

4.2 – SE/12/00250/HOUSE

Date expired 29 May 2012

PROPOSAL:

Retention of single storey rear extension, balcony & first floor extensions to north & south elevations. Change of fenestration. Retention of double garage with room above, dormer windows, external staircase & air source heat pumps. Corrected plans received 02/04/12

LOCATION:

Amberley, Packhorse Road, Sevenoaks TN13 2QP

WARD(S):

Brasted, Chevening and Sundridge

ITEM FOR DECISION

This application has been referred to the Development Control Committee by Councillor London for the following reasons:

I consider this to be overdevelopment of the site, detrimental to the street scene and causes loss of amenity to neighbouring properties, contrary to a number of planning polices.

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

1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1038-P-01(e), 02(H)

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

2) The southern most dormer window of the garage shall be obscure glazed and fixed shut at all times.

To protect the amenities of the adjacent property The Beeches.

3) If within a period of ten years from the completion of the development any of the trees on the eastern and southern border and the hedge on the northern boundary within the front garden die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of the same species.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

4) Within three months of the granting of this permission full details of soft landscape works will be submitted to the Council for written approval. These details shall include:

- planting plans (identifying existing planting, plants to be retained and new planting including planting in front of the air source heat pump and on the southern boundary adjacent to the stairway),

- written specifications (including cultivation and other operations associated with plant and grass establishment), - schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate)- and a programme of

implementation

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

5) Soft landscape works shall be carried out in accordance with the programme of implementation agreed in writing with the Council. The landscape works shall be carried out and therefore maintained in accordance with the approved details.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

6) Prior to the use of the room above the garage as an artists studio and within three months of the granting of this application details of a privacy guard to be located on the southern side of the external stairway serving the artists studio shall be submitted to the Council for approval in writing. The scheme shall be carried out and maintained in accordance with the approved details.

To safeguard the privacy of residents as supported by Policy En1 of the Sevenoaks District Local Plan.

7) Within three months of the date of this permission full details of a wall to retain the soil around the trees on the eastern and southern border of the front garden along with a programme of implementation will be submitted to the Council for written approval.

To safeguard the visual appearance of the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

8) The retaining wall will be carried out in accordance with the programme of implementation agreed in writing with the Council. The works shall be carried out and maintained in accordance with the approved details.

To safeguard the residential amenities of The Beeches.

9) Within three months of the granting of this permission, details of a privacy guard to be located on the northern parapet wall will be submitted to the Council for approval in writing. The scheme shall be carried out in accordance with the approved details and thereafter maintained.

To safeguard the residential amenities of Linden Lees.

10) The proposed artist's studio shall be used solely for a purpose incidental to the enjoyment of the dwellinghouse and for no other purpose.

To prevent overdevelopment of the land as supported by policy EN1 of the Sevenoaks District Local Plan.

