

DEVELOPMENT CONTROL COMMITTEE

13 June 2013 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Williamson

Vice-Chairman

Cllr. Miss. Thornton

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Mrs. Davison, Mrs. Dawson, Dickins, Edwards-Winsler, Gaywood, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack, Underwood and Walshe

Apologies for Absence

Pages

1. **Minutes** (Pages 1 - 12)
Minutes of the meeting of the Committee held on 23 May 2013
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/13/00360/HOUSE - Moorcroft Place, Mapleton Road, Westerham TN16 1PS** (Pages 13 - 28)
New fencing and CCTV camera installation (retrospective)
 - 4.2. **SE/13/00135/FUL - Land to the rear of Alandene, Till Avenue, Farningham DA4 OBH** (Pages 29 - 44)
Erection of a detached 2 bedroom bungalow. Provision of two off street parking spaces and a refuse storage area.
 - 4.3. **SE/13/00628/HOUSE - White Gables, High Street, Farningham, Dartford DA4 ODB** (Pages 45 - 56)
Demolition of conservatory and detached single garage, erection of a single storey rear extension and two storey side extension
 - 4.4. **SE/13/00139/HOUSE - 10 Springshaw Close, Sevenoaks, Kent TN13 2QE** (Pages 57 - 70)
Erection of a two storey side extension and ground floor front extension. Minor changes to windows on the ground floor.

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 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 or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 10 June 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.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 23 May 2013 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice-Chairman)

Cllrs. Brookbank, Clark, Mrs. Davison, Mrs. Dawson, Edwards-Winsler, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack and Underwood

Apologies for absence were received from Cllrs. Brown, Cooke, Dickins, Gaywood and Walshe

Cllrs. Bosley, Davison, Eyre, Fleming, Grint and Mrs. Hunter were also present.

1. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 25 April 2013 be approved and signed by the Chairman as a correct record.

2. Declarations of Interest or Predetermination

Cllr. Mrs. Dawson clarified that the introduction of the report for item 4.1 SE/11/01878/FUL - Land North of Burchier Close, Sevenoaks implied that she may have predetermined the matter. However she stated she had not yet decided the matter and would be listening to the debate.

Cllr. Miss. Stack spoke as the Local Member for item 4.4 SE/13/00119/HOUSE - Crossways, 8 Greenlands Road, Kemsing Sevenoaks TN15 6PH. She did not take part in the debate and did not vote on the matter.

3. Declarations of Lobbying

All members of the Committee, except Cllr. Brookbank declared that they had been lobbied in respect of item 4.1 SE/11/01878/FUL - Land North of Burchier Close, Sevenoaks..

All members of the Committee, except Cllrs. Edwards-Winsler and Piper also declared that they had been lobbied in respect of item 4.4 SE/13/00119/HOUSE - Crossways, 8 Greenlands Road, Kemsing Sevenoaks TN15 6PH.

Cllrs. Mrs. Dawson and Miss. Thornton declared that they had been lobbied in respect of item 4.5 SE/13/00139/HOUSE - 10 Springshaw Close, Sevenoaks, Kent TN13 2QE.

Agenda Item 1

Development Control Committee - 23 May 2013

Unreserved Planning Applications

There were no public speakers against the following item. Therefore, in accordance with Part 7 3.5(e) of the constitution, the following matter was considered without debate:

4. SE/13/00574/FUL - Parking Area, St Botolphs Avenue, Sevenoaks TN13 3AL

The proposal was for retrospective planning permission for the erection of a car port structure over part of an existing parking space within a private parking courtyard. The site was within the built confines of Sevenoaks.

The report advised it was a modest structure, well screened to public view from the rear. The car port was well related to its immediate surroundings. It would not cause harm to the character and appearance of the wider area or to the living conditions of neighbouring properties. It would not obstruct existing parking facilities within the courtyard.

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

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Unnumbered elevation plan and ordnance survey block plan received by the Council on 22nd February 2013 and 6th March 2013.

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

Reserved Planning Applications

The Committee considered the following planning applications:

5. SE/11/01878/FUL - Land North Of, Bourchier Close, Sevenoaks

The proposal was for the erection of an L-shaped 80-bed nursing home facility, largely over three floors, of traditional design. Approximately 40% of the site would be utilised as public open space and a play area would be provided. A vehicular access into the site would be created from Bourchier Close and would extend across the site to join with the existing St. Nicolas church car park. This access from the church car park had been previously approved. 26 car parking spaces would be provided with 23 further spaces to be provided for the church, but for use by the care home when church traffic was low.

The site sloped significantly upwards from west to east, with a change of approximately 20 metres. It was just under 1ha in size and was undeveloped. The site was designated an important area of green space under Local Plan Policy EN9. A group of trees to the centre was protected by a Tree Preservation Order. It was within the Homelands Catchment area which can be subject to localised flooding.

Officers considered that the application would increase public access to open space and improve the quality of that space. This would outweigh the presumption in favour of safeguarding the important green space. It was in a sustainable location.

Members' attention was drawn to the tabled Late Observations sheet. It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application:	James Brown
For the Application:	Robert Wickham
Parish Representative:	Cllr. Mrs. London
Local Member:	Cllr. Fleming

In response to a question Officers confirmed that they expected a barrier to be installed on the route through the site from Rectory Lane. However these details would only be submitted at a later point. The Case Officer clarified that although the proposal was for Class C2 Use, a condition would restrict the building for use as a care home. It was difficult to calculate the staff required on site but the Highways Officer had made a comparison in his calculations to a care home in Edenbridge.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, to grant permission subject to the completion of a satisfactory section 106 agreement within three months be adopted.

Members noted the numerous objections raised by the Local Member public speaker.

Members were concerned the proposal contravened Policy EN9 of the Local Plan as the site was designated Green Space and had only recently been identified as such in the well developed Allocations and Development Management Supplementary Planning Document. The concern was not public access to the site but there was a lack green space on the west side of Sevenoaks.

It was suggested the need for care homes had not been identified and that provision for an ageing population did not have to include more care homes.

A local Member, on the Committee, was concerned by potential flooding issues. From her own knowledge she knew that The Dene was already subject to flooding and this development would add greater pressure to it.

Members were also concerned that the application could result in a concentration of care homes in one area of town. Biodiversity would be harmed by the proposed buildings. There would be inadequate private, outside amenity area for residents of the care home. Staff were not likely to rely on public transport, especially given the lack of nighttime public transport provision in the area. The bulk, height and scale of the development would be excessive, particularly from The Dene, as the development was sited on top of a hill.

One Member commented that there was a need in the area for care homes given the ageing population.

The motion was put to the vote and the Chairman declared the vote to have been LOST. Cllr. Brookbank abstained.

It was MOVED by Cllr. Mrs Dawson and was duly seconded:

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

1. The proposed development, if permitted, would result in the loss of an important area of greenspace within the built confines of Sevenoaks. The benefits of the proposed scheme in retaining part of the land as public open space would not outweigh the harm caused by the loss of the remaining area to development. This would be harmful to the visual amenities and distinctive local character of the area, contrary to Policy EN9 of the Sevenoaks Local Plan and Policy SP1 of the Council’s Core Strategy.
2. The proposed development would be contrary to Policy H8 (1) of the Sevenoaks Local Plan as the proposed residential care home would result in a loss of important greenspace and would therefore not be suitable for its purpose. The proposal would also result in a concentration of care homes in the immediate and surrounding area leading to a cumulative impact of development that would harm the character and amenity of the area, contrary to Policy H8 (3) of the Sevenoaks Local Plan.
3. The proposed development would generate a significant amount of traffic. This would result in unacceptable traffic conditions on the surrounding road network and would cause harm to the residential amenity of surrounding properties due to noise and activity generated by the proposed development. As such, the proposal would be contrary to Policies EN1 (3 &10) and T8 of the Sevenoaks District Local Plan.
4. The height and scale of the proposed care home would result in the erection of a substantial and prominent structure on the site that would be significantly out of scale and character with the predominantly residential and domestic scale of development in the locality. This difference would be further exacerbated by the raised level of the application site in relation to surrounding roads. This would be harmful to the character of the local area and contrary to Policy EN1 of the Sevenoaks District Local Plan and policies LO2 and SP1 of the Sevenoaks Core Strategy.
5. The proposed care home would fail to provide suitable private outdoor amenity space for use by its residents. This would be contrary to Policy EN1 (5) of the Sevenoaks District Local Plan.
6. The site is located within the Homelands water catchment area. Insufficient information has been provided to demonstrate to the satisfaction of the Local Planning Authority that a suitable surface water drainage scheme can be secured for the development to prevent an increased risk of localized flooding in the surrounding area. This would be contrary to Policy EN1 of the Sevenoaks District Local Plan and to advice contained within the National Planning Policy Framework.”

The motion was put to the vote and it was:

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

1. The proposed development, if permitted, would result in the loss of an important area of greenspace within the built confines of Sevenoaks. The benefits of the proposed scheme in retaining part of the land as public open space would not outweigh the harm caused by the loss of the remaining area to development. This would be harmful to the visual amenities and distinctive local character of the area, contrary to Policy EN9 of the Sevenoaks Local Plan and Policy SP1 of the Council's Core Strategy.
2. The proposed development would be contrary to Policy H8 (1) of the Sevenoaks Local Plan as the proposed residential care home would result in a loss of important greenspace and would therefore not be suitable for its purpose. The proposal would also result in a concentration of care homes in the immediate and surrounding area leading to a cumulative impact of development that would harm the character and amenity of the area, contrary to Policy H8 (3) of the Sevenoaks Local Plan.
3. The proposed development would generate a significant amount of traffic. This would result in unacceptable traffic conditions on the surrounding road network and would cause harm to the residential amenity of surrounding properties due to noise and activity generated by the proposed development. As such, the proposal would be contrary to Policies EN1 (3 & 10) and T8 of the Sevenoaks District Local Plan.
4. The height and scale of the proposed care home would result in the erection of a substantial and prominent structure on the site that would be significantly out of scale and character with the predominantly residential and domestic scale of development in the locality. This difference would be further exacerbated by the raised level of the application site in relation to surrounding roads. This would be harmful to the character of the local area and contrary to Policy EN1 of the Sevenoaks District Local Plan and policies LO2 and SP1 of the Sevenoaks Core Strategy.
5. The proposed care home would fail to provide suitable private outdoor amenity space for use by its residents. This would be contrary to Policy EN1 (5) of the Sevenoaks District Local Plan.
6. The site is located within the Homelands water catchment area. Insufficient information has been provided to demonstrate to the satisfaction of the Local Planning Authority that a suitable surface water drainage scheme can be secured for the development to prevent an increased risk of localized flooding in the surrounding area. This would be contrary to Policy EN1 of the Sevenoaks District Local Plan and to advice contained within the National Planning Policy Framework."
6. SE/13/00481/FUL - New Beacon School , Brittain's Lane, Sevenoaks Kent TN13 2PB

The proposal was to open a new vehicle crossover between Brittain's Lane and the school's staff car park. The new access would be located on the eastern side of the site, between two existing accesses to the site. The report advised that use of the new access would be controlled by automatic barrier featuring card swipe/key pad protection, would

Agenda Item 1
Development Control Committee - 23 May 2013

involve the removal of a grass verge and close boarded fence and would be constructed of tarmac.

The site was on the outskirts of Sevenoaks within the Metropolitan Green Belt.

Officers considered that the proposed development would not have a detrimental impact upon the existing street scene and was not considered to have an unacceptable impact upon highway safety or traffic conditions. Any potentially significant impacts relating to highway safety could be satisfactorily mitigated by conditions.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Michael Mamalis
Parish Representative:	-
Local Member:	Cllr. Mrs. Hunter

Following the Late Observations sheet and comments from the public speakers, it was noted the new entrance was now due to be used by both staff and parents in peak times. The intention was to allow vehicles to turn off Brittain's Lane more easily.

Officers stated that they had not consulted the Highways Authority concerning the uncontrolled access as the application was considered as being a controlled access for staff only. It was proposed by the Chairman and duly seconded that the report be deferred to allow consultation on this aspect.

Members agreed deferment would be appropriate and asked that Officers consider the speed of traffic on Brittain's Lane and how vehicles could navigate the traffic which was using the 3 access points. They also asked a diagram be provided of traffic flows within the school site.

Resolved: That consideration of the application be DEFERRED for Officers to:

- (a) consult Kent Highway Services on the uncontrolled use of the proposed access for staff and parents;
- (b) consult on the interaction between the through traffic on Brittain's Lane with queuing vehicles, particularly at peak times; and
- (c) provide diagrams for members to show traffic flows within the application site.

7. SE/12/03388/HOUSE - Penryn Cottage, Milton Avenue, Badgers Mount TN14 7AU

The proposal was for the installation of 4 rooflights in the flank roofspace (retrospective) and two dormer windows in the rear elevation. Two of the rooflights were to be obscure glazed and fixed shut.

The site was within the built confines of Badgers Mount and the Kent Downs Area of Outstanding Natural Beauty (AONB). It sloped downwards from east to west and from

north to south. The general streetscene was fairly mixed with both single and two storey dwellings in the road, of a mixture of designs and ages.

The report advised that the scale, location and design of the development would preserve the character and appearance of the Area of Outstanding Natural Beauty. The development would respect the context of the site and would not have an unacceptable impact on the street scene. Overlooking was not a concern due to the indirect angle between the application site and those dwellings potentially at risk. The Officer also commented on the previous appeal decision on the site.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mark Batchelor
Parish Representative:	Gordon Plumb
Local Member:	Cllr. Grint

The Case Officer did not consider the proposal to have an adverse impact on the AONB.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted.

Members noted the existing dwelling was large but that the increase in bulk caused by the proposal would be minimal.

It was put to the vote and it was:

Resolved: 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans: 79648/10A, Unnumbered existing rear elevation and unnumbered existing attic plan.

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

At 9.17 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.25 p.m.

Agenda Item 1
Development Control Committee - 23 May 2013

8. SE/13/00119/HOUSE - Crossways, 8 Greenlands Road, Kemsing Sevenoaks TN15 6PH

The proposal was to alter the roof form to a new crown roof that would extend across the full depth of the building. The height of the property would be raised from 4.89 metres to 5.49 metres.

The site consisted of a detached bungalow within the Metropolitan Green Belt.

The report advised that as the proposed new roof could accommodate additional habitable floor space, the proposal was to be considered inappropriate development in the Green Belt; existing extensions had already added more than 50% to the original floorspace. The scale, bulk and massing were detrimental to the character and appearance of existing and neighbouring buildings and was incongruous and harmful to the street scene.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mark Batchelor
Parish Representative:	-
Local Member:	Cllr. Miss Stack

In response to a question Officers confirmed that the level of the road dropped down southwards and so an increase in height of the present property could appear worse when compared to those further down the slope.

