

DEVELOPMENT CONTROL COMMITTEE

25 September 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 - 6)

To approve the minutes of the meeting of the Committee held on 4 September 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/14/01523/HOUSE - The Dyehurst Stud, Dyehurst Lane, Hever TN8 7LB**

(Pages 7 - 18)

Conversion of existing attached domestic stable into habitable rooms for use as one dwelling house.

4.2. **SE/14/01527/FUL - Tubs Hill House, London Road, Sevenoaks TN13 1BL**

(Pages 19 - 34)

Erection of 4 new dwellings at roof level, changes to elevations including projections at the front of the existing building, and associated landscaping.

4.3. **SE/14/01868/FUL - Land South East Of Alandene, Till Avenue, Farningham, Dartford DA4 0BH**

(Pages 35 - 58)

Construction of two bedroom bungalow with provision of two off street parking spaces.

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 227247)

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 227247 by 5pm on Monday 22 September 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.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 4 September 2014 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice Chairman)

Cllrs. Mrs. Ayres, Brookbank, Clark, Edwards-Winser, Firth, Gaywood, McGarvey, Mrs. Parkin, Raikes, Miss. Stack, Underwood and Walshe

Apologies for absence were received from Cllrs. Bosley, Brown, Cooke, Neal and Orridge

Cllrs. Ayres and Piper were also present.

41. Minutes

Resolved: That the minutes of the meeting of the Committee held on 31 July 2014 and 14 August 2014 be approved and signed by the Chairman as a correct record.

42. Declarations of Interest or Predetermination

Cllr. Raikes declared an interest in SE/14/00642/FUL – Holly Bush Lane, Sevenoaks, TN13 3UJ as the Chairman of Sevenoaks Town Council Planning Committee when the application was first recommended for approval. He advised that he had not been present when Sevenoaks Town Council recommended the application for refusal and would listen to the debate with an open mind.

43. Declarations of Lobbying

All Members declared that they had been lobbied in respect of Minute 44 SE/14/00642/FUL – Holly Bush Lane, Sevenoaks TN13 3UJ.

Reserved Planning Applications

The Committee considered the following planning applications:

44. SE/14/00642/FUL - Holly Bush Lane, Sevenoaks TN13 3UJ

The proposal was for the demolition of existing garden building with the retention of its existing façade to facilitate a new dwelling. The application had been referred to Committee as the Officer's view was at variance to the response provided by the Town Council and at the request of Councillor Walshe on the grounds of the potential impact on the conservation area.

Members' attention was brought to the main papers and late observations sheet which proposed amendments to the wording of Condition 8. It was noted that a Members' Site Inspection had been held.

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The Committee was addressed by the following speakers:

Against the Application:	Mr. Adam Gostling
For the Application:	Mrs. Mary May
Parish Representative:	Mrs. Walshe
Local Member:	-

Members asked questions of clarification from the Speakers and Officers. The Legal Services Manager informed Members that it was possible for a planning obligation to require both buildings to be used as one dwelling with one building being used ancillary to the other and if in the future the owners wished the two properties to be used as separate dwellings an affordable housing contribution would then be paid.

It was moved by the Chairman and duly seconded that the recommendation in the report to grant planning permission subject to conditions be agreed.

Members discussed whether the development was acceptable on a site which was situated within one conservation area and laid adjacent to another. Concerns were raised that the development was backland development and would have an overbearing impact on neighbours. Sympathy for the applicants was expressed and some Members thought that the unique design minimised the impact on neighbours and that it could be a heritage asset in the future.

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

It was moved by the Chairman and duly seconded that the application be refused on the grounds that the design materials and form failed to preserve or enhance the conservation area and the adjacent listed buildings, that the loss of the open space would be irreversible and the new dwelling would harm the character of the area and the development had an overbearing impact on neighbours, particularly for properties facing Park Lane

The motion was put to the vote and it was

Resolved: That planning permission be refused for the following reasons

1. The proposed dwelling by virtue of its design, materials and built form would result in an incongruous development, out of keeping with the surrounding area. The proposal would therefore detract from the character of the Vine Conservation Area and would be contrary to policies EN1 and EN23 of the Sevenoaks District Saved Local Plan Policies, policy SP1 of the Sevenoaks District Council Core Strategy and policies EN1 and EN4 of the Sevenoaks District Allocations and Development Management Plan.
2. The proposed development would result in backland development, which would dominate the garden in which it is proposed. If permitted the large property would irreversibly damage the open space between properties in this part of the conservation area and would therefore fail to preserve or enhance its character. The proposal would therefore be contrary to policies EN1 and EN23 of the Sevenoaks District Saved Local Plan Policies, policy SP1 of the

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Development Control Committee - 4 September 2014

Sevenoaks District Council Core Strategy and policies EN1 and EN4 of the Sevenoaks District Allocations and Development Management Plan.

3. The proposed development by virtue of its height, size and the proximity to the southern boundary would have an overbearing impact on the residents of 2 and 4 Park Lane. The proposal would therefore be harmful to the amenity and outlook of neighbouring residents and would be contrary to Policy EN1 of Sevenoaks District Saved Local Plan Policies and policy EN2 of the Sevenoaks District Allocations and Development Management Plan.
 4. 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.
45. WITHDRAWN FROM THE AGENDA - SE/14/01527/FUL - Tubs Hill House, London Road, Sevenoaks TN13 1BL
46. SE/14/01618/ADV - Marks And Spencer, 66 London Road, Sevenoaks TN13 1AT

The application sought permission for the installation of 4 fascia signs of which two were illuminated. The application had been referred to Committee by Councillor Raikes on the basis that it was a significant site and could have a major impact on the street scene and Bligh's in particular.

Members' attention was brought to the main papers and late observations sheet which did not amendments or changes to the recommendations before the Committee.

The Committee was addressed by the following speakers:

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

Members asked questions of clarification from the Officers. It was confirmed that there was a condition which stated that the signs could not be illuminated outside of store opening hours.

It was moved by the Chairman and duly seconded that the recommendation in the report to grant planning permission subject to conditions be agreed.

Members discussed whether the signs were of an appropriate size for the building and whether it was in keeping with the rest of Bligh's. The Case Officer confirmed that there was a condition for the maintenance of the signs.

The motion was put to the vote and it was

Resolved: That planning permission be GRANTED subject to the following conditions

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Development Control Committee - 4 September 2014

- 1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 2) No advertisement shall be sited or displayed so as to:-
 - a - endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
 - b - obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c - hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 6) The advertisements hereby permitted shall not be illuminated outside of store opening hours.

To safeguard the amenities of the area.

Informatives

- 1) For the avoidance of doubt, the advertisements subject to this consent are those shown on drawing No 00805 Revision 02

THE MEETING WAS CONCLUDED AT 9.00 PM

CHAIRMAN

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4.1 – SE/14/01523/HOUSE Date expired 17 September 2014

PROPOSAL: Conversion of existing attached domestic stable into habitable rooms for use as one dwelling house.

LOCATION: The Dyehurst Stud, Dyehurst Lane, Hever TN8 7LB

WARD(S): Cowden & Hever

ITEM FOR DECISION

This application has been referred to the Development Control Committee at the request of Councillor Neal who is concerned about the potential impact on the Metropolitan Green Belt.

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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1990 (or any order revoking, re-enacting or modifying that Order) no development permitted under Classes A, B, C, D, E or F of Schedule 2 to Part 1 of the Order shall be carried out to the enlarged dwelling hereby permitted, or undertaken within its curtilage, without the prior written approval of the Local Planning Authority.

To prevent over development of the site as supported by the National Planning Policy Framework.

3) No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the building is first occupied and thereafter permanently retained.

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 take place until full details of any additional external lighting to be provided to the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The external lighting, which shall be designed to be sensitive to bats and to accord with the best practice guidelines contained within the document 'Bats and Lighting in the UK' published by The Bat Conservation Trust, shall be completed in accordance with the approved details before the dwelling is first occupied and shall not thereafter be altered or extended without the prior approval in writing of the Local Planning Authority.

To ensure the long term retention of bats in the area as supported by the National Planning Policy Framework.

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5) No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, written specifications, schedules of plants noting species, plant sizes and proposed numbers/densities, where appropriate, and an implementation programme.

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

6) All soft landscape works shall be carried out in accordance with the approved details prior to the occupation of additional section of the dwelling or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

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

7) The development hereby permitted shall be carried out in accordance with the following approved plans: WAT-01 090801.3, WAT-05 and DH03.

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

Note to Applicant

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

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

In this instance the applicant/agent:

- 1) Did not require any further assistance as the application was acceptable as submitted.

