



## **DEVELOPMENT CONTROL COMMITTEE**

**22 September 2011 at 7.00 pm**  
**COUNCIL CHAMBER - COUNCIL OFFICE**

### **AGENDA**

#### **Membership:**

Chairman: Cllr. Mrs A Dawson                      Vice-Chairman    Cllr. G Williamson

Cllr. Mrs B Ayres, Cllr. R Brookbank, Cllr. C Brown, Cllr. C Clark, Cllr. P Cooke,  
Cllr. R J Davison, Cllr. M Dickins, Cllr J Gaywood, Cllr Ms M Lowe, Cllr. P McGarvey,  
Cllr. Mrs F Parkin, Cllr. R Piper, Cllr. G Ryan, Cllr. J Scholey, Cllr. J Thornton,  
Cllr. J Underwood and Cllr. R Walshe

#### **Apologies for absence**

1. **Minutes of the meeting of the Committee held on 25 August 2011** (Pages 1 - 6)
2. **To receive any declarations of interest or predetermination in respect of items of business included on the agenda for this meeting.**
3. **To receive any declarations of lobbying in respect of items of business included on the agenda for this meeting.**
4. **Ruling by the Chairman regarding Urgent Matters**
5. **Planning Applications – Head of Development Services’ Report**
- 5.1. **SE/11/01311/FUL: Foxwood House, Phillippines Shaw, Ide Hill TN14 6AF**  
*Erection of a single-storey extension to lower ground floor at side to form additional garage.* (Pages 7 - 26)
- 5.2. **SE/11/01125/FUL: Land Adjacent, 1 Plymouth Drive, Sevenoaks TN13 3RW**  
*Erection of detached dwelling with integral garage (amended scheme pursuant to refused planning application SE/10/01407/FUL).* (Pages 27 - 44)

- 5.3. **SE/11/01510/FUL: Station Court, Sevenoaks Road, Halstead TN14 7HR**  
*Permanent use of the land as a gypsy and traveller caravan site including proposed amenity buildings.* (Pages 45 - 70)
- 5.4. **SE/11/01594/FUL: 41 Buckhurst Avenue, Sevenoaks TN13 1LZ**  
*Erection of rear roof terrace serving second floor.* (Pages 71 - 78)
- 5.5. **SE/11/01422/REM: 167 Hever Avenue, West Kingsdown, TN15 6DU**  
*Reserved matters pursuant to condition 1 of Appeal for application SE/07/ 00818/OUT for demolition of existing dwelling and erection of four detached chalet bungalows with associated parking/ garages and shared access.* (Pages 79 - 98)
- 5.6. **SE/11/01268/FUL: Land at Old Parsonage House, High Street, Farningham DA4 0DG**  
*Demolition of existing B2 unit and construction of 4 no. houses and garages.* (Pages 99 - 114)

#### **EXEMPT ITEMS**

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

**If you wish to speak in support or against a planning application on this agenda, please call the Council's Contact Centre on 01732 227000**

For any other queries concerning this agenda or the meeting please contact:  
The Democratic Services Team (01732 227241)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227199 by 5pm on Monday, 6 June 2011.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

This page is intentionally left blank

**DEVELOPMENT CONTROL COMMITTEE**

**Minutes of the meeting of the Development Control Committee  
held on 25 August 2011 commencing at 7.00 pm**

Present: Cllr. Mrs A Dawson (Chairman)

Cllr. G Williamson, Cllr. Mrs B Ayres, Cllr. R Brookbank, Cllr. C Brown,  
Cllr. C Clark, Cllr. M Dickins, Cllr J Gaywood, Cllr. P McGarvey,  
Cllr. Mrs F Parkin, Cllr. R Piper, Cllr. J Scholey, Cllr. J Thornton and  
Cllr. R Walshe

Apologies for absence were received from. Cllr. P Cooke,  
Cllr. R J Davison, Cllr Ms M Lowe, Cllr. G Ryan and Cllr. J Underwood

Cllr. L Abraham, Cllr. J Grint and Cllr. B Ramsey were also present.

23. **MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 28 JULY 2011**

Cllr. Walshe clarified that he had given his apologies for the meeting held on 28 July 2011.

Resolved: That the minutes of the meeting of the Development Control Committee held on 28 July 2011, as amended, be approved and signed by the Chairman as a correct record.

24. **DECLARATIONS OF INTEREST OR PREDETERMINATION**

Cllrs. Abraham and Ramsay declared personal and prejudicial interests in item 5.01 SE/11/01112/FUL: Meopham Cricket Club, Manor Road, Longfield as dual hatted members of both the District Council and Hartley Parish Council. Hartley Parish Council had a financial interest in the land because Meopham Cricket Club paid rent to the Parish Council for it. Both Members withdrew from the room after they had spoken to the item.

Cllr. Mrs. Parkin declared that, because of comments made before the meeting, a Member was concerned that she had predetermined item 5.01 SE/11/01112/FUL: Meopham Cricket Club, Manor Road, Longfield. Therefore she abstained from talking or voting on the item.

Cllr. Williamson declared a personal interest in item 5.02 – SE/11/01282/FUL: 1 The Stables, Halstead Place, Halstead because he used to live next to Halstead Place.

25. **DECLARATIONS OF LOBBYING**

None

26. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

The Chairman ruled that additional information received since the despatch of the agenda be considered at the meeting as a matter of urgency by reason of the special circumstances that decisions were required to be made without undue delay and on the basis of the most up-to-date information available.

27. **PLANNING APPLICATIONS**

The Committee considered the following planning applications:

**5.01 - SE/11/01112/FUL: Meopham Cricket Club, Manor Road, LONGFIELD DA3 8LD**

The report advised that the proposal was for the siting of two storage containers on and within an existing recreation ground in the Parish of Hartley. The containers were to be sited adjacent two existing shipping containers near to the southern boundary of the site to form a linear row of containers.

It was noted that the report had been referred to Committee at the request of Cllr. Abraham on the grounds that there was an overriding need for the containers on the site.

Officers stated that the proposal would be inappropriate development, harmful to the maintenance of the character of the Green belt and to its openness. The recommendation was for rejection on two grounds. The proposal by virtue of the number of containers, their size and bulk would detract from the character and appearance of the area. There were also no overriding material considerations to overcome the Green Belt Policy objection as no very special circumstances existed.

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: Tony Wade

Parish Representative: Anne Oxtoby

Local Member: Cllrs. Ramsay and Abraham

Members noted the concerns of the Chairman of Meopham Cricket Club and of the Local Members. Several Members considered that the containers were essential facilities for outdoor sport and recreation. They felt that sufficient changing rooms and a food preparation area were requirements for a cricket ground.

Other Members considered that few of the activities which took part at the cricket ground required any additional facilities, particularly given the proximity to the ground and facilities at Longfield. Members were also concerned that the need for materials and landscaping to be of a high standard had not been met.

*Please see minutes of the Committee (22.09.11) for amendments to the above section.*

Officers clarified that the containers could not inherit the planning of the pavilion which burnt down in 2001 because the structures were materially different. In response to a question they stated that the total floor area, if additional containers were added, would be larger than the floor space of the pavilion, if the pavilion's veranda were excluded.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report be adopted. The motion was put to the vote and there voted –

6 votes in favour of the motion

6 votes against the motion

In accordance with paragraph 24.2 of Part 2 in the Council's Constitution, the Chairman used her casting vote in favour of the motion.

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

The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green belt and to its openness. This conflicts with policy LO8 of the Sevenoaks Core Strategy and the aims and objectives of national guidance contained within PPG2: Green Belts.

The proposal by virtue of the number of containers, their size and bulk would detract from the character and appearance of the area. This conflicts with policies EN1 and EN8 of the Sevenoaks District Local Plan and policies SP1 and LO8 of the Sevenoaks Core Strategy.

It was noted that Cllr. Brown had entered the meeting while the item was being considered. He did not vote on the application.

5.02 – SE/11/01282/FUL: 1 The Stables, Halstead Place, HALSTEAD TN14 7BJ

The report advised that the proposal was for retrospective approval for erection of a garden shed. The shed was located adjacent to the property's detached garage.

It was noted that the report had been referred to Committee at the request of Cllr. Grint, because the proposal would not have an adverse impact on the listed building, Conservation Area or the Green Belt.

Officers stated that the proposal was considered not to have a detrimental impact upon local amenities, the Conservation Area, protected trees or the listed building. However the shed represented inappropriate development that would be harmful to the openness of the Green Belt. The very special circumstances advanced were not considered to outweigh the harm identified in principle or the additional harm to the openness of the Green Belt.

Officers informed Members that “very special circumstances” were not defined. However an application was unlikely to fall under this category if it was easily repeatable.

The Committee was addressed by the following speakers:

Against the Application: -  
For the Application: -  
Parish Representative: Terry Brooker  
Local Member: Cllr. Grint

Some Members noted the speakers’ comments for residents to have access to outside storage and commented that the shed did not seem to be a large structure.

Officers reminded Members that the housing development had been approved because of the very special circumstances that the proposal would lead to an overall reduction in development on the site and would possess a less intensive use. Condition 14 of the permission stated that no building, enclosure or swimming pool, other than those shown on the plans was to be erected within the curtilage of the dwellings.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report be adopted. The motion was put to the vote and there voted –

6 votes in favour of the motion

6 votes against the motion

In accordance with paragraph 24.2 of Part 2 in the Council’s Constitution, the Chairman used her casting vote in favour of the motion.

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

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. The Council does not consider that the special circumstances put forward in this case are sufficient to justify overriding policy SP5 of the SE Plan and PPG2.



At the end of the meeting the Chairman asked that Members be thoughtful if they overhear comments before the meeting by others. They should not presume that these reflect a predetermination. Some Members believed there were too many people in the Members' Room before the meeting who did not sit on the Committee.

THE MEETING WAS CONCLUDED AT 8.22 PM

CHAIRMAN

This page is intentionally left blank

Development Control Committee: 22 September 2011 **SE/11/01311/FUL**

5.01 – SE/11/01311/FUL Date expired 28 July 2011

PROPOSAL:                      Erection of a single storey extension to lower ground floor at side to form additional garage.

LOCATION:                        Foxwood House, Phillippines Shaw, Ide Hill TN14 6AF

WARD(S):                        Brasted, Chevening and Sundridge

**ITEM FOR DECISION**

This application is referred to Development Control Committee at the request of Councillor Piper to consider the interpretation of Green Belt policy.

**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: 001; 002; 005; 006; 007; 010; 011

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan .

To ensure that the appearance of the development is in harmony with the existing character of the dwelling and surrounding properties as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

The South East Plan 2009 - Policies CC6, C3

Sevenoaks District Local Plan - Policies EN1, EN6, H6B, H14A

Sevenoaks District Core Strategy 2011 - Policies LO8, SP1

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

The development is considered to be appropriate development within the Metropolitan Green Belt.

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

The scale, location and design of the development would preserve the character and appearance of the Area of Outstanding Natural Beauty and rural character of the area.

## Agenda Item 5.1

Development Control Committee: 22 September 2011 **SE/11/01311/FUL**

### Description of Proposal

- 1 The application seeks consent for a single storey side extension to the north elevation. The extension would provide for further garage space and seating area to the rear. The total proposed floor space would be 96sqm. The extension is proposed to take advantage of the sloping land levels west to east with minor alterations to the levels to cut down by a maximum of 1m. The extension would be flat roofed with a grassed sedum roof and glazed bay to the rear with folding doors to the existing patio.

### Description of Site

- 2 The property is a detached dwelling house which sits within a wider complex of 8 newly constructed detached dwelling houses, along with 14 residential units contained within the converted Grade II Listed building and Stable block. The site was originally an Institutional site with the main building providing care accommodation and supported by numerous ancillary structures within the grounds supporting the care provision on site.
- 3 The application site known as Foxwood House, was plot 8 of the re-development scheme and located on the western extent of the re-development of the site. The dwelling forms the southern and western limit of an arc of newly constructed detached dwellings which face onto the converted Grade II Listed apartments and the converted stable block. In addition three detached units were permitted in a small enclave to the south of the main apartment building. The converted apartments and stable building share communal grounds to the south of the buildings, the new build dwelling houses are each afforded individual private residential curtilages and garden amenity areas.
- 4 The location of the proposed extension would be to the northern flank of the existing dwelling and sit just inside the existing close boarded boundary fencing between the application site and Walton House (plot 7). Walton House is positioned between 5.5m-9.5m from the shared boundary with two ground floor openings and one first floor opening facing the application site. The ground floor openings serve the dining rooms and drawing room, these are single casement openings, both these rooms have extensive window openings to the front and rear aspects providing the primary source of light. The first floor opening serves a bathroom.

### Constraints

- 5 Metropolitan Green Belt
- 6 Area of Outstanding Natural Beauty
- 7 SSSI lies approximately 40m from the rear of the application site

Development Control Committee: 22 September 2011 **SE/11/01311/FUL**

Policies

*South East Plan*

8 Policy CC6- Sustainable Communities and Character of the Environment

9 Policy C3- Areas of Outstanding Natural Beauty

*Sevenoaks Core Strategy*

10 Policy LO8- The Countryside and Rural Economy

11 Policy SP1- The Design of New Development and Conservation

*Sevenoaks District Local Plan*

12 Policy EN1- General Principles

13 Policy EN6 – Area of Outstanding Natural Beauty

14 Policy H6B- Residential Extensions

15 Policy H14A Extensions within the Green Belt

*Others*

16 Planning Policy Guidance 2

17 Supplementary Planning Document- Residential Extensions

Planning History

18 The wider estate was comprehensively redeveloped as an exception to Green Belt policy in 2006. The application was submitted based on an enabling development argument to support the retention and restoration of the Listed Building on site, in conjunction with removing a number of buildings in return for the construction of 8 new build detached dwellings. The scheme also included the conversion of the main building and stable block to apartments. The detailed application references are set out below for convenience. The implemented scheme is highlighted in bold.

19	03/00532/FUL	Conversion of main building to 7 flats and 1 house, conversion of former stable building to 5 dwelling units & demolition of existing residential blocks and workshops and erection of 8 No 5 bedroom live-work houses as amended by revised plans received 03.06.03 including revised house types on plots B, E,F and G, and revised plans received 24.6.03 relating to the main building.	GRANT	02/07/2004
----	--------------	---	-------	------------

## Agenda Item 5.1

Development Control Committee: 22 September 2011 **SE/11/01311/FUL**

- |    |                        |   |              |                   |
|----|------------------------|---|--------------|-------------------|
| 20 | 03/00534/LBCALT        | Alterations, part demolition, restoration and conversion of main house and orangery to 7 flats and 1 house, as amended by revised plans received 24.6.03.   | GRANT        | 10/10/2003        |
| 21 | <b>06/00611/FUL</b>    | <b>Conversion of main listed building to 7 flats with parking (including 14 sheltered spaces) conversion of former stable building to 7 dwellings, and demolition of existing residential blocks and erection of 8 nos. five bedroom live work detached houses.</b> | <b>GRANT</b> | <b>24.10.2006</b> |
| 22 | <b>06/00641/LBCALT</b> | <b>Conversion of main listed building to 7 flats with parking (including 14 sheltered spaces) conversion of former stable building to 7 dwellings.</b>  | <b>GRANT</b> | <b>02.05.2006</b> |

Set out below are additional applications at neighbouring plots within the estate

- |    |  |   |   |            |
|----|--|---|---|------------|
| 23 | 06/03116/FUL<br><u>Chestnut House (plot 2)</u>                                 | Provision of an outdoor swimming pool (10 x 5 x 1.3m) to the rear of Plot 2 to comply with condition 13 of Planning Permission SE/06/00611/FUL. | GRANT                                   | 14/03/2007 |
| 24 | 07/00336/FUL<br><b><u>Chestnut House &amp; Beech House (Plots 5&amp;6)</u></b> | Replacement of approved double garage to a triple garage for plots 5 and 6. Variation to planning permission SE/06/00611/FUL (62 sqm each)      | REFUSE<br>D<br><b>Allowed at appeal</b> | 18/10/2007 |
| 25 | 10/00307/FUL<br><b><u>Verulum House (Plot 1)</u></b>                           | Erection of Orangery to rear elevation. (35sqm)   | REFUSE<br>D<br><b>Allowed at appeal</b> | 03/08/2010 |

Development Control Committee: 22 September 2011 SE/11/01311/FUL

Consultations

*Parish Council*

- 26 The Philippines Shaw development was built to the maximum allowable square footage. No further extensions should be allowed as this site lies within the Green Belt, an Area of Special Scientific Interest, and an Area of Outstanding Natural Beauty.

*Kent County Council Ecology*

- 27 Under the Natural Environment and Rural Communities Act (2006), “*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”. In order to comply with this ‘Biodiversity Duty’, planning decisions must ensure that they adequately consider the potential impacts of a proposed development on protected species. Planning Policy Statement 9: Biodiversity and Geological Conservation states that “*the aim of planning decisions should be to prevent harm to biodiversity*”. Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that ‘*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.*’
- 28 Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice.
- 29 The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation. No ecological information has been submitted with this application. However as a result of reviewing information and photos provided by the planning officer and aerial photos of the site we feel there is limited potential for the site to contain protected species.
- 30 There is a small area of vegetation which will be lost as a result of the proposed development. In order to minimise any potential of any species being present, during the proposed development, the vegetation must be removed by hand prior to works starting. The vegetation must be removed outside of the breeding bird season (March – August).

Enhancements

- 31 The key principles of PPS9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. Consideration must given to enhancing the site for biodiversity. We realise that the proposed development is very small but enhancements can still be

## Agenda Item 5.1

Development Control Committee: 22 September 2011 **SE/11/01311/FUL**  
included for example the inclusion of bat bricks or tiles in the new garage or the erection of bird boxes on the site.

### *Natural England*

- 32 This application is adjacent to Scords Wood & Brockhoul Mount SSSI. Given the nature and scale of this proposal, Natural England considers that the application, as submitted, should not adversely affect the interest features of this designated site and raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.
- 33 Given the proximity of the proposal site to the SSSI and the associated potential for damage as a result of storage or disposal of materials, and operation of machinery or plant within the SSSI, should the Council be minded to grant permission, we advise that the following informative is appended to any consent:

The applicant is advised that should storage, access or encroachment within the Scords Wood & Brockhoul Mount SSSI be found to occur as a result of the proposals during or after the works, this will be considered an offence under Section 28 of the Wildlife and Countryside Act 1981 (as amended) whereby the applicant may be liable on summary conviction to a maximum fine of £20,000 or on conviction on indictment to an unlimited fine.

All contractors working on site should be made aware of the informative and should be provided with a map that clearly shows the boundaries of the Scords Wood & Brockhoul Mount SSSI in relation to the development site.

- 34 The fact that Natural England raises no objection should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may be able to make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process.
- 35 However, in addition to the considerations outlined above, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application:

### Protected species

- 36 If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice<sup>1</sup> on BAP and protected species and their consideration in the planning system.
- 37 The following link to some guidance Natural England Standing Advice on our website has been produced to help the authority better understand the impact of this particular development on protected or BAP species should they be



Development Control Committee: 22 September 2011 **SE/11/01311/FUL**

identified as an issue at this site and whether following receipt of survey information, the authority should undertake further consultation with Natural England.

Local wildlife sites

- 38 If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

Biodiversity enhancements

- 39 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 14 of PPS9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- 40 Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Representations:

- 41 None received

**Head of Development Services Appraisal**

Principal Issues

Planning history and policy interpretation from previous appeals

Impact on the openness of the Green Belt

Design and impact on the wider rural character of the area.

Impact on neighbouring amenities

*Impact on the openness of the Green Belt*

- 42 PPG2 advises that the limited extension, alterations or replacement of dwellings is appropriate development provided it does not result in disproportionate addition over and above the size of the original dwelling. In

## Agenda Item 5.1

Development Control Committee: 22 September 2011 **SE/11/01311/FUL**

addition the visual amenity of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt by reason of their siting, materials or design.

- 43 Policy LO8 of the Sevenoaks Core Strategy states the extent of the Green Belt will be maintained which is further supported by policy H14A of the Sevenoaks District
- 44 Policy H14A sets out the criteria for assessing extensions to residential properties;
- 1) The existing dwelling was designed and originally constructed for residential use and built on permanent foundations on the site;
  - 2) The “gross floor area” of the existing dwelling plus the “gross floor area” of the extension does not exceed the “gross floor area” of the “original” dwelling by more than 50%;
  - 3) The proposed extension would not facilitate the creation of a separate residential unit;
  - 4) The design of the extension is sympathetic and well articulated to the existing dwelling and does not result in a large, bulky or intrusive building in the landscape;
  - 5) Extensions to mobile homes and buildings not designed for permanent residential use will not be permitted, neither will proposals to extend a converted dwelling.
- 45 In respect of criteria 2, “original” is defined as the dwelling and domestic outbuildings as existing on 1<sup>st</sup> July, 1948 ; or if no dwelling existed on that date, then “original” means the dwelling as first built after 1<sup>st</sup> July.
- 46 This policy is to be applied to the individual dwelling house. The original dwelling on the application site is the host property. There was no dwelling prior to this unit being constructed in 2006 and Foxwood House is considered the original dwelling in policy terms, as the first planning unit.
- 47 Whilst this site has an unusual background that led to planning permission being granted, as a matter of fact, Foxwood House as it exists on site, is original and complies with criteria 2 of policy H14A.
- 48 The proposal does not conflict with criteria 1,3 and 5 of the above policy. In relation to criteria 2, the dwelling was constructed over four floors, including a basement (fully exposed) and room within the roof. There appear to have been some alterations to the footprint of the basement area in comparison to the approved scheme, however these were constructed at the time of the dwelling being erected and are lawful. The existing dwelling is considered the original property with a total floor area of 613sqm. The proposed garage extension would add 96sqm, representing a 15% increase over an above the size of the original dwelling. This complies with criteria 2 above.

Development Control Committee: 22 September 2011 **SE/11/01311/FUL**

- 49 The extension has been designed to take account of the falling land levels to the northern flank of the house and the proposed garage would be set down into the northern corner of the plot, ground levels partially reduced and set back from the existing front elevation. The roof profile of the garage is staggered to limit the visual intrusion of the extensions and retain the structure at or below the existing boundary fence line with Walton House. Within the context of the substantial properties in the complex, the extension would not appear visually dominant and would appear as a modest addition to an existing detached property. The design, scale and detailing would not appear intrusive within the wider context of the site or surrounding landscape. The proposal complies with criteria 5 of the above policy.
- 50 Having regard to the wording of the above policy, relating to extensions to individual dwelling house, the proposal is considered appropriate development within the Green Belt and would not harm its openness.

*Design and impact on the wider rural character of the area*

- 51 PPS1 encourages design which responds positively to its context and developments which fail to take opportunities for enhancing the character of an area should not be permitted. Designs should complement the neighbouring buildings in terms of scale, density, layout and access. Policies CC6 and BE5 of the South East Plan, SP1 of the Sevenoaks Core Strategy and EN1 of the Sevenoaks District Local Plan require that development respects and takes opportunities to enhance the character and distinctiveness of the locality. 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 so that the distinctive character of villages is not damaged.
- 52 The appeal site also lies within an Area of Outstanding Natural Beauty. Policies C3 of the South East Plan, LO8 of the Sevenoaks Core Strategy and EN6 of the Sevenoaks District Local Plan, give high priority to the conservation and enhancement of natural beauty. Proposals for development should be small scale proposals that are suitably located and designed and respond to local landscape character.
- 53 The design of the extension has taken account of the scale, style and detailing of the existing property and has sought to locate the structure in an area where site levels can be maximised to limit the visual intrusion of the extension. The angle of the shared boundary and reduction of sloping ground levels will facilitate the extension to site appearing subservient to the main property. The extension is set well back from the shared highways through the site and would respect the wider setting of built form. The detailing and materials on the extension would match those used on the existing property and preserve the wider landscape character of the site.

*Impact on neighbouring amenities*

- 54 Policies EN1 and H6B of the SDLP and the Supplementary Planning Document- residential extensions, require that development should not result

## Agenda Item 5.1

Development Control Committee: 22 September 2011 **SE/11/01311/FUL**

in a material loss of privacy, outlook, daylight, sunlight of have an overbearing or intrusive impact to habitable spaces or private amenity space. The neighbouring property Walton House is located to the north of the proposed extension. Given the partial alterations to land levels and the staggered flat roof profile, the majority of the structure will be screened below the fence line. There are a number of secondary windows on the flank wall of Walton House, however these do not offer a primary outlook and are a significant distance from the shared boundary. I do not consider due to the limited views and separation distances involved that there would be any material loss of outlook, daylight privacy concerned with the proposed extension.

### *Other material considerations and policy clarifications*

- 55 It is acknowledged that the redevelopment of this complex in 2006 has resulted in a increase in built form over and above what existed. The case for accepting this development was considered as a departure from Local Plan policies under a case for very special circumstances. The application was referred to the Government Office of the South East who declined to call the application in for their own determination.
- 56 Since planning permission was granted for the re-development of the site in 2006, a number of the new build properties have sought permission for extensions. The Council has previously taken the stance that as these dwellings were granted as exceptions to Green Belt policy, no further extensions should be permitted, without further very special circumstances being submitted.
- 57 The appeals heard against the applications at Plot 1, 5 and 6 did not concur with this policy approach and were permitted on the basis of being limited extensions to existing dwellings, in accordance with the guidance contained within PPG2. The two appeal decisions relating to these cases are appended for your convenience.
- 58 The first Inspector considered that if a comparison was made between the original floor space on site and the permitted floor space (3284sqm-3542sqm), the completed scheme only represented an 8% increase in built form. Having reviewed the historical files in detail, it appears the Inspector has adopted a balancing exercise between what was proposed to be removed and what was to be built, however the proposed floor space figure (3542sqm) appears not to have taken account of the basements to each new build property, all of which are exposed and provide garaging and living accommodation.
- 59 Unfortunately the figures used by the first Inspector were taken forward in the second appeal dealing with Verulum House (plot 1) and used by the second Inspector in determining that submission.
- 60 The very special circumstances for the 2006 scheme were:
- comparative impact on the openness of the Green Belt between the existing and proposed buildings and those to be demolished;

Development Control Committee: 22 September 2011 **SE/11/01311/FUL**

- restoration of linked buildings and removal of unsympathetic additions and other buildings;
- management of SSSI.

61 There was an assessment that compared the existing and proposed floorspace and existing and proposed bulk. This was an assessment to compare the impact on the openness of the Green Belt and the extent of harm to the Green Belt, rather than an assessment about percentage increase in floorspace. In reviewing the application the percentage increase was approx 71%. However, in establishing that there were very special circumstances in this case, the comparative impact on the openness of the Green Belt was only one of the determining factors. The benefits to the listed building, particularly its restoration, was also given significant weight.

62 Whilst this mathematical exercise gives a representation of the total built form now on site, Officers are of the view that applying the requirements of policy H14A to multiple units in an estate setting is not correct. H14A is a policy for extensions to existing dwellings and is not a policy to be applied to cumulative increases in floor space in an estate setting.

63 In addition to being an incorrect application of policy, this would also be an unfair approach to assessing future proposals at the site. Plots 1-8 were all constructed with different floor areas, three of these plots have since been granted permission to be extended, with differing amounts of floor space added. The current submission proposes a different amount of floor space again, meaning that an arbitrary 50% floor space figure across the whole estate would not be applied consistently or fairly, bearing no relationship to the size of the original house on each plot. The result being that some properties are left with more floor space than others because they were the first to apply. This policy approach is not advocated by any National or Local Plan policy.

