

**DEVELOPMENT CONTROL COMMITTEE**

**25 April 2013 at 7.00 pm**

**Council Chamber, Argyle Road, Sevenoaks**

**AGENDA**

**Membership:**

Chairman: Cllr. Mrs. Dawson

Vice-Chairman Cllr. Williamson

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Davison, Dickins, Gaywood, Ms. Lowe, McGarvey, Orridge, Mrs. Parkin, Piper, Scholey, Miss. Thornton, Underwood and Walshe

**Pages**

**Apologies for Absence**

1. **Minutes**

Minutes of the meeting of the Committee held on 18 April 2013 (to follow)

2. **Declarations of Interest or Predetermination**

Including any interests not already registered

3. **Declarations of Lobbying**

4. **Planning Applications - Group Manager - Planning's Report**

4.1. **SE/13/00230/FUL - The Dyehurst Stud, Greenlands Farm, Uckfield Lane, Hever TN8 7LN**

(Pages 1 - 14)

Conversion of part of existing domestic stable building to provide a two bedroom dwelling house

4.2. **SE/13/00306/HOUSE - Fleetwith, 51A Mount Harry Road, Sevenoaks TN13 3JN**

(Pages 15 - 30)

Demolition of garage and erection of two storey side extension. Loft conversion, involving raising the roof height of the property, with skylights at the front, and dormers at rear. Replace existing porch with larger porch, whilst balcony above is retained. Widening of driveway entrance.

4.3. **SE/12/03277/FUL - Chelsham, Church Road, Hartley DA3 8DN**

(Pages 31 - 44)

Demolition of existing dwelling and erection of 2 No. semi-detached chalet bungalows, with off street parking for 4 No. cars with new access crossover to Church Road.

## **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 227350 by 5pm on Monday, 22 April 2013.

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.

4.1 - SE/13/00230/FUL Date expired 21 March 2013

PROPOSAL: Conversion of part of existing domestic stable building to provide a two bedroom dwelling house

LOCATION: The Dyehurst Stud, Greenlands Farm, Uckfield Lane, Hever TN8 7LN

WARD(S): Cowden & Hever

**ITEM FOR DECISION**

This application has been referred to the Development Control Committee at the request of Councillor Neal who is of the opinion that the proposal constitutes inappropriate development in the Green Belt.

**RECOMMENDATION A:** That subject to receipt of a signed and valid S106 Obligation to secure the off-site affordable housing contribution within two months of the decision of the Development Control Committee, that authority be delegated to the Chief Executive to GRANT planning permission 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 occupation of the dwelling shall be limited to a person or persons who have horses stabled in the adjoining stables or are employed by the owner of the adjoining stable building.

To safeguard the residential amenity of the future occupants of the dwelling.

3) No development shall be carried out on the land until details of the fence to be erected adjacent to the existing barn and outbuilding have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details and the fence shall be retained thereafter.

To safeguard the rural character of the area as supported by the National Planning Policy Framework.

4) The car parking areas shown on the approved plans shall be provided and shall be kept available for the parking of cars at all times.

To ensure a permanent retention of vehicle parking for the property as supported by policy EN1 of the Sevenoaks District Local Plan.

5) The conversion of the building to a dwelling shall be designed to achieve BREEAM "Very Good" standards, unless agreed otherwise in writing by the Local Planning Authority. The following details shall also be provided to the Local Authority - i) No development shall commence until details have been provided to show how it is intended the development will achieve BREEAM "Very Good" standards, or alternative as agreed in writing by the Local Planning Authority; and ii) No occupation shall take place until details have been provided to show that the development has achieved BREEAM "Very Good"

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standards or alternative as agreed in writing by the Local Planning Authority, through the submission of a post-development certificate from an appropriate assessor.

In the interests of environmental sustainability and reducing the risk of climate change as supported by policy SP2 of the Sevenoaks Core Strategy.

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 rural character of the converted building and surrounding area as supported by Policy GB3A of the Sevenoaks District Local Plan.

7) No building or enclosure shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the rural character of the converted building and surrounding area as supported by Policy GB3A of the Sevenoaks District Local Plan.

8) No boundary walls, fences or other means of enclosure, other than those shown on the approved plans, shall be erected on the site boundary of the holiday let accommodation, despite the provisions of any Development Order.

To safeguard the rural character of the converted building and surrounding area as supported by Policy GB3A of the Sevenoaks District Local Plan.

9) The dwelling shall not be occupied until details of any external lighting required for the dwelling have been submitted to and approved in writing by the Council. Any lighting scheme shall be designed to be sensitive to bats and in accordance with best practice guidelines contained within the document "Bats and Lighting in the UK" by the Bat Conservation Trust. The scheme shall be implemented in accordance with the approved details and shall thereafter be maintained in full working order at all times.

In the interests of biodiversity and nature conservation, in accordance with policy SP11 of the Sevenoaks Core Strategy.

10) 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 policy EN1 of the Sevenoaks District Local Plan.

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

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

12) If within a period of five 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 preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

13) No development shall be carried out on the land until details of the internal wall to be erected between the approved dwelling and retained stables have been submitted to and approved in writing by the Council. The details shall include information as to what the construction of the wall would comprise and how the wall would provide acoustic separation between the dwelling and stables. The development shall be carried out in accordance with the approved details and the internal wall shall be retained thereafter.

To safeguard the residential amenity of the occupiers of neighbouring properties and the future occupants of the dwelling.

14) No development shall be carried out on the land until a phase I desk top contamination study has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with any recommendations of the approved study.

To safeguard the residential amenity of the future occupants of the dwelling.

15) The development hereby permitted shall be carried out in accordance with the following approved plans: DH02, DH03, DH03a, DH04, DH05, and DH06.

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:**

Sevenoaks District Local Plan - Policies EN1, GB3A and SR9

Sevenoaks District Core Strategy 2011 - Policies L01, L08, SP1, SP2, SP3, SP5 and SP11

**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 proposed development would conserve the distinctive character and the setting of the Area of Outstanding Natural Beauty.

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

**Informatives**

1) The Environment Agency should be consulted regarding the use of any package treatment plant proposed to be installed for the dwelling and if a public sewer is found on site during works the applicant should contact Southern Water to discuss prior to further works commencing on site.

2) It is suggested that as part of the submission of details in relation to condition 9 that native local provenance species are incorporated into the soft landscaping scheme.

**RECOMMENDATION B:** In the event that the legal agreement is not completed within

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two months of the decision of the Development Control Committee, 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 Council Core Strategy.

### Description of Proposal

- 1 The application seeks the approval of the conversion of part of the existing barn building to a two bedroom dwelling. Works to the building necessary to enable the conversion would involve no external alterations, only internal works to provide the layout of the proposed house separate from the area of retained stabling. An area designated as residential curtilage for the property would wrap around the eastern and northern sides of the building, and would partly lie adjacent to the existing residential curtilage of the main house, Greenlands Farm. Access to the building and parking would be provided via the existing access onto the lane to the south of the site and the existing hard standing on site.
- 2 The application follows the recent approval of consent for a holiday let for the same part of the building. The proposal was previously judged to be acceptable by the Development Control Committee. The only change represented by this application is the fact that the property would become a dwelling rather than a holiday let, both of which fall within use class C3 of the Use Classes Order.

### Description of Site

- 3 The application site comprises a large open paddock, which lies directly adjacent to the rear boundary of the main house, and contains a barn building. The site lies on the east side of Uckfield Lane just to the south of the junction with Pigdown Lane. The site is accessed via a driveway from the lane to the south. The site is relatively level and is generally bounded by mature hedging that is well maintained.

### Constraints

- 4 The site lies within the Metropolitan Green Belt and the High Weald Area of Outstanding Natural Beauty (AONB).

### Policies

#### *Sevenoaks District Core Strategy*

- 5 Policies – L01, L08, SP1, SP2, SP3, SP5 and SP11

#### *Sevenoaks District Local Plan*

- 6 Policies – EN1, GB3A and SR9

### *Others*

- 7 The National Planning Policy Framework (NPPF)

### 8 Countryside Character Assessment Supplementary Planning Document (SPD)

#### Planning History

- 9 SE/12/01062 Conversion of part of existing barn to separate 2 no. bed holiday let. Granted 03.08.12
- 10 SE/12/00100 Conversion of part of existing barn to separate 2 no. bed holiday let. Refused 20.03.12.
- 11 SE/09/01486 Change of use of existing stable barn to a 2 no. bed holiday let. Withdrawn.
- 12 SE/04/02071 Demolition of existing barn and erection of 6 stables, tack room, feed room plus new access and boundary fencing and gates. Granted 24.09.04.

#### Consultations

##### *Parish / Town Council*

- 13 Comments received on 20.02.13 – “We object to the application due to it being an inappropriate development in the green belt. Furthermore, we have grave concerns about the approach taken by the applicant to this application”.

##### *Natural England*

- 14 Comments received on 12.02.13. “No objection raised – see file note for full comments”.

##### *KCC Biodiversity Officer*

- 15 Comments received on 21.02.13. “No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records), the information submitted with the planning application and photos provided by the planning officer we are satisfied that the proposed development has limited potential to impact roosting bats.

This is because the photos provided by the planning officer show that the barn is in good condition limiting its suitability to contain features suitable for roosting bats.

We require no additional information to be submitted for comments prior to determination of the planning application.

##### *Enhancements*

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The site plan shows that a garden is being created as part of the development – we recommend that native local provenance species are incorporated in to the site”.

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### *Kent Highways Engineer*

- 16 Comments received on 19.02.13. 'I confirm I have no objection to the proposal on any highways grounds.'

### *Environmental Health Officer*

- 17 Comments received on 27.03.13: The Environmental Health Officer raised no objection to the proposal subject to the inclusion of a condition requiring details of the construction of the party wall that would separate the proposed house from the retained stables and a condition requiring a desk top contamination study of the site.

The details of the wall should confirm a solid structure to prevent any seepage from manure and acoustic separation of the dwelling from the stables.

### *Southern Water*

- 18 Comments received on 18.02.13. No objection raised – see file note for full comments.

