

**DEVELOPMENT CONTROL COMMITTEE**

**05 March 2014 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. **Declarations of Interest or Predetermination**  
Including any interests not already registered
2. **Declarations of Lobbying**
3. **Planning Applications - Chief Planning Officer's Report**
  - 3.1. **SE/13/03559/HOUSE - 51A Mount Harry Road, Sevenoaks TN13 3JN** (Pages 1 - 18)

Demolition of garage and erection of part single storey, part two storey side extension. Loft conversion, involving raising the roof height of the property, with skylights at the front and dormer windows at the rear. Replace existing porch with larger porch.
  - 3.2. **SE/13/03557/FUL - Hillway, Pilgrims Way East, Otford, Sevenoaks TN14 5RX** (Pages 19 - 44)

Demolition of existing house and erection of new replacement dwelling.
  - 3.3. **SE/13/03017/HOUSE - 5 Woodside Road, Sundridge, Sevenoaks TN14 6DN** (Pages 45 - 54)

Erection of a part single storey side and two storey side/rear and single storey rear extension together with rear loft dormer.

## **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 Friday, 28 February 2014.

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.

3.1 – SE/13/03559/HOUSE Date expired 4 February 2014

PROPOSAL: Demolition of garage and erection of part single storey, part two storey side extension. Loft conversion, involving raising the roof height of the property, with skylights at the front and dormer windows at the rear. Replace existing porch with larger porch.

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

WARD(S): Sevenoaks Town & St Johns

**ITEM FOR DECISION**

This application has been reported to Development Control Committee at the request of Councillor Raikes on the grounds that the extensions will lead to a loss of amenity to neighbouring properties and concerns over the bulk of the proposal.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans:- Drawing Number S1212/03 Revision F, dated June 2013, stamped 10 December 2013;- Drawing Number S1212/04 Revision F, dated June 2012, stamped 17 January 2014;;- Drawing Number S1212/05 Revision G, dated June 2012, stamped 17 January 2014;

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

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

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

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

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

B) Within a retained tree protected area:- Levels shall not be raised or lowered in relation to the existing ground level;- No roots shall be cut, trenches cut, or soil removed;- No buildings, roads, or other engineering operations shall be constructed or carried out;- No fires shall be lit;- No vehicles shall be driven or parked over the area;- No materials or equipment shall be stored;

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

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

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

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

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

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

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

8) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

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

9) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

### **Note to Applicant**

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

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,

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

In this instance the applicant/agent:

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

### Background

- 1 The dwelling has been sought to be extended three times over the past couple of years (all refused). This recent planning history is outlined in the *planning history and appeal history* sections of this report. The last application (SE/13/00306/HOUSE) was overturned (Officer's recommendation for approval) and refused at Development Control Committee in April 2013. The applicant appealed the decision, which was dismissed. The Inspectors assessment is attached to this report in Appendix 1 for reference.
- 2 Planning application SE/13/00306/HOUSE (the most recent application) was refused on the following grounds:
  - *The proposed extension would appear cramped on this relatively restricted plot. The extended dwelling would form an incongruous feature that would erode the spaciousness of the street scene to the detriment of the character of the area contrary to Sevenoaks District Core Strategy Policy SP1 and Sevenoaks District Local Plan Policy EN1.*
  - *Due to the increase in built form and height as a result of the proposal along the boundary between the two properties (the site and No.49 Mount Harry Road) the proposal is unacceptable as the development would have an overbearing impact on the private amenity space of the neighbouring property (No.49) and is therefore contrary to Policies EN1 and H6B of the Sevenoaks District Local Plan.*
- 3 Relating to refusal point (i) (Character and appearance) the Inspector states in paragraph 7 of her report that "I conclude therefore that the impact of the proposed changes to the appearance of the front elevation of No.51a would not materially harm the existing character and appearance of the street scene along Mount Harry Road". The Inspector therefore did not support point (i) at appeal.
- 4 However the Inspector upheld refusal point (ii) and concludes in paragraph 13 of her report that "the height, bulk and massing of the proposed side extension and its proximity to the boundary and rear elevation of No.49, would have an

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unacceptably harmful impact on the living conditions of the occupiers of No.49 with particular regard to outlook and light”.

### Description of Proposal

- 5 The applicant has amended the scheme following the dismissal at appeal. Permission is sought for the demolition of an existing garage and erection of part single storey, part two storey side extension, a loft conversion, involving raising the roof height of the property (now referred to as 'loft extension'), with skylights at the front and dormer windows at the rear and the replacement of an existing porch with larger porch.

### *Amendments from previous scheme (SE/13/00306/HOUSE)*

- 6 Specifically, the application has been amended in the following the ways from the previous refusal:
- *Reduction* in depth of the first floor side extension by 2.7 metres. The extension therefore no longer extends beyond the rear elevation of the dwelling (it is set in by 0.5 metres from the existing rear building line);
  - The first floor side extension is set further away from the eastern boundary at first floor level (approximately 1.9 metres, previously 1.32 metres at first floor).
- 7 The following amendments were also sought when the application was first submitted:
- *Amendment to roof profile with first floor side extension increasing in height by 0.6 metres, matching the roof height of the loft extension;*
  - *Addition* of one dormer window, serving loft extension on rear elevation;
- 8 However, these amendments were removed and amended plans were received (and re-consulted) on 17 January 2014. The additional dormer window on the loft extension has been removed (now only three dormers sought), and the height of the side extension reduced by 0.6 metres (to height of existing property).
- 9 The scheme also no longer seeks to widen the driveway at the front of the property.

### Description of Site

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

Constraints

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

Policies

*Sevenoaks District Local Plan (SDLP)*

- 13 Policies - EN1, H6B

*Sevenoaks District Core Strategy*

- 14 Policy SP1

*Other*

- 15 National Planning Policy Framework (NPPF)

- 16 Sevenoaks Residential Extensions Supplementary Planning Document (SPD)

- 17 Sevenoaks Residential Character Area Assessment SPD

Planning History

- 18 SE/10/02621/WTPO - Pollard 2 Sweet Chestnut trees (granted 25 October 2010).

SE/12/01619/HOUSE - Demolition of existing double garage. Alterations to dwelling to include raising of roof height, new gable and dormer extensions, alterations to fenestration, erection of a two storey side extension, single storey front extension with extended balcony and widening of driveway entrance (refused 22 August 2012).

SE/12/02400/HOUSE - Demolition of existing garage. Alterations to dwelling to include raising of roof height, four dormer windows on rear elevation and three roof lights on front elevation. Erection of two storey extension and single storey front extension. Alterations to fenestration and widening of driveway (refused 11 November 2012).

SE/13/00306/HOUSE Demolition of garage and erection of two storey side extension. Loft conversion, involving raising the roof height of the property, with skylights at the front, and dormers at rear. Replace existing porch with larger porch, whilst balcony above is retained. Widening of driveway entrance (refused 29 April 2013 and dismissed on appeal 17 September 2013).

Consultations

*Sevenoaks Town Council: –*

*Updated consultation response received on 6 February 2014:*

- 19 Sevenoaks Town Council recommended refusal on the following grounds:

1. Loss of amenity as a result of the overbearing nature of the building and overlooking of the neighbouring properties in Hitchen Hatch Lane

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2. The proposal increase in ridge height is contrary to guidance set out in the Residential Extensions SPD.

*First consultation response received 24 December 2013:*

- 20 Recommended refusal as it was unable to verify the measurements of the proposal and was concerned about the loss of amenity as a result of the overbearing nature of the building and overlooking of the neighbouring properties in Hitchen Hatch Lane.

*Ward Councillors:*

- 21 Councillor Raikes: - This is a new application, and whilst it take account of the Inspectors comments on the previous application there remain concerns about the impact on the neighbours who are likely to be overlooked in Hitchen Hatch Lane and the bulk as a result of what appears to be the increase of roof height of the existing building to accommodate the additional third floor accommodation and resulting dormer windows at the rear.

*SDC Tree Officer*

- 22 I refer to my previous comments regarding previous applications. In view of the fact that the developer intends to retain the existing access, I have no objections to the proposed development providing those trees situated to the front of the property are adequately protected.
- 23 Details of protective measures to be used should be submitted for comment and should comply with BS5837:2012.

*Kent County Council Highways*

- 24 The proposals appear to have no adverse impact on the public highway.

Representations

- 25 6 Letters of objection have been submitted by occupiers of 4 adjacent properties:

A summary of the points raised by these objections are outlined below:

- The proposed development would be a serious breach of Policy SP1 of the Sevenoaks District Core Strategy, Section FO4 of the Sevenoaks Residential Character Area Assessment SPD and Policy EN1 of the SDLP;
- Concern of an adverse impact on the privacy of the properties at the rear of 51A, principally The Hawthorns. This is because this property will be overlooked by the introduction of 5 windows in the loft extension, an increase over the previous application where 4 windows were to be installed;
- The sheer bulk of the development, the increase in ridge height and the proliferation of windows at both first and second floor level that add up to a serious overdevelopment of the site;
- The proposal is a very substantial development of the property which will totally change the integrity of the original design. Its existing villa character



will be lost. It will create a building which will appear cramped and “squeezed in”, and far bulkier in form;

- The application not only increases the ridge height of the roof compared with the current roof, but also steepens the pitch, which gives the roof a far more bulky look and contrasts markedly with the existing shallow pitch, typical of villa style properties;
- The effect of the extra storey is therefore not only unsympathetic to the original villa style house design but is also out of character with other two storey properties nearby;
- No mitigation is possible for privacy because of the height and orientation of the dormers;
- The height and type of window the residents of 51A will have views across our entire garden and patio, substantially reducing our privacy when we are in the garden;
- There are numerous additional windows at the rear of the property which will also impact our privacy;
- Because of the close relationship between our two properties, the height, bulk and massing of the extension would be unacceptably dominant.
- The roof of the extension is higher than that proposed in the previous scheme and there are many new first and second floor window that will directly overlook, at a very close distance, our garden and private amenity space;
- The slight change in the width of the extension at first floor level will have no material impact on the bulk and form of what we shall be faced with;
- The height, bulk and massing of the extension would be unacceptably dominant;
- Where there is presently space there will be at very close quarters, brickwork, windows and roof.

26 Following the re-consultation of the amended plans (as received from 17 January 2014), two further letters of objection were received. These did not raise any new points which had not already been submitted.

### **Chief Planning Officer’s Appraisal**

#### Principal Issues

#### *Design, Scale and Bulk*

27 Policy SP1 of the Sevenoaks District Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area.

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- 28 Policy EN1 of the SDLP states that the form of proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. In addition, Policy H6B of the SDLP states that extensions should relate well in design terms to the original dwelling in respect of bulk, height, materials, windows and detailing. In addition Policy H6B outlines the following criteria:
- In general two storey extensions should have pitched roofs to match the existing dwelling;
  - Loft and roof space extensions should not exceed the ridge height of the existing building or create the appearance of an extra storey which would be unsympathetic to the character of the area. Windows in the roof area should therefore be subsidiary in appearance;
  - Extensions which extend to the side boundary of the property which could lead to visual terracing are not acceptable, a minimum distance of 1 metres is normally necessary for two storey extensions and, in some area of spaciousness, this may need to be greater.
- 29 The Residential Extensions SPD outlines a number of criteria in relation to this proposal:
- In relation to side extensions, the pattern of gaps in a street scene should be maintained. There should normally be a minimum gap of 1 metre between the side wall of a two storey side extension and the adjoining property for the full height of the extension. This gap may need to be wider depending on the context;
  - In terms of loft conversions, these should not detract from the characteristic roof profile of a street and should follow the vertical line of existing doors and windows.
- 30 The Sevenoaks Residential Character Area Assessment SPD states that locally distinctive positive features of Character Area F04 (Mount Harry Road) are the individually designed mostly two storey detached houses which are set back from the road along a relatively regular building line with gaps between buildings. Negative features of the area are deemed to be that some of the new development has not respected the building characteristic of being set back from the road or allowed spacing between the buildings. Specific design criteria is:
- Development should be set back from the road and respect the relatively regular building line;
  - Mature trees and hedge boundaries which contribute to the character of the area should be retained.
- 31 The side extension and loft extension currently under consideration are essentially reduced scaled extensions from the previously refused scheme SE/13/00306/HOUSE (which was dismissed at appeal). Importantly, the Inspector, as outlined in the *background* section, did not consider that the proposed changes to the appearance of the front elevation of No.51a would

materially harm the existing character and appearance of the street scene along Mount Harry Road. Given that the bulk and depth of the side extension has been decreased and has been moved further away from the boundary (by a further 0.58 metres), there is little reason to contest this assertion. It is also noted that the height of the side extension, following receipt of amended plans (17 January 2014) has been reduced so that it is the same height as the existing dwelling.