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

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

The South East Plan 2009 - Policies CC1, CC4

Sevenoaks District Local Plan - Policies EN1, H6B

Sevenoaks District Core Strategy 2011 – Policy SP1

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

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

Description of Proposal

- 1 Retention of single storey rear extension, balcony & first floor extensions to north & south elevations. Change of fenestration. Retention of double garage with room above, dormer windows, external staircase and air source heat pumps. Corrected plans received 02/04/12.
- 2 The single storey rear extension and balcony extends from the dwelling for a distance of 3.5m rising to a height of 3m. The ground floor level possesses two sets of folding/sliding doors and the balcony possesses a glass panelled guard on its rear elevation and rendered screens on the north and south elevations. At the first floor, the existing windows have been changed with the addition of three sets of floor to ceiling glazed doors and the addition of an additional window. An external staircase has been added on the southern side of the rear of the dwelling enabling access from the garden to the first floor balcony.
- 3 The north of the house, a first floor extension has been built above the existing single storey side extension rising to a height of 5.8m with a window set within the rear elevation. Two ground floor side windows have been added on the northern elevation of the existing house.
- 4 On the southern elevation of the dwelling a first floor extension has been built above an existing single storey side extension. The first floor extension matches the height of the existing house at 7m and with the addition of a new chimney increases the width of the house by an additional 0.5m. The new traditionally designed chimney replaces the two previous chimneys on the dwelling. A new window has been inserted on the rear elevation of this side extension.
- 5 On the front elevation two additional windows have been placed within the new southern first floor side extension. One existing first floor window has been removed and another has been relocated on the front profile. On the front elevation at ground level one window has been reduced in size, one has been enlarged and the garage door has been removed, bricked in with a window inserted.
- 6 The detached garage possesses a footprint of 6.5m by 7.5m (incorporating an external stairway) rising to a height of 6.25m with a ridged roof on a north south orientation. The north facing (front) elevation possesses a double up and over door with a window 0.4m wide by 0.8m high located above. On the west facing elevation are two dormer windows each measuring 2m wide with a height of 2.2m extending from the roof profile for a distance of 0.9m. On the southern facing (rear) elevation of the garage is located an external stairway leading to a landing, extending across the southern facing elevation of the garage. The stairway

possesses a width of 1m with the landing providing access to a room located above the garage. On the east facing elevation is located an air source heat pump 0.9m wide by 1.3m deep. The materials comprise of rendered walls and tiles on the roof and dormers.

- 7 This application follows a previously granted permission, 10/02828/FUL. That application was for the erection of a single storey rear extension, and balcony, first floor extensions to north and south elevation, the removal of two chimneys, the change of fenestration and the erection of a double garage. The development was not built as per the permission granted. The application under consideration is in relation to the development as built.

Description of Site

- 8 Amberley is a detached dwelling house located on the western side of Packhorse Road. The property as viewed from the road is largely screened by mature conifer trees on the southern and eastern boundary rising to a height of approximately 8m plus. The northern boundary is bordered by a mature beech hedge rising to a height of approximately 2.5m. The rear garden is bordered by mature conifer trees rising to a height of approximately 8m high. Packhorse Road is characterised by individually designed detached houses set back behind hedged and treed front gardens.

Constraints

- 9 Area of Archaeological Potential
10 Urban Confines of Sevenoaks
11 The property is not within a Conservation Area

Policies

South East Plan

- 12 Policies - CC1 CC4

Sevenoaks District Council Local Plan

- 13 Policies - EN1 H6B

Sevenoaks District Core Strategy

- 14 Policies - SP1

Other

- 15 National Planning Policy Framework
16 Residential Extension Supplementary Planning Document
17 Sevenoaks Residential Character Area Assessment Supplementary Planning Document

Planning History

18	11/01743	Removal/Vary of condition 4 (alteration of balustrade detail to glass and insert window for additional ventilation) of planning permission SE/10/02828/FUL	Granted
	11/01549	Details pursuant to condition 3 (privacy guard) of planning permission SE/10/02828/FUL	Granted
	11/00732	Details pursuant to condition 3 (privacy guard) of planning permission SE/10/02828/FUL	Refused
	11/00718	Application to vary condition 4 (the development hereby permitted shall be carried out in accordance with the following approved plans 1038-P-01(B), -P-02(B) –SUR-01) of SE/10/02828/FUL. To allow the creation of an artists studio within the roof space over double garage.	Granted
	10/02828	Erection of a single storey rear extension and balcony, first floor extensions to north and south elevation. Removal of two chimneys. Change of fenestration. Erection of double garage.	Granted
	98/01575	Proposed single storey utility side extension	Granted
	SW/5/49/345	Erection of single storey side extension	Granted

