

4.1 - SE/17/00449/FUL Revised expiry date 21 July 2017

PROPOSAL: Demolition of existing carport and garage. Replacement with new residential dwelling with basement to include leisure facilities.

LOCATION: Land Behind Sorrento, Station Road, Eynsford DA4 0EJ

WARD(S): Eynsford

#### ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Horwood on the grounds that the development would represent an inappropriate scale and bulk in the Area of Outstanding Natural Beauty, and would represent a loss to neighbouring 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) 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 local planning authority. The development shall be carried out using the approved materials.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 and EN5 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.

3) No development shall be carried out on the land until details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.

To enhance the biodiversity of the site in accordance with policy SP11 of the Sevenoaks District Council Core Strategy. 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) No development shall be carried out on the land until full details of both hard and soft landscape works have been submitted to and approved in writing by

the local planning authority. Those details shall include:-planting plans (identifying existing planting and trees, plants and trees to be retained and new planting and trees),-written specifications (including cultivation and other operations associated with tree, plant and grass establishment),-schedules of new plants and trees (noting species, size of stock at time of planting and proposed number/densities where appropriate), and-a programme of implementation. If any part of the approved landscaping scheme is removed, dies, becomes 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 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.

To enhance the visual appearance of the area as supported by EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

- 5) Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

To ensure that features of archaeological interest are properly examined and recorded in accordance with policy EN4 of the Sevenoaks District Council Allocation 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.

- 6) The approved glazing and ventilation shall be implemented prior to the first occupation of the dwelling in accordance with section 5 of the Atspace acoustic assessment. The approved scheme shall be thereafter be retained.

To safeguard the amenity of future occupiers in accordance with policy EN2 of the Sevenoaks District Councils Allocation and Development Management Plan.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, B, C, D or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the local planning authority.

To ensure any future development on the site maintains the character of the area and protects neighbouring amenity in accordance with Policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

- 8) No development, including any works of demolition or preparation works prior to building operations, shall take place on site until a Construction Transport

Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include details of:(a) parking for vehicles of site personnel, operatives and visitors(b) loading and unloading of plant and materials(c) storage of plant and materials used in constructing the development(d) programme of works (including measures for traffic management)(e) provision of boundary security hoarding behind any visibility zones(f) wheel washing facilities(g) measures to control the emissions of dust and dirt during construction(h) a scheme for the recycling/disposing of waste resulting from demolition and construction works(i) hours of operation.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy T1 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) No development shall take place until details of root protection measures for the protected Fir tree, and tree protection measures for all other retained trees have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. 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.

To prevent damage to the protected trees during the construction period of the dwelling as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

10) Prior to the commencement of works details of a fire suppression system and internal sprinkler system shall be submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved system and shall be maintained as such at all times.

To protect the safety of future occupiers in accordance with Policy EN1 and T2 of the Sevenoaks District Council Allocation 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.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: E-001, E-100 P1, P-200 P1, P-201 P1, P-300 P2, P-400 P2, P-401 P1, P-410 B date stamped 06/04/2017.

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

12) Prior to commencement of development a scheme to show the provision of electric vehicle charging point, including the proposed location, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging point shall be installed in accordance with the approved details prior

to first occupation of the development.

To ensure the sustainability of the site in accordance with policy T3 of the 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.

13) The proposed four roof-lights along the East elevation shall be obscure glazed at all times.

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

### **Informatives**

1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

2) 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.

3) Please note that within six months of completing the home, the applicant must submit additional supporting evidence to confirm that the project is self build, being:

\* A Self Build Exemption Claim Form - Part 2 (available on the Planning Portal website);

\* The supporting evidence as set out in the form, to confirm that the levy exemption should be upheld.

If the evidence is not submitted to the Council within the 6 month time period, the full levy charge becomes payable.

### **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](http://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 provided with pre-application advice.

### **Description of proposal**

- 1 he applicant has proposed the erection of a new dwelling to the rear of dwellings along Station Road on a plot of land, which currently houses a garage and car port. The proposed dwelling would have a brick course and would be timber clad, with clay roof tiles.
- 2 The proposed 4 bedroom dwelling would have the appearance of a chalet bungalow using gables and dormers to create habitable space at first floor. The footprint would be rectangular with protruding gables to the front and rear, with a basement beneath served by roof lights.
- 3 The proposed roof would be pitched with an overall ridgeline height of 7.5m, with an eaves height of 3m and 3.7m for the rear gabled element of the build.
- 4 Access to the site would utilise the existing vehicular access from Station Road. It is proposed to have two allocated parking spaces within the site itself.

