

DEVELOPMENT CONTROL COMMITTEE

14 March 2013 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

Pages

Apologies for Absence

1. **Minutes** (Pages 1 - 8)
Minutes of the meeting of the Committee held on 14 February 2013.
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/12/02836/FUL - The Village Pharmacy, 15 Main Road, Hextable BR8 7RB** (Pages 9 - 18)
Change of use of part of the Pharmacy to Dentist facility
 - 4.2. **SE/11/02868/CONVAR - 2 And 3 St Edith Court, St Ediths Road, Kemsing TN15 6JQ** (Pages 19 - 26)
Pair of detached houses with garages Plots 2 and 3 as approved under application SE/87/2096, without complying with condition 1 which removes permitted development rights.
 - 4.3. **SE/12/03238/HOUSE - 8 Small Grains, Fawkham DA3 8NT** (Pages 27 - 34)
Proposed first floor rear extension above existing ground floor extension

**4.4. SE/12/02852/HOUSE - Dorminton, Stonehouse Road,
Halstead TN14 7HN**

(Pages 35 - 44)

Erection of a two storey front, side and rear extension. Single storey side and rear extension.

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, 11 March 2013.

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

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

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

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 14 February 2013 commencing at 7.00 pm

Present: Cllr. Mrs. Dawson (Chairman)

Cllr. Williamson (Vice-Chairman)

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

Apologies for absence were received from Cllrs. Cooke, Scholey and
Underwood

Cllrs. Ayres, Mrs. Davison, Fleming and Mrs. Purves were also present.

110. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 17 January 2013 be approved and signed by the Chairman as a correct record.

111. Declarations of Interest or Predetermination

Cllr. McGarvey clarified that he had been in discussions with the applicants and with Officers concerning item 4.3 SE/11/01874/FUL - The Red Barn, Stack Road, Horton Kirby, Dartford DA4 9DP during most of 2012.

112. Declarations of Lobbying

All Councillors except Cllr. Brookbank declared that they had been lobbied in respect of item 4.1 SE/12/02797/FUL - Land To Rear of 7 Serpentine Road, Sevenoaks TN13 3XR.

All Councillors except Cllrs. Brookbank, Brown, Mrs. Parkin, Walshe and Williamson declared that they had been lobbied in respect of item 4.2 SE/12/01819/OUT - The New Inn, 75 St. Johns Hill, Sevenoaks TN13 3NY.

Cllr. McGarvey declared that he had been lobbied in respect of item 4.3 SE/11/01874/FUL - The Red Barn, Stack Road, Horton Kirby, Dartford DA4 9DP.

113. SE/12/03108/FUL - Asda Stores Ltd, London Road, Swanley BR8 7UN

Members were informed that this item had been withdrawn from the agenda.

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Unreserved Planning Applications

There were no public speakers against the following item and it was not reserved for discussion. Therefore, in accordance with Part 7 3.5(e) of the constitution, the following matter was considered without debate:

114. SE/12/02566/FUL - Fingz , 143C High Street, Sevenoaks TN13 1UX

The proposal was for alterations to the shared access to the flats above no.143c High Street to create a separate dedicated access for the flats. The development consists of the creation of a doorway on the Pembroke Road (north) elevation, the creation of a corridor through part of the existing stock and staff area of the shop with a new external staircase to the rear with trellis screening. A new door would be formed to the rear (south) elevation.

The site was within the Town Centre area of Sevenoaks, but not within the Sevenoaks High Street Conservation Area. The building was not listed. The building was not included as part of the Primary Frontage (either road frontage).

Officers considered that the development would respect the context of the site and would not have an unacceptable impact on the street scene. The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

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: 12-20-02

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

Reserved Planning Applications

The Committee considered the following applications:

115. SE/12/02797/FUL - Land To Rear of 7 Serpentine Road, Sevenoaks TN13 3XR

The proposal was for a new dwelling and two parking spaces including demolition of the existing detached garage. It was similar to application SE/11/02670/FUL which had been refused on appeal though some amendments had been made. The height had been reduced by 1.2m, it proposed two bedrooms not three, the garden layout had been changed and the on site parking for No.7 Serpentine Road had been removed. The building line would be 1m back from the existing garage but the development would be 2.5m higher than the existing garage. The site was within the built urban confines of Sevenoaks.

Officers considered that the distance to No.9 Serpentine Road was the main reason for refusal at appeal but this was now at 12m. Any potentially significant impacts on the amenities of nearby dwellings could be satisfactorily mitigated by way of the conditions imposed. Development would respect the context of the site and would not have an unacceptable impact on the street scene.

Members' attention was drawn to the tabled Late Observations sheet. It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application:	Mr. Fraser-Urquhart
For the Application:	Mr Hadley
Parish Representative:	Cllr. Mrs. Walshe
Local Member:	Cllr. Mrs. Purves

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

The local Member on the Committee noted the concerns of the public speakers including that there was still undue overbearing proximity to No.9 Serpentine Road and the impact on No.7 was likely to be equal, if not greater. The dwelling was considerably higher than the existing garage. The garden would be put to a more intensive use and this would have a detrimental effect on neighbouring amenity as well. It was unlikely a two-storey dwelling could fit onto the site.

Members emphasised that, despite the reduction, it had not been shown the Inspector's concerns at appeal had been addressed. The site was at a noticeably higher level than No.7 and 9 and the proposal would have an overbearing effect on them. It was also noted that the dwelling would be very close to No.61 Bayham Road. The plot was considered too small.

Although concern was raised about reversing onto the road it was noted that this was no different to the existing position. However, as there was no longer parking for No.7 then cars would be displaced onto busy roads.

The motion was put to the vote and there voted –

2 votes in favour of the motion

13 votes against the motion

The Chairman declared the motion to be LOST. It was MOVED by Cllr. Clark and was duly seconded:

“That planning permission be REFUSED for the following reason:-

The proposed dwelling would significantly harm the residential amenity of the occupiers at Numbers 7 and 9 Serpentine Road by reason of its overbearing proximity leading to a loss of light and outlook to these properties. The dwelling

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would also bring a more intensive domestic activity into the existing garden area to the rear of the garage to the detriment of the residential area of Numbers 7 and 9 Serpentine Road. The proposal is therefore not in accordance with Policy EN1 of the Sevenoaks District Local Plan.”

The motion was put to the vote and there voted –

13 votes in favour of the motion

2 votes against the motion

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

The proposed dwelling would significantly harm the residential amenity of the occupiers at Numbers 7 and 9 Serpentine Road by reason of its overbearing proximity leading to a loss of light and outlook to these properties. The dwelling would also bring a more intensive domestic activity into the existing garden area to the rear of the garage to the detriment of the residential area of Numbers 7 and 9 Serpentine Road. The proposal is therefore not in accordance with Policy EN1 of the Sevenoaks District Local Plan.

116. SE/12/01819/OUT - The New Inn, 75 St. Johns Hill, Sevenoaks TN13 3NY

The Chairman announced that she would not act as Chairman for the present item as she has referred the matter to the Committee. With the agreement of the meeting she called the Vice-Chairman, Cllr. Williamson, to chair the item.

(Cllr. Williamson in the Chair)

The proposal was for outline permission, with all matters reserved, for the demolition of a public house and construction of a three storey residential building (with accommodation in the roof space) comprising of 13 one bed and 1 two bed flats. There would be no provision for on-site for parking.

Officers clarified that the triangular land to the rear, bordering No.1 St. James’s Road, was not part of the application as it was not under the ownership of the applicants.

Officers advised that the proposal would, by virtue of its scale, height and massing have a detrimental impact upon the character and appearance of the street scene and also have an overlooking impact detrimental to the privacy of the occupiers of residential properties at the rear (Nos.1, 3 and 5 St James’s Road) and 54-64 Golding Road. No legal agreement had been finalised for the provision of on-site affordable housing units.

The Committee was addressed by the following speakers:

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

In response to a question Officers confirmed that any amenity land on site would be limited but there was limited information at this stage as the proposal was an outline application.

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

The local Member on the Committee agreed with the concerns of the other ward representative. The lack of on-site car parking would have a detrimental impact on the neighbouring area as surrounding roads were already overcrowded, with little on-site parking for residents. Public car parks were also very busy. She felt planning policy did not adequately deal with parking requirements as public transport was limited; there was no evening bus service and there were suggestions that rail services from Bat & Ball Station could be reduced.

Several Members supported these comments. It was added that St. John's Hill road had already become dangerous at the traffic island.

An alteration to the motion was agreed that the insufficient provision of on-site parking facilities for residents of the proposed flats would lead to additional parking onto roads in an area which already has a high level of on street parking. Members confirmed that this would be harmful to residents of the surrounding area.

Another Member stated that the four storey nature of the development was a problem. It would be out of keeping with the area.

Support was given to the provision of smaller units and possible affordable housing within Sevenoaks.

The motion was put to the vote and it was unanimously –

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

The proposed development, by virtue of its scale, would have a detrimental impact upon the character and appearance of the street scene, as it would dominate the vicinity and not be in harmony with the adjoining buildings. The proposal is therefore contrary to the provisions of Policy EN1 of the Local Plan and SP1 of the Core Strategy.

The proposal development would, by virtue of its height, scale and position of windows, have an overlooking impact that would be detrimental to the privacy of the occupiers of residential properties at the rear (Nos. 1, 3 and 5 St James's Road) and 54-64 Golding Road. The proposal is therefore contrary to the provisions of Policy EN1 of the Local Plan and SP1 of the Core Strategy.

The insufficient provision of on-site parking facilities for residents of the proposed flats would lead to additional parking onto roads in an area which already has a high level of on street parking. This would be detrimental to the amenity of local residents in the surrounding area as it would reduce the availability of parking for them and would lead to harm to the safety of existing road users due to areas

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being over-parked. The proposal would therefore be contrary to policy EN1 of the Sevenoaks District Local Plan July 2008.

The applicant has failed to finalise a legal agreement providing the adequate number of on site affordable units with no provision of affordable units. The proposal is not in accordance with the Policy SP3 of the Core Strategy.

(Cllr. Mrs. Dawson in the Chair)

At 8.28 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 8.34 p.m.

117. SE/11/01874/FUL - The Red Barn, Stack Road, Horton Kirby, Dartford DA4 9DP

The proposal was for the conversion of an existing barn to residential use, with the demolition of some associated structures.

On 19 January 2012 the Development Control Committee resolved to grant planning consent for the conversion of Red Barn for residential purposes. That resolution was subject to appropriate provision for an affordable housing contribution in accordance with Core Strategy Policy SP3 and the Supplementary Planning Document relating to Affordable Housing within six months. The six month limit had elapsed and so the application had been referred back to the Committee. The Committee had already agreed to the development in principle.