It was noted the applicants had proposed a condition that alterations to the roof, usually considered Permitted Development, be restricted. Officers advised that such a condition may not suffice and it would depend on the reason given for those conditions.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to refuse permission be adopted.

The Committee agreed that the existing roof appeared to be in disrepair. However the proposal was significantly larger than the existing roof, resulting in a considerable change in the streetscene because of the increase in bulk. The new roof would be contrary to Green Belt policy and would harm the openness of the area.

Some Members felt the proposed roof to be tidier than the existing roof and that it did not have a significant impact on the Green Belt. The streetscene was already varied.

The motion was put to the vote and there voted –

6 votes in favour of the motion

3 votes against the motion

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

The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green belt and to its openness contrary to policy H14A of the Sevenoaks Local Plan, LO8 of the Core Strategy and the National Planning Policy Framework.

The proposed development, by reason of its, scale, bulk and massing would represent a disproportionate addition to the building which would fail to respect the character and appearance of the existing and neighbouring dwellings to the detriment of their design character and appearance and would therefore represent an incongruous addition which would be harmful when viewed within the context of the street scene of Greenlands Road and which would fail to maintain the present open appearance of the site to the detriment of the character and appearance of Green Belt. As such the proposal would be contrary to policies EN1 and H6B of the Sevenoaks Local Plan, SP1 and LO8 of the Core Strategy, the Councils Residential Extensions Supplementary Planning Document 2009 and the National Planning Policy Framework.

9. SE/13/00139/HOUSE - 10 Springshaw Close, Sevenoaks, Kent TN13 2QE

The proposal was for a two-storey side extension with a hipped roof and a single-story front extension to that extension with a tiled, angled roof. The site was a detached property located at the end of a cul-de-sac within the urban confines of Sevenoaks. The road comprised of detached two-storey houses set back from the roads with plots of different widths.

Officers considered that the development would respect the context of the site and would not have an unacceptable impact on either the street scene or the residential amenities of nearby dwellings.

It was clarified that the extant permission granted for a two-storey extension would leave a distance of 1.15m from the neighbouring dwelling but this would reduce under the present proposal to 1m.

The Committee was addressed by the following speakers:

Against the Application:	Barbara Cornell
For the Application:	Andy Collins
Parish Representative:	Cllr. Dilley
Local Member:	-

Cllr. Piper read out a statement provided by the Local Member, Cllr. London, who was unable to attend the meeting.

The front extension measured 2.1m from the ground to the eaves and a further 1.2m to the top of the roof. The existing fence to No.11 Springshaw Close measured 1.9m in height.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted.

Agenda Item 1
Development Control Committee - 23 May 2013

The matter of visual terracing was discussed. The neighbouring property's extension was only single-storey. However it was felt by some that the added extension to the front exacerbated the existing difficulties. At ground level the properties looked terraced from most angles.

At 10:28 p.m. it was MOVED by Cllr. Piper and duly seconded that, in accordance with rule 16.1 of Part 2 of the Constitution, Members extend the meeting beyond 10.30 p.m. by half an hour to enable the Committee to complete the business on the agenda.

The motion was put to the vote and it was unanimously –

Resolved: That the meeting be extended past 10.30 p.m. by half an hour to enable the Committee to complete the business on the agenda.

The substantive motion was put to the vote and there voted –

2 votes in favour of the motion

6 votes against the motion

the Chairman declared the vote to have been LOST. It was MOVED by Cllr. Miss. Thornton and was duly seconded:

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

1. The proposed development by virtue of its height, design and proximity to the boundary would create a terracing effect between properties, which would have a detrimental impact on the street scene. The proposal is therefore contrary to the advice in The Council's Supplementary Planning Document Residential Extensions and Policy EN1 of the Sevenoaks Local Plan.
2. The proposed single storey front extension, by virtue of its height, bulk and proximity to the neighbouring property would have a detrimental impact on the outlook and residential amenity of the neighbouring property by way of loss of light and perception of overbearance. The proposal would therefore be contrary to Policy EN1 of the Sevenoaks Local Plan.”

The motion was put to the vote and there voted –

7 votes in favour of the motion

2 votes against the motion

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

1. The proposed development by virtue of its height, design and proximity to the boundary would create a terracing effect between properties, which would have a detrimental impact on the street scene. The proposal is therefore contrary to the advice in The Council's Supplementary Planning Document Residential Extensions and Policy EN1 of the Sevenoaks Local Plan.

2. The proposed single storey front extension, by virtue of its height, bulk and proximity to the neighbouring property would have a detrimental impact on the outlook and residential amenity of the neighbouring property by way of loss of light and perception of overbearance. The proposal would therefore be contrary to Policy EN1 of the Sevenoaks Local Plan.”

THE MEETING WAS CONCLUDED AT 10.33 PM

CHAIRMAN

4.1 SE/13/00360/HOUSE Date expired 4 April 2013

PROPOSAL: New fencing and CCTV camera installation (retrospective)

LOCATION: Moorcroft Place , Mapleton Road, Westerham TN16 1PS

WARD(S): Westerham & Crockham Hill

ITEM FOR DECISION

The application was considered by the Development Control Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

This application has been referred to Development Control Committee by Councillor Bracken on the grounds that the proposal would have a detrimental impact upon the Area of Outstanding Natural Beauty and privacy.

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

1) The development hereby permitted shall be carried out in accordance with the following approved plans drawing no. 100, 310 rev 05, 222 rev 01.

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

2) Within six weeks of the date of this permission details shall be submitted of signs to inform the public of the presence of cameras adjacent to the primary and secondary entrances and to the south west of the stables which shall be visible from the public right of way. These details will include:- details of the location, height, size and wording of the signs;- a map showing the location of the signs;- and a programme of implementation. The works shall be carried out as approved.

To ensure the privacy of users of the public rights of way as supported by policy EN1 of the Sevenoaks District Local Plan.

3) The LED camera lights shall only be used when the security alarms are triggered or for annual maintenance testing.

To protect the visual appearance of the Area of Outstanding Natural Beauty as supported by Policy LO8 of the Sevenoaks District Councils Core Strategy 2011.

4) Within three months of the date of this permission openings measuring 220 mm by 220 mm at ground level will be inserted at intervals of every 5m along the length of the fence to enable wildlife to pass through the fence line. These should be maintained for the duration of the fence hereby permitted

To ensure that there is no detrimental impact upon wildlife as supported by Policy SP11 of the Sevenoaks District Council Core Strategy 2011.

5) Within six months of the date of this permission, as shown on drawing no 201 rev 05 the mixed planting hedge shall be planted along the exterior of the fence and the Thuja Plicata screening shall be planted around the camera posts and be maintained

Agenda Item 4.1

thereafter.

To safeguard the visual appearance of the Area of Outstanding Natural Beauty as supported by Policy L08 of the Sevenoaks District Council.

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

Sevenoaks District Local Plan - Policies EN1

Sevenoaks District Core Strategy 2011 - Policies SP1, SP11, L08

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

The development will not have a detrimental impact upon the ancient woodland.

The development will not have a detrimental impact upon the Area of Outstanding Natural Beauty.

The development will not have a detrimental impact upon the adjacent public rights of way.

The development will not have a detrimental impact upon the adjacent Site of Nature Conservation Interest.

The development will not have a detrimental impact upon the Area of Archaeological Potential.

The following very special circumstances exceptionally outweighs any harm by reason of inappropriateness and any harm to the Green Belt by reason of other factors:- the safety and security of users of the site;- that the development will not impact upon the openness of the Green Belt.

Description of Proposal

- 1 This application is for new fencing and CCTV camera installation (retrospective).
- 2 The fencing comprises of dark green powder coated weldmesh fencing and posts with the fencing rising to a height of approximately 2.2m high with small openings at ground level to enable wildlife to pass through at 5m intervals. The fencing intersects the existing boundary of the site on the north and southern boundaries extending across the rear of the site for a distance of approximately 290m. The applicant is proposing to plant a mixed native hedge on the outer side of the fence to screen the fence.
- 3 Eight CCTV cameras have been erected on posts between 3.5m and 7.5m in height of which four have been planted with Thuja Plicata screening, an evergreen tree which grows to a height of 20m plus.

Description of Site

- 4 Moorcroft Place is a large detached property located within extensive grounds within a rural locality.

Constraints

- 5 Ancient Woodland (part of the site)
- 6 Area of Archaeological Potential
- 7 Area of Outstanding Natural Beauty
- 8 Adjacent Public Rights of Way
- 9 Adjacent Site of Nature Conservation Interest
- 10 Metropolitan Green Belt

Policies

Sevenoaks District Local Plan:

- 11 Policy - EN1

SDC Core Strategy

- 12 Policies - SP1, SP11 and LO8

Other

- 13 National Planning Policy Framework (NPPF)
- 14 Kent Downs Area of Outstanding Natural Landscape Design Handbook 2005
- 15 Sevenoaks Countryside Assessment Supplementary Planning Document 2011

Planning History

- 16 There is an extensive planning history but no planning history relevant to this proposal.

Consultations

English Heritage:

- 17 Recommendation: The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 18 It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

Agenda Item 4.1

Kent County Council (KCC) Public Rights of Way:

- 19 In this case two public rights of way, a bridleway SR375 running along the northern boundary of the site and a public footpath SR365 along the south-eastern boundary of the site may be affected by the use of four of the seven CCTV cameras. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.
- 20 The use of CCTV cameras overlooking these rural routes would be an intrusion into walkers, riders and cyclists legitimate leisure pursuits where people would not expect to be under surveillance.
- 21 The Design and Access Statement declares, as detailed later in this Statement, the location and design of the security features for which retrospective planning permission is now sought, and their proposed landscaping, has been carefully conceived to minimise their visual impact. Indeed, quickly with the passage of time, they will become very well disguised within the immediate and wider landscape. This is a key requirement of the applicant who does not wish the security measures at Moorcroft Place to be any more evident than they absolutely need to be.
- 22 So walkers and riders will be even less aware that they are under surveillance. I would therefore like to ask that if planning permission for these cameras is granted that the applicant put up signs, in prominent positions that can be seen from the rights of way where they are overlooked by cameras, advising the public of the presence of CCTV cameras.
- 23 The granting of planning permission confers no other permission or consent on the applicant. This means that the Public Rights of Way must not be stopped up, diverted, obstructed or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.'

Kent County Council Ecology:

- 24 Under the Natural Environment and Rural Communities Act (2006), "*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*". In order to comply with this 'Biodiversity Duty, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 25 The National Planning Policy Framework states that "*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*"
- 26 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.*
- 27 Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by

Agenda Item 4.1

the Standing Advice, Local Planning Authorities must take into account the Standing Advice.

- 28 The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation. No ecological information has been submitted with this application. However as a result of reviewing the data we have available to us (including aerial photos and biological records), and the information submitted with the planning application we are satisfied that proposed development has limited potential to result in ecological impacts.
- 29 The design and access statement details that the fence will have a number of small openings created to prevent the fence to becoming a barrier to wildlife. We welcome this proposal and must be implemented if planning permission is granted.'

Natural England:

- 30 Planning consultation: New fencing and CCTV camera installation (retrospective).
- 31 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
- 32 This application falls within the Kent Downs Area of Outstanding Natural Beauty (AONB). Natural England has no comments to make on this proposal as we do not believe that this development is likely to impact on the purposes of designation of The Kent Downs AONB. Given the location of the development, however, the local planning authority should seek the views of the Kent Downs AONB Unit where relevant, prior to determining this planning application, as they may have comments to make on the location, nature or design of this development.
- 33 The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.
- 34 We would, in any event, expect the LPA to assess and consider the possible impacts resulting from this proposal on the following issues when determining this application:

Protected species

- 35 If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on BAP and protected species and their consideration in the planning system.

Agenda Item 4.1

- 36 Natural England Standing Advice is available on our website to help local planning authorities better understand the impact of this particular development on protected or BAP species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Local wildlife sites

- 37 If the proposal site could result in an impact on a Local Site, Local Nature Reserve (LNR) or priority habitat the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application, ensuring that it does so in conformity with the wording of paragraph 168 of the National Planning Policy Framework. For further information on Local Sites, your authority should seek views from your ecologist, or the Local Sites designation body in your area.

Biodiversity enhancements

- 38 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- 39 Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.'

SDC Arboricultural Officer:

- 40 I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:
- 41 I can inform you that the proposed fencing and CCTV camera installation have been installed. Having walked the length of the security fence, several trees have been removed. There is also evidence of root severance and earth movements and excavation within the woodland area. I would expect these actions to result in the loss of additional neighbouring trees. These trees may form part of ancient woodland. Had this application been presented before these works had taken place, I would have requested a method statement from the developer as to how they were proposing to carry out these works without damaging the woodland.

SDC Conservation Officer:

- 42 Moorcroft Place is adjacent to the grade II.* listed Historic Park and Garden of Chartwell, which is characterised by a number of different types of planned and ancient landscapes, some associated with the house. This proposal is to install

Agenda Item 4.1

2.2 metre high, green powder-coated fencing, and security cameras on posts of various heights, the tallest being in the southern corner, at 8m height. The proposal includes planting that will screen the posts, and the fencing will generally already be screened by woodland as well as by additional proposed planting, the types of which the Tree Officer will I'm sure be able to advise further on in terms of appropriateness. Given the topography and proximity of the various elements to the boundary of the historic park and garden, my view is that there will be no detrimental effect on the setting of the listed park and garden by the proposals. Conclusion: No objection.

Westerham Town Council:

- 43 WTC objects to this application having reconsidered and re-read the supporting documents, WTC noted that the gates were mentioned in the Design Statement although did not form part of this application.
- 44 To quote from the Sevenoaks Countryside Assessment of the LDF 2011 Landscape Description page 100, "The Westerham and Brasted Chart is an undulating woodland landscape and within this there are occasional irregular small scale fields enclosed by the woodland". One such meadow lies in front of the house. The Town Council is opposed to the introduction of any light pollution to this environment which is an Area of Outstanding Natural Beauty and should not be confused with more suburban areas. The CCTV cameras could also be intrusive to those using the adjacent footpath and bridleway. The fence constructed will obstruct wildlife, is over 2 metres, and is unsympathetic to its surroundings.
- 45 Councillors considered that all of these security measures are far from discreet and indeed are unacceptably intrusive and draw attention to this property in a way which has a negative impact on its surroundings.
- 46 In conclusion, WTC considers that the introduction of this scheme is insensitive and not in keeping with this nationally important "Historic Landscape" and should not be permitted.'