### **Description of Site**

- 5 The application site is located to the South-western side of Station Road, the red line boundary indicates the land would be dissected resulting in an irregular shaped plot. The site is comprised of a carport and a detached

garage is located within the site. These structures are single storey structures with the carport being open sided.

- 6 A number of trees are located within this area which are protected by Tree Preservation Orders in addition to various sporadic vegetation. The site falls within the built confines of Eynsford and an Area of Outstanding Natural Beauty. The site lies adjacent to the Green Belt; however the red line boundary is located outside.
- 7 A long access runs off Station Road to the application site, this is located between properties Sorrento and Camden House. The site is largely flat, although the topography rises in an Easterly direction locating the adjacent properties at a higher elevation to that of the application site.

### **Constraints**

- 8 Tree Preservation Order - TPO/09/20/SDC
- 9 Area of Outstanding Natural Beauty - AONB
- 10 Part of the site lies within the Metropolitan Green Belt - GB (no part of the development will infringe on this area).
- 11 Area of Archaeological Potential - AAP
- 12 The site lies in the urban confines of Eynsford

### **Policies**

#### *Core Strategy (CS):*

- 13 Policies - SP1, LO1, LO7, SP3, SP7,

#### *Allocations and Development Management (ADMP):*

- 14 Policies - EN1, EN2, EN4, EN5, EN7, T2, T3

#### *Other:*

- 15 Sevenoaks Residential Extensions SPD
- 16 National Planning Policy (NPPF)

### **Relevant Planning History**

- 17 74/00385/HIST - The erection of carport - GRANTED.

SE/10/00516/FUL - Demolition of existing buildings & erection of a three storey dwelling with basement together with double garage and existing driveway extension - REFUSED. APPEAL DISMISSED.

SE/12/00642/FUL - Demolition of the existing garage and lean to and replace with a proposed detached dwelling - REFUSED. (Due to lack of affordable housing contribution and ecology survey).

## Consultations

### *KCC Ecology*

- 18 KCC Ecology has reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. They have advised that a condition securing the implementation of ecological enhancements is attached to any granted planning application.

### *KCC Highways*

- 19 The KCC Highways officer has stated that it appears that this section of Station Road is classified.
- 20 Due to the existing use of the site and access KCC Highways do not object to the application as a single dwelling is not an intensification of use. The access route measures just below 3 metres in width and 41 metres in length. Kent Design suggests that a private drive can be between 2.4 metres and 4.8 metres in width, with a typical width of 3 metres to allow access for fire tenders.
- 21 KCC Highways has suggested that consideration should be made with regards to the accessibility by fire tenders and advice may be required from the Fire Authority. They have also indicated the application should be conditioned to include visibility splays, which would be required at 2.4m x 43m. Pedestrian visibility should also ensured with no obstruction above 0.6m.

### *KCC Archaeology*

- 22 KCC Archaeology has stated that the site of the application lies within an area of high archaeological potential associated with prehistoric and Roman activity. As such, they have recommended any approval should be conditioned to require a field evaluation and timetable and a further archaeological investigation, recording and reporting determined by the result of the evaluation.

### *KCC Environmental Health*

- 23 The KCC Environmental Health Officer has stated that he has reviewed the contaminated land information and is satisfied with the findings of the assessment and therefore have no adverse comments regarding possible ground contamination.
- 24 The acoustic report has identified the necessary attenuation measures to ensure the development complies with the requirements of the internal standards on noise. The Officer has recommend, in the event of any approval a condition requiring the glazing and ventilation provisions identified in section 5 of Atspace acoustic assessment dated 17/10/2016.

### *SDC Tree Officer*

- 25 The SDC Tree Officer has identified that several trees are situated on this site, some of which are protected by a preservation order, TPO 20/2009. The proposed development would affect a mature Fir tree protected by the

TPO, The officer has estimated that this tree requires a root protection area of approximately 11.0m, while some incursion into the RPA of this tree would take place the tree is mature and healthy and so should be tolerant of this minor incursion.

- 26 The proposed development would also impact on a section of hedge situated on the eastern boundary and a semi-mature Ash. These are not protected by the preservation order and are not situated within a conservation area. The Ash tree and the hedge could be replaced as part of an approved landscaping plan.
- 27 The SDC Tree Officer has stated that providing those trees on site are adequately protected, there would be no objection to the proposed development.

