

**DEVELOPMENT CONTROL COMMITTEE**

**17 September 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**

To approve the minutes of the meeting of the Committee held on 5 September 2013 as a correct record. (To Follow)

**2. Declarations of Interest or Predetermination**

Including any interests not already registered

**3. Declarations of Lobbying**

**4. Planning Applications - Chief Planning Officer's Report**

- 4.1. SE/13/00290/HOUSE - Amberley , Packhorse Road, Sevenoaks TN13 2QP** (Pages 1 - 20)

Retrospective extensions and alterations to original dwellinghouse including erection of single storey rear extension and balcony, first floor extension to north and south elevations, removal of chimney, and formation of new chimney, alterations to fenestration and formation of patio terrace and associated works to rear.

- 4.2. SE/13/00702/FUL - Chipstead Recreation Ground, Chevening Road, Chipstead TN13 2SA** (Pages 21 - 32)

Installation of an extra metal container on site

- 4.3. SE/13/01384/FUL - Post Office, Ide Hill, Sevenoaks TN14 6JN** (Pages 33 - 44)

Change of use from a mix of C3 (residential) and A1 commercial to C3 (residential) use

- 4.4. **SE/13/01064/FUL - 1 & 2 Cross Cottage, Valley Road, Fawkham DA3 8LX** (Pages 45 - 64)  
Demolition of existing dwellings and erection of two replacement dwellings, change of use of adjacent land to incorporated within in residential curtilage and creation of vehicle access on Valley Road
- 4.5. **SE/09/00472/FUL - Grove Farm, The Grove, West Kingsdown, Sevenoaks TN15 6JJ** (Pages 65 - 76)  
Retention of existing Pole Barn re-submission of SE/08/00645/FUL
- 4.6. **SE/11/01572/FUL - The Grove Cafe, The Grove, Swanley BR8 8AJ** (Pages 77 - 88)  
Retention of an existing PVC purpose built room to front of café and store room to the rear
- 4.7. **SE/13/01408/LBCALT - Village House, Church Road, Halstead, Sevenoaks TN14 7HF** (Pages 89 - 98)  
Erection of a single storey extension with roof lantern on the west end of the building

#### **EXEMPT ITEMS**

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

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

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

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

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

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

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

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.

- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

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

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4.1- SE/13/00290/HOUSE Date expired 10 April 2013

PROPOSAL: Retrospective extensions and alterations to original dwellinghouse including erection of single storey rear extension and balcony, first floor extension to north and south elevations, removal of chimney, and formation of new chimney, alterations to fenestration and formation of patio terrace and associated works to rear.

LOCATION: Amberley , Packhorse Road, Sevenoaks TN13 2QP

WARD(S): Brasted, Chevening and Sundridge

**ITEM FOR DECISION**

This application has been referred to Development Control Committee by Councillor London for the following reasons: Concerns about the impact on the neighbouring properties and the character of the area and the overdevelopment of the site.

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

1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1038-P-02(J), 1038-P-02(N), Proposed Building Elevations (As Built), Existing Garden Pond Elevations, Topographic Survey

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

2) Within six weeks of the date of this permission details shall be submitted showing:

A) A plan showing the location of all existing trees on the land which have a stem with a diameter exceeding 75mm when measured over the bark at a point 1.5m above ground level. In paragraphs B, C & D below references to a 'retained tree' mean those trees as identified on the plan.

B) Details of the species, diameters (measured in accordance with paragraph (A) above, the approximate height and an assessment of the general state of health and stability of each retained tree,

C) No retained tree shall be cut down, uprooted or destroyed nor shall any retained tree be lopped.

D) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Council.

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

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

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Sevenoaks District Local Plan - Policies EN1, H6B

Sevenoaks District Core Strategy 2011 - Policies SP1

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

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

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

**Note to Applicant**

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

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

In this instance the applicant/agent:

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

Description of Proposal

- 1 This application is for the retention of development that has already been carried out, being:
- 2 Retrospective extensions and alterations to original dwellinghouse including erection of single storey rear extension and balcony, first floor extension to north and south elevations, removal of chimney, and formation of new chimney, alterations to fenestration and formation of patio terrace and associated works to rear.

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- 3 The single storey rear extension and first floor terrace above extend from the dwelling for a distance of 3.6m rising to a maximum height of 5.75m (including height of privacy screen). The ground floor extension possesses two sets of folding/sliding doors and above this the terrace possesses a glass panelled guard on its rear elevation and rendered screens on the north and south elevations. At the first floor, the existing windows have been changed with the addition of three sets of floor to ceiling glazed doors and the addition of an additional window. An external staircase has been added on the southern side of the rear of the dwelling enabling access from the garden to the first floor balcony.
- 4 To the north of the house a first floor extension has been built above the existing single storey side extension rising to a height of 5.8m with a window set within the rear elevation. Two ground floor side windows have been added on the northern elevation of the existing house.
- 5 On the southern elevation of the dwelling a first floor extension has been built above an existing single storey side extension. The first floor extension matches the height of the existing house and with the addition of a new chimney increases the width of the house by an additional 0.6m. The new chimney replaces the two previous chimneys on the dwelling. A new window has been inserted on the rear elevation of this side extension.
- 6 On the front elevation two additional windows have been placed within the new southern first floor side extension. One existing first floor window has been removed and another has been relocated on the front profile. On the front elevation at ground level one window has been reduced in size, one has been enlarged and the garage door has been removed, bricked in with a window inserted.
- 7 Attached to the rear extension is a patio to a depth of 4.95m and raised 1m above ground level when measured in the centre of the site, although the ground level at the rear is not even and in parts is higher. Adjacent to the northern boundary of the rear garden is located a garden pond and waterfall extending 6.2m by 2.7 and a rendered block filtration housing for the adjacent Koi pond extending 2.7m by 2.1m. These garden structures are included in the plans without prejudice to any consideration about whether these works are lawful.
- 8 For clarity, please note that the garage in the front garden is not part of this application. It is not lawful and is the subject of an enforcement notice which is referred to later in this report.

### Description of Site

- 9 Amberley is a detached dwelling house located on the western side of a residential road. The property as viewed from Packhorse Road is largely screened by mature conifer trees on the southern and eastern boundary rising to a height of approximately 8m.
- 10 The extensions and works described above that are part of this application have been built.
- 11 The northern boundary is bordered by a mature beech hedge rising to a height of approximately 2.5m. The rear garden is bordered by mature conifer trees rising to a height of approximately 8m high. As stated within Sevenoaks Residential

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Character Area Assessment Supplementary Planning Document, Packhorse Road is characterised by individually designed detached houses set back behind hedged and treed front gardens. The houses are generally well screened by narrow entrances and hedged boundaries and have a minimal impact on the street scene.

### Constraints

12 Area of Archaeological Potential

13 Urban Confines of Sevenoaks

### Policies

#### *Sevenoaks District Council Local Plan*

14 Policy EN1 - Development Control – General Principles

15 Policy H6B Appendix 4 Residential Extensions

#### *Sevenoaks District Core Strategy*

16 Policy SP1 - Design of New Development and Conservation

### *Other*

17 National Planning Policy Framework

18 Residential Extension Supplementary Planning Document

19 Sevenoaks Residential Character Area Assessment Supplementary Planning Document

### Planning History

20	98/01575/HIST	Proposed single storey utility side extension. GRANT 09/09/1998
	10/02828/FUL	Erection of single storey rear extension, and balcony, first floor extensions to north and south elevation. Removal of two chimneys. Change of fenestration. Erection of double garage. GRANT 16/12/2010
	11/00718/CONVAR	Application to vary condition 4 (The development hereby permitted shall be carried out in accordance with the following approved plans 1038-P-01(B), -P-02(B) -SUR-01) of SE/10/02828/FUL. To allow the creation of an artists studio within the roof space over double garage. GRANT 06/06/2011
	11/00732/DETAIL	Details pursuant to condition 3 (privacy guard) of planning permission SE/10/02828/FUL REFUSE 17/05/2011



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- 11/01549/DETAIL Details pursuant to condition 3 (privacy guard) of planning permission SE/10/02828/FUL GRANT 30/06/2011
- 11/01743/CONVAR Removal/Vary of condition 4 (alteration of balustrade detail to glass and insert window for additional ventilation) of planning permission SE/10/02828/FUL GRANT 01/09/2011
- 12/00250/HOUSE Retention of single storey rear extension, balcony & first floor extensions to north & south elevations. Change of fenestration. Retention of double garage with room above, dormer windows, external staircase & air source heat pumps. Corrected plans received 02/04/12 REFUSE 09/07/2012

21 Reason for the refusal of this latest application was that:

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

22 Two Enforcement Notices were served on 15.10.12 under delegated powers, with the agreement of the Local Members:

The first notice related to the erection of a detached garage that was not in accordance with the permission granted.

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

23 The steps to comply are:

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

24 An appeal was lodged against the enforcement notice for the garage. The appeal was dismissed and the enforcement notice upheld, on 30 April 2013. Thus the enforcement notice should be complied with, six months from this date.

25 The second notice related to a privacy screen that had not been built in accordance with details approved for application SE/11/00732.

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Reason: To protect the amenities of the adjacent property, Linden Lea. This is contrary to policy EN1 of the Sevenoaks District Local Plan.

26 The steps to comply are:

- To erect the privacy screen in accordance with the details approved for application SE/11/01549;
- Period for compliance is 3 months.

27 The works to the privacy screen have now been carried out in compliance with the enforcement notice.

28 The enforcement report identified that the chimney stack was an additional breach of planning control but did not recommend that an enforcement notice was served relating to this. Instead it was recommended that:

For the erection of the chimney:

- Invite a planning application.

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

29 An application was submitted for retention of the chimney, but this application was invalid and then superseded by the current application.

30 Following the service of the enforcement notice and the submission of the application for retention of the chimney, Officers identified that there were a number of discrepancies in the plans, across the various applications which did not correctly illustrate the works that had taken place on site.

31 Later in this report a table sets out some of the differences between what was approved and what has now been built.

32 Officers concluded that cumulatively the changes to the extensions as built compared to the plans that were approved, were extensive enough to mean that in law, all of the existing works are unlawful, and that planning permission would be required to retain the extensions and alterations that were thought to have previously been granted by planning permission SE/10/02828/FUL.

33 The applicant agreed to submit new plans (the site was re-surveyed) and this has led to the current planning application. Officers checked the accuracy of these plans on their site visit.

34 As planning permission was granted for extensions and alterations that are similar to the plans now being considered, this is a material consideration for the current application. A comparison between the current proposal and previous permission will be set out later in this report.

35 Concerns have been raised about the accuracy of the information submitted for this application. Circular 02/2008 gives advice on validation and the Council's role in checking the information supplied to us when an application is submitted. It states at paragraphs 26 and 27:

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“The process of validating planning applications should essentially be an administrative process. Local planning authorities are encouraged to adopt a straightforward approach to validation, whereby they should check that the correct information and fee (where applicable) have been submitted with the application.”

“The quality of the information submitted should have no bearing on the validity of the planning application during the validation process but should be assessed against the determination process.”

This approach was reinforced by further guidance in 2010 entitled ‘Guidance on Information Requirements and Validation.’

36 The Good Practice Guide on Enforcing Planning Control paragraph 3.7 states that:

‘Whenever it is appropriate, the usual alternative to taking formal enforcement action is to invite a retrospective application. In approaching this possibility, the LPA should consider the merits of granting planning permission for unauthorised development in the same way as they would approach a planning application for proposed development. The fact that the development has already taken place should make no difference to the LPA’s consideration of its merits.’

### Consultations

#### *Chevening Parish Council*

37 ‘Objection: The Parish Council has considered the retrospective application and wishes to strongly object to the retention of the development.

The applicant acknowledges that what has been built differs from the original approved application and alleges that no harm has been caused. The Parish Council does not agree with this view and considers that the development results in harm, both to the appearance of the original house and in terms of the impact on the amenities of the adjoining occupiers.

It is noted that the chimney has been built externally rather than internally as shown on the original plans. By doing this, there is an unacceptable impact on the neighbouring property The Beeches. The external chimney is not shown on the block plan so there remains doubt about the overall accuracy of the drawings. In fact, the rear steps extend closer to the boundary than the external chimney but are now shown on the elevations.

The rear steps to the veranda would have overlooked The Beeches. During construction the side wall has been made higher so there is now effectively a two storey extension within one metre of the boundary, contrary to Policy H6. The effect of this is that when maintenance is required, scaffolding will be needed and this will overhang The Beeches and/or access will be needed from The Beeches. It would be very poor planning to permit building which requires access from the neighbouring property for maintenance.

The bulk and form of the extension adjacent to The Beeches is excessive and has a negative impact as it is of poor design and not in keeping with the character of the road. The design is utilitarian resulting in an ugly appearance and during construction of this extension, screening has been removed which results in further adverse impact on the amenities of The Beeches. It is not considered that

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screening can be conditioned to overcome this as it would not protect the amenities of The Beeches in the long-term.

Assessment as it states that 'The scale, height and mass of new development should fit unobtrusively within its setting and should not appear cramped on the site or out of context with the character of the street. A side extension should not completely infill the space between properties or dominate the original building'. The development does not meet these criteria.

The Parish Council considers this retrospective application to be overdevelopment of the site, detrimental to the street scene and causing loss of amenity to neighbouring properties contrary to a number of planning policies. Had the application been submitted before it had been built, it would surely have been refused. There can be no justification for approving it now it has been built. The external chimney and the rear steps should be removed and the Parish Council urges the District Council to refuse the application.

Finally, the Parish Council notes that development at 10 Springshaw Close (SE/12/02478/HOUSE) was stopped by the SDC Enforcement officer as it was not being built according to plan. Could you therefore please explain why the developer at Amberley was able to build so much which varied from the original permission yet no stop notice was issued?'

### Representations

38 Twenty three letters received objecting to the application in respect of:

- That the external staircase is built within 1m of the boundary;
- That the external chimney has an unacceptable impact upon the neighbouring property;
- Loss of privacy of neighbouring properties;
- Out of character with the house and road;
- Overdevelopment of the site;
- Poor design;
- Overbearing of neighbouring properties and the street;
- Harms the integrity of the original dwelling;
- Detrimental impact upon the amenities of neighbouring properties;
- No material changes since last application was refused in July;
- The application is invalid;
- The application does not include a Design and Access Statement.
- Maintenance of the development would require scaffolding to overhang neighbouring properties;
- Noise of the air source heat pump on the garage.
- Objections to the garage.
- That the possibility of a garage within the front garden is a material consideration that should be taken into account with this application;
- If allowed Sevenoaks District Council would be condoning works carried out in breach of conditions;
- That as Tree Preservation Orders cannot be imposed in respect of Leylandi trees the boundary trees cannot be retained;
- Should not allow multiple applications to be submitted;
  - That the height and finish of the patio terrace and storage cupboard have a negative impact upon The Beeches;

**Chief Planning Officer’s Appraisal**

Principal Issues

39 The principal issues are:

- The differences between the extensions granted planning permission and the current proposal.
- Impact on the character of the area and the street scene;
- Impact on residential amenity;

*The differences between the extensions granted planning permission and the current proposal.*

40 Application SE/10/02828 granted planning permission for extensions similar to those now applied for excluding the patio and associated works.. Works began on site based on this planning permission. This is the planning permission on which the comparison with the current application, as set out below, will be made. To make the tables clear, the first one compares measurements based on the house that was on site before the 2010 permission was granted and works began on site. These measurements can be taken from the 2013 plans even though they also include the extensions as built. The second table compares the proposed plans from 2010 with the 2013 plans that were based on a survey of what has been built, to highlight the differences between what was granted planning permission and what exists on site. All measurements are in metres. Measurements to the boundary are measured along the line of the house. For example, to measure the distance from the front corner to the boundary, the measurement is taking by aligning the ruler with the line of the front elevation.

41

<b>Measurements of <u>existing</u> dwelling based on submitted plans.</b>	<b>SE/10/02828</b>	<b>SE/13/00290</b>
Length of rear elevation of dwelling (excluding utility etc)	16.69m	16.13m
Length of front elevation of dwelling in total	16.67m	16.13m
Length of side elevation adj The Beeches	7.15m	6.82m
Length of side elevation adj Linden Lea	9.53m	9.2m
Distance between side elevation of existing single storey extension and the boundary adj The Beeches (front corner)	3m	2.8m
Distance between side elevation of existing single storey extension and the boundary adj The Beeches (rear corner)	1.5m	1.4m
Distance between side elevation and the boundary adj Linden Lea (front corner)	2.0m	2.0m

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Distance between side elevation and the boundary adj Linden Lea (rear corner) (excluding utility etc)	4.0m	4.0m
Height from ground level to highest point of roof measured on front elevation.	7.5m	8.15m

- 42 As is demonstrated from the table above, there are discrepancies in the plans submitted for the dwelling that existed prior to the 2010 application of which these are an example. Officers have checked key measurements on site and are satisfied that the plans submitted for the 2013 application are more accurate than those submitted in 2010 and are correct.

43	<b>Measurements of <u>proposed</u> extension based on submitted plans.</b>	<b>SE/10/02828</b>	<b>SE/13/00290</b>
	Depth of rear extension from rear elevation of existing dwelling (max dimension as it is staggered.)	3m	3.6m
	Width of rear extension (along rear wall of house.)	16.7m	16.13m
	Distance between side elevation and the boundary adj The Beeches (front corner) -existing ground floor extn with new first floor extn over.	3m	2.8m
	Distance between side elevation and the boundary adj The Beeches (rear corner of first floor side extension) -existing ground floor extn with new first floor extn over.	1.5m	1.4m
	Distance between side elevation and the boundary adj The Beeches (rear corner at closest point of external stairs to the boundary)	0.8m calculated from floor plan & block plan	0.6m
	Depth of chimney from side elevation.	N/A - internal	0.6m
	Height of chimney from ground level excl pots.	8.2m	9.23m
	For side adj to The Beeches - height of privacy screen and stairs (as originally agreed by a condition on the 2010 permission) from ground level.	2.35m to 5.15m	2.65m to 5.05m
	For side adj to Linden Lea - height of side elevation of rear extension including the privacy screen (as originally agreed by a condition on the 2010 permission) from ground level.	3.85m to 5.15m	4.85m to 5.75m

- 44 In addition to the above the 2010 application showed that the ground on which the existing house sits and all surrounding land was flat, with no alterations in the levels. The 2013 plans indicate that the ground falls away gently to the rear of the dwelling particularly on the side adjacent to Linden Lea. A raised patio has now been formed at the rear of the extension. This patio is 1 metre above ground level

measured in the centre but is level in height to the ground level around the side elevation adjacent to The Beeches. The patio is 400mm higher than the ground level adjacent to the rear door of the utility / laundry room that is near to the Linden Lea boundary. The patio extends 4.95m from the rear elevation of the rear extension.

- 45 The terrace on top of the rear extension now includes a glass balustrade. An amendment to include a glass balustrade was approved as an amendment to the original permission in 2010. As the majority of the works to extend the property were undertaken prior to the approval and implementation of this amendment, it is considered appropriate to base the comparisons above on the 2010 permission.

### *Impact on the character of the area and the street scene*

- 46 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 1 states that the form of the proposed development, including any buildings or extensions should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Policy H6B of the SDLP states that residential extensions shall be subject to the principles of Appendix 4. Amongst other things, Appendix 4 states that the extension should not be of such a size or proportion that it harms the integrity of the design of the original dwelling or adversely affects the street scene. The extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling. In addition Appendix 4 also states that a minimal distance of 1m is normally necessary for two storey extensions where extensions which extend to the side boundary of the property could lead to visual terracing.
- 47 Policy SP1 of the Sevenoaks District Council Core Strategy states 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. Account should be taken of guidance adopted by the Council in the form of Kent Design and local Character Area Assessments.
- 48 The Sevenoaks Residential Character Area Assessment SPD, which was adopted in April 2012, states that for Packhorse Road there is a need to ensure that development does not appear cramped on the site or within the street scene by virtue of its scale, mass and location. Buildings should be well screened and set back from the front boundary to avoid a significant impact on the rural character of the road. The scale, height and mass of new development should fit unobtrusively within its setting and should not appear cramped on the site or out of context with the character of the street, a side extension should not completely infill the space between properties or dominate the original building
- 49 In reviewing the development, it is material to note that planning permission has previously been granted for the erection of a single storey rear extension and balcony, first floor extension to north and south elevations, removal of chimneys and formation of new chimney and changes to the fenestration. Since this application was granted the Sevenoaks Residential Character Assessment was adopted in April 2012 and this document is therefore a material factor in the consideration of this application.