Representations

- 47 Three responses objecting stating that the proposal is urbanising and overbearing, that the development would be visible from the footpath providing surveillance of users and that it would detract from the landscape quality of the area.

Group Manager Planning Services Appraisal

Principal Issues

- 48 The principal issues are:
- Impact upon the Metropolitan Green Belt;
 - Impact upon local amenity;
 - Impact upon the Area of Outstanding Natural Beauty and character and appearance of the area

Agenda Item 4.1

- Impact upon Listed Park and Garden;
- Impact upon the Area of Archaeological Potential;
- Impact upon the Site of Nature Conservation, woodland and biodiversity;
- Impact upon the Public Right of Way.

Impact upon the Metropolitan Green Belt

- 49 The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belts are their openness and their permanence. There is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt:
- 50 Green Belts serve five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 51 A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
- buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 52 The term 'building' includes any structure or erection and would therefore include fencing and cameras. However, such development does not fall within the list of

Agenda Item 4.1

exceptions as set out above and therefore when assessed against the wording of national policy the proposals would constitute inappropriate development that is, by definition, harmful to the Green Belt, in conflict with the NPPF.

- 53 However, looking at the proposal itself, the mesh fence would not act as a screen and would allow the woodland to be clearly visible through the fencing. In consequence it would not materially undermine the essential character of the Green Belt which the NPPF defines as its openness. The proposed cameras and their supporting columns would though limited in number would have a detrimental impact upon the openness of the Green Belt.
- 54 The consideration of a very special circumstance that may clearly outweigh the harm to the Green Belt in principle will be considered later in this report.

Impact upon amenity;

- 55 The NPPF states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 56 Policy EN1 of the SDLP lists a number of criteria to be applied in the consideration of planning applications. In particular, Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 57 Two footpaths run to the north and south of the properties boundary however other than the two points that the fence intersects the existing boundaries of the site the new fence through being set back from the paths, being painted green and being set within existing woodland is not visible from these paths. Where the cameras are located in exposed positions the intention is to provide additional plantings to minimise their impact.
- 58 Of the eight cameras three would potentially provide views of public areas: the two adjacent the two accesses to the property to the west and the southernmost camera adjacent to the stables next to southern footpath. To ensure that the public are aware of the presence of these three cameras a condition could be imposed to ensure that notices are placed adjacent to the footpath and entrances to the property to inform the public of their presence. The cameras possess LED lights which would only be used when the security alarms are triggered. A condition limiting the use to such an occurrence or annual testing could be imposed upon these lights to minimise their impact. Accordingly the impact upon amenities is deemed acceptable and complies with policy EN1.

Impact upon the Area of Outstanding Natural Beauty and character and appearance of the area

- 59 Policy L08 states that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced. The Kent Downs AONB Unit Landscape Design Handbook states that 'intrusive fencing should be avoided.'

Agenda Item 4.1

- 60 'Where security fencing is required wooden fence posts and galvanised steel wire should be used. The fencing should be screened with thorny hedges of native plants. This will help reduce the visual impact of the fencing on the landscape and provide additional deterrent to intruders'.
- 61 The proposed green metal fence rises to a height of 2.2m and extends for a distance of approximately 280m within the rear of the site joining the existing fence at 90 degrees at two points. The fence for the majority of its length is set back at a distance of approximately 10m from the properties boundary within existing woodland. The land to one side of the fence has been cleared to obtain access to the site however it is intended to plant a native hedge on the outer side of the new fence which will further screen the fence. Other than the fence posts being metal as opposed to wood, the fencing would comply with the guidance of the Kent Downs AONB Landscape Design Handbook.
- 62 Eight CCTV cameras on posts rising between 3.5-7.5m are located predominantly on the edges of the site. Currently painted grey it is proposed to paint the poles black which when set against existing trees would minimise their impact. The CCTV posts that are located in exposed locations will be screened by 3 Thuja Plicata trees per post.
- 63 The eight cameras and posts are either located within existing woodland or would have additional plantings around them which over time would minimise their impact upon the wider landscape. Due to the limited size and scale of the cameras their impact would in my view be minimal. The cameras possess LED lights however as stated above their use could be limited through condition so minimising their impact upon the wider landscape.

Impact upon Listed Park and Garden

- 64 The National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 65 Policy SP1 of the Sevenoaks District Councils Core Strategy states The District's heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced.
- 66 The public footpath to the south of Moorcroft Place lies adjacent to the grade II* listed Historic Park and Gardens of Chartwell. Due to the fencing and cameras being screened by existing or proposed trees Sevenoaks District Councils Conservation Officers view was that the development would have 'no detrimental effect on the setting of the listed park and garden.' Accordingly the proposal in my view would not impact detrimentally upon the adjacent park and garden.

Chartwell House is located approximately 0.4km to the south of the development at which distance it would not be impacted upon.

Impact upon the Area of Archaeological Potential

- 67 Policy SP1 states that the District's heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced.
- 68 The works which have already been carried out are limited in nature and accordingly their impact upon the Area of Archaeological Potential would have been minimal.

Impact upon the Site of Nature Conservation Interest, woodland and biodiversity

- 69 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity
- 70 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following *principles*:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged;
 - planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 71 Policy SP11 states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. Sites designated for biodiversity value will be protected with the highest level of protection given to nationally designated Sites of Special Scientific Interest. Designated sites will be managed with the primary objective of promoting biodiversity whilst also providing for appropriate levels of public access.
- 72 Opportunities will be sought for the enhancement of biodiversity through the creation, protection, enhancement and management of sites and through the

Agenda Item 4.1

maintenance and, where possible, enhancement of a green infrastructure network to improve connectivity between habitats.

- 73 Kent County Councils Ecology Unit were consulted on this application and 'were satisfied that the proposed development has limited potential to result in ecological impacts.'
- 74 Due to the works having already been carried out other than the planting of the hedge around the fence any damage to trees has already occurred as confirmed by Sevenoaks District Councils Arboricultural Officer. Informal discussions with the Arboricultural Officer has confirmed acceptability of the proposal to plant the proposed hedge with the species as shown on drawing no 201 revision 05.
- 75 Through incorporating small openings at ground level at 5m intervals along the fencing wildlife will be able to pass through the fence. This will minimise the future impact of the fence upon biodiversity. This action can be ensured through condition.

Impact upon the Public Right of Way

- 76 Public rights of way run to the north and south of the property. The proposed fencing and cameras are located within the boundaries of Moorcroft Place and they will not lead to any obstruction of the rights of way. The impact of the cameras upon users of the right of ways has been considered above.

Very Special Circumstances

- 77 The National Planning Policy Framework advises that very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations
- 78 The National Planning Policy Framework states that amongst other things planning decisions should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Criteria 8 of policy EN1 of the Sevenoaks District Council Local Plan states that measures to deter crime should be applied in the consideration of planning applications in the design of new buildings and the layout of spaces.
- 79 The fence, cameras and posts would represent measures to combat crime. The proposed cameras and posts would be minimised through the proposed screening and with the mesh fence enabling views through the woodland the proposal would not materially undermine the essential character of the Green Belt which the NPPF defines as its openness.

Conclusion

- 80 The proposed development would represent inappropriate development within the Metropolitan Green Belt however through the cameras and fence representing measures to deter crime and the fence not materially undermining the openness of the Green Belt there are very special circumstances that clearly outweigh the harm to the Green Belt. The proposal would not have a detrimental impact upon local amenities, the character and appearance of the area, the Area of Archaeological Potential, the adjacent Site of Conservation Interest or the adjacent listed park and garden. As the works have already occurred any impact

Agenda Item 4.1

upon the Ancient Woodland would already have occurred. The presence of the cameras upon walkers of the adjacent footpaths and road can be made clear to walkers through the presence of signs imposed through a relevant condition, a condition can be imposed to minimise the impact of the LCD lights upon the Area of Outstanding Natural Beauty and a condition can be imposed to ensure regular openings within the fence to enable the movement of wildlife.

Contact Officer(s):

Guy Martin Extension: 7351

Pav Ramewal
Chief Executive Designate

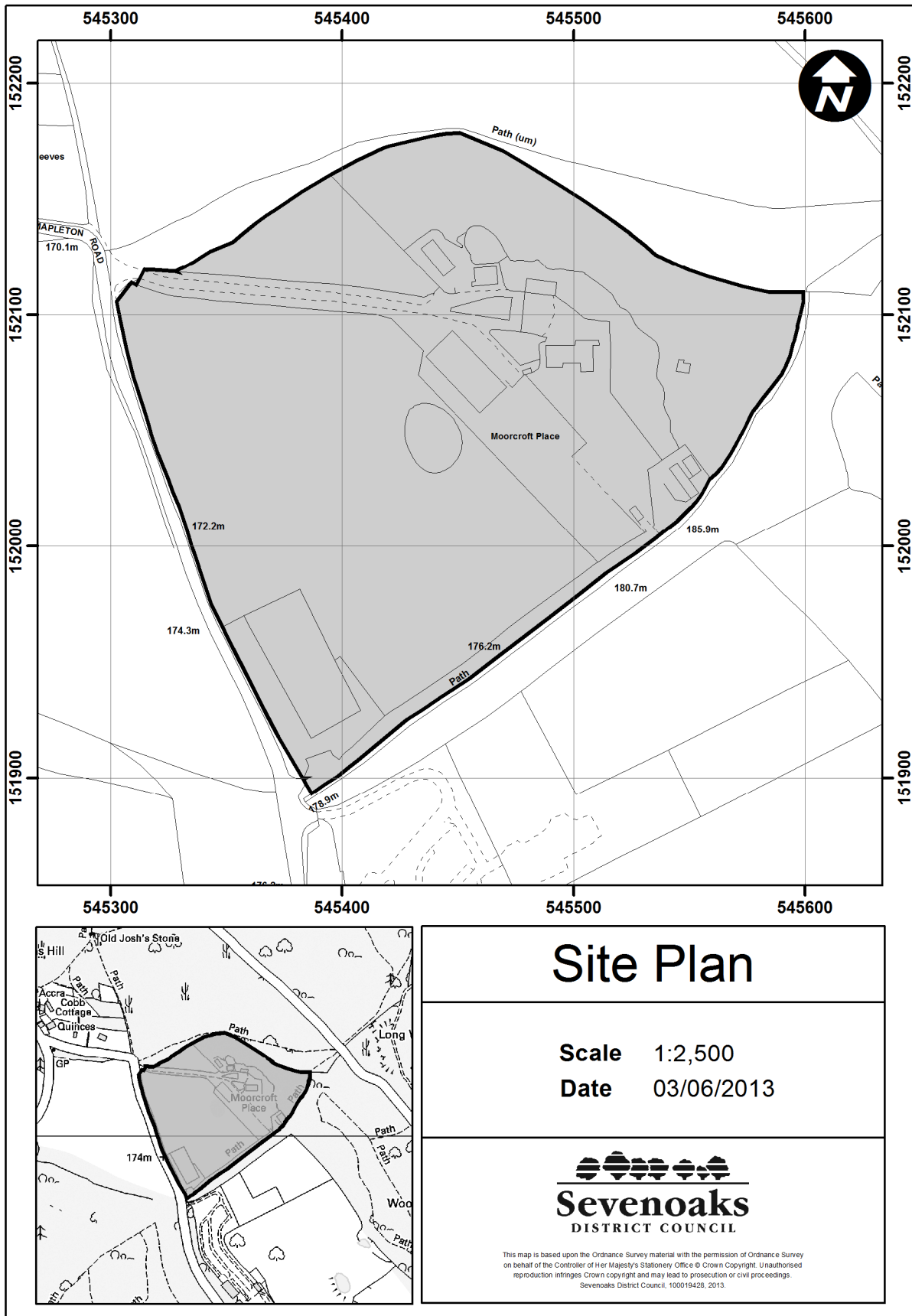
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MHUBL5BK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MHUBL5BK8V000>

Agenda Item 4.1



Site Plan

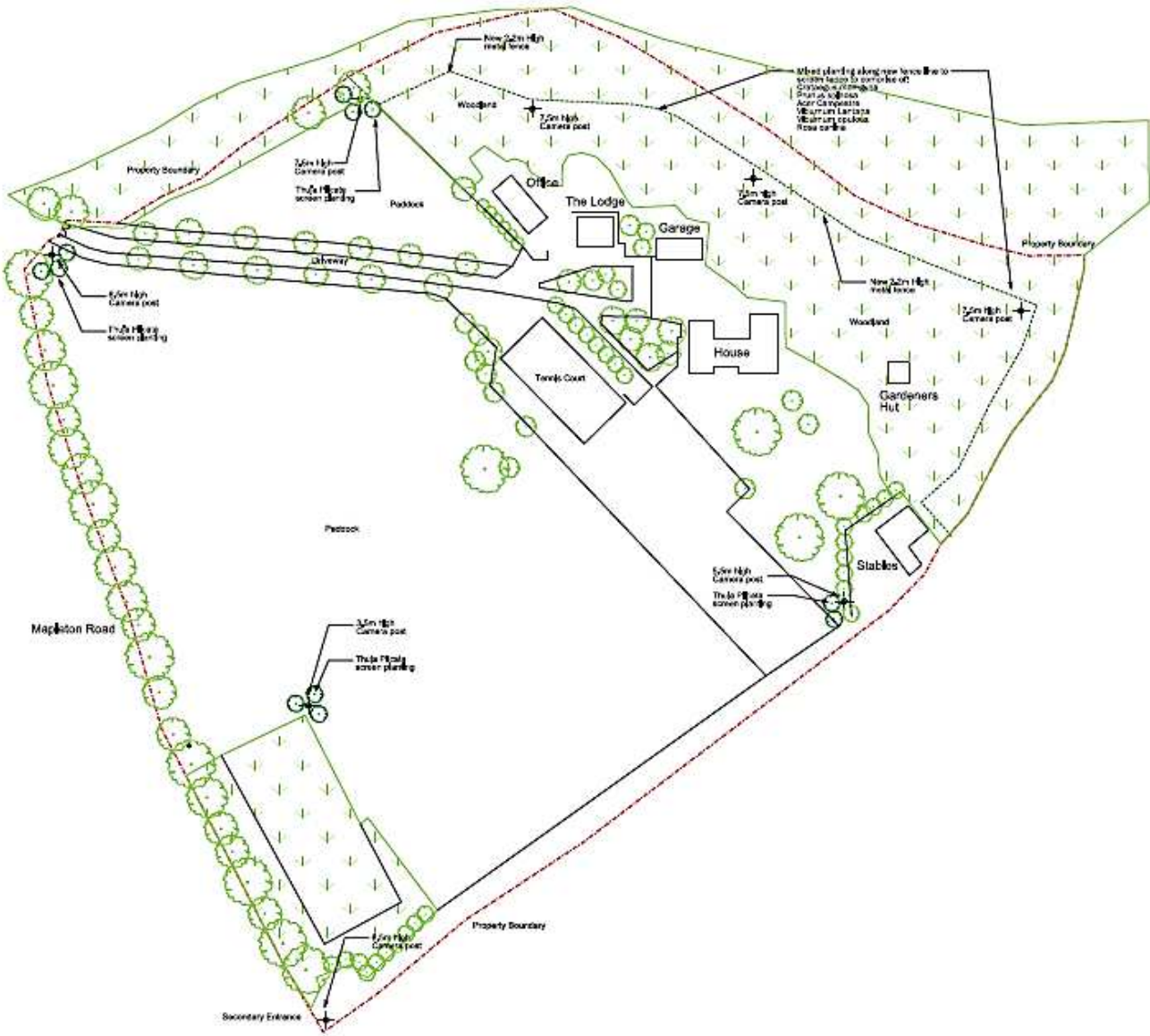
Scale 1:2,500

Date 03/06/2013



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Sevenoaks District Council, 100019428, 2013.