*Thames Water*

- 28 No response

*Eynsford Parish Council*

- 29 Object and Reasons:

The Council objects on the following grounds:

- a) The scale and bulk of the development would be inappropriate within the semi-rural environment and would be harmful to the openness of the AONB and the Green Belt. A proportion of the residential curtilage lies within the Green Belt. *Officer Note: No part of the development would be located within the Green Belt. Due to the site levels and the design of neighboring properties the proposal is considered in-keeping with this built form.*
- b) The access driveway is insufficiently wide to allow safe and suitable access for construction vehicles and emergency services. *Officer Note: KCC Highways have not objected to the development given that the access is already in situ.*
- c) The development would be harmful to the amenity of 'Sorrento' due to the proximity of the driveway and harmful to the visual amenity of the neighbouring properties overlooking the site. *Officer Note: The driveway is already in situ and used for vehicular access.*
- d) There will be an unacceptable loss of trees to enable the development. There could be harm to the root areas of other protected trees during construction. There would also be unacceptable risk to protected trees in future as residents may wish to cut back trees to afford more light, particularly as the trees mature. *Officer Note: The SDC Tree Officer has not objected to the development, and feels the trees can be adequately protected.*
- e) There is no evidence of a contribution to affordable housing supplied with the application. *Officer Note: In accordance with government issued a Written Ministerial Statement that amended National*

*Planning Practice Guidance sites contributions should not be sought for 5 units or less.*

- f) This proposal represents tandem development which is undesirable in the village location. *Officer Note: There is no adopted policy in relation to 'Tandem Development'.*

## Representations

30 Neighbour notification letters sent to 8 properties. Site notice displayed and press notification published. 9 written responses were received objecting to the application:

- Detrimental impact to outlook and privacy,
- Out of scale with surrounding properties,
- Create a sense of enclosure,
- Height would create overlooking,
- Tandem development,
- Narrow access prevent heavy equipment of emergency vehicles,
- Loss of a view,
- Large overbearing development,
- Loss of visual amenity,
- Detrimental impact to the AONB,
- Proposed trees would not sufficiently screen the site and would lead to shadowing of rear gardens,
- Land not currently used for residential purposes,
- Increased noise to rear of property and garden from residential traffic,
- Increase in artificial lighting,
- TPO trees would be danger of being damaged,
- Out of scale and character with the local area,
- Impact to sewage services,
- Construction process would be disruptive.

## Chief Planning Officer's Appraisal

### Principle issues

31 The main issues for consideration are:

- Principle of Development,
- Impact to the Area of Outstanding Natural Beauty,

- Impact to the Design and Character of the Street Scene,
- Impact to Neighbouring Amenity,
- Impact to Highways and Parking,
- Trees and Landscaping,
- Other Issues

32 Of particular relevant to this application is the following guidance:

*Presumption in favour of sustainable development:*

- 33 Para 14 of the NPPF confirms that there is a presumption in favour of sustainable development and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)
- 34 Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

*Area of Outstanding Natural Beauty (AONB):*

- 35 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.
- 36 There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.

**Appraisal**

*Principle of Development*

- 37 Policies LO7, SP1 and SP7 of the Core Strategy permit small scale development that sympathises with the scale and nature of the village provided it does not compromise or harm the distinctive character of an area.
- 38 As discussed above, land within built up areas, such as residential gardens are excluded from the definition of previously developed land. While there is a focus on utilising previously developed land, Policy LO1 of the Core Strategy states that "development will be focused within the built confines of existing settlements".
- 39 The site subject of this application is located within the built confines of an existing settlement. Therefore, it is considered that there is potential to

develop the site subject to preserving the character of the area and the Area of Outstanding Natural Beauty. In addition to this, the proposal would provide additional housing for the district in a sustainable location, which supports the aspirations of the NPPF.

- 40 It should be noted that the previous refusal under application reference 12/00642/FUL, for which a decision was issued after the introduction of the NPPF, was not refused on the principle of development. The principle of development was also found to be acceptable in this instance.