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- 50 Amberley is set back from Packhorse Road at a distance of approximately 17m with a row of conifer trees on the front and southern boundaries. The northern boundary of the dwelling is screened by a beech hedge rising to a height of approximately 3m. Due to the conifer trees the development to the front of the house is mainly visible through the entrance drive although there are views afforded from in front of the neighbouring property to the north Linden Lea.
- 51 The first storey side extension on the southern elevation of the house would have a minimal impact upon the street scene due to the existing house being set back on the plot, with the conifer trees on the boundary. These trees are not protected but a landscaping condition could be imposed seeking their protection. Even if the trees were not retained, the impact of the first floor extension on the street scene would not be discordant. Accordingly other than the chimney rising above the tree line or parts of the side of the rear extension being visible as viewed at an oblique angle from in front of The Beeches, the development would not be visible from the street scene. Accordingly whilst the stairway lies within 1m of the boundary with The Beeches, in this instance the development as viewed from the street would have a minimal impact upon the local distinctive character of the area when viewed in this wider context and would be unobtrusive. All other parts of the extension lie at a distance of 1.4m or greater from the boundary and are as originally approved by the 2010 permission. Other than the external staircase and chimney the development does not increase the width of the original dwelling.
- 52 Within Packhorse Road whilst some properties are located with equal spacing to the boundaries it is not unusual for some properties to be built closer to one boundary.
- 53 The extension as viewed from the front of the property is tile hung at first floor with white painted render at ground floor in keeping with the existing dwelling. As viewed from the road in front of Linden Lea the first floor extension on the northern side of the property is visible. However as this extension is clad with roof tiles matching those of the existing house its impact in my view is minimal.
- 54 To the rear of the house the extension created has an enlarged dining/family/kitchen and sitting room extending from the rear of the house by a maximum of 3.6m. Above this single storey extension is a terrace with a glass parapet running the width of the house with an external staircase on the southern aspect of the extension. The extension is rendered and painted white render with black framed windows. Privacy screens are located on the northern and southern elevations of the terrace rising to a maximum height of 5.75m and 5.05m respectively above ground level. On the northern elevation adjacent to Linden Lea the height is greater than approved in 2010 which may be due to the ground level falling away on this side of the site whilst on the southern elevation adjacent to The Beeches it is a similar height to the 2010 approval. Within the rear garden adjacent to the border with Linden Leas a pond with a waterfall and housing for a fish filtration system has been built which is considered to be permitted development.
- 55 The rear garden which extends to the west for a distance of approximately 70m is screened at the rear by mature conifer trees which obscure any views to the care home, Sunrise, 95m beyond.



- 56 The rear extension, patio and associated works compliment the design of the existing house and incorporate materials in keeping with the original property and it has minimal impact on the wider street scene.
- 57 The proposal as submitted is similar in character and impact to the proposal granted permission in 2010. The changes between the two schemes are not so great as to cause harm to the character of the area and the street scene. For all of the above reasons the proposed complies with Policies EN1 and H6B of the Sevenoaks District Local Policy and Sevenoaks Residential Character Area Assessment Supplementary Planning Document.

### *Impact on residential amenity*

- 58 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 3 of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Appendix 4 to H6B also states that proposals should not result in material loss of privacy, outlook, daylight or sunlight to habitable rooms or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties. Sevenoaks District Councils Residential Extensions Supplementary Planning Document states that an extension should not cause any significant loss of daylight for a significant part of the day to habitable rooms in neighbouring properties.
- 59 The development would impact most upon the two adjacent dwellings, the Beeches to the south and Linden Lea to the north. The Beeches which is set slightly forward on its plot from Amberley possesses three first storey windows on its northern facing side elevation which are all obscure glazed and two ground storey windows of which the window closest to Packhorse Road is obscure glazed. The other ground storey window serving a utility room is clear glazed however the lower two thirds of the window directly faces the 1.8m close boarded fence on the boundary between the two properties with only the upper third of the window providing views of the extension. The application incorporates an external chimney extending from the side of the house by 0.6m however this is set back from the clear glazed window and accordingly this window provides only oblique views of the chimney which would not in my view have a detrimental impact upon views from the utility room.
- 60 The original property possessed two windows directly overlooking the north elevation of the Beeches. The development as built possesses no windows on Amberley's southern elevation and accordingly the proposal under consideration reduces overlooking.
- 61 The external staircase on the southern side of the rear extension is located at an angle to the border with The Beeches with its closest point being 0.6m from the boundary. The height of the screening for this external staircase ensures that there are no views from the staircase or the first floor terrace into the rear garden of The Beeches. As viewed from the Beeches the external staircase appears as a two storey rendered wall with a close boarded fence lying between the two properties. Due to the utility room not representing a habitable room as defined by Sevenoaks Residential Extensions Supplementary Planning Document and the rooms above all possessing obscure glazed windows overlooking Amberley the

## Agenda Item 4.1

impact of the external stairway upon residential amenities is minimal. Whilst the staircase sits somewhat uncomfortably, due to its angle with the house as viewed from the Beeches and its height and proximity, it is not so incongruous that it would harm the amenities of this property to warrant a refusal. Whilst the external staircase lies within 1m of the boundary it is not visible from the street. It would not result in visual terracing, even if the conifer screen were to be removed.

- 62 The only changes made from the 2010 approval that bring development closer to The Beeches are the chimney and the external staircase. The staircase as built is 200mm closer to the boundary than was proposed in the 2010 permission. For the reasons outlined above, this shorter distance is not considered to cause any greater harm to the amenity of the Beeches when compared to the impact from the 2010 permission.
- 63 The border between Amberley and Linden Lea, to the north, comprises a close boarded fence rising to a height of 1.5m with a side passage to the house. The first storey extension above the existing single storey side elevation does not change the distance with the border and the two ground storey windows on the northern elevation would have a minimal impact upon the amenities of Linden Lea due to the height of the fence.
- 64 The screening on the northern side of the terrace now complies with the requirements of the enforcement notice. The privacy screen is angled, to minimise its bulk and the impact on the adjacent property. This protects the adjacent residents from overlooking. As the current plans show the accurate ground levels around the site, the actual measurements for the height of the privacy screens from ground level as built on site differ from the 2010 permission. However, the differences are not so great as to cause any additional harm to the neighbouring properties.
- 65 Whilst there are additional windows placed on the rear of the dwelling, Amberley possesses a rear garden measuring approximately 70m in length which is screened on its northern, southern and rear borders by mature conifers. Accordingly this part of the proposal would not create any additional harm.
- 66 The proposal now includes a raised patio at the rear. There would be no loss or privacy or overlooking to neighbouring properties from this patio due to the existing boundary screening.
- 67 The proposal as submitted is similar in character and impact to the proposal granted permission in 2010. There are changes between the approved scheme and the scheme as built, but those changes do not in my view cause additional harm to the amenity of residents, albeit that the impact of those changes would be noticeable. For all of the above reasons the proposal complies with policies EN1 and H6B of the Sevenoaks District Local Plan and Sevenoaks Residential Character Area Assessment Supplementary Planning Document.

### *Impact upon Trees*

- 67 Mature conifers are located on the north and south boundaries of the property which on the southern boundary lie adjacent to the external staircase. This application is retrospective and in carrying out a site visit, these trees were not seen as having been negatively impacted by the development that has occurred on site.

### *Archaeology*

- 68 It is noted that the extensions proposed are limited in size and in the immediate vicinity of the house. For these reasons, further archaeological investigation is not considered to be necessary and no objection is raised to the application.

### Other issues

- 69 The representations refer to a number of other issues which are commented on below.
- 70 A Design and Access Statement is not a statutory requirement for a householder application, and thus one was not submitted for this application and it is valid.
- 71 It is suggested that maintenance of the development would require scaffolding to overhang neighbouring properties. Arrangements for maintenance of completed developments are a private matter and not a planning consideration.
- 72 The garage and air source heat pump are not part of this planning application. Therefore, objections related to noise of the air source heat pump, and objections to the garage itself, are not relevant to the consideration of this application.
- 73 The Parish Council is concerned that the external chimney is not shown on the block plan. The external chimney is clearly shown on the 1:200 block plan drawing number TOPO\_03.DWG. This illustrates the correct relationship of the chimney and external staircase to the boundary with the Beeches.
- 74 There is concern that if this proposal is allowed Sevenoaks District Council would be condoning works carried out in breach of conditions. In response, Government guidance is clear that the LPA should consider the merits of granting planning permission for unauthorised development in the same way as they would approach a planning application for proposed development. The fact that the development has already taken place should make no difference to the LPA's consideration of its merits.
- 75 It is argued that as Tree Preservation Orders cannot be imposed in respect of Leylandi trees the boundary trees cannot be retained. A landscaping condition could be imposed to protect these trees or require replacement of existing landscaping.
- 76 There is concern that the Council should not allow multiple applications to be submitted. There are some provisions for Councils to refuse the submission of a limited number of applications. It is not considered that those provisions would have been appropriate to apply in this case, due to the unusual circumstances relating to the original plans for the site.
- 77 There appeared to be errors in the original plans that were submitted seeking planning permission, and the development had not been carried out in accordance with any approved plans. If the Council had declined to determine the application, the Council would have removed the ability of the applicant to submit a planning application to seek permission for retention of the unauthorised works. As the unauthorised works were similar to previous permissions, there was a possibility that the planning permission may have been granted. It was reasonable to conclude that it was not appropriate to decline to entertain the

## Agenda Item 4.1

application. This approach is also supported by Government advice on enforcing planning control.

### **Conclusion**

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

Contact Officer(s): Guy Martin Extension: 7351

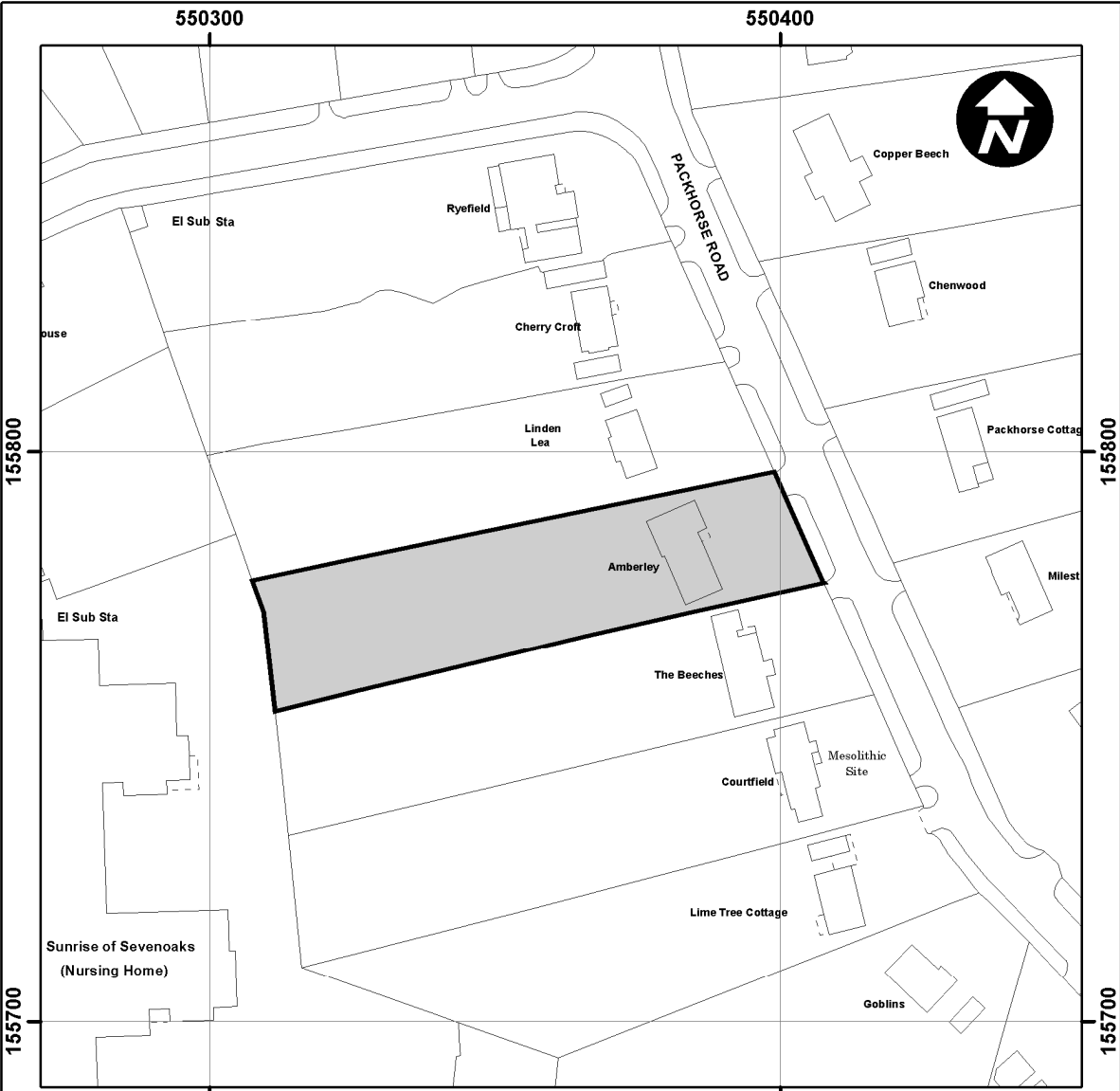
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MHHD03BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MHHD03BK8V000>



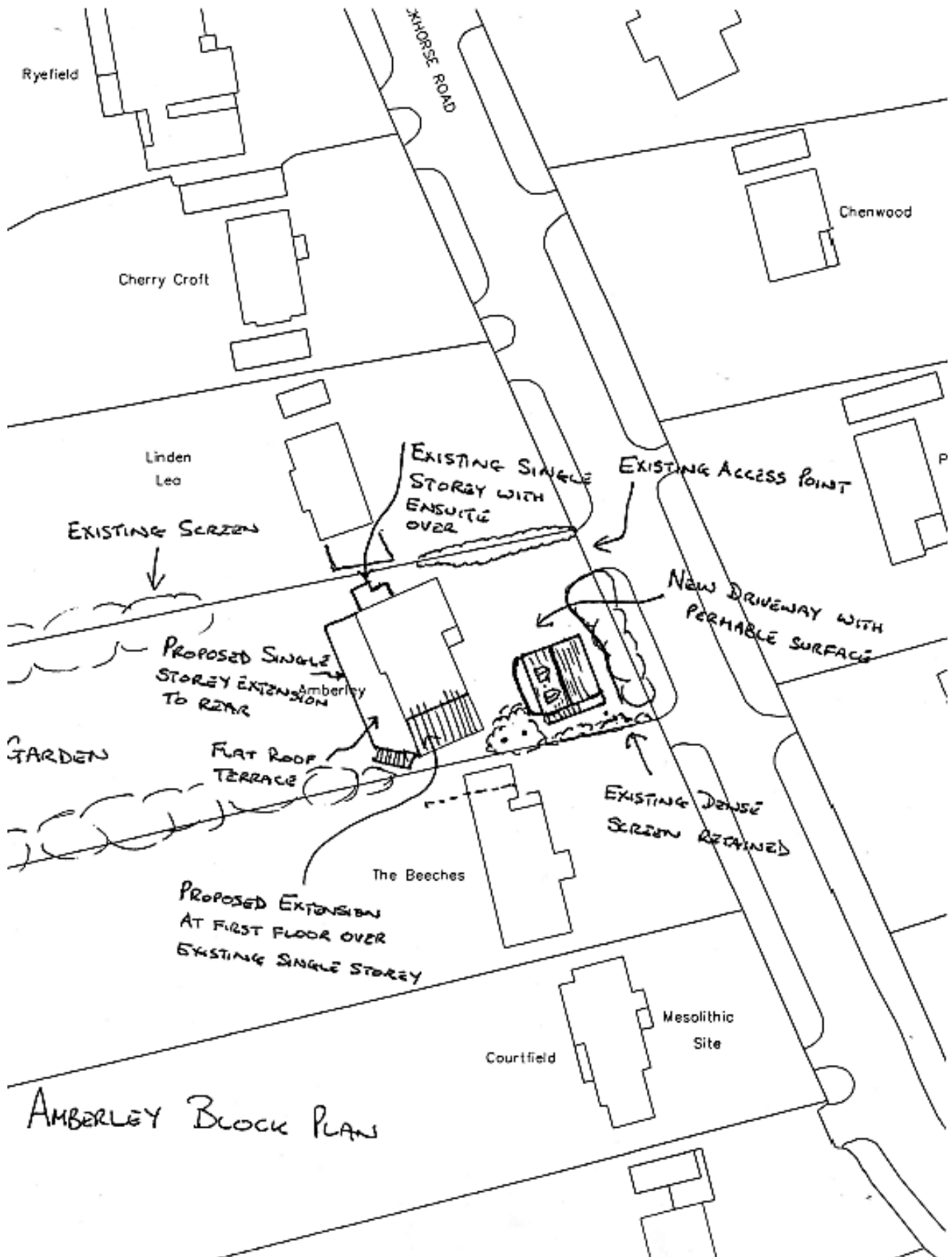
# Site Plan

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

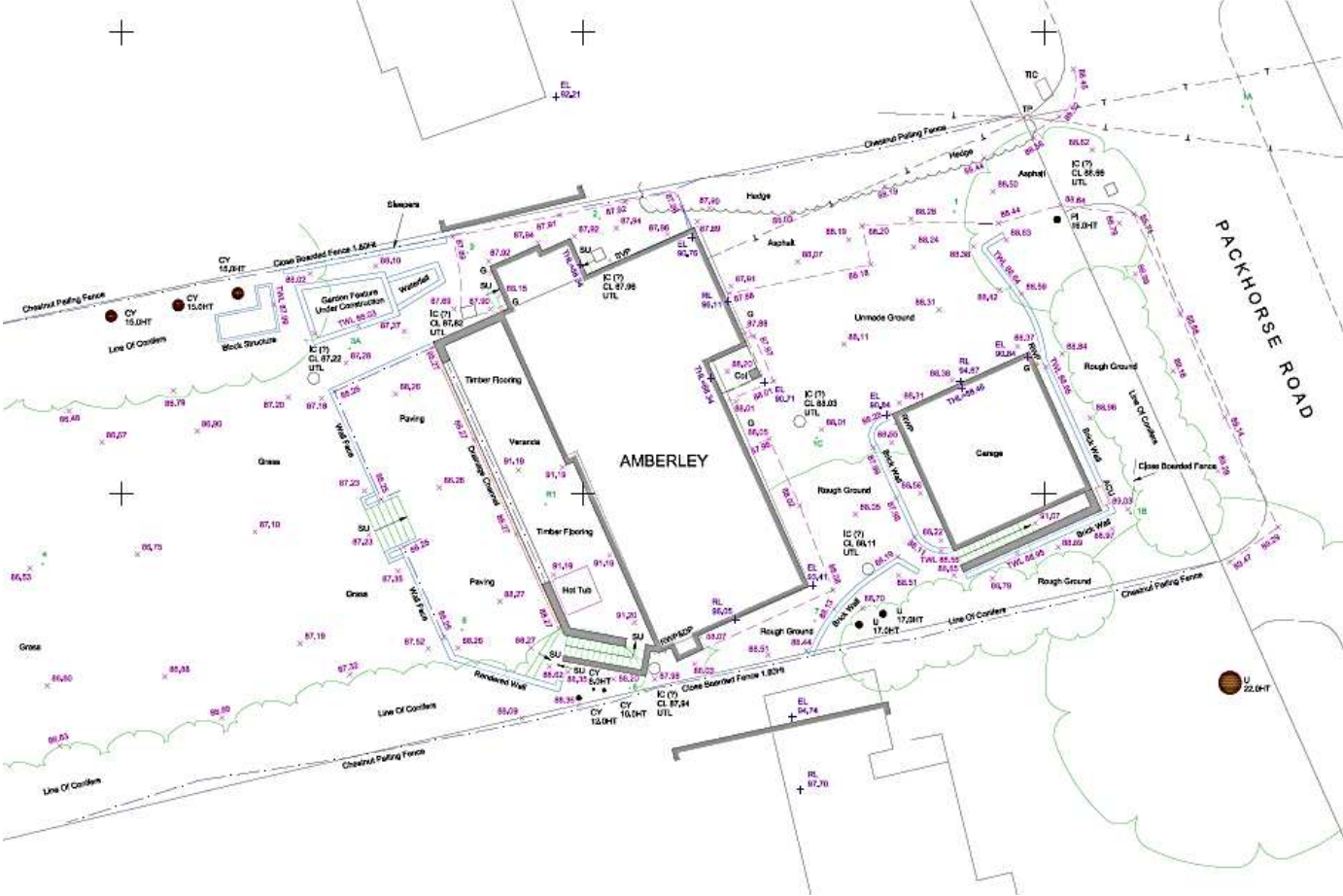


**Sevenoaks**  
DISTRICT COUNCIL

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**BLOCK PLAN 2**



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4.2 – SE/13/00702/FUL Date expired 20 June 2013

PROPOSAL: Installation of an extra metal container on site

LOCATION: Chipstead Recreation Ground, Chevening Road, Chipstead  
TN13 2SA

WARD(S): Brasted, Chevening And Sundridge

**ITEM FOR DECISION**

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

Very special circumstances exist due to the need for shelters as a consequence of the football club being promoted to a higher league.

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

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposed development would have a detrimental impact upon the openness of the Metropolitan Green Belt. This conflicts with the National Planning Policy Framework.

The land lies within an Area of Outstanding Natural Beauty. The proposal would detract from the character and appearance of that area. This conflicts with the National Planning Policy Framework and policy LO8 of the Sevenoaks District Core Strategy.