- 32 It is therefore considered that given the dwelling is set back from the road and the mature planting to the front of both the appeal site and No.49; the increased scale of the dwelling, although visible, would not be harmful or dominant in the street scene. In addition, attention is drawn to paragraph 6 of the Inspectors Report (Appendix I) which highlights that the relationship between the two properties (site and No.49) is defined to a greater extent by their stepped appearance than by the gap between them. It is therefore considered that the proposal will not appear cramped on site and that the properties will continue to appear as separate dwellings.
- 33 For the above reasons it is considered that the proposal is in accordance with Policy SP1 of the Sevenoaks District Core Strategy, Policies EN1 and H6B of the SDLP, the Residential Extensions SPD and the Sevenoaks Residential Character Area Assessment SPD.

### Residential Amenity

- 34 Policy EN1 of the SDLP states proposed development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height and outlook. In addition, Policy H6B of the SDLP states that proposal should not result in a material loss of privacy, outlook, daylight or sunlight to habitable rooms or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties or the street scene. The extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling. The specific criteria outlined in the Residential Extensions SPD are assessed under each amenity consideration below.
- 35 As outlined in the *background* section of this report, Members only sought to refuse the previous planning application (SE/13/00306/HOUSE) on amenity grounds in relation to No.49, not other adjoining occupiers [refusal point (ii)]. Therefore this section of the report will focus mainly on the impact of the amenity of the occupiers of No.49. However, for completeness, given that other adjacent neighbours have again objected to the proposal, it is considered reasonable that these will also be addressed.

### *Daylight / Sunlight*

- 36 The Residential Extensions SPD states that an extension should not cause any significant loss of daylight or the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or private amenity space. A useful guideline to measure the likely impact of an extension on a neighbouring property is the 45 degree test. Its purpose is to make sure that development does not take away too much daylight.

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- 37 With regards to sunlight, the Residential Extensions SPD states that an extension should not cause the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or private amenity space.
- 38 Due to the position of the extension and the orientation and position of other adjacent properties, it is considered that the only property which may be impacted upon by the proposal in terms of daylight and sunlight is No.49.
- 39 As outlined in the *background* section of this report, the Inspector upheld the Council's decision to refuse the previous application (SE/13/00306/HOUSE) on the grounds of a harmful impact on the living conditions of the occupiers of No.49 "with particular regard to....light".
- 40 It is recognised that the previous application (SE/13/00306/HOUSE), whilst passing the 45 degree elevation plan test, failed the 45 degree floor plan test. Concern was also raised by Members (and subsequently the Inspector) in regards to loss of sunlight.
- 41 To address this, the applicant has reduced the depth of the first floor side extension by 2.7 metres. This now means that the rear building line of the side extension is set back from the existing rear building line of the main dwelling by 0.5 metres. The amended proposal now passes both daylight tests (floor and elevation plan assessments). In addition, as the first floor element of the side extension does not exceed the existing rear elevation of the property any loss of sunlight will not be for a significant part of the day (any sunlight lost will be at the end of the day) particularly when taking into account the bulk of the existing property. The difference in topography, further distance between the first floor extension and the shared boundary, height of the side extension (same as existing property) and the orientation of the gardens (south, south east facing) also assist in supporting this conclusion.
- 42 Therefore the proposal will not result in a loss of light to the neighbouring property and overcomes the previous ground of refusal in relation to light.

### Privacy

- 43 The Residential Extensions SPD states that windows in an extension should not directly overlook the windows or private amenity space of any adjoining dwelling where this would result in an unreasonable loss of privacy. In addition the SPD states that the District Council would normally calculate the private amenity area as a depth of 5 metres from the back of the property.
- 44 In terms of No.49, the existing relationship is unusual on the basis that a number of windows look directly onto one another. These include habitable rooms. The proposal will only have one first floor flank elevation window facing No.49 which is already there (serves a bedroom). Given that this window is pre-existing and it will not overlook any habitable rooms or private amenity space, it is not considered this will result in a loss of privacy to the occupiers of No.49. In summary it is considered that the proposal will in fact improve the privacy for the adjoining occupants at No.49 in terms of habitable rooms and the existing private amenity space.
- 45 Concern has also been raised by the occupiers of No.49 that the windows of the loft extension will overlook their private amenity space. However, given that

No.51A is situated behind this property (from the public highway), these windows will not overlook the private amenity space due to the orientation of the two dwellings.

- 46 A number of other adjoining occupants have also claimed that the proposal will result in a loss of privacy to their properties/gardens. Each adjoining property will be addressed in turn.
- 47 The Hawthornes is the property which is positioned to the rear of the proposed development. The Town Council have raised concern that the proposal will overlook this property (The Hawthornes is in Hitchen Hatch Lane). Although there was originally an additional dormer window serving the loft extension (from the previously refused scheme dismissed at appeal) this has now been removed (by amended plans – 17 January 2014) as well as the side extension being moved back by 2.7 metres away from the shared boundary. As a result the impact on the property to the rear is less than the appeal proposal which itself was not refused on grounds of impact on this property. It is therefore considered that the proposed distance (27.1 metres) between the two properties will not result in a significant loss of privacy to the occupiers of The Hawthornes. In addition it is not considered that the proposal will have a material impact on privacy of the ground floor rooms or the private amenity space of The Hawthornes.
- 48 With regards to No.51, concern has been raised in regards to the additional windows on the rear elevation and provision of dormers serving the loft extension. In terms of additional windows on the rear elevation, there are none which are close to the boundary of No.51 only those which are near the boundary with No.49. Given that these are approximately 18 metres away from the shared boundary with No.51 and are situated behind the rear building line of the existing property, it is not considered that these will cause any overlooking to this property. In terms of the dormer windows it is not considered that these will overlook any windows at No.51 due to the layout of this property. In terms of the rear garden, due to the distance, orientation and presence of landscaping along this boundary it is not considered that the dormers will significantly overlook this private amenity space. The impact on No 51 is no greater than that of the appeal proposal which was not refused on grounds of impact on this property.

### *Outlook*

- 49 The Residential Extensions SPD states that the District Council is primarily concerned with the immediate outlook from neighbours' windows, and whether a proposal significantly changes the nature of the normal outlook. In addition Policy H6B states that a proposal should not have a detrimental visual impact or overbearing effect on neighbouring properties.
- 50 In terms of outlook, it is considered that the only property which is likely to be affected by the proposal is the adjoining property No.49. Other properties are considered to either be too far from the proposed extension or will not have habitable room windows looking directly onto the extension.
- 51 As with daylight / sunlight, the Inspector supported the Councils conclusion that the previous application (SE/13/00306/HOUSE) would have a detrimental impact on the outlook of No.49, specifically paragraph 10:

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*“The height, depth, bulk and massing of the extension, together with its proximity to the common boundary with No.49 would be unacceptably dominant. It would be an overbearing structure, which would materially harm the living conditions of the adjacent occupiers. It would have a detrimental impact on the outlook from the rear garden of No.49, which at only approximately 11 metres deep is relatively modest in size”.*

- 52 Helpfully, the Inspector has set out in paragraph 9 of her report the distances in relation of the neighbouring occupiers at No.49:

*“No.49 is set about 2 metres from the common boundary and approximately 3 metres forward of No.51a itself. As a result of this relationship the proposed side extension would be only some 3.32 metres from No.49 and would project approximately 6 metres beyond its rear elevation”.*

- 53 The applicant has sought to address this and has reduced the depth of the extension by 2.7 metres so that the rear building line of the extension is 0.5 metres behind the main dwelling rear building line. The side extension has also been set away from the side boundary by a further 0.58 metres. There is now 3.9 metres between the No.51a (the site) and the built form of No.49. This has also allowed the provision of a pitched roof on the flank elevation, which breaks up the bulk and massing of the extension.

- 54 It is acknowledged that the side extension was originally submitted to be 0.6 metres higher than the previous scheme (SE/13/00306/HOUSE). However amended plans were received (17 January 2014) which reduced the height of the extension to the height of the previous scheme (SE/13/00306/HOUSE). This means that the roof profile is still stepped. This further reduces the presence and bulk of the side extension when viewed from No.49.

- 55 The depth of the extension (at first floor level) also now only exceeds the rear building line of No.49 by approximately 3.3 metres (taking into account Inspectors measurements) as the extension has been reduced in depth by 2.7 metres. In addition one has to accept that the built form will be seen against the bulk of the existing property (albeit with an increase in height of the proposed loft extension). It is however recognised that the loft extension (i.e. the increase in height to the original dwelling) is situated 5.3 metres from the shared boundary. This is considered to be a significant amendment to the scheme and the depth of the first floor extension in comparison to the rear building line of No.49 is considered acceptable.

- 56 Due to the amendments made by the applicant and given that no. 49 is 1.4 metres higher than the application site, it is considered that the proposal will not have a harmful impact on the living conditions of No.49, principally in this instance, outlook.

- 57 For the above reasons, it is considered that the proposal is in accordance Policies EN1 and H6B of the SDLP and the Residential Extensions SPD. It is therefore considered that the previous ground of refusal has been overcome.

Other Issues

*Trees*

- 58 Policy EN1 of the SDLP states that the layout of the proposed development should retain important features including trees, hedgerows and shrubs.
- 59 This application, unlike planning applications SE/12/01619/HOUSE, SE/12/02400/HOUSE and SE/13/00306/HOUSE ('previous applications') does not seek to make any amendments to the driveway at the front of site, close to the trees covered by TPO/72/07/SU. Therefore the SDC Tree Officer has raised no objection providing the trees at the site are adequately protected during the construction of the extensions. A condition can be attached on any approved planning consent to achieve this.

*Highways / Access / Parking*

- 60 Policy EN1 of the SDLP states that proposed development should not create unacceptable traffic conditions on the surrounding road network.
- 61 As with the section, it is highlighted that unlike previous applications, no amendments will be made to the front driveway and as a result, the Highways Officer has not raised objections to the proposal.
- 62 Despite the loss of the garage and increasing the number of bedrooms at the property, it is not considered that the extension will result in any parking issues at the site. The property will still benefit from a spacious driveway which will be able to accommodate at least two independently accessible car parking spaces.

