

21 July 2022 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks



Development Control Committee

Supplementary Agenda (2)

	Pages	Contact
4.1 22/00376/FUL - Meadowside, Beesfield Lane, Farningham Dartford Kent DA4 0BZ Erection of a bungalow on an infill plot with dormers on the rear elevation and velux windows on the front elevation to accommodate rooms in the roof. Alterations to windows.	(Pages 1 - 16)	Louise Cane

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22/00376/FUL

Revised expiry date 4 July 2022

Proposal: Erection of a bungalow on an infill plot with dormers on the rear elevation and velux windows on the front elevation to accommodate rooms in the roof.
Alterations to windows.

Location: Meadowside, Beesfield Lane, Farningham Dartford Kent DA4 0BZ

Ward(s): Farningham, Horton Kirby & South Darenth

Item for decision

The application has been referred to Development Control Committee by Councillor McGarvey and Councillor Carroll due to the impact on the Area of Outstanding Natural Beauty, the Metropolitan Green Belt, the impact on the character of the area, impact on the residential amenity of neighbouring properties and the disregard to the previously approved scheme.

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) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 001, 003A, 004, 006B, 101A

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

3) Unless the Local Planning Authority agree in writing to any variation prior to implementation of these details, the proposed landscaping and boundary treatment shall be carried out in accordance with the details approved under application number 21/02735/DETAIL dated 30 November 2021.

In the interests of the visual amenities of the locality and amenities of the neighbouring occupiers in accordance with Policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

4) Within two months of the grant of permission, details of ecological enhancements shall be submitted and approved in writing by the Local Planning Authority. This shall include recommendations in 6.2 of the ecological appraisal (Kate Baldock May 2020) submitted with the approved scheme 20/03576/FUL. The approved details will be implemented within three months of approval and

thereafter retained.

To promote biodiversity on the application site, as supported by Policy SP11 of the Sevenoaks Core Strategy.

5) Prior to first occupation of the dwelling details of an electric vehicle charging point, including details of the location and specification of the unit, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to first occupation of the dwelling and retained on site at all times.

To promote sustainable development as supported by Policy T3 of the Sevenoaks Allocations and Development Management Plan.

6) The bathroom window located on the north west (side) elevation of the new building shall be obscured glazed and fixed shut below 1.7m at all times.

To protect the residential amenity of neighbouring properties as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan

7) Prior to first occupation of the dwelling, the parking spaces indicated on plan number 101A shall be made available for use and shall thereafter be retained on site at all times.

To support highway safety as supported by Policy T2 of the Sevenoaks Allocations and Development Management Plan.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development to the new dwelling hereby approved falling within Schedule 2, Part 1, Classes A, AA, B, C, D and E, of that Order.

To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development or the amenities of future occupants of the development or the occupiers of adjoining property in accordance with Policies EN1, EN5 and 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 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 present on the application site and are assumed to contain nesting birds between 1st March and 31st August unless a recent survey has been

undertaken by a competent ecologist and has shown that nesting birds are not present.

2) A groundwater risk management permit from Thames Water will be required for discharging ground water into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquires should be directed to Thames Water Risk Management Team by telephoning 02035779483 or by emailing trade.effluent:thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale, Business customers, groundwater discharges section. With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposed to discharge to a public sewer, prior to approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

3) The applicant is advised of Kent Fire and Rescue advice that the access routes, hardstanding and turning facilities should comply with the requirements of approved document B volume 1:2019, table 13 of the Kent Fire and Rescue Services.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of the site

- 1 The application site formerly comprised garden to the rear of Meadowside. The site is located within the parish of Farningham and there are neighbouring properties located to the north, south and west of the site.

Description of proposal

- 2 Erection of a bungalow with accommodation within the roof served by two dormers to the rear elevation and rooflights to the front.

- 3 The proposed development has already been constructed and therefore the application is retrospective.

