

PROPOSAL: Erection of a 2 bed chalet bungalow.

LOCATION: Land South West Of 2 Salisbury Avenue, Swanley
BR8 8DG

WARD(S): Swanley Christchurch & Swanley Village

ITEM FOR DECISION

This application is referred to Development Control Committee by Councillor Searles to consider the principle of the development and its impact on street scene and amenity.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: AT/P.01/A; P.02/A; P.03/A; P.04.

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

3) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwellings 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 Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

4) Notwithstanding the details shown on the hereby approved plans a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:

- a) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible) and size;
- b) enclosures: including types, dimensions and treatments of boundaries (including a more appropriate boundary treatment to the front of the approved dwellings), walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;
- c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible

pavings, unit paving, steps and if applicable synthetic surfaces; and
d) any other landscaping feature(s) forming part of the scheme. All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

To enhance the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

5) No development shall be carried out on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site have been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details prior to the first occupation of the development.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

6) The noise mitigation measures set out in section 7 of the hereby approved Road traffic noise assessment (by Peter Moore Acoustics Ltd, dated 11 June 2016, reference 160603/1) shall be implemented in accordance with the recommendations in the report prior to the first occupation of the dwelling. The noise mitigation measures, including retention of a minimum 1.8m high front boundary fence shall be retained thereafter in accordance with the approved details.

To ensure the provision of adequate residential amenities for future occupiers in accordance with paragraph 123 of the National Planning Policy Framework and policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

7) Before the use or occupation of the development hereby permitted, the car parking and turning areas shown on the approved drawing AT/P.04 shall be provided and shall be kept available for the parking of cars at all times.

In the interest of highway safety as supported by policies EN1 and T2 of the

Sevenoaks Allocations and Development Management Plan.

8) No development shall be carried out on the land until details for the provision of an electric vehicle charging point for the dwelling has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point shall be installed in accordance with the details so approved prior to the first occupation of the dwelling hereby approved.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

9) The first floor level window in the side elevation and rear facing dormer window of the dwelling shall be obscure glazed and fixed shut below 1.7m from finished floor level and shall be retained and maintained as such thereafter.

In order to safeguard the residential amenities of surrounding occupiers in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

Informatives

1) Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you **MUST** submit a **COMMENCEMENT NOTICE** to the Council **BEFORE** starting work on site. Failure to do so will result in the CIL charge becoming payable in full.

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) Was encouraged to seek professional advice.

Description of Proposal

- 1 Erection of a 2 bed chalet bungalow.

Description of Site

- 2 The site comprises the rear most part of the garden to the rear of 2 Salisbury Avenue. It is currently subdivided from the part of the garden closest to the house by a fence, although open access exists between the two parts. Vehicular access exists from London Road (B2173) and in part serves an electrical substation located in the northern corner of the site.
- 3 The area is characterised by post war two-storey semi-detached and older terraced dwellings. The site is located within the urban confines of Swanley. There are no statutorily listed buildings in the locality and the site is not located within a designated conservation area.

Constraints

- 4 Urban confines of Swanley
- 5 Air Quality Management Area

Policies

Allocations and Development Management Plan

- 6 Policies- EN1, EN2, EN7, T2, T3
- 7 *Sevenoaks Core Strategy*
- 8 Policies - L01, L04, SP1, SP2, SP3, SP7

Other

- 9 National Planning Policy Framework
- 10 Planning Policy Guidance
- 11 Affordable Housing SPD

Planning History

- 12 SE/15/04017/FUL: Erection of a 2 bed chalet bungalow. REFUSED
23.03.2016

Reason 1: The proposed development, by reason of the unsympathetic dormer window on the rear roof slope would be harmful to the appearance of the dwelling and detract from the visual amenity of the surroundings contrary to policy SP1 of the Core Strategy (2011) and policy EN1 of the Allocations and Development Management Plan (2015).

Reason 2: In the absence of a noise or air quality impact assessment or details of any necessary mitigation it has not been demonstrated that the proposed dwelling would provide a satisfactory standard of internal or external residential amenity for future occupiers contrary to the Planning Practice Guidance and policies EN2 and EN7 of the Allocations and Development Management Plan (2015).

Reason 3: In the absence of a S106 legal agreement to secure a financial contribution towards the provision of off-site affordable housing, or adequate evidence to demonstrate that such a contribution would render the scheme unviable, the development would be contrary to policy SP3 of the Core Strategy (2011) and Affordable Housing SPD (2011).