Members' attention was drawn to the tabled Late Observations sheet. Since the agenda had been published the applicant had offered an Affordable Housing contribution of £10,000, payable on commencement of development, together with a draft legal agreement. This was not equal to the full contribution as assessed by the Council's viability assessment of £35,647.

Members were invited to consider the particular circumstances of the case as to whether flexibility in the contribution was appropriate. These factors included that the developer was a private individual, which was not specifically covered in the SPD; that the proposal included greater sustainability features than required; and that the nature of a barn conversion could increase the applicant's building and conversion costs.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mr. Ward
Parish Representative:	-
Local Member:	-

Officers explained that more than half of planning applications which were expected to provide an Affordable Housing contribution paid the full assessed sum. Fewer than 10% of applications paid no contribution at all. Officers did not consider it reasonable to take account of 25 years of financing costs.

It was MOVED by the Chairman and was duly seconded that the recommendation in the Late Observations sheet be adopted. This was to reject permission unless a section 106 obligation for £10,000 Affordable Housing contribution was completed within six weeks.

The local Member, who had been involved in the negotiations for an Affordable Housing contribution, did not consider the policy to be well suited for calculating contributions in such a case. There had been a series of costs incurred by the applicants which were not fully accounted for under the policy. He also felt that the policy gave inadequate discretion in varying contributions where an applicant had incurred further costs by trying to achieve other policy outcomes such as sustainability.

An alteration to the motion was agreed that a further obligation be added to the planning obligation. Should the property be sold outside the applicants' family within 10 years then the remainder of the affordable housing contribution calculated would be payable to the Council.

Some Members agreed that the policy appeared designed for commercial developments. This application was by private individuals and was for non-standard construction. It was suggested that the compromise was reasonable.

A Member also highlighted that it was not reasonable to take account of 25 years of financing costs.

The motion was put to the vote and there voted –

11 votes in favour of the motion

3 votes against the motion

Resolved: That

A) That delegated authority be given to the Director of Community and Planning to grant permission subject to appropriate conditions and a completed S106 Agreement securing an affordable housing contribution of £10 000 payable on commencement, within 6 weeks of the committee resolution.

The Legal Agreement shall secure the payment of £10 000 towards an off-site affordable housing contribution and shall also include a clause that ensures that if the dwelling is sold to anyone outside of the applicants' family within 10 years of the issuing of the planning permission - the remainder of the affordable housing fee (£25 647) should be paid.

B) If a completed S106 Agreement securing an affordable housing contribution of £10 000 payable on commencement is not received within 6 weeks of the committee resolution, then the application be refused as per the original recommendation, for lack of an affordable housing contribution.

THE MEETING WAS CONCLUDED AT 9.13 PM

CHAIRMAN

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4.1 – SE/12/02836/FUL Date expired 18 December 2012

PROPOSAL: Change of use of part of the Pharmacy to Dentist facility.

LOCATION: The Village Pharmacy, 15 Main Road, Hextable BR8 7RB

WARD(S): Hextable

ITEM FOR DECISION

This application is being reported to Development Control Committee at the request of Councillor Ayres on the grounds that the officer's view is at variance with the needs of the local community and at variance with Kent Highway Services views.

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

The proposal fails to comply with Kent County Council vehicle parking standards by failing to provide appropriate off-street parking, in an area where there is already insufficient dedicated off street provision. Furthermore it would increase pressure for motorists to park kerb side in an area where parking restrictions apply to the detriment of highway safety. The proposal is therefore contrary to policy EN1 of the Sevenoaks Local Plan and the National Planning Policy Framework.

The development, by reason of the proposed parking to the front of number 6 Main Road, Hextable, would result in undue noise and activity levels detrimental to the amenities of the immediate surrounding occupiers contrary to policy EN1 of the Sevenoaks Local Plan and the National Planning Policy Framework.

Description of Proposal

- 1 Planning permission is sought for the change of use of part of the existing pharmacy to a dentist facility.
- 2 Associated parking in the form of two additional car parking spaces is proposed to be provided to the front of number 6 Main Road, Hextable. The application site includes the front garden of this property only. The dwelling on this property is excluded from the application site and is not shown on the application details as being land in the applicant's ownership.

Description of Site

- 3 The site the subject of this application is located within the settlement boundary of Hextable as defined on the proposals map to the Sevenoaks District Local Plan.
- 4 The area is characterised by a mix of differing architectural styles, heights of buildings and a mixture of uses which line both sides of Main Road. The application property is a two storey building currently comprising a pharmacy at ground floor. The premises would appear to have residents units above. The premises forms one of four commercial ground floor units which create a small terraced parade of shops.

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- 5 There is a lay-by with parking for approximately three vehicles to the front of the terrace which serves all four units. A service road runs behind the parade with access gained via an unmade road adjacent to the application site. At present, no further parking is provided to the rear.
- 6 The remainder of the application site proposed to be used for additional parking, forms part of the residential curtilage to number 6, Main Road, Hextable, and is located on the opposite side of the road, opposite the pharmacy.
- 7 Also included within the application site, is an area of hard standing located to front of number 6 Main Road, Hextable within the curtilage of the property, where it is proposed to provide a total of four parking spaces. Of the four parking spaces, it is proposed to allocate two spaces for patients of the dentist surgery. The two remaining spaces are for continued use by the occupant(s) of number 6 Main Road, which is in residential use.

Constraints

- 8 Area of Special Control of Adverts

Policies

South East Plan

- 9 Policies: BE1, CC6, T4

Sevenoaks District Local Plan (SDLP)

- 10 Policies: EN1, VP1, S3A

Sevenoaks Core Strategy

- 11 Policies: SP1, L07

Other

- 12 National Planning Policy Framework (NPPF)

Relevant Planning History

- 13 12/01780/FUL Change of use of part of the Pharmacy to Dentist facility. REFUSED 30.08.2012
- 14 11/00926/FUL Erection of a single storey extension to the rear of 13 Main Road with access to 15 Main Road. GRANTED 08.06.2011.
- 15 04/01491/FUL Enclosure of rear yard, new roof over rear building and relocated exit. GRANTED 20.07.2004.

Consultations

Kent Highway Services – 10.12.12

- 16 *Following the refusal of the previous proposal at this site on insufficient parking grounds, discussions have subsequently taken place between the applicant and KCC Highways to identify a solution to overcome the objection.*

The proposal now put forward has a significantly reduced highway impact with an identified parking facility for both visitors and staff and as a result, provided that the future use of these parking facilities are protected by an appropriate planning condition, there are no KCC Highways objections to the proposals in this form.

(NB: Whilst KCC Highways are raising no objection subject to a condition being imposed, it is your officer's view that a condition cannot be imposed for the reasons set out at paragraphs 33-36 below).

Hextable Parish Council

- 17 *Fully support - a dentist is an identified need in the village.*

Representations

- 18 Three letters have been received, supporting the application on the following grounds:

- Identified need for a dentist surgery;
- The proposal will be of benefit to adjacent businesses; and
- Cars are only generally parked for a brief amount of time.

- 19 One letter has been received raising the following concerns:

- Highway safety;
- Parking of motor vehicles on the path outside the shop is a hindrance to the safe passage of pedestrians; and
- Illegal parking is a hindrance to the visibility of those accessing their driveways;

Group Manager Planning Services Appraisal

Principal Issues

- 20 The principal issues to consider in the determination of this application are:
- Whether the proposal complies with the relevant policy criteria regarding alternative uses in village centres.
 - Impact on highway safety; and
 - Impact on neighbouring residents

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- 21 There are no proposed external alterations. As such, harm to the character and appearance of the building and the street scene are not material to the consideration of this application.

Background

- 22 The current application is a resubmission of planning application reference SE/12/01780/FUL, also for change of use of part of the pharmacy to a dentist facility, which was refused on 30 August 2012 for the reason set out below:

“The proposal fails to comply with KCC Vehicle parking standards by failing to provide any additional off street parking. The proposal would lead to a significant increase in the amount of required off street parking in an area where there is already insufficient dedicated off street provision. Furthermore it would increase pressure for motorists to park kerb side in an area where parking restrictions apply to the detriment of highway safety. The proposal is therefore contrary to policies EN1 and VP1 of the Sevenoaks District Local Plan”.

- 23 The previous application resulted in a shortfall of 6 off street spaces. The applicants now seek to address this shortfall in parking by providing two car parking spaces within the curtilage of number 6 Main Road, opposite the application site.

Policy Issues

- 24 The principal policies solely relevant to the use of part of the pharmacy as a dentist facility are policy S3A of the SDLP, policy L07 of the Sevenoaks Core Strategy and the National Planning Policy Framework (NPPF) namely paragraph 70.
- 25 Government state within the NPPF, that planning decisions should *“plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”* (paragraph 70).
- 26 At a local level policy S3A states that *“in those local shopping centres and village centres shown on Inset Maps of the Proposals Map and in the centres of other smaller villages without Inset Maps, the change of use of the ground floor of existing shop premises from Class A1 of the Use Classes Order 1987 to another use will not be permitted unless it would provide for an essential local service and/or sufficient retail space would remain to meet local needs”.*
- 27 Policy L07 of the Core Strategy States that the Council *“will support and encourage innovative proposals to improve provision of services and facilities to serve the local community, subject to any development being of a scale and character appropriate to the area”.*
- 28 Having regard to the above, it is acknowledged that the proposal would enhance the sustainability of the local community and comply with the provisions of the

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NPPF and policy LO7 of the Core Strategy, by providing a local service which is in demand and is lacking at present.

- 29 Furthermore, the proposal would effectively result in a mixed use which would provide for an essential local service and retain sufficient retail space to meet local needs. As such the proposal would comply with policy S3A of the SDLP.
- 30 In light of the above, I raise no objection to the principle to the proposed dentist facility, subject to no adverse highway or amenity implications.

Highway Issues

- 31 Policy T4 of The South East Plan advises Local Planning Authorities to adopt a restraint based approach to maximum levels of parking for non-residential development. In this respect, as set out in policy VP1 of the Local Plan, Sevenoaks District Council have adopted Kent County Council's Vehicle Parking Standards which seek to achieve four off-street spaces per consulting/treatment room, plus one space per two members of staff.
- 32 The existing retail area of the pharmacy would generate a need for 3 off-street parking spaces which is calculated on retail floor area alone. The associated demand for parking from the additional consultation rooms is off-set by the residual demand generated from the remaining floor space within the existing unit which will be occupied by the dentist facility. The dentist facility comprises one consulting room and there will be an increase in the number of staff from 6 to 9. As such, the recommended total off-street parking provision for the proposed dentist facility equates to 6 full spaces.
- 33 As stated previously, the applicants propose to provide two car parking spaces within the curtilage of number 6 Main Road, opposite the application site. Having regard to this, Kent Highways comments received on 10.12.12 state that provided that the future use of these parking facilities are protected by appropriate planning condition, there would be no KCC Highways objections to the proposals in this form. Having regard to this, any condition required to control the use of the parking spaces would need to satisfy the six tests set out at paragraph 14-42 of Circular 11/95 relating to the use of conditions in planning permissions. In brief, paragraphs 14-42 explain that conditions should be:
- i. necessary;
 - ii. relevant to planning;
 - iii. relevant to the development to be permitted;
 - iv. enforceable;
 - v. precise; and
 - vi. reasonable in all other respects.
- 34 In this instance, the conditions required to secure parking within the curtilage of 6 Main Road, would fail to satisfy test iv of the Circular which relates to enforceability.