**Conclusion**

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

**Background Papers**

Site Plan

Contact Officer(s): Neal Thompson Extension: 7463

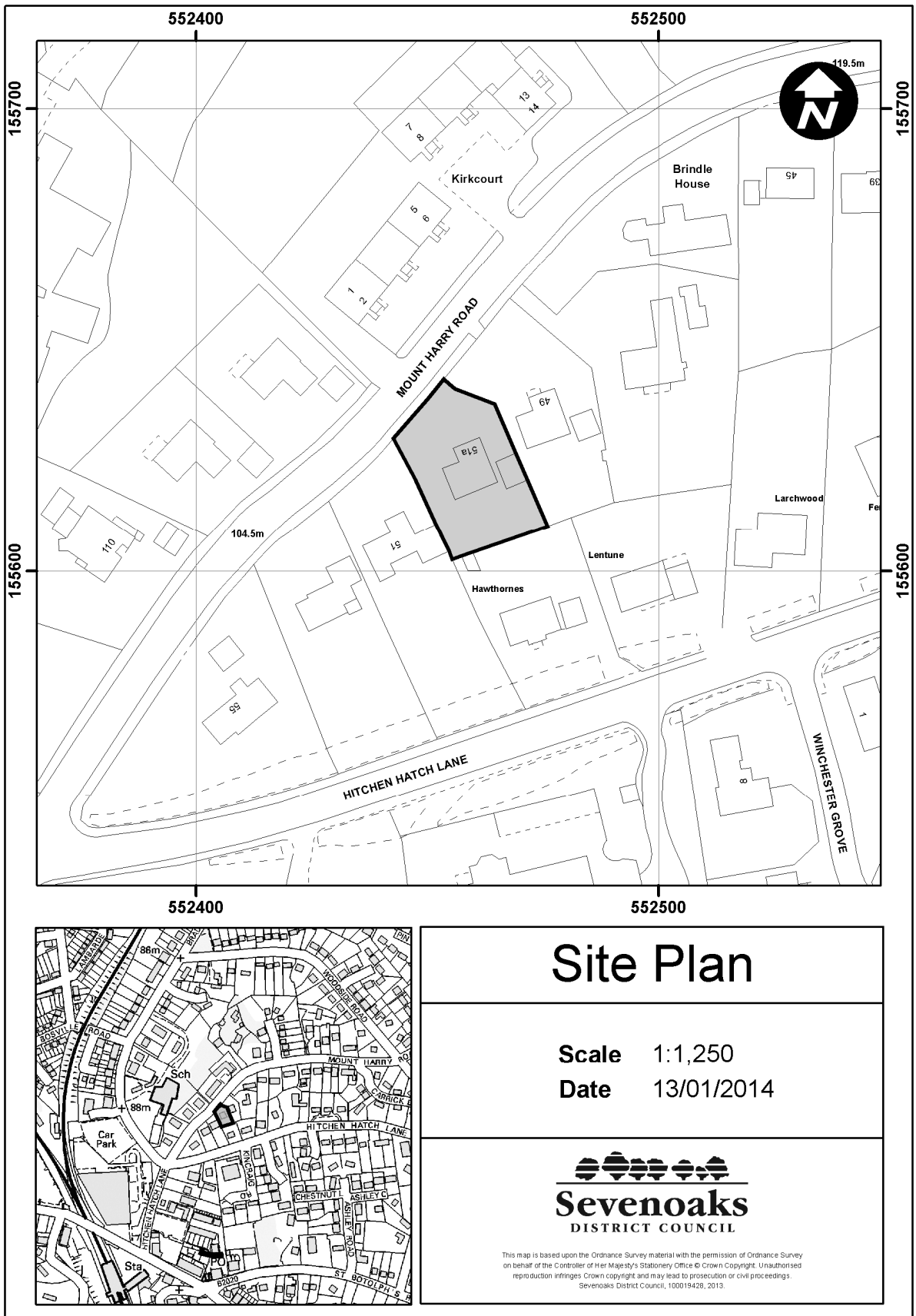
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MX0M9SBK8V000>

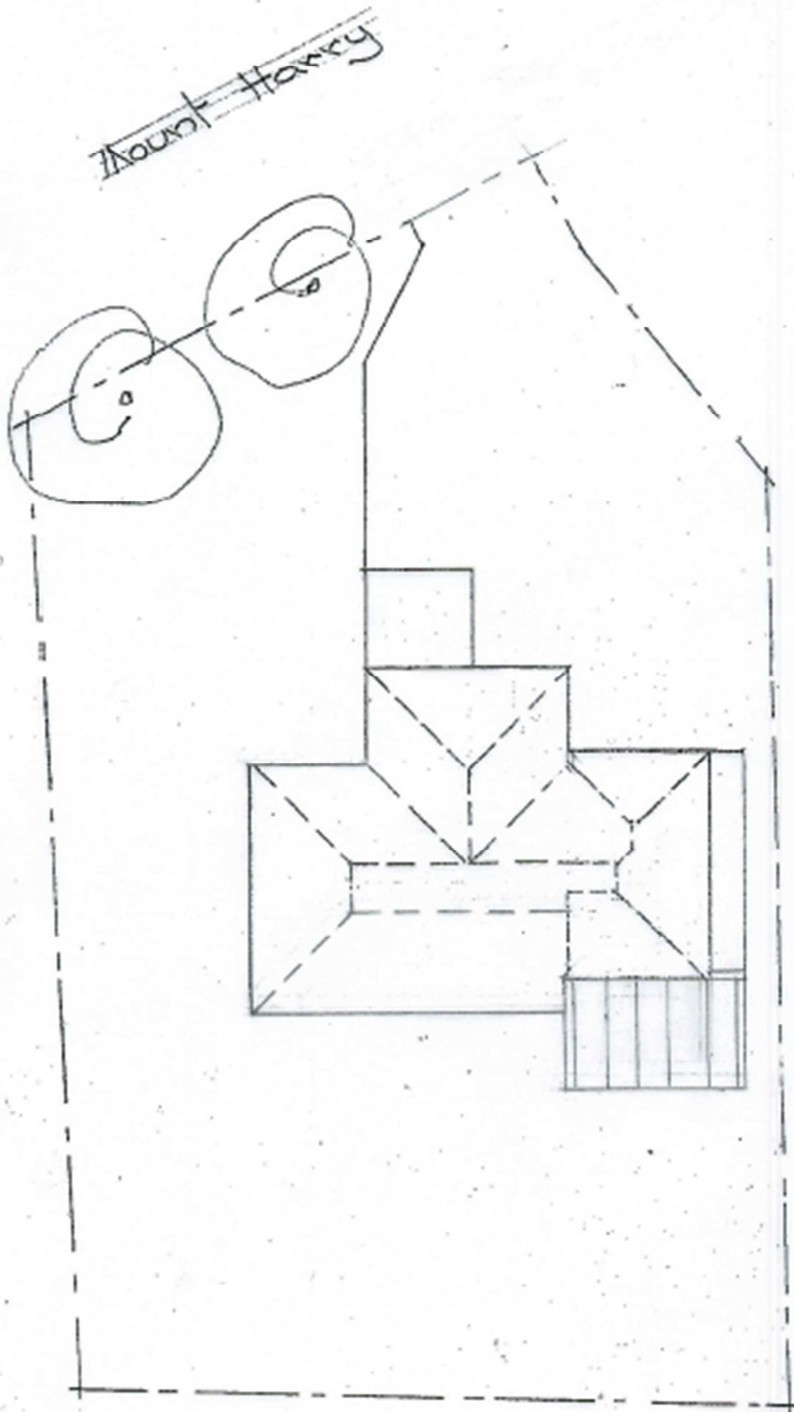
Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MX0M9SBK8V000>

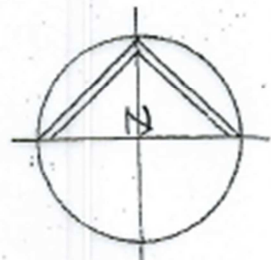




**Block Plan**



BLOCK PLAN





The Planning Inspectorate

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## Appeal Decision

Site visit made on 5 August 2013

**by Catherine Hughes BA (Hons) MRUP MRTPI**

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

Decision date: 17 September 2013

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**Appeal Ref: APP/G2245/D/13/2198786**

**51a Mount Harry Road, SEVENOAKS, Kent, TN13 3JN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Sean Edwards against the decision of Sevenoaks District Council.
  - The application Ref SE/13/00306/HOUSE was refused by notice dated 29 April 2013.
  - The development proposed is a two storey side extension, demolish garage, loft conversion involving raising the roof height of the property with skylights at the front and dormers at the rear. Replace existing porch with larger porch whilst balcony above is retained. Widening of driveway entrance.
- 

### Decision

1. The appeal is dismissed.

### Main issues

2. The main issues in this appeal are the effect of the proposed development on
  - the character and appearance of the street scene;
  - the living conditions of the occupiers of the adjoining property, No. 49 Mount Harry Road, with particular regard to outlook and light.

### Reasons

#### *Character and Appearance*

3. Properties along this part of Mount Harry Road are predominantly large and detached, and set well back from the road behind extensive planting. No. 51a conforms to this pattern and is positioned on rising ground behind mature trees, including two sweet chestnuts and an oak tree which are subject to a Tree Preservation Order. These trees filter views of the house from the highway, although clear views are possible from the access drive.
4. The appearance of the appeal site is affected by the marked changes in ground levels that occur between it and the properties to either side. In particular, the ground level at No. 49 Mount Harry Road, which is to the east of the appeal site, is some 1.4 metres higher than at No. 51a.
5. The proposed alterations and extensions to No. 51a would include a number of changes to the appearance of the front of the dwelling. The height of the roof would be increased, a more prominent porch would be added to the front

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

elevation and a two storey side extension erected to the east, including an integral garage, replacing the existing detached garage. The dwelling would therefore inevitably appear larger and the new porch would extend approximately 1.3 metres forward of the existing footprint of the house.

6. In addition, as a result of the two storey side extension the present gap between the main dwellings of No. 51a and No. 49 of around 8 metres would be reduced to approximately 3.3 metres. Given the changes of level between these two properties however, their relationship is defined to a greater extent by their stepped appearance than by the gap between them. I am therefore satisfied that although closer, the properties would continue to appear as separate dwellings.
7. Furthermore, given the setback from the road and the mature planting to the front of both the appeal site and No. 49, the increased scale of the dwelling, although visible, would not be harmfully dominant in the street scene. I conclude therefore that the impact of the proposed changes to the appearance of the front elevation of No. 51a would not materially harm the existing character and appearance of the street scene along Mount Harry Road. For these reasons I conclude that the proposed development would comply with Policies SP1 of the Sevenoaks Core Strategy and EN1 of the Sevenoaks District Local Plan(2000), which require that new development should respond to the distinctive local character of the area in which it is situated.

#### *Living Conditions*

##### *Outlook*

8. The proposed side extension would have a ridge height of approximately 8 metres, the height of the existing dwelling. It would be two storeys with further accommodation in the roof space. This extension would be situated only approximately 1.02 metres from the boundary with No. 49 at ground floor level and approximately 1.32 metres at first floor level.
9. Notwithstanding that the block plan does not show the footprints of the adjoining properties, there is no reason to doubt the distances explained in the appellant's statement. No 49 is set about 2 metres from the common boundary and approximately 3 metres forward of No. 51a itself. As a result of this relationship the proposed side extension would be only some 3.32 metres from No. 49 and would project approximately 6 metres beyond its rear elevation.
10. Even though No. 49 is built on higher ground, the scale of the proposed extension would nonetheless have an overbearing impact on the adjoining property. The height, depth, bulk and massing of the extension, together with its proximity to the common boundary with No. 49 would be unacceptably dominant. It would be an overbearing structure, which would materially harm the living conditions of the adjacent occupiers. It would have a detrimental impact on the outlook from the rear garden of No. 49, which at only approximately 11 metres deep is relatively modest in size.

##### *Light*

11. The Council states that the proposals will result in some loss of sunlight to the adjoining garden, and that the proposed side extension fails the 45 degree floor plan test as set down in the Sevenoaks Residential Standards SPD with regard



to daylight. Notwithstanding the change in levels, I agree with that assessment. These factors give added weight to my conclusion that this would be simply too large an extension so close to the boundary and rear elevation of the adjoining property.

12. I have had regard to the reduction in the number of windows in the eastern elevation of No. 51a that would occur as a result of the proposed development, leading to an end to the inter-looking between windows of No. 49 and No. 51a which exists at present. However, this is not sufficient to outweigh the harm which I have identified to the living conditions of the occupiers of No. 49 from these proposals.
13. For these reasons I conclude that the height, bulk and massing of the proposed side extension and its proximity to the boundary and rear elevation of No. 49, would have an unacceptably harmful impact on the living conditions of the occupiers of No. 49 with particular regard to outlook and light. The proposed development is therefore contrary to Policy H6B and Appendix 4 of the Sevenoaks District Local Plan which requires that development should not result in a material loss of privacy, outlook, daylight or sunlight to habitable rooms or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties.

*Other matters*

14. The appellant has drawn my attention to other large extensions and new buildings that have been approved in the vicinity of the appeal site. I observed these from the street but the circumstances of each differ from those of the appeal site and I have determined this case on its own merits.
15. For the reasons above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Catherine Hughes*

INSPECTOR

3.2 - SE/13/03557/FUL Date expired 31 January 2014

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

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

WARD(S): Otford & Shoreham

**ITEM FOR DECISION**

This application was referred to Development Control Committee by Councillor Edwards-Winsor on the grounds that:

1. In comparison to the previously refused scheme approximately 20-30% of the roof has now disappeared and presumably a similar decrease in habitable floor area would occur as a result.
2. If the floor areas of the existing Hillway, the already approved replacement, the recently refused application and this current application are compared, then it is fairly obvious that the habitable floor areas have been reduced each time, as has the visual impact - which is the main reason that OPC, the Village Society and many other residents welcome the efforts of the developer to reduce the impact and improve the openness of the MGB.