Consultations

Swanley Town Council

13 (summary) objects on the following grounds:

- *Site is within curtilage of dwelling and not brownfield land;*
- *Adverse impact on amenities of neighbouring properties;*
- *Overlooking of neighbouring properties;*
- *Loss of light to neighbouring properties;*
- *Adverse effect on street scene.*

KCC Highways Authority

13 *Development proposal not referable.*

SDC Environmental Health

14 *'having reviewed the new air quality and noise submissions I have no adverse comments regarding air quality. Providing the recommendations regarding noise mitigation in section 7 of the Peter Moore Acoustics Ltd report ref: 160603/1 are implemented then I have no adverse comments regarding this application'.*

Representations

15 Notification letters were sent to the occupiers of 8 properties surrounding the site. Site notices and press notice were displayed. The statutory consultation period ended on 10.04.2016.

16 2 objections received raising the following concerns:

- Drawing *inaccuracies*; (Officer note: agent has verified accuracy of plans)
- Proximity of parking; (Officer note: see amenity assessment below)
- Proximity of dwelling to existing dwellings; (Officer note: see amenity assessment below)
- Impact on noise and air quality; (Officer note: see amenity assessment below)
- Overlooking and loss of privacy; (Officer note: see amenity assessment below).

Chief Planning Officer's Appraisal

- 17 The main issues requiring assessment relate to the principle of development in this location, design and impact on the street scene, impact on the neighbouring amenities, impact on highways and CIL (Community Infrastructure Levy).

Principle of development

- 18 The NPPF has a general presumption in favour of sustainable development, and amongst other things encourages the delivery of homes of a high quality design and a good standard of amenity for all. Whilst the NPPF places an emphasis on development of previously developed land, it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings.
- 19 Policy L01 of the Core Strategy requires development to be focussed within the built confines of existing settlements with Swanley being the secondary focus for development. Policy L04 of the Core Strategy also applies. This policy states provision will be made for approximately 660 dwellings throughout the town on a range of sites suitable for residential use within the urban area. The existing site comprises part of the residential curtilage of 2 Salisbury Avenue and the principle of residential development on the land is considered to be acceptable provided the scheme complies with all other relevant development plan policies.

Design and impact on the street scene

- 20 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment; 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. Policy SP1 of the Core Strategy states that 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. Policy EN1 of the SDLP states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and

landscaping of a high standard. It is considered that these policies are consistent with the NPPF.

- 21 Although located to the rear of 2 Salisbury Avenue, the site fronts London Road albeit it is set back approximately 13m from the pavement behind a substantial green verge and at a lower level. The proposed dwelling would therefore be read in the context of the side elevation of 2 Salisbury Avenue to the south and the front/side elevation of 51A Highcroft Cottages to the north. In terms of pattern of development there are other examples of dwellings fronting London Road and located perpendicular to dwellings fronting side roads, including in the case of Caister Cottage and adjacent properties fronting Beechenlea Lane opposite. The dwellings in Salisbury Avenue comprise post-war brick-faced two-storey semi-detached houses with pitch roofs whereas Highcroft Cottages comprises a part rendered, part tile hung Victorian two-storey end of terrace.
- 22 The proposed development would comprise a detached two-storey chalet style building with dormer windows. In terms of design, the front of the building would appear appropriately scaled relative to its plot and distance to its boundaries. The three dormer windows would appear subordinate within the roof slope. The rear of the building would incorporate a single dormer to facilitate stair access; although less prominent the rear would be visible in public views through gaps between buildings in Salisbury Avenue and also in private views from surrounding dwellings.
- 23 Although it would not replicate the characteristic building forms in the locality it would be located sufficiently distant from adjacent buildings (approximately 19m from 2 Salisbury Avenue and 9m from 51A Highcroft Cottages) to not appear incongruous. The fact that the building would be significantly set back from the road (by over 18m), located behind the front building line of 51A Highcroft Cottages and level with the side building line of 2 Salisbury Avenue and approximately 2m lower in height than either neighbour would ensure the building would not be prominent or harmful to the wider street scene. The use of brick and tiles to match 2 Salisbury Avenue would help to integrate the development into its immediate surroundings. I consider the overall size, scale, form, layout and design of the development and its impact on the street scene to be acceptable and consistent with relevant planning policies.
- 24 In summary it is considered that the proposal addresses the previous reasons for refusal and would result in a sympathetic development that would contribute to the local character of the area consistent with national and local planning policy and guidance.

Amenity

- 25 Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. 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. Policy EN2 of the ADMP requires that any development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.