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- 35 Paragraph 26 of the Circular states, '*that a condition should not be imposed if it cannot be enforced*'. In practice, a condition requiring, patients to park within the curtilage of number 6 Main Road would be impracticable to monitor and pose severe difficulties in proving a contravention. As such, whilst it is accepted that patients of the surgery who are aware of the proposed parking spaces may still utilise them (reducing the shortfall in parking spaces to a total of 4), it is not considered that the spaces opposite can be secured by condition.
- 36 As a result a shortfall of 6 securable off-street parking spaces still exists, when the proposal is assessed against the adopted KCC Vehicle Parking Standards. On that basis the previous highway ground of refusal has not been adequately overcome and should continue to be upheld.

Impact on Amenity

- 37 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 38 At a local level, policy EN1 of the SDC Local plan states that proposed development including any change 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.
- 39 There are no extensions proposed to the existing building and as such, adverse impacts arising from loss of privacy, form, scale, height and outlook are not material to the consideration of this application.
- 40 Having regard to the proposed use, whilst the proposal would result in an increase in activity in and around the premises, any daytime noise generated by the new use is likely to be minimal especially given the ambient noise of the busy Main Road. Furthermore the activity would be carried out during reasonable working hours within the existing operating hours of the pharmacy. As such it is not considered that the proposed use would harm the amenities of nearby residents by means of noise and disturbance.
- 41 Having regard to the activity associated with the proposed parking to the front of number 6 Main Road, the proposal has the potential to significantly increase noise and activity including pedestrian and vehicle movements within the curtilage of the property. This activity would take place in close proximity to number 6 Main Road, which is located outside of the application site, and in close proximity to the adjoining neighbouring properties numbers 4 and 8 Main Road. In addition, the application as submitted, does not show that number 6 is in the ownership of the applicant.
- 42 Whilst the area is already used for parking in connection with the residential use, vehicular activity would be less frequent than that associated with the proposed dentist facility. For example, if the dentist facility were to operate for 7.5 hours a day and allocate a 15 minute slot per patient, this has the potential to accommodate 30 patients a day which could result in a maximum of up to 60 vehicle movements. Whilst it is acknowledged that this is an estimate based on maximum use of the facility, it serves to highlight the potential significant increase

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in vehicle movements which would be readily noticeable to occupants of neighbouring properties due to the close proximity of the parking area to these properties. In winter months, this disturbance could include disturbance from headlights close to the windows of these houses, as well as noise and general disturbance.

- 43 I therefore consider that the proposed parking in connection with the dentist facility would cause an unacceptable level of noise and disturbance to the occupants of the neighbouring properties contrary to policy EN1(3) of the adopted local plan. Whilst we have no received objections from those residents we consider would be harmed from the location and use of the parking area, we must still consider whether the proposal would harm their amenities.
- 44 Taking all of the above into account, whilst I consider that the proposed dentist facility would be of benefit to the local community, I do not consider that this would sufficiently outweigh the significant harm which would occur to the occupants of properties neighbouring the proposed parking area, and that this harm would be overriding.

Other matters

- 45 I have considered the possibility of a temporary planning permission and for the reason set out above, do not consider this to be appropriate due to the identified harm to neighbouring amenities. Equally there are no other conditions that could be imposed that would protect the amenity of residents from the use of the parking area by members of the public.

Conclusion

- 46 The proposal fails to comply with KCC Vehicle parking standards by failing to provide any additional off street parking. The proposal would lead to a significant increase in the amount of required off street parking in an area where there is already insufficient dedicated off street provision. Furthermore it would increase pressure for motorists to park kerb side in an area where parking restrictions apply to the detriment of highway safety.
- 47 The development, by reason of the proposed parking to the front of number 6 Main Road, Hextable, would result in undue noise and activity levels detrimental to the amenities of the immediate surrounding occupiers.
- 48 The proposal is therefore contrary to policy EN1 of the Sevenoaks Local Plan and the National Planning Policy Framework.

Background Papers

Site and Block plans

Contact Officer(s): Claire Baldwin Extension: 7367

Kristen Paterson
Community and Planning Services Director

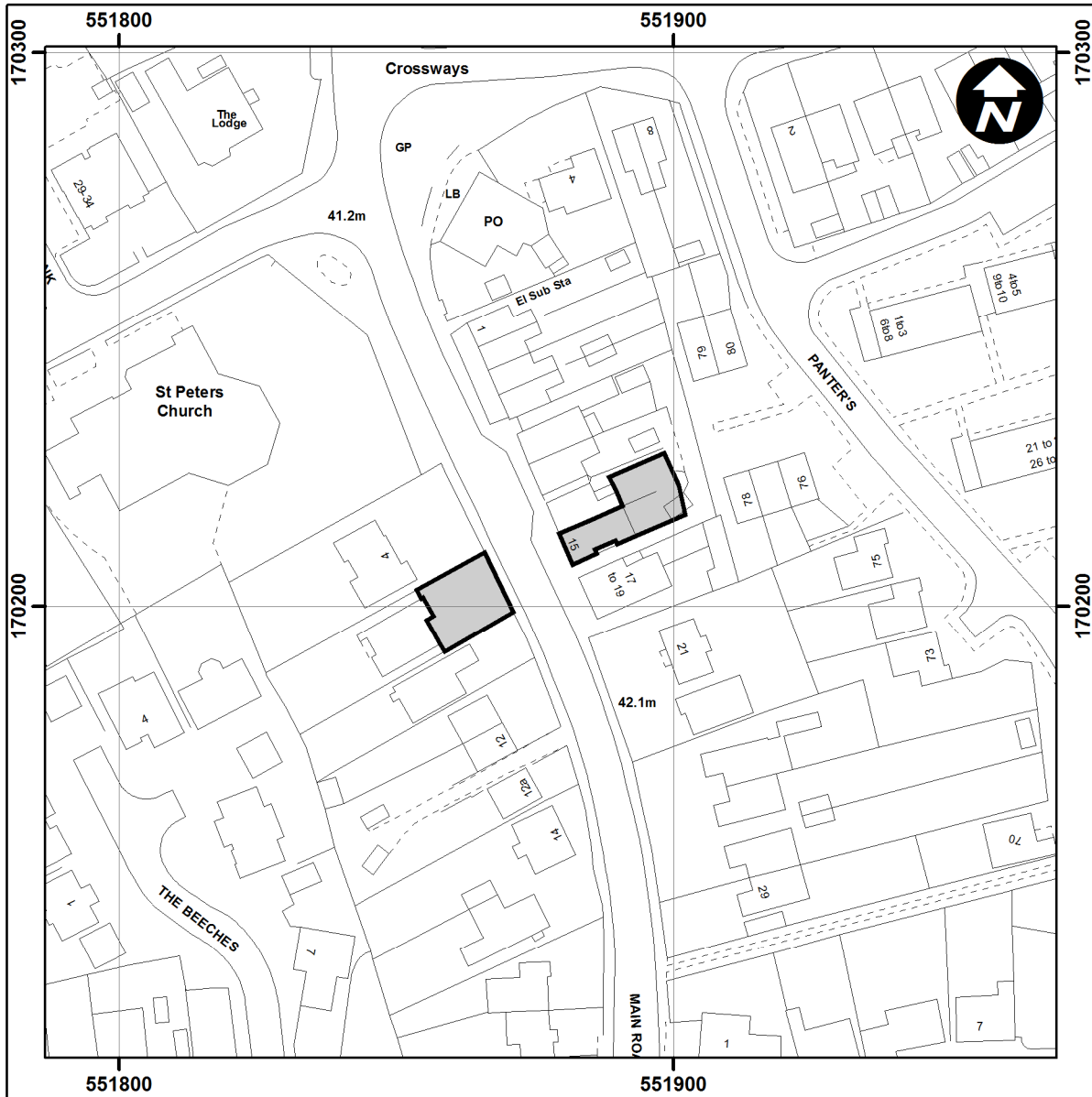
Agenda Item 4.1

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MCE4DXBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MCE4DXBK0L000>



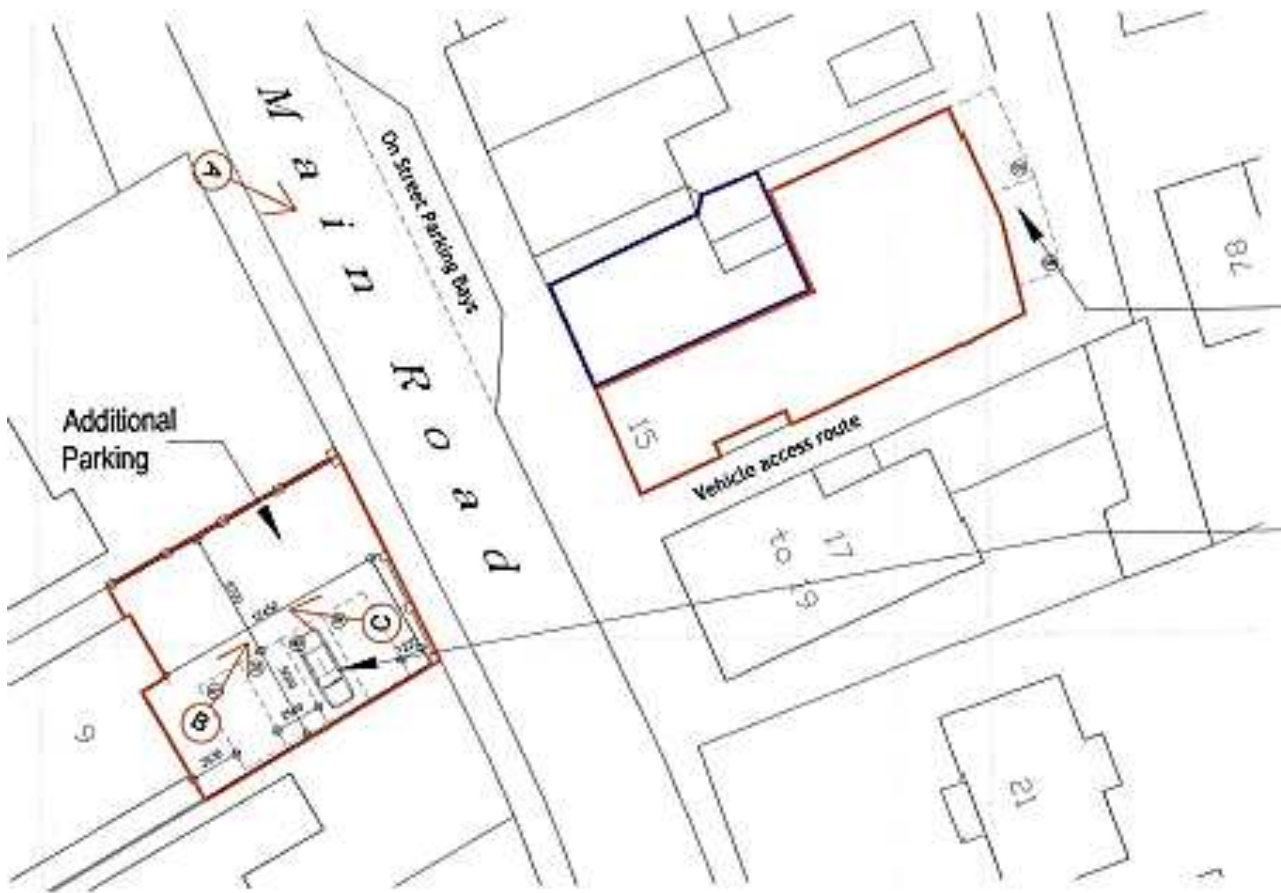
Site Plan

Scale 1:1,250

Date 26/02/2013



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Sevenoaks District Council, 100019428, 2013.



