



Late Observations Sheet  
**DEVELOPMENT CONTROL COMMITTEE**  
**19 April 2012 at 7.00 pm**

**Late Observations**

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DEVELOPMENT CONTROL COMMITTEE

19 APRIL 2012

LATE OBSERVATION SHEET

Item 5.01 SE/10/02793/FUL 31 Serpentine Road, Sevenoaks TN13 3XR

Since completing the main report and recommendation a further representation has been received raising several matters in relation to the proposal and the National Planning Policy Framework (NPPF). The officers report deals with the majority of the matters raised including matters of sustainable development and design.

The representation refers to paragraph 48 and 53 of the NPPF. These read as follows –

‘Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.’ (para. 48)

‘Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.’ (para. 53)

In reference to these paragraphs of the NPPF, the representation states that for the first time formal Government Guidance makes it quite clear that there is a presumption against the development of residential gardens.

However, neither paragraph introduces a presumption against development of private residential gardens.

Current saved local plan policies, including policy EN1, provide a basis for an assessment of the proposal. Paragraph 53 only refers to ‘inappropriate development of residential gardens’. If Members see fit it is possible to refuse planning permission under local plan policy if they deem the proposal to be ‘inappropriate’.

Members should note that the Sevenoaks Residential Character Area Assessment SPD was recently adopted and so is no longer in draft form.

Finally, Members will note that as part of the presentation provided by the officer the first floor side window of the original building, now demolished, and the side facing dormer window of the approved dwelling are both in a similar position to the landing window of the proposed house. The following table shows the distances of these windows to the respective main rear elevation of both 4 and 5 Serpentine Court –

## Supplementary Information

	Original building	Approved dwelling	Proposed house
Distance to rear of No.4	25m	31m	25m
Distance to rear of No.5	25.5m	32m	26.5m

For the reasons above there is no requirement to amend the recommendation held within the main papers.