

4.2 – SE/11/03327/FUL

Date expired 4 July 2012

PROPOSAL:

Erection of detached dwelling with integral garage.

LOCATION:

Land Adjacent To Woodseaves, 5 Knole Paddock, Seal Hollow Road, Sevenoaks TN13 3RX

WARD(S):

Sevenoaks Town & St Johns

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillors Dawson and Raikes for consideration of the impact of the proposal against the Residential Character Area Assessment which has now been adopted.

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

The proposed dwelling, by virtue of its siting and scale in close proximity to the front boundary, would appear as a prominent and overbearing development that would detract from the informal, verdant and spacious character of the drive to Knole Park. This would be contrary to policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy, and to guidance contained within the Sevenoaks Residential Character Area Assessment.

In the absence of a completed S106 Agreement, the development would fail to provide an off site contribution towards affordable housing and would be contrary to Policy SP3 of the Sevenoaks Core Strategy.

Description of Proposal

- 1 The application seeks permission to erect a dwelling on land at the rear of No. 5 Knole Paddock. This application follows an earlier refusal for a dwelling on the site under SE/10/02311.
- 2 The proposed dwelling would front onto the private drive between Plymouth Drive and Knole House. The dwelling would be a 5 bed property, arranged over 2 storeys and T-shaped in footprint. It would have a projecting central core of 8.7 metres in height, with two wings on either side with roof lines at 90 degrees and of 6.8 and 7.9 metres height respectively. These wings have been designed with the first floor accommodation partially provided within the roof space. The building would be sited at an angle to the road, and the closest point of the building would be approximately 5 metres from the front boundary.
- 3 The scheme includes an integral garage and space for parking two vehicles to the front of the garage. A new access would be constructed in a relatively central position on the site. This would cross a grass verge onto the private access road owned by the Knole Estate.

- 4 The application has been re-validated during the process as there was an inconsistency between the elevation and floor plan drawings, and notice had not been served on the Knole Estate. These have since been revised and corrected.

Description of Site

- 5 No. 5 Knole Paddock is a large detached dwelling set within a substantial plot, and accessed via Seal Hollow Road. It has a substantial rear garden which slopes down considerably from the house to the rear boundary and backs onto a private drive leading from Plymouth Drive to Knole Park. The site is located within the built confines of Sevenoaks, although the Green Belt boundary is situated on the other side of the private drive.
- 6 The site contains a number of substantial trees, particularly on the western boundary. They are protected by an area TPO.
- 7 The application site consists of a rectangular shaped plot of land to the rear of the garden. A raised bank runs diagonally across the site, roughly from north to south. The site is flanked by a bungalow (Birchwood) with roof accommodation to the north east, and by a two storey dwelling to the south west (Falcon House). The application site is on a slightly higher land level than the bungalow but significantly lower than Falcon House to the south west. The gated entrance and lodge houses to Knole Park are sited beyond the bungalow. These are Grade II listed.
- 8 Two new dwellings have recently been completed on land to the west of Falcon House and fronting the drive to Knole Park.

Constraints

- 9 Area Tree Preservation Order on site
- 10 Within an Area of Archaeological Potential

Policies

South East Plan

- 11 Policies – BE4

Sevenoaks District Local Plan

- 12 Policies – EN1, EN25A

Sevenoaks Core Strategy

- 13 Policies – L01, L02, SP1, SP2, SP3, SP5 and SP7

Other

- 14 The Sevenoaks Residential Character Area Assessment has been adopted as a Supplementary Planning Document and is a material consideration.
- 15 The National Planning Policy Framework

Planning History

16 SE/10/02311 – erection of a detached dwelling and garage - Refused

Consultations

Sevenoaks Town Council

17 Sevenoaks Town Council recommended approval

SDC Conservation Officer

18 No objections

SDC Tree Officer

19 The measurements provided within this application appear to stack up with regards to the distances from tree to development. The root protection areas therefore appear adequate to ensure the retention of the trees in good health. Certain trees within the arboricultural report have been identified for removal due to their reported condition. I have not had the time to inspect each tree individually. I therefore suggest that a condition be attached to any consent provided That states that the tree officer should be contacted prior to commencement of any tree works so that an inspection can be made in order to verify their condition and the reason provide for their removal.