4.2 - SE/11/02868/CONVAR Date expired 9 January 2013

PROPOSAL: Pair of detached houses with garages Plots 2 and 3 as approved under application SE/87/2096, without complying with condition 1 which removes permitted development rights.

LOCATION: 2 And 3 St Edith Court, St Ediths Road, Kemsing
TN15 6JQ

WARD(S): Kemsing

ITEM FOR DECISION

This application has been referred to Development Control Committee at the request of Councillor Stack on the grounds that this is a complicated application involving original conditions that were imposed for good reasons which need to remain in place.

RECOMMENDATION: That delegated powers be given to the Group Manager Planning to GRANT planning permission, subject to no new issues being raised as a result of the consultations which expire on 19th March 2013.

Description of Proposal

- 1 This application seeks to permission for a pair of detached houses with garages Plots 2 and 3 as approved under application SE/87/2096, without complying with condition 1 which states:-

No development, whether permitted by Article 3, Class 1(1) of Schedule 1 of the Town and Country Planning General Development Orders, 1977 to 1987, or not, shall be carried out to the dwelling hereby permitted without the prior written permission of the District Planning Authority.

- 2 The reason that the condition was imposed was:- In the interest of the residential amenities of the area.

Description of Site

- 3 The application relates to two modern detached dwellings, located at the end of a small cul-de-sac in the centre of Kemsing, which have been built out in accordance with the planning permission SE/87/02096.
- 4 When application SE/87/02096 was determined, the rear gardens of the properties were approximately 8 metres in length (from the back of the dwellings). The gardens of both dwellings appear to have been extended at some point and now include a larger garden area.
- 5 It is however important to note that the rear of the gardens were not included in the red line of the application site under application SE/87/02096, and are not part of this application.

Agenda Item 4.2

Constraints

- 6 Conservation Area
- 7 Since the application was approved, the owners have purchased additional land, which is outside the original application site for the reserved matters application. The additional land is located in the Green Belt but the rear part of the gardens is outside the application site.

Policies

South East Plan

- 8 Policies - CC6, C3, C4, SP5, BE6

Sevenoaks District Local Plan

- 9 Policies - EN1, EN6, EN7, VP1

Sevenoaks Core Strategy

- 10 Policies - SP1, L08

Other

- 11 National Planning Policy Framework

Planning History

- | | | |
|----|----------------|--|
| 12 | 12/01524/HOUSE | At 2 St Ediths, Demolition of conservatory and replacement with single storey rear extension. GRANT 17/08/2012 |
| 13 | 87/02096/HIST | Reserved Matters application for pair of detached houses with garages Plots 2 and 3. GRANT 12/01/1988. |
| 14 | 87/01328/HIST | Outline application for the demolition of existing buildings and erection of three dwelling and garages. GRANT 11/09/1987. |

Consultations

Kemsing Parish Council

- 15 Comments received from the Parish Council on the 16.11.2011 are as follows:-

The Parish Councillors do not feel qualified to express an opinion on what appears to the Parish Council to be a purely legal argument. The Parish Council would like to draw Sevenoaks District Council's attention to the first condition on the letter of grant dated 11 September 1987 of the outline permission which is quoted below:-

"Details relating to the siting, design and external appearance of the proposed building(s) and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced"

16 Comments received from the Parish Council on the 22.02.2013 are as follows:-

The Parish Council has no comment on this application.

This application has been referred to committee at the request of Cllr Stack on the grounds that this is a complicated application involving original conditions that were imposed for good reasons which need to remain in place.

Representations

17 2 letters of objection have been received in connection with the application, the main issues include the following:-

- Impact on amenities of adjacent properties
- Impact on the character and appearance of the Conservation Area
- Impact on Green Belt
- That the Counsel's opinion that has been submitted with the application does not take into account that the site is located in a specifically designated area.
- That the condition was imposed correctly as at the outline stage the Council had no idea about the size of the buildings, their appearance, their position on the site, the layout of the site or the size of the gardens. It is considered that LPA could only determine whether to remove permitted development rights at the reserved matters stage and not the outline stage.
- The drawing at outline, just purely tests the water for the development. The reserved matters are where the proposal is properly assessed. The reserved matters application shows the dwelling in a different position.
- Concern about access arrangements and that they layout is too tight.
- Drainage

Background

18 Outline planning permission was granted under application 87/01328/HIST, for the demolition of existing buildings and the erection of three dwelling and garages.

19 A Reserved Matter application was subsequently submitted under application 87/02096/HIST, only for two of the dwellings (plots 2 and 3). When approval of reserved matters was granted an additional condition was imposed which stated the following:-

No development, whether permitted by Article 3, Class 1(1) of Schedule 1 of the Town and Country Planning General Development Orders, 1977 to 1987, or not, shall be carried out to the dwelling hereby permitted without the prior written permission for the District Planning Authority.

20 This application seeks to remove the above aforementioned condition. To do this an application under section 73 application (of the Town and Country Planning Act 1990) has been submitted.

Agenda Item 4.2

- 21 The application was considered to be invalid by the Council as amongst other reasons, the site plan and certificate only referred to 2 St Edith's Court and the reserved matters application covered both 2 and 3 St Edith's Court.
- 22 An appeal was made to the Planning Inspectorate against non-determination. The Inspectorate agreed with the Council that the application was invalid
- 23 Following the submission of a new plan which includes the adjacent property of 3 St Edith's Court and a new Certificate of ownership the application has now been re-validated.

Group Manager Planning Services Appraisal

- 24 The main issue that requires resolution in determining whether the condition should be removed is:
 - is it appropriate that the properties continue to be subject to this restriction.

Is it appropriate that the properties continue to be subject to Condition 1, withdrawing permitted development rights?

- 25 This main consideration is a question of planning judgment.

Under Section 73 of the Town and Country Planning Act the Council can either:

- Grant planning permission with different conditions to those that were originally imposed and was the condition imposed lawfully
 - Grant planning permission unconditionally. Or,
 - Refuse the application if it considers that planning permission should be granted subject to the same conditions that were originally imposed.
- 26 The condition that is proposed to be removed, requires that any proposals for the extension or alteration of the dwelling under the Class of Permitted Development referred to, first need the written permission of the Local Planning Authority. The condition stated:-

No development, whether permitted by Article 3, Class 1(1) of Schedule 1 of the Town and Country Planning General Development Orders, 1977 to 1987, or not, shall be carried out to the dwelling hereby permitted without the prior written permission of the District Planning Authority.

Reason:- In the interest of the residential amenities of the area.
 - 27 The applicant's view is that this condition on the reserved matters decision was imposed unlawfully.
 - 28 Officer's have reviewed the original Outline permission, the Reserved Matters permission and the documents relating to these applications. Officer's are satisfied that the condition imposed on the Reserved Matter's decision was appropriate and in accordance with the requirement's of Circular 11/95 and was thus imposed lawfully.

Agenda Item 4.2

- 29 Class 1(1) of Schedule 1 of the Town and Country Planning General Development Orders, 1977 to 1987 has now been superseded by Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.
- 30 If Condition 1 was removed, the permitted development rights for extensions and alterations to the dwellings under the current legislation would apply. Therefore, it is necessary to assess the harm that there may be if those works were to be undertaken as permitted development under this current legislation. This condition does not remove permitted development rights for outbuildings which can already be built as permitted development if the current legislation is complied with.
- 31 The key test for the Council in the determination of this application is:
- Would granting the planning permission and thus restoring the permitted development rights:-
- preserve or enhance the Conservation Area, Section 72(1) of the Planning Listed Buildings and Conservation Areas Act 1990 provides 'In the exercise, with respect to any buildings or other land in a conservation area, of any (Planning Act functions)...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.
 - protect the amenities of residents
- 32 The removal of the current condition would allow for extensions and other alterations, providing that they meet the parameters for class A of the General Permitted Development Order 1995. As the proposal is in a Conservation Area, it is not possible to carry out any alterations to the roof.
- 33 It is considered that a rear extension (constructed under permitted development) could be built without harm to the Conservation Area. In this respect granting the application and restoring permitted development rights, would preserve and enhance the Conservation Area, as stated in Section 72 (1) of the Planning Listed Buildings and Conservation Area Act 1990.
- 34 The main area for concern is the potential extensions being built as permitted development would have on the amenities of 2 and 3 St Edith's Court and adjacent properties respectively.
- 35 The residents of 2 St Edith's Court, have a garage that is situated adjacent to the common boundary. If the property of 3 St Edith's were to extend to the rear by 4 metres (subject to all the other parameters), the extension is considered to have limited impact on the amenity of the residential amenity of 2 St Ediths Court given the position of the garage and the set back of the 3 St Edith's Court. The legislation covers the height and proximity to the boundary, which would help to mitigate any harm to amenity.
- 36 The main area of concern is the impact that a 4 metre extension would have on the amenity of 3 St Edith's Court.
- 37 The ground floor opening unit nearest to the boundary (of 3 St. Edith's Court) is a set of patio doors. It is important to note that this is not the only opening to this open plan room as there is also a window on the other side of the rear elevation.

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There is also a patio area immediately behind the patio doors close to the common boundary.

