



- 4.4. **SE/13/01950/HOUSE - Homefield Coach House, Blueberry Lane, Knockholt, Sevenoaks TN14 7LL** (Pages 51 - 60)

Erection of single storey side extension to existing garage, with the formation of a balcony above the proposed extension on the first floor, existing hipped ends of garage roof changed to gable ends, changes to external fenestration and re-cladding of the garage

- 4.5. **SE/13/03190/LDCPR - 5 Tudor Crescent, Otford, Sevenoaks TN14 5QS** (Pages 61 - 68)

The erection of a single storey rear extension

5. **Enforcement of Planning Control**

- 5.1. **310/11/257 - Amberley, Packhorse Road, Sevenoaks TN13 2QP** (Pages 69 - 92)

**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](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 25 November 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.

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**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 6 November 2013 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice-Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Mrs. Davison, Dickins, Edwards-Winsler, Gaywood, Orridge, Mrs. Parkin, Piper and Miss. Stack.

Apologies for absence were received from Cllrs. Clark, Cooke, Mrs. Dawson, McGarvey, Underwood and Walshe

Cllrs. Ayres, Bosley, Firth and Grint were also present.

78. Minutes

The minutes of the meeting of the Committee held on 31 October 2013 were tabled for Members' consideration.

Resolved: That the minutes of the meeting of the Development Control Committee held on 31 October 2013 be approved and signed by the Chairman as a correct record.

79. Declarations of Interest or Predetermination

Cllr. Miss Stack declared that she was the local Member for minute items 84 SE/13/02078/FUL - Land To East of Badgers Sett and Formerly Chart View , West End, Kemsing TN15 6PX and 86 SE/13/01599/HOUSE - 4 Hillside Road, Kemsing TN15 6SG . She had referred these matters to the Committee. She would speak as the local Member on application SE/13/01599/HOUSE - 4 Hillside Road, Kemsing TN15 6SG rather than participate in the debate.

Cllr. Brown declared a non-pecuniary interest in item 4.1 – SE/13/02415/FUL - Land South Of Orchard Barn, London Road, Halstead. His father-in-law ran a grave-digging business which carried out occasional cremations.

80. Declarations of Lobbying

All Members of the Committee declared that they had been lobbied in respect of item 4.1 – SE/13/02415/FUL - Land South Of Orchard Barn, London Road, Halstead.

Cllrs. Mrs. Ayres, Mrs. Davison, Dickins, Orridge, Mrs. Parkin and Miss. Thornton declared that they had also been lobbied in respect of item 4.2 - SE/13/02476/FUL - Westview, Stonehouse Road, Halstead TN14 7HN.

Reserved Planning Applications

The Committee considered the following planning applications:

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81. SE/13/02415/FUL - Land South Of Orchard Barn, London Road, Halstead

The Chairman announced that he would not act as Chairman for the present item as he was a local Member for the item and intended to speak on the item during debate. With the agreement of the meeting he called on the Vice-Chairman, Cllr. Miss. Thornton, to chair the item.

(Cllr. Miss. Thornton in the Chair)

The proposal sought a change of use of the site to incorporate the erection of a crematorium, car park and access road, gardens of remembrance and areas for natural and traditional burials.

There would be a single story crematorium with a pitched and tiled roof and pitched roofed porte cocheres to the front and side. Access to the site would be via a new vehicular access onto London Road. The grounds were to be set out with a meadow, sustainable drainage system and area to scatter ashes to the sides and rear of the crematorium with a memorial garden and natural and flat stone burial areas in the centre and to the south.

The site was within the Green Belt and an Area of Outstanding Natural Beauty was on the opposite side of London Road. A public footpath ran along the southern and western boundaries to the site.

The report advised that the harm caused by the lack of available crematoria was sufficient to clearly outweigh the harm caused to the Green Belt by virtue of inappropriateness and other harm. The development could be accommodated without causing adverse impact to local road users, landscaping would be sympathetic to the character of the area and would provide biodiversity improvements.

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

The Committee was addressed by the following speakers:

Against the Application:	Mr. Firth
For the Application:	Mr. Hodgson
Parish Representative:	Cllr. Brooker
County Representative	Cllr. Parry
Local Member:	Cllr. Grint

Officers responded to questions. The Kent Highways Officer confirmed that the highway was already sufficiently wide to accommodate a dedicated right hand turn into the site. The planning officer did not believe that the dualling of the A21 would have significant impact on the reasonable travel times to the existing crematoria. Travel times were calculated taking account of the slower speed of funeral corteges.

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 conditions be adopted.

Members noted that the proposal would involve developing a greenfield site and would constitute inappropriate development. The Committee said the development would undermine the purposes of the Green Belt, especially checking the unrestricted sprawl of large built-up areas but also preventing neighbouring towns from merging into one another. The land was an important part of the Green Belt in creating a separation between Sevenoaks and the London conurbation.

Although some Members considered there was a need to improve crematoria provision serving the District, it was considered that the very special circumstances had not been made out sufficient to outweigh the harm caused to the Green Belt. The development would constitute the suburbanisation of the area. It was important to protect the Green Belt.

The motion was put to the vote and there voted –

1 votes in favour of the motion

9 votes against the motion

The Chairman declared the motion lost. It was moved by Cllr. Williamson and was duly seconded that planning permission be refused. This was on the grounds that the proposal would have an urbanising effect on the Green Belt. The need for the proposal did not amount to very special circumstances that would clearly outweigh the demonstrable harm to the character and openness of the Green Belt contrary to Policies GB1 and EN1 of the Sevenoaks District Local Plan and paragraphs 79,80, 81, 89 of the NPPF.

The Chairman put this motion to the vote and it was -

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

The proposal would have an urbanising effect on the Green Belt. The need for the proposal does not amount to very special circumstances that would clearly outweigh the demonstrable harm to the character and openness of the Green Belt contrary to Policies GB1 and EN1 of the Sevenoaks District Local Plan and paragraphs 79,80, 81, 89 of the NPPF.

(Cllr. Williamson resumed the Chair. Cllr. Dickins entered the Chamber.)

82. SE/13/02476/FUL - Westview, Stonehouse Road, Halstead TN14 7HN

The proposal was for the approval of a replacement two storey, four bedroom dwelling to an existing bungalow, covering the existing footprint. It would have a ridge height of 8.6m, 2.4m higher than the existing building. The development would be 39m from the roadside and approximately 6m from the nearest points of the adjacent dwellings.

The site was within the built confines of Halstead village. The site was adjacent two-storey dwellings but there was a mixture of varying styles along the street. The site rose sharply to the south-east. To the front of the site are three mature Beech trees and one mature walnut tree that are protected by a Tree Preservation Order.

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Officers considered that the proposed dwelling was of a design that sympathised with the character and appearance of the surrounding area, would not impact upon neighbouring amenities to an unacceptable degree and it conformed to the relevant Development Plan policies.

The Committee was addressed by the following speakers:

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

In response to a question Officers confirmed they had considered the Halstead Village Design Statement which had given only general guidance in relation to the application.

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 concerns raised by neighbours. However the neighbouring property at Briar Bank was sited higher and 16m behind the proposed development. The proposal was not in the Green Belt and Members did not feel there were appropriate planning reasons to object to the application.

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

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

3) No development shall take place until full details of both hard and soft landscaping have been submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Proposed finished levels or contours; Hard surfacing materials; Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables.



Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

4) Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

5) Before any work commences, drawings at a scale of 1:50 to show cross-sectional details of the proposed driveway within the no-dig areas as stated in the submitted Arboricultural Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority and the work shall be carried out in strict accordance with those details.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

6) Tree protection measures and the recommendation outlined in the submitted Arboricultural Method Statement dated 12 August 2013 shall be carried out in accordance with these details and shall be carried out prior to the commencement of the development or in accordance with the programme agreed with the Local Planning Authority.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

7) The dwelling shall achieve Level three of the Code for Sustainable Homes. No dwelling shall be occupied until evidence shall be provided to the Local Authority showing that a final Code Certificate has been issued for it certifying that Code Level three has been achieved or alternative as agreed in writing by the Local Planning Authority.

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

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8) The windows to the north elevation and the first floor window(s) on the south elevation shall be fitted with obscure glass before the development hereby permitted is first occupied, and be incapable of being opened except for high level fanlight openings of at least 1.7m height above inside floor level and thereafter shall be so retained.

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

9) No development shall take place until full details of a scheme of Biodiversity enhancement has been submitted to and approved by the local planning authority. The approved details shall be implemented in full and maintained thereafter.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity, in accordance with Policy SP11 of the Core Strategy and guidance in National Planning Policy Framework 2012.

10) No development shall be carried out on the land until details of the solar photo voltaic panels to be used with the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be implemented in accordance with the approved details.

To maintain the integrity and character of the dwelling hereby permitted as supported by policy EN1 of the Sevenoaks District Local Plan.

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

In the interest of highway safety as supported by policies EN1 and VP1 of the Sevenoaks District Local Plan.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Classes A, B, C of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

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

13) Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation, a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles, isolux diagrams) and a written assessment of the impact of such a scheme. The approved scheme shall be carried out in accordance with the approved details

and maintained thereafter and no further lighting shall be introduced into the site without the prior approval of the local planning authority.

In the interests of amenity in accordance with Policy EN1 of the Local Plan.

14) Demolition or construction works shall not take place outside 0700 hours to 1800 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

To prevent disturbance to nearby residential properties in accordance with Policy EN1 of the Local Plan

15) The development hereby permitted shall be constructed at the levels indicated on the approved drawing nos. 13/603/2, 13/603/3, & 13/603/4.

To ensure a satisfactory appearance on completion of the development in accordance with Policy EN1 of the Local Plan.

16) The development hereby permitted shall be carried out in accordance with the following approved plans: 13/603/2, 13/603/3, & 13/603/4.

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

(Cllr. Brown was not present for the consideration of the remaining items)

83. SE/13/02200/FUL - Land Adjacent To Holmesdale Hall, Park Gate Road, Orpington BR6 7PX

This item had been withdrawn from the agenda.

84. SE/13/02078/FUL - Land To East of Badgers Sett and Formerly Chart View , West End, Kemsing TN15 6PX

The proposal was for the erection of a three-bedroom, two-storey detached house with two off-street parking spaces to the front of the house. The house would align broadly with the two houses either side lying approximately 4m from the flank wall of the house to the east and just over 2.5m from the flank wall of the house to the west. It was on the south side of West End, behind shops and flats redeveloped in 2008.

The site was in the built confines of Kemsing, the majority of the development site to the north and the east lay within the Kemsing Conservation Area and the Green Belt boundary ran along the rear of the property.

The report advised that a previous appeal decision for a new house on the site had identified this space as having an important role in providing views from the High Street through to the countryside beyond and to prevent the quite densely developed scheme in front of the site appearing to be over developed. In officers' opinion the present scheme would produce just that result and was therefore contrary to established policy. No contribution had been made to off-site affordable housing provision.

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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:	-
For the Application:	Mr. McLachlan
Parish Representative:	-
Local Member:	-

Members noted the comments of the speaker that if permission were refused then fencing and planting would be installed which would obstruct the view to the countryside beyond. Officers confirmed the applicant had indicated willingness to provide a financial contribution for off-site affordable housing.

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

The local Member explained that, in the past, the applicant had carried out development which had enhanced Kemsing. There was a shortage of suitable rental housing in Kemsing for those with moderate incomes and she felt the needs of the community should be considered. The application was also supported by the other local ward Member.

The Committee also noted that there was extant permission for a 5m extension to the neighbouring Badgers Sett property, which, if built, could fill a significant part of the site.

Some Members commented that they had noted the sense of spaciousness created by the gap when attending the Site Inspection.

The motion was put to the vote and there voted –

5 votes in favour of the motion

6 votes against the motion

The Chairman declared the vote lost. It was moved by Cllr. Miss. Stack and was duly seconded that, subject to the signing of a legal agreement to secure an appropriate contribution towards affordable housing consistent with Core Strategy Policy SP3 within three months, permission be granted subject to conditions to be agreed in consultation with the local Members. If the legal agreement is not so signed then permission is to be refused on the grounds that the development fails to make a contribution to affordable housing.

The motion was put to the vote and it was –

Resolved: That

- A. subject to the signing of a legal agreement to secure a contribution towards affordable housing consistent with Core Strategy Policy SP3 within three

months permission be granted subject to conditions to be agreed in consultation with the local Members;

- B. if the legal agreement is not signed within three months permission be refused on the grounds that the development fails to make a contribution to affordable housing as required by Core Strategy Policy SP3.

At 9.29 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.38 p.m.

85. SE/13/02815/FUL - 63 Brittain Lane, Sevenoaks TN13 2JR

The proposal was to erect a replacement dwelling at No. 63 Brittain Lane. The two-storey traditionally designed dwelling would have a hipped roof with a front gable feature and an integral garage. The development would introduce additional hard standing to the front (for two parking spaces) and landscaping to the rear.

The site was within a residential area characterised by large dwellings of varying characters. The gardens for the site and neighbouring properties sloped quite significantly to the rear.

Officers considered that the proposed replacement dwelling and associated works would not detract from the character and appearance of the street scene, or have a detrimental impact upon the amenities of the neighbouring properties.

The Committee was addressed by the following speakers:

Against the Application:	Mr. Law
For the Application:	-
Parish Representative:	-
Local Member:	-

Members noted from the speaker that the light to No. 61 Brittain Lane was detrimentally affected by the trees already on site at Nos. 63 and 65. Planning Officers confirmed that the planning application would not affect those trees.

Members noted that Sevenoaks Town Council had recommended approval of the planning application and that the applicant was a Member of the Town Council.

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 felt the existing structure was noticeably out of keeping with the street scene because of its 1960s design and because it was so much smaller than neighbouring properties. The proposed development would be a significant improvement.

The motion was amended to add an informative that the applicant be asked to consider, in consultation with the Council's arboricultural officer, the case for some tree reduction to reduce the extent of tree cover. The Committee was concerned at the effect the tree coverage was having on the light amenity into No. 61 Brittain Lane. Some felt the trees had an unacceptable impact upon neighbouring amenity.

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The motion was put to the vote and there voted –

8 votes in favour of the motion

0 votes against the motion

Cllrs. Mrs. Parkin and Miss. Stack abstained from the vote.

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 first floor window(s) in the side elevation(s) shall be obscure glazed at all times and non openable.

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

3) The materials to be used in the construction of the development shall be those indicated on part 9 of the application form.

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

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

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

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

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

ii) Prior to the occupation of the development, that the development has achieved

a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in NPPF and Policy SP2 of the Core Strategy.

6) The development hereby permitted shall be carried out in accordance with the following approved plans: 404/A1/04-05-06

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

Informative

Members were concerned about the extent of tree cover and its impact on the neighbouring property, No. 61. The applicant is therefore asked to consider, in consultation with the Council's arboricultural officer, the case for some tree reduction to reduce the extent of tree cover.

(Cllr. Brookbank was not present for the consideration of the remaining item)

86. SE/13/01599/HOUSE - 4 Hillside Road, Kemsing TN15 6SG

Consideration of this application had been deferred from the meeting of the Committee held on 31 October 2013.

The application sought permission for the erection of a part two-storey, part single-storey side extension, two-storey and single-storey rear extension, single-storey front extension to include a front porch and a loft extension with 4 roof lights in the front roof slope and 3 roof lights in the rear.

The site was currently occupied by a semi-detached house located in Hillside Road within the settlement boundary of Kemsing. The existing property had a single-storey addition to the side and a detached garage which would be removed.

Officers considered that the extensions were sufficiently subservient and well articulated to be sympathetic to the character of the existing and neighbouring properties. The matching materials proposed and the appearance of the property to the front would retain the appearance of a two storey dwelling. The proposals would not result in any significant harm to neighbouring amenities. Additional parking provision could be secured through means of a condition.

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

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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 raised concern that the proposed development to the rear could be overbearing upon the amenities of the residents to No. 2 Hillside Road. It was noted the current occupants were related to the applicant but the concern was for future owners.

It was felt the development would be in keeping with the street scene.

The motion 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 development hereby permitted shall be carried out in accordance with the following approved plans 2013/35 and proposed rear and front elevation drawing date stamped received 10.10.13.

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

3) 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 building and the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) The development hereby permitted shall not be used or occupied until details have been submitted to and approved in writing by the Council showing adequate provision for the parking of 2 vehicles on a permeable surface within the front of the site. The parking shall be provided in accordance with the approved details and retained for parking purposes in association with the dwelling at all times.

To ensure adequate provision for off road parking in accordance with policy VP1 of the Sevenoaks Local Plan.

THE MEETING WAS CONCLUDED AT 10.26 PM

CHAIRMAN



4.1 - SE/13/02054/FUL Date expired 17 September 2013

PROPOSAL: Erection of a four bedroom detached chalet bungalow, providing for vehicular access to/from Ash Road. (Resubmission of SE/12/01339/FUL).

LOCATION: Joh San, Ash Road, Hartley DA3 8EY

WARD(S): Hartley & Hodsoll Street

**ITEM FOR DECISION**

This application has been referred to the Development Control Committee by Councillor Abraham and Councillor Ramsay who are concerned about the impact of the proposed development upon the street scene and the amenities of adjacent residents.

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

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

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

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

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

3) No development shall take place until full details of both hard and soft landscaping have been submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Proposed finished levels or contours; Hard surfacing materials; Planting plans; Boundary Treatments; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

4) The proposals for landscaping shown on the approved layout shall be implemented prior to the first occupation of the dwelling hereby approved or such other date as may be agreed in writing by the Local Planning Authority. The approved landscaping works shall thereafter be retained in accordance with the approved layout for a period of 5 years. Any trees or plants which, within this 5 year period, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced in the next planting season with others of same species, size and number as originally approved, unless the Local Planning Authority gives written

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consent to any variation.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

5) Prior to any permanent closure of the eastern vehicular access and commencement of the use of the western vehicular access as shown on approved plan no. PL/002 Rev. B, full details of the restoration of the land relating to the closure of the eastern vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The restoration of the land shall be implemented in full within three months of the first use of the western vehicular access and maintained in accordance with the approved details.

To safeguard the amenities of the area in accordance with policy EN1 of the Local Plan.

6) The dwelling shall achieve Level three of the Code for Sustainable Homes. No dwelling shall be occupied until evidence shall be provided to the Local Authority showing that a final Code Certificate has been issued for it certifying that Code Level three has been achieved or alternative as agreed in writing by the Local Planning Authority.