- 26 The new dwelling would be located 9m from the rear boundary of 2 Salisbury Avenue (19m from the rear building line), 2.4m from the garden boundary with 4 Salisbury Avenue (which comprises a mature evergreen hedge) and at its closest 4.8m from the garden boundary of 51A Highcroft Cottages (which comprises a close boarded fence).
- 27 Subject to appropriate boundary treatment (which could be secured by appropriate condition) there would be no overlooking or loss of privacy to the occupiers of 2 or 4 Salisbury Avenue from the ground floor level windows or garden of the proposed development. No windows are proposed on the first floor side elevation facing these dwellings. By reason of the orientation of the building and separation distance I am satisfied that there would be no harmful loss of sunlight, daylight or outlook. The proposed dwelling would be almost entirely screened from that part of the garden belonging to 4 Salisbury Avenue and located adjacent to the site. Subject to an appropriate condition requiring the rear facing dormer window to be obscure glazed and fixed shut, the development would cause no demonstrable harm to the residential amenities of this property through overlooking, loss of daylight or outlook.
- 28 The proposed dwelling would be located behind the rear building line of 51A Highcroft Cottages and by reason of its proximity to the side boundary of this property (between 4.8m and 8m) it would be visible from the rear garden. The introduction of built form where there currently is none would alter the existing easterly aspect from the rear garden of 51A Highcroft Cottages; however the separation distance combined with the tapering orientation of the building and its modest height (5.6m to ridge) would not be so overbearing or result in a sense of enclosure that would equate to unacceptable harm. In order to prevent overlooking and to safeguard the privacy of the occupiers of the neighbouring property it would be reasonable to require the secondary window in the flank elevation of the proposed dwelling to be obscure glazed and fixed shut by appropriate condition.
- 29 In terms of light the development would be located to the south east of 51A Highcroft Cottages and has the potential to result in the loss of some morning sunlight; however this would affect only part of the garden and for a limited period of the day. It is not considered that the limited harm arising would justify refusal of planning permission. The site benefits from existing vehicular access adjacent to 51A Highcroft Cottages (beyond the access to the electrical substation) however off-street parking would be provided within the site and further from the boundary with the existing dwelling. The proposed layout combined with existing background noise levels from the adjacent road and nearby motorway mean I do not consider the development would result in unacceptable noise or activity levels.
- 30 Notwithstanding that the development would be visible from surrounding dwellings and gardens, taking all of the above factors into account, I do not consider that it would have any impacts likely to cause unacceptable living conditions to existing properties and in this respect the development would comply with the NPPF and policy EN2 of the ADMP and that the impact of the proposal on residential amenity would be acceptable.

- 31 In terms of size, layout, daylight and outlook the proposed two-bedroom dwelling would provide an adequate living environment for future occupiers. The entire site is located within an Air Quality Management Area and the application is supported by independent air quality and noise assessments. In terms of air quality the report concludes that no mitigation is required. In terms of noise, the biggest source is identified as from road traffic. There is no noise output from the adjacent electrical substation. Subject to an appropriate condition requiring implementation of noise mitigation measures set out in the report (including retention of boundary fencing, acoustic glazing, insulation and a mechanical ventilation system) the Environmental Health Officer confirms the dwelling would achieve satisfactory internal noise levels and would comply with policy EN7 of the ADMP and address the previous reasons for refusal in this regard.

Highways and parking

- 32 Policy T2 of the ADMP requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the relevant standards. Policy T3 requires the provision of electric vehicle charging infrastructure. The parking standards as set out in the Kent Design Guide: Interim Guidance Note 3 requires 1 space per 2-bed house in an edge of centre/suburban location such as this.
- 33 The development would utilise the existing vehicular access from London Road consistent with other dwellings in the area, including 51A Highcroft Cottages. The development would result in provision of an off-street car parking space plus turning area in compliance with policy T2 of the ADMP. It is recommended provision of the parking space and turning area prior to first occupation be secured by condition. The use of the existing vehicular access would not prejudice highway safety; the access benefits from good visibility onto a 30mph road and the provision of the turning area would mean vehicles should not need to reverse into the road as is the case for the majority of Highcroft Cottages.
- 34 Policy T3 seek to ensure provision of new charging facilities to be provided within new residential development for electric cars. This can be secured by the imposition of an appropriate condition.

Trees and landscaping

- 35 Policy EN1 of the ADMP requires the layout of new development to respect the topography of the site and to retain important features including trees, hedgerows and shrubs. New landscaping and boundary treatment will be required in appropriate cases. The existing site comprises mown grass. The proposed layout creates the capacity for the retention of existing and provision of additional soft landscaping and biodiversity enhancement. This can be secured by appropriate condition and I consider the proposals are acceptable in this regard.

Affordable housing

- 36 In relation to affordable housing, on 28 November 2014 the Government issued a Written Ministerial Statement that amended National Planning Practice Guidance (PPG) to restrict the circumstances where contributions for affordable housing should be sought. Under that guidance, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. This is a material consideration that should be taken into account when determining planning applications and must be weighed against Policy SP3 of the Core Strategy. It is noteworthy that the material consideration post dates the Core Strategy and was confirmed by the Court of Appeal in 2015 and thus afforded weight. Since the development size is below the threshold introduced in the Written Ministerial Statement a strict adherence to the edicts of Policy SP3 is unlikely to be substantiated at appeal as such a contribution to affordable housing would not therefore be sought on a development of this size.