BLOCK PLAN



This page is intentionally left blank

4.2 – SE/13/00135/FUL Date expired 10 April 2013

PROPOSAL: Erection of a detached 2 bedroom bungalow. Provision of two off street parking spaces and a refuse storage area.

LOCATION: Land To The Rear of Alandene, Till Avenue, Farningham
DA4 0BH

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

ITEM FOR DECISION

This application is referred to Development Control Committee at the request of Councillor McGarvey as he considers that the issues raised in regard to the applicant, namely that the proposal would be overdevelopment of a cramped site, would affect the amenities of existing neighbours and future occupants on the site, and on grounds of highway safety, should be discussed by the Committee.

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: 003 Rev P1, 004 Rev P1, 005 Rev P1, 006 Rev P1, 007 Rev P1 and 008 Rev P1 with the exception of the solar panel array as shown on drawing number 006 Rev P1 which is not approved.

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

3) 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 development 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.

4) 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. The soft landscaping scheme shall be planted within the first available planting season following completion of the scheme or in accordance with the programme agreed with the Local Planning Authority.

To enhance the visual appearance of the area as supported by EN1 of the Sevenoaks

Agenda Item 4.2

District Local Plan.

5) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Council.

In order to safeguard any remaining archaeological interest on the site in accordance with policy EN25A of the Sevenoaks District Local Plan.

6) Despite the provisions of any development order, no extension or external alteration, shall be carried out to the dwelling hereby permitted and no outbuilding shall be erected within its curtilage.

To safeguard the character and appearance of the area and amenities of future occupiers in accordance with policy EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

7) The area shown on the approved plan as car parking space shall be provided before the premises are occupied and shall be kept available for such use at all times, and no permanent development shall be carried out in such a position as to preclude vehicular access to these parking spaces.

To ensure a permanent retention of vehicle parking for the property as supported by VP1 of the Sevenoaks District Local Plan.

8) Prior to the commencement of development on site, details shall be submitted in writing to and be approved by the Local Planning Authority of wheelwashing facilities. The scheme shall be implemented in accordance with the approved details and shall be permanently retained during the construction of the development.

To prevent the deposit of loose material on the highway in the interest of highway safety.

9) The development shall be carried out in accordance with the approved details. The 1.8 metre high close boarded boundary fence identified on approved drawing number 004 Rev P1 and 005 Rev P1 shall be provided prior to the occupation of the dwelling hereby approved. The boundary treatment shall thereafter be retained and maintained.

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

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

- i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and
- ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported by policy SP2 of the Core Strategy and National Planning Policy Framework.

11) Prior to the first occupation of the dwelling hereby approved, the storage area for refuse and recycling shall be provided in accordance with approved plans numbered 004 Rev P1, 005 Rev P1 and 008 Rev P1. The storage area shall thereafter be retained and maintained.

In the interests of the visual amenity of the area as supported by EN1 of the Sevenoaks District Local Plan.

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

Sevenoaks District Local Plan - Policies EN1, EN25A, VP1

Sevenoaks District Core Strategy 2011 - Policies SP1, SP2, SP3, SP7, LO1, LO8 and NPPF

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 preserve the visual amenities of the locality.

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

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

Any potential significant impact relating to archaeological remains can be satisfactorily mitigated by conditions.

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

Informatives

1) The applicant is advised that Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

2) The applicant's attention is drawn to Thames Water comments dated 8 February 2013 in respect of waste.

Description of Proposal

1 The application seeks permission for the erection of a detached 2 bedroom bungalow with provision for two off street parking spaces and a refuse storage area.

Description of Site

2 The site the subject of this application currently forms part of the residential curtilage of Alandene and is located in the settlement boundary as defined on the proposal map to the Sevenoaks District Local Plan.

Agenda Item 4.2

- 3 Alandene is a detached bungalow.
- 4 The site is located in an Area of Archaeological Potential.

Constraints

- 5 Area of Archaeological Potential
- 6 Area of Outstanding Natural Beauty (AONB)

Policies

Sevenoaks District Local Plan:

- 7 Policies - EN1, EN25A, VP1

Sevenoaks Core Strategy:

- 8 Policies - SP1, SP2, SP3, SP7, L01, L08

Other

- 9 National Planning Policy Framework (NPPF)
- 10 Affordable Housing Supplementary Planning Document 2009

Planning History

- 11 12/00702/FUL – Erection of a detached 2 bedroom bungalow to include creation of a new access. REFUSE 11.07.2012.
- 12 97/01656/HIST – Dwelling as granny annexe. REFUSE 21.12.1998.

Consultations

Parish Council

- 13 “Farningham Parish Council objects to this planning application on the grounds of the un-neighbourly overdevelopment on a cramped site which is out of keeping with surrounding properties which have gardens. Future occupants of the site and of Alandene itself will have barely any garden space.

There is inadequate safe access to and from the site and entry to and from the A225 will exacerbate an already hazardous junction of this busy road by additional vehicles driving out via the narrow exit from the rough track onto the A225”.

Kent Highway Services

- 14 As per the previous similar planning proposals for a new dwelling at this location, there are no KCC Highways & Transportation objections subject to an appropriate wheel washing facility being secured on site through condition throughout the duration of construction works.

Southern Water

- 15 The development site is not located within Southern Water's statutory area for water supply, drainage and wastewater services. Please contact, the relevant statutory undertaker to provide water supply, drainage and wastewater services to this development.

Thames Water

- 16 Waste Comments

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

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

- 17 Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

SDC Archaeology

- 18 No comments received

Representations

- 19 Four representations received objecting to the proposal on the following grounds:

Agenda Item 4.2

- the width of the access track;
- the condition of the access track;
- safety of the access track;
- condition of the access track in adverse weather conditions;
- the access track is too narrow to accommodate emergency vehicles.
- reduced garden to Alandene;
- density;
- land ownership;
- loss of views;
- overlooking;
- whilst there is a need to provide affordable housing it must not be built at the expense of future owners/families that want a garden.

Group Manager Planning Services Appraisal

Background

- 20 Permission was refused by notice dated 21 December 1998 for an extension to be used as granny annexe.

This application proposed an extension which was of sufficient size to be considered as a separate residence rather than an annexe. One reason for refusal was given as follows.

'The site, by reason of its size and shape, would not satisfactorily accommodate the proposed extension which is tantamount to a new dwelling and would therefore result in an unduly cramped and un-neighbourly form of development out of character with the established pattern of development in the locality.'

- 21 On 4 July 2012, a further planning permission reference SE/12/00702/FUL was refused for the erection of a detached 2 bedroom bungalow to include creation of a new access. Five reasons for refusal were given as follows:

1) *The proposal would result in an overdevelopment of the site, would appear as a cramped form of development, and would be out of character with the established pattern of development in the locality contrary to policy EN1 of the Sevenoaks District Local Plan, and SP1 of the Sevenoaks District Core Strategy.*

2) *The proposal would not ensure a satisfactory environment for future occupants in terms of amenity space contrary to policy EN1 of the Sevenoaks District Local Plan, and SP1 of the Sevenoaks District Core Strategy.*

3) *As a result of the application proposal, the neighbouring property Alanadene would appear as a cramped form of development within an insufficient plot, and would be out of character with the established pattern of development in the locality contrary to policy EN1 of the Sevenoaks District Local Plan, and SP1 of the Sevenoaks District Core Strategy.*

4) *As a result of the application proposal, the neighbouring property, Alandene, would not benefit from a satisfactory environment for future occupants in terms of amenity space contrary to policy EN1 of the Sevenoaks District Local Plan, and SP1 of the Sevenoaks District Core Strategy.*

5) *The proposed development makes no provision for a contribution towards the Councils Affordable Housing initiative and nor has it been demonstrated that such a contribution would render the scheme unviable. This scheme is therefore contrary to the provisions of policy SP3 of the Sevenoaks Core Strategy and policy H3 of the South East Plan.*

Principle Issues

22 The principle issues to consider in the determination of this application are:

- Principle of development;
- The visual impact of the proposal;
- The impact upon existing residential amenity;
- Highway Implications;
- Sustainability;
- Biodiversity;
- Affordable housing; and
- Whether the previous reasons for refusal have been overcome.

Principle of Development

23 Policy LO1 of the Sevenoaks Core Strategy states that "*development will be focussed within the built confines of existing settlements*". The site the subject of this application is located within the confines of an existing settlement, where minor development and infilling is acceptable in principle subject to environmental, amenity and highway safety considerations.

24 The area immediately surrounding the application site is entirely residential.

25 The NPPF has a general presumption in favour of sustainable development, and amongst other things, encourages the delivery of homes of a high quality design and a good standard of amenity for all, whilst reusing previously developed land. Whilst the NPPF places an emphasis on development of previously developed land, it does not preclude other land, such as gardens, from being developed for residential, provided such development is in suitable locations and relates well to its surroundings. Paragraph 53 of the NPPF states that "*local planning authorities should consider setting out policies to resist the inappropriate development of rear gardens, where this would cause harm to the local area*". This is broadly consistent with Policies LO7, SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.

26 Policy SP7 of the Core Strategy sets out the Councils housing density levels, stating that all new housing will be developed at a density which is consistent with achieving good design and does not compromise the distinctive character of the

Agenda Item 4.2

area in which it is situated. Subject to this overriding consideration, within Farningham, the Council seeks a net density of 30 dwellings per hectare (dph).

- 27 The site area which the proposed dwelling will occupy is approximately 0.028ha. The proposed development of the site to provide 1 dwelling would result in an overall density of approximately 35dph. The remaining site area to be occupied by the existing property Alandene as shown on the submitted 1:200 scale plan, will be approximately 0.039ha, resulting in a density of development of approximately 29dph.
- 28 The proposal would be broadly consistent with the prescribed density levels, under SP7 although the overriding consideration is that housing will be developed at a density which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. In this instance, it is considered that the subdivision of this plot to accommodate an additional dwelling would result in density levels which are broadly consistent and comparable with the mixed density of development in the area immediately surrounding the application site which, as a guide ranges from approximately 17dph (Laburnums) to 55dph (Marion Cottage).
- 29 As such, it is considered that the proposal would reflect the established spatial character, and that the general principle of the redevelopment of the site in this manner is acceptable.

Visual Impact

- 30 The NPPF states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56)
- 31 Policy EN1 of the Local Plan indicates that, amongst other criteria, ‘the form of the proposed development ... 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’. Policy SP1 of the Core Strategy states that “*All new development should respond to the distinctive local character of the area in which it is situated*”.
- 32 Further to the above, the site is located within the AONB where government guidance, regional and local plan policies exist to conserve and enhance the natural beauty of the landscape over other material planning considerations.
- 33 Policy L08 of the Sevenoaks Core Strategy states that “*The countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced*”.
- 34 The bungalow development is considered to be acceptable in terms of design. The bungalow is traditional in design and is of relatively modest proportions. Overall, the size of the development itself is considered to be compatible with the locality and appropriate to the character of the area. At approximately 6.9 metres high, whilst higher than previous schemes on this site, it is my view that the height of

Agenda Item 4.2

the proposed building would ensure it is unobtrusive in the street scene as it would not be out of keeping with the surrounding dwellings. As part of a built settlement, I do not consider that development of this site as proposed would cause material harm to the landscape within the AONB.

- 35 The materials to be used in the construction of the external surfaces of the development which comprise buff brick with banding and details, Kent clay peg tile hanging, clay tiles to the roof and uPVC windows and doors, would be sympathetic to materials predominating locally in type.
- 36 As stated in the preceding paragraphs, the principle and density of development is considered to be acceptable. The remaining issues to consider is whether this proposal for a new dwelling adjacent to the host property (Alandene) would address previous concerns about a cramped form of development and whether the environment for occupants in terms of amenity space would be satisfactory. There are no national or local policies which set minimum garden sizes.
- 37 The current application and revised scheme shows a reduced built form on the site. The principle difference is the removal of the attached garage. This provides for a less cramped form of development, and increased amenity space and circulation space around the proposed bungalow. As a result the ratio of built form to amenity area on the site would be broadly comparable with other neighbouring properties including for example, Marion Cottage, Linden Lea, 19a and 20a Oliver Crescent. Overall, the reduction in size of the bungalow and the increase in amenity space on the site would ensure that the plot is more in keeping with the general pattern of development in the area as demonstrated in the tables set out below.