64 Whilst the Inspectors reports did seek to have regard to the increase in built form over and above what previously existed on site, Officers have also taken into account the approach taken at other exceptions sites in the Green Belt in conjunction with the appeal decisions relating to this complex. What is clear from all the appeal decisions, is that continuing to assert that dwellings granted permission under very special circumstances should not be permitted any further additions is not the correct policy approach. Should the Council continue to put forward this argument it is likely to leave the Council open to an award of costs based on unreasonable behaviour. The issue of dealing with such sites is now being taken forward during the preparation of new Green Belt Development Plan Documents by the Councils Planning Policy Team.

65 The issue of whether dwellings constructed under such circumstances should be considered as the "original" dwelling in policy terms, was also considered at the exceptions affordable housing site in Eynsford in 2006 and 2008, along with Hollywood Manor in West Kingsdown where extensions have been permitted to dwellings, which were constructed as a redevelopment of an original institutional use.

## Agenda Item 5.1

Development Control Committee: 22 September 2011 **SE/11/01311/FUL**

- 66 It was deemed at two appeals at the Eynsford scheme, that the new properties were the original dwellings, as first built since 1948 and therefore benefited from the provisions to be extended in accordance with the criteria of policy H14A. This approach has also been adopted at the Hollywood Manor site where 6 dwellings were built and were considered the original dwellings, as first built when permitting future extensions. The consequence being that new dwellings in the Green Belt, granted consent under very special circumstances, where there were previously no dwellings, do benefit from the 50% uplift in policy H14A.

### **Conclusion**

- 67 Officers consider that the existing dwelling on site is the original dwelling in policy terms and therefore benefits from the provisions within policy H14A. This approach was adopted by Inspectors in relation to other sites granted under very special circumstances within the Green Belt. The Inspectors dealing with applications at adjacent sites have sought to take a view based on the cumulative effect of the re-development of the site, but have in their conclusions adopted a site specific approach as set out in PPG2 and by policy H14A.
- 68 Whilst very special circumstances justified the construction of the dwellings in the first place, as a matter of fact the existing dwellings are those first built since 1948, on separate residential curtilages, as individual planning units.
- 69 The proposed extension would be a modest extension to a large dwelling already permitted. There would not be any material harm to the openness of the Green Belt, it follows that this limited extension is appropriate development in the Green Belt.

### **Background Papers**

Site and Block Plans

Appeal decisions (2) relating to Plots 5 & 6 and Plot 1

Contact Officer(s): Mrs E Gregson Extension: 7367

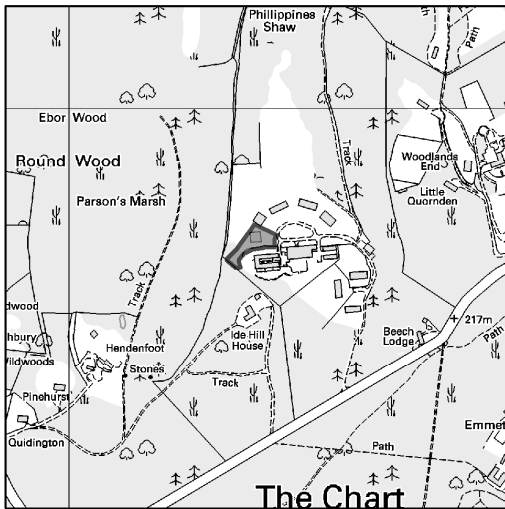
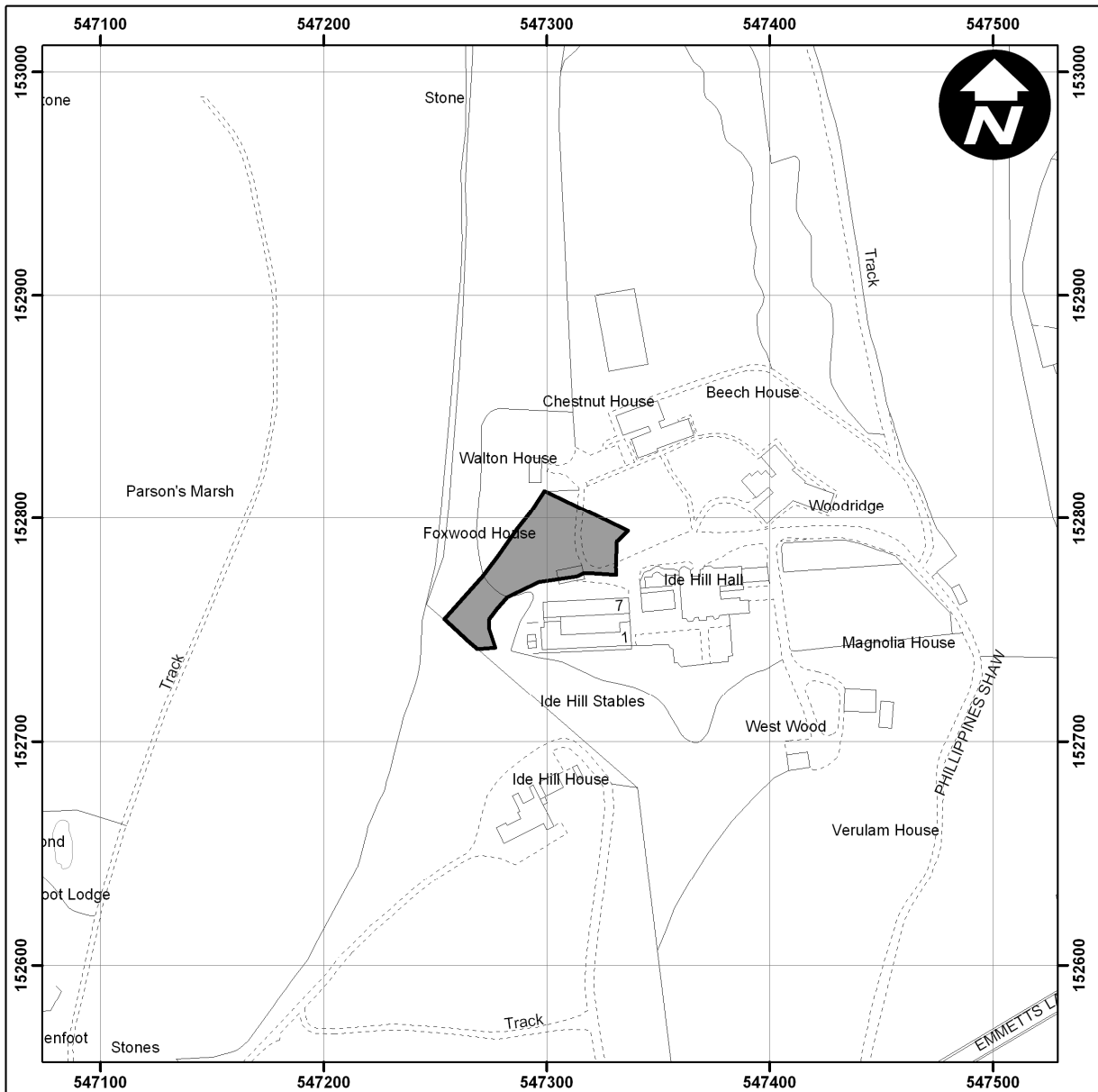
**Kristen Paterson**  
**Community and Planning Services Director**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LLO2E0BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LLO2E0BK8V000>



# Site Plan

Scale 1:2,500

Date 02/08/11



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 100019428, 2007.

Agenda Item 5.1

Development Control Committee: 22 September 2011 SE/11/01311/FUL





**APPENDIX 1 – Appeal Decision for Plot 1**



## Appeal Decision

Site visit made on 20 July 2010

by **Clive Hughes BA (Hons) MA DMS MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**3 August 2010**

**Appeal Ref: APP/G2245/D/10/2131618**

**Verulam House, Phillipines Shaw, Ide Hill, Sevenoaks, Kent TN14 6AF**

- 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 Mrs V Clark against the decision of Sevenoaks District Council.
- The application Ref SE/10/00307/FUL, dated 11 February 2010, was refused by notice dated 19 April 2010.
- The development proposed is erection of orangery to rear elevation.

**Application for costs**

1. An application for costs was made by Mrs V Clark against Sevenoaks District Council. This application is the subject of a separate Decision.

**Decision**

2. I allow the appeal, and grant planning permission for the erection of an orangery to rear elevation at Verulam House, Phillipines Shaw, Ide Hill, Sevenoaks, Kent TN14 6 AF in accordance with the terms of the application, Ref SE/10/00307/FUL, dated 11 February 2010, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CLARK PROP 1A and 1 Rev 2.

**Main issue**

3. The main issue is whether the proposal is inappropriate development for the purposes of Planning Policy Guidance 2: Green Belts (PPG2) and development plan policy. If it is, the appellant has not put forward any other material considerations that could amount to the very special circumstances necessary to justify the development.

**Reasons**

4. The Phillipines is a residential development in a countryside location that lies within the Green Belt. It comprises a former care home and outbuildings that have been converted into flats with 8 new detached live/ work detached houses in the grounds. In granting planning permission for this scheme, the Council removed permitted development rights for extensions and external alterations.
5. National policy as set out in PPG2 advises that there is a general presumption against inappropriate development in the Green Belt which is, by definition,

Appeal Decision APP/G2245/D/10/2131618

---

harmful to the Green Belt. It further advises that the construction of new buildings inside a Green Belt is inappropriate unless, amongst other purposes, it is for the limited extension of an existing dwelling. This is clarified by paragraph 3.6 which says provided that it does not result in disproportionate extensions over and above the size of the *original* building, the alteration or extension of dwellings is not inappropriate in the Green Belt.

6. The Council's case is based upon its contention that planning permission for the appeal property, and other dwellings within the development, was granted as a consequence of the improvement to a listed building clearly outweighing the harm to the Green Belt, and any other harm, so as to amount to the very special circumstances necessary to justify the development.
7. The Council's Officer Report, perhaps surprisingly, has not referred to a subsequent appeal decision in respect of Plots 5 and 6 at The Phillippines. In allowing this appeal for the replacement of double garages with triple garages on two of the plots, the Inspector had regard to various calculations concerning the amount of additional floorspace that had been created by the development. He concluded that the permitted floorspace, compared to the original floorspace, only represented an increase of about 8%, or 9% if the extended garages were included. He concluded that as this fell well within the 50% increase allowed by virtue of policies in the Sevenoaks Local Plan 2000, they were limited extensions and thus not inappropriate development.
8. The figures now put forward by the Council differ from those considered by the Inspector. However, the general principle still seems to hold good. The Council says that the development, excluding that directly relating to the main building and associated stables, resulted in demolitions amounting to 1703 sq m and new houses with a floor area of 2061 sq m being erected. This increase in floor area is well below the 50% threshold cited in the Report as being the local interpretation of PPG2 as set out in Policy H14A of the Local Plan. That figure is the same as that referred to in the cited appeal decision. It is not clear, therefore, how the Council has come to its conclusion that any further development amounts to inappropriate development.
9. It seems to me, using the Council's figures, that the previously permitted increase in floor area is of the order of 21%. The garages the subject of the previous appeal decision would have increased this a little. However, the proposed orangery would have a floor area of less than 35 sq m. Taken cumulatively, this would fall well below the 50% threshold. I conclude that the development would not be inappropriate development. In all other respects I share the Council's contention that the orangery would not have a detrimental impact on the character or amenities of the area. Due to the modest scale of the orangery, there would not be a material loss of openness.
10. The submitted plans indicate the materials that would be used including the brickwork which would match the existing house. I have imposed a condition requiring the development to be in accordance with the submitted plans for the avoidance of doubt and in the interests of proper planning. I allow this appeal.

*Clive Hughes*

Inspector

---



## Appeal Decision

Site visit made on 9 October 2007

by **A S Newman** BA MA DipTP MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email:enquiries@pins.gsi.gov.uk

**Decision date:**  
18 October 2007

**Appeal Ref: APP/G2245/A/07/2045013**

**Plots 5 and 6, The Phillippines, Emmetts Lane, Ide Hill, TN14 6BB**

- 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 Millgate Homes against the decision of Sevenoaks District Council.
- The application Ref SE/07/00336/FUL, dated 30 January 2007, was refused by notice dated 19 April 2007.
- The development proposed is replacement of approved double garage with a triple garage for plots 5 and 6 (variation of planning permission SE/06/00611/FUL).

### Decision

**I allow the appeal and grant planning permission for replacement of approved double garage with a triple garage at Plots 5 and 6, The Phillippines, Emmetts Lane, Ide Hill, TN14 6BB in accordance with the terms of the application No. SE/07/00336/FUL dated 30 January 2007 and the accompanying plans (numbered 05-P264-01A, 10A, 11A, 12A and 13A), subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
3. The garages shall be kept available for the parking of cars at all times and no permanent development shall be carried out on the land so as to preclude vehicular access to the garages.

### Appraisal

#### *Procedural point*

1. Planning permission was granted in October 2006 for the development of The Phillippines, a former care home, by the conversion of existing buildings and the erection of 8 five-bedroom live-work detached houses. Condition 12 stated: "No extension or external alterations shall be carried out to any of the dwellings hereby approved, despite the provisions of any Development Order". Although the current

Appeal Decision APP/G2245/A/07/2045013

---

appeal is stated to seek a variation of the permission, it is clear that what is sought is not the removal of that condition, whether or not with the substitution of other conditions, but that the particular development proposed should be carried out notwithstanding the condition. I have therefore treated it as a new planning application to carry out the development described. If permission were granted, condition 12 would remain in force in other respects. It seems to me that that best reflects the appellants' intention.

#### *Main issues*

2. I consider that the main issues are firstly whether the proposal would be inappropriate development in the Metropolitan Green Belt (if it is, the appellant does not claim that there would be very special circumstances justifying the grant of permission); secondly the effect on the Kent Downs Area of Outstanding Natural Beauty (the AONB) and Special Landscape Area (the SLA) in which the site is located; and thirdly the effect on the setting of The Phillipines which is a listed building.

#### *Green Belt*

3. National policy is that the construction of new buildings inside a Green Belt is inappropriate unless, amongst other categories, it is for the limited extension of existing dwellings. Development plans should make clear the approach local planning authorities will take (PPG2, paras 3.4 and 3.6). In the Sevenoaks Local Plan, adopted in 2000, policy GB2 repeats this approach. Policy H14A adds criteria for extending an existing dwelling in the Green Belt: these include that the gross floor area of the existing dwelling plus the extension does not exceed that of the original dwelling by more than 50%; and that proposals to extend a replacement of an original dwelling will only be permitted if the gross floor area of the replacement dwelling plus the extension does not exceed that of the original building by more than 50%. Policy H14B applies a similar 50% criterion to the erection of out-buildings within a residential curtilage and adds that their gross floor area, whether individually or cumulatively must not exceed 40 sq m.

4. The application of these policies to this case is far from straightforward. I agree with the appellant that if either of policies H14A or B applies, it should be H14A, as the proposal is to extend a garage not erect an outbuilding. As the proposal is to extend dwellings under construction, it is open to question whether they are "existing" dwellings. As a generality, that point is perhaps somewhat academic, since if it did not apply, the "fall-back" would be to complete the dwelling and then seek to extend it. But in this case, I do not consider that it would be acceptable, as the appellant suggests, to treat each individual dwelling as an original one to which a 50% increase in floor area could be appropriate development. That would be to ignore the history of the larger site of which these plots are part, and the granting of permission for its development as a departure from Green Belt policy which was justified partly by the improvements to the listed building. Condition 12 was imposed to control further increases in floor area and, while it does not prevent applications being made for extensions, it is an important material consideration in assessing them.

5. A further complication is that the permission granted in 2006 was itself a revision to a scheme permitted in 2004, which was for a larger floor area of new houses (4025.36 sq m as against 3542 sq m in the 2006 scheme). I do not accept

---

Appeal Decision APP/G2245/A/07/2045013

---

the appellant's suggestion that this reduction creates a tolerance of some 483 sq m which it would be acceptable partly to make up via this proposal. It is clear from the 2006 committee report that there were other differences between the schemes, in particular that the original scheme had lower ridge heights. Each scheme was assessed on its merits and the comparison between the two involved a trade-off between various factors. It would be an over-simplification to say that the proposed garage extensions should be accepted just because the floor area of the 2006 scheme is less than the 2004 scheme would have been.

6. The suggestion in the Council's development assessment report and appeal statement is that the 2006 permission was granted having regard to policies H14A and B. Although, it is said, the increase in floor area compared with the previous buildings was some 83%, the excess over the 50% maximum in the policy was justified by the restoration works to the listed building. Consequently, it is argued, no further increase should be permitted. The appellant disputes this approach, because the original buildings were not "existing dwellings", so these policies do not apply. I do not see how this assists their case, because if the policy is not applied it could be argued that any new built development would be inappropriate. In fact, from my reading of the 2006 committee report, the writer did not refer to these policies. However the Council now indicates that that was the basis on which the assessment was made.

7. The difficulty with the Council's approach is that miscalculations have been made. Firstly, as the appellant points out, the development assessment report compares the permitted floorspace with the *footprint* of the original buildings. Secondly, the increase is not 83% as stated, but about 20% (3542-2950, expressed as a percentage of 2950. The 83% seems to be the ratio of 2950 to 3542). Thirdly, if the permitted floorspace is compared with the original *floorspace* (3284 sq m), the increase is only about 8%. If the proposed garage extensions are included, the increase would be about 9%. It is clear then that the increased floorspace of the scheme, with or without the garage extensions proposed here, would be well within the 50% figure, if that is relevant. That is subject to the various other net additions and reductions recorded in the committee report, but they do not alter this general conclusion.

8. Once one has worked through all this, the question remains, applying the PPG2 guidance: would the proposals be a limited extension to existing dwellings? For the reasons already given, I see nothing to be gained by disputing whether the dwellings are existing; the same principle applies. I take account of all the above factors: the effect on the scale of the 2 dwellings at issue, the effect on the scale of the larger development under construction, compared with what was there previously, and the policy approach taken by the Council to the larger development, so far as it can be ascertained from the committee report, the development assessment report and the appeal statement. I also take into account that these would be modest single storey additions to the large dwellings already permitted, so that there would not in my opinion be any material effect on the openness of the Green Belt. I conclude that they would be limited extensions. It follows that they would not be inappropriate development in the Green Belt.

*AONB and SLA*

9. Policies EN4 and EN5 of the Kent and Medway Structure Plan 2006 and policies EN6 and EN7 of the Sevenoaks Local Plan restrict development that would

Appeal Decision APP/G2245/A/07/2045013

---

harm the landscape character of the AONB and SLA. I saw that the site is in a most attractive location, with views northwards beyond these houses to the North Downs. Clearly a balanced decision has been made to permit the redevelopment of the larger site which includes these dwellings, for the reasons explained by the Council. To substitute triple for double garages for these 2 dwellings would not in my view be noticeable in the wider landscape. I conclude that there would be no material impact on the AONB or SLA.

### *Setting of listed building*

10. Under policy EN18 of the Sevenoaks Local Plan, permission will not be granted for proposals which would detract from the setting of a listed building. The Philippines is a grade II listed building some 60 m south of plots 5 and 6. The Council's concern is that the proposal would narrow the gap between the 2 houses, which provides an open vista north to the North Downs, compromising the setting of the listed building. The appellant replies that the gap would still be 18 m, compared with 23 m in the permitted scheme, and that the view directly northwards from The Philippines where the proposed garages would be was previously partly obscured by an existing building.

11. In my view the proposal would have no significant effect on the setting of the listed building. To the extent that the vista is relevant to the setting, it would still exist, even if narrower. Because the garages would be single storey, a sky view over them would be retained, and, at least at first floor level at The Philippines, that would permit a view over them to the Downs.

### **Conclusion**

12. Having regard to the Green Belt and AONB designations of this site, I fully support the Council's aim to exercise strict control over the amount and quality of development. However, for the reasons explained above, and having regard to all other matters raised, I consider that there is no convincing objection to the proposed garages. The appeal will therefore succeed. My formal decision is set out above.

13. The Council has sought conditions in that event requiring approval of samples of the materials to be used and that the garages should be kept available for car parking. I agree that these are appropriate for the reasons given.

*Andrew S Newman*

Inspector

Development Control Committee: 22 September 2011 **SE/11/01125/FUL**

5.02 - SE/11/01125/FUL Date expired 4 July 2011

**PROPOSAL:** Erection of detached dwelling with integral garage (amended scheme pursuant to refused planning application SE/10/01407/FUL). Amended plans received 25.07.11 indicating revised scheme.

**LOCATION:** Land Adjacent, 1 Plymouth Drive, Sevenoaks TN13 3RW

**WARD(S):** Sevenoaks Town & St Johns

**ITEM FOR DECISION**

This application has been referred to Development Control Committee by Councillor Dawson on the grounds of the impact of the proposed development on the residential amenities of the residents at adjacent properties and by Councillor Raikes on the grounds of the bulk of the proposed replacement dwelling providing for a detrimental impact upon the residents at adjacent dwelling resulting in a loss of residential amenity.

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

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the locality as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

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

4) The approved landscape works shall be carried out before the first occupation of the dwelling hereby approved. The landscape works shall be carried out in accordance with the approved details.

## Agenda Item 5.2

Development Control Committee: 22 September 2011 **SE/11/01125/FUL**

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

5) The first-floor window indicated within the south-east elevation shall be obscure-glazed and non-opening below a level of 1.7 metres when measured above internal floor level at all times.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

6) No extension or external alterations shall be carried out to the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of properties as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) No building, enclosure or swimming pool, other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of properties as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, policies CC2 & CC4 of the South East Regional Plan & Policy NR1 of the Kent & Medway Structure Plan.

9) The developer shall afford access at all reasonable times to any archaeologist nominated by Kent County Council and shall allow him/her to observe the excavation and record items of interest and finds. the developer will inform the County Archaeological Officer of the start date of construction works on site not less than two weeks before the commencement of such works.

In view of the archaeological significance of the site and the need to protect and/or record any artefacts found on the site in accordance with Policy EN25A of the Sevenoaks District Local Plan.



10) The garage and parking area immediately to the front of the dwelling hereby approval shall be kept available for the parking of vehicles at all times and no permanent development shall be undertaken so as to preclude vehicular access to these areas.

In the interest of highway safety.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No's 09/194/01 Rev.E, 09-194 Rev.Q, 09-194 Rev.Q, 09-194 Rev.Q, 09-194 Rev.Q, received 25.07.11.

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

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

The South East Plan 2009 - Policies SP1, CC1, CC4, CC6, H4, H5, T4 and LF1

Sevenoaks District Local Plan - Policies EN1, EN25A/B, VP1

Sevenoaks District Core Strategy 2011 - Policies SP1, SP2, SP3, SP5 and SP7

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

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

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

The site is within the built confines of the settlement where there is no objection to the principle of the proposed development.

**Informatives**

1) The applicant should be aware that if a ramp up to the main access of the house is required by Building Regulations Consent a separate planning application may be necessary to gain approval for the ramp.

2) There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

## Agenda Item 5.2

Development Control Committee: 22 September 2011 **SE/11/01125/FUL**

3) With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, 3 Church Road, Haywards Heath, West Sussex. RH16 3NY. Tel: 01444 448200.

**RECOMMENDATION** B) That in the event that the applicant does not enter into a Section 106 legal agreement, the application be REFUSED for the following reason:

The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Core Strategy.

### Description of Proposal

- 1 Erection of detached dwelling with integral garage (amended scheme pursuant to refused planning application SE/10/01407/FUL). Amended plans received 25.07.11 indicating revised scheme. The proposal seeks permission for the erection of a property with 4 (No.) bedrooms.
- 2 At its closest points, the proposed dwelling will be located 6.8 metres from the existing dwelling at No.1 Plymouth Park and 17 metres from the adjacent neighbouring dwelling at No.1 Plymouth Park. The proposal seeks to erect a dwelling with 4 (No.) bedrooms that will comprise a t-shape with a single storey garage projection to the front
- 3 The proposed dwelling will be located 1.8 metres from Plymouth Drive from the front single storey projection closest to Plymouth Drive and 8.3 metres from the principle front elevation (the two storey element) furthest from Plymouth Drive.
- 4 External materials which are proposed include a plain tiled roof and red coloured bricks.

### Description of Site

- 5 The site consists of land adjacent to No.1 Plymouth Drive, within the built urban confines of Sevenoaks. The street scene is characterised by detached dwellings that are set within plots of varying size and shape. The existing dwelling at No.1 Plymouth Drive is located at a higher land level than that of the application site with the land sloping in gradient from the north-west to the south-east. The neighbouring properties within Plymouth Park to the east and north east are located at a lower land level than that of the application site.
- 6 The site is not located within an Area of Outstanding Natural Beauty, the Metropolitan Green Belt or a Conservation Area. The site not subject to any Tree Preservation Orders.

Development Control Committee: 22 September 2011 **SE/11/01125/FUL**

Constraints

7 Area of Archaeological Potential

Policies

*Sevenoaks District Local Plan*

8 Policies - EN1, EN25A/B, VP1

*Sevenoaks District Core Strategy*

9 Policies – LO8, SP1, SP2, SP3, SP5, SP7

*South East Plan*

10 Policies – SP1, CC1, CC4, CC6, H5, H5, T4, LF1

*Others*

11 Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

12 Planning Policy Statement 3: Housing (PPS3)

Planning History

13 09/02880/FUL - Erection of two storey side extension, single storey extension & single storey rear extension to form porch. Creation of new access and re-orientation of garage (refused 02.03.10)

14 09/02881/FUL - Erection of a five bedroom dwelling (refused 08.02.10)

15 10/01406/FUL - Erection of single storey side extensions, single storey rear extension to form porch and creation of new access and re-orientation of garage (amended scheme following refusal of planning application SE/09/02880/FUL) (refused 23.09.10). Allowed at Appeal.

16 10/01407/FUL - Erection of detached dwelling with integral garage (Amended scheme following refusal of planning application SE/09/02881/FUL) (refused 26.07.10). Dismissed at Appeal.

17 11/00640/LDCPR - Erection of single storey rear extension (granted 10.05.11)

Consultations

*Sevenoaks Town Council*

18 Sevenoaks Town Council unanimously recommended refusal on the grounds of overdevelopment, intrusiveness to neighbours amenities, and scale & bulk of design.

The proposed would have a dominant visual impact on numbers 1 & 3 Plymouth Park

## Agenda Item 5.2

Development Control Committee: 22 September 2011 **SE/11/01125/FUL**

Result in overshadowing and overlooking

The proposed building is overbearing

The proposed is out of keeping with the character of the area and detrimental to the overwhelming feeling of openness and spaciousness as previously referred to by the planning inspector.

### *SDC Archaeology*

- 19 The application is a resubmission of a previous application. Limited groundworks will be involved.

I would recommend the following condition:

The developer shall afford access at all reasonable times to any archaeologist nominated by Kent County Council and shall allow him/her to observe the excavation and record items of interest and finds. the developer will inform the County Archaeological Officer of the start date of construction works on site not less than two weeks before the commencement of such works.