Consultations

Sevenoaks District Council Arboricultural Officer

- 19 “I visited this property on the 22nd of May 2012 to assess the construction of a detached garage, please find the following comments.
- 20 A change of levels has occurred to accommodate the garage at a lower level than the original ground levels. Mature Conifer trees are currently growing on the eastern and southern front boundaries adjacent to the garage. At the point of the changes in levels, smaller fibrous type roots can clearly be seen where they have been severed at the point of level change. Concrete contamination is also evident at this point. The Lime in the concrete can leach into the soil causing harm to the trees. The aforementioned has been carried out and I am unable to fully assess what if any affects this will have upon the future health of the trees, only time will tell. I would also add that Conifers generally thrive in full sun. The building of the garage does to a certain extent block natural light to the lower areas of the Conifers. This could lead to an amount of die back. But again only time will tell.
- 21 Any harm that has been done to date cannot be undone. I therefore suggest some options to increase their chances of survival in good health should this application be successful. The differences in levels need to be addressed in order to avoid soil being washed away by rain. Some form of retention wall needs to be designed and implemented. On the southern boundary there is a difference of about 500mm and on the eastern there is about 750mm that needs to be retained. I would also consider a suitable replacement condition should the Conifers die.”

SDC Archaeology

- 22 “This site is in the Area of Archaeological Potential as a Mesolithic site was found in January 1932 while driving a road across the park at Chipstead Place. The Kent Historic Environment Record states that the area is completely developed and there is no record of subsequent finds. It is noted that a number of other extensions have been undertaken on the other dwellings located in the immediate vicinity and conditions have not been recommended requiring further archaeological investigation. It is noted that the extensions proposed are limited in size and in the immediate vicinity of the house. For these reasons, further archaeological investigation is not considered to be necessary and no objection is raised to the application.”

Chevening Parish Council

- 23 “Object and Reasons: The Council has considered the amended plans dated April 2012 and wishes to strongly object the development.

The plans submitted from the very beginning have been ambiguous and misleading. Had a proper site plan been submitted in the first instance, correctly showing the position of the garage on the site, then the Council would probably have objected. It was not shown on the sketch plan submitted originally that the garage would be so close to the front boundary. However, we understand that this application has to be considered as if it is a fresh application and with regard to current policies, even if they were not in place when the original application was considered.

Garage: The Council believes the built form of the garage is in excess of the size shown on the plans. Whether or not this is the case, the site of the garage is not as shown on the original sketch drawing which was misleading, neither is the orientation of the roof the same. The building is intrusive on the street scene with the bulk of the roof clearly visible through the trees and the bulky external concrete steps visible from a distance. There are no other garages built like this in the road and it creates an undesirable precedent. The garage is clearly contrary to Policies EN1 and EN3 as well as the emerging Packhorse Road Area Character Assessment (which is now material planning consideration) where the Design Guidance states that ‘garages should be of a scale, form, materials and location that fit unobtrusively with the house, surrounding garden and the character of the street’. Also, that ‘buildings should be well screened and set back from the front boundary to avoid a significant impact on the rural character of the road’. In addition, there will be overlooking to The Beeches. Further, there are ugly heat pumps facing the road which are clearly visible. The heat pumps are larger than shown on the plans and are noisy, thereby detracting from the amenities of the neighbouring properties. In addition, the tree screen, which was shown to be retained on the original drawing, has been partly removed to enable installation of the pumps and the Council considers it likely that the construction of the garage so close to the trees will be detrimental to the long-term health of the trees.

Extension: It is noted that the chimney has been built externally rather than internally which was shown on the original plans. By doing this, there is an unacceptable impact on the neighbouring property, The Beeches. Further, the two storey extension is now within one metre of the boundary which is contrary to Policy H6. The bulk and form of the extension adjacent to The Beeches is excessive and has a negative impact as it is of poor design and not in keeping

with the character of the road. Again, the extension is contrary to the Packhorse Road Character Assessment as it states that a 'side extension should not completely fill the space between properties or dominate the original dwelling'.

The Council considers this to be overdevelopment of the site, detrimental to the street scene and causes loss of amenity to neighbouring properties, contrary to a number of planning policies and urges the District Council to refuse the application."

Representations

24 13 individuals have objected to this application and one individual wrote in neither objecting nor supporting the application.