Description of Proposal

- 1 The application seeks the approval of the conversion of remaining half of the building to extend the existing dwelling that comprises the converted half of the barn. Works to the building necessary to enable the conversion would involve no external alterations, only internal works to provide the layout of the proposed house separate from the area of retained stabling. Access to the building and parking would continue to be provided via the existing access onto the lane to the south of the site and the existing hard standing on site.
- 2 The application follows the recent approval of consent for conversion of one half of the building to a residential dwelling. These works were allowed on appeal by the Inspector. The other alteration is the proposal to include some of the residential curtilage of the neighbouring property, Greenlands Farm, which is also in the ownership of the applicant.

Description of Site

- 3 The application site comprises a large barn building, which has been partly converted to a residential dwelling, and its associated amenity land. The site lies on the east side of Uckfield Lane just to the south of the junction with Pigdown Lane. The site is accessed via a driveway from the lane to the south. The site is relatively level and is generally bounded by mature hedging that is well maintained.

Constraints

- 4 The site lies within the Metropolitan Green Belt and the High Weald Area of Outstanding Natural Beauty (AONB).

Policies

Sevenoaks District Local Plan

- 5 Policies – EN1 and GB3A

Sevenoaks District Core Strategy

- 6 Policies – LO1, LO8, SP1 and SP11

Sevenoaks District Allocations and Development Management Plan (ADMP)

- 7 Policies – SC1, EN1, EN2, GB7 and T2 (significant weight)

Other

- 8 The National Planning Policy Framework (NPPF)

Planning History

- 9 SE/04/02071 - Demolition of existing barn and erection of 6 stables, tack room, feed room plus new access and boundary fencing and gates. Granted 24.09.04.

SE/12/00100 - Conversion of part of existing barn to separate 2no. bed holiday let. Refused 20.03.12

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SE/12/01062 Conversion of part of existing barn to separate 2no. bed holiday let. Granted 03.08.12

SE/13/00230 Conversion of part of existing domestic stable building to provide a two bedroom dwelling house. Refused 01.05.13, Appeal allowed 21.10.13

Consultations

Hever Parish Council – 12.06.14

- 10 'We object to the planning application as we consider the development to be harmful to the open character of the Green Belt. We consider the application for change of use from stabling to a dwelling to be contrary to Green Belt Policies. There are not any special circumstances to allow development to take place; therefore substantial weight should be given to the potential harm to the Green Belt.'

Natural England – 07.08.14

- 11 No objection received.

KCC Biodiversity Officer - 15.08.14

- 12 'As the building has only been built in the last 5 years we are satisfied that our comments remain unchanged since we provided comments on SE/12/01062/FUL in May 2012.
- 13 We note that our previous comments have been submitted with this new application however the comments were not submitted in full. Please see below for our full comments.
- 14 No ecological information has been provided with this application. However as a result of reviewing the information submitted with this application, the photos provided by the planning officer and the desk top information we have available to us (including biological records and aerial photos) we feel there is minimal potential for it to impact protected species.
- 15 We require no further information to be submitted.

Bats

- 16 Bats have been recorded within the surrounding area and bats may use the site for foraging or commuting. Lighting can be detrimental to roosting, foraging and commuting bats. We also advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Enhancements

- 17 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".
- 18 Although this is only a small development enhancements can still be incorporated in to the site.

- 19 We recommend that bat boxes are erected on the buildings or elsewhere on site to provide new roosting opportunities for bats.
- 20 Any planting which is proposed for the site must incorporate native species.

Representations

- 21 Thirty-one letters of representation have been received, eight in support of the application, and twenty-three objecting to the scheme on the following grounds:
- Impact on Green Belt;
 - Impact on the AONB;
 - The need for further stables;
 - Impact on visual amenity;
 - Layout and density of buildings;
 - Future development;
 - The need for the proposed development;
 - The planning history of the site;
 - The setting of a precedent; and
 - Impact on biodiversity.

Chief Planning Officer's Appraisal

- 22 The main issues in this case are the potential impact on the Metropolitan Green Belt, the potential impact on the AONB and the potential impact on residential amenity. Other issues parking provision, the potential impact on highways safety, the potential impact on biodiversity and sustainable development.

Main Issues

Impact on the Metropolitan Green Belt –

- 23 Paragraph 90 of the NPPF states that the re-use of buildings is not inappropriate in Green Belt provided they preserve the openness of the Green Belt, do not conflict with the purposes of including land in Green Belt and provided that the buildings are of permanent and substantial construction.
- 24 Policy GB7 of the ADMP states that proposals for the re-use of a building in the Green Belt which would meet the following criteria will be permitted:
- a) the proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area; and
 - b) the applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character.

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- 25 Where a proposal seeks the re-use of an agricultural building constructed within the last 10 years, it will be necessary for the applicant to demonstrate that there is no longer an agricultural need for the building, or that the building is no longer fit for its agricultural purpose.
- 26 Where it is accepted that there is no future agricultural need for the building, the Council will resist future proposals for new agricultural buildings, unless it is apparent that they are of a different type and nature than that previously identified as being surplus to requirements.
- 27 Policy GB3A of the Local Plan states that the Council will permit the re-use of buildings within the Green Belt providing the proposal complies with the following criteria:
- The proposed new use will not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it;
 - The buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction; and
 - The form, bulk and general design of the buildings are in keeping with their surroundings and respect local building styles and materials.
- 28 The acceptability of the principle of the development has been established by the recent Inspectors decision for the property. For the reasons that no alterations were proposed, the building is of a permanent and substantial construction and its form is in keeping with its surroundings the Inspector found that the proposed re-use of part of the building would not represent inappropriate development for the purposes of both National and Development Plan policy.
- 29 The Inspector also took the view that since the building already exists and there was no evidence before him to demonstrate that a permanent use would require any additional domestic paraphernalia, as compared to that associated with use as a two bedroom holiday let, the development would not adversely impact upon the openness of the Green Belt.
- 30 The application now seeks the conversion of the remaining half of the building to extend the existing dwelling. Since the Inspector issued his decision policy GB7 of the ADMP has gained significant weight. This policy, however, reflects the content of the NPPF and policy GB3A of the Local Plan and so I would suggest that little has changed from a policy point of view since the Inspector considered the recent appeal.
- 31 Policy GB7 does state it is necessary that the applicant needs to demonstrate that there is no longer a need for the building if it was built within the last 10 years. However, this is specifically the case if the application relates to an agricultural building. The existing building was constructed for the purposes of privately keeping horses, which does not fall within an agricultural use.
- 32 I am of the view that the use of the remaining half of the building for a residential purpose would have no greater impact on the Green Belt than the existing residential use on site. The building would be converted as it stands. The size of the residential curtilage is proposed to be increased, with land currently serving the adjacent residential property Greenlands Farm, being incorporated into the

curtilage of the existing building. Since this land is already in residential use there would be no additional impact on the Green Belt.

- 33 For the reasons above I would conclude that the proposal comprises appropriate development in the Green Belt that would preserve the open character and the visual amenities of the area. The proposal therefore complies with the NPPF, policy GB7 of the ADMP and policy GB3A of the Local Plan.

Impact on the landscape character of the AONB –

- 34 Paragraph 11 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 35 Policy LO8 of the Core Strategy states that the distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced. I therefore consider that this policy is broadly consistent with the NPPF.
- 36 The existing building continues to lie within close proximity to the main house and the detached ancillary outbuilding located to the rear of the main house. The external alterations to the building would be minimal and any introduction of paraphernalia associated with the proposed residential use would be viewed within the backdrop of the existing residential use of the main house.
- 37 The proposal would therefore conserve the distinctive character and the landscape setting of the AONB in accordance with the NPPF and policy LO8 of the Core Strategy.

Impact on residential amenity and the amenity of future occupiers –

- 38 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.
- 39 Policy EN2 of the ADMP 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.
- 40 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.
- 41 The site lies sufficient distance away from neighbouring properties not to have a detrimental harm on neighbouring amenities. Indeed, according to information currently held by the Council, the existing building currently lies about 50m away from the nearest neighbouring property.
- 42 On this basis I believe that the proposal would therefore preserve the residential amenities currently enjoyed by the occupiers of neighbouring properties and the amenities of future occupants of the dwelling.

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Other Issues

Parking provision and highways safety –

- 43 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.
- 44 The development would continue to provide access to the site from the existing access to the property, which is wholly acceptable, and would provide parking in line with current standards. The proposal is therefore in accordance with policy EN1 of the Local Plan.