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

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

**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)),

## Agenda Item 3.2

- 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 seeks planning permission for the demolition of the existing dwelling and the erection of a replacement dwelling located to the east of the existing dwelling.
- 2 It is proposed that the dwelling would be arranged over two floors, and would include a subterranean basement.
- 3 The proposed dwelling is L shaped, and would be built into the site. The dwelling would have a garage area and an additional carport.

### Description of Site

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

### Constraints

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

### Policies

#### *Sevenoaks District Local Plan*

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

*Sevenoaks Core Strategy*

12 Policies– SP1, L08

*Other*

13 National Planning Policy Framework

14 Otford Village Design Statement

Planning History

15	SW/5/48/20	Alterations and extensions	GRANT	
	SW/5/70/323	Extension to form a lounge	GRANT	15/08/1970
	76/00487/HIST	Reconstruction of dwelling house destroyed by fire	GRANT	22/06/1976
	86/01593/HIST	First floor extension to dwelling incorporating a balcony	GRANT	21/10/1986
	85/01293/HIST	Relocation of vehicular access	GRANT	23/10/1985
	85/01466/HIST	Erection of two storey extension to provide garaging with room over, formation of dormers and re-tiling roof	GRANT	27/11/1985
	09/02623/FUL	Replacement dwelling	WDN	15/01/2010
	10/00219/FUL	Erection of replacement dwelling	REFUSE	09/04/2010
	10/02128/FUL	Erection of replacement dwelling	WDN	29/09/2010
	11/02762/FUL	Demolition of existing dwelling house and erection of new replacement dwelling as amended by plans received 04.04.12	GRANT	12/09/2012
	13/00026/FUL	Demolition of existing house and erection of new replacement dwelling	REFUSE	11/03/2013
	13/01124/FUL	Demolition of existing house and erection of new replacement dwelling.	REFUSE Appeal Lodged	18/07/2013

Consultations

*Otford Parish Council -*

16 Support the application stating:

“The bulk of the building has been reduced by a reduction in roof line. The oversailing and undercroft areas are also reduced thus addressing the concerns of the planning officer for the previous application. The Council supported the previous application”.

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*County Archaeology have made the following comments -*

- 17 The site of the application lies within an area which has revealed prehistoric activity; a Scheduled Roman villa lies to the south and the Medieval Bishops Palace at Otford lies to the south west. Remains associated with this activity may be revealed during ground works and I recommend the following condition is placed on any forthcoming consent:
- 18 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.
- Reason: To ensure that features of archaeological interest are properly examined and recorded.
- 19 I would be pleased to discuss any of the above further and can provide a specification on request.

*Environment Agency have made the following comments -*

- 20 Thank you for consulting us on the above proposal. We have no objection but the following comments should be noted.
- Foul drainage
- 21 Foul drainage should be connected to the main sewer. Where this is not possible we recommend the installation of a Package Treatment Plant and not Septic Tanks. If these are installed and it is proposed to discharge treated effluent to ground or to a surface watercourse, the applicant may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will only be granted where the risk to the environment is acceptable.
- 22 To qualify for a registered exemption the rate of sewage effluent discharge must be 2 cubic metres a day or less to ground or 5 cubic metres a day or less to watercourse. You must also be able to satisfy a number of specific criteria. A Standard Rules Permit is available for discharges of secondary treated sewage (to surface water only) of between 5 cubic metres a day and 20 cubic metres a day.
- 23 Discharges of treated sewage greater than 2 cubic metres a day to ground and greater than 20 cubic metres a day to a surface water require a Bespoke Permit. Additional information is available on our website:
- <http://www.environment-agency.gov.uk/homeandleisure/118753.aspx>
- 24 To help you choose the correct option for sewage disposal, additional information can also be found in our Pollution Prevention Guidelines (PPG) 4: Treatment and Disposal of Sewage where no Foul Sewer is available which can be found at:
- <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>



*SDC Environmental Health have made the following comments -*

- 25 Environmental Protection has no observations or objections in relation to this proposal (application number 13/03557/FUL) to demolish the existing dwelling and erect a replacement dwelling to the eastern part of the site.

*Kent Highways Services have made the following comments-*

- 26 I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

*Thames Water have made the following comments -*

Waste Comments:

PACKAGE TREATMENT PLANT

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

Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments:

- 28 With regard to water supply, this comes within the area covered by the Mid Kent Water Company. For your information the address to write to is - Mid Kent Water Company PO Box 45, High Street, Snodland, Kent, ME6 5AH Tel - (01634) 240313.

*Kent Wildlife Trust have made the following comments -*

- 29 I understand that these latest revisions involve design alterations to the proposed house. I have no objection to such revisions, so long as you are satisfied and can take steps to ensure that there is no further encroachment onto the remaining chalk grassland to the east and north.

- 30 I therefore invite the Council to:

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

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*Natural England have made the following comments–*

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

32 Natural England's comments in relation to this application are provided in the following sections.

*Statutory nature conservation sites - no objection*

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

*Protected species Bats*

33 It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats.

34 For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species

*Local wildlife sites*

35 If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

*Biodiversity enhancements*

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

*Landscape enhancements*

37 This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for

example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

*KCC Ecology have made the following comments-*

- 38 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.
- 39 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.*”
- 40 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that “*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.*”
- 41 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.
- 42 We previously provided comments on this site for a number of planning applications including SE/11/02762/FUL and SE/13/01124/FUL. As such we are familiar with this site and the ecological information and management plans which have been submitted in support of this application.
- 43 We are satisfied with the information which has been provided with the planning application and subsequently by the applicant and planning officer. As such we do not require additional information to be submitted prior to determination of the planning application.

*Management Plan for the re-creation and enhancement of Chalk Grassland*

- 44 The submitted information details that the site will be managed in conjunction with Kent Wildlife Trust and the applicant. The management plan was produced two years ago but the applicant has confirmed that the management plan for the site is already being implemented.

*Reptiles*

- 45 The 2010 survey detailed that the proposed footprint of the development does not have suitable reptile habitat present. We did have some concerns that the

## Agenda Item 3.2

management of the grassland would have changed since 2010 and there was not suitable habitat for reptiles present within the site.

46 However the planning officer has confirmed that the footprint of the proposed development site has already been excavated and there is no vegetation remaining within this area.

47 As such we are satisfied that there is no requirement for an updated reptile survey to be carried out.

### *Bats*

48 No bats were recorded emerging from the building and we are satisfied with the results of the updated bat survey 2013.

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

### *Enhancements*

50 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

51 We have reviewed the management plan and we are satisfied that it will result in the enhancement of the existing chalk grassland.

52 However other enhancements which can also be incorporated in to the site include the inclusion of bat bricks/tiles in the new building, bird and bat boxes in the surrounding areas, native and local provenance planting, pond creation and refugia for herpetofauna could all be included in order to help promote biodiversity alongside development.

53 Details of other ecological enhancements to be incorporated in to the site must be submitted as a condition of planning permission.

### *Bats and Lighting in the UK*

Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

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

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for

foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

### *UV characteristics:*

55 Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

56 High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

57 Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

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

### *Street lighting*

59 Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

60 Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

61 If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

### *Security and domestic external lighting*

62 The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;

## Agenda Item 3.2

- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

### Representations

- 63 One letter has been received objecting to the application on the following grounds:
- that a piece of Greenbelt land belonging to us and in our guardianship for very sound conservation reasons (quite apart from familial ones), was utilised to gain approval for moving a dwelling to further encroach upon Greenbelt chalk land of significant ecological conservation value, as part of this proposal.
  - The loss of trees and adverse impact on a conservation area in our property, as well as more generally upon this hillside, remain material considerations in further decisions regarding this planning proposal, to our minds.

### Background

- 64 The previous application (11/02762/FUL) was approved in the Green Belt due to very special circumstances as the proposed habitable floor area of the dwelling was no greater than the existing floor area of the dwelling. In this respect, the floor space was considered to be acceptable and the bulk of the building was considered to be comparable to the bulk and scale of existing dwelling, so there would have been no greater impact on the Green Belt.
- 65 The approved application was determined in June 2012, and was determined under the National Planning Policy Framework. Since March 2013 a number of policies that were used in the determination of application SE/11/02762/FUL have been superseded in whole or part as they are no longer consistent with the NPPF.
- 66 It should be noted that application SE/11/02762/FUL remains extant and therefore presents a fall back position which will be taken into consideration in the determination of this application.
- 67 Since the approval of SE/11/02762/FUL, a further two applications have been refused on Green Belt grounds reference SE/13/00026/FUL and SE/13/01124/FUL. Application SE/13/01224/FUL is currently at appeal. The current application is a further revised scheme.

- 68 The changes in policy and how it affected the refusal of the previous scheme SE/13/01124/FUL is set out in detail in the previous report to Development Control Committee dated 17 July 2013. The same policy approach is adopted in the determination of this application.
- 69 In a bid to address the previous grounds of refusal the applicant has revised the scheme. The principal revisions are set out at paragraph 1.4 of the applicants Design, Access and Planning Statement and summarised below:
- Reduction in the first floor area of 36 square metres and corresponding roof volume above.
  - Slating of the floor to the master bedroom balcony and lounge balcony.

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

#### *Impact on the Green Belt*

- 70 National planning policy guidance relating to Green Belt is set out in Section 9 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. Inappropriate development, by definition, is development that is harmful to the Green Belt because it detracts from its openness.
- 71 The NPPF, states that inappropriate development in the Green Belt 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.
- 72 Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. It goes on to list a number of exceptions to this which include:
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- 73 At a local level Sevenoaks Local Plan policy H13 sets out the criteria against which applications for replacement dwellings in the Green Belt need to be assessed. Policy H13 of the Local Plan which remains compliant in part with the NPPF, and a detailed summary of the policy and the weight given to it were set out in detail at paragraph 61 of the previous officer's report to Development Control Committee. As the policy remains compliant in part it is therefore necessary to consider whether the proposal complies with policy H13 of the Local Plan.
- 74 As set out at paragraph 62 of the previous officers report the house was originally built as a dwelling and is built on permanent foundations. The site is also accessed via an existing vehicular access available from an existing road and services (e.g. mains water) and the use as a dwelling has not been abandoned. In my view the replacement dwelling remains relatively well designed, sympathetic to the character of the area and sited and designed to minimise any undue intrusion into the rural landscape in accordance with criterion 5 of policy H13 of the Sevenoaks District Local Plan.

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- 75 The 50% test referred to in criterion 4 of Local Plan policy H13 relates to acceptable increase in gross floor area above the original. It was established under application SE/13/01124/FUL and set out at paragraph 52 of the officer's report to Development Control Committee that the existing dwelling on the site is 409.308m<sup>2</sup>. Having reviewed the previous planning application against the existing, I have no reason to disagree with this figure. The original dwelling on the other hand was a small bungalow. The plan submitted for application SW/5/48/205, shows the floor area to be approximately 49.76 m<sup>2</sup>. If criterion 4 of policy H13 is applied, the new dwelling permissible should not exceed 74.64 m<sup>2</sup>. The floor area of the proposed dwelling is 487.91 m<sup>2</sup> for the ground and first floor areas, the proposed basement equates to an additional 279.1 m<sup>2</sup>. The cumulative total would therefore equate to 767.01 m<sup>2</sup>. The size of the dwelling therefore significantly exceeds this policy requirement. However, in concurrence with the previous officer, it is my view that the floor space in the basement is not material as it would all be below ground level and have no impact on the openness of the Green Belt. Notwithstanding this fact, excluding the basement, the proposal would still amount to a 980.53% increase over the size of the original dwelling and as a consequence would conflict with policy H13 of the Local Plan.
- 76 Having therefore established there is a conflict with policy H13, it is now necessary to consider whether the proposal complies with the aforementioned criterion set out at paragraph 89 of the NPPF. Firstly, the proposed development involves replacing a building of the same use. Therefore, the principal test upon which to focus is whether the replacement dwelling is materially larger than the existing dwelling.
- 77 It should be noted that the term 'materially larger' is not defined in national planning policy, however, it is considered that any development should be comparable with the scale, bulk and footprint of the existing dwelling on the site. The 50% test referred to in criterion 4 of Local Plan policy H13 (which relates to acceptable increase in gross floor area above the original), provides guidance on how the Council will assess whether a replacement dwelling is materially larger. However, in assessing the impact on openness, site coverage is only one of the considerations, the scale, height, bulk and massing of the building(s) will also be an important consideration in assessing the impact any built form has on the site and on the Green Belt.
- 78 As stated in the preceding paragraphs, it is proposed to replace an existing dwelling with a new building for residential purposes. The property would be arranged over two floors and would include a subterranean basement. In total including the basement the proposed dwelling would amount to 767.01 m<sup>2</sup> which is in my view 'materially larger' in floorspace terms, than the existing dwelling on site. Excluding the basement, the total proposed gross floor area above ground level by my calculations amounts to 487.91 m<sup>2</sup>.
- 79 It is acknowledged that the dwelling currently proposed has been reduced in size in comparison to the previously refused application SE/13/01124/FUL currently at appeal. I have reviewed the previous officer's calculations and calculate the floor area of the previously proposed dwelling to amount to 520.7 m<sup>2</sup> above ground level not 494.5 m<sup>2</sup> as sited in the previous report to development control committee. At 487.91 m<sup>2</sup> the currently proposed dwelling represents approximately a 32.79 m<sup>2</sup> reduction in floor area which equates to an approximate 6.3% reduction.