- 38 In terms of loss of daylight, the 45 degree light tests are applicable in plan and elevation form. It would appear that an extension may fail the 45 degree plan test but given the restrictions of height would pass the 45 degree elevation test. Which means that there would be no loss of light to merit an objection.
- 39 The property of 27 Old Barn Close is located to the south of the site, the side elevation of the application property adjoins the rear garden. There is also a lot of screening along the boundary. Given the distances between the properties, it is considered that an extension built under permitted development would have no adverse impact on the amenity of this property.
- 40 In light of the above the proposal would have limited area of residential curtilage it is also considered that the proposal would have limited impact on the Conservation Area. In this respect, in granting the application to remove the condition, it is considered that the proposal would preserve and enhance the Conservation Area, as stated in Section 72 (1) of the Planning Listed Buildings and Conservation Area Act 1990.

Conclusion

- 41 In conclusion, the Council is satisfied that Condition 1 of application SE/87/02096 which was imposed to withdraw permitted development rights, was appropriately imposed on the Reserved Matters application and is lawful.
- 42 With the properties now built, and with the additional restrictions imposed on permitted development that now apply, it is considered that there is no longer any justification for retaining Condition 1.
- 43 This recommendation would meet the advice contained in Circular 11/95.

Background Papers

Site and Block plans

Contact Officer(s): Vicky Swift Extension: 7448

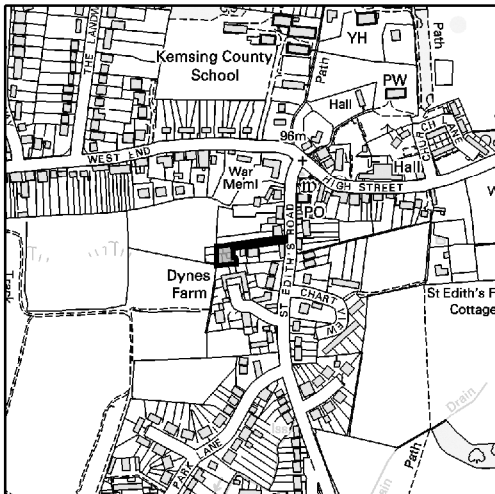
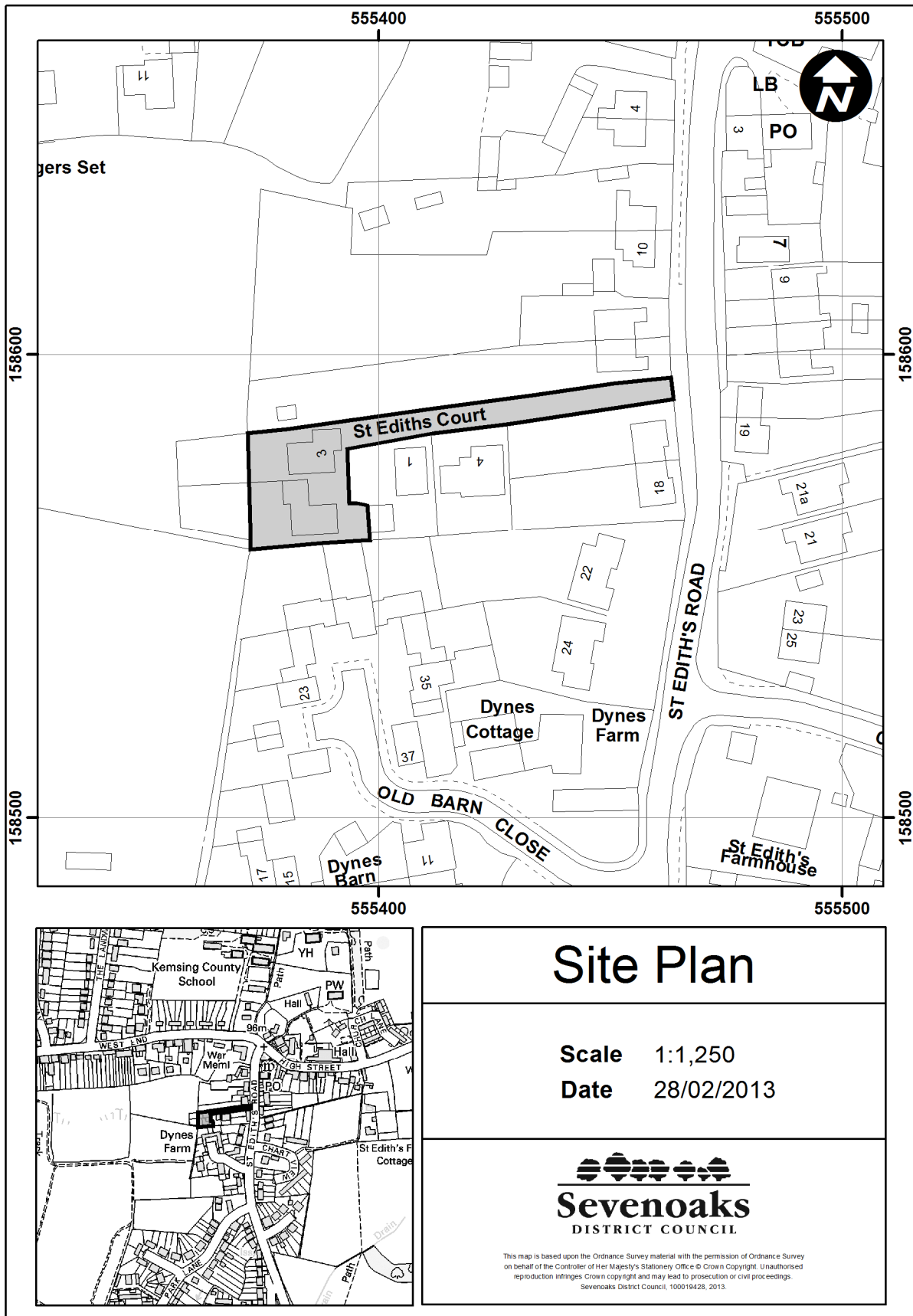
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LU4X07BK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LU4X07BK0CR00>



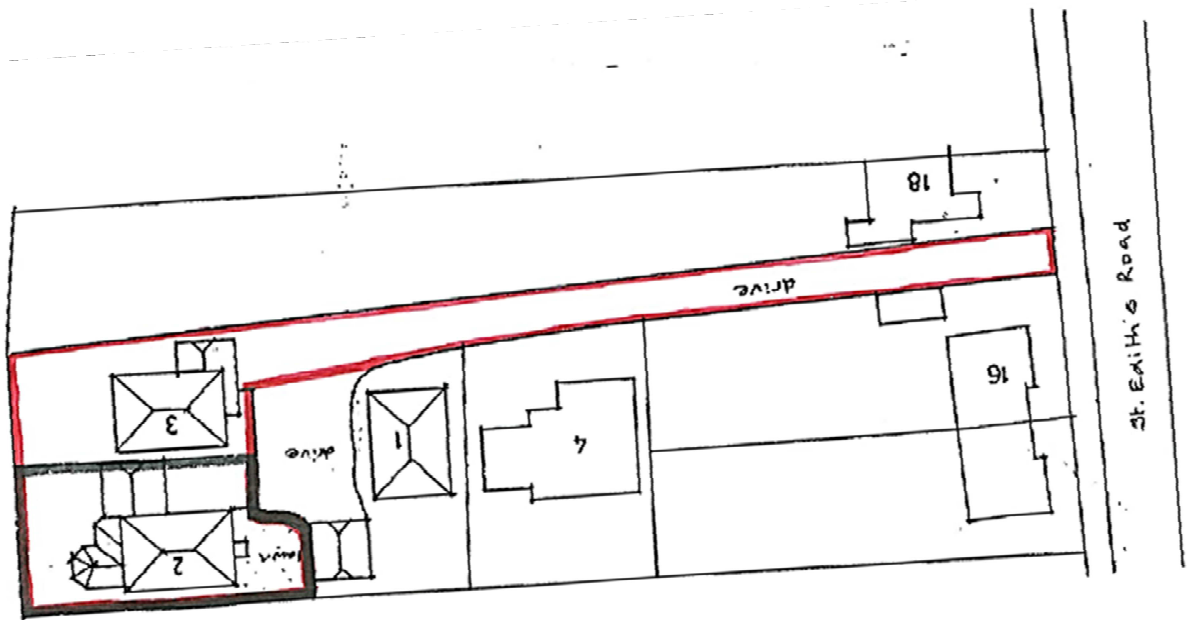
Site Plan

Scale 1:1,250

Date 28/02/2013



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4.3 – SE/12/03238/HOUSE Date expired 28 January 2013

PROPOSAL: Proposed first floor rear extension above existing ground floor extension

LOCATION: 8 Small Grains, Fawkham DA3 8NT

WARD(S): Fawkham & West Kingsdown

ITEM FOR DECISION

This application has been called to the Development Control Committee by Councillor Parkin to consider the very special circumstances in this case together with the character of the area.

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

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal when taken together with previous development on the land, would cumulatively add to the built form to a degree that would be harmful to the character and appearance of the area and would represent inappropriate development within the Metropolitan Green Belt. This conflicts with policy H14A of the Sevenoaks District Local Plan and the National Planning Policy Framework.

Description of Proposal

- 1 The proposal is for the creation of a first floor extension above the existing ground floor extension. The proposal would extend from the rear wall of the first floor by 3.32m with a width of 7.1m rising to a height of 7.5m with a tiled roof. The extension would be set away from the adjoining property, No.7 by 0.9m. Two windows are proposed within the rear elevation of the extension and an additional obscure glazed window is proposed within the existing first floor rear elevation adjacent to No.7.
- 2 The previously refused application, SE/12/02363 possessed the same footprint as this application with a double hipped roof with a flat roof between, rising to a height of 6.4m.

Description of site

- 3 No. 8 Small Grains is an end of terrace property and comprises, one of a row of 4 dwellings at the end of a cul-de-sac of 10 dwellings on the eastern side of Fawkham village. An existing detached garage is located to the rear of the house, which is not original to the dwelling. There are open fields lying beyond the rear garden.

Constraints

- 4 Area of Archaeological Potential
- 5 Metropolitan Green Belt

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Policies

South East Plan

6 Policies CC1, CC3, CC4, CC6, M1, SP5, BE6, L08

Sevenoaks District Local Plan

7 Policies EN1, H6B, H14A

Sevenoaks District Core Strategy

8 Policies SP1, L08

Other

9 SDC Residential Supplementary Planning Document

10 National Planning Policy Framework

Planning History

11 12/02363/HOUSE - The erection of first floor rear extension, above existing ground floor extension – Refused - 31/10/2012

Reasons for refusal:

The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. This conflicts with the National Planning Policy Framework and policy H14A of the Sevenoaks District Councils Local Plan.

