



**Late Observations**  
**DEVELOPMENT CONTROL COMMITTEE**  
**06 June 2019 at 7.00 pm**

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## DEVELOPMENT CONTROL COMMITTEE

Thursday 6 June 2019

### LATE OBSERVATION SHEET

#### 4.1 19/00116/FUL 95 Dartford Road, Sevenoaks TN13 3TF

##### Consultations

Consultation response received as follows:

##### **Sevenoaks District Council Arboricultural & Landscape Officer:**

Mature garden with no trees of great significance. A soft landscaping condition will need to be attached to any consent given.

A further supplementary **representation** was received from a local resident objecting to the application. The comments made are summarised as follows:

- We have previously mentioned our outbuilding which rests on a stretch of stone wall between us and 95. The outbuilding in 95 which also adjoins this wall is planned for removal in the Application.
- It is unclear on the drawings where our roof ends. For the record, the battens of the roofs of the outbuildings are separate and the gaps denoting the ends of both roofs align at the centre of the width of the wall. The actual tilings are linked.
- The wall adjoins at right angles the wall between us and our neighbours at 14A Mount Harry Road, and thereby serves to provide stability, and they have expressed concerns about that wall.
- It needs to be clear whether there is an intention to remove this stretch of wall, the other end of which is unattached. There would be implications for us and our neighbours if there was an intention to remove the wall as well.

##### **Officer response:**

The demolition of the outbuildings and garage and how it would impact upon the neighbouring properties has been considered within the committee report at Paragraphs 85-86 and also covered by condition 10.

##### **Recommendation**

Recommendation remains unchanged.

#### 4.2 19/00802/HOUSE Lannacombe, 1 Harrow Road, Knockholt TN14 7JT

##### **Late Observations - 19/00802/HOUSE - Lannacombe**

A letter has been received from the agent in regards to the proposal, raising the additional points:

##### ***“Previous Extensions & Permitted Development***

Late Observations

*The planning history (point 5) shows the previous planning history. None of the previous planning permissions approved rear extensions have been implemented. The previous granted permission in 2016 for an extension is referred to within the committee report (point 14 -21).*

*As explained in the current application supporting statement, the current proposals would therefore involve the first instance of an extension of two storeys to the rear of the property. This element of the proposals being only 3 metres deep could be carried out independently as permitted development and not requiring permission from the Council.”*

### **Committee Site Visit**

During the Committee Site Visit, Cllr Grint requested a copy of the 2015 appeal decision (15/01810/HOUSE) to be added to the late observation, which is attached as Appendix 1.

A copy of the committee minutes has also been requested by Cllr Grint in regards to the approval of decision 16/01112/HOUSE. The minutes are listed below:

*Members asked questions of clarification from the speakers and Officers. Officers advised that the proposal would be more harmful to neighbouring amenity at Antique House than what had previously been granted under Prior Approval due to the proposed additional basement and development at the rear. It was moved by the Chairman and duly seconded that the recommendations in the agenda be agreed.*

*Members discussed the scale of the development in relation to neighbouring properties and the potential impact on neighbours’ amenities. It was moved by Cllr. Mrs. Hunter and duly seconded that an additional condition be added to the recommendation that a construction method statement be submitted prior to commencement of development. Members discussed the proposed amendment and concern was raised that significant earthworks would be required during construction. A Member indicated that weekend, rush-hour and end of day construction would be damaging to neighbouring amenity. It was also suggested that the protected trees to the rear of the property would be at risk if the rear were used as the entrance for machinery. The site was in an area of limited parking.*

*The amendment was put to the vote and it was carried. The Committee asked that Local Members be consulted on the content of the construction management plan. It was moved by the Chairman that an additional condition be added to the recommendation to restrict further Permitted Development rights for extension. This was due to the extensive coverage of the proposed development on the site and the harm further extension would cause to amenities on site and neighbouring properties. The amendment was put to the vote and it was carried. The amended motion was put to the vote and it was resolved: That planning permission be granted subject to the following conditions.*

Late Observations

An extract of the officers' report on 16/01112/HOUSE is shown below and details the changes in the application with regards to the omission of the two storey element.