### Representations

- 19 Twenty-seven letters of representation have been received. Twelve letters have been received in support making the following points:
- A holiday let use is acceptable and so it follows that a dwelling is acceptable;
  - No impact to the Green Belt;
  - Improved appearance of the site;
  - Dwelling preferable to a holiday let since it would mean reduced traffic to the site;
  - The need for this type of accommodation; and
  - Additional security because there would only be one occupant if a dwelling is approved.
- 20 The fifteen letters of objection received have raised objection to the application on the following grounds:
- Appearance of the development;
  - Visual amenity;
  - Layout and density;
  - Impact on the Green Belt;
  - Impact on the AONB;
  - Unsustainable development;
  - The way in which the application has been submitted;
  - Use of the existing building; and
  - Setting of a precedent.



**Group Manager Planning Services Appraisal**

Principal Issues

*Impact on the Green Belt –*

- 21 Paragraph 90 of the NPPF states that the re-use of buildings is not inappropriate in Green Belt provided they preserve the openness of the Green Belt, do not conflict with the purposes of including land in Green Belt and provided that the buildings are of permanent and substantial construction.
- 22 Policy GB3A of the Local Plan states that the Council will permit the re-use of buildings within the Green Belt providing the proposal complies with the following criteria:
- The proposed new use will not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it;
  - The buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction; and
  - The form, bulk and general design of the buildings are in keeping with their surroundings and respect local building styles and materials.

I therefore consider that this policy is broadly consistent with the NPPF.

- 23 On visiting the site it is evident that the building is of a solid construction, particularly since it was only recently built. In addition, the building is of a design in keeping with its surroundings and would continue to respect local building styles and materials. The building has been finished with timber boarding and a slate tile roof, and has the appearance of a domestic building rather than one which would be used for agricultural type purposes, in this case stabling.
- 24 In addition, the application recently submitted for a holiday let was accompanied by a structural appraisal of the existing building. This report concluded that the building is capable of conversion without any major structural works since the structure complies with existing building regulations standards. Given the nature of the building little would have changed since the structural survey was completed.
- 25 The appearance and use of the existing building are matters raised by representations received. However, the building is lawful, having received planning permission in 2004 (SE/04/02071) and it is evident from my visit to the site that it continues to be used for the purposes it was constructed for.
- 26 The use of part of the building as a dwelling would have an impact on the openness of the Green Belt and the purposes of including the site within it. The question is whether this impact would be materially greater than the existing use. The view taken when considering the recent application for the holiday let was that the proposed use would not have a materially greater impact since the application clearly defined a small exterior amenity area, which would be located adjacent to the curtilage of the main house, Greenlands Farm, and would limit the spread of the proposed residential use and the paraphernalia that would come with it. The external area would therefore be viewed in the context of the existing

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residential curtilage of Greenlands Farm. In addition, it is also the case that the access to the site exists as does an area of hard standing for parking.

27 What also needs to be taken into consideration is the fact that a holiday let use has been approved for the same part of the building, incorporating the same external amenity area. This is material since the holiday let use falls within the same use class as a dwelling.

28 I would therefore conclude that the introduction of a residential use to the site would preserve the openness of the Green Belt, would not conflict with the purposes of including land in Green Belt and the building is of a permanent and substantial construction.

29 In my opinion the proposal therefore constitutes appropriate development in the Green Belt.

### *Impact on the landscape character of the AONB –*

30 Paragraph 11 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

31 Policy LO8 of the Core Strategy states that the distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced. I therefore consider that this policy is broadly consistent with the NPPF.

32 The existing building lies within close proximity to the main house and the detached ancillary outbuilding located to the rear of the main house. The external alterations to the building would be minimal and any introduction of paraphernalia associated with the proposed residential use would be viewed within the backdrop of the existing residential use of the main house.

34 The proposal would therefore conserve the distinctive character and the setting of the AONB.

### *Impact on neighbouring amenity and the amenity of future occupiers –*

35 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.

36 The site lies sufficient distance away from neighbouring properties not to have a detrimental harm on neighbouring amenities. Indeed, according to information currently held by the Council, the existing building currently lies about 50m away from Greenlands Farm and about 100m away from Woodside, located to the south-west of the site.

37 In addition, the Environmental Health Officer has raised no objection to the proposal in terms of a potential impact on the amenities of the future occupiers of the property. This is subject to the submission of further information relating to the construction of the wall, to ensure acoustic isolation of the house and to prevent seepage of manure and urine through the wall, and a desk top contamination study, to ensure no contamination exists on the site.

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- 38 I do not believe that these requirements go far enough to protect the amenities of future occupants of the dwelling. This is because the proposal comprises the creation of a residential unit in close proximity to a stable building and it is very likely that the stable use would create an environment that would harm the amenities of any individual living in the dwelling who did not have a direct interest in the stables.
- 39 Guidance in relation to the siting of stables and distances from unrelated residential buildings, held in Appendix 3 of the Local Plan and referred to in policy SR9, states that the distance of separation should be at least 30m. This is to protect the amenity of the occupiers of any adjacent unrelated residential buildings.
- 40 Reversing the situation, as is the case here, it is clear that there is a strong possibility that the use of the stable building would have a significant impact on the amenities of the future occupiers of the proposed dwelling. As such, I consider that, together with the conditions suggested by the Environmental Health Officer, a condition controlling the use of the proposed residential unit would further protect the amenities of future occupiers of the property since there would be an expectation from occupants that disturbances from the stables could occur.
- 41 With the conditions suggested above attached to any approval of consent I believe that the proposal would therefore preserve the amenities currently enjoyed by the occupiers of neighbouring properties and the amenities of future occupants of the dwelling.

### Other Issues

#### *Parking provision and highways safety –*

- 42 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.
- 43 As confirmed by the comments received by the Highways Engineer the proposal is acceptable in terms of the parking provision proposed for the new dwelling as is the continued use of the existing vehicular access on to the site.

#### *Biodiversity –*

- 44 No objection has been raised by the KCC Biodiversity Officer. It has been previously indicated that consideration for bats should be given in the design of any external lighting scheme. This can be dealt with by way of condition on any approval of consent.

#### *Drainage –*

- 45 Southern Water have raised no objection to the proposal but have advised that the Environment Agency should be consulted regarding the use of a package treatment plant and that if a public sewer is found on site the applicant should contact Southern Water. This advice can be conveyed to the applicant by way in an informative on any approval of consent.

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### *BREEAM standards –*

- 46 Policy SP2 of the Core Strategy requires all conversions to residential use to achieve BREEAM “Very Good” standards.
- 47 No information regarding the achievement of BREEAM "Very Good" standards for the development is made by the applicant. However, it is possible to require this information by way of condition on any approval of consent.

### *Affordable housing provision –*

- 48 Policy SP3 of the Core Strategy requires that proposals involving the provision of new housing should also make provision for affordable housing. In the case of residential development of less than 5 units, that 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 applicant has accepted that the full financial contribution required by policy should be provided and at the time this report was written a legal agreement outlining this contribution is being prepared. However, the recommendation to the Committee could be worded in such a way as to provide the applicant with an appropriate amount of time to complete the document and submit it to the Council prior to a decision being issued.
- 50 I would acknowledge that the condition proposed to restrict the use of the building could impact the open market value of property. This matter has been discussed with the applicant who is still minded to provide a full contribution using the original valuation of the property that has not taken into account any restrictive conditions.

### *Setting of a precedent –*

- 51 I do not believe that the circumstances which relate to this site and this application would lead to any sort of precedent being set within the area or indeed within the district as a whole. If indeed the conversion of an existing building within the Green Belt is considered to be appropriate development it will be on the basis of the circumstances of the application put in front of the Council rather than this application or any other application similar to it.

### *The manner of the submission –*

- 52 There are no limits to the number of applications any one individual can submit and there is nothing to stop an applicant following up one application with another. In this case, it was entirely up to the applicant that they submitted an application for a holiday let and then an application for a new dwelling.

### *Sustainable development –*

- 53 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with

the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- specific policies in this framework indicate development should be restricted; or
- material considerations indicate otherwise.

54 In my opinion, the proposed scheme would accord in full with the development plan, and I have explained this in detail above. It follows that the development is appropriate and there would be no adverse impact in granting planning permission for the development.

### **Conclusion**

55 I would conclude that the proposed part change of use of the building to a dwelling would be appropriate development in the Green Belt, would conserve the distinctive character and the setting of the AONB, and would preserve neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

### **Background Papers**

Site and Block Plan

Contact Officer(s): Mr M Holmes Extension: 7406

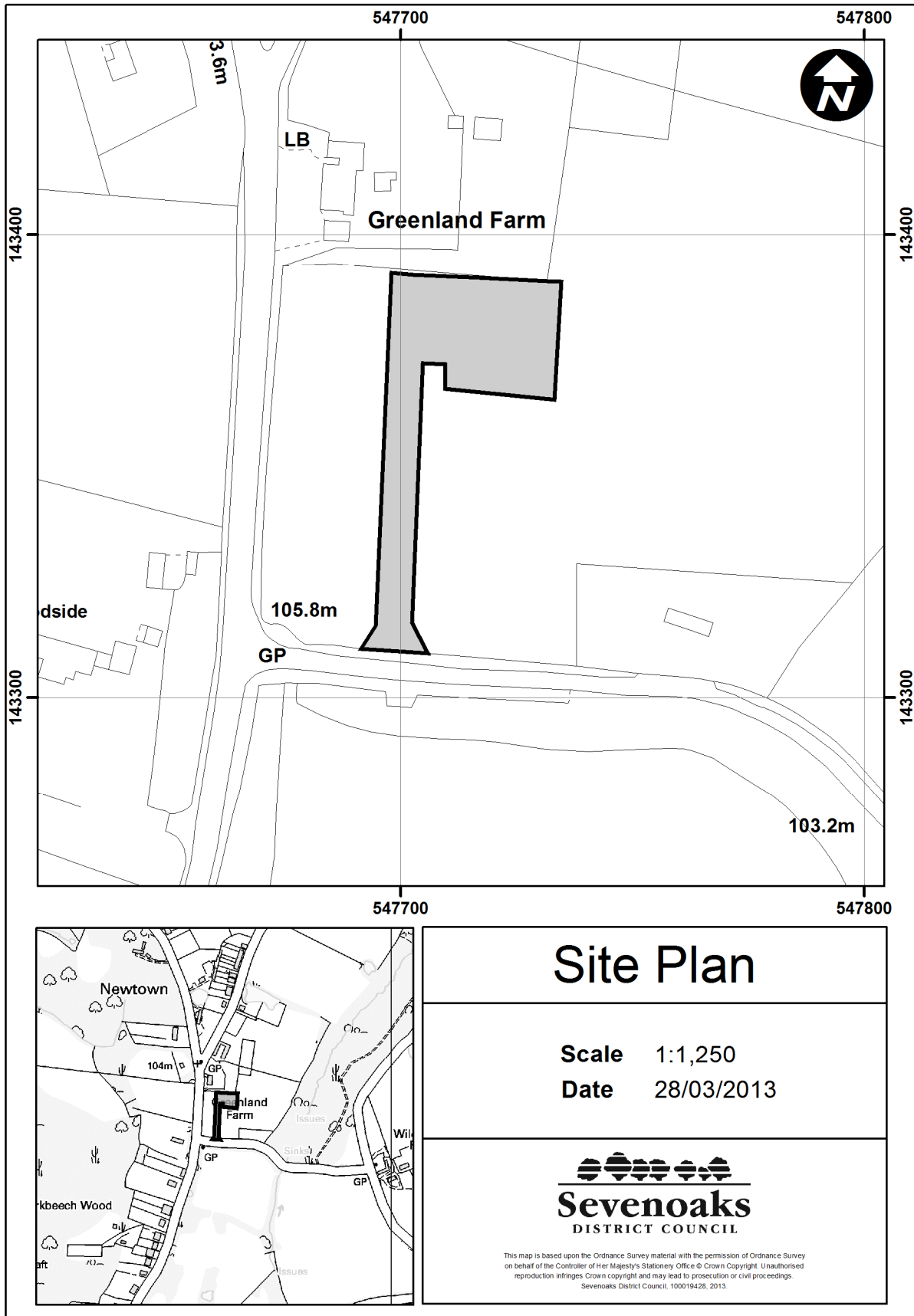
### **Pav Ramewal Chief Executive Designate**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MH4XYBBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MH4XYBBK0L000>



