

DEVELOPMENT CONTROL COMMITTEE

12 June 2014 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Williamson

Vice-Chairman Cllr. Miss. Thornton

Cllrs. Mrs. Ayres, Bosley, Brookbank, Brown, Clark, Cooke, Edwards-Winsor, Firth, Gaywood, McGarvey, Neal, Orridge, Mrs. Parkin, Raikes, Miss. Stack, Underwood and Walshe

Pages

Apologies for Absence

1. **Minutes** (Pages 1 - 10)
To approve the minutes of the meeting of the Committee held on 20 May 2014 as a correct record.
2. **Declarations of Interest or Predetermination**
Including any interests not already registered
3. **Declarations of Lobbying**
4. **Planning Applications - Chief Planning Officer's Report**
 - 4.1. **SE/14/00188/FUL - Land West Of 9 Mount Harry Road, Sevenoaks TN13 3JJ** (Pages 11 - 32)
Erection of 5 bedroom detached dwelling with integral garage
 - 4.2. **SE/14/00622/HOUSE - Kursella, Sevenoaks Road, Otford, Sevenoaks TN14 5PA** (Pages 33 - 44)
The erection of a first floor extension to the north elevation, a one and a half storey extension to the south elevation to provide a garage with accommodation in the roof, part two storey and part single storey extensions to the rear, alterations to the roof and a loft conversion, the addition of a pitched roof dormer window and roof light to the rear roof slope and two pitched roof dormer windows in the front roof slope alterations to the fenestration and a front canopy porch.

- 4.3. **SE/14/00744/HOUSE - 48 Willow Park, Otford, Sevenoaks TN14 5NF** (Pages 45 - 58)

The erection of two storey side and part rear extension. Pitched roof to porch to replace existing flat roof.

5. **Tree Preservation Orders**

- 5.1. **Tree Preservation Order (TPO) No 4 of 2014 Located at Mapleton House, Mapleton Road, Four Elms** (Pages 59 - 64)

That the Tree Preservation Order No 4 of 2014 not be confirmed.

- 5.2. **Tree Preservation Order (TPO) No. 18 of 2013 Located at Land to the North of Sydenham Cottage, Sparepenny Lane, Eynsford** (Pages 65 - 68)

That the Tree Preservation Order No 18 of 2013 be confirmed without amendments.

EXEMPT ITEMS

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

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

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

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

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

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 9 June 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.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 20 May 2014 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Edwards-Winsor, Firth, Gaywood, McGarvey, Orridge, Mrs. Parkin, Miss. Stack, Underwood and Walshe

Apologies for absence were received from Cllrs. Bosley, Cooke, Neal, Raikes and Miss. Thornton

Cllrs. Ayres, Fittock, Fleming, Mrs. George, Mrs. Morris, Piper, Mrs. Sargeant and Searles were also present.

The Chairman advised the meeting would commence at 7.05pm to allow Members time to consider the Late Observations.

1. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 24 April 2014 be approved and signed by the Chairman as a correct record.

2. Declarations of Interest or Predetermination

There were none.

3. Declarations of Lobbying

All Members of the Committee declared that they had been lobbied in respect of minute item 6 - SE/13/03596/FUL Former Site of The Farmers, London Road, Sevenoaks, Kent.

Unreserved Planning Applications

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

4. SE/13/03557/FUL - Hillway , Pilgrims Way East, Otford, Sevenoaks TN14 5RX

The application was for permission for the demolition of an existing house and the erection of new replacement dwelling. At its meeting on 5 March 2014 the Committee had agreed to approve the development in principle, subject to agreeing the wording of conditions with local ward members. The conditions had been referred back to the Committee for determination.

Members' attention was brought to the late observations sheet which proposed changes to condition 6 and informative 2 of the recommendation.

Agenda Item 1

Development Control Committee - 20 May 2014

Resolved: The list of conditions proposed by officers which is as follows be agreed and the application be approved subject to these conditions:

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

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

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

Reason: To ensure that the appearance of the development enhances the character and appearance of the dwelling as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

Reason: To ensure that any such proposal is considered on its merits having regard to the openness of the Green Belt, the character of the landscape and the principle of this development, that was approved based on very special circumstances as inappropriate development in the Green Belt.

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

Reason: To ensure that any such proposal is considered on its merits having regard to the openness of the Green Belt, the character of the landscape and the principle of this development, that was approved based on very special circumstances as inappropriate development in the Green Belt.

5) No development shall take place until details of the: existing levels of the land; any proposed slab and finished floor levels and any changes in levels have been submitted for approval. The development shall be carried out in accordance with the approved details.

Reason: To maintain the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

6) No development shall be carried out on the land until a scheme of soft landscaping has been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying 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 and maintenance. In addition the scheme shall include indications of all existing trees and hedgerows on the land and measures for their protection throughout the course of the development. No existing tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any existing tree or hedgerow be topped or lopped without the

prior written approval of the Local Planning Authority. The soft landscape works shall be carried out in accordance with the approved details prior to the occupation of the dwelling or in accordance with a programme of implementation agreed in writing with the Local Planning Authority.

Reason: To maintain the visual amenity of the area as supported by policy EN1 of the Sevenoaks District Local Plan, L08 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

7) 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.

Reason: To maintain the visual amenity of the area as supported by policies EN1 of the Sevenoaks District Local Plan.

8) No development shall be carried out until a scheme of hard landscaping (which includes surfacing details), has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details. The hard landscape works shall be carried out before the first dwelling is occupied or in accordance with a programme of implementation agreed in writing with the Council. The landscape works shall be carried out in accordance with the approved details.

Reason: To maintain the visual amenity of the area as supported by policies EN1 of the Sevenoaks District Local Plan.

9) Notwithstanding the information on the plans, no development shall be carried out until full details of all existing and proposed means of enclosure have been submitted to and approved in writing by the Local Planning Authority. These details shall include a plan indicating the positions, design and materials of all means of enclosure and a timetable for implementation. The development shall be carried out in accordance with the approved details.

Reason: 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.

10) Before occupation of the dwelling hereby approved the existing buildings shown for removal on the approved plan no. P07 shall be demolished and all materials arising there from shall be removed from the site.

Reason: In the interests of residential and visual amenities of the area and the open character of the Green Belt in accordance with Policy EN1 of the Sevenoaks District Local Plan, L08 of the Sevenoaks Core Strategy and the advice and guidance in the NPPF.

11) The works required for the development authorised by this permission shall only be carried out in accordance with the details of the Kent Wildlife Trust Management Plan dated June 2011 (The Management Plan).

Agenda Item 1

Development Control Committee - 20 May 2014

Reason: In the interests of nature conservation as supported by Policy EN17B of the Sevenoaks District Local Plan.

12) No development shall commence until details have been submitted of a monitoring scheme for the Kent Wildlife Trust Management Plan dated May 2011 (the Management Plan). This monitoring scheme shall include details of routine monitoring of key indicators of success and details of how management of the site will be amended due to the monitoring results. The Management Plan shall be monitored in accordance with the approved details.

Reason: In the interests of nature conservation as supported by Policy EN17B of the Sevenoaks District Local Plan.

13) No development shall commence, until a strategy for biodiversity enhancement, has been submitted to and approved in writing by the Local Planning Authority together with a timetable for implementation and maintenance. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of nature conservation as supported by Policy EN17B of the Sevenoaks District Local Plan.

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

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

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

Reason: In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, policies CC2 & CC4 of the South East Regional Plan and the advice and guidance in the NPPF.

15) The development hereby permitted shall be carried out in accordance with the following approved plans 100 A, P01, P02 A, P03 B, P04/1 C and P04/2 C, P07 D and P07 received 29th November 2013

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

16) No development shall commence until a scheme of lighting has been submitted to and approved in writing by the Local Planning Authority. The lighting details shall be in accordance with the following details:-

a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury OR metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.

- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' 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. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds

Reason: In the interests of nature conservation as supported by Policy EN17B of the Sevenoaks District Local Plan.

Informatives

1) In respect of condition 13 above, the applicant's attention is drawn to the comments received from Natural England dated 18 December 2013 in response to the application, which address the issue of enhancements. These comments have been copied in full for information for the benefit of the applicant. The applicant is advised to consider incorporating enhancements recommended by Natural England into any subsequent strategy for biodiversity enhancement.

Biodiversity enhancements

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*'.

Agenda Item 1

Development Control Committee - 20 May 2014

Landscape enhancements

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.

2) Please note that the preference for facing materials for the main dwelling, to be submitted for condition 2, should include a local red brick finish.

Reserved Planning Applications

The Committee considered the following planning applications:

5. SE/13/03751/FUL - Birchwood County Primary School, Russett Way, Swanley BR8 7TP

The Committee was advised that the item had been withdrawn from the agenda because the applicant had withdrawn the planning application.

6. SE/13/03596/FUL - Former Site Of The Farmers, London Road, Sevenoaks, Kent

The proposal was for the construction of a residential led mixed use scheme comprising 39 flats (5 no. one bed and 34 no. two bed), 4 no. retail (A1/A2) units and car parking, service yard, landscaping and associated works. The application had been referred to Development Control Committee by Councillor Fleming on the grounds of overdevelopment, uninspiring design, and lack of affordable housing.

Members' attention was brought to further information contained within the late observations sheet, but did not propose any amendments or changes to the recommendation before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Helen Locking
Parish Representative:	-
Local Member:	Cllr. Fleming

Members asked questions of clarification from the Speakers and Officers. Members asked what the difference in height was between the proposal and the extant permission SE/10/03271 granted on appeal. Members were referred to the report. At its highest the proposal was 2.5m above the existing permission (but would be recessed) then would move to 6m higher where the increase was from 3 to 5 storeys. The proposal would step down to be the same height and then lower at its eastern boundary.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions and subject to completion of a S106 agreement to secure affordable housing within a 2 month period be adopted.

Members noted the comments of the Highways Authority and did not feel that these had been appropriately dealt with by the applicants.

It was suggested that the design was a substantial change from the extant permission as the peak would be higher and most of the length of the building on London Road would be substantially higher. The design was considered out of keeping with the majority of buildings in the area and another Member indicated that the area was historically characterised by low-rise Victorian design. The site was a principal gateway to a market town. The proposal failed to add to the quality of the area and did not respect the character of the area.

The motion was put to the vote and it was lost.

It was moved by the Chairman and duly seconded that planning permission be refused on grounds that the building would have an overbearing impact due to excessive bulk, height and scale, that it would be detrimental to the appearance of the street scene and that it would fail to respond positively to the character of the local area.

Members indicated that the development could create a “canyon” effect along London Road.

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

Resolved: That planning permission be REFUSED on the grounds that:

1 the excessive bulk and height of the proposed development would have an overbearing impact on the street scene in a prominent gateway position into Sevenoaks, and the design would fail to respond positively to the local character of the area. This would be contrary to Policy EN1 of the Sevenoaks District Local Plan, Policies SP1 and SP7 of the Sevenoaks Core Strategy, Policy EN1 of the emerging Sevenoaks District Council Allocations and Development Management Plan, and the National Planning Policy Framework; and

2 in the absence of a completed S106 agreement to secure affordable housing, the development would fail to make adequate provision towards such housing in the District, contrary to Policy SP3 of the Sevenoaks Core Strategy.

The Committee noted the request of Cllr. Fleming that in the event of an appeal against refusal for Officers to make representations for planning conditions to control the materials used, in consultation with the local Members, and that parking spaces be attached to residential units.

Cllr. Brown entered the Chamber.

7. SE/13/03843/CONVAR - Land East Of, Park Lane, Swanley Village, Swanley, Kent

Agenda Item 1

Development Control Committee - 20 May 2014

The proposal was for the removal of conditions 3 (Residency), 4 (Occupation restriction) and 6 (Siting) of planning permission SE/07/02075/FUL which had been for the change of use to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding (Resubmission of SE/06/02550/FUL).

The application was referred to the Committee as the officer's recommendation was at variance to the Town Council's. Councillor Brookbank had also requested that members consider the departure from the Green Belt policy and the "very special circumstances".

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Angus Murdoch
Parish Representative:	-
Local Member:	Cllr. Searles

Members asked questions of clarification from the Speakers and Officers. Officers explained that there were no outstanding enforcement actions against the applicants for the site.

The Case Officer advised that condition 6 was not now to be altered. The applicants had accepted the Officer's recommendation that alteration to that condition be refused.

A Member noted that condition 3 of the original permission gave Mr Dibsdall and his residential dependents permission to live on site because he was intended to be carer for the applicant, Mr Clarke. However Mr Dibsdall had found the caring onerous and had not moved on site. The Member sought evidence on the suitability of Mr and Mrs Clarke's daughters who were proposed to be new carers.

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

Members raised concerns at the number of people who would be given permission to reside on the site. The agent for the applicant confirmed there would be 4 adults under this permission. Members noted there could be many dependents. Officers clarified that the proposed condition 2 meant that the land was to be restored to its former condition once no longer required by either Mr or Mrs Clarke; carers and their dependents would have to leave the land at that point.

In response to a question, the agent for the applicant confirmed that Mr Clarke required full-time care around-the-clock.

The motion was put to the vote and it was lost.

It was moved by the Chairman and duly seconded that the item be deferred to enable the applicant to put before the Committee information concerning the care needs on site and the suitability of the daughters as carers.

The motion was put to the vote and it was –

Resolved: That consideration of the application be deferred for further information on the justification for both Sharon Clarke Jnr and Lucy Clarke needing to be on site permanently to provide care with their children and whether they would be suitable as carers.

8. SE/14/00188/FUL - Land West Of 9 Mount Harry Road, Sevenoaks TN13 3JJ

The proposal was for the erection of a 5 bedroom detached dwelling with integral garage. The application was referred to the Committee since the Officer's recommendation was at variance to the view of Sevenoaks Town Council and at the request of Councillor Raikes who shared the concerns of the Town Council.

Members' attention was brought to further information contained within the late observations sheet.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Peter Hadley
Parish Representative:	-
Local Member:	Cllr. Fleming

The local Member drew attention to the concerns raised by the Highways Authority and that there had been no response from the Authority confirming that they were satisfied. These concerns were the possible substandard visibility from the eastern access, uncertainty as to the intended splays and some confusion that vegetation below 1m was to be removed.

The agent for the applicant confirmed that the plan should refer to removal of vegetation over 1m. The case officer added that the eastern access was outside of the red line marking the application site. Highways matters had not been raised as an objection in SE/10/02641, a similar proposal which had only been refused by the Inspector on grounds of lack of affordable housing contribution.