In view of the archaeological significance of the site and the need to protect and/or record any artefacts found on the site in accordance with Policy EN25A of the Local Plan.

### *Kent Highways*

- 20 No objections. Conditions to secure parking as shown and appropriate wheel washing facilities during the course of construction are recommended

### *Thames Water*

#### Waste Comments

- 21 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Development Control Committee: 22 September 2011 **SE/11/01125/FUL**

Representations

22 12 (No.) letters of representation have been received with regard to the drawings originally submitted under SE/10/01125/FUL. Representations cited include:

- how the proposed development fits in with Secretary of States recent announcement regarding garden grabbing and the changes to Planning Policy Statement 3 (PPS3) and that the proposal should not be built in accordance with this guidance;
- the proposed house still being very large and therefore detrimental to the character of the area and the street scene due to its bulk;
- concerns regarding the site coverage of the proposed development,
- that the proposal would create a cramped form of development which would be out of keeping with the size of the site and that of surrounding sites;
- that the proposal would remain too close to the street scene;
- that the proposal, although reduced in ridge height and footprint would have an overbearing impact upon the residential amenities currently enjoyed by residents at No's 1 and 3 Plymouth Park and that of 1 Plymouth Drive due to the difference on land levels and the proximity to the site boundaries;
- the proposal would result in a loss of privacy to the residents at No's 1 and 3 Plymouth Park;
- overlooking and loss of privacy to residents at No.3 Plymouth Park due to the orientation of the proposed dwelling and the proposed windows;
- comments regarding trees identified on the proposed plans and their long-term protection;
- overshadowing to the rear amenity space at No.3 Plymouth Park;
- that the eastern flank would remain unacceptable;
- the bulk and mass of the proposal when viewed from No's 1 and 3 Plymouth Park;
- size of the proposed amenity space;
- that the proposal would have a detrimental impact upon the outlook currently enjoyed by residents at No's 1 and 3 Plymouth Park;
- the distance of the proposal from the site boundary with No.1 Plymouth Park;
- concerns regarding the height of the proposed building;

## Agenda Item 5.2

Development Control Committee: 22 September 2011 **SE/11/01125/FUL**

- concerns regarding density in relation to the built part of the site;
- that the changes to the proposal following the refusal of SE/09/02881/FUL do not render the proposal acceptable;
- that the proposal does not overcome the reasons for refusal of SE/10/01407/FUL and the Appeal Inspectors findings at Appeal reference APP/G2245/A/10/2138330;
- that the proposal is incompatible with current government policy;
- that the proposed design of the property is not in keeping with others within the locality; and,
- overlooking of the garden at 1 Knole Way.

23 At the date of writing this report, 3 (No.) further letters of representation have been received with regards to the amended plans. Representations received include:

- that the dwelling remains too large, out of character and poorly positioned;
- concerns regarding the density of development to the north portion of Plymouth Drive and concerns regarding the openness;
- that the construction of any house within the garden of 1 Plymouth Drive will have an unacceptable impact upon the residential amenities currently enjoyed by residents at neighbouring properties; and,
- that the development is contrary to PPS3 in terms of the development of garden land.

### **Head of Development Services Appraisal**

#### Principal Issues

##### *Principle of development*

24 PPS1 and PPS3 consider that in determining planning applications for new housing the Local Planning Authority should have regard to:

- Achieving high quality housing
- Ensuring developments provide a good mix of housing reflecting the accommodation requirements of specific groups, in particular families and older people.
- The suitability of a site including its environmental sustainability
- Using land effectively and efficiently

Development Control Committee: 22 September 2011 **SE/11/01125/FUL**

- Ensuring the development is in line with planning housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives.
- 25 The above is to be read in conjunction with advice contained within PPS3 Paragraph 16 which advises that designs should complement the neighbouring buildings generally in terms of scale, density, layout and access and Paragraph 46 which states that densities should have regard to the characteristics of an area.
- 26 It has been acknowledged by the applicant that changes have been made to PPS3 relating to the re-classification of private residential gardens. Within the new PPS there is no specific policy guidance on the consideration of applications for development in private gardens other than the re-classification. The effect of the change can therefore be summarised as saying that gardens are no longer a priority in national policy for identifying sites for residential development, but the changes do not introduce any policy ruling out development of gardens or introduce a presumption against development in gardens within urban areas.
- 27 Revisions were made to PPS3 in June 2010, but the subsequent Appeal on the 8 February 2011 did not prohibit the principle of residential development at the site based on the PPS. Therefore, since PPS3 does not contain any policy against garden development the principle of development on this site is deemed to be acceptable.

*Impact upon the street scene*

- 28 Policy EN1 of the Sevenoaks District Local Plan states that proposals for all forms of development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. Additionally, policy EN1 states that the design of proposals should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 29 In addition to this, PPS1 also emphasises the need to achieve good design standards for new development and a high quality of urban design in the wider context. This document recognises that design issues are matters of proper public interest and the relationships between buildings in their wider setting is often as important or more important than individual designs.
- 30 In terms of the level of building facing onto Plymouth Drive, the Inspector at Appeal reference APP/G2245/A/10/2138330 (following the refusal of planning permission SE/10/01407/FUL) held that given the very open and spacious nature of the immediate surroundings, that the proposal, due to its size and bulk would appear intrusive and out of scale. This view, the Inspector held, was exacerbated by the fact that No's 1 Plymouth Park and 1 Plymouth Drive stand side on to Plymouth Drive and that the bulk of the proposal would face into the road.
- 31 In terms of this application, the proposal has been reduced in size and the distance of the proposed dwelling from the site boundaries amended. The width of building which would face onto the road as part of this application

## Agenda Item 5.2

Development Control Committee: 22 September 2011 **SE/11/01125/FUL**

would be 11.3 metres at ground floor level and 9.1 metres at first floor level. This is compared to the 12.65 metres of building proposed under refused planning application SE/10/01407/FUL which stood at both ground and first floor level. The view of the proposal from the Plymouth Drive street scene has been reduced significantly in terms of the level of two storey development which will be viewed.

- 32 In this instance, given the reduction in the width of built form at first floor level by 3.55 metres which would face onto Plymouth Drive, the proposal is considered to overcome the concerns raised by the Inspector.
- 33 Coupled with the reduction on built form of the proposal facing onto Plymouth Drive, the proposed dwelling has also been reduced in height and the two storey element of the proposed dwelling set a further 0.3 metres back from the street scene. The pitch of the roof when viewed from the street scene will be 7.5 metres in height compared to the 7.9 metres proposed under refused planning application SE/10/01407/FUL which represents a reduction in overall height of 0.4 metres. This 7.5 metres will taper down to 6.99 metres to the rear portion of the two storey element of the replacement dwelling which represents an overall decrease in height of 0.91 metres.
- 34 In these terms, given that the dwelling has been reduced overall in height from SE/10/01407/FUL, that part of the proposal is single storey and that the two storey element of the proposal is set back a further 0.3 metres from the Plymouth Drive street scene, the impact of the proposed development upon both the street scene and that of the neighbouring residents at 1 Plymouth Park is reduced. The reduction in built form to the flank elevation adjacent to 1 Plymouth Park additionally is considered to significantly reduce any overbearing impact upon the residents at this property.
- 35 With regards to the relationship of the proposal with 1 Plymouth Park to the south-east of the application site, the single storey element of the proposal will be located 17 metres from this property and the two storey element 19.3 metres respectively. By providing for a single storey element to the flank elevation adjacent to 1 Plymouth Park, the impact of the proposal upon the residents of 1 Plymouth Park has been reduced significantly.
- 36 At appeal reference APP/G2245/A/10/2138330 the Inspector noted the concerns of the Council with regards to the proximity of the proposal to Plymouth Drive but held that as there is no defined building line exhibited in the part of Plymouth Drive which the application site sited is located within, that the concern did not raise any force.
- 37 Given the considerations above, and in light of the Inspectors decision at appeal reference APP/G2245/A/10/2138330, it is considered that the proposed dwelling will not have a detrimental impact upon the street.

### *Impact upon residential amenity*

- 38 Policy EN1 of the Sevenoaks District Local Plan details that proposals should not have an adverse impact upon the privacy or amenities of a locality by reason of form, outlook, scale or height.



Development Control Committee: 22 September 2011 **SE/11/01125/FUL**

- 39 With regards to the relationship of the proposal with 1 Plymouth Park to the south-east of the application site, at its closest points the single storey element of the proposed dwelling will be located 17 metres from this property and the two storey element 19.3 metres respectively. By providing for a single storey element to the flank elevation adjacent to 1 Plymouth Park, the impact of the proposal upon the residents of 1 Plymouth Park has been reduced. No.1 Plymouth Park is located at a lower land level than that of the application site within a corner plot to the south-east. Due to the difference in land levels, views of the application site are largely afforded also from No.3 Plymouth Park which is adjacent to No.1 Plymouth Park and the site at No.3 Plymouth Park abuts the application site to the north.
- 40 The south-eastern flank elevation of the proposed dwelling will be 6.99 metres in height to the two storey element of the proposed dwelling and 4.01 metres in height to the 't' shape single storey projection to the front of the dwelling (the front projection of the dwelling will exhibit an eaves height of 2.4 metres).
- 41 Due to the change in land level gradient exhibited within the locality No's 1 and 3 Plymouth Park are located at a lower land level to that of the application site. In order to minimise the overbearing impact identified upon the residents at 1 Plymouth Park at the time of consideration of planning application SE/10/01407/FUL and at subsequent Appeal reference APP/G2245/A/10/2138330, the two storey front projecting element has been removed and now forms a single storey front extension and the two storey element of the dwelling sited an increased distance from 1 Plymouth Park at a distance of 19.3 metres. This represents an increase in terms of the distance of the two storey element of the proposal being sited a further 3.6 metres away from the adjacent property of 1 Plymouth Park compared to the distance of 15.7 metres detailed on the previously appealed scheme of SE/10/01407/FUL.
- 42 At its closest point, the single storey front element will be located 3 metres from the site boundary with 1 Plymouth Park and 6.6 metres at the furthest point. The two storey element of the proposal will be located 5.8 metres from the boundary with 1 Plymouth Park at the closest point and 10.4 metres at the furthest point as the site boundary tapers out. In these terms, it is considered that the amended proposal is not considered to have an overbearing impact upon the residents at 1 Plymouth Park by virtue of the siting of the proposed dwelling and the amendments to create a single storey front projection.
- 43 With regards to the impact upon the outlook of residents at No's 1 and 3 Plymouth Park which has been highlighted within the neighbour representations received, due to the higher land level of the proposal site and the distance of the proposed dwelling from these adjacent neighbouring properties to the south-east, it is considered that the proposal would not result in a development which would harm the outlook of residents at these properties.
- 44 A small window is proposed within the first floor south-eastern flank elevation which will serve an en-suite. As this window would face onto the private amenity area of the adjacent 1 Plymouth Park, a condition can be applied to a planning approval detailing that this windows be obscure glazed and non-

## Agenda Item 5.2

Development Control Committee: 22 September 2011 **SE/11/01125/FUL**

opening below a level of 1.7 metres when measured above internal ground level. This condition would be applied in the interest of preserving residential amenity.

- 45 As detailed previously within this report, given that the ridge height of the proposed dwelling has been reduced, that part of the development is now of single storey construction and that the proposed dwelling has been set further back from the shared boundary with 1 Plymouth park, the proposal is not considered to have an overbearing impact upon the residents at 1 Plymouth Park.

### *Sustainable development*

- 46 Policy SP2 of the Core Strategy requires that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes.
- 47 No information relating to this has been submitted by the applicant however it is possible for the achievement of Level 3 to be required by way of condition on any approval.

### *Affordable housing contribution*

- 48 Policy SP3 of the Sevenoaks District Core Strategy requires that for residential developments of less than 5 units which would involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 49 The proposal would result in the net gain of one dwelling and so a financial contribution towards off-site affordable housing provision is required. The applicant has agreed to providing a contribution for off-site affordable housing provision in line with policy SP3. At the time of writing this report, a signed legal agreement setting out the contribution in line with the formula held within the draft Affordable Housing SPD has not yet been received.
- 50 It is therefore considered that the proposal would comply with policy SP3 of the Core Strategy subject to completion of the legal agreement.

### *Archaeological considerations*

- 51 The condition suggested by the SDC Archaeological Officer should be applied in the event of planning permission being granted thereby according with policy EN25A of the Sevenoaks District Local Plan.

### *Highways considerations*

- 52 Policy EN1 of the Sevenoaks District Local Plan requires that proposed developments should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.
- 53 The proposal will provide parking provision for 1 (No.) vehicle off street within the integral garage (internal measurements 5.2 metres in width by 4.7 metres

Development Control Committee: 22 September 2011 **SE/11/01125/FUL**

in length) and space to accommodate 2-3 (No.) further vehicles off-street on the proposed driveway. The provision of off-street parking spaces is considered to be acceptable in terms of the Council's approved standards which detail that for city/town centre locations, houses with over four bedrooms should have 1 (No.) space per unit.

- 54 In terms of access, the proposal will utilise the existing vehicular access to the existing dwelling at No.1 Plymouth Drive. A new vehicular access was proposed under planning application SE/10/01406/FUL which sought planning permission for extensions to the existing dwelling at No.1 Plymouth Drive and a new vehicular access. Planning permission has subsequently been granted for this application.

### **Conclusion**

- 55 It is therefore considered that the proposal accords with policies EN1, EN25A/B or VP1 of the Sevenoaks District Local Plan, policies SP1, SP2, SP3, SP5 or SP7 of the South East Plan, policies SP1, CC1, CC4, CC6, H4, H5, T4 and LF1 of the South East Plan, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.

### **Background Papers**

Site and Block Plans

Contact Officer(s): Helen Tribe Extension: 7136

**Kristen Paterson**  
**Community and Planning Services Director**

Link to application details:

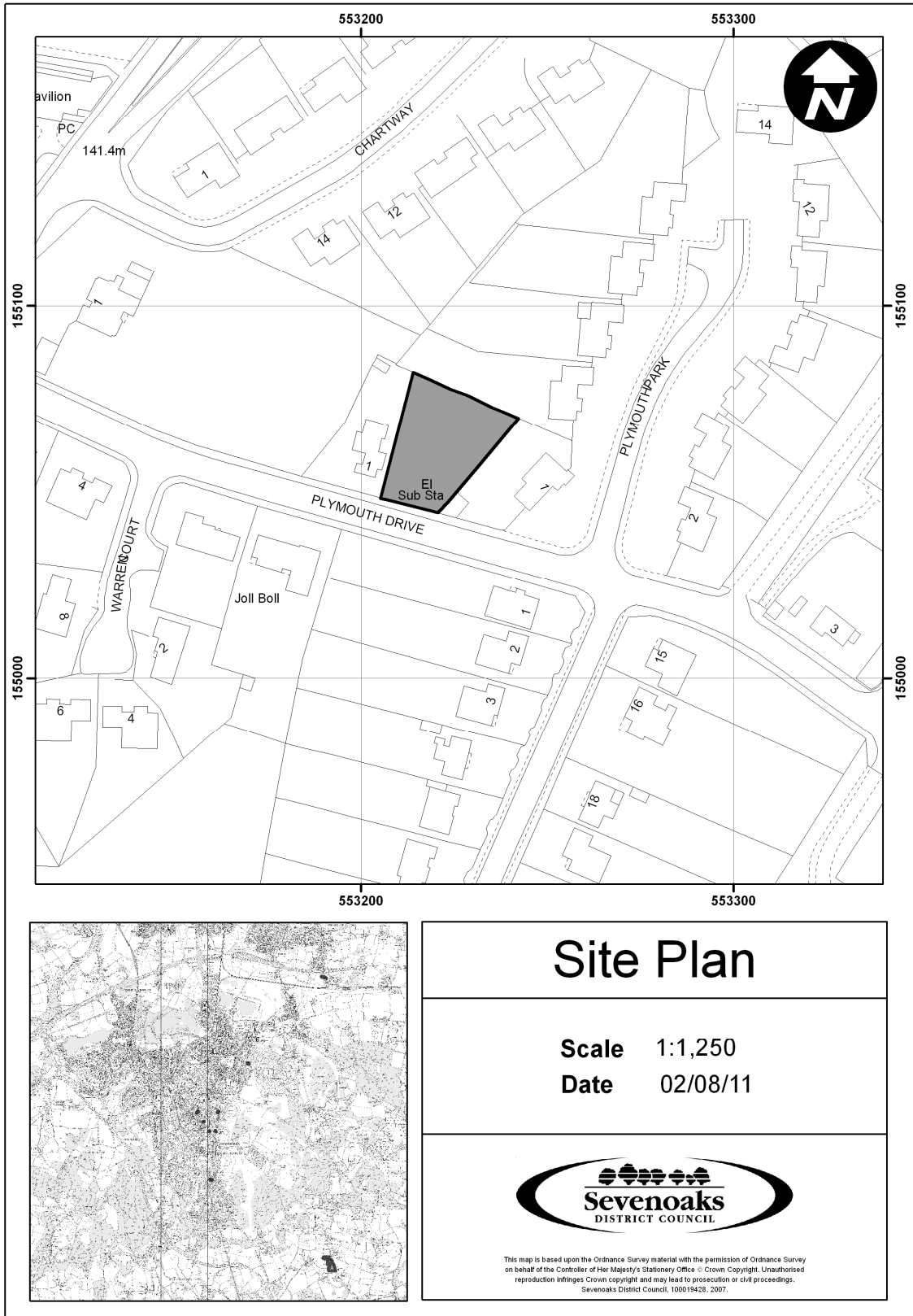
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LKXP2RBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LKXP2RBK8V000>

Agenda Item 5.2

Development Control Committee: 22 September 2011 SE/11/01125/FUL



# Site Plan

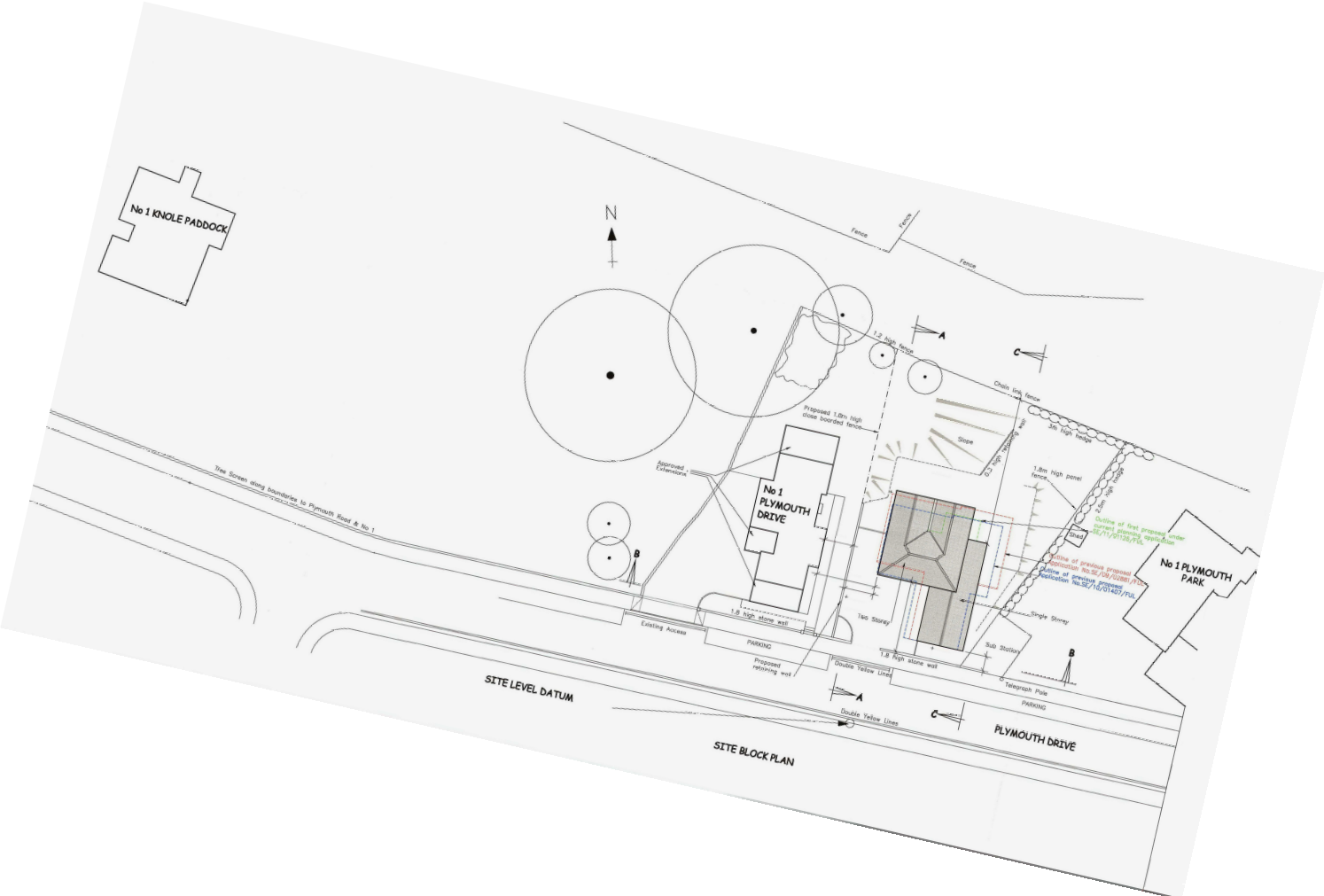
Scale 1:1,250

Date 02/08/11



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 100019428, 2007.

Development Control Committee: 22 September 2011 SE/11/01125/FUL  
**BLOCK PLAN**





---

## Appeal Decision

Site visit made on 17 January 2011

**by Simon Hand MA**

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

**Decision date: 8 February 2011**

---

**Appeal Ref: APP/G2245/A/10/2138330**

**1 Plymouth Drive, Sevenoaks, Kent, TN13 3RW**

- 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 & Mrs P Spraggs against the decision of Sevenoaks District Council.
  - The application Ref SE/10/01407/FUL, dated 26 May 2010, was refused by notice dated 26 July 2010.
  - The development proposed is the erection of detached dwelling with integral garage.
- 

### Decision

1. I dismiss the appeal.

### Main Issues

2. The impact on the character and appearance of the area and on the amenities of neighbours.

### Reasons

3. This proposal follows from the refusal of a previous application for a slightly larger dwelling on the site. The appeal proposal is half a metre or so further away from the boundary with No 1 Plymouth Park and a similar distance from the rear of the site. The ridge height has been lowered slightly, and the introduction of hips for gables has considerably reduced the bulk of the roof.

### *Character and appearance of the area*

4. The site lies in the garden of No 1 Plymouth Drive, which is a large plot. There are only three dwellings on the northern side of Plymouth Drive, one facing the main road to the west, with a very large garden, No 1 and then the corner plot which houses No 1 Plymouth Park, itself set in a generous plot. The character of this side of the road is one of gardens, with little in the way of built development. On the southern side of the road, the rear garden of 1 Knole Way stretches back to opposite No 1 Plymouth Drive, and although the rest of Plymouth Drive heading west is more densely developed, these are still detached houses. The overwhelming feeling is of openness and spaciousness. This feeling is reinforced as the road slopes downhill to the east, and there are clear views across the gardens of the three No 1s.
5. Despite the changes noted above the proposal is still for a substantial house. Given the very open and spacious nature of the immediate surroundings it would, because of its size and bulk, appear intrusive and out of scale. In

---

<http://www.planning-inspectorate.gov.uk>

Development Control Committee: 22 September 2011 SE/11/01125/FUL

Appeal Decision APP/G2245/A/10/2138330

---

particular both Nos 1 Plymouth Park and Drive stand side on to Plymouth Drive, whereas the bulk of the proposal would face the road adding to the sense of incongruity.

6. The Council are particularly concerned the proposal would be too close to the road, but there is no defined building line in this part of Plymouth Drive and I do not think this particular criticism has any force, but that does not detract from the clear harm I have identified above. The proposal would thus be contrary to policy EN1 of the Sevenoaks District Council Saved Local Plan Policies Compendium (2008).

*Neighbours' amenities*

7. A closely related issue is the impact on neighbours' amenities by way of being overbearing. Although the proposal would be cut into the ground to lower its height, its ridge would still be some 2m higher than that of No 1 Plymouth Park and its floor level would be about 1.8 higher. Because of the size of the proposal a significant stretch of wall would be located close to the boundary with No 1 Plymouth Park, and the house would loom up above the boundary hedge. It would be dominant in views from the house and more particularly from the garden. It would also be likely to cast evening shadows across the garden and patio, and darken the rooms on the western side of No 1.
8. I saw the site from the house and garden at No 3 Plymouth Park and No 1 Knole Way. Although it would be clearly visible in views from these locations, it would be some distance away, and while this would lead to a change in the outlook from these two properties, it would not be harmful. However, this does not detract from the harm I have identified above. For this reason also, the proposal is contrary to policy EN1.

*Simon Hand*

Inspector

## Agenda Item 5.2

Development Control Committee: 22 September 2011 **SE/11/01125/FUL**



Development Control Committee: 22 September 2011 **SE/11/01510/FUL**

5.03 – SE/11/01510/FUL Date expired 5 September 2011

**PROPOSAL:** Permanent use of the land as a gypsy and traveller caravan site including proposed amenity buildings.

**LOCATION:** Station Court, Sevenoaks Road, Halstead TN14 7HR

**WARD(S):** Halstead, Knockholt & Badgers Mount

**ITEM FOR DECISION**

The application is referred to Development Control Committee at the discretion of the Director of Community and Planning Services due to the significant, controversial and sensitive nature of the application.

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

1) This planning permission is granted for a temporary period of 3 years only, from the date of this permission. By the date this permission expires, all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed and the site shall be restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Council.

In order that any other proposal for the use of the land for a longer period is the subject of a separate application, to be determined on its merits, having regard to the harm to the Green Belt, the status of the Local Development Framework and the allocation of sites for Gypsies and Travellers.

2) The occupation of the site hereby permitted shall be carried on only by Mr Robert Simmons and his wife Helena (Breda), Jamie Simmons and his wife, Alex, Myles Simmons and his wife, Margaret, Patrick Simmons and his wife, Jemma, Bobby Simmons and Bridget Murphy and their resident dependants and whilst they comply with the definition of gypsies and travellers set out in paragraph 15 of ODPM Circular 01/2006. When the land ceases to be used by Mr Robert Simmons and his wife Helena (Breda), Jamie Simmons and his wife, Alex, Myles Simmons and his wife, Margaret, Patrick Simmons and his wife, Jemma, Bobby Simmons and Bridget Murphy and their resident dependants, or at the end of the expiry of temporary permission, whichever is the sooner, the use hereby permitted shall cease to all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

3) No more than 7 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravan or mobile home) shall be stationed on the site at any time.

## Agenda Item 5.3

Development Control Committee: 22 September 2011 **SE/11/01510/FUL**

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm, in accordance with Policy EN1 of the Local Plan.

4) No commercial activities shall take place on the land, including the storage of materials, other than the display of and sale of Christmas Trees in December each year for the duration of this permission.

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

5) No building, enclosure or temporary structures other than those shown on the approved block plan MCA-2 received on 13th June 2011 shall be erected or placed on the site.

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

6) Upon substantial completion of the utility blocks approved, all existing sheds, utility structures and moveable utility structures shall be removed from the site. No structures, other than those shown on the approved block plan shall be provided on site at any time.