#### *Design and Impact on Street Scene*

- 41 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the character of the area in which it is situated.
- 42 Policy EN1 of the ADMP states that the development should respond to the scale, height, materials and site coverage of the area and should respect the character of the site and surrounding area.
- 43 These policies broadly conform with Paragraph 17 of the NPPF, which states that planning should take into account the varying roles and character of different areas. The above policies can therefore be afforded weight in the assessment of the proposal.
- 44 The properties along Station Road are comprised of a variety of design, with a mixture of bungalows and two storey dwellings. The properties tend to have street frontages, which are set back from the adjoining roadside. The building pattern has accordingly conformed to the curvature of the roadside. Within the immediate vicinity of the access to the application site the use of materials is generally consistent of brickwork, with both tile hanging and in some instances timber cladding.
- 45 The proposed dwelling would sit to the rear of the properties along this section of Station Road. This coupled with the lower topography of the site would further ensure that there would be minimal views of the new dwelling. Thus, it is not considered that the introduction of an additional built form would cause detriment to the streetscene when viewed from Station Road.
- 46 The height of the eaves, incorporation of dormer windows, and the use of roof lights would create an appearance, from ground level, of a chalet bungalow. This design reduces the proposed bulk of the development. The pattern of development along this side of Station Road is distinct in that bungalows extend from West to East ending with Sorrento, next to the access; from this point onwards the dwellings tend to be two storey. The proposed dwelling would thus utilise a mixture of the designs evident along the streetscene.
- 47 The proposed basement would extend beyond the properties footprint and would be served by a series of ground roof-lights. The extent of the basement would thus not be visible or add a detrimental bulk to the site.

- 48 The large fenestration details to the rear elevation of the proposed dwelling would be in keeping with general appearance of the rear elevations discernible in the site immediate vicinity. The use of gables is also a common feature in the area, which would be incorporated along the rear and front elevations. The location of the dwelling would allow for sufficient space around the new dwelling to provide a private garden area. Given this the proposal would not appear cramped or overdeveloped.
- 49 It is therefore considered that the proposed works would comply with policy EN1 of the ADMP.

#### *AONB*

- 50 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. The NPPF paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.
- 51 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 52 The purpose of the AONB is not to prohibit development, but to preserve, enhance and reinforce its distinctiveness. The application site is located within the Kent Downs Area of Outstanding Natural Beauty, which is a nationally important protected landscape, whose special characteristics include its dramatic landform and views, rich habitats, extensive ancient woodland, mixed farmland, rich historic and built heritage, and its tranquillity and remoteness.
- 53 The AONB in this location extends across a vast expanse of Eynsford, as a result the built form and development within the village forms a distinctive part of the character of this landscape. The location of the proposed dwelling would therefore be set against the context of the existing built form, which primarily consists of residential dwellings. The proposed dwelling would therefore be in keeping with the residential character of the AONB in this location. The siting of a dwelling in this location would not therefore alter the developed character of this area.
- 54 The site currently contains built form consisting of a garage and carport. The overall design of the building would be set down from the existing development, reducing its prominence in comparison to the surrounding buildings. The chalet bungalow style would not therefore further intrude

into a remote rural location. Indeed, it would reflect the characterful built form due to the chalet bungalow design which would be in keeping with the architectural styles observable. This would conserve the residential characteristic of the surrounding area.

- 55 The site has lower levels in comparison to the adjoining properties as the land slopes downwards in a Westerly direction. Due to set down nature of the property, and the railway line and its vegetative screening the proposed dwelling would be largely screened from the wider landscape of the AONB. In addition, the proposed dwelling would be set against the existing built form, and would thus sit comfortably within the residential nature of this location.
- 56 The Kent Downs Management Plan states:  
“The use of locally-derived materials for restoration and conversion work will be encouraged. New developments will be expected to apply appropriate design guidance and to be complementary to local character in form, setting, scale, contribution to settlement pattern and choice of materials”.
- 57 The scale and design of the proposed dwelling would be that of a chalet bungalow which would given the variety of buildings along Station Road be in-keeping with the architectural character of the area. The proposed dwelling is proposed to use brickwork course to mirror the surrounding area and timber cladding, with matching clay roof tiles. This use of materials, with specific reference to the timber cladding, is reflective of a rural building, which with appropriate weather would represent an enhancement given the more harsh materials of the garage and carport. This use of material would works within the guidance of the management plan and thus would be considered to conserve the AONB.
- 58 The proposed scheme would thus provide a level of landscaping that would act to enhance the AONB. The application would be conditioned to include details of landscaping and ecology enhancements, which are discussed later in the report. These conditions would enhance the biodiversity of the site, which in turn would act to enhance the wider AONB by encouraging local fawner and wildlife.
- 59 It is therefore considered that the proposed works would comply with policy EN5 of the ADMP.