Address	Plot Size (m .)	Building Footprint (m .)	Garden Area (m .)	% Amenity Space	Distance of Building from Boundaries (m)
Marion Cottage	185	69	116	63	0.25 (SE), 2-6.5 (NW) 2.4 (Front), 2.5 (Rear)
19a Oliver Crescent	135	51	84	62	0 (SE), 1 (NW) 4 (Front), 12 (Rear)
20a Oliver Crescent	171	47	124	72	Mid Terrace 2.5 (Front), 18 (Rear)
Linden Lea	269	74	195	72	0 (SE), 6.5-9 (NW) 3 (Front), 3 (Rear)
Alandene (as proposed)	400	103 (+50 garage)	247	62	2.9 (SE), 0.3 (NW) 3.8 Front, 4.642 (Rear)
Proposed New Bungalow	280	82	198	71	1.91 (SE), 5.4 (NW) 1-1.8 (Front), 5.6-8.6 (Rear)

Agenda Item 4.2

- 38 As a result of the above, the gap between the proposed new dwelling and existing property Alandene would also increase. This would have a positive impact on the relationship between the dwellings, making the host plot appear less cramped. Furthermore, through information submitted, the applicants have demonstrated that the amenity space to Alandene would also be broadly comparable with other neighbouring properties and to the proposed new property.
- 39 Overall, on balance, the combination of revisions proposed are considered to be sufficient to address the previous reasons for refusal numbered one to four, and would ensure that the proposed new dwelling and existing dwelling would no longer appear cramped or overdeveloped and that the proposed amenity and amenity space to the host dwelling would be satisfactory for future occupants.
- 40 For the reasons set out above, the proposal is considered to be sufficiently sympathetic in a way which would ensure it would not have a negative impact upon the character of the area. It is reasonably well integrated, reflecting the general pattern of development in the area. As such the proposal would not adversely impact upon the quality, character, appearance or visual amenity of the locality and is not therefore harmful to the appearance of the street scene or the AONB.
- 41 In my view, whilst I consider the current proposal to be acceptable, the argument is finely balanced and it is my view that any enlargement of the current proposal would be unacceptable and would instantly impact negatively on the above considerations. As such it is suggested that a condition is imposed removing all permitted development rights in accordance with Circular 11/95: The Use of Conditions in Planning Permissions.
- 42 The proposed drawings indicate solar panels to the south facing roof slope. No detailed drawings have been submitted showing the size and appearance of the panels or how they will be fixed to the roof. As such, there is insufficient information to demonstrate that the panels will not compromise the design. Furthermore, the solar panels do not form part of the description of the proposed works. As such, to clarify, the solar panels are not approved as part of this application, and this has been included in a condition.
- 43 Finally, details of a refuse and recycling store have been submitted, which show a modest timber enclosure to the front of the property adjacent to the boundary which is not considered to harm the appearance of the street scene.

Impact on Amenity

- 44 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 45 Policies EN1 and H6B of the Sevenoaks District Local Plan require that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 46 The most immediately affected neighbour would be the host dwelling Alandene.

Agenda Item 4.2

- 47 Having regard to the impact on Alandene. There are no windows in the side elevation of Alandene directly facing the site which would be affected by the proposal and the proposed new dwelling maintains a distance of approximately 4.2 metres from Alandene's garage and 8.1 metres from Alandene itself. As such sufficient distance is maintained to prevent any adverse impact on the occupiers of Alandene by reason of form, scale height and outlook. Furthermore, these distances would ensure that the proposal would not result in any loss of light or overshadowing to the host property.
- 48 With the exception of Alandene, the nearest neighbouring residential properties are located in excess of 20 metres from the proposed new property. This distance is sufficient to ensure that the proposal would not adversely impact upon the amenities of neighbouring residents by reason of form, scale height and outlook. Furthermore, the proposal would not impact upon light entering these properties or increase overshadowing to a harmful degree.
- 49 Having regard to privacy, it is proposed to erect a 1.8 metre high closed boarded fence to the boundaries of the application site which will prevent any overlooking from ground floor windows. There are two porthole windows proposed in the roof space, however, in the front elevation this would overlook the street and in the rear elevation it would overlook the far end of neighbouring gardens, which in accordance with the Councils Residential Extensions Supplementary Planning Document (RESPD) is not considered to be private amenity space. For information, as set out in the RESPD the first 5 metres from the rear of a property is considered to be private amenity space.
- 50 Although, at present no accommodation is provided in the roof, the elevation drawings indicate sufficient headroom for habitable accommodation. Planning permission would not be required to install an internal staircase and convert the loft to habitable accommodation at a later stage and may not be required to install further windows. As such in order to maintain privacy, it is considered reasonable in accordance with Circular 11/95: The Use of Conditions in Planning Permissions to restrict the insertion of any further windows.
- 51 Subject to appropriate conditions, it is not considered that the proposal would cause any significant harm to the amenity of neighbouring residents.

Highways

- 52 While there is a great deal of concern by occupiers in the locality about access and parking arrangements, Kent Highway Services have raised no objection to these matters.
- 53 Clarification has been sought on this and the Highways officer has advised that there are no justified grounds to object to the use of the access track for another property. Furthermore, the proposal would benefit from sufficient allocated off street parking in accordance with KCC Residential Parking Standards set out in Interim Guidance Note 3.
- 54 In the event of an approval KCC Highways have requested the imposition of an appropriately worded condition to secure wheel washing facility on site during construction which will prevent loose material from being deposited onto the highway.

Agenda Item 4.2

Sustainability

- 55 The Council is committed to reducing the causes and effects of climate change by promoting best practice in sustainable design and construction as set out in policy SP2 of the Sevenoaks Core Strategy.
- 56 Having regard to this, it would be considered reasonable in the event of permission being granted, in accordance with the tests set out in Circular 11/95 relating to the use of planning conditions, to require the development to achieve a minimum of Code Level 3 of the Code for Sustainable Homes.

Biodiversity

- 57 Having followed Natural England's Standing Advice there is no specific criteria applying to the present condition of the site which indicates the need for the Local Planning Authority to request an Ecological Survey, or which indicates that any protected species/habitat are affected by the proposal.

Affordable Housing

- 58 Policy SP3 of the Sevenoaks Core Strategy states that in residential developments 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.
- 59 The proposal would result in a net gain of 1 residential unit.
- 60 Having regard to the above, a legal agreement has been completed and a financial contribution secured in accordance with policy SP3 and the Affordable Housing Supplementary Planning Document.
- 61 As such, reason for refusal number 5 in the previous application, is considered to have been satisfactorily overcome.

Other Matters

Archaeology

- 62 The site is located in an area of archaeological potential. A search of the sounding area has revealed that there appear to be no records of remains within the immediate vicinity of the site. However, notwithstanding this fact, as the proposal would involve significant ground works to lay the foundations, it is considered reasonable to impose a condition requiring a basic study to be undertaken to ensure that the proposal would not adversely impact upon any unearthed remains.

Land Ownership

- 63 Representations have been received disputing the applicant's ownership of the land within the application site.
- 64 To clarify, the red line boundary identifies the site area to which the proposal relates. As I understand it, during the processing of previously refused application reference SE/12/00702/FUL a triangular piece of land within the curtilage of

Agenda Item 4.2

number 6 Till Avenue, adjoining the application site and included within the red line boundary was found not to be under the ownership of the applicant.

- 65 This land was subsequently removed from within the red line boundary.
- 66 This remains the case with the current application, the triangular piece of land within the curtilage of number 6 Till Avenue is not included in the red line boundary as indicated on drawing numbers 01, 04 and 05.
- 67 As such, I have no further reason at present to dispute that the land within the red line boundary is not within the ownership of the applicant.

Conclusion

- 68 The application seeks permission for the erection of a detached 2 bedroom bungalow with provision for two off street parking spaces and a refuse storage area. The application is a revision to a previously refused scheme reference SE/12/00702/FUL.
- 69 Overall, on balance, the combination of revisions proposed would ensure that the proposed new dwelling and existing dwelling would no longer appear cramped or overdeveloped, and the proposed amenity space to the host and new dwelling would be satisfactory for future occupants.
- 70 For the reasons set out above, the proposal is considered to be sufficiently sympathetic in a way which would ensure it would not have a negative impact upon the character of area. It is reasonably well integrated, reflecting the general pattern of development in the area. As such the proposal would not adversely impact upon the quality, character, appearance or visual amenity of the locality and is not therefore harmful to the appearance of the street scene or the AONB.
- 71 Subject to appropriate conditions, it is not considered that the proposal would cause any significant harm to the amenity of neighbouring residents.
- 72 Kent Highways Services have raised no objection to the proposal.
- 73 An affordable housing contribution has been secured.
- 74 As such, the proposal is considered to have sufficiently addressed the previous reasons for refusal, and would comply with the aforementioned policy criteria and guidance contained in the NPPF.

Background Papers

Site and Block plans

Contact Officer(s): Claire Baldwin Extension: 7367

Pav Ramewal
Chief Executive Designate

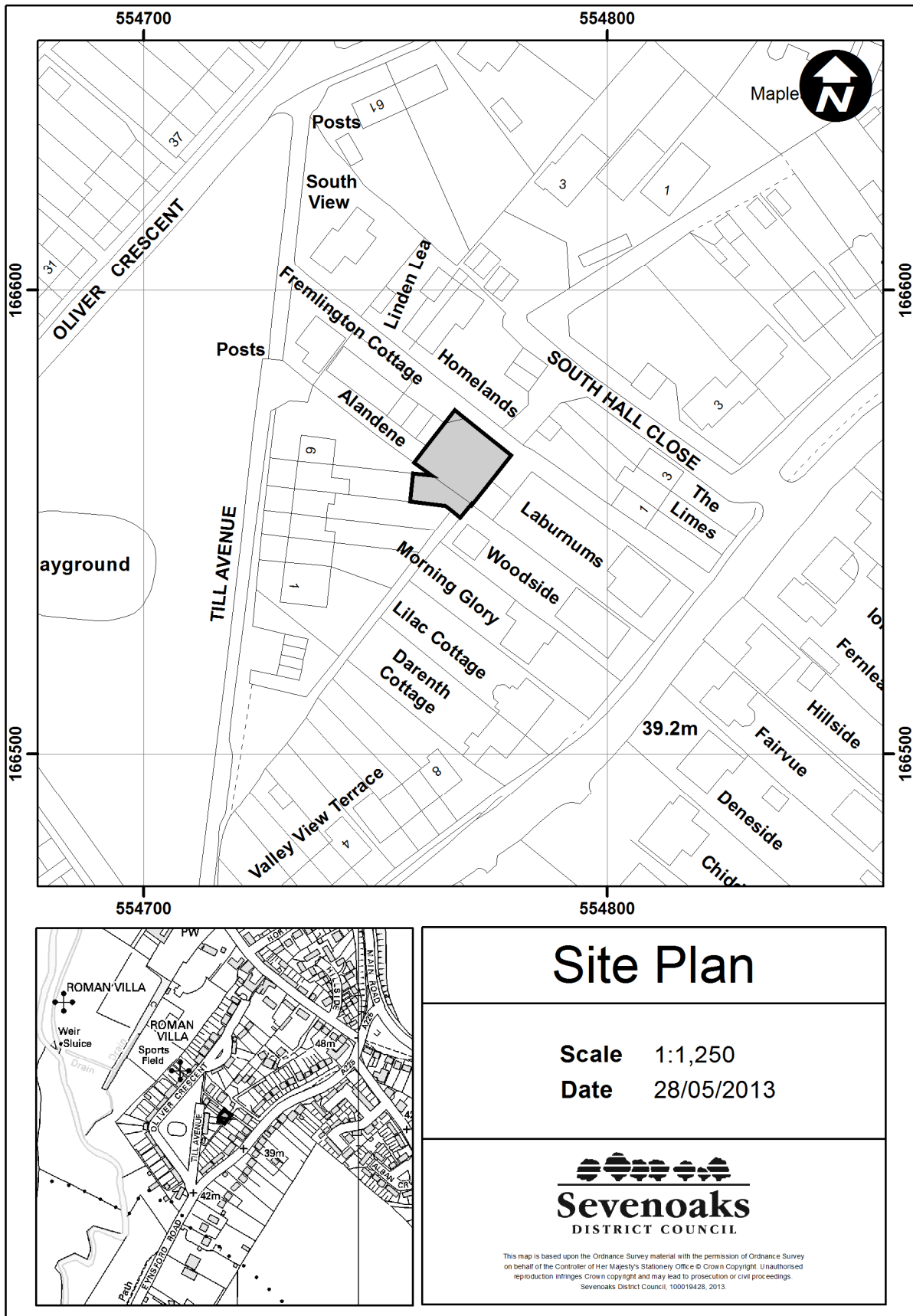
Agenda Item 4.2

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MGTACMBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MGTACMBK8V000>



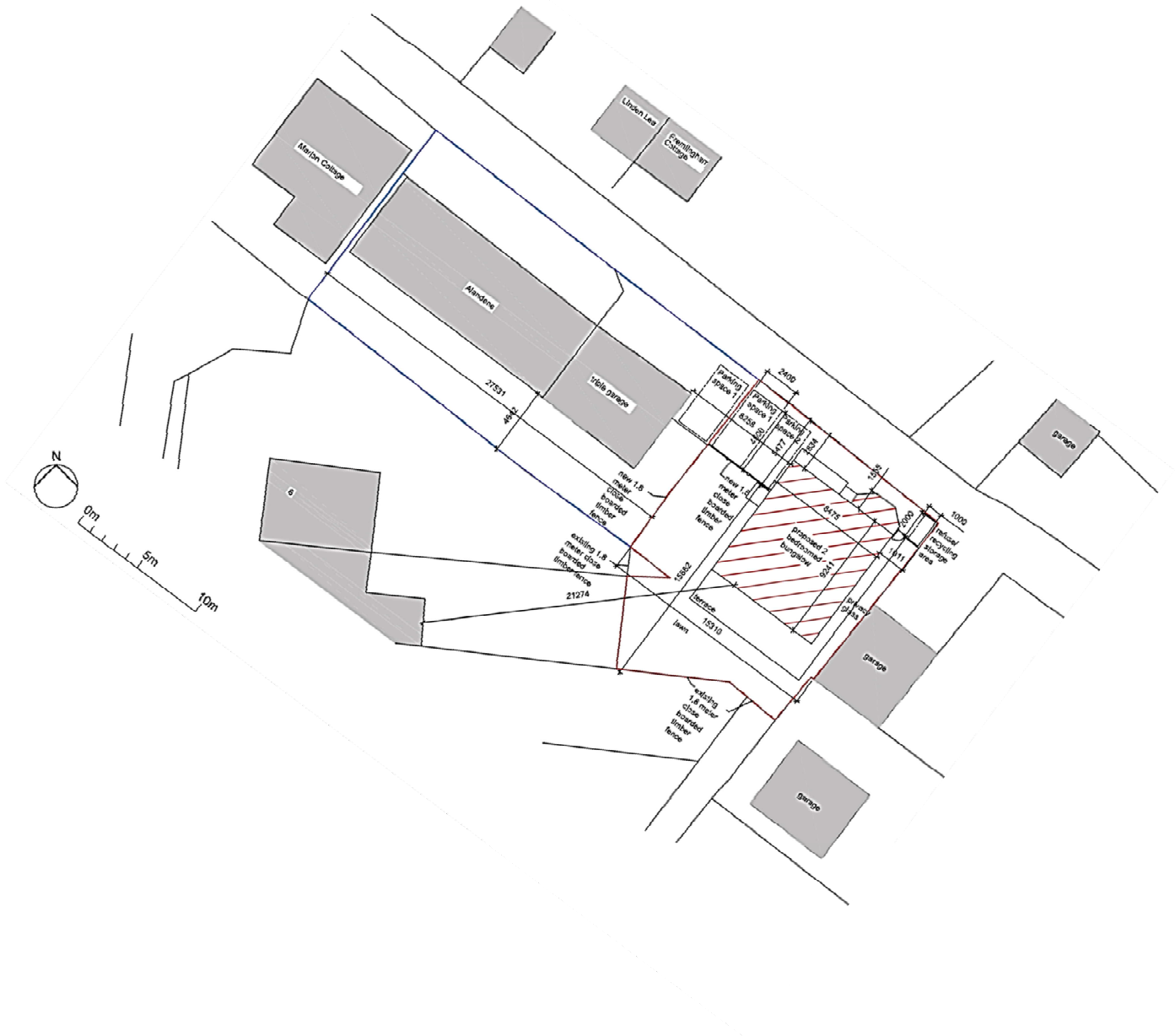
Site Plan

Scale 1:1,250

Date 28/05/2013



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 100019428, 2013.