Impact on biodiversity –

- 45 The NPPF states that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted (para. 118).
- 46 No objection has been raised by Natural England or the KCC Biodiversity Officer. I would therefore conclude that the development would conserve biodiversity in accordance with the NPPF.
- 47 A condition has been recommended in regard to lighting following the advice laid out by KCC Biodiversity Officer

Future development –

- 48 It is possible for the Council to remove permitted development rights for the building. This would put a control on development within the application site. As with all proposed development, outside of the application site it would be necessary to firstly establish whether planning permission is required and if it is whether it comprises appropriate development in the Green Belt.

The need for the development –

- 49 It is not up to the Council to decide what is and is not necessary in terms of development that is proposed. Instead, as the Local Planning Authority the Council is required to determine whether any proposed development complies with the relevant criteria.

Setting of a precedent –

- 50 I do not believe that the circumstances which relate to this site and this application would lead to any sort of precedent being set within the area or indeed within the district as a whole. If indeed the conversion of an existing building within the Green Belt is considered to be appropriate development it will be on the basis of the circumstances of the application put in front of the Council rather than this application or any other application similar to it.

Sustainable development –

- 51 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.

52 In my opinion, the proposed scheme would accord in full 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.

Community Infrastructure Levy (CIL) –

53 The development does not comprise an increase in built form of the building, with the existing house proposed to be extended into the remaining stable area of the building. Since no building operations are proposed the CIL Regulations would not apply in this instance and so the development is not liable for a payment towards CIL.

Access Issues

54 None relating to this application.

Conclusion

55 I would conclude that the proposal would be appropriate development in the Green Belt, would conserve the distinctive character and the setting of the AONB, and would preserve neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block plans

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

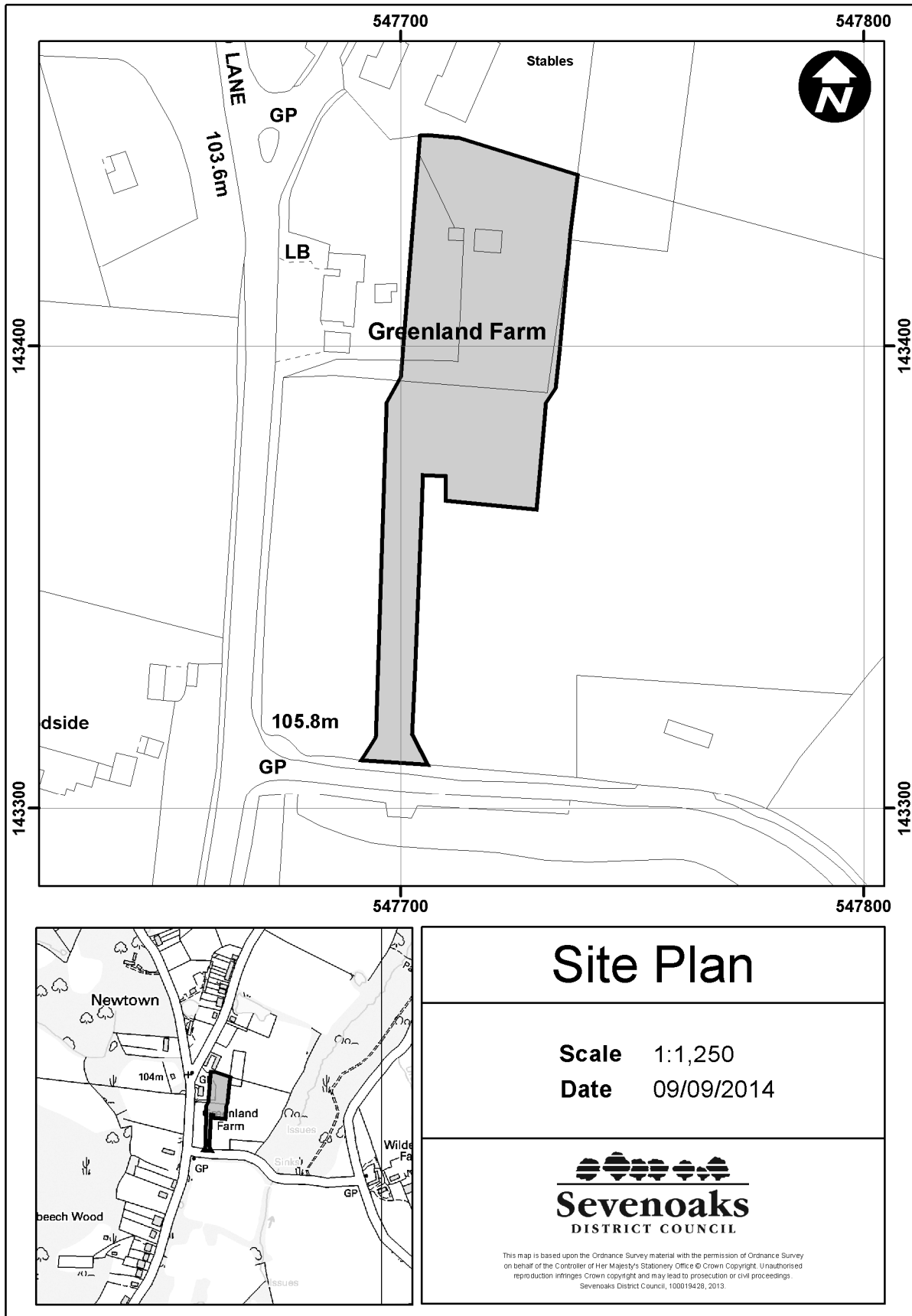
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N50111BK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N50111BK0L000>



Site Plan

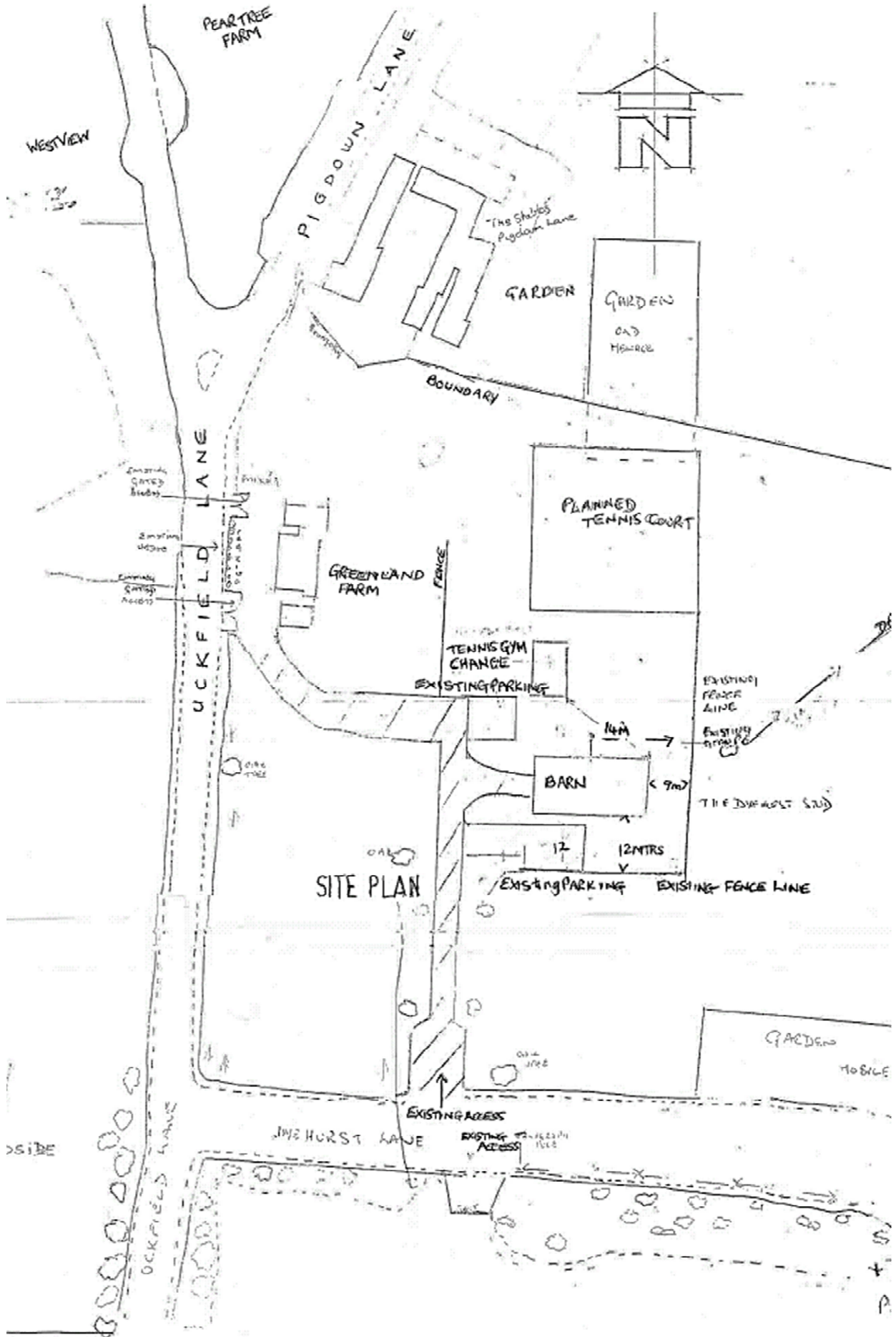
Scale 1:1,250

Date 09/09/2014



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Block Plan



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4.2 - SE/14/01527/FUL Date expired 14 July 2014

PROPOSAL: Erection of 4 new dwellings at roof level, changes to elevations including projections at the front of the existing building, and associated landscaping.