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

7) No development shall take place until full details of a scheme of Biodiversity enhancement has been submitted to and approved by the local planning authority. The approved details shall be implemented in full and maintained thereafter.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity, in accordance with Policy SP11 of the Core Strategy and guidance in National Planning Policy Framework 2012.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Classes A, B, C of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

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

9) Demolition or construction works shall not take place outside 0700 hours to 1800 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

To prevent disturbance to nearby residential properties in accordance with Policy EN1 of the Local Plan

10) The development hereby permitted shall be carried out in accordance with the following approved plans: PL/001 Rev. A and PL/002 Rev. B

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

### **Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.
- 2) Was updated on the progress of the planning application.
- 3) Was updated of small scale issues which arose during the process of the application and was given time to address it.

### Description of Proposal

- 1 The application site forms part of a large garden relating to an existing three bed bungalow that front onto Ash Road. To the western boundary of the site is a small strip of land that fronts onto Chantry Avenue. Between the rear elevation of Joh San and the western boundary of the site, it is proposed to sub-divide the plot and proposed to erect a 4 bed chalet bungalow.
- 2 To facilitate the scheme, it is proposed to demolish part of an existing single storey extension of Joh San and create a new vehicular access from Ash Road. This access has already been established in principle by appeal reference: APP/G2245/A/11/2144345.
- 3 This application is an amended scheme to what had been allowed on appeal under reference SE/10/01686 (see Appendix 1). The main difference with the scheme is the change to the overall design of the dwelling and the formation of a new access to the frontage of Joh San to afford improved visibility splays from a new access onto a classified road and the prospect of a new vehicular access

## Agenda Item 4.1

from Chantry Avenue should the strip of land adjacent the western boundary becomes available.

- 4 The scale of the proposed dwelling has been designed in response to the styles of dwellings within the area, by allowing the insertion of half gables to step the scale up and down in response to the existing built form adjacent the site. In addition, first floor accommodation has been contained within the roof line by lifting the eaves line and inserting roof light windows, the benefit of which has been to allow for no dormer projections retaining the characteristics of a bungalow, similar to the previously approved scheme.

### Description of Site

- 5 This application relates to a residential property within Hartley village envelope. Within the site is a detached bungalow set within a modest sized plot that approximately measures 0.167ha. The plot is bounded to the east by Ash Road and to the north west by a cul-de-sac off Chantry Avenue. There is a modest sized area of garden between the dwelling and the cul-de-sac.
- 6 The existing dwelling is set back from the road and benefits from various boundary treatments found along the northern, southern and western boundaries. The site is surrounded by residential development of a mixture of different dwelling types, scale of built form and architectural styles.
- 7 There is an existing access to the property from Ash road onto a hardstanding area to the front that is capable of accommodating up to four or more cars.

### Constraints

- 8 Area of Special Advertisement Control

### Policies

#### *Sevenoaks District Local Plan*

- 9 Policies – EN1, VP1

#### *Sevenoaks Core Strategy*

- 10 Policies – SP1, SP2, SP3, SP5, SP7, SP11, L01, L07

#### *Other*

- 11 National Planning Policy Framework: 50, 53, 56, 60, 61, 63, 64, 118
- 12 Hartley Village Design Statement 2008

### Planning History

- 13 12/01339 - The erection of a four/five bedroom detached dwelling in south end of the garden and creation of new vehicular access to Ash Road - REFUSED  
  
10/01686 - Erection of a detached two bedroom bungalow in rear garden of dwelling – REFUSED (Allowed at Appeal – See Appendix 1)

09/00813 - Erection of a detached two bedroom bungalow in rear garden of dwelling - REFUSED

Consultations

*Parish / Town Council*

14 Hartley Parish Council –Raises objections on the following grounds:

*“1) The proposal conflicts with the conclusions set out in the Planning Inspector's report under appeal reference APP/G2245/A/11/2144345, in particular the height and bulk of the proposed dwelling which would result in an unacceptable effect on the privacy and amenities of neighbouring properties;*

*2) The proposed dwelling, because of its scale, bulk and design would result in a building out of character with the area because of its prominence, scale and bulk. This conflicts with policy EN1 of the Sevenoaks District Local Plan, Policies SP1, and LO7 of the adopted core strategy*

*KCC Highways*

15 No objection raised.

Representations

16 6 neighbour representations received, objecting on the following grounds:

- Loss of light and privacy;
- Out of character;
- Tandem Development;
- Out of character with rest of the street;
- Inappropriate development to the size of the plot;
- Ransom Strip would not be sold or transferred;
- Additional Highway generation and safety concerns;
- Additional noise generated from site.

**Chief Planning Officer's Appraisal**

17 The main planning issues in respect of this application relate to:

- Principle of the development;
- Impact upon the character and appearance of the area;
- Impact upon the existing residential amenity;
- Highways;
- Biodiversity;
- Sustainability;
- Other Issues.

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### *Principle of the development*

- 18 The NPPF has a general presumption in favour of sustainable development, whilst encouraging the delivery of homes of a high quality design and a good standard of amenity for all, whilst reusing previously developed land. Furthermore the site is within the built confines of Hartley where the principle for new development is acceptable.
- 19 The site forms part of the garden to Joh San. The National Planning Policy Framework (NPPF) does not include gardens in the definition of "previously developed land". Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude other land, such as gardens, from being developed, provided such development is in suitable locations and relates well to its surroundings.
- 20 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 L07, SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.
- 21 Currently the site is occupied by a detached bungalow. Core Strategy Policy L07, permits small scale development that is of the appropriate scale and nature of the village.
- 22 Upon considering the above, the principle of residential use of the site is acceptable subject to having an acceptable impact on the character of the area, the amenities of neighbouring occupiers, impact on highway conditions and an acceptable design, amongst other material planning considerations. The principle of a residential development is considered an acceptable and the most appropriate use of this parcel of land.
- 23 In terms of density, Policy SP7 of the Core Strategy sets a density of 30 dwellings per hectare for developments within rural settlements. This plot is approx. 0.167ha which according to the required densities could provide 5 dwellings. This proposal proposes 1 new unit and does not make efficient use of the land. However, due to the spatial/historic pattern of the development, the erection of one dwelling would not adversely impact upon the character and appearance of the area and compliments the prevailing spacious character of the road.

### *Impact on the landscape character of the area*

- 24 Policy EN1 of the Local Plan 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. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 25 The main visual impression of the development would be of the single-storey bungalow being Joh San when viewed from the front of the site. Slight glimpses of the new dwelling would be seen from this vantage point, however it is not consider that the introduction of an additional built form would cause detriment to the street scene when viewed from Ash Road.

- 26 The new chalet bungalow would be set-back from the adjacent cul-de-sac, forwards of the existing building line of the adjacent bungalows. The proposed dwelling would be sited in the widest part of the plot, which would allow for a generous amount of space around the new dwelling, on all sides, and sufficient space to enhance the scheme with landscaping and provide for a generous private garden area and parking area. In this context the proposal would not appear cramped or overdevelopment.
- 27 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.'* (paragraph 56)
- 28 The NPPF also states:
- "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."*(paragraph 60)
- 29 As previously mentioned, Chantry Avenue is characterised by dwellings of varied age, size and appearance. The building line is also varied and some buildings are more prominent than others are, due to existing topography, siting, scale, and landscaping. However in the main, dwellings do not dominate the street scene due to large plot sizes and surrounding landscaping.
- 30 Hartley Village Design statement has been adopted as supplementary planning guidance that provides information design guidance in a generalised format. Furthermore it makes reference to the potential impact of new development and aims to discourage buildings that are out of scale and character with the rural aspect of the area. The statement promotes the scale and proportions of new developments to be in keeping with their surroundings, to maintain space and landscaping, and to prevent oversized dwellings that are alien to their surroundings, and to promote the use of local materials.
- 31 It is considered that the scale of the building would be compatible with the scale and form of buildings found within the immediate locality, as most housing is of varied design and scale. The design, form and appearance of the proposed dwelling is considered to be appropriate and relates well to the local vernacular style and its proportions articulate well with the built form of the surrounding area. Overall it would not have an adverse impact on the character and appearance of the area to warrant an objection to the proposal on planning grounds.
- 32 It is recognised that the dwelling proposed would be larger in size than the formerly approved bungalow and sited in a different location (more towards Chantry Avenue). Although the frontage width and height of the building would be similar to other properties in the area, both old and new, sufficient gaps have been maintained between the proposed dwelling and the adjacent properties, approximately 3.5m to the common southern boundary and approximately 1m to the northern common boundary. Its layout would respect the existing pattern of development in the locality, where there are other examples nearby of buildings

## Agenda Item 4.1

with sufficient separation gaps between dwellings, unusual layouts and plots that are not uniform in size or shape.

33 The roofscape of the proposed development would sympathise with the general character of the area due to the layout of the plots and the varying heights of the roofs.

34 With regard of the siting of the dwelling, the development would not appear unduly prominent, within the existing cu-de-sac.

35 With regard to the design of the dwellings paragraph 60 of the NPPF states:

*“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. “*

36 The western elevation includes a large glazed area that serves the proposed landing/stairs. Given the variety of architecture found within the road, it is not considered, that this development, in isolation could be deemed to be unacceptable and would not appear out of context.

37 Overall, it is considered that the proposed dwelling has been designed in such a way as to minimise its bulk within its current context. It has been designed to have its own individual appearance, whilst respecting the linear pattern and scale of surrounding development. Details have been provided of the materials to be used in the external finish of the development picking the themes of local materials used within the locality. Their use would reinforce the character and identity of the area whilst maintaining a contemporary appearance. Given the variation in scale and design of houses in the road in general and the size of the plot, it is considered that a dwelling of this proportion can be accommodated without conflict with this policy or without conflict with the Village Design Statement.

38 It is considered that the proposed dwelling is of a design that sympathises with the character and appearance of the surrounding area. On this basis, this proposal would conform to policy EN1 of the Local Plan, policies SP1, LO1, and LO7 of the Core Strategy.

### *Impact upon existing residential amenity*

39 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development should 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.

40 In terms of residential amenity, with regard to loss of light and overshadowing issues, it is considered that the development would not detrimentally affect light into any adjacent property due the orientation and siting of the development in relation to the sun's path. Moreover, the proposed dwelling is sited behind the window line of No. 49 to remove any loss of light perceived to the windows on the flank elevation, however these windows are non-habitable.



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- 41 It is recognised that overlooking/loss of privacy could be an issue. After further consideration, due to the oblique views and the distance (more than 21m in places) between principal facing windows, of both Joh San, Galdana, it is considered that an objection on loss of privacy/overlooking grounds cannot be sustained. Furthermore, there are no first floor windows that have been added to the north and southern elevations of the proposed dwelling to detrimentally impact adjacent properties.
- 42 With regard to the impact of the development upon no. 49, due to the separation distance of approximately 6.4m between the proposed and the flank of the adjacent dwelling, it is not considered that the development would have an overbearing impact upon it.
- 43 Consideration has been given to the impact of the side access to the new dwelling however this access remains unchanged from the previously approved scheme that was approved by the Planning Inspectorate. As such the principle of the access is considered to be acceptable.
- 44 Overall, upon considering the third party representations and the comments made above, it is considered that that the development would not impact upon neighbouring amenities to an unacceptable degree. As such, the proposal would not be contrary to Policy EN1 of the Local Plan and Policy SP1 of the Core Strategy.

### *Biodiversity*

- 45 Para. 118 of the NPPF and Policy SP11 of the Core Strategy sets out that new development should maximise opportunities to build in features which are of benefit to biodiversity as part of good design. Proposals do not include a range of features designed to enhance the ecological value of the site, therefore it would be reasonable to request further details by condition to improve the ecological value of the site. By doing so would ensure that the scheme would accord with the advice of policy SP11 of the Core Strategy.

### *Sustainability*

- 46 Policy SP2 of the Core Strategy states the minimum Code for Sustainable Home (CSH) standard a new dwelling should achieve. At present the code standard requires a code 3 standard.
- 47 The (CSH) guidance states how a home can achieve a sustainability rating for one to six depending on the extent to which it has achieved Code standards. No information has been provided to what extent the current proposal would demonstrate the likely CSH level it will achieve. As such it would be reasonable to attach a condition requesting further information to ensure that the development complies with Policy SP2 of the Core Strategy.

### *Highways*

- 48 The proposal shows two vehicular accesses into the site. It is proposed to create a new eastern access to the site should a strip land to adjacent to the western boundary not become available to the occupants. The creation of a new access to the west boundary of the site is the preferred option; however this strip of land is under different ownership. It is clear from the representations made, that this parcel of land would not be available in the foreseeable future. Therefore the

## Agenda Item 4.1

scheme has taken this into account, hence the creation of a new access to the eastern end of the site, to which the principle of such an access has already been established under planning reference SE/10/01686 allowed at appeal. In the event that the western access would become available, it would be reasonable to attach a condition requesting a scheme of restoration of the land to be submitted.

- 49 The proposal will create off-street parking provision for 3-4 cars with a turning area that accords with policy VP1 of the Local Plan.
- 50 KCC Highways Officer raises no objection to this proposal.
- 51 Overall, it is considered that the proposed access and parking scheme would accord to Policies EN1 and VP1 of the Local Plan.

### *Affordable Housing*

- 52 Policy SP3 of the Core Strategy requires a financial contribution to be made towards improving affordable housing provision off-site where residential developments of less than five units would involve a net gain in the number of units. The policy indicates that for residential developments of this size a financial contribution based on the equivalent of 10% affordable housing would be required.
- 53 In a residential development of this size, Policy SP3 expects a financial contribution towards improving affordable housing provision off-site.
- 54 The applicant has submitted an economic viability assessment that states the additional requirement to pay an off-site affordable housing contribution of £18,963 would make the development unviable. This viability statement has been independently verified by Adams Integra who conclude that with the additional burden of cost imposed by the off-site affordable housing contribution, the development would be unviable. Therefore in accordance within the Council's Affordable Housing SPD, as it can be demonstrated that the development would be unviable, a request for an off-site affordable housing contribution would be unreasonable in this instance.

### *Access issues*

- 55 There are no adverse access issues associated with this proposal.

### Other issues

- 56 The comments raised by the third parties and Parish Council have been taken into consideration.
- 57 It is noted that the site is within a populated area surrounded by residential properties. Therefore it would be appropriate to impose a condition restricting construction hours to ensure the development would not detrimentally affect the amenities of neighbouring occupiers at unreasonable times from construction activities in accordance with Policy EN1 of the Local Plan.

**Conclusion**

58 On considering the above, it is recommended that this application should be approved as it conforms to the relevant Development Plan policies and there are no other overriding material considerations to suggest otherwise.

**Background Papers**

Site and Block plans

Contact Officer(s): Sean Mitchell Extension: 7349

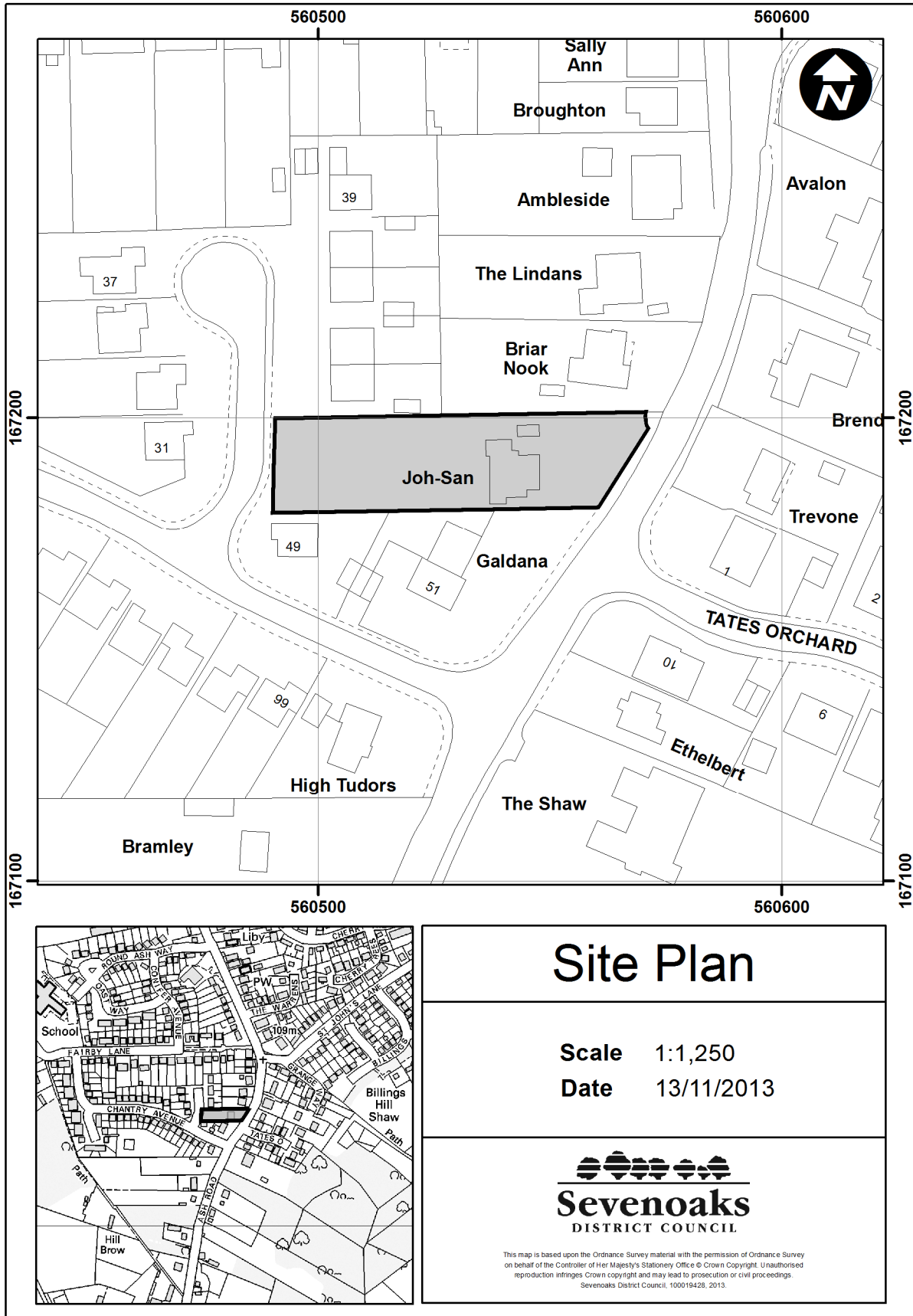
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

