

4.5 - SE/13/02815/FUL Date expired 15 November 2013

PROPOSAL: Demolition of existing house and garage and erection of replacement dwelling with integral garage, creation of additional hard standing to facilitate two car parking spaces at front, landscaping, new steps and terrace with retaining wall and steps at rear.

LOCATION: 63 Brittain's Lane, Sevenoaks TN13 2JR

WARD(S): Sevenoaks Kippington

ITEM FOR DECISION

This application is referred to Development Control Committee as the applicant is a Local Councillor.

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 first floor window(s) in the side elevation(s) shall be obscure glazed at all times and non openable.

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

3) The materials to be used in the construction of the development shall be those indicated on part 9 of the application form.

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

4) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the hardstanding to the front 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 street scene as supported by Policy EN1 of the Sevenoaks District Local Plan.

5) 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 NPPF and Policy SP2 of the Core Strategy.

6) The development hereby permitted shall be carried out in accordance with the following approved plans: 404/A1/04-05-06

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

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
- 2) Did not require any further assistance as the application was acceptable as submitted.

Description of Proposal

- 1 It is proposed to erect a replacement dwelling at No 63 Britains Lane.
- 2 The two storey traditionally designed dwelling will have hipped roof with a front gable feature and an integral garage.

- 3 The development will also introduce additional hard standing to the front (for two parking spaces) along with landscaping to the rear.
- 4 The replacement dwelling will be sited in the same position as the existing, in keeping with the building line.

Description of Site

- 5 The property is a large detached property located on Brittain's Lane, in Sevenoaks.
- 6 Brittain's Lane is characterised by large detached properties of varying appearance, scale and character. The street has a spacious open character, with the properties set back considerably from the road.

Constraints:

- 7 None.

Policies

Sevenoaks District Local Plan

- 8 Policies - EN1, VP1

Sevenoaks Core Strategy

- 9 Policies - SP1, SP2

Other

- 10 Supplementary Planning Documents 'Residential Extensions' 'Sevenoaks Residential Character Area Assessment'.
- 11 NPPF.

Planning history

- 12 None.

Consultations

- 13 None.

Town Council

Sevenoaks Town Council

- 14 Sevenoaks Town Council recommended approval

Representations

- 15 Two letters of objection has been received, which are summarised as follows:
 - The new property will reduce the amount of light reaching our primary living accommodation significantly.

- The side elevation window facing our property will be detrimental to our privacy.
- The development will affect our television signal.
- I am concerned that I have not been consulted on this application.
- The proposed building would be in the site line from my own property and reduce the level of sunlight reaching my property. The existing trees in the garden of No 63 already restrict light in this respect.
- The proposal would be out of keeping with the surrounding properties.

Chief Planning Officer's Appraisal

16 The main considerations of this proposal are:

- The impact upon the character and appearance of the existing property and area;
- Impact upon residential amenity.

Impact upon the character and appearance of the existing dwelling and wider area

17 Policy EN1 (from SDLP) 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.

18 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'.

19 The Sevenoaks Residential Character Area Assessment states that for the Redlands Road/ Brittain's Lane states that with regards to future development:

- Regular building lines and space between buildings should be respected
- The harmonious palette of red/brown brick, pastel painted render, red/brown or brown plain hung tiles and roof tiles should be respected
- The characteristic designs and roofline should be respected
- Traditional detailing should be retained
- Mature trees and hedged boundaries which contribute to the character of the road should be retained
- Views of the countryside should be protected
- The setting of the Brittain's Farm Conservation Area should be protected or enhanced

- 20 The existing dwelling is a two storey 60's looking property, with a flat roofed front projection. The dwelling appears at odds with the surrounding both in terms of scale (i.e being smaller than the surrounding dwellings) and appearance, having none of the traditional character or detailing supported by the SPD above.
- 21 The proposed replacement dwelling will be 1.7m taller than the existing (8.5m compared to 6.8m) however this is in keeping with the neighbouring dwellings, as would be the resultant bulk and massing.
- 22 The replacement dwelling incorporates a traditional design, with a characteristic hipped roof and materials – red clay tiles, render and red brick which are more in keeping with the street scene.
- 23 A 1m gap is retained to both side boundaries and therefore the pattern of spacing between the properties is retained.
- 24 The hard standing to the front is similar to that of neighbouring properties and utilises the existing access. The existing short front boundary wall will be retained, as will the side boundary hedging to the front of the property.
- 25 It is therefore considered that the proposal would comply with the above policies and SPD guidance.