25 The reasons for objecting are:

- Impact upon trees
- Overlooking of neighbouring properties
- Overshadowing of neighbouring properties
- Noise from the air source heat pumps
- Inadequate parking provision
- Loss of amenity
- Detrimental impact upon the street scene
- Loss of light to neighbouring property
- Proximity of development to the properties boundaries
- Materials out of keeping
- Intrusive upon the street scene
- Out of keeping with the Residential Character Area Assessment SPD
- Potential use of garage for commercial purposes
- Not of a high standard of design

Group Manager - Planning Appraisal

Principal Issues

26 This application is the consequence of a complaint in respect to a previously granted permission, 10/02828/FUL due to the development as built not being in accordance with the approved plans. Whilst development carried out without permission cannot be condoned:

- the development as constructed needs to be assessed on its merits;
- account has to be taken of the previous planning approval;
- consideration of the variations to the approved scheme need to be considered in respect to whether it has an adverse impact and if so are they sufficient to justify the constructed scheme being regarded as unacceptable when the original scheme was considered acceptable.

The principal issues are:

- impact on amenities and street scene
- trees

27 The key difference between the two applications is that the chimney on the southern elevation is built on the exterior of the house, two ground floor windows

are added on the northern elevation, an additional window is added on the rear extension and the first floor extension of the northern elevation has been reduced in width.

28 In respect of the garage this was amended through a variation of a condition to enable the addition of two dormers to enable the creation of an artist's studio within the roof space. However the garage differs from the approved scheme as follows:

- Roof orientation;
- Increased footprint
- Increased width of staircase
- Increased height
- Relocation within the plot

29	<u>Previously granted garage</u> m	<u>Garage as constructed</u> m
Dimensions	6.5 x 6.0	6.5x6.5
Staircase (including plant room for application under consideration)	4.1 x 1.2	6.5 x 1.0
Height	6.0	6.3

30 The garage under consideration, in comparison to that previously granted, has been relocated on the site from adjacent to the southern boundary and approximately 5.5m from the eastern (front) border to approximately 3.5m from the front boundary of the property and approximately 1m from the southern border at its closest point. The ridgeline of the garage has now been orientated north to south as apposed to east west.

31 The two dormer windows which under the granted permission were facing north are now facing west and the external staircase which was on the west facing elevation of the garage has now been built on the southern elevation with the staircase extending across the width of the garage, as opposed to extending for a distance of 4.1m. The height of the garage has been increased from 6.0m to 6.3m and the depth (with the inclusion of the staircase) increased from 7.2m to 7.5m. The materials for the house and the garage are in keeping with the original dwelling. The garage possesses a room within the eaves which is indicated to be an artist's studio.

Impact on amenities and the street scene:

32 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criterion 1 states that the form of the proposed development, including any buildings or extensions should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Policy H6B of the SDLP states that residential extensions shall be subject to the principles of Appendix 4. Amongst other things, Appendix 4 states that the extension should not be of such a size or proportion that it harms the integrity of the design of the

original dwelling or adversely affects the street scene. Criterion 3 of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Appendix 4 to H6B also states that proposals should not result in material loss of privacy, outlook, daylight or sunlight to habitable rooms or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties. In addition Appendix 4 also states that a minimal distance of 1m is normally necessary for two storey extensions where extensions which extend to the side boundary of the property could lead to visual terracing. Sevenoaks District Councils Residential Extensions Supplementary Planning Document states that an extension should not cause any significant loss of daylight for a significant part of the day to habitable rooms in neighbouring properties and states that loft conversions should follow the vertical lines of existing doors and windows and be set below the highest part of the existing roof.

