

DEVELOPMENT CONTROL COMMITTEE

17 July 2013 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Williamson

Vice-Chairman

Cllr. Miss. Thornton

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

Pages

Apologies for Absence

1. **Minutes**

Minutes of the meeting of the Committee held on 11 July 2013
(to follow)

2. **Declarations of Interest or Predetermination**

Including any interests not already registered

3. **Declarations of Lobbying**

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

- 4.1. **SE/12/02799/FUL - Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH** (Pages 1 - 22)

Demolition of existing dwelling and associated development (retrospective), and erection of replacement 2-storey detached dwelling with parking facilities.

- 4.2. **SE/13/00787/HOUSE - Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH** (Pages 23 - 36)

The erection of a new detached single car garage

- 4.3. **SE/11/01572/FUL - The Grove Cafe, The Grove, Swanley BR8 8AJ** (Pages 37 - 48)

Retention of an existing PVC purpose built room to front of café and store room to the rear

- 4.4. **SE/13/01124/FUL - Hillway, Pilgrims Way East, Otford, Sevenoaks TN14 5RX** (Pages 49 - 72)

Demolition of existing house and erection of new replacement dwelling

4.5. **SE/13/01143/LBCALT - The Chantry, The Green, Otford, Sevenoaks TN14 5PD**

(Pages 73 - 80)

Internal alteration for enhanced use of existing accommodation and provision of 2 No conservation rooflights to the East facing elevation

EXEMPT ITEMS

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

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

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

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

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

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Friday, 12 July 2013.

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

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

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

4.1 – SE/12/02799/FUL Date expired 15 May 2013

PROPOSAL: Demolition of existing dwelling and associated development (retrospective), and erection of replacement 1 x 2 storey detached dwelling with parking facilities. As amended by plans received 27.06.13 and information received 28.06.13.

LOCATION: Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH

WARD(S): Sevenoaks Eastern

ITEM FOR DECISION

This application has been referred to the Development Control Committee at the request of Councillor Purves who has concerns that the proposal could potentially represent overdevelopment of the plot, have a detrimental impact upon neighbouring amenity and have a detrimental impact on the character of the area.

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

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

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

2) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the 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) Notwithstanding the details submitted no development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details should focus in particular on the frontage of the site and both side boundaries, and shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

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

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

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

5) If within a period of five years from the completion of the development, any of the

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trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

6) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

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

7) The first floor windows in the northern and southern flank elevations of the dwelling shall be obscure glazed and non openable, apart from any top hung lights, at all times.

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

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

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

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

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

10) Notwithstanding the information submitted, no development shall take place until details of the proposed slab level of the approved house and any changes in levels on the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

11) No development shall be carried out on the land until details relating to an intrusive investigation of the garden area to the rear of the property carried out by a suitably qualified environmental specialist has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with any recommended remediation that should be undertaken prior to the occupation of the dwelling.

To avoid pollution as supported by The National Planning Policy Framework.

12) No development shall commence on site until a Construction Phase Management Plan has been submitted to and agreed by the Local Planning Authority. The Plan shall show the location of any site office, contractors' parking and compound for storage, together with proposals for the delivery of goods and removal of surplus, control of large

goods vehicle movements and the protection of property and highway, and the cleaning of the wheels of vehicles leaving the site.

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

13) 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. Achievement of Code level 3 must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

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 Sevenoaks District Core Strategy.

14) The development hereby permitted shall be carried out in accordance with the following approved plans: SEALC/6, SEALC/7, SEALC/8, SEALC/R/10B (not including the garage), SEALC/R/11A (not including the garage), SEALC/R/12B, SEALC/13A, and 6317se-03 Revision.

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

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

Sevenoaks District Local Plan - Policies EN1 and VP1

Sevenoaks District Core Strategy 2011 - Policies LO1, LO2, SP1, SP2, SP5 and SP7

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

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

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

Informatives

1) The applicant should be aware that it may be necessary for the entrance of the new dwelling to have a ramp installed up to it to comply with Building Regulations. If this is the case the applicant is encouraged to contact the planning department at the Council to check whether planning permission is required for the ramp.

Description of Proposal

1 The application seeks the approval of the erection of a two storey detached dwelling after the existing bungalow was previously demolished. The bungalow

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was demolished after permission was granted to replace the building with a two storey detached dwelling, application number SE/12/00307/FUL. To date these works are unauthorised since work commenced on site prior to several pre-commencement conditions being discharged. Currently the site possesses a slab on which the applicant intended to erect the house on. This slab level has been laid in accordance with the levels indicated on the plans submitted.

- 2 On commencement of work it became obvious that an error had occurred in the site survey previously taken, which meant that the house could not be built out in the position approved. Hence, the submission of this planning application to rectify the situation by correctly surveying the site and correctly showing the siting of the proposed house. The result of this is that the width of the site has now been measured at about 0.5m less than was previously shown and the length of the site is about 2m shorter.
- 3 The proposed house would be sited in a similar position to that of the original bungalow but would be re-orientated to face more in the direction of the plot frontage, whereas the bungalow faced a more south-easterly direction. The dwelling would be set about 14m back from the back edge of the highway.
- 4 The proposed house would be mainly rectangular in shape, with single storey and two storey projections to the front and rear of the dwelling. The property would have a pitched roof, hipped to the flanks, rising up to a flat roof section. The front projections would have gable ends, as would a small dormer feature to the centre of the building at first floor level.
- 5 The dwelling would have an overall height of 7.55m, a maximum width of about 14.5m and a maximum depth of about 16.5m.
- 6 The application proposes to use the existing access onto the site, which also serves Salterns, Dawning House and Summerhill to the north and west of the application site.
- 7 As referred to above, the application follows the grant of planning permission for a replacement dwelling approved at the Development Control Committee in June 2012. This application has been amended from the previous scheme in that the width of the footprint of the house has been reduced by 0.5m and the first floor of the house has been brought in by 0.65m along the southern side of the building. The revised survey of the site has also resulted in the southern flank of the proposed house moving 0.1m closer to the boundary shared with Thornwood. Otherwise the scheme remains similar to that previously approved.

Description of Site

- 8 The site is currently vacant after the detached bungalow that previously stood on the site was demolished following the grant of planning permission for a replacement two storey detached dwelling, application number SE/12/00307/FUL. The site is located just to the north of the junction with Blackhall Lane and is one of a row of sites which faces those which define the edge of the Wildernesse Estate.
- 9 The site is similar in size and shape to that of Thornwood, the adjacent plot to the south, and other properties along Hillborough Avenue and Seal Hollow Road to the south. The majority of properties to the north of the site are accessed from

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Wilderness Mount and front onto this street scene context rather than Seal Hollow Road. There is generally a mature and established tree and vegetation screen to Seal Hollow Road and the land generally rises up beyond this to meet Wilderness Mount. Opposite these houses are much larger properties defining the western edge of the Wilderness Estate. These properties are generally more open to views from the street due to the frontage of some plots comprising of well maintained hedgerows.

- 10 There is a shared driveway access which runs between the application site and Dawning House, which also serves Salterns and Summerhill to the rear. Hillborough Avenue further to the south serves a range of properties to the west of the application site which visually step up the rising topography. The network of roadways of Hillborough Avenue, Wilderness Mount and Seal Hollow Road provide a varying character of plot shapes, sizes and orientation surrounding Sealcot. There is variety in the size of property from single storey and split level properties at Thornwood, to more imposing three storey traditional properties of Hill House and Salterns.
- 11 Thornwood is predominantly a single storey property, which has a two storey central section. The property has a mono-pitch roof to the two storey element of the building with a height of about 6m and is sited approximately 2m from the shared boundary. To the north of Sealcot is Dawning House, which is currently a large two storey detached property and is divided from the application site by the shared access track and approximately 38m separation to the boundary of the application site. To the west of the plot is Salterns, a large three storey semi-detached dwelling, which shares a boundary with the site mainly treated with mature screening of trees.
- 12 The levels of the area are such that both Sealcot and Thornwood are slightly higher than the highway to the front, Sealcot is set slightly higher than Thornwood, and both Salterns and Dawning House are on higher levels than Sealcot.

Constraints

- 13 The site lies within the built urban confines of Sevenoaks.

Policies

Sevenoaks District Core Strategy

- 14 Policies – L01, L02, SP1, SP2, SP5 and SP7

Sevenoaks District Local Plan

- 15 Policies – EN1 and VP1

Other

- 16 The National Planning Policy Framework (NPPF) – paragraphs 14, 17, 53, 56, 118 and 120
- 17 Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD)
- 18 Residential Extensions Supplementary Planning Document (SPD)

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Planning History

- 19 SE/13/00787 The erection of a new detached single car garage. Pending consideration (see following item on agenda)
- SE/12/00308 Erection of a new detached single car garage. Granted 18.04.12
- SE/12/00307 Demolition of existing dwelling and associated development, and erection of replacement 1 x 2 storey detached dwelling with parking facilities and associated works. Granted 02.07.12
- SE/11/00776 Demolition of existing dwelling and associated development, erection of replacement 1- 2 storey detached dwelling, with garaging and parking facilities; associated works. Granted 01.07.11

Consultations

- 20 The application was initially submitted as a variation of condition application, seeking minor-material amendments to the approved scheme, SE/12/00307/FUL. Following legal advice, stating that this was not a route the applicant could follow in this instance, the application was converted to a full planning application. A consultation period therefore took place when the initial variation of condition application was submitted and a second period occurred when the application became a full planning application. Responses have therefore received prior to and during the submission of the current full planning application.

Sevenoaks Town Council – 16.11.12

- 21 'In view of the errors in the earlier application 12/00307, which were not identified in earlier planning officers' reports, and of the miscalculations in initial work on the site, which had to be halted by building control, the Town Council did not consider that a variation of condition to allow the proposed house to be built without regard to condition 13 (construction in accordance with granted permission) is appropriate.

Instead a fresh permission should be sought which conforms to the limits of the site and the character of the area.

In its original comments on SE/12/00307 the Town Council noted the dominating effect that the dwelling would have on Thornwood, and its excessive size in relation to the granted 2011 permission. The failure to check dimensions in determining the early 2012 application suggests that the impact was not properly assessed, and so a fresh application would be the best way of giving neighbours a fair way of commenting on a confusing succession of plans. The sketches provided with this new application fail to show clearly either the proximity of the new house to the access road to Salterns, or the impact on the dining room windows, or on the garden, of Thornwood.

The Town Council therefore recommended refusal.

- 22 Further comments – 21.03.13

'This application is in essence similar to that seen by Sevenoaks Town Council in October 2012, attempting to vary a condition for a two storey house for which the

original application was inaccurately specified. Sevenoaks repeats its recommendation made on that application:

“In view of the errors in the earlier application 12/00307 which were not identified in the planning officer's reports on of miscalculations in initial work on the site, which had to be halted by building control, the Town Council does not consider that a variation of conditions to allow the house to be built without regard to condition 13 (construction in accordance with granted permission) is appropriate.

Instead a fresh permission should be sought which conforms to the limits of the site and the character of the area.

In its original comments on SE/12/00307 the Town Council noted the dominating effect that the dwelling would have on Thornwood and its excessive size in relation to the granted 2011 permission. The failure to check dimensions in determining the early 2012 application suggests that the impact was not properly assessed. So a fresh application would be the best way of giving neighbours a fair way of commenting on a confusing succession of plans. The sketches provided with this new application fail to show clearly either the proximity of the new house to the access road to Salterns, or the impact on the dining room windows, or the garden, of Thornwood.”

In addition, it has become clear that as well as miscalculating the size of the plot of Sealcot, application SE/12/00307 also did not accurately show the height of the new dwelling relative to Thornwood. The sketch elevation with that application shows the floor levels of Thornwood and the new dwelling to be the same, but the work already done on foundations at Sealcot shows the slab level to be about two thirds of a metre above that of Thornwood. To avoid overlooking of Thornwood's garden, and loss of light to windows, it would be necessary for the slab level for the new two storey building to be no higher than that of Thornwood. Impact on the street scene, and the Wildernessee estate, of the house at the height indicated by its foundations would also be contrary to the neighbourhood character assessment for that area.

The Town Council therefore recommends refusal.’

23 Further comments – 08.04.13

‘Sevenoaks Town Council recommended approval subject to the Planning Officer considering the details of site levels and being convinced there will be no adverse effect upon the residential amenity of Thornwood, and subject to all of the conditions included in the original grant of permission (12/00307)

Informative: Sevenoaks Town Councils strongly regrets the apparent inconsistent, inaccurate, and incomplete information supplied by Sevenoaks District Council on this application. Which presented STC with difficulty in reaching an informed decision on the application.’

Highways Engineer – 16.11.12

- 24 ‘I write to confirm that there are no additional highway implications and I have no objection to this variation.’

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25 Further comments – 20.03.13

'I confirm that I have no objection to this variation essentially comprising modifications/a reduction to the proportions of the dwelling proposed. I would ask however that the applicant is made aware of the latest drawing 4482-PD-010 Revision A pertaining to the development opposite, so that land survey data can be checked to be consistent. Whilst on inspection it appears that the same land survey has been made available for both developments, it is important that the agreed bell mouth and access width of at least 4.1m in this area is achieved.'

Environmental Health Officer – 07.11.12

26 'Providing that condition 11 (land contamination) is unchanged I have no adverse comments or observations.'

Representations

27 Twelve letters of representation were received as part of the process of consultation on the initial minor-material amendment application. One letter of support was submitted along with eleven letters of objection. Within the letters of objection, seven letters were received from the same three neighbouring properties. These include four representations from the owners of Thornwood, the neighbouring property to the south of the site. The concerns raised by the remaining letters of objection are listed below:

- Proximity of house to northern boundary;
- The laying of foundations;
- Construction of the house impacting land outside of the ownership of the applicant;
- Neighbouring amenity;
- Distance of separation from neighbouring properties;
- Overdevelopment of the plot;
- Consideration of the garage application;
- Loss of trees;
- Impact on the character of the area;
- Request for any consent to be conditioned to require a construction management plan controlling parking during this time and preventing surface run-off onto the highway;
- Inaccuracies in the submission and the plans;
- Commencement of work prior to the discharge of previous conditions;
- Loss of privacy;
- Loss of light; and
- Highways safety.

28 The concerns raised by the owners of Thornwood in the letters of objection they have submitted are listed below:

- Inaccuracies in the submission and the plans;

- Right to light;
- Commencement of work prior to the discharge of previous conditions;
- Missing information;
- Levels of the area not correctly shown;
- The windows of Thornwood have not been correctly indicated;
- The proposed garage has been omitted;
- Inaccuracies in the roof height comparisons provided;
- Loss of trees along the front and side boundaries;
- Inaccuracies in the previous officer's report to Development Control Committee;
- Loss of privacy;
- Overlooking;
- Loss of light;
- Overall size of the proposed house;
- Overshadowing;
- Overdevelopment of the site;
- Loss of amenity;
- Mud running off the site; and
- Construction traffic needs to be controlled.

29 During the second period of consultation, for the full planning application, fourteen letters of representation have been received. One letter of support has been submitted along with thirteen letters of objection. Within the letters of objection, four representations have been received from the owners of Thornwood. The concerns raised by the remaining letters of objection are listed below:

- Loss of light;
- Overbearing effect;
- Overdevelopment of the plot;
- Loss of trees;
- Highways safety;
- House larger than that approved under SE/11/00776/FUL;
- Impact on neighbouring amenity;
- Provision of an outdoor amenity area;
- Cumulative impacts of proposal and other recent approvals;
- Previous approval for a detached garage;
- Parking provision and highways safety;
- Incorrect to rely on previous consent due to the errors that were included;

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- Height of proposed house;
- Overlooking;
- Proximity to the northern boundary;
- Impact on the character of the area and the street scene; and
- Loss of privacy.

30 The further concerns raised by the owners of Thornwood in the letters of objection they have submitted are listed below:

- Validity of the previous consents;
- Accuracy of the topographical survey;
- Loss of trees;
- Overdevelopment of the site;
- Application should be considered on its own merits;
- Loss of privacy;
- Overlooking;
- Loss of light;
- Loss of amenities;
- Impact on the character of the area and the street scene;
- Parking provision;
- Contaminated soil;
- Distance of separation to boundaries and adjoining properties;
- Provision of an outdoor amenity area;
- Difference in levels between Sealcot and Thornwood;
- The proposed planting scheme;
- Previous approval for a detached garage;
- The manner in which the application has been submitted;
- Reduction in the plot size from the approved plans;
- Right to light;
- Inaccuracies in the plans;
- Proposed garage building missing from plans;
- Pre-commencement conditions on previous consents remain outstanding;
- Inaccuracies in the previous officer's report to Development Control Committee; and
- Impact of the proposed garage on the proposed development.

Group Manager Planning Services Appraisal

- 31 Members should note that what has gone before has no relevance to the consideration of this application and that only the content of this current proposal should be the focus of their assessment.
- 32 The main issues in this case are the principle of the development, the potential impact on the character and appearance of the street scene and the potential impact on neighbouring amenity. Other issues include the potential impact on highways safety, parking provision, the Code for Sustainable Homes, impact on trees, contamination and sustainable development.

Principal Issues

Principle of the development –

- 33 The NPPF encourages the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value (para. 17). Policy LO1 of the Core Strategy advises that development will be focused within the built confines of existing settlements, with Sevenoaks being the principal for development in the district.
- 34 In my view the site comprises previously developed land, which is not of high environmental value, and the development would take place within the built confines of Sevenoaks. The scheme therefore complies in this respect with the NPPF and policy LO1 of the Core Strategy.