- 80 The applicants focus amongst other things on the fact that the current proposal represents a reduction in the size of the previous scheme and consequently would have a lesser impact on the Green Belt. However, it is important to note that the NPPF test to determine whether the current scheme is acceptable is whether it is 'materially larger' than the *existing* dwelling on site rather than a comparison with a scheme for which permission was refused. Despite the reduction in built form at first floor, a proposed floorspace of 487.91 m<sup>2</sup> in comparison to the existing dwelling on site which is 409.308 m<sup>2</sup> would, in my view, mean that the proposed dwelling would remain 'materially larger' than the existing dwelling. The difference in floorspace would be 78.6 m<sup>2</sup>. As an example of what this size means, note that a typical double garage can be around 30 m<sup>2</sup>.
- 81 The applicants are of the view that only the habitable floor space should be calculated. The reduction in built form at first floor has been taken into consideration in calculating the floor area. The applicants argue that the floors to the proposed balconies accessed off of the master bedroom and lounge have been slatted to allow air gaps and therefore, the space beneath these should not form part of the officer's calculations. However, I do not share this view. The NPPF test does not refer in detail to floor space or habitable floor space. The test as stated previously, is whether the proposal is 'materially larger', and this is assessed, as described above, by comparing bulk, scale and footprint including floor space.
- 82 Despite the slatted floors to the aforementioned balconies, these open areas at ground floor as shown on the submitted plans, add to the bulk and scale of the dwelling and consequently contribute to the impact which the dwelling would have on the openness of the Green Belt. Furthermore, given that the site is relatively isolated it would be difficult to condition that the balcony floor remains slatted and therefore such a condition in my view, would fail the tests set out in Circular 11/95. It is my view that these areas remain capable of being used for the enjoyment of the property and for storing residential paraphernalia albeit that this may be limited in some areas as a result of the air gaps. It is also noted that the undercroft adjacent to the ground floor cinema room and study is over-sailed by the lounge at first floor. In conclusion, in my view, notwithstanding the slatted floors, these areas continue to provide a form of enclosure which would impact on the openness of the Green Belt.
- 83 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. This was a method used by the previous planning officer which it is considered necessary to continue to adopt.
- 84 As per the previous scheme, little weight is placed on the basement when assessing whether the replacement dwelling is materially larger, as the basement would be entirely underground with no part of it visible – no walls, windows or access points. It is concluded that this type of basement does not have an impact on the openness of the Green Belt. Whilst it does have a material impact on the size and bulk of a house when considering the materially larger test this impact is limited by the design of the basement which is completely underground and which in addition has no impact on the openness of the Green Belt.
- 85 The tables below show the size and scale of the existing, approved and proposed dwelling:-

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	Existing Dwelling	Approved Dwelling	Proposed Dwelling
Floor space above ground including undercroft areas	409.308m <sup>2</sup> (now includes small undercroft area)	394.008m <sup>2</sup>	487.91m <sup>2</sup> (including all undercroft areas on ground floor)
Floor space with the proposed basement levels	409.3008	616.659 m <sup>2</sup>	767.01m <sup>2</sup>
Eaves height	4.8m highest point 2.5m at lowest point	5.2 m at highest point	5m
Ridge height	7m at highest point 5m at its lowest point	8 metres at highest point	8m
Finished floor level	Lower than proposed	unknown	132.75

- 86 In contrast, to the scheme that was permitted under application SE/11/02762, the dwelling is significantly larger in external floor area above ground. The floor area above ground to the dwelling proposed under SE/11/02762/FUL was comparable with the existing dwelling. In addition to this, it is also submitted that as a consequence, the proposal is significantly bulkier, with a bulkier roof.
- 87 I therefore consider that the proposal would have a greater impact on the openness of the Green Belt than both the existing dwelling and dwelling approved under SE/11/02762/FUL.
- 88 In view of the above, it is considered that the proposal conflicts with the advice and guidance in the NPPF as the proposal would be materially larger, and it would conflict with the advice in policy H13 of the Sevenoaks District Local Plan. Consequently, the proposal is considered to be inappropriate development in the Green Belt. It is therefore necessary to assess the very special circumstances put forward by the applicant to determine whether these clearly outweigh the harm that the proposal represents, which will be done later in the report.

### *Extent of Harm*

- 89 The NPPF confirms that the most important aspect of Green Belts is their openness and the fundamental aim of Green Belt Policy is to maintain land open. It states that the open character must be maintained as far as can be seen ahead.
- 90 The test of openness is not reliant upon degree of visibility but upon an absence of built development. Openness can be diminished by the cumulative “footprint” of discreetly sited incremental additions to existing individual buildings as much as it can by conspicuous swathes of new development.

- 91 The existing house is built into the side of the slope of the plot and has been extend over the years to create a dwelling of a low-key appearance in the plot. The dwelling is of limited architectural merit. Views of the dwelling are restricted in part due to the rising slope of the hill that the house is sited on and the location of the surrounding properties.
- 92 Although the proposed dwelling would be higher on the site, the location of the dwelling is considered to be acceptable from a visual perspective, given that it would be built into the land and located to the east of the site in a slightly less exposed position. The proposed dwelling is not considered to be overly prominent or out of scale in terms of its location. The dwelling would however be larger in bulk and scale than the existing house, given the inclusion of a basement, balcony and undercroft areas. Although the proposed dwelling is not considered to be overly prominent, the proposed dwelling would continue to be visible and could be seen from Otford recreation ground.
- 93 The NPPF requires that any replacement building needs to be designed to minimise the harm to the openness of the Green Belt and in a form that would not be materially larger than the existing dwelling.
- 94 Although there has been a reduction in the built form of the proposed dwelling at first floor, the balcony and associated undercroft areas continue to add to the bulk and mass of the building and in this respect they increase the 3-dimensional massing of the building and harm the openness of the Green Belt. The proposal would therefore inevitably, materially erode the openness of the Green Belt over and above the existing dwelling.
- 95 In contrast to the scheme that was permitted under application SE/11/02762/FUL, despite the reduction in size in comparison to the previously refused scheme 13/01124/FUL, the dwelling remains bulkier, with a larger roof. I consider that this proposal would therefore have a greater impact on the openness of the Green Belt than both the existing dwelling and the dwelling approved under SE/11/02762/FUL.

### *Very Special Circumstances*

- 96 A case for very special circumstances has been submitted which will be discussed later in the report.

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

- 97 The application site is located within the AONB. Section 85 of the Countryside and Rights of Way Act 2000 requires decision-makers in public bodies, in performing any function affecting land in an Area of Outstanding Natural Beauty, to have regard to the purpose of conserving and enhancing the natural beauty of that area.
- 98 Paragraph 11 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. It states that the primary purpose of these designations is to conserve and enhance the natural beauty of the landscape. LO8 from the Sevenoaks Council Core Strategy, also recognises the importance of the visual quality of the landscape and does not support development, which would adversely affect the natural beauty of the area.

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- 99 Other relevant guidance is contained within the Otford Village Design Statement (OVS) Kent Downs AONB Landscape Design Handbook which state:

*“Given the small size and intimate character of the village, opportunities for extreme innovation are limited. Highly innovative houses must be designed to harmonise with the surrounding area. However, new buildings designed as a pastiche of country mansions or baronial halls are not the answer. The better newer properties take an eclectic approach, using a range of traditional materials and features and being built to an appropriate scale. Natural planting helps them merge with the landscape. They show how careful location and sympathetic landscaping can promote acceptability and sympathetic harmony within the village” (OVS)*

*“The siting, scale and design of much new housing and commercial development around urban edges can have an adverse impact on the AONB landscape through change in character of views in and out of the AONB, cumulative loss of landscape features, and erosion of character through use of standardised layouts and designs.” (AONB Handbook)*

- 100 The proposed dwelling would be located in an alternative position to the existing dwelling, higher up the slope and built into it. The appearance of the proposed dwelling is considered to be an improvement upon the appearance of the existing dwelling, both in design and in the finishing materials.
- 101 It is necessary to assess the impact on the development on the wider landscape, in particular, the visual impact of the proposal from long distance views to the site and from the footpath to the north. The principal viewing point for the public would be from the north of the site, along the public footpath and from wider views ranging from the east to the west. In particular I witnessed views of the property from Otford Village recreation ground.
- 102 The public footpath referred to forms part of the North Downs Way, and runs to the north of the site. This right of way has a 2m high, 100m long close boarded fence on the Hillway side. It was stated in the previous application that due to water erosion the actual footpath is now some 500mm below the fence base line and as such the proposed fence would obscure the development. Where the fence terminates the view of the property can be gained, by which time there is a 100m+ wide wooded area to the East of the footpath which precludes any views of the open Green Belt land and the proposed site of the replacement dwelling.
- 103 It is acknowledged that repositioning the dwelling to the east of the site would make the dwelling appear more visible from the east in comparison to the existing dwelling. This is offset against the fact that the dwelling would be set further back within the site in contrast to the existing dwelling. The proposed dwelling would be located at a higher level than the existing dwelling, which would make the dwelling more exposed.
- 104 It would remain possible to obtain views of the proposed replacement dwelling from across the Darent valley. The proposed repositioning of the dwelling would be over the brow of the hill, and it would be sunken below the existing ground level in parts and tucked further round to the east. When compared to the existing dwelling, the proposed dwelling would be equally as exposed.
- 105 With appropriate conditions including materials and landscaping to ensure that appropriate screening would be achieved to help mitigate the visual impact of the

development and materials are used which are sympathetic to the surrounding landscape character, it is considered that the repositioning of the dwelling to the east of the site would be acceptable in principle.

- 106 On balance, it is considered that the proposal would not harm or detract from the landscape character of the AONB and that the character and appearance of the AONB would therefore be preserved.

### *Impact on Site of Nature Conservation Interest, SSSI and biodiversity*

- 107 The proposed development is to be located within a Site of Nature Conservation Interest (SNCI) and would also be located in close proximity to Otford to Shoreham Downs Site of Special Scientific Interest (SSSI).
- 108 The National Planning Policy Framework states "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible." Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity and sets out a number of guiding principles to be taken into consideration when determining planning applications.
- 109 At a local level, policy EN17B of the Local Plan states that within SNCIs 'In other areas of nature conservation interest, including SNCIs and LNRs, development will not be permitted if it is likely to cause a loss of wildlife habitats and other features of nature conservation interest, unless it can be shown that the need for the development overrides the particular interest and no suitable alternative site is available. Where harm arises, adequate compensation or mitigation will be required.
- 110 The pre amble before the policy also states, Local Planning Authorities are required to direct development away from Sites of Special Scientific Interest, unless it can be shown that the particular proposal will not harm the wildlife interest. Further, a general requirement is placed on authorities to ensure that the many other habitats or features of local importance for nature conservation, including Sites of Nature Conservation Interest and Local Nature Reserves are protected, together with the management of Council owned land, to encourage wildlife conservation.
- 111 The acceptability of a replacement dwelling in the location proposed and its consequent impact on the natural environment has been established through the granting of planning permission SE/11/02762/FUL.
- 112 To compensate for the loss of Chalk Grassland a management plan has been produced by the Kent Wildlife Trust to re-create and manage chalk grassland on the site. The implementation of the management plan can be a condition of any planning permission granted. Furthermore, Kent Wildlife Trust has raised no objection, in principle, to a replacement house being constructed within this location and consider that the proposal would have no significant adverse impact on the SNCI, providing that the conditions that were imposed under application 11/02762/FUL are imposed to any subsequent grant of planning permission.
- 113 Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. Natural England does not object to the proposal in respect of bats and is satisfied with the survey submitted. Natural England does advise that the proposed

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development provides an opportunity to secure biodiversity and landscape enhancements and these can be secured by condition.