The site lies within the Chipstead Conservation Area. The proposed development would neither enhance nor protect the character or appearance of this area. This conflicts with the National Planning Policy Framework, policy EN1 and EN23 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

**Note to Applicant**

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

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.aspx](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.aspx)),
- By providing a regular forum for planning agents,

## Agenda Item 4.2

- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

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

### Description of Proposal

- 1 Installation of an extra metal container on site
- 2 The container will measure 12.2m by 2.44m with a height of 2.6m, will be painted dark green and rest on wooden sleepers.

### Description of Site

- 3 Chipstead Recreation Ground is located to the west of the Chevening Road on the northern side of Chipstead village with the site bounded by the M25 on its western boundary. On the southern boundary of the site is located a pavilion serving the recreation ground and a car park accessed from Chevening Road is located to the east of Pavilion. Mature trees are located on the northern, western and southern sides of the site whilst the eastern boundary north of the access to the car park is bounded by a row of houses. Adjacent to the main access is a children's playground. The area around the site already possesses two metal containers and a wooden shed clustered together on the southern boundary approximately 70m to the west of the Pavilion. The application site itself relates only to the footprint of the proposed third container.

### Constraints

- 4 Adjacent to an Area of Archaeological Potential
- 5 Area of Outstanding Natural Beauty
- 6 Conservation Area
- 7 Adjacent Flood zone 2 and 3
- 6 Metropolitan Green Belt
- 7 Public Right of Way

### Policies

#### *Sevenoaks District Local Plan*

- 8 Policies – EN1, EN23, H6B, H14A

### *SDC Core Strategy*

- 9 Policies – L08, SP1, SP10

### *Other*

- 10 National Planning Policy Framework
- 11 Kent Downs Area of Outstanding Natural Beauty Landscape Design Handbook
- 12 Chipstead Conservation Area Assessment and Management Plan 2011

### Planning History

- 13 74/00474/HIST The erection of a practice wall. Granted 19/12/1974.
- 81/00584/HIST Erection of a practice wall approximately 8' 6" high (Renewal of planning permission SE/74/474). Granted 13/05/1981.
- 89/00137/HIST Alterations to existing sports pavilion. Granted 20/02/1989
- 99/00316/HIST Raising the level of the ground in the NE corner of the recreation ground by a maximum of 1.2 m. Granted 10/05/1999.
- 03/02385/FUL Demolition of existing sports pavilion (75m sq) and replaced with new pavilion (175m sq). Granted 28/11/2003.
- 04/02640/FUL Replacement sports pavilion. Amendment to SE/03/02385. Granted 06/12/2004.
- 05/02442/CONVAR Variation of condition 3 of planning permission SE/04/02640/FUL for replacement sports pavilion. Granted 01/11/2005.
- 07/02321/FUL Tarmac surface to car parking area. Granted 26/09/2007.
- 08/00720/FUL Change of use from agricultural to recreational. Granted 01/05/2008.

### Consultations

#### *Chevening Parish Council*

- 14 'Support - Chevening Parish Council (CPC) confirmed that it had no objection to this planning application when the proposal was considered at PC meetings prior to its submission to SDC. (CPC resolutions passed under Minutes 138e/12 and 151e/12, refer.) Furthermore, CPC's views on the criticality of providing this additional facility are reflected in para. 3f of the Justification attached to the planning application.'

#### *SDC Arboricultural Officer:*

- 15 'Following my visit to assess the container located at Chipstead recreation Ground, I can confirm that there are no tree issues.'

## Agenda Item 4.2

### Representations

16 No representations received

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

#### Principal Issues

- Impact upon the Green Belt and Area of Outstanding Natural Beauty
- Impact upon local amenities
- Impact upon the Conservation Area and street scene
- Impact upon Flooding
- Impact upon adjacent Public Right of Way
- Impact upon Trees

#### Background

- 17 Currently there is one wooden shed and two metal shipping containers located in this part of Chipstead Recreation Ground. The shed is owned by Chevening Amblers Cricket club storing cricket equipment and an 8" roller with the other containers, owned by Chipstead Cricket Club containing a John Deere tractor, ground maintenance equipment, floodlights, goal posts and footballs. In reviewing the planning history for the site planning permission has not been sought for these three containers although the container closest to the pavilion does appear on the Councils mapping system dating back to 1995. The applicant has asserted that the shed has been on site for 20+ years (owned by Chevening Amblers Cricket Club). Of the other two containers (both owned by Chipstead Football Club) one according to the applicant was purchased 8 years ago whilst no information is available as to how long the second container has been on site.
- 18 The proposal would result in a third container to the west of the existing containers to contain two mobile team shelters to be used by home and away clubs on match days.

#### *Impact upon the Green Belt and Area of Outstanding Natural Beauty*

- 19 The National Planning Policy Framework (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. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their openness and their permanence.
- 20 A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- buildings for agriculture and forestry;
  - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

## Agenda Item 4.2

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
  - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 21 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 22 The NPPF paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.
- 23 Policy L08 states that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced.
- 24 In assessing the size, permanence and physical attachment of the container it would in my view constitute a building for planning purposes in that it provides a large useable space. It is clearly not intended to be moved and whilst not physically attached to the ground, by nature of its weight it would not be moveable without the use of machinery.
- 25 In reviewing the exceptions as listed above as the proposed container would incorporate equipment for outdoor sport it would represent a facility for outdoor sport and recreation and accordingly it would represent appropriate development within the Green Belt.

### *Impact upon Openness*

- 26 The proposed container would be situated adjacent to other containers on the recreation ground located approximately 70m to the southeast of the pavilion and approximately 170m from Chevening Road. The container through being longer than the existing containers on site would be clearly visible from the recreation ground and from the allotments to the southeast. The proposal would increase the bulk of the overall storages structures on site from three to four and accordingly would further erode the openness, which is the essential characteristic of the Green Belt.

## Agenda Item 4.2

- 27 The applicant has stated that Chipstead Football Club's first team was promoted to the Premier Division of the Kent County Football League at the end of the 2011-12 season. A requirement of the league is that 2m x 4m team shelters for the home and away team are located on the side of the pitch during match days. Due to the cricket club using the site during the summer months, permanent shelters according to the applicant are not deemed to be acceptable and due to their size the shelters would not fit within the existing three shelters on site. . In order to avoid theft or vandalism the applicant argues that the shelters need to be safely stored when not in use.
- 28 The proposed container would fail to preserve the openness of the Green Belt which would cause harm to the Green Belt. The NPPF makes clear that substantial weight should be given to harm to the Green Belt.
- 29 The NPPF however states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. The applicant has argued that the shelters are needed as a requirement to allow them to play within the Premier Division of the Kent County League for the reasons set out above, has clarified that the shelters cannot be permanently fixed to the ground and that they need to be contained within a structure.
- 30 In weighing up the benefits of the proposal in facilitating sport and creating healthy communities and the need for the proposal I consider that the harm to the openness of the Green Belt would be justified in this case, but I do have concerns about the impact on the public footpaths that runs across it.

### *Impact upon the Area of Outstanding Natural Beauty*

- 31 The proposed container situated to the rear of the existing shed and the other two containers on the site would lead to a further proliferation of shipping containers on the site. This additional larger container would be clearly visible from the recreation ground, the public footpath that runs across it and from the allotment gardens to the south east of the site. From those properties along the western side of Chevening Road and from the pavilion, playground and adjacent to the car park the proposed container, which would extend a further 3.05m into the field than the largest container presently on site, would further increase the bulk of the existing structures in place and accordingly would lead to further harm to the Area of Outstanding Natural Beauty.
- 32 The proposed container would be painted green however the metal container would add an additional utilitarian feature incorporating an incongruous structure which would fail to respect the distinctiveness of the locality. Whilst the container would be set against the backdrop of mature trees, located on the boundary of the site, this has a minimal affect in terms of screening the containers from within the recreation ground whilst the loss of leaf during autumn and winter will enhance the visibility of the containers as viewed from the allotments to the south east.
- 33 The addition of a further shipping container would therefore neither conserve or enhance the distinctive natural beauty of this Area of Outstanding Natural Beauty, contrary to the provisions of the Countryside and Rights of Way Act 2000, Policies SP1 and LO8 of the Core Strategy and the National Planning Policy Framework.

### *Impact upon local amenities*

- 34 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 1 states that the form of the proposed development, including any buildings or extensions should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 35 The proposed container would be located on the south western corner of Chipstead Recreation Grounds approximately 170m from Chevening Road located upon ten wooden sleepers. The container would be located behind three other containers of which the longest container presently on site measures 9.15m. Accordingly 3.05m of the proposed container would be visible when viewing the group of containers from the north east as this proposal would be larger than the one it would be adjacent to.
- 36 The closest building to the container would be the Chipstead Pavilion approximately 80m to the north east. This building would largely screen views of the container from Chevening Road. The closest properties to the container would be those on the western side of Chevening Road at a distance of approximately 150m however due to the other containers on site and the distance of the dwellings from the containers the impact would be minimal.
- 37 The container would be located beneath a mature oak tree with further mature trees extending along the south western boundary of the grounds. To the west of the site the site is bounded by the M25 motorway whilst to the southeast is located Chipstead allotments. Whilst the container would be partially screened from the allotments by the oak tree during summer during winter it would be clearly visible from the allotments approximately 120m distant and would be visible from within the recreation grounds and the Public Right of Way. Whilst the direct impact on the street scene, from the road would be minimal, the container would be widely visible from within the recreation ground and other public viewpoints.

### *Impact upon the Conservation Area and Street Scene*

- 38 The Planning (Listed Buildings and Conservation Area) Act 1990, states that it is the duty of the Local Planning Authority to ensure that the character of the Conservation Area should be preserved or enhanced. Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area cannot only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 39 Policy SP1 of the Sevenoaks District Councils Core Strategy states that the District's heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced.

## Agenda Item 4.2

- 40 Policy EN23 requires proposals for development or redevelopment within or affecting conservation areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting. The design of new buildings should reflect local character.
- 41 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 1 states that the form of the proposed development, including any buildings or extensions should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 42 The Chipstead Conservation Area Appraisal and Management Plan states that the built and natural heritage of Chipstead will be conserved and any change should protect and enhance these cherished assets of local architectural, cultural, historical and conservation importance and the character of the surrounding landscape. Local distinctiveness is an important aspect of character to be assessed both in the context of the whole Conservation Area and its immediate surroundings, when designing any development proposal. All new development in the Conservation Area, should respond to its immediate environment and context, in terms of scale, density, form, materials and detailing. Areas on the edge of the village have an open rural character and long views of and from the site must be taken into account. It is also vital to respect the agricultural and parkland character of the surrounding area.
- 43 The proposed container would measure 2.4m by 12.2m rising to a height of 2.6m. This part of the site presently comprises of two containers and a shed of increasing lengths with the proposed metal shipping container exceeding the length of the existing containers. The proposed container possesses no architectural benefit comprising of a metal rectangular box. It fails to respect the local historic character of the area with the proliferation of an additional utilitarian structure further detracting from the open rural character of this part of the Conservation Area.
- 44 The proposal would neither preserve or enhance the character of the area, and whilst grouped with other containers the addition of yet another larger container would simply lead to additional harm within the Chipstead Conservation Area detracting from the wider distinctive character of the village contrary to the provisions of the Planning (Listed Buildings and Conservations Area) Act 1990, the National Planning Policy Framework, policy SP1 of Sevenoaks District Councils Core Strategy and policies EN1 and EN23 of Sevenoaks District Councils Local Plan

### *Impact upon trees*

- 45 The proposed container would be located on ten wooden sleepers adjacent to mature trees. Sevenoaks District Councils Arboricultural Officer had no concerns in respect to the impact of the container upon the adjacent trees.

### *Impact upon public right of way*

- 46 A public right of way runs east to west across the site however this is located approximately 120m to the north of the container. Whilst the container would not



impact upon use of the right of way the container would be clearly visible from the footpath.

### *Impact of flooding*

- 47 Parts of Chipstead Recreation Ground lies within flood zones 2 and 3 however the site of the proposed container would lie outside of the flood zone.

### *Impact upon the Area of Archaeological Potential*

- 48 Parts of Chipstead Recreation Ground lies within an Area of Archaeological Potential however the site of the proposed container would lie outside of this area.

### **Conclusion**

- 49 The proposed container would provide a facility for outdoor sport in the Green Belt. This can be regarded as appropriate under Green Belt policy, but only if it preserves openness. In this case it is considered that there will be a harmful impact on openness and the proposals should therefore be regarded as inappropriate. In considering whether very special circumstances exist it is relevant to consider the needs of the football club, but it is not clear there is an additional requirement for a structure of the size proposed and an exception to the presumption against development in the Green Belt is not considered justified.
- 50 The proposal would not have a detrimental impact upon local amenities or the street scene, would lie outside of the adjacent Flood Zone and Area of Archaeological Potential and would not impact upon access upon the Public Right of Way.
- 51 It would however fail to either preserve or enhance the Conservation Area or the Area of Outstanding Natural Beauty contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Countryside and Rights of Way Act 2000, the National Planning Policy Framework, policy SP1 and policy LO8 of Sevenoaks District Councils Core Strategy and policies EN1 and EN23 of Sevenoaks District Councils Local Plan.

### **Background Papers**

- 52 Site and Block plans

Contact Officer(s): Guy Martin Extension: 7351

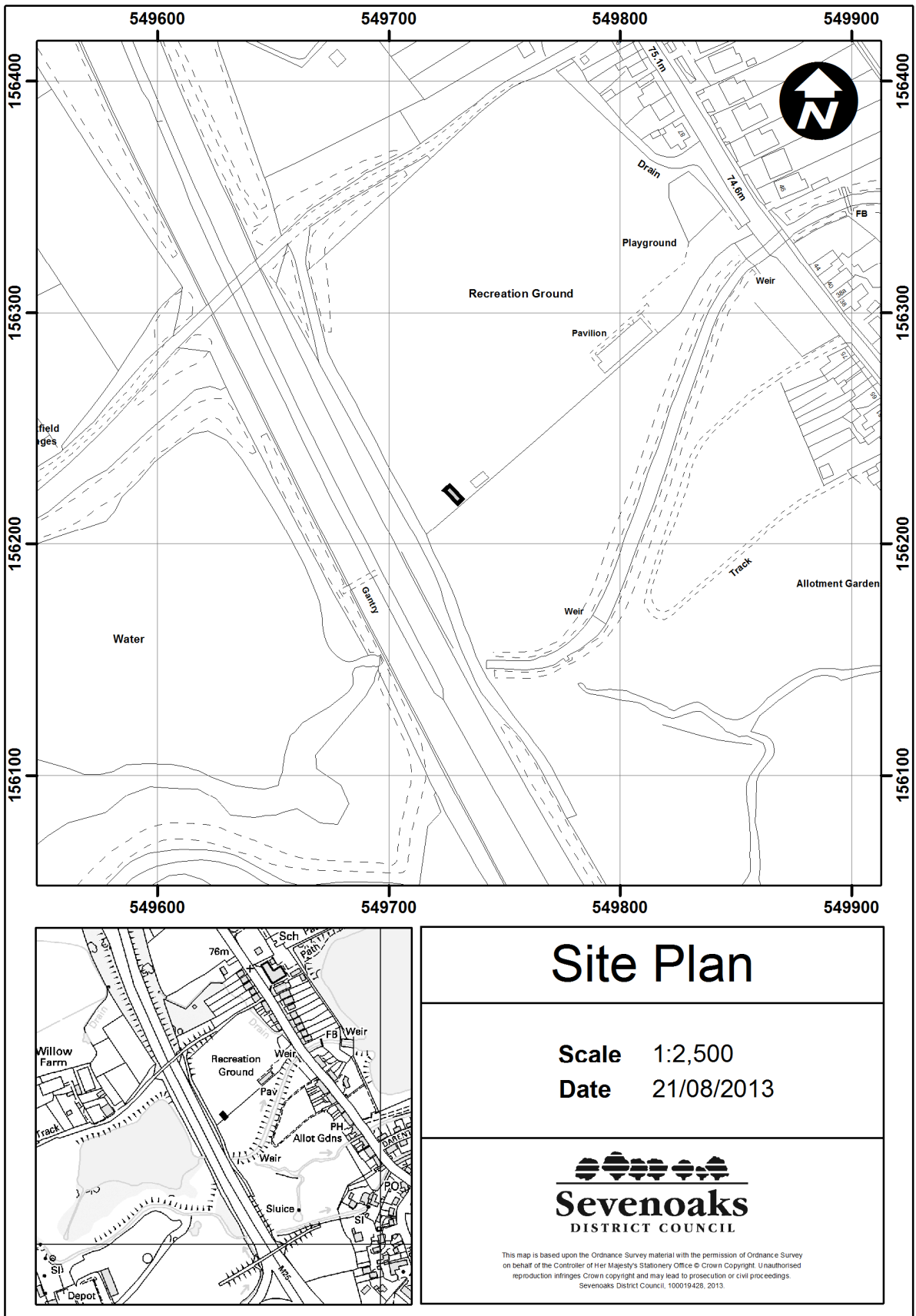
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MJ8WJ9BK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MJ8WJ9BK0L000>



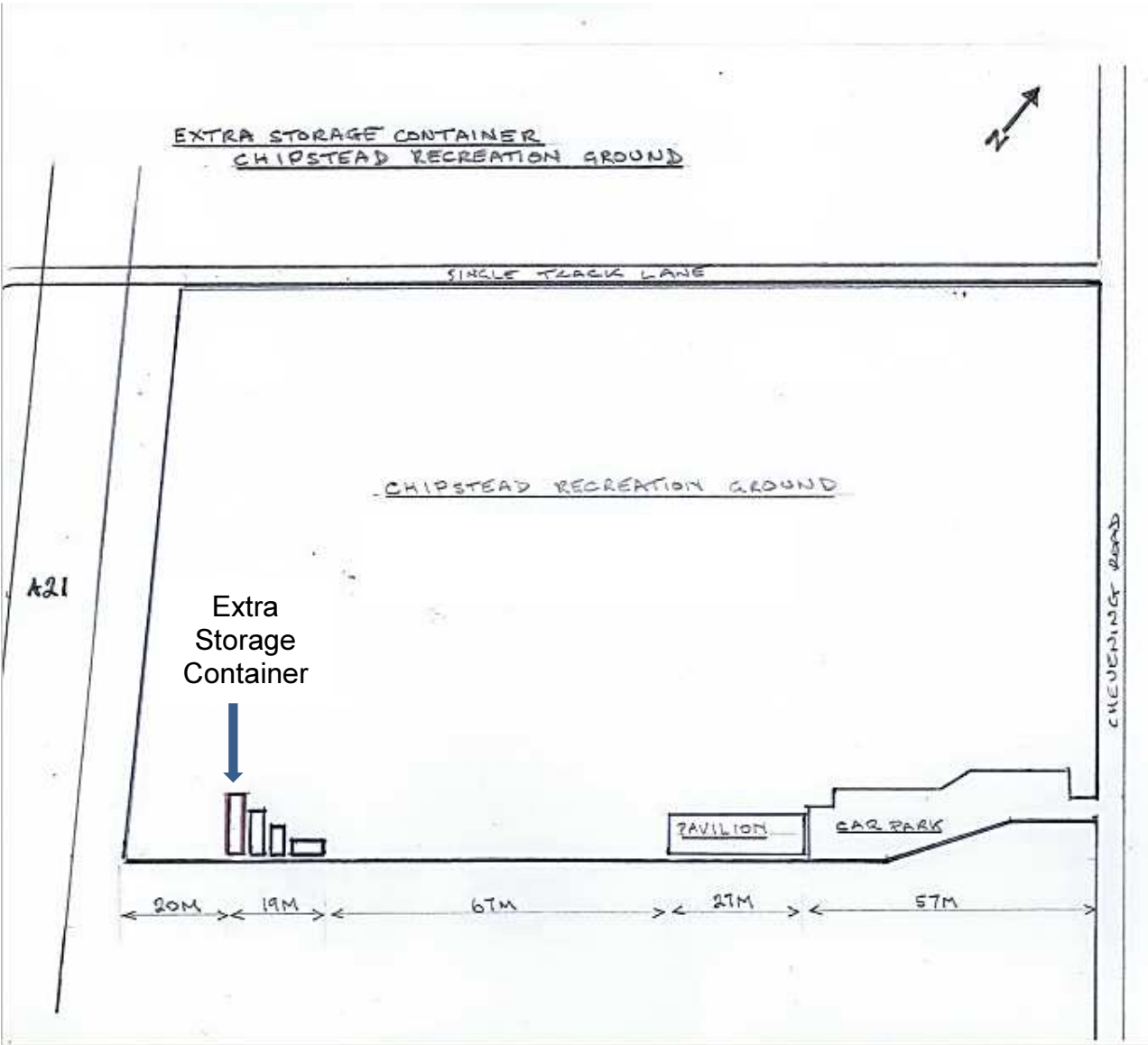
# Site Plan

Scale 1:2,500  
Date 21/08/2013



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**BLOCK PLAN**



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4.3 – SE/13/01384/FUL Date expired 11 July 2013

PROPOSAL: Change of use from a mix of C3 (residential) and A1 commercial to C3 (residential) use.

LOCATION: Post Office, Ide Hill, Sevenoaks TN14 6JN

WARD(S): Brasted, Chevening and Sundridge

**ITEM FOR DECISION**

This application is called to Development Control Committee at the request of Councillor Piper to consider whether sufficient evidence has been provided to show that the owner has marketed the property for commercial purposes and in particular for commercial rent and would like this issue to be discussed at the Committee.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: SPBL\_IH\_001 version 1.