To prevent inappropriate development in the Green Belt as supported by PPG2.

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

The South East Plan 2009 - Policies SP5, CC1, H4

Sevenoaks District Local Plan - Policies EN1

Sevenoaks District Core Strategy 2011 - Policies LO8, SP6

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

The following very special circumstances exceptionally outweigh any harm by reason of inappropriateness and any additional harm to the Metropolitan Green Belt by reason of other factors: a) the applicants are considered to be Gypsies; b) there is a clear and immediate need for accommodation within Sevenoaks District and a backlog of unmet need as established by the Gypsy and Traveller Accommodation Assessment; and c) a temporary permission would not result in a permanent adverse impact on the openness and character of the Green Belt.

### Description of Proposal

1 The application seeks consent for the permanent use of the land for a gypsy and traveller caravan site including the proposed amenity buildings. The proposed scheme would provide three static mobile homes and 4 touring caravans with three amenity buildings. The applicants own the full extent of the triangular parcel of land to the east of Knockholt Station, however the

Development Control Committee: 22 September 2011 **SE/11/01510/FUL**

proposed site is only to utilise the narrower portion of the site, the remainder of the site remains undeveloped.

Description of Site

- 2 The site is to the northern side of London Road and bounds Knockholt Station to the west. The railway line lies immediately to the north on the opposite side of London Road, Broke Hill Golf Club. The northern edge of the site defines the District Boundary with the London Borough of Bromley, which also runs along the western edge of the site and then follows the northern side of Sevenoaks Road running west.
- 3 Access is currently gained off London Road with a vehicular access, the boundary with the highway being defined by a standard 1.8m high fence. The siting of the structures and units on site run parallel with the southern boundary.
- 4 The nearest neighbours are Broke Lodge and the Railway House, both approximately 100m to the west of the application site. Approximately 200m to the east lies the beginnings of the main residential development of Badgers Mount, with the village confines some, 850m to the east.
- 5 At present the occupants have laid out the soft landscaping to the northern boundary of the railway line, providing small conifers hedging in front of the wire mesh fencing.
- 6 There are three static mobile homes on site and 4 touring caravans. The amenity buildings proposed, are not those on site. There are currently two small sheds adjacent to Mr & Mrs Simmons home, with a small shipping container on a trailer positioned to the east of the third static mobile. A fourth shed is positioned to the far east corner of the site.

Constraints

- 7 Metropolitan Green Belt

Policies

*South East Plan*

- 8 Policies – SP5, CC1, H4

*Sevenoaks District Local Plan*

- 9 Policy– EN1

*Sevenoaks Draft Core Strategy*

- 10 Policies – L08, SP6

*Other*

- 11 Planning Policy Statement 3 – Housing

## Agenda Item 5.3

Development Control Committee: 22 September 2011 **SE/11/01510/FUL**

12 Circular 01/2006 - Planning for Gypsy and Traveller Caravan Sites

13 Gypsy and Traveller Study, Sevenoaks Final Report 2006

### Planning History

14 SE/03/00/292/FUL- Use of land as a private gypsy caravan site (6 pitches).  
Refused

15 Enforcement notice issued 27.06.2003

16 Enforcement notice appealed - Appeal dismissed by the Secretary of State  
02.07.2004

17 Appeal to the High Court of Justice, 02.03.2005, to challenge the Secretary of  
State decision- Allowed

18 Secretary of State appealed to the Court of Appeal, 03.01.2005, appeal  
allowed, enforcement notice reinstated and compliance period set on or  
before the 03.11.2006.

19 SE/06/03260/FUL- Continued use of land as a private Gypsy Caravan Site (6  
pitches)- Refused 10.05.2007. Allowed at appeal for temporary 3 year period  
until 18.06.2011

20 Granting of SE/06/03260/FUL at appeal superseded the outstanding  
enforcement notice.

### Consultations

#### *Parish Council- Halstead*

21 The Parish Council strongly opposes this planning application. The Planning  
Inspector at the Appeal Hearing held in May 2008 gave temporary consent for  
the applicant to remain on the site for a three years period.

#### **In paragraph one he stated,**

*'The use hereby permitted shall be carried on only by Mr Robert Simmons, his wife Helena (Breda), Jamie Simmons, Myles Simmons and his wife Margaret, Patrick Simmons, Bobby Simmons and Bridget Murphy and their resident dependents. The permission shall be for a limited period of 3 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter'.*

#### **In paragraph two he stated,**

*'When the premises cease to be occupied by Mr Robert Simmons, his wife Helena (Breda), Jamie Simmons, Myles Simmons and his wife Margaret, Patrick Simmons, Bobby Simmons, Bridget Murphy and their resident dependants or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease .....*

Development Control Committee: 22 September 2011 **SE/11/01510/FUL**

At the time of the Appeal Hearing, Mr Simmons two children were being educated at Halstead Community Primary School. They have now left that school and their secondary education is not taking place within the Parish.

*Shoreham Parish Council (adjoining Parish)*

- 22 The Council recommends refusal. The site is on Green Belt land and as this is not an exceptional case the proposal is contrary to the Core Strategy. The Council strongly supports policies which protect the Green Belt.

*London Borough of Bromley*

- 23 Objects- The site lies within the Green Belt where there is a presumption against residential development and the Council sees no special circumstances which might justify the Grant of planning permission as an exception to Green Belt policy. The proposal would also have a detrimental impact on views out of the Borough.

*Kent Highways Authority*

- 24 No objection

*Network Rail*

- 25 Network Rail does not object in principle to the permanent use of this land as gypsy and traveller caravan site, but there are concerns with the proximity of the use so close to the railway. The proximity of the use could pose a risk to the safety of the operational railway which cannot be compromised. In order to mitigate the risk and to remove any concerns, it is suggested that a condition is attached requiring a deterrent which would remove any opportunity to gain access to the operational railway from the site.

*(Suggested condition) - Within a period of 6 months following consent, a 1.8 metre high concrete trespass resistant fence should be erected, following submission and approval of the local authority. The new fencing provided must be independent of existing Network Rail fencing and a sufficient distance should be allowed for between fences to allow for future maintenance and renewal.*

N.B. Network Rail would wish to be consulted on the submitted details of the fencing.

*(Informative) - Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.*

*(Informative) - Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the any part of the operational railway. No hedge should prevent Network Rail from maintaining its boundary fencing.*

## Agenda Item 5.3

Development Control Committee: 22 September 2011 **SE/11/01510/FUL**  
(Informative) - *No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains.*

### Representations:

26 13 letters of objection have been received relating to:

The use of Green Belt land for a permanent or temporary residential use is contrary to green Belt policy and there are no very special circumstances.

The land could be better used as a car park for the station.

There is already a permanent Gypsy site at Polhill a short distance away.

Danger of access from Station Road

Creation of more rubbish

Loss of habitat

Increased levels of crime.

Special rules should not apply to the Gypsy/ Traveller community.

Consider retaining the existing temporary restrictions until the current Central Government review of Gypsy and Traveller planning policy is released.

### **Head Of Development Services Appraisal**

#### *Principal Issues*

27 The main issues in this case are as follows –

The status of the applicant in relation to the advice contained within Planning Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites

Whether the development constitutes inappropriate development in the Green Belt and whether the proposal causes any other harm to the important attributes of the Green Belt. Should the scheme be considered to constitute inappropriate development it would be necessary to consider whether there are any very special circumstances or other material considerations that would justify permission.

Impact on character and appearance of the rural area and on the visual amenities of the Green Belt.

The impact on highway safety

The impact on surrounding residential amenities.

*Status of applicant*

- 28 Circular 01/06 defines Gypsies and Travellers as;

*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.*

- 29 It has been accepted on all previous submissions and appeals that the family comply with the definition of Gypsy status. Mr Simmons continues to travel for work, along with his sons, Patrick, Myles and Jamie.

- 30 Mr and Mrs Simmonds continue to reside on site with their youngest son Bobby (aged 16). Since the appeal decision in 2008 a number of their older sons have now married and also have children of their own;

Patrick and his wife Jemma (Jimmy aged 7.5 months)

Myles and his wife Margaret (Helena, Myles and Irene aged 5, 4 and 3)

Jamie and his wife Alex (Findlay aged 12)

Bridget Simmons (Mr Simmons niece) also remains on site

- 31 Bobby has completed his education at Wilderness High School and is now studying at West Kent College. Findlay has just started Knole Academy having finished his primary education at Halstead Primary School. At the point of writing, Helena and Myles are also enrolled to start Halstead Primary School this new term.

*Metropolitan Green Belt*

- 32 The application site is located within the Metropolitan Green Belt. Planning Policy Guidance Note 2 (PPG2) states that there is a general presumption against inappropriate development in the Green Belt. This includes material changes in the land use which do not maintain openness.

- 33 The use of the land for the stationing of mobile homes/caravans with associated works would, by its very nature, have a greater impact on the openness of the Green Belt. The development would result in a loss of openness, which is the most important attribute of the Green Belt. As such, and in accordance with paragraph 3.12 of PPG2 the proposal constitutes inappropriate development. Inappropriate development is by definition harmful to the Green Belt.

- 34 In respect of the impact of the structures on the openness of the Green Belt, historically the site has had some element of hard standing, as referenced by the Inspector in the 2008 decision, and the boundary fencing has now provided a more defined means of enclosure to the street. The existing mobile homes and touring caravans are low level structures in comparison to more permanent built form, and although domestic paraphernalia, such as

## Agenda Item 5.3

Development Control Committee: 22 September 2011 **SE/11/01510/FUL**

television aerials adds to the urbanisation of the plot, the impact upon the wider openness of the Green Belt is somewhat limited by the low level appearance of the structures.

- 35 This does not outweigh the presumption against inappropriate development, in order for inappropriate development to be permitted, very special circumstances need to be demonstrated which clearly outweigh the harm by reason of inappropriateness and any other harm. This will be considered after all other matters.

### *Impact on character and appearance of surrounding area*

- 36 PPS1 encourages design which responds positively to its context and developments which fail to take opportunities for enhancing the character of an area should not be permitted. Designs should complement the neighbouring buildings in terms of scale, density, layout and access. Policies CC6 and BE5 of the South East Plan and EN1 of the Sevenoaks District Local Plan require that development respects and takes opportunities to enhance the character and distinctiveness of the locality. 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 so that the distinctive character of villages is not damaged. Policy SP1 of the Sevenoaks Core Strategy seeks for all new development to be of high quality and respond to the distinctive local character of the area. Policy LO8 of the Sevenoaks Core Strategy requires that the countryside should be conserved and the distinctive features that contribute to its character protected and enhanced.
- 37 The site whilst it may appear isolated, is not a significant distance from the main residential development of Badgers Mount, this part of London Road is generally heavily parked by users of the train station, adding to the sense of urban character. Further west lies a small collection of commercial outlets, within the London Borough of Bromley, which when viewed cumulatively, the impact of the low level buildings proposed to be retained is limited on the wider landscape character.
- 38 The views of the site continue along the path way which extends northwards over the railway line, but these views are screened to some extent by the surrounding vegetation. Whilst the site does have some visual impact from outside the site, again the low level structures and tidy appearance of the site limit the visual harm, particularly within the context of rural, residential and commercial uses within close proximity. The retention of the proposed use would comply with the above policies and would preserve the character of the area.

### *Highway safety and parking*

- 39 Policy EN1 of the Sevenoaks District Local Plan requires that development should ensure satisfactory access for vehicles and pedestrians. The Kent Highway Authority have raised no objection to the existing access or its use



Development Control Committee: 22 September 2011 **SE/11/01510/FUL**

based on Highway Safety. A number of residents have objected on the grounds the site should be made into a station car park to reduce on street parking. The site is within private ownership and therefore the potential for any provision of a station car park is very limited. The application should be considered on its merits, not based on other end uses for the site.

Very Special Circumstances

40 In accordance with paragraph 3.2 of PPG2 it is necessary to consider whether very special circumstances exist that clearly outweigh the defined harm by reason of inappropriate development and any other harm identified.

41 The applicant's agent recognises that the application amounts to inappropriate development in the Green Belt and has submitted the following considerations as a case of Very Special Circumstances

Unmet need for Gypsy sites in Sevenoaks

Absence of alternative provision in Kent as a whole

The scope for temporary permissions under Circular 01/2006

No pitches available on larger gypsy sites.

Removal of the family would cause significant upheaval to the educational needs of the children now on site.

42 Adopted national policy is still set out in ODPM Circular 01/06. It states that local authorities should consider granting temporary permissions 'where there is unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period'. Paragraph 46 advises that substantial weight should be given to unmet need in considering whether temporary permission should be granted. The Gypsy and Traveller Accommodation Assessment (2006) provides the most recent assessment of the need for pitches in the District. It showed a need for 64 pitches to be provided in the period 2006-2011. The Council are currently considering commissioning a more up-to-date assessment.

43 At the time that the appeal decision granting temporary permission for development on this site was made (June 2008), the South East England Regional Authority were preparing a Partial Review of the South East Plan, which would have set the number of pitches that each District would provide. It was expected that once this process had been completed, local authorities would have greater certainty over the number of pitches that they would need to plan for through their site allocations in LDFs and development control decisions. The coalition government decided to scrap the Partial Review of the South East Plan in 2010 and has also recently consulted on a new national policy document ('Planning for Traveller Sites'). If adopted, 'Planning for Traveller Sites' would require each local authority to 'set pitch and plot targets which address the likely permanent and transit site accommodation needs of travellers in the light of historical demand'. It would also give local

## Agenda Item 5.3

Development Control Committee: 22 September 2011 **SE/11/01510/FUL**

authorities a 6 month period to put in place a 5 year supply of deliverable gypsy and traveller sites to meet forecast need, after which local authorities should 'consider favourably applications for the grant of temporary planning permission'. The Council currently propose to consider the impact of these changes and allocate sites to meet the identified need through the Allocations and Development Management Policies DPD (as stated in Core Strategy Policy SP6).

- 44 In coming to a decision on the 2008 appeal, the Inspector noted that the principal difference between the earlier appeal dismissal was the issuing of circular 01/06 after the previous decisions. It is also clear now that until additional sites are identified through a DPD, there is no realistic prospect that an alternative site will become available for the appellant and his family.
- 45 The very special circumstances now submitted, do not vary greatly from those considered by the Inspector in 2008. There is no real prospect of providing the families accommodation needs on an alternative site. Removal of the family and 6 children would likely result in unauthorised encampments elsewhere, cause significant hardship, disruption and nuisance to those who's land they may settle on and further harm to the environment. In addition it would disrupt the continued education of 4 of the children and access to healthcare.
- 46 In the medium to long term the Council has progressed with the adoption of its core strategy. There have been delays to preparing the DPD which have come about through the abolition of the South East Plan, but there is a good prospect of permanent sites being identified through the DPD process, to which the family could then seek to move.
- 47 Officers are satisfied the personal circumstances of the applicant taken in conjunction with the guidance within circular 01/06 regarding temporary consents, the lack of availability of current sites and the Council's policy position, justifies a further 3 year temporary period.
- 48 A permanent consent is not justified as this would be premature to the formal consideration process of allocating sites within the DPD.

### **Conclusion**

- 49 For the above reasons Officers consider a temporary consent for 3 years is justified. Conditions included shall restrict not only the time period of the consent but also the occupants on site and the numbers of caravans.
- 50 The landscaping scheme required by condition 6 of SE/06/03260/FUL was submitted and approved, and appears to have been laid out on site. There is a wire fence with conifer hedging installed along the boundary with the railway embankment. I am minded that the comments from Network Rail were based on the proposal for a permanent consent. It would be unreasonable to require a concrete, trespass resistant fence to be erected, with considerable cost to the applicant based upon a temporary permission. Given the landscaping and fencing installed to date, it is not considered any further fencing is justified.

**Background Papers**

Site and Block Plans

Appeal decision relating to SE/06/03260/FUL

Contact Officer(s): Mrs E Gregson Extension: 7367

**Kristen Paterson**  
**Community and Planning Services Director**

Link to application details:

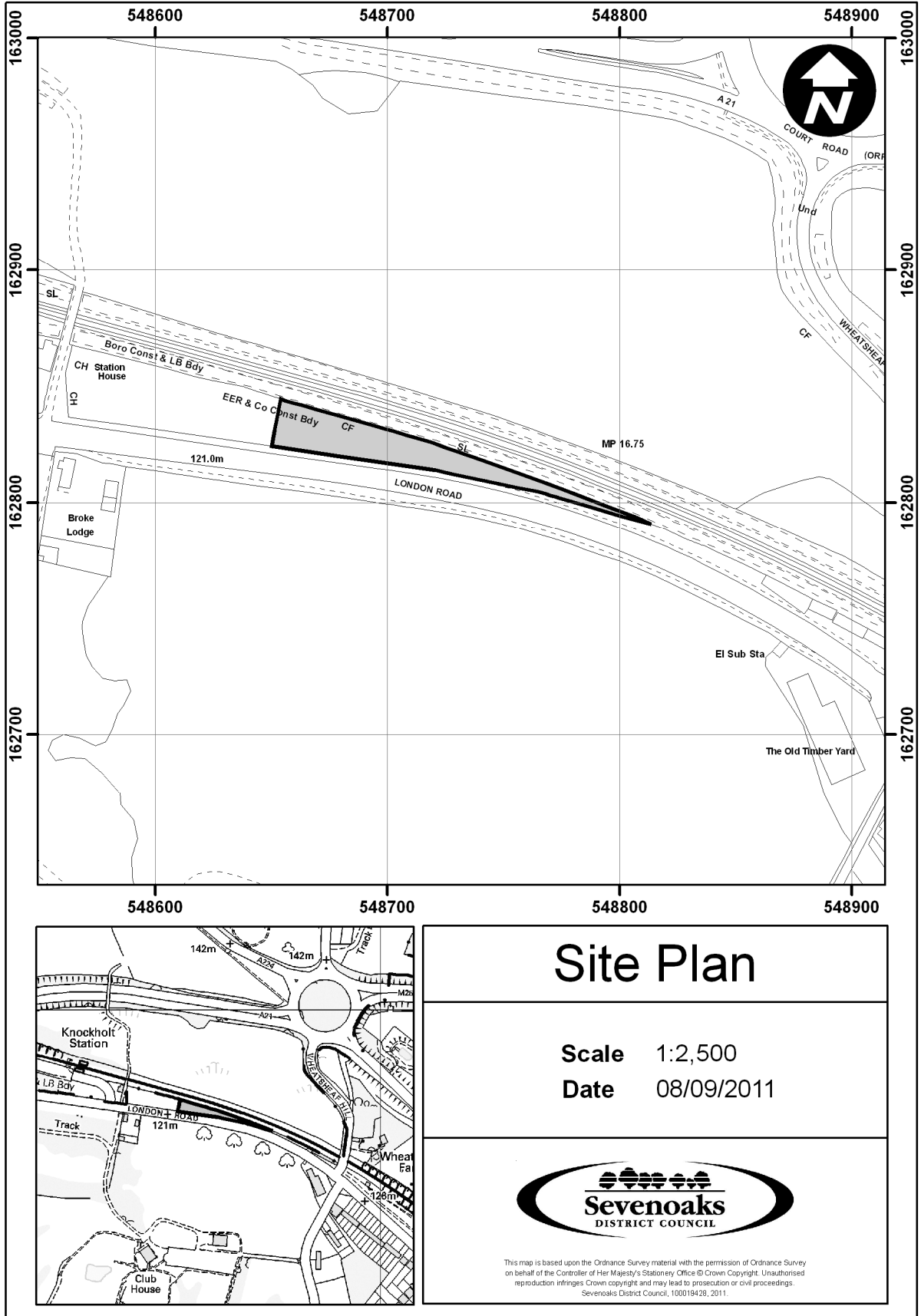
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LMQNQJBK0CR00>

Link to associated documents:

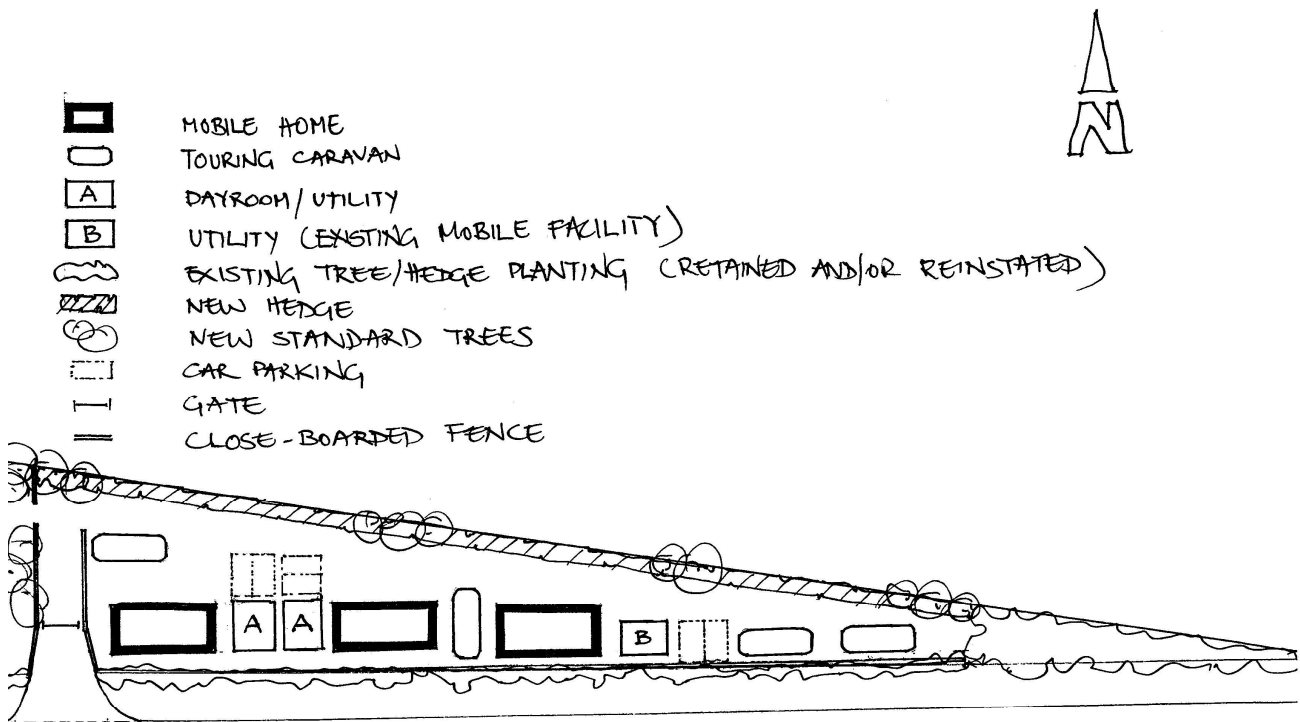
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LMQNQJBK0CR00>

Agenda Item 5.3

Development Control Committee: 22 September 2011 SE/11/01510/FUL



**BLOCK PLAN**



MCA - 2



## Appeal Decision

Inquiry opened on 13 May 2008

Site visit made on 14 May 2008

by **Clive Hughes BA MA DMS MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
18 June 2008

### Appeal Ref: APP/G2245/A/07/2049048

#### Land adjacent to Knockholt Station, Sevenoaks Road, Halstead, Sevenoaks, Kent TN14 7HR

- 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 R Simmons against the decision of Sevenoaks District Council.
- The application Ref SE/06/03260/FUL, dated 11 December 2006, was refused by notice dated 10 May 2007.
- The development proposed is continued use of land as a private gypsy caravan site (6 pitches).
- The inquiry sat for 2 days on 13 and 14 May 2008.

#### Decision

1. I allow the appeal, and grant planning permission for continued use of the land as a private gypsy caravan site (6 pitches) at land adjacent to Knockholt Station, Sevenoaks Road, Halstead, Sevenoaks, Kent TN14 7HR in accordance with the terms of the application, Ref SE/06/03260/FUL, dated 11 December 2006, and the plans submitted with it, subject to the following conditions:
  - 1) The use hereby permitted shall be carried on only by Mr Robert Simmons, his wife Helena (Breda), Jamie Simmons, Myles Simmons and his wife, Margaret, Patrick Simmons, Bobby Simmons and Bridget Murphy and their resident dependants. The permission shall be for a limited period of 3 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
  - 2) When the premises cease to be occupied by Mr Robert Simmons, his wife Helena (Breda), Jamie Simmons, Myles Simmons and his wife, Margaret, Patrick Simmons, Bobby Simmons, Bridget Murphy and their resident dependants or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought on to the premises in connection with the use, including the utility block, shall be removed and the land left in a clean and tidy condition.
  - 3) No commercial activities shall take place on the land, including the storage of materials, other than the display and sale of Christmas trees in December each year for the duration of this permission.
  - 4) No more than 7 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravan or mobile home) shall be stationed on the site at any time.

Appeal Decision APP/G2245/A/07/2049048

---

- 5) Any touring caravans positioned on the site shall be capable of being towed on the public highway, in accordance with the relevant Highways Act legislation, without division into separate parts.
- 6) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
  - i) within 3 months of the date of this decision schemes for:
    - the internal layout of the site, including the siting of caravans, utility blocks, pitches, hardstandings, parking and manoeuvring areas and amenity areas;
    - the location, sizes and design of any outbuildings, fences, gates or other means of enclosure; details of external lighting, fuel tanks and refuse storage; and
    - hard and soft landscaping, including all landscaping to be retained, and details of any proposed tree and shrub planting;
 shall have been submitted for the written approval of the local planning authority and the said schemes shall include a timetable for their implementation and for the maintenance of the landscaping.
  - ii) within 11 months of the date of this decision the site development schemes shall have been approved by the local planning authority or, if the local planning authority refuse to approve the schemes, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
  - iv) the approved schemes shall have been carried out and completed in accordance with the approved timetable.

**Procedural matters**

2. The use has already commenced although the site is not laid out in separate pitches. At the time of my visits there was one mobile home, 4 touring caravans and a utility block on the site. An indicative layout was submitted with the application; this shows one of the pitches being kept vacant for future use by the appellant's youngest son, Bobby, when he is old enough. It was agreed at the Inquiry that the actual layout could be the subject of a condition.
3. In a letter dated 11 December 2006, accompanying the planning application, the appellant stated that the application sought planning permission for a temporary period of three years only. While this was confirmed at the Inquiry, the appellant said that he would now wish to seek permission for a period of five years as there has been some slippage in the Local Development Framework (LDF) programme. However, I consider that to grant permission for a period in excess of three years could be prejudicial to the interests of parties who have not been able to consider or comment on such longer period. I have determined this appeal in accordance with the application.

