

4.1 - SE/16/02838/FUL Revised expiry date 9 January 2017

PROPOSAL: Removal of existing garage and outbuildings. Erection of a new 3 bedroom dwelling.

LOCATION: Land Adj To 4 & 5 Mill Lane, Shoreham TN14 7TS

WARD(S): Otford & Shoreham

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillors Lowe and Edwards-Winsor on the basis that the Parish Council are of the view that the proposals would remove existing structures which detract from the Conservation Area and the proposed dwelling would be better in-keeping with the surrounding area.

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

The proposed development, by reason of its location and siting, would cause substantial harm to the character and appearance of the Shoreham Mill Lane Conservation Area, contrary to policies EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan 2015 and SP1 of the Sevenoaks Core Strategy.

The proposed development would cause harm to the character of the landscape and fail to conserve the character of the Kent Downs Area of Outstanding Natural Beauty, contrary to policy EN5 of the Sevenoaks Allocations and Development Management Plan and policies SP1 and LO8 of the Sevenoaks Core Strategy.

The proposed development, by reason of its location and siting, would cause less than substantial harm to the setting of the neighbouring grade II listed 5 Mill Lane, contrary to policies EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan 2015 and SP1 of the Sevenoaks Core Strategy.

The proposed development, due to its unsatisfactory parking layout, would result in increased pressure for on street parking in the vicinity of the site, contrary to policy T2 of the Sevenoaks Allocations and Development Management Plan 2015.

Informatives

1) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Should this decision be appealed and the appeal is allowed full details will be set out in the CIL Liability Notice which will be issued as soon as possible after the appeal decision is issued. Further information can be found here:

<http://www.sevenoaks.gov.uk/services/housing/planning/planning-applications/community-infrastructure-levy-cil>

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 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) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

Description of Proposal

- 1 Removal of existing garage and outbuildings. Erection of a new three bedroom dwelling.

Description of Site

- 2 The site lies on the southern side of Mill Lane within the Shoreham Mill Lane Conservation Area. It forms part of the settlement confines of Shoreham and is opposite, but not within, the Metropolitan Green Belt. The site adjoins the Grade II listed terrace of 1- 5 Mill Lane to the east and the new development of 6-9 Mill Lane to the rear which is accessed via a driveway to the west of the applicant site.
- 3 The site is used predominantly as a garden space and contains two timber sheds to its north eastern corner and a timber clad garage with associated access to its western side.

Constraints

- 4 Shoreham Mill Lane Conservation Area

- 5 Area of Outstanding Natural Beauty
- 6 Biodiversity Opportunity Area
- 7 Area of Archaeological Potential

Policies

Allocations and Development Management Plan-

- 8 Policies - SC1, EN1, EN2, EN3, EN4, EN5, GI2, T1, T2

Sevenoaks Core Strategy-

- 9 Policies - LO1, LO7, LO8, SP1, SP3, SP4, SP5, SP7, SP11

Other

- 10 National Planning Policy Framework
- 11 Planning Policy Guidance
- 12 Shoreham Mill Lane Conservation Area Appraisal, 2003
- 13 Sevenoaks Countryside Assessment, 2011

Planning History

- 14 There is no relevant planning history for this site.
- 15 Planning history for the site behind the application containing 6- 9 Mill Lane is as follows:
 - 12/03106/FUL- Erection of 4 houses (1 semi detached pair and 2 detached). Refused 30.01.2013 Appeal allowed 02.07.2013. Permission implemented.
 - 12/02376/FUL- Erection of 4 houses (1 semi detached pair and 2 detached). Refused 05.11.2012. Appeal dismissed 02.07.2013.
 - 12/01787/FUL- Erection of 4 houses (1 semi-detached pair and 2 detached). Refused 05.09.2012. Appeal dismissed 02.07.2013.
 - 12/00373/FUL- Erection of 4 , 2 storey dwellings (terrace of 3 and 1 detached) with eight parking spaces. Refused 04.04.2012. Appeal dismissed 13.07.2011.
 - 10/03488/FUL- Erection of 4, 2 storey dwellings (terrace of three and one detached) with eight parking spaces. Refused 11.02.2011. Appeal dismissed 13.07.2011.
 - 10/03489/FUL- Erection of 5, 2 storey dwellings (terrace of 3 and 2 detached) with nine parking spaces. Refused 11.02.2011. Appeal dismissed 13.07.2011.