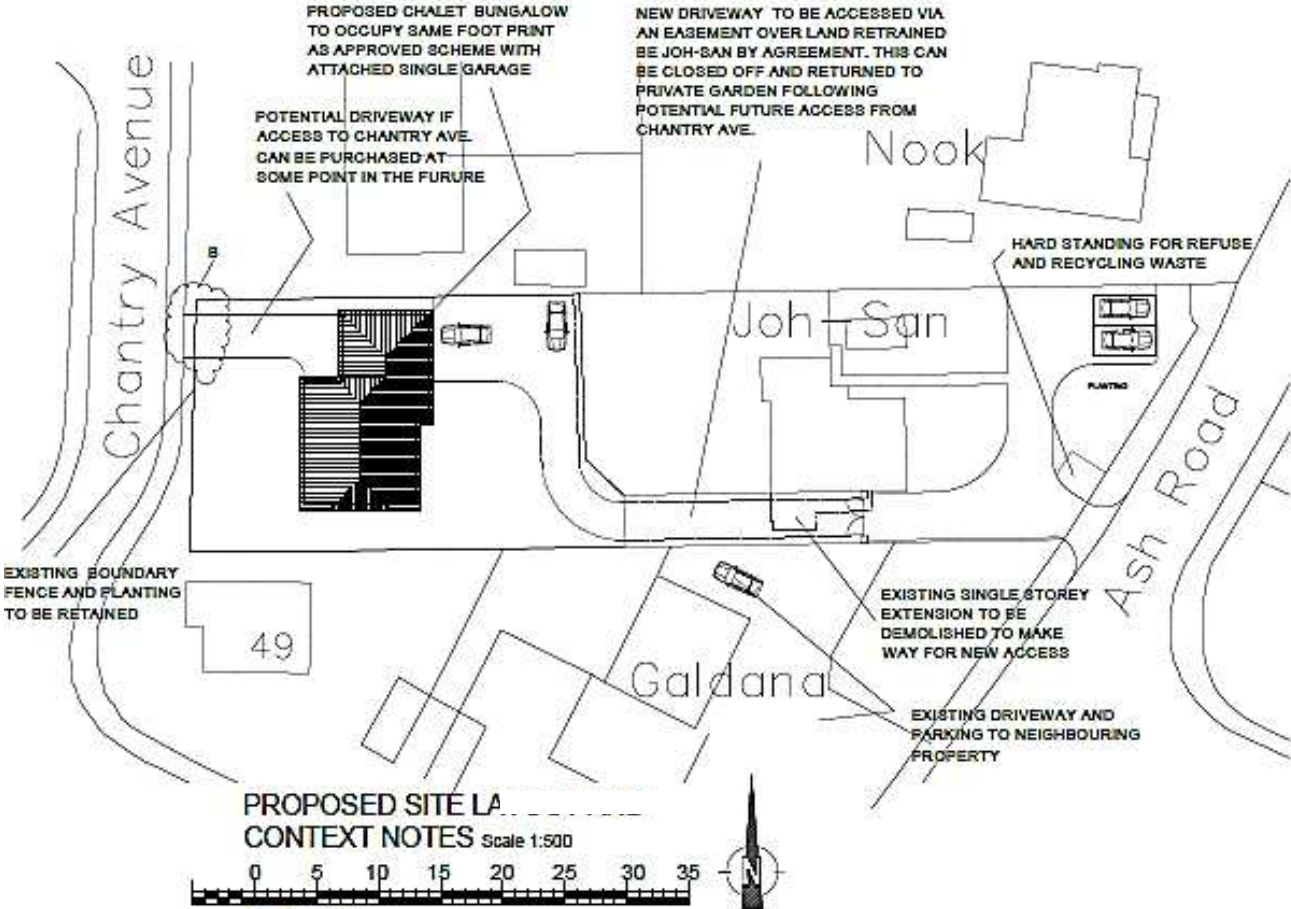
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MPQ5L5BK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MPQ5L5BK0L000>



**BLOCK PLAN**





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## Appeal Decision

Site visit made on 15 April 2011

**by Simon Poole BA(Hons) DipArch MPhil MRTPI**

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

**Decision date: 18 May 2011**

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**Appeal Ref: APP/G2245/A/11/2144345**  
**Joh San, Ash Road, Hartley, Kent DA3 8EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Dianne Bennet against the decision of Sevenoaks District Council.
  - The application Ref SE/10/01686/FUL, dated 3 June 2010, was refused by notice dated 11 November 2010.
  - The development proposed is the erection of a two bedroom bungalow in the rear garden.
- 

### Decision

1. I allow the appeal and grant planning permission for the erection of a two bedroom bungalow in the rear garden of Joh San, Ash Road, Hartley, Kent DA3 8EY in accordance with the terms of the application, Ref SE/10/01686/FUL, dated 3 June 2010, subject to the conditions in the attached schedule.

### Main Issue

2. The main issue in this case is the effect of the proposal on highway safety, with particular regard to visibility on Ash Road.

### Reasons

3. The appeal property comprises a detached bungalow with a large rear garden situated in a residential area. It has an area of hard standing within the front garden which has the capacity to accommodate a number of cars. This area is accessed from Ash Road, a local distributor road with a 30mph speed limit, close to the site's northern boundary. Although visibility along Ash Road to the south from this point is satisfactory, to the north is it very poor due to the boundary hedge and a telegraph pole. The proposal would comprise the erection of a detached 2-bedroom bungalow and detached double garage within the rear garden together with the provision of 2 car parking spaces in front of the retained dwelling and the relocation of the vehicular access point to a position close to the southern boundary of the site.
  4. I recognise that the visibility splay to the north of the proposed access point would not accord with the technical guidance provided in Manual for Streets (2007) and Manual for Streets 2 (2010). However, the new vehicular access point would provide significantly better visibility than is currently the case and
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provide access to, and egress from, 2 small dwellings. On balance, I conclude that the effect of the slight increase in traffic movements due to the proposal would be outweighed by the improved visibility. I note that the re-location of the access point is not dependent on the appeal proposal and could be undertaken without the proposed additional dwelling. However I consider that this is unlikely to occur and therefore attribute limited weight to this matter.

5. For these reasons I conclude that the proposal would not have an unacceptable effect on highway safety for pedestrians and vehicle users of Ash Road. The proposal therefore accords with Criterion 10 of Policy EN1 of the Sevenoaks District Council Saved Local Plan Policies Compendium July 2008 (LP), which requires that development does not create unacceptable traffic conditions on the surrounding road network.

**Other Matters**

6. The Council adopted a Local Development Framework Core Strategy Development Plan Document on 22 February 2011 (CS). CS Policy SP3 states that the Council will expect the provision of affordable housing in all types of residential development. In respect of schemes comprising a net gain of less than 5 units a financial contribution based on the equivalent of 10% affordable housing is sought towards improving affordable housing provision off-site. However, as the Council has not adopted a Supplementary Planning Document to provide guidance on the delivery of this policy, and in particular, the arrangements for financial contributions, I attach limited weight to this matter.
7. As both the dwelling and detached garage would be single-storey with shallow-pitched roofs and no upper level windows I am satisfied that the proposal would not result in unacceptable effects on the privacy of neighbouring residents or daylight reaching their properties. In addition, as the proposal would be to the north of Galdena and 49 Chantry Avenue effects on sunlight reaching these properties would be minimal. Whilst the garage would be close to the boundary with Galdena, I do not consider that cars using the garage would lead to an unacceptable level of noise disturbance to adjoining residents. As both the existing and proposed dwellings would be small I am satisfied that the garden areas provided would be sufficient to meet the needs of future residents.
8. The proposed dwelling would be similar to the neighbouring bungalows to the north in Chantry Avenue in terms of its height, bulk, design, materials, main building lines and site coverage. It would be far smaller than the houses to the south and west and would be largely hidden from view from Ash Road. For the reasons set out above I am satisfied that the proposal would have an acceptable effect on the character and appearance of the surrounding area and on the living conditions of occupiers of nearby properties and future occupants of the development. It therefore complies with criteria 1, 3 and 5 of LP Policy EN1 and Policy CC6 of the South East Plan 2009 which promotes the creation of sustainable and distinctive communities.
9. Neighbouring residents have expressed concern that the proposed development would reduce the value of their properties. The government document, The Planning System: *General Principles*, indicates at paragraph 29 that the planning system does not exist to protect the private interests of one person

## Agenda Item 4.1

Appeal Decision APP/G2245/A/11/2144345

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against the activities of another. The basic question is not whether owners of neighbouring properties would experience financial loss from a particular development, but whether the proposal would unacceptably affect amenities which ought to be protected in the public interest.

### Conditions

10. I have considered the conditions suggested by the Council having regard to the advice in Circular 11/95 *The Use of Conditions in Planning Permissions*. I have adjusted their wording where necessary in the interests of clarity. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. In order to protect the character and appearance of the area conditions requiring the approval of materials and landscaping are imposed. In the interests of highway safety and sustainability conditions are also imposed to ensure that the development provides sufficient parking and achieves Code for Sustainable Homes Level 3.

### Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal succeeds.

*Simon Poole*

INSPECTOR

### SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the drawings SC/211/03/08/03A, SC/211/03/08/04 and SC/211/03/08/05.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until the parking spaces shown on the plans hereby approved have been completed and brought into use. Thereafter the parking spaces shall not be used for any purpose other than the parking of vehicles. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification), no development shall be carried out on the land reserved for parking of vehicles, or in a position which precludes access to that land, without the prior approval in writing of the local planning authority.



- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: proposed finished levels; hard surfacing materials; means of enclosure; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of planting (including species, sizes and numbers/densities); and timetables for implementation.
- 6) All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless otherwise agreed in writing by the local planning authority.
- 7) The dwelling shall achieve Level 3 of the Code for Sustainable Homes and shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

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4.2 - 13/02452/LBCALT Date expired 1 November 2013

PROPOSAL: Replace the existing single glazed timber sashes with double glazed timber sashes within the existing timber window frames.

LOCATION: Rashleigh , High Street, Brasted Westerham TN16 1JA

WARD(S): Brasted, Chevening And Sundridge

**ITEM FOR DECISION**

Councillor Firth wishes to refer this application, for the Development Control Committee to determine whether the external alterations suggested are in character or compatible with SDC Core Policy SP1, the NPPF and the PPS5 Practice Guide.

**RECOMMENDATION:** That listed building consent be REFUSED for the following reasons:-

The introduction of new double glazed windows would be seriously detrimental to the historic fabric and character of this grade II listed building. As such the works would be contrary to policy SP1 of the Sevenoaks District Core Strategy and Government advice in the form of the National Planning Policy Framework and the English Heritage Planning for the Historic Environment Practice Guide.

Description of Proposal:

- 1 Works are proposed to the existing Grade II listed building by replacing the existing single glazed timber sash windows with double glazed timber sashes within the existing timber framed windows.

Description of site:

- 2 Rashleigh is a two storey detached dwelling located on the southern side of Brasted High Street. Other dwellings within the High Street can be found and varied in their appearance, to which many of them are listed. Rashleigh is nineteenth century origins with a coach house to the rear.
- 3 The site is located within Brasted High Street Conservation Area, Area of Outstanding Natural Beauty (AONB) and Area of Archaeology Potential.

Constraints:

- 4 Area of Outstanding Natural Beauty;
- 5 Area of Archaeological Potential;
- 6 Area of Special Advertisement Control;
- 7 Grade II Listed building;
- 8 Brasted High Street Conservation Area

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### Policies:

#### *Sevenoaks District Local Plan*

9 Policy - EN1, EN23

#### *Sevenoaks District Core Strategy*

10 Policy - SP1, L07

#### *Other*

11 The National Planning Policy Framework paragraphs -14, 126, 129, 131

12 PPS5 Practice Guide – *(note - The references to PPS5 policies in the document are obviously now redundant, but the policies in the NPPF are very similar and the intent is the same, so the Practice Guide remains almost entirely relevant and useful in the application of the NPPF).*

### Relevant Planning History

13 04/00024/FUL Change of use of redundant workshop garage and storage area to residential unit – Refused (ALLOWED AT APPEAL)

04/02032/LBCALT Replacement door/window to listed building. New windows, door and fencing to building within curtilage of listed - Refused (ALLOWED AT APPEAL)

13/01482/LBCALT Erection of a single storey rear extension to provide a larger garage and a first floor rear extension to provide home office accommodation with an external staircase, chimney and rooflights to East and West elevations to the coach house within the curtilage of Rashleigh – REFUSED (AT APPEAL)

13/01482/FUL - Erection of a single storey rear extension to provide a larger garage and a first floor rear extension to provide home office accommodation with an external staircase, chimney and rooflights to East and West elevations to the coach house within the curtilage of Rashleigh - REFUSED (AT APPEAL)

### Consultations

#### *Brasted Parish Council*

14 Supports the application subject to approval by the Conservation Officer

#### *SDC Conservation Officer*

15 Raises objection as the replacement sashes together with the use of double glazed units would compromise that historic fabric of this listed building and detrimentally affect its historic character and appearance.

### Representations

16 None received.

**Chief Planning Officer's Services Appraisal**

Main considerations

- 17 The principle issue in this instance is whether the proposal conforms to section 12 of the National Planning Policy Framework (NPPF) and the impact of the proposed works upon the listed building and conservation area.
- 18 In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have regard to the preservation and enhancement of Listed Buildings. Therefore, the principal issue to consider in the determination of this application is the impact of the proposal on the character and integrity of the Listed Building.
- 19 Paragraph 126 of the NPPF describes heritage assets as '*an irreplaceable resource*' and states that they should be conserved in a '*manner appropriate to their significance*.'
- 20 Paragraph 129 of the NPPF identifies how, in decision making, local planning authorities should identify and assess the particular significance of any heritage asset affected by a proposal (including by development affecting the setting of a heritage asset) and utilise this assessment when considering the impact of a proposal on a heritage asset in order to avoid or minimise conflict between the conservation of the heritage asset and any aspect of the proposal.
- 21 Paragraph 131 indicates that in determining planning applications the Local Planning Authority (LPA) should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their 'conservation'. Paragraph 133 states quite clearly that "*where a proposed development will lead to substantial harm to, or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss*".
- 22 Further to the above, the Planning Policy Statement 5 Practice Guide states in paragraph 152 that: '*doors and windows are frequently key to the significance of the building*.' Change is therefore advisable only when the original is beyond repair, it minimises the loss of historic fabric and matches the original in detail. Paragraph 179, states that the historic fabric will always be an important part of the asset's significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration.
- 23 In addition to the above, at a local level policy SP1 of the Core Strategy states that the district's heritage assets including listed buildings and conservation areas will be protected and enhanced.
- 24 Rashleigh itself is a Grade II Listed Building fronting the High Street. It is proposed to replace all of the multi-paned sliding sash timber windows (excluding the frames) with new double glazed sashes.
- 25 The majority of these windows within the building are historic, which would mean loss of the original timber as well as the glass. Alterations to windows can have a significant impact on the special character of a building as an historic asset, as

## Agenda Item 4.2

evidenced in national policies and legislation. They are the most visible element of the design of a building's façade, and alterations, as proposed, would greatly modify the overall appearance of a building.

- 26 It is considered that the introduction of replacement windows that do not respect historic detail and are not an accurate reproduction, can devalue historic joinery. The introduction of double glazed panes increases the glass dimension from 2, 3 or 4mm (a single sheet) to at least 15mm (2 x 4mm panes of glass, plus a small air gap of 7 mm). By doing so, detailing of the windows are compromised, and the overall frame depth is also increased. This change in the external appearance of the windows would be obvious as the middle rail of the two sashes, is where the extra depth can be easily seen and changing the thickness of the glazing panels changes the historic appearance of the building to its detriment. Moreover, the change from single to double glazed panes would be noticeable from some distance away outside the building, by virtue of different reflective qualities of the double glazed units compared with single glazing. The non-traditional appearance of the windows would also be seen in short range views from inside and outside the building, when the seals and spaces within the double glazed units would be evident. This would detract from the historic character and appearance of this listed building.
- 27 The justification advanced by the applicants for the use of the glazing and replacement of the existing sashes to reduce the level of exposure of road noise within the dwelling and assist in energy efficiency gain is not considered to be an overriding factor to overcome the harm to the change in the buildings character and appearance.
- 28 As harm can be identified by the introduction of inappropriate glazing which neither preserves nor enhances the overall character and appearance of the listed building, the development would not comply with policy SP1 of the Core Strategy and the aims and objectives of preserving and enhancing heritage assets as set out the NPPF.
- 29 It is noted that this site is within the Brasted Conservation Area however the examination of the Conservation Area issues is for any forthcoming planning application to determine and in this instance, is not a relevant consideration.

### Other matters

- 30 The Conservation Officer objects to this application for reasons already set out in the preceding paragraphs.
- 31 It is noted that the property did have replacement windows to the rear of the listed building that were subject to an appeal in 2005, but these replacement windows were only single glazed unit not double glazed.
- 32 Members are reminded that other alternatives are available to the applicant. For example secondary glazing which is usually more appropriate than double glazing where the window itself is significant or the use of internal timber shutters. Both would have the same desired effect than the insertion of double glazed units. In addition, Part L of the Building Regulations that relates energy efficiency within buildings, makes historic buildings exempt from the requirements under this legislation.

**Conclusion**

33 As a consequence of the above, the proposal would fail to preserve and enhance the Listed Building in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), established development plan policy and national guidance.