Relevant planning history

- 4 20/01491/FUL - Erection of detached bungalow on plot to rear and extensions/alterations to existing house - GRANT - 23/09/2020
- 5 20/03576/FUL - Erection of a detached bungalow on an infill plot to the rear of the existing house together with extensions/alterations to the existing property - GRANT - 01/02/2021
- 6 21/04210/MMA - Minor material amendment to 20/03576/FUL - WDN

Policies

- 7 National Planning Policy Framework (NPPF)
- 8 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 9 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷ or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 10 Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONB, designated heritage assets and locations
- 11 Core Strategy (CS)
- SP1 Design of New Development
 - L01 Distribution of Development
 - L07 Development in Rural Settlements
 - SP5 Housing size and type
 - SP7 Density of Housing Development
 - SP11 Biodiversity

12 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Point

Constraints

13 The following constraints apply:

- Urban Confines of Farningham
- Area of Outstanding Natural Beauty
- Area of Archaeological Potential (front of site only)
- Adjacent to the Metropolitan Green Belt (surrounding the site to the north and east)

Consultation Responses

14 **Farningham Parish Council: objection-** original application 20/03576/FUL that was approved by SDC included a single storey bungalow but this has become a very large 2 storey dwelling which would not have been approved if originally applied for, so a retrospective application should also be refused. This is firstly a blatant disregard of the planning permission previously given, and a cynical attempt to build something unacceptable in the hope that once it is already built, the planning system will fail to initiate enforcement action and will let it go through.

15 Reasons for objection include:

- Increased bulk (including adding a master bedroom, with en-suite facilities) upstairs
- Bulk of this detached property is about twice the size of the existing bungalows in the row (which are semi-detached) so that property is very much out of keeping with existing
- Change of character of the street scene, and on a massive scale
- Increased habitable floor area of the house by approximately 59 square metres at first floor level and introducing two large dormer windows and three Velux windows into what was a bungalow.
- The extra windows including windows upstairs overlook the neighbour's bungalow and garden (to the north-west) and even if obscure-glazed (or

higher off the floor) add to the perception of overlooking the neighbour's much lower bungalow

- New upstairs window overlooks adjoining field in AONB next door
 - This large construction is highly visible from footpath and adjoining roads and impacts the openness of the AONB.
 - Expansion into bungalow roof space when it was expressly requested that the roof space should not be a habitable space
 - Exterior finish (which was not detailed in the original application) of bungalow is oppressive (dark blue/grey) which in its elevated position also adds to the sense of overbearing on the neighbours
 - Some sympathetic allowance had been made for the medical situation of the first applicant, but she then sold up and moved away negating any consideration for very special circumstances
 - Erection of 2m high fence at far side of extended driveway (at rear garden of existing house) creates acoustic tunnel, funnelling the vehicle noise into the neighbour's bungalow immediately adjacent.
 - The absence of any measurements on the plans or elevations (and only a tiny scale bar) makes it very difficult for the lay reader to assess the true size of this huge building on a screen.
- 16 **KCC Highways-** “I note that in highway terms the proposals do not differ materially from the previous scheme for this site, under application SE/20/03576. Parking provision is in accordance with the requirements of Kent Residential Parking Standards (IGN3). I would request that an electric vehicle charging point and secure covered cycle storage is provided. Subject to the above, I would raise no objection on highway grounds to this application”.
- 17 **Kent Fire and Rescue-** “From drawing number 006 it appears that the access driveway is in excess of 20m with no designated turning facilities. Applicants should be aware that in the event of planning permission being granted, the fire and rescue service would require the access routes, hardstanding and turning facilities on to meet the requirements of approved document B volume 1:2019, table 13.1.
- 18 Fire service access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the fire and rescue service”.

- 19 **Tree Officer-** “I have no objection to the proposals to carry out a new build to the rear as well as extension works to the existing dwelling. Should you be of a mind to provide consent I suggest that a landscaping condition be attached to show a mixed indigenous boundary hedge along the southern boundary. Suitable boundary treatment fencing along the southern boundary should also be conditioned”.
- 20 **KCC Ecology-** concerns were originally raised regarding the lack of ecological information submitted. However, following consideration of the information submitted in support of the previous application, they have made the following comments:
- 21 “No ecological information has been submitted as part of this application. However, we have referred to the ecology report submitted as part of the previously granted SE/20/03576/FUL application at this site, which is still considered valid. Therefore, our advice below is mostly a repeat of that previously provided for application SE/20/03576/FUL”. If permission granted KCC Ecology request a breeding bird informative and an ecological enhancement condition to be imposed on the decision.
- 22 **KCC Archaeology-** no comments.