Community Infrastructure Levy

- 37 The application is accompanied by a CIL Additional Information Form which identifies that the development would be CIL liable. A claim for self-build exemption has been received and will be assessed separately.

Conclusion

- 38 The principle of the development of the site is considered to be acceptable in land use terms. The development would be appropriate in terms of height, scale, location and design and would respect the character and appearance of the area. The proposal would not compromise the character of the area. It would not be harmful to neighbour amenity and would provide for adequate parking. There are no other issues that could not be addressed by appropriate condition.

Recommendation: Grant planning permission subject to conditions

Contact Officer(s): Matthew Durling Extension: 7448

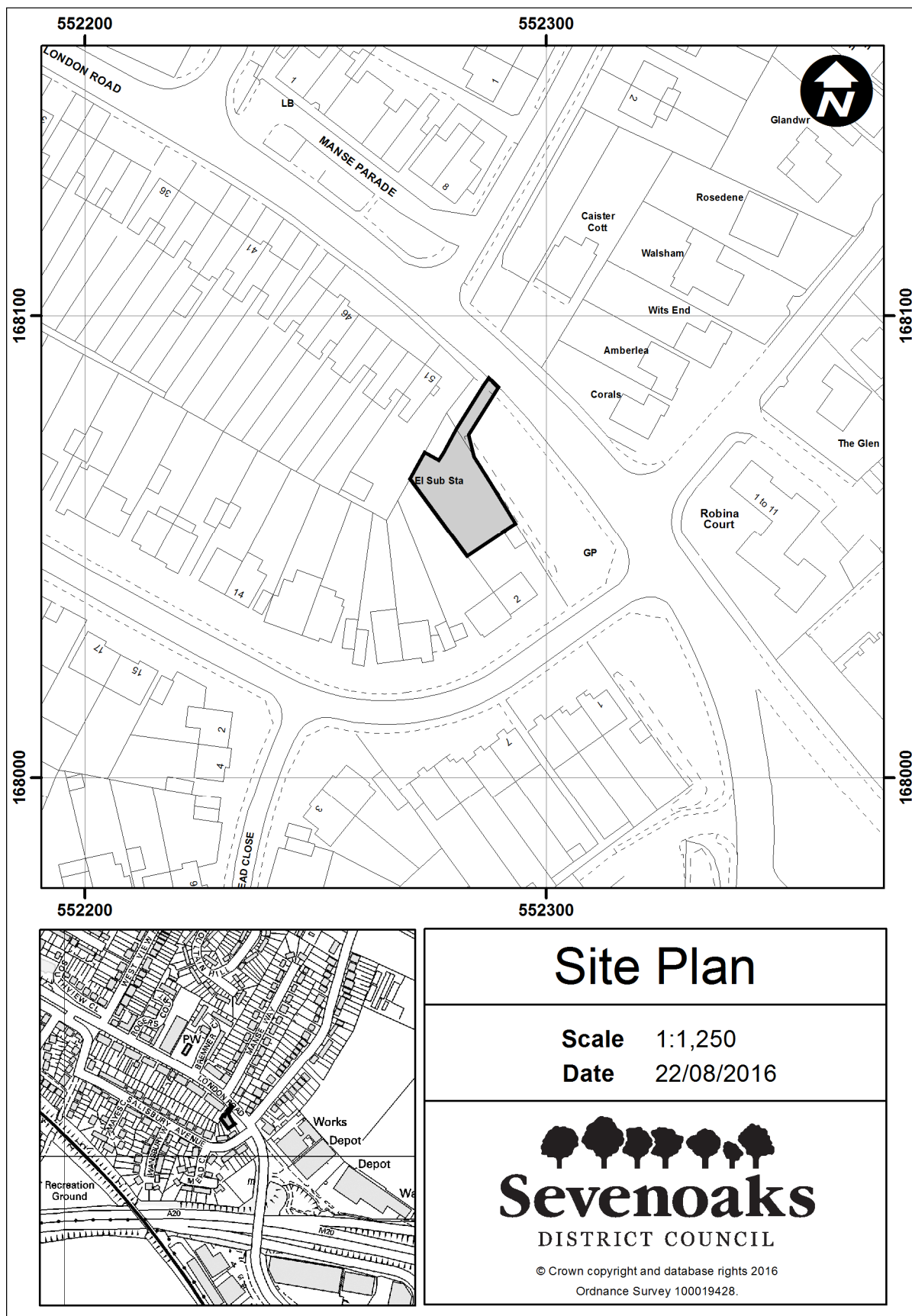
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=079H59BK0L000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=079H59BK0L000>



Block Plan