Thames Water

20 No objection.

SDC Archaeology

21 No comments received.

Kent Highways

22 Original comments - It is noted that the ability to turn a vehicle within the proposals such that vehicles can enter and exit in a forward gear, is limited. It is noted that a 5 bedroom house is proposed and also noted that traffic flows on this private drive are anticipated to be very low and reversing onto the private drive is not expected to be onerous or more importantly a significant road safety issue. I would not therefore wish to object to this proposal but consider that a larger turning area and/or reduced number of bedrooms may be more appropriate.

I have read the neighbours observations regarding construction traffic and parking but I would consider that these issues are planning matters and matters for the verge landowner as this is not an adopted road. If I can be of any further assistance, please do not hesitate to contact me.

23 Further comments - I refer to the above application and have no objections on any highway grounds. The development is accessed by a private road which links to the public highway at Plymouth Drive, and there are adequate visibility splays at the junction there.

Representations

- 24 3 letters of objection received following original consultation:
- Lack of parking and turning facilities, which could lead to parking on the verge of the lane
 - Construction traffic should not enter from the lane, but should be from Seal Hollow Road
 - Construction work should not take place on Saturdays or Sundays
 - Restrictions should be put in place on the access and location of construction traffic
 - The dwelling is essentially the same height and of a larger footprint than the refused scheme, and is not materially smaller as suggested in the supporting statement
 - The dwelling would be closer to the road than the new dwellings that have been recently constructed, and is not comparable to these as suggested in the supporting statement
 - Lack of suitable parking
 - Inconsistencies exist between floor plans and elevation plans
 - The development would cause overlooking
 - The development would have an unacceptable visual impact upon the area
 - The reclassification of residential gardens under PPS3 should be taken into account.
- 25 One further letter received following re-consultation stating that the revisions do not address the concerns raised above.

Group Manager - Planning Appraisal

- 26 The site is located within the built confines of Sevenoaks and at 0.1 hectares in size is of a size that would be capable of accommodating residential development. The site currently forms part of the garden to 5 Knole Paddock and previous amendments to PPS3, which has now been superseded by the National Planning Policy Framework (NPPF), removed gardens from the definition of “previously developed land”. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude other land, such as gardens, from being developed, provided such development is in suitable locations and relates well to its surroundings. Paragraph 53 of the NPPF states that local planning authorities should consider setting out policies to resist the inappropriate development of rear gardens, where this would cause harm to the local area. This is broadly consistent with Policies SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area. On this basis, the development of this site should not conflict with the

aims of the NPPF provided that the development is not harmful to the character of the surrounding area.

- 27 The use of this land to accommodate a single dwelling on a good sized plot would follow the pattern of residential development that has recently evolved along the drive to Knole Park.
- 28 In purely policy terms, the proposal would accord with Policies LO1 and LO2 of the Core Strategy which seek to direct development to major built confines and, in the case of LO2, to provide new housing in locations throughout Sevenoaks that are suitable for housing development with an emphasis on sites in easy walking distance of the town centre.
- 29 Taking the above into account, I do not consider there to be any objection to the principle of residential development on this site, subject to the consequences of its detailed design and impact on the immediate local environment.