LOCATION: Tubs Hill House, London Road, Sevenoaks TN13 1BL

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

This application has been referred to the Development Control Committee at the request of Councillor Fleming who is concerned about the impact on neighbouring amenity.

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: 1323-P-101-010 Revision 01, 1323-P-101-011 Revision 01, 1323-P-101-100 Revision 01, 1323-P-101-101 Revision 01, 1323-P-101-102 Revision 01, 1323-P-101-103 Revision 01, 1323-P-101-104 Revision 01, 1323-P-101-105 Revision 01, 1323-P-101-106 Revision 01, 1323-P-101-107 Revision 01, 1323-P-101-108 Revision 01, 1323-P-101-109 Revision 01, 1323-P-101-110 Revision 01, 1323-P-101-111 Revision 01, 1323-P-102-100 Revision 01, 1323-P-102-101 Revision 02, 1323-P-102-102 Revision 02, 1323-P-102-103 Revision 02, 1323-P-102-104 Revision 02, 1323-P-102-105 Revision 02, 1323-P-103-100 Revision 01 and 1323-P-103-101 Revision 01.

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

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

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

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

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

7) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Prior to the occupation of the development evidence shall be provided to the Local Planning Authority 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 and policy SP2 of the Sevenoaks District Core Strategy.

8) The rear facing window of the bay windows to be installed in the rear elevations of the building 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.

9) No development shall be carried out on the land until details of privacy screens to be erected on the rear wall of the new terraces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved privacy screen.

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

10) No development shall be carried out on the land until a detailed construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan should take account of all aspects of the proposed works to the building, including the safe removal and disposal of asbestos, and address how the works will be carried out in a manner that avoids significant impacts on the residential amenity of the occupiers of nearby properties. The development shall be carried out in accordance with the approved management plan.

To ensure that the amenities of nearby residents is safeguarded during the course of construction works in accordance with policy EN1 of the Sevenoaks District Local Plan.

11) No development shall be carried out on the land until full details of secure and weatherproof cycle parking for all flats have been submitted to and approved in writing by the Council. The development shall be carried out using the approved details.

To ensure a permanent retention of cycle parking for the site as supported by policy T2 of the emerging Allocations and Development Management Plan document.

12) No development shall take place until a scheme for the provision of at least one communal electrical charging point has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation of the approved development.

To encourage the use of low emission vehicles, to reduce CO2 emissions and energy consumption levels within the District, in accordance with Policy T3 of the emerging Sevenoaks Allocations and Development Management Plan.

Informatives

1) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

2) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

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) Was provided the opportunity to submit amendments which led to improvements to the acceptability of the proposal.

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Description of Proposal

- 1 The application seeks the approval of the erection of four new units at roof level, changes to elevations including projections at the front of the building and treatment of the exterior of the building, and the creation of a landscaped courtyard in between the main towers.
- 2 The new units would be created by adding an additional floor to each tower, comprising two units each. The additional floor would have a height equal to that of the existing floor heights and would have a flat roof. The additional floors are proposed to be set in from all outer walls by 3m, providing an external balcony around three sides of each new unit.
- 3 The proposed front extensions would project just under 3m to the front of the existing building, extending up to the third floor of the south tower and the fourth floor of the north tower. The two buildings would also be linked by a walkway at ground floor level beneath the two front extensions.
- 4 It is also proposed to alter the external appearance of the building by stripping the building back to its primary structure, fitting new access cores through the buildings and re-cladding the building with mainly different coloured brickwork but also with precast concrete. Projecting box windows are proposed to the rear elevation
- 5 Finally, the application proposes to open up the area in between the towers, which currently serves as the reception area to the building. This area would become a landscaped courtyard, split over two levels.
- 6 Access to the buildings would be through the split level landscaped courtyard and lower level car parking areas for pedestrians and via the existing vehicular accesses to the existing car parking areas for vehicles.

Description of Site

- 7 The site comprises a pair of office blocks, which share a ground floor area, sited on the south-west side of London Road. The building is mainly finished in brick and glass and is 8 storeys high and appears to have been purpose built for office accommodation. Parking areas are situated to the rear and beneath the building, accessed via a drive directly served from London Road. There is also a segregated pull in area to the front of the site that runs parallel with London Road.
- 8 The land is on a gradient falling from south to north and from east to west. No trees of any significance exist in the vicinity of the site.
- 9 The surrounding area is characterised by a variety of land uses and is a mix of larger and contemporary buildings, most of which are in commercial use, and houses with a traditional appearance. There are numerous retail and food establishments along London Road and employment developments include the large BT office development to the north-west of the site beyond the station. There are houses along London Road and the wider area away from London Road is predominantly residential.

Constraints

- 10 The application site falls within the built urban confines of Sevenoaks and adjacent to the Granville Road and Eardley Road.

Policies

Sevenoaks District Core Strategy

- 11 Policies – L01, L02, SP1, SP2, SP3, SP5 and SP7

Sevenoaks District Allocations and Development Management Plan (ADMP)

- 12 Policies – SC1, EN1, EN2, EN4, EMP1(j), T3 (moderate weight) and T2 (significant weight replacing policy VP1 of the Local Plan)

Sevenoaks District Local Plan

- 13 Policies – EN1 and EN23

Other

- 14 The National Planning Policy Framework (NPPF)
- 15 Affordable Housing Supplementary Planning Document (SPD)
- 16 Granville Road and Eardley Road Conservation Area Appraisal

Planning History

- 17 SE/06/03211 Proposed remodelling and change of use to provide hotel and support services to level 5 with 3 floors of residential over comprising 18 dwellings, with car parking, pedestrian and vehicular access. Granted 14.03.07.

SE/10/00600 Application to extend the time limit of an extant planning permission approved under reference SE/06/03211/FUL (Proposed remodelling and change of use to provide hotel and support services to level 5 with 3 floors of residential over comprising 18 dwellings, with car parking, pedestrian and vehicular access). Granted 30.09.10.

SE/12/00710 Proposed change of use from offices to residential to include 44 residential units. Withdrawn.

SE/12/01125 Change of use of part ground floor from office to gymnasium. Granted 30.08.12.

SE/13/02391 Application to extend the time limit of an extant planning permission approved under reference SE/10/00600/EXTLMT - Application to extend the time limit of an extant planning permission approved under reference 06/03211/FUL (Proposed remodelling and change of use to provide hotel and support services to level 5 with 3 floors of residential over comprising 18 dwellings, with car parking, pedestrian and vehicular access). Withdrawn.

SE/13/03481 Prior notification for a change of use from B1(a) (offices) to C3 (dwellinghouses). This application is made under Class J of The Town and Country

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Planning (General Permitted Development) (Amendment) (England) Order 2013.Prior Approval not required 15.01.14

Consultations

Sevenoaks Town Council – 07.08.14

18 'Sevenoaks Town Council recommended approval.'

KCC Highways Engineer – 12.06.14

19 'There do not appear to be any issues that would justify an objection on highways grounds, however I would suggest a planning condition requiring the submission of details of secure and weatherproof cycle parking for all flats.'

20 'It is worth noting that a few of the proposed car parking spaces would be difficult to access in a normal sized car, examples may include 16 and 67.'

Tree Officer – 26.06.14

21 'I consider the proposal to carry out the proposed landscaping to be a positive step, one that can only enhance the visual aspects of the site. I look forward to being consulted on the details.'

Representations

22 Thirteen letters of representation have been received raising objections to the scheme on the following grounds –

- Impact on the adjacent conservation area;
- Light pollution;
- Noise disturbance;
- Overlooking and loss of privacy;
- Safe removal of asbestos;
- Property value;
- Impact on the character and appearance of the area;
- Impact of the construction works;
- The design and appearance of the proposed development;
- Process of considering the application;
- Parking provision; and
- The size of the existing building.