09/02997/FUL- Erection of 5 dwellings (terrace of 3 and 2 detached) with associated parking. Refused 09.03.2010. Appeal dismissed 07.07.2010.

09/01336/FUL- Erection of 2 dwellings with integral garages. Refused 05.08.2009. Appeal dismissed 07.07.2010.

Consultations

Shoreham Parish Council:

- 16 Support: Shoreham Parish Council is of the opinion that the removal of the existing garage and its replacement with a building of this character, would be an improvement to the area.

SDC Conservation Officer:

- 17 Significance of garden to the west of No. 5 Mill Lane Cottage to the character and appearance of the Shoreham Mill Lane Conservation Area:
- 18 Mill Lane defines the northern boundary of the village of Shoreham. The historic OS maps show that the boundary has hardly changed since the 19th century. The most significant loss is that of the paper mill on the river Darent at the eastern end of the lane to which its name refers. Entered from the west, the lane is tightly enclosed by Nos. 1-4 Oxbourne Cottage and the retaining wall to the garden of Oxbourne House. As one traverses towards the east the character changes. The gardens between No. 4 Oxbourne Cottage and No. 5 Mill Lane lining the lane to the south and the overgrown bank opposite give the lane a distinct rural character, providing a transition into the open countryside beyond to the east as the lane descends to the river.
- 19 In recognition of its distinct character, Mill Lane was designated a conservation area in 1972. As the Shoreham Mill Lane Conservation Area Appraisal (SMLCAA) states, 'Space between buildings or groups of buildings is an important feature of the conservation area', highlighting that 'it is the two groups of modest cottages (1-4 Oxbourne Cottages and 1-5 Mill Lane) on the south side and the large open space between them that are the most striking elements which have the most impact on the architectural character of the Conservation Area'.
- 20 The SMLCAA dates from 2003 and at that time it highlighted the impact of the unattractive rears of the properties of Crown Road in views from Mill Lane. These have since been obscured by new development on the land west of 5 Mill Lane which was granted permission on appeal in 2012. The prolonged planning history for the development on this site reflected the difficulties in finding a development that would fit with the surrounding character and not unduly interfere with the gap created by the two gardens between No. 5 Mill Lane Cottages and No. 4 Oxbourne Cottages.
- 21 The garden west of 5 Mill Lane significantly adds to the character and appearance of Shoreham Mill Lane Conservation Area. The contribution of the garden not only derives from its greenery and openness to the character and appearance of the lane, but also from the long diagonal views from the

east and the west it provides into the countryside and sweeping hillsides beyond the boundaries of the Conservation Area.

22 Significance of garden to the setting and significance of the Grade II listed No.5 Mill Lane Cottage:

23 The site currently forms the garden to No. 5 Mill Lane Cottage, which is a Grade II listed building. Its significance derives from its age and its group value with No. 1-5 Mill Lane Cottages. Whilst the group is notable for its architecture, its character also derives from its rural surrounding and isolated position at the fringe of the village. Due to the two gardens to the south of the lane having been retained, this character has not changed, despite of the new infill development to the south. The openness of the gardens combined with the fall in level and slight bend in the road makes the western gable elevation a prominent feature within the streetscene in views from the west.

Assessment:

24 The proposed plans show that due to the increase in level of the lane, the ridge of the new building would exceed that of the adjacent listed building Nos. 3-5 Mill Lane Cottages. Combined with the proposed building's orientation on the (slight) bend of the lane and its proximity to the boundary, this view would be totally obscured. Similarly, the long diagonal view from the west into the rear gardens of Nos. 3-5 Mill Lane Cottages and open countryside beyond would be obscured, as would be the view onto the gable elevation of No. 5, diminishing its contribution to the streetscene.