Representations

- 23 Objections have been received by seven neighbours and a comment from one other neighbour. The responses are based on the following comments:
- Fire and safety officer has concerns
 - Inadequate hardstanding and turning point
 - Lack of parking
 - Loss of light and overshadowing
 - Overlooking and privacy concerns
 - Noise, air pollution and smell concerns
 - Design, elevated and appearance
 - Material finish
 - Impact on Conservation Area
 - Layout, dominance and density of development
 - Deadline for comments
 - Neighbour approached by builders
 - Concerns with fences erected
 - Very special circumstance/reasoning why the previous scheme was granted
 - Outlook concerns
 - Traffic and highway concerns
 - Change to the existing approved permission and that work has already commenced
 - Process of the Development Control Department
 - Impact on the value of neighbouring properties
 - Process if permission is refused

- Concerns with the proposal description (infill, bungalow, not including retrospective)
- Loss of grassland/greenery
- Precedent for future applications
- Breach of planning permission
- The need for the development
- Massing
- Overbearing
- Result in a wind tunnel
- Not in keeping and overbearing

Planning Appraisal

24 The main planning considerations are:

- Principle of Development
- Impact on the Area of Outstanding Natural Beauty and Character of the Area
- Impact on Residential Amenity
- Parking and Highway Safety
- Trees and Landscaping
- Biodiversity
- Other Issues

Principle of Development

25 The site is within the built confines of Farningham.

26 Policy L07 of the Core Strategy relates to Development in Rural Settlements. Within the settlement confines of Farningham, the policy states that infilling and redevelopment on a small scale only will be permitted taking into account the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available.

27 Planning permission was granted in 2021 for the erection of a detached bungalow.

28 Thus the principle of an additional detached dwelling on this site has been established. This is a material consideration of weight in the determination of this application.

29 However, it is noted that the building constructed on site is not in accordance with the approved plans. Specifically two dormers have been added to the rear roof slope and rooflights added to the front. In other respects the footprint, height, roof form and general design of the building remain as approved.

- 30 As the principle of development on the site has been established, this application will focus on the departures from the approved scheme and assess the impact of these. This will be considered further below.

Impact on the Area of Outstanding Natural Beauty and Character of the Area

- 31 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area, in which it is situated.
- 32 The Countryside and Rights of Way 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.
- 33 There are 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.
- 34 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.
- 35 The dwelling is located within the existing residential garden of Meadowside, within the residential confines of Farningham There is a built up frontage to Beesfield Lane, but there are also properties set back and also development extending further south-eastwards along Beesfield Lane. Therefore, a dwelling in this location would not be out of keeping.
- 36 As noted above, planning permission has been granted for a bungalow on the site under application 20/03576/FUL. No objections were raised to the siting, footprint, height and general design approach taken on the approved scheme.
- 37 The differences between the approved scheme and the proposed is the addition of a habitable room in the roof, Velux windows on the front elevation, two dormer windows within the rear roof slope and alterations to the fenestration on the side/rear elevation to accommodate bi-fold doors.
- 38 The bungalow is no greater in height than that approved and does not exceed the height of Meadowside, to the front of the site. The bungalow sits comfortably within its plot and, because of the distance between the houses, has an acceptable relationship with Meadowside.
- 39 The proposed dormers are modest in size on the property and would sit comfortably within the roof slope. Therefore, it is not considered to

significantly increase the bulk and massing on the roof form. Also, as the dormers are located on the rear elevation, they are not widely visible.

- 40 The locality of Beesfield Lane is characterised by properties of varying design and the design of the application dwelling is considered acceptable in this context.
- 41 The dwelling does include habitable space within the roof, however the street scene includes both two-storey dwellings and bungalows and the scale of the building is also considered compatible in this context. The dwelling is located no closer to the boundaries than the approved scheme and sits comfortably on the site. It does not, in my view, appear overbearing and provides sufficient outdoor residential amenity area for both dwellings. Thus, I do not consider the development represents an overdevelopment of the site.
- 42 The proposed materials are as the approved under application 21/02684/DETAIL.
- 43 The addition of soft landscaping and ecological enhancements to the site, which are the subject of a proposed condition, would assist in softening the visual impact of the proposals and enhance the appearance of the site. A condition to remove permitted development rights is also proposed, in order to control future development on the site. The proposals would help define the built edge to Farningham on the northern side of Beesfield Lane and, together with the landscaping and ecological enhancements proposed, would conserve and enhance the character and appearance of the Area of Outstanding Natural Beauty.
- 44 In light of the above, I consider the proposal complies with Policies EN1 and EN5 of the ADMP.