- 33 Policy SP1 of the Sevenoaks District Council 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. Account should be taken of guidance adopted by the Council in the form of for example Kent Design and local Character Area Assessments.
- 34 The Sevenoaks Residential Character Area Assessment Supplementary Planning Document, which defines the character of local residential areas and provides design guidance was adopted in April 2012. For Packhorse Road it states that garages should be of a scale, form, materials and location that fits unobtrusively with the house, surrounding garden and character of the street and that buildings should be well screened and set back from the front boundary to avoid a significant impact on the rural character of the road.
- 35 Policy EN3 as referred in the representations is not of relevance to this application.
- 36 In reviewing the development, it is material to note that planning permission has previously been granted for a detached garage within the front garden of the property and a rear and side extensions to the property.
- 37 The Sevenoaks Residential Character Assessment was adopted in April 2012 and is a material factor in the consideration of this application.
- 38 As viewed from the road the garage is largely screened by the conifer trees on the boundary to the property. However it is visible from the driveway, through a gap in the trees on the eastern border, adjacent to Packhorse Road, which exposes views of an air source heat pump located on the eastern elevation of the garage. The garage can also be viewed from the front of the adjacent property to the south, The Beeches.
- 39 Whilst the air source heat pump does lead to a degree of noise adjacent to the tree line this is off-set by the background noise of the M25 which is located 1.5km to the north of the site. Accordingly as you move from the garage onto Packhorse Road the noise levels merge into the background noise of the motorway and accordingly its impact in my view is minimal and would not impact detrimentally upon the amenities of the locality or neighbouring properties.

- 40 Under the Town and Country Planning (Development Permitted Development) (Amendment) (England) Order 2011 the installation of an air source heat pump upon an outbuilding would be permitted development if the outbuilding was otherwise in accordance with planning permission.
- 41 Whilst the air source heat pump is clearly visible from Packhorse Road this could in time be reduced by an appropriate condition requiring additional planting to the front of the site.
- 42 The view of the garage staircase from in front of The Beeches is reduced during the summer due to the deciduous trees within the locality minimising the impact of the garage.
- 43 The garage is orientated with the two dormer windows and the access to the external stairway facing Amberley. The adjacent property The Beeches possesses a utility room at ground floor with a bedroom above, adjacent to the boundary with Amberley. Because the dormers and stairway face obliquely towards The Beeches if the trees were to die or thin there is a potential issue of overlooking from the dormer and stairway of the bedroom window. There is a limited view of the window through the existing conifer trees during the winter and autumn however it is not visible once the deciduous trees on the site are in leaf.
- 44 The issue of potential overlooking could however be overcome through ensuring that the southern most dormer window is obscure glazed and non opening and that a guard is placed on the horizontal rail of the landing between the staircase and the doorway.
- 45 Regarding the use of the room above the garage an appropriate condition can be imposed to ensure that the use of this room is for a purpose incidental to the enjoyment of the dwelling house and for no other purpose.
- 46 Because of the extensive screening that exists on the site the garage has a minimal impact upon the street scene. Additional planting to reduce the impact of the development at the front and on the border with The Beeches, enforced through an appropriately worded condition would reduce this further which would retain the character of the street.
- 47 With respect to overshadowing the only property potentially impacted upon would be The Beeches to the south west of the garage. However due to the existing screening and location of the dwellinghouse in relation to the garage it would not in my view be detrimentally impacted upon.
- 48 The garage would serve two cars and the drive possesses space for an additional two / three cars. The Kent Design Guide Interim Guidance note on parking advocates that a 4+ bedroom house located within a suburban location should possess two independently accessible parking spaces which this application would possess and accordingly the proposal would provide adequate parking provision.
- 49 In respect to the extensions to the house, the extensions under consideration match the size and bulk of the rear and side extensions as permitted through planning application 10/02828/FUL. However the chimney would now be external to the house extending for a distance of 0.6m and located 98cm at its closest point from the boundary with The Beeches.