25 The new building would lead to the loss of openness and greenery currently provided by the garden and would irreversibly damage the existing balance of buildings and spaces that make up the character of Mill Lane. Development along the southern side of the lane would appear as near continuous which would significantly detract from the lane's rural character. The proposed dwelling, whilst designed in a traditional style, would be uncharacteristic in its plot coverage, having no meaningful amenity space and garden.

26 The benefit of removing the existing unsightly garage shed would not outweigh the harm caused by the introduction of a dwelling and resulting loss in openness and greenery. At its western side, in place of the existing garage, the new building would be dominated by parking, which would add to an unwelcome suburbanisation of the area. The proposed style of the building is not inappropriate, although this cannot overcome the impact of its bulk and footprint on the character of the lane.

Summary and Recommendation:

27 For the reasons set out above, the proposed development would have a harmful impact on the character and appearance of the Shoreham Mill Lane Conservation area and the setting of the Grade II listed No. 5 and group of buildings it belongs to. The NPPF requires a distinction to be made between substantial and less than substantial harm. Given the significance of the garden to the character of the lane, as highlighted in the SMLCAA, this harm

would amount to substantial harm to the character and appearance and heritage significance of Mill Lane and setting of No. 5. In relation to the significance of the No. 5, the harm would be less than substantial. In such cases, the Frameworks advises that permission should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that would outweigh that harm. No such benefits have been brought forward and as such this application should be refused.

Thames Water:

- 28 Surface Water Drainage- It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposed to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 29 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes shared with neighbours, or outside the property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should building work fall within 3m of these pipes it is recommended that a scaled ground floor plan is sent to Thames Water to determine if a building over/ near to agreement is required.
- 30 Water Comments- on the basis of information provided, Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application. Informatives recommended in respect of water pressure.

Representations

- 31 Eight addresses were notified of the proposals. A site notice was erected outside the site on 11.10.2016 and the application advertised in the Sevenoaks Chronicle and Swanley Times on 13.10.2016. To date comments have been received from five addresses.
- 32 Three objections have been received. The issues raised may be summarised as follows:
- Expansion of the recently built Mill Lane Estate (6-9 Mill Lane) is unwelcome and is a significant eyesore
 - Failure to either preserve or enhance the Conservation Area
 - Significant impact on the historic roadside which has remained unchanged
 - Unacceptable growth in the AONB and Conservation Area
 - Proposal compromises the beauty of the AONB
 - Reduction in the open space between buildings, recognised by the Conservation Area Appraisal

- Detriment to the setting of the Grade II listed cottages adjacent to the site
- Loss of definition of the listed building curtilage when viewed from Mill Lane
- The flint heritage wall at the front of the site adds to the character of the conservation area
- Loss of visual amenity
- Loss of views from 6-9 Mill Lane to Mill Lane
- Section AA shows a tree providing screening- this does not exist
- Loss of privacy to 6-9 Mill Lane and views possible into the new dwelling
- Loss of trees and shrubs which add to the street scene and visual amenity
- Impact on parking will be significant
- Residents of the Mill Lane Estate, and the village, already park in Mill Lane due to inadequacy of existing parking
- Reduction in available on street parking due to the driveway and natural impact of the front of the house
- Local bus service has been removed, representing a change in circumstances since the appeal approval of 6-9 Mill Lane
- Vehicular access is impractical and visibility would be poor
- Due to increased sizes of cars and narrow road width, it is unlikely that drivers would navigate in and out of the site easily and safely without encroachment on adjacent land to access the site at an angle
- The access to 6-9 Mill Lane is wider and is challenging to enter and exit. This was subject to discussion in the appeal
- Fence adjacent to driveway to Mill Lane Estate is not in applicants ownership and cannot be removed
- Risk to walkers on the lane due to poor visibility
- Construction would be very difficult due to the footprint of the dwelling
- Pre commencement conditions should be used to prevent unlawful removal of the western boundary fence and access over the driveway to 6-9 Mill Lane

33 Two letters have been received in support of the application, including comments from the Shoreham Society. The issues raised can be summarised as follows:

- Parking and access arrangements should be sound
- The open aspect of the plot disappeared with the new houses built on the orchard 2 years ago
- Removal of the garage is welcome in terms of the look of the conservation area
- The house is in keeping with the adjacent older houses in the land
- Proposed materials are welcome
- Family sized houses are needed for children
- External appearance blends in well and would improve the street scene, particularly when there are no leaves.