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, EN23, EN25A, VP1

Sevenoaks District Core Strategy 2011 - Policies LO1, LO7, LO8, SP1, SP2, SP3 and the NPPF

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

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

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

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

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

The development is considered to be appropriate development within the Metropolitan

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Green Belt.

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

### **Note to Applicant**

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

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

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.

### Description of Proposal

- 1 The application seeks permission for the change of use from a mix of C3 (residential) and A1 commercial to a solely C3 (residential) use.
- 2 It is not proposed to carry out any extensions or external alterations to the building.

### Description of Site

- 3 The site the subject of this planning application is an existing mixed use premises which is currently vacant. The premises comprise a former ground floor post office with a residential unit above.
- 4 The site is situated within the village of Ide Hill outside of any settlement as defined on the proposals map to the Sevenoaks District Local Plan (SDLP).

- 5 The premises fronts onto Camberwell Lane. Camberwell Lane is occupied by an existing public house and dwellings of varying age and design and includes a varied mix of architectural styles.
- 6 The site is located in an Area of Archaeological Potential, Conservation Area, Area of Outstanding Natural Beauty (AONB) and the Green Belt.

### Constraints

- 7 Airfield Safeguarding Zone
- 8 Area of Archaeological Potential
- 9 Area of Outstanding Natural Beauty (AONB)
- 10 Conservation Area
- 11 Green Belt

### Policies

#### *Sevenoaks District Local Plan:*

- 12 Policies - EN1, EN23, EN25A, VP1

#### *Sevenoaks Core Strategy:*

- 13 Policies - L01, L07, L08, SP1, SP2, SP3

#### *Other*

- 14 National Planning Policy Framework (NPPF)

### Planning History

- 15 94/01120/HIS Replacement of existing shop front. As supported by Agent's letter 16/9/94. Granted 27/9/94.

### Consultations

#### *Sundridge with Ide Hill Parish Council*

- 16 Object to the proposal on the following grounds:

*"The Parish Council believes this application to be against SDC Policy as retail space, small business and employment opportunities will be lost in the village centre. The Parish Council have not seen sufficient evidence to warrant the change of use from retail to residential and believe there should be more time to secure a new retail tenant at a realistic price for a retail unit.*

*The Parish Council believes that losing the commercial property will be irreversible and will have a detrimental effect on the centre of the village and its longer term sustainability".*

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### Representations

17 7 representations received.

*5 representations received objecting to the proposal on the following grounds:*

- The statements made by the applicants are incorrect;
- There is a need for this type of facility;
- The business has operated successfully in the past;
- The village is well frequented by visitors and has a number of attractive features which regularly attract visitors who will wish to use such a facility;
- The new community shop does not offer the same facilities;
- Last satisfactory retail premises in the village;
- Loss of social hub;
- The premises could still operate successfully as a tea room/shop; and
- Affect on the character of historic village green and Conservation Area.

*2 representations received supporting the proposal on the following grounds:*

- In recent years the shop has become less viable and has not been supported by the local community;
- There has been no interest in the premises as a commercial enterprise;
- The premises would be in better use as a family home;
- The premises was marketed for long enough to establish that no one wanted to purchase it as a commercial enterprise;
- It will be good to see the premises refurbished;
- Business has been unworkable; and
- Following the opening of the village store it is unlikely that they would be able to compete.

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

#### Principal Issues

18 The Post Office is located in a conservation area. Therefore, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have regard to the preservation and enhancement of such heritage assets. As such, the impact of the proposal on the special character and appearance of the Conservation Area is material to the consideration of this application.

19 In addition to the above, the site is located in the AONB, as such, in accordance with Section 85 of The Countryside and Rights of Way Act 2000 in performing any function affecting land in an AONB the Local Planning Authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of that area.



- 20 The remaining issues to consider in the determination of this application are:
- Whether the principle of development and the loss of a community facility is acceptable;
  - Whether the proposal complies with the relevant policy criteria regarding development within the Green Belt;
  - The visual impact of the proposal;
  - The impact upon residential amenity;
  - Archaeological Implications;
  - Highway implications;
  - Sustainability; and whether the proposal would require any affordable housing contribution.

### *Principle of Development / Loss of Community Facility*

- 21 Paragraph 28 of the NPPF states that plans should promote the retention of community facilities in villages such as local shops. Having regard to this, paragraph 70 of the NPPF states that planning decisions should guard against the unnecessary loss of valued facilities particularly where this would reduce the community's ability to meet day to day needs.
- 22 At a local level, policy S3A of the Local Plan states that *"in those local shopping centres and village centres shown on Inset Maps of the Proposals Map and in the centres of other smaller villages without Inset Maps, the change of use of the ground floor of existing shop premises from Class A1 of the Use Classes Order 1987 to another use will not be permitted unless it would provide for an essential local service and/or sufficient retail space would remain to meet local needs"*.
- 23 In addition to the above, policy LO7 of the Core Strategy states that the loss from rural settlements of services and facilities that serve the local community will be resisted where possible. Exceptions will be made where equivalent replacement facilities are provided equally accessible to the population served or, amongst other things it is demonstrated, through evidence submitted to the Council, that the continued operation of the service or facility is no longer financially viable.
- 24 Having regard to the above, following the closure of the post office store in July 2011, the Council received an application in September 2011 reference SE/11/02116/FUL for the temporary change of use of a metal storage container (located adjacent to Ide Hill Village Hall) from storage to a village shop. It is stated in the application details that the use of the storage container for retail purposes was a direct consequence of the closure of the local village shop, as there remained no other alternative in the village. It is stated that the Parish Council and local residents formed the view that there was a need for a small local shop and the intention of the initial application was to provide a stop-gap until a more permanent solution could be found. Temporary permission was subsequently granted in December 2011 for a period of three years.
- 25 In September 2012, the Council received a further planning application reference SE/12/02542/FUL for the removal of the storage container and erection of single storey community shop also on land adjacent to the village hall. The application was received in response to continued demand for a local store and lack of

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alternative sites. It should be noted that paragraph 4.1 of the Design and Access Statement accompanying the application states the need for a community shop arose from the demise of the old village shop and post office which it is stated *“closed with it no longer representing a commercially viable business use”*. Further information submitted in support of the application for the Community Shop suggests that it would not have been viable for the Community Shop to refurbish and fit out the former shop and operate it as a business use. This was accepted as part of the applicant’s justification for allowing the development to go ahead and planning permission was subsequently granted in November 2012. Works on the new Community Shop have since started and are currently in progress.

- 26 The plans accompanying the application for the Community shop indicate the store having a total external floor area of 78m<sup>2</sup>. This comprises a shop floor area of 57m<sup>2</sup>, with 1.6m<sup>2</sup> of this being used to provide a post-office counter, and a further 20.8m<sup>2</sup> for storage. The plans indicated that the shop is to provide a modest number of displays, including a small cabinet for frozen and chilled products a store area and post-office counter.
- 27 As such, it is considered that the above alternative schemes weigh in favour of the current proposed scheme by having already addressed a previous identified need and by ensuring that sufficient retail space would remain locally to meet local needs in the form of the Ide Hill Community shop.
- 28 In order to justify the loss of the facility in accordance with local and national policy criteria, the Council would generally expect evidence accompanying any formal application to demonstrate that the business is no longer viable, that the property has been marketed at a price that is realistic for a sale for a period of at least 6 months and that sufficient equivalent facilities remain to meet local needs. At a minimum this supporting information should include estate agents records of how the premises has been marketed, any interest in the premises including details of whether the interest relates to business and/or any other alternative use(s), reasons for pursuing or not pursuing a sale, details of any offers made and any details of any financial information which may be relevant to the viability of the business etc.
- 29 In the case of the current application, representations received from local residents suggest that historically, the post office has been an important facility within the village providing an important service to the local community as well as to tourists/visitors frequenting the village.
- 30 The shop has been vacant for over two years now. Information received from the applicants suggests that it closed as the shop was/is no longer financially viable. On this basis it is now proposed to change the use of the premises to allow sole residential occupancy.
- 31 Financial information received with the application indicates that based on the record weekly turnover of Ide Hill Community shop obtained from the Westerham Chronicle in an article dated 5 April 2012 if the application premises were to operate with a similar turnover it would operate at a significant financial loss.
- 32 The applicant states that prior to coming to the market on a freehold basis the property was offered for lease as an on going concern for a number of months.

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However, the applicant states that no interested parties could be found and no offers were made as the property was not financially viable as a shop.

- 33 It is stated that the property was not and could not be further offered for rental due to its current state of disrepair, the remedial works for which are said to total in excess of £150,000 prior to the cost of any re-fit. This concurs with information submitted in support of the application for the new Community Shop which in an email dated 11 September 2012 attached to Annexe 1 estimates the cost of refurbishment to be between £100,000 and £150,000. It is therefore considered that the state of the property makes rental highly unlikely or viable.
- 34 The applicant claims that the former owners then listed the property for sale in November 2011 which concurs with information submitted from the Estate Agents 'James Millard Independent Estate Agents'. Amongst other things, the sales particulars state that the premises offer a commercial/residential opportunity. The property was initially valued by the agents and marketed at £675,000. On 15 August 2012 the price was reduced to £499,950 and the property was listed with a second agent 'Bracketts'. It is stated that both agents actively marketed the property by phone and online on their own websites and through well known marketing sites such as Prime Location, Rightmove and Zoopla. The property was also marketed in The County Border News, The Tunbridge Wells Courier and the Sevenoaks Chronicle. Following a 13 month marketing campaign the premises was finally sold in February 2013 with James Millard Estate Agents at £480,000.
- 35 Information accompanying the application shows that under James Millard there was private interest in the shop as a commercial property when it went on the market in 2011, but for reasons unknown, this interest never progressed. Since then the applicant states that interest in the property has only been for residential use and that whilst a number of offers for the property had been received for residential use none had formally progressed until the applicant's offer of £480,000 in February 2013.
- 36 In addition to the above, the applicant in an email dated 19 July 2013, has provided additional detailed information which demonstrates why they consider the premises is not suitable for retention for alternative business use. This information is provided in response to comments raised regarding the possibility of alternative commercial occupancy. Reasons include insufficient parking, poor accessibility by public transport and poor broadband connectivity.
- 37 In summary, it is my view that it has been adequately demonstrated that the shop is no longer financially viable and that the premises has been actively marketed as a commercial/residential opportunity for a significant period of time with no genuine prospect for its continued use as a commercial facility. It is therefore my view that the applicant has provided clear and convincing evidence to justify the loss of the ground floor business in accordance with policies S3A of the Local Plan and L07 of the Sevenoaks Core Strategy as there is no reasonable prospect of continued use.
- 38 Additionally, the community shop provides an alternative facility accessible to Ide Hill residents which is relevant to the assessment of the proposal under Policy L07.

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### *Green Belt Policy Criteria*

- 39 Having regard to the Green Belt, paragraph 90 of the NPPF, states that certain forms of development including “*the re-use of buildings provided that the buildings are of permanent and substantial construction*” are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purpose of including land within it.
- 40 The building is of permanent and substantial construction. It is not proposed to extend or alter the external appearance of the building. As such, the proposal would have no greater impact on the openness of the Green Belt than the existing building and would not conflict with the purpose of including land within it.
- 41 For this reason, the proposed development is regarded to be appropriate development in the Green Belt which would not harm the openness.

### *Visual Impact*

- 42 As stated previously, it is not proposed to extend the building or alter its external appearance and as such there would be no material change in the building appearance which would harm the visual amenity of the locality including the special character of the conservation area and AONB.
- 43 Furthermore, the majority of internal floor space including approximately half of the ground floor and all of the first floor is already in use as residential. Therefore in my view there would be no harmful intensification in the domestic use of the site which could be said to substantially harm the established character of the area.
- 44 In light of the above, in my view the proposal would not have a negative impact upon the character of the building and consequently in accordance the aforementioned policy criteria and guidance and Sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and Section 85 of The Countryside and Rights of Way Act 2000 would preserve the special character and appearance of the conservation area and AONB.

### *Impact on Neighbouring Amenity*

- 45 It is not proposed to extend or alter the external appearance of the building, as such, loss of amenity by reason of increased form, scale, height and outlook is not material to the consideration of this application.
- 46 Having regard to privacy, as stated it is not proposed to alter the external appearance of the building this includes inserting additional windows. The only window affected by the proposed new residential use is the shop window which would remain. As the former shop window fronts Camberwell Lane and does not afford views towards neighbouring windows or private amenity space, the proposal is not considered to adversely impact upon neighbours amenities by reason of a loss of privacy.
- 47 In addition to the above, having regard to the proposed change of use, the proposal is to change the use of the existing Post Office to residential which as shown on the submitted proposed floor plans will increase the reception/living space to an existing residential unit. The former use of the premises as a post office and use of the premises in general within Class A1, is likely to be far more

intensive than a permanent residency which in my view would result in a reduction in both vehicle and pedestrian movement to and from the site and consequently a reduction in any noise and disturbance.

### *Highways*

48 With regard to highway safety, the existing access and parking arrangements are not proposed to be altered.

49 The existing residential unit is currently three bedroom. In accordance with KCC Residential Parking standards set out in interim guidance note 3, a three bedroom unit in a village/rural location would require 2 independently accessible parking spaces. The current application does not propose any increase the number of bedrooms and the block and site location plans submitted with the application show sufficient space within the site to two vehicles.

Therefore, it is not considered that the proposal would interrupt the safe flow of traffic.

50 Furthermore, given that the proposal would result in the loss of a commercial facility which is likely to generate more comings and goings it is not considered that the proposal would result in any intensification in vehicle movements.

### *Sustainability*

51 Policy SP2 of the Core Strategy states all new conversions to residential will be required to achieve BREEAM 'Very Good' standards. However, in this instance, given that the conversion and change of use to residential only relates part of the ground floor and the remainder of the property is already in residential use, coupled with the age of the property, it is my view that it would be over onerous and unreasonable in accordance with Circular 11/95 to apply a BREEAM condition to any grant of planning permission.

### *Affordable Housing*

52 There is an existing residential unit occupying part of the ground and first floor which benefits from a separate side and rear access, and which appears could be occupied independently from the Post Office as a separate residential unit.

53 The proposal is to increase the reception space to this existing residential use and not to create any additional units. There is, therefore, no requirement for an affordable housing contribution.

### **Conclusion**

54 It is my view that for the reasons contained in the report, the applicant has provided clear and convincing evidence to justify the loss of the ground floor business in accordance with policies S3A of the Local Plan and LO7 of the Sevenoaks Core Strategy.

55 The proposed development is regarded to be appropriate development in the Green Belt which would not harm the openness.

56 The proposal would not have a negative impact upon the character of the building and consequently in accordance the aforementioned policy criteria and guidance

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and Sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and Section 85 of The Countryside and Rights of Way Act 2000 would preserve the special character and appearance of the conservation area and AONB.

- 57 The development would not have an unacceptable impact on the residential amenities of nearby dwellings.
- 58 The proposal would not result in any adverse highway implications.

### **Background Papers**

Site and Block plans

Contact Officer(s): Claire Baldwin Extension: 7367

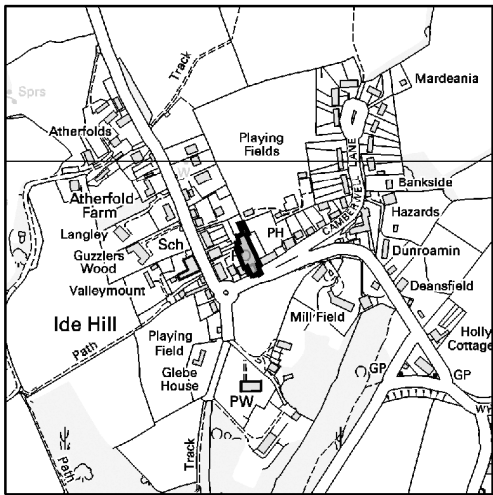
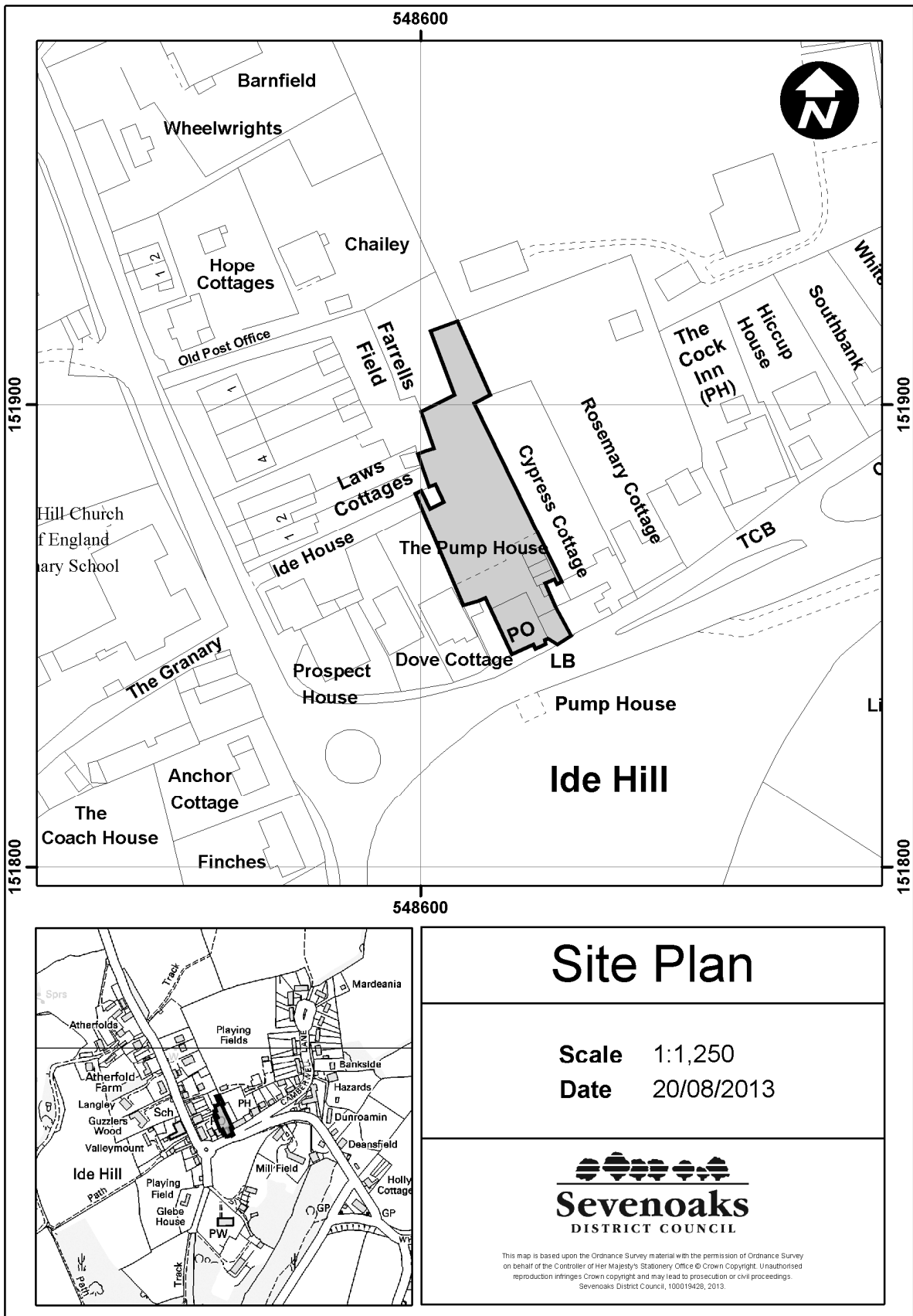
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MMGWT0BK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MMGWT0BK8V000>



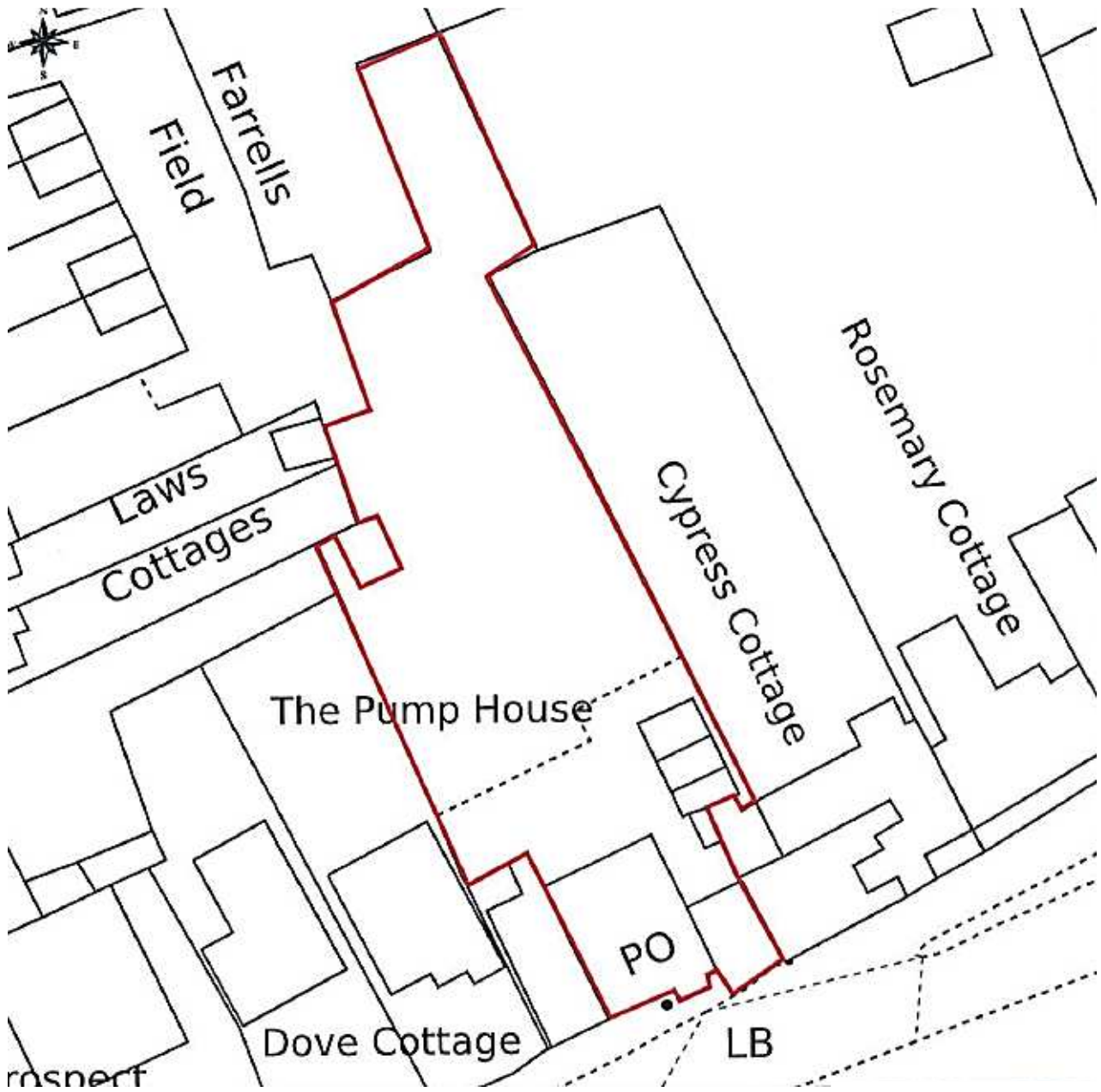
# Site Plan

Scale 1:1,250  
Date 20/08/2013



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Sevenoaks District Council, 100019426, 2013.