Impact upon residential amenity

- 26 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 27 The existing dwelling has a gap of approximately 0.8m from the side elevation of its single storey side/front addition to the northern boundary with No 61, and 1m from the side of the attached single storey garage and the southern boundary, No 65. However the two storey element of the dwelling is more centrally sited, with a gap of 4.1m to the northern boundary and 3.5m to the southern boundary.
- 28 As stated above, the proposed replacement dwelling property will extend up to 1m from both side boundaries at two storey level. The massing along these boundaries is therefore increased.
- 29 Both of these dwellings however have their attached garages adjacent to the side boundary.
- 30 No 61 has no side elevation fenestration in the main part of the house, however does have some fenestration facing the boundary from the single storey rear projection.
- 31 This projection sits approximately 6m from the side boundary (7m from the dwelling) and these windows are secondary fenestration serving a lounge/dining area.
- 32 The two storey element of the replacement dwelling will therefore be sited 7m from these windows. The replacement dwelling would not conflict with the 45 degree line when drawn vertically and horizontally from the centre of these windows and therefore it is not considered that the overbearing or overshadowing

impact of the dwelling on these windows and rooms is sufficient to warrant a recommendation of refusal.

- 33 In terms of outlook, the Supplementary Planning Document 'Residential Extensions' (the principles of which apply in this instance) explains that the District Council '*is primarily concerned with the immediate outlook from neighbours' windows, and whether a proposal significantly changes the nature of the normal outlook. For example, it would be unacceptable for the resulting outlook from a main window to be of a large, obtrusive and dominating extension. However, the planning process is not able to protect a view from a private property.*'
- 34 The main windows in this respect are usually the rear facing windows of a property. It is not considered that outlook from any of the rear windows is significantly altered, compared to the existing development, albeit being 3.1m nearer to the boundary at 2 storey level.
- 35 The rear 3.5m of the dwelling will sit adjacent to the patio area of No 63, which is located to the side of the single storey rear projection. Whilst, given its siting to the south, the dwelling will have some minimal overshadowing impact upon this patio area. Again, it is not considered that this impact is sufficient to warrant a recommendation of refusal.
- 36 Turning to No 65, again this property has its integral garage sited on the boundary, with its two storey element sited a further 3m approx. from the boundary. The first floor element does have two small first floor windows facing the application site.
- 37 It is unclear as to whether these two windows serve habitable rooms or are secondary windows however again, given the distance between the properties, in this case, over 5m, the replacement dwelling would not conflict with the 45 degree line when drawn vertically from these windows.
- 38 The proposed replacement dwelling will not extend to the rear past the rear elevation of this neighbour. It is not therefore considered that the dwelling will have an unacceptable overbearing or overshadowing impact upon this neighbour.
- 39 Turning to overlooking, the proposed dwelling has one small first floor window on each side elevation. These serve either an en-suite or a dressing room. It is considered that they should both be conditioned as obscure glazed to prevent unacceptable direct overlooking.
- 40 The rear facing first floor fenestration face directly down the rear amenity space of the property and would only offer oblique overlooking similar to that currently experienced.
- 41 It is not therefore considered that the dwelling would have an unacceptable overlooking impact upon either adjacent neighbour.
- 42 The neighbours to the rear, Nos. 21 and 20 The Middlings remain a significant distance (approx. 75m+) from the replacement dwelling. The development will therefore have no detrimental impact upon these neighbours.

Other matters

- 43 Notwithstanding the above, two letters of objection have been received, the relevant issues pertaining to which have been addressed above. In terms of the television signal being disrupted, this is not a material planning consideration. Direct neighbours of the application site were notified of the proposal in line with the regulations. The existing trees in the garden of the application property are not part of this application.

Conclusion

- 44 In summary, it is considered that the proposed replacement dwelling and associated works will not detract from the character and appearance of the street scene, or have a detrimental impact upon the amenities of the neighbouring properties. The proposal therefore complies with Policy EN1 of the Local Plan and SP1 of the Core Strategy, and the Supplementary Planning Guidance Document 'Sevenoaks Character Area Assessment'
- 45 The Officer's Recommendation is to approve the application.