Members were asked to note the tabled representation from Cllr Raikes in the late observations sheet. Members asked questions of clarification from the Speakers and Officers.

It was MOVED by the Chairman and was duly seconded that consideration of the application be deferred to allow officers to seek a clarification from the Highways Authority on the matters raised and whether their concerns had been satisfied.

The motion was put to the vote and it was –

Resolved: That consideration of the planning application be DEFERRED to allow officers to seek a clarification from the Highways Authority on the matters raised and whether their concerns had been satisfied.

9. SE/13/03811/ADV - Car Parks, Nightingale Way, Swanley, Kent

Agenda Item 1

Development Control Committee - 20 May 2014

The proposal sought advertisement consent for the retention of signage associated with an existing surface pay and display car park. This application was limited to the display of 19 non-illuminated signs of varying size and design, although there were in excess of 40 signs displayed throughout the site, the others being without consent. The application had been referred to the Committee by Councillor Fittock to consider the impact of the advertisements on amenity and public safety.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	-
Parish Representative:	Cllr. Searles
Local Member:	Cllr. Fittock

Members asked questions of clarification from the Officers. Members asked the relevance of the signs as the payment machine itself did not have planning consent. The case officer advised that no enforcement action had been taken against the placing of the payment machine but the applicant had said they would submit a planning application for it by 1 June 2014.

In response to a question, Officers confirmed that the signs had been installed without prior consultation.

It was MOVED by the Chairman and was duly seconded that consideration of the application be deferred to allow the application for advertising consent to be considered at the same meeting as planning permission for the ticket machine.

The motion was put to the vote and it was –

Resolved: That consideration of the application for advertising consent be DEFERRED to allow the application for advertising consent to be considered at the same meeting as planning permission for the ticket machine.

THE MEETING WAS CONCLUDED AT 10.12 PM

CHAIRMAN

4.1 – SE/14/00188/FUL Date expired 3 April 2014

PROPOSAL: Erection of 5 bedroom detached dwelling with integral garage

LOCATION: Land West Of 9 Mount Harry Road, Sevenoaks TN13 3JJ

WARD(S): Sevenoaks Town & St Johns

- 1 The application has been returned to the Development Control Committee following the decision by the Committee to defer the item at the meeting of 20th May 2014.
- 2 The reason the application was deferred was to allow officers to seek clarification from the Highways Authority on the matters raised and whether their concerns had been satisfied.
- 3 The Highways Engineer has since provided the following comments:

 ‘Thank you for confirming that the application site (as well as property number 9) is subject to a planning condition from 10/02639 stating that:

 "The development hereby permitted shall not be used or occupied until a 2.4m visibility strip measured from and parallel to the face of the kerb has been provided across the whole of the site and anything which obstructs visibility at any height greater than 0.9m above the surface of the adjoining carriageway has been removed. Thereafter the visibility strip shall be maintained free from obstruction at all times.

 Reason - In the interests of highway safety and visual amenity as supported by policy EN1 of the Sevenoaks District Local Plan."

 On this basis I do not intend to raise any objections to the proposal. I would however recommend a planning condition requiring that the new driveway should be constructed of a bound surface within 5 metres of the highway boundary, for reasons of highway safety.’
- 4 The original report is reproduced below, followed by the statement of Councillor Raikes and a letter of representation included in the late observations to the previous Committee (see Appendix 1).
- 5 Members’ attention is also drawn towards the Inspector’s appeal decision relating to SE/10/02641/FUL, which is also appended to the officer’s report (see Appendix 2).
- 6 The recommendation remains unchanged other than the insertion of the condition above suggested by the Highways Engineer relating to the surface of the driveway.

Agenda Item 4.1

4.1 – <u>SE/14/00188/FUL</u>	Date expired 3 April 2014
PROPOSAL:	Erection of 5 bedroom detached dwelling with integral garage
LOCATION:	Land West Of 9 Mount Harry Road, Sevenoaks TN13 3JJ
WARD(S):	Sevenoaks Town & St Johns

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Town Council and at the request of Councillor Raikes who shares the concerns of the Town Council.

RECOMMENDATION A: That subject to receipt of a signed and valid S106 Obligation to secure the off site affordable housing contribution within 28 days of the decision of the Development Control Committee, that authority be delegated to the Chief Planning Officer to GRANT planning permission 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.

The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Council Core Strategy.

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: COB/09/315/200B and COB/09/315/203A.

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 dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

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

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

proposed number/densities); and-a programme of implementation.

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

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

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

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

7) The first floor windows in the two side elevations of the approved dwelling shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level.

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

8) No extension shall be carried out to the dwelling hereby approved, and no outbuilding shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To prevent future damage to the Horse Chestnut tree as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

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

10) The vehicle parking and turning area shown on the approved drawing number COB/09/315/200B shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the vehicle parking and turning area.

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

11) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has

Agenda Item 4.1

been submitted to and approved in writing by the Council.

To preserve the visual appearance of the area and ensure the long term retention of the protected Horse Chestnut tree as supported by EN1 of the Sevenoaks District Local Plan 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),
- 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) Did not require any further assistance as the application was acceptable as submitted.

RECOMMENDATION B: In the event that the legal agreement is not completed within 28 days of the decision of the Development Control Committee, the application be REFUSED for the following reason:

The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Council Core Strategy.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works

with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line
(www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.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) 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 the approval of the erection of a detached house on the plot, between Nos.9 & 11 Mount Harry Road. The existing plot would therefore be split roughly down the middle, with No.9 retaining the larger of the two plots.
- 2 The property is proposed to be two storey in design, with accommodation in its roof. The property is proposed to be mainly square shaped but would have a two storey front projection on the right hand side and a single storey rear projection. The roof of the house would be hipped up to a flat roof section. Two dormer windows are proposed to the rear roof plane of the house. The dwelling would have width of about 12.8m, a maximum length of about 16.6m, with the main house being about 10.5m long, and a ridge height of 8.15m.
- 3 A legal agreement has been sought in relation to the proposal and the only other change to the previous scheme is that the existing in-out drive that serves the site will be retained.

Description of Site

- 4 The application site comprises a large detached dwelling set on a large plot, on the south side of Mount Harry Road, adjacent to Pendennis Road. The plot rises in

Agenda Item 4.1

level from west to east and from north to south. The rear of the site possesses a large Horse Chestnut tree that is covered by a Tree Preservation Order.

- 5 The plot has a large frontage in comparison to some in the locality. However, plot and frontage sizes vary greatly as do the size and design of surrounding properties, particularly on the southern side of the street. Existing properties sit comfortably within their plots, with spacing between each property that creates a feeling of space and openness.

Constraints

- 6 The site lies within the built urban confines of Sevenoaks and a tree to the rear of the site has a Tree Preservation Order on it.

Policies

Sevenoaks District Local Plan

- 7 Policy- EN1

Sevenoaks District Core Strategy

- 8 Policies – LO1, LO2, SP1, SP2, SP3, SP5 and SP7

Other

- 9 Sevenoaks District Allocations and Development Management Plan (ADMP) – SC1, EN1, EN2 (moderate weight) and T2 (significant weight, replaces policy VP1 of the Local Plan)
- 10 The National Planning Policy Framework
- 11 Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD)
- 12 Affordable Housing Supplementary Planning Document (SPD)
- 13 Residential Extensions Supplementary Planning Document (SPD)

Planning History

- 14 SE/09/02330 Demolition of existing dwelling, construction of 2no dwellings with integral garages and revised access. Refused 23.11.09
- SE/10/00744 Demolition of existing dwelling, construction of 2no dwellings with integral garages. Refused 26.05.10
- SE/10/02639 Demolition of existing dwelling and erection of a replacement dwelling with linked two storey garage. Granted 14.01.11
- SE/10/02641 Demolition of existing dwelling, construction of 2no dwellings with integral garages. Refused 14.01.11, Appeal dismissed 25.07.11
- 15 The current application is very similar in detail compared with the scheme considered by the Council and the Inspector in 2011, SE/10/02641/FUL, which comprised two new dwellings on the site. At the same time this application was

considered the applicant also gained permission for a single dwelling on the site that has now been constructed, SE/10/02639/FUL. Although the Council refused the application for two units on the grounds of harm to the character and appearance of the area, the Inspector only dismissed the appeal on the basis that no affordable housing provision had been made.

Consultations

Sevenoaks Town Council - 06.03.14

- 16 'Sevenoaks Town Council recommended refusal on the grounds that the proposal:
- i. Does not comply with the recommendations set out in the Residential Character Area Assessment SPD
 - ii. Would have an overbearing effect on neighbouring properties
 - iii. Would be detrimental to the street scene
 - iv. Would result in the donor property being left with insufficient amenity space, exacerbated by the substantial tree in the garden.'

Kent Highways Engineer – 04.03.14

- 17 'This application may result in the two accesses being used as separate driveways for the two houses. I am concerned that at present the eastern access appears to have substandard visibility of traffic approaching round the bend on the nearside of the road.
- 18 Can the applicant please state the intended visibility splays from the eastern access, measured from a position 2 metres back from the kerb-line. To meet the normal standard the visibility splays should be at least 2m x 43m.
- 19 Can the applicant please also show the intended visibility splays on the drawing?
- 20 Finally, could the applicant please confirm that, on the application drawing, the text stating that all vegetation lower than 1m to be removed should say higher than 1m?'

Tree Officer – 17.02.14

- 21 'I have no objections to the proposal to build. I am keen, however, for the mature Horse Chestnut to remain in a single ownership and managed within one plot. The boundaries of the proposed garden may therefore need to be shortened to show this.'

Thames Water – 17.02.14

- 22 No objection raised – see file note for full comments.

Representations

- 23 Fourteen letters of representation have been received, seven of which are duplicated from three neighbours, raising concerns relating to the following matters –

Agenda Item 4.1

- Size of the existing house;
- Appearance of the driveway;
- Overdevelopment of the site;
- Proximity to adjoining houses;
- Impact on the character of the area;
- Size of the proposed house;
- Highways safety;
- Impact on the Chestnut tree;
- Use of water;
- Loss of light;
- Overbearing effect;
- Lack of soft landscaping;
- Incompatibility with neighbouring properties;
- Levels of the site;
- Sustainable development;
- Parking provision;
- Affordable housing;
- Layout and density of the development; and
- Loss of visual amenity.

Chief Planning Officer's Appraisal

24 The main issues in this case are the principle of the development, the potential impact on the character and appearance of the area and the potential impact on neighbouring amenity. Other issues include the potential impact on a protected tree, parking provision, the potential impact on highways safety, affordable housing provision, the Code for Sustainable Homes and sustainable development.

Principle of the development –

25 Paragraph 53 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

26 The NPPF also states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value (para. 111).

27 Annex 2 of the NPPF provides a definition for previously developed land stating that it is land 'which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.' This definition excludes, amongst other categories, 'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments'.

- 28 The site falls within the built confines of Sevenoaks and currently forms part of the amenity area to the side of the existing dwelling. Since the proposed site of the house comprises part of the private residential garden I consider that the site falls outside the category of previously developed land for the purposes of an assessment against the NPPF.
- 29 The site as a whole falls within the Sevenoaks Urban Area as defined by policy LO2 of the Core Strategy. This policy seeks to encourage residential development on a range of sites suitable for residential use within the urban area. In my view, the site continues to be suitable for further residential development, given that it currently has a residential use, the plot is sufficient in size to provide for a new dwelling and is located close to local services and is not a significant distance from the town centre. The proposal therefore complies with policy LO2 and the principle of the development of the site is one that the Council could potentially accept provided the scheme complies with all other relevant development plan policies.
- 30 In conclusion, the site does not comprise previously developed land and is within the built confines of Sevenoaks where residential development is acceptable but only on the basis that the development would respect the local characteristics. An assessment of this issue is carried out below.

Impact on the character and appearance of the street scene –

- 31 The NPPF also states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56)
- 32 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 33 Policy EN1 of the ADMP, which can currently be afforded moderate weight, states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.
- 34 Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

Therefore, I consider that these policies are broadly consistent with the NPPF.

- 35 The Residential Character Area Assessment SPD lists four locally distinctive positive features of the Mount Harry Road area including individually designed mostly two storey detached houses that are set back from the road along a relatively regular building line with gaps between buildings and trees and boundary hedges. The document goes on to state that in proposing new development within the Mount Harry Road Character Area development should be set back from the road and respect the relatively regular building line and mature

Agenda Item 4.1

trees and hedge, or wall and hedge, boundaries which contribute to the character of the area should be retained.

- 36 The appearance of properties in the locality varies from site to site. Most properties on the southern side of the street are large in size but are situated on appropriately sized plots with large frontages. Even though properties are large there is an open element to the character of the area. The frontages of most plots in the locality are softened by mature trees and hedging.
- 37 The width and depth of the proposed house together with the site coverage of the property would be comparable with other properties in the locality. The existing dwelling is larger in size compared with the proposed and other properties are smaller. However, a large number exhibit similar dimensions and site coverage to the proposed house. The bulk and scale of the building would also be broken up to the front and side elevations through the inclusion of various projections and varying roof heights.
- 38 The proposed ridge height of the dwelling would be at a level of over a metre lower than the existing house on the site and about a metre higher than that of 11 Mount Harry Road to the west. This would result in a development that would respond to the level changes of the street, which drop from east to west, and respecting the topography of the locality.
- 39 The proposed dwelling would retain a minimum gap of 3.4m to the existing house and a minimum gap of 2.6m to the single storey car port attached to 11 Mount Harry Road and a minimum of about 4.5m to the flank of No.11. This again, is comparable with properties in the area, with some even being built up to the side boundary of their respective plots. Given the spacing to neighbouring properties and the overall size of the plot I am of the view that the proposal would not result in an overdevelopment of the site. I also consider the layout and density of the development (around 8 dwellings per hectare) to be compatible with the general character of the area.
- 40 In terms of materials, it is proposed to finish the dwelling with brickwork, tile hanging and roof tiles. Further details of these materials can be requested by way of condition to ensure that the house preserves the character and appearance of the area.
- 41 The house would have the appearance of a two storey detached dwelling, albeit with accommodation in the roof of the building, and would be set on the established building line. Soft landscaping is a further matter that can be dealt with by way of condition and I am comfortable that the retention of the existing in-out driveway and parking area to the front of the property and existing house would continue to preserve the character and appearance of the area.
- 42 Finally, it is the case that the Inspector in 2011 accepted that the development comprising two units on the site was acceptable in terms of the character and appearance of the area. I would acknowledge that there have been additions to the development plan since the Inspector considered the proposal. However, as I have explained above I am satisfied that the proposed scheme complies with all current policy relating to this matter.
- 43 I would therefore conclude that the development would preserve the character and appearance of the street scene and therefore complies with the NPPF, policy

SP1 of the Core Strategy, policy EN1 of the Local Plan and the Sevenoaks Residential Character Area Assessment SPD.