Impact on the character and appearance of the area

- 30 Knole Park drive is a private road which leads from Plymouth Drive to Plymouth Lodge - which forms one of the entrances to Knole Park. It is a straight single track road with wide grassed verges, which gives a verdant and spacious character to the road. It occupies an edge-of-town location, immediately adjacent to the Green Belt boundary.
- 31 The application site is located on the west side of the drive. This side is essentially characterised by tree belts, forming the boundaries of surrounding gardens, and a small number of dwellings fronting onto the drive. Two of these are newly constructed dwellings on land adjacent to Falcon House. They are large dwellings and the balance between landscaping and built form has been altered through this development. Nonetheless, these houses are set back by some 14-15 metres from the front boundary with the drive and as such this limits the impact of this built form on the character of the drive.
- 32 The existing bungalow at Birchwood immediately to the north east of the site is located closer to the drive (around 3 metres), but as a bungalow it is screened to a large degree by a front boundary hedge and the visible part of the roof structure closest to the frontage with the drive tapers away from the road. As such, due to the single storey design and tapering roof, it does not appear unduly prominent or visible in views along the drive, and nestles into its site.
- 33 The last application for a dwelling on the site (SE/10/02311) was refused on the basis that the proposed dwelling would be in close proximity to the front boundary (2 metres) and of a height, scale and design that would be prominent and overbearing, in addition to causing harm to trees subject to a Tree Preservation Order.
- 34 This revised scheme is different insofar that the dwelling has been redesigned from a mock Georgian style with a square footprint to a T shaped design, and it has been sited further back from the road frontage (5 metres). However it is unfortunate that the tallest and bulkiest part of the building (the 2 storey element) has been designed to be sited at the closest point to the road frontage. At a distance of 5 metres, this would still be significantly closer to the drive than the new housing development further down the drive and at a two storey scale with a

ridge height of 8.7 metres would be much more visually prominent from the drive than the Birchwood property. The proposed dwelling would be the same height as the main ridge of the previous refused scheme. The scale of the proposal is further emphasised on the site plan drawing which states that the proposed dwelling would have a ridge level more than 3 metres higher than Birchwood.

- 35 Whilst some landscaping exists on the boundary with the drive, this does not provide a dense screen and would not preclude views or successfully soften the impact of a two storey dwelling from the private drive – and it is noted that the new access proposed would create an opening of 4 metres into this boundary which would further open views of the site and development.
- 36 My concerns relating to the scale and prominence of the building are also supported by the Council’s adopted Residential Character Area Assessment which refers to the need for any new infill development on the drive to be well screened and set back to avoid a significant impact on the verdant and informal character of the drive. It further states that new development should be of appropriate height and scale to fit unobtrusively within its setting, without appearing cramped or out of context with the character of the lane. I consider that this adds further weight to my criticism of the application.
- 37 Whilst I consider the aesthetic design of the dwelling to be fairly disjointed with differing eaves, ridge and dormer heights, I do not consider this in itself to be a ground of refusal, given the variety of building designs in the area.
- 38 The tree officer has confirmed that this revised scheme would be unlikely to cause harm to notable trees on site and raises no objection from this perspective.
- 39 Overall, I consider that the revised proposal, whilst a marginal improvement on the previously refused scheme, would remain unduly prominent in the setting of the drive due to its position and scale in relation to the boundary with the drive, and would be to the detriment of the informal, verdant and spacious character of the area. This would be contrary to Policy SP1 of the Core Strategy and EN1 of the adopted Local Plan, and to guidance contained within the Sevenoaks Residential Character Area Assessment.

Impact on neighbouring amenities

- 40 The dwelling is shown to maintain a distance of almost 25 metres to the neighbouring property at Birchwood. The drawing does not include a conservatory to the neighbouring property, and this would reduce the separation gap to around 22 metres. However the proposed dwelling has been designed with first floor windows that do not directly face this property.
- 41 A distance of around 20 metres would be maintained to Falcon House, which is on a much higher land level and screened by the substantial Beech hedge. A distance in the region of 50 metres would be maintained to the existing dwelling at No. 5 Knole Paddock, and this property is again on a much higher land level.
- 42 Taking the above distances and site factors into account, I do not consider that the dwelling would have any undue impact upon the neighbouring occupiers, and this relationship would be acceptable under Policy EN1 of the Local Plan.