# Site Plan

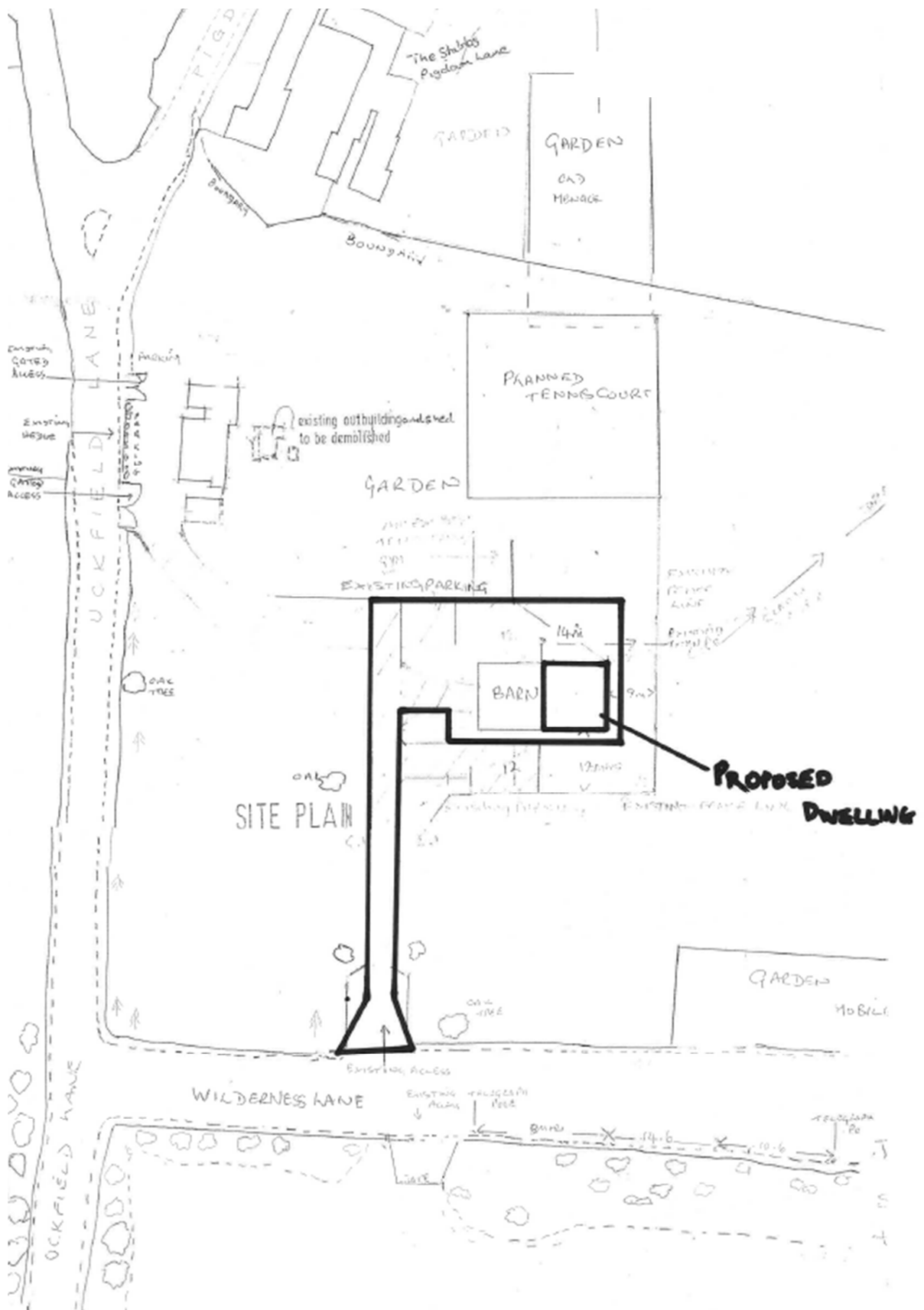
Scale 1:1,250

Date 28/03/2013



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Block Plan



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4.2 – SE/13/00306/HOUSE Date expired 29 March 2013

PROPOSAL: Demolition of garage and erection of two storey side extension. Loft conversion, involving raising the roof height of the property, with skylights at the front, and dormers at rear. Replace existing porch with larger porch, whilst balcony above is retained. Widening of driveway entrance.

LOCATION: Fleetwith, 51A Mount Harry Road, Sevenoaks TN13 3JN

WARD(S): Sevenoaks Town & St Johns

**ITEM FOR DECISION**

This application has been referred to Development Control Committee at the request of Councillor Fleming and Councillor Raikes on the grounds that the extensions will lead to a loss of amenity to neighbouring properties, will overdevelop the site and is not in accordance with Section F04 of the Sevenoaks Residential Character Area Assessment SPD.

**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:- Drawing Number S1212/03 Revision C, dated June 2012, stamped 1 February 2013;- Drawing Number S1212/04 Revision D, dated June 2012, stamped 1 February 2013;- Drawing Number S1212/05 Revision D, dated June 2012, stamped 1 February 2013;

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

3) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the extensions 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 area as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, a tree protection drawing and Arboricultural statement for the retained trees at the property shall be submitted to and approved in writing by the Council. Also:

A) The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.

B) Within a retained tree protected area:

- Levels shall not be raised or lowered in relation to the existing ground level;

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- No roots shall be cut, trenches cut, or soil removed;
- No buildings, roads, or other engineering operations shall be constructed or carried out;
- No fires shall be lit;
- No vehicles shall be driven or parked over the area;
- No materials or equipment shall be stored;
- Protection measures involving the removal of the brick pillars and associated driveway works;

To secure the retention of the trees at the site and to safeguard their long-term health as supported by Policy EN1 of the Sevenoaks District Local Plan.

5) Prior to the commencement of the development, details of proposed and retained boundary treatments, gates and widened driveway shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be erected prior to the first occupation of the erection hereby approved.

To safeguard the appearance of the area in accordance with EN1 of the Sevenoaks Local Plan.

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

To prevent over development of the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) No openings, other than those shown on the approved plan(s), shall be installed in the flank elevations or the roof of the dwelling hereby permitted, despite the provisions of any Development Order.

To safeguard the privacy of the adjoining residents in accordance with Policies EN1 and H6B of the Sevenoaks District Local Plan.

8) The first floor window in the eastern elevation, at all times, shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the bathroom.

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

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

10) If within a period of five 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 privacy of residents 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 Policy:**

Sevenoaks District Core Strategy: SP1

Sevenoaks District Local Plan: EN1, H6B

**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.

**Informatives**

- 1) The Applicant is advised that the Highway Authority will need to be formally approached to obtain permission with respect to details of the proposed widened vehicle crossover, given the classification of Mount Harry Road.

Description of Proposal

- 1 Permission is sought for the demolition of garage and erection of two storey side extension; loft conversion involving raising the roof height of the property, with skylights at the front, and dormers at rear; replacement of existing porch with larger porch, whilst balcony above is retained; widening of driveway entrance.
- 2 The existing garage to be demolished has a floor area of approximately 31.11m<sup>2</sup> and has a height of 3.3 metres. This is set back approximately 6.4 metres from the principal building line and extends 2.3 metres from the rear building line.
- 3 The two storey side extension will provide a foot print of approximately 50.5m<sup>2</sup>. The first floor will provide a smaller floor area, as it will be stepped inwards from the boundary. The side extension will therefore be 1.02 metres to the boundary on the ground floor and 1.32 metres to the boundary on the first floor. The height of the side extension will be 0.6 metres lower than the new ridge height of the property (outlined below) but this will match the height of the existing roof height of the dwelling. The side extension will still be 2.2 metres behind the principal elevation and will still extend 2.3 metres from the rear building line.
- 4 Permission is also sought for a loft conversion which will provide two additional bedrooms. This will include the provision of the roof lights on the front elevation and three dormers and a further roof light on the rear elevation. The proposal seeks to increase the ridge height of the property by 0.6 metres.
- 5 Finally permission is sought for a larger porch which will increase the size of the porch by 5m, but will match the height of the existing porch. The driveway will also be widened from 3.5 metres to 4 metres.

## Agenda Item 4.2

### Description of Site

- 6 The site is situated within the built urban confines of Sevenoaks, within the Sevenoaks Town and St Johns Ward. The property exhibits an attractive villa style design with a low pitched roof (which is reflected on the adjoining property to the east of the site).
- 7 The property is a large detached property which is elevated and set back from the public highway. It has a reasonable size rear garden which backs onto the properties on Hitchen Hatch Lane. There is a detached garage to the side of the property. The property to the east of the site Number 49 Mount Harry Road (now referred to as No.49) is positioned approximately 1.4 metres higher than the site.