*The previous applications (14/02474/HOUSE and 15/01810/HOUSE) were refused and dismissed at appeal on the grounds that the proposal would have an unacceptable impact on the amenities of Antique House only. This was in relation to the development creating a sense of enclosure under the 2014 appeal. Under the 2015 appeal, this was dismissed due to "unacceptable harm to the living conditions of the occupiers of Antique House in relation to outlook" APP/G2245/D/15/3135744). It is considered that the current application has overcome these concerns by omitting the first floor element of the proposal.*

### Summary

The proposed two storey element has now been reduced from 5m to 3m compared the previous 2015 appeal case. The reduction in the depth of the two storey would now mean that the proposal would not have any significant or harmful impact upon the neighbouring amenity of Antique House in terms of loss of sunlight, daylight privacy or outlook, or indeed any other neighbouring property.

I would also draw Members attention paragraph 5.5 of the Sevenoaks Residential Extensions SPD, which covers outlook and states:

*The District Council is primarily concerned with the immediate outlook from neighbours' windows, and whether a proposal significantly changes the nature of the normal outlook. For example, it would be unacceptable for the resulting outlook from a main window to be of a large, obtrusive and dominating extension. However, the planning process is not able to protect a view from a private property.*

The proposed two storey element would not be visible from any of the windows from Antique House and therefore will not harm the outlook from this neighbouring property. The proposed two storey element will be sited 9m away from the side boundary with Antique House, which includes boundary fencing and boundary vegetation. The proposed two storey will not result in overbearing impact nor result in any unacceptable sense of enclosure upon the living conditions of Antique House.

### Recommendation

Recommendation remains unchanged.

### 4.3 18/03518/MMA Land South of 162 Hever Avenue, West Kingsdown TN15 6DU

No late observations for this item.

Late Observations

**5.1 TPO No 3 of 2019 St Martins Church, High Steet, Eynsford**

Typographical error in two headings within the report which should read as follows:

“Amenity Value and Visibility of the Sycamore trees” rather than *Hornbeam tree*.

**Recommendation**

Recommendation remains unchanged.

**Item 4.2 Lannacombe - Appendix 1**

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## Appeal Decision

Site visit made on 21 December 2015

**by David Reed BSc DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 January 2016

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**Appeal Ref: APP/G2245/D/15/3135744**

**Lannacombe, 1 Harrow Road, Knockholt, Kent, TN14 3JT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Langford Rae against the decision of Sevenoaks District Council.
  - The application Ref SE/15/01810/HOUSE, dated 15 June 2015, was refused by notice dated 27 August 2015.
  - The development proposed is two storey and single extensions including basement.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of Antique House in relation to outlook.

### Reasons

#### *Living conditions*

3. No 1 Harrow Road is a modern detached house set back behind a front garden and linked by a garage to a similar property to the west, No 2. To the east lies Antique House, an older property set much further forward on the road frontage with a small triangular tapering rear garden behind, running alongside the flank of No 1.
4. An existing two storey extension to the side of No 1 towards Antique House approaches close to the common boundary. This extension has an overbearing impact on the outlook from the rear windows of Antique House and from the patio/garden behind the house. The sense of enclosure is further increased by the two storey flank wall of Grove End on the other side of the garden and the fact that the property is below the level of No 1.
5. The appeal proposal is for a further extension to the rear of No 1 comprising a single storey element 8 m deep across the back of the property and a two storey element 5 m deep behind the original house. There would also be a large games room and patio at basement level but it is unlikely this would be seen from outside the property boundaries.