Appeal Decision APP/G2245/A/07/2049048

---

4. The correct postal address for the site is unclear. The previous Inspector considered that it fronted London Road and the address was "corrected" by the then First Secretary of State (FSS) in respect of the 2003 Enforcement Notice (EN) in his Decision dated 2 July 2004. However, a road sign that says Sevenoaks Road is almost directly opposite the site and it may be that the road name changes from (Old) London Road to Sevenoaks Road at this point. I have noted that the appellant, and the occupiers of the adjoining Station House, describe their addresses as Sevenoaks Road so I have used that name for this decision.
5. Since the Council determined this planning application two of the policies cited on the decision notice are no longer extant. Policies GB2 and NR2 of the *Sevenoaks District Local Plan 2000* were not saved in the Direction under Schedule 8 paragraph 1(3) of the *Planning and Compulsory Purchase Act 2004*. In addition, Policy H20 of the Local Plan, concerning the provision of sites for gypsies and travellers and referred to at the previous Inquiry, was not saved by that Direction. The other cited policies in the Local Plan were saved by Direction dated 25 September 2007.
6. By undated letter to the agent for the appellant, the Council formally withdrew its fourth reason for refusal, concerning flooding, as independent consultants for the Council had carried out a scoping report that demonstrated that there is not a flood risk at the site.
7. A further planning application has recently been submitted. It has the same description of development as the proposal before me but seeks permission for a limited period of five years rather than the three years now sought. It has not yet been determined.

### **Background**

8. It is accepted by the Council that the appellant and his family meet the definition of Gypsies and Travellers as set out in paragraph 15 of ODPM Circular 01/2006 *Planning for Gypsy and Traveller Caravan Sites*. It is agreed that the development falls within the definition of inappropriate development as defined in Planning Policy Guidance 2: *Green Belts* (PPG2, 1995).
9. Planning permission for the *use of land as private gypsy caravan site (6 pitches)* (SE/03/00292/FUL) was refused on 16 April 2003 and an EN (310/98/317) was issued on 27 June 2003. The EN only required the *discontinuance of the use of the site for the stationing of caravans for residential purposes*. An appeal against the EN (on grounds (a) and (g)) was recovered for determination by the FSS as it related to proposals for significant development in the Green Belt. The Inspector who held the Inquiry reported to the FSS, recommending that the EN be corrected, that the appeal be allowed, that the EN be quashed and that planning permission be granted. The FSS did not accept the recommendations and dismissed the appeal on 2 July 2004. A resultant High Court challenge was successful and the FSS decision was quashed on 2 March 2005. In turn, this decision was quashed by the Court of Appeal (3 November 2005); the FSS decision of 2 July 2004 was reinstated. The EN, as corrected, is therefore extant; the period for compliance has elapsed. The current proposals are by the same appellant and are for the same development on the same site.



Appeal Decision APP/G2245/A/07/2049048

---

### **Main issues**

10. The remaining issues are the effect of the development on (i) the character and appearance of the area which is designated as a Special Landscape Area (SLA); (ii) the openness of the Green Belt and the purposes of including land within it; and (iii) whether there are other considerations that clearly outweigh any harm to the Green Belt and any other harm. If there are, then it is necessary (iv) to consider whether very special circumstances exist to justify the development.

### **Reasons**

#### *Effect on the character and appearance of the area and the SLA*

11. The area is designated as a SLA in the Local Plan. Policy EN7 says that in SLAs development will be permitted only where it would cause no significant harm to the landscape character of the area. While much of the District is covered by this designation, I note that there is an adopted *Countryside Assessment* (2004) which supplements the policy.
  12. The site lies on the bottom of a gently sloping valley and is situated between a main road, a railway line in a cutting and a public footpath. On the far side of the footpath is a house, beyond which is Knockholt Station. The station has a car park beyond which there lies what appears to be a concrete crushing plant, which is within L B Bromley. At the times of my visits this section of the road was heavily parked by commuters' cars. A short distance to the east along the road, around the junction with Wheatsheaf Hill, are various commercial enterprises including a van hire depot, a hand-wash car valeting service, and a showroom. Given the scale of the site, the mixed character of the nearby land uses including the road, railway, houses and commercial developments along the valley bottom, I do not consider that this development would result in any significant harm to the landscape character of the area.
  13. Concerning the impact on the appearance of the area, the existing development on the site is not especially visible from public viewpoints. The entrance gates, which are set back from the road, and the related fencing, (which are not referred to in the EN) are clearly visible in the street scene. The top of the mobile home can be seen above the fence and between the trees/hedge along the road frontage but the touring caravans are screened from the road. A section of the road frontage, however, has little in the way of natural screening and without additional planting the development on some of the pitches would be likely to be visible from the road.
  14. The development is also visible from the public footpath which rises up the side of the valley on the northern side of the railway. This path crosses land which is not being cultivated; it is scrub land which is regenerating and will, if left untended, eventually restrict even these limited views of the development. At present, however, there are clear views down into the site for a short distance along the footpath when travelling in a southerly direction. There are also views from the bridge over the railway. I understand that the site is now rather more prominent from this path than it was a week before the Inquiry opened as the trees and scrub in the cutting adjoining the railway have only very recently been cleared. The views from the public footpath on the southern side of the road are limited due to the trees and hedging along the road frontage of the site and the mature trees on the opposite side of the road.
-

Appeal Decision APP/G2245/A/07/2049048

---

15. Overall, I consider that while the existing development has an urbanising effect on the appearance of the immediate area, the harm is very limited due to the existing planting along the road frontage and to the fact that there are few public views into the site. The additional accommodation now sought would increase this impact but only when seen from the road through the gap in the boundary planting and for a short distance along the public footpath. Furthermore, I consider that the visual harm could be significantly reduced by additional planting within the site. This would take some time to be fully effective, however, but if plants of a reasonable size were to be planted now they would have a softening effect well before the end of 3 years.
16. I have taken into consideration the fact that the previous Inspector in 2004 stated that the practical harm to the Green Belt in terms of loss of openness and in visual terms was very limited. While he did not come to a conclusion concerning any conflict with Policy EN7, he nonetheless considered that the degree of harm he identified carried some weight against the grant of permission. The FSS did not accept that the harm was as limited as the Inspector had concluded and placed greater weight on the harm to inappropriateness and the harm to the character of the wider area.
17. I conclude that there would be some very limited harm to the appearance of the area. However, taking account of the scale of the development proposed, the restricted visibility, its context, and the limited period for which permission is sought I do not consider that the development would result in significant harm to the landscape quality of the SLA. The main public views of the site are from the footpath. In this regard the regeneration of the scrub in the field to the north of the railway is outside the appellant's control and the land could be returned to an active agricultural use at any time, which could slightly increase visibility. However, as the site only comprises a relatively minor element in the wider views from this footpath I do not consider that the harm would be so significant as to result in conflict with Policy EN7 of the Local Plan.

*Effect on the openness of the Green Belt & the purposes of including land within it*

18. The proposed development would reduce the openness of the Green Belt. However, the site has been hard surfaced for some time and the established boundary fencing is not part of the extant EN and the site cannot now be reasonably described as being open. Nonetheless, paragraph 1.4 of PPG2 advises that the most important attribute of Green Belts is their openness. In addition this site is within the countryside and paragraph 1.5 of PPG2 identifies that one of the purposes of including land in the Green Belt is to safeguard the countryside from encroachment. This proposal conflicts with that purpose.
19. This development would thus result in harm to the Green Belt due to the inappropriate nature of the development. In accordance with advice in paragraph 3.2 of PPG2, substantial weight must be given to this harm. Policy SS2 of the *Kent and Medway Structure Plan 2006* reiterates the general presumption against inappropriate development in the Green Belt. The proposed development would also cause a limited amount of harm to the character and appearance of the Green Belt and to its openness. It would also conflict with one of the purposes of including land in the Green Belt. This would be contrary to Government advice and to the development plan. Due to

Appeal Decision APP/G2245/A/07/2049048

---

this conclusion it is necessary to consider whether there are other considerations which need to be taken into account.

*The need for gypsy sites in the area*

20. There was no dispute between the parties that there is a need for sites for gypsies in the area. The figures set out in the various studies were accepted by the parties. The Council commissioned a *Gypsy & Traveller Study (2006)* which identified that 64 extra pitches were needed in the District during the period 2006-2011; this takes account of an existing backlog of need of 44 pitches. In the 20 or so months since that *Study*, 3 permanent private and 3 permanent public pitches have been approved by the Council and 9 pitches have received temporary planning permission. A further 3 public pitches are proposed but do not yet have permission. Projected needs beyond 2011 indicate a need for a further 5 permanent pitches per year. The Council's *Gypsy/Traveller Report* to its Development Control Committee of 7 February 2008 sets out that there is a clear and immediate need in the District for more gypsy and traveller sites; given the findings of the 2006 *Study* this conclusion is unsurprising. This *Report* also concluded that there is no available alternative provision of sites.
21. It is not clear when the necessary additional sites will be provided. A study of West Kent Districts (2005) identified a need for 64 pitches in Sevenoaks District and a further 64 in all the other West Kent districts combined; the Council does not dispute the level of need but is contesting this distribution. The 2008 *Report* recommended, and Members resolved, that the DPD to tackle the allocation of sites will be brought forward *following* adoption of the South East Plan [my emphasis]. Bearing in mind the need to resolve the issue as to how the identified need will be distributed between the Districts, which will be a function of the RSS and for which the timetable is unclear, there is no certainty concerning the timescale. The current timescale indicates that the Council's Core Strategy, including policy advice on site provision, would not be adopted until 2011. However, the very recent 2008 *Report* says that the allocation of sites would be made in the Balanced Communities Allocations DPD which is programmed for submission to Government in August 2010 with adoption likely by mid-2011. If that target is met it would coincide with the expiry of the 3 year temporary planning permission now sought. There is, however, no certainty that any sites will come forward and be available for occupation before that date.

*The accommodation needs of the appellant and his family and the consequences of the dismissal of this appeal*

22. I consider that the accommodation needs of the appellant and his family are significant and immediate. The family includes the appellant, his wife and four sons (one of whom is married and one of whom has a child by a previous relationship) and his niece. Between them there are also 5 (soon to be 6) children of which all but one have been born since the previous appeal decision. The immediate family have always lived and travelled together but the appellant's niece and her 2 children have recently joined them following domestic violence. The evidence, which is uncontested by the Council, is that there is no realistic prospect of him being able to find an alternative site in the vicinity to buy or rent for at least 3 years. If planning permission is refused the

Appeal Decision APP/G2245/A/07/2049048

---

Council is likely to enforce the requirements of the EN. The appellant and his family would have to vacate the site; with no alternative sites available the most likely outcome is that they would have to resort to roadside camping with serious resultant hardships to the family and additional costs and inconveniences to landowners and the community. Given the extent of the Green Belt in this area it is likely that any unauthorised encampments by the family would also be within the Green Belt and would cause harm to it. This carries significant weight in favour of allowing the appellant and his family to remain on the appeal site.

23. Concerning education, only one of the children on the site is currently at school; the other children are too young to attend school but 3 of them will reach school age within 3 years. The appellant's son, Bobby (13), is at The Wildernesse School in Sevenoaks where he is making good progress. He is settled at the school with a reasonable attendance record and receives additional help. The enforced displacement of the family from their land, with no alternative site on which they could live, will seriously jeopardise the chances of Bobby, and in time his younger relatives, being able to attend his current, or any other school on a regular basis, let alone continue to receive the additional help he currently gets. The educational attainment of children from gypsy and traveller families is the lowest of any ethnic group and it is a government objective to address and improve this situation. The lack of a fixed address or base makes access to and continuity of education far more difficult. The likely implications of a dismissal of the appeal for the future education of the children are serious. This factor also has to be given significant weight.
24. While there are no unusual health needs the fact that the family and their 5 young children, and another baby on the way, are presently settled has enabled them to register with a local doctor. An itinerant lifestyle with no fixed address makes access to healthcare for regular check-ups and treatment or emergency appointments far more difficult. This factor also weighs in favour of them remaining on the site
25. The appellant also made reference to the *European Convention on Human Rights* (ECHR) and in particular to Article 8. If the appellant and his family are evicted from the site they will have no lawful place to live in their caravans in the District. This would amount to excessive and disproportionate interference with his private and family life. The appellant argued that such interference is not necessary; it would disadvantage the appellant and his family. It would, in all probability, lead to unauthorised camping which would be likely to cause considerable community annoyance and increase the likelihood of trespass. The appellant causes almost no nuisance to others at present as demonstrated by the letter of support from the immediate neighbours at Station House. The Council's highway engineers have not objected to the seasonal sale of Christmas trees from the site.

*Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*

26. Paragraph 3.1 of PPG2 sets out the general presumption against inappropriate development in the Green Belt and says that such development should not be approved, except in very special circumstances. Paragraph 3.2 says that inappropriate development is, by definition harmful to the Green Belt and that

Appeal Decision APP/G2245/A/07/2049048

---

it is for the appellant to show why permission should be granted. It further says that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

27. In **Chelmsford BC v FSS and Draper** [2003] Sullivan J said at paragraph 58:

"The combined effect of paragraphs 3.1 and 3.2 is that, in order to justify inappropriate development in the Green Belt, (a) there must be circumstances which can reasonably be described not merely as special but as very special, and (b) the harm to the Green Belt by reason of inappropriateness and any other harm must be clearly outweighed by other considerations."

These tests must be considered independently of each other, and both must be satisfied before planning permission may be given for inappropriate development in the Green Belt.

28. Despite the comments of Cranston DJ in **Brentwood Borough Council v SSCLG & Macdonald** [2008] I find no requirement in PPG2 for the individual other considerations relevant to the balance test to be identified as 'a very special circumstance'. This seems to me to elide the two tests and impose a much higher test of the other considerations than was accepted, for example, by Mr Christopher Lockhart-Mummery QC, sitting as a Deputy High Court Judge in **Brentwood BC v SSE** [1996] who said at 68:

"it is clear from PPG2 and the authorities of the Court of Appeal<sup>1</sup> giving guidance in relation to PPG2, that the decision maker is required to look for factors having the character or quality that they lie in the balance *against harm*. Those factors can vary widely. They can be green belt factors as such; for example, that the development may preserve or increase openness or contribute to green belt functions. They can be other planning factors, such as, perhaps, a building of exceptional architectural quality. They can be factors derived from national or other economic needs. They can be factors relating to personal circumstances. The list is endless and it would not be for the court to restrict it. But, in my judgment, they share the common feature referred to above, that they outweigh harm."

29. This paragraph was explicitly referred to by Sullivan J in **Chelmsford**. In his later judgment in **Basildon v FSS and Temple** [2004] EWHC 2759 (Admin) commenting on **Chelmsford** he said:

15. Mr Pereira [*for the Council*] relied upon the last sentence in paragraph 56 of my judgment in the **Chelmsford** case:

"The decision taker must be able to point to a circumstance or circumstances which, viewed objectively, are reasonably capable of being described as 'very special'."

16. Judgments should not be construed as though they were statutes, since they respond to the facts found and the submissions advanced in the particular case. In paragraph 56, I was rejecting the proposition that was then being advanced on behalf of the Secretary of State: that a factor amounted to very special circumstances because, and only because, he so described it. The final sentence is not to be read as saying: "The decision-taker must be able to point to a circumstance or circumstances, each and every one of which, viewed objectively, is reasonably capable of being described as 'very special'"; rather it is saying: "the decision-taker must be able to

---

<sup>1</sup> These being **Pehrsson v SSE** (1990) 61 P&CR 266 and **Stewart v SSE** [1991] JPL 121, see **Bretwood** at p. 67.

Appeal Decision APP/G2245/A/07/2049048

---

point to a circumstance, or combination of circumstances which, viewed objectively, is reasonably capable of being described as 'very special'."

17. The short answer to the claimant's argument is that in planning, as in ordinary life, a number of ordinary factors may when combined together result in something very special. Whether any particular combination amounts to very special circumstances for the purposes of PPG2 will be a matter for the planning judgment of the decision-taker.

30. In other words, having considered all of the relevant material considerations and weighed the totality of those resulting in harm against the totality of those which lie in the balance against harm, and found that the other considerations clearly outweigh the harm, it is necessary to go on to consider whether a circumstance, or combination of circumstances, exist which can be objectively described as 'very special'. There is no need, however, to consider at the first stage whether each and every other consideration has such qualities before weighing it in the balance. It may be that some or all are, but this is not a pre-condition for placing them in the balance or an ultimate finding of very special circumstances.
31. In this case there is the harm arising from inappropriateness to which I must give substantial weight. In addition there is a limited amount of harm, at a local level, to the openness of the Green Belt; and to one of the purposes of including land within the Green Belt. Taken together, this amounts to substantial harm but the fact that planning permission is being sought for a period of 3 years, rather than on a permanent basis as in the previous appeal, limits the harm to a relatively short period of time.
32. The other considerations advanced by the appellant show that there is a need for more sites for gypsies and travellers both regionally and locally. The recent GTAA has identified that the current local need for 64 pitches includes a significant backlog (44 pitches in 2006) and that the need will continue to rise after 2011. I attach considerable weight to this general need for more sites in the locality and the wider area. It is common ground that there are no alternative sites available for the family to move to and are very likely to be any within the next 3 years. In addition I have taken into account the lack of any specific policies in the development plan that would enable the appellant to identify a suitable alternative site in the short term. Of great weight is the probability that the appellant and his family would have to resort to a roadside existence if this appeal fails with serious consequences to their day-to-day lives, including access to education and healthcare. Given the extent of the Green Belt and the SLA the likelihood is that these unauthorised encampments would cause harm to both the Green Belt and to the SLA. These factors, and especially the likely impact of having to resort to roadside camping on the welfare of the family, weigh very significantly in favour of the appellant
33. One of the principal differences between this appeal and that considered at the previous Inquiry is that national planning policy advice on gypsies and travellers has changed. ODPM Circular 01/2006 was issued 2 years after the previous Inquiry. Unlike the advice at that time (Circular 1/94) it contains specific advice on the use of temporary permissions for gypsy and traveller sites, making no distinction between Green Belt and other locations. Paragraph 45 says that consideration should be given to granting temporary permission where there is an unmet need but no available gypsy and traveller site

Appeal Decision APP/G2245/A/07/2049048

provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need. These are exactly the circumstances that arise in this case as the Council's GTAA has been carried out, it has identified a significant level of unmet need, and it is being acted upon by the Council in preparing its Balanced Communities Allocations DPD. This site has been nominated by the appellant for consideration as part of this process. While there are various discrepancies in the estimated timescales, the most recent document is the *Report* to the Development Control Committee in February 2008 which indicates the likely adoption of allocated sites by mid-2011.

34. Paragraph 46 of ODPM Circular 01/2006 says that substantial weight should be given to unmet need in considering whether temporary planning permission should be given; in such circumstances temporary permission should not be regarded as setting a precedent. This recent advice weighs heavily in favour of the appellant.
35. I have weighed these other considerations against my conclusions concerning the harm to the Green Belt and the other harm. I consider that circumstances have changed significantly since the previous appeal decision. I have had particular regard to paragraphs 45 and 46 of ODPM Circular 01/2006; to the unmet need for sites as identified in the GTAA; and to the Council's intention to provide more sites through the DPD process.
36. It is clear that until additional sites are identified in a DPD, there is no realistic prospect that an alternative site will become available for the appellant and his family to occupy. The alternative is a roadside existence. As 93% of the District is in the Green Belt this would be likely to be equally, if not more, harmful to the Green Belt and to the appearance of either this or an adjoining SLA. Eviction from the site would be likely to result in loss of their home and result in a serious interference with their rights under Article 8 of the ECHR. The appellants are now seeking only a temporary planning permission until alternative sites are allocated and made available through the LDF process and through the appropriate DPD and subsequent planning permissions. Although substantial weight must be attached to the harm by reason of inappropriateness, the harm to the character and appearance of the area, including the SLA, is small and confined to a very local area. It is further limited by the short term nature of the permission sought. Subject to the imposition of conditions, I conclude that the harm by reason of inappropriateness, and the other identified harm is clearly outweighed by the other considerations. It is therefore necessary to determine whether very special circumstances exist that justify this inappropriate development.

*Do very special circumstances exist?*

37. This case involves a group of 6 adults and 5 children belonging to a single family who have made their home on land that they own for at least five years, albeit that their occupation has been in breach of an enforcement notice for the last four. As gypsies and travellers they have particular accommodation needs which the Council accept cannot be met on any alternative site in the locality, at least for the foreseeable future. The most likely consequence of a dismissal of the appeal is that they would be forced to leave their land and be rendered homeless. Their resulting itinerant existence in the form of a series of

Appeal Decision APP/G2245/A/07/2049048

---

unauthorised encampments would cause significant hardship for the families, disruption, nuisance and cost to those on whose land they settled and harm to the environment. It would also seriously jeopardise Bobby's continued schooling and the chances of the younger children being able to receive their educational entitlement at the appropriate time and access to necessary healthcare. The harm arising to the character and appearance of the local area, and the SLA, were they to remain on site would be minimal and if additional screening is planted, would diminish in time. In the medium to longer term there is every expectation that alternative sites to which they could move will be identified through the DPD process. All in all I find that these circumstances can be objectively regarded as very special and that planning permission for the development as sought is justified.

*Conditions*

38. The appellant seeks temporary planning permission for a period of 3 years for the siting of 3 mobile homes and 4 touring caravans and so conditions to that effect accord with the terms of the application. I consider that the permission should be personal to the appellant and his family as their circumstances and immediate need have been given significant weight in this decision. In order to minimise the impact of the development on the countryside, and in particular due to the gap in the existing landscaping to the road frontage, siting of mobile homes and touring caravans need to be specified and agreed by the Council. The submitted indicative layout plan shows that significant additional landscaping is proposed to improve the appearance of the site; this needs to be the subject of a condition to ensure that it is provided. Details of the external lighting need to be provided in order to ensure that the site does not detract from the appearance of the area. Commercial activities need to be prohibited in the interests of the appearance of the countryside; however, I agree that the continued sale of Christmas trees in December is reasonable as it provides an income at a time when landscaping work is in short supply.

*Overall conclusion*

39. I conclude that the harm of the development is outweighed by the other considerations and that very special circumstances exist that are sufficient to justify this inappropriate development in the Green Belt. I conclude that conditional planning permission should be granted for a temporary period of 3 years.

*Clive Hughes*

Inspector



Appeal Decision APP/G2245/A/07/2049048

---

APPEARANCES  
FOR THE LOCAL PLANNING AUTHORITY:

Robert Lewis	Of Counsel; instructed by John Leach, Sevenoaks District Council
He called	
Brian Woods	Managing Director, WS Planning, 15-17 Bell Street,
BA(TP) MRTPI	Reigate, Surrey RH2 7AD

FOR THE APPELLANT:

Alan Masters	Of Counsel; instructed by Michael Cox
He called	
Michael Cox BSc	Principal, Michael Cox Associates, 177 Cuckfield Road,
DipTP MRTPI	Hurstpierpoint, West Sussex BN6 9RT
Helena Simmons	Appellant
Paul Clark	Teacher and Pastoral Care Manager, The Wildernesse School, Seal Hollow Road, Sevenoaks, Kent TN13 3SN

INTERESTED PERSONS:

Gordon Clarke	Representing Shoreham PC, c/o Mrs B J Ide, Clerk to Shorham Parish Council, Haresfield, Packhorse Road, Sevenoaks, Kent TN13 2QR
---------------	--

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Council's notification letter and list of persons notified
- 2 Statement of Common Ground
- 3 Bundle of core documents
- 4 Enforcement Notice dated 27 June 2003
- 5 Planning application decision notice SE/03/00292/FUL (25 April 2003)
- 6 *Robert Simmons v FSS & SDC [2005] EWHC 287 (Admin)*
- 7 Extract from Circular 1/94: Gypsy sites and planning (paras 11-15)
- 8 Letter from J Daly, Headteacher, The Wildernesse School
- 9 Email from Alan Dyer (SDC) to WSPlanning 14 May 2008
- 10 Development Control Committee Report – Gypsy/Traveller Report (07.02.08)
- 11 Letter (10 May 2008) from Carol and Graham Thompson, Station House
- 12 Decision notice & plans, Chelsfield Lakes Golf Centre (LB Bromley) 30.01.06
- 13 List of suggested conditions
- 14 *Clee v FSS and Stafford BC [2008] EWHC 117 (Admin)*
- 15 *Brentwood v SoSCLG and MacDonald [2008] EWHC 1001 (Admin)*
- 16 *Chelmsford v FSS and Draper [2003] EWHC 2978 (Admin)*
- 17 *R (Baker) v SoSCLG and Bromley LBC [2008] EWCA Civ 141*

PLANS

- A Site location plan
- B Indicative site layout plan as proposed
- C Details of utility building(s)

PHOTOGRAPHS

- 1 Aerial photographs of gypsy and traveller sites
- 2 Christmas trees for sale at the site

## Agenda Item 5.3

Development Control Committee: 22 September 2011 **SE/11/01510/FUL**

Development Control Committee: 22 September 2011 **SE/11/01594/FUL**

5.04 – SE/11/01594/FUL Date expired 18 August 2011

PROPOSAL: Erection of rear roof terrace serving second floor

LOCATION: 41 Buckhurst Avenue, Sevenoaks TN13 1LZ

WARD(S): Sevenoaks Town & St Johns

**ITEM FOR DECISION**

The application is referred to Development Control Committee by Councillor Raikes on the grounds of the appearance and the acceptability of a balcony within this area.

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

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No development shall be carried out on the land until a sample of the material to be used in the construction of the opaque polycarbonate screen hereby permitted has been submitted to, and approved in writing by the Council. The development shall be carried out using the approved material.

To ensure that the appearance of the development is in harmony with the existing character of the locality as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) Prior to the first use of the terrace hereby approved, the screen approved under Condition 2 of this permission shall be erected. The approved screen shall remain in situ in perpetuity thereafter.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Existing Block Plan, Proposed Block Plan, Design and Access Statement, Drawing No. 010, received 22.06.11 and 23.06.11.

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

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

The South East Plan 2009 - Policies SP1, CC1, CC6, BE4

Sevenoaks District Local Plan - Policy EN1

## Agenda Item 5.4

Development Control Committee: 22 September 2011 **SE/11/01594/FUL**

### Sevenoaks District Core Strategy 2011 - Policy SP1

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

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

Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by way of the conditions imposed.

#### Description of Proposal

- 1 Erection of rear roof terrace serving second floor.
- 2 The terrace area will be located within an existing parapet to the rear (south) and western flank of the application site. A parapet will be created to the eastern flank of the application site to match the height of the existing parapet to the south and west elevations. The parapet exists to the south and west elevations to an overall height of 0.9 metres to the proposed terrace area. An opaque polycarbonate screen will be constructed above the parapet wall to an overall height of 1.77 metres above the floor level of the terrace (the opaque polycarbonate screen itself will not exceed 0.87 metres in height above the parapet). The opaque polycarbonate screen will be constructed to the south, east and west elevations of the proposed terrace. The terrace will abut the wall of the adjacent 2 Webbs Court to the west of the application site.

#### Description of Site

- 3 The site consists of 41 Buckhurst Avenue which is located within the built urban confines of Sevenoaks. The application site is located within Sevenoaks Town Centre. The street scene is characterised by a mixture of residential properties and business units.
- 4 The site is not located within a Conservation Area, an Area of Outstanding Natural Beauty or the Metropolitan Green Belt.

#### Constraints

- 5 Area of Archaeological Potential

#### Policies

##### *Sevenoaks District Local Plan*

- 6 Policy– EN1

##### *Sevenoaks District Core Strategy*

- 7 Policy – SP1

##### *South East Plan*

- 8 Policies– SP1, CC1, CC6, BE4

Development Control Committee: 22 September 2011 **SE/11/01594/FUL**

*Others*

- 9 Residential Extensions Supplementary Planning Document

Planning History

- 10 10/03366/FUL - Conversion of attic into habitable space with increased roof height and dormer to rear (granted 08.02.11)

Consultations

*Sevenoaks Town Council*

- 11 The Town Council continued to recommend refusal of the roof terrace as it will overlook directly the garden and front of Sycamore Cottage in Akehurst Lane.