Impact on the character and appearance of the area –

- 35 The NPPF also states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56)
- 36 Policy LO2 of the Core Strategy seeks to protect the setting of the urban area and the distinctive character of the local environment. Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. 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. I therefore consider that these policies are broadly consistent with the NPPF.
- 37 The Sevenoaks Residential Character Area Assessment SPD identifies several locally distinctive positive features for the area including individually designed mostly two storey detached houses, set back from the road with gaps between buildings, and hedged and tree boundaries, along with other features. Design guidance within the document states that development should be set back from the road, should retain space between buildings and mature trees and hedged boundaries which contribute to the character of the area should be retained.
- 38 As stated above, the dwelling would have a height of 7.55m, a maximum width of 14.5m and a maximum depth of 16.5m. This height is comparable to some

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properties in the locality, with Dawning House having a height of roughly 7m. In addition, work has commenced on the Dawning House site for two dwellings on the plot. These properties would have a height of almost 9m. Thornwood has a maximum ridge height of just under 6m. Ridge heights across the three sites would read well, since they would rise from south to north with the gently rising levels of the plots. The levels indicated for the development would result in a rise in ridge height of just under 2m from the highest part of Thornwood and a further rise of a metre to the current ridge height of Dawning House.

- 39 The proposed siting and layout of the new dwelling would respect the existing pattern of development which fronts Seal Hollow Road, and which generally reflects a ribbon layout of built form. The position of dwellings in relation to the highway varies in this part of the street, but the proposed development would maintain a separation of 14m to the front boundary of the site. The previous bungalow was located a minimum of 10.8m (the integral garage) from the front boundary, with the main part of the building being an average of about 14m from the front boundary. Other examples of distances of separation to front boundaries include about 6m for Thornwood, and about 7m for 109, 111 and 113 Seal Hollow Road to the south of the site, and about 25m for both Dawning House and Cleve to the north.
- 40 The proposed house would also possess a similar overall width and depth to the former bungalow, and would therefore have a similar plot coverage and a similar separation from boundaries of the plot and neighbouring properties. I would acknowledge that the proposed dwelling would be sited closer to the northern side boundary of the plot. However, this is shared with the access drive serving a number of properties in the locality and so a suitable distance between the house and Dawning House to the north would be retained. The two storey element of the proposed house would also retain a minimum gap of 6.2m to Thornwood, which again would be an acceptable distance to the neighbouring property given the character of the area.
- 41 The proposed house would therefore maintain the layout and pattern of development along Seal Hollow Road. As noted earlier there is variety in the pattern of built form around the site resulting from the network of roads to the. Accordingly, I do not concur with comments made by representations received that the replacement dwelling would harm the character and appearance of the area, would be overdevelopment of the site or would impact upon the visual amenities of the area. The area is generally well developed with varying plot sizes, orientation and size of property.
- 42 I would acknowledge that a number of trees have been removed from the site, including those which previously stood on the front and side boundaries of the plot. However, these trees did not benefit from any protection and their removal did not require any consent. Boundaries formed by trees are identified within the Residential Character Area Assessment SPD as contributing to a locally distinctive feature and are referred to within the design guidance for the area. However, the Council could retain control over the suitable replacement of the trees removed to ensure that the character of the area is preserved by way of a condition on any approval of consent.
- 43 In conclusion, I consider that the proposed dwelling would continue to maintain the existing scale, site coverage and density of built form within the surrounding

area and would therefore accord with the requirements of the NPPF, the Core Strategy and the Local Plan.

Impact on neighbouring amenity –

- 44 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 45 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 46 Concern has been raised by the Town Council and the occupants of surrounding properties of the impact of the proposed development on their residential amenities, particularly those who live at Thornwood to the south of the site. The issues raised are listed in detail above and include a dominating effect, impact on amenity, loss of privacy, loss of light, right to light, inaccuracies in the plans, overlooking, overshadowing and provision of an amenity area.
- 47 The block plan submitted demonstrates that with the size of house proposed it would be possible to maintain good distances between the proposed house and neighbouring properties. The house directly to the north of the site, Dawning House, would maintain a distance of about 25m to the flank of the proposed house and would be separated by the access drive, which serves Salterns and Summerhill. This distance would be reduced to just under 9m if the new dwellings were built out on the site.
- 48 Given the position of the proposed dwelling, and the distance of separation, the proposed dwelling would not create an overbearing effect, outlook from the existing property on Dawning House and the replacement houses would be preserved and overshadowing and a loss of daylight and sunlight would not occur to a significant level. First floor side facing windows would serve bathrooms or would be secondary windows and so these windows could be required to be obscure glazed to prevent overlooking and a loss of privacy on both neighbouring properties. This could be done by way of condition on any approval of planning permission.
- 49 To the west of the site, Salterns and Hill House, would be situated about 34m from the proposed dwelling. Both neighbouring properties would continue to be situated on a higher level than the proposed property. I believe that the levels, and ultimately the ridge height of the proposed dwelling, are set at such a height to ensure that the potential impact the house would potentially have would be kept to a minimum given the significant distance of separation between the proposed house and the two neighbouring properties to the west.
- 50 It is acknowledged that Thornwood would be the property most affected by the proposed house since the dwelling would stand adjacent to the northern boundary of Thornwood. For this reason officers have visited the property and therefore have the benefit of understanding the potential impacts first-hand. In addition, the errors that were contained within the plans submitted for the previous application, which related to Thornwood, have now been corrected following a survey of the neighbouring property. Windows in the northern side

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elevation of Thornwood are now correctly shown and the topographical survey also includes levels measured on the Thornwood side of the shared boundary. Both of these facts allow for a full assessment of the potential impacts that the proposed development represent.

- 51 Thornwood is a split level, part two storey, part single storey property. The majority of the property is situated at a level roughly 0.3m lower than the level proposed for the new dwelling. This would result in a perceived height for the new house of 7.7m when viewed from within Thornwood from the north facing windows along the lower section of the property and the access path along the side of this part of the house. However, this difference in levels is reversed to the rear raised section of Thornwood where this part of the property would be at a level 0.3m above the proposed level of the proposed house. The perceived height of the dwelling from the rear bathroom of Thornwood would therefore be 7.1m. The perceived height from the rear garden area of Thornwood would be reduced again due to the further increase in levels.
- 52 Thornwood has a number of windows along the northern side of the property that face directly onto Sealcot. From the front of the house working backwards these windows include one that serves a utility room, four high level windows that serve an open plan kitchen and dining area, one which serves a separate dining room and one which serves a bathroom. The house also possesses a number of glazed openings that face in a southern direction. These include large glazed doors that serve the dining area adjacent to the kitchen, and large glazed doors that serve the living room, which is directly adjacent to the dining room. A roof lantern also serves the dining area adjacent to the kitchen and the rear bathroom has a west facing window serving it.
- 53 Due to the fact that a minimum distance of separation of 5.5m is proposed between the new dwelling and Thornwood, rising to 7.7m where the new house tapers away from Thornwood, I am of the opinion that the proposed development would not create an overbearing effect on the owners of Thornwood. I would acknowledge that there is proposed to be a slight difference in levels between the two properties. However, the distance of separation would be sufficient to ensure that the proposed house would not be overbearing.
- 54 Given the fact that the north facing windows of the open plan kitchen area to the front of Thornwood are each high level windows, I do not believe that outlook from these windows would be significantly affected. The internal level of the windows means that anyone standing in this part of the house would therefore be drawn to look upwards towards the sky rather than directly out onto the proposed dwelling.
- 55 Beyond the kitchen is a dining room served by a large window. This would potentially have an outlook directly onto the side of the proposed property. The window is situated roughly 2m from the shared boundary with Sealcot. Prior to work starting on site the boundary at this point comprised a 1.7m close boarded fence. Outlook from the dining room window was therefore restricted and it would be possible for a fence up to 2m high being erected on the boundary under permitted development, further restricting outlook. In addition, the two storey element of the proposed house would be positioned 6.8m away from the side of Thornwood. Taking these factors into consideration I do not believe that the outlook from the dining room window would suffer a detrimental impact that would be harmful enough to warrant a refusal of the application.

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- 56 Thornwood has a clear glazed bathroom window to the rear of the property, which faces north. This, I would argue, is a secondary window to a west facing window which would continue to enjoy a rear facing aspect. In addition, the situation regarding outlook is similar here to that of the dining room window in relation to the erection of a 2m close boarded fence. The difference here is that the levels of both plots rise and, given its position, anyone stood at the bathroom window could potentially enjoy an outlook beyond the rear of the proposed dwelling. I would therefore conclude again that outlook would not be significantly impacted upon.
- 57 The owners of Thornwood have had a right to light survey carried out, which has concluded that the kitchen could lose more than 50% of light to this room as a result of the development, and the separate dining room could lose 100% of light reduced down to 30% by the window in the adjoining living room. It has not been made clear whether works that the applicant could undertake as permitted development has been considered as part of this assessment. It is also unclear what effect the south facing windows and roof lantern in the dining area adjacent to the kitchen would have on reducing the amount of light received by the kitchen.
- 58 I would acknowledge the findings of this survey. However, the Council can only apply the test relating to a loss of daylight and sunlight that is adopted as part of their Development Plan. The Residential Extensions SPD contains a 45 degree angle test which provides a clear indication as to the potential loss of daylight and sunlight, which can also be applied in this instance.
- 59 In applying the test to the proposed development and Thornwood it is clear to see that the proposed development would not result in a detrimental loss of daylight or sunlight to the seven north facing windows of Thornwood. This is because the proposed house passes the test when applied in both plan and elevation. Applying the test to the plan does indicate that the dining room window would be slightly impinged upon but this would not lead to a significant loss of daylight or sunlight since the window would not be affected by the elevation of the house.
- 60 What also needs to be taken into consideration is that Thornwood has a number of south facing openings which serve several areas of the property and a large roof lantern serves the open plan kitchen area. These openings would continue to receive a generous amount of both daylight and sunlight.
- 61 The proposed house would possess three ground floor south facing windows and two first floor windows. The ground floor windows would be secondary windows to a primary front or rear facing window serving the same room. The insertion of side facing windows would create a relationship between the two properties that would not be unusual in an urban area such as this. In addition, it would be possible for the owners of Thornwood to obscure the glazing of the ground floor bathroom window, preserving their privacy. The first floor windows proposed would serve a bathroom and would be secondary to a bedroom. Both of these windows could therefore be required to be obscure glazed to prevent overlooking and preserve privacy.
- 62 The utility room to the front of the property is not currently a habitable room and I would argue is located sufficient distance away from the proposed house not to be significantly impacted upon. The front and rear facing, first floor windows would be orientated in such a way and would be sufficient distance away from the proposed dwelling, again, not to be significantly impacted upon.

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- 63 Finally, in acknowledgement to the potential for future impact on the amenities of the occupier of Thornwood, I believe that it would be appropriate in this instance to remove permitted development rights for both extensions to the approved house and outbuildings within its curtilage. This can be done by way of a condition on any approval of planning permission.
- 64 Given the above, I therefore consider that the proposed development would continue to preserve the amenities of the occupiers of adjoining properties.

Other Issues

Parking provision and highways safety –

- 65 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should provide parking facilities and should ensure satisfactory means of access for vehicles. Policy VP1 of the Sevenoaks District Local Plan requires that vehicle parking provision in new developments should be made in accordance with adopted vehicle parking standards.
- 66 The plans submitted indicate the proposed detached garage that is also currently under consideration (SE/13/00787/HOUSE). However, this consent would provide no approval for this separate proposal and the applicant can be notified of this fact by way of a condition on any decision notice issued. It follows that the assessment for the garage will be carried out in full under the separate application.
- 67 Current parking standards require that a five bedroom property in this area should provide a minimum of two parking spaces. The plans submitted clearly show that the site could accommodate this number of vehicles to the front of the property. Putting the proposed garage aside, I would also argue that the site would retain sufficient space to the front of the plot to provide turning for vehicles to allow them to exit the site in a forward gear.
- 68 The Highways Engineer has confirmed that they wish to raise no objection to the new dwelling. This is subject to the alterations to the entrance of the shared driveway having been carried out. These alterations were agreed as part of a recent consent relating to the Dawning House site and the works have now been completed. These works were carried out following the submission of the application. Hence, why the site survey does not show these works.
- 69 I would therefore conclude that the proposal would provide parking facilities in accordance with current parking standards and would preserve highways safety.

Code for Sustainable Homes –

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

Impact on trees –

- 71 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient

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woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).

- 72 As mentioned above, no tree on the site is afforded any protection and so the works that have been carried out to remove several trees from the site is generally acceptable in principle. However, the Council retains control over what future planting takes place on the site and it is also possible to ensure the retention of the planting along the frontage which is key to the character and appearance of the area.
- 73 I therefore consider that, subject to further details relating to soft planting to take place on the site, the proposal would preserve the character and appearance of the area.

Contamination –

- 74 The NPPF states that where a site is affected by contamination ‘responsibility for securing a safe development rests with the developer and/or landowner’ (para. 120).
- 75 The burning of vegetation that has taken place within the rear garden area of the property has created a small area of land which is now contaminated and requires appropriate remediation works. As far as I am aware these works have not yet taken place. However, a condition can be included on any approval of consent to ensure that the land is appropriately dealt with. This is a view shared by the Environmental Health Officer.

Construction works affecting land outside of the ownership of the applicant –

- 76 This is a civil matter to be resolved between the applicant and any adjoining land owner whose land may be affected by works being carried out. This is not, therefore, a matter material to the consideration of this application.

Control of construction traffic –

- 77 This is normally a matter dealt with by way of condition on larger developments, where regular vehicle movements are expected, to ensure that highways safety is preserved during the period of construction. Given the fact that development is taking place on the adjacent Dawning House site and that access to the site could become problematic.
- 78 I believe that a condition requiring details of a construction management plan would be appropriate in this instance to ensure there is no conflict with the traffic movements created by the adjacent development, due to the narrow access and the number of properties served by the access.

Commencement of works prior to the discharge of conditions –

- 79 The works on site previously commenced prior to the discharge of the pre-commencement conditions attached to the previous consent. However, work has now ceased on site and the consideration of the conditions is no longer relevant due to the fact that it has been demonstrated that it is not possible to build the approved development.

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The manner in which the application has been submitted –

- 80 The application was originally submitted as a minor-material amendment application, seeking amendments to the previously approved scheme, SE/12/00307/FUL. This followed advice from officers that this would be an acceptable route to take. However, having taken further legal advice the applicant was informed that this route was not the correct one to take to propose the necessary alterations and instead a full planning application was submitted.

Consideration of the garage proposal –

- 81 The assessment of the proposed garage has been carried out as part of the report also put forward to the Committee on this same agenda, application reference number SE/13/00787. This assessment includes consideration of the garage and the new dwelling proposed in this scheme.

Inaccuracies in the previous officer's report –

- 82 As with this application, the previous officer's report to Committee was based on the plans submitted. It has been acknowledged that errors existed in the content of the previous submission. However, I am now satisfied that the survey of the site is now correct and as a result a fully informed assessment of the proposal has now been carried out.

Validity of the previous planning permissions –

- 83 The previous planning permissions, SE/12/00307/FUL and SE/12/00308/HOUSE, are valid approvals and still stand. However, it is the case that it is not possible to build out the development that these consents gave permission for due to errors that occurred in a previous survey of the plot.

Sustainable development –

- 84 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-

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

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

Access Issues

- 86 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development provides appropriate facilities for those with disabilities. The front elevation plan shows that the house would be accessed via a step up. The applicant can be notified by way of informative that if Building Regulations require a ramp up to the front door a further planning application may be required for these works.