Chief Planning Officer's Appraisal

23 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 an affordable housing provision, the

Code for Sustainable Homes, parking provision, the potential impact on highways safety, and sustainable development.

Main Issues

Principle of the development –

- 24 Although policies at a national and local level exist that protect the loss of existing employment uses, a prior notification has been accepted as not being required to change the use of the existing building to a residential use. This means that the existing building could be converted to a residential use without the need for planning permission.
- 25 Given this fall back position I am satisfied that the loss of the existing employment use is acceptable in this instance. I am also satisfied that the addition of further units to the building would be acceptable in principle given the effect of the above fall back position.
- 26 The principle of the development is therefore one that could be acceptable provided the development complies with all other relevant policies.

Impact on the character and appearance of the area –

- 27 The NPPF states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56)
- 28 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.
- 29 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.
- 30 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.
- 31 I therefore consider that these policies are broadly consistent with the NPPF.
- 32 The existing building is substantial in size but is mainly viewed in the context of the immediate locality due to the topography of the surrounding area and mature trees found in the area. Longer distance views of the site are therefore restricted.
- 33 The erection of new units on the roof of the existing towers, set in from the outer walls of the towers, would not add a significant amount of bulk and built form to the building given the size of the existing building. The front additions would also be subservient to the existing building, being a maximum of four storeys in height.

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- 34 The removal of the central core to the building and replacement with a courtyard would reduce the bulk and built form of the building but I would acknowledge that this would occur at lower level where it would not have a significant effect on the overall size of the building given the height and scale of the two towers.
- 35 I am of the view that the alterations to the exterior of the building would therefore potentially have the most significant impact on the character and appearance of the area.
- 36 The towers of the building are monolithic and possess a significant amount of vertical emphasis. The proposed scheme seeks to address this by breaking up the bulk and mass of the building. This is proposed to be achieved by introducing different brickwork in horizontal sections on both towers and separately from one another, in contrast to concrete panelling installed horizontally. Some recognition of the height of the building would be retained by the vertical grouping of windows in some sections of the exterior.
- 37 This external treatment of the building would, to my mind, increase the horizontal appearance of the exterior of the building and indeed break up the bulk and vertical emphasis of the existing towers. The final finish of the building could be controlled by way of a condition, requiring the submission of all external materials proposed to be used, to ensure that the materials are of a high quality and serve the purpose that the scheme intends.
- 38 The proposed appearance of the building would be considerably more modern than the existing building and would create a building that would continue to be in keeping with the mixed character of the area.
- 39 In terms of the potential impact on the adjacent Granville Road and Eardley Road Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 40 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132).
- 41 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 42 The building is visible from both public and private vantage points along Granville Road and Knotts Place that fall within the adjacent conservation area. From the conservation area the changes to the external finish of the building and, to a lesser extent, the new units to be created on the roof of the towers would be apparent to those viewing the site.
- 43 Given the fact that the roof additions would be set in from the outer walls of the existing towers and, as explained above, the alterations to the exterior of the building would have a positive effect on the appearance of the building, I believe that the proposed development would preserve the significance of the adjacent heritage asset.

- 44 Overall, I would conclude that the development would be designed to a high quality and would respond to the distinctive local character of the area in which it is situated. The proposal is therefore in accordance with the NPPF, policy SP1 of the Core Strategy, policies EN1 and EN4 of the ADPM, and policy EN1 of the Local Plan.

Impact on neighbouring amenity –

- 45 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.
- 46 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.
- 47 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.
- 48 I therefore consider that these policies are broadly consistent with the NPPF.
- 49 As acknowledged above the existing building is large in size and also possesses a significant number of windows facing in most directions. Existing windows facing in a southerly direction are limited to those serving a stair well through both towers.
- 50 Due to the size of the existing building and the proximity of it to neighbouring and nearby residential properties it currently exerts an impact on the neighbouring amenity enjoyed by the occupiers of these dwellings. In some cases this impact would be in terms of a dominant and overbearing effect, loss of outlook, overlooking, loss of privacy and a loss of light. In the vast majority of cases I do not believe that the situation would significantly change as a result of the proposed development.
- 51 The extensions added to the roof of both towers would be set back from the outer walls and so would not add significantly to the dominant or overbearing effect that the building currently possesses, the loss of outlook or the loss of light that may currently occur.
- 52 The introduction of a terrace around the new units could potentially add to the overlooking and loss of privacy experienced by the occupiers of some neighbouring properties. However, given the height at which the terraces would be located (a minimum of 24m above ground level I am, again, of the view that the existing relationship with the majority of neighbouring properties would not change significantly).
- 53 I do have some concern relating to the relationship with a number of properties to the rear of the site on Knotts Place. My concern relating to the relationship with those properties to the rear on Granville Road is less due the greater distance of separation between Tubs Hill House and these properties. Give the height of the proposed terrace, the distance of separation of someone stood on the terrace

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looking out towards the properties on Knotts Place would be 26m. This is a greater minimum distance than guidance suggests is appropriate.

- 54 However, the perception of overlooking from a terrace in such a position could have a significant impact on the amenities currently enjoyed by the occupiers of the neighbouring properties. As such, I believe that it would be appropriate for details of a privacy screen to be erected along the rear section of each terrace be requested by way of condition to preserve neighbouring amenity. I do not believe that screens are necessary to the eastern side sections of the towers due to the oblique angle of sight across to neighbouring properties combined with the distance of separation to these sections of the building.
- 55 Windows are proposed to be inserted to the rear of the building to serve the new units within the existing building and the existing stairwell windows would be retained. The new windows would be projecting bay windows with an obscure glazed rear facing pane of glass. This would allow natural light in the sides of the bay whilst restricting views out. The retained stairwell windows are proposed to serve kitchens, which fall within the definition of a habitable room. However, under the permitted change of use of the building these window could potentially serve any room, including a habitable room, and so it would be unreasonable of the Council to attempt to control them as part of this application.
- 56 Other windows proposed to be installed in the remaining three elevations of the towers would replace a similar number of windows that exist in the building. The level of overlooking and loss of privacy would not therefore be significantly greater than the existing building. In addition, it is appropriate to take account of the fall back position that could take advantage of the existing openings that could each serve a habitable room.
- 57 The additions to the front of the building would be subservient in size to the overall height and mass of the existing building and so would be viewed by the occupiers of properties opposite the site in the context of the main building. The link structure would be open in appearance and so no more dominant than the existing central core of the building. Outlook from properties opposite would therefore be unaffected and the building would be no more dominant or overbearing. No additional loss of daylight or sunlight would occur due to the retained distance of separation.
- 58 I do not believe that the use of the building for residential purposes would cause a disturbance to the occupiers of neighbouring properties through light pollution or noise.
- 59 The proposal would, on balance, also ensure an acceptable environment for future occupants. Some impacts in terms of privacy, overlooking, provision of light and outlook would be experienced by those occupying the properties facing onto the landscaped courtyard. However, these potential issues would be evident to those potentially considering the occupation of these flats.
- 60 Overall, I am of the view that the development would preserve the amenities currently enjoyed by the occupiers of neighbouring properties and would ensure a satisfactory environment for future occupants. The proposal is therefore in accordance with the NPPF, policy EN1 of the Local Plan and EN2 of the ADMP.

Other Issues

Affordable housing provision –

- 61 Policy SP3 of the Core Strategy requires that proposals involving the provision of new housing should also make provision for affordable housing. In the case of residential development of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 62 The applicant has provided a completed legal agreement setting out a financial contribution in line with the requirements of policy SP3 in relation to the four new units proposed to be erected on the roof of the building.
- 63 Since the remainder of the building could be changed to a residential use without the requirement of planning permission it would be unreasonable of the Council to seek an affordable housing provision for the new units created within the existing building.
- 64 The proposal is therefore wholly acceptable in terms of the requirements of policy SP3 of the Core Strategy.

The Code for Sustainable Homes –

- 65 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 and that conversions to residential use will be required to achieve BREEAM “Very Good” standards.
- 66 The applicant has provided a Code for Sustainable Homes preliminary assessment stating that the new units could achieve Code Level 3. It is therefore possible to require that a final certificate be submitted on completion of the new units by way of a condition attached to any approval of planning permission.
- 67 Again, since the remainder of the building could be changed to a residential use without the requirement of planning permission it would be unreasonable of the Council to seek that the new units created within the existing building achieve BREEAM “Very Good” standards.
- 68 The development is therefore in accordance with policy SP2 of the Core Strategy.

Parking provision and highways safety –

- 69 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.
- 70 Policy T3 of the ADMP states that schemes for new apartments with separate parking areas should include a scheme for at least one communal charging point.
- 71 The Highways Engineer has noted that there do not appear to be any issues that would justify an objection on highways grounds. A condition is suggested in terms of details of cycle parking for the proposed flats, which could be included on any approval of permission.

