
Local Member: -

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted.

The Local Member who sat on the Committee believed the dwelling to be part of a cohesive group of artisan dwellings and that the proposals would be out of keeping. He felt the Council should, in accordance with the NPPF, value of the design of the built environment and respond to local character and history.

Other Members of the Committee noted the concerns of the Local Member and the parish councillor but felt there were inadequate planning reasons for refusal taking into account that the buildings were not in a conservation area.

The motion was put to the vote and there voted –

13 votes in favour of the motion

3 votes against the motion

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Resolved: 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 development hereby permitted shall be carried out in accordance with the following approved plans: 04A, 05A, 06A

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

3) No works shall be carried out on the land until samples of the smooth render to be applied to the exterior of the external insulation system and its colour has been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials, finish and colour.

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

THE MEETING WAS CONCLUDED AT 9.41 PM

CHAIRMAN

Agenda Item 4.1

4.1 – SE/12/01031/HOUSE Date expired 3 August 2012

PROPOSAL: Demolition of existing garage. Erection of a part two storey part first floor extension to the side of the property, the construction of a glazed link leading to a two storey structure incorporating a garage and gym with games room over. New cladding to first floor and the construction of a new access and driveway.

LOCATION: 51 Greenhill Road, Otford, Sevenoaks TN14 5RR

WARD(S): Otford & Shoreham

ITEM FOR DECISION

This application is being reported to Development Control Committee at the request of Councillor Lowe on the grounds of overshadowing and loss of light to number 53 Greenhill Road and loss of privacy to number 52 Greenhill Road.

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

The proposed glazed link by reason of its overall design and materials fails to acceptably integrate with or relate to the character and design of the existing building, furthermore, it would result in an uninterrupted extension of the built form across almost the entire width of the application site resulting in the site appearing cramped, contrary to the established spatial character of Greenhill Road. The proposal would therefore represent an inappropriate addition to the building to the detriment of its design, character and appearance and the character and appearance of the street scene of Greenhill Road. It would therefore be harmful to the visual amenity of the area and character and appearance of the Darent Valley Area of Outstanding Natural Beauty contrary to policies EN1 of the Sevenoaks District Local Plan, BE1, CC6 and C3 of the South East Plan, SP1, LO7 and LO8 of the Sevenoaks Core Strategy, the National Planning Policy Framework and the guidance contained in the Otford Village Design Statement.

Description of Proposal

- 1 The application seeks permission for the demolition of the existing garage, erection of a part two storey part first floor extension to the side of the property and the construction of a glazed link leading to a two storey structure incorporating a garage and gym with games room over. The application also seeks permission to re-clad the first floor.
- 2 The applicants also propose to construct an additional access and driveway.

Description of Site

- 3 The site the subject of this application is located in Greenhill Road, an area characterised by detached dwellings of varying age, size and design set in predominately spacious, well landscaped plots. The site is within the settlement

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boundary of Otford as defined on Sevenoaks District Council's proposal maps. The site is located within an Area of Outstanding Natural Beauty (AONB). The south west corner of the site is within an Area of Archaeological Potential.

- 4 The site which is located on the east side of Greenhill Road is currently occupied by a detached dwelling and detached flat roof garage. The dwelling is set back from the road by approximately 16 metres. The site slopes upward away from Greenhill Road and as a result the dwelling is located approximately 3.5 metres above Greenhill Road.
- 5 The dwelling has been extended previously including a single storey extension to the side and a conservatory to the rear. The dwelling is constructed using a mix of traditional and modern materials, being white painted render at ground floor, timber cladding at first floor and a plain clay tile roof. The windows are timber double glazed windows, the doors are also timber.

Constraints

- 6 Area of Archaeological Potential
- 7 Darent Valley Area of Outstanding Natural Beauty
- 8 Airfield Safeguarding Zone
- 9 Area of Special Control of Adverts

Policies

Sevenoaks District Local Plan

- 10 Policies - EN1, EN6, VP1, H6B and Appendix 4 Residential Extensions

South East Plan

- 11 Policies - BE1, CC1, CC4, CC6, C3, T4

Sevenoaks Core Strategy

- 12 Policies - L01, L07, L08, SP1

Other

- 13 National Planning Policy Framework (NPPF)
- 14 SDC Residential Extensions SPD 2009
- 15 Otford Village Design Statement

Planning History

- 16 10/00049/LDCPR – Hardwood and glass orangery on a brick base – Granted 10/03/2010
- 17 96/02323/HIST – First floor extension and hipped roof – Granted 13/02/07
- 18 82/01242/HIST – Extension to dwelling – Granted 29/11/1982

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- 19 77/00507/HIST – First floor extension to rear of dwelling supported on piers with part ground floor extension under – Granted 09/06/1977
- 20 76/01536/HIST - First floor extension to rear of dwelling supported on piers with part ground floor extension under – Refused 15/02/1977
- 21 75/01164/HIST – Erection of a single storey bedroom/study extension at rear – Granted 19/11/1975

Consultations

Parish Council

- 22 Comment received 03/07/2012 - Otford Parish Council has no objection in principal

Further Comments

- The Council has no objections in principle
- The concerns of adjoining neighbours should be considered.
- There should be a condition that the property retains single occupancy.
- The Otford Village Design Statement refers to the importance of maintaining views of the surrounding countryside (see below).

The Landscape and open spaces (page 9)

“The spacing of houses and integration with the countryside, enabling views of fields and trees between houses, are of paramount importance to the majority of residents. It should never be assumed that gaps in original frontages are automatically ripe for infilling. Such spaces often make a positive contribution to the character and appearance of the settlement. Thus every site apparently offering infill opportunities must be considered in its context. (as ref. Kent Design Guide)”

(Page 15)

The spaces between the houses also promote this valued and essential sense of rural integration.

Design Principles (accepted)

2b “Infilling which diminishes spaces between properties and hence their integration with the surrounding countryside, is not acceptable to Otford residents (Kent & Medway Structure plan 2006 - QL1.1 / 7.34. Sevenoaks & District Local Plan 13.iv)”

- 23 Additional comments received 11/07/2012

Further to the original planning application response 2 neighbours of the above property have expressed their concerns and the Parish Council shares their concerns as detailed below:

- The development will result in overshadowing of a neighbouring property

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- There is missing information on the plans in respect of a window in a neighbouring property
- The report produced by neighbours supports the Otford Village Design Statement in terms of infilling, restriction of views and bulk.
- The area in which the development will take place is home to dormice and roman snails

SDC Arboricultural Officer

24 Views awaited.

Representations

25 6 Letters received objecting to the application on the following grounds:

- Loss of outlook and daylight experienced by 53 Greenhill Road
- Detrimental visual impact and overbearing effect upon 53 Greenhill Road.
- Cramped development in relation to plot size.
- Potential loss of trees and detrimental impact upon local wildlife.
- Contrary to the NPPF, Local Plan Policy H6B and Core Strategy Policy SP1.
- Proposal will exacerbate drainage issues.
- Loss of privacy

Group Manager - Planning Appraisal

26 As stated previously, Greenhill Road is characterised by detached dwellings of varying age, size and design set in predominately spacious, well landscaped plots.

27 Despite the varied architectural styles the existing dwellings sit comfortably within their plots and for the most part maintain comparable distances between one another which are important to the semi rural character of both the street scene and the wider area. The established good sized trees and planting in the spacious gardens contributes to Greenhill Roads distinctive, low density, Arcadian character.

28 As stated previously, the site is located within the AONB where government guidance in the form of the NPPF and Local Plan policies exist to conserve and enhance the natural beauty of the landscape over other material planning considerations. Further to this, policy EN1 of the Local Plan indicates that, amongst other criteria, 'the form of the proposed development ... should be compatible in terms of scale height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard'. This is further supported by policy CC6 of the South East Plan which requires development to respect and where appropriate enhance the character and distinctiveness of settlements and landscapes. Policy H6B of the SDLP states that residential extensions shall be subject to the principals in Appendix 4. Amongst other things,

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Appendix 4 states that the extension should relate well in design terms to the original dwelling in respect of bulk, height, materials, windows and detailing. Regard should also be had to the Councils Residential Extensions SPD and the Otford Village Design Guide.

- 29 Having regard to the above, I refer firstly to the part two storey part first floor extension to the side of the property. This comprises a two storey extension to the front of the existing kitchen which extends out in line with the existing entrance hall, and then up and over the existing single storey extension.
- 30 At present the single storey extension to the side comprises a false pitch roof and a small flat roof utility room. These are of no particular architectural merit and bear no architectural resemblance to the character or appearance of the existing building.
- 31 The proposed extension would not extend forward of the principal building line. Its roof however, would extend directly off of the roof of the existing dwelling at the same ridge height and would replicate the form and pitch of the existing roof. As a result the extension would appear as an integral part of the dwelling rather than a subservient addition. However, in this instance this would re-establish symmetry to the property which does not exist at present, and provide an aesthetically pleasing replacement of the existing single storey extensions which will contribute far more positively to the character and appearance of the dwelling.
- 32 Furthermore, this extension has been designed and articulated in a way which is sympathetic and which would ensure that it would not have a negative impact upon the character of the dwelling. As such this extension is considered to be well integrated in respect of bulk, height, materials, windows and detailing and would, therefore, reflect the established design and layout principles of the existing dwelling.
- 33 I refer secondly to the re-cladding of the first floor. The materials proposed to be used to re-clad the first floor of the dwelling comprise tile hanging for the most part, and render and mock Tudor beams to the front first floor gable. These materials are consistent with the existing materials on the roof of the dwelling and at ground floor and would remain sympathetic to those predominating locally in type. As such there is no objection to the proposal in this respect.
- 34 I refer now to the construction of the glazed link leading to a two storey structure incorporating a garage and gym with games room over.
- 35 Having regard to the two storey structure alone, garages with accommodation in the roof are common in Greenhill Road. Their location forward of the building line also forms part of the established character of Greenhill Road. As such the location of the structure is considered to be acceptable in principal. Furthermore, the eaves and roof ridge are positioned below the eaves and ridge of the existing dwelling, and as a result the structure would appear subservient and ancillary in accordance with the advice relating to garages and outbuildings set out in the Councils Residential Extensions SPD.
- 36 Having regard to the glazed link it is of a relatively contemporary flat roof design juxtaposed to the traditional design and form of the existing dwelling and other proposed extensions. As such in context, the link would appear overtly austere and would fail to integrate with and relate to the character and design of the