Conclusion

- 87 It is considered that the proposed dwelling would preserve the character and appearance of the street scene and neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block Plans

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

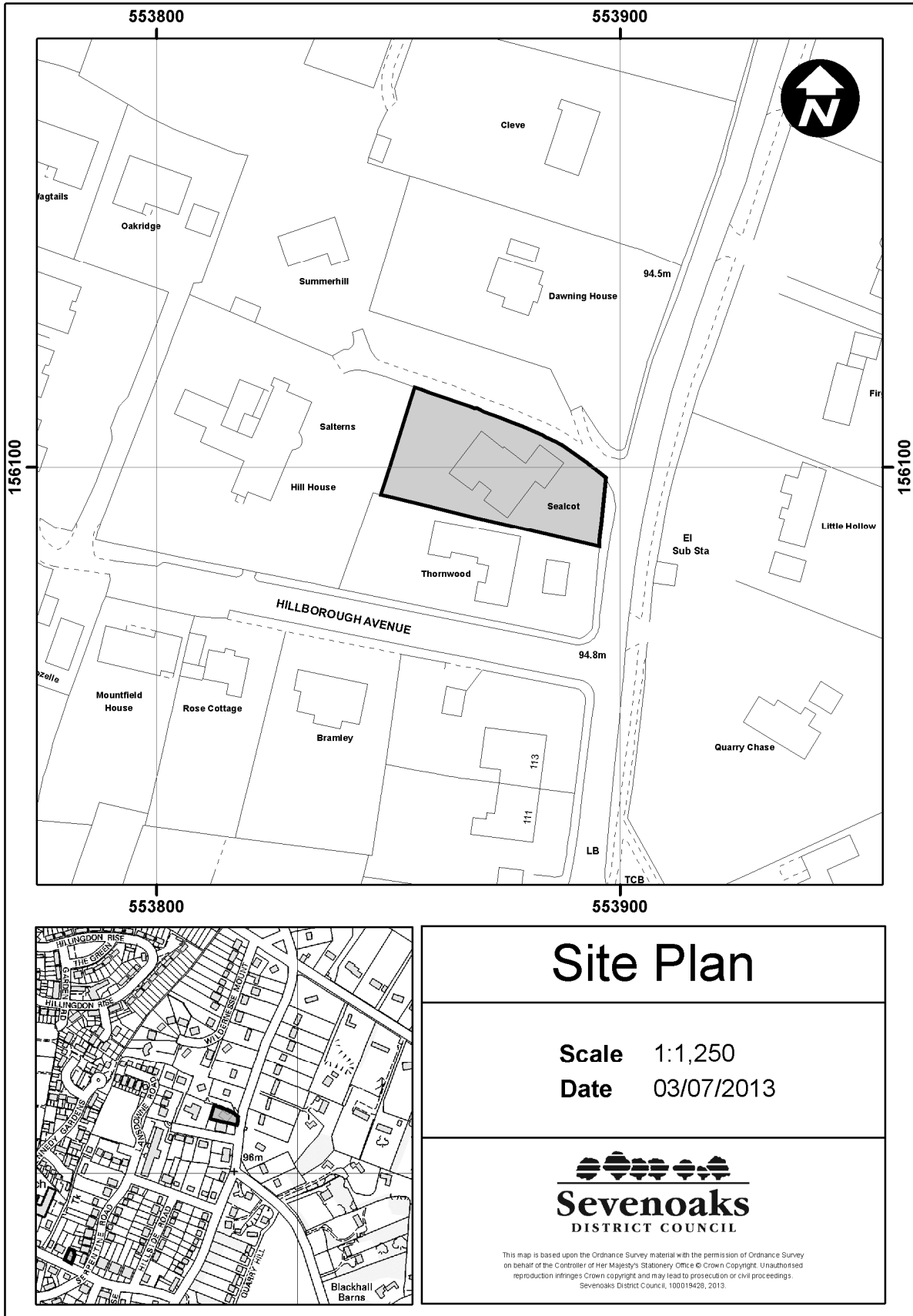
Pav Ramewal
Chief Executive Designate

Link to application details:

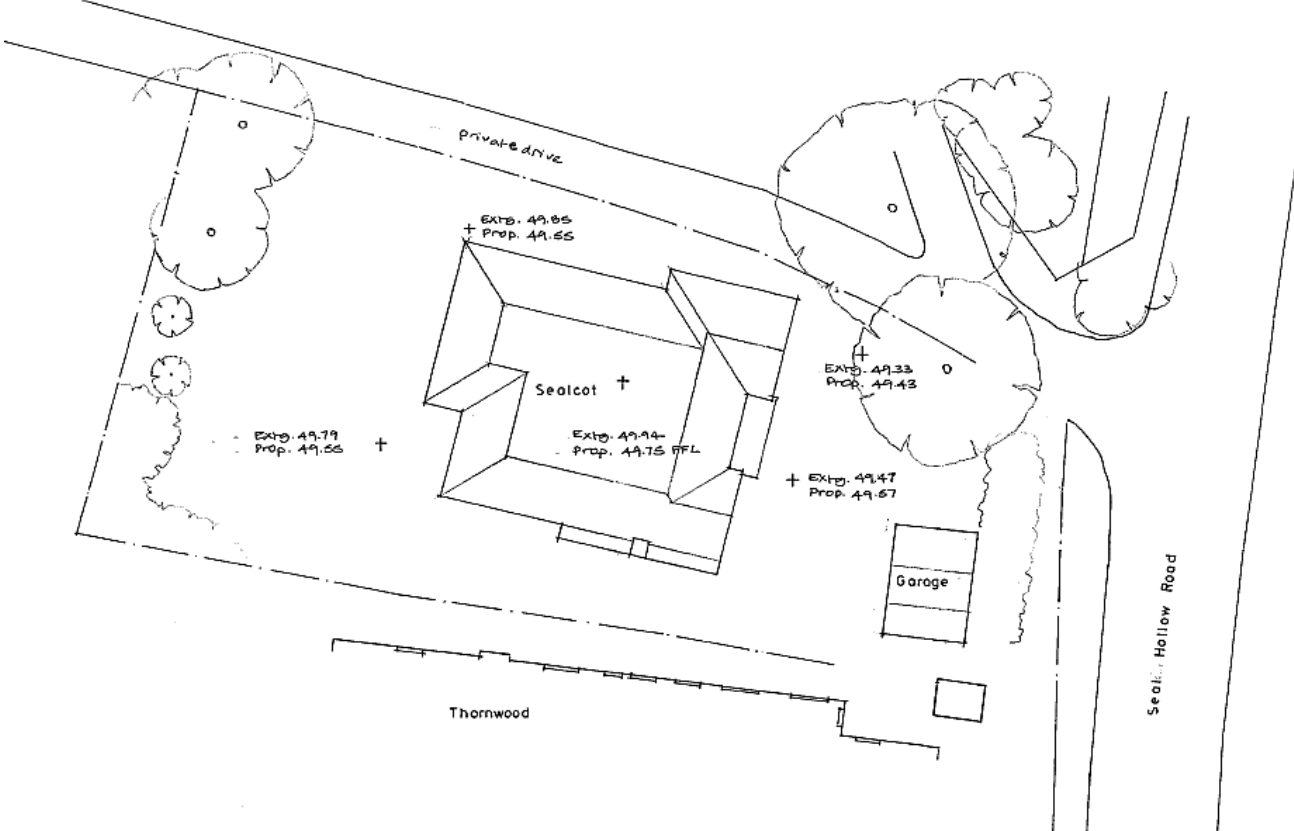
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MCA8ZABK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MCA8ZABK8V000>



BLOCK PLAN



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4.2 – SE/13/00787/HOUSE Date expired 29 May 2013

PROPOSAL: The erection of a new detached single car garage.

LOCATION: Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH

WARD(S): Sevenoaks Eastern

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the officer's recommendation is at variance to the view of the Town Council and at the request of Councillor Purves who has concerns that the proposal could potentially have a detrimental impact on the character of the area and have a detrimental impact upon highways safety.

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 garage 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 be carried out on the land until full details of both hard and soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-layout of areas of hard standing (identifying existing areas of hard standing to be retained, new hard standing and the finish of new hard standing);-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation. The extent of the hard standing shall be sufficient to enable vehicles to turn and exit the site in a forward gear and to provide for a second parking space.

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

4) Hard and soft landscape works shall be carried out before first use of the outbuilding. The landscape works shall be carried out in accordance with the approved details.

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

5) If within a period of five years from the completion of the development, any of the

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trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

6) No development shall be carried out on the land until full details of the tree protection measures for the existing trees along the front of the site have been submitted to and approved in writing by the Council. The development shall be carried out using the approved details.

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

7) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

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

8) The garage and area of hard standing to the front of the site shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the garage and area of hard standing to the front of the site.

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

9) Notwithstanding the information submitted, no development shall take place until details of the proposed slab level of the approved garage and any changes in levels on the front of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

10) The development hereby permitted shall be carried out in accordance with the following approved plans: SEALC/G1 and SEALC/R/10B (not including the house).

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

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

Sevenoaks District Local Plan - Policies EN1 and VP1

Sevenoaks District Core Strategy 2011 - Policies L01, L02 and SP1

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

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

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

Description of Proposal

- 1 The application seeks the approval of the erection of a detached single bay garage outbuilding. The building would be located to the front of the site, in the south-east corner, adjacent to the boundary of the neighbouring property to the south, Thornwood. The outbuilding would have dimensions of 5.5m by 4m and would have a pitched roof to a height of 3.9m.
- 2 Consent has already been granted for a detached garage building to the front of the site. However, after work commenced on an approval for a replacement dwelling on the plot, SE/12/00307/FUL, it became evident that an error had occurred in the site survey previously taken, which meant that the house and the garage could not be built out in the position approved. Hence, the submission of this application to amend the approved scheme and correct the errors that have occurred. The result of this is that the width of the site has now been measured at about 0.5m less than was previously shown and the length of the site is about 2m shorter.

Description of Site

- 3 The site is currently vacant after the detached bungalow that previously stood on the site was demolished following the grant of consent for a replacement two storey detached dwelling, application number SE/12/00307/FUL. The site is located just to the north of the junction with Blackhall Lane and is one of a row of sites which faces those which define the edge of the Wildernessee Estate.
- 4 The plot is similar in size and shape to that of Thornwood, the adjacent plot to the south, and other properties along Hillborough Avenue and Seal Hollow Road to the south. The majority of properties to the north of the site are accessed from Wildernessee Mount and front onto this street scene context rather than Seal Hollow Road. There is generally a mature and established tree and vegetation screen to Seal Hollow Road and the land generally rises up beyond this to meet Wildernessee Mount. Opposite these houses are much larger properties defining the western edge of the Wildernessee Estate. These properties are generally more open to views from the street due to the frontage of some plots comprising of well maintained hedgerows.
- 5 There is a shared driveway access which runs between the application site and Dawning House, which also serves Salterns and Summerhill to the rear. Hillborough Avenue further to the south serves a range of properties to the west of the application site which visually step up the rising topography. The network of roadways of Hillborough Avenue, Wildernessee Mount and Seal Hollow Road provide a varying character of plot shapes, sizes and orientation surrounding Sealcot. There is variety in the size of property from single storey and split level properties at Thornwood, to more imposing three storey traditional properties of Hill House and Salterns.
- 6 Thornwood is predominantly a single storey property, which has a two storey central section. The property has a mono-pitch roof to the two storey element of the building with a height of about 6m. Thornwood is sited approximately 2m from the shared boundary with the application site and projects to within about 6m of

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the plot frontage. To the north of Sealcot is Dawning House, which is currently a large two storey detached property and is divided from the application site by the shared access track and approximately 38m separation to the boundary of the application site. To the west of the plot is Salterns, a large three storey semi-detached dwelling, which shares a boundary with the site mainly treated with mature screening of trees.

- 7 The levels of the area are such that both Sealcot and Thornwood are slightly higher than the highway to the front, Sealcot is set slightly higher than Thornwood, and both Salterns and Dawning House are higher than Sealcot.
- 8 Garages in the locality generally appear to be integral to the main house, with some detached garages standing slightly forward of the main house (for example 109 Seal Hollow Road) and one located adjacent to the frontage of the plot (Timbertop).

Constraints

- 9 The site lies within the urban built confines of Sevenoaks.

Policies

Sevenoaks District Core Strategy

- 10 Policies – L01, L02 and SP1

Sevenoaks District Local Plan

- 11 Policies – EN1 and VP1

Other

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

Planning History

- 14 SE/12/02799 Demolition of existing dwelling and associated development (retrospective), and erection of replacement 1 x 2 storey detached dwelling with parking facilities. Pending consideration (see previous item on agenda)

SE/12/00308 Erection of a new detached single car garage. Granted 18.04.12

SE/12/00307 Demolition of existing dwelling and associated development, and erection of replacement 1 x 2 storey detached dwelling with parking facilities and associated works. Granted 02.07.12

SE/11/00776 Demolition of existing dwelling and associated development, erection of replacement 1 - 2 storey detached dwelling, with garaging and parking facilities; associated works. Granted 01.07.11

Consultations

Sevenoaks Town Council – 25.04.13

- 15 'Sevenoaks Town Council recommended refusal on the following grounds:
- To date, the only valid, accurate and buildable permission for the site is that from 2011, which forbids any building in the front garden of the house that replaces Sealcot (condition 14).
 - Loss of amenity to the neighbouring property Thornwood, through obstruction of light to main living rooms.
 - The detrimental impact on the street scene due to the proposed garage's close proximity to the road.
- 16 If Sevenoaks District Council is minded to approve the construction of a garage, it should be no higher than the part of Thornwood which is closest to the road, be single storey with a flat roof, and be set on a lower slab level so it can be easily screened.'

Highways Engineer – 27.06.13

- 17 'I would agree that reversing out onto Seal Hollow Road would be undesirable and that entering and exiting in a forward gear should be sought and specified as part of this garage proposal.
- 18 I have studied drawing SEALC/R/10B – scaled 1:200 at A3. This drawing is about the only overall site plan submitted and what is needed with it is a landscape plan and/or a plan defining the extent of hard landscaping or turning area. If approved I would recommend an appropriate condition is included which preserves turning space for that purpose.
- 19 It appears under 13/00787/HOUSE (still to be determined) that the house is potentially to be 5 bedroom. A minimum of two car parking spaces are therefore required to meet standards. Looking at the plan (SEALC/R/10B) and broadly using the standard aisle width of 6m used for large car parks as a guide for turning, I envisage i) forward entry into the site, ii) forward entry into the garage, iii) reversing (westwards) towards the property and iv) forward exiting; without difficulty. However this is subject to the full area between garage and house being available for turning. I would recommend as described above that the applicant specifies an area which can be reserved for hard standing and turning and that this shows car parking for at least a second vehicle. I would suspect that a condition may also be needed to preserve the use of the garage for car parking (i.e. not degenerate to storage with time and become unavailable for car parking, increasing the need/risk/occasion to reverse out onto Seal Hollow Road).'

Representations

- 20 Six letters of representation have been received each objecting to the proposed scheme. Three of these representations have been received from the owners of the adjacent neighbouring property Thornwood. The concerns raised by the other three representations are listed below –
- Size of the proposed house;

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- Impact on street scene;
- Overlooking;
- Loss of light;
- Loss of privacy;
- Loss of trees;
- Overdevelopment of the site;
- Highways safety;
- Proximity to the front boundary;
- Previous condition controlling development to the front of the site;
- Parking provision; and
- Inaccuracies in the plans.

21 The concerns raised by the three representations received from the owners of Thornwood are listed below. The issues raised that relate specifically to the application for the new dwelling that is currently being considered have not been referred to here –

- How the application was considered by the Town Council;
- Parking provision;
- Highways safety;
- Previous condition controlling development to the front of the site;
- Loss of trees;
- Impact on street scene;
- Inaccuracies in the topographical survey;
- Differences in levels;
- Overdevelopment of the site;
- Dominant appearance of the garage;
- Ability to replace trees removed;
- Outlook;
- Loss of light;
- Loss of privacy;
- Loss of visual amenity;
- Overshadowing;
- Increase in noise;
- Appearance of the garage;
- Layout; and
- Density.

Group Manager Planning Services Appraisal

- 22 Members should note that what has gone before has no relevance to the consideration of this application and that only the content of this current proposal should be the focus of their assessment.
- 23 The main issues in this case are the potential impact on the character and appearance of the street scene, the potential impact on neighbouring amenity, the potential impact on highways safety and parking provision. Other issues include impact on trees and sustainable development.

Principal Issues

Impact on the character and appearance of the area –

- 24 The NPPF also 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)
- 25 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. 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. I therefore consider that these policies are broadly consistent with the NPPF.
- 26 The Sevenoaks Residential Character Area Assessment SPD identifies several locally distinctive positive features for the area including individually designed mostly two storey detached houses, set back from the road with gaps between buildings, and hedged and tree boundaries, along with other features. Design guidance within the document states that development should be set back from the road, should retain space between buildings and mature trees and hedged boundaries which contribute to the character of the area should be retained.
- 27 The Residential Extensions SPD states that garages and other outbuildings should be subservient in scale and position to the original dwelling and not impact detrimentally on the space surrounding buildings or the street scene by virtue of their scale, form or location. Garages or outbuildings set in front of the building line will not normally be allowed.
- 28 The proposal involves the erection of a detached garage building to the front of the site, set back a minimum of 4m from the front boundary. The building would be orientated to face in a northerly direction, towards the entrance of the site and would provide parking for one vehicle. The garage would have a length of 5.5m and would have a maximum height of 3.9m. The bulk and built form of the building is proposed to be kept down through the use of a cat-slide roof design.
- 29 I would argue that the building line along this part of the street is varied with properties to the south set quite close to their respective plot frontages. In particular, Thornwood, the adjacent neighbouring property projects forward to

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about 6m from the frontage of its plot. The proposed garage is proposed to project only 0.7m to the front of Thornwood.

- 30 In addition, 109, 111 and 113 Seal Hollow Road all stand about 7.5m back from their respective frontages and each have a prominent appearance in the street scene. To the north of Sealcot properties are set a little further back. One example of a garage set forward of the main house exists to the south of the site at Timbertop. I would acknowledge that this property falls within a different area of the Residential Character Area Assessment SPD. However, this property is in close proximity to Sealcot and is seen in a similar context to the application site. An outbuilding positioned to the frontage of the site would therefore not be detrimental to the character of the area.
- 31 The front of the site banks up steeply from the highway and possesses a line of mature trees, which provides a partial natural screen for the site from the street. From the north the site is more open due to the existence of the access onto the property. As noted above mature trees and hedged boundaries contribute to the character of the area and to ensure that the character is preserved a condition can be included on any approval of consent requiring a soft frontage to the site to be retained. This will mean that suitable replacements of the trees and plants lost to the frontage will need to be proposed. The natural screen would therefore continue to break up the side elevation of the garage that would face onto the street and would continue to preserve the character of the area.
- 32 To ensure that the levels of the site are appropriately treated when building out the garage, a condition could be included on any approval of planning permission requiring proposed levels to the front of the site to be confirmed. This would prevent levels to the front of the site increasing significantly and any impact resulting from these possible level changes.
- 33 Representations made refer to overdevelopment of the plot and the scale, layout and density of the development. When considered along side the approved (SE/11/00776/FUL) and proposed replacement dwelling currently under consideration (SE/12/02799/FUL), I believe that the plot provides sufficient space for a detached outbuilding in addition to a dwelling. It is also the case that the dimensions of the single bay garage are modest and so would be appropriate in terms of its scale to both developments. I do not believe that the proposals represent overdevelopment of the plot or that the scale, layout and density of the development is out of keeping with the surrounding area.
- 34 A condition does exist on planning approval SE/11/00776/FUL requiring the integral garage and area to the front of the house to be retained for parking. However, this consent has not been implemented and so the condition does not apply to the site. In addition, the aim of the condition is to control future development, not preclude it. The condition therefore has no bearing on the consideration of this application.
- 35 In this instance, given the front boundary treatment, the location of the outbuilding tucked into the south-east corner of the plot and the varied building line of the street, I consider that the proposal would preserve the character of the street scene.