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- 72 The Highways Engineer notes that a small number of the proposed car parking spaces would be difficult to access in a normal sized car. However, the proposed provision of 118 parking spaces exceeds the requirement for the proposed number of units by 17 and so the loss of a small number would not result in a lack of parking on site. Hence, the fact that the Highways Engineer has not objected to the proposal on this basis.
- 73 The continued use of the existing vehicular accesses onto the site is also wholly acceptable.
- 74 Since the development comprises new apartments there is a requirement to provide a scheme for at least one communal charging point for electrical vehicles. This is something that can be required by way of condition.
- 75 The proposal would therefore ensure the satisfactory means of access for vehicles and would provide parking facilities in accordance with the Council's approved standards. It follows that the development would comply with policy EN1 of the Local Plan and policy T3 of the ADMP.

Property value –

- 76 This is not a matter material to the consideration of a planning application and so it is not possible to take into account the potential impact on the value of neighbouring properties as part of the assessment of this proposed development.

Impact of construction works –

- 77 This is, again, not a matter material to the consideration of planning permission but is controlled by other legislation. The same is true of the way in which asbestos is handled and disposed of.
- 78 However, given the size of the site and its proximity to a number of residential properties I believe that it would be appropriate to require the submission of a construction management plan prior to the commencement of development. This would ensure that the developer takes into account all aspects of the works that have to potential to impact upon the occupants of neighbouring properties and would deal with each aspect appropriately. This includes the removal and disposal of any asbestos found within the building.

The Community Infrastructure Levy (CIL) –

- 79 The proposal comprises the creation of four new units on the roof of the building, with the remainder of the development capable of being carried out under permitted development rights. As such the development is CIL liable, in full, for *the four new units created*.

Sustainable development –

- 80 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.

81 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

82 I consider that the proposed dwelling would preserve the character and appearance of the area and neighbouring amenity, and would ensure a satisfactory environment for future occupants. 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

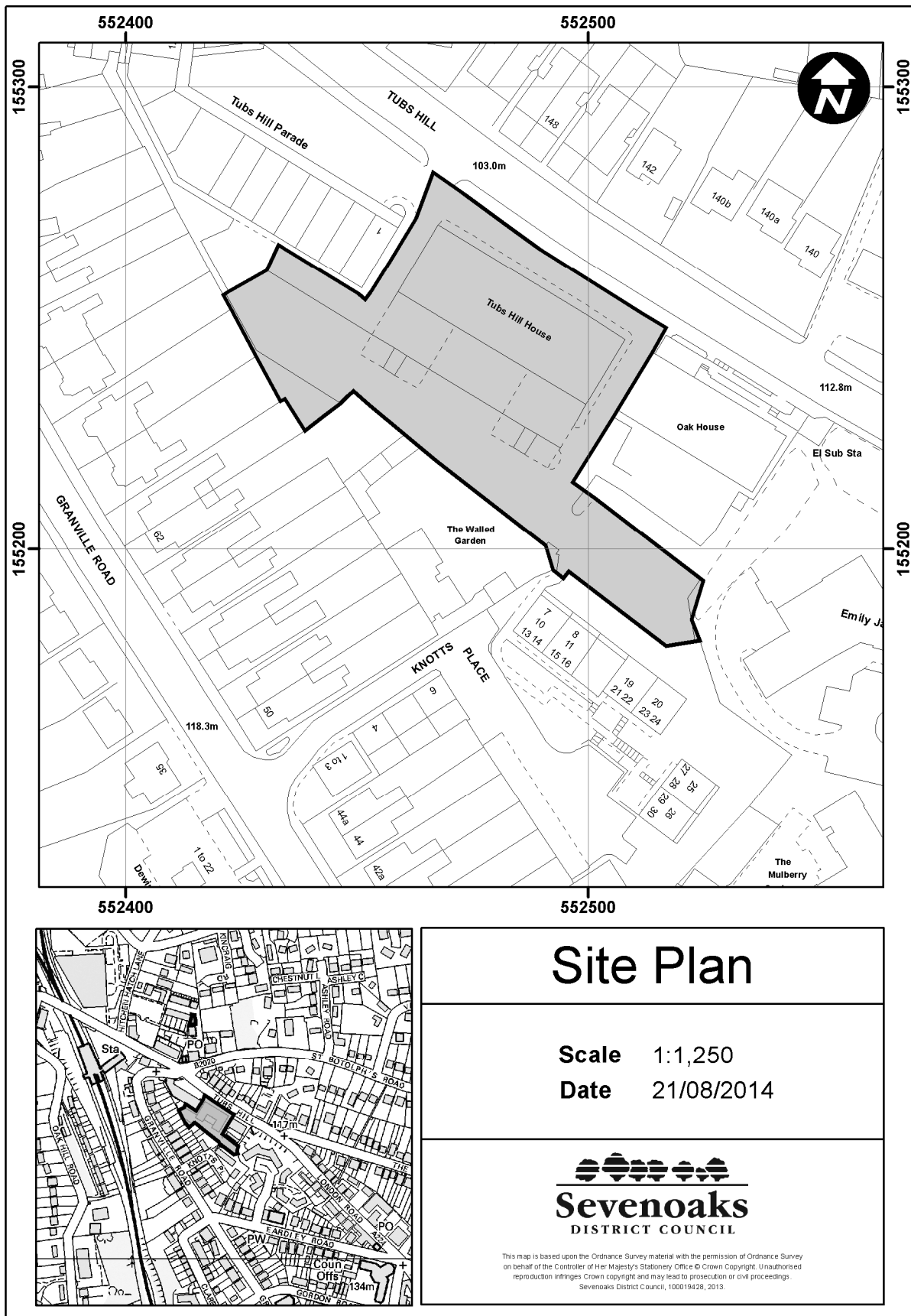
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N5T7NRBKFV00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N5T7NRBKFV00>





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4.3 – SE/14/01868/FUL Date expired 18 August 2014

PROPOSAL: Construction of two bedroom bungalow with provision of two off street parking spaces.

LOCATION: Land South East Of Alandene, Till Avenue, Farningham, Dartford DA4 0BH

WARD(S): Farningham, Horton Kirby & South Darent

ITEM FOR DECISION

This application is called to Development Control Committee at the request of Councillor McGarvey on the grounds that the proposed dwelling is too large and would have a harmful impact on the street scene; and the proposal would erode the neighbour's amenity area and result in insufficient amenity space for future occupiers of the proposed dwelling.

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: 004 Rev P1, 005 Rev P1 and 008 Rev P1 date stamped received 13.06.14, and 006 Rev P2 and 007 Rev P2 date stamped received 12.08.14.

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

3) 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 development 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 enhances the character and appearance 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 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 enhance the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

5) No development shall take place until the applicant, or their agents or successors

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in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

To ensure that features of archaeological interest are properly examined and recorded in accordance with policy EN25A of the Local Plan emerging policy EN4 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting those Orders) no development falling within Classes A, B, C and E of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority

To safeguard the character and appearance of the area and amenities of existing and future occupiers in accordance with policy EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

7) The area shown on the approved plan as car parking space shall be provided before the premises are occupied 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.

8) Prior to the commencement of development on site, details shall be submitted in writing to and be approved by the Local Planning Authority of wheel-washing facilities. The scheme shall be implemented in accordance with the approved details and shall be permanently retained during the construction of the development.

To prevent the deposit of loose material on the highway in the interest of highway safety.

9) The 1.8 metre high close boarded boundary fence identified on approved drawing number 004 Rev P1 and 005 Rev P1 shall be provided prior to the occupation of the dwelling hereby approved. The boundary treatment shall thereafter be retained and maintained.

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

10) 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 policy SP2 of the Core Strategy and National Planning Policy Framework.

11) Prior to the first occupation of the dwelling hereby approved, the storage area for refuse and recycling shall be provided in accordance with approved plans numbered 004 Rev P1, 005 Rev P1 and 008 Rev P1. The storage area shall thereafter be retained and maintained.

In the interests of the visual amenity of the area as supported by EN1 of the Sevenoaks District Local Plan.

Informatives

1) The applicant's attention is drawn to comments received by Kent Highways Services which state:

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2) The applicant's attention is drawn to comments received by Thames Water which the applicant should consider.

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.

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

Description of Proposal

- 1 The application seeks permission for the erection of a detached 2 bedroom bungalow with provision for two off street parking spaces.
- 2 For clarification, the scheme as it were originally submitted incorporated two dormer windows located in the side facing roof slopes. Following a conversation with the applicant in which concern was raised regarding the impact of these windows on the privacy of the occupants of Alandene and Laburnums the scheme has been amended to remove the dormer windows and replace them with roof lights located 1.7 metres above the internal finished floor level.