**Background Papers**

Site and Block Plans

Contact Officer(s):

Sean Mitchell Extension: 7349

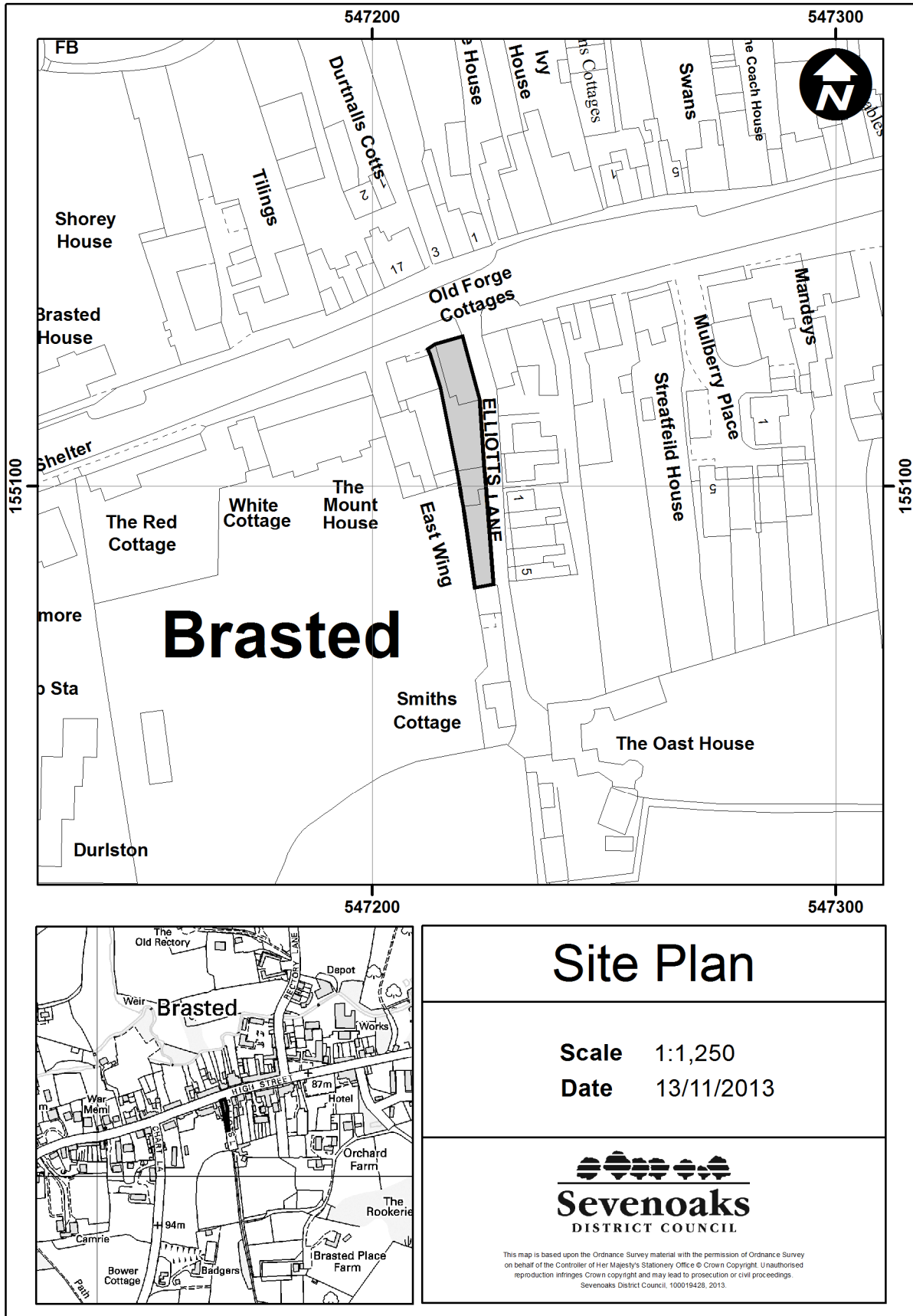
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MRGJGPBK8V000>

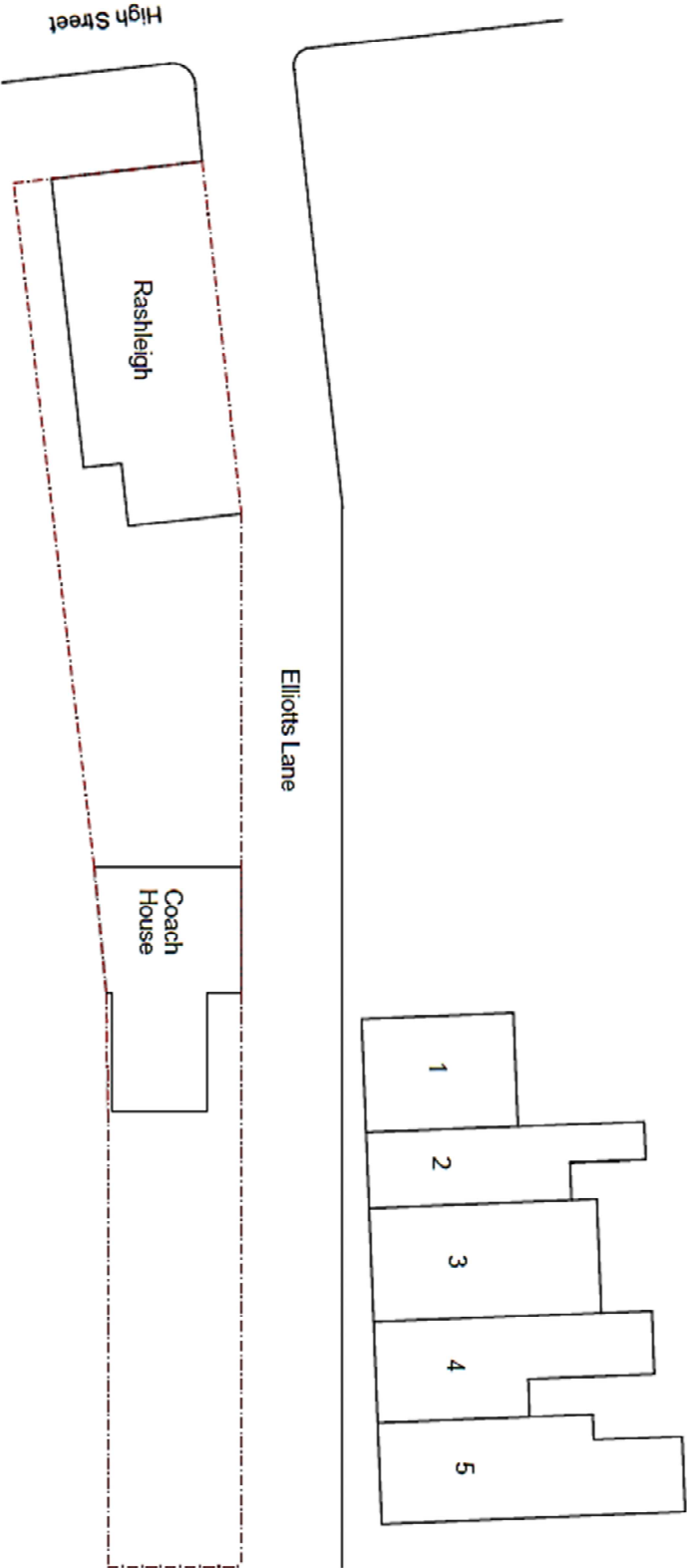
Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MRGJGPBK8V000>





**BLOCK PLAN**



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4.3 – SE/13/02523/FUL Date expired 4 November 2013

PROPOSAL: The creation of a new access, gate and hard surface (Retrospective).

LOCATION: Paddock South West of 7 Hotel And Diner, London Road, Badgers Mount, Halstead

WARD(S): Halstead, Knockholt & Badgers Mount

**ITEM FOR DECISION**

The application has been referred to Development Control Committee at the request of Councillor Williamson, to consider the effect on the rural landscape and the openness of the Green Belt.

**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: 133JR-PP-01, 133JR-PP-02, 133JR-PP-03, 133JR-PP-04

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

2) Within 3 months of the date of this decision the visibility splays shown on the approved 133JR-PP-03 shall be in accordance with the approved plans. Thereafter the visibility splays shall be maintained free from obstruction at all times.

In the interests of traffic safety.

3) Within 3 months of the date of this decision details of the proposed method of delivering the required hard surfaced access arrangement between the limit of the vehicle crossover and the site access gate should be submitted and approved in writing. The hardsurface shall be carried out in accordance with the approved details.

In the interests of traffic safety.

**Informatives**

1) Please note that the verge areas in front of the boundary hedge within which the required sight line splays are located are shown within KCC records to all be within highway land and therefore fall within KCC control with regard to future maintenance.

**Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may

## Agenda Item 4.3

arise in the processing of their application,

- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.aspx](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.aspx)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice and in light of the advice amended the application to address the issues.

### Description of Proposal

- 1 This is a retrospective application for the creation of a new access, gate and hard surface.
- 2 An opening in the existing hedge has been made, measuring 4 metres in width. A new surface has been laid to accommodate the new access. The surface that has been laid is type 1 crushed stone.
- 3 The gate has been erected approximately 4 metres into the site, measured from the middle of the hedge. The gate is a conventional 5 bar gate measuring 1.25 metres in height by 3.190 metres in width. From the hedge to the side of the gate new wooden fencing has been installed at a height of 1.330 metres.
- 4 The plans show the visibility splays that would be achieved.

### Description of Site

- 5 The application site relates to an irregular parcel of land located on the west side of London Road. Apart from the application proposal there is no existing access to the site which appears to have been created by subdividing a larger area of land. The site is located opposite the 7 Hotel and Diner.
- 6 The site is located in the Green Belt.

### Constraints

- 7 Metropolitan Green Belt
- 8 Opposite the AONB designation

Policies

*Sevenoaks District Local Plan*

9 Policy - EN1

*Sevenoaks Core Strategy*

10 Policies - SP1, LO8

*Other*

11 National Planning Policy Framework (NPPF)

Planning History

12 13/01362/FUL - Creation of a new access, gates and hard surface. WITHDRAWN  
19/07/2013

Consultations

*Kent Highway Services*

13 The proposed (retrospective) access has been assessed on site and is considered acceptable to serve a site of this nature in respect of general arrangement and sight line visibility subject to a suitable (i.e. hard paved) vehicle crossover being constructed to the requirements of KCC Highways and Transportation.

14 Note should also be made that the verge areas in front of the boundary hedge within which the required sight line splays are located are shown within our records to all be within highway land and therefore fall within our control with regard to future maintenance.

15 There are therefore no highway objections subject to the crossover works being progressed to our requirements as discussed.

*Additional comments have been received from the KCC Highways on the 11/11/2013*

16 The '2m surfaced strip' shown on the application drawing reflects the fact that the initial section of the access road adjacent to the carriageway is within highway land and as such, must be constructed to our required vehicle crossover specification (the 'bitumen surface course and binder course strip' note on the proposed layout drawing is not particularly helpful – it would have been better to have read 'new vehicle crossover with specification to be agreed with the Highway Authority').

17 I would therefore recommend a condition requiring the applicant to deliver this vehicle crossover to Highway Authority requirements.

18 Whilst I did not specifically advise of the need for a hard paved surface beyond the limit of the vehicle crossover, in retrospect, there would probably be merit in securing such a surface up to the location of the entrance gates which would therefore result in a paved surface being secured for the first 8m or so of the access. Beyond the 2m width vehicle crossover the specification of the paving up to its limit at the entrance gate would not need to be adoptable

## Agenda Item 4.3

highway standard as its purpose would be more related to preventing the spread of loose material onto the road than of a structural nature and so the applicant's method of 'bitumen surface course and binder strip' (as indicated on their drawing for the crossover) would probably be adequate. However, to best ensure that we secure an appropriate detail in that respect, a further condition requiring the applicant to submit details of the proposed method of delivering the required hard surfaced access arrangement between the limit of the vehicle crossover and the site access gate could be beneficial.

*The Tree Officer has made the following comments:-*

19 As long as no further hedging is required to be removed, I have no objections.

*Parish/Town Council*

20 The Parish Council OBJECTS to this planning application.

21 Council still has concerns regarding the creation of this new access onto the busy A224 even though the sight lines have been cut back slightly. Council also believes the hedge should be reinstated.

### Representations

22 None received.

### **Chief Planning Officer's Appraisal**

23 Determining issues

- Impact on the Green Belt
- Impact on the streetscene
- Impact on the amenities of adjacent properties
- Highway Issues
- Whether the very special circumstances clearly outweigh the harm to the Green Belt.

### *Impact on the Green Belt*

24 The site the subject of this application is located in the Green Belt, therefore the overriding consideration in the determination of this planning application is whether the proposal complies with the relevant policy criteria regarding development within the Green Belt.

25 Government advice contained in the National Planning Policy Framework (NPPF) states that there is a general presumption against inappropriate development within the Green Belt. The NPPF makes clear that the most important attribute of Green Belts is their openness and that inappropriate development, by definition, is development that is harmful to the Green Belt because it detracts from its openness. The NPPF advises that, such development should not be approved, except in very special circumstances and that very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green

## Agenda Item 4.3

Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

26 Paragraph 79 of the NPPF states that “The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

27 As stated above this application seeks permission for three different elements, which include gates, fence and a hard surface. In terms of the impact on the Green Belt, I will address the gate and fence separately from the hardstanding area.

*Whether the gate and fence is appropriate in the Green Belt:-*

28 In assessing whether the gate and fence proposal constitutes inappropriate or appropriate development in the Green Belt, it is necessary to look at paragraph 89 of the NPPF. This document states that 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.

29 The Framework advises that inappropriate development is, by definition, harmful to the Green Belt, and the construction of new buildings is inappropriate subject to certain exceptions.

30 The term “building” includes any structure or erection, and would therefore include fencing and gates. The application states that the works are for agricultural use, but there is no agricultural activity on the site at present. It is therefore being treated as inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt, and conflicts with the aims of the NPPF.

## Agenda Item 4.3

*Whether the hardsurfacing is appropriate in the Green Belt:-*

- 31 In assessing whether the hardsurfacing proposal constitutes inappropriate or appropriate development in the Green Belt, it is necessary to look at paragraph 90 of the NPPF. This paragraph states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:
- mineral extraction;
  - engineering operations;
  - local transport infrastructure which can demonstrate a requirement for a Green Belt location;
  - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
  - development brought forward under a Community Right to Build Order.
- 32 The proposed hard surface is considered to constitute an engineering operation. In view of this, the test is to establish whether this engineering operation would have a detrimental impact on the openness of the Green Belt.
- 33 In terms of the proposal, it is considered that the development does not require any significant changes to the existing ground levels at the site. In addition to this the area to be hardsurfaced is also considered to be relatively modest in size and scale. In view of the above, it is considered that its intrusion into the openness of the countryside/Green Belt is limited. This element of the proposal therefore complies with the advice and guidance in the NPPF and is therefore considered to be appropriate development in the Green Belt.
- Impact on Openness of the Green Belt*
- 34 The NPPF makes clear that the essential characteristics of the Green Belt are their openness and permanence. Openness is not reliant upon degree of visibility but upon an absence of built development.
- 35 As stated above, the proposed design and materials of the development are considered acceptable and appropriate to the sites rural location. The proposed area of hard standing is relatively modest and the gate and fence will be set back within the site. The gates and fence is modest in size, limited in extent, made of metal/ timber and designed to be relatively open in appearance.
- 36 In terms of impact on openness, the gate and the fence is a relatively light-weight structure and is designed to be open and to allow clear views through. Thus, it is considered that it would a negligible impact on the openness of the Green Belt.
- 37 As such, it is considered that the proposal will remain relatively unobtrusive and would preserve the open character of the site and rural character and appearance of the surrounding area in accordance with the aforementioned policy criteria.



### *Very Special Circumstances*

- 38 An assessment of whether very special circumstances exist and whether they clearly outweigh the harm in principle to the Green Belt and any other harm, will be made later in this report, once all of the potential areas of harm have been considered and assessed.

### *Visual Impact*

- 39 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.' (paragraph 56).
- 40 Policy LO8 of the Core Strategy requires development to respect the countryside by having no detrimental impact upon the quality of the landscape character.
- 41 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'.
- 42 The site is not immediately seen in the context of other residential development as it is located outside the village of Badgers Mount. The gates and fence are modest in size, limited in extent, made of metal/ timber and designed to be relatively open in appearance.
- 43 Views of the gates are actually quite limited. Though clearly visible head-on, viewed from a short distance from the north west or south east, because of the set-back of the gates, they are not visible in the street scene. The proposal has involved cutting back the hedging along the boundary of the site, by 4 metres, to create the opening. The Tree Officer has advised that as long as no further hedging is required to be removed, there are no objections in terms of the loss of hedging to create the opening.
- 44 The proposed hardstanding that has been erected is also considered to have limited impact on the character and appearance of the area and would not therefore warrant an objection.
- 45 In the circumstances, it is my view that the gates will have an acceptable appearance on the character and appearance of the area bearing in mind their relatively sensitive semi-rural location.

### *Impact on Amenities*

- 46 In relation to policy EN1 of the Local Plan, the proposal is not considered to adversely impact upon the amenities of neighbours by way of form, scale, outlook, noise, light intrusion or activity levels.
- 47 Given the distance from neighbouring properties it is not considered that the proposal would have an adverse impact on the amenities of neighbouring properties to warrant an objection.

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### *Highways*

- 48 Policy **EN1** of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. **Criteria 10** states that the proposed development does not create unacceptable traffic conditions on the surrounding road network.
- 49 KCC highways have advised that the proposed (retrospective) access is considered acceptable to serve the site they are happy that the visibility splays can be achieved and a condition is proposed to ensure that these are maintained and achieved.
- 50 In addition to the above, the Highway Officer has also advised that the '2m surfaced strip' shown on the application drawing reflects the fact that the initial section of the access road adjacent to the carriageway is within highway land and as such, must be constructed to KCC required vehicle crossover specification.
- 51 KCC highways have also confirmed that it would be advisable to seek details of the hard paved surface beyond the limit of the vehicle crossover, (up to the location of the entrance gates). They have advised that beyond the 2m width vehicle crossover, the specification would not need to be to adoptable highway standard as its purpose would be more related to preventing the spread of loose material onto the road than of a structural nature and so the applicant's method of 'bitumen surface course and binder strip' (as indicated on their drawing for the crossover) would probably be adequate.
- 52 In view of these comments I am seeking a condition requiring the applicant to submit details of the proposed method of delivering the required hard surfaced access arrangement between the limit of the vehicle crossover and the site access gate could be beneficial.
- 53 In view of the fact that KCC highways have raised no objection to the development, I consider that proposal is acceptable in terms of highway safety.

### *Very Special Circumstances*

- 54 The 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. I note that the framework also supports the creation of safe environments, and Local Plan policy EN1 encourages measures to deter crime.
- 55 Whilst no case of very special circumstances has been made formally, the proposed gates, fence and hardstanding will have no adverse impact on the openness of the Green Belt and the need to access the site, due to their design and materials, which allow views through.
- 56 Seen in the context of the site as a whole, I consider the proposed gates represent a low-key form of development that would provide access to this site whilst maintaining the openness and the visual character of the area. Given the above case, I consider that there are very special circumstances, which clearly outweigh the harm to the Green Belt.