#### *Neighbouring Amenity*

- 60 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development, while ensuring it would not result in excessive overlooking, visual intrusion, noise, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.
- 61 These policies are consistent with Paragraph 17 of the NPPF, which states that planning should always seek to secure a good standard of amenity for all existing and future occupants.

## Sorrento

- 62 Sorrento is located to the South-East of the application site and is a detached bungalow. The access to the site runs along the North side boundary of Sorrento which is enclosed with a close boarded timber fence. The site is located within the urban confines of Eynsford, and within a largely residential area. The site benefits from existing access, a garage and carport and on this basis the vehicle activity likely to be associated with a residential dwelling would not be materially greater or constitute excessive noise or disturbance.
- 63 The distance between the proposed dwelling and the shared boundary between Sorrento and the site is in excess of 21m. The general direction of view from most part of the proposed fenestration details would face towards the rear garden of Sorrento, which would not constitute private amenity space (5m from the rear of the dwelling). The position of the dwelling in addition to the lower level of the site would mean the development would not result in a detrimental loss of privacy.
- 64 The distance between the dwellings would mean the proposed dwelling would not result in a detrimental loss of light or outlook.
- 65 The distance, and the proposed dwellings oblique angled relationship to Sorrento would mean that the dwelling would not represent visual intrusion with regard to outlook.

## Camden House

- 66 Camden House is located to the East of the application site and is a two-storey detached dwelling sited at a higher elevation to the application site. The access to the site runs along the Southern boundary of this dwelling. Due to the location of the proposed dwelling which would not be directly behind that of Camden, there would be no loss of light or outlook.
- 67 The general outlook from the proposed fenestration details associated with the dwelling would not face directly towards Camden House. In addition, proposed screening in the form of vegetation would partially obscure views. The works would not therefore result in a detrimental loss of privacy to neighbouring amenity.
- 68 The location of the proposed dwelling would be such that the general direction of view from Camden House would be of the proposed parking area. The lower level of the site, and the proposed screening in addition would mean the proposed dwelling would not represent visual intrusion, or a detrimental loss of outlook.
- 69 The location of the access running along the side boundary of Camden House would allow for vehicle access to the site. The vehicle activity associated with residential dwelling would not constitute excessive noise or movement. Although the current site houses a garage and carport, the access is currently *in situ* and thus vehicles can already utilise this access.

### Anvil House

- 70 Anvil House is located to the East of the application site and is a two-storey detached dwelling. The proposed dwelling would, due to the staggered nature of Anvil's rear elevation, be located between 18.2m and 21m, from the proposed dwellings side elevation and Anvil's rear elevation.
- 71 The distance between the dwellings, and the setting of the property at a lower level to that of the main dwelling would mean the proposed dwelling would not result in a detrimental loss of light.
- 72 The proposed dwelling would be set at a lower level to that of Anvil House, despite the close relationship between the properties there would be a distance of 18.2 to 21m. This would not therefore detrimentally affect the outlook from Anvil House, a 25° test was conducted in addition to assess the outlook of the dwelling and the plans passed on elevation, which supports this conclusion. The planning process cannot protect a view, which differs from outlook/visual intrusion.
- 73 There would be a number of fenestration details associated with the proposed dwelling running along the Eastern elevation facing towards Anvil House. These would serve at ground floor a utility room, lobby, and w/c, these spaces are not considered habitable spaces. The proposed guest bedroom would be located at the other end of the building and thus would not have a direct outlook of Anvil. The ground floor elements would due to the proposed dwellings location at a lower level to the main dwelling not have direct outlook of Anvil House, as they would be obscured by the levels between the dwellings and the proposed vegetation. The proposed first floor fenestration details along the Eastern elevation would consist of roof-lights. These roof lights would serve two en-suites and a dressing room which are not habitable spaces. The bedroom would however have an additional roof light located on proposed dwelling's front elevation facing away from Anvil House.
- 74 Due to the location of Anvil House in an elevated position to that of the proposed dwelling, a view could be garnered with regard to future occupiers of these spaces. To ensure the privacy of both properties any grant of permission would be condition to obscure glazed the proposed roof-lights along the Eastern side elevation. Thus, the proposed works would not represent a detrimental loss of privacy.
- 75 Any grant of planning permission would also seek to secure the landscaping through condition to ensure additional screening between properties.