Impact on neighbouring amenity –

- 44 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 45 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 46 Policy EN2 of the ADMP, which can currently be afforded moderate weight, states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties.
- 47 I consider that the only neighbouring properties to be potentially directly affected by the proposed development are 9 & 11 Mount Harry Road. Other surrounding properties are sufficient distance away from the application site for the proposed dwelling not to have a detrimental impact on the amenities of the occupiers of these properties.
- 48 The proposed dwelling would project roughly 2m in front of the building line of No.11, with the rear wall being located just in front of the rear. No.11 also possesses three windows in the eastern flank elevation of the house, two at ground floor level and the third is at first floor level and obscure glazed. These windows serve non-habitable rooms. Although the proposed house would project slightly to the front of No.11 front facing windows are sufficient distances away for the outlook from these windows not to be impeded. Therefore, the impact of the proposed house on the outlook from No.11 would be limited.
- 49 From the rear amenity space of No.11 views of the new dwelling would be available. Due to the change in levels the proposed house would stand slightly taller than No.11, however this difference is not significant and so the outlook from the rear amenity space of No.11 would not be significantly impacted upon. The orientation of the properties, together with the fact that the house passes the 45 degree angle test laid out in the Residential Extensions SPD, confirms that no detrimental loss of light or overshadowing would be experienced by the occupiers of No.11.
- 50 The western flank elevation of the proposed house would possess one window at first floor level, which would serve a bathroom. For the reason that this is a non-habitable room it would be possible to attach a condition to any approval requiring this window to be obscure glazed and non-openable below a height of 1.7m measured internally. Upper level rear facing windows would serve bedrooms, which would create a relationship between the two houses that is not unusual in an urban area such as this. The oblique angle at which the rear of the proposed dwelling would stand to No.11 would mean that there would be no significant overlooking or loss of privacy experienced by the occupiers of the neighbouring property to warrant refusing the application.

Agenda Item 4.1

- 51 The proposed dwelling would be set back from the frontage of No.9, in line with the rear wall and No.9 neighbouring property possesses a number of windows that face towards the application site. These windows include one ground floor window, which serves a study, and two first floor bathroom windows. Since these windows serve non-habitable rooms any impact on the outlook from them would not lead to a detrimental impact. Due to the position of the proposed house outlook from habitable rooms with a front and rear facing aspect would not be impeded.
- 52 From the rear amenity space of No.9 views of the new dwelling would be available. Due to the change in levels the proposed house would stand slightly lower than No.11. Outlook from the rear amenity space of No.9 would therefore not be significantly impacted upon. The orientation of the properties, together with the fact that the house passes the 45 degree angle test in the Residential Extensions SPD when applied to habitable rooms, confirms that no detrimental loss of light or overshadowing would be experienced by the occupiers of No.9.
- 53 The eastern flank elevation of the proposed house would possess one window at first floor level, which would serve a bathroom. For the reason that this is a non-habitable room it would be possible to attach a condition to any approval requiring this window to be obscure glazed and non-openable below a height of 1.7m measured internally. Upper level rear facing windows would serve bedrooms, which would create a relationship between the two houses that is not unusual in an urban area such as this. The oblique angle at which the rear of the proposed dwelling would stand to No.9 would mean that there would be no significant overlooking or loss of privacy experienced by the occupiers of the neighbouring property.
- 54 The amenities that would be afforded to the future occupants of the proposed house would, in my view, be satisfactory. This includes the amenity space provided to the rear of the property, even with the location of the protected tree taken into consideration.
- 55 I therefore consider that the proposed development would preserve the amenities currently enjoyed by the occupiers of Nos.9 & 11 and also ensures a satisfactory environment for future occupants. It follows that the proposal complies with the NPPF and policy EN1 of the Local Plan.

Other Issues

Protected tree –

- 56 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).
- 57 The proposed house would be located sufficient distance away from the large mature Horse Chestnut tree to the rear of the site for the tree not to be impacted upon.
- 58 The Tree Officer has noted a wish for the tree to be retained within the ownership of one property. As proposed, a small proportion of the canopy of the tree would

fall within the ownership of the new dwelling, which is likely to result in an amendment to the red line of the application site.

- 59 However, the layout of the development replicates that recently considered by the Inspector, who raised no issue over the division of the existing plot in the manner that continues to be proposed here. It is also the case that the Tree Officer was previously satisfied with the proposed arrangement, under planning application number SE/12/02641/FUL, with only a condition relating to boundary treatment suggested to the Inspector in relation to the division of the plot under the canopy of the tree.
- 60 For these reasons I am of the view that the proposed layout of the development would not impact the protected tree, nor would future pressures result in any detrimental impact to the tree.

Parking provision and highways safety -

- 61 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.
- 62 The proposal comprises the provision of a number of vehicles that would exceed the requirement of current standards.
- 63 The comments from the Highways Engineer relate to the eastern most access that would continue to serve the existing house and falls outside of the red line of the application site.
- 64 The existing layout of the in-out drive was approved as part of the scheme for the existing house, SE/10/02639/FUL. A condition attached to the decision notice for the previous application requires that visibility splays be retained and so it is not necessary to control this further.
- 65 It will be possible, however, to ensure that the proposed soft landscaping scheme for this proposed dwelling does not impede upon the visibility splay of the western access.
- 66 I would therefore conclude that the development would provide sufficient parking and would retain a satisfactory means of access.

Affordable housing provision -

- 67 Policy SP3 of the Core Strategy requires that residential developments of less than 5 units, which involve a net gain in the number of units, provide a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 68 The applicant has indicated that they are willing to provide a financial contribution in line with the formula held within the Affordable Housing SPD. At the time of writing this report the legal agreement necessary to secure the contribution had not been received. The recommendation reflects this in that if Members resolve to grant approval for the development the applicant will have 28 days in which to submit a signed copy of the legal agreement otherwise the application would be refused.

Agenda Item 4.1

Code for Sustainable Homes –

- 69 Policy SP2 of the Core Strategy states that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes. The applicant has acknowledged this requirement but no information relating to this has been submitted by the applicant. It is possible, however, for the achievement of Level 3 to be required by way of condition on any approval.

Use of water –

- 70 No objection has been raised by Thames Water, who deal with drainage matters in the area. No view from South East Water has been sought with regards water supply. However, it will be the responsibility of the applicant to ensure that an appropriate supply of water to the dwelling is supplied and it is gained in an appropriate manner.

Sustainable development –

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

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

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

Conclusion

- 73 I consider that the proposed dwelling would preserve the character and appearance of the street scene, neighbouring amenity and highways safety, would ensure the long term retention of the protected tree to the rear of the site and makes sufficient provision for off-street vehicle parking. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block plans

Contact Officer(s):

Mr M Holmes Extension: 7406

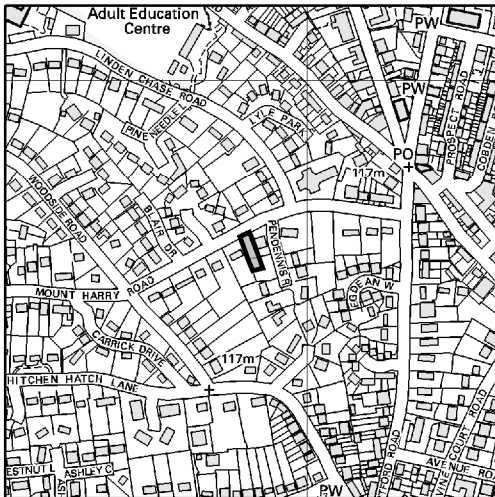
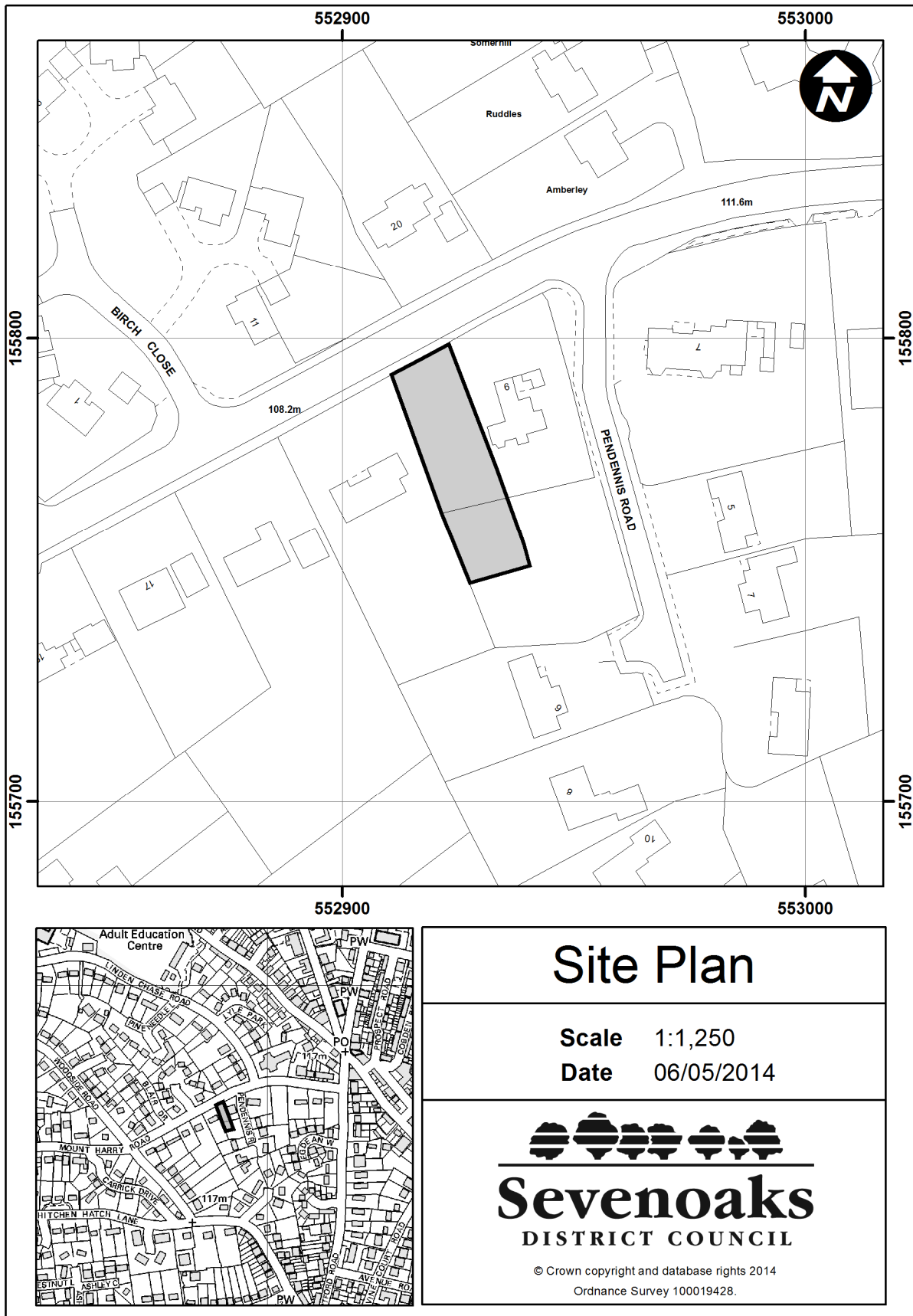
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MZWBNA BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MZWBNA BK8V000>



Site Plan

Scale 1:1,250

Date 06/05/2014



Sevenoaks
DISTRICT COUNCIL

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Ordnance Survey 100019428.

Block plan



Notes from Cllr Simon Raikes, Ward Councillor who requested that this be brought to DC

First, my apologies for not being here in person. I have an official engagement which predates this agenda so am unable to attend.

There have been previous proposals to redevelop this site, which was originally occupied by one residence. SDC agreed to the erection of one new house but declined a proposal to have two houses erected on what was a single site. This refusal was upheld by the Planning Inspector for the reason set out by the planning officer in paragraph 42 on page 115. This is however a new application.

The Residential Character Area Assessment section F04 sets out amongst the positive features of Mount Harry Road:

“Individually designed mostly 2 storey detached houses are set back from the road along a relatively regular building line with gaps between buildings”

Furthermore it quotes as negative features:

“Some new development has not respected the characteristic set back from the road or allowed spacing between buildings”

Different parts of Mount Harry exhibit different characteristics, but it would be fair to say that the South side between Pendennis and Woodside Road is characterised by large two storey buildings which carry the appearance of being well set apart and with large frontages and large gardens to the rear. Single storey garages to the side of the buildings reinforce the feeling of spaciousness, or gaps referred to in the RCAA

The application proposes a second substantial two and a half storey building (albeit disguised by the use of Velux windows to the front) on the original single site, filling most of the remaining width of the plot and eliminating the appearance of spaciousness between it and nos 9 and 11. This would have an adverse impact on the street scene and reflect the negative features found in the RCAA. It would also arguably be contrary to the design guidance set out in the RCAA which states inter alia that:

“Some infill development and redevelopment has occurred in this character area and there is limited potential for further such development and the area is likely to remain largely unchanged over time.”

(My underlining)

It should be noted that the frontages of 9 and 9A will be much narrower than the houses from no 11 westwards to Woodside Road if this development were to proceed, contrary to the character of the houses in this part of the road and thus also having an adverse impact on the street scene.

It should be noted that the existing houses also have substantial gardens and whilst it is argued that site coverage is similar to other houses, the site coverage in relation to plot size is substantially reduced. I therefore maintain that in the context of the neighbouring houses this application

continued....

represents overdevelopment of the site, and with the need to take account of the substantial tree on the site of no 9, it will restrict the amenity space for occupants of the new house.

I therefore ask members to refuse the application as it:

1. Does not meet the standards set out in section F04 of the Residential Character Area Assessment
2. It is injurious to the street scene
3. It would have an overbearing impact of neighbouring properties
4. It does not provide adequate amenity space for a house of this size

Letter of representation from neighbour Appendix 1

9 Mount Harry Road Sevenoaks TN13 3JJ

We live at 11 Mount Harry Road immediately next door to the proposed development

We are unable to attend the meeting tonight but have asked for our views and our neighbours to be relayed for the Committee's consideration.