Other Issues

- 57 An issue has been raised that the proposed access will be used to access an outbuilding that has been erected within the field. An enforcement investigation is on going. It is important to highlight that the access is the only issue to be considered here, and that any other outstanding planning issues will be addressed through enforcement investigation.

**Conclusion**

- 58 In summary, I consider the key objection to the gates and fence is that they constitute inappropriate development in principle. However, I do not consider there to be additional harm by virtue of the impact on the openness of the Green Belt or the character of the area, or highway conditions.
- 59 In light of the above, I consider the very special circumstances set out above to be sufficient to outweigh the harm in principle to the Green Belt.

**Background Papers**

Site and Block plans

Contact Officer(s): Vicky Swift Extension: 7448

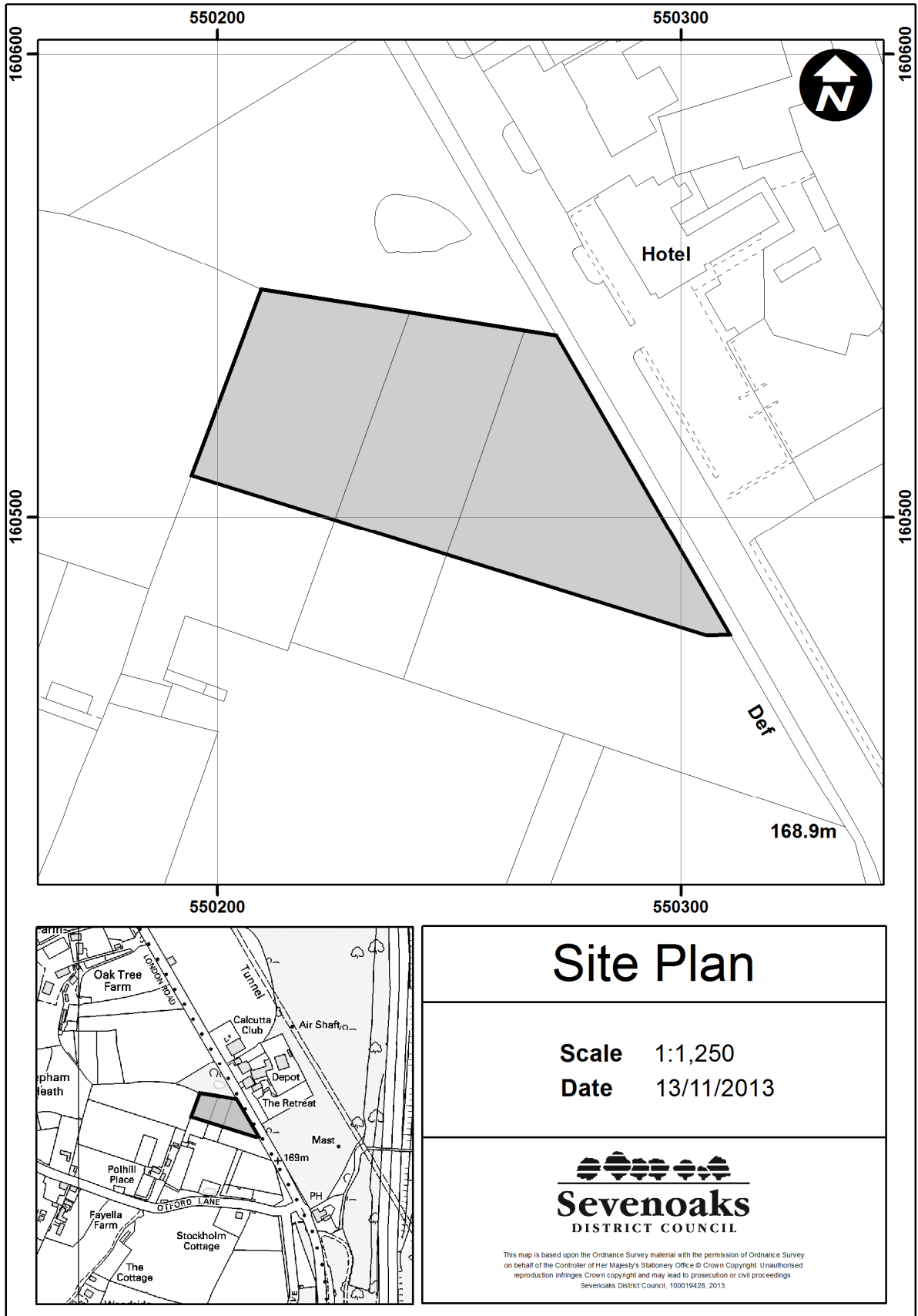
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

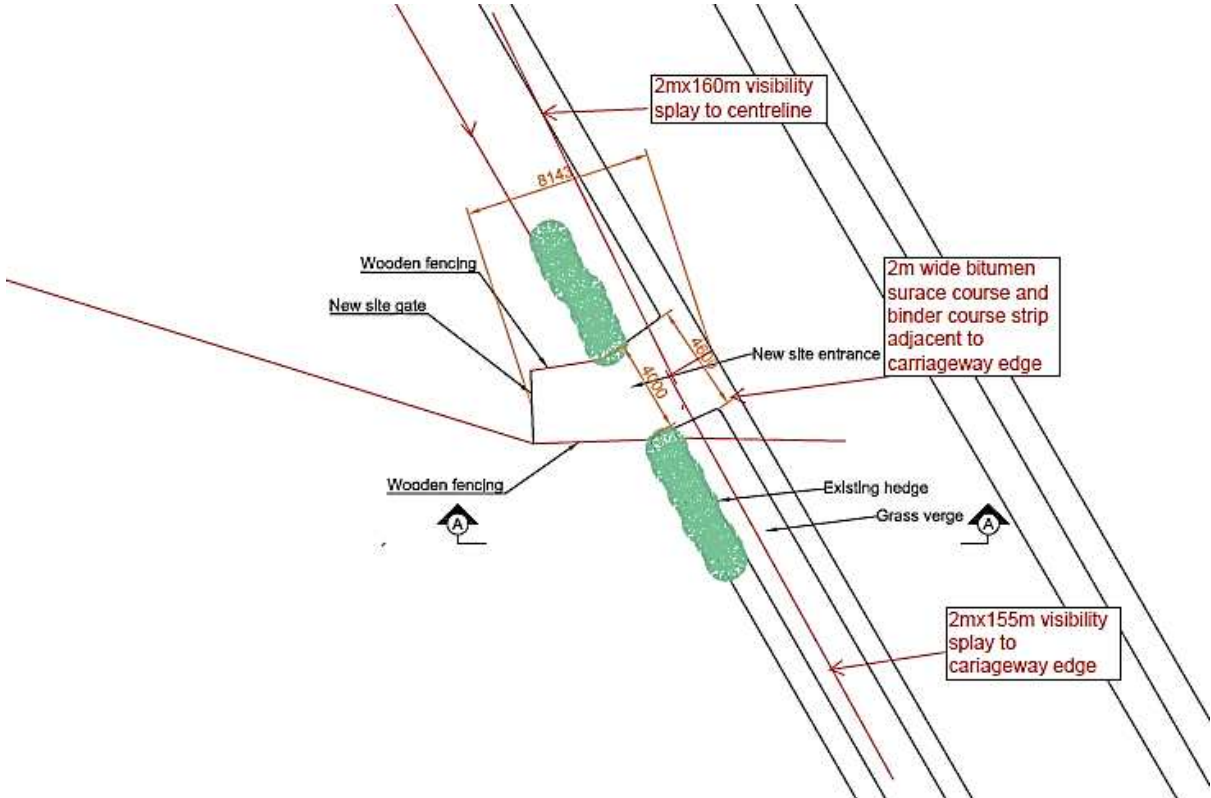
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MRVCTFBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MRVCTFBK8V000>



**BLOCK PLAN**



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4.4- SE/13/01950/HOUSE Date expired 1 November 2013

PROPOSAL: Erection of single storey side extension to existing garage, with the formation of a balcony above the proposed extension on the first floor, existing hipped ends of garage roof changed to gable ends, changes to external fenestration and re-cladding of the garage.

LOCATION: Homefield Coach House , Blueberry Lane, Knockholt Sevenoaks TN14 7LL

WARD(S): Halstead, Knockholt & Badgers Mount

**ITEM FOR DECISION**

The application has been referred to Development Control Committee Councillor Williamson to consider whether the proposal complies with Green Belt policy and whether there are very special circumstances advanced which are not easily repeatable on other sites.

**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 be as specified on the drawings hereby approved.

To ensure that the appearance of the development is in harmony with the existing character of the building 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: Drawings 001 P1, 004, P3 and 024 P2.

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

4) No development shall take place until details of a screen to the north elevation of the balcony hereby permitted have been submitted to and approved in writing by the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further modifications to the balcony or balcony screens shall be made without the express prior written approval of the local planning authority.

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

## Agenda Item 4.4

### **Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### Description of Proposal

- 1 The proposals seek the erection of a single storey, flat roof side extension to the existing garage, with the formation of a balcony above the proposed extension on the first floor, accessible via new French windows. It is also proposed to convert the existing half-hipped ends of garage roof to gable ends. Changes to external fenestration is proposed together with the re-cladding of the garage in shiplap timber weather boarding under a new natural slate roof.

### Description of Site

- 2 The site accommodates a large detached dwelling, with a number of large outbuildings, located on the western side of Blueberry Lane.

### Constraints

- 3 Green Belt.



### Policies

#### *Sevenoaks District Local Plan*

4 Policies - EN1, H6B and H14A.

#### *Sevenoaks Core Strategy:*

5 Policies SP1 and L08.

### Planning History

6 SE/87/01050: Alterations, conversion and use of derelict building as residential dwelling. Granted 1987. (Implemented)

SE/99/0633: Convert garage to living room with bedroom suite over, form new entrance hall & staircase. Demolish old stables, outbuildings & greenhouse; build new wall and greenhouse. Brick up disused entrance. *Granted 1999.* (Implemented – included a new garage with accommodation within the roof as replacement for stables).

10/03188/FUL: Demolition of porch and alterations to front elevation. Erection of single storey extension to replace porch and erection of 2 no two-storey extensions to hall and living room. Demolition of 'cubby' and single storey extension to rear and erection of 2 no replacement single storey extensions, one with roof lantern. Demolition of single storey side extension and erection of a chimney stack. Alterations to roof in central hall, doors and fenestration. Internal alterations to rationalise plan. Demolition of existing 1999 erected detached garage and erection of replacement garage. Part demolition of external storage building. Creation of an external swimming pool. *Granted 19.1.11.* (Commenced but superseded by application below)

12/02136/HOUSE: Revised scheme to that previously approved under reference SE/10/03188/FUL. Demolition of porch and hall, alterations to front elevation. Erection of single storey draft lobby to replace porch and erection of 2no. two-storey extensions to living room and replacement hall. Erection of 2no. single storey extensions, one with roof lantern. Demolition of single storey side extension and erection of a chimney stack. Alterations to roof in central hall, doors and fenestration. Demolition of existing detached garage to facilitate the erection of replacement garage. Part demolition of existing storage building. Erection of an external swimming pool. *Granted 12.10.2012* (Implemented and supersedes SE/10/03188/HOUSE).

It should be noted that the proposals relating to the garage remained as approved under the previous permission.

This development as far as it relates to the house extensions is currently under construction. However, the garage as constructed under the 1999 permission above remains in situ, although it does appear that at the time of writing this report the extensions for which permission are sought are in the process of being carried out.

SE/12/03172/HOUSE: Erection of single storey side extension to existing garage, with the formation of a balcony above the proposed extension on the first floor. The formation of three dormer windows to the front elevation of the garage,

## Agenda Item 4.4

existing hipped ends of garage roof changed to gable ends and re-cladding of the garage. Withdrawn prior to determination 1.2.2013.

### Consultations

*Knockholt Parish Council:*

- 7 Objection - This Council is forced to say 'enough is enough'. We would invite you to revisit the original application many years ago, when the area of various horticultural outbuildings were allowed in the overall calculations. We are now seeing a situation where the areas of some of those outbuildings are being reused for their effective retention. The original proposal to demolish the bulky garage appears to have been abandoned and the bulk has been increased with the conversion to gable ends.

### Representations

- 8 None received.

### **Chief Planning Officer's Appraisal**

#### Background:

- 9 The history of the site is complicated by the amendments to the recent permissions and I consider a brief outline of the history would be useful for the purposes of setting the scene.
- 10 It is clear that the origins of the existing single dwelling house on the site comes from the conversion of the original building, which comprises "L" shaped stables with residential accommodation above.
- 11 Following conversion to a single family dwelling, the building was extended (1999 permission), with further outbuildings converted and extended (including at first floor level), with outbuildings and a stable block demolished with a new garage erected in its place. These works were calculated as representing a 46% increase in floor area over the dwelling as comprised the original conversion (original @500m<sup>2</sup> + extension @ 232m<sup>2</sup>).
- 12 The garage was calculated as having a proposed ground floor area of 58.28m<sup>2</sup>, but because of the height it included approximately 33m<sup>2</sup> at 1<sup>st</sup> floor level within the roof. The 1999 garage as actually constructed and now in situ appears to be slightly larger than approved (65m<sup>2</sup> at ground and approximately 39m<sup>2</sup> useable space above 1.5m height within the roof). The stables replaced by the garage had a floor area of 69m<sup>2</sup> and were single storey of considerably lower height, with no 1<sup>st</sup> floor accommodation.
- 13 The 2010 permission allowed for further alterations and extensions. The extensions to the dwellings, when added to the previous additions, represented a 50% increase over the floor area of the dwelling the subject of the original conversion. As part of this permission it was also proposed to replace the existing garage by one with a footprint of 85m<sup>2</sup>, but considerably lower height. It would be sited at 90° to the existing garage and would partially occupy the same footprint. As part of this element of the proposals approximately 12.5m<sup>2</sup> of an adjacent outbuilding was to be demolished as a "trade-off".

## Agenda Item 4.4

- 14 The 2013 application sought to retain the existing garage in situ, but with a 10m<sup>2</sup> extension at ground floor, the addition of 3 roof dormers and the conversion of the half-hipped roof to full gables. This application was withdrawn as a result of officers raising concerns regarding the potentially harmful impact on the openness of the Green Belt. The current application is variation on the previous submission, but now omits the roof dormers and a window to the front elevation.
- 15 In summary, the garage built following permission in 1999 remains in situ. The planning permissions recently granted in 2010 and 2012 permit a replacement single storey garage with a greater footprint but smaller total floor area (i.e. no accommodation within the roof).
- 16 The current application for an extension to the existing garage should be seen as an alternative to the approved proposal for a replacement.

### Principal Issues

#### *Green Belt Implications:*

- 17 Current Government advice, in the form of the National Planning Policy Framework, supports the protection of the Green Belts and seeks to restrict development.
- 18 Paragraph 79 of the NPPF states that “The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”
- 19 The advice continues to state that 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. The construction of new buildings inside the Green Belt is inappropriate unless, amongst other things, it is for 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 (my emphasis).
- 20 The advice explains that inappropriate development is, by definition, harmful to the Green Belt. Very Special Circumstances to justify inappropriate development will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 21 There is no local policy support for extensions to outbuildings within the Green Belt.
- 22 As outlined above, the original stables had a slightly larger floor area (approximately 4m<sup>2</sup> compared to garage as built), but were lower in height. The replacement garage is considerably higher and contains substantial habitable accommodation at 1<sup>st</sup> floor level. Thus, it is my view that the garage in situ has a far greater impact on the openness of the Green Belt than the original stables which they replaced. In light of this, it is my view that any further extension to the garage particularly in the form of the single storey extension, which would be the full depth of the garage, and to a small extent the roof alterations, would compound the harm.

## Agenda Item 4.4

- 23 It is therefore my conclusion that the proposals represent inappropriate development which would also be harmful to the openness of the Green Belt.
- 24 The applicants have advanced a case of very special circumstances relating to the demolition of part of an existing adjacent building. This is discussed in further detail below.

### *Impact on street scene and residential amenity:*

- 25 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. 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.
- 26 The garage roof is visible from the public highway as well as the neighbouring property to the north (Homefield Cottage). I consider the alteration of the roof from a barn-end to a full gable to be a modest one, which would not add significantly to the bulk of the building overall. Whilst the east elevation would clearly be visible to the street, it would not in my view result in the building appearing any more prominent in the street scene than existing. The alteration of the rear elevation roof would not be readily apparent to wider public view. Nor, in my view, would it appear overbearing when viewed from the neighbouring property.
- 27 The single storey extension would not be visible to the street and is unlikely to be visible to the neighbouring property viewed from ground floor. Whilst there could potentially be an issue of overlooking from the proposed balcony to be created above the ground floor extension, this could be addressed by a suitable screen fixed to the north side of the balcony. This in turn could be covered by a condition.

### *Case for very special circumstances:*

- 28 I would note that this application seeks to retain the existing garage, as erected following the grant of permission in 1999, but with a 10m<sup>2</sup> extension to the north elevation and alterations to the half hipped roof end.
- 29 At this stage it may be worth summarising the potential fallback position currently available to the applicant. Firstly, the existing garage could remain in situ without the proposed alterations. The demolition to the adjacent outbuilding is already required by virtue of condition on the previous permission. Alternatively, the existing garage could be demolished and replaced by that approved under SE/13/02136/HOUSE, which has a larger footprint but reduced height.
- 30 As well as the relatively modest enlargement of the roof in the form of the half hip to full gable ends, which would add marginally to the overall volume of the garage, it is proposed to add a 10m<sup>2</sup> single storey extension.
- 31 As a “trade-off” for this, the applicant proposes to demolish approximately 12.5m<sup>2</sup> of an adjacent single storey, pitched roof, outbuilding located closer to the main road.

- 32 I would note that the demolition of this end of the outbuilding is already required by a condition attached to the previous planning permission. However, the report makes it clear that the removal of this part of the outbuilding was a trade for the replacement garage. The current application to extend the existing garage is clearly an alternative to the new garage approved (significant overlap in the siting). Thus in my view, it is reasonable to consider the demolition of the outbuilding as a trade for the extensions to the garage.
- 33 In terms of floorspace and bulk, I consider the proposal in the form of the extension and roof alterations to be compensated by the demolition of the outbuilding. Furthermore, the extension would be set well within the built envelope of the site and away from public view.
- 34 The NPPF explains that inappropriate development is, by definition, harmful to the Green Belt. However, it also makes it clear that the essential characteristics of Green Belts are their openness and their permanence. In this instance, notwithstanding the harm in principle through the erection of an extension to the existing garage, I consider any increase in the size of the existing garage to be off-set by the demolition of the adjacent building.
- 35 In this instance, no other harm to the street scene or residential amenity has been identified. Thus, it is my conclusion that the very special circumstances advanced are sufficient to clearly outweigh the harm in principle identified above.