Description of Site

- 3 The site the subject of this application currently forms part of the residential curtilage of Alandene and is located in the settlement boundary as defined on the proposal map to the Sevenoaks District Local Plan.
- 4 Alandene is a detached bungalow.
- 5 The site is located in an Area of Archaeological Potential.

Constraints

- 6 Area of Archaeological Potential
- 7 Area of Outstanding Natural Beauty (AONB)

Policies

Sevenoaks Core Strategy

- 8 Policies - SP1, SP2, SP3, SP5, SP7, SP11, L08

Sevenoaks District Local Plan:

- 9 Policies - EN1, EN25A,

Allocations and Development Management Plan (ADMP) (Submission Draft)

- 10 Policies - EN1, EN2, EN4, T2

Others

- 11 National Planning Policy Framework
- 12 Planning Practice Guidance

13 Affordable Housing Supplementary Planning Document 2009

Planning History

14 83/01265/HIST- Extension to dwelling incorporating an additional garage. Grant 17.10.1983.

97/01656/HIST - Dwelling as granny annexe. Refuse: 21.12.1998.

12/00701/FUL - Erection of a detached 2 bedroom bungalow to include creation of a new access: Refuse: 11.07.2012.

13/00135/FUL - Erection of a detached 2 bedroom bungalow. Provision of two off-street parking spaces and a refuse storage area: Refuse: 17.06.2013.

Consultations

Parish Council

15 Farningham Parish Council continues to object to this proposal on the following grounds:

1. The bulk is still too great.
2. The height exceeds nearby Alandene.
3. The front wall is not in line with Alandene and Marjon
4. The triangle of land belonging to neighbours at number 6 is wrongly annexed in the diagrams and creates an impression of garden space that will not exist.
5. The infill will create a noise nuisance for all the surrounding properties and remains an unneighbourly development.

16 If SDC are minded to allow this, a condition should specify that no work commences until the triangle of land referred to above is in the same ownership as the rest of the site.

Kent Highway Services

17 *As per the previous similar planning proposals for a new dwelling at this location, there are no KCC Highways & Transportation objections subject to an appropriate wheel washing facility being secured on site through condition throughout the duration of construction works.*

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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Southern Water

- 18 *The development site is not located within Southern Water's statutory area for water supply, drainage and wastewater services. Please contact, the relevant statutory undertaker to provide water supply, drainage and wastewater services to this development.*

Thames Water

Waste Comments

- 19 *Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk*

Surface Water Drainage

- 20 *With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason: - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.*
- 21 *Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.*

Water Comments

- 22 *On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.*
- 23 *Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters' pipes. The developer should take account of this minimum pressure in the design of the proposed development.*

County Archaeology

- 24 *The site of the application lies within an area of high archaeological potential for Roman archaeology. Roman buildings have been found in the surrounding area, including part of Roman bath house in the grounds of 36 Oliver Crescent, with*

Roman enclosure and features to the north of South Hall Close. Roman remains may survive within the area of the proposed bungalow and I recommend the following condition is placed on any forthcoming consent:

- 25 AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Representations

- 26 8 Letters have been received objecting to the proposal on the following grounds:

- Overlooking and loss of privacy;
- Dominating Impact;
- Overdevelopment;
- Roof line too bulky and high and not in keeping with neighbouring properties which are bungalows;
- Unacceptable increase in traffic noise;
- Increase traffic and highway safety;
- Unsuitable means of access not capable of accommodating deliveries; and
- Land ownership

- 27 The Local Ward Member has requested that all of the neighbours objections made in respect of the previous application reference SE/13/00135/FUL which are materially relevant be included. For information, the following objections were raised in respect of the previous application:

- The width of the access track;
- The condition of the access track;
- Safety of the access track;
- Condition of the access track in adverse weather conditions;
- The access track is too narrow to accommodate emergency vehicles.
- Reduced garden to Alandene;
- Density;
- Land ownership;
- Loss of views;

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- Overlooking;
- Whilst there is a need to provide affordable housing it must not be built at the expense of future owners/families that want a garden.

Chief Planning Officer's Appraisal

Background

- 28 Permission was refused by notice dated 21 December 1998 for an extension to be used as granny annexe.
- 29 This application proposed an extension which was of sufficient size to be considered as a separate residence rather than an annexe. One reason for refusal was given as follows.
- 'The site, by reason of its size and shape, would not satisfactorily accommodate the proposed extension which is tantamount to a new dwelling and would therefore result in an unduly cramped and un-neighbourly form of development out of character with the established pattern of development in the locality.'*
- 30 On 4 July 2012, a further planning permission reference SE/12/00702/FUL was refused for the erection of a detached 2 bedroom bungalow to include creation of a new access.
- 31 Following the refusal of application SE/12/00702/FUL a further application was submitted reference SE/13/00135/FUL which sought to address the previous grounds of refusal. This application was also refused. The application was refused by the Development Control Committee and a decision issued dated 17 June 2013. Three reasons for refusal were given as follows:
1. *The proposal would result in an overdevelopment of the site by virtue of its, size, bulk and roof height and would appear a cramped form of development, out of character with the established pattern of development in the locality. The proposal would therefore be contrary to policy EN1 of the Sevenoaks District Plan and SP1 of the Sevenoaks Core Strategy.*
 2. *The proposal would not ensure a satisfactory environment for future occupants in terms of amenity space contrary to policy EN1 of the Sevenoaks District Plan and SP1 of the Sevenoaks Core Strategy.*
 3. *As a result of the application proposal, the neighbouring property Alandene would appear as a cramped form of development within an insufficient plot and would not benefit from a satisfactory environment for future occupants in terms of amenity space. It would therefore be out of keeping with the established pattern of development in the locality contrary to policy EN1 of the Sevenoaks District Plan and SP1 of the Sevenoaks Core Strategy.*
- 32 An appeal was subsequently lodged against the Council's refusal, and this appeal was dismissed by The Planning Inspectorate on 17 October 2013. A copy of the appeal decision is attached to this report for information (Appendix A).

- 33 In summary, the Inspector's principle concern with the scheme related to the form of the proposed roof which he considered was disproportionate in relation to the dwelling itself and would thus result in a top heavy appearance which would appear unduly bulky. The Inspector considered that this would result in poor design which would be harmful to the character and appearance of the area contrary to the wider policy requirement of SP7 of the Core Strategy and contrary to policy SP1 of the Core Strategy and EN1 of the Local Plan.
- 34 The Inspector indicated that whilst the resultant density was acceptable the proposed dwelling constituted poor design relative to its surroundings and, moreover, the dwelling's bulk would give it a cramped appearance in its contextual setting contrary to the wider policy requirements of SP7.
- 35 It is important to note that the Inspector did not uphold the Councils remaining grounds of refusal relating to the impact of the proposal on the living conditions of future and existing occupiers neither did the Inspector make any reference to Alandene appearing cramped in a way which would be harmful to the character and appearance of the area.

Principal Issues

- 36 The site is located in the AONB, as such, in accordance with Section 85 of The Countryside and Rights of Way Act 2000 in performing any function affecting land in an AONB the Local Planning Authority has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of that area.
- 37 Remaining issues to consider in the determination of this application are:
- Principle of development;
 - The visual impact of the proposal including impact on the AONB;
 - The impact upon residential amenity;
 - Highway Implications;
 - Sustainability;
 - Biodiversity;
 - Archaeology;
 - Affordable housing; and
 - Whether the Inspector's grounds for dismissing the appeal have been overcome.
 - *Principle of Development*
- 38 Paragraph 53 of the NPPF states that, "*local planning authorities should consider setting out policies to resist the inappropriate development of rear gardens, where this would cause harm to the local area*". At a local level this is broadly consistent with policies LO7, SP1 and SP7 of the Core Strategy which permit small scale development that sympathises with the scale and nature of the village provided it does not compromise or harm the distinctive character of an area.

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- 39 The NPPF encourages the delivery of homes of a high quality design and a good standard of amenity for all, whilst “encouraging the effective use of land by reusing land which has been previously developed (brownfield land) provided it is not of high environmental value”. Annex 2 of the guidance defines ‘Previously Developed Land’ as that 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’.
- 40 The site falls within the built confines of Farningham 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 wording of the NPPF.
- 41 However, notwithstanding the above, policy LO1 of the Sevenoaks Core Strategy states that *"development will be focussed within the built confines of existing settlements"*. As stated above, the site the subject of this application is located within the built confines of an existing settlement, therefore, on balance; it is my view that there is potential to develop the site subject to preserving the character of the area. Furthermore, the proposal would provide additional housing for the district in a sustainable location which supports the aspirations of the NPPF.
- 42 Upon considering the above, in my view the principle of residential use/infill of the site is acceptable subject to no adverse impact on the character of the area, the amenities of neighbouring occupiers, impact on highway conditions and an acceptable design, and any other material planning considerations. An assessment of these issues is discussed below.