- 114 KCC Ecology has also raised no objection to the proposal.
- 115 In view of the fact that none of the consultees have raised any objection to the proposal on conservation and wildlife grounds I consider that the proposal would have no adverse impact on the SSSI, SNCI, protected wildlife and habitat subject to the imposition of relevant conditions.

### *Impact on neighbouring amenity*

- 116 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.
- 117 The siting of the proposed dwelling is considered to be sufficient distance away from neighbouring properties not to impact upon the amenities that the occupiers of those adjoining properties currently enjoy.

### *Parking and highways safety*

- 118 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.
- 119 The proposal would make provision for the parking of cars within the proposed garaging, plus additional areas of hard standing to the front and side of the house, and would retain the use of the driveway up from Pilgrims Way East.
- 120 It is therefore considered that the proposal is acceptable in terms of parking provision and highways safety.

### *Whether the Special Circumstances clearly outweigh the harm to the Green Belt and nay other harm.*

- 121 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.
- 122 The applicants have submitted a similar case for very special circumstances to that previously submitted under application SE/13/01124/FUL. Details of the very special circumstances advanced and an assessment of whether these circumstances were very special, and, whether they clearly outweighed the harm in principle to the Green Belt and any other harm, was appraised in the Officer's Report on this proposal (see Appendix 1). The previous officer concluded that the very special circumstances put forward for the building, in whole or part, did 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 were not considered to be any very special circumstances.

123 In the case of the current application, the applicant advises:

- The areas at ground floor beneath the balcony to the first floor master bedroom, lounge and balcony to the lounge are open on three sides with slatted roofs and have significantly less impact on 'openness' than would fully enclosed space. In addition, they are at the ground floor level which is dug into the hillside, meaning that a large part of the voids in question are below natural ground level and so, again, have even less impact on openness. The same can be said for the rear (north) ground floor areas of the dwelling, where the 'sub natural ground level' location reduces impact on openness as compared with the existing dwelling.
- The re-location of the dwelling brings with it an enhancement to the appearance of the AONB, and reduced impacts on openness of the Green Belt through the removal of over 80 metres of the existing access drive through an open area of the site, and re-location of the house to a less publicly visible location. In addition, as with the permitted scheme, the proposed replacement would bring with it enhancements to the SNCI through the newly agreed management of the chalk grassland in conjunction with Kent Wildlife Trust.
- To the limited extent that H13 remains relevant to the application, it is significant that Hillway was only brought into the Green Belt via an amendment to the Green Belt boundary which occurred approximately 10 years ago. H13 seeks to prevent the cumulative erosion of the Green Belt through successive enlargements or replacements, but here the starting point for assessing impact on the Green Belt is the size of the house when it first fell within the designation. The only alteration to Hillway since Green Belt designation is the addition of dormer windows. Arguably, therefore, the 50% increase allowance under H13 should be applied to Hillway as it stands. Against that assessment, the proposed dwelling falls well inside the increase limit. Whilst H13 doesn't specifically cater for 'late arrivals' in the Green Belt, none-the-less the designation history is of relevance and material to the consideration of the effect of the proposed dwelling on openness.

124 As stated and appraised in details in the preceding paragraphs, despite the slatted floors to the aforementioned balconies, these open areas at ground floor as shown on the submitted plans, add to the bulk and scale of the dwelling and consequently contribute to the impact which the dwelling would have on the openness of the Green Belt. Taking these areas into consideration, the proposed dwelling with the ground and first floor measuring 487.91 m<sup>2</sup> and underground basement area measuring an additional 279.1 m<sup>2</sup> is materially larger than the existing dwelling for the reasons set out earlier in this report and summarised in the table comparing floor space and roof heights.

125 The applicant refers to the fact that the proposed dwelling will be set partly below natural ground level and so, again, have even less impact on openness and it would enhance the appearance of the AONB.

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- 126 As also stated previously, it should be noted that the test of openness is not reliant upon degree of visibility but upon an absence of built development. Consequently, whilst this arrangement may be beneficial to the impact which the proposed dwelling would have in the landscape, in my view, it does not detract from the fact that the proposal would be inappropriate development in the Green Belt, harmful to its openness. Furthermore, whilst it is acknowledged that the existing dwelling is of no architectural merit and the proposed dwelling would represent an improvement visually, it has already been identified that the proposal constitutes inappropriate development and is harmful by definition to the maintenance and openness of the green belt. The fact that the proposal is acceptable in respect of design and layout does not in my view override the presumption against inappropriate development by way of very special circumstances. This approach would mean that provided a structure was well designed this would override the harm in principle from permitting inappropriate development. This is not the case as the proposal would nonetheless have a greater visual impact upon openness than the existing dwelling to the detriment of the Green Belt.
- 127 In response to the final bullet point above, the applicant correctly points out that policy H13 does not specifically cater for 'late arrivals', similarly neither does the NPPF. Consequently, I give this argument limited weight.
- 128 Overall, in my view the very special circumstances that have been put forward for the building, in whole or part, do not outweigh the harm in principle or the other harm to the purposes of including land in the Green Belt, to the openness of the Green Belt and to the visual amenities of the Green Belt and therefore, there can be no very special circumstances in this case.

### *Other Matters*

- 129 In response to the neighbour representation received in instances where the ownership of land is in dispute, it is a matter to be resolved between the parties involved and is not a material planning consideration which would justify refusing an application.
- 130 The matter of conservation of the natural environment has been taken carefully into consideration in consultation with the relevant statutory consultees and in conclusion it is considered that subject to relevant conditions, the proposal would have no significant adverse impact.

### **Conclusion**

- 131 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 this includes:
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- 132 The applicants focus amongst other things on the fact that the current proposal represents a reduction in the size of the previous scheme currently at appeal and consequently would have a lesser impact on the Green Belt.



- 133 It is important to note that the test to determine whether the current scheme is acceptable is whether it is 'materially larger' than the existing dwelling on site. Despite amendments to the scheme, at 487.91 m<sup>2</sup> in comparison to the existing dwelling on site which is 409.308 m<sup>2</sup> my view is that the proposed dwelling would remain 'materially larger' than the existing dwelling.
- 134 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.
- 135 In such circumstances therefore the applicant is required to demonstrate that very special circumstances exist that would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm in order to justify such development. It is not however considered that the justifications advanced comprise the very special circumstances required. The very special circumstances that have been advanced are not considered to clearly outweigh the harm to the Green Belt.

### **Background Papers**

Site and Block plans

Contact Officer(s): Claire Baldwin Extension: 7367

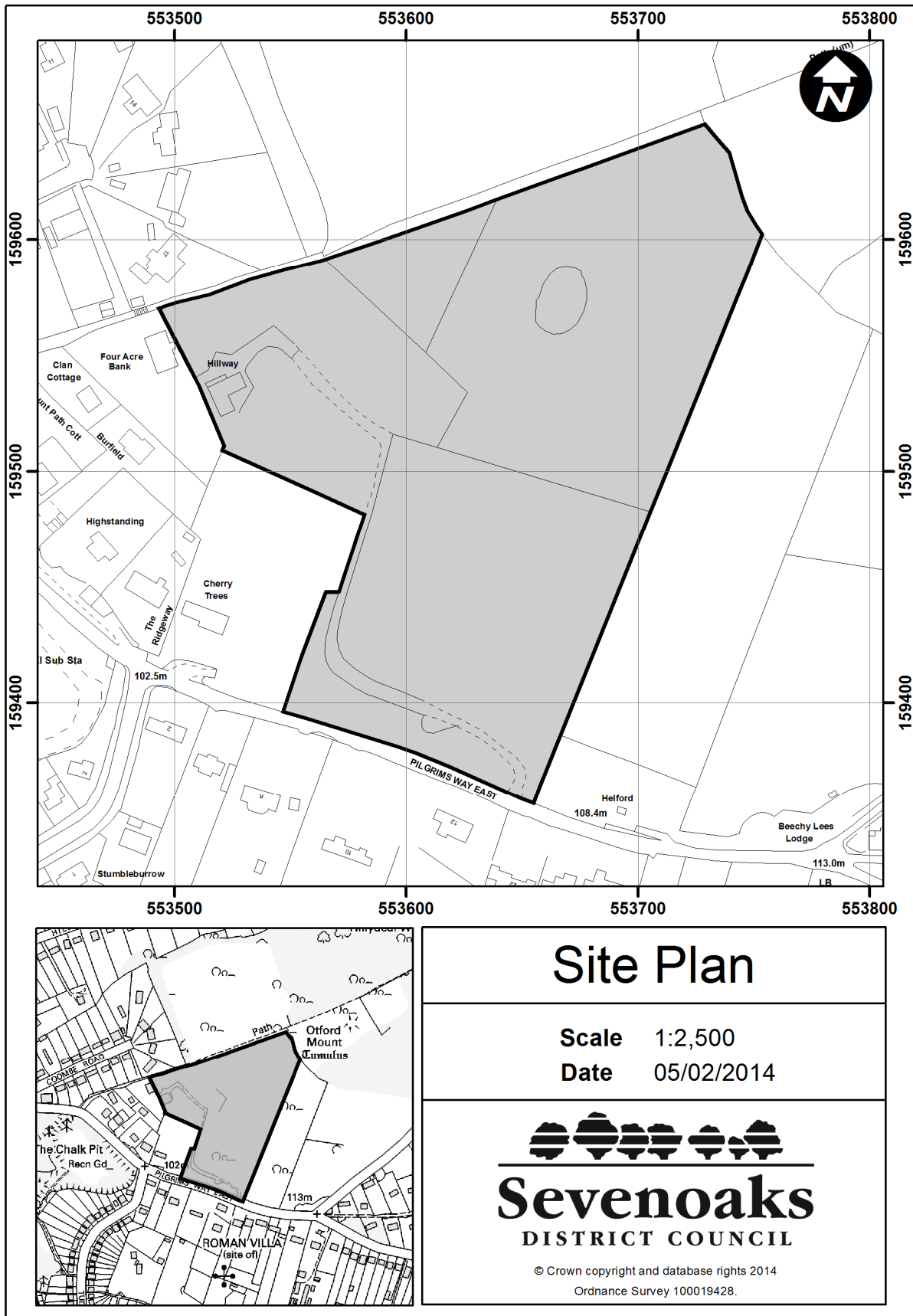
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MX0M9JBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MX0M9JBK8V000>