### **Conclusion**

- 36 In light of the above, it is my view that the proposals represent inappropriate development which would be harmful to the openness of the Green Belt. However, no other significant harm has been identified. It is my view that the very special circumstances advanced are sufficient to outweigh the harm identified in Green Belt terms and any other harm. Thus, it is my conclusion that the proposals comply with the relevant Government and local plan policies.

### **Background Papers**

- 37 Site and Block Plans

Contact Officer(s): Mr J Sperryn Extension: 7179

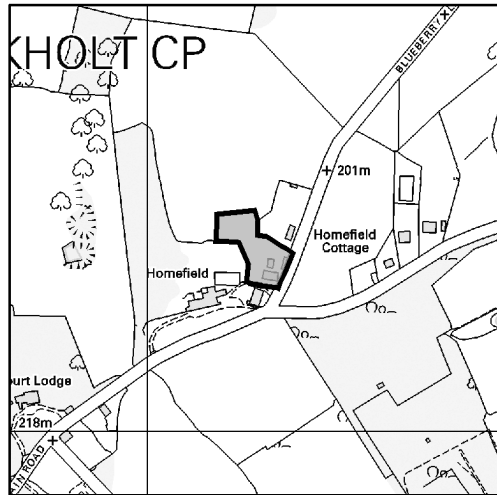
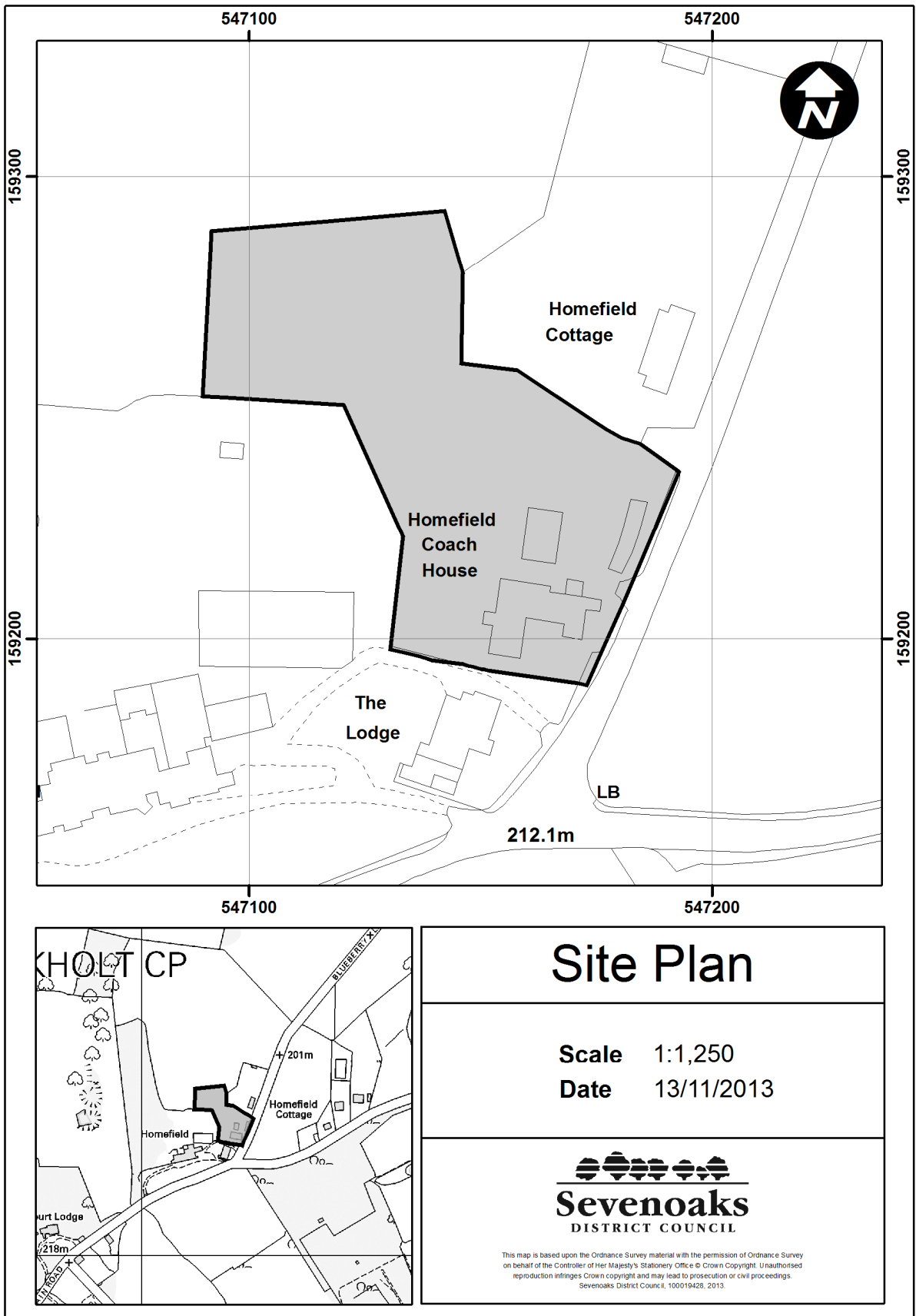
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MPARICBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MPARICBK8V000>



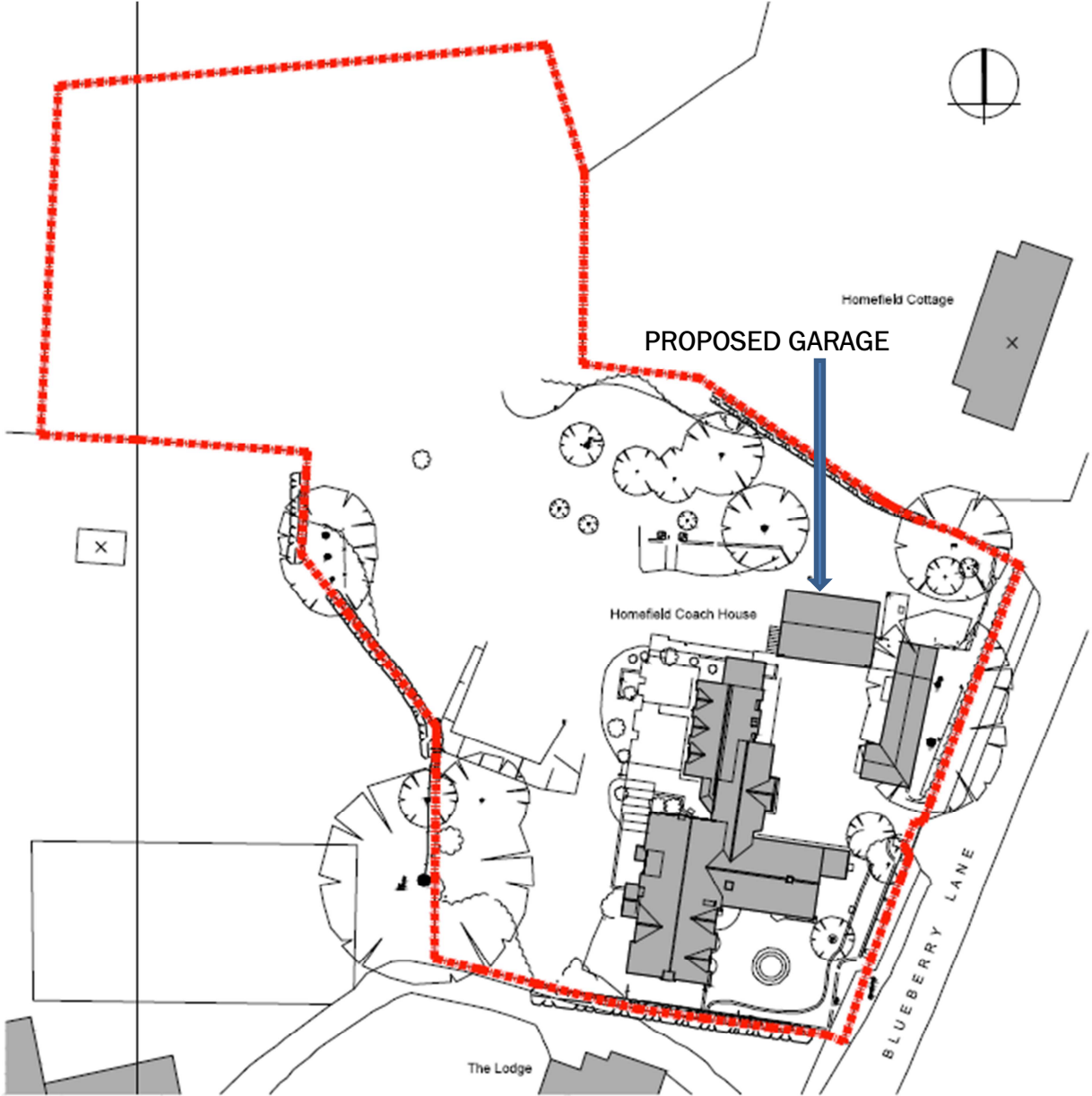
# Site Plan

Scale 1:1,250  
Date 13/11/2013



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**BLOCK PLAN**



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4.5 – SE/13/03190/LDCPR Date expired 30 December 2013

PROPOSAL: The erection of a single storey rear extension.

LOCATION: 5 Tudor Crescent, Otford, Sevenoaks TN14 5QS

WARD(S): Otford & Shoreham

#### **ITEM FOR DECISION**

In line with the Council's Constitution the proposal must be decided at the Development Control Committee as the applicant is a member of staff.

**RECOMMENDATION:** That a lawful development certificate be GRANTED for the following reason:-

The proposal complies with Classes A, B and G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is therefore permitted development.

#### Description of Proposal

- 1 The proposal is for a lawful development certificate for a single storey rear extension that will extend no more than four metres from the rear elevation of the main dwelling. The proposal will have a false pitch to the roof.

#### Description of Site

- 2 The site is a detached bungalow on the periphery of the village of Otford. The site is a residential road which is suburban in character. There is an existing flat roofed dormer on the rear of the property.

#### Constraints

- 3 Area of Special Control of Adverts
- 4 Landfill Site
- 5 Air Safeguarding Zone

#### Policies

- 6 There are no policies relevant to this application as this is an application to determine whether the proposal is permitted development and does not need a separate application for planning permission.
- 7 Classes A, B and G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) are relevant.

#### Planning History

- 8 SE/04/01022/FUL - New 2 metre fence to side and rear of the property. GRANTED.

## Agenda Item 4.5

SE/04/02456/FUL - Loft conversion to make two new rooms with dormer window upon rear roof plane and insertion of two roof lights in front roof plane. REFUSED

SE/04/03125/FUL - Loft conversion to form new room with dormer window. GRANTED

### Consultations

9 None.

*Parish / Town Council*

10 No representations.

### Representations

11 None.

### **Chief Planning Officer's Appraisal**

12 The proposal needs to be assessed under Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). As the proposal also involves alterations to the roof of the dwelling it will also be considered under Class B. The proposal also includes alterations to the soil and vent pipe and therefore the proposal will also be considered under Class G.

### Whether proposed use applied for is Lawful

- 13 Development is not permitted by Class A (proposed rear extension) if:
- (a) as a result of the works, the total area or ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
    - The total ground area covered by buildings with within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) as a result of the proposal.
  - (b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse
    - The height of the proposal will not exceed the height of the highest part of the roof of the existing dwellinghouse
  - (c) *the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse*
    - The eaves of the proposal will not exceed the height of the eaves of the existing dwellinghouse.
  - (d) the enlarged part of the dwellinghouse would extend beyond a wall which:

## Agenda Item 4.5

- (i) fronts a highway, and
- (ii) forms either the principal elevation of a side elevation of the original dwellinghouse,
  - The proposal does not extend beyond the principle elevation of the dwellinghouse and does not front a highway
- (e) the enlarged part of the dwellinghouse would have a single storey and:
  - (i) extend beyond a rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse or, 3 metres in the case of any other dwellinghouse
  - (ii) exceed 4 metres in height
    - The proposal does not extend more than 4 metres beyond the rear elevation of the existing dwellinghouse and does not exceed 4 metres in height
- (f) the enlarged part of the dwellinghouse would have more than one storey and:
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
  - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse
    - The proposal does not have more than one storey
- (g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse and the height of the eaves of the enlarged part of the dwellinghouse would exceed 3 metres in height.
  - The proposal is within 2 metres of the boundary of the curtilage of the dwellinghouse but the eaves do not exceed 3 metres in height.
- (h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would:
  - (i) exceed 4 metres in height,
  - (ii) have more than one storey, or
  - (iii) have a width greater than half the width of the original dwellinghouse
    - The proposal does not extend beyond an original side elevation of the property
- (i) it would consist of or include:
  - (i) the construction or provision of a veranda, balcony or raised platform,
  - (ii) the installation, alteration or replacement of a microwave antenna,
  - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

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- The proposal includes an alteration to a soil and vent pipe and will also be assessed under Class G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- (iv) an alteration to any part of the roof of the dwellinghouse
- The proposal does include an alteration to the roof of the dwellinghouse and therefore also need to be assessed under Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 14 Development is not permitted by Class B (alterations to the roof) if:
- (a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof
- The proposal will not exceed the height of the highest part of the existing roof
- (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway
- The proposal will not extend beyond the plane of an existing roof slope that fronts a highway
- (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than:
- (i) 40 cubic metres in the case of a terrace house
- (ii) 50 cubic metres in any other case
- The cubic content of the roof space would not exceed 50 cubic metres over that of the original.
- (d) it would consist of or include:
- (i) the construction or provision of a veranda, balcony or raised platform, or
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe
- The proposal does include alterations to a soil and vent pipe and therefore must also be assessed against Class G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- (e) the dwellinghouse is on article 1(5) land
- The dwellinghouse is not on article 1(5) land.
- 15 Development is not permitted by Class G (alterations to the soil and vent pipe) if:

- (a) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more.
- The proposed soil and vent pipe will not exceed the highest part of the roof
- (b) in the case of a dwellinghouse on article 1(5) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which:
- (i) fronts a highway, and
  - (ii) forms either a principal or side elevation of the dwellinghouse
- The dwellinghouse is not on article1(5) land
- 16 No original permission for the property could be found and therefore the presumption is that permitted development rights have not been removed from the property.
- 17 The property is not within a Conservation Area or an Area of Outstanding Natural Beauty. The property is not a Listed Building.

### **Conclusion**

- 18 The proposal complies with Classes A, B and G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and would therefore be permitted development.

### **Background Papers**

Site and Block plans

Contact Officer(s): Deborah Miles Extension: 7360

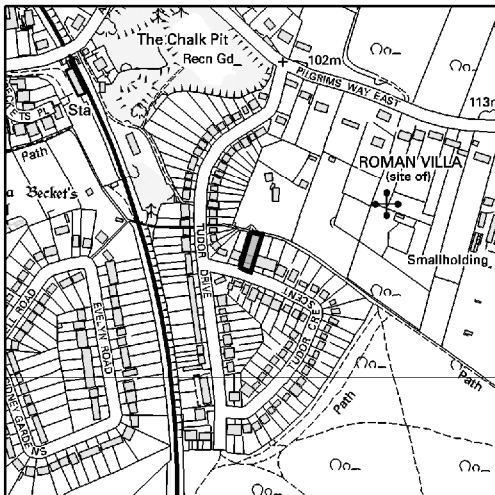
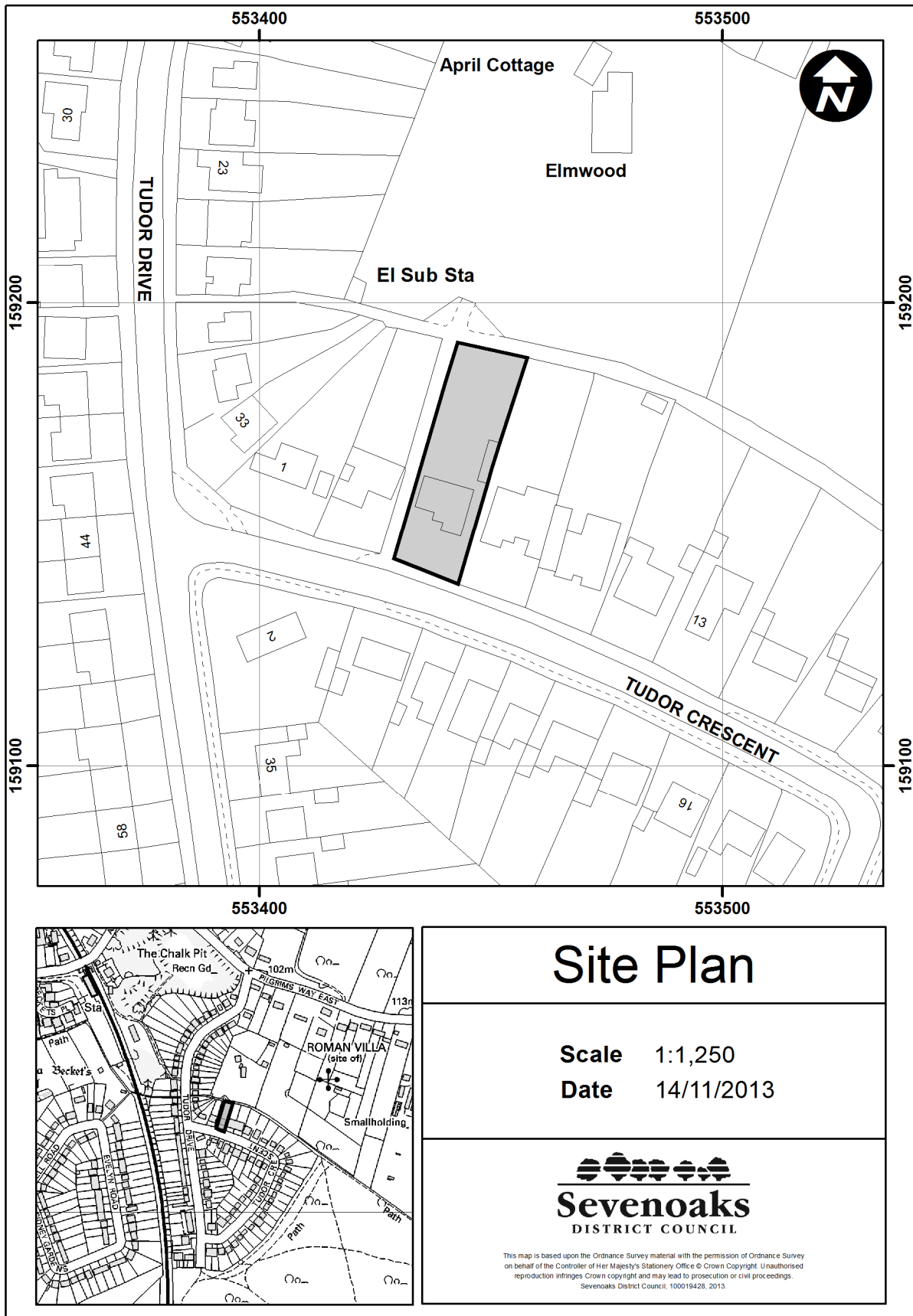
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MVDD1SBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MVDD1SBK8V000>