### Stack House

- 76 Stack House is located to the East of the application site and is a two-storey detached dwelling, with a large rear balcony. The proposed dwelling would, due to the gabled features, which create an irregular building line to Stack House, be located from 17.2m to 18.9m from the proposed dwellings side elevation to Stack House rear elevation.

- 77 The proposed dwelling would locate built form where none currently exists. While there would be a close relationship between the proposed dwelling and Stack House, the distance of 17.2m and the lower level for which the proposed dwelling would be located would not result in a detrimental loss of outlook. It is noted that the 2012 refusal was not based on the principle of built form in this location which was found to be acceptable.
- 78 The set down eaves height would be relative to ground level, with the roof sloping away from Stack House, this mitigates the impact of the development and would thus not appear as detrimentally intrusive. A 25° test was conducted to ensure that a detrimental loss of light would not be experienced as a result of the works, for which the plans passed on elevation. This also indicates a view over the built form could still be attained. As previously discussed, the planning process cannot protect a view.
- 79 The proposed dwelling would be set down due to the rising topography for which Stack House is located. The fenestration details at ground floor level would not have a direct view of Stack house due to the levels along the boundary. The outlook from these windows would thus be of the bank and vegetation. In addition the windows would respectively serve, a utility room, lobby, W/C, and en-suite all of which do not constitute habitable spaces. The guest bedroom would be the only habitable space along this elevation, as previously stated would not have a direct outlook of Stack House.
- 80 To the first floor the only fenestration details would constitute roof lights, due to the rising level for which Stack House is situated the roof-lights general direction of outlook would face towards Stack House. The roof lights would serve two en-suites and a dressing room; these spaces are not considered habitable space. The bedroom would however have an additional roof light located on proposed dwelling's front elevation facing away from Stack House. Due to the location of Stack House in an elevated position to that of the proposed dwelling, a view could be garnered with regard to future occupiers of these spaces.
- 81 To ensure the privacy of both Stack House and the proposed dwelling, any grant of permission would be conditioned to obscure glaze the proposed roof-lights along the Eastern side elevation. Thus, the proposed works would not represent a detrimental loss of privacy.
- 82 The distance between the dwellings, and the setting of the property at a lower level to that of the main dwelling would mean the proposed dwelling would not result in a detrimental loss of light.

#### Highcroft

- 83 Highcroft is located to the North-East of the application site, and is a two storey detached dwelling. The relationship between the dwellings would be set at an obscure angle from one another, with an approximate distance in excess of 21m between the dwellings. The distance and angled relationship would mean a detrimental loss of light would not be experienced to neighbouring amenity.

- 84 Due to the distance and the obscure angle at which the properties are situated from one another, the outlook from the ground and first floor would not have general direction of outlook over either habitable rooms, or private amenity space (5m from the rear of the dwelling). Thus, the works would not constitute a detrimental loss of privacy in this location.
- 85 Due to the position of the proposed dwelling, the distance between the dwellings, and the lower topography of the application site the dwelling would not represent a detrimental loss of outlook or visual intrusion.
- 86 Other dwellings are located at a sufficient distance that they would not be subject to worsening of living conditions as a result of the proposed works. The location of the site is within the urban confines of Eynsford, a largely residential area. Thus, any noise associated with the use of the site would not be dissimilar to that already experienced as a result of the residential use of the surrounding properties.
- 87 The proposed dwelling therefore complies with policy EN2 of the ADMP.

#### *Highways, Parking, and Access*

- 88 Policy T2 of the ADMP states that vehicle parking provision should be made in accordance with the current Kent County Council (KCC) vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide. This states that properties with 4 bedrooms require 2 independently accessible parking spaces.
- 89 The proposed dwelling would have 4 bedrooms and the site would have sufficient space for 2 independently accessible spaces. The site would therefore have sufficient provision, and complies with policy T2 of the ADMP.
- 90 The KCC Highways Officer has noted that this section of Station Road is classified. The access to the site is currently *in situ* and is located between Camden House and Sorrento, which leads to a garage and carport. The access measures just under 3m in width, and 41m in length. The KCC Highways Officer has indicated that Kent Design Guidance suggests a private driveway can be between 2.4m and 4.8m in width, the existing access would thus meet this standard. The Kent Design Guidance also states that a width of 3 meters allows access for fire tenders.
- 91 Concerns have been raised relating to emergency service access. It is recognised that the development is some distance from the roadside, however, access can still be achieved. Furthermore, it is noted that conformation has been provided by the agent, and would be secured by condition subject to any approval, that an internal sprinkler system would be installed.
- 92 KCC Highways has no objection to the application, as a single dwelling would not be considered an intensification of the use. The KCC Highways officer has suggested that any approval be conditioned to provide visibility splays at 2.4x43m, with pedestrian visibility ensured with no obstructions above 0.6m. Due to the dimensions of the access, this may not be

achievable without requiring work on land outside of the red line boundary and applicant's ownership. However, given the access is already *in situ* and used for vehicular access it would not be reasonable to condition the application to require said visibility splays.