- 50 The external staircase to the rear extension would be located 69cm from the boundary with The Beeches at its closest point however there are no windows directly facing this aspect of the site and due to the trees on the boundary of the property the issue of visual terracing would not occur. Due to conditions imposed on planning application 10/02828/FUL a guard has been incorporated protecting views to the Beeches.
- 51 The border with The Beeches adjacent to the two properties comprises a 1.8m close boarded fence raised above a small brick wall of 30cm leading to a total height of 2.1m. The Beeches possesses 5 windows overlooking Amberley. However the three first storey windows and the small window closest to Packhorse Road are all obscure glazed. The fifth window, located at ground level and serving a utility room comprises of clear glass. The adjacent fence only provides views from the upper third of the window. This window is set forward from the chimney and would only provide oblique views of the chimney and accordingly would not have, in my view a detrimental impact upon the amenities of The Beeches.
- 52 The border between Amberley and Linden Lea, to the north, comprises a close boarded fence rising to a height of 1.5m with a side passage to the house. The first storey extension above the existing single storey side elevation does not change the distance with the border and the two ground storey windows on the northern elevation would have a minimal impact upon the amenities of Linden Lea due to the height of the fence.
- 53 There is the potential of overlooking from the terrace above the single storey rear extension of the side passage of Linden Lea. This would impact upon the privacy of this property however this issue could, in my view be rectified through the inclusion of privacy guards on the northern aspect of the terrace.
- 54 Whilst there are additional windows placed on the rear of the dwelling, Amberley possesses a rear garden measuring approximately 70m in length which is screened on its northern and southern borders by mature conifers.
- 55 The development would incorporate materials in keeping with the house and a design that is not out of character with the dwelling.
- 56 If this application were to be refused the applicant has the option of implementing planning permission 10/02828/FUL with the variations as permitted through 11/00718/CONVAR and 11/01743/CONVAR.
- 57 This would enable the erection of a slightly smaller garage located closer to the border with The Beeches and set closer to the dwelling house. The dormers would face north rather than towards Amberley and the external staircase would possess a smaller width. The side and rear extensions would remain unchanged however the chimney is now external.
- 58 If the current proposal is deemed to be unacceptable even with the conditions proposed, then consideration would need to be given to enforcement action to demolish all or part of the existing extensions/garage which would require a separate decision. If enforcement action were not to be taken then the unauthorised development would gain immunity through the lapse of time and it would be difficult to impose conditions for tree planting, obscure glazing etc.

SDC Archaeology

- 59 As the development has been largely completed the potential impact upon Archaeology would already have occurred however as the consultation with SDC Archaeology states no objection is raised in respect to the application.

Impact upon trees

- 60 The erection of the garage has led to a change in levels with some smaller fibrous roots of the adjacent conifer trees on the southern and eastern borders having been severed. There is also evidence of concrete contamination which could potentially cause harm to the trees and the building of the garage does lead to some loss of light which can lead to a degree of die back. SDC's Arboriculture Officer has however stated that he is unable to determine the long term affect of this development.
- 61 Suggestions have been made in respect of increasing the trees chances of survival through the erection of a wall to retain the soil in place which could be ensured through the incorporation of an appropriately worded condition. Finally if the trees were to die SDC's Arboriculture Officer has advised that a condition is incorporated to ensure replacement trees are planted which the Officer has confirmed would in his view survive.

Conclusion

- 62 The proposed development through the inclusion of appropriate conditions would not cause significant harm to the street scene or amenities. Whilst the health of the trees on the southern and eastern boundaries cannot be guaranteed through the inclusion of conditions requiring a retaining wall potential further damage could be minimised and a condition requiring replanting, if any of the trees were to die would ensure the longer term protection of local amenities. The proposal would not lead to overshadowing of the neighbouring property or a loss of light and an appropriate condition can ensure that the room above the garage is used only for purposes incidental to the enjoyment of the dwelling house. The proposal incorporates materials in keeping with the house.