Chief Planning Officer's Appraisal

Principal Issues

34 The main issues for consideration are:

- The principle of development
- Impact of the proposal on designated heritage assets
- Impact on the designated Area of outstanding natural beauty and the street scape
- Impact on living conditions of nearby properties
- Highways and parking
- Ecology and archaeology
- Affordable Housing, and
- CIL

Principle of development

35 The site is located within the confines of Shoreham. Policy LO1 of the Core Strategy adopts a settlement hierarchy approach that seeks to accommodate new development within the most sustainable settlements. It acknowledges that 'service villages' (defined by policy LO7) such as Shoreham will be locations for small scale development. LO7 states that development will be permitted in Shoreham which is infilling and redevelopment on a small scale only, where appropriate to the village and responsive to the local characteristics of the area. The erection of a new dwelling in this location is therefore accepted in land use terms.

36 The proposals would provide one dwelling on a site of 0.054 hectares. This would provide a density of 18.5 houses per hectare. This is an acceptable density and compliant with policy SP7 of the Core Strategy. The proposals would contribute to the stock of three bedroom dwellings in the District and this is welcome.

Impact on designated heritage assets

37 The application site lies within the Shoreham Mill Lane Conservation Area and adjacent to the Grade II listed terrace of Mill Lane Cottages. There are statutory tests which the Local Planning Authority must apply in assessing development in conservation areas and affecting listed buildings.

38 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of **preserving or enhancing the character or appearance of that area**. Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

39 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development

which affects a listed building or its setting, to have special regard to the desirability of **preserving the building or its setting, or any features of architectural or historic interest it possesses.**

- 40 Section 12 of the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para 132). The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 41 Policy SP1 of the Core Strategy seeks to ensure that the District's heritage assets and their settings, including listed buildings, conservation areas, historic buildings, landscapes and outstanding views will be protected and enhanced. ADMP Policy EN4 of the ADMP states that proposals that affect a heritage asset or its setting will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 42 The site is located at the heart of the Shoreham Mill Lane Conservation Area. In describing Mill Lane, the Shoreham Mill Lane Conservation Area Appraisal (SMLCAA) identifies:
- “it is the two groups of modest cottages on the southern side [of Mill Lane] and the large open space between them that are the ‘most striking elements’ that have the most impact on the architectural character of the Conservation Area.”* (para.3.2)
- 43 It can therefore be established that the open space, of which the application site forms a part, and the gaps and relationships between the built forms on the southern side of Mill Lane, contribute significantly to the rural character of the lane and form an important component part of the Conservation Area. The openness and verdant character of the site contribute to the distinctly rural character of the conservation area and the gap is apparent in long views along Mill Lane and also in private views enjoyed across the conservation area. The openness of the site is inhibited only by low level timber structures of the sheds and the garage on the site which appear as ancillary structures to the surrounding developments and subordinate to the garden setting.
- 44 Paragraph 3.2 of the SMLCAA acknowledges that views that Mill Lane across to the backs of properties on Crown Road cause a distraction to the otherwise isolated character. However these views from Mill Lane have since been obscured by the new development of 6-9 Mill Lane which was granted at appeal in 2012.
- 45 The planning history for the site now containing 6-9 Mill Lane (known as ‘land west of 5 Mill Lane’) is also useful in assessing the importance of the townscape gap and open space of which the application site forms a part. In the appeal decision of 02.07.2013 the Inspector acknowledged the attributes of the open space detailed by the SMLCAA and the rural character of the area. In this case the Inspector concluded that the rural character of

Mill Lane would not be unacceptably compromised by the allowed scheme because the overall massing and elevational treatment of the development would sit comfortably in the street scene. It should be noted that this scheme comprised houses set back approximately 22m from Mill Lane which are not readily visible within the street scene in views along the street in either direction.