### Constraints

- 8 Tree Preservation Orders (Reference: TPO/72/07/SU)

### Policies

#### *Sevenoaks District Local Plan*

- 9 Policies – EN1, H6B

#### *Sevenoaks District Core Strategy*

- 10 Policy – SP1

#### *Other*

- 11 National Planning Policy Framework (NPPF)
- 12 Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- 13 Sevenoaks Residential Character Area Assessment SPD

### Planning History

- 14 SE/12/02400/HOUSE - Demolition of existing garage. Alterations to dwelling to include raising of roof height, four dormer windows on rear elevation and three roof lights on front elevation. Erection of two storey extension and single storey front extension. Alterations to fenestration and widening of driveway (refused 11 November 2012).
- 15 SE/12/01619/HOUSE - Demolition of existing double garage. Alterations to dwelling to include raising of roof height, new gable and dormer extensions, alterations to fenestration, erection of a two storey side extension, single storey front extension with extended balcony and widening of driveway entrance (refused 22 August 2012).
- 16 SE/10/02621/WTPO - Pollard 2 Sweet Chestnut trees (granted 25 October 2010).

### Consultations

#### *Sevenoaks Town Council*

17 Sevenoaks Town Council recommended refusal on the following grounds:

- loss of amenity to neighbouring properties;
- overdevelopment of the site;
- the proposal is not in accordance with Section F04 of the Sevenoaks Residential Character Area Assessment SPD

*SDC Tree Officer*

18 Comments from SDC Tree Officer –

“I have visited the site and have studied the plans provided and have made the following observations:

I refer to my previous comments dated 5th October 2012 & 25th July 2012. This application appears to be identical to the previous one. Therefore, my comments remain the same. These are as follows:

"I can inform you that there are several trees situated to the front of this property and the neighbouring property. Within the front garden of 51a are situated two mature Sweet Chestnut trees and an Oak tree. These trees are protected by TPO 07 of 1972. Although these trees have been drastically reduced fairly recently, they offer some amenity value. A mature Sycamore is situated on the boundary within the front garden of the neighbouring property, 49 Mount Harry Road. This tree is also protected by the preservation order. The proposed extension to the front of the property would be taking place within 8.60m of the nearest tree, a Sweet Chestnut. I have estimated that this tree requires a Root Protection Area (RPA) of 11.0m. Although some incursion would be taking place into the RPA of this tree, an area of hard standing is situated between this tree and the current property. I would expect fewer roots would be encountered than had this tree been situated on an area of lawn. The proposed extension should be situated a sufficient distance from the remaining trees for them not to be affected by it. The neighbouring Sycamore is situated on a raised bank and so this tree should be unaffected by the development. Providing these trees are adequately protected, they should be able to be successfully retained.

My main concerns centre on the proposed removal of the brick pillars to the front of the site to widen the entrance. The developer should be aware that these works will be taking place within the RPA of both the Sweet Chestnut and the neighbouring Sycamore tree. Care will obviously have to be taken to ensure damage does not occur to the roots of these trees which could lead to their demise or cause them to become unstable. I recommend that the developer provides details of how they intend to undertake these works without damaging these trees.

Details of protective measures to be used should be submitted for comment and should comply with BS5837:2012."

## Agenda Item 4.2

### *Kent County Council Highways*

- 19 KCC were consulted on previous refusals SE/12/01619/HOUSE and SE/12/02400/HOUSE. These responses are outlined for clarification:

SE/12/01619/HOUSE – “I confirm that with respect to highway matters I would not wish to raise objection. If approved however please advise the applicant that the Highway Authority will need to be formally approached to obtain permissions with respect to details of the proposed widened vehicle crossover”.

SE/12/02400/HOUSE – “As with application number 12/01619, I write to confirm that I have no objection to this proposal. If approved however please advise the applicant that the Highway Authority will need to be formally approached to obtain permissions with respect to details of the proposed widened vehicle crossover”.

### *Ward Councillors*

- 20 Councillor Raikes – “Can you please bring to Development Control for the reasons stated by Sevenoaks Town Council”.
- 21 Councillor Fleming – “I struggle to see any major change from the previous refused permission and therefore, if you are minded to approve I would look for this to come before the committee”.

### Representations

- 22 5 letters of objection were received

A summary of the main points raised are outlined below:

- The cutting back of trees in the last year or so by 51A has affected privacy between our properties opposite. The proposed development will exacerbate this through third floor skylights;
- The overall proposal appears large and out of keeping with the area and neighbouring plot sizes;
- Given the proposed increase in the ridge height of the existing roof and the creation of the extension in order to accommodate the proliferation of windows facing in this direction, our bedrooms and garden will be overlooked to an extent that impinges on our privacy;
- The sheer bulk of the development, the increase in ridge height and the proliferation of windows at both first and second floor levels that add up to a serious overdevelopment of the site;
- The development will be out of character with surrounding houses;
- The proposal remains a substantial extension which would detrimentally harm the integrity of the original dwelling;
- The height and bulk of the side extension and roof are still not in harmony with the adjoining buildings or street scene;
- The overbearing impact of the form and height on the adjacent property (49 Mount Harry Road) remains;

## Agenda Item 4.2

- A three storey building and extension would, by virtue of its bulk and scale, be uncharacteristic and create an alien feature amidst two storey houses, in conflict with the spaciousness around properties which is seen as an essential element of the character of the neighbourhood;
- No changes have been made which would make any appreciable difference whatsoever to the damaging impact this scheme would have on our property and on our lives;
- Our first floor main bedroom has a window directly facing the side extension which would have a flank brick wall only a few metres away. The closeness of the extension, built on the site of the existing garage, combined with its height, would create an unreasonably overbearing effect on our home;
- We remain very concerned at the prospect of a noticeable loss of afternoon and evening sunlight to our property arising from the height and position of the extension and the depth of its rearward projection.

### **Group Manager Planning Services Appraisal**

#### Principal Issues

##### *Design, Scale and Bulk*

- 23 Policy SP1 of the Sevenoaks District Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area.
- 24 Policy EN1 of the SDLP states that the form of 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. In addition, Policy H6B of the SDLP states that extensions should relate well in design terms to the original dwelling in respect of bulk, height, materials, windows and detailing. In addition Policy H6B outlines the following criteria:
- In general two storey extensions should have pitched roofs to match the existing dwelling;
  - Loft and roof space extensions should not exceed the ridge height of the existing building or create the appearance of an extra storey which would be unsympathetic to the character of the area. Windows in the roof area should therefore be subsidiary in appearance;
  - Extensions which extend to the side boundary of the property which could lead to visual terracing are not acceptable, a minimum distance of 1 metres is normally necessary for two storey extensions and, in some area of spaciousness, this may need to be greater.
- 25 The Residential Extensions SPD outlines a number of criteria in relation to this proposal:
- In relation to side extensions, the pattern of gaps in a street scene should be maintained. There should normally be a minimum gap of 1 metre between the side wall of a two storey side extension and the adjoining

## Agenda Item 4.2

- property for the full height of the extension. This gap may need to be wider depending on the context;
  - In terms of loft conversions, these should not detract from the characteristic roof profile of a street and should follow the vertical line of existing doors and windows.
- 26 The Sevenoaks Residential Character Area Assessment SPD states that locally distinctive positive features of Character Area F04 (Mount Harry Road) are the individually designed mostly two storey detached houses which are set back from the road along a relatively regular building line with gaps between buildings. Negative features of the area are deemed to be that some of the new development has not respected the building characteristic of being set back from the road or allowed spacing between the buildings. Specific design criteria is:
- Development should be set back from the road and respect the relatively regular building line;
  - Mature trees and hedge boundaries which contribute to the character of the area should be retained.
- 27 The dimensions of the proposed side extension and loft extension in terms of scale and height are outlined in paragraphs 2 to 5 in this report.
- 28 The application has been amended from the previous refusal (SE/12/02400/HOUSE) as follows:
- The number of rooms in the proposed loft conversion has been reduced from four to two (plus a landing);
  - The roof line on the side extension has been lowered, to match that of the existing property. This creates a stepped appearance as the roof height of the original property will still be raised;
  - The dormer window closest to Number 49 Mount Harry Road has been replaced with a skylight;
  - The first floor side extension to the east of the property has been further reduced in size, by moving the extension from the boundary with Number 49 Mount Harry Road by an additional 0.3 metres. This now provides a distance of 1.32 metres from the side boundary at first floor level.
- 29 It is acknowledged that the dwelling will increase in size as a result of the proposal. However it is recognised that the number of rooms within the loft conversion has been reduced from four to two rooms. It is also considered that the proposal retains the space at the front of the plot and along the boundary with Number 51 Mount Harry Road. Whilst it is acknowledged that the built form is positioned closer to the boundary with Number 49 Mount Harry Road, due to the 1.32 metre distance to the side boundary and the 1.4 metre difference in topography it is not considered that this constitutes over development. Finally, the side extension extends no further back than the existing garage.
- 30 It is recognised that the height of the property will increase as a result of the loft extension and will now be different to the adjoining roof design of No.49. Notwithstanding this, it is considered that as there is a varied roof profile along Mount Harry Road this amendment to the roof design is acceptable.



- 31 In terms of its impact on the street scene, it is acknowledged that the dwelling will appear larger in scale from the highway. Nonetheless, it is recognised that despite the increase of roof height, a lot of the additional bulk on the front elevation has been removed from the two previous schemes (SE/12/01619/HOUSE & SE/12/02400/HOUSE) such as dormers windows. It is also considered that due to its position, the side extension whilst visible, will be concealed and will not appear prominently on the street scene.
- 32 The Applicant has drawn a precedent to a planning permission at a property in 35 Mount Harry Road which approved a demolition of a dwelling and the construction of a new dwelling (planning permissions SE/12/00960/FUL and SE/12/01776/FUL). This increased the height of the dwelling by 1.8 metres and approved a loft conversion in the resultant roof space.
- 33 Specifically addressing the criteria of the Sevenoaks Residential Character Area Assessment whilst it is accepted that the proposal involves a larger porch area at the front of the dwelling, the dwellings built form will still be situated 10 metres from the highway. In addition, it is considered that due to the distances between the adjoining dwellings it is deemed that the relatively regular building line will be respected as a result of the proposal.
- 34 For the above reasons it is considered that the proposal is in accordance with Policy SP1 of the Sevenoaks District Core Strategy, Policies EN1 and H6B of the SDLP, the Residential Extensions SPD and the Sevenoaks Residential Character Area Assessment SPD.