The proposal would create an undesirable form of development. It would harm the visual amenities of the area because of the failure of the roof to integrate with the existing dwelling and the increased bulk of the rear extension. This conflicts with EN1 of the Sevenoaks District Council Local Plan and Sevenoaks District Council's Residential Extensions Supplementary Planning Document.

12 TH/5/52/23 – The erection of ten dwellings – Granted – 01/02/52

Consultations

Parish / Town Council

13 The calculations submitted with the plans show the proposal does not exceed the allowable 50% criteria; Fawkham Parish Council therefore supports the application”.

Representations

14 No representations have been received.

Group Managers Planning Services Appraisal

Principal Issues

- Impact upon the Green Belt;
- Impact on neighbouring amenity and the street scene
- Very Special Circumstances

Impact upon the Green Belt and its openness

- 15 The National Planning Policy Framework (NPPF) states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
- 16 Policy H14A provides a local interpretation on what is an appropriate extension to dwellings within the Green Belt. It lists a number of criteria with which extensions to dwellings within the Green Belt must comply. This includes the criteria that the “gross floor area” of the existing dwelling plus the “gross floor area” of the extension must not exceed the “gross floor area” of the “original” dwelling by more than 50%. The design of the extension should also be sympathetic and well articulated.
- 17 The applicant has argued that the existing garage on site is original however no supporting evidence has been submitted to demonstrate this. In reviewing the planning history for the property, nos. 1-10 Small Grains, Fawkham were granted planning permission in 1952. The garage within the rear garden is not shown to be original and was presumably built at a later stage through permitted development rights.

	M ²	Cumulative % increase
Original Dwelling	83.74	
Garage Within 5m	13.00	15.52
Ground floor extension existing	23.43	43.49
Proposed extension	23.43	71.46

- 18 The proposal would accordingly exceed the 50% threshold as set out within local policy H14A by 21.46%. Accordingly the proposal would represent inappropriate development within the Green Belt.
- 19 The NPPF (paragraph 79) makes clear that the most important attribute of Green Belts are their openness and their permanence. Openness is not reliant upon degree of visibility but upon an absence of built development.
- 20 The proposal would with the existing garage and ground floor rear extension result in an increase in bulk upon that of the original dwelling which would result in a permanent reduction in the openness and in consequence would have a detrimental impact upon the Metropolitan Green Belt.

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- 21 The consideration of whether there are any very special circumstances that may clearly outweigh the harm to the Green Belt will be considered later in the report.

Impact on neighbouring amenity and the street scene

- 22 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development including any 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.
- 23 The proposed extension would extend over the existing single storey rear extension. No 8 Small Grains is an end of terrace property with a rear garden rising up behind the house with fields behind. The adjoining property No.7 possesses a first storey window adjacent to the proposal and a door at ground level adjacent to no 8, however both are obscure glazed. Through incorporating the standard test to identify any loss of daylight to these windows the impact is not so harmful as to justify refusal. A new window is proposed to the side of the first storey extension adjacent to no 7 however this would serve a bathroom and would be obscure glazed and accordingly its impact would be minimal.
- 24 The property to the north, No. 9 Small Grains possesses a first storey side window facing the proposed extension. This property is approximately 5m from no 8 and at this distance and with the window being a secondary window, the impact upon this window would be minimal.
- 25 The proposed roof would incorporate a hipped roof extending at 90 degrees from the existing roof and matching its height, with a subservient ridge extending from this running parallel to the main ridge of the house. The proposal design would be in keeping with the existing dwelling and would incorporate materials to match.

Very Special Circumstances

- 26 In accordance with paragraph 88 of the NPPF, 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 27 No very special circumstances have been advocated to support this application. The only other claim that that could be made for very special circumstance is the demolition of the garage, although the applicant has not advised us of this to date. However, even if the garage were to be demolished the proposed extension with the existing ground storey extension would exceed the 50% threshold by 5.94% and would therefore still be inappropriate development within the Green Belt. The proposed extension would exceed the floorspace of the garage and accordingly if the garage were to be removed to accommodate the extension there would still be an increased permanent reduction to the openness of the Green Belt.
- 28 For the above reasons it is considered that there are no very special circumstances that clearly outweigh the harm in principle to the Green Belt and its openness.

Conclusion

- 20 The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposed extension is shown to exceed the 50% threshold as stipulated by policy H14A and as a result is considered inappropriate development which would be harmful to the openness of the Green Belt.

Background Papers

Site and block plans

Contact Officer(s): Guy Martin Extension: 7351

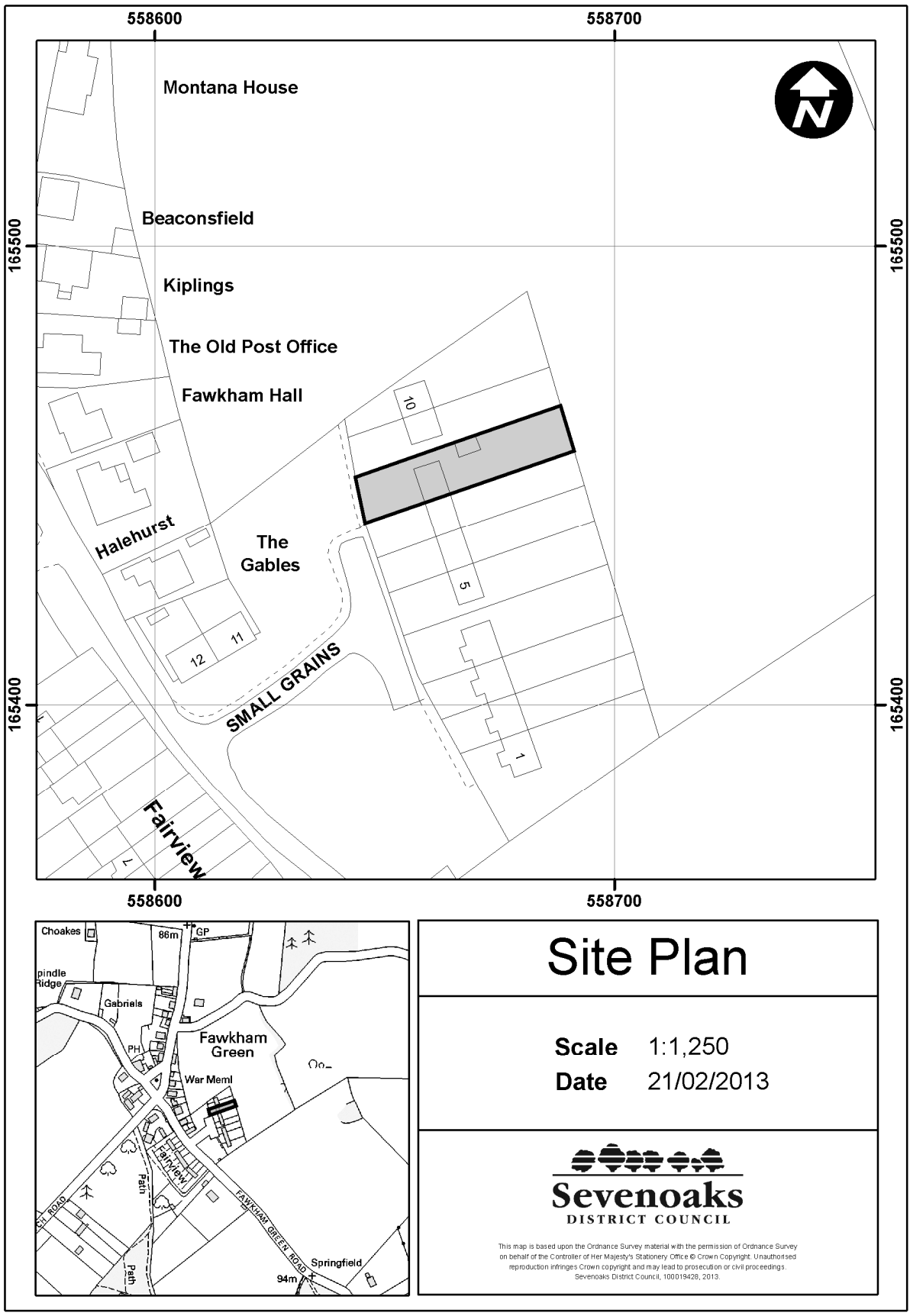
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do;jsessionid=0092F356BFE345AD8B50D066CC4FD6E0?action=firstPage>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MEGGDVBK0KW00>

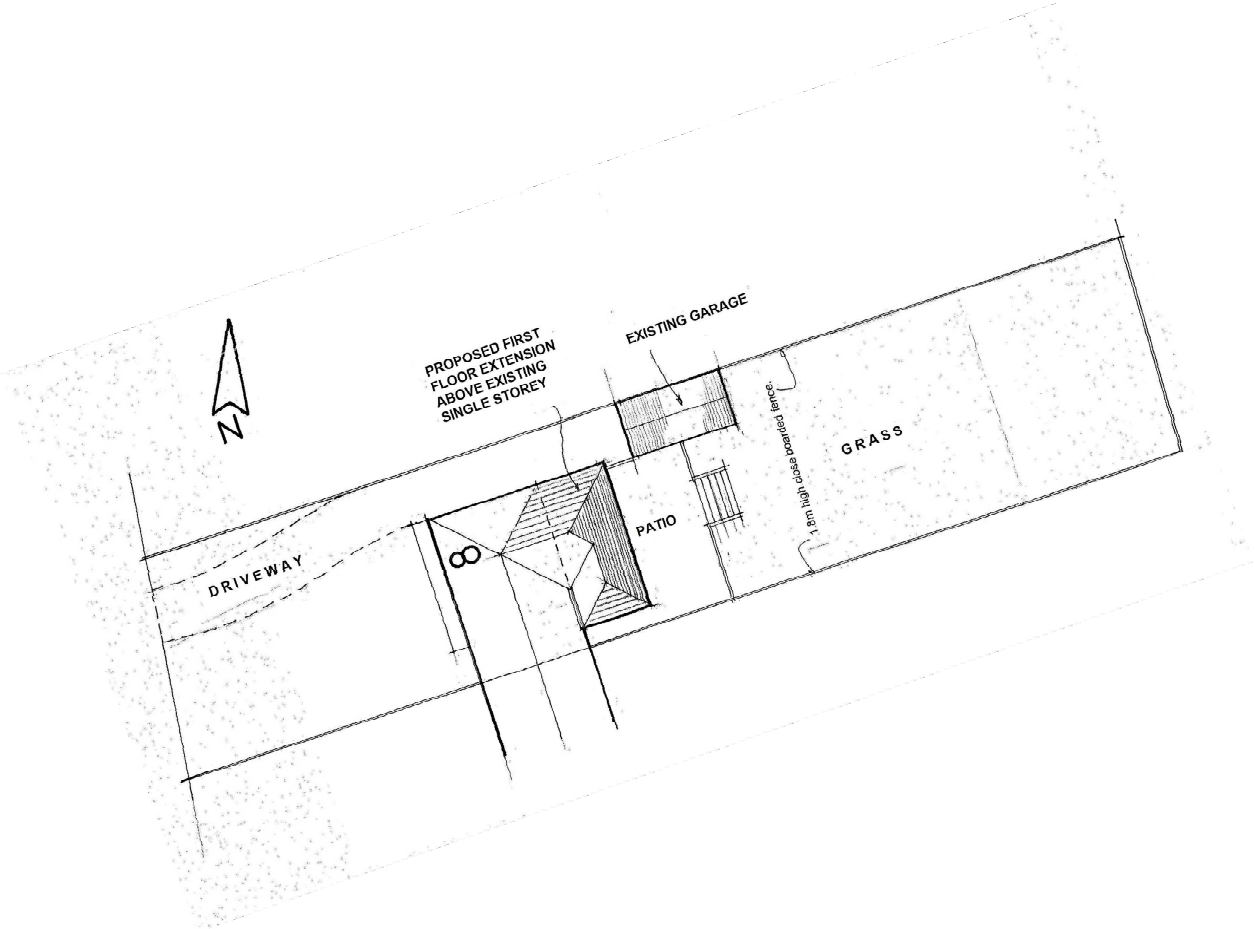


Site Plan

Scale 1:1,250
Date 21/02/2013



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4.4 - SE/12/02852/HOUSE Date expired 1 January 2013