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existing building and other proposed extensions contrary to the aforementioned policy criteria. This view is consistent with that given in pre-application advice in March of this year. Furthermore, providing a link to the detached two storey structure would also result in the uninterrupted built form spanning almost the entire width of the application site resulting in the site appearing cramped, contrary to the established spatial character of Greenhill Road. Due to its location in line with the existing access the glazed link and the relationship of the built form to the size of the plot would be visible within the context of the street scene of Greenhill Road. This visibility would be further enhanced by the creation of a new access. It is therefore considered that the physical expression of the resultant building caused by the uninterrupted built form across the site coupled with the austere glazed link would lead to harm to the character and appearance of the existing dwelling, street scene, and established spatial character of Greenhill Road and furthermore, to the character and appearance of the AONB. For these reasons the proposal is considered to be contrary to policies EN1 of the SDC Local plan, SP1, L07 L08 of the Sevenoaks Core Strategy, BE1, C3 and CC6 of the South East Plan, the National Planning Policy Framework, the Councils Residential Extensions SPD and the principles set out in the Otford Village Design Statement.

Impact on Amenities

- 37 Criteria 3 of policy EN1 of the Sevenoaks District Local Plan states that proposed development including changes of use 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.
- 38 Having regard to privacy, with the exception of a small first floor window in the south east (side) elevation of the first floor extension, all of the windows serving the development are proposed to be located in the north east (rear), south west (front) and north west (side) elevations. The proposed first floor window in the south east elevation will look directly out onto the roof of the proposed two storey structure, which exceeds the height of the window. The remaining windows will allow views out over the rear and front garden of the application site, towards the street and towards number 52 Greenhill Road directly opposite the site of the extensions. As a guide overlooking into windows or private amenity areas at a distance less than 21 metres is often deemed to be unacceptable. However, in this instance, the principal elevation to number 52 is located approximately 30 metres away from the south west elevation of the proposed garage. As such, and as per the guidance contained within the Councils Residential Extensions SPD views towards windows located in the front elevation of number 52 are not at close quarters and therefore are not considered to result in any immediate or unacceptable overlooking detrimental to the privacy of the occupiers.
- 39 Due to the robust screening of the boundaries, with mature trees and shrubs, there are no other neighbouring properties whose privacy is considered to be affected by the proposal. There are no windows proposed in the south east (side) elevation of the two storey structure at present and a condition restricting the insertion of windows/dormer windows or any other form of opening could be imposed to protect the amenities of the occupiers at number 53 Greenhill Road whose boundary immediately adjoins the site.
- 40 Having regard to outlook, overshadowing and loss of light, due to the positioning of the extensions to the south east side of the dwelling, the only neighbour whose

amenity would be immediately affected in this respect is number 53 Greenhill Road.

- 41 Firstly, in relation to outlook, the District Council is primarily concerned with the immediate outlook from neighbours windows and whether the proposal is overbearing or overshadows in a way which significantly changes the nature of the normal outlook. There are three existing windows and a door in the side elevation of number 53 which would face out onto the south east side of the proposed two storey structure. These include two first floor windows located approximately 12 metres from the site of the proposed two storey structure and a ground floor window and a door located approximately 8 metres away as identified on street elevation drawing number 356. The rooms and the use of the rooms which these windows serve is not in dispute.
- 42 These windows and door currently look out onto established trees and shrubs which align the boundary between the application site and number 53. The majority of these trees and shrubs would exceed the height of the proposed two storey structure. The application does not propose the removal of any of these trees which comprise a mix of deciduous and evergreen species. As such whilst it is acknowledged that in the winter months it will be possible to view the extension obscurely and intermittently through the boundary, taking the above distances and material factors into consideration such views would not be at close quarters and the outlook its self is not considered to significantly alter in a way which would justify withholding planning permission.
- 43 In addition to the above, having regard to overshadowing and loss of light, both the 45 degree test set out at paragraph 5.8 of the Councils Residential Extensions SPD and the 25 degree test (whereby a line is drawn upwards at a 25 degree angle from the centre of the lowest ground floor window facing directly onto the development proposal), have been applied, which aid the Council in ensuring that the proposal would not result in any unacceptable overshadowing or loss of light. In the case of the development proposal it would comply with both tests by not contravening either of these lines. Furthermore, as stated in the preceding paragraph, the existing planting to the boundary would exceed the height of the proposed two storey structure and as a result already obstructs light entering these windows especially during the summer months when the deciduous trees are in leaf.
- 44 In conclusion and irrespective of the manner in which the rooms to the neighbouring property are used, for the reasons set out in the preceding paragraphs and taking the above distances and material factors into consideration it is not considered that the proposal would have any undue impact upon the amenities of the neighbouring occupiers and therefore complies with policy EN1 of the SDC Local Plan.

Highways Issues

- 45 The proposal would accommodate two independently accessible parking spaces in the proposed garage in accordance with Kent County Councils Interim Guidance Note on residential parking and would comply with policy EN1 of the Local Plan.
- 46 Alterations are proposed to the access, which are addressed in further detail below.

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Other issues

- 47 Representations received have made reference to biodiversity particularly protected species.
- 48 Having followed Natural England's Standing Advice there is no specific criteria applying to the present condition of the site to indicate the need for the Local Planning Authority to request an Ecological Survey, or which indicates that any protected species/habitat are affected by the proposal.
- 49 Representations have also been received objecting to the proposal on grounds concerning surface water run off from the proposed access and drive. Having regard to the access and drive way, this has been included in the description for clarity at the applicants request.
- 50 Greenhill Road is an unclassified road and as such the creation of the access onto it does not require the benefit of formal planning permission. The creation of the access will involve the removal of a large conifer tree and part of the existing hedgerow, neither are protected by way of a Tree Preservation Order nor is the site located within a Conservation Area, as such their removal does not require any consent. The applicant's state in email dated 10/08/12 that they do not propose to carry out substantial engineering works to provide the access and drive. Whilst it was apparent from visiting the site that the creation of the access and drive will involve the removal of part of the modest bund of earth which runs along the front boundary of the site the amount of earth to be removed from the bund is not so significant as to constitute engineering works.
- 51 Having regard to the hard surfacing to create the driveway, it is possible for this to constitute permitted development under Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. It is considered that the hard surface would comply with the criteria set out in Class F, as, the hard surface would be situated on land between a wall forming the principal elevation of the dwelling house and a highway, and although the area of ground covered by the hard surface, would exceed 5 square metres, the applicant's state in email dated 10/08/12 that they intend to use porous bricks at each entrance and shingle between rather than tarmac as originally detailed on the application form. This implies that provision is being made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.
- 52 As such based upon the information received to date it is considered possible that the driveway may comply with Class F of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and could therefore constitute permitted development. As such the Council would not therefore, be able to request that the applicants submit details relating to drainage. However, in order for the Council to provide formal clarification of whether or not the construction of the driveway is permitted development a lawful development certificate would need to be submitted, as no detailed plans have been provided to show these works.
- 53 If at any time during the construction of the access and drive it came to light that ground works over and above those detailed by the applicant were being carried out, and/or that provision had not been made to direct *run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the*

dwelling house, then on receipt of such information this matter could be investigated further by the Councils Enforcement Officers.

- 54 Finally, the south west corner of the site where the access and a section of drive is proposed to be provided, lies within an area of archaeological potential. As the construction of the access and drive is not proposed to involve any significant ground/engineering works, it is extremely unlikely that any remains would be adversely affected as a result of the proposal. As the access and driveway is deemed to be permitted development the Council cannot attach any conditions requiring the applicants to submit a watching brief. Instead, it is suggested that an informative be attached to the decision informing the applicants of the designation and advising them to contact Kent County Council Heritage Conservation Group Environment and Waste in the event they unearth any unusual artefacts.

Conclusion

- 55 Taking the above into consideration, the proposed glazed link by reason of its overall design and materials fails to acceptably integrate with or relate to the character and design of the existing building and would therefore represent an inappropriate addition to the building to the detriment of its design, character and appearance. Furthermore, the proposed development would result in an uninterrupted extension of the built form across almost the entire width of the application site resulting in the site appearing cramped, contrary to the established spatial character of Greenhill Road. As such, the proposal would be harmful to the visual amenity of the area and Character and Appearance of the Area of Outstanding Natural Beauty.
- 56 The development would not have an unacceptable impact on the residential amenities of nearby dwellings. Any potential significant impacts on the amenities of nearby dwellings could be satisfactorily mitigated by way of conditions imposed.
- 57 The proposal retains adequate provision for parking and can be accommodated without detriment to highway safety.

