

5.01 – SE/12/00024/FUL Date expired 8 March 2012

PROPOSAL: Demolition of existing dwelling, and erection of replacement dwelling, with detached double garage, with room above.

LOCATION: Amity, Clenches Farm Lane, Sevenoaks TN13 2LX

WARD(S): Sevenoaks Kippington

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Avril Hunter, who has concerns regarding the application, particularly the size of the replacement dwelling and its proximity to the boundary with Martletts.

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

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

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

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

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

3) The first floor window(s) in the side elevations of the replacement dwelling shall be obscure glazed at all times, and shall not be openable below 1.7m, above the internal floor level.

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

5) No window(s) or other opening(s) shall be inserted at any time in the first floor side elevation(s) of the dwelling hereby approved, despite the provisions of any Development Order.

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

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

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

ii) Prior to the occupation of the development, that the development has achieved a

Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

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

7) The development hereby permitted shall be carried out in accordance with the following approved plans: 110701/01 A, 110701/02 B, 110701/03 A, 110701/04 A, 110701/05 A, 110701/06 A, 110701/07 A, 110701/08 B, 110701/09, 110701/10

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

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

The South East Plan 2009 - Policies CC6

Sevenoaks District Local Plan - Policies EN1, VP1

Sevenoaks District Core Strategy 2011 - Policies SP1, SP2

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

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

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

Description of Proposal

- 1 It is proposed to demolish the existing property and detached garage and replace it with a two storey (with further accommodation in the roof space) seven bedroom property.
- 2 A detached garage is also proposed to replace the existing detached garage sited in the south eastern corner of the plot.

Description of Site

- 3 The application site lies within Sevenoaks, just outside the Kippington Road Conservation Area.
- 4 The site relates to an existing detached property (and detached garage) in a back land plot of approx 0.15ha sited behind Clenches Farm Lane with its own lengthy access drive.
- 5 The existing property is mostly single storey with a two storey addition on its eastern side.
- 6 The site slopes down from front to rear and is well screened from every neighbour by conifer hedging and/or boundary fencing.

Constraints:

7 None.

Policies

Sevenoaks District Local Plan

8 Policies - EN1 and VP1

Sevenoaks Core Strategy

9 Policies - SP1 and SP2

Planning History

10 97/01726/HIST Demolition of existing conservatory and erection of replacement kitchen and utility room. Granted.

11 93/00764/HIST Extension to existing bungalow. Granted.

12 83/00207/HIST Erection of one detached bungalow and garage. Granted

Consultations

Parish Council

13 Sevenoaks Town Council recommended approval subject to the garage being enured to the main dwelling.

Representations

14 Neighbours - 5 letters of objection have been received, which are summarised as follows:

- The two front dormers will overlook our rear garden and into our ground floor windows. The first floor windows will also partially overlook the rear garden and the same rooms.
- Survival of the hedge may be threatened by the proposed development and consideration should be given to the loss of privacy in the absence of this hedge.
- The proposed property will dominate the relatively small plot and look out of character with its immediate surroundings.
- There are material inaccuracies with the submitted statement – regarding the separation distance to Martlets, the omission of Martlets from section 6.3 of the Planning Statement which deals with compatibility with adjacent properties, the height of the replacement garage and the dimensions of certain trees shown on the drawings.
- The restricted access of the site will lead to serious disruption should building works such as this be approved. I request that conditions are put upon vehicle access.

- The replacement dwelling will greatly overshadow the garden of my property.
- The replacement dwelling will cause an immediate loss of privacy in all rooms of my bungalow.
- We feel that the size of the replacement dwelling is slightly excessive with potential loss of light to our garden. We would also like the windows on the first floor overlooking our property to be obscure glazed.
- It is also important that the slab level of the proposed property is no higher than the existing.
- It would appear that the situation is a repeat of the original applications for Beechdene in 2002/3, that of overlooking and loss of privacy to neighbouring properties as well as the layout and mass of the building.
- I was not notified of this proposal, and I suggest that all properties along Clenches Farm Lane are notified and the consultation period extended accordingly.