Impact on Residential Amenity

- 45 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 46 There are neighbouring properties located opposite the site and to the north.
- 47 In granting approval for 20/03576/FUL, the form, height and scale of the dwelling was considered to have an acceptable impact on the amenities of neighbouring occupiers.
- 48 As built, the dwelling includes two dormer windows within the rear elevation. These are not readily visible to neighbouring properties and do not result in direct overlooking. The rooflights to the front elevation are installed at high level, which restricts an outlook that could otherwise result in overlooking and loss of privacy.

- 49 The bi-fold door would not result in harm to residential amenity as they would not directly face any neighbouring properties and would be at a considerable distance from any neighbours to the south along Beesfield Road.
- 50 A concern has been raised in relation to the impact to the noise, air, smells and wind tunnel effect the development would result in. However, I consider the impact to be limited, due to the development comprising the addition of a single dwelling within an already established, built up, residential area.
- 51 A concern has also been raised in relation to the CCTV, which has been erected on the proposed dwelling. This has been assessed by both the Enforcement Team and Environmental Health and it can be confirmed that this is not a breach of planning permission or policies.
- 52 In light of the above, it is my conclusion that the proposals comply with Policy EN2 of the ADMP.

Parking and Highway Safety

- 53 Policy EN1 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location with four bedrooms require two independently assessable parking spaces. The proposed block plan indicates sufficient parking, including an extra space for visitors. Sufficient parking would also be retained for the existing dwelling. The proposal therefore complies with Policy T2 of the ADMP.
- 54 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigated climate change. A condition could be imposed to ensure that this is included on the site.
- 55 The proposed dwelling would use the existing access point on the site to access the highway and therefore would not result in any additional accesses to Beesfield Lane. There would be an increase in vehicle movement to the site, however due to this only being an increase of one property, the impact would not be significant.
- 56 KCC Highways were consulted on the scheme and raised no objections.
- 57 I have noted the concern raised by the neighbouring occupier with regard to the access and highway concerns. However, paragraph 111 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be

severe. In light of this, noting that the Highway Authority raise no objections, I consider the proposals to be acceptable in this regard.

- 58 In note also that Kent Fire and Rescue have highlighted the need to comply with various standards. However, their requirements are subject to separate legislation and are a matter for Building Control, independent of planning.

Trees and Landscaping

- 59 The Tree Officer has been consulted on the scheme and raised no objection subject to the inclusion of a condition to be imposed in relation to further details in relation to landscaping and boundary treatment. This information has already been approved under application 21/02735/DETAIL and therefore can be conditioned to ensure that this is carried out in accordance with these details.
- 60 A concern has been raised in relation to the fence, which has been erected on the site. Our Enforcement Team have investigated this and conclude that this was not a breach of planning control as it falls within the remits of permitted development.

Biodiversity

- 61 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 62 KCC Ecology were consulted on the scheme and requested further information, however after reviewing the ecological information submitted under the approved scheme, they raise no objection subject to the inclusion of an ecological enhancement condition.

Other Issues

- 63 Third parties have raised a concern has been raised in relation to application process. It can be confirmed that what has been built on site is a breach to the previously approved scheme 20/03576/FUL. This application falls to be judged on its own merits in light of the relevant material considerations, as set out above.
- 64 Concern has also been raised in relation to the reasoning behind the approval with the previous scheme and that this was in relation to the applicant's medical needs. It can be confirmed that this was not a justification used to obtain planning permission for the approved application, nor is it part of the justification for the current proposal.
- 65 Concerns have also been raised in relation to the permitted development condition included with the previous scheme, the impact on the value of neighbouring properties, the small scale bar included on the plans, the

proposal description and the fact that the neighbour was approached by a builder. The removal of permitted development rights was included on the previous scheme and will also be included on this scheme. This removes the right to alter or extend the house or erect outbuildings within the grounds, without planning permission. In regard to the value of neighbouring properties being affected and the neighbour being approached by the builders, this does not affect the process of approving planning permission and is a civil matter.