4.3 - SE/13/00628/HOUSE	Date expired 21 May 2013
PROPOSAL:	Demolition of conservatory and detached single garage, erection of a single storey rear extension and two storey side extension
LOCATION:	White Gables , High Street, Farningham, Dartford DA4 0DB
WARD(S):	Farningham, Horton Kirby & South Darent

ITEM FOR DECISION

Councillor McGarvey has referred the application to the Development Control Committee as he agrees that the concerns raised by the Parish Council namely; loss of light to the neighbouring property, loss of the side access for maintenance at White Gables, overdevelopment of a small site within a Conservation Area and loss of parking at the site should be discussed by the Committee.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

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

3) The development shall be carried out in accordance with the following plans, 02 A, Design and Access Statement, Heritage Statement

In the interests of proper planning

4) At the time of development, the proposed first floor window(s) on the rear; elevation shall be fitted with obscured glass of a type that is impenetrable to sight and shall be non opening up to a minimum of 1.7 metres above the internal finished floor level and shall be so retained at all times.

To minimise overlooking onto adjoining properties and maintain privacy in accordance with policies EN1 and H6B of the Sevenoaks District Local Plan.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order (and any Order

Agenda Item 4.3

revoking and re-enacting those Orders) (with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed in the south elevation of the extension hereby permitted.

To safeguard the privacy of the occupants of adjoining dwellings in accordance with policies

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

Sevenoaks District Local Plan - Policies EN23, EN1, H6B

Sevenoaks District Core Strategy 2011 - Policies SP1, L08

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

The development would preserve the special character and appearance of the Conservation Area.

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

Description of Proposal

- 1 Demolition of conservatory and detached single garage, erection of a single storey rear extension and two storey side extension.

Description of Site

- 2 The site is a two storey detached property within the village boundary of Farningham. The building is set back from the road, and at a slightly higher level. The majority of the front garden is hard standing although there is some mature planting to the front boundary on either side of the access road.
- 3 To the rear the property has a detached garage and a conservatory. Both of which will be removed as part of the application.

Constraints

- 4 Conservation Area
- 5 The site is opposite a Grade 2 Listed Building
- 6 Area of Archaeological Potential
- 7 Area of Outstanding Natural Beauty

Policies

Sevenoaks Core Strategy

- 8 Policies - SP1, L08

Sevenoaks District Local Plan

9 Policies - EN23, EN1, H6B

Other

10 National Planning Policy Framework

11 Farningham Conservation Area Appraisal

12 The Sevenoaks District Council Supplementary Planning Document for Household Extensions

Planning History

13 97/01000/HIST - Conservatory. GRANTED.

Consultations

SDC Tree Officer

14 The proposed side extension is clear of any vegetation and as such there are no tree issues to address. The proposal for the rear extension is again void of trees within the immediate area of the garden. There is a neighbouring Pine tree, but due to the existence of the substantial boundary wall between this proposal and the neighbouring tree, I am not concerned with regards to tree root issues.

Farningham Parish Council

15 Objection and reasons:

It was agreed the Parish Council object to this Planning application within the Green Belt and the Conservation Area of Farningham's High Street; the 50% rule should be checked out as this property was constructed in the late 1980s. The proposals would reduce the light and open feel of the street scene and build two floors up at the extreme edge of the property, overbearing the adjacent garden. It would mean a loss of parking spaces to White Gables and the narrow garage that is proposed could remain unused by cars as there is no comfortable route from the street. Councillors expressed concern regarding the materials to be used in the Conservation Area and the difficulty for future owners of White Gables to maintain suitable materials which may overhang the neighbouring garden.

16 Further comments:

Councillors request the Building Control Officer checks the plans as it appears as if the single wall skin on the ground floor of the garage has a double cavity wall above.

Representations

17 Site notice posted: 08.04.2013

18 Press notice published: 11.04.2013

Agenda Item 4.3

- 19 7 neighbours were consulted
- 20 2 representations have been received which raise the following objections:
- the design of the proposal does not reflect the character of the original dwelling
 - the proposal will not be subservient to the main dwelling
 - the proposal will result in a narrower access to the proposed garage than currently exists
 - a single skin structural wall is used on the ground floor of the side extension but not on the first floor
 - there will be little room for opening the doors of the garage
 - the balance of the house will be offset within the uniformity of its curtilage
 - no allowance for the overhang of eaves or guttering has been made with relation to 1 Hillside
 - no information is provided regarding how the proposal will be built and maintained without access to 1 Hillside
 - 1 Hillside will be overlooked as a result of the proposal
 - the proposal will have a detrimental impact on the Conservation Area an AONB as it is out of scale and context with the surrounding area
 - an unacceptable impact on South Hall, the Grade 2 listed building opposite

Group Manager Planning Services Appraisal

- 21 The principal issues in this case are the impact of the proposal on the character of the existing building; the wider street scene, including any impact on the Conservation Area, Area of Outstanding Natural Beauty and the amenities on the neighbouring dwellings in terms of loss of light, outlook or daylight.

Conservation Area

- 22 The principle issues in this instance are whether the proposal meets the policy criteria set out in Section 12 of the National Planning Policy Framework (NPPF). A heritage asset is defined in the NPPF as a building, monument, site, place area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest and includes Conservation Areas.
- 23 Paragraph 132 of the NPPF states that ‘when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the assets conservation’ and ‘that any harm or loss should require clear and convincing justification.’

Agenda Item 4.3

- 24 The application site is situated on the eastern edge of the Farningham Conservation Area and is directly opposite South Hall, a Grade 2 listed building. As the current proposal does not seek to alter the fabric of the listed building the SDC Conservation Officer was not formally consulted, however the application has been discussed and informal comments have been received.
- 25 The Farningham Conservation Area Appraisal states the following with regard to the character of the immediate area,
- 26 The Pied Bull, the Village Club and the terraced houses opposite provide a brief sense of an enclosed space until the larger gardens of The Croft and South Hall are reached and the vista widens as the High Street rises to the eastern edge of the conservation area.
- 27 Although the larger buildings on the opposite side of the road are mentioned the existing gap between White Gables and Hillside is not mentioned as making a specific contribution to the character of the Conservation Area.
- 28 South Hall, the Grade 2 Listed Building, is set back from the road and within a large plot, it is noted above that the gaps surrounding this building contribute to this part of the Conservation Area. White Gables is on the opposite side of the road to South Hall and is partially screened by mature trees on the front boundary which will not be removed as part of the current proposal and can be conditioned to remain. Given this there is felt to be a degree of separation between the two properties and no strong visual relationship. Therefore it is not felt that alterations to White Gables will have a negative impact on the setting of the Listed Building.
- 29 It has been noted in a neighbour representation that the Conservation Area Appraisal also makes reference to two large buildings which have a detrimental impact:
- ‘it is most unfortunate that the two new large houses built at the south east end of the Conservation Area draw attention to themselves by the low level boundary walls and lack of screen planting, in direct contrast to their more attractive and discreet neighbours.’
- 30 The presumption in the neighbour representation is that one of these large buildings is White Gables, although the statement has not sought to identify the other. However, I would not consider White Gables to be a large house, when compared to the adjacent property, Pinehurst and the large buildings on the opposite side of the road. However it is more modern in appearance than the properties in the immediate area. White Gables is set at a higher level to the street scene and the shortness of the driveway and the lack of pavement does mean that it has a close relationship with the main road. However there is mature screening to either side of the access which will remain, and this does reduce the impact of White Gables on the wider area. The other public points that White Gables can be clearly seen from are outside the Conservation Area, where the side elevation is visible and from Hillside where the top of the roof can be clearly viewed over the garages.

Agenda Item 4.3

- 31 The side elevation will be brought closer to the shared boundary with 1 Hillside, however as the shape of the roof is not being altered this view will not substantially change. From the rear the views into the Conservation Area are restricted and although the chimneys of South Hall can be seen it is not felt that the proposal will alter the existing situation.
- 32 Accordingly I am satisfied that the proposal would not result in harm or loss to the character of the Conservation Area, and therefore complies with national policy.

Size, bulk, design and impact on street scene

- 33 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 1 states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Policy H6B of the SDLP states that residential extensions shall be subject to the principles in Appendix 4. Amongst other things, Appendix 4 states that the extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling or adversely affect the street scene.
- 34 The shape of the roof at the front of the property is being maintained. The hips will assist in reducing the bulk of the proposal. The fenestration will also match that of the existing property. The Parish Council has raised concerns regarding the possibility of future owners to maintain these materials. However, this is always a risk with additions to dwelling houses, especially with regards to obtaining bricks that will match those of the existing property. The future maintenance of a property is not a material planning consideration.
- 35 The extension to the rear will span the entire rear elevation of the property. However it is single storey and will appear subservient to the main dwelling and consequently not have a negative impact on its character. This part of the proposal will not be visible from the street scene.
- 36 The proposed two storey side extension will be within one metre of the shared boundary with the neighbouring property, 1 Hillside. Appendix 4 of policy H6B states that a one metre gap is normally necessary for extensions of this nature. However interpretation of this policy in the Sevenoaks SPD for Householder extensions shows that this policy was put in place to prevent visual terracing, 'In a street of traditional detached and semi-detached houses, the infilling of the spaces between with two storey extensions could create a terraced and cramped appearance at odd with the regular pattern of development.'
- 37 Given the different orientations between White Gables and 1 Hillside and the 13 metre gap between the flank elevations of the two dwellings it is felt that the development will not result in visual terracing within the street scene. In addition, although there are gaps between some of the houses in the immediate area these are not a regular characteristic of the street scene.

- 38 The neighbour representation relating to the resulting dwelling being offset within the site is noted, however as there are no regular gaps to be maintained within the street scene this is not a sustainable reason for refusal.

Impact on residential amenity:

- 39 Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Appendix 4 to H6B also states that proposals should not result in 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.

Daylight/sunlight

- 40 There are a number of habitable rooms at Hillside which will face the proposed development at White Gables including bedrooms, kitchen and dining room. As mentioned above the flank elevation of 1 Hillside will be a distance of 13 metres from the proposed elevation of White Gables. It is also noted that there is a change in ground level between the ground level of 1 Hillside's garden and the application site (approximately 0.75 metres)
- 41 The proposal will pass the 45 degree test for light on both the plans and elevations and therefore there will be no unacceptable loss of daylight.
- 42 With regard to sunlight it is not felt that the existing situation on site will be affected. The sun rises in the east and sets in the west; however the proposed two storey element of the extension will not extend to the front or the rear of the existing building on site. Given this the length of the built form of the dwelling which will block potential sunlight to the rear garden of 1 Hillside will not be altered.

Privacy

- 43 Concerns have been raised with regard to the first floor rear window proposed overlooking the rear garden of 1 Hillside, and affording views into the habitable rooms on their rear elevation. The proposed first floor window will serve an ensuite bathroom.
- 44 It is acknowledged in the SPD that oblique views from first floor rear windows which overlook neighbouring properties can be acceptable. Given the orientation of White Gables to 1 Hillside the first floor window will not result in direct overlooking of the rear garden. In addition, as the ensuite, is not considered to be a habitable room the window can be conditioned to be obscure glazed and fixed shut where the window is more than 1.7 metres above the internal floor area of the room.
- 45 Accordingly the proposal would not harm residential amenity and would comply with policies EN1 and H6B of the Sevenoaks District Local Plan.

Agenda Item 4.3

Highways

- 46 Informal comments have been received from Kent Highways which state the following:

I can appreciate that there is a loss of parking facility at this location when compared to the existing arrangement and that the garage is reduced in size when compared to the existing. However, our adopted parking standards for a property of the proposed size (i.e. 4 + bedrooms in a village location) are for 2 independently accessible spaces which would still be available within the frontage of the proposed site even without counting the garage space and so there could be no justification in raising KCC Highways and Transportation objection to the proposal.

Therefore although it is acknowledged that the occupants of White Gables are unlikely to use the proposed garage due to the restricted entrance provided, the proposal will still meet the maximum KCC Highway Standards.

Trees

- 47 No issues with the trees on the site have been raised. There is a neighbouring Pine tree, but due to the existence of the substantial boundary wall between this proposal and the neighbouring tree, I am not concerned with regards to tree root issues.

Other issues

- 48 The property is not within the Green Belt (although the boundary is 78 metres to the east of the site) and therefore policy H14A and the guidance in the National Planning Policy Framework does not apply in this instance.
- 49 Building Control have been shown the plans for the proposal and have stated that the single skin wall of the garage could be reinforced with steel supports which would allow for a double skin wall at first floor level. This would be a matter that would be dealt with by Building Control under the Building Regulations.
- 50 Concerns are noted regarding the overhang of the guttering to 1 Hillside. The elevations and floor plans both show the development will be within the site boundary and therefore I am satisfied there will be no encroachment. With regard to access being required to 1 Hillside in order to construct the proposal consent must be required from the owners of the land prior work commencing. However this is a civil matter that does not fall within the remit of planning law.
- 51 The site is in an Area of Archaeological Potential and Roman remains have been found approximately 100 metres to the south west of the site. However the area proposed for development already appears to have been considerably built up. Given the additional ground works involved it is not felt that a condition is needed in this instance.

Conclusion

52 Given the above discussion the proposal has been found to comply with the relevant policies at local and national level. The proposal will not have an unacceptable impact on the character of the Conservation Area, the street scene or the amenities of the neighbouring properties.