Head of Development Services Appraisal

15 The main considerations of this application are:

- Impact upon character and appearance of the area and adjacent Conservation Area
- Impact on the amenities of adjacent properties

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

- 16 Policy EN1 (from SDLP) and CC6 from (SEP) state that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard and that the proposed development should not have an adverse impact on the privacy and amenities of a locality.
- 17 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'.
- 18 PPS1 also emphasises the need to achieve good design standards for new development and a high quality of urban design in the wider context. This document recognises that design issues are matters of proper public interest and the relationships between buildings in their wider setting is often as important or more important than individual designs.
- 19 PPS3 states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. In addition to this it also states that good design should contribute positively to making places better for people. Design which is inappropriate in its

context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

- 20 The existing property is of little architectural merit, and given its back land siting it is not visible from any public vantage point. The property does not therefore contribute particularly to the character or appearance of the area.
- 21 Clenches Farm Lane is mostly characterised by large detached properties of varying appearance and design. A nearby neighbour, 'Little Martlets' is a bungalow, as was Beechdene immediately to the west of the access to the application site, before its redevelopment as a large 2/3 storey property following permission in 2003 (03/02451/FUL).
- 22 The replacement dwelling is traditionally designed with a large pitched tiled roof, three front and rear projecting gables, two front dormers and a detached double garage (with accommodation on the first floor).
- 23 In terms of scale and appearance the proposed property is in keeping with the other two storey dwellings along Clenches Farm Lane than the existing mostly single storey dwelling.
- 24 Again, given its back land siting, the property would not be visible from the adjacent Kippington Conservation Area. It is therefore considered that the proposed replacement dwelling would not harm the setting of the nearby Conservation Area.

Impact upon residential amenity

- 25 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.
- 26 The replacement dwelling is clearly much larger in footprint and in height than the existing property.
- 27 The existing property has a ridge height of approx 4.9m, rising to 6m for the two storey addition on the western side.
- 28 The replacement dwelling, sited in a similar location with the same slab level, rises to a ridge height of 9.35m.
- 29 The site has neighbouring properties on all four boundaries. Due to the orientation of the dwelling, which is essentially the same as the existing, the front and rear elevations face the north and south boundaries.
- 30 The front elevation of the property is, at its nearest point, approx 10.8m from the front boundary. At its nearest points, the proposed dwelling is 11m from the rear boundary, 3m from the western boundary and 5m (at two storey level) from the eastern side.
- 31 There is significant screening offered by the existing conifer hedging on the south, east and western boundaries, and there are numerous trees and a close boarded boundary fence along the northern boundary. In conjunction with this, it is considered that these separation distances are sufficient to prevent the proposed

dwelling from having an unacceptable increased overbearing or overshadowing impact upon any of the adjoining neighbours . The proposal will not result in the loss of sunlight or background daylight to the neighbouring properties habitable accommodation due to separation distances.

- 32 The proposed detached garage is sited in the south west corner, and is no nearer to the southern or western boundary than the existing detached garage. Again, whilst the proposed garage (5.3m above the southern side ground level compared to 4.3m for the existing detached garage) is taller than the existing, given the existing conifer hedging, which will obscure all but the ridge of the building from view, it is considered that any increased overbearing or overshadowing impact is limited and not sufficient to warrant a recommendation of refusal in this instance.
- 33 Turning to overlooking, as stated above, the front elevation of the dwelling faces the southern boundary with Martlets. Whilst a projecting gable on the south western corner of the property extends to 10.8m from this boundary, this gable only has one small first floor window which will be obscured from view (when viewed from the boundary) by the detached garage.
- 34 The rest of the first floor front elevation fenestration is sited a minimum of approx 15m from the boundary (and the only other front elevation first floor window serving a habitable room is sited 15m on an angle from the boundary), and 35m approx from the rear elevation of Martlets.
- 35 The nearest of the two front dormers are sited 17m from the boundary and 37m approx from the rear elevation of Martlets
- 36 A site visit has confirmed that, whilst the land drops away from south to north, the top of the first floor windows and certainly the dormer windows will be visible above the boundary conifer hedging when viewed from the garden and rear facing windows (particularly the first floor rear facing bedroom windows) of Martlets.
- 37 However, given the separation distances states above, it is considered that this overlooking is not sufficient to warrant a recommendation of refusal in this instance.
- 38 The rear elevation of the property faces the northern boundary with No 3 Yeoman's Meadows. The nearest first floor windows area sited approx 11m from the rear boundary, and approx 40m from the rear elevation of this neighbour.
- 39 Again, whilst there will be undoubtedly an increased overlooking impact over that of the existing property, it is not considered that this impact, given the separation distances, are sufficient to warrant or justify a recommendation of refusal in this instance.
- 40 The proposed property would be sited 3m from the eastern boundary (at its closest point) and will have two first floor windows facing this boundary. These serve an en-suite and a landing and therefore it is considered that they should be conditioned as obscure glazed to prevent unacceptable overlooking.
- 41 Similarly, the eastern side of the proposed property has two small windows serving the master bedroom, sited 5m from the boundary. As this room is also served by front and rear windows it is also considered that the side elevation windows should be conditioned as obscure glazed.