Background Papers

Site and Block plans

Contact Officer(s): Claire Baldwin Extension: 7367

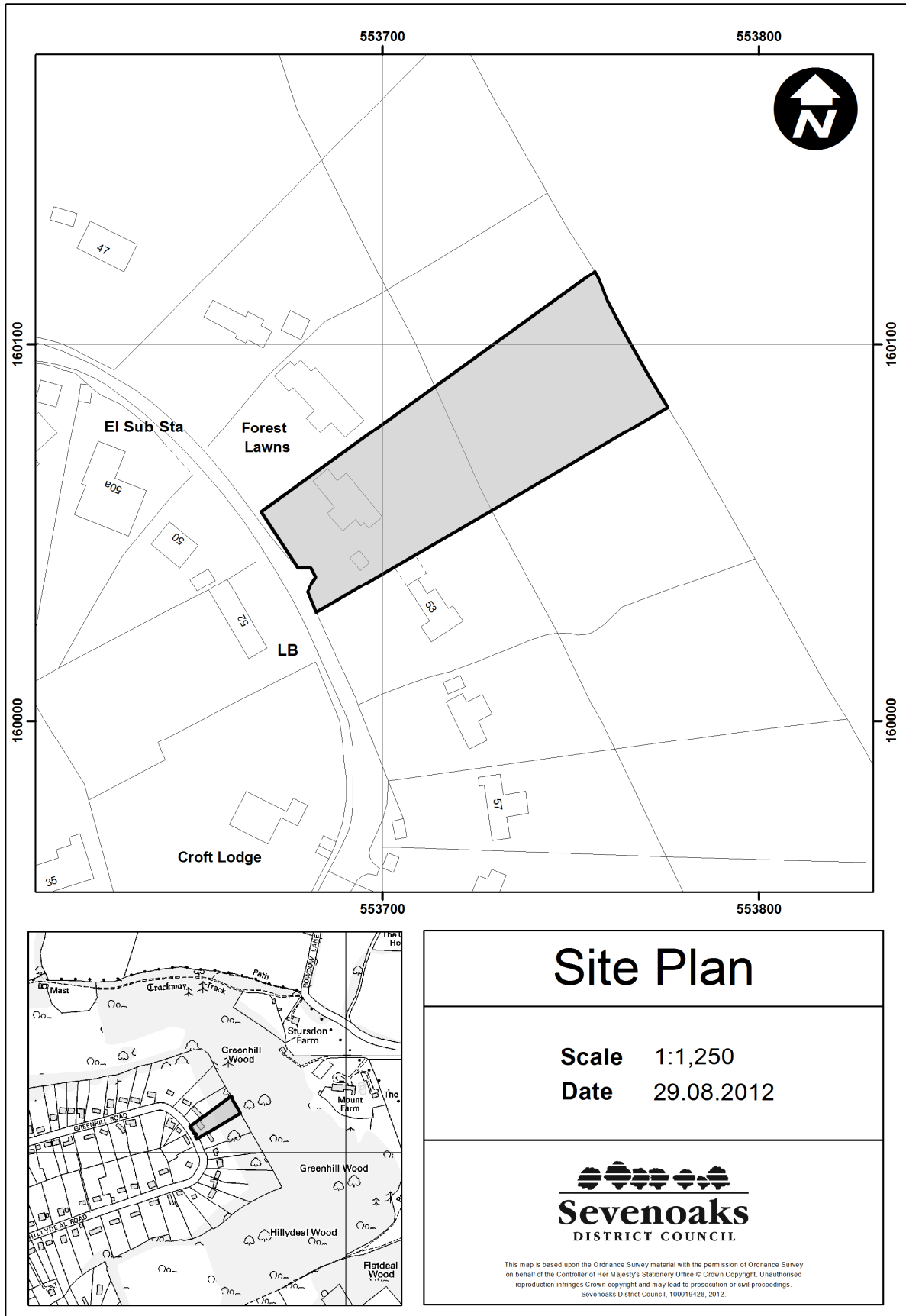
Kristen Paterson
Community and Planning Services Director

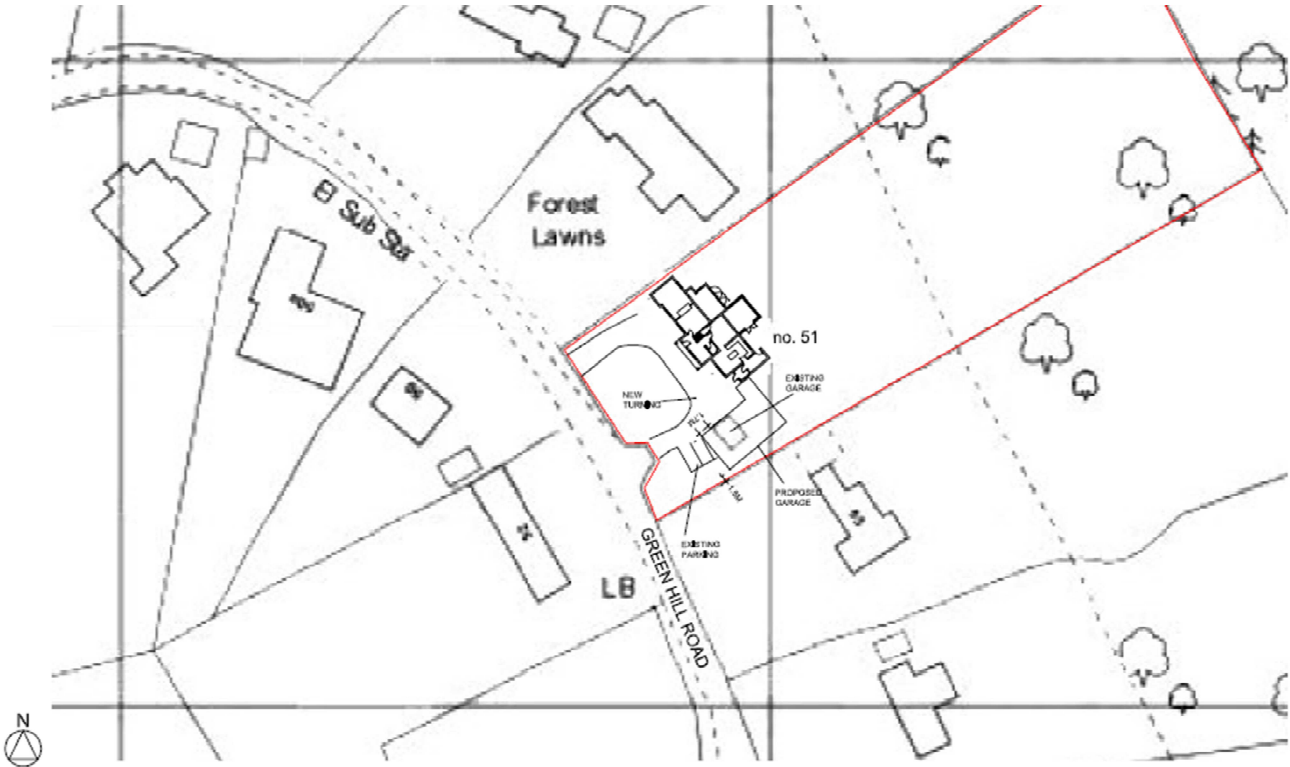
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M2RNIIBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M2RNIIBK8V000>





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4.2 - SE/12/00875/FUL Date expired 25 July 2012

PROPOSAL: The erection of a detached four bedroom house

LOCATION: Little Grange, Duncans Yard, Fullers Hill, Westerham TN16
1AD

WARD(S): Westerham & Crockham Hill

ITEM FOR DECISION

Councillor Maskell has referred this application to the Development Control Committee on the grounds that the design of the building impacts upon the Conservation Area, does not respond to the historical importance and structure of the village and the development is viewed as a cramped form of development.

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 take place until full details of both hard and soft landscaping have been submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Retention of existing planting/landscaping; Proposed finished levels or contours; Boundary Treatments; Hard surfacing materials; Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

4) The proposals for landscaping shown on the approved layout shall be carried out in the first planting and seeding season following occupation of the buildings or the completion of the development, (whichever is the earlier) or in accordance with a programme agreed with the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the appropriate British Standards or other recognised Codes of Good Practice, to the satisfaction of the Local Planning Authority. All new planting shall be adequately staked and tied and shall be maintained for a period of

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5 years. Any trees or plants which, within this period, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as previously approved, unless the Local Planning Authority gives written consent to any variation.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

5) Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation, a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles, isolux diagrams) and a written assessment of the impact of such a scheme. The approved scheme shall be carried out in accordance with the approved details and maintained thereafter and no further lighting shall be introduced into the site without the prior approval of the local planning authority.

In the interests of amenity in accordance with Policy EN1 of the Local Plan.

6) 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 , policies CC2 & CC4 of the South East Plan 2009 and Policy SP2 of the Core Strategy.

7) No development shall take place until full details of a scheme of Biodiversity enhancement shall submitted to and approved by the local planning authority. The approved details shall be implemented in full and maintained thereafter.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity, in accordance with Policy NRM5, of the South East Plan 2009 and guidance in National Planning Policy Framework 2012.

8) Demolition or construction works shall not take place outside 0700 hours to 1800 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

To prevent disturbance to nearby residential properties in accordance with Policy EN1 of the Local Plan.

9) No development shall take place until a construction method statement, including details of temporary on-site parking of vehicles, loading and unloading of materials, storage of plant and materials and traffic management have been submitted to and approved in writing by the local planning authority. Development shall be carried out in

accordance with the approved method statement.

To mitigate the impact during construction relating to highways safety and neighbouring amenities, in accordance with policy EN1 of the Sevenoaks District Local Plan.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Classes A, B, C, D, E, G, H of Part 1 of Schedule 2, Classes A, B of Part 2 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), to without prior approval of the Local Planning Authority.

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

11) Before the use or occupation of the development hereby permitted, the car parking and turning areas shown on the approved 1135/02 received on 30/03/12 shall be provided and shall be kept available for the parking of cars at all times.

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

12) The developer or successors in title shall arrange for a watching brief to be undertaken by an archaeologist approved by the local planning authority so that excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to and approved in writing by the local planning authority.

To investigate and record archaeological features as supported by Policy EN25A of the Sevenoaks District Local Plan.

13) The development hereby permitted shall be carried out in accordance with the following approved plans: 1135/02, 1135/03, 1135/04, 1135/05, 1135/06 Rev. A, 1135/07 Rev.A, 1135/08 Rev.B, 1135/09 Rev.A, 1135/10, 1135/11, 1135/12.