# Site Plan

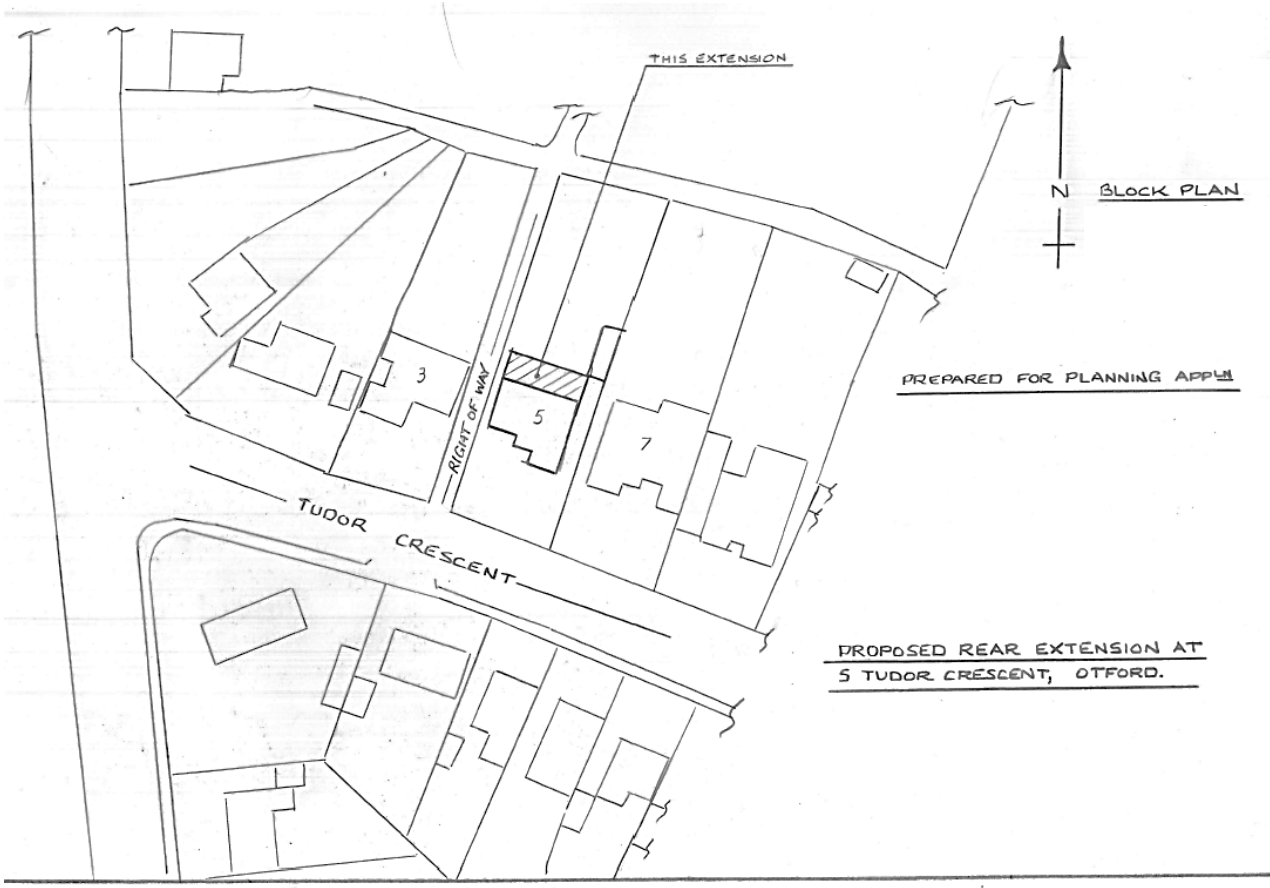
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Date 14/11/2013



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**BLOCK PLAN**



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5.1 Reference: 310/11/257

**ENFORCEMENT OF PLANNING CONTROL**

Amberley, Packhorse Road, Sevenoaks TN13 2QP

**ITEM FOR DECISION**

This matter has been referred to the Development Control Committee as the Chairman of the Development Control Committee requires the case to be considered by the Development Control Committee.

Planning permission was granted for the building of a double garage with an artist studio above, under SE/11/00718/CONVAR, which was then built not in accordance with the approved plans.

A new application was then submitted to retain the garage and artists studio, SE/12/00250/HOUSE, which was refused. The building remains on site without the benefit of planning permission.

As a result of this refusal, an Enforcement Notice was issued on 15 October 2012 to demolish the garage and artist studio within 6 months. The owner then appealed the Notice which was upheld, giving a compliance date of 30 October 2013.

**RECOMMENDATION:**

That authority be given to vary the Enforcement Notice, requiring that:

- (a) The time needed for compliance be extended to 3 months from the date of this meeting. Plus a further 3 months if a valid planning application is received for alterations to the garage within the initial 3 month period.

**FOR THE FOLLOWING REASONS**

- 1 To allow time for any new scheme to be reviewed.
- 2 To allow time for any new scheme if approved to be implemented.

- 1 The owner has submitted (prior to 30 October 2013) various schemes to retain part of the garage with alternative schemes for alterations, which are currently being considered under the Pre Application process. These alternative schemes involve changes to the existing structure such as the removal of the staircase, removal of the dormers, the blocking in of all remaining windows on both levels and the artist studio to return to a loft space over the garage. These new proposals, if acceptable would reduce the existing bulk of the existing building and may have less impact than the approved schemes that could be built.
- 2 Legal advice was sought about the options of securing compliance with the enforcement notice as the garage had not been demolished by the date required. The Legal Services Manager has stated as follows:-

“Prosecuting Mr Toms for non-compliance, or seeking an injunction should be a last resort measure when and if it becomes clear he does not intend to seek a

## Agenda Item 5.1

solution or comply with the notice. Enforcement is not meant to be punitive but simply aimed at resolving the breach of planning control. I could not support this at this time nor would the enforcement concordat.

If you as planning officers consider that there is merit in exploring the re-use of a part of the existing garage then it would be better to extend the compliance period for a short while to allow a report to be considered by DCC if necessary.”

- 3 It is proposed to extend the compliance period for three months to give time for a planning application to come forward for alterations to the garage. If a valid application is received in this period a further three months will be allowed for compliance.

### **Appendices**

Delegated Enforcement Report dated 18 September 2012

Enforcement Notice dated 15 October 2012

Appeal Decision dated 30 April 2013

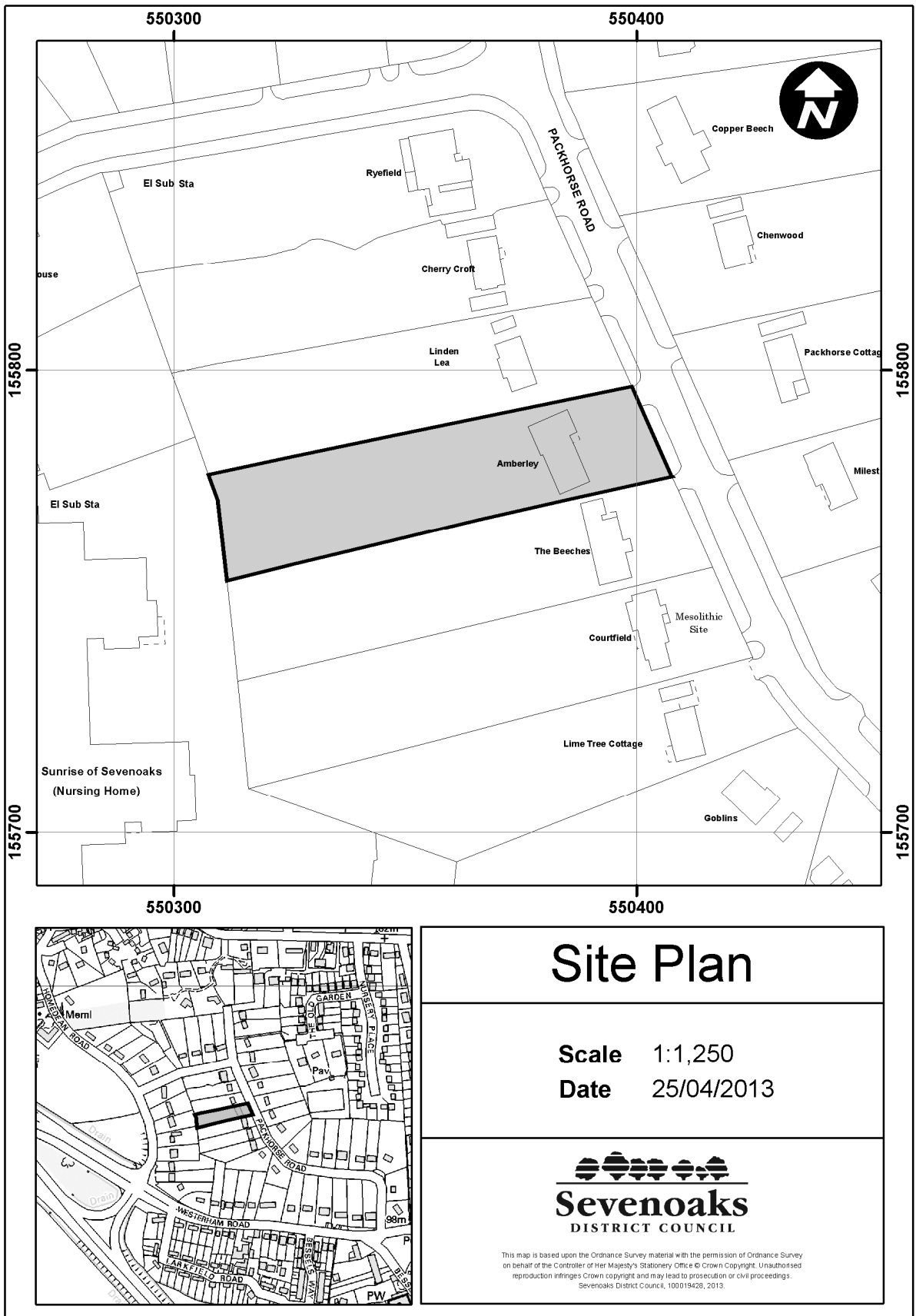
Planning Decision SE/11/00718/CONVAR

Planning Decision SE/12/00250/HOUSE

Contact Officer(s):

Alan Dyer Extension 7361

**Richard Morris**  
**Chief Planning Officer**



# Site Plan

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



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## Agenda Item 5.1

**Delegated Enforcement Report**

**Delegated Enforcement Report**

Amberley, Packhorse Road, Sevenoaks, Kent, TN13 2QP

**Executive Summary**

This report advises of a breach of planning control namely unauthorised operational development defined by Section 55 of the Act (as amended), being the erection of a double garage, chimney, privacy guard and windows on the northern elevation of the dwelling.

It recommends that authority be given to issue an Enforcement Notice and seek to enforce the provisions of the Notice.

**Recommendation**

That authorisation be given to serve an Enforcement Notice requiring the permanent removal of the garage under delegated powers.

**Breach of Planning Control**

Operational development as defined by Section 55 of the Act (as amended) has occurred within the last four years being the building of a detached garage, the erection of a chimney, rear privacy guard and windows on the northern elevation of the dwelling.

**Planning Policy and Material Considerations**

National Planning Policy Framework

South East Plan

Policy CC6 Sustainable Communities and Character of the Environment

Sevenoaks District Council Core Strategy 2011

Policy SP1 Design of New Development and Conservation

Sevenoaks District Council Local Plan 2007

Policy EN1 The Environment

Policy H6B Residential Extensions

Others:

Sevenoaks District Council's Residential Character Assessment Supplementary Planning Document.

**Site**

Amberley is a detached dwellinghouse located on the western side of a residential road which is characterised by individually designed detached house set back behind hedged and treed front gardens.

**Relevant History**

98/01575/HIST Proposed single storey utility side extension GRANT 09.09.98

## Agenda Item 5.1

10/02828/HIST	Erection of single storey rear extension and first floor extensions to north and south elevation. Removal of two chimneys. Change of fenestration. Erection of double garage.	GRANT 16.12.10
11/00718/CONVAR	Application to vary condition 4 (The development hereby permitted shall be carried out in accordance with the following plans 1038-P-01(B), P-02(B), SUR-01 of SE/10/02828/FUL. To allow the creation of an artists studio within the roof space over double garage.	GRANT 06.06.11
11/00732/DETAIL	Details pursuant to condition 3(privacy guard) of planning permission SE/10/02828/FUL	REFUSE 17.05.11
11/01549/DETAIL	Details pursuant to condition 3(privacy guard) of planning permission SE/10/02828/FUL	GRANT 30.06.11
11/01743/CONVAR	Removal/Vary of condition 4 (alternation of balustrade detail to glass and insert window for additional ventilation) of planning permission SE/10/02828/FUL	GRANT 01.09.11
12/00250/HOUSE	Retention of single storey rear extension, balcony and first floor extensions to north and south elevations. Change of fenestration. Retention of double garage with room above, dormer windows, external staircase and air source heat pumps. Corrected plans received 02.04.12.	REFUSE 09.07.12

### Background

Planning permission SE/10/02828/FUL was granted on the 16<sup>th</sup> December 2010 for the erection of a single storey rear extension and balcony, first floor extensions to north and south elevations, the removal of two chimneys, change of fenestration and the erection of a double garage. On the 6<sup>th</sup> November 2011 a variation of condition was granted (11/00718/CONVAR) to allow the creation of an artist's studio.

Subsequently it was identified that parts of the development were built not in accordance with the permission granted, as set out below.

	Previously granted m <sup>2</sup>	Built garage m <sup>2</sup>	Material/Non Material
<b>Garage</b>			
Dimensions	6.0 x 6.5	6.5 x 6.5	Material
Staircase	4.1 x 1.2	6.5 x 1.0	Material - size and location
Height	6.0	6.3	Material
Dormers			Material - wrong elevation
Relocation on site			Material - moved 0.5m closer to highway and 0.3m from southern boundary
Re-orientation of garage			Material
Air source heat pumps			Placed on garage without planning permission - Material

Chimney	Built externally - Material
Windows inserted on north elevation ground floor (shown on plans for SE/11/01549)	Permitted development if materials match the existing dwelling
Privacy screen on northern elevation balcony	Not built to correct design - angle of the wall is incorrect - Material Permitted min and max height: 1.2m and 2.4m Built height: 1.6 and 1.7m

The garage as built is on a different part of the site from that for which it was granted planning permission and it has been built with a different footprint in respect to the size of the garage. In consequence the roof reorientation, height, dormer reorientation and change in external stairway cannot be amended to comply with SE/10/02828 and SE/11/00718.

A revised planning application was submitted which was refused on the 6<sup>th</sup> July 2012 due to the proposal representing an over development of the site, detrimental to the street scene, particularly due to the large two storey garage at the front of the site. The development also results in an unacceptable loss of privacy to the adjoining property, The Beeches from the garages first floor and stairway. As a result the proposal is contrary to Policy EN1 of the Sevenoaks District Local Plan, relevant provisions of the Sevenoaks Residential Character Area Assessment and the design policies of the National Planning Policy Framework, notably paragraph 64. The rear extension was implemented in accordance with planning permission SE/10/02828 and is lawful. The chimney could potentially impact upon the visual amenities of the adjacent property, The Beeches and the privacy screen potentially impacts upon the amenities of the adjacent property, Linden Lea.

## Agenda Item 5.1

### **Principal Issues**

The main issues for consideration are whether it is expedient to take enforcement action in relation to the impact of the breaches on the amenities of the locality and to protect the privacy of residents.

### **Expediency**

The garage cannot be rebuilt to comply with SE/10/02828 or SE/11/00718 and with the development on site being refused planning permission it is accordingly necessary to consider whether it is expedient to take enforcement action.

In respect to the chimney and screen on the northern balcony these could potentially be resolved through a new planning application. This would also enable public consultation on the merits of these parts of the development. The windows in the northern elevation are potentially permitted development, and this can be checked with a site visit.

The opportunity exists to under-enforce, as set out within section 173(11) of the Town and Country Planning Act 1990 by for example requiring only the removal of the garage. However if the notice refers to the full alleged breach of planning control but then only requires remedy through partial steps by virtue of section 173(11), planning permission will be taken to have been granted for any development against which enforcement action could have been but was not taken, provided that all the requirements of the notice have been complied with. The effect of under-enforcement would however be to avoid any further analysis on the merits of retention of any parts of the breach that may potentially be resolved through other means, removing the ability for public consultation. In addition, in this case, there are no obvious amendments that could be proposed to the garage that would enable the harm to be addressed, without partial or full demolition.

### **Human Rights Act**

Section 6 of the Human Rights Act 1998 imposes a duty on public authorities, including Local Authorities, not to act in a way which is incompatible with the European Convention on Human Rights.

Article 1 of the First Protocol to the Convention provides that every person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of International law. Article 1 permits a State to enforce such laws, as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

The service of an Enforcement Notice could be interpreted as an interference with the rights of a property owner to use his property as he sees fit. Such interference is permitted by the Convention if it is in the general interest, but the interference must be 'proportionate', which means that it must not be in excess of what is needed to prevent harm to the general interest.



In the case of unauthorised development, the Government considers that there is a genuine public interest in preventing development, which is determined as detrimental to the street scene, represents over development and impacts upon the privacy of neighbouring properties.

**Recommendation**

That the Group Planning Manager be authorised to issue an Enforcement Notice or Notices for:

a) The erection of a detached garage not in accordance with the permission granted.