- 46 Due to the importance of the gap to the significance of the conservation area, it is a feature which should be preserved accordingly and in accordance with paragraph 132 of the NPPF, great weight should be attached to the asset's conservation.
- 47 The existing structures which it is proposed to demolish are not of historic interest and their removal would be acceptable.
- 48 The proposed development infills much of the street frontage and is set back just 1 metre from the street edge. While there are modest gaps to the sides of the proposed development these would be largely indiscernible from the surrounding streetscape and make little contribution to preserving the open and rural character of the street. Overall the development fails to preserve or enhance the character and appearance of the conservation area and conflicts with policies of the development plan, in particular policy SP1 of the Core Strategy and policy EN4 of the ADMP.
- 49 In addition, the existing open space contributes positively to the setting of No.5 Mill Lane through exposing its western flank elevation. While this is not its principle elevation, this side wall contains windows and openings which have a relationship with the adjacent open space. This relationship would be diminished and would be neither preserved nor enhanced by the proposed development, contrary to policy EN4.
- 50 The NPPF requires that local planning authorities distinguish between 'substantial' and 'less than substantial' harm to a heritage asset. In this case, as the loss of the open space would result in a loss of significance of the heritage asset, it is considered that the harm to the Conservation Area and the setting of Grade II listed 5 Mill Lane is substantial. The harm to the significance of 5 Mill Lane is less than substantial. The NPPF (para 133) states that developments resulting in substantial harm should be refused, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.
- 51 In conclusion, the proposal would be contrary to ADMP policies EN1 and EN4 and SP1 of the Core Strategy. In considering whether to grant planning permission Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires the local planning authority to consider the desirability of preserving the listed building or its setting, or any features of architectural or historic interest it possesses. This proposal would not preserve the setting of the listed buildings, nor as set out in Section 72 of the Act, would the proposal preserve or enhance the Conservation Area.
- 52 The benefits of the proposals include the provision of a dwellinghouse which contributes to the housing stock in the District and removal of existing

structures on the site. Overall it is not considered that these benefits sufficiently outweigh the harms identified above.

Impact on the AONB and the character and appearance of the streetscape

- 53 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development. ADMP policy EN5 is relevant and states that proposals will be permitted where the form, scale materials and design would conserve and enhance the character of the landscape. It reiterates the NPPF in stating that AONBs and their settings will be given the highest status of protection.
- 54 The site lies within the Kent Downs Area of Outstanding Natural Beauty. Although the proposed development would be located to existing adjacent development, the character of the street and this part of the designated AONB are distinctly rural. As described above this rural character is derived largely through the gaps and relationships between built forms. Through resulting in the loss of a green space which contributes positively to the rural character and tranquillity of the area the proposals would also fail to conserve and enhance the AONB or reinforce its distinctiveness.
- 55 The design and appearance of the proposed development is not opposed. The dwelling would comprise an asymmetrical roof profile with gable ends. At the front the eaves level is approximately 3.6 metres above ground level and 2.4 metres above the ground level at the rear. The first floor accommodation is set within the roofslope and served by modest sized, traditionally detailed front and rear dormers.
- 56 The facing materials of the elevations would comprise stonework set above a brick plinth. Roofing materials have not been specified but could be secured by condition if the application were otherwise acceptable. The design approach is considered acceptable for this location.
- 57 The proposed plans demonstrate the ridge height would be approximately 300mm higher than the adjacent buildings to the east. However this adequately respects the changes in the gradient of the land across Mill Lane.
- 58 Despite this, the proposal would not preserve or enhance the AONB, contrary to policy EN5 of the ADMP, LO8 and SP1 of the Core Strategy, the NPPF and the requirements of the Countryside and Rights of Way Act 2000.