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

Informative

1) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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Description of Proposal

- 1 The application seeks the approval for the erection of a two storey detached dwelling within the modest plot of Little Grange.
- 2 The proposed dwelling would be sited towards the northern boundary of the site, set behind Little Grange, which is located towards the southern boundary.
- 3 The dwelling would have a height of 8.3m, a maximum width of about 11.8m and a maximum depth of about 10.9m. It will have a 'T' shaped footprint.
- 4 The application proposes to use the existing access onto the site, which also serves Little Grange to the south of the site.

Description of Site

- 5 The site currently comprises a detached two storey dwelling with a large outbuilding used as garages set within a modest sized plot that approximately measures 0.07ha. The plot itself is sited adjacent to Little Grange which is a two storey detached property.
- 6 The site is located to the west of Fullers Hill and is within walking distance to Westerham Village centre. The site is located within the built confines of Westerham and within Westerham Conservation Area.
- 7 Little Grange is set behind Fullers Hill, and accessed by a private road serving eight dwellings and a social club. Buildings that front onto Fullers Hill comprise of a mix of residential and commercial properties. A narrow footpath to the east separates the site and the buildings that front onto Fullers Hill. Most buildings in the locality consist mainly of two storey buildings and the buildings that front onto Fullers Hill are three storeys in height. To the west of the site are modern styled bungalows that form part of Grange Close with a cluster of single storey garages that can be found directly adjacent to the northern boundary of the site.
- 8 Westerham is characterised by no single architectural style, and is instead a rich mix of residential and commercial development of varying age, and progression through the Village with a variety of traditional building materials and techniques.

Constraints

- 9 Area of Archaeological Potential
- 10 Area Outstanding Natural Beauty
- 11 Westerham Conservation Area

Policies

South East Plan

- 12 Policies – CC1, CC4, CC6, H4, H5, T4, BE5, NRM5

Sevenoaks District Local Plan

- 13 Policies – EN1, EN6, EN23, VP1.

Sevenoaks District Core Strategy

14 Policies – L01, L02, L07, SP1, SP2, SP3, SP5, SP7, SP11

Other

15 National Planning Policy Framework – 14, 50, 53, 56, 60, 61, 63, 64, 118, 123, 131, 132

16 Westerham Conservation Area Appraisal

17 Westerham & Crockham Hill Village Design Statement

Planning History

18 None applicable

Consultations

Parish / Town Council

19 Westerham Parish Council – *“The development proposed is in a Conservation Area as stated in the application and is a very contemporary design that does not protect or enhance the area. This is contrary to saved Policy EN26 of the Sevenoaks District Local Plan. Access via Fullers Hill to Duncan’s Yard and the surrounding properties is wholly inadequate and WPC is informed that no legal right of way exists to the northern side of the site.”*

Highways Engineer

20 No objection raised

SDC Archaeology Officer

21 Recommend a watching brief condition to be imposed due to the proximity to the historic core of the settlement.

Thames Water

22 Raise no objection to the development subject to informatives.

Representations

23 Nine letters of representation have been received, raising objections to the proposal on the following grounds:

- over development;
- contrary to NPPF policy;
- impact on the character of the area;
- loss of outlook;
- problematic access arrangements;
- loss of privacy/overlooking;

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- does not reflect historic pattern of development.

Group Manager - Planning Appraisal

Principle of development

- 24 The newly adopted NPPF has a general presumption in favour of sustainable development, whilst encouraging the delivery of homes of a high quality design and a good standard of amenity for all, whilst reusing previously developed land. Furthermore the site is within the built confines of Westerham where the principle for new development is acceptable.
- 25 The site forms part of the garden to Little Grange and previous amendments to PPS3, which has now been superseded by the National Planning Policy Framework (NPPF) removed gardens from the definition of “previously developed land”. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude other land, such as gardens, from being developed, provided such development is in suitable locations and relates well to its surroundings. Paragraph 53 of the NPPF states that local planning authorities should consider setting out policies to resist the inappropriate development of rear gardens, where this would cause harm to the local area. This is broadly consistent with Policies L07, SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.
- 26 Upon considering the above, the principle of residential use of the site is acceptable subject to the provision of an affordable housing contribution and subject to having an acceptable impact on the character of the area, the amenities of neighbouring occupiers, impact on highway conditions and an acceptable design, amongst other considerations and any other material planning considerations.

Character and design and impact on Conservation Area and Listed Buildings

Conservation Area & Listed Buildings:

- 27 The application site is within Westerham Conservation Area, which includes the historic core of the town.
- 28 The NPPF states at paragraph 131 that in determining planning applications, local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 29 Policy SP1 of the Core Strategy requires all new development to be of high quality and to respond to the distinctive local character of the area. The District’s heritage assets, including listed buildings and conservation areas, will be protected and enhanced.

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- 30 Policy EN23 of the Sevenoaks District Local Plan expects proposals within a Conservation Area to be of positive architectural benefit, preserving or enhancing the character or appearance of the area. The design of new buildings should respect the local character.
- 31 The Westerham Conservation Area boundary runs along Grange Close and along the north and west boundaries of the site. Taking into account the position of the dwelling to the rear of Fullers Hill, hidden from any prominent views along the main frontage, I do not consider that it would adversely affect views within or of the conservation area. A new dwelling is proposed, which by its very nature will have a different impact than the existing undeveloped part of the site, but I consider that this new dwelling is compatible with the historic pattern of the development within this part of the Conservation Area. The Conservation Area Appraisal recognises that the area has both good and bad examples of infill development. The layout proposed retains a large proportion of land for use as amenity space, still retaining its spacious appearance, and the siting is sympathetic to the pattern of development that already exists.
- 32 There are Listed Buildings nearby, at 3 Fullers Hill, 3 – 9 London Road, 3 – 6 Duncan’s Cottages, Duncan’s Yard and Westerham Congregational Church. None of these properties directly abut the site. 3 Fullers Hill is the closest of these properties to the application site, but is separated from the site by a footpath which runs along the rear boundary of the curtilage of this listed property. The proposed siting of the new dwelling and its scale would protect the setting of the listed buildings, and there is scope for planting and boundary treatment that can be dealt with by condition.
- 33 A more detailed assessment of the design aspects of the proposal, its character and the impact on the Conservation Area are discussed below.

Siting and density of development:

- 34 The NPPF, Policy SP1 of the Core Strategy and Policy EN23 of the Sevenoaks District Local Plan expect development to make a positive contribution to the character and distinctiveness of an area. Policy LO7 of the Core Strategy states that within settlements that include Westerham, development on a modest scale will be permitted where it can take place in an acceptable manner, consistent with local character.
- 35 Policy EN1 of the Local Plan 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.
- 36 In terms of density, Policy SP7 of the Core Strategy sets a density of 30 dwellings per hectare for developments within rural settlements. This site is approx. 0.07ha which should, according to the required densities, could provide 2.1 dwellings. This proposal proposes 1 new unit.
- 37 The proposed siting and layout of the new dwelling would respect the existing pattern of development in the locality, where there are other examples nearby of buildings positioned behind others and of quirky, unusual layouts and plots that are not uniform in size or shape.
- 38 The proposed dwelling would be sited in the widest part of the plot, which would allow for a generous amount of space around the new dwelling, on all sides, and

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sufficient space to enhance the scheme with landscaping and provide for a generous private garden area and parking area. In this context the proposal would not appear cramped or overdevelopment.

- 39 As such the proposal is considered to be an appropriate density for the site and compatible with the tight-knit character and pattern of development of the Westerham Conservation Area.
- 40 The impact on the amenity of residents, from the proposed layout is discussed later in this report.

Character and Appearance:

- 41 The NPPF states that the Government:

'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' (para. 56)

- 42 The NPPF also states:

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."(para 60)

43. Policy EN1 of the Local Plan 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 states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
44. Westerham Conservation Area appraisal states that the area contains examples of most of the vernacular features that are typically found in traditional Kentish buildings. Roofs are either slated, with lead hip and ridge rolls, or covered with clay tiles hung on pegs or nibs. The use of full or half hips to one side of the roof with a gable end on the other is common. Chimney stacks are often tall and decorative. Dormer windows are often inserted into the roof slopes, giving light to attic spaces that can then be utilised as additional accommodation. The pitches of tiled roofs tend to be steep, whilst those that are slated are shallower, and the contrasting heights of the ridge lines lend variety and interest to the street scene. Red bricks and tile hanging as proposed for this new dwelling, are typical features within the Conservation Area.
45. The Westerham & Crockham Hill Village Design Statement is adopted informal planning guidance. It expects future development to respect the historical value of the town, and not dominate it or detract from or obscure the buildings of historical interest. The height, volume and overall appearance of any new building should be kept in proportion with existing buildings.
46. The scale of the dwellings proposed, is considered to be in proportion to neighbouring buildings and the general scale and form of development in this area, which consists mainly of two and three storey houses. The area is generally well developed with varying plot sizes, orientation and size of property. The

proposed two storey house would maintain the scale, layout and pattern of development within the area.

47. The design of the dwelling incorporates key elements of the vernacular architecture that is typical of this area, as identified in the Westerham Conservation Area Appraisal and Westerham & Crockham Hill Village Design Statement. The floorplan of the new dwelling allows for different roof shapes, a modest dormer window, gable features with barge boards, the use of red brick and tile hanging and a decorative chimney feature, using the same architectural language as seen on adjacent buildings. The proposed dwelling would clearly be a new structure that would take a little time to 'settle in', but the design and the choice of materials would reflect the distinctive characteristics of the area and would not appear as an incongruous feature or as a contemporary design at odds with the scale and appearance of existing buildings.
48. The application site is also within an Area of Outstanding Natural Beauty. As the site is within the village envelope and as the built form, scale and massing are compatible with the adjacent buildings, the impact upon this AONB is considered to be minimal. Therefore this development would conform to policies SP1, L07 and L08 of the Core Strategy.