The operational development has taken place in the last four years and it is expedient to take enforcement action because the garage as built is an over development of the site, is detrimental to the street scene being at the front of the site. The development also results in an unacceptable loss of privacy to the adjoining property, The Beeches due to views from the stairs and first floor. As a result the development is contrary to Policy EN1 of the Sevenoaks District Local Plan, relevant provisions of the Sevenoaks Residential Character Area Assessment and the design policies of the National Planning Policy Framework, notably paragraph 64.

The steps to comply are:

- To demolish the garage and remove the materials permanently from the site.
- The period for compliance is six months.

For the other breach of planning control:

b) Privacy screen built not in accordance with details approved for application SE/11/00732.

Seek completion of the privacy screen in accordance with the plans. Reason: To protect the amenities of the adjacent property, Linden Lea. This is contrary to policy EN1 of the Sevenoaks District Local Plan.

The steps to comply are:

- To erect the privacy screen in accordance with the details approved for application SE/11/00732;
- Period for compliance is 3 months.

c) Erection of chimney

Invite a planning application. Reason: To protect the visual amenities of the adjacent property, The Beeches. This is contrary to policy EN1 of the Sevenoaks District Local Plan.

## Agenda Item 5.1

### Sources

Enforcing Planning Control; Good Practice Guide for Local Authorities;  
Circular 10/97 Enforcing Planning Control: Legislative Provisions and Procedural Requirements;  
Planning Applications 10/02828/HIST, 11/00718/CONVAR, 11/01549/DETAIL, 11/01743/CONVAR, 12/00250/HOUSE  
South East Plan 2009  
Sevenoaks District Local Plan 2000  
National Planning Policy Framework  
Sevenoaks District Councils Residential Character Assessment Supplementary Planning Document.

Signed:

Guy Martin  
Senior Planning Officer

Date: 18/09/12

Signed:  
Team Leader

Date: 18/9/12

**Enforcement Notice**

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990  
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY THE SEVENOAKS DISTRICT COUNCIL ("the Council")

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. THE LAND AFFECTED

Land at Amberley, Packhorse Road, Sevenoaks, Kent, TN13 2QP, shown edged with a bold black line on the attached plan ("the Land").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the carrying out of building operations namely the erection of a garage in the approximate position shown hatched on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last four years.

The development represents an over development of the site, detrimental to the street scene. The development also results in an unacceptable loss of privacy to the adjoining property, The Beeches. As a result the proposal is contrary to Policy EN1 of the Sevenoaks District Local Plan, relevant provisions of the Sevenoaks Residential Character Area Assessment and the design policies of the National Planning Policy Framework, notably paragraph 64.

5. WHAT YOU ARE REQUIRED TO DO

- (a) Demolish the garage.
- (b) Remove the resultant materials from the land.

6. TIME FOR COMPLIANCE

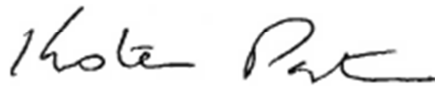
Six (6) months from the date on which this notice takes effect:

## Agenda Item 5.1

### 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 18<sup>th</sup> November 2012 unless an appeal is made against it beforehand.

Date 15<sup>th</sup> October 2012



Kristen Paterson  
Community and Planning Services Director  
Head of Development Services  
On behalf of Sevenoaks District Council  
Council Offices  
Argyle Road  
Sevenoaks  
Kent TN13 1HG

ANNEX

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 as amended.

Enforcement Notice relating to Land at Amberley, Packhorse Road, Sevenoaks, Kent, TN13 2QP

This local planning authority, (Sevenoaks District Council), has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land. Copies of the notice are also being served on the parties listed at the end of this letter who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on 18<sup>th</sup> November 2012 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified in the notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 18<sup>th</sup> November 2012.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities

## Agenda Item 5.1

required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £300.00. You should pay half of the fee (£150.00) to the Sevenoaks District Council (made payable to Sevenoaks District Council) and the other half of the fee to the Planning Inspectorate (made payable to the Department for Communities and Local Government). Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

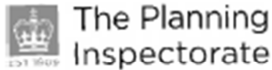
Parties on whom the enforcement notice has been served:

Steven Peter Toms, Amberley, Packhorse Road, Sevenoaks, Kent, TN13 2QP

Gayle McFadyen, Amberley, Packhorse Road, Sevenoaks, Kent, TN13 2QP

Santander UK Plc, (Co. Regn No., 2294747) Mortgage Customer Services,  
Customer Service Centre, Narborough, Leicester, LE19 0AL





## Appeal Decisions

Site visit made on 15 April 2013

by **M A Champion BSc CEng FICE FStructE FCIHT FHKIE**

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

Decision date: 30 April 2013

### Appeals A and B: APP/G2245/C/12/2186542 and 2186543

#### Land at Amberley, Packhorse Road, Sevenoaks, Kent, TN13 2QP.

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Sevenoaks District Council.
- The appeals are made by Mr S P Toms (Appeal A) and Ms G McFadyen (Appeal B).
- The Council's reference is: 310/11/257.
- The notice was issued on 15 October 2012.
- The breach of planning control as alleged in the notices is:  
Without planning permission the carrying out of building operations namely the erection of a garage in the approximate position shown hatched on the plan attached to the notice.
- The requirements of the notice are to:
  - (a) Demolish the garage;
  - (b) Remove the resultant materials from the land.
- The period for compliance with the requirements is six months.
- Appeal A is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered. Since the prescribed fees for Appeal B have not been paid, this appeal is proceeding on grounds (f) and (g) only.

**Summary of decisions: The appeals are dismissed and the enforcement notice is upheld as set out in the Formal Decision.**

#### Preliminary Matters

1. The Council states that an air source heat pump has been attached to the garage wall where it faces Packhorse Road, but has not been specifically referred to in the enforcement notice. It invites me to amend the notice to include the air source heat pump in both the alleged breach of planning control and in the requirements of the notice.
2. S176(1) of the Act as amended sets one test for determining whether an enforcement notice can be corrected in this way, that is that the correction will not cause injustice to the appellant or the local planning authority.
3. In this case the Council seeks to increase the scope of the notice by adding additional development to be enforced against.
4. An air source heat pump comprises two connected parts: the external unit which extracts heat from the air, and an internal unit which transfers this heat

[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)





to the heating system of the building. It is in fact the external unit to which the Council objects, the internal unit being located inside the garage. The Council states, and the appellants do not dispute, that this is unauthorised. From the information available to me it appears that the external unit does not fall to be considered as permitted development under The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2011, and planning permission is therefore required.

5. The appellants state that it is not necessary to remove the pump as it could be incorporated into a smaller building. However, this presupposes that at least that part of the garage wall supporting the unit could be adapted to be part of such a building. No details of this proposed building have been submitted and I do not have sufficient information to consider it. It would be more appropriate if an application were made in the normal way to allow public scrutiny of such an alternative. It would also allow proper consideration of the visual and noise impacts of the external unit, as raised by the Council and neighbouring residents.
6. I consider therefore that correction of the enforcement notice as suggested would prejudice the appellants in proposing an alternative scheme, and I shall not therefore correct it in this way.

#### **Appeal A on ground (a) and the deemed application**

##### ***Main Issues***

7. I consider that the main issues are the effect of the development on the character and appearance of the street scene, and on the living conditions of residents of The Beeches with particular regard to overlooking and privacy.

##### ***Policies***

8. Policy EN1 of the Sevenoaks District Council Saved Local Plan Policies Compendium 2008 (LP) sets out general principles for all development. It is supported by Supplementary Planning Document (SPD) *Sevenoaks Residential Character Assessment*.
9. This policy is generally consistent with the aims of the National Planning Policy Framework (NPPF), policies from which have also been considered. The NPPF reinforces the local plan as the main consideration in planning decisions. It requires development not to undermine the quality of life, emphasising the importance of sustainable development, high quality design, attractive places and a good standard of amenity for residents. It expects developments to contribute to the overall quality of the area. In particular paragraph 64 requires permission to be refused for poor designs that fail to take the opportunities available for improving the character and quality of an area and the way it functions.

##### ***Reasons***

###### ***Effect on character and appearance***

10. The appeal site lies in a residential area and is a detached dwelling house on the western side of Packhorse Road. The area is characterised by similar properties to a variety of designs on established plots with mature hedges and

## Agenda Item 5.1

Appeal Decisions APP/G2245/C/12/2186542 and 2186543

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trees. The dwellings are generally set back from the road with narrow entrances in the front hedges, resulting in a green and spacious appearance.

11. A detached double garage with a room over has been constructed in the front garden, but not in accordance with the grant of planning permission. The differences concern the location, the orientation, size and height of the building, the location of the dormers, the size and location of the external staircase, and the attachment to the garage wall of the external part of an air source heat pump.
12. My attention has been drawn to other unauthorised alterations to the main house, but these do not form part of this appeal. However, the Council has prepared an extensive list of discrepancies between the approved drawings and those submitted with a later application in 2012 purporting to show the house as constructed. So great are these differences, both in number and in content, that the Council considers that the works could not have been carried out in accordance with the approved drawings if the later versions are correct. I do not have sufficient information to know which drawings, if any, are correct. Pending the production of accurate drawings, which the Council indicates are in preparation, these discrepancies cast doubt on the reliability of all the drawings submitted.
13. The garage is a larger structure than permitted, has been constructed nearer the highway and further from the southern boundary. Notwithstanding the tree screen along the highway boundary, it is a massive building that is visible from the road and occupies a large proportion of the front garden. Its scale, mass and height result in a cramped, overdeveloped appearance that is out of context with the street. The garage does not fit unobtrusively within the garden or the street as advised by SPD. In this part of the road there is only one other instance of a garage in the front garden. This is a more modest structure and in keeping with its surroundings.
14. Additionally, the gable ends of the garage as built face along the road and are thus more visible than those approved which would be better screened by the boundary trees. This prominence is exacerbated by the white render of the walls which emphasises the presence of the building compared to the more subdued colour of roof tiles which would be seen on the approved building.
15. Furthermore, the external staircase, which would have been screened from view on the west elevation in the approved scheme, has been constructed on the south elevation close to the boundary with The Beeches. It thus increases the bulk of the building and appears as an incongruous addition when viewed from the neighbouring property.
16. The Council also expresses concern at the impact of the development on the front boundary trees. While these provide, at present, a degree of screening from directly in front of the site, the siting of the building as constructed could have an adverse effect on them. While it states that the trees are not worthy of protection by a Tree Preservation Order, they could die or be removed. Their loss would have a significant effect on the street scene and the impact of the building within it.

*Effect on living conditions of residents of The Beeches*

17. Having regard to the siting of the building and the position of the windows therein, as well as the external staircase, I consider that the development results in significantly increased overlooking of the adjoining house, The Beeches. These views are mainly of the side path and area in front of the garage (which lies to the rear of the house) but also of the side windows in the house. While views of these windows may be obtained from the road, the impact of long term, sustained views from a high level is significantly more intrusive than those from passers by at ground level.
18. While the growth of boundary planting would reduce this adverse impact, removal of it would exacerbate the effect. Were planning permission to be granted it would be necessary to secure the level of boundary screening by condition, as well as requiring the first floor windows to be obscure glazed and fixed closed.

*Conclusion*

19. I conclude that the development results in significant adverse effects on the character and appearance of the street scene, and on the living conditions of the residents of The Beeches with by way of overlooking and privacy, contrary to the policies and guidance cited above. The appeal on ground (a) fails.

**Appeals A and B on ground (f)**

20. This ground of appeal is that the steps required to comply with the notice are excessive and that lesser steps would overcome the objections. The appellants state that the building should not be completely removed, but the objections could be overcome by, for example, simple alterations to the roof. Demolition of the garage would require relocation of the air source heat pump equipment, the cost of which would be excessive, and could result in damage to the trees.
21. While suggestions have been made regarding possible alterations to the building no firm proposal has been submitted. I do not therefore have sufficient information to consider any alternative scheme. Moreover, alterations, without complete removal, would not overcome objections in terms of siting, and the Council's concern with regard to the proximity of the building to the trees has been noted. Neither is cost a material planning consideration.
22. I therefore consider that no lesser steps which would overcome the harm and address the reasons for issuing the notice have been identified. The appeals on ground (f) fail.

**Appeals A and B on ground (g)**

23. This ground of appeal is that the period specified in the notice falls short of what should reasonably be allowed. The appellants seek a period of one year to allow the air source heat pump to be relocated as this may require the provision of a new building for which planning permission may first have to be obtained.
24. The specified period of six months appears entirely reasonable to me for carrying out the requirements of the notice. It allows time for planning the works, seeking any permissions that may be necessary and undertaking the

## Agenda Item 5.1

Appeal Decisions APP/G2245/C/12/2186542 and 2186543

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works. In any event, s173A(1)(b) of the Act enables the local planning authority to extend the period specified at its discretion.

25. The appeals on ground (g) fail.

### **Conclusions**

26. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the notice.

### **Formal decisions**

#### **Appeal A: APP/G2245/C/12/2186542**

27. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

#### **Appeal B: APP/G2245/C/12/2186543**

28. The appeal is dismissed and the enforcement notice is upheld.

*MA Champion*

INSPECTOR

Decision Notice for SE/11/00718/CONVAR

Deputy Chief Executive and  
Director of Community and Planning Services:  
Kristen Paterson



Mr Steve Toms  
C/O Mr J Bullock  
11-13 High Street  
Tunbridge Wells  
Kent

SE/11/00718/CONVAR  
Valid on 12th April 2011

**TOWN AND COUNTRY PLANNING, ENGLAND  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2010**

**GRANT OF PLANNING PERMISSION**

**Site :** Amberley Packhorse Road Bessels Green Sevenoaks Kent TN13 2QP

**Development :** Application to vary condition 4 (The development hereby permitted shall be carried out in accordance with the following approved plans 1038-P-01(B), -P-02(B) -SUR-01) of SE/10/02828/FUL. To allow the creation of an artists studio within the roof space over double garage.

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Sevenoaks District Council, as the District Planning Authority, pursuant to powers in the above mentioned Act and Order, HEREBY GRANTS PLANNING PERMISSION for the development described above, to be carried out in accordance with the application and plans submitted therewith, SUBJECT TO THE CONDITIONS set out below :-

1) The development hereby permitted shall be begun before the expiration of three years from the date 21st October 2010.

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 drawing 1038-P-01

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.

Chief Executive: Robin Hales  
Community & Planning Services, P.O. Box 183, Argyle Road, Sevenoaks, Kent TN13 1GN  
e-mail: [community&planning.services@sevenoaks.gov.uk](mailto:community&planning.services@sevenoaks.gov.uk) [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)  
Telephone: 01732 227000 Fax: 01732 451332 DX 30006 Sevenoaks  
Switchboard Times: Monday - Thursday 8.45 a.m. - 5.00 p.m. Friday 8.45 a.m. - 4.45 p.m.



## Agenda Item 5.1

3) No development shall take place until details of a privacy guard to be located on the southern side of the external stairway serving the artists studio has been submitted to the Council for approval in writing. The scheme shall be carried out in accordance with the approved details.

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

4) The proposed artists studio shall be used solely for a purpose incidental to the enjoyment of the dwellinghouse and for no other purpose.

To prevent overdevelopment of the land as supported by policy EN1 of the Sevenoaks District Local Plan.

5) The development hereby permitted shall be carried out in accordance with the following approved plans: 1038-P-01

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

6) No development shall take place until details of a privacy guard to be located on the north and southern parapet walls and above the external rendered stairway has been submitted to the Council for approval in writing. The scheme shall be carried out in accordance with the approved details.

To safeguard the residential amenities of Linden Lees and The Beeches.

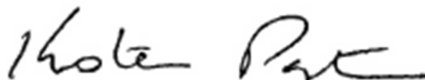
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**In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:**

The South East Plan 2009 - Policies CC1, CC4  
Sevenoaks District Local Plan - Policies EN1, H6B  
Sevenoaks District Core Strategy 2011 - Policies N/A

**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.



Kristen Paterson  
Community and Planning Services Director

DATED THIS: 6th day of June 2011

**Decision Notice for SE/12/00250/HOUSE**

**Deputy Chief Executive and  
Director of Community and Planning Services:  
Kristen Paterson**



Mr S Toms  
C/O John Bullock Design  
11 -13 High Street  
Tunbridge Wells  
Kent  
TN1 1UL

SE/12/00250/HOUSE  
Valid on 3rd April 2012

**TOWN AND COUNTRY PLANNING, ENGLAND  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2010**

**REFUSAL OF PLANNING PERMISSION**

**Site :** Amberley Packhorse Road Sevenoaks Kent TN13 2QP

**Development :** Retention of single storey rear extension, balcony & first floor extensions to north & south elevations. Change of fenestration. Retention of double garage with room above, dormer windows, external staircase & air source heat pumps. Corrected plans received 02/04/12

Sevenoaks District Council, as the District Planning Authority, pursuant to powers in the above mentioned Act and Order, HEREBY REFUSES PLANNING PERMISSION for the development described above, FOR THE FOLLOWING REASON(S) :-

- 1) The proposal represents an over development of the site, detrimental to the street scene, particularly due to the large two storey garage at the front of the site. The development also results in an unacceptable loss of privacy to the adjoining property, The Beeches. As a result the proposal is contrary to Policy EN1 of the Sevenoaks District Local Plan, relevant provisions of the Sevenoaks Residential Character Area Assessment and the design policies of the National Planning Policy Framework, notably paragraph 64.

Kristen Paterson  
Community and Planning Services Director

DATED THIS: 9th day of July 2012

Please remove any site notice that was displayed on the site pursuant to the application.

Chief Executive: Robin Hales  
Community & Planning Services, P.O. Box 183, Argyle Road, Sevenoaks, Kent TN13 1GN  
e-mail: [community&planning.services@sevenoaks.gov.uk](mailto:community&planning.services@sevenoaks.gov.uk) [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)  
Telephone: 01732 227000 Fax: 01732 451332 DX 30006 Sevenoaks  
Switchboard Times: Monday - Thursday 8.45 a.m. - 5.00 p.m. Friday 8.45 a.m. - 4.45 p.m.



# Agenda Item 5.1

## DEVELOPMENT MANAGEMENT PROCEDURE (ENGLAND) ORDER 2010

### PART 2

#### TOWN AND COUNTRY PLANNING ACT 1990

#### **Notification to be sent to an applicant when a local planning authority refuses planning permission.**

##### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 315A (E), Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/appeal](http://www.planningportal.gov.uk/appeal)
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

##### **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.