Impact on living conditions

- 59 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.

6-9 Mill Lane

- 60 The development would be located directly north of 9 Mill Lane and approximately 12.2m would exist between the buildings. 9 Mill Lane has

habitable room windows at the ground floor level and two dormer windows at the first floor level which serve an en suite and a second bedroom.

- 61 The proposed new dwelling includes habitable room windows in its rear elevation at ground floor level which face towards 9 Mill Lane. The proposals include a 1.8m high fence to the rear boundary which would be adequate to prevent overlooking occurring between the properties at the ground floor level. Some overlooking may be possible between the proposed ground floor level of the new dwelling and the first floor level window of no.9. However this would be mitigated in time by soft landscaping planted just outside the application site in front of no.9. While there would be some overlooking it is not considered that this would cause significant harm to the overall living conditions enjoyed by no.9.
- 62 At first floor level the proposed dwelling would have two rear dormers both serving bathrooms. These are approximately 12.6 metres from the front elevation of 9 Mill Lane. Despite this close proximity the proposed windows would not serve habitable rooms and a condition could be used to ensure the windows were obscure glazed if the proposals were otherwise acceptable.
- 63 A similar relationship would exist between the application site and 8 Mill Lane, however the views are slightly more oblique and less direct. Numbers 7 and 6 Mill Lane would not experience overlooking as a result of the proposals.
- 64 While the outlook of properties at 6-9 Mill Lane would undoubtedly be affected, it is not considered that the presence of the new building would cause unacceptable harm to their outlook or the overall enjoyment of the properties.
- 65 As the development is located north of 6-9 Mill Lane it would not cause a reduction in sunlighting to those properties. In terms of impact on daylighting, the location and height of the new dwelling is such that a 25 degree angle would remain uninterrupted when taken from the centre of the nearest existing windows. As such the proposal would not be likely to have a significant impact on the amount of daylight received by properties at 6- 9 Mill Lane.

5 Mill Lane

- 66 The development would be sited directly west of this property which has a number of windows within its side elevation which currently enjoy aspect over the application site. Despite this, the main outlook from 5 Mill Lane is understood to be derived from windows in the main front and rear windows. The first floor windows in the side of the dwelling would retain some outlook due to the steep roofslopes of the proposed dwelling. Similarly the impact on the provision of sunlight and daylight of these windows is unlikely to cause significant harm to the living conditions enjoyed by this property.
- 67 Windows are proposed within the east facing side elevation of the proposed dwelling. These could be conditioned to be obscure glazed to prevent overlooking if the proposals were otherwise acceptable.

- 68 Due to the distance from other residential properties, the proposals would not adversely impact upon the living conditions of other properties on Mill Lane. Overall the proposals are compliant with policy EN2 of the ADMP.

Living conditions of the proposed property

- 69 The proposed property would have outlook to the front and rear, and also to the west at first floor level. The extent of openings, internal layout and floor to ceiling heights would provide a satisfactory standard of accommodation. The drawings demonstrate that the site would have adequate space to provide cycle and refuse storage.
- 70 The property has the potential to provide family accommodation and therefore outdoor space is important to the standard of accommodation. The proposed rear garden is only 3.5m in depth but is the full width of the property. Overall this is considered adequate for the dwelling.