Highways Matters

- 43 The proposal would accommodate three parking spaces – 1 in the garage and two external spaces. This would accord with the KCC Interim Guidance note on parking, and would comply with Policy EN1 of the local plan.
- 44 Some reference has been made by Kent Highways and local objectors to the lack of turning and potential pressure due to confinement of parking spaces to park on the verge, with resultant rutting and degradation of the verge. Whilst this is a matter that should be avoided, the number of parking spaces provided for the property (3) in an area close to the town centre is the maximum that could be sought. Furthermore, the applicant does not own the verge - it is owned by the Knole Estate – and as such the Council cannot impose a condition on land that the applicant does not control.
- 45 With regard to the lack of a turning area, given the very low usage of the drive by vehicular traffic and good visibility across the grass verge onto the drive, I do not consider it essential for vehicles to exit the site in forward gear.

Other matters

- 46 Local residents have raised a number of other matters in relation to the proposed development, as summarised above.
- 47 The neighbour at Birchwood has requested that, in the event of the 4 metre high boundary hedge dying or being cut back, that a 4 metre high barrier should be secured to maintain privacy. The type of barrier is not specifically detailed, but given the separation distance and orientation of the dwelling as proposed, I do not consider that the Council could reasonably require such a request.
- 48 Concern has been raised over the construction period, particular hours of working, the routes taken by delivery vehicles and vehicle parking. A neighbour has requested that construction traffic should be brought in from Seal Hollow Road but I note that the entrance to 5 Knole Paddock from this road suffers from very poor visibility, with a substantial distance to negotiate to the site of the proposed dwelling and a significant change in land levels involved. As such I do not consider this to be a feasible or acceptable option.
- 49 The hours of construction are better dealt with under Environmental Protection Acts relating to statutory nuisance.
- 50 Vehicle parking during construction could be an issue on the lane– although a planning condition requiring a construction management plan could be imposed to require details of such parking to be provided.

Affordable Housing

- 51 The applicant has submitted a Draft Undertaking to make a contribution of £37,927 towards off site affordable housing provision within the District. Such a contribution is a requirement of Core Strategy Policy SP3. However the Undertaking has not been completed at the time of writing and on this basis I would recommend that a further ground of refusal be added, namely that in the absence of a completed S106 agreement, the development would not secure an appropriate off site contribution towards affordable housing and would be contrary

to Policy SP3 of the Core Strategy. Members will be updated at the Planning Committee as to whether the Undertaking has been completed.

Conclusion

52 Taking all the above factors into account, I consider that the proposed dwelling, due to its position and scale in relation to the boundary with the drive, would be unduly prominent and detrimental to the informal, verdant and spacious character of the drive. This would be contrary to Policy SP1 of the Core Strategy and EN1 of the adopted Local Plan. In the absence of a completed S106 agreement, the development would not secure an appropriate off site contribution towards affordable housing and would be contrary to Policy SP3 of the Core Strategy.

Background Papers

Site and Block plans

Contact Officer(s):