Conclusion

49. Taking the above factors into account, this development would accord with Policies L07 and SP7 of the Core Strategy. The density would not meet the standard 30dph policy target, but the lower density proposed protects the distinctive character of the surrounding area, which is the overriding consideration under this policy.
50. The siting, layout, scale, massing and design and detailing of the proposed new dwelling reflect the pattern and scale of development in the area and the key architectural features that are typical of adjacent buildings. The proposal therefore complies with the advice set out in the Westerham Conservation Area Appraisal and the Westerham & Crockham Hill Village Design Statement and with policies EN1 and EN23 of the Sevenoaks District Local Plan and policies SP1 and SP7 of the Core Strategy.
51. The proposal would not cause harm to the wider landscape setting of the AONB and as such would not conflict with Policies SP1, L07 and L08 of the Core Strategy.

Impact on neighbouring amenity

52. Policy EN1 of the Local Plan states that the proposed development must 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.
53. In terms of loss of sunlight and daylight, no adjacent properties would be affected by the proposed development, due to the separation distances between dwellings and orientation of the development.
54. Concern has been raised by some neighbouring occupants regarding the impact of the development upon their outlook and loss of privacy.

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55. The development itself had been designed to prevent the loss of privacy to immediate neighbouring properties. At first floor level, windows are mainly sited to the north, south, western elevations to avoid any overlooking or loss of privacy issues to the rear of the properties of Fullers Hill.
56. In terms of the impact of the development upon the Occupiers of Little Grange, an existing beech hedge screen (approximately 2.5m high) will remain offering sufficient protection of amenity to both the occupiers of Little Grange and the future occupiers of the proposed property.
57. Due to the fact the site is surrounded by residential properties, it would be reasonable to attach a condition restricting the hours of construction to minimise the impact of construction of the dwelling upon existing residential amenity.
58. Given the above, it is therefore considered that the proposed development would continue to preserve the amenities of the occupiers of adjoining properties in accordance with Policy EN1 of the Local Plan.

Highway implications:

59. Local Plan policies EN1, VP1 seek to ensure that conditions of highway safety are not prejudiced, both for users of the proposed new development and also other highway users. Adequate off-street parking and turning facilities must be provided as part of every new development.
60. The County Highways Officer has not raised objection to the additional traffic movements and the development will be using an existing vehicular access.
61. The layout shows adequate provision for 3-4 vehicles for parking and turning provision. The level of provision offered exceeds current Vehicle Parking Standards, and so no objection can be raised on this ground.
62. I am satisfied that this scheme would comply with policies EN1 and VP1 of the local plan and policy T4 of the South East Plan. The Highways Officer raises no objection to this proposal.
63. Concerns have been raised by neighbours in relation to construction vehicles. To ensure clarification to how materials and construction vehicles gain access to the site, it would be reasonable to imposition a construction method statement.

Sustainability

64. As previously mentioned the proposal would provide efficient use of previously developed land within an existing suburban context. It is considered that the site is in a reasonably accessible location being within a short distance to shops and services in the village.
65. Policy SP2 of the Core Strategy states the minimum Code for Sustainable Home (CSH) standard a new dwelling should achieve. At present a code 3 standard is required.
66. The (CSH) guidance sets out how a home can achieve a sustainability rating for one to six depending on the extent to which it has achieved Code standards. No information has been provided about which level would be achieved. As such further details would be required by the imposition of a condition to ensure the

proposed development seeks to promote sustainability in accordance with Policy SP2 of the Core Strategy.

Affordable Housing

67. Policy SP3 of the Core Strategy requires a financial contribution to be made towards improving affordable housing provision off-site where residential developments of less than five units would involve a net gain in the number of units. The policy indicates that for residential developments of this size a financial contribution based on the equivalent of 10% affordable housing would be required.
68. In a residential development of this size, Policy SP3 expects a financial contribution towards improving affordable housing provision off-site. The applicant has agreed to a S106 for off-site affordable housing contribution in accordance with this policy SP3 of the Core Strategy and has completed and signed a S106 agreement to that effect.

Biodiversity

69. There are no statutory or non-statutory nature conservations designations within the site, although there are a number of potential habitat areas located within it, for example semi-mature and mature trees, hedgerows, hard standings and roof voids within the site which could provide habitat for protected and non protected species.
70. Paragraph 118 of the NPPF and SP11 of the Core Strategy sets out that new development should maximise opportunities to build in features which are of benefit to biodiversity as part of good design. Proposals do not include a range of features designed to enhance the ecological value of the site. As such a condition could be required to secure those details to improve the ecological value of the site in accordance with the advice of policy SP11 of the Core Strategy and policy NRM5 of the South East Plan.

Other Issues

71. Cllr Maskell has made reference to a decision at 15 Sandy Lane, Westerham where planning permission was refused for a new 3 bedroom dwelling. The grounds of refusal were:
 - a. The proposal by reason of its siting forward of the existing dwelling, within close proximity of the highway would result in a visually dominant and intrusive form of development. This fails to respond positively to local character in relation to the layout of built form and its relationship with the existing pattern of development. This conflicts with advice within PPS1 and policies H5 and CC6 of the South East Plan, SP1 of the Sevenoaks District Core Strategy and EN1 of the Sevenoaks District Local Plan.
 - b. The proposal has failed to make a financial contribution towards improving affordable housing provision off-site and is contrary to policy SP3 of the Sevenoaks District Core Strategy.
72. In recommending refusal for this proposal, the case officer noted that the design and scale of the proposed building would not have been out of keeping with the existing properties in the cul de sac, but that the siting would bring the full two

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storey mass of the dwelling within 2m of the footpath. The report states:

“The result being that the proposed dwelling would appear very prominent within the street scene and fail to respect the separation distance from the highway which other properties provide.”

73. The case officer referred to another plot nearby where a new dwelling had been built and noted that here, the new dwelling had been sited slightly back from the building line and thus sat more comfortably within the street scene.
74. This proposal, was for a new dwelling in an established residential area, but the sites are different in character, layout and in the pattern of development and are not directly comparable. The circumstances that led to the refusal of this application, do not apply to this current proposal for the land adjacent Little Grange.
75. Part of the site is within an Area of Archaeological potential. The local archaeological officer has responded and recommended that a watching brief condition should be imposed due to the location of the site and its proximity to the historic core of the settlement. This would be in accordance with paragraph 126 of the NPPF.

Access Issues

76. No adverse access issues have been identified in relation to his proposal.

Conclusion

77. On considering the above, it is recommended that this application should be approved as it conforms to the relevant Development Plan policies and there are no other overriding material considerations to suggest otherwise.

Background Papers

Site Plan

Contact Officer(s): Sean Mitchell Extension: 7349

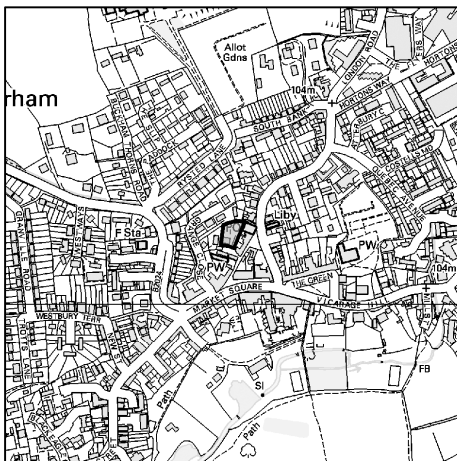
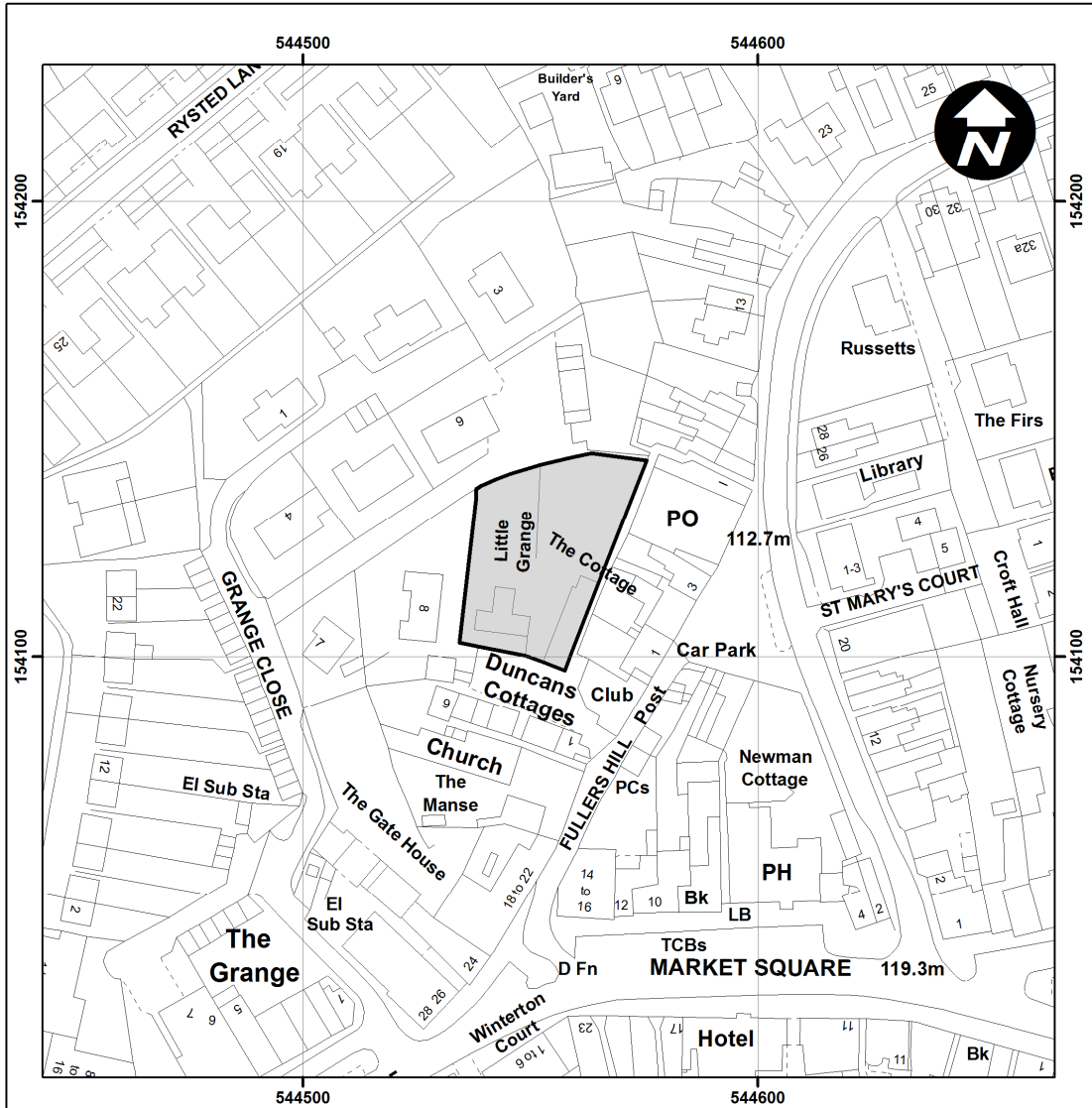
Kristen Paterson
Community and Planning Services Director