6. There have been a number of previous appeals relating to the property. I have been supplied with details of the last two, dealing with variations of the current proposal, which were dismissed in July 2014 and March 2015 respectively<sup>1</sup>.
7. The first of these appeals included a two storey element 4 m deep across the back of the property. This would have involved a significant increase in the size of the flank wall facing Antique House which the Inspector said would be harmful to the outlook from that property and consequently was not acceptable.
8. This proposal also included a single storey element a further 4 m deep behind the *original* house which the Inspector felt would be far enough away from the common boundary not to have any significant impact on Antique House. In any event a single storey extension in this position, set well back from the flank wall, has been granted prior approval consent<sup>2</sup> and this forms a likely fall-back position.
9. In the case of the second appeal the 4 m deep two storey element was retained but behind the original house, thus setting it back from the flank wall. A single storey element 4 m deep was still proposed which would add to the flank wall. The Inspector, without distinguishing between the single and two storey elements, concluded that the proposal would add unacceptable additional harm to the existing overbearing impact of No 1 on the outlook from Antique House and its garden.
10. With the current proposal the two storey element would be set back a further 1 m from the common boundary, but it would be increased to 5 m deep, thus extending out a further 1 m. The impact on the outlook from the easternmost rear windows of Antique House would be about the same but from the patio and most of the rear garden this change would increase the perceived length of the extension, actually increasing the sense of enclosure. By comparison, the extra distance of 1 m from the extension and the reduction in ridge height of about 0.2 m would not be perceived as significant changes.
11. In addition, the single storey element adding to the flank wall would now be effectively 8 m deep, the first 4 m flush with the flank wall and the second 4 m set back but only by about 1.5 m. This would also add to the sense of enclosure compared to that considered by the last appeal Inspector.
12. The 'Waldrum diagram' in figure 6.1 of the August 2015 Herrington Consulting Limited report illustrates the additional enclosure that would result from the single storey element of the proposal as seen from a rear ground floor window. The impact of the two storey element would also become apparent if this diagram were produced for a position in the back garden.
13. The proposed rear extension would be screened to some extent from Antique House and its garden by the close boarded fence on the boundary, together with various trees and shrubs. These in themselves contribute to the sense of enclosure, but not to the same degree as would the dense and permanent form of an extension.
14. The current proposal would not therefore address the concerns of the previous Inspector, on the contrary the proposal before me would result in more rather

<sup>1</sup> APP/G2245/D/14/2218812 and APP/G2245/D/14/2228697

<sup>2</sup> Ref SE/13/02547/PAE

than less harm being added to the existing overbearing impact of No 1 on the outlook from Antique House and its rear garden.

15. For these reasons the proposal would cause unacceptable harm to the living conditions of the occupiers of Antique House in relation to outlook, contrary to policy EN2 of the Sevenoaks Allocations and Development Management Plan 2015 which seeks, inter alia, to protect occupiers of nearby properties from visual intrusion. It would also be contrary to paragraph 17 of the National Planning Policy Framework which seeks, inter alia, a good standard of amenity for existing occupants of land and buildings.

*Other matters*

16. The report from Herrington Consulting Limited considers the impact of the proposal in terms of its effect on daylight and sunlight. It concludes that there would be no significant impact on the occupants of Antique House or other nearby properties. This is of course a different issue from the effect on outlook.
17. The impact of the proposal on the street scene would be limited to the garage/single storey extension on the western side of No 1 and the oblique view of the two storey extension through the gap between Nos 1 and 2. I agree with the previous inspectors that this would not cause significant harm.
18. The proposed extension would not include windows to either side thus protecting the privacy of neighbouring properties. Concerns have been raised regarding the overall scale of development on the site, its carbon footprint, potential noise, asbestos, disabled access, parking and highway issues, the excavation of the basement, the effect on trees and sewer capacity but none of these issues have been sufficiently substantiated to affect the overall decision in this case.
19. The implications of the development for the garage wall shared with No 2 are a private matter between the parties and may be addressed by the Building Regulations and Party Walls Act.
20. Finally, the appellant has referred to some land being transferred from Antique House to No 1 in the past but this is not relevant to the planning issues which arise in this case.

**Conclusion**

21. Having regard to the above the appeal should be dismissed.

*David Reed*

INSPECTOR

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