Impact on neighbouring amenity –

- 36 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 37 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 38 The immediate neighbour to the south is Thornwood and would be the property potentially most affected by the proposed garage building. To the north of Sealcot is Dawning House, which lies a significant distance away from the site of the proposed garage and is divided from the application site by the shared access track. A generous distance of separation would also be preserved if the approved planning permission for two houses on the site are built out. To the west of the site are Salterns and Hill House, which are located to the rear of the site, some distance from the location of the proposed garage.
- 39 Thornwood possesses several windows at ground floor level which have a north facing aspect onto the application site. One of these windows is located to the front of the property adjacent to where the garage is proposed to be sited. This window serves a kitchenette/utility room and is just over 3m from the shared boundary and would be over 5m away from the rear of the garage. I would acknowledge that the outlook from this window would be slightly affected by the proposed garage since this part of Thornwood is set down slightly lower from the Sealcot site.
- 40 However, the garage would have a cat-slide roof to the rear, reducing the height of the garage to 1.5m to the rear elevation. This drop in height will assist in reducing any impact experienced on the outlook from the window to the front of Thornwood. Mature planting was previously found on this part of the shared boundary reducing the outlook from this window. It is also the case that a 2m high fence could be erected along this boundary without the need for planning permission, which in itself would have more of an impact than the proposed garage.
- 41 To ensure that appropriate boundary treatment is retained along the boundary a condition can be included on any approval of consent requiring details of any proposed boundary treatment.
- 42 Along from the kitchenette/utility room window are windows that serve an open plan dining area, adjacent to the kitchen. These are high level windows and in my opinion the outlook from these windows would not be significantly impacted upon.
- 43 The design of the garage building would also ensure that no significant loss of daylight and sunlight would occur to the adjacent windows in Thornwood. Applying the 45 degree angle test, laid out in the Residential Extensions SPD, clearly shows that in both plan and elevation not significant loss would occur. In addition, no windows are proposed in the flanks of the outbuilding or the rear and so no overlooking would occur and there would be no loss of privacy.

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- 44 I would also argue that the design of the garage would create no significant overbearing effect on the amenities of the occupiers of the neighbouring property since the roof would pitch away from the shared boundary and the eaves height at the southern end of the building would be at a modest height.
- 43 Finally, any noise produced from the use of the garage would be no greater than would be anticipated from the use of the frontage of the site for the parking and manoeuvring of vehicles and so would not lead to a detrimental impact.
- 44 In conclusion, I consider that the proposed garage building would preserve the amenities currently enjoyed by the occupiers of the neighbouring properties.

Parking provision and highways safety –

- 45 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should provide parking facilities and should ensure satisfactory means of access for vehicles. Policy VP1 of the Sevenoaks District Local Plan requires that vehicle parking provision in new developments should be made in accordance with adopted vehicle parking standards.
- 46 Current parking standards require that a minimum of two parking spaces be provided for houses with four or more bedrooms in them, in a location such as the location Sealcot is found within. The plans clearly show that this minimum level of parking would be provided as a result of the development.
- 47 In terms of highways safety, the Highways Engineer has assessed the proposal and concluded that, subject to confirmation of the layout of hard and soft landscaping to the front of the site, it would be possible to retain sufficient space on site to park vehicles and turn them so that they leave in a forward gear. Confirmation of the precise extent of the layout of the front of the site can be requested by way of a condition on any approval of planning permission.
- 48 It is therefore considered that the proposal is acceptable in terms of parking provision and highways safety.

Other Issues

Impact on trees –

- 49 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).
- 50 As noted above, several trees have been removed from the site but appropriate replacements could be sought by way of a condition on any approval of planning permission. In addition, these could be protected for five years to ensure their retention.

Size of the proposed house –

- 51 This is a matter which relates specifically to the separate replacement house application and has not been assessed due to the fact that it does not relate to the consideration of this application.

Inaccuracies in the plans –

- 52 Having visited the site and taken measurements both on the Application site and Thornwood I am happy that the plans submitted are now wholly accurate. The topographical survey does show the site prior to works commencing on site. However, it is still possible to use the plan to assess the relative heights on the site and the adjoining properties.

How the application was considered by the Town Council –

- 53 The Town Council would have been provided with all the information submitted to the Council as part of the planning application. I also explained to at least one member of the Town Council what the situation was regarding the site and the application. Other than providing the Town Council the necessary information the Council has no control over how the Town Council consider an application.

Sustainable development –

- 54 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-

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

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

Access Issues

- 56 None relating to this application.

Conclusion

- 57 It is considered that the proposed garage building would preserve the character and appearance of the area, neighbouring amenity and highways safety, and would provide sufficient parking. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

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Background Papers

Site and Block Plan

Contact Officer(s):

Mr M Holmes Extension: 7406

Pav Ramewal

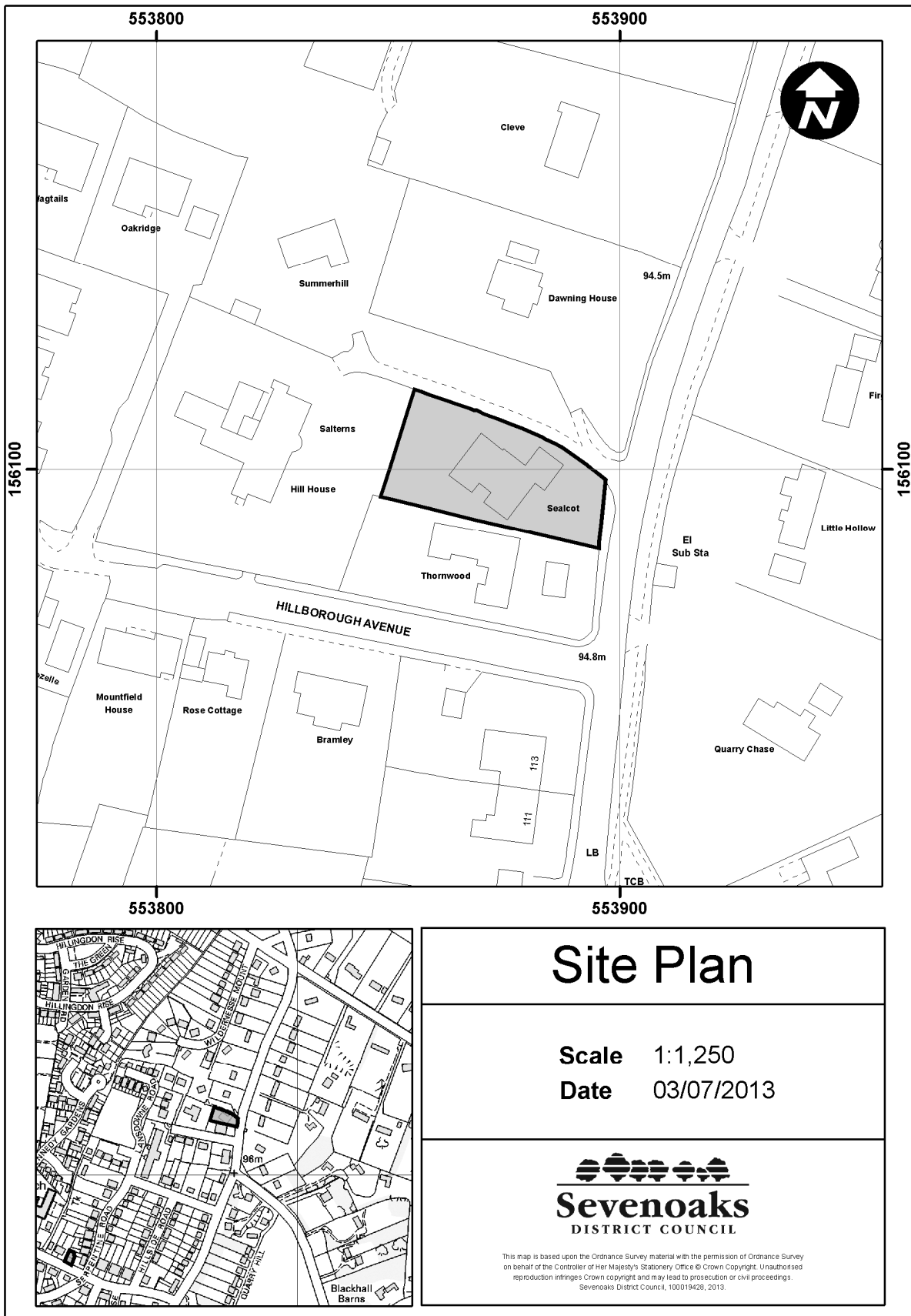
Chief Executive Designate

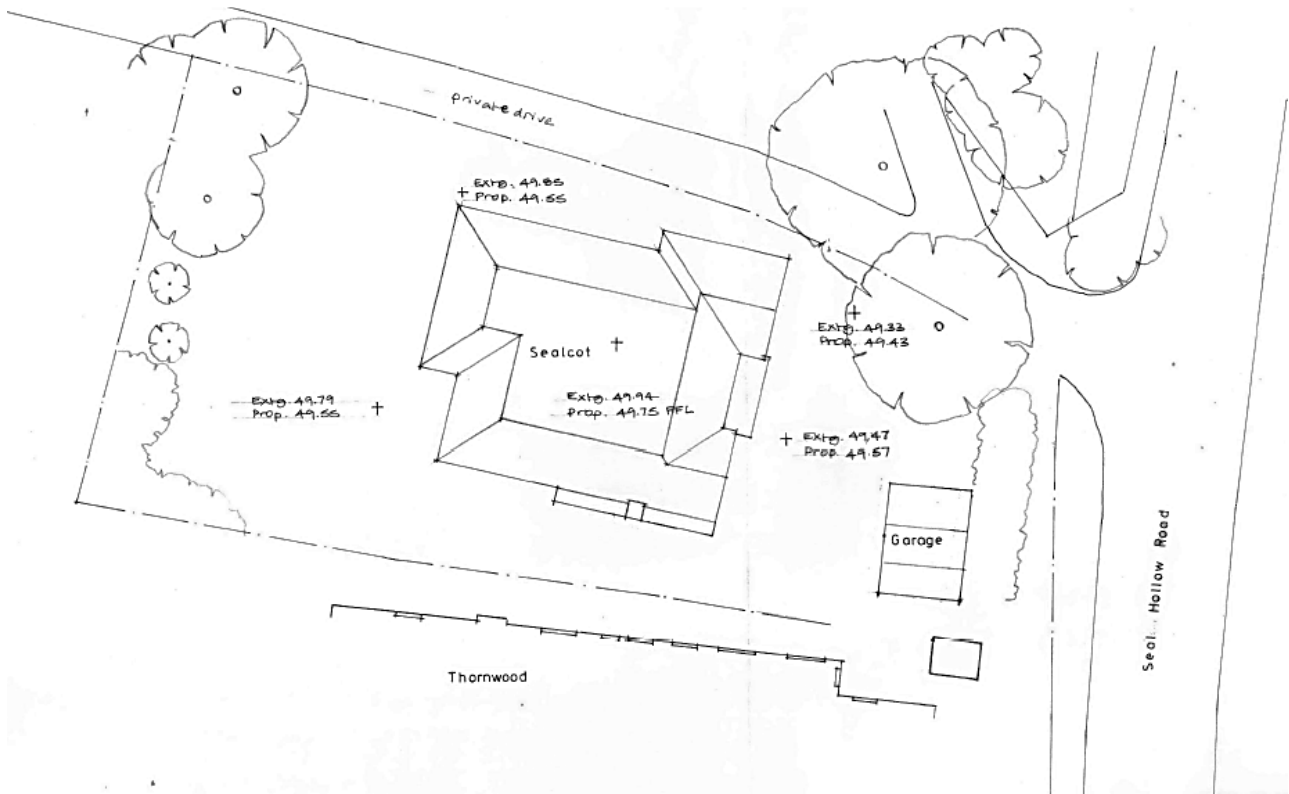
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MJN4X6BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MJN4X6BK8V000>





4.3 – SE/11/01572/FUL Date expired 5 January 2012

PROPOSAL: Retention of an existing PVC purpose built room to front of café and store room to the rear.

LOCATION: The Grove Cafe, The Grove, Swanley BR8 8AJ

WARD(S): Swanley Christchurch & Swanley Village

ITEM FOR DECISION

This application has been referred to Development Control Committee at the request of Councillor Searles as he considers that there are highway issues and that there would be a loss amenities for residents in Sheridan Way by reason of smell and noise.

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 unit shall only be used for A3 use (cafe/restaurant) and for no other purpose (i.e. not a hot food take away).

So any other use can be considered having regard to the amenities of adjacent properties and highway safety as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) The deliveries shall only take place between the hours of 08:00 and 17:00 on any day.

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

4) The use shall only take place between the hours of 08:00 and 17:00 Monday to Friday, between 08:00 and 14:00 Saturday and shall not be open on Sundays or Bank Holidays.

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

5) The car parking and cycle stand shown on the approved drawing BA/11/265/21 shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the car parking and cycle stand.

In the interest of highway safety in accordance with policy EN1 of the Sevenoaks District Local Plan.

6) The development hereby permitted shall be carried out in accordance with the following approved plans BA/11/265/00, BA/11/265/01, BA/11/265/02,

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BA/11/265/03, BA/11/265/04, BA/11/265/06, BA/11/265/07, BA/11/265/08, BA/11/265/09, BA/11/265/20, BA/11/265/21

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

7) No development shall commence until an elevation drawing to a recognised scale of the rear of the building (the south elevation) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with this detail.

In the interest of the visual amenity of the area in accordance with policy EN1 of the Sevenoaks District Local Plan.

8) Within 28 days from the date of this permission, a suitable scheme for the mechanical ventilation of the kitchen area, shall be submitted to and be approved in writing by the Local Planning Authority. The approved system shall be installed and operational before the premises are first brought into use and permanently maintained in full and effective working order at all times. The system shall be used when cooking is being carried out.

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

Description of Proposal

- 1 Retrospective planning permission was granted for a café to be erected under application 09/02637/FUL. In November 2010, a complaint was received that the existing café had been extended. A planning application was received in November 2011 (which is now being considered) to regularise the development that had occurred on the site without the benefit of planning permission.
- 2 This application therefore seeks permission for the retention of an existing PVC purpose built room, which is located to the front of the existing café. In addition to this it is also proposed to retain a small storeroom to the rear of the existing café. Although the application was submitted in November 2011, it has been necessary to go back out to consultation with internal and external consultees (Environmental Health and KCC Highways).
- 3 The extension at the front of the existing café measures 4.2 metres by 4.3 metres and is the same height as the existing café building at 2.7 metres. The plans show that the extension would accommodate up to 12 additional tables. The façade of the extension has been constructed from bricks and upvc units. On the side, elevation of the building that fronts the highway is an emergency door.
- 4 In addition to the extension, a rear store has also been built, which measures 1.6 metres by 3.1 metres in size and 2.7 metres in height.

Description of Site

- 5 The application site relates to an existing café located at the front of The Grove, which is a newly completed Industrial Estate measuring 0.387 hectares. It comprises 9 new industrial units located in Swanley.

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- 6 The site is accessed off a concrete track located off Park Road. To the north of the site is the railway and to the northeast lies Park Road Industrial Estate. To the east of the site, lie a number of residential properties, within Sheridan Close.
- 7 The site is located within the built confines of Swanley.

Constraints

- 8 There are no constraints that affect this site

Policies

Sevenoaks District Local Plan

- 9 Policies – EN1, VP1,

Sevenoaks Core Strategy

- 10 Policy– SP1

Planning History

- 11 09/02637/FUL - Retention of a PVC purpose built room to serve food to Units 1 - 9 + extract duct. Wall and gates at entrance of site. GRANT 07/07/2010
- 09/00520 - Retention of a PVC purpose built room to serve food to Units 1 - 9 and wall and gates at entrance of site. Additional parking & vehicle turning information received 27/08/09. Withdrawn
- 06/03301/FUL - Demolition of existing buildings and erection of new B1 use industrial units (As amended by revised plans received on 13 March 2007). Granted 29 March 2007

Consultations

KCC Highway Officer

- 12 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:-
- 13 This proposal amounts to a small front extension to the public area of the existing café unit and a store extension to the rear.
- 14 Whilst there has previously been objection raised on highway grounds to the original café application, it is important to note that this objection related to a number of factors. The first was the lack of evidence at that particular time of the continued ability for vehicles of the required size for an industrial estate site of this nature to access/turn and the potential related impact upon parking that could result should site access for such vehicles be restricted.
- 15 The original proposed café use is now operating and this proposal relating to the building extension is retrospective, resulting in the ability to assess access and related parking issues on site. As a result, it is not apparent that the building in its current form - i.e. complete with the extensions to the site subject to this application proposal, creates any significant additional internal access problems over and above the existing permitted form of the building.

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- 16 Furthermore, it is difficult to see the potential for any detrimental safety-related parking impact on or in the vicinity of the public highway occurring as a result of these extensions and whilst issues of on-site amenity parking have been raised locally, these are clearly issues of parking management within the private industrial estate site for which Kent County Council Highways & Transportation would have no remit to justify raising objection - particularly as a local public car park exists near the limit of the public highway adjacent to this industrial estate.
- 17 As such, there are no Kent County Council Highways & Transportation objections to these proposals.

The Environmental Health Officer has made the following comments:-

- 18 An operation of this size in this location is likely to have only a limited potential effect on, local residential properties. This may well be able to operate without extensive odour extract and arrestment equipment.
- 19 I would be inclined to accept an extract system with limited odour control facilities. Given the location, I don't think they will cause any problems.