Highways and parking

- 71 The existing site includes a garage to its western end with vehicular access from Mill Lane. The proposals would remove this garage and provide a driveway in this location with the ability to accommodate two vehicles one behind the other.
- 72 Policy T2 requires parking to be provided for residential developments in accordance with current Kent County Council parking standards. This is contained in Appendix 2 of the ADMP. This states that a three bedroom dwelling located in a rural or village location should provide 2 independently accessible spaces per unit. Policy T2 states that the Council may depart from the maximum or minimum standards in order to: a) take account of specific local circumstances; b) ensure successful reuse of buildings affecting a conservation area; c) allow appropriate reuse of upper floors of buildings in town centres or above shops, or; d) to account for existing parking provision already attributed to a building's use when a redevelopment is proposed.
- 73 In this instance none of the above circumstances are applicable. The proposals would introduce a new residential use onto the site which would create additional parking demand. Furthermore, the results of public consultation have revealed existing parking provision to be difficult on Mill Lane. This is exacerbated by the narrow nature of the lane and lack of formal turning areas for vehicles once they are on Mill Lane. As such there is no justification for not providing a policy compliant level of parking in this instance. The proposal would be contrary to policy T2 as the parking spaces are not independently accessible the proposals would be likely to increase demand for on street parking. The applicant has confirmed that the existing site is not used by 5 Mill Lane.
- 74 The proposed site plan shows the retention of the front boundary wall and the low fence along the eastern boundary. If the application were otherwise acceptable details of any required alterations to these boundaries required to maintain appropriate visibility splays, could be secured by condition. This would ensure that pedestrian safety on Mill Lane is maintained.

- 75 Among the objections are concerns that vehicles could not navigate into and out of the site without encroaching on the adjacent private driveway which provides access to 6-9 Mill Lane. The application is not accompanied by vehicle tracking diagrams, however, should access be necessary over the adjacent private land this would be a matter to be resolved between the relevant land owners. Disputed matters regarding the treatment and ownership of the western boundary would also need to be resolved through relevant land owners. As discussed above, if the proposals were otherwise acceptable, full details of the treatment of the western site boundary could be secured by condition to ensure safe access and egress from the site. The condition could adequately ensure that the development was not commenced until such details were provided to the Council's satisfaction.

Ecology and archaeology

- 76 The application has not been accompanied by any ecological surveys. Despite this, no evidence has been provided to suggest any protected species exist on the site and it is considered adequate that mitigation measures could be secured by conditions.

Affordable Housing

- 77 Core Strategy policy SP3 contains the Council's policies in respect of affordable housing. However, 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, in Areas of Outstanding Natural Beauty, contributions should not be sought from developments of 5 units or less.
- 78 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.
- 79 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.

CIL

- 80 The proposals would be liable for CIL.

Conclusion

- 81 The development would cause less than substantial harm to the significance of 5 Mill Lane, but substantial harm to its setting and to the designated Shoreham Mill Lane Conservation Area. Paragraph 133 of the NPPF states that where a development would lead to substantial harm local planning authorities should refuse consent, unless it can be demonstrated that the

harm is necessary to achieve substantial public benefits that outweigh the harm. Considerable weight should therefore be given to that harm and there are no public benefits to outweigh the harm in this case. For the reasons described above, the proposals would also fail to conserve the designated Area of Outstanding Natural Beauty and would add to on street parking pressure by reason of its unsatisfactory provision of on site parking.

82 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In this case the development would neither preserve nor enhance the character or appearance of the Conservation Area. Section 66 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses. Similarly the development would not meet these tests.