**BLOCK PLAN**





4.4 - SE/13/01064/FUL Date expired 17 July 2013

PROPOSAL: Demolition of existing dwellings and erection of two replacement dwellings, change of use of adjacent land to be incorporated within residential curtilage and creation of vehicle access on Valley Road.

LOCATION: 1 & 2 Cross Cottage, Valley Road, Fawkham DA3 8LX

WARD(S): Fawkham & West Kingsdown

**ITEM FOR DECISION**

The proposed development has been referred to the Development Control Committee at the request of Councillor Parkin in view of the unusual history of the site and the need to redevelop it.

**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, LO8 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

The proposal would detract from the character and appearance of that area. This conflicts with policy LO8 of the Sevenoaks Core Strategy and the advice and guidance within the National Planning Policy Framework.

The site is considered to have some ecological value. In the absence of an ecological appraisal the applicant has failed to demonstrate that the development would not have an adverse impact on biodiversity. This would be contrary to SP11 of the Sevenoaks Core Strategy and the advice and guidance in the NPPF.

**Note to Applicant**

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

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line

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([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),

- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

### Description of Proposal

- 1 The application site in the red line boundary includes two dwellings and their respective garden areas. To the NE adjacent to number 1 is a vacant plot of land that bounds Pennis Lane, that is outside the curtilage of any dwelling. To the rear of this is an area of existing woodland. To the south west of cottage 2 is a large field with a stable block in a central location. To the south west of this is a further parcel of land, which contains a pig-sty.
- 2 This application seeks permission for the demolition of two existing cottages and associated outbuildings and for the erection of two replacement-detached dwellings.
- 3 As stated above, in addition to the demolition of the cottages, it is proposed to demolish a number of different outbuildings located within the application site. These specific outbuildings include a detached garage and workshop, which are within the residential curtilage of 2 Cross Cottages. It also proposed that these and the existing stable building and a pig sty would be demolished which are located in the adjacent field to the south of the site. There does not appear to be any planning permission for the pig sty.
- 4 Although there would be no increase in the number of residential units, it is proposed to alter the location of the proposed dwellings on the site. The existing dwellings are semi-detached; it is proposed that the replacement units would be detached dwellings located at different ends of the application site and outside the existing residential curtilages
- 5 It is submitted that plot 1 would be located to the north of the application site and positioned approximately 24 metres from Valley Road. The application seeks to change the curtilage to incorporate land on the corner of Pennis Lane but not the woodland at the rear, some of the garden area at the rear would be new. The proposed dwelling would be located further back on the application site from the existing cottages and slightly north. It is proposed that this dwelling would utilise an existing access that is located off Pennis Lane. The submitted drawings show that the dwelling would be arranged over two levels and would comprise a total of 4 bedrooms. Although there are no plans submitted, it would also seem likely that accommodation would be provided within the roof space of the unit as two additional dormers are shown on the front elevation of the dwelling and one at the rear

between the two projecting gable elements and there is scope to install the additional staircase.

- 6 It is proposed that plot 2 would be located approximately 96 metres to the south of the plot 1, it is submitted that the new plot that is to be formed outside of the existing residential curtilages and formed on part of the agricultural land . Again it is proposed that this dwelling would be positioned approximately 24 metres from Valley Road. The proposed dwelling would be arranged on three floors, as it is proposed that the attic space would be utilised. The drawings show that this dwelling would have 5 designated bedrooms. However the plans show a number of other rooms within the 1st and 2nd floors which could also be used as bedrooms these include a reading room/library, study, a large dressing room and en-suite and a playroom. The proposed dwelling would have a main central element and two projecting side elements that extend beyond the front and rear facade. A new access is proposed off Valley Road to serve the new dwelling.
- 7 In addition to this it is also proposed to change the use of the adjacent land to incorporate within residential curtilage of plot 2.
- 8 The proposed dwellings have been designed in a mock Georgian style, and utilise some of the design principles of the Georgian era, these include a simple 1–2 story box shape, they are both 2 rooms deep, and that they both symmetrically arranged. The entrances of both plots are supported by pilasters, which is design feature from this era. The drawings also show that each property would have Georgian window detailing.
- 9 The proposal in effect means separating the pair of semi detached dwellings into two detached dwelling on new plots that are not in residential use currently, the demolition of all existing structures and planting of 2 new woodland areas.

### Description of Site

- 10 The application site relates to a parcel of land located on the southeast side of Valley Road. The site lies on the southern side of a relatively narrow country lane which winds itself through a shallow sided valley from Longfield to Fawkham.
- 11 The whole red line site has an average width of 215 metres and an average depth of 80 metres. The site area is 1.76 hectares. Within the line boundary includes a number if different parcels of land there are two dwellings and their respective garden areas, which measure approximately 45 metres in width by 80 metres in length.
- 12 To the NE adjacent to number 1 is a vacant plot of land that bounds Pennis Lane, that is outside the curtilage of any dwelling this measures approximately 35 metres in width by 45 metres in length. To the rear of this is an area of existing woodland, measuring 35 metres by 45 metres.
- 13 To the south west of cottage 2 is a large field with a stable block in a central location, this area measures approximately 40 metres by 80 metres. To the south west of this is a further parcel of land which measures 95 metres by 80 metres and contains a pig sty.
- 14 Within the red line boundary there are a number of building. There are two dwellings, 1 and 2 Cross Cottages which are a pair of semi-detached dwellings. In addition to

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this within the site are a number of outbuildings. Two of the buildings fall within the residential curtilage of 2 Cross Cottages, these include a garage and a work shop, which are in a dilapidated state. There is also a stable building and a pig sty within the adjacent agricultural field.

- 15 The historic maps show that the cottages were originally three individual units. The cottages have however been reduced to two at some point during the passage of time. The curtilage of cottage 2 has also at some point been extended and now includes a workshop (which was originally approved as a loose box under application TH/5/59/130, along with a stable building). There is no planning permission for the pig sty.
- 16 The site is elevated above the level of Valley Road by approximately 1 metre for almost the entire length.
- 17 Through the centre of the red line site are two overhead power lines from the SE to NW over the stable building to the SW of 2 Cross Cottages.
- 18 The site is located in the Green Belt.

### Constraints

- 19 Metropolitan Green Belt,

### Policies

#### *Sevenoaks District Local Plan*

- 20 Policies - EN1, H13 and VP1

#### *Sevenoaks Core Strategy*

- 21 Policies - SP1, LO8, SP11

### *Other*

- 22 National Planning Policy Framework

### Planning History

- 23 TH/5/59/133. Alterations to access. Granted 9<sup>th</sup> June 1959

(This relates to 2 Cross Cottages)

- 24 TH/5/59/130. Proposed loose boxes. Granted 5 May 1959.

(This permission relates to the building that is identified as a workshop and the stable block adjacent)

### Consultations

#### *KCC Highways*

- 25 The Highways Officer has made the following comments:-

- 26 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters. No highway objections in principle subject to: - The new vehicular access onto Valley Road being formed and the existing redundant accesses onto Valley Road being closed up to the requirements of KCC Highways & Transportation (i.e. all works within or adjacent to the highway being carried out to the requirements of KCC H&T). - Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction

### *SDC Tree Officer*

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

The proposals for Plot 1 appear to locate the footprint of the new build within what is mostly an open area of land. The loss of an amount of vegetation between the existing open land and the rear garden of number 1 will be necessary but not overly an issue. Suitable landscaping consisting of existing or new planting should be provided and agreed. The existing vehicular access should be closed as part of the overall landscaping. The proposal for Plot 2 will necessitate the creation of an opening within the existing mature hedging. I can to a degree except such work but have concerns regarding the effects of the need to create sight lines. Although this part of the road is marked at a low speed. Vehicles do tend to drive along at a much faster rate. I can accept the cut through to create a 2.4 metre opening but would be interested to know the Highway Officers view on the amount of vegetation that will need to be cut back to create the 70 metre vision along the road, which equates to 140 metres when both directions are cut back. Hard and soft landscape details will be required along with boundary treatment details please, inclusive of details of the new woodland.

### *Southern Water*

- 28 Southern Water have not provided any comments.

### *KCC Ecology*

- 29 KCC Ecology have provided the following comments:-
- 30 Thank you for the opportunity to comment on this application. We have the following response to make:
- 31 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.
- 32 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."
- 33 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

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before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."

- 34 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.
- 35 No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application we advise that the proposed development has potential to result in ecological impacts.
- 36 In particular, the following habitats and features have been identified that have potential to support protected species: buildings, rough grassland, scrub and trees with good connectivity to surrounding habitats.
- 37 As such, a preliminary ecological appraisal must be undertaken, along with any recommended specific species surveys. All surveys must be carried out prior to determination of the application to ensure that Sevenoaks DC can address all relevant material considerations when making the decision.
- 38 We would like to highlight that there is potential for bat presence and as such advise that the ecologist contracted to undertake the work is experienced and licensed to survey for bats.

### *Parish Council*

- 39 The Parish Council support the proposal. However they wish to seek verification that the +50% policy is being complied with, and The Parish Council wishes to draw attention to the redefinition of the curtilages, and understood that was necessary because the site was divided by overhead power lines, meaning that the properties must be either together, or split as proposed in order to provide for two detached houses.

### Representations

- 40 Three letters of objection have been received in connection with the site. The objections include the following:-
  - Loss of the existing dwellings
  - The design would be out of keeping
  - Scale and bulk unacceptable
  - Impact on Green Belt
  - Loss of countryside
  - Impact on listed building

**Chief Planning Officer's Appraisal**

41 The principal issues in this case are as follows:-

- Impact on the Metropolitan Green Belt:-
  - This includes an assessment as to whether the proposed development is appropriate/inappropriate in the Green Belt. To establish this it is necessary to look at paragraph 89 of the NPPF, to ascertain whether the proposal complies with criterion 4 and 6.
  - The impact of the development on the openness of the Green Belt.
  - Whether there are any very special circumstances that could clearly outweigh the harm to the Green Belt.
- Impact on the landscape character of the area
- Impact on biodiversity
- Impact on neighbouring amenity
- Parking and highway safety
- Whether the very special circumstances clearly outweigh the harm to the Green Belt.

*Impact on Metropolitan Green Belt*

42 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*

43 In assessing whether the proposal constitutes inappropriate or appropriate in the Green Belt, it is necessary to look at paragraph 89 of the NPPF. This document states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:-

- buildings for agriculture and forestry
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in a disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or

## Agenda Item 4.4

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

44 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 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.

45 In relation to this application, it is therefore necessary to establish whether the development complies with the criteria set out above to ascertain if the development would be appropriate development in the Green Belt.

*Whether the proposal complies with criterion 4 of paragraph 89:-*

46 As stated above the NPPF contains national policy on protecting the Green Belt and reaffirms the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. Paragraph 89 confirms that a local planning authority should regard the construction of new buildings as inappropriate in the GB. It then lists exceptions to this, including:-

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

47 The proposal subject to this application involves the demolition of two cottages (and outbuildings) and to build two detached dwellings.

48 To comply with this criteria we need to assess whether the buildings would be materially larger than the existing buildings that are currently in situ on site. For this criterion to apply, in addition to not being materially larger, it also states that the buildings must be in the same use.

49 The only buildings that can be assessed (under this specific element of paragraph 89) are the existing and proposed dwellings, as these are the only buildings that are in the same use. The existing stables and pig sty building are not in the same use as the residential property and thus their floor area, the bulk and scale cannot be used under this criteria to justify in whole or part any redevelopment. In addition to this this criterion does not allow for the bulk, scale and floor area of the existing outbuildings within the curtilage of the plot 2 to be looked at and compared.

50 The scale, bulk and floor area of cottage 1 will be assessed against the proposed dwelling 1 and cottage 2 will be looked at against the dwelling referred to as plot 2.

51 In addition to this, it is important to note that the term 'materially larger' is not empirically defined in the National Planning Policy Framework. 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 exist on the site is of limited relevance to the Green Belt considerations under the NPPF.



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- 52 As stated above, in assessing whether a replacement building is 'materially larger' it is considered that any development should be comparable with the scale, bulk and footprint of the existing building on the site. 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, by comparing bulk, scale and footprint including floor space. These all need to be carefully addressed.
- 53 The first thing to assess is the floorspace of the existing dwellings and to compare this against the proposed dwellings.
- 54 The existing floor area of cottage 1 is 147.75 m<sup>2</sup>. The existing floor area of cottage 2 is 146.7 m<sup>2</sup>.
- 55 The table below shows the proposed and existing floor space, and the height of the existing and proposed dwellings.

	Existing Cottage 1	Existing Cottage 2	Proposed Plot 1	Proposed Plot 2
Floor space	147.752 m <sup>2</sup>	146.7 m <sup>2</sup>	138.96 m <sup>2</sup> (without attic space)  Approximately 38 m <sup>2</sup> to be added on if this were to be utilised	471.28 m <sup>2</sup>
Eaves height	4.5 m	4.5 m	5.7 m	5.7 m
Height to top of roof	6.3 m	6.3 m	9.2 m	9.2 m

- 56 In terms of comparing the existing cottage 1, against proposed plot 1, if you were to include the floor space of the attic that has not been shown on the plans floor space would be approximately 29 m<sup>2</sup> larger in floor space than the existing dwelling. The increase in size must also be considered in light of paragraph 79 of the NPPF, which makes it clear that the essential characteristics of Green Belt are their openness and permanence, it is therefore prudent to look specifically at the scale and size of the replacement dwelling and compare this to the existing building.
- 57 This can be simply demonstrated by overlaying a profile of the existing and proposed elevations. 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. A more detailed examination reveals that the bulk of the proposed dwelling in terms of the height, scale and massing, is significantly larger compared to the existing dwelling. The roof and roof eaves are significantly higher, than the existing building. The overall height of the proposed building is 9.2 metres in contrast to the height of the existing building, which measures 6.3 metres. The existing building is relatively low in height with accommodation in the floor space. The new dwelling in contrast has a ground and first floor win addition to accommodation within the roof. The roof has a substantial pitch with a gable end, the property is just under three metres higher than the

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existing building, and occupies a wider position on the site. The existing cottage 1 measures 7.2 metres by 8.8 metres. The proposed dwelling measures 11.5 metres in width by 5.7 metres (7.7 metres at its widest point).

- 58 Notwithstanding the floor area calculations I consider that in view of the height and scale of the proposed dwelling that it would be materially larger in contrast to the existing dwelling on site, with a significant increase in the scale and bulk.
- 59 It is now necessary to look at the floor space, bulk and scale of the existing cottage 2 and plot 2. It is important to highlight that not all the floor area of the lean-to addition of the existing cottage as it no longer existing on site. The floor area of this dwelling has been calculated on this basis.
- 60 When you compare the floor space, Plot 2 is considered significantly larger than the existing cottage 2. The overall floor area of the proposed unit 471.28 m<sup>2</sup>, which is 221.2 % over the floor area of floor space of the dwelling. In addition to this, given the scale, width and bulk of the proposed dwelling, in contrast to the existing unit, and there is absolutely no doubt that the dwelling is materially larger. The dwelling is nearly 3 metres higher than the existing modest cottage and is significantly larger in width and length. The existing cottage 2 measures, 9.4 metres in width by 7.2 metres in length. The proposed dwelling measures 20 metres by 11.6 metres.
- 61 The NPPF makes it clear that the essential characteristics of Green Belt are their openness and permanence. Given the scale, bulk and floor space increase in both of the plots 1 and 2, and the fact that they would be materially larger than the existing cottages on site, the proposed dwellings are not considered to comply with this criterion of the policy.
- 62 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.
- 63 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;
- 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%;

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Criteria 4 is not considered to be consistent with the NPPF because it relates to the size of the original building, rather than the “one it replaces”.

Furthermore, even if the building standing on site was in its original form, a 50% increase in floor area would be most likely to be considered materially larger. The key issues in terms of this proposals is therefore, whether these particular proposals would result in a replacement which would be materially larger than the dwelling it is proposed to replace.

- 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. I am of the view that the replacement dwellings have not been designed to be sympathetic to the character of the area and sited and have not been designed to minimise the visual intrusion into the landscape. The proposal would not be in accordance with criterion 5 of policy H13. This will be discussed in the latter section of the report.

- 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.

- 64 The houses were originally built as dwellings and 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. Neither of the proposed replacement dwellings would adhere to the existing or original curtilage.

- 65 In view of the above, it is considered that the proposal conflicts with criterion 4 from the NPPF as the proposed dwelling would be materially larger, and would conflict with the advice in policy H13 of the Sevenoaks District Local Plan,

*Whether the proposal complies with criterion 6 of paragraph 89:*

- 66 This allows for:-

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 67 This site can be divided into five parcels of land:

- The first is the residential properties and gardens of 1 and 2 Cross Cottages (over the passage of time this has included and extension of the curtilage

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which now incorporates the former loose box, which is identified on the plan as a workshop.)

- The next is the area of land, which includes the stable block.
- Vacant land on corner of Pennis Lane and Valley Road (this site contains no buildings)
- Wooded land to the rear of the corner plot (this also contains no buildings)
- The latter is the pig sty and the surrounding land.

68 Previously developed land excludes agricultural land and buildings and residential gardens. Only the site of the two dwellings can be regarded as previously developed. The bulk of the site is greenfield and it cannot as a whole be regarded as a previously developed site. The development cannot, therefore, be justified under criterion (6).

### *Conclusion on whether the proposal constitutes appropriate development*

69 In view of the above, the proposal is considered to be inappropriate development in the Green Belt.

### *Impact on Openness of the Green Belt*

70 The NPPF makes clear that the essential characteristics of the Green Belts is their openness and permanence. Openness is not reliant upon degree of visibility but upon an absence of built development.

71 As stated above, the site contains two dwellings, 1 and 2 Cross Cottages, which are a pair of semi-detached dwellings. In addition to this within the site are a number of outbuildings. There is also a stable building and a pig sty within the adjacent agricultural field adjacent.

72 The main bulk of the existing development is located to north eastern section of the site with the two dwellings and ancillary outbuildings located within this area. In view of this configuration, the mass and bulk of the development is consolidated within this corner of the site.

73 It is proposed that the existing buildings would be demolished, and the mass and bulk of the buildings will be spread (spread primarily from the northern corner) into the agricultural field to the south west, creating two new separate curtilages of land.

74 As stated in the NPPF, the main purpose of the Green Belt is to protect land against unrestricted sprawl and safeguard countryside for encroachment. The creation of new curtilages into the agricultural field and a vacant plot, would undermine the purpose of the Green Belt and would result in an unnecessary intrusion into the rural landscape.

75 The land rises slightly to the west, it is considered that the dwellings would be visible from the wider views within the landscape. In addition to this, the height and scale of the buildings would also harm the openness as the proposed dwellings would be more visible within the landscape given their proposed location on the site, in contrast to the existing built form which is largely consolidated within the north eastern corner of the site.