- 66 The Validation Checklist requests for a scale bar to be included on the plans, in which the plans do include. The size of the scale bar does not form part of the requirements.
- 67 The proposed description has been assessed and it clearly sets out the proposed development and reflects what is shown on the plans.
- 68 Concern has been raised in relation to the impact of the development on the Conservation Area and the Metropolitan Green Belt. However, the development is not located within the Conservation Area or the Green Belt.

Community Infrastructure Levy (CIL)

- 69 The proposal is CIL liable and there is no application for exemption.

Conclusion

- 70 In summary, in light of the above, the proposals are considered to comply with the relevant local and national policies and to represent an acceptable form of development.

Background papers

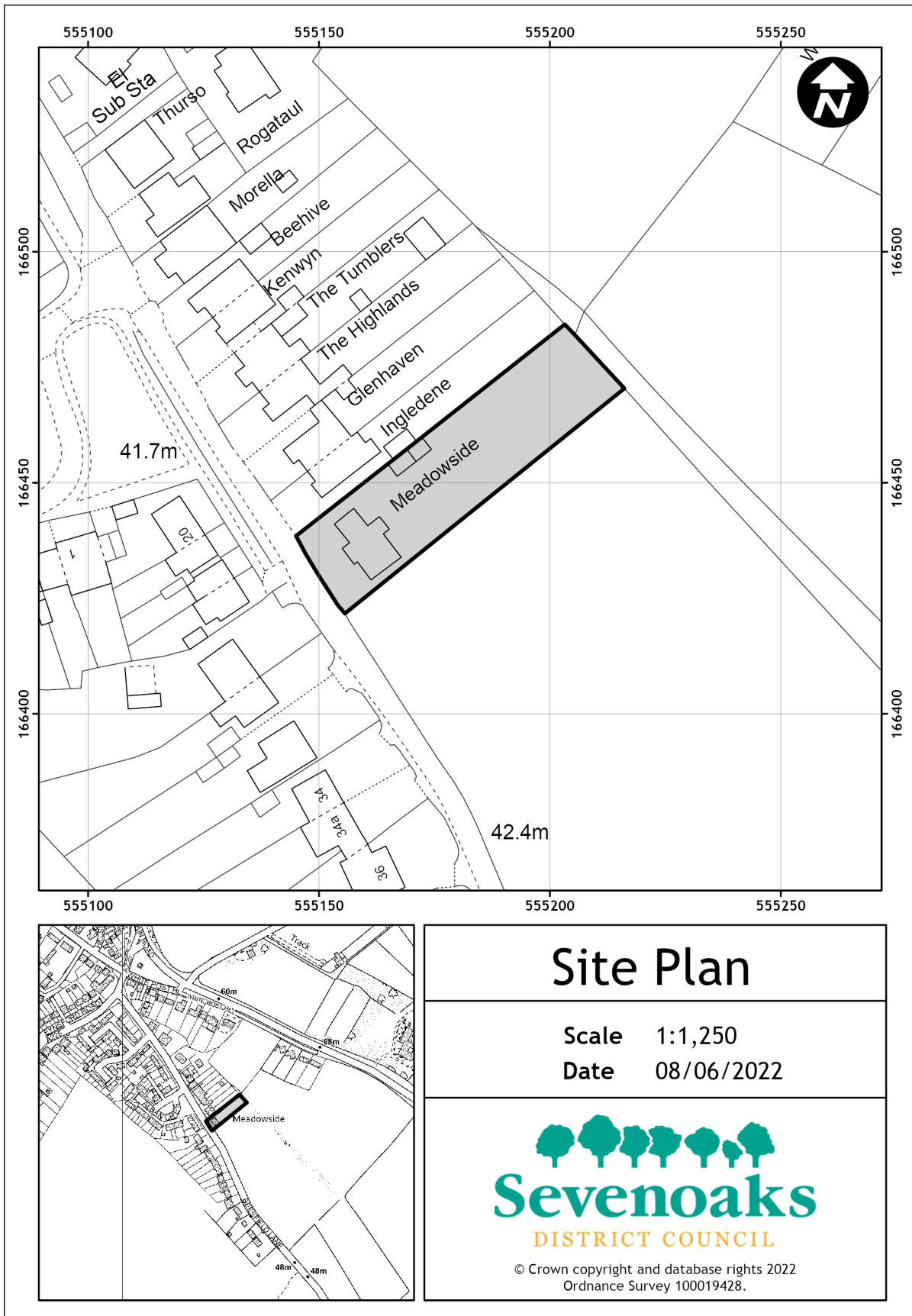
Site and block plan

Contact Officer(s): Louise Cane: 01732 227000

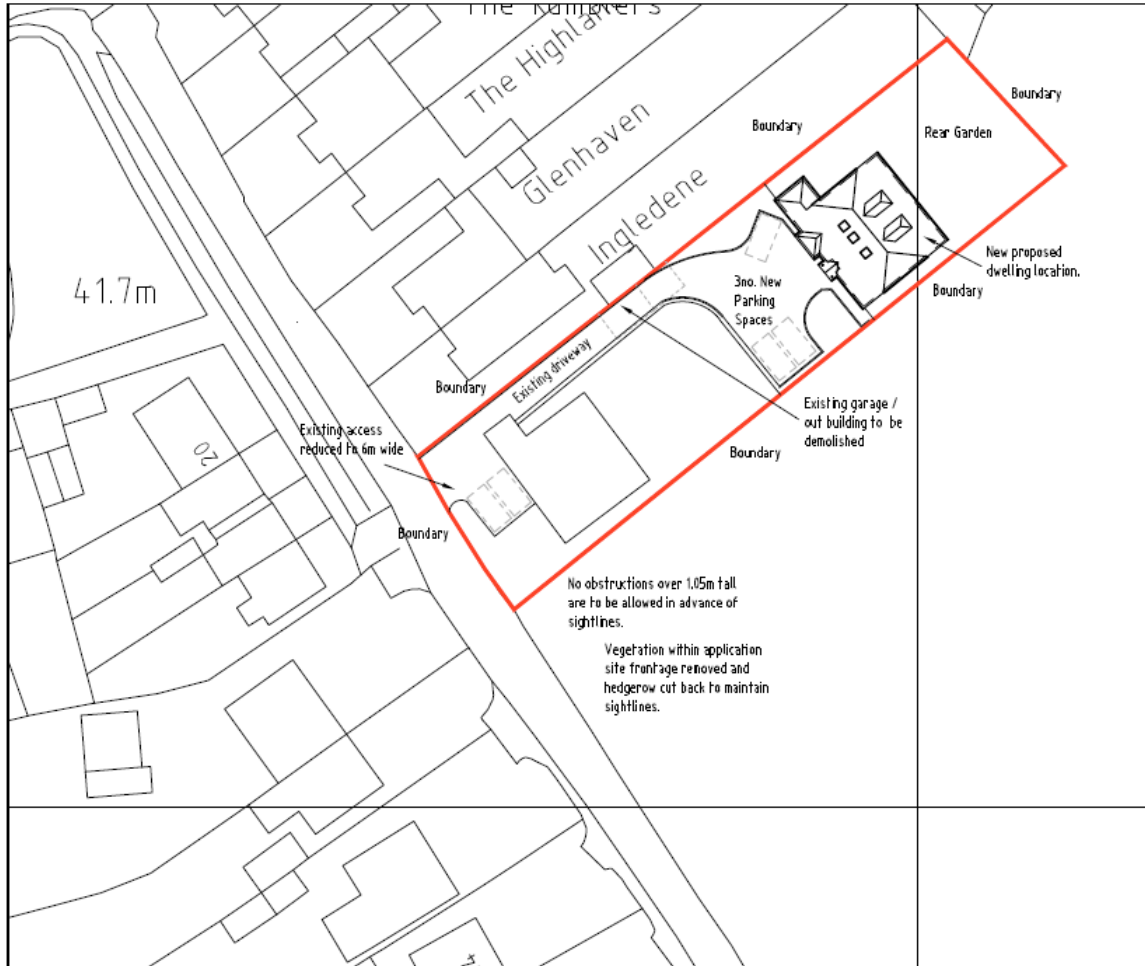
Richard Morris
Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN



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