# Site Plan

Scale 1:2,500

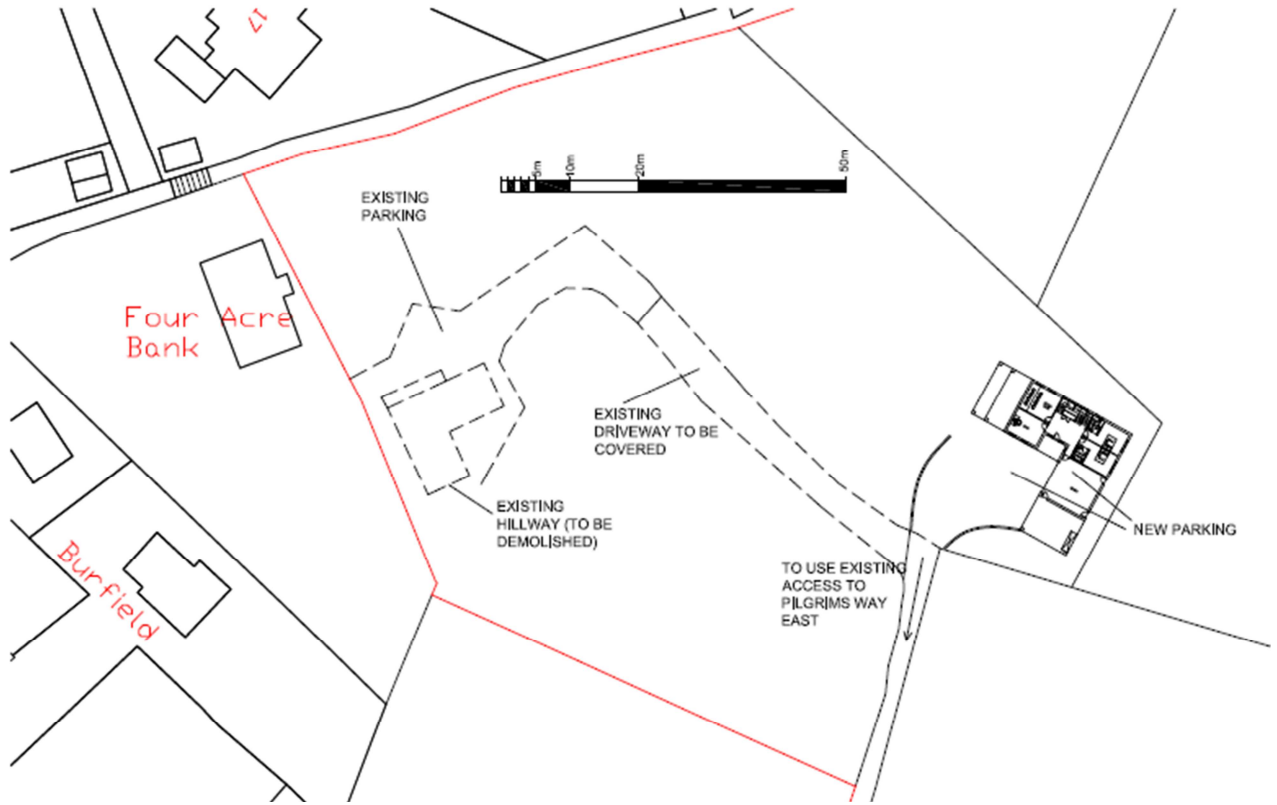
Date 05/02/2014



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DISTRICT COUNCIL

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**Block Plan**



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

103 → NPPF states that very special circumstances to justify inappropriate development will not exist unless the harm because of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- → The applicant has advised that the floor area of the car port area (below the Master Bedroom complex) (is 45.24 m<sup>2</sup>) if this is added onto the proposed dwelling that the total floor space would be 412.98 m<sup>2</sup> and would thus not make the dwelling 'materially larger'.
- → The 'over-sailed' areas and the carport, should not be counted as part of the area of the new dwelling for the purposes of considering Policy H13 compliance. As space is not habitable, and as H13 makes clear, the correct comparison should be of habitable space.
- → Under application 11/02762 – the permitted replacement – the basement space due to its lack of impact upon the openness of the Green Belt. The 21.5-metre by 1.8-metre balcony approved on that house was not taken into consideration. If the same approach is taken here, then the above-ground areas of the permitted. The open but covered space at ground floor is not directly comparable to normal habitable space in that it clearly has less impact upon the openness of the Green Belt due to it being open and 2.7m below the existing 'field' surrounding land.
- → Even if the over-sailed space was taken into account in the overall space calculation together with the basement, then very special circumstances exist to justify it, namely the lack of harm to openness due to the additional space being partly underground and partly open-sided, non-habitable areas. It is also worth considering that in this sensitive location, covered, but open space, would be ideally suited for storage of outdoor furniture/garden items, thereby reducing the need for sheds or other outdoor storage buildings normally associated with houses in large grounds.
- → Unlike the existing Hillway, and the approved design, this latest proposed design does sit substantially lower (3m+) in the ground which I hope that you can accept dramatically minimises its impact on the openness of the Green Belt compared to the existing Hillway and the approved design.

104 → The applicant's very special circumstance case is based on the fact that they consider that the proposed habitable floor area of the dwelling is no greater than the existing floor area of the dwelling. The argument by the applicants is that the floor space 'over-sailed' by the first floor and carport should not be counted as part of the area of the new dwelling for the purposes of considering Policy H13 compliance. They are of the view that the space is not habitable, and as H13 make clear.

105 → It is the Council's view the proposed dwelling is not in fact comparable to the floor area of the existing dwelling and the scale and massing is significantly larger. In any event the test under the NPPF, does not compare habitable floor area but assess where the proposed design is materially larger than the existing dwelling.

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- 106 → The applicants do not consider it necessary to include the carport or the large area of undercroft in the external floor area calculations. The approach is not comparable with the NPPF, where we assess the bulk, scale and massing as well as floor space to assess the impact on the Green Belt. ¶
- 107 → With the enclosed undercroft and the carport, the floor space of the proposed dwelling with the ground and first floor measuring 494.5 m<sup>2</sup>, with an underground basement area measuring an additional 279.1 m<sup>2</sup>. In this respect, it is considered that the proposal is materially larger than the existing dwelling for the reasons set out earlier in this report and summarised in the table comparing floor space and roof heights. ¶
- 108 → The previous application (11/02762/FUL) was approved as a very special circumstances case as the proposed habitable floor area of the dwelling was no greater than the existing floor area of the dwelling. In this respect, the floor space was considered to be acceptable and the bulk of the building was considered to be comparable to the bulk and scale of existing dwelling. This decision was made when policy H13 had more weight in comparison to the NPPF. ¶
- 109 → In report on 11/02762 -- the permitted replacement -- the applicant states that we effectively discounted the basement space due to its lack of impact upon the openness of the Green Belt, and did not take account of the 21.5 metre by 1.8 metre balcony approved on that house. If the same approach is taken here, then the above ground areas of the permitted and proposed dwellings remain the same. ¶
- 110 → It was previously concluded that there were very special circumstances in relation to the proposed basement under application 11/02762. The Council is not contesting the size and scale of the proposed basement in respect of the proposed application in view of the fact that the space would be fully below level and subterranean. ¶
- 111 → The applicants also have mentioned the fact that a large balcony was proposed on the previous approved scheme. Although this statement is true, the space was not enclosed and was open on all sides. In this respect, it was not considered to be habitable. The proposed unenclosed balcony to the west was not included in the calculations. However, the policies that apply now give more weight to the NPPF over policy H13 so the key test is whether the new scheme would be materially larger than the existing and the % of floor space increase has less weight. ¶
- 112 → The applicants also state that even if the over-sailed space was taken into account in the overall space calculation together with the basement, then very special circumstances exist to justify it, namely the lack of harm to openness due to the additional space being underground and partly open-sided, non-habitable areas. In addition to this, it is also proposed that the carport space would be ideally suited for storage of outdoor furniture/garden items, thereby reducing the need for sheds or other outdoor storage buildings normally associated with houses in large grounds. ¶
- 113 → Even though the sides of the ground floor veranda area open, this area still has a bulk that impacts on the openness of the Green Belt. Again, the fact that there is limited outdoor storage, is not a very special circumstance. Integral to the house is a large double garage that can be used to provide space of this nature. If sheds

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and the like are required by the applicants then some of the floor area should be used for storage of this nature not in addition to. ¶

114 → The applicants also make the case that unlike the existing Hillway, and the Approved Design, this latest Proposed Design does sit substantially lower (3m+) in the ground which minimises its impact on the openness of the Green Belt compared to the existing Hillway and the approved design. Regardless of this, the proposed house is a lot more bulky in terms of its size and scale in contrast to the house that is to be demolished. This circumstance case is supposed to be based on the fact that the proposal is not materially larger, but in my view the proposed dwelling is materially larger, it is greater in its size and scale and has a greater impact on the openness of the Green Belt. ¶

115 → In conclusion, it is therefore submitted that the very special circumstances that have been put forward for the building, in whole or part, do not outweigh the harm in principle or the other harm to the purposes of including land in the Green Belt, to the openness of the Green Belt and to the visual amenities of the Green Belt, and therefore, there can be no very special circumstances in this case. ¶

3.3 – SE/13/03017/HOUSE Date expired 20 January 2014

**PROPOSAL:**                       Erection of a part single storey side and two storey side/rear and single storey rear extension together with rear loft dormer.

**LOCATION:**                        5 Woodside Road, Sundridge, Sevenoaks TN14 6DN

**WARD(S):**                        Brasted, Chevening and Sundridge

**ITEM FOR DECISION**

This application has been referred to Development Control Committee by Councillor Piper due to concerns about the size and bulk, overdevelopment, the impact on this pair of dwellings and on parking.

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

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

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

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

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

3)       No development shall take place until details of the layout and construction of areas for the parking of cars including garage spaces and means of access have been submitted to and approved in writing by the Council. The parking areas approved shall be provided and kept available for parking in connection with the use hereby permitted at all times.

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

4)       No window(s) or other opening(s) shall be inserted at any time in the first floor west and east flank elevation(s) of the 2 storey side extension hereby approved, despite the provisions of any Development Order.

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

5)       The development hereby permitted shall be carried out in accordance with the following approved plans: MP003 and MP003 rev 04 A.

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

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### **Note to Applicant**

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

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

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.

### **Description of Proposal**

- 1 The proposals seek to demolish the existing single storey pitched roof side extension and erect a 2.9m wide 9.2m deep (3.6m deeper than rear of house at ground floor & 3m at first floor), 2 storey extension to the west flank of the house. This would create an "L" shaped footprint to the house. A 3.6m deep single storey, flat roof extension is also proposed to the rear of the existing house, with a glazed lantern above. This would be approximately 5.35m wide and set 3.1m off the boundary with the adjoining property, no.7.
- 2 The 2 storey extension would be set back approximately 0.2m at ground floor and 1.2m at first floor, from the main front face of the house. Eaves level would match existing, with the ridge approximately 0.5m below. It would incorporate a hip to the front elevation and gable to the rear.
- 3 Internally, it is proposed to create an access to the loft of the main house by providing stairs via the smallest 1<sup>st</sup> floor bedroom. This would create a modest but useable area to be served by a new, 3.5m wide, 2.2m high, pitched roof rear dormer.
- 4 Materials are to match existing. The parking area is to be laid out in mono block paving.



### Description of Site

- 5 The application property is located towards the western end of the road. The plot accommodates a modest semi-detached, 2 storey house with small front garden and larger rear garden. Nos. 1 – 8 differ slightly from the rest of the properties in the road in terms of materials, but their height and scale closely reflects the rest of the street. Furthermore, though the gaps between the pairs of semi-detached properties is more modest than the rest of the street the gaps are sufficient to retain this characteristic feature of the road.

### Constraints

- 6 Built confines of Sundridge
- 7 Area of Outstanding Natural Beauty.

### Policies

#### *Sevenoaks District Local Plan*

- 8 Policies - EN1, H6B, VP1

#### *Sevenoaks Core Strategy*

- 9 Policy -SP1

### Planning History

- 10 SE/13/00211/HOUSE: The erection of 2 storey side and rear extension with dormer to east side elevation. Refused on 24.9.13 on the following grounds:

“1) The proposed 2 storey side extension, by reason of its siting, scale and design, would: 1. represent an overbearing and unduly dominant form of development which would not only unbalance the design of this pair of semi-detached dwellings but also significantly close the visual gap to the neighbouring property to the detriment of the established spatial character of development in the immediately locality in particular and visual amenities of the street scene in general; 2. represent an unduly overbearing and dominant form of development which would detract from the amenities presently enjoyed by the occupiers of the neighbouring properties. As such the proposals would be contrary to policies EN1 and H6B of the Sevenoaks District Local Plan and Sevenoaks District Council Residential Extensions Supplementary Planning Document.

2) The lack of off street parking would be likely to result in increased pressure for kerbside parking along this relatively narrow road to the detriment of highway safety and the visual amenities of the street. As such the proposals would be contrary to policy EN1 of the Sevenoaks District Local Plan.”

### Consultations

#### *Sundridge Parish Council:*

- 11 The Parish Council noted and expressed gratitude for improved plans.