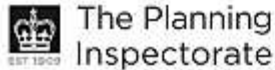
This proposal is almost identical to that refused by the Council in 2011.

The number of objection letters lodged against the proposal illustrates the concerns of the neighbourhood which we would summarise as follows:-

1. This proposal amounts to a 3 storey house and will be out of character with the 2 storey houses in Mount Harry Road .
2. The house would sit on much higher land than our house - there is a marked difference in plot levels - and would dominate our house in particular.
3. The tiny garden would offer very little amenity to the occupier
4. The proposed house would be built with much less of a gap than other houses in the road and does not follow the guidelines in the Residential Character Area Assessment SPD. Mount Harry Road does not currently have properties cheek by jowl . Where properties are built up to the boundary , there is a single storey to one side of the plot which gives a rhythm and scale to the area.
5. The proposed house projects 2m in front of the build line of our house and does not respect the build line of other houses in the road. It would overlook our front garden and impinge on our privacy
6. In order to squeeze this enormous house onto this narrow plot the proposed house veers in towards our house exacerbating the overbearing effect of the proposal.
7. The mature mixed beech hedge between no.9+ no.11 will suffer from the reduced light and height of the proposed building and is therefore at risk. The loss of the hedge would further compromise the leafy appearance of the area.

We ask you to refuse this application as you did previously and to recommend the proposal is resubmitted in a scaled down format.

Julia and David Alcock



Appeal Decision

Site visit made on 19 July 2011

by **K D Barton BA(Hons) Dip Arch DipArb RIBA FCI Arb**

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

Decision date: 25 July 2011

Appeal Ref: APP/G2245/A/11/2147819

9 Mount Harry Road, Sevenoaks, Kent TN13 3JJ

- 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 M Morris against the decision of Sevenoaks District Council.
 - The application Ref SE/10/02641/FUL, dated 10 September 2010, was refused by notice dated 29 September 2010.
 - The development proposed is the demolition of the existing dwelling and the erection of 2 no dwellings with integral garages.
-

Decision

1. The appeal is dismissed

Whether the Proposal Makes Adequate Provision for Affordable Housing

2. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires determinations to be made in accordance with the development plan unless material considerations indicate otherwise. In this case, the *Sevenoaks District Council Local Development Framework Core Strategy* (CS) has been adopted since the Council's decision and now forms part of the development plan. CS Policy SP 3 seeks a financial contribution towards improving affordable housing provision off-site where residential developments of less than 5 units would involve a net gain. There would be a net gain of one unit in this case. The contribution would be based on the equivalent of 10% affordable housing and a draft *Affordable Housing Supplementary Planning Document*, referred to in the Core Strategy, includes a formula for calculating the contribution in each case. In the absence of a signed Section 106 Agreement or Undertaking the proposal would be contrary to the aims of CS Policy SP 3.
3. Reference has been made to an appeal decision (APP/L5240/A/10/2133955) where the Council was criticised for not including the issue of financial contributions as a reason for refusal. However, this case differs from that. At the time of the Council's decision a contribution would not have been required as the threshold for contributions in relation to affordable housing was 15 units. The adoption of the *Core Strategy* has since introduced a significant change in development plan policy and contributions are now required for developments of less than 5 units where there is a net gain, as in this case.

Character and Appearance of the Surrounding Area

4. The appeal site, which has an area of approximately 0.225 hectare, lies within the built confines of Sevenoaks on the south side of Mount Harry Road at its junction with Pendennis Road. The site rises towards Pendennis Road and

<http://www.planning-inspectorate.gov.uk>

towards the rear, where a Horse Chestnut tree is the subject of a Tree Preservation Order (TPO). Plots in the area vary in size and the appeal site is larger and has a wider frontage than some of its neighbours. The size and design of surrounding properties also varies. The area has a feeling of space and openness due, in part, to the extensive vegetation in the area.

5. The building that occupied the site has been demolished and construction has begun on a scheme that includes a similar building to that proposed on Plot 1 and which would be sited in an identical position. This house would be linked to an annex and would present a sizeable building to the street.
6. Both proposed dwellings would be set approximately 0.6 metres into the ground such that the ridge level of the house on Plot 1, closest to Pendennis Road, would be similar to that of the original house that has been demolished. The ridge level of the house on Plot 2, closest to 11 Mount Harry Road, would be around a metre lower than the ridge of the demolished house. The gap between the two proposed houses would be in the region of 3.4 – 3.7 metres and the gaps between the Plot 2 dwelling and the car port and flank wall of No 11 would be approximately 2.6 and 4.5 metres respectively. Whilst there are gaps of around 10 metres between some of the houses in the road there are also examples of smaller gaps. The proposal would reflect that and would be in keeping with its neighbours in that respect.
7. The two proposed houses would appear large when viewed from the road, as do other houses in the road, although the fact that they are set back in the site would mean that the depth of development would not be readily apparent. Indeed, the density would only be around 8 dwellings per hectare which is less than the policy guidelines for central urban areas but reflects the fact that the protected tree occupies a significant part of the site. Policy H5 of the *South East Plan* encourages higher densities with an overall target of 40 dwellings per hectare. The dwelling on Plot 1 would be set slightly further forward than that on Plot 2 but this would not be sufficient to make it appear unduly dominant. Whilst the drawing of the street scene appears to have some inaccuracies, the proposal would step down the hill and sit comfortably in the street scene. It would, therefore, comply with the aim of saved Policy EN1 of the Sevenoaks District Plan in this respect.

Other Considerations

8. CS Policy SP 2 requires new homes to achieve at least Level 3 of the Code for Sustainable Homes and to include at least a 10% reduction in total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.
9. The Council considers that a condition could be attached requiring details of how it is intended to achieve Level 3 prior to commencement and a post construction certificate prior to occupation. Level 3 would approximate to meeting modern Building Regulations and so ought to be achievable without any significant change to the proposals. This matter could, and should, be addressed by the imposition of a condition if planning permission were to be granted to meet the aims of CS Policy SP 2.
10. 20 Mount Harry Road lies on the opposite side of the road to the appeal site and the separation distance of some 37 metres would be far in excess of that required by the Council's Standards. Indeed, the relationship between the

Agenda Item 4.1

Appeal Decision APP/G2245/A/11/2147819

proposed dwellings and No 20 is comparable to that which exists between properties on opposite sides of the road all along Mount Harry Road. There would not therefore be any material overshadowing or overlooking of No 20.

11. The dwelling on Plot 2 would be closer to No 11 than the demolished building and have a ridge height of about a metre higher than that of No 11. However, the orientation of the buildings is such that there would be no significant loss of light or overshadowing. There would be one window at first floor level in the flank of the dwelling on Plot 2 but this would serve a bathroom. A condition could require it to be obscure glazed and non opening above eye height. There are three windows in the flank wall of No 11 but none serve a habitable room. Whilst first floor windows in the rear elevations of the house on Plot 2 might afford glimpse views across the garden on No 11 such views from bedroom windows are common in urban areas. The occupiers of No 11 would not suffer any unacceptable loss of outlook or privacy.
12. Notwithstanding the conclusions on the effect on the character and appearance of the surrounding area, the living conditions of the occupiers of nearby houses, and on sustainability it is the failure to make adequate provision for affordable housing that is the determining issue in this case.

K D Barton

INSPECTOR

4.2 – SE/14/00622/HOUSE Date expired 14 May 2014

PROPOSAL: The erection of a first floor extension to the north elevation, a one and a half storey extension to the south elevation to provide a garage with accommodation in the roof, part two storey and part single storey extensions to the rear, alterations to the roof and a loft conversion, the addition of a pitched roof dormer window and roof light to the rear roof slope and two pitched roof dormer windows in the front roof slope alterations to the fenestration and a front canopy porch.

LOCATION: Kursella, Sevenoaks Road, Otford, Sevenoaks TN14 5PA

WARD(S): Otford & Shoreham

ITEM FOR DECISION

This application is reported to Development Control Committee at the request of Councillor Lowe for the reasons cited by the Parish Council with which Councillor Lowe agrees.

RECOMMENDATION: That planning permission be delegated to the Chief Planning Officer to be GRANTED subject to no new issues being raised by the consultations and 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: 1357RO-PP-07, 357RO-PP-08, 357RO-PP-09, 357RO-PP-10, 357RO-PP-11, 357RO-PP-12 and 357RO-PP-13.

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

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

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

4) The area shown on the approved plans as garage space shall be provided before the first use of the extensions hereby permitted and shall be kept available for such use at all times, and no permanent development shall be carried out in such a position as to preclude vehicular access to these parking spaces.

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

5) No development shall be carried out on the land until full details of soft landscape

Agenda Item 4.2

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

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

Note to Applicant

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

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

In this instance the applicant/agent:

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

Description of Proposal

- 1 The application seeks planning permission for:
 - The erection of a first floor extension to the north elevation;
 - A one and a half storey extension to the south elevation to provide a garage with accommodation in the roof;
 - Part two storey and part single storey extensions to the rear;
 - Alterations to the roof and a loft conversion;
 - The addition of a pitched roof dormer window and roof light to the rear roof slope and two pitched roof dormer windows in the front roof slope;
 - Alterations to the fenestration; and
 - A front canopy porch.
- 2 Note that the application was re-advertised with an amended description to better reflect the development proposed. The consultation date expires on 13 June 2014 the day after the meeting. No representations were received as part of the original consultation, but it is necessary to delay issuing the final decision until the consultation period has expired.

Description of Site

- 3 The site the subject of this application is a detached dwelling located within the settlement of Otford as defined on the proposals map to the Sevenoaks Local Plan where there are no site specific constraints restricting the nature of residential development proposed.
- 4 Kursella is a predominantly two storey dwelling, with a painted render finish, concrete tiled half hip roof and uPVC windows and doors. The dwelling comprises an existing single storey addition to the north side which contrary to the roof of the main dwelling has a pitched gable roof incorporating accommodation within, served by a modest flat roof dormer window which fronts the street. In addition, the dwelling benefits from a single storey lean-to/extension to the rear.
- 5 Sevenoaks Road itself comprises a mix of residential and commercial development. Kursella is positioned amongst a row of dwellings located between a parade of shops to the north and a car dealership to the south. The properties are set back from the road benefitting from off road parking and landscaped front gardens. The style of dwellings amongst which Kursella is located vary in age, size, height and design to include a varied mix of architectural styles ranging from relatively modest bungalows to large two storey houses.
- 6 Immediately, neighbouring the application site is a large two storey dwelling to the south and a chalet bungalow to the north.

Constraints

- 7 NA

Policies

Sevenoaks District Local Plan

- 8 Policies - EN1, H6B, Appendix 4 Residential Extensions

Agenda Item 4.2

Sevenoaks Core Strategy

9 Policy- SP1

Other

10 Allocations and Development Management Plan – EN1, EN2, T2

Following the recent examination of the emerging Allocations and Development Management Plan (ADMP), policies contained within the ADMP are in the final stages of preparation and can now be attributed some weight in decision taking. The relevance of these policies to the proposals and the degree of weight to be attributed to them are considered below. Limited weight is given to policies which may be subject of main modifications. Moderate weight can be given to those policies where there are objections but no main modifications are proposed. Significant weight is given to policies where there are no objections and no modifications are proposed.

Emerging policies EN1, EN2 and T2 of the ADMP are relevant to the assessment of this planning application. The table below identifies the weight to be given to each of these policies in the assessment of the planning application.

ADMP Policy	Policy Title	Weight
EN1	Design Principles	Moderate
EN2	Amenity Protection	Moderate
T2	Vehicle Parking	Significant

Emerging policy EN1 (Design Principles) of the ADMP will in part replace adopted policy EN1 (Development Control: General Principles) of the Local Plan. Emerging policy EN1 requires high quality design and lists a number of criteria against which proposed development will be considered, including requiring the layout of proposed development to respect the topography and character of the site and the surrounding area and requirement for landscaping and good levels of accessibility. The emerging policy is similar to the adopted policy and does not alter the existing recommendation.

Emerging policy EN2 (Amenity Protection) of the ADMP will also in part replace adopted policy EN1 of the Local Plan. Emerging policy EN2 seeks to safeguard the amenities of existing and future occupants of nearby properties, including from excessive noise, activity or vehicle movements. The proposed development is considered to be acceptable in terms of impact on residential amenity and this policy does not alter the existing recommendation.

Emerging policy T2 (Vehicle Parking) of the ADMP will in part replace policy VP1 of the Local Plan. Emerging policy T2 requires vehicle parking provision, including cycle parking, in new residential development to be provided in accordance with the current KCC vehicle parking standards in Interim Guidance Note 3 to the Kent

Design Guide. It is considered that the proposed development can comply with this requirement and therefore this policy does not alter the existing recommendation.

- 11 SDC Residential Extensions SPD 2009 (RESPD)
- 12 National Planning Policy Framework
- 13 Planning Practice Guidance
- 14 Otford Village Design Statement (VDS)

Planning History

- 15 87/00895/HIST – Two-storey extension. Refused 30/07/1987.

85/00796/HIST – Double storey extension to form granny flat plus double garage. Refused 20/11/1985.

Consultations

Parish / Town Council

- 16 Otford Parish Council objects for the following reasons:

Contrary to RESPD 4.53 and VDS 1.h re space surrounding the property
Contrary to RESPD 4.18 re creating a cramped appearance to the street scene.
Contrary to RESPD 4.31 re creating appearance of extra storey
Contrary to VDS 4.f and RESPD 4.34 re forward facing dormers
Contrary to SLPPC EN1 and RESPD 5.8 adverse effect upon neighbours
Loss of light to side windows to Rhylock

The over-sailing at first floor level reduces the space to the boundaries below 1m recommendation.

Representations

- 17 No representations have been received in response to this application.

Chief Planning Officer's Appraisal

Principal Issues

- 18 The principal issues to consider in the determination of this application are:
 - Visual Impact
 - Impact on the amenities of neighbouring residents; and
 - Highways

Visual Impact

- 19 The NPPF states that the Government 'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is

Agenda Item 4.2

indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56).