PROPOSAL: Erection of a two storey front, side and rear extension.
Single storey side and rear extension

LOCATION: Dorminton, Stonehouse Road, Halstead TN14 7HN

WARD(S): Halstead, Knockholt & Badgers Mount

ITEM FOR DECISION

This item has been referred to Development Control Committee at the request of Councillor Williamson, as he wishes the committee to consider whether the proposed extension would have an adverse impact on the amenities of adjacent properties.

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) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

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

- 3) No window(s) or other opening(s) shall be inserted at any time in the north or east elevation(s) of the extension hereby approved, despite the provisions of any Development Order.

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

- 4) The window(s) in the west elevation of the two storey side extension at first floor level (which serve the dressing room and front bedroom) the windows shall be obscure glazed at all times and non opening. In addition to this the window(s) along the northern flank of the first floor extension shall be obscure glazed at all times and non opening.

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

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

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approved details.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

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

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

7) The development hereby permitted shall be carried out in accordance with the following approved plans 2012/39A, 2012/152, 2012/151,

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

Description of Proposal

- 1 This application seeks permission for the erection of a single storey and two-storey side and front extension. The single storey side extension measures approximately 7.5 metres in width and the two storey element measures 4.5 metres in width. At the front, the single storey extension projects out approximately 3 metres from the front façade of the building. At the rear the two storey element projects out 4 metres from the rear.
- 2 In addition to this, the application also seeks permission for a rear two storey and single storey addition. It is proposed that the extension would project 4 metres from the rear façade of the dwelling at two-storey level. In addition to this, it is also proposed that a further single storey element, which would be located in a central location off the proposed two storey, rear extension.
- 3 It is proposed that the extension would be used to create a swimming pool and games room. In addition to this, it is also proposed that it would be used to create a kitchen/dining room. On the upper floor, the proposal will extend the existing bedrooms and create dressing room/ensuite facilities.

Description of Site

- 4 The application site relates to a large detached property located on a substantial plot of land located on the east side of Stonehouse Road. The property is constructed from white rendered elevations and a tiled roof, and has a central element located in the centre of the property with a wooded weather-boarded gable. There is also a large open canopy porch.
- 5 There is also a large detached flat roof garage which is located to the north of the dwelling.
- 6 The property is set back approximately 55 metres from the road. The rear garden of the property is located in the Green Belt.

(Item 4.4) 2

Constraints

- 7 Area of Special Control of Adverts
- 8 The rear section of garden is located in the Green Belt

Policies

South East Plan

- 9 Policy - CC6

Sevenoaks District Local Plan

- 10 Policies - EN1, H6B

Sevenoaks District Core Strategy

- 11 Policy - SP1

Other

- 12 Supplementary Planning Document – ‘Residential Extensions’
- 13 National Planning Policy Framework

Planning History

- 14 12/00914/HOUSE Erection of a two-storey side extension and ground floor side extension. REFUSE 18/06/2012
- 15 85/01490/HIST Single storey rear extension, two storey side extension, rear first floor extension and double garage. GRANT 11/11/1985

Consultations

Parish / Town Council

- 16 The Parish Council strongly opposes this planning application
 - 1 This property is located adjacent to the Green Belt on which the proposed extensions would have a detrimental impact.
 - 2 This would be inappropriate development due to its bulk, size and scale and would dominate properties in the surrounding area.
 - 3 The Parish Council believes that it contravenes policies EN1 and H6B of the Local Plan and SP1 of the Core Strategy.

Representations

- 17 2 letters of objection have been received in connection with the application. The main issues include the following:-
 - Loss of privacy from the windows on the front of extension

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- The windows do the swimming pool would overlook the garden of the property of Lilacs
- Overbearing impact of the development
- Impact of the development on the upkeep and maintenance of the road

Group Manager Planning Services Appraisal

18 The main issues that need to be considered in respect of this proposal include the following:-

- Impact of the proposal on the character and appearance of the area
- Impact on the amenity of adjacent properties

Background

19 On 18 June 2012 (under application 12/00914/HOUSE) planning permission was refused for the erection of a two-storey side extension and ground floor side extension. This application was refused on two separate grounds, which were as follows:-

The proposed two-storey side and ground floor side extension by virtue of its size, scale, bulk, height and design would appear out of scale with the existing building, creating a prominent and incongruous feature, of harm to the character of the property and the street scene. This conflicts with policies EN1 and H6B of the Sevenoaks District Local Plan and policies SP1 of the Sevenoaks Core Strategy, the Sevenoaks District Council Supplementary Residential Extension SPD and the advice and guidance in the NPPF.

The proposed development by virtue of its size, scale, bulk and height would create an overbearing form of development that would harm the amenities of adjacent properties and would cause an adverse level of overlooking. This conflicts with EN1 of the Sevenoaks District Local Plan and policies SP1 of the Sevenoaks Core Strategy, the Sevenoaks District Council Supplementary Residential Extension SPD and the advice and guidance in the NPPF.

20 It is important to note that design changes have now been made to the visual appearance of the extension since the original refused scheme. The changes include a reduction in the width and front projection of the two-storey side extension. Design changes have also been included into the new plans, which show a reduction in the height of the new two-storey element. As stated above the previous scheme was refused on design grounds as the extensions were considered to dominate the building and on the impact that it would have on the amenities of adjacent properties.

Impact of the proposal on the character of the property and area

21 Policy EN1 (from SDLP) and SP1 from (Core Strategy) 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

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harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

- 22 Policy H6B is also applicable and states that proposals for residential extensions will subject to the principles in Appendix 4. Higher standards of design and external appearance will be required in or adjacent to conservation areas and on prominent sites. Extensions to mobile homes and buildings not designed for permanent residential use will not be permitted.
- 23 The National Planning Policy Framework states the following, “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. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes”.
- 24 In addition to the above, the integrity and character of the original dwelling would be lost. The Residential Extension SPD states:-
- Where an extension is acceptable in principle, its form should be well proportioned and present a satisfactory composition with the house.*
- 25 The SPD specifically states that for two storey extensions the following should be maintained:-
- When the proposal is for a two-storey extension, the loss of space will be more apparent. In a street of traditional detached and semi-detached houses, the infilling of the spaces between with two-storey extensions could create a terraced and cramped appearance at odds with the regular pattern of development when viewed from the street when the gaps, often with associated landscaping or allowing longer views, are important elements. A side extension built flush with the existing front elevation of the house may also affect the symmetry of a pair of semi-detached properties resulting in a detrimental impact on the appearance of the street scene.*
- 26 As stated above, the changes that have been undertaken to the previously refused scheme include the design changes to the side extension element. These specifically include the reduction in the width of the element from 9.1 metres to 4.5 metres and the introduction of a ground floor element. The two-storey element of the extension is now positioned in line with the front façade of the dwelling. The height of this addition has now been reduced by approximately 1.2 metres.
- 27 It is acknowledged that this is still a significant one/two storey side extension in terms of its size and scale.
- 28 As described above the design changes to the previously refused scheme have now been made, (which include the reduction in the width of the two-storey element (to 4.5 metres) and a reduction in the height of the extension). In my view, these fundamental design changes help to improve the visual appearance of the development from a design perspective and help to reduce the overall bulk

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and scale of the addition and its impact on the character and appearance of the original dwelling, making this specific element appear more subservient in design.

- 29 In addition to the two-storey element, there is also a single storey addition. This element would project 3 metres from the front façade of the dwelling and tapers out at the side of the two-storey element. Given that this element would be on the side of the dwelling and given the distance that the dwelling is set back from the main road, the proposal is considered to be, on balance acceptable, as it is considered that it would not have an unacceptable impact on the character and integrity of the main dwelling to merit an objection.
- 30 Although the ground and two-storey side extension would be located close to the boundary (3.5 metres from the boundary to the single storey element and 6.5 metres from the boundary to the two storey element), there would also be sufficient space around the periphery of the site to maintain the space and character of the property. In view of the above, I consider that the scale and design of the extension would on balance be sympathetic and be in proportion in size and scale with the existing dwelling. The design and proportions of this element is also considered acceptable from a visual perspective.
- 31 In addition to the ground and first floor side extension, it is also proposed to extend the dwelling to the rear. It is proposed to construct a 4-metre extension (which would be the two-storey element) with a further single storey addition projecting 3 metres. Again, this is a significant extension in terms of its size and scale, however given the size and scale of the plot, the site is considered to be able to sufficiently accommodate the development proposed. The rear extension would not be visible from the streetscene and as such I am raising no objection to this specific element of the proposal. The design of this particular element is also considered to be in keeping with the character and appearance of the existing dwelling.
- 32 The proposed extensions would essentially wrap around the entire corner of the dwelling on the northern side and rear of the dwelling. Although this would be a significant extension, it is important to highlight that the dwelling is set back approximately 55 metres from the main road, and as stated above, the boundaries are well vegetated with mature landscaping. Given this distance and the vegetation, I consider that the proposal would have no adverse impact on the character and amenity of the area to warrant an objection on planning grounds.
- 33 In this respect, the proposal is not considered to conflict with criteria from the above aforementioned policies.