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12 The Parish Council noted the attention of the applicant to address the question of adequate onsite parking raised by the potential increased occupancy made possible by the proposed extension. The Parish Council feels that the parking spaces provided in the application are inadequate for an extended house that might accommodate 4 adults because although it seems to offer three spaces, in reality one of these on the admission of the applicant is inadequate in width for a normal sized car. The Parish felt that SDC as the planning authority in its decision should take account of the very difficult and contentious parking shortage in Woodside, Chapmans Road and Close and nearby Church Road;

13 The Parish Council feels that other comments made at earlier stages of this application remain valid and worth consideration and in particular: the visual style differing from existing houses and the possibility of terracing and infill along the road which would urbanise the road. We therefore see no reason to change our previous comments.

Original comment:

14 The Parish Council have examined carefully the revised plans which we still find inadequate in their presentation. There are no measurements and different scales are used across the plans. We feel that there are no details regarding the third floor.

15 We still have objections to the following points. There is inadequate parking for a house with 6 potential bedrooms in AONB which has inadequate parking. Further, there is additional volume by adding a third and higher floor, with an increased ridge to be over an estimated 2m higher. The additional bulk to the property is created by extending upwards and backwards and would create terracing. We feel that the character of the AONB street scene of mainly unspoilt post war Swedish timber framed housing would be compromised. There are no relevant precedents.

Original comment:

16 Object. The Parish Council do not believe that the application has any more merits than previous submissions. Our previous comments still stand:

Object.

- The Parish Council feels that the plans contain errors (walls not aligned or joining)
- The proposal may without mention or justification be what is essentially a separate residence.

17 There appears to be a second stair case and no obvious access from the first floor from the existing to the proposed extension. If this is the case then the two dwellings should be tied by something like a 106 agreement prohibiting future separate sale.

- The 50% rule may be involved.
- The proposed extension would change adversely the visual character of the local neighbourhood by adding infilling and bulk where it does not now exist.

- The proposal will add to parking difficulties in an area where this is already an issue for residents by reducing existing onsite parking at the same time as potentially adding to the number of residents. The result will be additional parking on the grass verges which are an attractive feature of the neighbourhood.

### Representations

18 None received.

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

#### *Size, design and impact on street scene:*

- 19 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 1 states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Policy H6B of the SDLP states that residential extensions shall be subject to the principles in Appendix 4. Amongst other things, Appendix 4 states that the extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling or adversely affect the street scene.
- 20 The Council's adopted Residential Extensions Supplementary Planning Document is also relevant to the proposals. Paragraphs 4.5 to 4.9 relate to the siting, scale and form of extensions and amongst other advice states that extensions should respond positively to the features of the area including the pattern of buildings and the spaces between them. The scale and form of an extension should normally fit unobtrusively with the building, should be proportionate and should not have an overbearing impact on the building itself or the street scene.
- 21 Paragraph 4.18 explains that the infilling of the spaces between houses with a 2 storey extension could create a terraced and cramped appearance at odds with the regular pattern of development.
- 22 Side extensions built flush with the existing front elevation of a house may also affect the symmetry of a pair of semi-detached properties. A minimum gap between houses of 1m is recommended, though this gap may need to be wider depending of the context. A side extension should not dominate the original building. Rear extensions should not normally exceed 3m in depth from the rear of the property.
- 23 The proposal has been fairly extensively re-designed following the refusal of the earlier submission. The side extension has been significantly reduced in depth, with the result that there would be in the order of a 2.9m gap to the party boundary with the next detached property to the west. The gaps between building blocks are an important feature of the street scene and indeed, this was one of the reasons the previous application was refused.
- 24 In my view the gap now proposed – 2.9m to the boundary and approximately 5.5-6m from the flank of no.3 would be adequate to maintain the visual break between the buildings and hence the character of the street scene. Furthermore,

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the set back of the side extension and reduction in height would also help this, by ensuring that the overall length of the main existing frontage remains unaltered. It would also ensure, in my view, that the side extension would read as a subservient addition to the original house.

- 25 Turning to the rear dormer, whilst quite wide, the height has been kept below the ridge of the house and the dormer includes a low pitched roof. The dormer would be set reasonably comfortably within the overall form of the rear roof and thus I consider it to be acceptable in design terms. Four rooflights are proposed to the front roof, but these would be modest in size.
- 26 The rear single storey extension is designed to keep the height down and incorporate a roof lantern. I consider it to be subservient to the main building.
- 27 I therefore consider the design to be acceptable and to comply with the relevant policies set out above.

### *Impact on residential amenity:*

- 28 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.
- 29 The only window in the east flank of no.3 Woodside Road would be the upper portion of a glazed kitchen door. This room has main windows front and rear. As now amended, the extension would be set well away from the neighbouring property and combined with the reduced height and would not, in my view, result in an unduly overbearing or dominant form of development in terms of the impact on no.3, when viewed from either the flank or the rear amenity space.
- 30 I consider the 2 storey extension to be set far enough from the adjoining neighbour (no.7) to avoid an unacceptable visual impact. The single storey element would be only 2.6m in height and would be set some 3m off the boundary with this adjoining property.
- 31 The rear facing dormer would be unlikely to result in a significantly greater degree of overlooking of neighbouring properties than the existing 1<sup>st</sup> floor windows immediately below. The extension would be set far enough from properties to the rear, and well enough screened by existing foliage to have an acceptable impact in this respect.
- 32 In light of the above, I consider the impact on the amenities of the neighbouring occupiers to be acceptable.

### Other issues:

- 33 Criteria 6) of SDLP EN1 policy states that the proposed development must ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards.

- 34 The proposals would effectively add one further useable bedroom to the house (to total 4, as 1 would be lost to allow for stair access to the loft). This would require the provision of an additional space over and above the 2 required by the relevant parking standards for a 3 bed house.
- 35 The layout plan from the applicant indicates that 3 spaces can be provided on site, though I have reservations over the functionality of this, as in reality it would be awkward to manoeuvre in and out of the space directly in front of the house. However, with some increase in the width of the dropped kerb, this space could be utilised. However, it may be preferable to seek 2 spaces and retain a greater degree of front garden. I would note that the 2 preferable spaces would be in tandem to the side of the house, however, I do not consider this a particularly unusual layout and do not consider it would prohibit use of these spaces.
- 36 In the circumstances, I consider an acceptable parking layout could be designed and do not consider a refusal on the grounds of lack of off-street parking would warrant refusal of this application.
- 37 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.
- 38 Section 85 of that Act requires decision-makers in public bodies, in performing any function affecting land in an Area of Outstanding Natural Beauty, to have regard to the purpose of conserving and enhancing the natural beauty of that area.
- 39 Core strategy L08 states that the distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty will be conserved and enhanced.
- 40 The extensions to the house would be seen in the context of the neighbouring built form and also the wider suburban context of Sundridge. In the circumstances, I do not consider the proposals would be harmful to the wider character and appearance of this part of the Area of Outstanding Natural Beauty.

### **Conclusion**

- 41 In light of the above, I consider the present proposals to represent a significant improvement over the previous submission. The side extension is of much reduced scale and would appear subservient to the main house. The characteristic gap between buildings would be maintained to the benefit of the street scene. I therefore consider the design acceptable.
- 42 Furthermore the size and depth of the proposed side extension (3m at first floor level), together with the set off the boundary with no.3 would ensure a satisfactory impact on amenity. The single storey extension and rear dormer are also considered acceptable in design and amenity terms.
- 43 It is considered that satisfactory parking can be provided on site and I recommend that this is subject to a suitable condition.

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### **Background Papers**

Site and Block plans

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

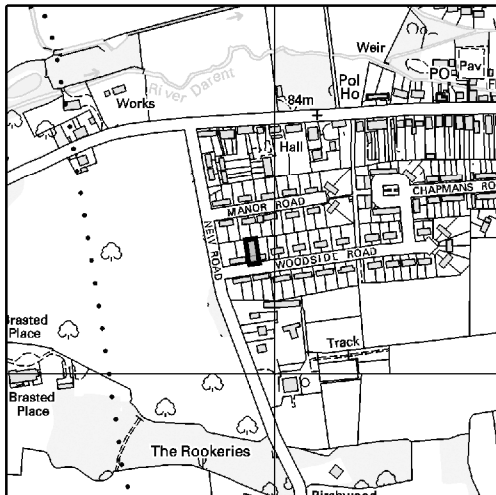
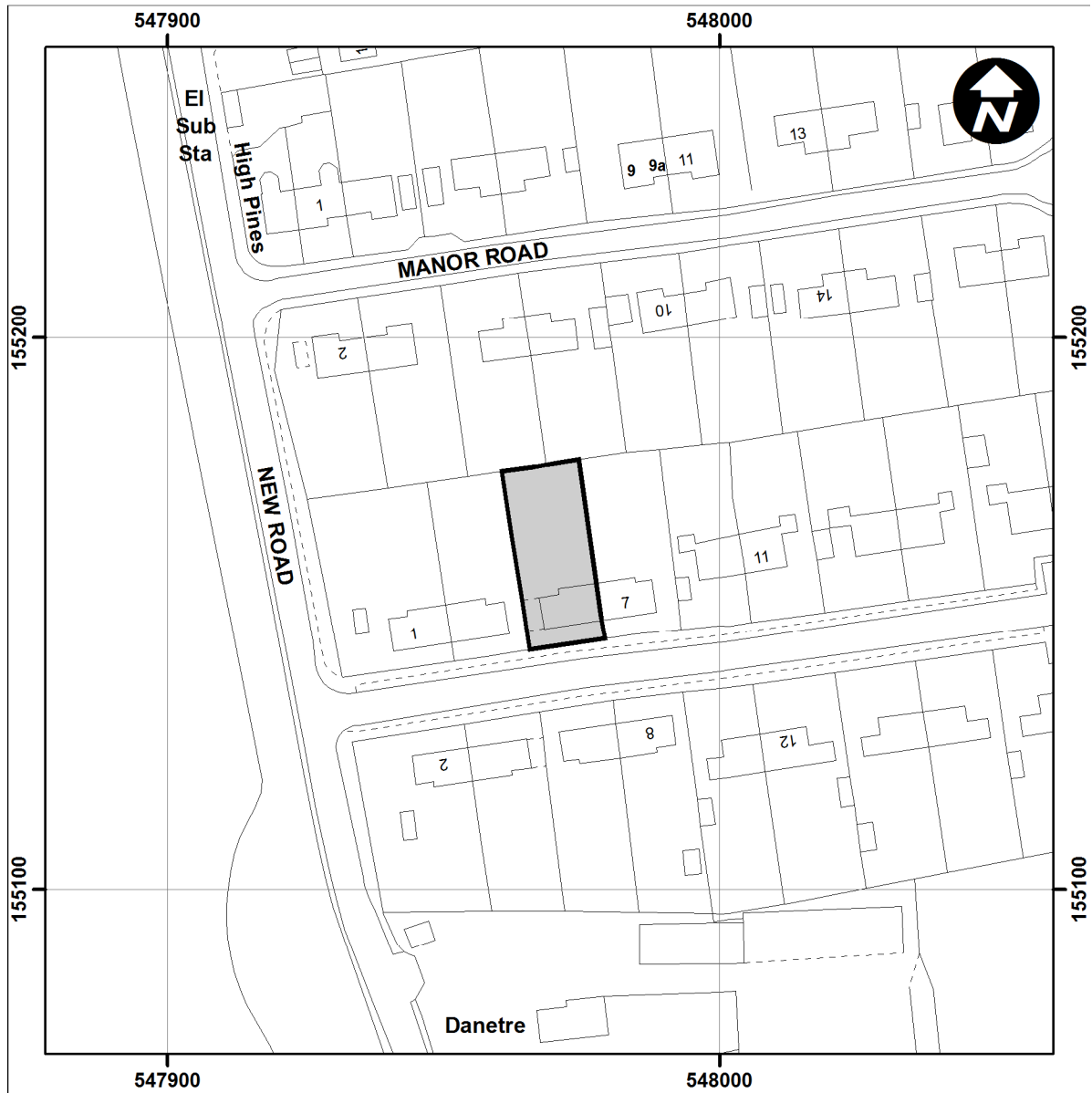
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MUHSSUBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MUHSSUBK8V000>



# Site Plan

Scale 1:1,250

Date 12/02/2014



**Sevenoaks**  
DISTRICT COUNCIL

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