Link to application details:

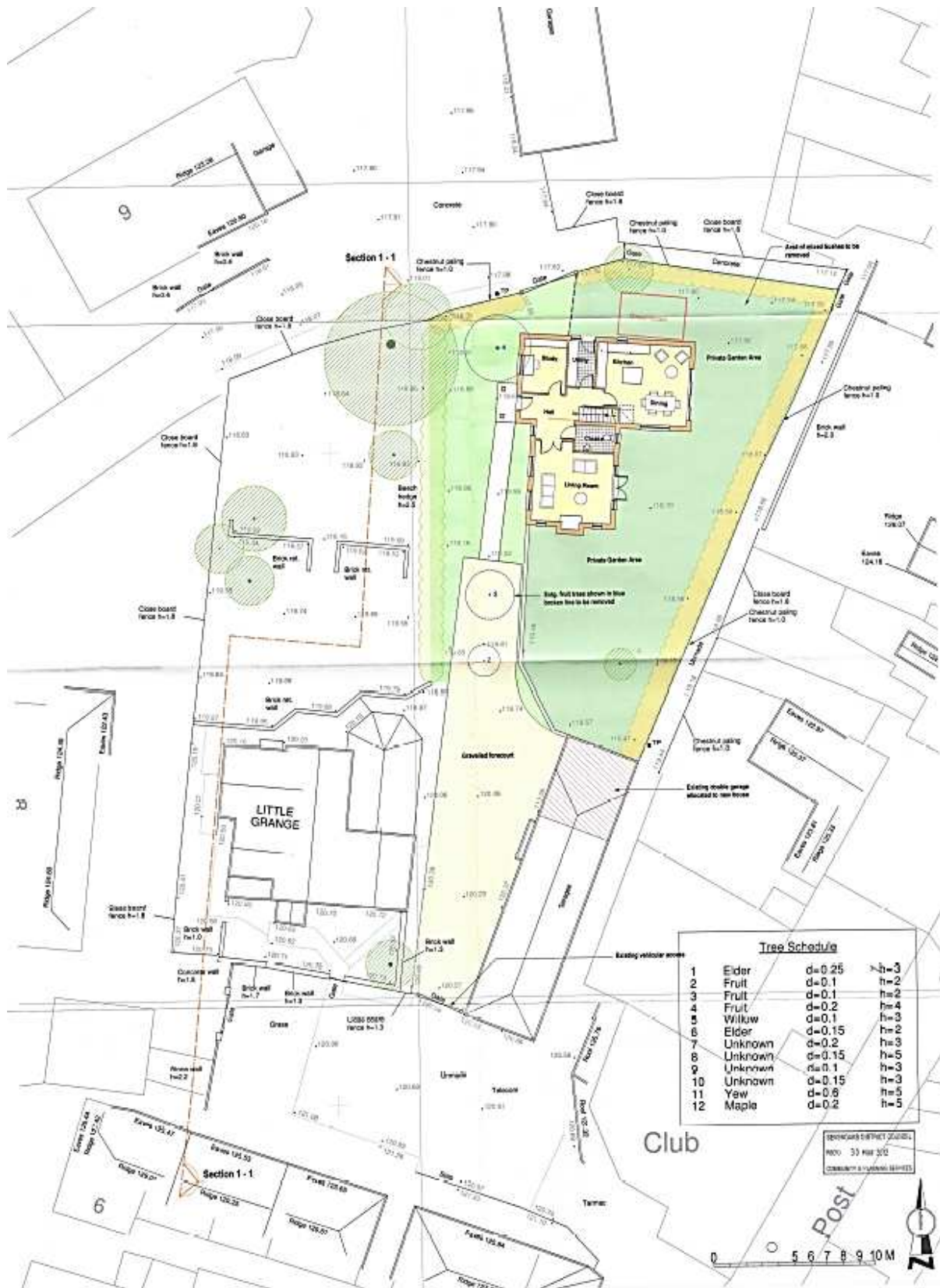
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M1UH78BKOCR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M1UH78BKOCR00>



<h1>Site Plan</h1>	
Scale	1:1,250
Date	06.06.2012
 Sevenoaks DISTRICT COUNCIL	
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4.3 - SE/12/01529/FUL Date expired 22 August 2012

PROPOSAL: Demolition of the existing dwelling and attached garage and erection of a detached house and garage

LOCATION: Cavendish House, Clenches Farm Road, Sevenoaks
TN13 2LU

WARD(S): Sevenoaks Kippington

ITEM FOR DECISION

Councillor Avril Hunter has referred the application to Development Control Committee as she believes the application is acceptable on the basis that the demolition of the existing property will not harm the character and appearance of the Conservation Area.

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

The demolition of a designated heritage asset will harm and detract from the character and appearance of the Conservation Area, contrary to the provisions of policies EN1 and EN23 of the Local Plan, SP1 of the Core Strategy and the National Planning Policy Framework.

Description of Proposal

- 1 Demolition of the existing dwelling and attached garage and erection of a detached house and garage.

Description of Site

- 2 The application site lies within Sevenoaks, within the Kippington Road Conservation Area (the boundary of the Conservation Area runs around the side and rear boundary of the site).
- 3 The existing detached two storey property (and detached garage) is set off Clenches Farm Road in a plot of approximately 0.3ha.

Constraints

- 4 Conservation Area

Policies

Sevenoaks District Local Plan

- 5 Policy - EN1

Sevenoaks Core Strategy

- 6 Policy - SP1

Other

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7 NPPF

Planning history

8 12/001530/CAC - Demolition of the existing dwelling and attached garage. Currently being considered.

Consultations

Conservation Officer (for application 12/001530/CAC)

9 As the DAS correctly states, the Kippington Road and Oakhill Road CAMP identifies Cavendish House as 'contributing to character'. A presumption against demolition follows from this. It is thus a heritage asset in the terms of NPPF section 12. The style of the house resembles 'Arts and Crafts' and is one of several houses of that era and type in the CA. No significant alterations appear to have been made over the years to detract from that character. There is a mix of house types in the CA and this mix is part of its character. Uniformity of style is thus neither desirable nor necessary. No evidence is submitted to indicate that there is any structural issue with the house or the lack of any essential domestic provision which cannot be provided by means of additions or alterations. Thus I must object to the demolition and recommend refusal. I have not been consulted on the proposed replacement but having studied the drawings, I do not consider that the design is of any special merit. It thus would not 'preserve or enhance' the CA as required by the legislation and related advice and guidance.

10 08/08/2012 I have read the agent's letter of 17/07/2012. This does not offer any information or comment on the physical condition of the house such as to support an argument for demolition. The fact that it is identified in the CAMP as 'contributing to character' makes it 'significant' in the terms of the NPPF. Sections 74-76 of the 1990 Act protects unlisted buildings in CAs from demolition especially where they maintain the character and appearance of the CA. Contrary to statement made by the agent in her letter, it IS the architectural design of the building which is important, otherwise this would be an argument for replacing each and every building in a CA: clearly not a rational argument. I have not changed my opinion and recommendation for refusal.

Parish/Town Council

11 Sevenoaks Town Council recommended approval

Representations

12 Neighbours – three letters of support have been received. Concern is also raised regarding possible disruption during the demolition/building works.

Group Manager - Planning Appraisal

13 The main considerations of this application are:

- impact upon character and appearance of the street scene and wider Conservation Area
- impact upon residential amenity.

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Impact upon the character and appearance of the area and adjacent Conservation Area

- 14 Policy EN23 (from SDLP) states that *'proposals for development or redevelopment within or affecting Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting.'*
- 15 The supporting text adds *'Planning control is extended to unlisted buildings in Conservation Areas threatened by proposals for partial or total demolition. When considering unlisted buildings, emphasis is placed on group value rather than individual quality. However it is seldom necessary to propose the removal of such buildings, as conversion or renovation is often an acceptable alternative.'*
- 16 Also relevant is policy SP1 from the Sevenoaks Core Strategy which states *'the Districts heritage assets and their settings, including conservation areas, will be protected and enhanced.'*
- 17 Cavendish House is identified in the Kippington Road Conservation Area Appraisal and Management Plan as a building contributing to character.
- 18 The Conservation Officer describes the dwelling as resembling *'Arts and Crafts' and is one of several houses of that era and type in the CA. No significant alterations appear to have been made over the years to detract from that character. There is a mix of house types in the CA and this mix is part of its character. Uniformity of style is thus neither desirable nor necessary.*
- 19 The submitted design and access statement states that the character of the site *'derives from its openness, dominant large house and surrounding garden, with relatively sparse planting'*, and not the design or architecture of the dwelling.
- 20 This is described as containing some Arts and Crafts features but *'lacking the detailing, ornamentation and asymmetrical form which typified this movement.'*
- 21 It is therefore argued that, given the property was not built during the time period for the Arts and Crafts movement; it is the presence of the building rather than the design that contributes to the conservation area rather than the actual quality of the building.
- 22 As stated above, the property is identified as contributing to the character of the Conservation Area. As identified by the Conservation Area appraisal, there is a mix of house types in the vicinity and this, as stated by the Conservation Officer, is part of its character.
- 23 As stated by the supporting text to policy EN23 of the Local Plan, *'when considering unlisted buildings, emphasis is placed on group value rather than individual quality.'*
- 24 It is therefore considered that whilst the property is not an Arts and Crafts dwelling, its individual architectural quality is of a standard and importance which is considered worthy of protection.
- 25 The identification of the dwelling as making a positive contribution to the significance of the Conservation Area means that, in respect of the NPPF:

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'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.'