- 93 In accordance with policy T3 new residential developments, all new houses with a garage or vehicular accesses should include an electrical socket with suitable voltage and wiring for the safe charging of electrical vehicles. The application would thus be appropriately conditioned to require details and location of an Electrical Vehicle Charging point.

#### *Trees and Landscaping*

- 94 The site contains and is adjacent to a number of trees with preservation orders attached to them. The SDC Tree Officer has noted that potential impacts could occur to the mature Fir tree protected by the TPO, a hedge situated on the eastern boundary and a semi-mature Ash situated behind the existing garage. The Tree Officer has calculated that a root protection area of 11.0m would be required to protect the tree. While some incursion of this area may take place during construction, the officer believes the tree is healthy and substantial enough to withstand this providing adequate protection is sought.
- 95 It would be considered reasonable, upon any approval, to condition the application to require tree protection measures as part of a construction method statement. The site is not located within a conservation area, and the hedge and Ash tree are not protected. These elements could therefore be replaced. It would therefore be reasonable to secure the visual amenity of the site to require a condition, subject to any approval, for details of soft and hard landscaping prior to the commencement of works. In addition this could be control through the high hedge legislation.
- 96 Third party concerns have been raised, regarding the potential for high hedging to be installed along neighbouring boundaries. The proposed scheme would thus be appropriately conditioned to require the size, species, and location of planting would be subjected to approval in writing from the local authority.

#### *Affordable Housing*

- 97 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 floor-space of no more than 1000sqm. In Areas of Outstanding Natural Beauty, contributions should not be sought from developments of 5 units or less.
- 98 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.

- 99 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*

- 100 This proposal is CIL liable and there is an application for an exemption that will be assessed separately.

### **Other issues**

#### *Biodiversity*

- 101 The submitted ecological appraisal identified that there would be no direct impact to ecology for the development of one residential dwelling. The site's habitats mainly consist of tree lines, ivy covered fences, and ruderal species. KCC Ecology have stated that sufficient information has been submitted regarding the ecology of the site.
- 102 Paragraph 118 of the NPPF and SP11 of the Core Strategy sets out that new development should maximise opportunities to build in features which are of benefit to biodiversity as part of good design. The proposal would include features such as native planting design to enhance the ecology of the site. As such, it would be reasonable to condition any permission to require further details to secure the provision of biodiversity enhancement.

#### *Land Contamination and Noise*

- 103 Policy EN7 (b) of the ADMP states that development that would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated. The KCC Environmental Health Officer is satisfied with the findings of the Groundsure report and Desk study report. There are therefore no objections regarding ground contamination at the site.
- 104 The acoustic report identified that railway noise at the site had been measured at the site. The report states that in accordance with internal noise standards, day and night time noise levels could be secured by ensuring habitable rooms are fitted with relevant double-glazing and acoustic ventilators. The Environmental Health Officer is satisfied with these attenuation measures. These will be secured by condition in requiring the acoustic and ventilation systems to be implemented in accordance with section 5 of the Atspace assessment.

#### *Archaeology*

- 105 Policy EN4 of the ADMP seek to ensure the preservation of important archaeological remains. In accordance with advice from the KCC Archaeological officer the application site lies within an area of high archaeological potential associated with prehistoric and Roman activity. It would therefore be considered reasonable to condition any permission to

require, prior to the commencement of the works for a field evaluation and investigation, recording and reporting of artefacts.

## Conclusion

- 106 The proposed dwelling would be in-keeping with the varied architectural style along Station Road, and it is not felt that this would be detrimentally harmful to the character of the area. The proposal would also not result in a detrimental harm to neighbouring amenity, subject to appropriate conditions.
- 107 The proposed parking provision is considered to satisfactorily provide the required off-street parking spaces for the proposed dwelling. The access is sufficient for a private driveway.
- 108 The proposal would therefore comply with Policies LO1, LO7, and SP1 of the Core Strategy, Policies EN1, EN2, EN4, EN5 and T2 of the ADMP.