Swanley Town Council

- 20 Swanley Town Council objects to this application as it has on all previous occasions.
- 21 This facility causes a loss of amenity for residents due to noise and smell and general disturbance. There has also been an increase in traffic accessing the site and there is insufficient parking on site to accommodate this increase. This has led to increased congestion on the estate and at surrounding businesses
- 22 Swanley already has a high number of eateries, particularly fast food outlets and there is no requirement for any more.
- 23 In addition, the Town Council has concerns regarding the increase of hardstanding at this site as currently there are flooding issues at nearby Sheridan Close caused by rain water run off
- 24 The Town Council has repeatedly reported the illegal signage erected by this site, which is in complete contradiction to the Design and Access Statement published by the applicant, which states the facility is for the use of unit holders on the industrial estate only.
- 25 The Town Council requests that the District Council consider the same course of action taken by Bexley Borough Council, which successfully obtained a confiscation order under the Proceeds of Crime Act 2002 against a resident who flouted planning rules.
- 26 As stated above, this site has continually flouted planning laws.

Representations

- 27 3 letters of objection has been received in connection with this application. The main issues include the following:-

Amenity

- Design, layout and appearance of the proposal
- No parking
- Blocking access to A,B,C and D parking areas
- Road safety
- Adequacy of infrastructure
- Economic impact on existing businesses on the estate

Group Manager Planning Services Appraisal

Principal Issues

28 The determining issues include the following:-

- The impact of the development on the amenities of neighbouring properties
- Highway Implications of the proposal
- Impact of the development on the character and amenity of the area
- Need
- Access implications

Impact on Amenity of Neighbouring Properties

- 29 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development including any changes of use 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.
- 30 The nearest residential properties are located to the east of the application site within Sheridan Close. At closest point from the front of the proposed extension, the properties would be approximately 40 metres in distance.
- 31 The previous applicant for the erection of the café confirmed that the premises would be used as a café for staff working on the industrial estate, and that operations would include serving simple meals (chips, bacon, eggs etc). The planning consent that was granted however was for an A3 use, which would potentially allow use of the premises to trade to the wider public and sell a greater variety of food.
- 32 Environmental Health has however advised that an operation of this size in this location is likely to have only a limited potential effect on, local residential properties. In addition to this, they have also confirmed that the unit would be able to operate without extensive odour extract and arrestment equipment. He has however advised that some extract system is required and in view of this I have imposed a condition to seek these details after 28 days of the date of this decision. In this respect, as no objection is raised to the proposed extension, I

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consider that the proposal would have no adverse impact on the amenities of adjacent properties.

- 33 When the café was originally granted planning permission under application 09/02637/FUL on 7 July 2010, a number of conditions were imposed to reduce the potential for the business to diversify/intensify its activities.
- The deliveries shall only take place between the hours of 08:00 and 17:00 on any day.
 - The use shall only take place between the hours of 08:00 and 17:00 Monday to Friday, between 08:00 and 14:00 Saturday and shall not be open on Sundays or Bank Holidays.
- 34 The reason for both of these conditions was to protect the amenity of adjacent properties.
- 35 In addition to this, the hours were also deemed to ensure that the business would only realistically operate as a café serving the industrial estate. To safeguard the amenity of adjacent properties again, it is considered prudent and necessary to impose these conditions again.
- 36 Given the comments received from Environmental Health in respect of the proposed extension, the unit is considered to comply with policy EN1 of the Sevenoaks District Local Plan.

Highways and Car parking

- 37 Policy EN1 from the SDLP states, “the proposed development ensures satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council’s approved standards”. Policy VP1 from the SDLP also states that development should be determined in accordance with the Kent and Medway Vehicle Parking Standards.
- 38 The Town Council have raised objection to the proposal because they consider that there will be an increase in traffic accessing the site and there is insufficient parking on site to accommodate this increase. In addition to this, they also raise concern that there will be an increase in HGVs to make use of such a facility and thereby will increase congestion on the estate.
- 39 No extra spaces have been put forward to serve the extended café area.
- 40 Whilst there was objection raised on highway grounds to the original café application, this objection was based on a number of factors. The first related to a lack of evidence at that particular time of the continued ability for vehicles of the required size for an industrial estate site of this nature to access/turn and the potential related impact upon parking that could result should site access for such vehicles be restricted.
- 41 The original proposed café use is now operating and this proposal relating to the building extension is retrospective, resulting in the ability to assess access and related parking issues on site. As a result, the Highway Officer has confirmed that it is not apparent that the building in its current form - i.e. complete with the extensions to the site subject to this application proposal, creates any significant additional internal access problems over and above the existing permitted form of the building.

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- 42 Furthermore, the Highway Officer has also advised that in his view it is difficult to see the potential for any detrimental safety-related parking impact on or in the vicinity of the public highway occurring as a result of these extensions. Whilst issues of on-site amenity parking have been raised locally, these are clearly issues of parking management within the private industrial estate site for which Kent County Council Highways & Transportation would have no remit to justify raising objection - particularly as a local public car park exists near the limit of the public highway adjacent to this industrial estate.
- 43 As such, there are no Kent County Council Highways & Transportation objections to these proposals.
- 44 As previously identified with the original application approved under application SE/09/02637/FUL proposal does have implications for the planning permission that was approved under SE/06/03301/FUL for the demolition of existing buildings on the site and erection of new B1 industrial units. Under this permission, the following condition was imposed:-
- “The car parking, cycle stand and pedestrian route shown on the approved drawing S/1234/05/PL-03C shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the car parking, cycle stand and pedestrian link”
- 45 The drawings that were approved on 13 March 2007 for the above proposal show the area at the front of the site (where the existing case has been constructed) as an informal pedestrian area. This area was also proposed for landscaping. In this respect, the proposal would conflict with that condition.
- 46 Although it is recognised that the unit would erode the informal concrete block paved pedestrian route that was shown on the drawing, this is not considered to be a sufficient reason to refuse the application, and was not indeed identified as an issue when the original café was approved. The Highway Officer has raised no objection to the loss of this feature. It is considered acceptable on highway safety grounds to share the vehicle entrance as proposed. On the other side of the access, a new informal path has been installed which would accommodate some of the pedestrian movement.
- 47 The loss of the landscaping buffer zone is also considered acceptable given the commercial nature of the site.
- 48 The development raises no adverse highway/parking concerns. Any remaining breaches of existing conditions will be investigated as a separate matter by our Enforcement Team, and an assessment will be made as to whether it would be expedient to take any action.

Impact on the visual amenity of the area

- 49 Policy EN1 (from SDLP) 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.
- 50 The application site is located to the south of the industrial estate adjacent to the main access into the site. The PVC building and the wall/gates are visible from

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The Grove (the small access into the site) and from Park Road which is the main public highway.

- 51 As stated above the proposed extension is constructed entirely from bricks with PVC framework and windows. Although the building with the addition of the extension has the appearance of a residential conservatory extension, and is not a conventional commercial style building, it is not considered to adversely affect the character and appearance of the area to warrant an objection on visual amenity grounds due to the small scale nature of the building being extended. Although the side elevation is visible from the street scene it is not considered to be visually harmful given the context of the site.
- 52 The proposed store to the rear is not considered to be of any visual merit, however it is not considered unduly prominent or overbearing to warrant an objection on planning grounds.
- 53 The proposed extension and store are therefore considered to have no adverse impact on the character and appearance of the area and are considered to comply with the above aforementioned policies.

Other Issues

Need

- 54 The Town Council have also raised objection to the development on the grounds that there is no requirement for any more eateries in the town. Lack of need for additional facilities does not, however, constitute a justification for refusing permission. There is no requirement under planning policy for an applicant to demonstrate a need for the use.

Flooding

- 55 The Town Council has concerns regarding the increase of hardstanding at this site as currently there are flooding issues at nearby Sheridan Close caused by rainwater run off. It is not considered that this small unit would have flooding implications.

Access Issues

- 56 Accessibility is an important planning consideration that needs to be taken into consideration in the planning process. Policy EN1 of the Sevenoaks District Council states, "the proposed development provides appropriate facilities for those with disabilities"
- 57 In this case, this is a service facility that needs to be accessible for all. The main access doorway in the unit is considered large enough to accommodate disabled access, in addition to this the doorway is also only marginally raised from the ground which is also considered to be acceptable and would provide suitable access into the premises.

Third Party Objections

- 58 The main issues raised by the objectors have been adequately addressed in the report in terms of amenity, design, layout and appearance, road safety, and the adequacy of infrastructure of the proposal.

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- 59 Other issues raised include blocking access to units A, B, C and D parking areas. These units are located to the south and south west of the application property. The proposed extension does not obstruct access to these specific units. Given the position of the extension at the front of the unit, this new addition is not actually fixed or next to any of the above aforementioned units, so it is considered that the proposal would not affect the maintenance of the buildings.
- 60 The other issue raised by objectors is the fact that the proposal would have an adverse economic impact on the surrounding businesses due to the competition that the café places on parking. It is important to note that KCC highways have raised no objection to the proposal on parking grounds. Although it is not disputed the fact that customers of the café do park in alternative places to the allocated parking spaces, this would be a management issue of the site, and not an issue for planning to resolve.
- 61 The Town Council has raised concern that the café has erected illegal signage on the, which is in complete contradiction to the Design and Access Statement published by the applicant, which states the facility is for the use of unit holders on the industrial estate only. The signage and indeed the security shutters are not being considered as part of this planning application, and any remaining breaches of existing conditions will be investigated as a separate matter by our Enforcement Team, and an assessment will be made as to whether it would be expedient to take any action. As the Local Planning Authority we have to assess the development as submitted to us.
- 62 The Town Council has also requested that the District Council consider the same course of action taken by Bexley Borough Council, which successfully obtained a confiscation order under the Proceeds of Crime Act 2002 against a resident who flouted planning rules. It is however not an offence to carry out development without planning permission. However, any unauthorised development is carried out at the developer's risk and the Council may take enforcement action either to demolish/remove the development or to alter it so that it becomes acceptable. In view of this, it is not considered that this is a valid reason to refuse the application.

Conclusion

- 63 In conclusion, the development is considered to have no adverse impact on the amenities of adjacent properties or the visual amenities of the area, despite the concerns raised by the Town Council. In addition to this as the Highway Officer has raised no objection to the development, it is considered that the proposal is acceptable on highway and parking grounds.

Background Papers

Site Plan

Agenda Item 4.3

Contact Officer(s):

Vicky Swift Extension: 7448

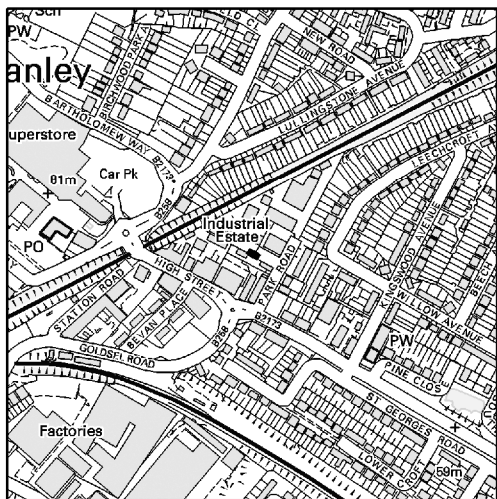
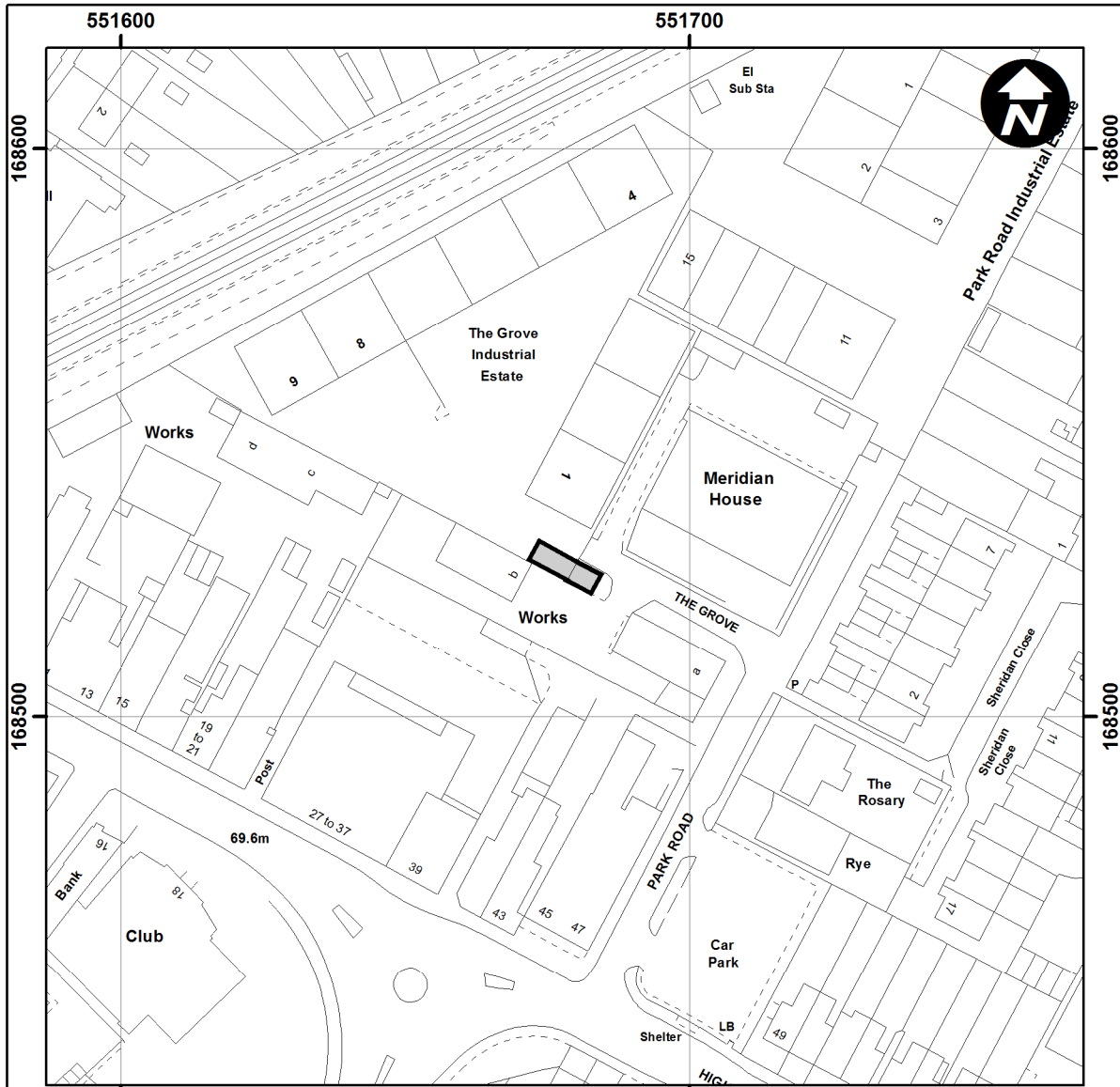
Pav Ramewal
Chief Executive Designate

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LN4OSKBK8V000>

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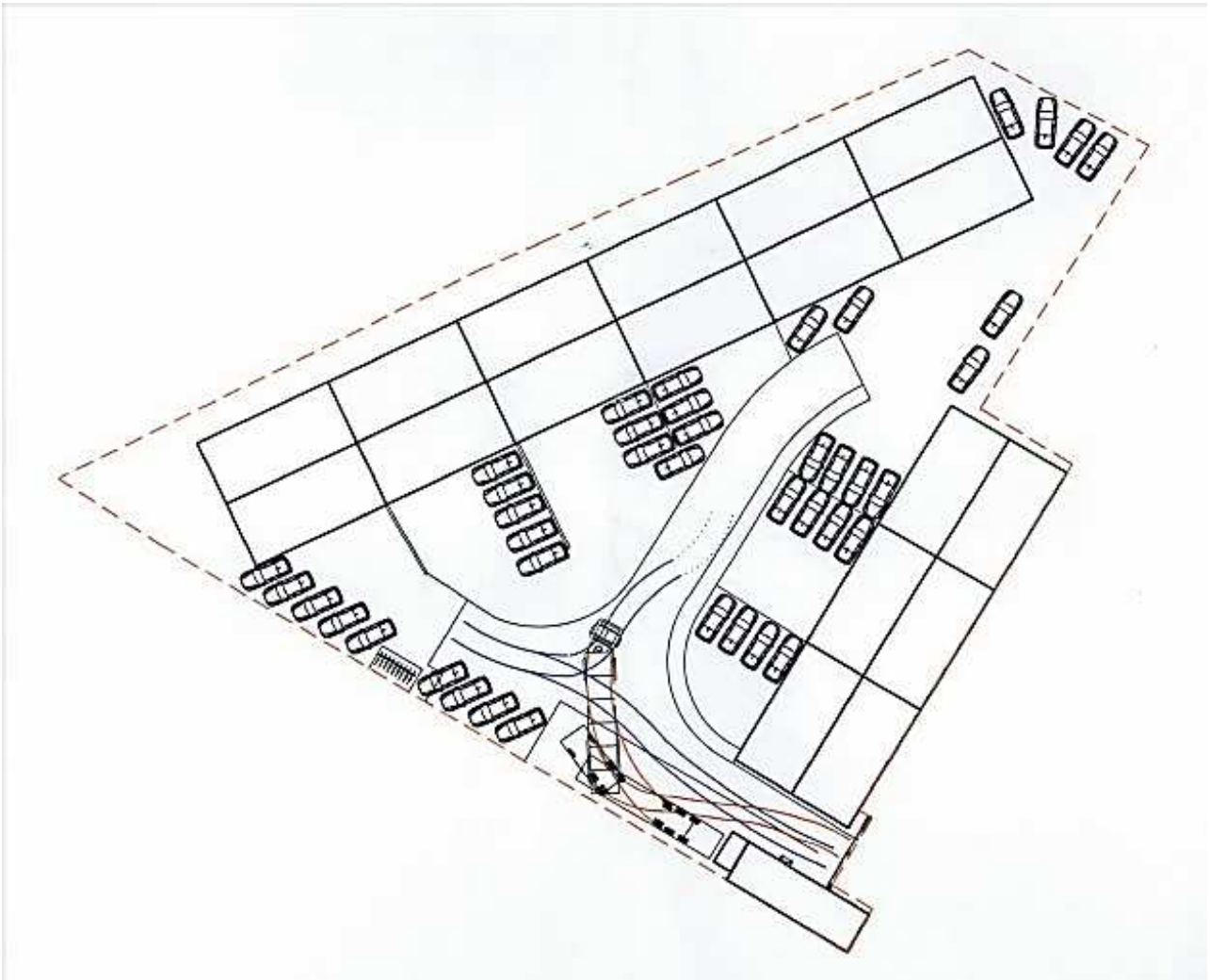


Site Plan

Scale 1:1,250
Date 26/06/2013



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Sevenoaks District Council, 100019428, 2013.