- 20 Policies SP1 of the Core Strategy and Policy EN1 of the Local Plan indicates that *“all new development should be designed to a high quality and respond to the distinctive local character of the area in which it is situated.....”* and that *‘the form of the proposed development ... should be compatible in terms of scale height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard’*.
- 21 Policy H6B of the SDLP states that residential extensions shall be subject to the principals 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 affects the street scene and extensions which extend to the side boundary and could lead to visual terracing are not acceptable. A minimum distance of 1m is normally necessary for two storey extensions and, in some areas of spaciousness, this may need to be greater.
- 22 Regard should also be had to the Councils Residential Extensions Supplementary Planning Document (RESPD). The above policy criteria is reiterated in further detail in the RESPD under sub headings *‘Siting, Scale and Form’* and *‘Side Extensions’*.
- 23 Starting with the extended dwelling and how it will appear within the street scene, the front canopy proposed above the main entrance and introduction of a pitched roof to replace the existing flat roof to the bay window are modest alterations which will improve the appearance of the front façade to the existing dwelling.
- 24 It is proposed to erect a first floor extension to the north side above the existing single storey addition. This extension will extend off the existing roof at the same ridge height. The form of the proposed roof will be half hip to mimic the roof of the existing dwelling, and the extension will include a new first floor window of an identical proportion to the existing, thus reinstating a form of symmetry to the property which is absent at present. Given the appropriateness of its overall form, scale, proportions and articulation, it is not considered to dominate the original building, substantially alter its character or harm the integrity of the design of the original dwelling.
- 25 In addition to the first floor extension, it is proposed to erect an extension to the south side to provide a garage at ground floor with first floor accommodation provided in the roof. This extension would also have a half hip roof to reflect the roof of the existing dwelling. Furthermore, it would appear subservient with a significantly lower ridge height and is articulated in a way which responds to the character of the existing dwelling. Therefore I consider it is appropriate.
- 26 The alterations to the front of the property would also include the installation of two dormer windows in the roof slope of the main dwelling and a window created in a gable extending into the roof of the extension to the south side which resembles a dormer window to serve the first floor accommodation within. It is also proposed to locate a dormer window and roof light in the rear roof slope which would not be visible in the street. The RESPD states that new dormers will not normally be allowed to front elevations in streets where there are none

already. As stated previously, the existing dwelling already has a dormer window fronting the street as does the neighbouring bungalow. As such, dormer windows are already present, forming part of the existing street scene. The RESPD also states that loft extensions should be below the ridge height of the existing dwelling and not create the appearance of an extra storey. In this case the dormer windows proposed are modest in relation to the roofs in which they would be positioned and as a result they would not dominate the roof in a way which would harm the integrity of the design of the dwelling. Furthermore, as also stated previously, properties amongst which Kursella is located vary in architectural style and consequently I do not consider that the introduction of modest dormer windows would harm the street scene or the established character.

- 27 Overall, when viewing the extended dwelling within the context of the street scene, in my view, the extensions which front Sevenoaks Road would respond to the theme of design of the existing dwelling, would appear proportionate in scale to the existing dwelling and have been articulated in a way which is sympathetic. Consequently, in my view they would not appear out of context or at odds in the street.
- 28 The remaining extensions would be located to the rear of the property.
- 29 Similarly to the first floor extension the two storey rear extension would extend off of the existing roof at the same ridge height rather than appear subservient. However, the form of the proposed roof will be half hip to mimic the roof of the existing dwelling and overall the extension would be proportionate in scale and form to the original building. The view of the rear elevation of the dwelling is a private view and as such, the additions to the rear would not be visible from within the public domain and therefore are not considered to harm the visual amenity of the locality.
- 30 The single storey extensions which have flat roofs would appear subservient. Although the Council generally seeks to resist flat roof extensions the extensions are relatively modest in form and scale and similarly to the two storey extension would be located to the rear of the property where they will be screened from the road and wider locality. Due to their relatively modest proportions the proposed single storey extensions would not be out of scale and their design is satisfactory when viewed in context with the shape and style of the existing building.
- 31 Due to their location to the rear the part two storey part single storey extensions would not create any inconsistency along this part of Sevenoaks Road and therefore they would not have any unacceptable impact on the street scene.
- 32 Notwithstanding the proposed extensions and alterations to the dwelling, the property will retain a large amount of garden space and as is evident from site location plan number 1357RO-PP-16 its extended footprint will not be too dissimilar to that of surrounding buildings. Consequently, I have no concerns relating to density or site coverage.
- 33 Drawing number 1357RO-PP-07 indicates that a gap of 1 metre would be retained between the extension and the common boundary to the north and 1.2 metres between the extension and the common boundary to the south. However, the proposed roofs to the extensions to the north and south side would overhang the flank walls at the eaves by approximately 200mm which would reduce this gap slightly for approximately 1.3 metres to the point where the roof is hipped and

Agenda Item 4.2

then slopes away from the boundaries. Overall, for the most part the extension would retain sufficient space from the boundary and I do not consider that the modest encroachment at the point of the eaves is sufficient to justify a terracing effect. Therefore in my view the proposal would not appear at odds with the regular pattern of development or enclose the gap between dwellings in a way which would cause demonstrable harm to the character and appearance of the street scene.

- 34 Overall, for the reasons set out above, I consider that the design of extensions are sufficiently sympathetic in a way which would ensure that they would not have a negative impact upon the quality, character, appearance or visual amenity of the locality and are not therefore harmful to the appearance of the street scene of Sevenoaks Road and would therefore comply with the aforementioned local policy and national policy guidance.

Impact on the Amenities of Neighbouring Residents

- 35 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 36 Policies EN1 and H6B of the Sevenoaks District Local Plan require that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 37 The most immediate affected neighbours are Rhylock and Watercroft.
- 38 Having regard to outlook, the District Council is primarily concerned with the immediate outlook from neighbours windows and whether the proposal significantly changes the nature of the normal outlook. Generally the field of vision from a window is drawn at a 90 degree angle from the centre of the window. In this instance, from the nearest neighbouring ground floor windows the extension would fall outside this field of vision. As such, the proposed extension is not considered to significantly alter the nature of either neighbours normal outlook.
- 39 Consideration has been given to the proximity of the extension to the south to the first floor window in the side elevation of Rhylock. With the proposed flank of the extension being approximately 3 metres from this window, I conclude that there would result in some reduction of the outlook. However, even though the extension would be in view, I do not consider that it would appear unduly oppressive and overbearing from the neighbouring window, as due to the size of the window and the form of the proposed roof to the extension it appears that the rear gardens and the roadside would still be seen from the neighbouring view and therefore in my view the harm would not be so significant in this instance to warrant a reason for refusal.
- 40 Due to the orientation of Rhylock to the south of the application site, the proposal would not result in any significant shadow cast over the rear elevation or garden of Rhylock which would cause undue loss of light or overshadowing. Furthermore, in respect of both neighbouring properties, the proposed extensions would comply with part 1 and part 2 of the 45 degree test set out in the Councils Residential

Extensions SPD which aids the Council in ensuring that the proposal would not result in any unacceptable overshadowing or loss of light.

- 41 It is possible that the proposed extension will provide some additional shadow cast over the neighbouring properties, however, in order to justify a ground of refusal in this respect, a significant change in the amount of daylight entering the neighboring properties would need to be demonstrated. In this instance due to the distance maintained from the extensions to the neighbouring properties which is approximately 3 metres, the fact that outlook would be preserved and the fact that the proposal complies with the Councils 45 degree test, the proposals are not considered to result in any significant change in light entering the neighbouring property or overshadowing which I consider would significantly harm the amenities of residents.
- 42 Having regard to privacy, proposed windows have been located to prevent any unacceptable overlooking of neighbours windows or private rear amenity space. Those windows proposed in the rear and front elevations would only allow views out over the garden of the application site and out over Sevenoaks Road. As such, there would be no inter-looking into windows or overlooking of the neighbours private amenity space at close quarters. Consequently, neighbouring privacy would be maintained. With regards to further windows, in order to constitute permitted development windows installed at first floor in the side elevation would need to be obscure glazed and fixed shut up to 1.7 metres above the internal finished floor level. As such, a condition restricting additional windows is not considered necessary in this instance.
- 43 Consequently, it is my view that the proposed development would not have an unacceptable impact on neighbouring properties and would comply with the aforementioned policy criteria.

Highways

- 44 With regard to highway safety, this is a category of development which does not require consultation with Kent Highways Services.
- 45 The access is not proposed to be altered.
- 46 In accordance with Kent County Council Residential Parking Standards the applicants are required to provide 2 independently accessible parking spaces and these should measure 5.0 x 2.5 metres. There is sufficient space within the application site to provide this.
- 47 Therefore, it is my view that the proposal would not interrupt the safe flow of traffic or pose an unacceptable risk to highway and pedestrian safety.

Other Matters

- 48 Otford Parish Council refer to paragraphs 1.h and 4.f of their Village Design Statement. The paragraphs to which they refer are set out in their draft statement upon which the Council have made comment and not in their current Statement adopted in 2008. It should be noted that the draft document is not adopted by the Council and therefore as yet does not carry any significant weight.

Agenda Item 4.2

Conclusion

- 49 The design of extensions are sufficiently sympathetic in a way which would ensure that they would not have a negative impact upon the quality, character, appearance or visual amenity of the locality and are not therefore harmful to the appearance of the street scene of Sevenoaks Road.
- 50 The development would not adversely impact upon the amenities of neighbouring residents.

Background Papers

Site and Block plan

Contact Officer(s): Claire Baldwin Extension: 7367

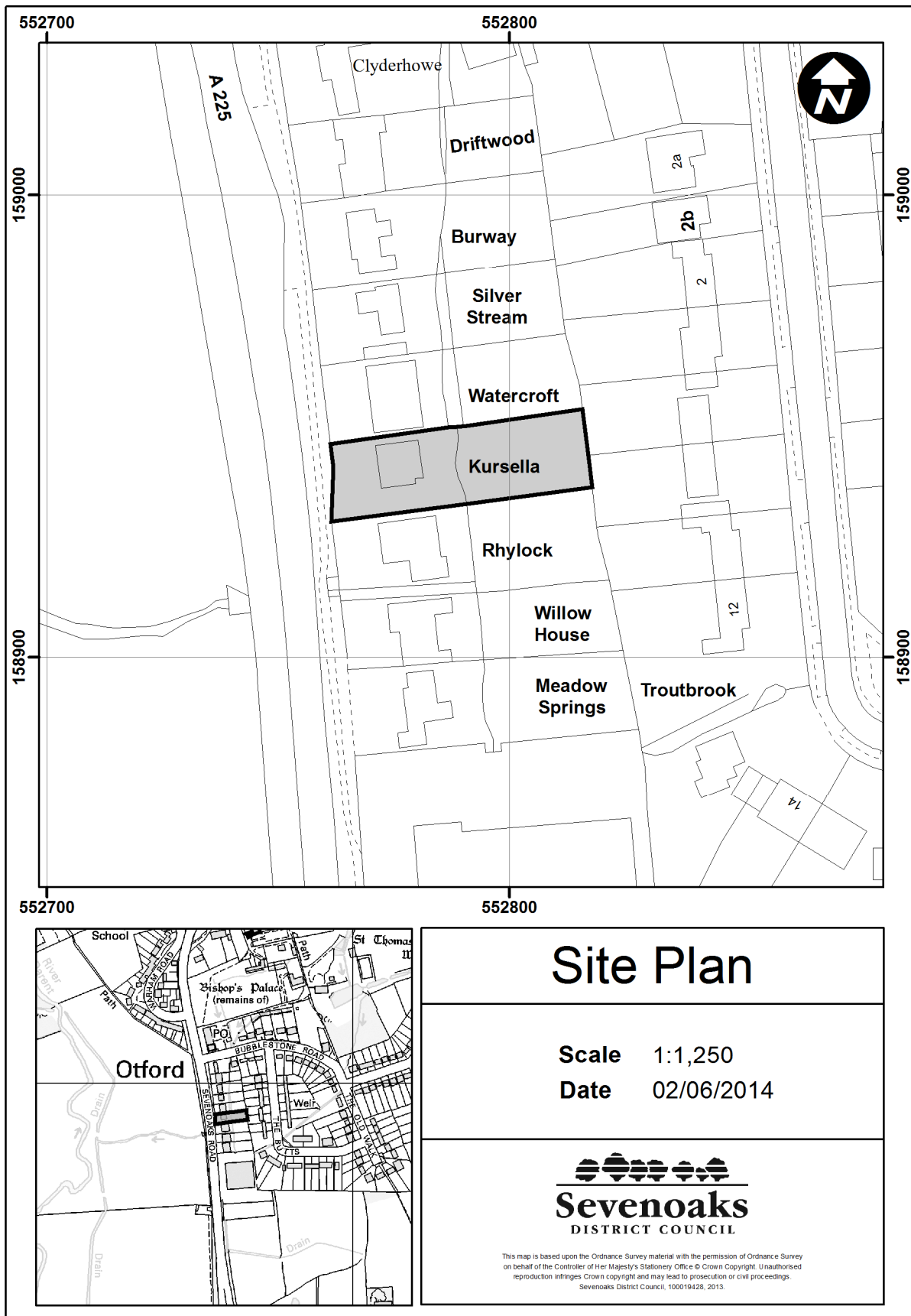
Richard Morris
Chief Planning Officer

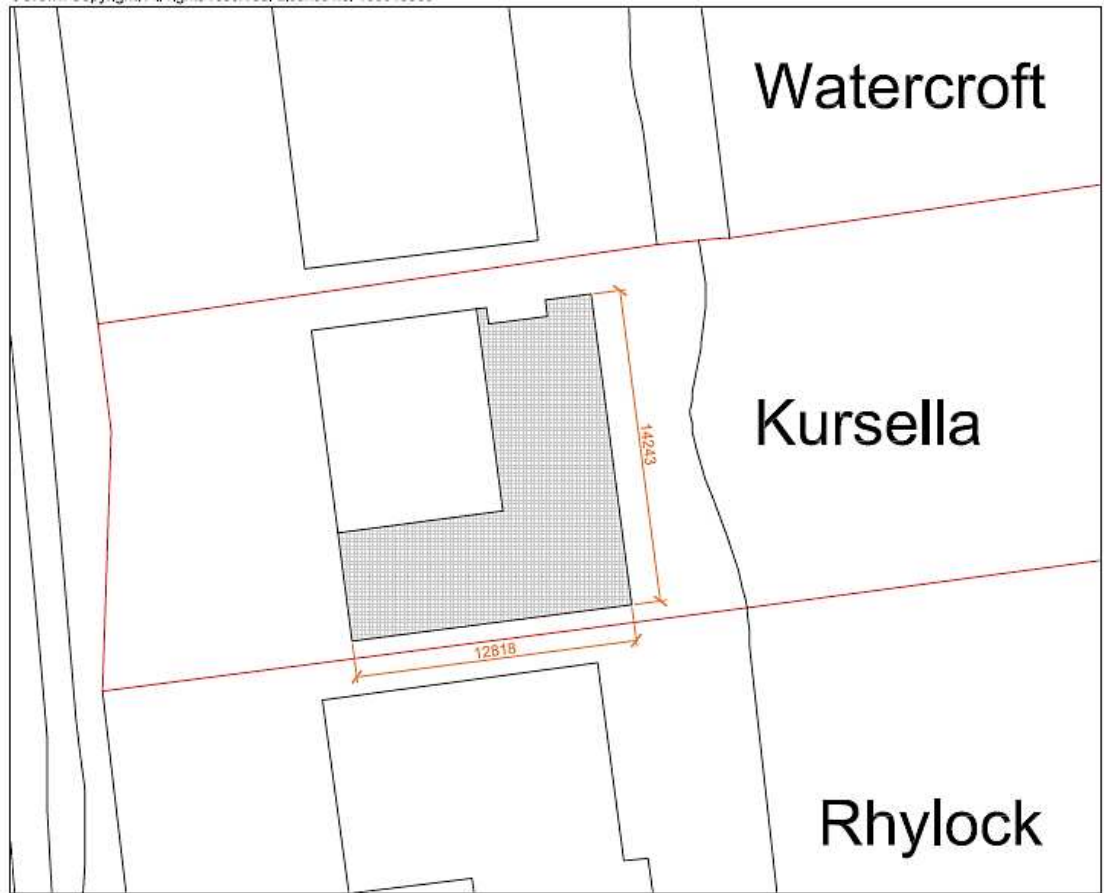
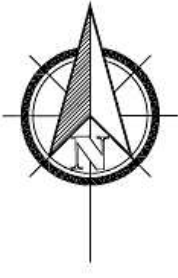
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N1P4XKBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N1P4XKBK8V000>