- 26 As the Conservation Officer states, no argument has been put forward regarding any structural issue or that the dwelling is unfit for purpose.
- 27 Given the siting of the dwelling and the mature front boundary hedging, it is mostly obscured from view from the highway. However it does remain visible, particularly when passing the entrance and therefore it does have an impact on the Conservation Area.
- 28 In conclusion therefore, the property is a designated heritage asset as it is sited within the Conservation Area and actively identified in the local Management Plan as contributing to the character of the Conservation Area, due to the significance of its architecture and design, and the contribution it makes to its setting. As such, its demolition is considered contrary to the above policies, and no overriding justification has been put forward which would meet with the criteria set out in NPPF.
- 29 Turning to the replacement dwelling, NPPF states that 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'
- 30 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.
- 31 Also relevant is policy SP1 from the Sevenoaks Core Strategy which states 'All new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated'.
- 32 The replacement dwelling, including the large attached two storey triple garage is clearly much larger in footprint and in height than the existing property.

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- 33 The existing property has a ridge height of approx 10m, and the replacement dwelling, sited in a similar location rises to a ridge height of approximately 10.8m.
- 34 The replacement dwelling is also sited slightly nearer to the front boundary than the existing dwelling.
- 35 The proposed dwelling, a Georgian style two storey property with dormers in the front, side and rear, is in keeping, both in scale and design with the other new dwellings in the vicinity. Whilst the Conservation Officer does not consider that the 'design is of any special merit', on balance, it is not considered that the proposed design, scale and location are inappropriate or sufficiently harmful to the character and appearance of the conservation area to warrant a recommendation of refusal in relation to the proposed replacement building.

Impact upon residential amenity

- 36 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development does 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.
- 37 As stated above, the replacement dwelling, including the large attached two storey triple garage is clearly much larger in footprint and in height than the existing property.
- 38 The replacement dwelling is sited 4.4m from the northern boundary with No. 130 Kippington Road. The existing main property is sited approximately 12m from this boundary, with the singles storey attached garage extending up to 2.8m from the boundary.
- 39 The massing and bulk along this boundary is therefore considerably increased.
- 40 The boundary has numerous large mature trees adjacent to the dwelling which will be retained. There also remains a distance of approx. 24m to the side elevation of No. 130, and therefore on balance, it is not considered that the proposed replacement dwelling will have an overbearing or overshadowing impact upon this neighbour.
- 41 There remains a distance of approximately 20m to the rear boundary, and 31m approx. to the southern side boundary, and therefore it is not considered that the proposed property, including the attached garage, will have a detrimental impact upon these neighbours, Amity and Martlets.
- 42 Turning to overlooking, again, due to the size of the plot and the separation distances to the rear (20m) and southern side (31m) it is not considered that the fenestration on these elevations of the proposed dwelling, including dormers (and including on the first floor of the attached garage), will have a detrimental impact upon either neighbour.
- 43 The northern side elevation of the property has two first floor windows and a further dormer window. It is considered that, given the proximity of this side elevation to the boundary, these windows should be conditioned as obscure glazed, as they serve either a bathroom or in the case of the dormer window, are a secondary window to a bedroom

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- 44 The proposed attached garage has dormer windows facing the northern boundary, however given the 25m approx. separation distance, it is not considered that these require an obscure glazing condition.
- 45 It is considered therefore that there would be little change from the existing situation in terms of amenity impact and the proposed replacement dwelling would comply with policy EN1 of the Local Plan in this regard.

Access

- 46 The proposal would utilise the existing access from the Clenches Farm Road and there remains significant off street parking and turning area to the front of the dwelling.

Landscaping

- 47 The proposed dwelling will not involve the removal of any existing trees, and three new small trees will be planted, along the front boundary. It is not therefore considered that the proposal will lead to the loss of any important trees or hedging. Given that the screening is considered necessary to protect the amenities of neighbours (No 160) a condition in this regard is considered appropriate.

Other matters

- 48 A Conservation Area Consent application for the demolition of the existing dwelling and garage has also been submitted (12/001530/CAC) and forms part of the Committee papers.

Conclusion

- 49 In summary, it is considered that the demolition of a designated heritage asset will harm and detract from the character and appearance of the Conservation Area, contrary to the provisions of policies EN1 and E23 of the Local Plan, SP1 of the Core Strategy and National Planning Policy Framework, March 2012.

Recommendation

- 50 That planning permission be Refused.

Contact Officer(s): Ben Phillips Extension: 7387

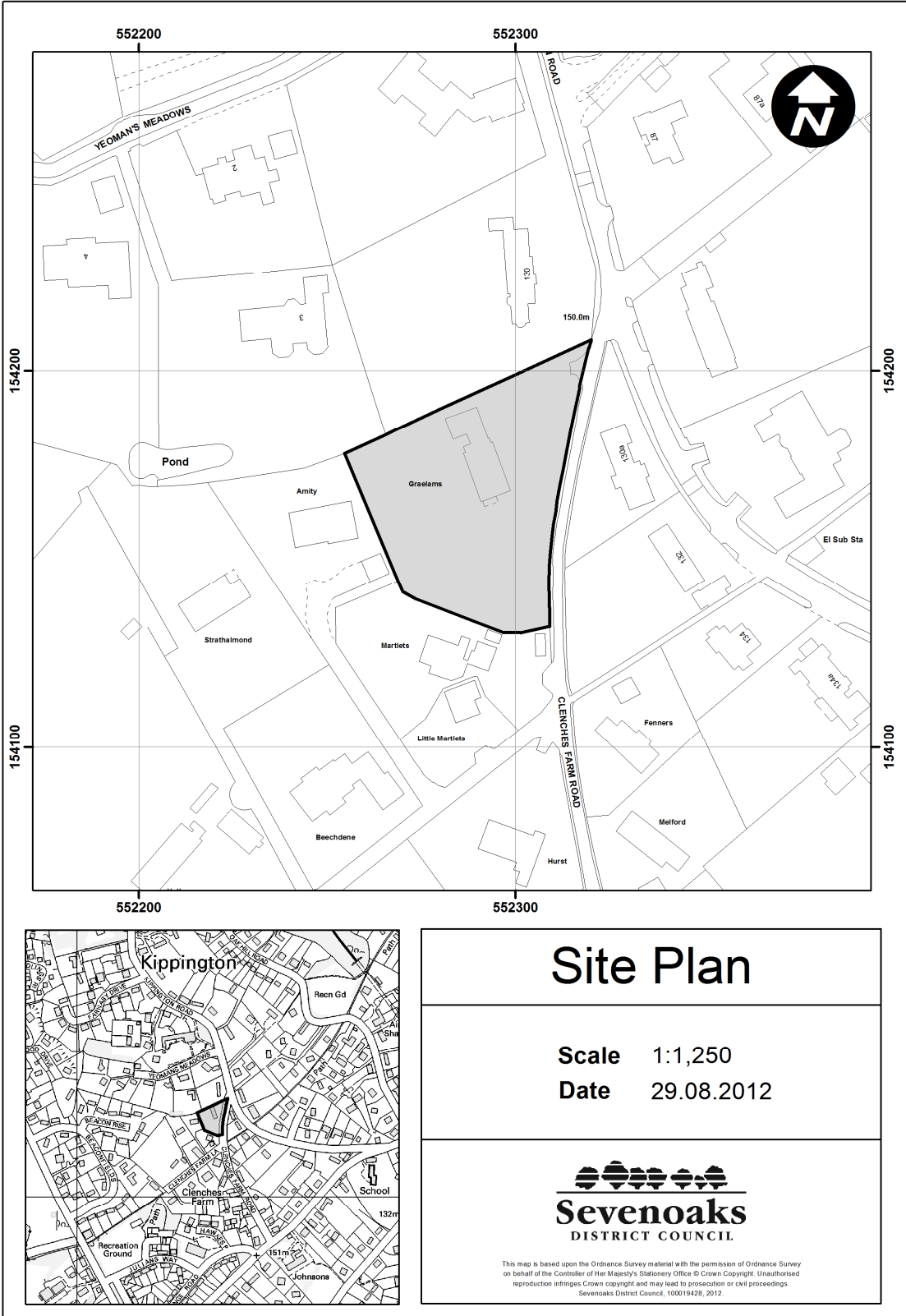
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M5HSU4BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M5HSU4BK8V000>



Site Plan

Scale 1:1,250
Date 29.08.2012



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Sevenoaks District Council, 1000/19428, 2012.



New House

New Garage

Bonded
Gravel
Drive

4.4 - SE/12/01530/CAC Date expired 13 August 2012

PROPOSAL: Demolition of the existing dwelling and attached garage

LOCATION: Cavendish House, Clenches Farm Road, Sevenoaks
TN13 2LU

WARD(S): Sevenoaks Kippington

ITEM FOR DECISION

Councillor Avril Hunter has referred the application to Development Control Committee, as she believes the application is acceptable on the basis that the demolition of the existing property will not harm the character and appearance of the Conservation Area.