- 76 It is considered that the proposal would lead to more built form on the site (given the increase in floor space, and the bulk and scale of the dwellings) which is substantial in nature and which could not by their very presence, preserve the openness of the Green Belt.

### *Very Special Circumstances*

- 77 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.
- 78 Details of the circumstances put forward in this case and assessment of whether they outweigh the harm and whether these circumstances are very special, 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 -*

- 79 The National Planning Policy Framework states the following, “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. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes”.
- 80 Policy EN1 (from SDLP) and SP1 from (Core Strategy) state 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.
- 81 LO8 from the Sevenoaks Council Core Strategy, also recognise the importance of the visual quality of the landscape and do not support development, which would adversely affect the natural beauty of the area.
- 82 The site is located within an rural area outside the village of Fawkham, the cottages were former agricultural workers units.
- 83 It is acknowledged that the existing dwellings are attractive in their appearance and have a distinct character and identity. As the properties are not listed and are not located in a Conservation Area (where conservation area consent would be required), although it is unfortunate, it is considered that no objection can be raised to the loss of these buildings.
- 84 The general grain of development within the local area, is however comprised of detached dwellings of substantial proportions located on large plots which are generally well vegetated.
- 85 The scale and size of plot 2 is however considered to be excessive in contrast to the character and grain and size of adjacent properties, and would be prominent within

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the landscape and harmful to the character and appearance of the area. In addition to this, the proposal for Plot 2 will necessitate the creation of an opening within the existing mature hedging. Although this part of the road is marked at a low speed, vehicles do tend to drive along at a much faster rate. No information has been supplied as to how much of the vegetation would have to be cut back to achieve the desired sight lines, which is considered to be unacceptable from a visual perspective.

- 86 The proposals for Plot 1, seek to locate the footprint of the new build within what is mostly an open area of land. The loss of an amount of vegetation between the existing open land and the rear garden of number 1, is not considered to be harmful. Suitable landscaping consisting of existing or new planting should be provided and agreed. The existing vehicular access should be closed as part of the overall landscaping.
- 87 In terms of the design, although the mock Georgian design is not considered to be a design characteristic that is predominant within the area, the design is not however considered to be incongruous/out of keeping to warrant an objection on planning grounds. On balance, only in design terms the appearance of the buildings are considered to be in keeping with the surrounding properties.
- 88 The proposal is therefore considered to conflict with the above aforementioned policies.

### *Impact on 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 SP11 states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 92 No ecological information has been submitted with this application. KCC Ecology have advised that they have reviewed the data that they have available to them (including aerial photos and biological records) and the information submitted with the planning application and have advised that the proposed development has potential to result in ecological impacts.
- 93 In particular, the following habitats and features have been identified that have potential to support protected species: buildings, rough grassland, scrub and trees with good connectivity to surrounding habitats.
- 94 As such, the proposal is to be unacceptable in terms of the level of information submitted in terms of protected wildlife, as a preliminary ecological appraisal must be undertaken, along with any recommended specific species surveys. The proposal is therefore considered to conflict with the above aforementioned policies.

### *Impact on neighbouring amenity*

- 95 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.
- 96 The siting of the proposed dwellings are 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*

- 97 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.
- 98 It is considered that the proposal is acceptable in terms of parking provision and highways safety, as supported by KCC Highways.

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

- 99 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.
- 100 The very special circumstances that have been afforded in respect of the proposal are as follows:-
- The murder that happened on the site

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- 101 The applicants have put forward the case that a married man killed his daughter in 2 Cross Cottages, and his wife and son committed suicide by gassing themselves in the garage.
- 102 Although this is a compelling reason to redevelop the site, this does not in my view, provide an argument to build the dwellings of the considerable size and scale that are being considered under this application and in the locations proposed, which would be a significant increase in the bulk, scale and floor space on the site.
- The proximity of the development to the overhead power lines
- 103 It is acknowledged that there are power lines that cross the site. In support of the proposal various articles from the Guardian and the BBC have been put forward. In view of the fact that there is no definitive evidence that power lines cause health issues I am attaching limited weight to this.
- The application does not seek to enlarge the residential curtilage.
- 104 It is acknowledged that there would be no enlargement to the size of the residential curtilages, although the proposal involves the creation of new curtilages in different parts of the site. However given the harm from the location and scale of the development this does not clearly outweigh the harm to the Green Belt.
- 105 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.

### **Conclusion**

- 121 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. In addition to the definition, the proposed development is also considered to be harmful to the openness of the Green Belt.
- 122 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.
- 123 The scale, bulk and massing of plot 2 is also considered to be detrimental to the character and appearance of the area.
- 124 The proposal is also unacceptable as no ecology information has been submitted in respect of the proposal.



**Background Papers**

Site and Block plans

Contact Officer(s): Vicky Swift Extension: 7448

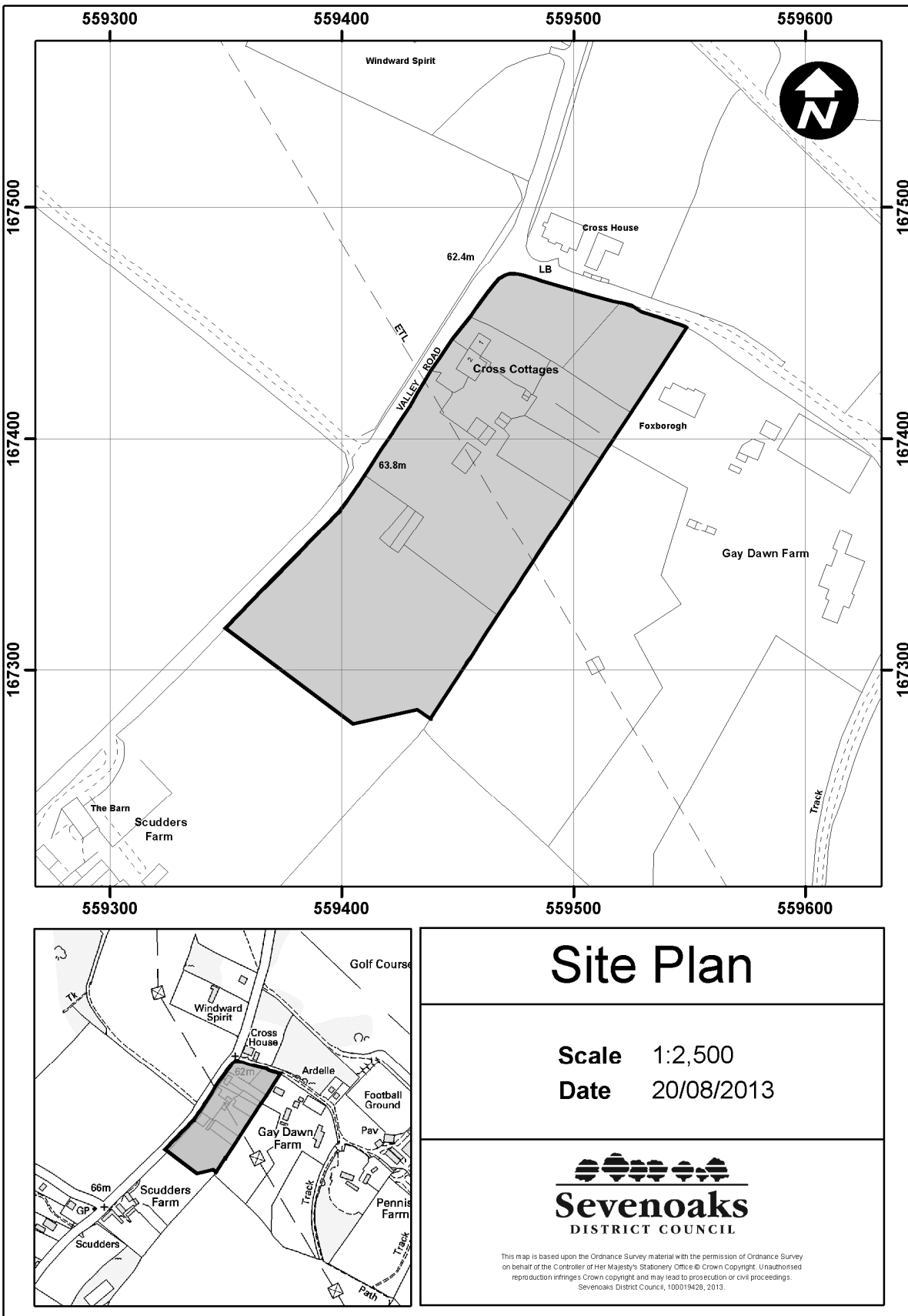
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

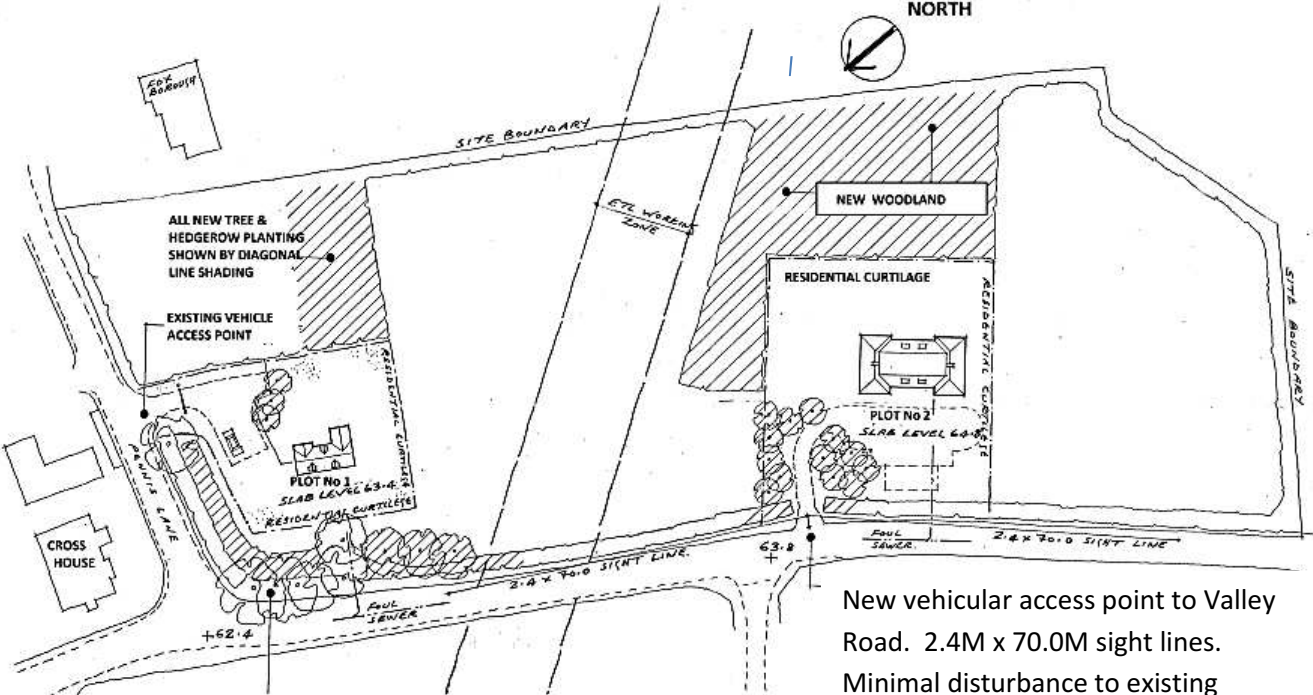
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MKXXOEBK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MKXXOEBK0L000>



**BLOCK PLAN**



Existing hedgerow to be trimmed to give 2.4M x 90M sight line from Pennis Lane to Valley Road.

New vehicular access point to Valley Road. 2.4M x 70.0M sight lines. Minimal disturbance to existing hedgerow.

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4.5 - SE/09/00472/FUL Date expired 22 May 2009

PROPOSAL: Retention of existing Pole Barn re-submission of SE/08/00645/FUL

LOCATION: Grove Farm, The Grove, West Kingsdown, Sevenoaks TN15 6JJ

WARD(S): Fawkham & West Kingsdown

**ITEM FOR DECISION**

This application has been called to Development Control Committee at the request of Councillor Parkin to consider issues relating to the planning history of the site.

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

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan 04.03.2009; Plan drawing received 04.03.2009

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

Sevenoaks District Core Strategy 2011 - Policies LO8 and SP1

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

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

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

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

**Note to Applicant**

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

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

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arise in the processing of their application,

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

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.

### Description of Proposal

- 1 The application seeks consent for the retention of an existing Pole Barn, re-submission of SE/08/00645/FUL. The application form states a renewal of a temporary consent, however it is understood a permanent consent is preferable.
- 2 The structure provides open bay storage for tractors and other machinery used to maintain and farm the applicants 18 acres of land which lies to the west. The pole barn lies adjacent to the access from The Grove and is flanked on the east elevations by an established Leylandii hedge to approximately 4m in height.
- 3 The structure is 13.9m in width, 9.4m in depth and 3m in height. The barn is constructed of timber poles, with cladding to three sides. The submitted plans show corrugated metal sheeting to the roof, however it is understood this came off and has not to date been replaced due to the applicants uncertainty regarding the retention of the building, pending the outcome of this submission.

### Description of Site

- 4 The application site relates to Grove Farm, West Kingsdown. The site is located in the western side of The Grove, within the Metropolitan Green Belt and an Area of Outstanding Natural Beauty. The site is a large field measuring approximately 8.10 hectares. Access is via an un-adopted road that serves residential properties on The Grove east of the proposed site. The site is accessed via solid timber gates and due to a substantial hedgerow along the east boundary, views into the site are limited from The Grove.
- 5 There is a public footpath which runs along the side of the eastern boundary with Ceanntaigh, then runs north towards a property, Mercantile. Views can be obtained across the open fields towards the entrance where the majority of structures are concentrated.
- 6 The site has historically been used for agriculture, albeit on a modest scale and from reviewing the Council's aerial photography since 1999, the site has always

## Agenda Item 4.5

benefitted from three barn structures, the pole barn the subject of this application, one further barn to the west and another larger structure to the south.

7 There has been a history of other structures and items being stored on the land and the site is covered by a live enforcement notice issued in 1984. The Council's enforcement team have over a number of years visited and inspected the site when complaints have been made to check for any unlawful structures/items to be removed.

8 The applicants also store a number of their tractors within lorry bodies within the central part of the site which have been on since at least 2008 (as shown on the Council's aerial photography). There are no outstanding enforcement issues in respect of these containers and having been in situ for in excess of 4 years are deemed lawful.

### Constraints

9 Green Belt

10 Area of Outstanding Natural Beauty (AONB)

### Policies

#### *Core Strategy Policies*

11 Policies - SP1 and LO8

#### *Sevenoaks District Council Saved Local Plan Policies*

12 Policy - EN1

#### *Other*

13 National Planning Policy Framework (NPPF)

### Planning History

14 SE/98/02188/FUL- Erection of pole barn for agricultural storage- Granted 31/03/1999

SE/01/00791/RENEW - Renewal of temporary permission for Pole Barn for Agricultural Use - Granted 01/08/2001

SE/03/01580/RENEW - Renewal of temporary permission for Pole Barn for Agricultural use - Granted 05/08/2003

SE/06/01184/FUL - Timber constructed 2 Stable block, feed store and tack room - Withdrawn 04/10/2006

SE/06/03086/FUL - Timber constructed 2 stable block, feed store and tack room - Refused 23/07/2007

SE/07/01559/FUL - Timber constructed 2 stable block, feed store and tack room Resubmission of SE/06/03086) - Refused 04/07/2007

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SE/07/02413/FUL – Timber constructed 2 stable block, feed store and tack room – Granted 16/11/2007

SE/07/03898/FUL – Demolition of all existing buildings and erection of four detached chalet bungalows – Refused 08/04/2008 and Appeal Dismissed 13/11/2008

SE/08/00645/FUL – Retention of existing pole barn – Withdrawn 15/05/2008

### Consultations

#### *Parish / Town Council*

- 15 Due to lack of agricultural activity on the land and the number of other buildings on site, The Parish Council objects to the proposal on the following grounds:
- 1) The land lies within the Metropolitan Green Belt where strict restraints apply. In the absence of agricultural activity on the land, the proposal would be inappropriate development harmful to the maintenance and character of the Green Belt and to its openness. Parish Council does not consider that the special circumstances put forward in this case are sufficient to justify overriding Policy S2 of the Kent Structure Plan as amplified by Policy GB2 of the SDLP
  - 2) The Land lies within the North Downs AONB. The proposal fails to give long term protection to the landscape and would harm its character. This conflicts with Policy EN4 of the Kent Structural Plan and EN6 of the SDLP
  - 3) The agricultural use for which the barn was originally erected has long since ceased to exist and the barn exceeds the 40sqm AONB rule
- 16 The PC would draw attention to condition 4 of SE/03/01580 namely This planning permission is granted for a temporary period of 2 years only, from the date of this permission. By the date the permission expires, the pole barn shall be removed and the site restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Council
- 17 PC is concerned that in spite of an article 4 directions being placed on the land some 30 years ago, so many buildings and structures have appeared on this site, most without the benefit of any planning permission. Some have been on site many years and others few.
- 18 In order to prevent further erosion of this Green Belt, AONB land PC would like to see action taken to establish what should and should not be on site and , if necessary, enforcement action taken.

#### *Agricultural Consultant- Rural Planning Ltd.*

- 19 The site and buildings concerned form part of a larger area of land owned by R Watts and A Mitcham since 2003, and extending overall to some 7.3 ha (18 acres). There is a disparate range of various timber pole barns/ sheds/ containers etc. on the site, including the pole barn concerned, which was the subject of a temporary consent renewal under SE/03/01580, for storage of machinery for use on the land so that it could be properly managed and maintained, albeit for a hobby interest use rather than commercial-scale agriculture.



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- 20 The current application's Design and Access statement indicates that the latest proposal is for a further temporary consent.
- 21 Consent was also granted November 2007 under SE/07/02413 for the construction of 2 timber stables, a feed store and a tack room, on a site about 100m south of the pole barn.
- 22 It appears that there remains a reasonable argument for retaining a pole barn for storage of machinery for use on the land so that it can be properly managed and maintained. However at the time of the 2003 consent one of the factors as to a temporary consent was that the (then new) owners were considering applying to move or replace the building on a site somewhat further south so as to be further away from the site entrance and the neighbouring dwelling (the neighbour having had expressed some concern as to potential fire risk).
- 23 Therefore if the Council were to agree that the current positioning is not particularly appropriate, and that a site further south (perhaps near the approved stables), would be better, it may be the applicants should now be encouraged to propose relocating the building to a new permanent site rather than seeking another temporary consent in the same position.

### Representations

- 24 2 letters of objection (one from The Kingsingfield Green Association). Concerns include:
- Article 4 Direction on site (N.B – this actually only applies to an area north of the site);
  - Land is not used for agriculture. Applicant is running business/wants to build houses;
  - Site is used for dumping of vehicles;
  - Spoils visual amenities of the area and local residents;
  - Inappropriate in the Green Belt and detrimental to character and openness;
  - Farm has been deliberately allowed to deteriorate;
  - There has been no need for a barn in the past;
  - Too big for storing a tractor and baler;
  - Not necessary to have machinery as work can be carried out by local farmers.

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

- 25 The principal issues relate to;
- The planning history of the site
  - The retention of an agricultural store within the Green Belt
  - Impact on the visual amenity of the countryside and AONB
  - Amenities of local residents

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### *History of the site and previous planning applications*

- 26 Temporary Planning Permission was first granted in 1999 for a period of 2 years. Subsequently planning permission was renewed under SE/01/00791/RENEW and SE/03/01580/RENEW both for a period of 2 years.
- 27 These three applications established the principle of a new agricultural building within the Green Belt and accepted a genuine agricultural requirement for suitable storage of farming machinery. The temporary condition was imposed to ensure the Council had control over the barn in respect of its impact on residential and visual amenity of the area.
- 28 The barn is still one of a number in a small agricultural complex within the Green Belt. The principle of the building and its siting has been accepted and the structure continues to be used in connection with harvesting and maintaining the land.
- 29 During my site visit it was evident the land had just been harvested and the applicant explained the bales had been recently collected by the company who purchases their hay. Having inspected the contents of the pole barn, this housed a tractor along with a number of other tractors being stored within the lorry storage bodies.
- 30 Concern has in the past been raised regarding non-agricultural uses occurring on the site, largely relating to the depositing of builders materials, vehicle bodies and parts, in addition the stable buildings and other storage structures. These issues continue to be monitored and the live enforcement notice would enable the Council to act, without delay to seek the removal of such non-agricultural items, or those deemed to be unlawful. Further concern has been raised that there is a general lack of agricultural activity or that it is on a very small scale. I noted that the land had been cropped during my recent site visit and alongside the historical view of the Council's Agricultural Consultant, I am satisfied that the vast majority of the land is within agricultural use, the buildings and structures being ancillary to that use. Any additional structures or materials which may have been deposited are a separate matter to be dealt with either with recourse to the live enforcement notice, or through other appropriate enforcement channels.
- 31 Section 336 (1) of the 1990 Act defines agriculture and includes amongst other areas, seed growing, grazing land or meadow land and does not include any requirement that the activity should be carried on in connection with a trade or business, or that it should be profitable, viable or sustainable. This is in marked contrast to the definition of agricultural land for the purposes of Permitted Development under Part 6 of the General Permitted development Order.