4.3 – SE/14/00744/HOUSE Date expired 16 May 2014

PROPOSAL: The erection of two storey side and part rear extension.
Pitched roof to porch to replace existing flat roof.

LOCATION: 48 Willow Park, Otford, Sevenoaks TN14 5NF

WARD(S): Otford & Shoreham

ITEM FOR DECISION

This application has been referred to Development Control Committee at the request of Councillor Lowe who agrees with the objections raised by Otford Parish Council in response to the application and states that in this instance although the rear elevation is lower than the existing roof-line, the front elevation has the same roof-line as the existing house, thereby impacting on the visible bulk of the building. The width of the building has increased by 50% of the original building and would be the only building in that vicinity to have undergone such a transformation/extension.

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: 1402/01

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan 1402/01.

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

4) At the time of development, the first floor window in the side elevation shown as serving the bathroom shall be fitted with obscured glass of a type that is impenetrable to sight and shall be non opening up to a minimum of 1.7 metres above the internal finished floor level and shall be so retained at all times.

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

5) The extensions hereby permitted shall not be used or occupied until adequate provision has been made within the front of the application site for the parking of 2 vehicles on a permeable surface or on a surface which has adequate run off to a permeable surface. The parking shall be retained for parking purposes in association with the dwelling at all times.

Agenda Item 4.3

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

Informatives

1) With regards to the removal of the existing garage, the applicant is advised that the Party Wall Act 1996 which provides a framework for preventing or resolving disputes in relation to party walls, party structures, boundary walls and excavations near neighbouring buildings may apply.

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

In this instance the applicant/agent:

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

Description of Proposal

- 1 The application seeks planning permission for the erection of two storey side/rear extension together with the construction of a pitched roof to the porch to replace the existing flat roof.

Description of Site

- 2 The site the subject of this application is a semi detached two storey dwelling with a modest flat roof porch and detached garage. The property has been extended to the rear with a single storey flat roof extension.

- 3 The dwelling forms part of a wider estate comprising dwellings of a similar design and appearance.
- 4 The site is located in the village of Otford within the settlement boundary as defined on the proposals map to the Sevenoaks District Local Plan where there are no site specific constraints restricting residential development of the nature proposed.

Constraints

- 5 N/A.

Policies

Sevenoaks District Local Plan

- 6 Policies - EN1, H6B, Appendix 4 Residential Extensions

Sevenoaks Core Strategy

- 7 Policies - SP1

Other

- 8 Allocations and Development Management Plan – EN1, EN2, T2

Following the recent examination of the emerging Allocations and Development Management Plan (ADMP), policies contained within the ADMP are in the final stages of preparation and can now be attributed some weight in decision taking. The relevance of these policies to the proposals and the degree of weight to be attributed to them are considered below. Limited weight is given to policies which may be subject of main modifications. Moderate weight can be given to those policies where there are objections but no main modifications are proposed. Significant weight is given to policies where there are no objections and no modifications are proposed.

Emerging policies EN1, EN2 and T2 of the ADMP are relevant to the assessment of this planning application. The table below identifies the weight to be given to each of these policies in the assessment of the planning application.

ADMP Policy	Policy Title	Weight
EN1	Design Principles	Moderate
EN2	Amenity Protection	Moderate
T2	Vehicle Parking	Significant

Emerging policy EN1 (Design Principles) of the ADMP will in part replace adopted policy EN1 (Development Control: General Principles) of the Local Plan. Emerging policy EN1 requires high quality design and lists a number of criteria against which proposed development will be considered, including requiring the layout of proposed development to respect the topography and character of the site and

Agenda Item 4.3

the surrounding area and requirement for landscaping and good levels of accessibility. The emerging policy is similar to the adopted policy and does not alter the existing recommendation.

Emerging policy EN2 (Amenity Protection) of the ADMP will also in part replace adopted policy EN1 of the Local Plan. Emerging policy EN2 seeks to safeguard the amenities of existing and future occupants of nearby properties, including from excessive noise, activity or vehicle movements. The proposed development is considered to be acceptable in terms of impact on residential amenity and this policy does not alter the existing recommendation.

Emerging policy T2 (Vehicle Parking) of the ADMP will in part replace policy VP1 of the Local Plan. Emerging policy T2 requires vehicle parking provision, including cycle parking, in new residential development to be provided in accordance with the current KCC vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide. It is considered that the proposed development can comply with this requirement and therefore this policy does not alter the existing recommendation.

- 9 SDC Residential Extensions SPD 2009
- 10 Otford Village Design Statement (VDS)
- 11 National Planning Policy Framework
- 12 Planning Practice Guidance

Relevant Planning History

- 13 None

Consultations

Parish / Town Council

- 14 Otford Parish Council objects to the application for the following reasons:

Contrary to RESPD paragraph 4.18 regarding the symmetry of a pair of semi detached properties.

Further comments:

- 15 First storey bathroom side window to be obscured glass.

Representations

- 16 None received

Chief Planning Officer's Appraisal

Principal Issues

- 17 The principal issues to consider in the determination of this application are:
 - Visual Impact

- Impact on the amenities of neighbouring residents; and
- Highways

Visual Impact

- 18 The NPPF states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56).
- 19 Policies SP1 of the Core Strategy and Policy EN1 of the Local Plan indicates that *“all new development should be designed to a high quality and respond to the distinctive local character of the area in which it is situated.....”* and that *‘the form of the proposed development ... should be compatible in terms of scale height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard’*.
- 20 Policy H6B of the SDLP states that residential extensions shall be subject to the principals 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 affects the street scene and extensions which extend to the side boundary and could lead to visual terracing are not acceptable. A minimum distance of 1m is normally necessary for two storey extensions and, in some areas of spaciousness, this may need to be greater.
- 21 Regard should also be had to the Councils Residential Extensions Supplementary Planning Document (RESPD). The section of the SPD dealing with side extensions is reproduced as Appendix 1 to this report.
- 22 The existing garage and single storey extension to the rear would be removed to accommodate the proposed development.
- 23 Firstly, the proposed pitched roof to the front porch would be of an appropriate form in relation to the existing dwelling and in comparison to the existing flat roof would be an improvement aesthetically.
- 24 The proposed side/rear extension would have a width to the side of the dwelling of approximately 2.8 metres narrowing to 2.6 metres towards the rear. Similarly to the existing single storey rear extension, the proposed extension would extend beyond the rear of the dwelling by approximately 2.6 metres. The proposed extension would then wrap around the rear of the dwelling leaving a gap of approximately 2.4 metres between the extension and the common boundary with the adjoining neighbour number 50 Willow Park.
- 25 The proposed development would extend directly off of the side elevation of the existing dwelling at the same ridge height and would extend up to the existing front building line. The ridge to the proposed extension would drop below the existing ridge height by approximately 700mm to the rear of the property.
- 26 The proposed development where it extends to the side would have a roof which reflects the scale and form of the existing and the width of the extension would be

Agenda Item 4.3

less than the width of the existing dwelling. In addition, the extension has been articulated with materials, detailing and fenestration to match the existing dwelling and reflect neighbouring dwellings.

- 27 The extension would be located approximately 1.6 metres from the common boundary at the front, narrowing to a minimum of 800mm from the boundary towards the rear. Given that the extension steps in beyond the proposed dining room the minimum gap of 800mm would not be significantly notable in the street scene. Consequently, in my view, when viewed within the context of the street scene the gap between the extension and the common boundary with the neighbouring property would appear relatively spacious, and would not in my view result in terracing. Therefore the proposal would not appear at odds with the regular pattern of development or enclose the gap between dwellings in a way which would cause demonstrable harm to the character and appearance of the street scene.
- 28 As stated previously, it is also acknowledged that the proposed development would be built flush with the existing front elevation, however, given the appropriateness of the overall scale, proportions and articulation, it is not considered to unbalance this semi detached pair in a way which would cause significant harm to their character and appearance or the character and appearance of the street.
- 29 Overall, in my view the proposed extension would continue a common theme of design and would appear proportionate in scale to the existing and neighbouring buildings and has been articulated in a way which is sympathetic. Consequently, it would not appear over dominant, out of context, at odds or alien in the street. It would also maintain a satisfactory distance from the boundary to adequately maintain the established pattern of gaps. On balance, I therefore consider that in this instance the nature of the proposed development is acceptable.

Impact on the Amenities of Neighbouring Residents

- 30 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 31 Policies EN1 and H6B of the Sevenoaks District Local Plan require that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants. No objections have been received from neighbours.
- 32 The most immediate affected neighbours are numbers 50 and 46 Willow Park.
- 33 Having regard to outlook, the District Council is primarily concerned with the immediate outlook from neighbours windows and whether the proposal significantly changes the nature of the normal outlook. Generally the field of vision from a window is drawn at a 90 degree angle from the centre of the window. In this instance, from the nearest neighbouring ground floor windows the extension would fall outside this field of vision. As such, the proposed extension is not considered to significantly alter the nature of either neighbour's normal outlook.

- 34 Due to the orientation of number 50 to the south of the application site, the proposal would not result in any significant shadow cast over the rear elevation or garden of number 50 which would cause undue loss of light or overshadowing. Furthermore, in respect of both neighbouring properties, the proposed extension would comply with part 1 and part 2 of the 45 degree test set out in the Councils Residential Extensions SPD which aids the Council in ensuring that the proposal would not result in any unacceptable overshadowing or loss of light. It is possible that the proposed extension will provide some shadow cast towards number 46 in the late afternoon, however, in order to justify a ground of refusal in this respect, a significant change in the amount of daylight entering the neighboring property would need to be demonstrated. In this instances due to the distance maintained from number 46 which would be approximately 4.7 metres at its closest point, the fact that the rear of the properties are north west facing and would therefore experience natural loss of light at this time of day and the fact that the proposal complies with the Councils 45 degree test, the proposal is not considered to result in any significant change in light entering the neighbouring property or overshadowing which would I consider would significantly harm the amenities of residents.
- 35 Having regard to privacy, proposed windows have been located to prevent any unacceptable overlooking of neighbours windows or private rear amenity space. Those windows proposed in the rear and front elevations would only allow views out over the garden of the application site, towards the rear of properties located in Darnets Field, at a distance, and out over the street of Willow Park. As such, there would be no inter-looking into windows or overlooking of the neighbours private amenity space at close quarters. There is a small first floor window proposed in the side elevation of the extension shown to serve a bathroom and I would recommend that this is obscurely glazed to maintain the neighbour's privacy and the privacy of the occupiers of the application site. This can be secured by condition in accordance with Planning Practice Guidance. Consequently, neighbouring privacy would be maintained.
- 36 With regards to further windows, in order to constitute permitted development windows installed at first floor in the side elevation would need to be obscure glazed and fixed shut up to 1.7 metres above the internal finished floor level. As such, a condition restricting additional windows is not considered necessary in this instance.
- 37 Overall for the reasons outlined above that the proposal would comply with aforementioned policy criteria.

Highways

- 38 With regard to highway safety, this is a category of development which does not require consultation with Kent Highways Services. .
- 39 The number of bedrooms is proposed to increase from 3 to 4 which in accordance with KCC Residential Parking standards set out in interim guidance note 3 would require sufficient off street parking for 2 vehicles.
- 40 The proposal would result in the loss of the existing garage space and it appears on site that the existing hard standing is only sufficient size to accommodate 1 vehicle in accordance with KCC guidance which requires the size of a parking bay to be 2.5 metres x 5 metres. However, there is scope within the application site to

Agenda Item 4.3

increase parking on the frontage to accommodate two vehicles and still maintain a significant area of landscaping. I therefore consider that it is reasonable to secure the provision of two parking spaces by condition and to secure their maintenance in accordance with Planning Practice Guidance.

- 41 Subject to the imposition of the recommended condition I have no overall objection to the proposed parking arrangements which are sufficient to accommodate the proposal and would not adversely impact on highway or pedestrian safety.

Other Matters

- 42 It is noted that the applicant's garage immediately adjoins the neighbouring garage at number 46. The demolition of the garage alone would not require formal planning permission. It is the responsibility of the applicant to ensure that the garage is appropriately demolished.
- 43 The Local Planning Authority (LPA) cannot offer any assurances about the state of the party wall. This is not material to the consideration of the planning application and is a civil matter for discussion between the applicant and the third party involved. This is something which is likely to be covered by the Party Wall Act 1996 which provides a framework for preventing or resolving disputes in relation to party walls, party structures, boundary walls and excavations near neighbouring buildings.
- 44 I consider it would be expedient apply an informative to any permission granted advising the applicants to refer to the requirements of the Party Wall Act 1996 to ensure the demolition of the garage is carried out in the appropriate manner.