### *Residential Amenity*

- 35 Policy EN1 of the SDLP states proposed development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height and outlook. In addition, Policy H6B of the SDLP states that proposal should not result in a material loss of privacy, outlook, daylight or sunlight to habitable rooms or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties or the street scene. The extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling. The specific criteria outlined in the Residential Extensions SPD are assessed under each amenity consideration below.

### *Daylight / Sunlight*

- 36 The Residential Extensions SPD states that an extension should not cause any significant loss of daylight or the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or private amenity space. A useful guideline to measure the likely impact of an extension on a neighbouring property is the 45 degree test. Its purpose is to make sure that development does not take away too much daylight.
- 37 In terms of No.49, when assessing the floor plans of the proposal, the 45 degree line passes through the centre of the living room window. However, due to the difference in site levels, the proposal passes the elevation plan assessment as the 45 degree line does not pass through the centre of this habitable room window. Therefore whilst the proposal fails one of the 45 degree tests (floor plans), it can only be considered a significant loss of daylight if it fails both tests

## Agenda Item 4.2

(floor and elevation plans). Therefore whilst it is recognised that the proposal fails the floor plan 45 degree test, the proposal will not result in a significant enough loss of daylight to justify a refusal.

- 38 With regards to sunlight, the Residential Extensions SPD states that an extension should not cause the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or private amenity space.
- 39 As detailed above, the development proposes to increase the built form along the boundary with No.49. Whilst it is accepted that the properties benefit from south (south-east) facing gardens, it is considered that the proposal is likely to have some impact on the amount of sunlight received to the private amenity space at No.49, particularly later in the day. However, it is recognised that there is a 1.4m difference in ground levels between the two properties. In addition, the eaves height of the side extension will remain the same as the existing dwelling and the height of the roof pitch will be the same as the existing dwelling. Therefore on balance, whilst it is acknowledged that there will be some loss of sunlight to No.49 much later on in the day, it is considered that the extension will not cut out sunlight for a significant part of the day in regards to the private amenity space due to the difference site levels, the amended height of the side extension and the orientation of the garden.
- 40 In terms of Number 51 (*now referred to as No.51*) although there is a substantial difference between site levels (the site is positioned topographically higher than No.51), as No.51 is positioned further back than the site and that the majority of the works will occur on the boundary line with No.49, it is not considered that the proposal including raising the roof height by 0.6m will result in a detrimental loss of daylight. In addition, it is considered that the proposal will not have an impact on the amount of sunlight received at No.51, as the proposal site is north of this dwelling.

### *Privacy*

- 41 The Residential Extensions SPD states that windows in an extension should not directly overlook the windows or private amenity space of any adjoining dwelling where this would result in an unreasonable loss of privacy. In addition the SPD states that the District Council would normally calculate the private amenity area as a depth of 5 metres from the back of the property.
- 42 In terms of privacy, a number of adjoining occupants have claimed that the proposal will result in a loss of privacy to their properties / gardens. Each adjoining property will be addressed in turn.
- 43 The Hawthornes is the property which is positioned to the south of the proposed development. As detailed above, the proposal results in an increase in height of the roof and the insertion of three dormer windows on the rear elevation.
- 44 The distance between the two properties (at the closest point – from the rear wall of the proposed side elevation), will be 23 metres. Whilst it is recognised that there will be an increase in the number of windows along the rear of the proposed extension, it is considered that the proposed distance between the two properties will not result in a significant loss of privacy to the occupiers of The Hawthornes. In addition it is not considered that the proposal will have a material impact on privacy of the ground floor rooms or the private amenity space of The Hawthornes.

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- 45 The occupiers of Lentune have also raised concerns about loss of privacy. However, on the basis that this property is at a further distance than the adjoining 'The Hawthornes' and is not positioned directly behind the proposal site, it is not considered that the proposal will result in a loss of privacy to the occupiers of this property.
- 46 The property opposite the site (Number 106 Mount Harry Road) has raised concern that due to the cutting back of trees along the front boundary of the site, the scale of the proposals will impact on privacy. However, due to the design of the loft conversion windows (roof lights) and the distance between the two properties (approximately 30 metres) it is not considered that the proposal will have any impact on the privacy of these occupiers.
- 47 In terms of No.49, the existing relationship is unusual on the basis that a number of windows look directly onto one another. These include habitable rooms.
- 48 The proposal will actually result in the loss of the majority of flank elevation windows which face onto the No.49. The only remaining flank elevation window at first floor level will serve a bathroom (which will be conditioned to obscure glazed on any approved permission). In addition it is considered that due to the position of the dormer / roof windows (behind the rear building line of No.49) it is not considered that these will have a material impact on privacy to the occupiers of No.49. In summary it is considered that the proposal will in fact improve the privacy for the adjoining occupants at No.49.
- 49 With regards to No.51, the proposed dormer windows will be visible from the private amenity space. Notwithstanding this, whilst it is recognised that the windows will look onto the garden of No.51, it is considered that due to the distance between the two properties and the potential for landscaping (would be secured via condition on any approved consent) any loss of amenity will not be harmful.

### *Outlook*

- 50 The Residential Extensions SPD states that the District Council is primarily concerned with the immediate outlook from neighbours' windows, and whether a proposal significantly changes the nature of the normal outlook. In addition Policy H6B states that a proposal should not have a detrimental visual impact or overbearing effect on neighbouring properties.
- 51 In terms of outlook, it is considered that the only property which is likely to be affected by the proposal is the adjoining property No.49. Other properties are considered to either be too far from the proposed extension or will not have habitable room windows looking directly onto the extension.
- 52 Under the previously refused schemes (references SE/12/01619/HOUSE & SE/12/02400/HOUSE) it was considered that in terms of habitable rooms, it was not considered that the proposals would result in a detrimental loss of outlook. However in terms of private amenity space it was considered that the proposal was unacceptable as the developments would have had an overbearing and oppressive impact on the private amenity space of the neighbouring property (No.49) and was therefore contrary to Policy H6B of the SDLP.

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- 53 It is therefore important to assess whether the amendments to this scheme have addressed this previous ground for refusal.
- 54 It is recognised that the first floor side extension has been moved further away from the boundary with No.49 (now 1.32 metres) and that the height of the side extension has been reduced to match the existing dwelling height.
- 55 Further bulk along the boundary between the two properties has been removed from the scheme through the removal of the closest dormer window (which is now a roof light). Taking these factors into account as well as the 1.4 metre difference in topography it is now considered that any loss of amenity in regards to an overbearing impact will not be harmful.
- 56 For the above reasons, it is considered that the proposal is in accordance Policies EN1 and H6B of the SDLP and the Residential Extensions SPD.

### Other Issues

#### *Trees*

- 57 Policy EN1 of the SDLP states that the layout of the proposed development should retain important features including trees, hedgerows and shrubs.
- 58 As highlighted in the SDC Tree Officer Consultation response, there are a number of TPO trees within the site. Whilst not objecting to the proposals, the SDC Tree Officer has recommended stringent conditions on any approved consent so that the long term health of the trees can be safeguarded.
- 59 Providing this information is submitted (and meets the requirements of the SDC Tree Officer), it is considered that the proposal would be in accordance with Policy EN1 of the SDLP in this respect.

#### Highways / Access

- 60 Policy EN1 of the SDLP states that proposed development should not create unacceptable traffic conditions on the surrounding road network.
- 61 As detailed in the proposal description, the development involves and widening the driveway entrance. The Highways Officer has not raised an objection. However, an informative will need to be placed on any approved permission advising the applicant that the Highway Authority will need to be formally approached to obtain permissions with respect to details of the proposed widened vehicle crossover given the classification of Mount Harry Road.

### **Conclusion**

- 62 It is considered that the proposal is in accordance with Policy SP1 of the Sevenoaks District Core Strategy, Policies EN1 and H6B of the SDLP, the Sevenoaks Residential Character Area Assessment SPD and the Residential Extensions SPD.

### **Background Papers**

Site and Block Plans

Contact Officer(s):

Neal Thompson Extension: 7463

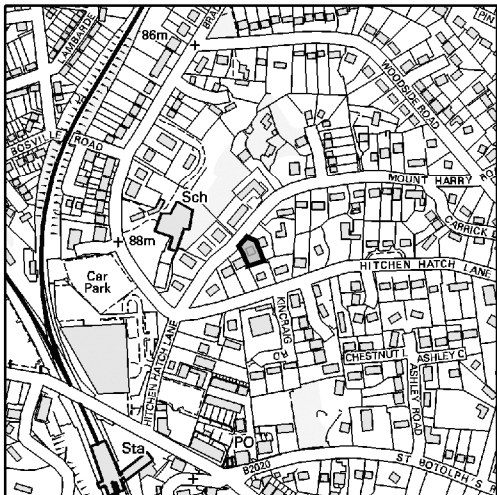
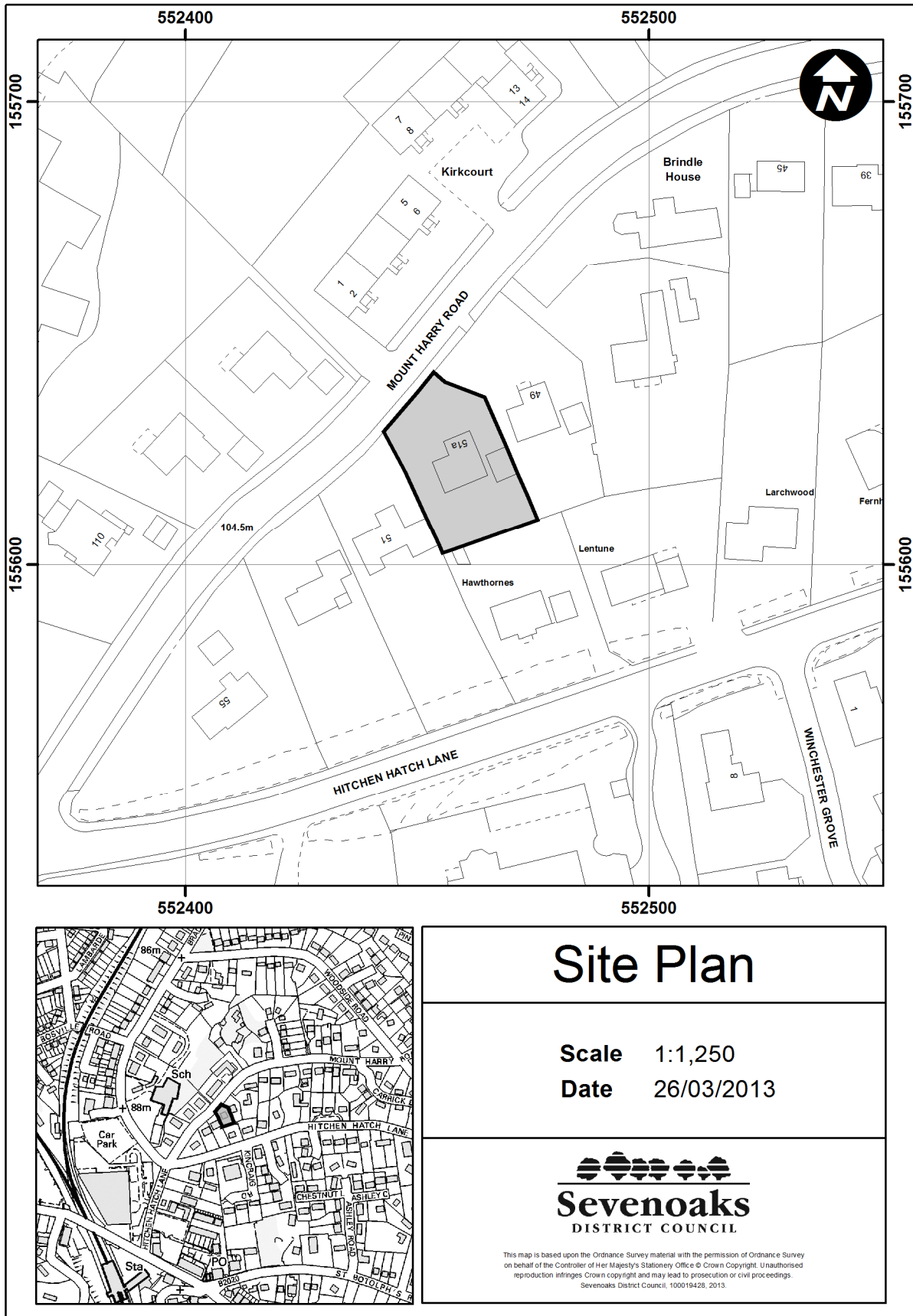
**Pav Ramewal**  
**Chief Executive Designate**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MHJNT6BK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MHJNT6BK0L000>