- 42 A further en-suite bathroom window sited in the eastern side of a rear projection also faces this boundary, however as this is located 10.8m approx from the boundary it is not considered that it is necessary to condition it as obscure glazed. This is also the case with the side facing window to bedroom 3, which whilst facing the boundary is sited approx 23m from the boundary, and the first floor window in the detached garage, which is sited 21m from the boundary.
- 43 It is considered therefore that the proposed replacement dwelling would comply with policy EN1 of the Local Plan in this regard.

Access

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

Other matters

- 45 The Parish Council have no objection to the proposal, subject to the garage building being enured to the main property. Given that further permission would be required to convert the garage into a separate residential unit it is not considered that any conditions in this respect are necessary.
- 46 Notwithstanding the above, 5 letters of objection have been received, and the material planning considerations have been addressed above. With regards to the material inaccuracies reported in the submitted statements, the measurements and heights are scaled off the submitted drawings and the heights of the boundary hedges and the relationship with neighbouring properties, and especially Martlets was observed on site. It is not therefore considered that these small inaccuracies prevent full assessment and determination of the proposal based on the drawings.
- 47 With regards to the restricted access and potential for disruption during any construction, this is not a material planning consideration as such matters are covered by separate legislation.
- 48 Finally, in accordance with the regulations, all adjoining land owners were notified of the application and a site notice was put up. Therefore the statutory duty of the Council was carried out in this respect.

Conclusion

- 49 In summary, it is considered that, on balance, the proposed replacement dwelling 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 PPS 1, PPS3, Policy EN1 of the Local Plan and SP1 of the Core Strategy. It is therefore the Officer's recommendation to approve.
- 50 The Officer's recommendation, therefore, is to approve planning permission.

Background Papers

Site and Block Plans

Contact Officer(s):