Mr A Byrne Extension: 7225

Kristen Paterson

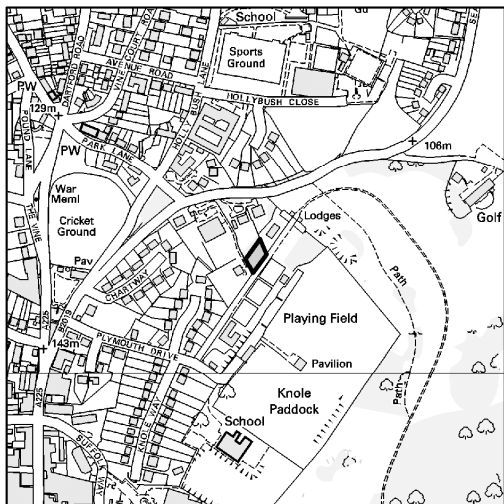
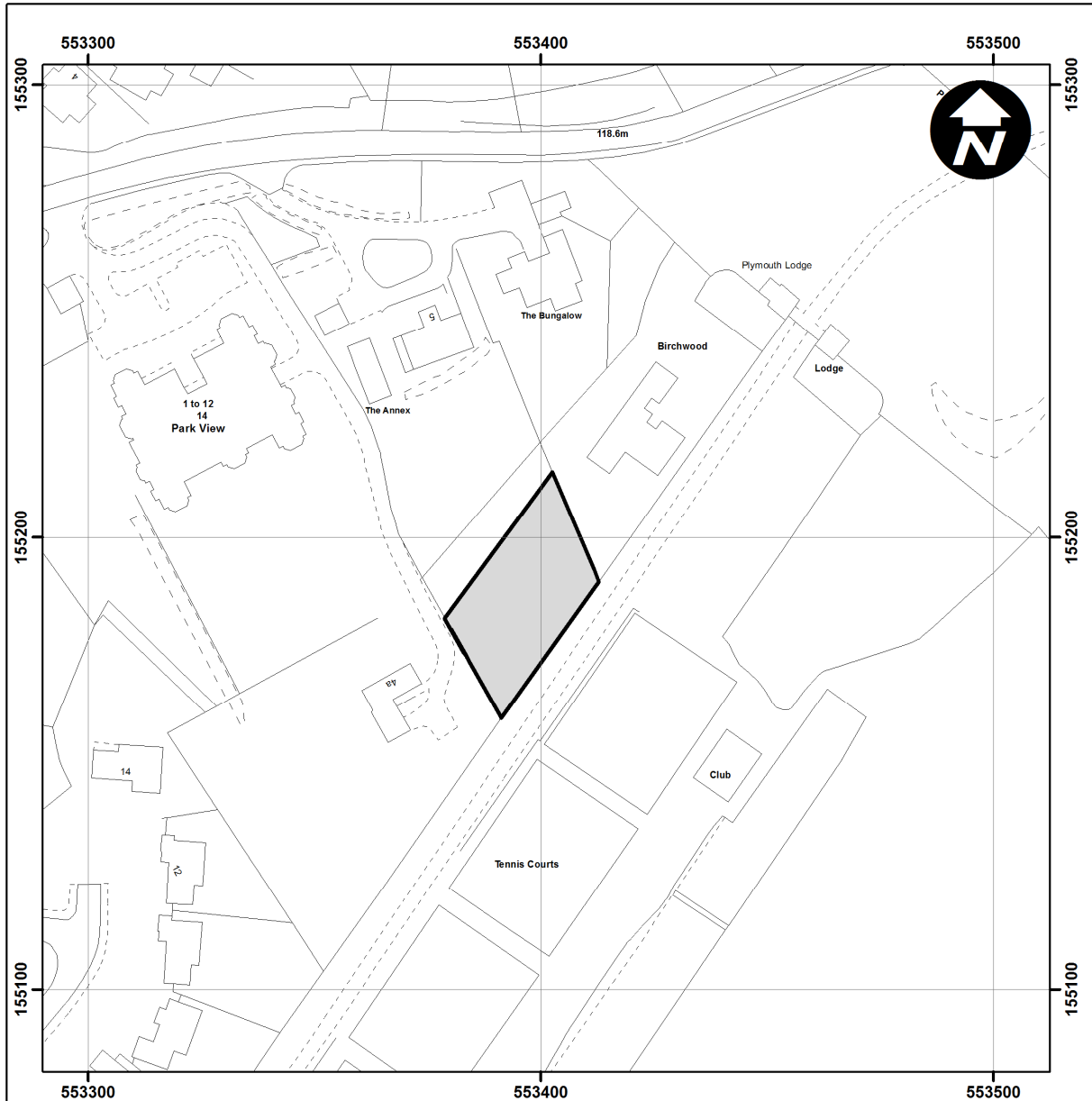
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LWK5BPBK0FZ00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LWK5BPBK0FZ00>



Site Plan

Scale 1:1,250
Date 03.08.2012



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