Conclusion

- 45 Having viewed the application site in the context of the street scene, while the side extension is flush with the existing front elevation, in my view, it is of a scale and form which is appropriate to the dwelling, and has been articulated in a way which is sympathetic, continuing the existing theme of design, and would maintain a satisfactory distance from the boundary to adequately maintain the established pattern of gaps. On balance, I therefore consider that in this instance the nature of the proposed development is acceptable.
- 46 The development would not adversely impact upon the amenities of neighbouring residents.
- 47 Subject to the imposition of the recommended condition I have no overall objection to the proposed parking arrangements which are sufficient to accommodate the proposal and would not adversely impact on highway or pedestrian safety.
- 48 No amendments or changes to the recommendation to grant planning permission are proposed in light of the progress of the ADMP.

Background Papers

Site and Block plans

Contact Officer(s):

Claire Baldwin Extension: 7367

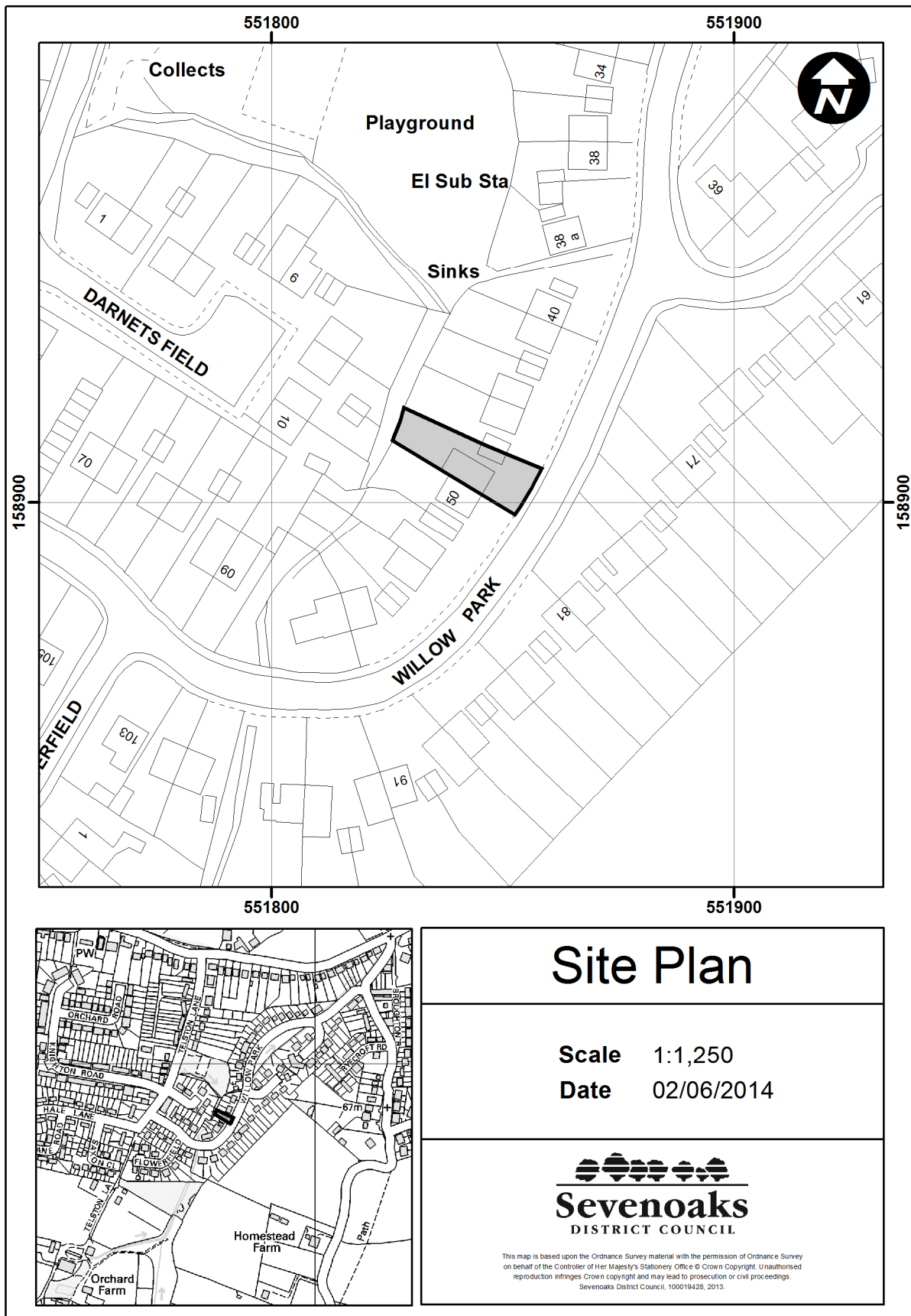
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N2D7MBBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N2D7MBBK8V000>



Site Plan

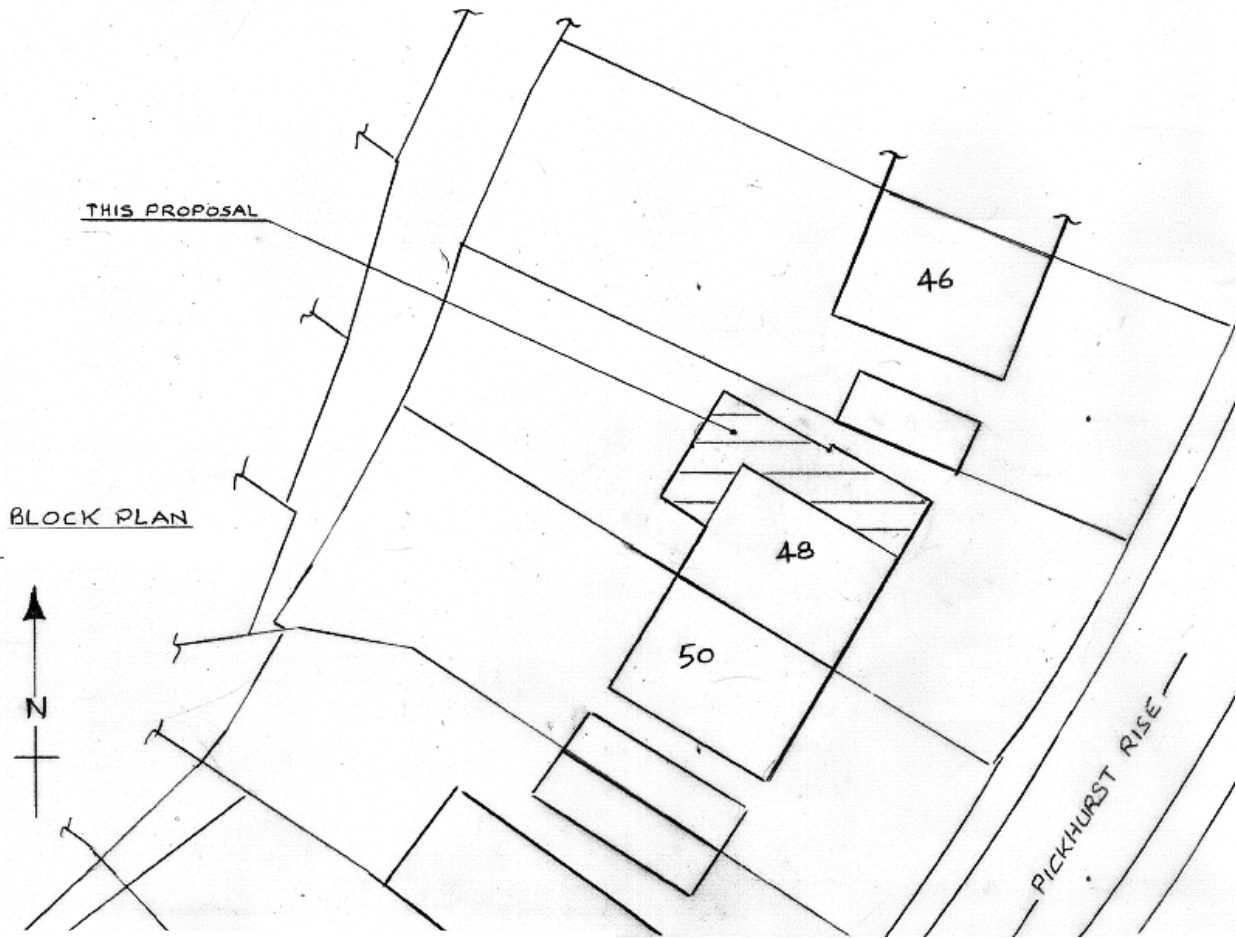
Scale 1:1,250

Date 02/06/2014



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Sevenoaks District Council, 100019428, 2013.

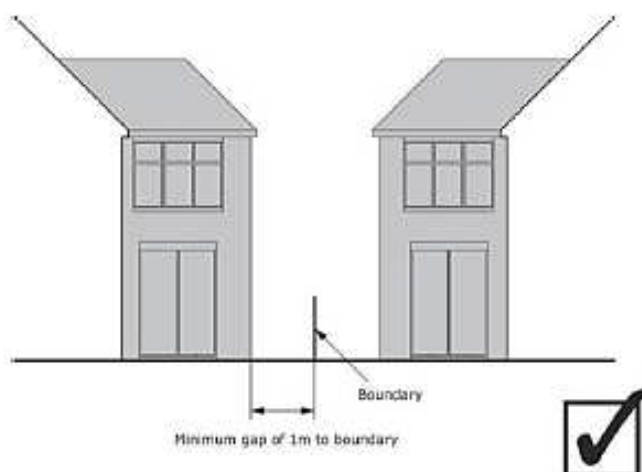
Block Plan



Extract from the Residential Extensions Supplementary Planning Document - Appendix 1

Side Extensions

- 4.16 The acceptable height of a side extension will be determined by the ground levels and the distance from the boundaries.
- 4.17 Providing the guidance on the form of the extension set out below is followed, a single-storey extension to the side of a property should normally be acceptable if it does not have a significant adverse impact on the nature of space between buildings. The Council will also seek to retain adequate off-street parking spaces (see Parking section).
- 4.18 When the proposal is for a two-storey extension, the loss of space will be more apparent. In a street of traditional detached and semi-detached houses, the infilling of the spaces between with two-storey extensions could create a terraced and cramped appearance at odds with the regular pattern of development when viewed from the street when the gaps, often with associated landscaping or allowing longer views, are important elements. A side extension built flush with the existing front elevation of the house may also affect the symmetry of a pair of semi-detached properties resulting in a detrimental impact on the appearance of the street scene.
- 4.19 Where there is a pattern of gaps between properties within a street, as a guide, a minimum of 1 metre between the side wall of a two storey side extension and the boundary for the full height of the extension is normally desirable. This will allow a continuation of the pattern of gaps when viewed from the street. This gap may need to be wider depending on the context.
- 4.20 A side extension should not dominate the original building. This can be helped by reducing the bulk of the extension and setting it back from the front elevation of the original house and introducing a lower roof on the extension.



continued ..



Insufficient gap between properties
and roof forms incompatible



Summary:

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.

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5.1 **Objection to Tree Preservation Order number 4 of 2014**
Located at Mapleton House, Mapleton Road, Four Elms

ITEM FOR DECISION

This report sets out details of objections and support received following this order.

RECOMMENDATION

That the Tree Preservation Order No 4 of 2014 not be confirmed.

The Site and Background

- 1 Tree Preservation Order (TPO) No. 4 of 2014 relates to an area that protects a mixed species woodland throughout the grounds of Mapleton House.
- 2 TPO 4 of 2014 was served following a request by a concerned resident that other residents were clear felling trees to the rear of the property. It was also reported that more trees were to be felled to create a better view to the east which is mainly an agricultural landscape. Two public footpaths are located to the immediate south and south east of the site, other amenity view points also exist.

Representations

- 3 A letter has been received from the Chairman of the Mapleton House Management Company objecting to the serving of this order. It includes historical information for the site dating back to the construction of the house in 1878 up to the present day, an overview of the management structure for the upkeep of the site and a report from Kent Wildlife Trust which provides a direction for the future management of the site for the residents. A petition with 11 of the 13 residents signing it objecting to the serving of the order and supporting its non confirmation has also been provided.
- 4 A further letter has been received from one of the signatories of the petition opposing the order. A letter has also been received from the owner at Mapleton Lodge seeking the exclusion of their property from the TPO if it is confirmed.
- 5 A letter of support has been received from one of the residents. Attached to this correspondence is a history of the site with similar information to that provided by the objectors in paragraph 3. The author of this supporting letter has voiced concern that trees have been frequently removed from the woodland over the previous 18 months following a change in the management committee at that time for the house. In addition residents of a second flat have written in support and a supporting representation has been received from a couple living in the area.
- 6 A letter with 12 signatories has been received from people who live locally and work in Mapleton Road supporting the TPO
- 7 Comments for and against are summarised below:

Agenda Item 5.1

For the TPO:

- Concerned about the felling of trees.
- In four years 80% of the trees have been cut down.
- In favour of the TPO so that future felling can be controlled.
- Over an 18 month period more than 70 trees have been cut down, which is approximately 20% of the tree population.
- There has already been too much wildlife damage due to the felling of trees.

Against the TPO:

- Kent Wildlife Trust was consulted as we were keen to encourage wildlife.
- The site was overgrown and a 5 year plan was drawn up for residents to help clear brambles and rubble from the site.
- Residents have no intention of destroying the woodland.
- The fells to date have improved the biodiversity of the garden.
- We feel this order is unnecessary as we have shown that we can be trusted to properly maintain the more open woodland we now enjoy.
- The thinning out has allowed more light into the woodland and the result is a wonderful display of bluebells and other spring flowers, which are beginning to thrive.
- The TPO would put constraints on the continuing maintenance of the estate and for this reason it is impractical.

The Kent Wildlife Trust Planning and Conservation Officer who inspected the site at the request of the residents had this to say with a follow up e-mail to SDC.

"I understand that Sevenoaks Council is soon to determine whether or not to make permanent a temporary TPO on this woodland.