# Site Plan

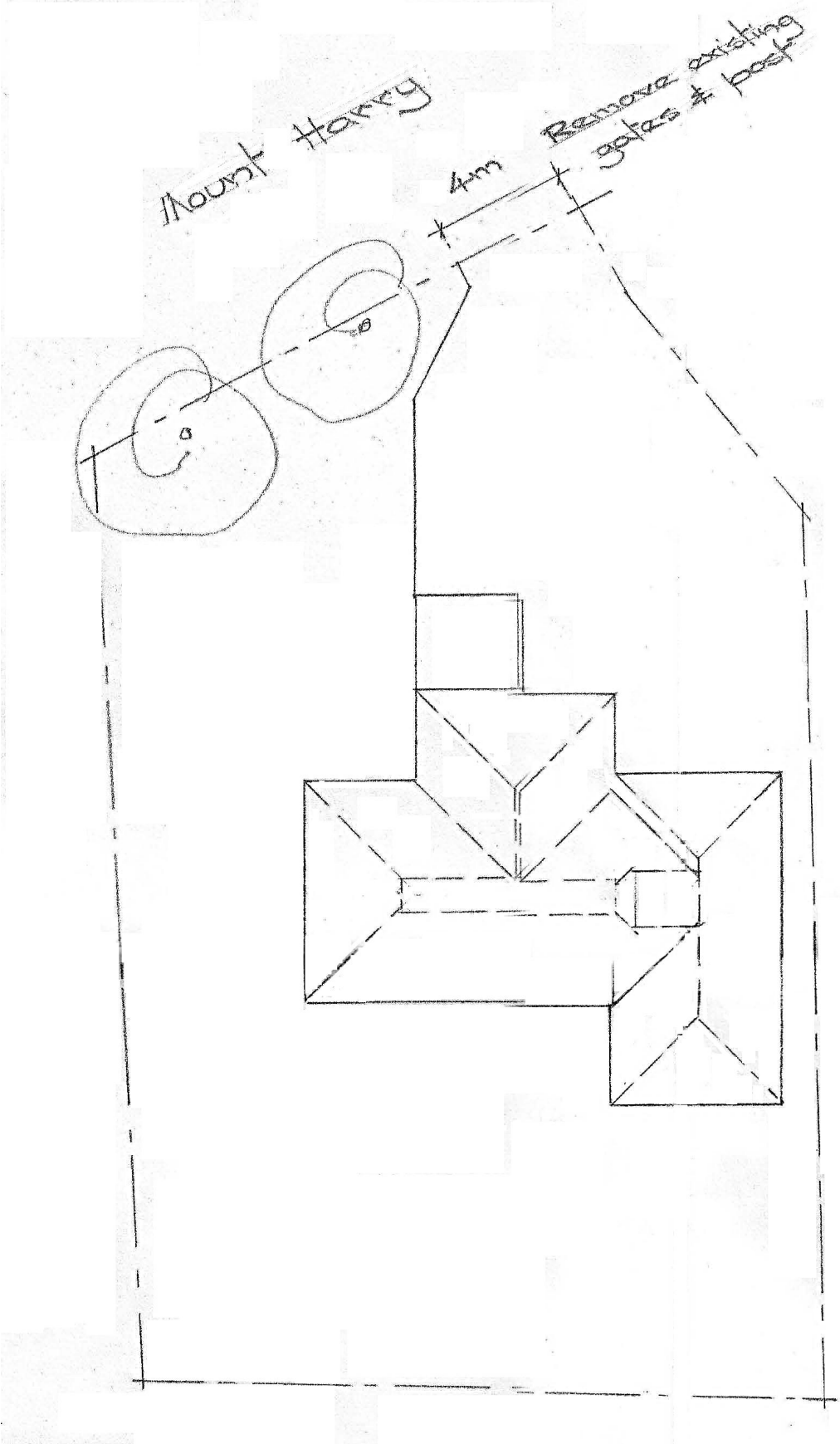
Scale 1:1,250

Date 26/03/2013



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Sevenoaks District Council, 100019428, 2013.

Block Plan



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4.3 – SE/12/03277/FUL Date expired 4 March 2013

PROPOSAL: Demolition of existing dwelling and erection of 2 No. semi-detached chalet bungalows, with off street parking for 4 No. cars with new access crossover to Church Road.

LOCATION: Chelsham, Church Road, Hartley DA3 8DN

WARD(S): Hartley & Hodsoll Street

**ITEM FOR DECISION**

This item has been called to Development Control Committee by Cllr Abraham who wishes the Development Control Committee to consider issues of over development and the impact upon the character of the surrounding area.

**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) 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 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.

3) Before the occupation of the development hereby permitted the car parking and turning areas shown on the approved plans shall be provided and shall be kept available at all times for the parking of cars.

To ensure adequate off street parking for future residents.

4) No development shall take place until full details of both hard and soft landscape works including any tree planting have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

5) The development hereby permitted shall be carried out in accordance with the following approved plans: P01A, P03, P021B, P031, P041, P051, P061, P071

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

6) No extension or external alterations shall be carried out to the dwellings hereby

## Agenda Item 4.3

approved, despite the provisions of any Development Order.

To protect the character and amenities of the surrounding area in accordance with the provisions of 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:**

Policies Sevenoaks District Local Plan: EN1, VP1, H10A

Sevenoaks District Core Strategy 2011: SP1, L07,SP2,SP3,SP5,SP7

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

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

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

The development incorporates an element of affordable housing.

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

### Description of Proposal

- 1 Demolition of existing bungalow and erection of one pair of semi detached chalet bungalows with off street parking for 4 cars accessed via a new access onto Church Road.
- 2 This site forms part of a larger plot currently utilised by a single bungalow and which has been the subject of a number of applications and a recent appeal which is relevant to this application. The scheme granted permission on appeal showed two detached chalet bungalows on the site – with the house on the site of this plot being the larger of the two. It was at that stage proposed as a single 4 bed house, but in terms of its position on site and its design was the same building as now proposed. This application deals only with the largest of the two dwellings approved and seeks to split this into two semi detached units. Within the larger plot but lying outside of this site lies the other approved chalet bungalow which remains untouched by this permission.
- 3 In terms of position on site this scheme is the same as that already approved – the major difference being to the layout of the front garden – which would now be largely occupied by a driveway and turning space to accommodate 4 cars. As part of the previous approval this space was occupied by a parking and turning head with a car port.
- 4 The pair of houses is the same as that approved on appeal except for some changes to the ground floor doors/fenestration to accommodate two entrances. The scheme would comprise 2 x 2-bedroom houses each with one bedroom in the roofspace. The bedrooms would face onto Church Road with windows in the rear and side elevations comprising bathrooms and landings. Each unit would have two off street parking spaces and a rear garden some 11m in length.

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Description of Site

- 5 The site comprises a corner residential plot currently occupied by a detached bungalow set within an established residential area on the corner of Gresham Avenue and Church Road. The existing bungalow is aligned broadly with the adjacent bungalow of Keston, fronting onto Church Road. The site is well landscaped with several mature trees and hedgerows on the site boundary.
- 6 The surrounding area comprises a mixture of bungalows, chalet bungalows and two storey houses of a range of sizes and designs. Whilst the entrance to Gresham Avenue is well planted on both sides, the rest of Gresham Avenue is much more open with low levels of boundary planting and this openness is reflected in the character of Dickson Close sited on the opposite side of Church Road to the application site.

Constraints:

- 7 Within the built confines of Hartley

Policies

*Sevenoaks District Local Plan*

- 8 Policies - EN1, VP1, H10A

*Sevenoaks Core Strategy*

- 9 Policies - L07, SP1, SP2, SP3, SP5, SP7,

*National Policy*

- 10 NPPF

Planning History

- 11 SE/12/02114/FUL Demolition of existing dwelling and erection of 2 semi detached chalet bungalows with off street parking for 4 cars with new access crossover to Church Road. Refused on the basis of the lack of an affordable housing contribution
- 12 SE/12/00424/FUL Erection of 2 detached chalet bungalows parking and alterations to the existing vehicular access Refused
- 13 SE/11/02940/FUL Demolition of existing dwelling and erection of 2 detached chalet bungalows, parking and alterations to existing vehicular access. Refused. Appeal allowed
- 14 SE/10/03522/FUL Demolition of existing and erection of 2 detached dwellings with car port and alterations to vehicular access. Granted
- 15 SE/10/02208/FUL Demolition of existing dwelling and erection of two detached chalet bungalows with detached garages, alterations to existing vehicular access and creation of new vehicular access. Refused

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- 16 SE/09/01424/OUT Demolition of existing dwelling and erection of detached chalet bungalow and detached bungalow with alteration to the vehicular access.  
Granted

### Consultations

#### *SDC Tree Officer*

- 17 No objections to this proposal but suggest a landscaping condition be applied to any consent provided.