Background Papers

Site and Block Plan

Contact Officer:

Guy Martin Extension: 7351

Kristen Paterson

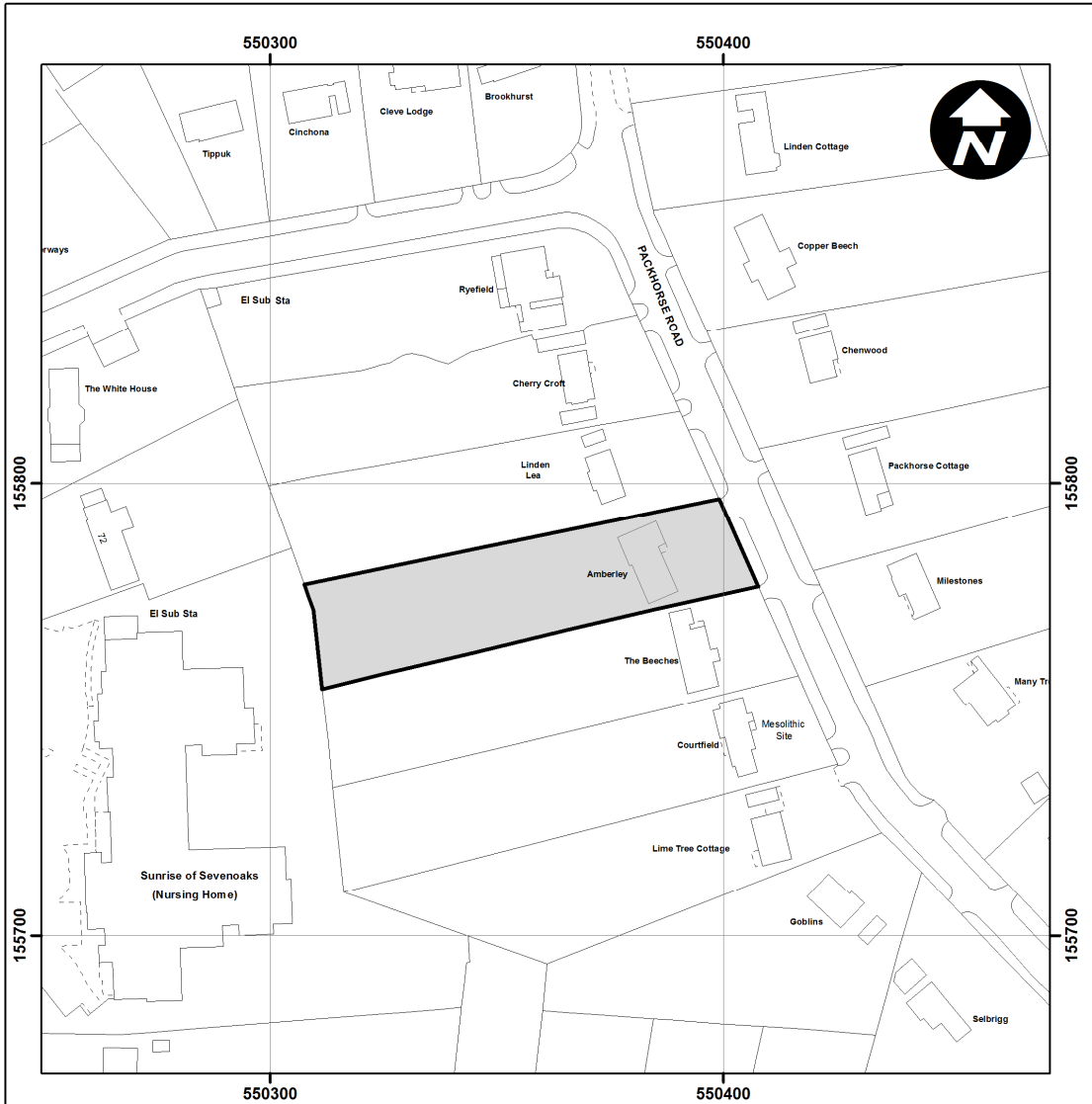
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LYNKZ8BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LYNKZ8BK8V000>



Site Plan

Scale 1:1,250
 Date 06.06.2012



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BLOCK PLAN