Background Papers

Site and Block plans

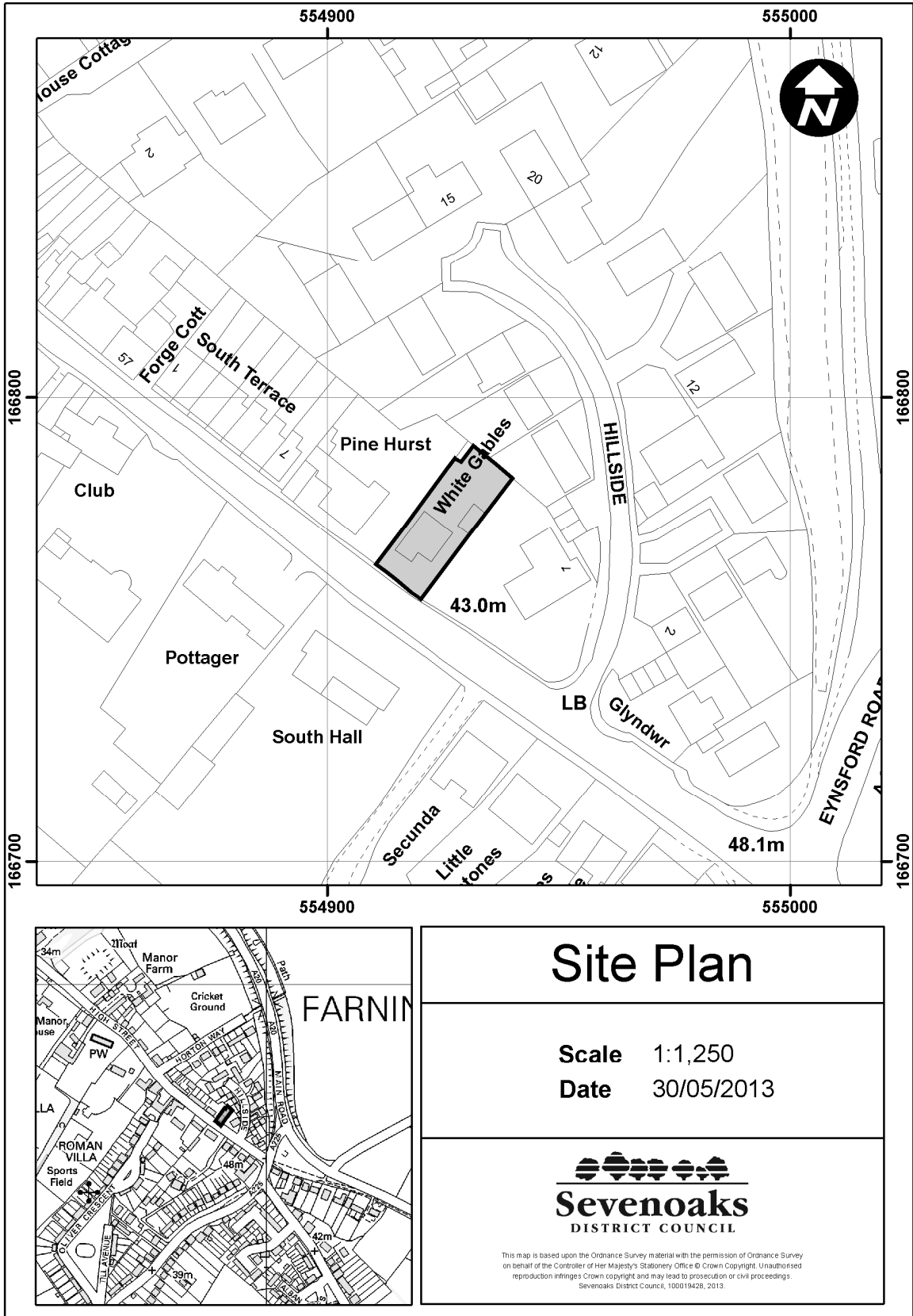
Contact Officer(s):	Deborah Miles Extension: 7360
Pav Ramewal Chief Executive Designate	

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MIX7LFBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MIX7LFBK8V000>



Site Plan

Scale 1:1,250
Date 30/05/2013



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Sevenoaks District Council, 100019428, 2013.

BLOCK PLAN



This page is intentionally left blank

4.4 –SE/13/00139/HOUSE Date expired 15 March 2013

PROPOSAL: Erection of a two storey side extension and ground floor front extension. Minor changes to windows on the ground floor.

LOCATION: 10 Springshaw Close, Sevenoaks, Kent TN13 2QE

WARD(S): Brasted, Chevening And Sundridge

ITEM FOR DECISION

This application has been called to Development Control Committee at the discretion of the Planning Services Group Manager.

RECOMMENDATION: That planning permission be REFUSED for the following reason:

1. The proposed single storey front extension, by virtue of its height, bulk and proximity to the neighboring property would have a detrimental impact on the outlook and residential amenity of the neighbouring property by way of loss of light and perception of overbearance. The proposal would therefore be contrary to Policy EN1 of the Sevenoaks Local Plan.

Comments

1. Members may recall this application being reported to the previous Development Control Committee on 23 May 2013. (Please see original committee report attached under appendix A).
2. At the May committee, members resolved to refuse the application on two grounds:
 1. The proposed development by virtue of its height, design and proximity to the boundary would create a terracing effect between properties, which would have a detrimental impact on the street scene. The proposal is therefore contrary to the advice in The Council’s Supplementary Planning Document Residential Extensions and Policy EN1 of the Sevenoaks Local Plan.
 2. The proposed single storey front extension, by virtue of its height, bulk and proximity to the neighboring property would have a detrimental impact on the outlook and residential amenity of the neighbouring property by way of loss of light and perception of overbearance. The proposal would therefore be contrary to Policy EN1 of the Sevenoaks Local Plan.
3. Following the committee, officers were concerned that the information provided to the committee may not have been clear. In stating that the extension now being proposed was closer to the boundary than the original approved application (SE/08/00823/EXTLMT), it may have been implied that the applicant had

Agenda Item 4.4

increased the size of the extension by 0.15 metres from the previously approved scheme.

4. You will see from the table below that this is not the case:

	08/00823	13/00139
Original house (elevation) width (wall to wall inc. garage)	17.2m	17.2m
Proposed extension (plan) width	4.6m	4.6m
Distance to border (from plan)	1.15m	1m
Width of eaves (from plan)	0.3m	0.2m

5. The proposed two storey part of the extension has not increased in width from the previously approved scheme. In light of this information we are therefore seeking clarification from the committee whether they still wish to refuse the application on both grounds previously given.
6. The officer's recommendation in light of the above is that the application is only refused by reason 2, relating to the front extension as this is the only part of the proposal which differs in size to the scheme originally approved.

Background Papers

Site and Block Plans

Contact Officer(s): Guy Martin Extension: 7351

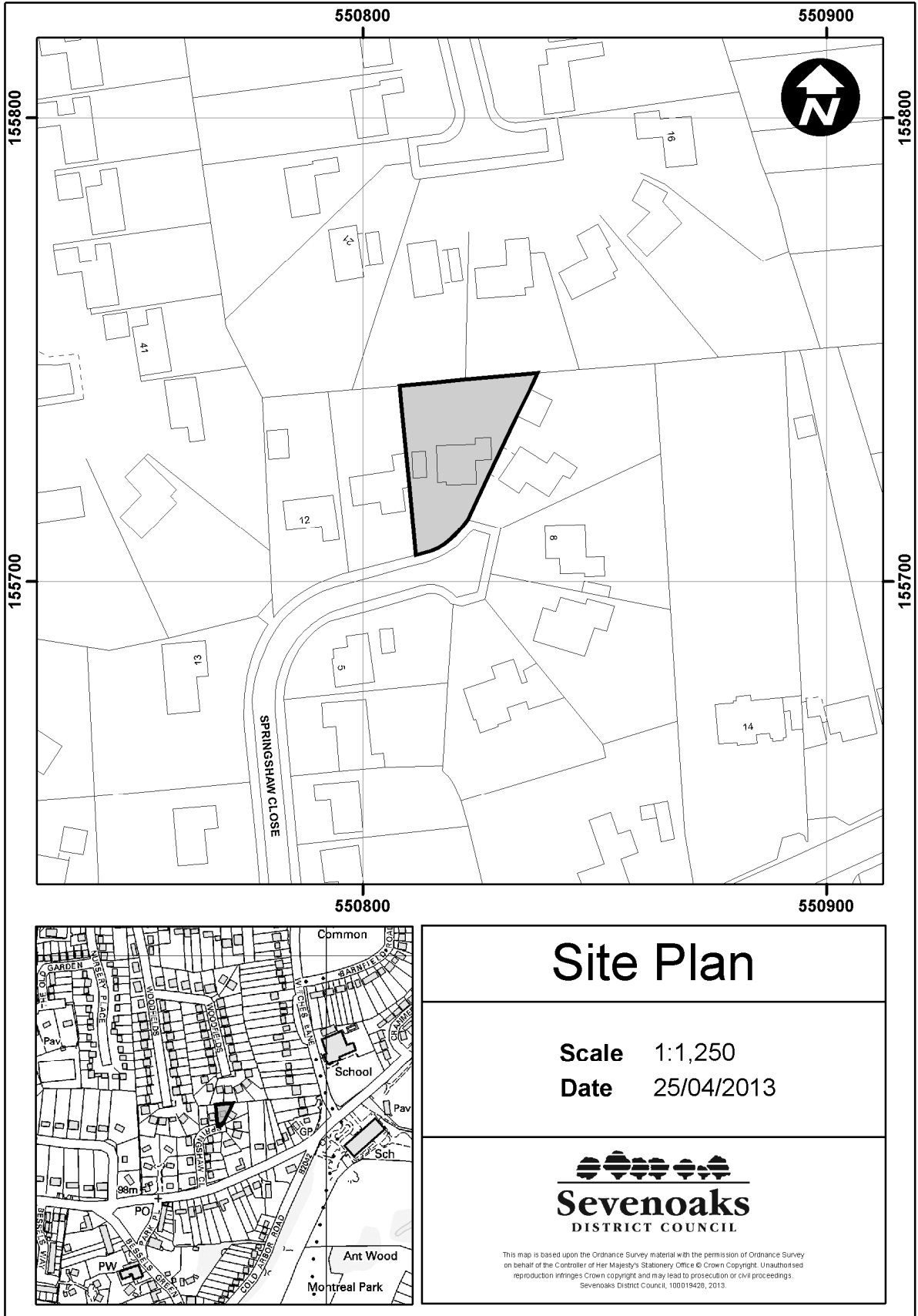
Pav Ramewal
Chief Executive Designate

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MGTADDBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MGTADDBK8V000>



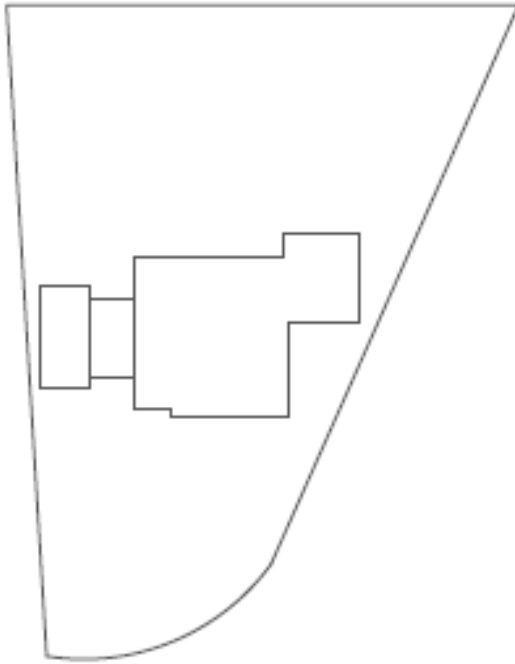
Site Plan

Scale 1:1,250
Date 25/04/2013

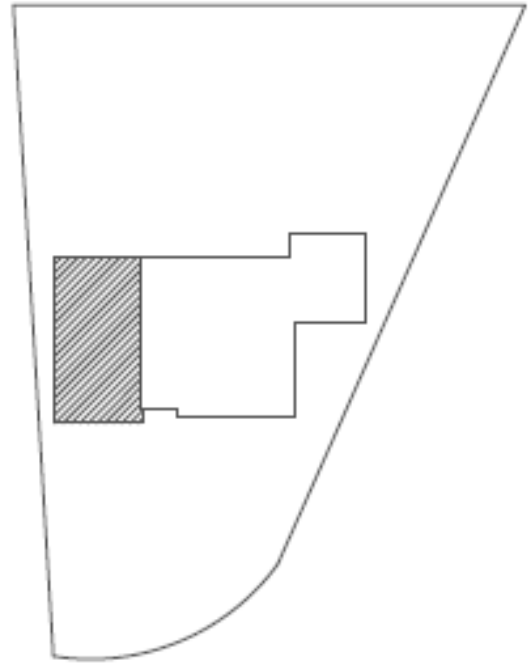


This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 100019428, 2013.

BLOCK PLAN



Existing Block Plan



Proposed Block Plan

4.5 -SE/13/00139/HOUSE Date expired 15 March 2013

PROPOSAL: Erection of a two storey side extension and ground floor front extension. Minor changes to windows on the ground floor.

LOCATION: 10 Springshaw Close, Sevenoaks, Kent TN13 2QE

WARD(S): Brasted, Chevening And Sundridge

ITEM FOR DECISION

This application has been called to Development Control Committee by Councillor London for the following reasons that:

- The extension is within 1 metre of the boundary;
- Blocking of neighbours window and,
- Overdevelopment/bulk.

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: 1 unnumbered 1:1250 scaled location Plan and drawing nos. 1 Rev. A dated 18/01/13, no. 1 Rev. A Sheet 2 of 2.

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, H6B

Sevenoaks District Core Strategy 2011 - Policies SP1

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

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

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

Description of proposal

- 1 The two storey side extension extends from the west of the original house by 4.1m with a total depth of 8.1m replacing a single storey attached garage.
- 2 The rear wall of the extension matches the depth of the existing house and the extension rises to a height of 7.4m with a hipped roof.
- 3 A single storey ground floor extension serving the garage extends forward from the two storey extension for a distance of 0.8m with a tiled angled roof above rising to 3.4m.
- 4 The first storey extension would serve two bedrooms with integral bathrooms.
- 5 The development would comprise of mixed red wall tiles, brown plain concrete roof tiles and a white plastic double glazed windows all to match the existing house.
- 6 As laid out in paragraph 19, the works have taken place on site, but have not been completed

Description of Site

- 7 10 Springshaw Close is a detached property located at the end of a cul de sac within the urban confines of Sevenoaks. The road comprises of detached two storey houses set back from the roads with plots of different widths.