Representations

- 12 None received.

**Head Of Development Services Appraisal**

Principal Issues

*Design, scale and bulk*

- 13 Policy EN1 of the Sevenoaks District Local Plan states that proposals for all forms of development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality.
- 14 The Residential Extensions Supplementary Planning Document (SPD) states that care should be taken with roof terraces which can pose problems of overlooking. The SPD further states that roof terraces should not directly overlook the windows or private amenity area of any adjoining dwelling where this would result in an unreasonable loss of privacy.
- 15 The proposal seeks permission for a small scale of development in utilising an existing roof area to the rear of the application site as that of a terrace. In these terms, as the roof area and that of part of the parapet wall are existing, the proposal will remain compatible with other forms of development within the locality in terms of scale and site coverage. With regard to the site immediately adjacent to the application site (39 Buckhurst Avenue to the west), this property exhibits a second floor rear extension which is larger in built form. On these grounds, the proposal would be compatible in terms of its height.
- 16 In terms of the design of the roof terrace, a screen is proposed above the existing parapet wall to an overall height of 1.77 metres above the floor level of the terrace. Given the height of the proposed screen, the proposed terrace is not considered to pose any problems with regards to overlooking and a subsequent loss of privacy to residents at neighbouring properties. In accordance with the guidance outlined within the Residential Extensions SPD, the roof terrace will not directly overlook the windows or private amenity area

## Agenda Item 5.4

Development Control Committee: 22 September 2011 **SE/11/01594/FUL**

of the adjacent dwellings by virtue of the installation of the screen. It is therefore considered that the proposal would be acceptable on these grounds.

### *Impact upon the street scene*

- 17 As detailed above, as the roof terrace will be sited within an existing roof area, it is only the addition of the opaque polycarbonate screen and the building-up of the parapet to the east elevation which will alter the appearance of the dwelling in terms of the street scene view from Akehurst Lane.
- 18 The void above the first floor and the parapet to the south and west elevations are existing. The parapet wall to the east elevation will be 0.9 metres in height and the opaque polycarbonate screen above 0.87 metres in height. The parapet wall to be created to the east elevation will be constructed of brickwork and painted white to match the external finish of the existing dwelling.
- 19 In these terms, given that the brickwork and finish proposed will match that used upon the external surfaces of the existing dwelling, and that the opaque polycarbonate screen proposed will not exceed 0.87 metres in height, it is not considered that the proposal will result in a detrimental impact upon the Akehurst Lane street scene.

### *Impact upon residential amenity*

- 20 Policy EN1 of Sevenoaks District Local Plan details that proposals should not have an adverse impact upon the privacy or amenities of a locality by reason of form, scale or height.
- 21 Concern has been raised regarding the overlooking of the amenity area to the front of 2 Akehurst Lane and the windows in the front elevation of this property as a result of the proposal. The front elevation of 2 Akehurst Lane is located 27.5 metres from the rear of the proposed terrace and the front amenity area at 2 Akehurst Lane is located 17 metres from the terrace area. The rear amenity area at the adjacent 39 Buckhurst Avenue is located 4 metres from the proposed rear terrace.
- 22 The application seeks to erect an opaque polycarbonate screen to the south and east elevations of the proposed rear terrace which will (in conjunction with the existing parapet wall to a height of 0.7 metres) stand to an overall height of 1.77 metres above the floor level of the proposed rear terrace. At the proposed height of 1.77 metres, the screen will prevent overlooking of 39 Buckhurst Avenue and 2 Akehurst Lane and will not result in a loss of privacy to the residents at these properties.
- 23 In the interests of preserving residential amenity, it is considered that a condition be included upon a planning approval detailing firstly, that a sample of the material to be used for the screen to the east and south elevations of the rear terrace be submitted to, and approved in writing by the Council. Secondly, a condition shall be included upon the decision notice detailing that the screen shall be erected to the east and south elevations prior to the use of

Development Control Committee: 22 September 2011 **SE/11/01594/FUL**  
the rear terrace and that the screen shall remain in situ, permanently thereafter.

- 24 As the proposed terrace will abut an existing flank wall to the rear of 2 Webbs Court, and that of the roof of this property above the flank wall, it is not considered that the proposed roof terrace will have a detrimental impact upon the residents of Webbs Court (which are business units) as part of the proposal.

### **Conclusion**

- 25 It is therefore considered that the proposal is in accordance with policy EN1 of the Sevenoaks District Local Plan, policy SP1 of the Sevenoaks District Core Strategy, policies SP1, CC1, CC6 and BE4 of the South East Plan and the Residential Extensions Supplementary Planning Document.

### **Background Papers**

Site and Block Plans

Contact Officer(s): Helen Tribe Extension: 7136

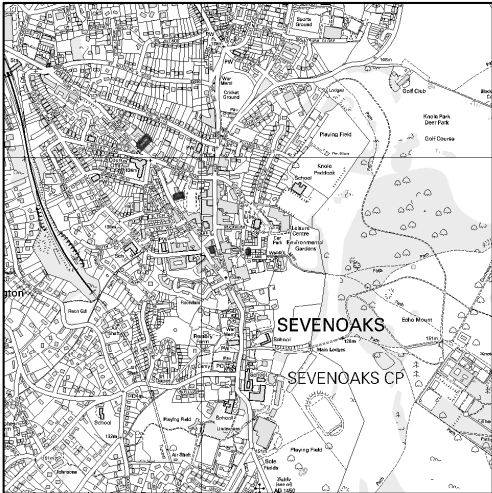
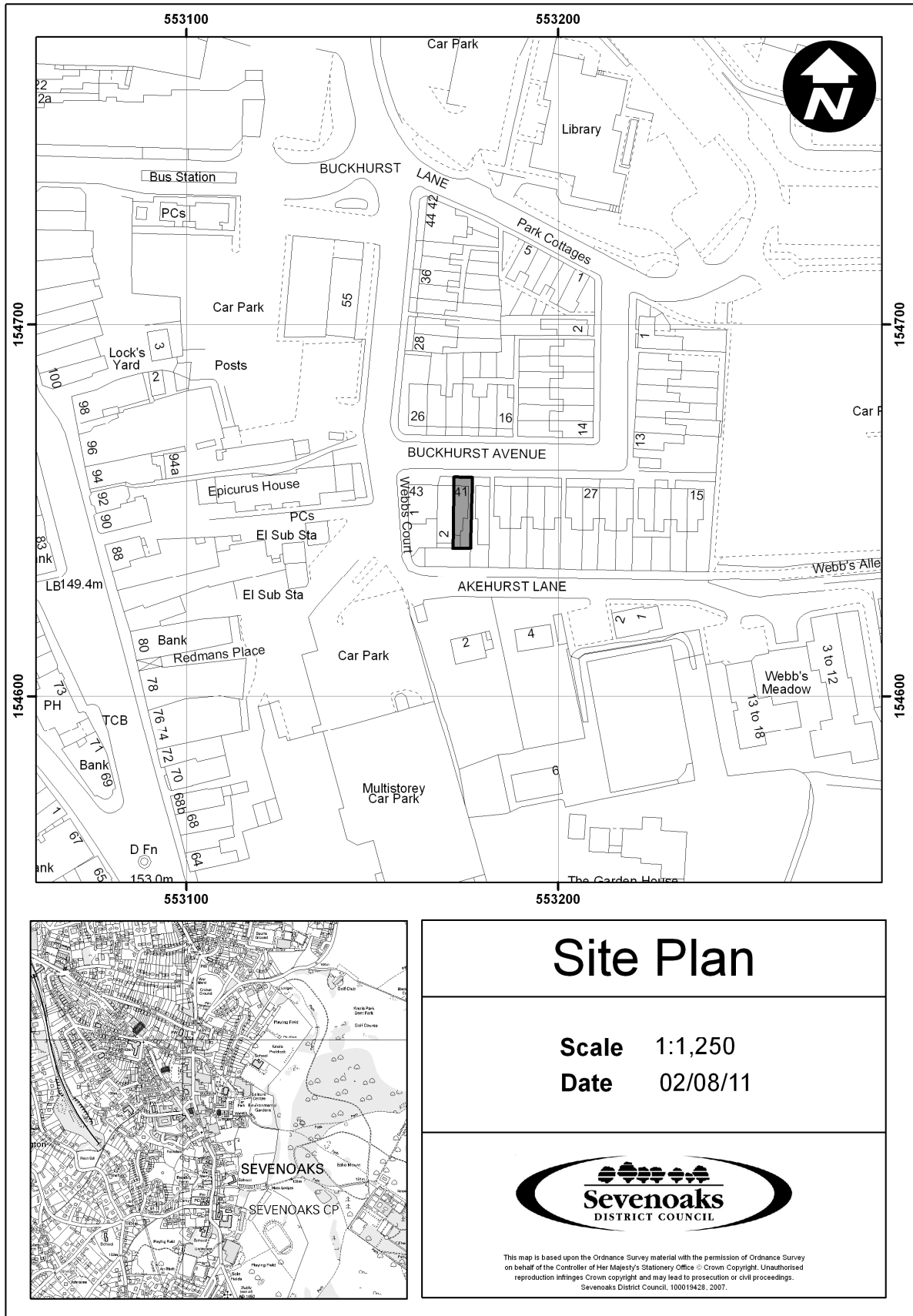
**Kristen Paterson**  
**Community and Planning Services Director**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LN729KBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LN729KBK8V000>



# Site Plan

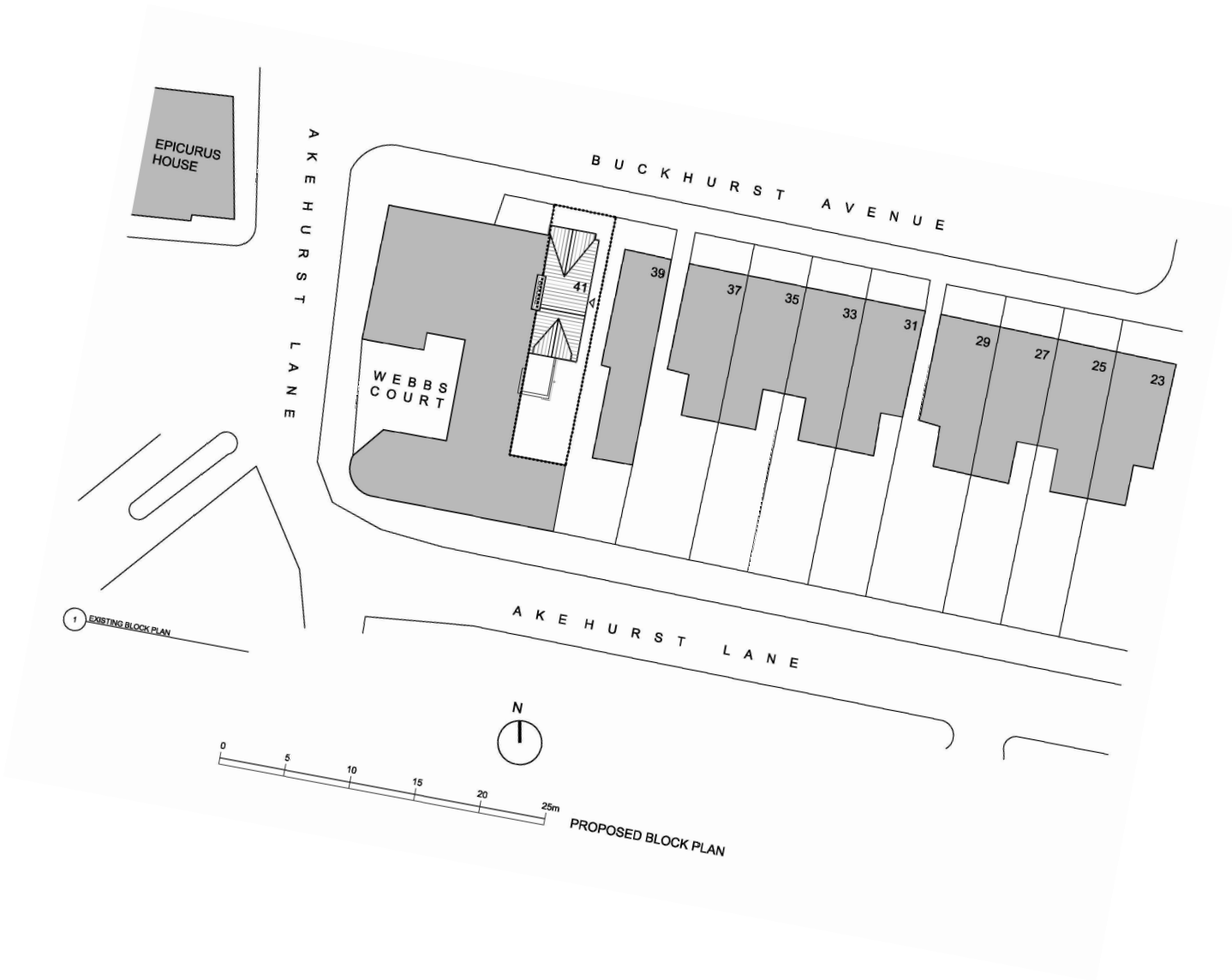
Scale 1:1,250

Date 02/08/11



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 100019428, 2007.





## Agenda Item 5.4

Development Control Committee: 22 September 2011 **SE/11/01594/FUL**

5.05 – SE/11/01422/REM Date expired 4 August 2011

**PROPOSAL:** Reserved matters (appearance, landscaping, layout and scale) pursuant to condition 1 of Appeal ref: APP/G2245/A/07/2060272 for application SE/07/00818/OUT for demolition of existing dwelling and erection of four detached chalet bungalows with associated parking/ garages and shared access, (as amended by drawings received on 07.07.11)

**LOCATION:** 167 Hever Avenue, West Kingsdown, TN15 6DU

**WARD(S):** Fawkham & West Kingsdown

### **ITEM FOR DECISION**

The application is referred to Development Control Committee at the request of Councillors Mr and Mrs Bosley, to consider the detailed merits of the scheme.

**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: Location plan 05.09; Site layout 05.09.SK34G received 07.07.11 and 03.08.2011; Topographical Survey received 03.06.2011; Floor layouts 05.09 SK101B4 \_ 05.09 SK102B4; Elevations 05.09 SK170 4; 171 4; 172 4; 05.09 SK151 4; 152 4; 153 4; 05.09 SK173 4; 174 4;175 4; 05.09 SK155 4; 156 4157 4; Garage elevations 05.09 SK118 A4; Cross sections 05.09. SK160 4C; 05.09. SK161 4; 05.09 SK162 4.

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

2) All hard and soft landscaping shall be carried out in accordance with approved drawing KDP/1032/11/A amended and received 03.08.2011.

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

3) Hard and soft landscape works shall be carried out before first occupation of the dwellings hereby approved. The landscape works shall be carried out in accordance with the approved details.

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

4) If within a period of 5 years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

5) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority:

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, policies CC2 & CC4 of the South East Regional Plan & Policy NR1 of the Kent & Medway Structure Plan.

6) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwellings and garages hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) The garages and off street parking spaces shown on the approved plans shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the garages and off street parking spaces.

In the interest of highway safety as supported by EN1 of the Sevenoaks District Local Plan.

8) No development shall commence until a scheme has been submitted and approved in writing by the Local Authority, detailing an upgraded vehicle crossover to serve the vehicular access to the site and means of access during construction of the dwellings hereby approved. The development shall be carried out in accordance with the approved details.

In the interests of road safety and convenient access as supported by EN1 of the Sevenoaks District Local Plan.

9) No development shall commence until a scheme for the construction of the hard surfacing of the vehicular access drive has been submitted to an approved in writing by the Local Authority. The scheme should provide a surface which would avoid the transfer of surface materials onto the public highway. The vehicular access should be secured to the minimum widths indicated on the layout plan. The

development shall be carried out in accordance with the approved details.

In the interests of road safety as supported by EN1 of the Sevenoaks District Local Plan.

10) No development shall take place until a construction management plan which includes details of a system for wheel cleansing and loading, off-loading, parking and turning arrangements for all construction and site vehicles, have been submitted to the Council for approval. The approved scheme shall be installed before works first begin on the land and shall be used at all times until completion of the development.

To ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard on the road system in the locality and to accord with Policy EN1 of the Sevenoaks District Local Plan.

11) No development shall commence until a scheme for all means of enclosure have been submitted to and approved in writing by the Local Authority. The development shall be carried out in accordance with the approved details.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

The South East Plan 2009 - Policies H5, CC4, CC6

Sevenoaks District Local Plan - Policies EN1

Sevenoaks District Core Strategy 2011 - Policies LO1, LO7, SP1, SP2, SP3.

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

The development makes adequate provision for the parking of vehicles within the application site.

The site is within the built confines of the settlement where there is no objection to the principle of the proposed development.

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

The traffic movements generated by the development can be accommodated without detriment to highway safety.

The scale, location and design of the development would respect the context of the site and safeguard the visual amenities of the locality.

The development makes provision for the safe means of vehicular access to and from the site.

Description of Proposal

- 1 The application seeks consent for the reserved matters of appearance, layout, landscaping and scale pursuant to condition 1 of SE/07/00818/OUT for the demolition of existing dwelling and the erection of four detached chalet bungalows with associated parking, garaging and shared access. SE/07/00818/OUT was permitted at appeal and established the principle of residential redevelopment for 4 units. (Copy of appeal attached as Appendix A).
- 2 The proposal seeks to layout the four properties in a centred arc around a shared access way. Plots 1 and 4 would be positioned towards the front of the site, with plots 2 and 3 off set behind. Each plot would be provided with a detached double garage and rear garden area.
- 3 The proposed scheme has been amended to reduce the ridge heights of plots 1 and 4 in line with the scheme proposed at plots 2 and 3. All four plots now propose a chalet style dwelling, with a maximum height of 7.4m. Due to falling land levels on the site from east to west, the slab level for each house will be different, this means that the ridge heights of the property in situ will vary due to the falling land levels and level changes proposed. The maximum height of the existing dwelling is 5.7m (54.10 AOD), the ridge heights of the proposed dwellings are set out below, inclusive of the difference in heights compared with the existing dwelling.
  - Plot 1- 55.50AOD- 1.4m above existing ridge
  - Plot 2- 54.30AOD- 200mm above existing ridge
  - Plot 3- 53.90AOD- 200mm lower than existing ridge
  - Plot 4- 55.30AOD 1.2m above existing ridge.
- 4 The proposed properties are largely similar in detailed design but with some minor alterations to the position of dormer windows, porch canopies and window openings to provide some variety to the detail of the scheme.

Description of Site

- 5 The site lies to the rear of No's 161-169 Hever Avenue, with an access way between No.169 and No.165. The site is a relatively square plot, with a depth and width of between 50-60m. The northern boundary adjoining No.173 Hever Avenue is defined with an established belt of conifer trees which finish to the rear elevation of No.173, the remainder of the boundary is defined with fencing and shrubs.
- 6 The western boundary abuts the gardens of No.86-76 Neal Road. These are all modest bungalows set approximately 2m below the rear boundary level and positioned between 12-19m from the shared boundary. There are a number of established trees along this boundary which are shown to be retained. To the south lies No.157 Hever Avenue and No's 1-3 Symonds Close. Again these are generally single storey properties, although some benefit from loft additions. Land levels to the south climb slightly, with no significant alterations in level between the application site and properties in

**SE/11/01422/REM Item No 5.05**

Symonds Close. The eastern boundary is dissected by the vehicular access and marks the rear boundary with No's 161-165 and 169 Hever Avenue. Again this is marked by an established belt of conifer trees which also extend a limited distance along the access drive.

- 7 The application site lies within an established residential area with a range of housing type and style. Particularly prevalent are chalet style properties with infill developments to the rear of the main street frontage. To the north of Hever Avenue lies Brands Hatch racing circuit and to the east open countryside. The site lies wholly within the built confines of West Kingsdown

Constraints

- 8 None

Policies

*South East Plan*

- 9 H5- Housing Design and Density  
10 CC4- Sustainable Design and Construction  
11 CC6- Sustainable Communities and Character of the Environment

*Sevenoaks Core Strategy*

- 12 LO1- Distribution of Development  
13 LO7- Development in Rural Settlements  
14 SP1- Design of New Development and Conservation  
15 SP2- Sustainable Development  
16 SP3- Provision of Affordable Housing

*Sevenoaks District Local Plan*

- 17 EN1 –General Principles  
18 WK6- Excessive Noise Disturbance

*Others*

- 19 PPS1- Delivering Sustainable Development  
20 PPS3- Housing

Planning History

- |    |              |   |                                     |
|----|--------------|---|-------------------------------------|
| 21 | 07/00818/OUT | Demolition of existing dwelling and erection of four detached chalet bungalows with associated parking/garages and shared access.   | REFUSED<br><b>Allowed at Appeal</b> |
| 22 | 10/02731/FUL | Demolition of existing dwelling and outbuilding and the erection of 5 no chalet bungalows with associated garages and infrastructure for the complex. (As amended by drawings received 6/5/11, 19/5/11 and 23/5/11. | Pending Consideration               |

Consultations

*West Kingsdown Parish Council*

- 23 Members are concerned for the trees and shrubs along the boundary and would ask for their protection along the boundary of Symonds Close and 76 Neal Road to a depth of 2-3 m and all the conditions of the appendix A of the inspectors report on APP/G2245/A/07/2060272 dated 2<sup>nd</sup> July 2008
- 24 Members are concerned at the proposal to plant several conifers trees to the rear boundary with 76 Neal road as in time it is likely to deprive the small garden of Neal road the morning sunlight, members would prefer to see this changed to broadleaved tree.

Additional comments after amendments to ridge heights and landscaping 20.06.2011

- 25 Members are concerned for the trees and shrubs along the boundary and would ask for their protection along the boundary of Symonds Close and 76 Neal Road to a depth of 2-3 m and all the conditions of the appendix A of the inspectors report on APP/G2245/A/07/2060272 dated 2<sup>nd</sup> July 2008
- 26 Members would like to see TPO placed on trees on the western boundary. Members are also concerned regarding the lack of visitor parking that there appears to be.

*Kent Highways*

- 27 I refer to the above planning application and have no objections to the proposals in respect of highway matters subject to the following condition(s) being attached to any permission granted:-
1. The applicant must provide an appropriate upgraded vehicle crossover to the specification requirements of Kent Highways to serve the vehicular access to the site prior to any house occupations and an appropriate means of access during construction to the specification requirements of Kent Highways prior to commencement of any works on site.



**SE/11/01422/REM Item No 5.05**

2. The vehicular access (which will remain private) should be secured to the minimum widths indicated on the layout plan and should be constructed from an appropriate hard-paved material to prevent 1) the transfer of surface materials onto the public highway and 2) damage occurring to the back edge of the public vehicle crossover.

3. An appropriate means of wheel washing should be secured on site during construction to prevent vehicles transferring materials from the site onto the public highway.

*Tree Officer*

28 The tight grouping of the proposed new buildings in a generally central location appear acceptable as they are away from the boundaries. This allows the retention of trees nearer to the boundaries as well as the planting of additional trees. The general description of the planting as shown upon drawing number KDP/1032/11A appears acceptable.

*South East Water*

29 No comments

*Environmental Health*

30 No comments

*Representations*

31 Two letters have been received with concerns regarding:

Original landscaping proposal to plant conifers on the boundary with No.76 Neal Road which would reduce light.

Querying finished height of fence along eastern boundary.

Intensification of traffic passing bedroom, lounge, study and bathroom window at No.169 would result in a loss of privacy.

Issue of conifers to the shared boundary and loss of light.

Use of access track is not wide enough for emergency vehicles.

**Head of Development Services Appraisal**

Principal Issues

*Context of outline permission*

32 Outline planning permission was granted at appeal under SE/07/00818/OUT for the erection of four detached dwelling houses. The site layout plan submitted at outline stage is identical to that now under consideration. The indicative elevations and heights of the buildings submitted at that time were larger properties with a height of around 8.5m. The Inspector concluded that

the proposal made an efficient use of previously developed land, in a sustainable location and considered the main issues at outline stage were;

Whether noise emanating from Brands hatch would have an unacceptable impact on the amenities of future occupiers.

The effect of the proposed access on the living conditions of neighbouring occupants.

Whether the design of the proposed dwellings would constitute an overbearing and un-neighbourly form of development.

*Noise from Brands Hatch*

- 33 The applicants submitted a detailed noise survey at outline stage which was considered as part of the appeal. The Inspector concluded that the noise categories were on the border of categories B & C sited in PPS24. Given the sporadic nature of the noise source and the absence of night time events (23:00- 07:00) with a suitable acoustic screening, the conditions would not have an unacceptable impact on the amenities of future occupiers. Details of an acoustic screen to ensure an adequate level of noise protection from the activities at Brands Hatch is to be submitted pursuant to condition 7 of the outline consent. The Inspector concluded that this measure was sufficient to bring the proposal in accordance with advice within PPG24 and policy WK6 of the Sevenoaks District Local Plan.

*Impact of proposed access*

- 34 Neighbouring residents expressed concern regarding the impact of vehicular movements along the existing access drive. These were submitted during the course of the outline consent and have been reiterated during the course of consideration of the reserved matters application. The Inspector accepted that the traffic movements from the additional three units would be around 6-8 movements per day. Even if these movements were increased, the Inspector did not consider this would adversely affect the residents at 165 and 169 Hever Avenue. The arrangement of the access at the junction of Hever Avenue has also been controlled by way of conditions on the outline permission, to seek details of arrangements for fire appliances and larger service vehicles.

*Design*

- 35 Concern was raised at the appeal regarding the impact on neighbouring sites, particularly the properties in Symonds Close and Neal Road and the potential for the proposed dwellings appearing overbearing and visually intrusive. The indicative elevations proposed dwellings of up to 8.5m in height, the Inspector concluded that subject to site levels and landscaping design it was felt that the illustrative design were capable of being accommodated without appearing overbearing. A further caveat was added by the Inspector that once in receipt of more information at the reserved matters stage, it may be necessary to reduce the height of some of the dwellings.

*Appeal Conclusions*

- 36 The Outline submission has established the principle of residential re-development and that the proposed arrangement for 4 units is acceptable. There is no objection to the scheme based on noise and disturbance from Brands Hatch, or based on the access arrangements into the site. Both these issues are controlled by way of conditions, details of which are required to be submitted prior to commencement.