Background Papers

Site and Block Plans

Contact Officer(s): Ben Phillips Extension: 7387

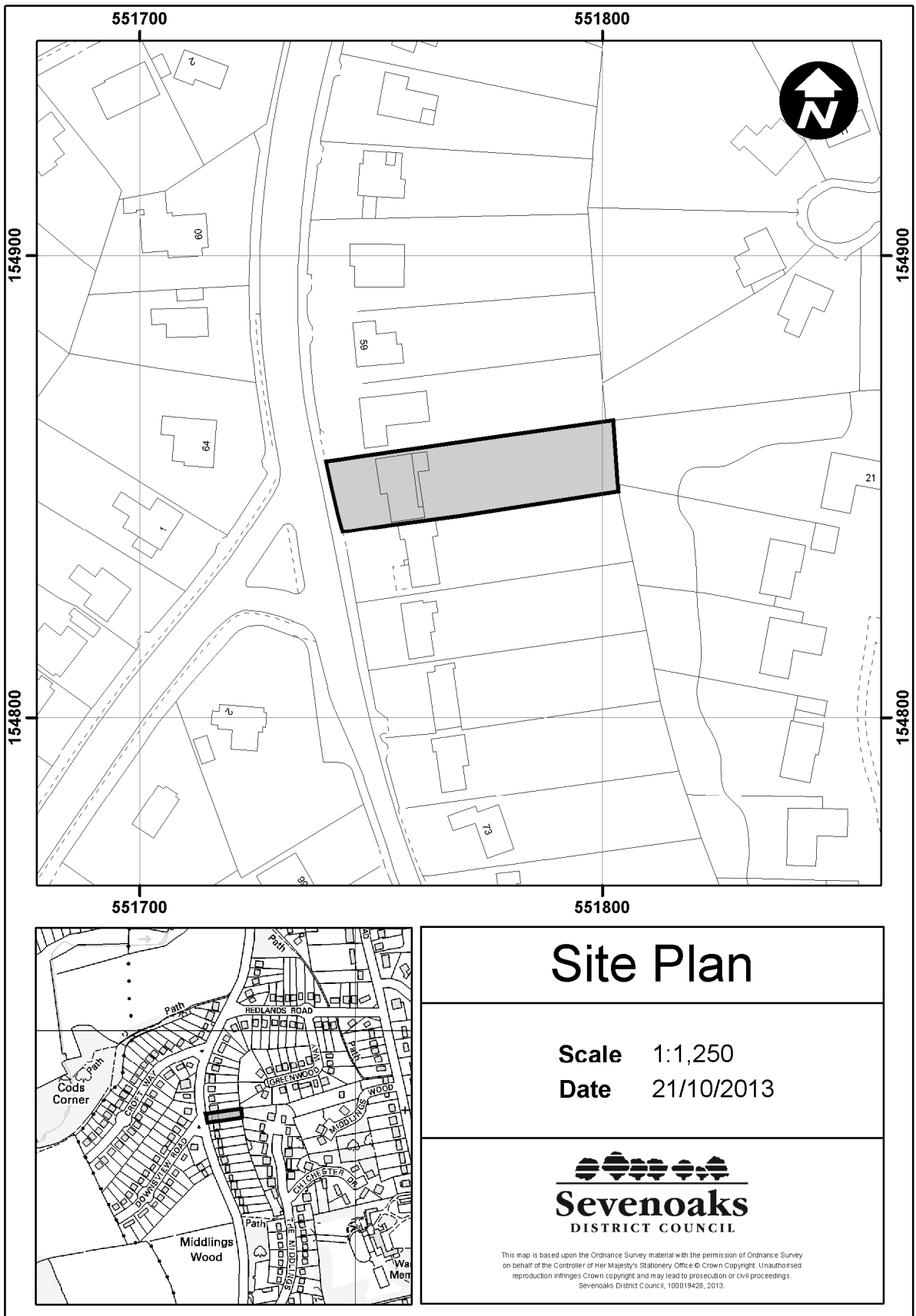
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MTEWSXBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MTEWSXBK8V000>



Site Plan

Scale 1:1,250
 Date 21/10/2013



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**PROPOSED SITE
BLOCK PLAN**