4.4 - SE/13/01124/FUL Date expired 17 June 2013

PROPOSAL: Demolition of existing house and erection of new replacement dwelling

LOCATION: Hillway, Pilgrims Way East, Otford, Sevenoaks TN14 5RX

WARD(S): Otford & Shoreham

ITEM FOR DECISION

The item has been referred to Development Control Committee on the request of Councillor Edwards-Windser and Councillor Lowe to consider those matters raised by the Parish Council, namely: that this proposal has a far smaller (reflective) glass frontage overlooking the Darent valley, the house is set back further into the property and will therefore not be so intrusive from the broader views and the building has been sunk into the ground in an effort to reduce the roof height. Taking everything into account, the developers have really worked hard to comply with the Otford VDS and satisfy the objections that the Parish Council had to the previous design.

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

The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green belt and to its openness. The Council does not consider that the special circumstances put forward in this case are sufficient to clearly outweigh the harm to the Green Belt in principle and to its openness. The proposal is therefore contrary to policies H13 of the Sevenoaks Local Plan, L08 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

Description of Proposal

- 1 The application seeks the approval of the demolition of the existing dwelling and the erection of a replacement dwelling located to the east of the existing dwelling.
- 2 The application is a variation to what has been approved under application SE/11/02762. The design of the dwelling has been amended and the building repositioned.
- 3 It is proposed that the dwelling would be arranged over two floors, with a subterranean basement.
- 4 The proposed dwelling is L shaped, and is built into the site. The dwelling would have a garage area and an additional carport.
- 5 The design of the dwelling has been amended since application SE/13/00026 was refused. The only changes include setting the height of the roof on the western element down and removing the overhanging roof areas over the proposed balconies on this element.

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Description of Site

- 6 The site comprises a two storey detached dwelling located to the western boundary of the plot. The site rises reasonably steeply from west to east and from south to north. The site is a fairly open site internally, however is mainly bounded by trees and hedging.
- 7 The existing house possesses little in the way of architectural merit having started out as a small bungalow that has been added to over the years, significantly increasing the size of the property. Due to the boundary treatment and steep rise of the slope that the house finds itself on, the dwelling is currently seen in isolation.
- 8 The property is served by a driveway that links the house to Pilgrims Way East to the south east of the site.

Constraints

- 9 Metropolitan Green Belt, Kent Downs Area of Outstanding Natural Beauty (AONB). A Site of Nature Conservation Interest (SNCI) covers most of the site. A site of Special Scientific Interest (SSSI) is adjacent to the site.

Policies

Sevenoaks District Local Plan

- 10 Policies – EN1, EN6, EN17B, H13 and VP1

Sevenoaks Core Strategy

- 11 Policies– SP1, L08

Other

- 12 National Planning Policy Framework
- 13 Otford Village Design Statement

Planning History

- 14 13/00026/FUL Demolition of existing house and erection of new replacement dwelling REFUSE 11/03/2013

11/02762/FUL Demolition of existing dwelling house and erection of new replacement dwelling as amended by plans received 04.04.12. GRANT 12/09/2012

10/02128/FUL Erection of replacement dwelling. WDN 29.09.2010

10/00219/FUL Erection of replacement dwelling. REFUSE 09/04/2010

09/02623/FUL Replacement dwelling. WDN 15/01/2010

04/02346/FUL Insertion of 3 no. dormers in west roof slope to existing bedrooms. INSFEE 03/12/2004

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85/01466/HIST Erection of two storey extension to provide garaging with room over, formation of dormers and re-tiling roof. GRANT 27/11/1985

85/01293/HIST Relocation of vehicular access. GRANT 23/10/1985

86/01598/HIST First floor extension to dwelling incorporating a balcony. GRANT 21/10/1986

76/00487/HIST Reconstruction of dwelling house destroyed by fire. GRANT 22.06.1976

SW/5/70/323 Extension to form a lounge. GRANT 15/08/70

SW/5/48/205 Alterations and extensions. GRANT (December 1948)

Background

- 15 The previous application (11/02762/FUL) was approved in the Green Belt due very special circumstances as the proposed habitable floor area of the dwelling was no greater than the existing floor area of the dwelling. In this respect, the floor space was considered to be acceptable and the bulk of the building was considered to be comparable to the bulk and scale of existing dwelling, so there would have been no greater impact on the Green Belt.
- 16 Since this approval, a further application has been refused on Green Belt grounds. This is a revised scheme.
- 17 The approved application was determined in June 2012, and was determined under the National Planning Policy Framework. Since March 2013 some of the policies that were used in the determination of the previous application have been superseded in whole or part as they are no longer consistent with the NPPF.
- 18 The changes in policy and how this affects the proposal, in relation to the existing permission will be explained in more details later in the report.

Consultations

Otford Parish Council

- 19 Support/no objection

Representations

- 20 One letter of objection has been received in connection with the application. The main issues include the following:-
 - Effect on the Conservation Area. Helford has already lost trees in the preparation work on Hillway.
 - Design, appearance and materials/visual amenity – A large expanse of glass windows near the planned significantly sized veranda/balcony raises questions concerning reflection on a central apex upon the hillside in vision of many neighbours and across the two valleys.

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Environmental Health

21 Environmental Health have made the following comments:-

“I have no adverse comments or observations in respect of this application”.

KCC Ecology

22 KCC Ecology have made the following comments:-

“Thank you for the opportunity to comment on this application. We have the following response to make:

Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.'

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

23 We previously provided comments on this site in 2012 (SE/11/02762/FUL). At that time we were satisfied that planning permission could be granted as they had submitted a management plan for the recreation and enhancement of chalk grassland. Please confirm that the change in footprint will not result in a larger area of chalk grassland being lost and the management recommendations within the management plan can still be implemented.

24 The following comments which we provided for Planning Application SE/11/02762/FUL are still relevant:

The proposed development is to be located within a Local Wildlife Site. To compensate for the loss of Chalk Grassland a management plan has been produced by the Kent Wildlife Trust to re-create and manage chalk grassland on the site. The implementation of the management plan must be a condition of planning permission.

Bats

- 25 The building was assessed as having low potential for bats and no bats were recorded during the emergence surveys. A precautionary approach has been recommended when the building is being demolished, the recommendations in paragraph 5.1 - 5.4 (Bat Survey) must be carried out.

The emergence survey identified that bats were commuting and foraging within the site. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Reptiles

- 26 The proposed footprint of the development does not have suitable reptile habitat present however there is suitable reptile habitat in the surrounding area. The recommendations detailed within the reptile appraisal must be carried out to ensure no reptiles are impacted by the proposed development.

The current management of the site must continue until work begins on the site - to ensure no suitable habitat for reptiles is created prior to works starting.

Enhancements

- 27 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". We have reviewed the management plan and we are satisfied that it will result in the enhancement of the existing chalk grassland. However other enhancements which can also be incorporated in to the site include the inclusion of bat bricks/tiles in the new building, bird and bat boxes in the surrounding areas, native and local provenance planting, pond creation and refugia for herpetofauna could all be included in order to help promote biodiversity alongside development. If you have any queries regarding our comments, please contact me.

- 28 The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.

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- White SON, though low in UV, emit more than regular SON.
- High Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.
- Variable Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

- 29 Street lighting Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels. Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided. If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

- 30 The above recommendations concerning UV output and direction apply. In addition:
- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
 - Lamps of greater than 2000 lumens (150 W) must not be used;
 - Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
 - Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
 - Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
 - Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
 - Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

Natural England

31 Natural England have made the following comments:-

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

32 This application is in close proximity to Otford to Shoreham Downs Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Kent Downs Area of Natural Beauty

33 The application site lies within the Kent Downs AONB. Natural England is concerned about the effect of this development on the natural beauty, local character and distinctiveness of the AONB. We request that you refer to the Kent Downs AONB Management Plan for detailed guidance on ways in which landscape character and local distinctiveness can be preserved, and how this development can be improved so that it is 'good enough to approve'. In addition, the Council may want to send details of the proposal to the AONB Unit, if you have not done so already in order to ensure that planning issues regarding this proposal take into account the various issues that arise as a result of the AONB designation. The AONB management plan can be viewed on the Kent Downs AONB website www.kentdowns.org.uk.

34 Aside from the comments on designated sites above, we would expect the LPA to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

Protected species

35 It is not clear from the information in support of this application what the impact on bats, a European Protected Species, will be. The ecological information submitted in support of this application does not verify the presence of bats and bat roost by adequate survey effort according to Bat Surveys - good practice guidelines. Any survey effort that has been undertaken was carried out in 2010 and is more than 2-3 years old and therefore is not an up to date survey.

36 Natural England advises the authority that further survey effort is required in accordance with Bat Surveys - good practice guidelines and you should request additional information from the applicant.

37 Natural England's standing advice found here provides guidance on how protected species should be dealt with in the planning system. Specific advice on bats is provided here: Standing Advice Species Sheet: Bats. If you would like any advice or guidance on how to use our standing advice, or how we used the standing advice to reach a conclusion in this case, please contact us on the number above.

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- 38 We have not assessed the survey for badgers, barn owls and breeding birds, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species

Biodiversity Action Plan (BAP) Priority Habitat

- 39 The national habitat inventories indicate that this development coincides with an area of BAP priority habitat. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Local wildlife sites

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

Biodiversity enhancements

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

Kent Wildlife Trust

- 43 Kent Wildlife Trust have made the following comments:-

Thank you for the opportunity to comment on the revised scheme for this development.

- 44 I understand that these revisions to the approved scheme involve re-locating the proposed house closer to the plot boundaries. I have no objection to such revisions, so long as you are satisfied and can take steps to ensure that there is

no further encroachment onto the remaining chalk grassland to the east and north.

45 Whilst the submitted drawings suggest that this will be possible and the Design & Access Statement certainly confirms that this is the applicant's intention, the 'margins' are small. Critical to achieving this objective, and avoiding any further breach of the normal planning presumption against the loss of valued Local Wildlife Site habitat, will be an accurate 'setting out' of the house footings. I therefore invite the Council to

- re-impose the relevant 'nature conservation' terms, conditions and agreements applied to application 11/02762, and
- inspect and approve the position of house footings prior to any further construction proceeding.

KCC Highways

46 KCC Highways have made the following comments:-

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

Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

Group Manager Planning Services Appraisal

Impact on Metropolitan Green Belt

47 National planning policy guidance relating to Green Belt is set out in paragraph 80 of the NPPF. This document states that the primary purpose of the Green Belt is to keep land open to prevent urban sprawl and to safeguard the countryside. The document states that there is a general presumption against inappropriate development, where the openness of the countryside/landscape would be adversely affected.

Whether the proposal is inappropriate in the Green Belt

48 In the terms of paragraph 89 of the NPPF the replacement of a building in the Green Belt is not inappropriate development provided that the new building is in the same use and is not materially larger than the one it replaces.

49 The proposal subject to this application involves replacing a building of the same use, the main criteria to ascertain is whether the replacement dwelling is material larger than the existing dwelling. It is important to note that the term 'materially larger' is not empirically defined in national policy. However, this means that the key comparison is between the existing dwelling on site and the proposed dwelling. The status of the original dwelling which first existing on the site is of limited relevance to the Green Belt considerations under the NPPF.

50 As with previous Green Belt policy, the NPPF, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning

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application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' 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.

- 51 Although the term 'materially larger' is not empirically defined in national planning policy, it is considered that any development should be comparable with the scale, bulk and footprint of the existing dwelling on the site. However, in assessing the impact on openness, site coverage is only one of the considerations, which may be relevant. The scale, height, bulk and massing of the buildings will contribute to the impact of any built form on the site.
- 52 The existing external floor area of the dwelling as it is currently built on site is, 409.308 m². This is slightly greater than previously calculated in application SE/13/00026, as the applicant has put forward the argument that the enclosed undercroft space at the rear should be included in the external floor area calculations. This is considered to be a valid argument and we have accepted the inclusion of this area as part of the floor space of the existing dwelling.
- 53 As stated above it is proposed to replace an existing dwelling with a new building for residential purposes. The proposed dwelling would be arranged on two floors with an underground basement.
- 54 It is however proposed to replace the dwelling with a much larger dwelling with the external ground (and enclosed undercroft areas at ground floor over sailed by the first floor) and first floor measuring 494.5 m², with an underground basement area measuring an additional 279.1 m². With a combined floor area of 773.6 m².
- 55 The applicants are of the view that our calculations are incorrect and that the floor space of the partially open carport and the open over sailed areas should be not be classed as external floor space as they do not make up habitable floor area. They claim that the development is acceptable as the habitable floor area (excluding the over sailed areas and carport) would be comparable with the existing floor area of the dwelling. This is however not the view held by the Council.
- 56 These open areas as shown on the plan, significantly add to the bulk and scale of the dwelling and have an adverse impact on the openness of the Green Belt. They can also be used in all weathers (as it would be shielded by the weather) and can be filled with residential paraphernalia (such as chairs and tables) in essence these spaces can be used for the enjoyment of the property. Again, the open carport can also be used in a similar way to the adjacent garage (the floor space of which is not contested by the applicants). The NPPF test does not refer in detail to floor space or habitable floor space. The test is whether the proposal is materially larger, and this is assessed, as described above by comparing bulk, scale and footprint including floor space. Whether or not enclosed space is habitable, or has four walls and a roof, any newly enclosed space will as a matter of fact have and impact on the Green Belt that needs to be assessed to establish if a proposal is materially larger.
- 57 It is the Council's view that any space above ground level that has some form of enclosure has an impact on the openness of the Green Belt and it is the Council's view that it should counted as external floor space. In this respect, the Council has included the floor space of the proposed over sail areas and the carport in the

calculations. It is therefore concluded that floor area of the proposed dwelling significantly exceeds the floor area of the existing dwelling by 85.19 m².

- 58 In addition to the floor area, to assess whether a replacement dwelling is materially larger it is also considered appropriate to measure the height and scale of the existing and proposed dwellings. The main North West element of the existing dwelling measures 7 metres to the ridge of the roof, with the top of the roof eaves measuring 4.8 metres. The projecting elements are much smaller in terms of their scale and height and measure 5 metres as these consist of accommodation in the roof space. In contrast the whole of the proposed dwelling measures 8 metres in height and 5 metres to the roof eaves.

For clarification, the table sets out the following measurements:-

	Existing Dwelling	Proposed Dwelling
Floor space above ground	409.308	494.5 m ²
Eaves height	4.8 m highest point 2.5 m at lowest point	5 m
Ridge height	7 m at highest point 5 m at its lowest point	8 m
Finished floor level	Lower than proposed	132.3

- 59 It is important to highlight, that the floor space above ground level has been measured. Although it is acknowledged that the property also has a basement, the floor space in the basement is not material as it would all be below ground level and have no impact on the openness of the Green Belt.
- 60 In contrast, to the scheme that was permitted under application SE/11/02762, the dwelling is significantly larger in external floor area (as the floor area was comparable with the existing dwelling). In addition to this, it is also submitted that the proposal is significantly bulkier, with a bulkier roof. I consider that that proposal would therefore have a greater impact on the openness of the Green Belt.
- 61 In addition to the policy advice in the NPPF in part and should continue to be applied apart from those parts of the policy which are referred to below which should be given less or no weight.

As stated above this policy states the following:-

H13 Proposals for replacement dwellings in the Green Belt must comply with the following criteria:

- 1) The existing building is a dwelling and its “original” use has not been abandoned;

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- 2) The existing dwelling was designed and originally constructed and occupied for residential use and built on permanent foundations on the site;

Criteria (1) and (2) relate to issues not referred to in the NPPF. They provide valuable local guidance.

- 3) The existing dwelling has a frontage to an existing road from which vehicular access can be obtained or it already has such access and mains water and electricity are available;

Criteria (3) is not supported by the NPPF

- 4) The gross floor area of the replacement dwelling does not exceed the gross floor area of the “original” dwelling by more than 50%;

This criterion (4) is considered to provide guidance to help the assessment of whether the proposed replacement is materially larger

- 5) The replacement dwelling is well designed, sympathetic to the character of the area and sited and designed so as to minimise visual intrusion into the landscape; particular care will be required within Areas of Outstanding Natural Beauty;

Criterion (5) is considered to be consistent with the NPPF.

- 6) The existing dwelling on the site is removed before the new dwelling is first occupied or within such period as may be agreed with the Local Planning Authority;

- 7) The proposal strictly adheres to the “original” curtilage, which should be clearly defined in the planning application.

Criterion (6) and (7) are not explicitly supported by the NPPF but are reasonable considerations to take into account.

62 The house was originally built as a dwelling and is built on permanent foundations. The site is also accessed via an existing vehicular access available from an existing road and services (e.g. mains water) and that the use as a dwelling has not been abandoned. I am also of the view that the replacement dwelling is well designed, sympathetic to the character of the area and sited and designed to minimise the visual intrusion into the landscape in accordance with criterion 5 of policy H13 of the Sevenoaks District Local Plan.