I am told that the woodland has come under threat in recent years as a result of indiscriminate clearance. If that is the case and if there is reason to believe the risk of damage/loss remains, then I urge the Council to make permanent the order. I believe that this may be the only affective way in which the Council (and the local community) can ensure that future works to trees is carried out in the context of a management plan for the woodland. Such a management plan should reflect sound arboricultural practices and sustainable ecological objectives"

- 6 It is clear from the amount of correspondence received as a result of the serving of this order. That there are strong feelings regarding this shared communal landscape that is there for all of the residents to enjoy. Some of the concerns are not factually correct or are based upon misinformation. Some of the information provided contradicts other reported information. It was therefore necessary to organise a visit to the grounds to ascertain the facts to date.
- 7 A general letter was therefore delivered to every resident to request an accompanied site inspection. An invite was also made to any persons wishing to visit the Council offices to discuss matters further. As a result of this letter a visit was made on 15 May.

- 8 The main area that was viewed during this visit was the wooded area within the eastern half of the rear of the grounds. The trees that are currently growing there are mainly Oak and Ash. They are generally semi mature to mature specimens. There is evidence of stumps cut to ground level throughout the woodland. These fells do not represent complete clearance but a thinning process, where sporadic trees have been removed to allow the remaining trees to spread their crowns and avoid the competition from the dense growth of neighbouring trees. At the time of the visit it was felt that this was a good thing and a recommended management practice. It was also felt that more tree removals would benefit the future growth of the better trees here that would be left to flourish.
- 9 This order was served following a report of tree clearance. The temporary TPO then provided us with an opportunity to investigate and see if the order was justified or not. The serving of an order has to be expedient in the interest of amenity. The Act does not define “amenity”, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State’s view, TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment to the public. The trees can be viewed from public vantage points and are therefore an amenity that if removed would have a detrimental affect on the immediate landscape. Their importance as a wildlife habitat also has to be taken into account.
- 10 Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO. For example, it is unlikely to be expedient to make a TPO in respect of trees which are under good arboricultural or silvicultural management. Silviculture being the area of forestry that is concerned with the cultivation of trees. The LPA may have some other reason to believe that trees are at risk and so the protection of selected trees by a precautionary TPO might sometimes be considered expedient. From what has been viewed on site, it would appear that the residents carrying out works to the grounds are doing so to an acceptable management plan

Conclusion

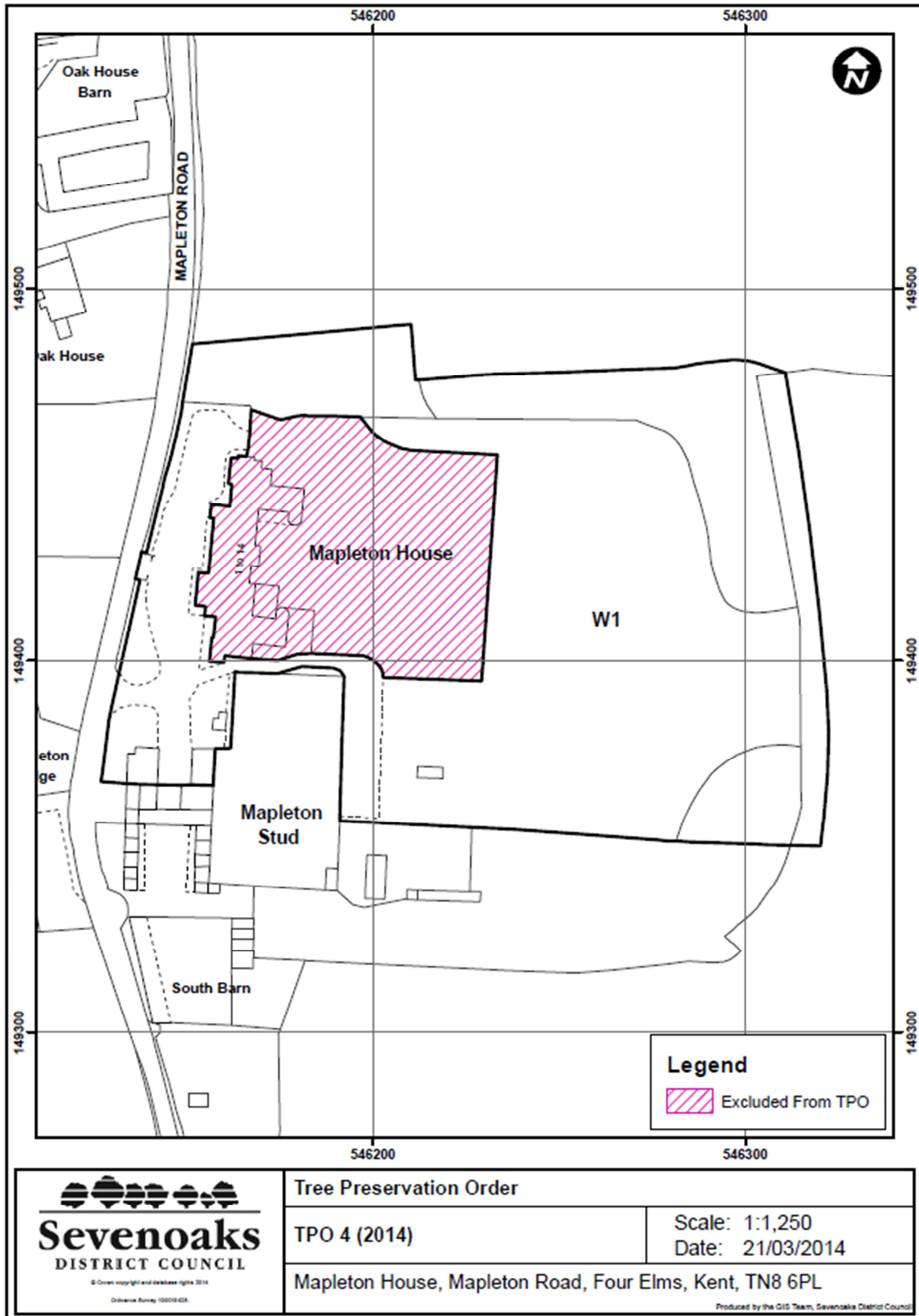
- 11 TPO 4 of 2014 was served in order to halt any further tree works whilst arrangements were made to investigate the concerns raised. Conflicting reports on what has been carried out over the previous 18 months have been provided. A site inspection has shown that trees have been felled, but in compliance with good practice. No evidence has been observed to suggest that the intention is other than the preservation and maintenance of a healthy treescape. It is based upon this information that my recommendation is for TPO4/2014 to not be confirmed.

Please find attached TPO/4/2014 (Appendix 1).

Contact Officer(s):

Mr L Jones Arboricultural & Landscape Officer
Extension 7289

Richard Morris
Chief Planning Officer



Tree Preservation Order

TPO 4 (2014)

Scale: 1:1,250
Date: 21/03/2014

Mapleton House, Mapleton Road, Four Elms, Kent, TN8 6PL

Produced by the GIS Team, Sevenoaks District Council

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i> None	<i>Situation*</i>
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Trees specified by reference to an area
(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i> None	<i>Situation*</i>
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Groups of trees
(within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i> None	<i>Situation*</i>
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Woodlands
(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
W1	Mixed species predominantly Oak, Ash, Beech, Willow, Yew, Lime and Cherry.	Situated at Mapleton House, Mapleton Road, Four Elms.

* complete if necessary to specify more precisely the position of the trees.

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5.2 **Objection to Tree Preservation Order number 18 of 2013**

Located at Land to the North of Sydenham Cottage, Sparepenny Lane, Eynsford

ITEM FOR DECISION

This report sets out details of objections received to this order.

RECOMMENDATION

That the Tree Preservation Order No 18 of 2013 be confirmed without amendments.

The Site and Background

- 1 Tree Preservation Order (TPO) No. 18 of 2013 relates to several trees situated at land to the north and east of Sydenham Cottage, Sparepenny Lane, Eynsford.
- 2 These trees were protected following a request from a concerned local resident after this site had been partially cleared by the owner. The resident was concerned the owner would then remove those trees remaining on this site and those situated beside the access track. They are located outside of the conservation area. They are situated in a prominent location that can be seen from the main road and neighbouring dwellings. Their removal would have a negative impact on the amenity of the local area. TPO 18 was served in order to afford them continued protection following this request.

Representations

- 3 An objection to the serving of the TPO has been received from Mr M T Nichols of Courtfield, Maplescombe Lane, Farningham, the landowner. Mr Nichols objects to the serving of the order on the grounds that the order is unnecessary as he intends to retain all of those trees listed within schedule 1, with the exception of T7, the Elm & T13, the Ash. Mr Nichols claims that these two trees restrict access to the site.
- 4 In response to the objection raised by Mr Nichols, Mr Jones the Arboricultural & Landscape Officer, has made contact with Mr Nichols, to discuss his objection. Unfortunately, Mr Nichols went on leave and has not been in contact since. With regards to the problem of access caused by the two aforementioned trees, access has clearly been made in the past as clearance to the site has taken place. Should access be required in the future, this could be overcome by carrying out pruning works providing the necessary consent has been granted. These trees can be clearly seen from the public footpath and main highway. Any unauthorised pruning works would be detrimental to their appearance. Their loss would be detrimental to the local amenity. With no protection previously afforded to these trees. Guarantees cannot be provided as to the control or not of their future management.
- 5 A representation in support of the serving of the TPO has been submitted by Eynsford Parish Council.

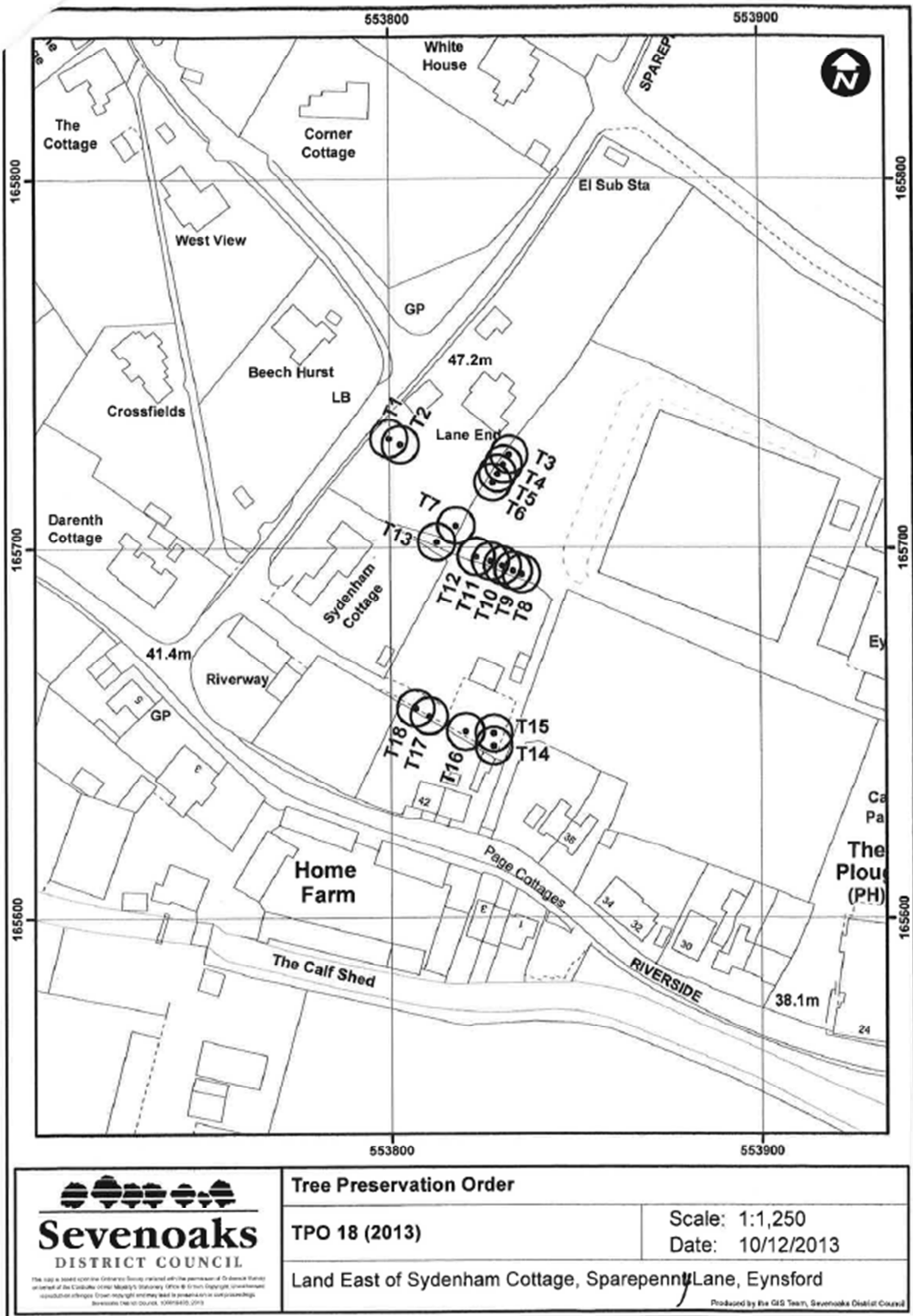
Agenda Item 5.2

Conclusion

- 6 Given the aforementioned information. It is suggested that the details as provided within the objections to this TPO are not strong enough reasoning to leave these prominent trees without any formal protection. It is my recommendation therefore that TPO 18 of 2013 be confirmed without amendments. Please find attached TPO/18/2013 (Appendix 1).

Contact Officer(s): Mr L Jones Arboricultural & Landscape Officer
Extension 7289

Richard Morris
Chief Planning Officer



SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on Map

T1	Yew	Situated to the south of Lane End, Sparepenny Lane, Eynsford.
T2	Yew	Situated to the south of Lane End, Sparepenny Lane, Eynsford.
T3	Sycamore	Situated on the eastern boundary of Lane End, Sparepenny Lane, Eynsford.
T4	Ash	Situated on the eastern boundary of Lane End, Sparepenny Lane, Eynsford.
T5	Ash	Situated on the eastern boundary of Lane End, Sparepenny Lane, Eynsford.
T6	Ash	Situated on the eastern boundary of Lane End, Sparepenny Lane, Eynsford.
T7	Elm	Situated to the north of Sydenham Cottage, Sparepenny Lane, Eynsford.
T8	Beech	Situated on the northern boundary of Sydenham Cottage, Sparepenny Lane, Eynsford.
T9	Beech	Situated on the northern boundary of Sydenham Cottage, Sparepenny Lane, Eynsford.