Constraints

- 8 Urban Confines of Sevenoaks

Policies

Sevenoaks District Local Plan

- 9 Policies - EN1, H6B and Appendix 4

Sevenoaks Core Strategy

- 10 Policy - SP1

Other

- 11 Sevenoaks District Council (SDC) Residential Supplementary Planning Document (SPD)
- 12 National Planning Policy Framework
- 13 SDC Residential Extensions SPD

Planning History

- | | | | | |
|----|-------------------|---|---------|----------|
| 14 | SE/12/02478/HOUSE | The erection of a two storey side extension | REFUSED | 11.01.13 |
| 15 | SE/11/00039/EXTLM | Application to extend the time limit of an extant | GRANT | 04.03.11 |

- planning permission approved under reference SE/08/00823/FUL - Demolition of existing garage and link to house, erection of two storey extension.
- | | | | | |
|----|-----------------|---|-------|----------|
| 16 | SE/08/00823/FUL | Demolition of existing garage and link to house, erection of two storey extension. | GRANT | 08.05.08 |
| 17 | SE/03/01410/FUL | Demolition of existing garage and link to house. New two storey side extension, as amended by revised plans received 8.8.03 reducing ridge height of extension from 8.2m to 7.2m. | GRANT | 26.08.03 |
| 18 | SE/00/01430/FUL | First floor side extension (built off existing ground floor side extension). | GRANT | 27.07.00 |
- 19 On the site visit for this application it was noted that the works that had been carried out on site did not match the planning application SE/11/00039/EXTLMT that had been approved or the plans for this current application. The alterations that took place on site that differed from the approved plans included a change to the roof design and the fenestration. The amendments are as described in paragraph 24 of the report, but for clarification they are no closer to the neighbouring property (11 Springshaw Close).
- 20 The owner was advised to stop work and amended the current application to match the works that had taken place on site, but which had not been completed.
- 21 The Good Practice Guide on Enforcing Planning Control paragraph 3.7 states that:
 'Whenever it is appropriate, the usual alternative to taking formal enforcement action is to invite a retrospective application. In approaching this possibility, the LPA should consider the merits of granting planning permission for unauthorised development in the same way as they would approach a planning application for proposed development. The fact that the development has already taken place should make no difference to the LPA's consideration of its merits.'

Consultations

Chevening Parish Council:

- 22 'Objection for the following reasons:

(Item No 4.5) 3

The Parish Council notes with concern that the garage is already under construction, without Planning Consent. The garage is projected forward by 1 metre and the adverse effect on the neighbouring property is self-evident. This addition is somewhat less than 1 metre from No 11 in places and creates overshadowing which is detrimental to the amenities of that property. The projection is in front of the building line and higher than the fence and so creates an unacceptable impact on No 11. Due to the orientation of No 10 on its plot, any projection will come closer to No 11. There are no plans showing the proposed development within the boundary of the plot but there remains doubt that the two storey extension is less than 1 metre from the boundary.

Representations

- 23 Two letters received objecting that the proposal is not in keeping with the proportionality of surrounding properties, that the protrusion of the garage beyond the front of the property will impact upon the amenities of the adjacent property, would be within one metre of the boundary and would overshadow the adjacent property.'

Group Manager Planning Services Appraisal

- 24 In considering this application note is made of planning application SE/08/00823 which was granted permission for the demolition of the existing garage and link to house and the, erection of a two storey extension. The time limit for this application was extended for a further three years in 2011 (SE/11/00039/EXTLMT) and accordingly is an extant planning permission. This permission differs from that now under consideration in that the garage is projected forward by an additional 0.8m with a width of 2.35m resulting in the loss of a ground floor window on the properties front elevation. The fenestration on the front and rear elevations has also moved.

Principal Issues

- 25 The principal issues are:
- Impact on the character of the area and the street scene;
 - Impact on residential amenity;

Impact on the character of the area and the street scene

- 26 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 1 states that the form of the proposed development, including any buildings or extensions should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Policy H6B of the SDLP states that residential extensions shall be subject to the principles of Appendix 4. Amongst other things, Appendix 4 states that the extension should not be of such a size or proportion that it harms the integrity of the design of the original dwelling or adversely affects 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. In addition Appendix 4 also states that a minimal distance of 1m is normally necessary for two storey extensions where extensions which extend to the side boundary of the property could lead to visual terracing.

(Item No 4.5) 4

- 27 The Sevenoaks Residential Character Area Assessment SPD, which was adopted in April 2012 states that Springshaw Close comprises of detached two storey houses set back behind unenclosed or partially enclosed front gardens on plots with different widths. The houses are individually designed with hipped or gabled roofs, some with forward facing symmetric or asymmetric gables or roofs extending down to ground floor level.
- 28 In reviewing the properties within Springshaw Close they comprise a variety of different designs with some properties located within the middle of their plots whilst others are set against the border. 10 Springshaw Close is set back from the road at a distance of approximately 12m from the road with a hedge lying on the front boundary. The single storey garage which previously was located on the plot lies on the site of the two storey extension and accordingly the proposal does not bring the built form of the house any closer to the boundary.
- 29 The distance between the extension and 11 Springshaw Close is 1m, adjacent to the front of the garage, widening towards the back to a distance of 1.7m. Accordingly the extension would not result in visual terracing as viewed from within the street scene. The extant planning permission would enable a two storey extension to be built within 1m of the boundary. No 11 has a first floor side extension and ground floor extension that abuts the boundary and has already enclosed this gap to some extent under a 2003 permission.
- 30 The proposed two storey side extension would be well proportioned and presents a satisfactory composition with the house with a subservient ridge height which minimises the bulk of the development. Whilst the proposal does increase the bulk of the property, Springshaw Close comprises of a variety of different styled properties and the development would not in my view be of such a scale that it would be detrimental to either the house or the street scene. The development would incorporate materials and fenestration in keeping with the existing house.

Impact on residential amenity

- 31 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 3 of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Appendix 4 to H6B also states that proposals should not result in 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. Sevenoaks District Councils Residential Extensions Supplementary Planning Document states that an extension should not cause any significant loss of daylight for a significant part of the day to habitable rooms in neighbouring properties.
- 32 The proposed development would be set back from the road at a distance of approximately 12m and from the rear boundary of the house by approximately 13m. The property behind, No. 20 Woodfields lies approximately 18m from the boundary which comprises of mature trees and in light of the distance and trees on the boundary the impact of the proposal upon this property would be minimal.
- 33 The only property potentially impacted upon would be No. 11 Springshaw Close located to the west of the property. No. 9 to the east is screened from the proposal by the bulk of the existing dwelling.

(Item No 4.5) 5

- 34 The proposed development would result in a two storey side extension adjacent to No. 11. This property possesses a first storey bedroom window which would directly overlook the extension; however the impact to this room would be minimised as a consequence of the room possessing a second window overlooking the rear garden.
- 35 No. 11 possesses two ground floor windows which according to our historical records serve a utility room and a sitting room and lie adjacent to the boundary which comprises of a 1.8m close boarded fence. From visiting the site the sitting room is used as a study. These windows face south and east respectively of which only the upper part of the window is visible above the fence from 10 Springshaw Close. The south facing window is obscure glazed. The principal elevation of the two storey extension is set back from both of the windows however the proposal does incorporate a 0.8m single storey ground floor extension extending the length of the garage. The single storey extension would be set forward from the south facing window and would be set back from the east facing window.
- 36 Due to the single storey aspect being set forward of the south facing utility room, whilst there would be some loss of daylight to the utility room this would be minimised by the impact of the adjacent fence. Due to the utility room not being a habitable room, (defined as a lounge, dining room, kitchen/diner or bedroom) this would not warrant refusal of the proposal.
- 37 In respect to the sitting room, the east facing window would be set forward from the single storey aspect of the development and accordingly this window would not be affected by a loss of light.
- 38 Due to the height of the adjacent fence the outlook from both these windows would not be detrimentally impacted upon.

Conclusion

- 39 It is unfortunate that this development has not been carried out in accordance with approved plans. However, a breach of planning control is not in itself justification for refusing permission for retention of the completed development and the application has to be considered on its merits.
- 40 The proposal protects the character and appearance of the street scene and the amenity of residents. The development complies with policies EN1 and H6B of the Sevenoaks District Local Plan and Sevenoaks Residential Character Area Assessment Supplementary Planning Document.

Background Papers

Site and Block Plans

Contact Officer(s): Guy Martin Extension: 7351

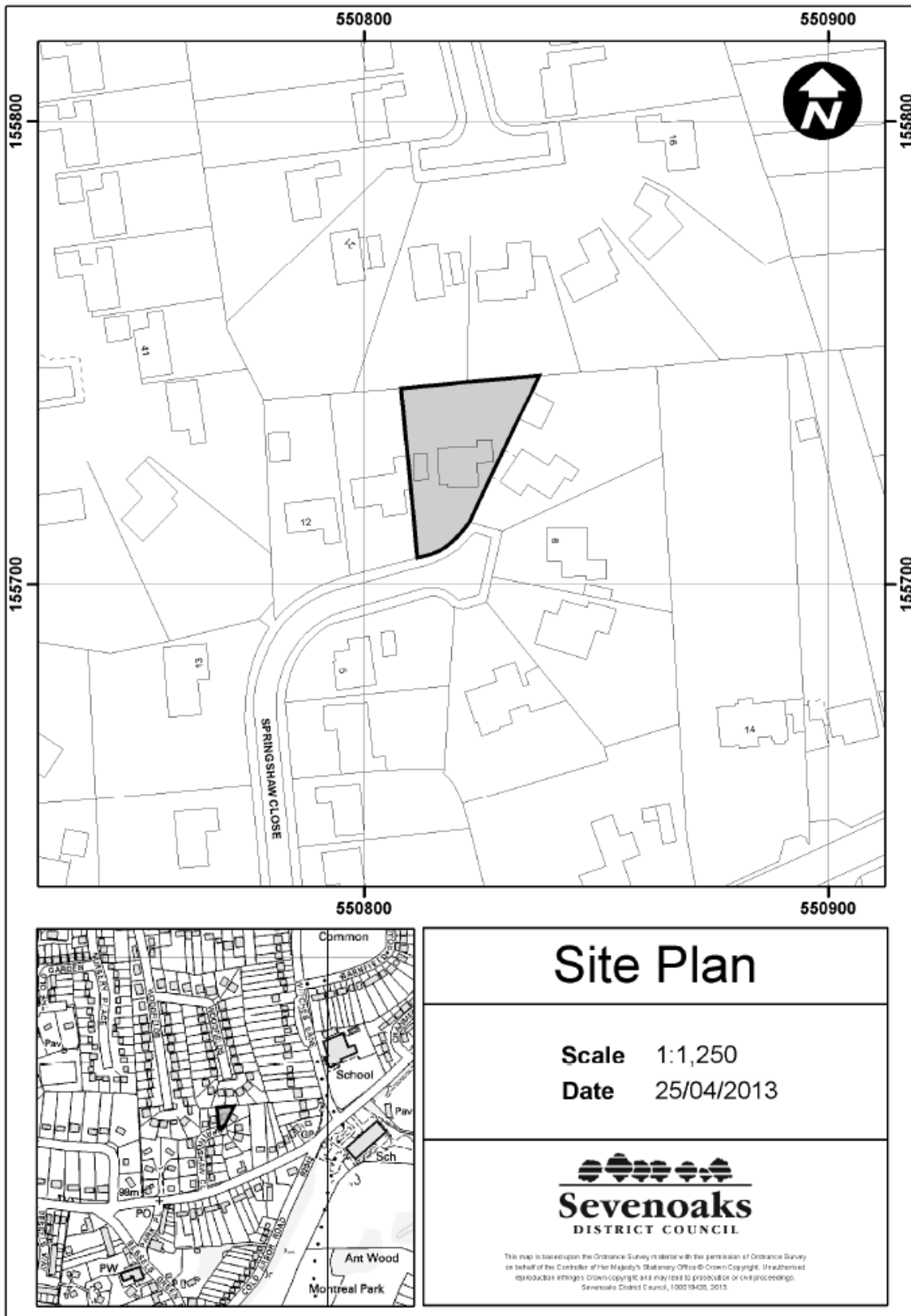
Pav Ramewal
Chief Executive Designate

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MGTADDBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MGTADDBK8V000>



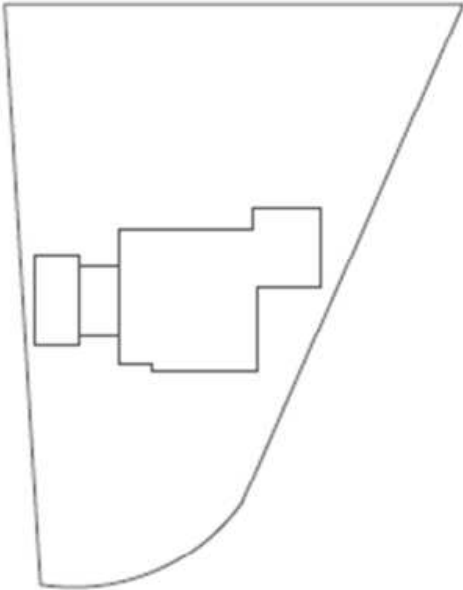
Site Plan

Scale 1:1,250
Date 25/04/2013

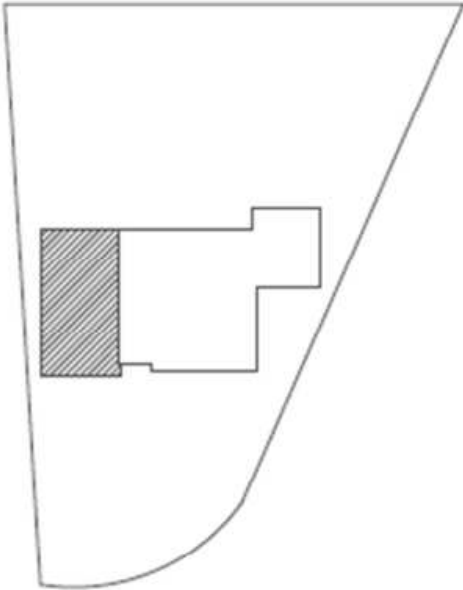


This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 1000 19420, 2013

BLOCK PLAN



Existing Block Plan



Proposed Block Plan

This page is intentionally left blank