63 The original dwelling was formed of a small bungalow. The plan submitted for application SW/5/48/205, shows the floor to be approximately 49.76 m². If criterion 4 of policy H13 is applied, the new dwelling permissible under should not exceed 74.64 m². The floor area of the proposed dwelling is 409.308 m² for the ground and first floor areas and the proposed basement equates to an addition 279.1 m². The size of the dwelling therefore significantly exceeds this policy requirement. The proposal would amount to a 722.56 % (which doesn't include the basement area) increase over the size of the original dwelling.

64 In view of the above, it is considered that the proposal conflicts with the advice and guidance in the NPPF as the proposal would be materially larger, and it would

conflict with the advice in policy H13 of the Sevenoaks District Local Plan, and in view of this, the proposal is considered to be inappropriate development in the Green Belt. It is therefore necessary to assess the very special circumstances put forward by the applicant to determine whether these clearly outweigh the harm that the proposal represents, which will be done later in the report.

Extent of Harm

- 65 The NPPF confirms that the most important aspect of Green Belts is their openness and the fundamental aim of Green Belt Policy is to maintain land open. It states that the open character must be maintained as far as can be seen ahead.
- 66 The test of openness relies on, not about where a development will be seen from, but whether the openness of the Green Belt is affected.
- 67 The existing house is built into the side of the slope of the plot and is made up of a mish mash of additions that creates a dwelling that possesses a low-key appearance in the plot and of limited architectural merit. Views of the dwelling are restricted in part due to the rising slope of the hill that the house is sited on and the location of the surrounding properties.
- 68 Although the proposed dwelling would be higher on the site, the location of the dwelling is considered to be acceptable from a visual perspective, given that it would be built into the land and located to the east of the site in a slightly less exposed position. The proposed dwelling is not considered to be overly prominent or out of scale in terms of its location. The dwelling would however be larger in bulk and scale than the existing house, given the inclusion of a basement area and all the terraced areas/undercroft areas.
- 69 The NPPF requires that any replacement building needs to be designed to minimise the harm to the openness of the Green Belt and in a form that would not be materially larger than the existing dwelling.
- 70 The proposed oversailed areas and the carport add to the bulk and mass of the building and in this respect; they increase the 3-dimensional massing of the building and harm the openness of the Green Belt. In particular, it is considered that they add additional bulk, particularly at roof level. The proposal would therefore inevitably, materially erode the openness of the Green Belt.
- 71 In contrast to the scheme that was permitted under application SE/11/02762, the dwelling is a lot bulkier, with a larger roof. I consider that that proposal would therefore have a greater impact on the openness of the Green Belt.

Very Special Circumstances

- 72 NPPF states that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' 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.

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- 73 The case for very special circumstances put forward revolves around the fact that the proposed dwelling, minus the fully subterranean basement area, would not exceed the habitable floor area of the existing and the proposed site of the new dwelling would be less visible than the site of the existing house.
- 74 Details of these and an assessment of whether these circumstances are very special, and if they are, 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.

Impact on landscape character of the area –

- 75 The application site is located in a highly sensitive area within the AONB. With reference to the Countryside and Rights of Way Act 2000 (as cited below), Section 85 of that Act requires decision-makers in public bodies, in performing any function affecting land in an Area of Outstanding Natural Beauty, to have regard to the purpose of conserving and enhancing the natural beauty of that area.
- 76 Paragraph 11 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. It states that the primary purpose of these designations is to conserve and enhance the natural beauty of the landscape. LO8 from the Sevenoaks Council Core Strategy, also recognises the importance of the visual quality of the landscape and does not support development, which would adversely affect the natural beauty of the area.
- 77 The Otford Village Design Statement states the following:-
“Given the small size and intimate character of the village, opportunities for extreme innovation are limited. Highly innovative houses must be designed to harmonise with the surrounding area. However, new buildings designed as a pastiche of country mansions or baronial halls are not the answer. The better newer properties take an eclectic approach, using a range of traditional materials and features and being built to an appropriate scale. Natural planting helps them merge with the landscape. They show how careful location and sympathetic landscaping can promote acceptability and sympathetic harmony within the village”
- 78 As the property is located in the AONB, the Kent Downs AONB Landscape Design Handbook is applicable, it states the following:-
“The siting, scale and design of much new housing and commercial development around urban edges can have an adverse impact on the AONB landscape through change in character of views in and out of the AONB, cumulative loss of landscape features, and erosion of character through use of standardised layouts and designs.”
- 79 The proposed dwelling is to be sited higher up the slope but built into it. The appearance of the dwelling is considered to be an improvement upon the appearance of the existing dwelling, both in design and in the finishing materials proposed.
- 80 As stated above it is proposed that the dwelling would be located in a different position on the site than the existing dwelling, (and would be located to the east of the original dwelling). The Kent Downs AONB handbook, states that “new

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development should respect and complement the rural settlement form, pattern, character and its landscape setting, reinforcing local distinctiveness. One way of doing this is for sensitive boundary treatment and materials”

- 81 The appearance of the dwelling is considered an improvement upon the appearance of the existing dwelling, both in design and in the finishing materials proposed.
- 82 The first area of concern is the impact on the development on the wider landscape and in particular, the visual impact of the proposal in particular from long distance views to the site and from the footpath to the north. The property would not be visible from the immediate area as it is set back from Pilgrims Way and is accessed via a private access drive that is heavily screened by vegetation. The main viewing point for the public would be from the north of the site, along the public footpath and from wider views than this from the east.
- 83 As stated above the footpath which forms part of the North Downs Way, runs to the north of the site. This right of way has a 2m high, 100m long close boarded fence on the Hillway side (and as the applicant states due to water erosion the actual footpath is now some 500mm below the fence base line) and as such the proposed fence is considered to obscure the view to the development. At the end of the fence the view of the property can be gained, by which time there is a 100m+ wide wooded area to the East of the footpath which again precludes any views of the open Green Belt land and the proposed relocation site of Hillway.
- 84 It is acknowledged that repositioning the dwelling to the east of the site would obviously make the dwelling appear more visible from the east than the existing dwelling. This is offset against the fact that the dwelling would however be set further back within the site than in contrast to the existing dwelling. In addition to this, the dwelling would also be located at a slightly higher level than the existing dwelling, which would make the dwelling slightly most exposed.
- 85 Other than very restricted views of the proposed replacement Hillway from right across the Darent valley, and with the new site now over the brow of the hill, sunken below existing ground level and tucked further round to the east the new bungalow appearance Hillway will be very much hidden and most certainly will not be slightly more exposed compared to the existing dwelling.
- 86 With appropriate conditions including a landscaping condition which would ensure that appropriate screening would be achieved to help mitigate the visual impact of the development, it is considered that the repositioning of the dwelling to the east of the site would be acceptable in principle.
- 87 With appropriate conditions, I consider that the siting of the new dwelling would be acceptable from a visual perspective.
- 88 Although there is no objection to the re-siting of the dwelling, I have some concerns over the design the dwelling even though it is an improvement over the existing dwelling. The dwelling would be L shaped and would be extensive in terms of its scale and size. The design of the dwelling appears quite stark in terms of its appearance and the elevations do not appear to be very detailed with a strange mix of fenestration. With an appropriate materials condition and landscaping, it is however considered that the proposal would not harm or detract from the landscape character of the AONB.

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Impact on Site of Nature Conservation Interest, SSSI and biodiversity

- 89 The National Planning Policy Framework states "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."
- 90 The NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
 - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged;
 - planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 91 Policy EN17B of the Local Plan states that within SNCIs 'In other areas of nature conservation interest, including SNCIs and LNRs, development will not be permitted if it is likely to cause a loss of wildlife habitats and other features of nature conservation interest, unless it can be shown that the need for the development overrides the particular interest and no suitable alternative site is available. Where harm arises adequate compensation or mitigation will be required.
- 92 The pre-ambles before the policy also states, Local Planning Authorities are required to direct development away from Sites of Special Scientific Interest, unless it can be shown that the particular proposal will not harm the wildlife interest. Further, a general requirement is placed on authorities to ensure that the many other habitats or features of local importance for nature conservation, including Sites of Nature Conservation Interest and Local Nature Reserves are protected, together with the management of Council owned land, to encourage wildlife conservation. Application SE/10/00219, was refused for two reasons, one being the detrimental impact of the development on the SNCI and the second

being a failure by the applicant to submit a bat survey. The applicants however overcame these reasons with the approval of permission that they got under application SE/11/02762.

- 93 The proposed development is to be located within a Site of Nature Conservation Interest (SNCI). To compensate for the loss of Chalk Grassland a management plan has been produced by the Kent Wildlife Trust to re-create and manage chalk grassland on the site. The implementation of the management plan can be a condition of any planning permission granted.
- 94 This application is in close proximity to Otford to Shoreham Downs Site of Special Scientific Interest (SSSI).
- 95 The consultee comments are relevant to this issue. The Kent Wildlife Trust has raised no objection, in principle, to a replacement house being constructed within this location and consider that the proposal would have no adverse impact on the SNCI, providing that the conditions that were imposed under application 11/02762.
- 96 Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. They have advised in their view that the SSSI does not represent a constraint in determining this application. They have also raised no objection to the proposal and the impact that it would have on the SNCI.
- 97 KCC Ecology have raised no objection to the proposal. In view of the fact that none of the consultees has raised any objection to the proposal on conservation and wildlife grounds I consider that the proposal would have no adverse impact on the SSSI, SNCI and any protected wildlife, with the addition of relevant conditions.

Other Issues

Impact on neighbouring amenity

- 98 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the privacy of neighbouring properties and also ensures a satisfactory environment for future occupants.
- 99 The siting of the proposed dwelling is considered to be sufficient distance away from neighbouring properties not to impact upon the amenities that the occupiers of those adjoining properties currently enjoy.

Parking and highways safety

- 100 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provide parking facilities. Policy VP1 of the Sevenoaks District Local Plan requires that vehicle parking provision in new developments should be made in accordance with adopted vehicle parking standards.
- 101 The proposal would make provision for the parking of cars within the proposed garaging, plus additional areas of hard standing to the front and side of the house, and would retain the use of the driveway up from Pilgrims Way East.

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- 102 It is therefore considered that the proposal is acceptable in terms of parking provision and highways safety.

Whether the Special Circumstances clearly outweigh the harm to the Green Belt

- 103 NPPF states that very special circumstances to justify inappropriate development will not exist unless the harm because of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- The applicant has advised that the floor area of the car port area (below the Master Bedroom complex) (is 45.24 m²) if this is added onto the proposed dwelling that the total floor space would be 412.98 m² and would thus not make the dwelling 'materially larger'.
 - The 'over sailed' areas and the carport, should not be counted as part of the area of the new dwelling for the purposes of considering Policy H13 compliance. As space is not habitable, and as H13 makes clear, the correct comparison should be of habitable space.
 - Under application 11/02762 – the permitted replacement – the basement space due to its lack of impact upon the openness of the Green Belt. The 21.5 metre by 1.8 metre balcony approved on that house was not taken into consideration. If the same approach is taken here, then the above ground areas of the permitted. The open but covered space at ground floor is not directly comparable to normal habitable space in that it clearly has less impact upon the openness of the Green Belt due to it being open and 2.7m below the existing 'field' surrounding land.
 - Even if the over sailed space was taken into account in the overall space calculation together with the basement, then very special circumstances exist to justify it, namely the lack of harm to openness due to the additional space being partly underground and partly open sided, non-habitable areas. It is also worth considering that in this sensitive location, covered, but open space, would be ideally suited for storage of outdoor furniture/garden items, thereby reducing the need for sheds or other outdoor storage buildings normally associated with houses in large grounds.
 - Unlike the existing Hillway, and the approved design, this latest proposed design does sit substantially lower (3m+) in the ground which I hope that you can accept dramatically minimises its impact on the openness of the Green Belt compared to the existing Hillway and the approved design.
- 104 The applicant's very special circumstance case is based on the fact that they consider that the proposed habitable floor area of the dwelling is no greater than the existing floor area of the dwelling. The argument by the applicants is that the floor space 'over sailed' by the first floor and carport should not be counted as part of the area of the new dwelling for the purposes of considering Policy H13 compliance. They are of the view that the space is not habitable, and as H13 make clear.
- 105 It is the Council's view the proposed dwelling is not in fact comparable to the floor area of the existing dwelling and the scale and massing is significantly larger. In

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any event the test under the NPPF, does not compare habitable floor area but assess where the proposed design is materially larger than the existing dwelling.

- 106 The applicants do not consider it necessary to include the carport or the large area of undercroft in the external floor area calculations. The approach is not comparable with the NPPF, where we assess the bulk, scale and massing as well as floor space to assess the impact on the Green Belt.
- 107 With the enclosed undercroft and the carport, the floor space of the proposed dwelling with the ground and first floor measuring 494.5 m², with an underground basement area measuring an additional 279.1 m². In this respect, it is considered that the proposal is materially larger than the existing dwelling for the reasons set out earlier in this report and summarised in the table comparing floor space and roof heights.
- 108 The previous application (11/02762/FUL) was approved as a very special circumstances case as the proposed habitable floor area of the dwelling was no greater than the existing floor area of the dwelling. In this respect, the floor space was considered to be acceptable and the bulk of the building was considered to be comparable to the bulk and scale of existing dwelling. This decision was made when policy H13 had more weight in comparison to the NPPF.
- 109 In report on 11/02762 – the permitted replacement – the applicant states that we effectively discounted the basement space due to its lack of impact upon the openness of the Green Belt, and did not take account of the 21.5 metre by 1.8 metre balcony approved on that house. If the same approach is taken here, then the above ground areas of the permitted and proposed dwellings remain the same.
- 110 It was previously concluded that there were very special circumstances in relation to the proposed basement under application 11/02762. The Council is not contesting the size and scale of the proposed basement in respect of the proposed application in view of the fact that the space would be fully below level and subterranean.
- 111 The applicants also have mentioned the fact that a large balcony was proposed on the previous approved scheme. Although this statement is true, the space was not enclosed and was open on all sides. In this respect, it was not considered to be habitable. The proposed unenclosed balcony to the west was not included in the calculations. However, the policies that apply now give more weight to the NPPF over policy H13 so the key test is whether the new scheme would be materially larger than the existing and the % of floor space increase has less weight.
- 112 The applicants also state that even if the over sailed space was taken into account in the overall space calculation together with the basement, then very special circumstances exist to justify it, namely the lack of harm to openness due to the additional space being underground and partly open sided, non-habitable areas. In addition to this, it is also proposed that the carport space would be ideally suited for storage of outdoor furniture/garden items, thereby reducing the need for sheds or other outdoor storage buildings normally associated with houses in large grounds.

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- 113 Even though the sides of the ground floor veranda area open, this area still has a bulk that impacts on the openness of the Green Belt. Again, the fact that there is limited outdoor storage, is not a very special circumstance. Integral to the house is a large double garage that can be used to provide space of this nature. If sheds and the like are required by the applicants then some of the floor area should be used for storage of this nature not in addition to.
- 114 The applicants also make the case that unlike the existing Hillway, and the Approved Design, this latest Proposed Design does sit substantially lower (3m+) in the ground which minimises its impact on the openness of the Green Belt compared to the existing Hillway and the approved design. Regardless of this, the proposed house is a lot more bulky in terms of its size and scale in contrast to the house that is to be demolished. This circumstance case is supposed to be based on the fact that the proposal is not materially larger, but in my view the proposed dwelling is materially larger, it is greater in its size and scale and has a greater impact on the openness of the Green Belt.
- 115 In conclusion, it is therefore submitted that the very special circumstances that have been put forward for the building, in whole or part, do not outweigh the harm in principle or the other harm to the purposes of including land in the Green Belt, to the openness of the Green Belt and to the visual amenities of the Green Belt and therefore, there can be no very special circumstances in this case.

Other Issues

- 116 The Parish Council were concerned about the design of the previous scheme that was granted permission under application 11/02762/FUL. They are of the view that the design of the house now proposed is more acceptable as it has a far smaller (reflective) glass frontage overlooking the Darent valley. In addition to this, they also mention the fact that the house is considered more satisfactory as it is set back further into the property and will therefore not be so intrusive from the broader views and the building has been sunk into the ground in an effort to reduce the roof height.
- 117 It is acknowledged that the proposal would have some benefits to the landscape but the overriding consideration is the impact on the openness of the Green Belt. It is also possible for the dwelling to be designed so that it could include the comments from the Parish Council and also meet the Green Belt test in the NPPF.
- 118 To support the Parish Council's case they have relied on the new Village Design Statement July 2012, which has been submitted for approval to SDC in October 2012. The document has actually been approved yet. In view of this it is considered that this document would hold limited weight in reaching a decision on the application.
- 119 The third party objection raises concerns about the effect on the proposal on the Nature Conservation Area. The impact of the proposal on the SNCI and adjacent SSSI, has already been explored in the report and thus it is not considered necessary to explore this anymore.
- 120 In addition to this, the objection letter also raises concern about the design, appearance and materials/visual amenity. In particular that there is a large expanse of glass windows near the planned significantly sized veranda/balcony

raises questions concerning reflection on a central apex upon the hillside in vision of many neighbours and across the two valleys.

- 121 The comments from the third party objection has been noted, however the extent of glazing is not considered to be a reason to refuse the application. The previous application had a greater amount of glass in contrast to the approved scheme. In addition to this the large glazed areas would be screened to an extent by the proposed balustrade and the overhang of the existing roof. The issue could potentially be resolved by the use of non reflective glass.

Conclusion

- 122 The application site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The NPPF in paragraph 89 sets out what is considered to constitute appropriate development. For the reasons outlined above, the Council consider that the proposal constitutes inappropriate development. By definition therefore the application proposal causes harm to the Green Belt.
- 123 In such circumstances therefore the applicant is required to demonstrate that very special circumstances exist that would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm in order to justify such development It is not however considered that the justifications advanced comprise the very special circumstances required. The very special circumstances that have been advanced are not considered to clearly outweigh the harm to the Green Belt.