Principal Issues – Reserved Matters

- 37 The main issues relating to the submission of the reserved matters are:
- Design, height, layout and overall scale of the dwellings. (*Layout and use of the site for 4 units was considered acceptable at outline stage*)
  - Impact of the proposed dwellings on neighbouring properties by reason of privacy, outlook, daylight and sunlight.
  - Landscaping measures

*Design, height, layout and overall scale of the dwellings*

- 38 PPS1 encourages design which responds positively to its context and developments which fail to take opportunities for enhancing the character of an area should not be permitted. Designs should complement the neighbouring buildings in terms of scale, density, layout and access. Policies CC6 and BE5 of the South East Plan and EN1 of the Sevenoaks District Local Plan require that development respects and takes opportunities to enhance the character and distinctiveness of the locality. 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 so that the distinctive character of villages is not damaged.
- 39 The style of the dwellings is that of a chalet bungalow with the first floor contained within the roof space. The detailed designs are attractive with a good level of detail and variation between plots. Plots 1 and 3 having partially recessed dormers to the first floor, and lean to porch entrance. Plots 2 and 4 have dormer windows which retain a continuous eave line within the dormers set back fully within the roof slope to the front elevations. Further variations are proposed to provide an open framed porch canopy extending across the front of the dwellings. All plots are proposed to be provided with a detached double garage. All of the buildings are proposed to have a mixed palette of materials including detail red brick skirt and chimney pots, with a lighter red facing brick to the main elevations. Plain tile hanging to the gable projections with bull nose detailing and timber boarding. The roof and dormer cheeks are also proposed with a tile finish and white window and door finishes.
- 40 The scale of all four buildings has been reduced since the consideration of the outline consent which had indicated a ridge height of 8.5m. The Inspector

made a preliminary assessment of the built form but in relation to the impact on neighbouring properties, which will be considered later in this report. The overall scale of the buildings has been reduced, now all proposing a chalet bungalow design. The ridge heights have been reduced to 7.5m but retaining the arrangement as deemed acceptable at outline stage.

- 41 Having regard to the scale of built form in the surrounding area the reduced scale is considered in keeping with the other dwellings in and around the site. There are various examples of single storey, 1.5 storey and two storey properties along this stretch of Hever Avenue. The overall height and reduced mass of the buildings through the use of roof level accommodation and reduced ridge height is considered in keeping with the existing scale and form of buildings in the area and would respect the existing layout and pattern of built form.
- 42 The detailing to the buildings and proposed use of materials is considered to provide attractive and well detailed traditional buildings, again in keeping with the variety of built form in the area. Taking into account the Inspectors acceptance of the layout and the efficient use of previously developed land, I consider the detailed reserved matters scheme complements the surrounding built landscape and with suitable landscaping and control of materials, would provide a high quality development sympathetic to the existing character of the surrounding area. The proposal therefore complies with policy in this respect.

*Impact of the proposed dwellings on neighbouring properties*

- 43 Policy EN1 of the SDLP requires that development should not have an adverse impact on privacy and amenities of the locality by reason of form, scale, outlook or activity levels.
- 44 Concern continues to be expressed by the occupants of No. 165, who have primary window openings adjacent to the access drive, regarding the noise and disturbance from vehicle movements along the access track. This matter was considered by the Inspector at the appeal and was deemed an acceptable relationship, even based on a higher level of use than submitted with their noise report. There is no change to the number of units, layout or access way and therefore this matter has already been found acceptable.
- 45 The proposed units would be set out in a circular arrangement around a central turning circle. There are changes in levels running east/west and the land levels drop to the rear of properties in Neal Road by approximately 2.5m. The overall slope from the entrance of the site to the rear of properties in Neal Road being approximately 5m. The Inspector noted that there was potential for the properties submitted at outline stage to have an overbearing impact on the properties in Neal Road due to their lower site levels. The reduced ridge height of all units, in addition to cutting into existing land levels has gone some way to lessening the visual impact of the proposal from neighbouring sites.
- 46 Plots 2 and 3 sit to the rear part of the site and the new dwellings would be positioned approximately 30m from the rear of the properties in Neal Road.

**SE/11/01422/REM Item No 5.05**

There is existing established vegetation along the rear boundary, the landscaping plan indicates that the major trees will be retained and added to, particularly in the south west corner of plot 2. Whilst the buildings will be visible from the habitable rooms of the properties in Neal Road, given the reduced ridge height and alterations to levels, this will generally be the upper parts of the roof form. Daylight tests have also been submitted for the rear units and they would not lead to a material loss of daylight for the dwellings in Neal Road. The first floor window openings have been angled away from a direct relationship with properties in Neal Road and given the lower land levels, the proposed first floor openings would generally look over the roof form of No's 76-88. Given the separation distance, existing and proposed screening and reduced ridge height, I am satisfied the units 2 and 3 can be accommodated without detriment to the amenities of properties within Neal Road.

- 47 Plots 1 and 2 will bound properties in Symonds Close to the south, and would lie between 30-45m from the existing dwellings. The proposed garages would be positioned between 24-26m from the rear of the dwellings in Symonds Close. The land levels fall east/west but are relatively flat north/ south. The boundary screening to the south is to be re-enforced with apple trees, and the retention of existing birch and cherry trees. The mass of the buildings will be visible from the dwellings in Symonds Close, and whilst screened to some extent by the existing and proposed trees, the majority of the proposed buildings will be visible. Given the reduced scale, and comparative size with other buildings in the locality, I do not consider the buildings would appear overbearing or visually intrusive. The window openings do not directly face the properties in Symonds Close, but there would be some mutual overlooking of amenity areas as is commonly accepted within the built confines of settlements.
- 48 Plots 1 and 4 would lie against the eastern boundary with No.161- 165 and No.169 Hever Avenue. This boundary is defined by established conifer trees screening views from the properties in Hever Avenue. These trees are shown to be retained and as a result there would be limited views of the proposed buildings. To the north lies No.173 Hever Avenue, who has its flank elevation facing the application site. From the principle front and rear window openings, there would be limited views of plot 4 which lies no closer than the existing property at this point. The detached garage for plot 4 would sit close to the north east corner of the plot, adjacent to the garage at No. 173. There would be views obtained from the flank elevation lounge opening and a bathroom opening. However, these windows currently look onto the full flank of the existing dwelling, the proposed plot 4 would be angled away from the boundary, increasing the separation distance and with a finished ridge height of 1.2m above the existing building.
- 49 Given the existing relationship these windows have to the existing building, the re-orientation of plot 4 will allow an increase in the openness of the outlook from these windows. Although there will be an increase in height of the proposed building, this would not have a significant impact over and above the form of the existing building. In addition the openings are not the primary window openings to habitable accommodation for the property. There

**SE/11/01422/REM Item No 5.05**

are two additional lounge openings facing east, which do not have views of the proposed development. The bathroom window does not serve a habitable space. There would be no direct overlooking from the proposed dwelling and No.173, with window openings angled NW/SE. The dwelling sited on plot 4 would not extend beyond the rear elevation of the existing property and accordingly would not have a materially greater visual impact than the current built form.

- 50 Plot 3 would be screened from the rear garden and rear window openings of No.173 by the existing conifer hedging along the northern boundary. These are shown to remain on the submitted landscaping plan.
- 51 I am satisfied that the proposed dwellings maintain a reasonable separation distance to all neighbouring boundaries, which having regard to the visual impression of the existing built form, existing landscaping shown to be retained and to be added to in places. I am satisfied the dwellings can be accommodated without a harmful loss of privacy, outlook, daylight or sunlight to neighbouring sites. The proposal complies with policy in this respect.

*Landscaping*

- 52 Policy EN1 requires that the design should incorporate landscaping of a high standard, to maintain the character of the area.
- 53 The Parish Council had concern for the protection of the existing trees and shrubs to boundaries and would like a TPO to be placed on trees on the western boundary. The existing trees on the site are shown to be retained as part of the landscaping scheme, and added to in places. The Tree Officer has visited the site and has found the proposed landscaping acceptable, however there has been no proposition that the trees individually or collectively are worthy of protection by a TPO. As part of the approved landscaping scheme, should any of the trees die within 5 years, they would be required to be replaced with similar species. It would however, given the number of mature trees on site be possible to request details of tree protection measures, during construction to safeguard them during the build process.
- 54 It is also proposed to add a number of new specimen trees to the frontage of the new properties, along with areas laid to lawn, ornamental hedgerows and shrubs. The details adjacent to No.165 have been amended to provide a low level mixed hedge rather than conifers to enable sufficient light to the window openings on this flank and rear garden space. A mixed hedgerow does not have the potential to grow as high and is easier to manage post-development.
- 55 Hard standing has been restrained to the access route, driveways and small patio areas to the rear of dwellings. The proposed scheme manages a good balance between retaining established, mature planting to the boundaries, and reinforcing this with native trees and shrubs to the principle amenity areas of the new properties. The landscaping scheme is considered acceptable.

*Other matters*

- 56 The Parish Council also raise concern over the limited number of visitor parking spaces. The adopted Kent Vehicular parking standards include a visitor space, each property is provided with two garage spaces and two additional off street spaces, exceeding the three off street spaces required. In addition there would be scope for some small amount of on street parking within the development, or on Hever Avenue, where there is not a significant on street parking issue. Any visitor parking would be temporary and the dwellings are provided with ample off street parking for the occupants. No objection has been raised by the Highway Authority in this regard.
- 57 The outline consent for 4 units was approved in 2008, prior to the Council's current Affordable Housing policy. As the reserved matters relate solely to the detail of the scheme, and not the principle of development or number of units, no affordable housing provision could now be secured for this 4 unit scheme.

**Conclusion**

- 58 The principle of a 4 unit scheme, laid out as shown, has been considered acceptable and an efficient use of land for housing. The Planning Inspector considered the relationship to other properties may be acceptable but some reduction in plot heights may be required from the outline indicative scheme. The submitted scheme for reserved matters has reduced the ridge height to all plots and includes a reduction of ground levels to reduce the visual impact of the scheme.
- 59 The detailing, scale, siting and use of materials is considered acceptable and the proposed landscaping scheme would further mitigate the visual impact of the proposal. Officers are satisfied the scheme can be accommodated without detriment to neighbouring amenities.

**Background Papers**

Site and Block Plans

Appeal decision relating to outline consent

Contact Officer(s): Mrs E Gregson Extension: 7367

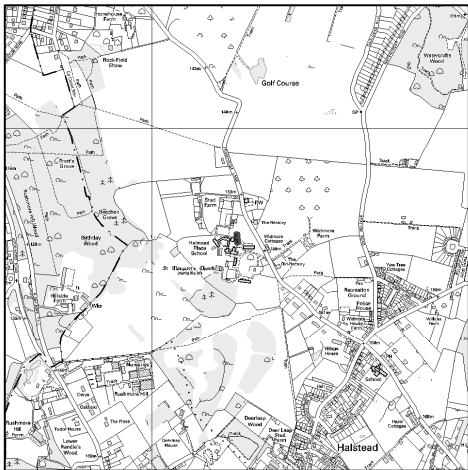
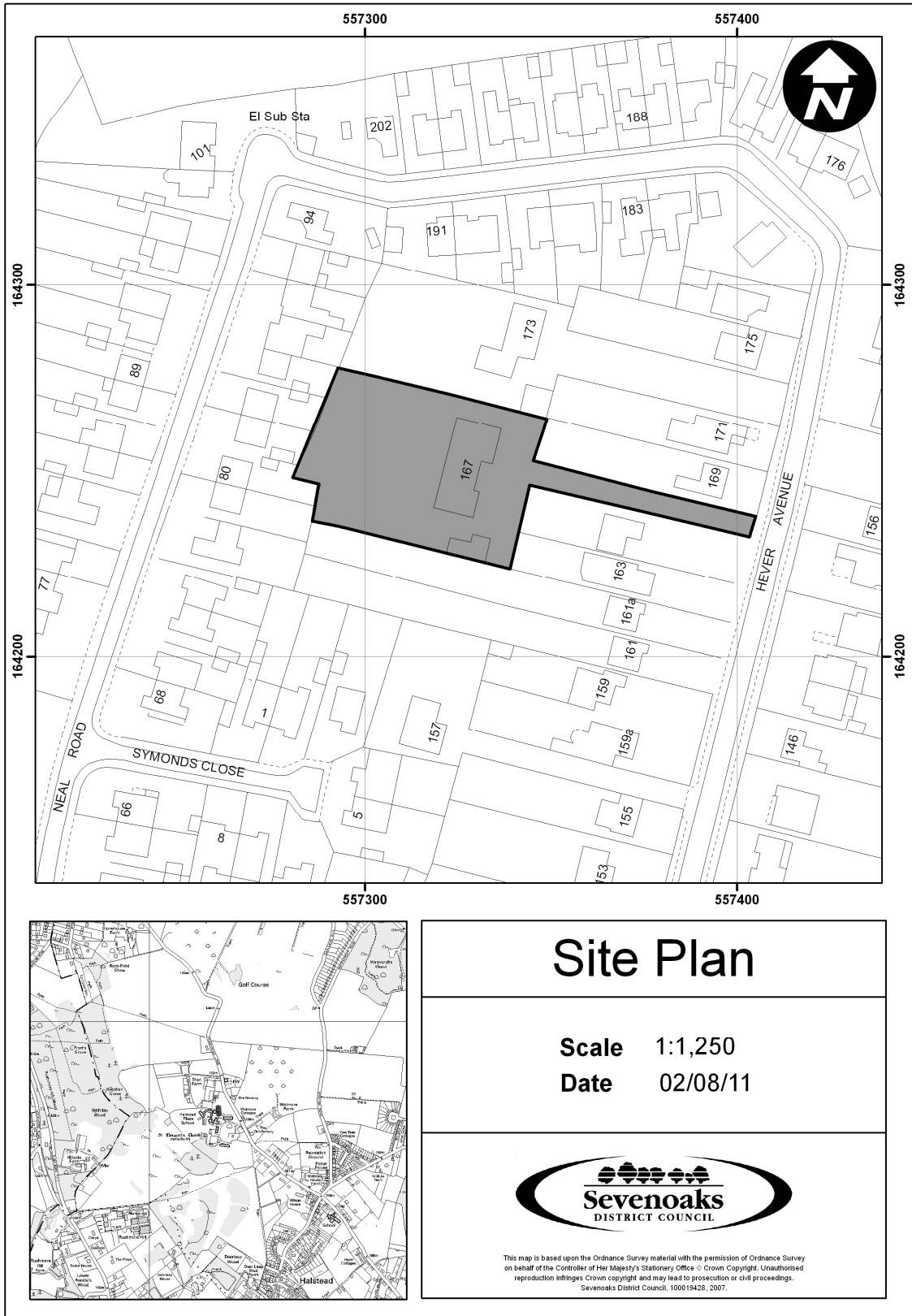
**Kristen Paterson**  
**Community and Planning Services Director**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LM7OTWBK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LM7OTWBK0CR00>



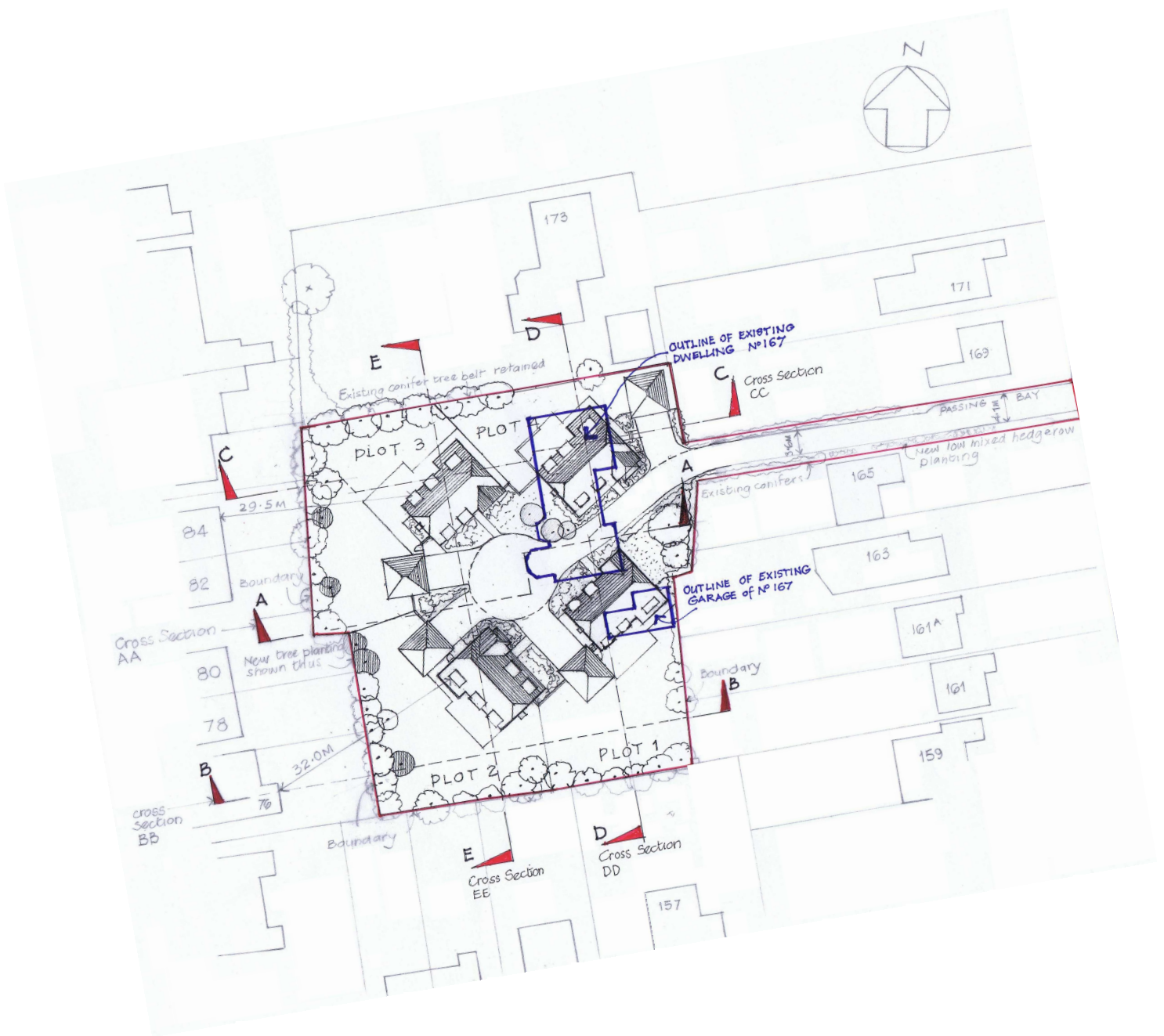
# Site Plan

Scale 1:1,250  
Date 02/08/11



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 100019428, 2007.







## Appeal Decision

Hearing held on 20 May 2008

by **Michael R Lowe BSc (Hons)**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
2 July 2008

**Appeal Ref: APP/G2245/A/07/2060272**

**167 Hever Avenue, West Kingsdown, Sevenoaks, Kent TN15 6DU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Parker Morris Homes Ltd against the decision of Sevenoaks District Council.
- The application Ref SE/07/00818/OUT, dated 6 March 2007, was refused by notice dated 11 May 2007.
- The development proposed is the demolition of existing dwelling and erection of four detached chalet bungalows with associated parking/garages and shared access.

### Decision

1. I allow the appeal, and grant outline planning permission for the demolition of existing dwelling and erection of four detached chalet bungalows with associated parking/garages and shared access at 167 Hever Avenue, West Kingsdown, Sevenoaks, Kent TN15 6DU in accordance with the terms of the application, Ref SE/07/00818/OUT, dated 6 March, 2007, and the plans submitted therewith, subject to the conditions set out in appendix 1.

### Preliminary Matter

2. The application was made in outline with layout, scale, appearance and landscaping reserved for future determination. Except for the details of the access, I have treated the details shown on the submitted plans as illustrative.

### Main Issues

3. The Council has accepted that the proposal makes efficient use of previously developed land in a sustainable location. I agree and on that basis the main issues to be considered are:
  - Whether the noise emanating from the Brands Hatch motor racing circuit would have an unacceptably detrimental impact on the amenities of occupiers of the proposed dwellings;
  - The effect of the proposed access on the living conditions of nearby residents;
  - Whether the design of the proposed dwellings would constitute an overbearing and un-neighbourly form of development.

### Reasons

4. The appeal site comprises the residential curtilage of 167 Hever Avenue, a substantial plot set back behind 165 and 169 Hever Avenue with access via a driveway between these properties. The plot is surrounded by housing

SEVENOAKS DISTRICT COUNCIL
REC'D 02 JUL 2008
COMMUNITY & PLANNING SERVICES

---

Appeal Decision APP/G2245/A/07/2060272

---

development along Neal Road, Hever Avenue and the spur of Symonds Close. As such, the plot is bordered on all sides by the gardens of these dwellings. The Brands Hatch motor racing circuit is located to the north and east of this residential area.

5. Policy WK6 of the Sevenoaks District Local Plan (2000) seeks to prevent new development, particularly housing, in areas subject to excessive noise disturbance and Government guidance on noise and planning is provided by PPG24<sup>1</sup>.
6. The appellant submitted an acoustic appraisal and concluded that during main racing events at Brands Hatch, internal noise levels on a plot nearest the racing circuit could exceed the WHO<sup>2</sup> recommended level by up to 3 dB(A). However, the appraisal also concluded that the recommended level could be achieved by orienting the habitable rooms so that they are screened from the circuit. Similarly, external noise levels in the garden areas during main events would exceed the WHO recommended levels unless the gardens could be designed to be close to and behind the dwellings.
7. The appellant's acoustic survey also indicated day-time (0700 to 2300) noise levels of 51 and 52 dBL<sub>Aeq</sub> when there were no major Brands Hatch events and up to 63 dBL<sub>Aeq</sub> during the timetabled events. The Council conducted its own survey from the public highway outside 84 Neal Avenue and recorded a noise level of 75 dBL<sub>Aeq</sub> during the A1 GP World Cup event on 4 May 2008.
8. PPG24 introduces the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different noise sources. However, the noise exposure categories do not specifically consider typical conditions for road, rail and air traffic noise. Applying the figure of 63 dBL<sub>Aeq</sub> from the appellant's on-site survey would place the appeal site at the boundary between Noise Exposure Category (NEC) 'B' and 'C', whilst the Council's figure of 75 dBL<sub>Aeq</sub> would fall within NEC 'D' for a race day.
9. In my view the appeal site should be assessed as being borderline between noise categories B and C, taking account of the general absence of Brands Hatch events during the night-time (2300-0700) and the sporadic nature of the noise source compared to the examples given in PPG24. I have based this conclusion upon the appellant's on-site data and I attach little weight to the off-site data provided by the Council.
10. On the first issue I conclude that conditions could be imposed to ensure an adequate level of noise protection, thus ensuring that noise emanating from the Brands Hatch motor racing circuit would not have an unacceptable impact upon the amenities of the occupiers of the proposed dwellings. The proposal is, therefore, in accordance with Policy WK6 of the Local Plan. I have reached this conclusion taking account of the fact that this appeal site has an existing residential use and is surrounded by other dwellings and is, therefore, distinct from the appeal decision (APP/G2245/A/06/1196963) which would have extended the residential area, and for which the proposed mitigation measures were unacceptable. The other appeal decision that was brought to my

---

<sup>1</sup> Planning Policy Guidance 24: Planning and Noise. 1994.

<sup>2</sup> World Health Organisation.

Appeal Decision APP/G2245/A/07/2060272

---

attention (T/APP/5280/A/79/9858/G5) was not refused solely on the grounds of adverse impact from the noise from Brands Hatch.

11. Turning to the issue of the effect of the proposed access on the living conditions of the nearby residents, the proposed development would utilise the existing access drive to 167 Hever Avenue. The appellant assessed the traffic generated to be 6-8 movements per day for each of the three additional dwellings and submitted a noise report demonstrating that, even on the assumption of higher levels of use, the noise levels relating to use of the access road would be acceptable. I agree with this assessment and consider that the increased traffic from an additional three dwellings would not significantly adversely affect the residents of 165 and 169 Hever Avenue. Similarly, I do not consider that three additional dwellings would have any significant adverse effect by way of disturbance or traffic levels and parking along Hever Avenue. I therefore consider that the proposed access does not conflict with Policy EN1 of the Local Plan with regard to the amenity of local residents.
12. The third issue concerns the question of design of the proposed dwellings and whether the illustrative designs would constitute an overbearing and un-neighbourly form of development. The Design and Access Statement, together with the illustrative plans for chalet bungalows of an approximate height of 8.5m, does enable a preliminary assessment as to the likely general form and scale of future development, although these are reserved matters.
13. On my site visit I noted that some of the existing single storey bungalows surrounding the appeal site along Neal Road and Symonds Close could be at risk from overbearing development due to their location at lower levels and proximity to the appeal site. I also noted that the appeal site has extensive trees and shrubs along the boundary, and that subject to the site levels and landscaping design providing appropriate mitigation, it appears to me that the illustrative designs may be capable of avoiding overbearing and un-neighbourly development.
14. At the reserved matters stage a more detailed assessment of the layout, scale, appearance and landscaping will be necessary and this may lead to the conclusion that the height of some of the proposed dwellings may need to be reduced. However, in my view, the illustrative plans submitted clearly indicate that four dwellings can comfortably be accommodated within the site and that an appropriate design would avoid an overbearing and un-neighbourly form of development.
15. In conclusion the appeal site would make efficient use of previously-developed land in a sustainable location and would, subject to conditions, provide acceptable living conditions for future residents without significant adverse impacts upon nearby residents. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

**Conditions**

16. I have considered the conditions suggested by the Council and discussed at the hearing in the light of the advice in Circular 11/95 *The Use of Conditions in Planning Permissions*. I have made some minor amendments to those suggested, to reflect the wording of the Circular and to clarify some details or

Appeal Decision APP/G2245/A/07/2060272

---

delete unnecessary words. I have not included the conditions suggested by the Council concerning materials to be used, landscaping, trees, car parking and turning areas as these are reserved matters. I consider that the suggested and agreed conditions concerning site levels, the footway/verge crossing and drainage arrangements are necessary. The condition for the site levels is necessary to protect the living conditions of nearby residents, the condition for the footway verge crossing is necessary to ensure access by fire and service vehicles and the condition for the drainage arrangements is necessary to ensure a satisfactory form of development. I have also imposed the example condition from PPG24, as agreed between the appellant and the Council, to protect the living conditions of future occupants of the dwellings from the noise emanating from Brands Hatch.

*Michael R. Lowe*

INSPECTOR

---

Appeal Decision APP/G2245/A/07/2060272

---

Appendix 1

Planning Conditions

1. Details of the appearance, landscaping, layout and scale, (hereafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall begin before the expiration of two years from the date of this approval or the last of the reserved matters to be approved.
4. No development shall take place until details of the existing levels of the land, any proposed slab levels and any change in levels, including any retaining walls, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. No development shall take place until details showing a footway/verge crossing where the access meets Hever Avenue, that is capable of being used by fire appliances and larger service vehicles, have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the crossing has been provided in accordance with the approved details.
6. No development shall take place until details of the proposed foul and surface water drainage systems have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the systems have been provided in accordance with the approved details.
7. Construction work shall not begin until a scheme for protecting the proposed dwellings from noise from the Brands Hatch motor racing circuit has been submitted to and approved in writing by the local planning authority; all works, which form part of the scheme, shall be completed before any dwelling is occupied.

5.06 - SE/11/01268/FUL Date expired 12 September 2011

PROPOSAL: Demolition of existing B2 unit and construction of 4 no. houses and garages

LOCATION: Land at Old Parsonage House , High Street, Farningham DA4 0DG

WARD(S): Farningham, Horton Kirby & South Darent

#### **ITEM FOR DECISION**

This application is referred to Development Control Committee at the request of Councillor McGarvey to enable a discussion about the balance of support given to policies supporting the provision of affordable housing and those supporting the provision of village facilities.

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

The proposed development would make no provision for affordable housing, contrary to the provisions of policy H3 of the South East Plan and policy SP3 of the Core Strategy.