## Background Papers

Site and Block Plan

Contact Officer(s): Emma Gore Extension: 7206

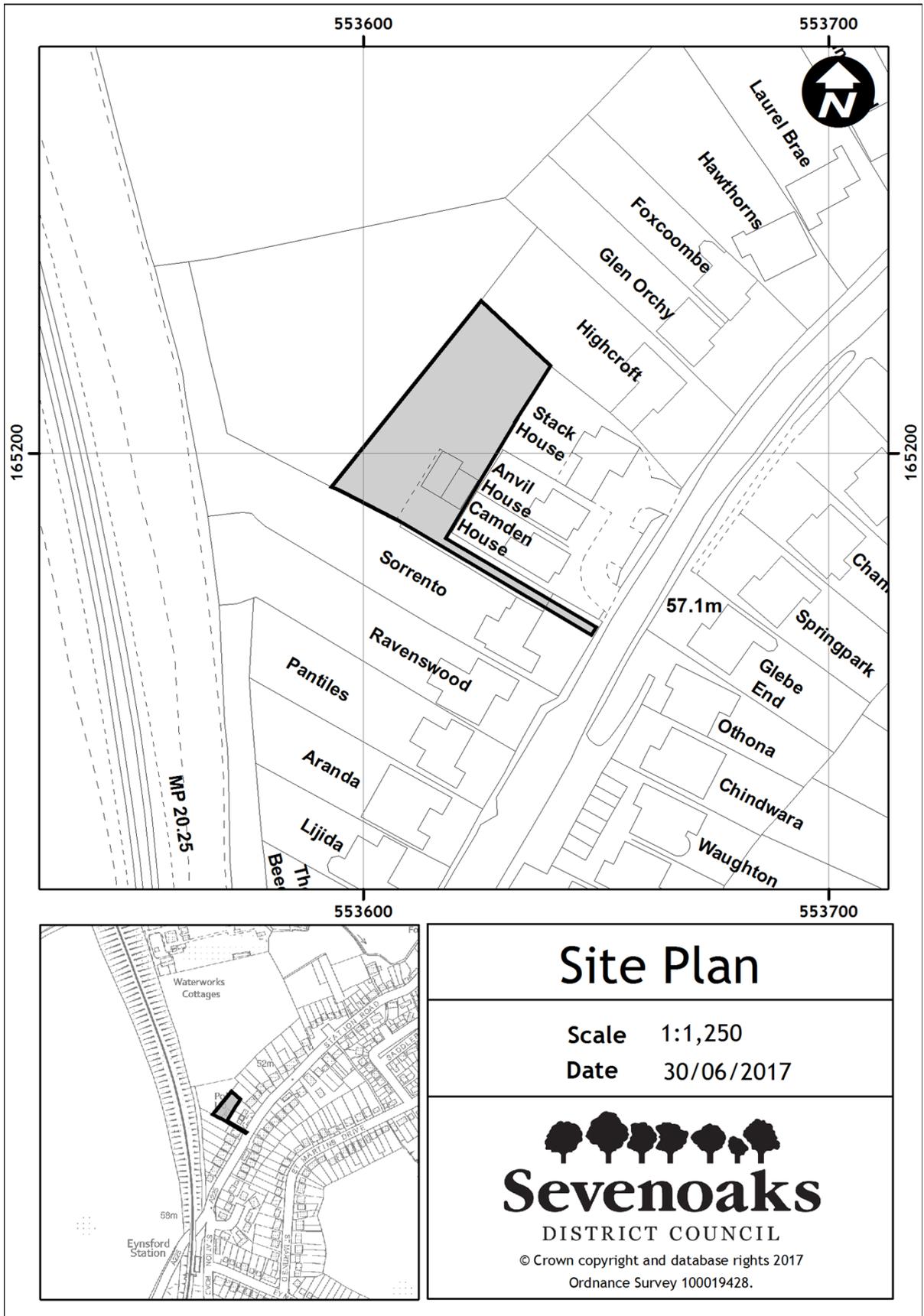
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OLDJDMBKMBK00>

Link to associated documents

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OLDJDMBKMBK00>



# Site Plan

Scale 1:1,250

Date 30/06/2017

  
**Sevenoaks**

DISTRICT COUNCIL

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Ordnance Survey 100019428.

# Block Plan



# Map showing AONB