Background Papers

Site and Block plans

Contact Officer(s): Vicky Swift Extension: 7448

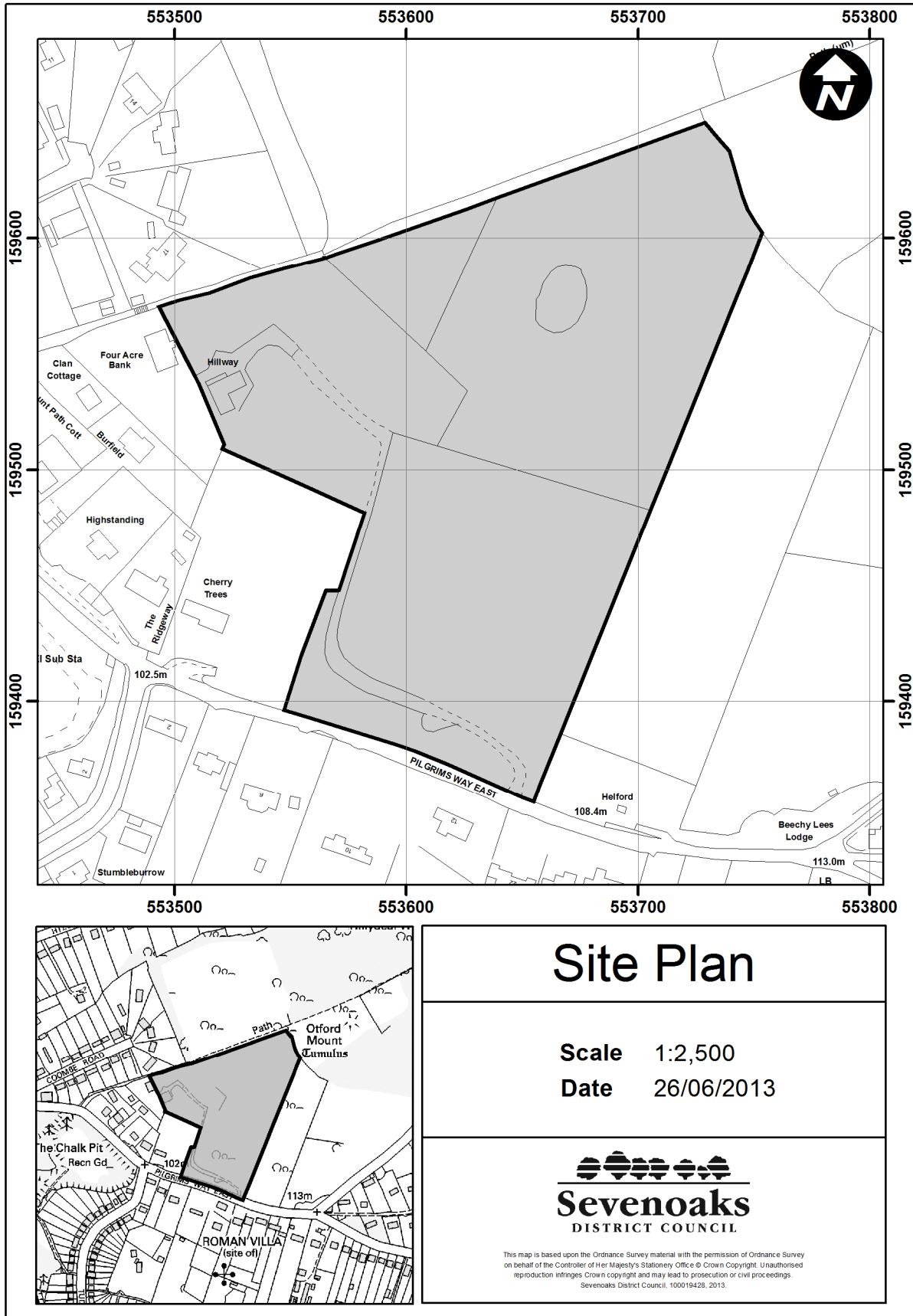
Pav Ramewal
Chief Executive Designate

Link to application details:

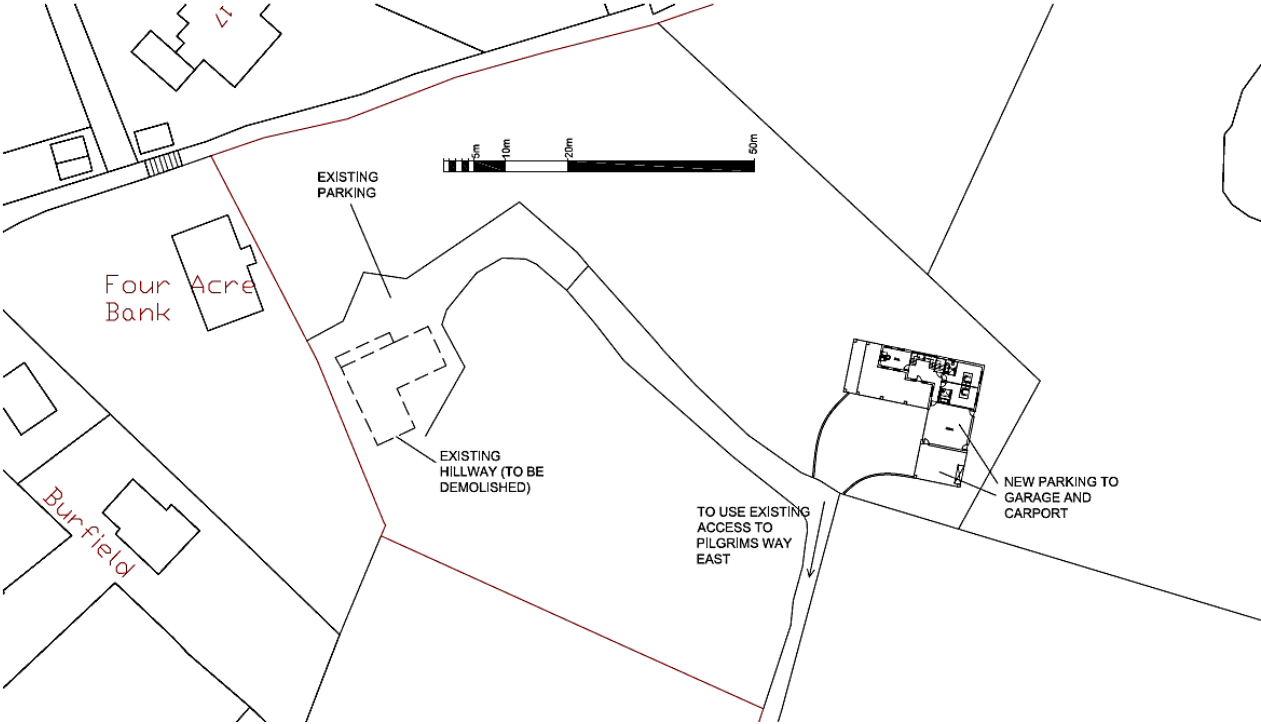
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MLABGUBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MLABGUBK8V000>



BLOCK PLAN



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4.5 - SE/13/01143/LBCALT Date expired 11 June 2013

PROPOSAL: Internal alteration for enhanced use of existing accommodation and provision of 2 No conservation rooflights to the East facing elevation.

LOCATION: The Chantry, The Green, Otford, Sevenoaks TN14 5PD

WARD(S): Otford & Shoreham

ITEM FOR DECISION

The application was called to Development Control Committee by Councillor Lowe as The Chantry is a Fourteenth century building and the oldest residential building in Otford. Together with the Pond and the Church it represents the heart of the medieval centre of the village. These windows would fail to preserve the historic integrity of the building and the wider environment. This conflicts with advice within the NPPF and policy EN23 of the Sevenoaks District Local Plan. Cllr Edwards-Winsor has agreed that the application should go to committee.

RECOMMENDATION: That listed building consent be GRANTED subject to the following conditions:-

1) The works to which this consent relates shall begin before the expiration of three years from the date of this consent.

In pursuance of section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) The development shall be carried out in accordance with the following plans; 20130129-PL02 D, 20130129-PL03 and Design and Access Statement

In the interests of proper planning

3) Prior to works commencing, detailed drawings, in a recognised scale, of the adapted stairs and glass landing to the mezzanine, including junctions with historic fabric, shall be submitted to and approved in writing by the local planning authority.

To ensure that the appearance of the development enhances the character and appearance of the listed building as supported by the National Planning Policy Framework

4) Prior to works commencing, detailed drawings, in a recognised scale, of the junction with the historic structure of the new partitions for the mezzanine and ensuite, including an internal elevation of the new wall to the mezzanine, shall be submitted to and agreed in writing by the local planning authority.

To ensure that the appearance of the development enhances the character and appearance of the listed building as supported by the National Planning Policy Framework

Informatives

1) The applicant, agent or successor in title is referred to the comments regarding the Public Right of Way and that it must not be stopped or diverted and that no furniture,

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fixtures or fitting must be erected over the Public Right or Way without consent. If further information is required they should contact the Public Rights of Way Office on 0845 345 0210

Description of Proposal

- 1 The proposal has three internal parts. The first is for internal alterations including the removal of the existing stair case in the Master Bedroom, and a new internal glass stair case in the first floor hallway which will provide access to the second floor. An internal partition wall is also proposed to the existing second floor mezzanine accommodation to enclose the room, although the historic fabric of the building will not be altered.
- 2 Secondly, a small ensuite is proposed in the first floor bedroom.
- 3 Lastly two external velux roof lights are proposed within the roof slope of the right flank elevation. The rooflights will be conservation style and measure 0.3 metres by 0.7 metres each. These will be set 1.4 metres high within the roof slope.

Description of Site

- 4 The application site is a dwelling that dates back to the 14th Century timber framed building and was originally a court hall. A further wing was added in the seventeenth century. The first floor is tile hung and the ground floor has exposed framing and brick noggin. It has a steeply pitched tiled roof, gabled to the north and hipped with gables to the south. The roof also has brick chimney stacks.
- 5 The Chantry has had some modern additions including the extension to the front and the internal mezzanine floor. The site is adjacent to St Bartholomew's Church, the Village War Memorial and Village Green.

Constraints

- 6 Grade 2* Listed Building
- 7 Conservation Area
- 8 Area of Outstanding Natural Beauty
- 9 Area of Archaeological Potential
- 10 Public Right of Way

Policies

Sevenoaks District Local Plan

- 11 Policies - EN1, H6B, EN23, EN25A

Sevenoaks Core Strategy

- 12 Policies - SP1, L08, L07

Other

- 13 National Planning Policy Framework
- 14 Conservation and Management Plan 2010 for Otford

Planning History

- 15 08/00674/FUL - Installation of gates to garage forecourt. Refused
- 07/03230/LBCALT - Provision of flat roof canopy over front entrance door. Granted
- 07/03228/FUL - Provision of flat roof canopy over front entrance door. Granted
- 07/00682/FUL - Retention of close - boarded fencing & metal gate on part of North & East Boundaries. Refused.
- 07/00680/LBCALT - Retention of close - boarded fencing & metal gate on part of North & East Boundaries. Refused.
- 06/02191/LBCALT - Single storey extension. As amended by plans received 4.09.200. Granted
- 06/02190/FUL - Single storey extension. Granted
- 06/00301/LBCALT - Repair the eastern roofslope and lowering existing cellar roof to normal ground level (See notes) Withdrawn
- 97/01278/HIST - Enlarge existing approved garage 2m in length. Granted.
- 97/00888/HIST - Details pursuant to condition 2 of permission SE/96/1177. Granted.
- 96/01177/HIST - Demolish existing timber garage and erect new brick built garage with tiled roof. As per amended plans received with letter dated 23.7.96. Granted
- 88/01747/HIST - Proposed formation of partition to first floor. Granted.
- 85/01774/HIST - GROUND FLOOR EXTENSION TO SIDE, DORMER WINDOW TO REAR FIRST FLOOR ELEVATIONS AND INTERNAL CONVERSIONS. Granted.
- 85/01463/HIST - ERECTION OF SINGLE STOREY EXTENSION AND FIRST FLOOR DORMER WINDOW. Granted.
- 83/01404/HIST - DEMOLITION OF LEAN TO SHED TO DWELLING. Granted.
- 82/00838/HIST - DETACHED DOMESTIC GARAGE. Granted

Consultations

SDC Conservation

- 16 The Chantry is a Grade 2 star listed 14th century building, originally a court hall, then converted in the 16th century into a dwelling. It has had a single storey

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extension added a few years ago, at the front. A mezzanine floor has been added over the master bedroom, enclosing the landing on the other side up to the collars of the roof. The full height of the first floor up to collar level therefore can still be viewed in the landing, and throughout the length of the master bedroom and area where the mezzanine has been inserted.

- 17 This proposal includes two separate elements; the insertion of a small ensuite into the second larger bedroom on the first floor, and the closing off of the mezzanine from the master bedroom by inserting stud partitions from mezzanine floor to collar level, removing the stairs to the mezzanine that are currently in the master bedroom and reusing them as a new access from the ground to first floor stair landing, creating a glazed walkway from the mezzanine to the relocated stairs, within the landing, and inserting roof lights to light the new enclosed room.
- 18 I have no objection in principle to the insertion of a small ensuite as existing drainage can be used. Additional details of the junctions of the partitions with the timber frame will be required, but these could form a condition.
- 19 The insertion of stud partitions to the currently open side of the mezzanine will close off the view to the collar level of the roof trusses in this part of the first floor, completely. However, the full height will still be seen either side, in the master bedroom and the landing, and the proposed alterations will all, in principle, be reversible. No historic fabric will be altered. The structural glass landing and balustrades would be an imaginative, relatively lightweight and complementary contemporary addition to the landing area, without harming the special character of the building. I therefore have no objection in principle to this part of the proposal, but further details are also required for this. Some of these are described in the design and access statement but will be required in drawn form to confirm precise alterations.
- 20 Whilst roof lights are sometimes not considered to be appropriate in the context of historic roofscapes, these are discreetly positioned and will be difficult to see, and are located on the roof slope facing away from the church. Section drawings have been provided to illustrate the positioning of the rooflights flush with the tiles, and without the need to cut into any of the historic roof timbers. I have no objection to the roof lights.

Suggested conditions are as follows:

- 21 Prior to works commencing, detailed drawings of the adapted stairs and glass landing to the mezzanine, including junctions with historic fabric, shall be submitted to and approved in writing by the local planning authority.
- 22 Prior to works commencing, detailed drawings of the junction with the historic structure of the new partitions for the mezzanine and ensuite, including an internal elevation of the new wall to the mezzanine, shall be submitted to and agreed in writing by the local planning authority.

Conclusion: No objection in principle subject to the suggested conditions above.

Public Rights of Way

- 23 Thank you for your letter dated 23rd April 2013 with regard to the above application. Public Rights of Way Footpath SR49 runs down the access route to the property but I do not anticipate that it will be directly affected by the

development. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information. The County Council has a controlling interest in ensuring that Footpaths are maintained to a level suitable for use by pedestrians and equestrians. Any maintenance to the higher level required for vehicular access would be the responsibility of the relevant landowners. Any damage caused by construction traffic must be repaired immediately at the expense of the applicant. Warning signs should be erected to inform delivery and construction traffic that this is a public footpath, to keep speed down and to give way to pedestrians. Vehicles must not be parked on the public right of way. The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
- The duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

24 This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials, constructor's vehicles or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Parish / Town Council

25 We object to the addition of roof lights in a listed building on the village green.

Representations

26 Site Notice put up: 30.04.2013

27 Press Notice published: 02.05.2013

28 Two neighbours were consulted and no representations have been received.

Group Manager Planning Services Appraisal

29 The Planning (Listed Building and Conservation Areas) Act 1990 states that the proposal should protect the character and setting of the listed building. The National Planning Policy Framework applies, as does the guidance in PPS5 Practice Guide.

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Impact on the Listed Building

- 30 The statutory test set out in The Planning (Listed Building and Conservation Areas) Act 1990 states that the proposal should protect the historic character and the setting of the listed building.
- 31 A heritage asset is defined in the NPPF as a building, monument, site, place area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. The Chantry is a Grade 2* listed building which forms part of the historic evolution of the village of Otford and therefore falls within the definition of a heritage asset.
- 32 Paragraph 132 of the NPPF states that ‘when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the assets conservation’ and ‘that any harm or loss should require clear and convincing justification.’
- 33 With regard to the internal alterations no historic fabric of the listed building will be altered and the view to the roof trusses will be preserved from the master bedroom. The stair case will be a contemporary addition that would not harm the character of the building.
- 34 The ensuite bathroom will utilise the existing drainage and the Conservation Officer raises no objection to the proposal subject to a condition requesting details of the junctions of the partitions with the timber frame.
- 35 The velux windows proposed would not be cut into the roof timbers of the building. They are conservation style and will be discreetly positioned on the existing roof slope. Each roof light will measure 0.7 metres by 0.3 metre and will not dominate the roof slope.
- 36 Given this assessment the proposal will not result in any harm to the character, setting or fabric of the Listed Building and meets the requirement in the Planning (Listed Building and Conservation Areas) Act 1990 and the National Planning Policy Framework.
- 37 The Conservation Officer has requested two conditions pertaining to the details of the internal alterations and these can be attached to any permission granted. Section drawings of the roof lights were submitted with the application and no further details are required.

Conclusion

- 38 In my view the proposal will not result in harm to the character or fabric of the Listed Building. It will meet the requirements of in the Planning (Listed Building and Conservation Areas) Act 1990 and the National Planning Policy Framework.

Background Papers

Site and Block plans

Contact Officer(s):

Deborah Miles Extension: 7360

Pav Ramewal
Chief Executive Designate

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MLCAEWBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MLCAEWBK8V000>