Ben Phillips Extension: 7387

Kristen Paterson

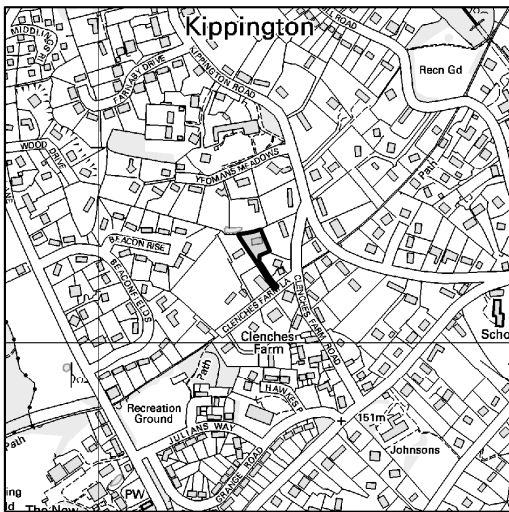
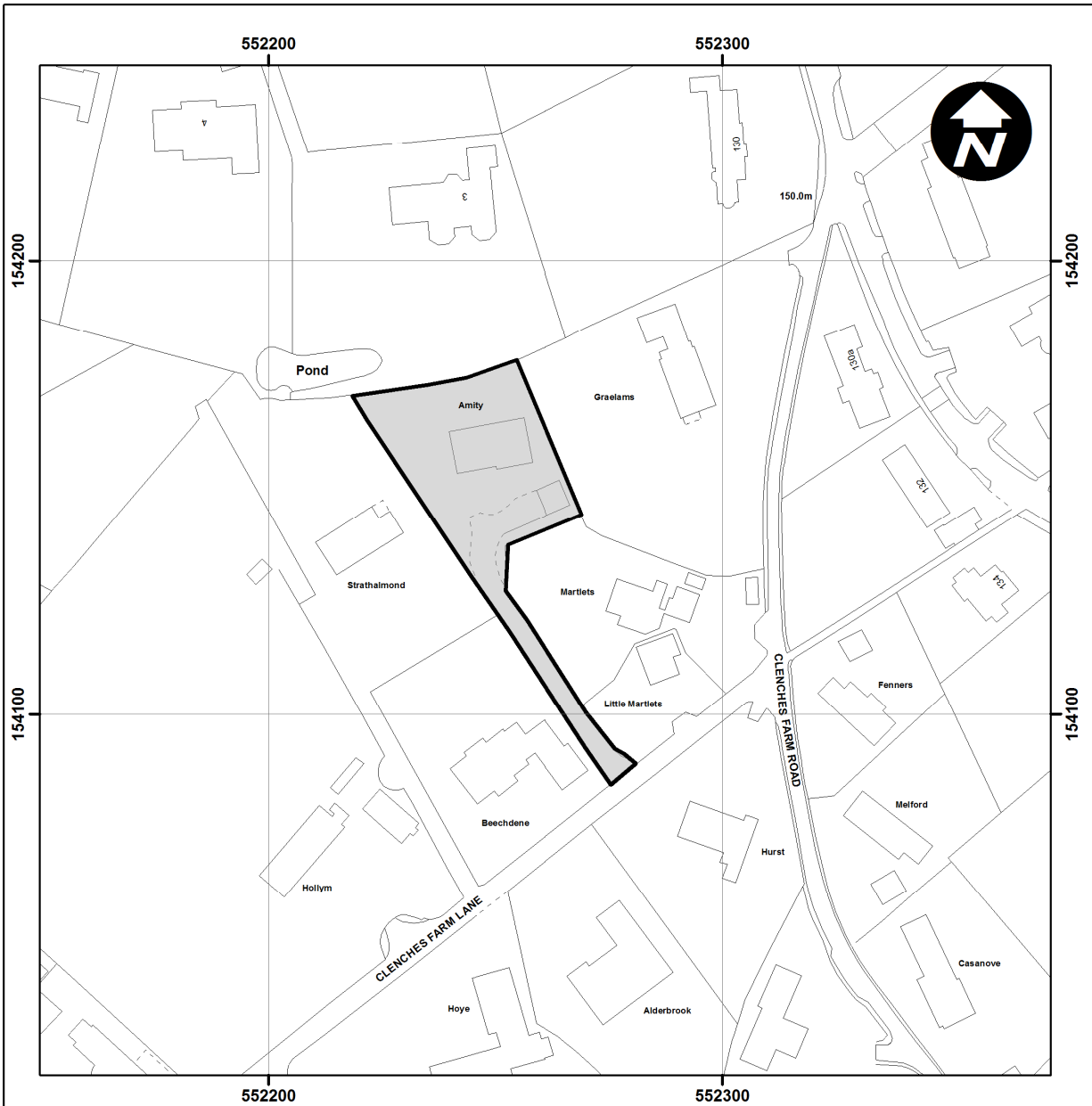
Community and Planning Services Director


Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LXC3DKBKOCRO0>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LXC3DKBKOCRO0>



<h1>Site Plan</h1>	
Scale	1:1,250
Date	29.02.2012
 Sevenoaks DISTRICT COUNCIL	
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SITE PLAN