#### *Thames Water*

- 18 No objection, simply reference to the onus in respect of surface drainage being upon the applicant to resolve satisfactorily

#### *KCC Highways:*

- 19 I have the following comments to make with respect to highway matters :-

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction. Proposed 2m x 2m pedestrian visibility splays containing no obstruction greater than 600m in height to be secured by condition.

- 20 Proposed vehicle crossover to be secured to the requirements of KCC Highways & Transportation prior to occupation of the new units.

#### *Hartley Parish Council*

- 21 Hartley Parish Council objects to the above application on the following grounds:
- The proposed scheme would constitute over development of the site, harmful to the character and amenities of the surrounding area and not in keeping with the street scene.
  - The proposal would provide insufficient amenities for future occupants.

### Representations

- 22 Four letters of objections raising concerns to the following points:

- over development of the site
- adverse impact upon road safety
- out of character with surrounding area
- landscaping on plan is incorrect
- the houses would be too high

- trees shown in plot B would overshadow the neighbours
- a covenant restricts this development – it states only one dwelling per plot
- cramped form of development
- overlooking of neighbours
- massing on the site would be excessive

### **Group Manager Planning Services Appraisal**

#### Principal Issues

23 The site lies within the built confines of Hartley where the principle of such development is acceptable, subject to compliance with all relevant policies within the Local Plan. The main issues therefore are:

- density,
- design/impact upon the streetscene,
- impact upon the highway,
- impact upon the neighbours amenities
- affordable housing

24 As detailed above the siting, design, scale and form of this building has already been considered and found to be acceptable at a recent appeal (decision July 2012). There has been no material change in circumstances since that time such as to warrant a different conclusion in general terms. Therefore this report will only examine the differences between the approved scheme and that now under consideration.

#### *Density:*

25 The NPPF advises that LPAs should set out their own approach to housing density to reflect local circumstances. Policy SP7 reflects this approach by seeking a *density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated*. In a settlement such as Hartley new residential development is expected to achieve a density of 30 dwellings per hectare. The proposed scheme would have a density of 34dph whilst the approved scheme would have a density of 23dph. The surrounding area has a density within a range between 12dph and 35dph (assessing different parts of the surrounding area). The proposed density therefore complies with policy SP7.

26 In this case this scheme will create one additional house within a building form that has already been approved and the question of over development must concentrate therefore upon the impact of three households living on this site and that impact, rather than the impact of the built form.

## Agenda Item 4.3

- 27 This scheme would result in one additional household within built form that has already been approved. Concern has been expressed that this area is more normally home to detached single houses rather than semi detached or terraced houses and that this is therefore out of character with the surrounding area. Certainly those dwellings immediately around the site are single households, but it is difficult to see how one pair of semi detached houses on this site (in addition to the adjacent chalet bungalow) would lead to such a level of activity as to be demonstrably harmful to the character and amenities of the area. The number of bedrooms proposed by the approved scheme and this pair of houses would be the same. Certainly in terms of its appearance the building would be acceptable and would not adversely affect the street scene – the fact that there are two units would not be immediately discernible from the highway. Each unit has sufficient parking – which is shared, and adequate garden space not to appear cramped within the surrounding area. In terms of the level of activity officers do not consider that one additional family could generate such levels of activity as to be noticeable or harmful within the area. One larger household could, for instance, accommodate a single family comprising older children who are independent of their parents and able therefore to create just as much activity in conjunction with their parents as two smaller families in these units. This is a matter of judgement, but officers do not believe such an increase in activity could be demonstrated to be harmful.

### *Design/Impact upon the Street Scene:*

- 28 The NPPF attaches *great importance to the design of the built environment. Good design is a key aspect of sustainable development and should contribute positively to making places better for people.*
- 29 This is interpreted at the local level by policy SP1 of the Core Strategy which seeks to ensure that *all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.*
- 30 The scale, form and design of the building and its position on site is the same as that already approved. The only difference relates to the position of fenestration on the scheme. At first floor level the scheme is the same but at ground floor level an additional door/window is inserted on the north –west elevation. The submitted elevations are the same as previously approved although the annotation identifying the east and west elevations has been changed.
- 31 The Inspector concluded that the height and design of the dwellings would be in sympathy with other recent developments nearby and that the dwellings proposed would make better use of the site without compromising the spacious nature and attractive appearance of the area. He concluded that the proposal would fit in well with the overall character of the area. The changes to the fenestration would not change this conclusion.
- 32 The other major change would be the layout of the front garden – this scheme replaces a car port and parking/turning area with a parking area for 4 cars. This change would not be so great a difference as to harm the general character of the area – one where plenty of houses utilise most of their front gardens for parking with little left for landscaping.

- 33 Given that the design of this scheme was approved on appeal it must be considered to comply with the terms of the national and local policy in terms of its design and character.

### *Impact upon the Highway:*

- 34 The NPPF seeks to ensure that *if setting parking standards local planning authorities should take into account the accessibility of the development, type and mix of use and development, local car ownership levels and availability of public transport.*
- 35 Policy SP1 advises that *new development should create safe inclusive and attractive environments.* Parking standards are identified as relevant by policy VP1 of the Sevenoaks District Local Plan saved policies.
- 36 This scheme proposes 4 parking spaces with a turning area. No highways objections are raised to this proposal. The access would be adequate and there is no reason to expect that this new access would cause highways safety issues.
- 37 This aspect of the proposal complies with the relevant policies.

### *Impact upon Neighbours Amenities:*

- 38 The NPPF seeks to ensure that new development secures high quality design and a good standard of amenity for all existing and future occupants. Policy SP1 of the Core Strategy seeks to create safe, inclusive and attractive environments that met the needs of users and incorporate principles of sustainable development.
- 39 The neighbours have raised a number of issues regarding the impact of this scheme upon their amenities, including overshadowing, loss of privacy, overlooking and loss of light. These issues are all a result of the physical bulk and siting of the proposed dwellings. As detailed above the scheme now proposed would not be significantly different to that already approved and the Inspector previously concluded that the scheme would not, subject to relevant conditions, cause harm to the neighbours' amenities. There are no fresh concerns raised as a result of this scheme and the concerns raised by neighbours cannot therefore be found to be so harmful as to warrant a refusal of permission.
- 40 In view of the appeal decision it is safe to conclude that the Inspector determined the application in accordance with the relevant national and local policies.

### *Affordable Housing:*

- 41 Core Strategy policy SP3 seeks an off site affordable housing contribution for new housing scheme such as this.
- 42 A contribution has been offered and a relevant S106 agreement submitted and completed. The scheme therefore complies with established national and local policy and is now acceptable on this point.

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### Other Issues

#### *Landscaping*

- 43 The issue of Landscaping being either inaccurate on submitted plans or too close to neighbouring houses has been raised. The Inspector concluded that such issues could be dealt with by means of a condition and were all other aspects of this scheme considered acceptable that would be same conclusion in respect of this scheme.

#### *Covenant*

- 44 The submitted covenant indicates that only one house per plot could be built. However this is not a planning issue, but one that needs to be dealt with independently of this application, separately from the planning process.

#### *Access Issues*

- 45 Will be covered by any subsequent building regulations application

### **Conclusion**

- 46 The proposed scheme seeks to sub divide a building, the principle of which has already been established on appeal. The minor changes to the scheme would not be unacceptable and it is not considered that the intensification of use of the site would be such as to be harmful to the nearby residents or character of the surrounding area.
- 47 The creation of a new dwelling would create a requirement for an affordable housing contribution which is being proposed and a relevant S106 agreement has been completed and submitted.
- 48 This scheme would therefore appear to comply with the Councils policies and is recommended for approval.

### **Background Papers**

Site and Block Plans

Contact Officer(s): Lesley Westphal Extension: 7235

**Pav Ramewal**  
**Chief Executive Designate**

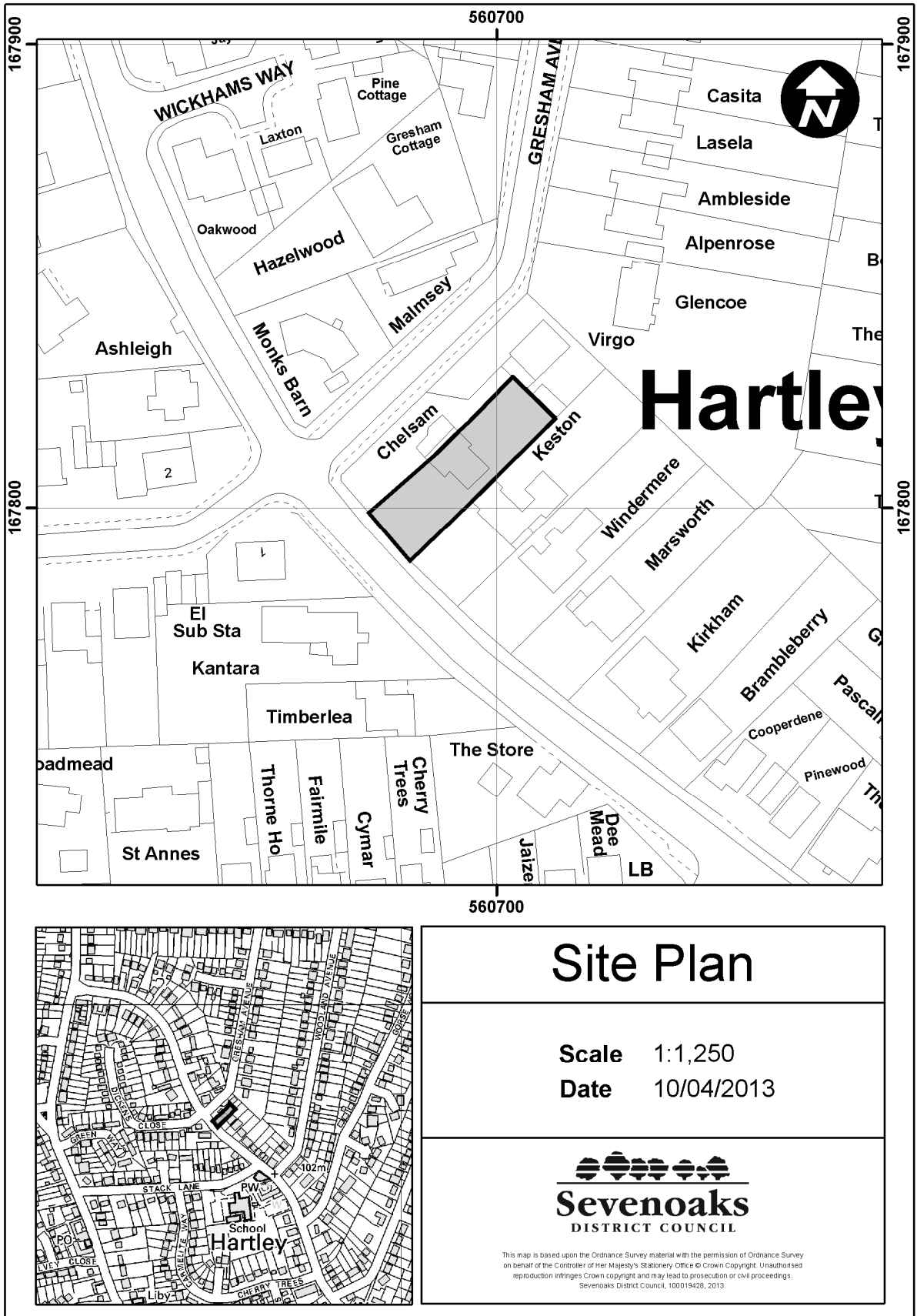
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MENQNJBK0L000>