### *The retention of an agricultural store within the Green Belt*

- 32 The NPPF advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; promote the development and diversification of agricultural and other land-based rural businesses;

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- 33 Paragraph 89 of the NPPF sets out that the erection of new buildings within the Green Belt constitutes inappropriate development. One of the exceptions to this is the erection of buildings for agriculture. It is considered the retention of the pole barn for agricultural purposes complies with national policy in respect of new buildings within the Green Belt and is therefore appropriate development.

### *Impact on the visual amenity of the countryside and AONB*

- 34 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 35 The NPPF advises the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Core Strategy Policy LO8 and SP1 support development for the maintenance and diversification of the rural economy provided it conserves and enhances the Districts landscape character. New buildings should be designed to a high quality and respond to the distinctive local character.
- 36 Close up views of the pole barn are limited by the proximity of an adjoining hedgerow, and the entrance gates to the site. Although the northern elevation can be viewed from the public footpath, this is over a distance of approximately 60m and set against the context of the residential properties on the northern side of The Grove and the other structures on the site. The barn is of a simple form and although somewhat poorly maintained, it does not have a significantly harmful visual impact on the wider rural character.
- 37 The barn has not been well maintained over the years, but as explained by the applicant, since erecting the building the applicants have never been guaranteed of its long term retention. Since their last temporary consent expired in 2005, the applicants have not benefitted from any security that the building as constructed can remain. Accordingly they have not invested finances in its maintenance for fear that it would be asked to be removed. The submitted plans indicate the use of simple materials which are not uncommon within the rural setting or within agricultural holdings. Accordingly, whilst the design is not of any special merit, it is functional for its intended purpose.
- 38 Officers are satisfied the practical design approach and limited views of the building from close proximity, conserve the wider rural setting of the landscape in accordance with the above policies.

### *Amenities of Local residents*

- 39 Local Plan policy EN1 requires all new development, including any changes of use not to have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 40 The pole barn is positioned just to the south of the entrance and the property mainly affected is High Oaks to the east. Although there is established Leylandii hedging to the boundary, this stops at the junction with the front and rear elevation, meaning the flank wall of this property is clearly visible and sited on the

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shared boundary. This property has a flank window facing towards the agricultural holding. Due to its position this will have oblique views of the southern elevation, that being the open bay. Of greater direct visual impact are the other structures within the yard area, which are not the subject of this application. The pole barn itself is not directly obstructing outlook, daylight or sunlight and accordingly, it is not considered the permanent retention of the structure would result in a material loss of amenity for this property.

### *Temporary permissions*

- 41 The applicant has been granted temporary permission three times in the past. In both instances this was done to allow time to assess the impact on visual and residential amenity. Circular 11/95 gives clear guidance on when temporary permissions should be granted. The material considerations to which regard must be had in granting any permission are not limited or made different by a decision to make the permission a temporary one. Thus, the reason for granting a temporary permission can never be that a time-limit is necessary because of the effect of the development on the amenities of the area.
- 42 A second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. It is clear that the issues of visual and residential amenity were adequately discussed in 1999 and subsequent applications and continuing to grant temporary consent is counterproductive by discouraging the applicant from maintaining the appearance of the building and contrary to the advice within circular 11/95 regarding the imposition of conditions.
- 43 The impact of the building on the amenities of the area has been deemed to be limited and accordingly there is no reasonable requirement to limit the period of time the building can be in-situ.

### Other issues

- 44 The article 4 direction placed on the site related to the area of land to the north of the application site, beyond the public footpath and does not affect this application.

### **Conclusion**

- 46 Having regard to the historical agricultural use of the land, Officers are satisfied the land continues to be used for such purposes and there is a genuine requirement for suitable storage facilities for that use. This complies with relevant National and Local Planning policy regarding agricultural developments within the countryside and Green Belt.
- 47 Other matters relating to the use of the site for non-agricultural purposes are a matter to be controlled via the live enforcement notice where applicable, or through other appropriate enforcement channels.

### **Background Papers**

Site and Block plans

Contact Officer(s):

Mrs E Gregson Extension: 7367

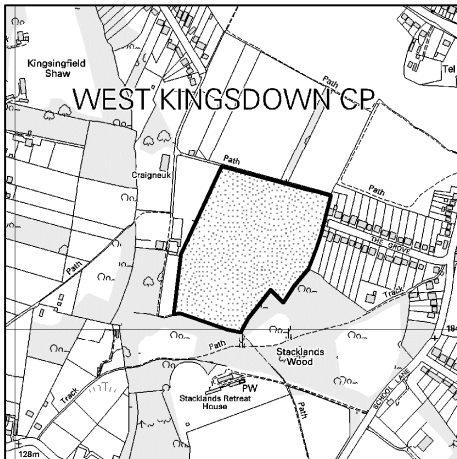
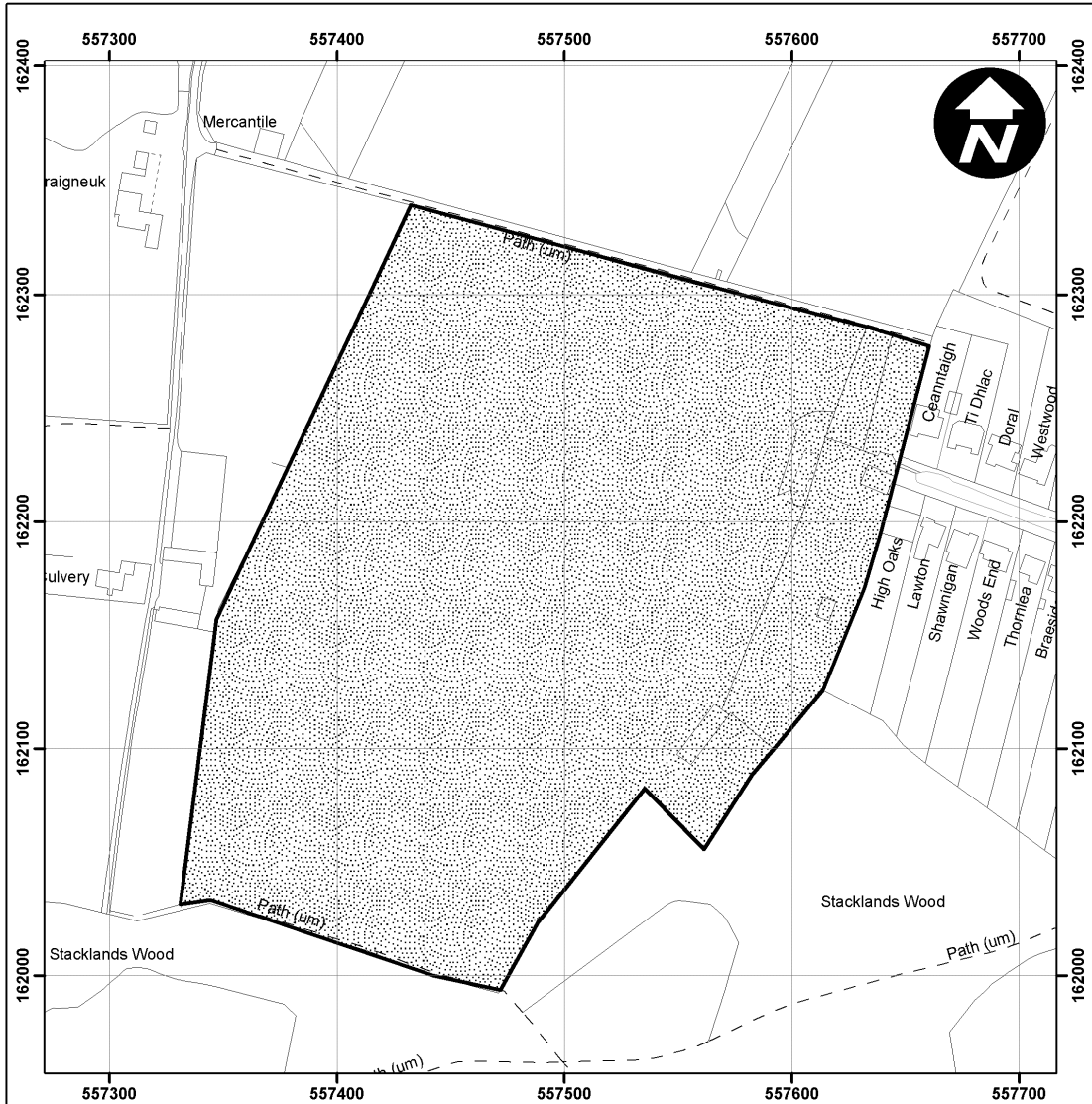
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=KGAOEWBK0H800>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=KGAOEWBK0H800>



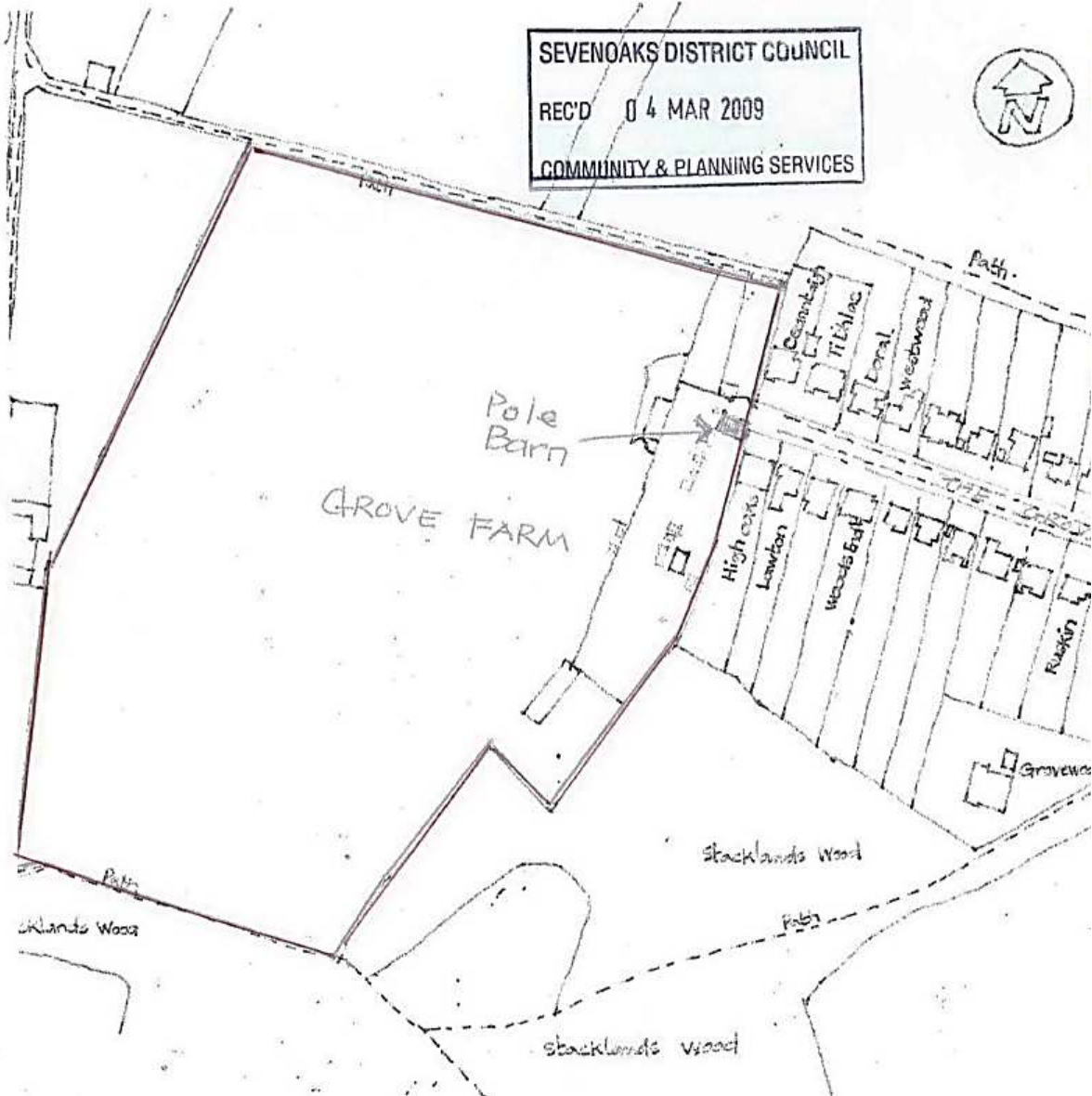
# Site Plan

Scale 1:2,500  
Date 28/05/2009



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**BLOCK PLAN**



SEVENOAKS DISTRICT COUNCIL  
 REC'D 04 MAR 2009  
 COMMUNITY & PLANNING SERVICES



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4.6- 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.

### Background

- 1 This application was withdrawn from the July committee agenda. Following this concerns were raised by the adjacent landowner that the proposed development has encroached into the industrial land that he owns.
- 2 Land registry plans from the adjacent landowner have now been submitted to the Council in an attempt to support the case for encroachment. It is however impossible from the information submitted to ascertain whether the extension to the café actually does encroach into the adjacent site. (It is however submitted that boundary lines on a typical plan Land Registry plan are a metre on the ground and are merely a guide to the actual legal boundary).
- 3 Legal advice has been sought, and the advice received is that the boundary of a site is a private law matter for the property owners and the exact boundary will very rarely be a material planning issue. The application is valid and can be determined.

### Description of Proposal

- 4 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.
- 5 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).

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- 6 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.
- 7 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

- 8 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.
- 9 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.
- 10 The site is located within the built confines of Swanley.

### Constraints

- 11 There are no constraints that affect this site

### Policies

#### *Sevenoaks District Local Plan*

- 12 Policies – EN1, VP1,

#### *Sevenoaks Core Strategy*

- 13 Policy– SP1

### Planning History

- 14 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

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

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

### Consultations

#### *KCC Highway Officer*

- 15 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:-

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- 16 This proposal amounts to a small front extension to the public area of the existing café unit and a store extension to the rear.
- 17 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.
- 18 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.
- 19 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.
- 20 As such, there are no Kent County Council Highways & Transportation objections to these proposals.

*The Environmental Health Officer has made the following comments:-*

- 21 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.
- 22 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*

- 23 Swanley Town Council objects to this application as it has on all previous occasions.
- 24 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
- 25 Swanley already has a high number of eateries, particularly fast food outlets and there is no requirement for any more.
- 26 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

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- 27 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.
- 28 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.
- 29 As stated above, this site has continually flouted planning laws.

### Representations

- 30 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

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

#### Principal Issues

- 31 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*

- 32 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.
- 33 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.

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- 34 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.
- 35 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 consider that the proposal would have no adverse impact on the amenities of adjacent properties.
- 36 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.
- 37 The reason for both of these conditions was to protect the amenity of adjacent properties.
- 38 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.
- 39 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*

- 40 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.
- 41 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.
- 42 No extra spaces have been put forward to serve the extended café area.

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- 43 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.
- 44 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.
- 45 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.
- 46 As such, there are no Kent County Council Highways & Transportation objections to these proposals.
- 47 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”
- 48 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.
- 49 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.
- 50 The loss of the landscaping buffer zone is also considered acceptable given the commercial nature of the site.

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- 51 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*

- 52 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.
- 53 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 The Grove (the small access into the site) and from Park Road which is the main public highway.
- 54 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.
- 55 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.
- 56 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*

- 57 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*

- 58 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

- 59 Accessibility is an important planning consideration that needs to be taken into consideration in the planning process. Policy EN1 of the Sevenoaks District



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Council states, “the proposed development provides appropriate facilities for those with disabilities”

- 60 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

- 61 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.
- 62 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.
- 63 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.
- 64 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.
- 65 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**

- 66 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

## Agenda Item 4.6

has raised no objection to the development, it is considered that the proposal is acceptable on highway and parking grounds.

### **Background Papers**

Site and Block Plans

Contact Officer(s): Vicky Swift Extension: 7448

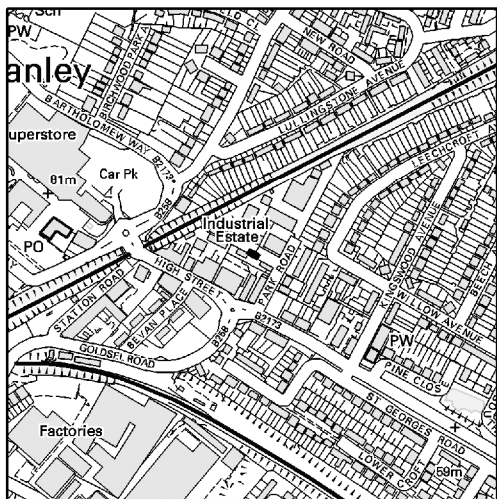
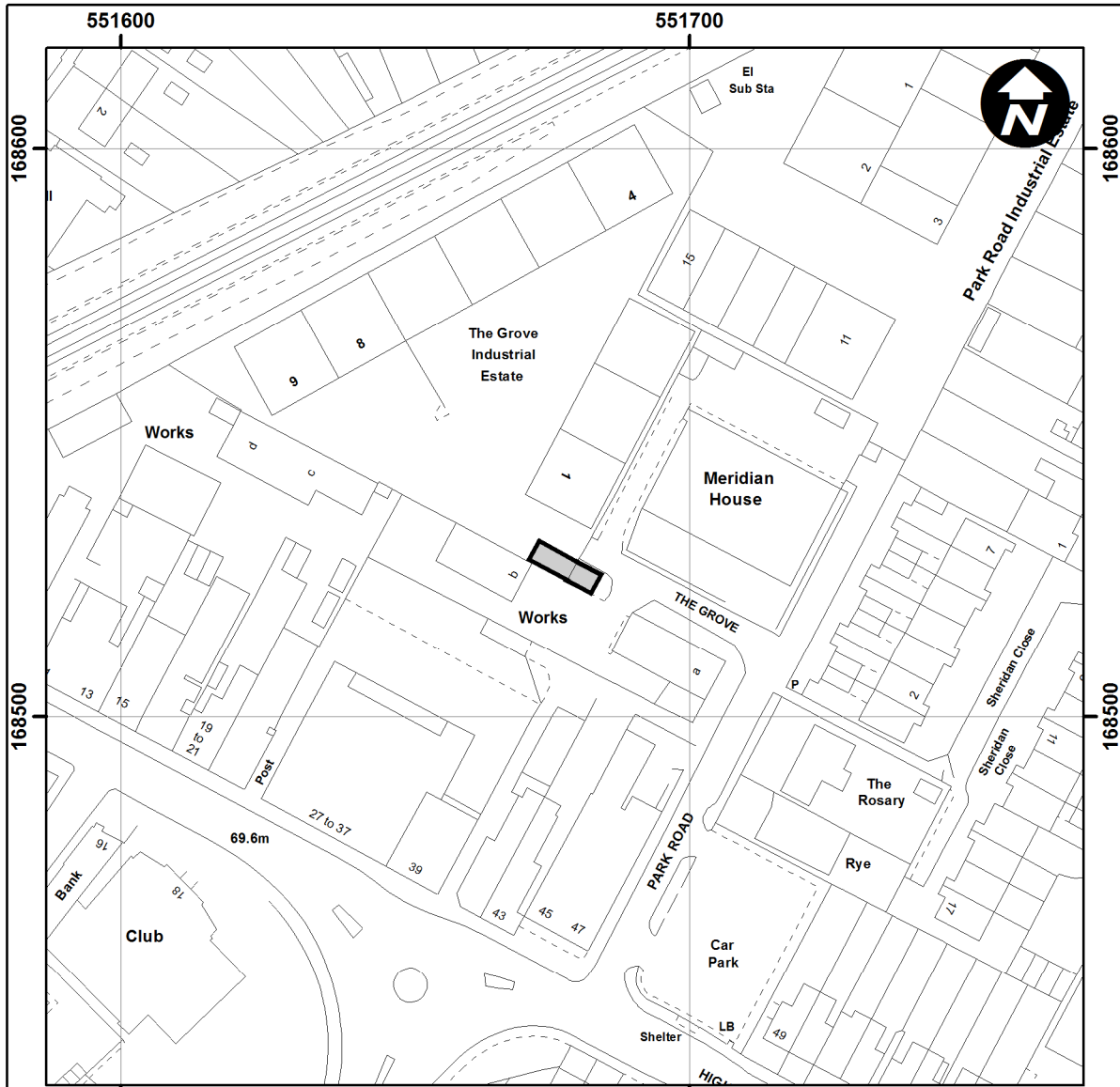
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

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

Link to associated documents:

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



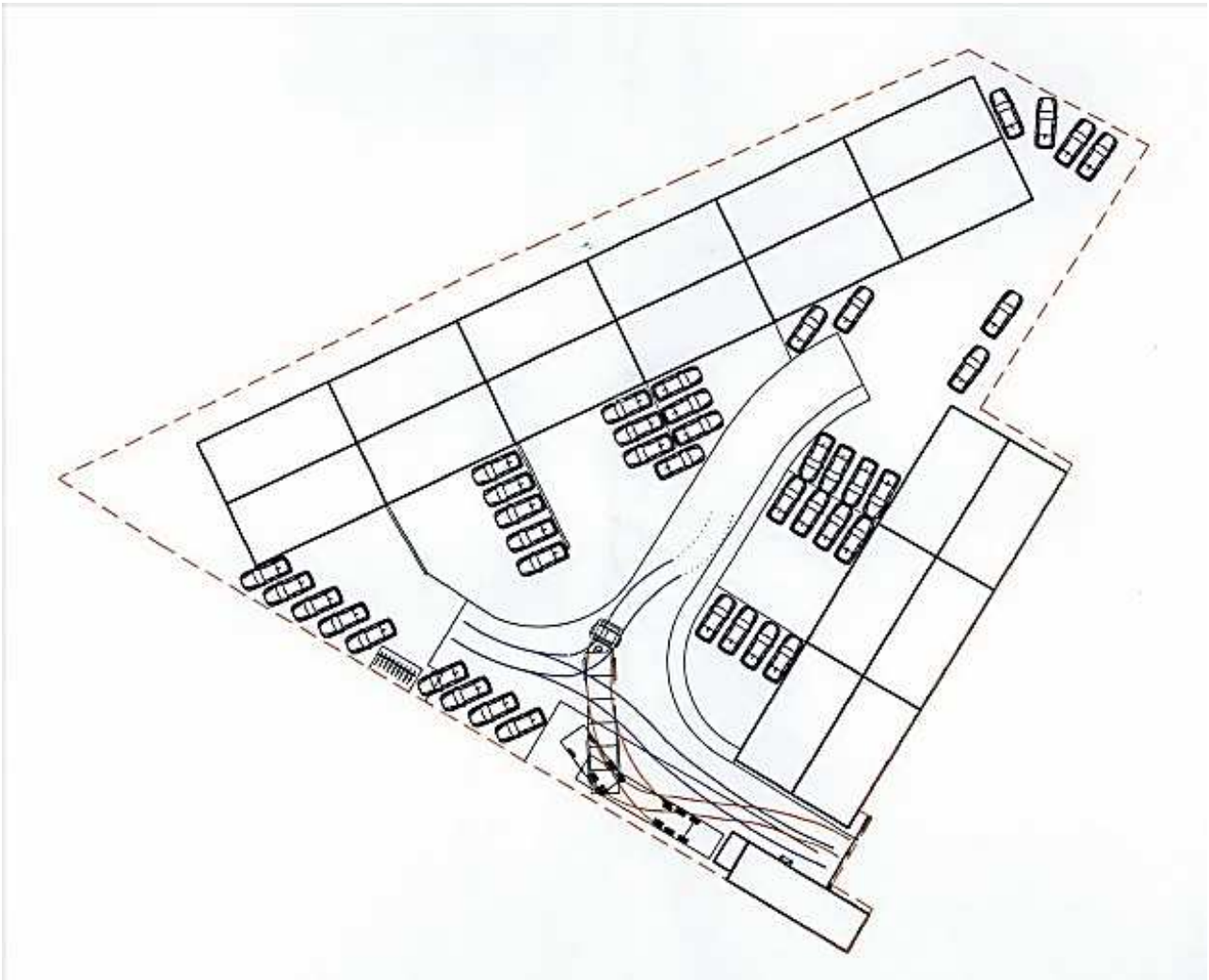
# Site Plan

Scale 1:1,250

Date 26/06/2013



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- 7 The property is set within an area that has grown over the years, adopting various architectural styles and a diverse mix of buildings that contribute to the overall visual character and appearance of the area.

### Constraints

- 8 Halstead Conservation Area;
- 9 Grade II buildings;
- 10 Metropolitan Green Belt

### Policies

#### *Sevenoaks District Local Plan*

- 11 Policies – EN1, EN23

#### *Sevenoaks Core Strategy*

- 12 Policies – SP1, L08

### *Other*

- 13 National Planning Policy Framework: 14, 131, 132
- 14 Halstead Conservation Area Appraisal
- 15 PPS5 Practice Guide – *(note - The references to PPS5 policies in the document are obviously now redundant, but the policies in the NPPF are very similar and the intent is the same, so the Practice Guide remains almost entirely relevant and useful in the application of the NPPF).*

### Planning History

- 16 89/01809 - Change of use of land from agriculture to private recreational purposes - GRANTED
- 90/01198 - Demolition of isolated, detached garage (8 bays), construction of new 8 bay garage adjacent to main house – GRANTED
- 98/00612 - Replacement of old conservatory with a new conservatory – GRANTED
- 13/01056 - The erection of a single storey extension on the west end of the building. – GRANTED

### Consultations

#### *SDC Conservation Officer*

- 17 *“This scheme is a revised version of SE/13/01056/LBCALT which has been granted LB Consent. The approved plans show a side extension 6.4 metres wide, whereas the new plans show a width of 8 metres. This would make a significant difference to the scale and proportions of the building.*

## Agenda Item 4.7

- 18 *The Village House mostly dates from the early 19th Century, but has an older core and later additions. Originally it was the Dower House to Halstead Place, demolished in the 1950s, and is therefore of especial importance in the history of the village. This is acknowledged in the Village Design Statement on pages 16 and 22. Set back from the road frontage, the house is open to view in the Conservation Area, within its ample garden, most of which lies to the right hand side, given the built up nature of the house frontage on the other side.*
- 19 *The house itself is of brick construction with hipped slate roofs to the two main elements.. The style could be described as 'classical', as it has a symmetrical arrangement of windows with multi-paned sash windows. There is a main three storey block, a two storey addition to the right hand side (looking from the front elevation facing the road) and a smaller flat roofed addition with a parapet to the left hand side. Beyond the latter are more recent attached garage additions c. 1990s. Thus the total width of the house and garaging etc. at present is about 36.7 metres. (not all shown in the submitted elevations).*
- 20 *The approved addition, a flat roofed 'orangery' style structure with brick walling to match the house, would 'mirror' the addition on the other side as it would be almost the same width as the latter. Therefore the symmetry and proportions of the house would be retained and the new addition be in character.*
- 21 *The revised scheme, at a width of 8 metres, would be out of proportion in this context and thus damaging to the overall character. It would also have a dominance not warranted by its subservient function. With regard to the setting of the building in the Conservation Area, the addition would necessarily reduce the open space to the side of the house. The significance of the designated heritage asset would be damaged by this proposal.*
- 22 *The likely impact of an extension to the greater width now proposed can readily be seen by comparing the approved and proposed elevations side by side.*
- 23 *The revised scheme conflicts with the NPPF paragraph 133, and with paragraph 178 of the PPS5 Planning Practice Guide."*

*Halstead Parish Council*

- 24 Halstead Parish Council – No objection

### Representations

- 25 None received

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

- 26 The main considerations of this proposal are:

- The impact upon the character and appearance of listed Building Conservation Area.

*The impact upon the character and appearance of listed Building/Conservation Area*

- 27 Under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State should have

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special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

28 The National Planning Policy Framework (NPPF), emphasises the need to preserve the character and setting of the listed buildings. This guidance specifically states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

29 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In particular it is considered that the proposed works to the listed building will preserve the character of the building, and will meet the test in the Listed Building and Conservation Area Act 1990 and the advice and guidance in the NPPF.

30 This consent relates to a grade II listed heritage asset, therefore the above applies.

31 Paragraph 180 of PPS5 Practice Note allows for physical alterations to the historic fabric to buildings. It states:

*“New openings need to be considered in the context of the architectural and historic significance of that part of the asset. Where new work or additions make elements with significance redundant, such as doors or decorative features, there is likely to be less impact on the asset's aesthetic, historic or evidential value if they are left in place.”*

32 With regard to this proposal, a new doorway would be created in the existing northwest elevation. It is not considered that any significant part of the historic fabric of the building would be lost in order for the works to proceed, as the only intrusive work required is the reinstatement of a former doorway that provides access into the proposed extension. Accordingly, this part of the scheme would comply with the above.

33 In terms of the proposal as a whole and its impact upon the character and appearance of the listed building, the Council's Conservation Officer raises an objection.

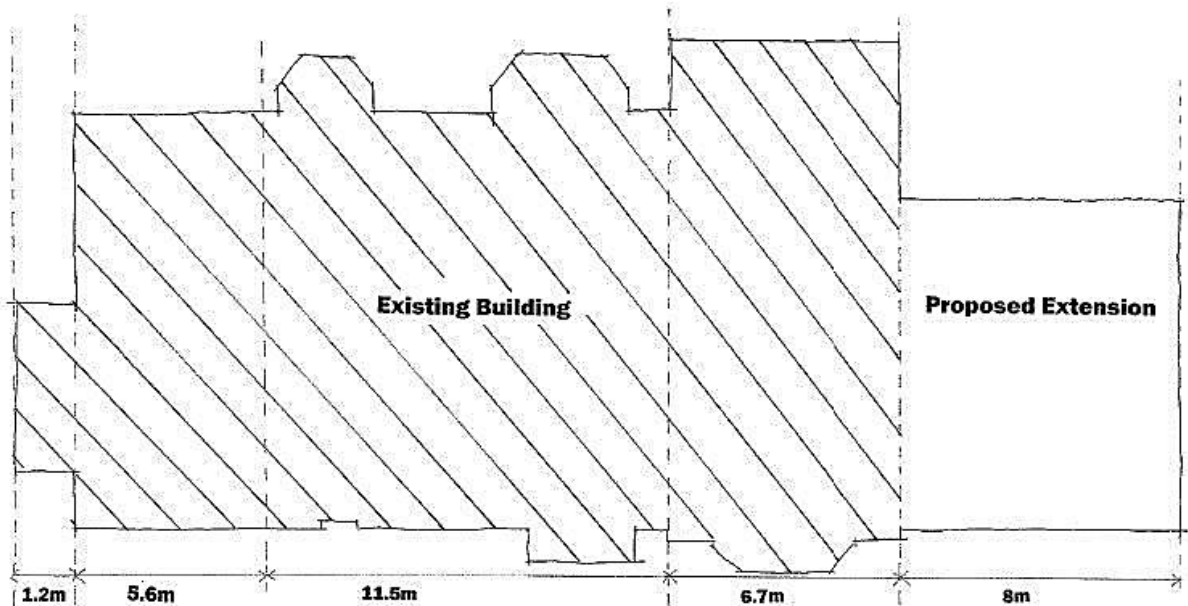
34 Paragraph 178 of PPS5 Practice Note states:

*“The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be acceptable for new work to dominate the original*



*asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate."*

- 35 An objection has been raised in relation to the proportion (or length of projection) of the proposed extension. The proposal involves the creation of an 8m projection from the north-western elevation of the listed building. The basis gives rise to the Conservation Officers objection, that the extension would be visually appear 'out-of-proportion' with the original built form of the property. As shown by Figure One, by visually breaking down the existing and proposed additions into separate elements, it is clear that the proposed single storey extension would be 'out-of-proportion' with the existing built form.



*Figure One: showing existing plan of Village House broken down into individual elements (Not to scale)*

- 36 An addition of the proportion and projection proposed would become a visually dominant feature that would detract from original visual character and appearance of this heritage asset, and the importance and proportions of the original dwelling, contrary to previous Planning Policy Guidance and paragraph 131 of the NPPF.
- 37 Notwithstanding the above, it is noted that listed building consent has been given for a 6.4m projection from the same elevation under listed building consent reference SE/13/01056/LBCALT. However, that scheme was considered to be 'in-proportion' with the existing building and additions and it was demonstrated that this proposal would not harm the original character and appearance of the listed building.
- 38 Taking into consideration of the above, whilst in comparison with the approved scheme, this extension proposes an additional 1.2m in its length, this addition, tips the balance in terms of its proportionality. It is considered that its overall projection, fails to demonstrate that it would preserve or enhance the character and appearance of this heritage asset, by virtue of its disproportionate dimensions. The proposed scheme is contrary to paragraph 131 of the NPPF and

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fails the test of acceptability under the provision of the Listed Building and Conservation Area Act 1990.

- 39 In terms of the impact of the development upon the character and appearance of the setting of the listed building and Halstead Conservation Area, it is acknowledged that the open space would be reduced by the inclusion of an addition. This incursion into the surrounding open area is not significant, as to justify an objection.
- 40 It is recognised that there would be a loss of two apple trees. As these trees have low amenity value, as they do not positively contribute to neither the character of the area or the setting of the listed building, their loss would have an insignificant impact upon the setting of the listed building and character and appearance of the Conservation Area.
- 41 The overall impact of the proposed development upon the character and appearance of the Conservation Area would be minimal and therefore this heritage asset would be conserved.
- 42 Overall the proposed development would not have a detrimental impact upon the character and appearance of the Conservation Area and preserves the historic fabric of this Grade II listed building. However, as harm can be identified by the introduction of a disproportionate addition, that neither preserves nor enhances the overall character and appearance of the listed building, the development would not comply with policy SP1 of the Core Strategy and the aims and objectives of preserving and enhancing heritage assets as set out the NPPF.

### Other matters

- 43 This item has been reported to committee to consider whether this proposal is a visual improvement over the approved scheme, by the introduction of a further window which enhances its overall appearance of the proposed development. Whilst this might be the case to a certain extent, that amendments to the approved scheme could be achieved to obtain the same desired effect without compromising the character and appearance of the listed building.
- 44 It is noted that this site is within the Metropolitan Green Belt and planning permission would be required. The examination of the green belt issues is for any forthcoming planning application to determine and in this instance, is not a relevant consideration.

### **Conclusion**

- 45 For the above reasons above, it is recommended that this application should be refused as it does not conform to relevant Development Plan policies and the provisions of the Listed Building and Conservation Areas Act 1990.

### **Background Papers**

Site and Block plans

Contact Officer(s):

Sean Mitchell Extension: 7349

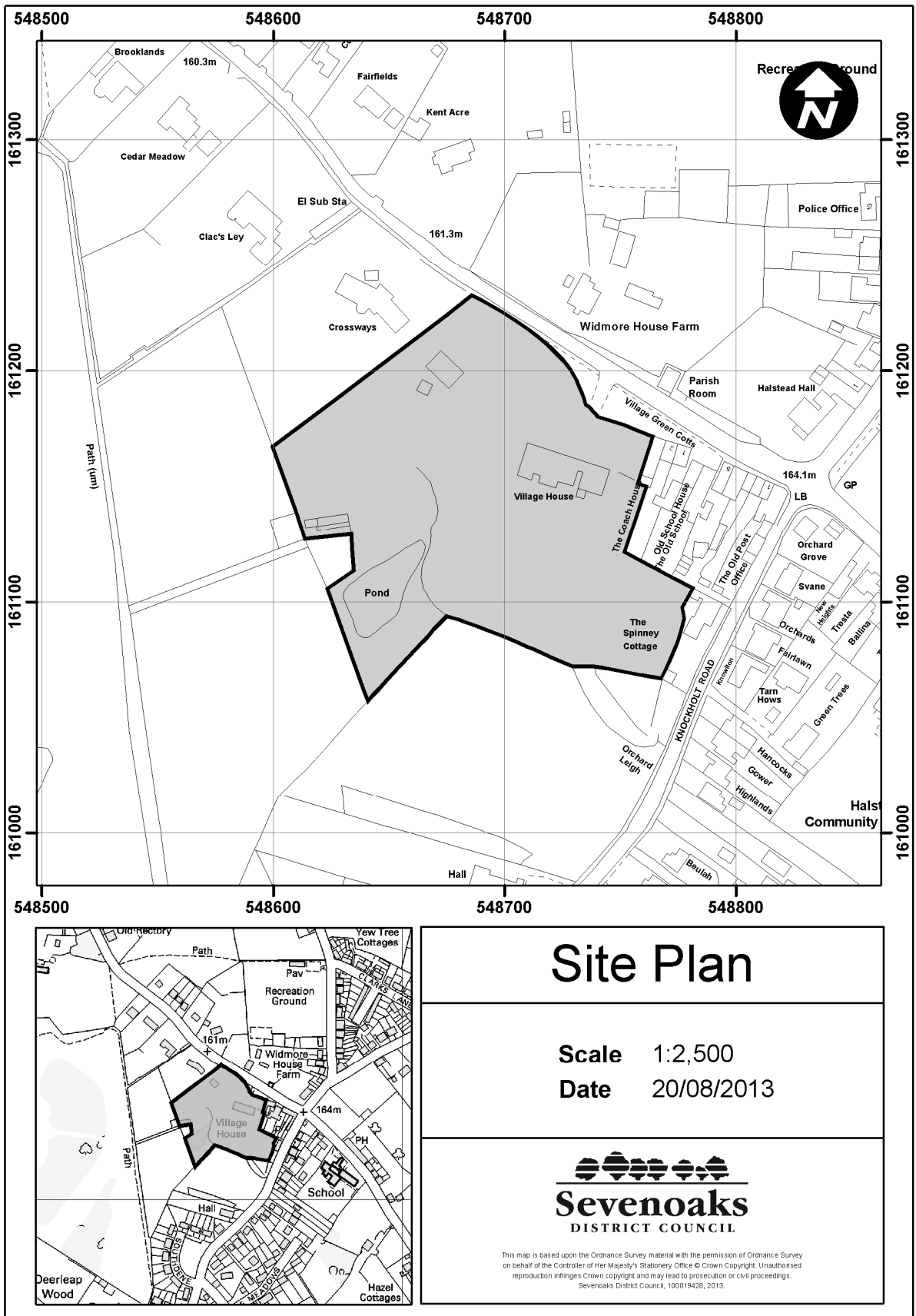
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

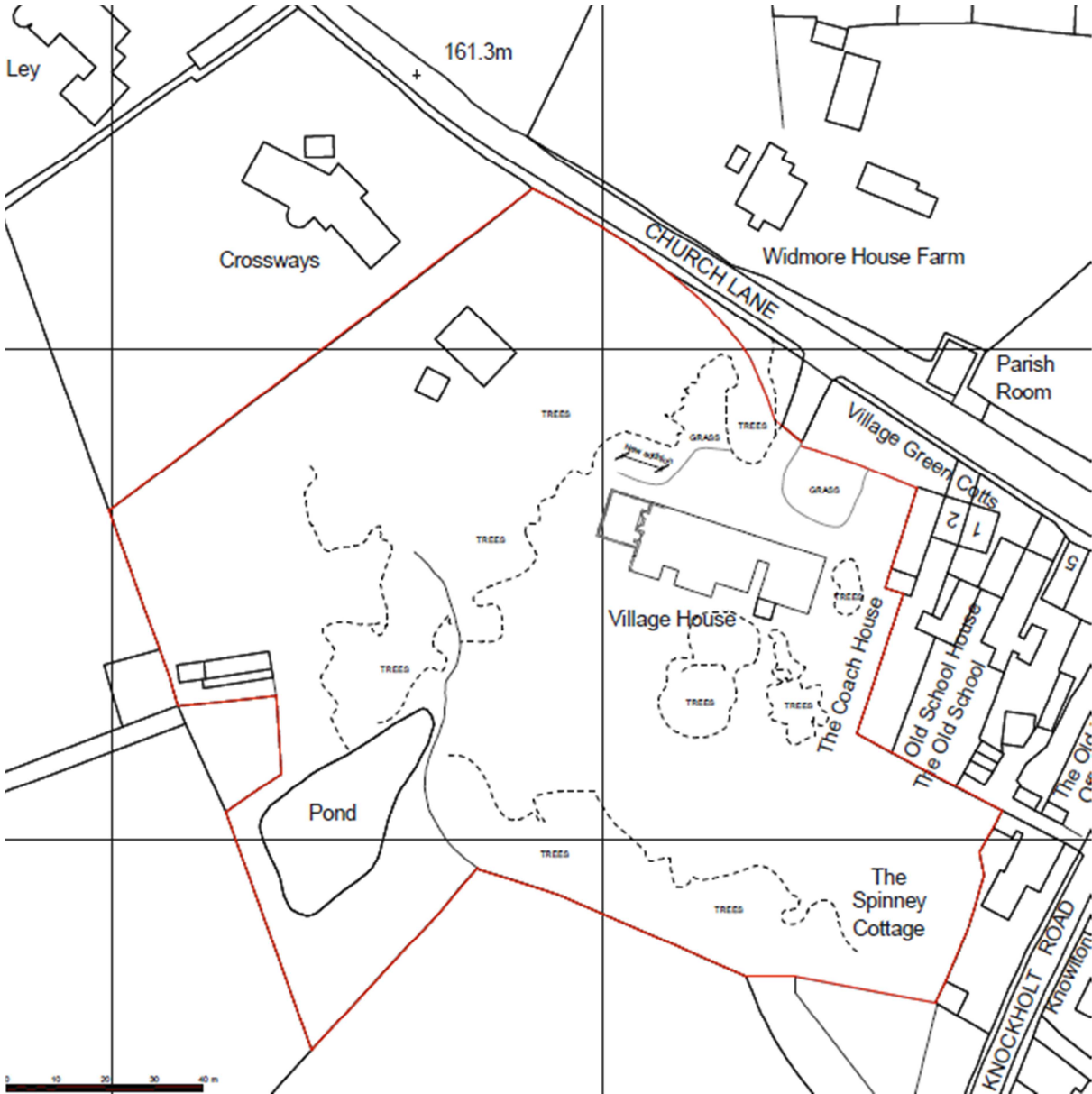
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MMKM5MBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MMKM5MBK8V000>



**BLOCK PLAN**



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