83 It is recommended that planning permission is refused.

Background Papers

Site Plan and Block Plans

Contact Officer(s): Claire Shearing Extension: 7367

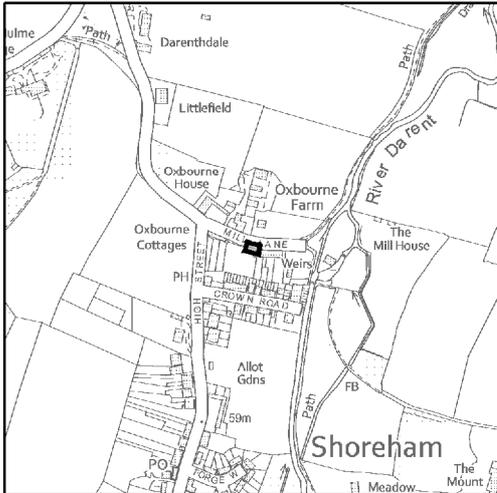
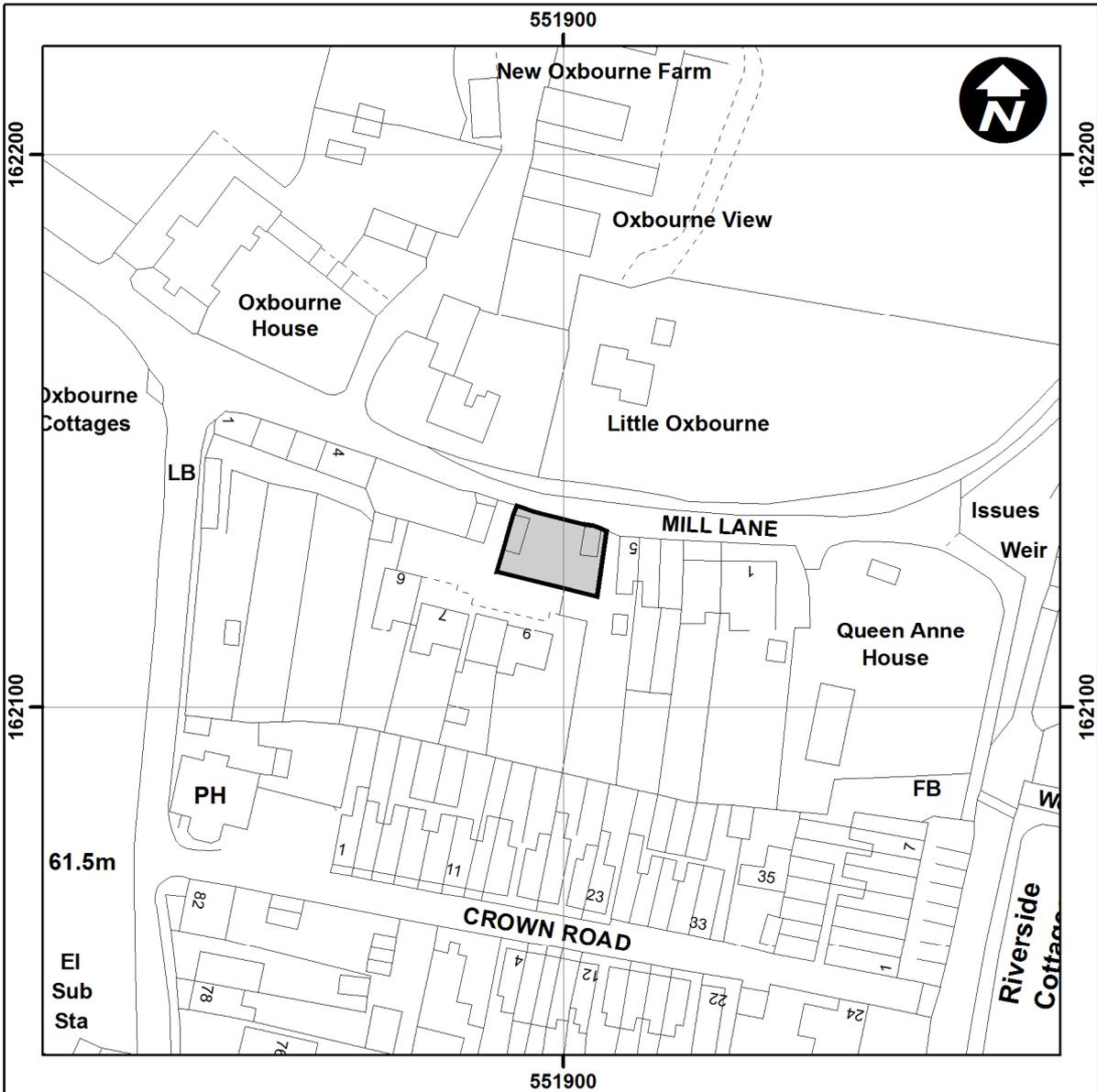
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ODJZ6RBKGJ400>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ODJZ6RBKGJ400>



Site Plan

Scale 1:1,250

Date 12/12/2016



DISTRICT COUNCIL

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