#### Description of Proposal

- 1 The proposed scheme comprises the demolition of all the buildings on site. They will be replaced with a scheme of 4 detached houses sited towards the rear of the site. Adjacent to the boundary with the Manor House Cottage would be a 2 ½ storey 5-bed house with one pair of double garages in front of the house on plot 1 stretching up to the boundary with The Old Parsonage. Two completely detached 2 ½ storey 4 – bed houses are proposed adjacent and finally on the boundary with the churchyard is proposed a 2½ storey house with its garaging contained within a single storey element in front of the house along with the garaging for the adjacent house on plot 3. This single storey building follows the footprint of the existing single storey building on site and indeed retains the existing flint wall along the boundary of the churchyard. At the front of this block would be a single room allocated as a Sunday school for the village.
- 2 The existing sub station on the boundary of the site with the Old Parsonage would be removed. The area in front of the houses would contain some landscaping and a parking turning area. The access drive would be a mixture of driveway and some landscaped strips along the length of the drive.
- 3 The design of the houses would be relatively simple with white rendered elevations, timber sash windows and a wrought iron canopy. The roofs would be pitched and tiled with the gable ends facing across the site so from the front of the site the tiled roofs would be visible rather than the gable ends . The room in the top floor would be illuminated by means of a front rooflight

**SE/11/01268/FUL Item No 5.06**

and two rear rooflights in houses 1-3. House 4 would have a gable facing front and rear of the site with a window in each end.

- 4 The single storey garage buildings would be mainly rendered walls with tiled pitched roofs. The building along the churchyard boundary would have a flint wall (retained as existing) with a pitched tiled roof. Facing on to the courtyard would be the garage doors. The part of the building closest to the High Street would be given to the village for use as a Sunday school. The existing front elevation of this building with its flint walls and red brick dressings will be retained as far as possible. The entrance to the Sunday school building will be via the churchyard.
- 5 We are advised (although it is not part of this application) that the old Parsonage will have its block of unattractive modern garages in the rear garden removed, a new garage constructed and along with the removal of an existing timber outbuilding and the sub station will have the original front entrance restored. At present the house has been reversed with the main entrance having been moved to the rear of the house. The house will open out onto what is envisaged as a central courtyard type space with vehicular access to the front of the Old Parsonage from the shared access.

Description of Site

- 6 The site lies at the rear of the Old Parsonage (Grade II listed), adjacent to the St Peters/St Pauls church graveyard and the garden attached to The Manor House. It comprises a range of buildings in various states of repair, mostly single storey but with a relatively small two storey element. The buildings are located across the site with a single storey building running alongside the boundary with the church graveyard projecting towards the front of the site, adjacent to the Old Parsonage.
- 7 The site is used by an engineering firm who have been located on the site for many years (dating back to the 1940s) with a commercial use of the site dating back, we are advised to approx 1895. The existing buildings comprise a number of part single part two storey workshop buildings in use by the company Metalpax who carry out precision metal cutting. The existing buildings have been extended and modified over the years – although remain in a somewhat dilapidated condition. Indeed parts of the site can no longer be used due to the dangerous state of the buildings. Existing buildings are set back from the boundary with the Old Parsonage with some parking adjacent to this boundary. The site itself is accessed via a drive, some 40-50m in length which runs alongside the boundary with the Church, The Old Parsonage and the Barclays bank fronting onto Farningham High Street.
- 8 The site is bounded to the east by the churchyard, the west by the garden of an adjacent house, the south by the green belt and open countryside and partially to the north by the Old Parsonage and its curtilage. The site is partially screened from the High Street by the Old Parsonage and evergreen trees lying within the adjacent garden of The Manor House.
- 9 The site lies within the Conservation Area and the adjacent buildings are all listed. Nearby listed houses being Grade II and the adjacent church a Grade I



**SE/11/01268/FUL Item No 5.06**

building. It lies within an Area of Archaeological Potential, AONB and close to the boundary with the green belt.

Constraints

- 10 Conservation Area, Area of Outstanding Natural Beauty, Area of Archaeological Potential, Within flood zone 2 and 3 combined, Air Quality Management Area

Policies

*South East Plan*

- 11 Policies - CC1,CC4,RE3,H3,H4,H5T1,T4,BE6

*Sevenoaks Core Strategy*

- 12 Policies - SP1 SP2 SP3 SP5 SP7 SP8 L07

*Sevenoaks District Local Plan*

- 13 Policies - EN1 EN23 VP1 EP10

*Others*

- 14 Planning Policy Statements 1, 3, 5, and 25

Relevant Planning History

- 15 88/0889/hist Rebuild of workshop - Granted
- 15 11/00301/FUL Demolition of ex B1 unit and erection of 3 pairs of semi detached houses- Withdrawn.
- 16 11/00302/CAC Demolition of ex B1 unit and erection of 3 pairs of semi detached houses - Withdrawn
- 17 11/01269/CAC Demolition of existing buildings - Granted

Consultations

*Environment Agency*

- 18 No objection providing relevant conditions are attached.

*English Heritage*

- 19 Do not wish to comment in detail but offer some guidance:
- new buildings should be no higher than the existing building and occupy no more than the existing footprint;
  - retain a respectful distance from the listed church and house.

*Thames Water*

20 No objection

*KCC Highways*

21 The TS is acceptable. As an initial comment I note that all garage parking is proposed which is not generally supported by the highway authority. In view of the existing use no objections are raised to the change of use of this site however it is suggested that a passing bay be provided along the access.

*KCC Archaeology*

22 Views Awaited

*SDC Conservation Officer*

23 This scheme looks fine, with good quality details and materials: very much better than the withdrawn scheme. These items will of course be conditioned. Could you also please condition no further rooflights without pp and a method statement for the repairs to the existing building to be retained and to the flint wall. This is a very specialist area of work. Also there's going to be fencing at the back facing open countryside. Can we ensure this is of a nice style, not standard close boarded, and has some planting on the outside.

*SDC Tree Officer*

24 Views awaited

*SDC Environmental Health Officer*

25 Views awaited

*Farningham Town Council*

26 No comment

Representations

27 One letter of support from the Secretary to the Parochial Church Council raising the following issues:

- the provision of the community room would satisfy a current social requirement within the village – rather than an affordable housing contribution which would be spent at an undetermined time in an undetermined location;
- this is an opportunity to provide a multi purpose facility and focal point for all age groups within Farningham;
- at present children at Sunday School have to cross the High Street from the Village Hall to the Church: when the village hall is not in another use

## Head of Development Services Appraisal

### Principal Issues

- 28 The main issues concern the principle of loss of this commercial site, design/impact upon the surrounding conservation area, impact upon the setting of the adjacent listed buildings, impact upon adjacent green belt, impact upon amenities of Old Parsonage House, impact upon Highway, affordable housing, trees, flooding, archaeology and land contamination.

### *Principle of change of use*

- 29 This site has a commercial history dating back, in part, over 100 years with the current use dating back to the 1940s. The buildings on the site are in very poor condition with one of the buildings having partially collapsed. The remaining buildings have a very limited life and based upon the evidence submitted are unlikely to attract another commercial user.
- 30 The site could potentially be redeveloped with new commercial buildings either in the form of a workshop or some other commercial use. Such a continued use of the site would fulfil the aims of sustainable development insofar as potentially providing local employment for the village.
- 31 It is considered that the site would be of interest most likely to an occupier with a particular need to locate in Farningham and in terms of a continued B2 use this site would, by current standards, be considered unacceptable: both in terms of the requirements of such a business (i.e. the vehicular access to the site is very poor) and in terms of the impact upon the neighbouring residential uses. Compared to a modern industrial estate or business park this site has very considerable limitations.
- 32 In terms of a potential office location the applicant has submitted evidence to suggest that the village would be a less than favoured location for such development: unless a client could be attracted who has a particular reason to locate in Farningham. Attention is drawn to the poor access to public transport of the village, its relatively isolated location in commercial terms and of the significant current over supply of office floorspace within north Kent, all of which it is considered would militate against the continued commercial use of this site .
- 33 Whilst it cannot be stated categorically that this site could not find a commercial tenant, the location of the site, its modest size, poor access for vehicular traffic and proximity to residential properties all suggest that by current standards this is an inappropriately located industrial site. Taking all of the above into account no objections are raised to the loss of this commercial site and its change to a residential use.

### *Design/Impact upon Conservation Area*

- 34 The scheme proposes houses of a simple design with traditionally proportioned and styled windows/doors and canopies. The garages will be equally simply in their design. Roofs will be pitched and tiled in clay plain tiles. Rooflights are proposed – of the conservation style. The houses will be

**SE/11/01268/FUL Item No 5.06**

two storey with a third storey in the roof – although this is achieved with rooflights to illuminate the space rather than dormer windows. The height of the houses matches that of the adjacent Old Parsonage House with the ancillary elements being single storey. The design has taken its cues from houses found in and around Farningham High Street.

- 35 The footprint of buildings proposed would be smaller than those already on the site (approx half the existing site coverage). The height would be approx 3m higher than the existing flat roof workshop/office buildings however, but would not be any taller than the Old Parsonage.
- 36 When viewed from the surrounding land and the High Street the site will be relatively well screened. The existing single storey building will remain alongside the churchyard and, as can be seen on photos (to be displayed at the Development Control Committee meeting), this presents a very strong visual feature to the churchyard. The two storey house on plot 4 will sit behind this single storey element. This is not unlike the development at Glebe House where the main house sits behind the single storey garage adjacent to the churchyard boundary.
- 37 The view from the High Street will be mainly of plots 3 and 4 – as viewed at the end of the access road. The existing view when standing at the High Street is of the single storey Barclays building in the foreground with Old Parsonage to the rear and then at the end of the access road the single storey buildings behind the Old Parsonage. This view will change insofar as the gap at first floor above the existing workshop currently available, will virtually disappear. In its place a much smaller gap between houses on plots 3 and 4 and the front of these two houses. The view of the garage/Sunday school building will improve insofar as the existing dilapidated building will be re-built. The front elevation facing onto the churchyard will be significantly improved. The loss of this gap will be an appreciable difference to the Conservation Area. However, there are other examples throughout the CA where backland buildings are visible from the High Street and in that respect this will not appear an unsympathetic feature.
- 38 The existing driveway will be reduced in width and softened by means of landscaping strips alongside the entire length of the drive. This will be a considerable improvement compared to the existing access. Some higher level planting would help to soften the appearance of the houses at the rear – although care is needed not to overshadow the garden of the Old Parsonage.
- 39 When viewed from the High Street, adjacent to the garden of the Manor House the site is largely screened by a line of conifers alongside the site. The roofline is likely to be partially visible through/over this screen but it is not considered that this would be so visible as to be harmful to the character and appearance of the CA.

*Impact upon Setting of Listed Buildings*

- 40 English Heritage have advised that the new buildings should occupy no greater a footprint than the existing and should not be any higher than the

**SE/11/01268/FUL Item No 5.06**

existing – and so retaining a respectful distance and height relationship to the listed Parsonage and Church.

- 41 The houses would be no higher than the Old Parsonage and individually would be much narrower than this house. Individually they would be subservient to the Old Parsonage, although in total would not read as a smaller subservient building form. Seen in isolation of the existing development the proposed scheme would be too intensive a form of development to enhance the setting of the Listed building. However when viewed against the impact of the existing buildings on site which are poorly designed, maintained, unattractive and which cover a much larger site area the overall setting of the Old Parsonage would be improved as a result of the proposed scheme. Indeed with the use of good quality materials and with a good landscaping scheme the courtyard, as proposed in front of the Old Parsonage, would be a positive benefit to the setting of this Grade II Listed house.
- 42 The outlook from the churchyard would be considerably changed as a result of the scheme proposed: the completely open view along this boundary above the ridge of the boundary building being replaced by two storey development. This openness provides an attractive outlook to the churchyard. However, Glebe House, on the other side of the churchyard, has a single storey garage adjacent to the boundary with a substantial two storey house behind that. It reads as part of the character of the CA surrounding the churchyard and it is considered that the proposed scheme will do likewise. Therefore whilst the proposed scheme would change the setting of the churchyard it is considered that this change would be acceptable in the overall context of the development around the church and churchyard.
- 43 In terms of the actual church it is not considered that the scheme lies close enough to the church or is substantial enough in size to be said to have an adverse impact upon the setting of the church itself.

*Impact upon the Metropolitan Green Belt*

- 44 The green belt boundary runs close to the rear boundary of the site. It is considered that the proposed form of development would not be visually intrusive or dominant when viewed from the green belt such as to be harmful to its visual amenities.

*Impact upon the Neighbours Amenities*

- 45 The main neighbours to the site are those of Old Parsonage House. The existing house looks onto the front of the two storey workshop/office building at a distance of 15m: with two office windows facing towards the house. The house itself has a small dormer and one first floor window facing the application site with a number of ground floor windows/doors. Views of part of the ground floor from these offices is available: part being shielded by a large timber outbuilding sited between the front of the house and the application site. The boundary around the house would be revised and the timber shed and sub station removed from the site. These would be replaced by a low level wall and some landscaping and the access to the scheme.

**SE/11/01268/FUL Item No 5.06**

- 46 The proposed houses would sit slightly forward of the existing two storey workshop/office building (0.8m). The two office windows would be replaced by bedroom windows at first floor of the four houses facing towards the house at a distance of 16-18m to the first floor dormer/window. This would represent a much greater level of overlooking than at present. The mutual levels of overlooking between what will be the front elevation of all houses concerned will be significantly greater than at present. In terms of overlooking alone this would represent a reduction of amenity to the residents of Old Parsonage House. However, in reality views through the windows are minimal and at this distance it is considered that most overlooking would be of the garden rather than into the house. As part of the proposed scheme the rear of the house would revert to being the front of the house and the garden overlooked would be the front garden: privacy to the rear garden being maintained. On this basis the relationship between the existing and proposed is considered acceptable.
- 47 In terms of outlook, the removal of the existing commercial workshop/offices, the timber outbuilding and the sub station will open up the front of the Old Parsonage enabling, in officers view, an improvement in outlook.
- 48 Clearly in terms of noise and disturbance the removal of the commercial use will provide a quieter environment although the 24 hr noise and disturbance associated with 4 families would replace that of the working day of a commercial unit.
- 49 Although not part of this application works are being considered (and are indicated on the submitted plans) for The old Parsonage which would re-instate the rear garden as a garden rather than a parking forecourt as at present. Overall it is considered that the scheme would represent an improvement to the amenities of the residents of Old Parsonage House.
- 50 Were the community room considered acceptable this would have potential to impact upon the nearby residents. However the hours of use and nature of the use could be conditioned in order to overcome these concerns.

*Impact upon Affordable Housing*

- 51 The application proposal would render the development liable for a financial provision for affordable housing. The applicant has submitted a case indicating that the scheme would not however provide sufficient funds to enable such provision. The key factors of this case are:
- the provision of a room on the site, lying at the end of the garage block adjacent to the churchyard, for use as a community room in place of an affordable housing contribution;
  - the need for the applicant to take sufficient money out of this scheme to ensure that his business can afford to pay off debts and re-locate to more modern, smaller premises with the relevant costs involved in such a move;

**SE/11/01268/FUL Item No 5.06**

- abnormal costs including costs to remove an existing electricity sub station and remediation costs in connection with the cleaning up of the site after its current industrial use.
- 52 Affordable housing is an important planning priority for the District. Evidence collected in preparing the Core Strategy (the Strategic Housing Market Assessment) shows a high level of housing need across the District from people who cannot afford to buy or rent on the open market. Policy SP3 addresses that need through requiring on-site provision in developments of five units or more and a financial contribution in developments of less than five units. Financial contributions provide an important supplement to on-site provision by raising funds that can be used to help finance affordable housing on other sites and support related initiatives to tackle affordable housing need, including initiatives to make better use of the housing stock. Para 5.5.9 of the Core Strategy states that in considering the appropriate level of contribution from new development towards infrastructure the Council will take into account the importance of ensuring provision for affordable housing can be made in accordance with Policy SP3 and have regard to viability issues.
- 53 The draft Affordable Housing SPD contains further information on how financial contributions will be used at para 6.11 and commits the Council to monitor and publish information on how funds collected are actually spent in addressing affordable housing needs. The SPD has been subject to public consultation and is due to be considered by Cabinet for adoption in October. If the opportunity to collect funds from individual development in accordance with adopted policy is not taken up then it must be understood that this means the Council will have less money available and will be able to do less to tackle affordable housing need across the District than would otherwise be the case.
- 54 The submitted information indicates that an affordable housing contribution would be payable of approx. £96k based upon the anticipated value of this scheme. The cost of the provision of the community room is anticipated to be approx. £92k dependent upon how the room is finished/fitted out.
- 55 The development of this site would incur some significant abnormal costs (i.e. removal of electricity sub station, contaminated land remediation). In addition it is argued on behalf of the applicant that the move from these premises, repayment of outstanding loans and setting up costs of the new business at fresh premises would be significant and would require the applicant to take as much value out of the site as possible to ensure the continuation of the business.
- 56 It is concluded on the basis of the information submitted that if the applicant is to make sufficient money out of this scheme to provide for the community room and to move his business that there will not be sufficient money in the scheme to provide for additional funds for affordable housing. Whilst there is no direct policy requirement that a building for the village should be provided, policy L07 seeks to find *innovative proposals to improve provision of services and facilities to serve the local community*. This site relates well to the church and the centre of the village and the indications from the Parochial Church Council and Parish are that this is a facility which would be much valued, well used and would be welcomed by the village. There are no other sites of

**SE/11/01268/FUL Item No 5.06**

which this officer is aware that could make such provision in such a good location to the church and village. It is hoped that amongst other uses this building could serve the village Sunday school and in that respect this site could not be bettered.

- 57 Policy SP3 indicates that a financial contribution equivalent to 10% provision of affordable housing will be required, unless it can be demonstrated that a scheme is financially unviable. The applicant has not adequately demonstrated that the scheme is unviable. However they indicate that such cost would be consumed in the provision of a community room which suggests that the development would be viable with a financial contribution if funding was not set aside for the community room.
- 58 It is considered that since policy SP3 is a clear requirement addressing an important unmet need outlined above, that this should take priority over the benefits that would accrue from the less prescriptive intent of policy L07. Therefore this scheme fails to comply with the provisions of policy SP3.

*Impact upon Trees*

- 59 There are no trees within the site but some conifers adjacent to the proposed garages and two sycamores adjacent to the house on plot 1, lying outside the site. The house proposed on plot 1 would, as does the existing workshop, lie within the root protection zone and canopy of these sycamores. The works to remove the workshop, resolve contamination issues on the site and construct the new house on plot 1 are likely to result in the loss of roots and canopy that lie within the site. Although these trees lie within the Conservation Area they are not widely visible from a public vantage point and it is not considered that they are of such amenity value that their retention could be protected by means of a Tree Preservation Order.

However in the absence of an application to formally seek their removal, were this application considered acceptable, conditions could be attached to deal with issues of slab levels, alterations to ground levels and foundation type that would seek to ensure the continued existence of the trees. The adjacent conifers make little contribution to the character of the surrounding conservation area and their loss would not be unacceptable: albeit this is not proposed as part of this application.

*Impact upon Highways*

- 60 The existing use often results in large commercial vehicles reversing the length of the driveway onto Farningham High Street due to the restricted turning space within the site. By contrast as a result of the reduction in site coverage, the ability to re-order turning arrangements within the site and the removal of the commercial use from the site this is less likely to occur. There is certainly sufficient turning space within the site for residents' cars.
- 61 Each house would have 2 garage spaces with informal parking in front of the garages for at least one car per house. KCC have raised objection to the garage provision – preferring instead open parking spaces on the basis that these are more likely to remain available for parking and unlikely to be used



**SE/11/01268/FUL Item No 5.06**

for general storage purposes as is often the case with garaging. Given the relatively confined nature of the site however and the distance of the site from the highway (70-80m to the nearest house) it is considered more likely in this instance that the garages would remain available for parking. A condition is proposed to endeavour to ensure that this is the case.

- 62 Subject to any overspill parking however the impact of this site upon the surrounding area is likely to be less than the current use.
- 63 Subject to the provision of a passing bay along the access no objections are raised to the scheme on highways grounds.

*Impact upon Flooding*

- 64 The site lies on the edge of but within the flood plain with a potential 1/100 year flood risk. The Environment Agency have been consulted and raise no objections subject to the use of conditions to address the level of ground floor living accommodation, implementation of flood prevention measures, surface water drainage details and a condition in respect of land contamination.

*Impact upon Archaeology*

- 65 The site lies within an Archaeological Priority Zone with potential for archaeology in connection with Iron Age, Roman and Medieval periods; with the site of the Farningham Roman Villa some 170m to the south-west. Although sited within an area of moderate to high potential the 5 test pits have been dug revealed no archaeology.
- 66 Nevertheless it is considered that further investigations should be carried out and were all other aspects of this application found to be acceptable this could be dealt with by means of a relevant condition.

*Impact upon Land Contamination*

- 67 The site has a long established industrial use being used for the cutting, grinding and hardening of steel. The submitted report accompanying this application identifies potential for land contamination as a result of the industrial use, from the electricity sub station as well as potential for asbestos within the existing buildings. Further investigation in the form of trial pits revealed elevated levels of contaminants beneath the single storey garage/community building which is proposed for retention/replacement. Further work is required to clarify the precise remedial measures necessary for this building. Elsewhere within the site elevated levels of lead were found which would need to be remediated and this could be dealt with by means of removal of the contaminated soil and replacement with imported topsoil. This has potential to leach into the ground water and further investigation/remediation will be required.
- 68 The submitted report concludes that subject to relevant conditions the site could be remediated to suitable levels for residential use and were all other aspects of this application satisfactory, suitable conditions could address this issue.

Access Issues

- 69 Will be dealt with as part of any building regulations application should the scheme commence.

**Conclusion**

- 70 This application concerns the demolition of existing industrial buildings and the redevelopment of the site for 4 residential units. As part of the scheme a community room is proposed. The submitted scheme is considered acceptable in terms of its impact upon the nearby listed buildings and the character and appearance of the surrounding conservation area. Its impact upon the adjacent green belt would be acceptable: not being unduly dominant or visually intrusive. The nearest residents live in The Old Parsonage and overall it is considered that the new scheme would be an improvement in visual and operational terms for those residents compared to the current business.
- 71 The applicant proposes to construct and offer to the adjacent church a community room – this forming part of an attractive but currently semi derelict building on the boundary of the site with the churchyard which is to be retained/re-built as necessary as part of the proposed scheme. The value of this building if fitted out to its fullest extent would be comparable with the sum of money that this site would generate towards an affordable housing contribution. The owner of the site wishes to take sufficient funds from this project to find other premises in which to keep the business operating. For that reason there is considered to be insufficient money to provide both an affordable housing contribution and a new village community room.
- 72 In policy terms there is support for both the affordable housing contribution and the provision of a new village facility. A balanced judgement is needed and Officers have concluded, that since policy SP3 is quite specific about the affordable housing requirement which addresses a District wide need, that this should take priority over policy L07 which is a more general based policy seeking to retain and enhance village facilities.

**Background Papers**

Site and Block Plans

Contact Officer(s): Lesley Westphal Extension: 7235

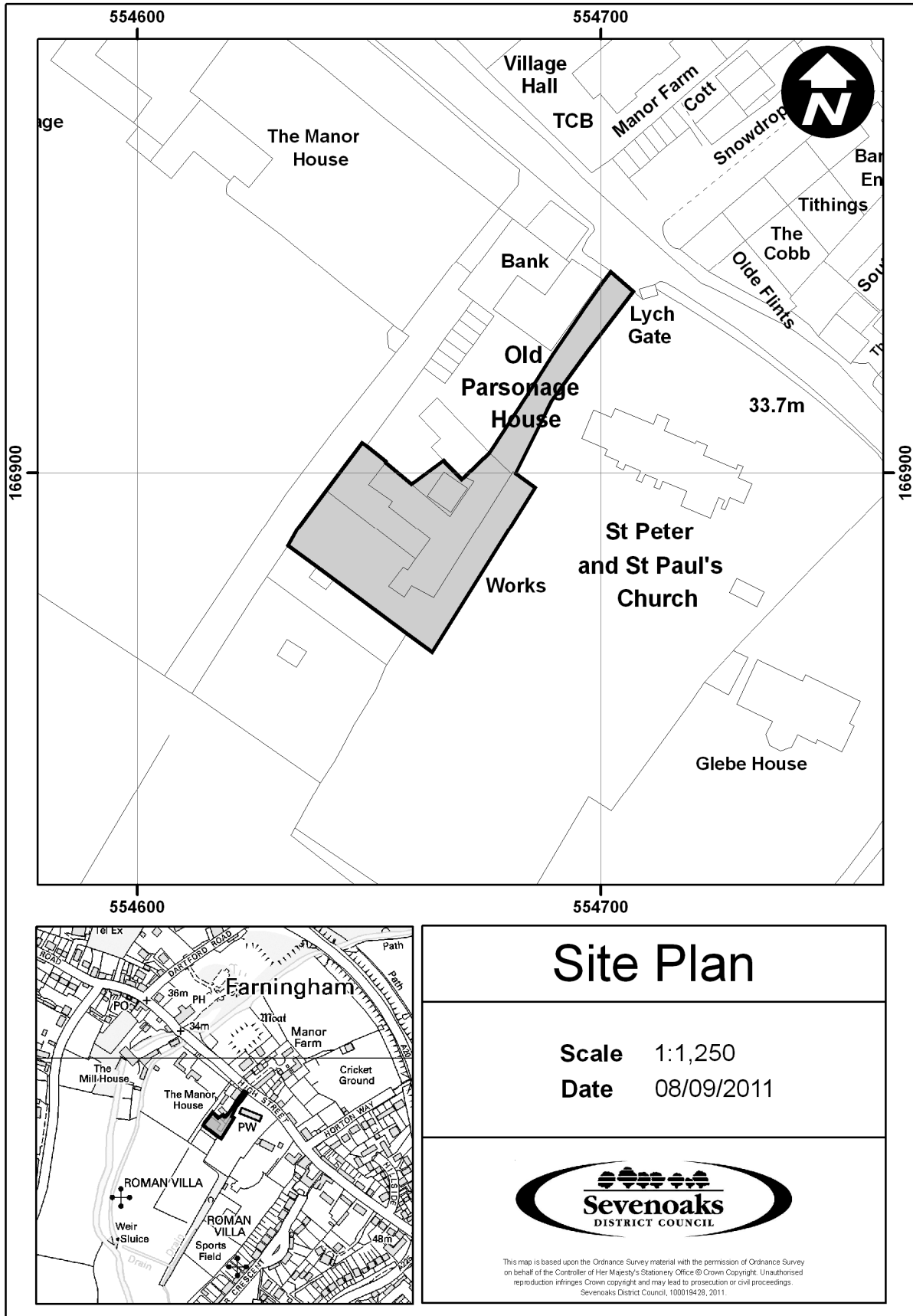
**Kristen Paterson**  
**Community and Planning Services Director**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LLDVSABK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LLDVSABK0CR00>





**AMENDED PLAN**  
 Revision: 18-7-11

- A. Revised to planning
  - B. Not issued
  - C. Not issued
- new 2011  
 23/9/11  
 M. Johnson  
 01268/FUL/22/11