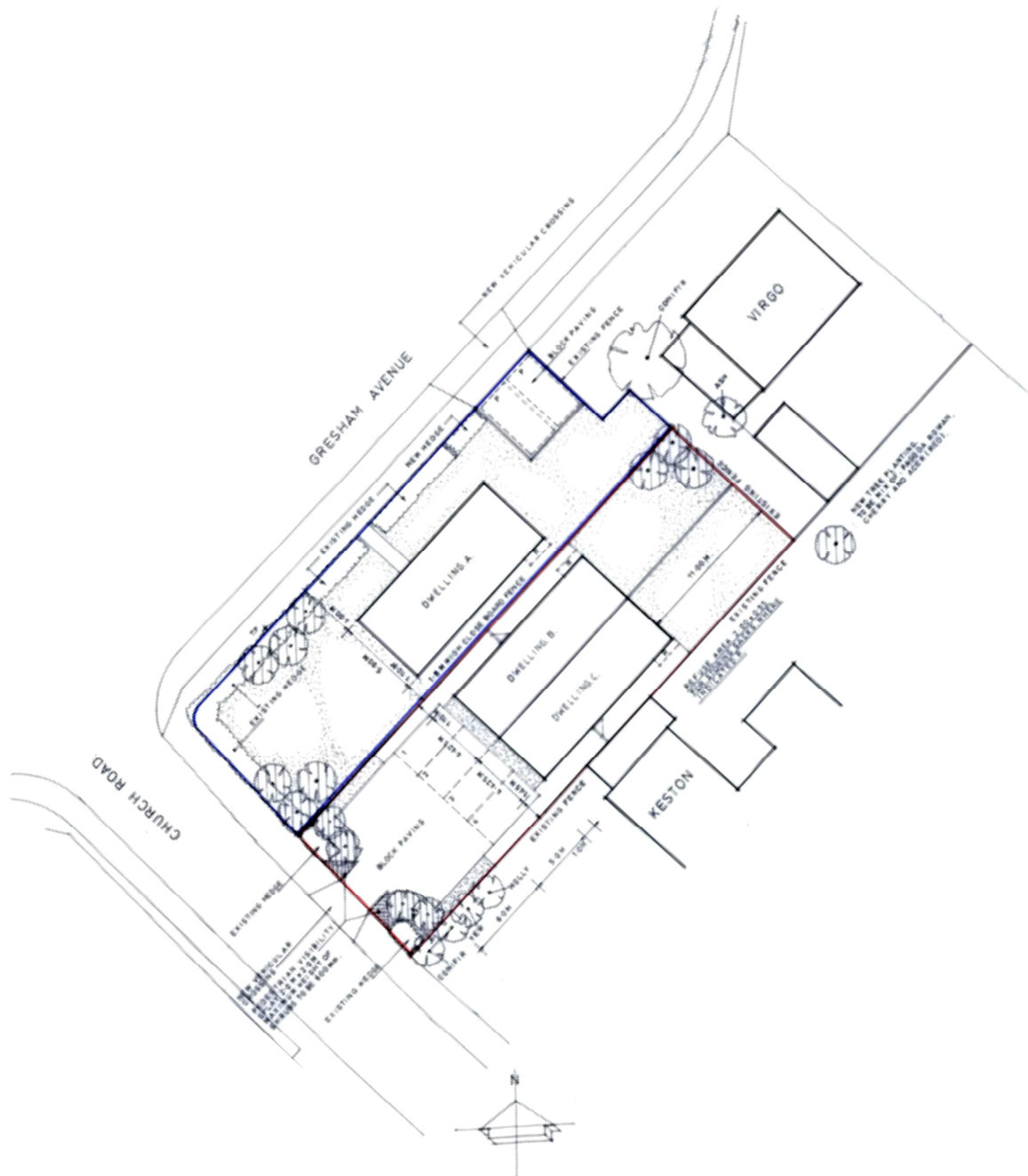
Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MENQNJBK0L000>





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The Planning  
Inspectorate

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## Appeal Decision

Site visit made on 2 July 2012

by **R W Moon BSc MCD MRTPI**

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

Decision date: 30 July 2012

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**Appeal Ref: APP/G2245/A/12/2170195**  
**Chelsham, Church Road, Hartley, Longfield, Kent, DA3 8DN**

- 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 and Mr T Jarvis against the decision of Sevenoaks District Council.
  - The application Ref SE/11/02940/FUL, dated 11 November 2011, was refused by notice dated 18 January 2012.
  - The development proposed is the demolition of existing dwelling and erection of 2 detached chalet bungalows, parking and with alterations to the existing vehicular access.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and erection of 2 detached chalet bungalows, parking and with alterations to the existing vehicular access at Chelsham, Church Road, Hartley, Longfield, Kent, DA3 8DN in accordance with the terms of the application, Ref SE/11/02940/FUL, dated 11 November 2011 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: *Drawing Nos.P.01, P.02, 1691/1, P.03, P.04, P.05, PP.06, P.07, and P.8.*
    - 3) No development shall take place until full details of both hard and soft landscape works including any tree planting have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.
    - 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.
    - 5) Before the occupation of the development hereby permitted the car parking and turning areas shown on the approved plans shall be provided and shall be kept available for the parking of cars at all times.
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[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

### **Main Issue**

3. I consider the main issue in this appeal to be the effect of the proposed development on the character and appearance of the area.

### **Reasons**

4. The appeal site is a plot of land with a neglected detached bungalow at the junction of Gresham Avenue with Church Road. The plot is wider than its neighbours to the south east. Church Road is a very long road fully developed with a mixture of bungalows and 2 storey dwellings, most being detached in the vicinity of the appeal site. There is also a large number of newer houses nearby and elsewhere along Church Road including 2 nearing completion opposite Wickham's Way. The appellant states that the amount of new development in the area has been largely as a result of the redevelopment of old bungalow plots with new 2 storey or chalet style properties. Indeed the appeal site has received the benefit of an outline planning permission in 2009 for its redevelopment for a detached chalet bungalow and a detached bungalow (Ref. SE/09/01424/OUT) to be followed by full planning permission for the erection of 2 detached chalet style dwellings, car port and alterations to the vehicular access (Ref. SE/10/03522/FUL). This is an important material planning consideration in this case and the current appeal needs to be assessed in relation to its context and any material differences between the more recent permission and the proposed development.
5. As Dwelling A would have a smaller footprint and is proposed to be moved 1.0m further back from Gresham Avenue, and the space between buildings is to be increased, the proposed dwellings would have a more spacious arrangement with its neighbours than in the approved scheme. At first floor level dwelling B would be much smaller with a sliding hipped roof, a revision to prevent any overlooking of Virgo to the North East. The Council is more concerned about the additional height of 1.50m for dwelling B and increased bulk at this corner position compared with the currently permitted scheme. Despite these changes I consider the design of dwelling A to be a much superior one with a more interesting hipped roof profile which would offset any perceived harm of overdeveloping this corner site and have the visual effect of reducing its apparent scale. Furthermore the height and design of the proposed dwellings would be in sympathy with other recent developments nearby in Wickhams Way.
6. I consider the proposed dwellings would make better use of this site without compromising the generally spacious and attractive appearance of the area. Some other recent developments nearby have been both higher and closer to boundaries than the proposed scheme so the proposals would fit in well with the overall character of the area. I have had regard to the concern of neighbours at Virgo about the proximity of trees to their property but these concerns can be the subject of a condition. I have also taken into account the relationship of Dwelling A with the bungalow opposite, Monk's Barn, and consider the separation provided by the road, the distance of about 20.0m and existing tree screening adequate to prevent any visual harm to the occupants of that property.

Appeal Decision APP/G2245/A/12/2170195

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7. I conclude that the proposed development would not have a harmful effect on the character or appearance of the area and would conform with Policy EN1 of the Sevenoaks District Local Plan Saved Policies (2008) in that it would be compatible with the scale, height, density and site coverage of other buildings and particularly new developments in the area.

**Conditions**

8. Neither the Council nor the Highway Authority has submitted any conditions for consideration in respect of this appeal were it to be allowed, even after being consulted. However, I consider that apart from a landscaping condition to require details of tree planting to protect the interests of neighbours and one for the approval of materials to ensure the development conforms to the character and appearance of the area, both of which I consider to be necessary. A condition identifying the permitted plans is also necessary so that the development is carried out in accordance with the application, for the avoidance of doubt and in the interests of proper planning. As part of the car parking is in the rear garden of the proposed Dwelling B, I consider that the parking area should be kept available for that purpose at all times.

*R.W Moon*

INSPECTOR

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