RECOMMENDATION: That Conservation Area Consent be REFUSED for the following reasons:-

The demolition of a designated heritage asset will harm and detract from the character and appearance of the Conservation Area, contrary to the provisions of policies EN1 and EN23 of the Local Plan, SP1 of the Core Strategy and the National Planning Policy Framework.

Description of Proposal

- 1 Conservation Area Consent is proposed to demolish the existing dwelling and attached garage.

Description of Site

- 2 The application site lies within Sevenoaks, within the Kippington Road Conservation Area (the boundary of the Conservation Area runs around the side and rear boundary of the site)
- 3 The existing detached two storey property (and detached garage) is set off Clenches Farm Road in a plot of approximately 0.3ha.

Constraints

- 4 Conservation Area

Policies

Sevenoaks District Local Plan

- 5 Policy - EN1

Sevenoaks Core Strategy

- 6 Policy - SP1

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Other

7 NPPF

Planning history

8 12/001529/FUL Demolition of the existing dwelling and attached garage and erection of a detached house and garage. Currently being considered.

Consultations

SDC Conservation Officer

9 As the DAS correctly states, the Kippington Road and Oakhill Road CAMP identifies Cavendish House as 'contributing to character'. A presumption against demolition follows from this. It is thus a heritage asset in the terms of NPPF section 12. The style of the house resembles 'Arts and Crafts' and is one of several houses of that era and type in the CA. No significant alterations appear to have been made over the years to detract from that character. There is a mix of house types in the CA and this mix is part of its character. Uniformity of style is thus neither desirable nor necessary. No evidence is submitted to indicate that there is any structural issue with the house or the lack of any essential domestic provision which cannot be provided by means of additions or alterations. Thus I must object to the demolition and recommend refusal. I have not been consulted on the proposed replacement but having studied the drawings, I do not consider that the design is of any special merit. It thus would not 'preserve or enhance' the CA as required by the legislation and related advice and guidance.

10 08/08/2012 I have read the agent's letter of 17/07/2012. This does not offer any information or comment on the physical condition of the house such as to support an argument for demolition. The fact that it is identified in the CAMP as 'contributing to character' makes it 'significant' in the terms of the NPPF. Sections 74-76 of the 1990 Act protects unlisted buildings in CAs from demolition especially where they maintain the character and appearance of the CA. Contrary to statement made by the agent in her letter, it IS the architectural design of the building which is important otherwise this would be an argument for replacing each and every building in a CA: clearly not a rational argument. I have not changed my opinion and recommendation for refusal.

Parish/Town Council

11 Sevenoaks Town Council recommended approval.

Representations

12 Neighbours – three letters of support have been received. Concern is also raised regarding possible disruption during the demolition/building works.

Group Manager - Planning Appraisal

13 The main considerations of this application are:

- impact upon character and appearance of the street scene and wider Conservation Area

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Impact upon the character and appearance of the area and adjacent Conservation Area

- 14 Policy EN23 (from SDLP) states that *'proposals for development or redevelopment within or affecting Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting.'*
- 15 The supporting text adds *'Planning control is extended to unlisted buildings in Conservation Areas threatened by proposals for partial or total demolition. When considering unlisted buildings, emphasis is placed on group value rather than individual quality. However it is seldom necessary to propose the removal of such buildings, as conversion or renovation is often an acceptable alternative.'*
- 16 Also relevant is policy SP1 from the Sevenoaks Core Strategy which states *'the Districts heritage assets and their settings, including conservation areas, will be protected and enhanced.'*
- 17 Cavendish House is identified in the Kippington Road Conservation Area Appraisal and Management Plan as a building contributing to character.
- 18 The Conservation Officer describes the dwelling as resembling *'Arts and Crafts' and is one of several houses of that era and type in the CA. No significant alterations appear to have been made over the years to detract from that character. There is a mix of house types in the CA and this mix is part of its character. Uniformity of style is thus neither desirable nor necessary.*
- 19 The submitted design and access statement states that the character of the site *'derives from its openness, dominant large house and surrounding garden, with relatively sparse planting'*, and not the design or architecture of the dwelling.
- 20 This is described as containing some Arts and Crafts features but *'lacking the detailing, ornamentation and asymmetrical form which typified this movement.'*
- 21 It is therefore argued that, given the property was not built during the time period for the Arts and Crafts movement; it is the presence of the building rather than the design that contributes to the conservation area rather than the actual quality of the building.
- 22 As stated above, the property is identified as contributing to the character of the Conservation Area. As identified by the Conservation Area appraisal, there is a mix of house types in the vicinity and this, as stated by the Conservation Officer, is part of its character.
- 23 As stated by the supporting text to policy EN23 of the Local Plan, *'when considering unlisted buildings, emphasis is placed on group value rather than individual quality.'*
- 24 It is therefore considered that whilst the property is not an Arts and Crafts dwelling, its individual architectural quality is of a quality and importance which is considered worthy of protection.
- 25 The identification of the dwelling as making a positive contribution to the significance of the Conservation Area means that, in respect of the NPPF:

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'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.'

26 As the Conservation Officer states, no argument has been put forward regarding any structural issue or that the dwelling is unfit for purpose.

27 Given the siting of the dwelling and the mature front boundary hedging, it is mostly obscured from view from the highway. However it does remain visible, particularly when passing the entrance and therefore it does have an impact on the conservation Area.

28 In conclusion therefore, as, by virtue of its design and appearance, the dwelling is designated as contributing to the character of the Conservation Area, its demolition is considered contrary to the above policies, and no overriding justification has been put forward which would meet with the criteria set out in NPPF.

Other matters

29 A full application for the demolition of the existing dwelling and the erection of a replacement dwelling and garage has also been submitted (12/001529/FUL). The merits of the replacement dwelling are considered fully under this application and the following committee papers.

Conclusion

30 In summary, it is considered that the demolition of a designated heritage asset will detract from the character and appearance of the Conservation Area, contrary to the provisions of policies EN1 and EN23 of the Local Plan, SP1 of the Core Strategy and the NPPF.

Recommendation

31 That planning permission should be refused.

Contact Officer(s): Ben Phillips Extension: 7387

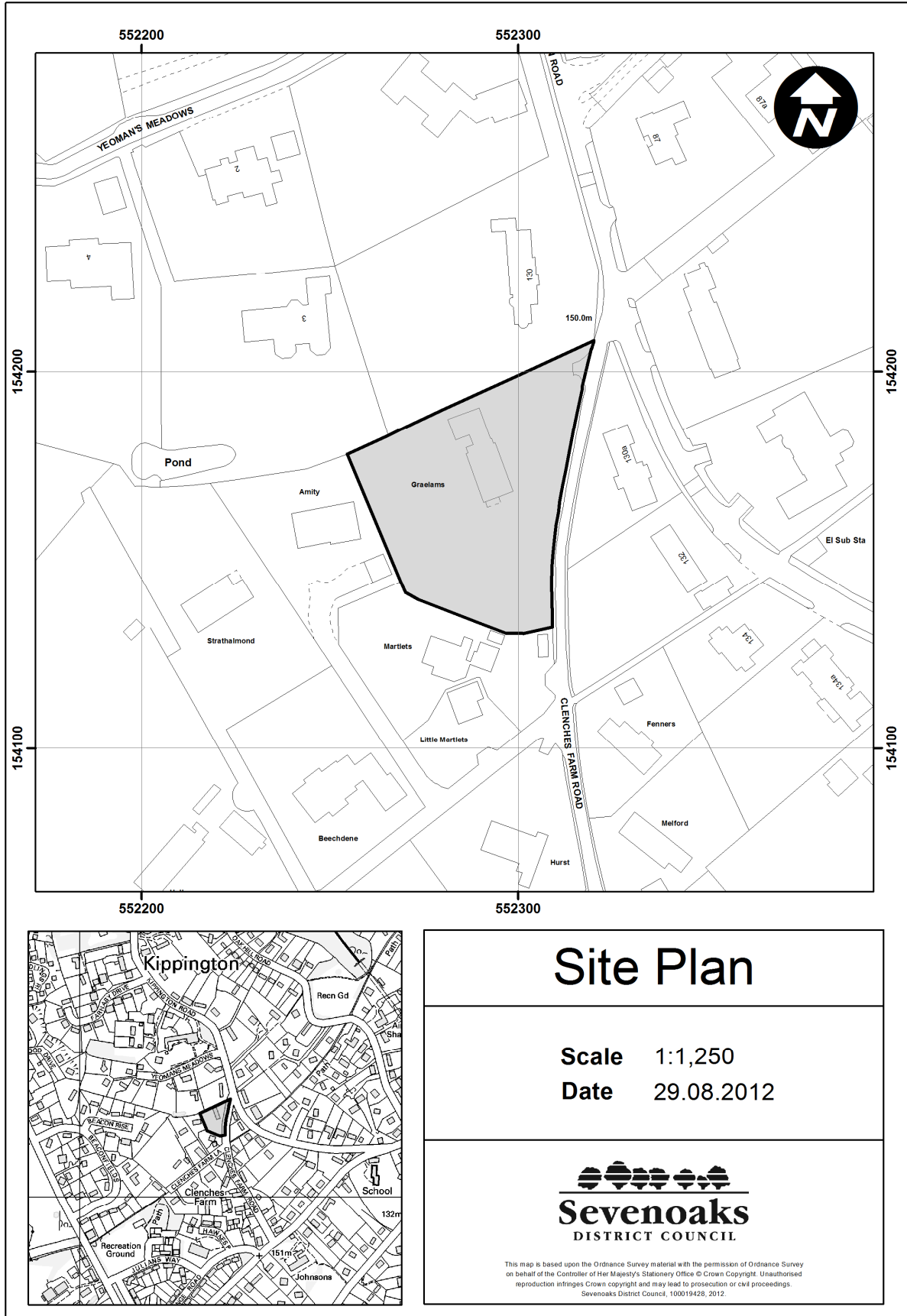
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M5HSU6BK8V001>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M5HSU6BK8V001>





New House

New Garage

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