Impact on the amenity of adjacent properties

- 34 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development including any changes of use 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.
- 35 Concern has been raised by the residents of the Lilacs (situated to the north west of the site) that the proposal would affect the amenity of this property. This property is a bungalow that is located at a much lower level than the application

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property. The rear of this property is orientated towards the side of the application property. The distance between this property and the single storey extension proposed at Dorminton is approximately 21 metres in distance. It is recognised that any visual harm from the extension would be compounded by the level changes, and that the extension would inevitably be visible from this garden of this property. It is however not considered to be significantly overbearing or unneighbourly to warrant an objection on planning grounds given the height and scale of the addition and the distances between the dwellings. In addition to the overlooking concerns, the neighbouring property has raised concern about the potential overlooking impact. It is however considered that if the windows were obscure glazed at the front of the two-storey side element and at the side, then the overlooking impact would be satisfactorily mitigated. It would also be prudent to impose a condition to ensure that a suitable landscaping scheme was agreed to reduce the visual bulk and appearance of the development.

- 36 Glowworm Cottage, is also located immediately to the north east of the application property. In view of the reduction that has been made to the size and scale of the extension, I consider that the extension would have a satisfactory relationship with this adjacent property and would not appear oppressive and unneighbourly to an unnecessary degree. Again the extension would be visible from the garden of this property, however there is considered to be no loss of amenity to this property.
- 37 Given the distances between the properties to the south and opposite the site, the proposal is considered to have no adverse impact.
- 38 No other properties are considered to be adversely affected by the proposal.

Access

- 39 There is considered to be sufficient space at the front of the site to accommodate the parking needs of the development.

Other Issues

- 40 The other issue raised on the existing access, while the construction work take place. The traffic that the proposal generates is not considered to be a planning issue that can be taken into consideration. The issue of maintaining the access is a private issue and not an issue for planning.
- 41 The Parish Council have objected to the proposal on the grounds that the proposal would adversely affect the Green Belt. The actual dwelling is not located in the Green Belt and in this respect the proposal is considered to be acceptable in terms of its visual impact.

Conclusion

- 42 On balance the scale, bulk and design of the extension is considered to be acceptable in terms of its visual appearance. In addition to this the proposal is considered to have no adverse impact on the amenities of adjacent properties.

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Background Papers

Site and Block plans

Contact Officer(s): Vicky Swift Extension: 7448

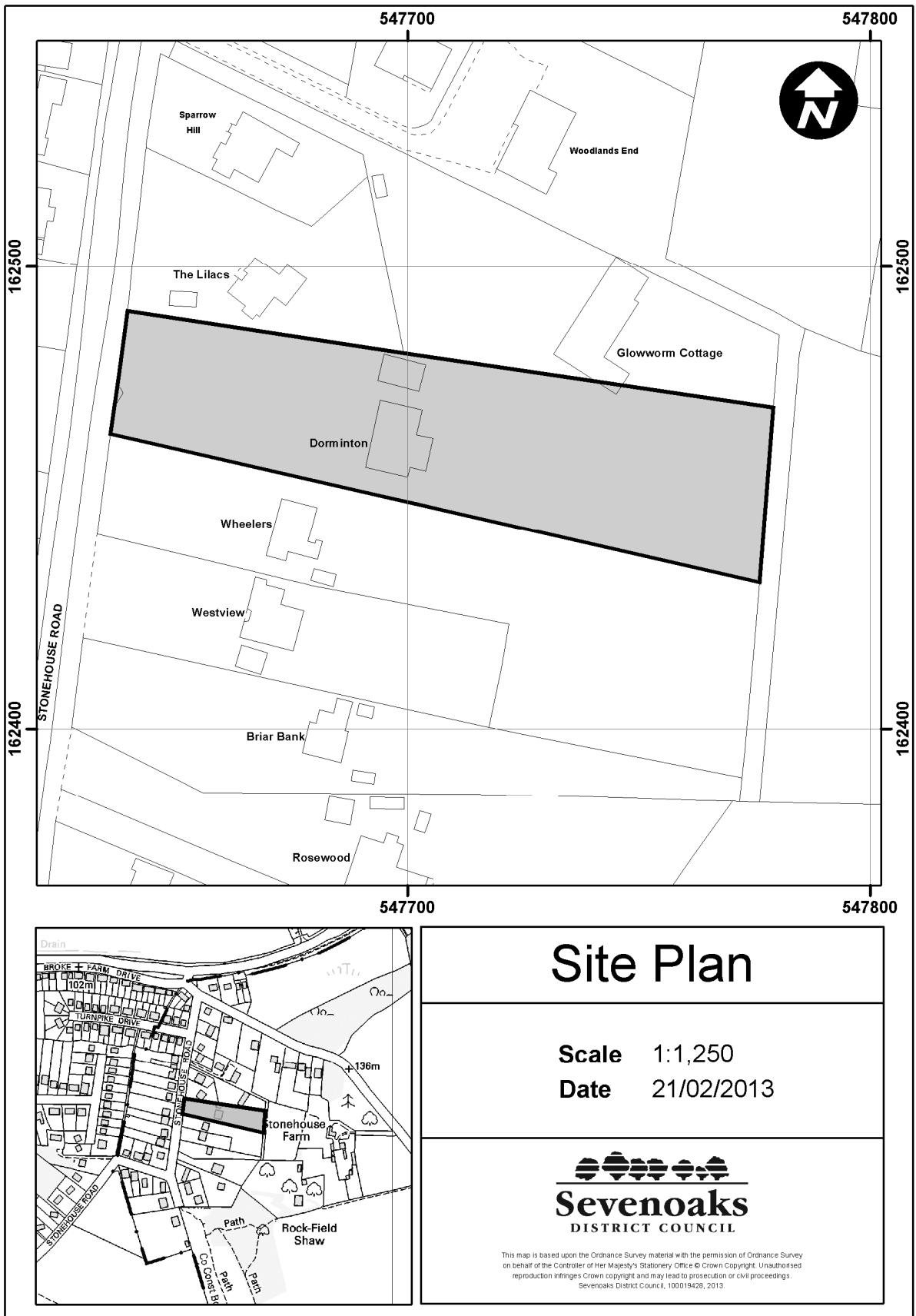
Kristen Paterson
Community and Planning Services Director

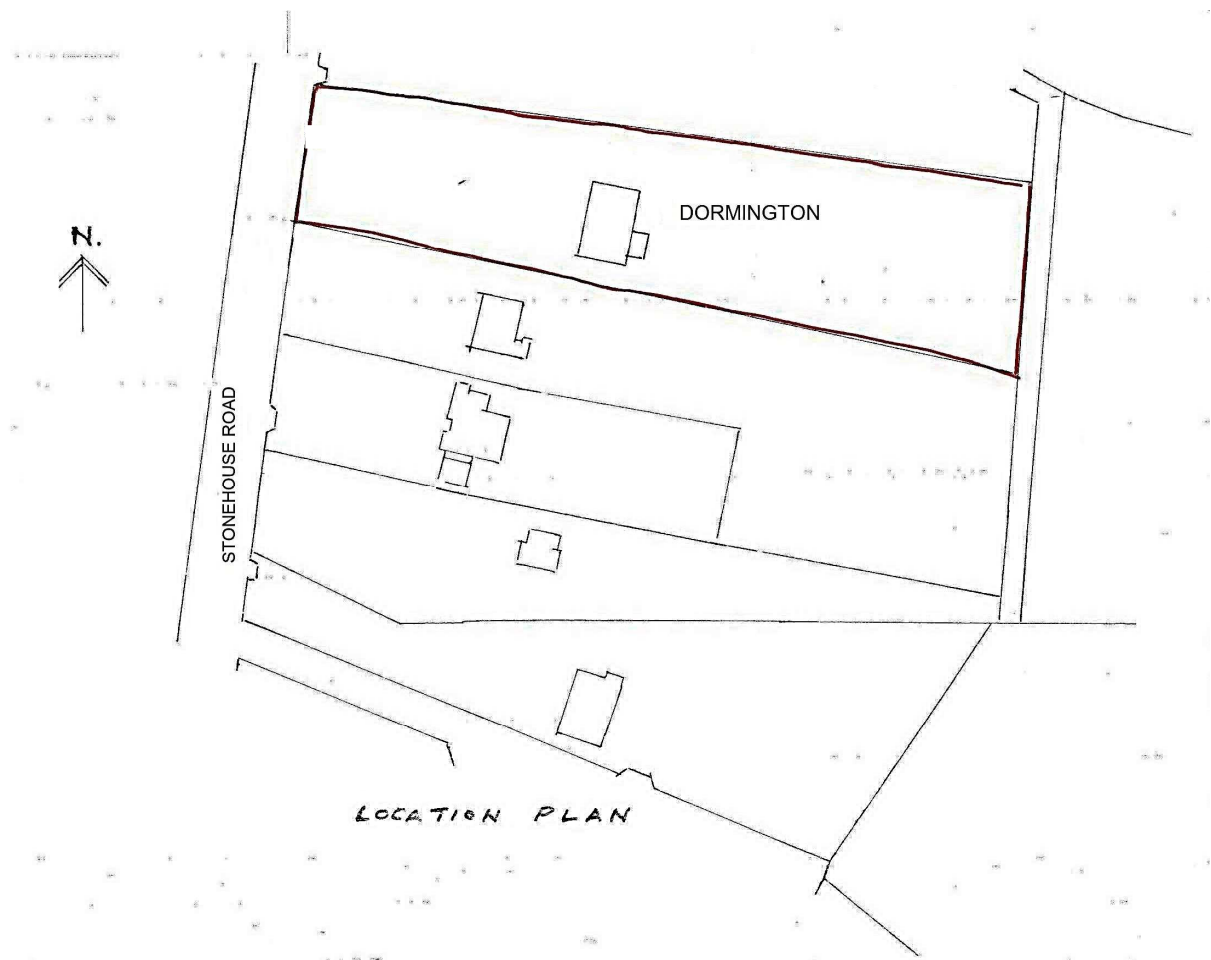
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MCG899BK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MCG899BK0L000>





Planning Application Information on Public Access – for applications coming to DC
Committee on Thursday 14 March 2013

Item 4.1 SE/12/02836/FUL The Village Pharmacy, 15 The Main Road, Hextable BR8
7RB

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MCE4DXBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MCE4DXBK0L000>

Item 4.2 SE/12/02868/CONVAR 2 and 3 St Edith Court, St Ediths Road, Kemsing TN15
6JQ

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LU4X07BK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LU4X07BK0CR00>

Item 4.3 SE/12/03238/HOUSE – 8 Small Grains, Fawkham, DA3 8NT

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do;jsessionid=0092F356BFE345AD8B50D066CC4FD6E0?action=firstPage>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MEGGDVBK0KWO0>

Item 4.4 SE/12/02852/HOUSE Dorminton, Stonehouse Road, Halstead TN14 7HN

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MCG899BK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online->

Supplementary Information

<applications/applicationDetails.do?activeTab=documents&keyVal=MCG899BK0L000>