Density

- 43 For information, the density of development remains the same as that proposed under the previous scheme reference SE/13/00135/FUL. Furthermore, as detailed in the ‘background’ it should be noted that the Planning Inspector indicated that the density of the scheme was acceptable.
- 44 Policy SP7 of the Core Strategy sets out the Councils housing density levels, stating that all new housing will be developed at a density which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration, within Farningham, the Council seeks a net density of 30 dwellings per hectare (dph).
- 45 It is stated that the site area which the proposed dwelling will occupy is approximately 0.028ha. The proposed development of the site to provide 1 dwelling would result in an overall density of approximately 35dph, which is above the density guidelines set out in policy SP7. The remaining site area to be occupied by the existing property Alandene as shown on the submitted 1:200 scale plan, will be approximately 0.039ha, resulting in a density of development of approximately 29dph below the density guidelines set out in SP7.
- 46 Whilst the proposal would be inconsistent with the prescribed density levels, as stated above, the overriding consideration is that housing will be developed at a density which is consistent with achieving good design and does not compromise

the distinctive character of the area in which it is situated. In this instance, it is considered that the subdivision of this plot to accommodate an additional dwelling would result in density levels which are broadly consistent and comparable with the mixed density of development in the area immediately surrounding the application site which, as a guide ranges from approximately 17dph (Laburnums) to 55dph (Marion Cottage).

- 47 As such, it is considered that the proposal would reflect the established spatial character, and that the general principle of the redevelopment of the site in this manner is acceptable.

Visual Impact

- 48 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)
- 49 Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy state that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 50 Emerging policy EN1 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.
- 51 Policy L08 of the Sevenoaks Core Strategy states that *“The countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced”*.
- 52 In assessing the visual impact of the previous proposal the Planning Inspectors principle concern relates to the form of the roof. In his decision the Inspector states:
- “Whilst the dwelling's eaves are shown to reach only 2.5m, its ridge height would climb to approximately 6m, which would involve a disproportionate sized roof in relation to the dwelling itself. Indeed, the dwelling's flank elevations, due to the depth and expanse of roof scape would give the building a top-heavy appearance and it would appear unduly bulky in views from the lane and directly from neighbouring properties, including Laburnums, Woodside and Alandene itself”*.
- 53 The Inspector considered that the dwelling would therefore constitute poor design and that the dwelling's bulk would give it a cramped appearance in its contextual setting.

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- 54 In order to address the Inspectors grounds for dismissing the appeal the applicant has omitted the bay window to further reduce the bulk and overall depth resulting in the building line retreating further away from the front boundary. In addition to this, the form of the proposed roof has been amended. Due to the reduction in area at ground floor level accommodation is now proposed to be provided in the amended roof.
- 55 As set out in the applicants accompanying statement, the height of the ridge has been reduced by approximately 0.6m. The form of the roof has been amended to incorporate a 35 degree pitched hipped design up to 1 meter above first floor level, where it then reverts into traditional pitched roof with gable ends. This solution reduces the depth of the roof to 7.3 meters as opposed to 9.3 metres in comparison to the previous scheme reference SE/13/00135/FUL. Together with the reduction in overall height, I consider that the resultant dwelling would have a far more proportionate and less bulky roof form which would incorporate features which take queues from common themes of design existing in nearby neighbouring properties. Overall, I consider that the new roof helps to alleviate the dwellings overall scale and mass and consequently, in my view, the dwelling would no longer appear cramped in its contextual setting and instead would appear compatible with the locality and appropriate to the character of the area.
- 56 The materials to be used in the construction of the external surfaces of the development which comprise stock brick, white weather boarding and a black slate roof, would be sympathetic to materials predominating locally in type.
- 57 As stated in the preceding paragraphs, the principle and density of development is considered to be acceptable which is consistent with the Planning Inspectors decision.
- 58 Notwithstanding that no objection was raised to the principle of the development and/or density, the current application shows a further reduction in the footprint of the building in comparison to the previous scheme, which is achieved by removing the bay window formerly proposed under application reference SE/13/00135/FUL. Consequently, it is officers view that the ratio of built form to amenity area on the site is acceptable and would be broadly comparable with other neighbouring properties including for example, Marion Cottage, Linden Lea, 19a and 20a Oliver Crescent. Overall, the further reduction in the size of the bungalow since the first submission reference SE/12/00702/FUL and consequence increase in amenity space on the site would ensure that the plot is more in keeping with the general pattern of development in the area as demonstrated in the table set out below.

Address	Plot Size (m²)	Building Footprint (m²)	Garden Area (m²)	% Amenity Space	Distance of Building from Boundaries (m)
Marion Cottage	185	69	116	63	0.25 (SE), 2-6.5 (NW) 2.4 (Front), 2.5 (Rear)
19a Oliver Crescent	135	51	84	62	0 (SE), 1 (NW) 4 (Front), 12 (Rear)
20a Oliver Crescent	171	47	124	72	Mid Terrace 2.5 (Front), 18 (Rear)

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Linden Lea	269	74	195	72	0 (SE), 6.5-9 (NW) 3 (Front), 3 (Rear)
Alandene (as proposed)	400	103 (+50 garage)	247	62	2.9 (SE), 0.3 (NW) 3.8 (Front), 4.642 (Rear)
Bungalow Proposed 12/00702/FUL	280	93 (Approx)	187 (Approx)	66	1.0 (SE), 1.0 (NW) 3.5 (Front), 3.3-7.2 (Rear)
Bungalow Proposed 13/00135/FUL	280	82	198	71	1.91 (SE), 5.4 (NW) 1-2.5 (Front), 5.4-8.7 (Rear)
Proposed New Bungalow	280	78.2 (excluding the open sided porch)	201.8	72	1.91 (SE), 5.4 (NW) 1.5-2.5 (Front), 5.4-8.7 (Rear)

- 59 The table above and the information submitted, serves to demonstrate that the plot size and footprint of the proposed dwelling and the amenity space to both the proposed new dwelling and to Alandene would be broadly comparable with other neighbouring properties.
- 60 Attention is drawn to the previous paragraph of the report which indicates that the Inspector did not uphold the Council's grounds of refusal relating to the impact of the proposal on the living conditions of future and existing occupiers and neither did the Inspector make any reference to Alandene appearing cramped in its reduced plot in a way which would be harmful to the character and appearance of the area.
- 61 Overall, in my opinion the revisions proposed are considered to be sufficient to address the Inspector's grounds for dismissing the appeal, and would ensure that the proposed new dwelling would no longer appear cramped.
- 62 For the reasons set out above, the proposal is considered to be sufficiently sympathetic in a way which would ensure it would not have a negative impact upon the character of area and would reflect the surrounding pattern of development and layout. As such, the proposal would not adversely impact upon the quality, character, appearance or visual amenity of the locality and is not therefore harmful to the appearance of the street scene or the character and appearance of the AONB.
- 63 In my view, whilst I consider the current proposal to be acceptable, any enlargement of the current proposal would be unacceptable and would instantly impact negatively on the above considerations. As such, it is suggested that a condition is imposed removing all permitted development rights in accordance with Planning Practice Guidance.
- 64 Details of a refuse and recycling store have been submitted, which show a modest timber enclosure to the front of the property adjacent to the boundary which is not considered to harm the appearance of the street scene.

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Impact on Neighbouring Amenity

- 65 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.
- 66 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.
- 67 Emerging policy EN2 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.
- 68 Alandene is the closest neighbour to the proposed dwelling. Having regard to the impact on Alandene. There are no windows in the side elevation of Alandene directly facing the site which would be affected by the proposal and the proposed new dwelling maintains a distance of approximately 8.3 metres from Alandene itself. As such sufficient distance is maintained to prevent any adverse impact on the occupiers of Alandene by reason of form, scale height and outlook. Furthermore, these distances would ensure that the proposal would not result in any loss of light or overshadowing to the host property.
- 69 With the exception of Alandene, the nearest neighbouring residential properties are located in excess of 20 metres from the proposed new property. This distance is sufficient to ensure that the proposal would not adversely impact upon the amenities of neighbouring residents by reason of form, scale height and outlook. Furthermore, the proposal would not impact upon light entering these properties or increase overshadowing to a harmful degree.
- 70 Having regard to privacy, the Councils RESPD advises that the overlooking of windows of habitable rooms in any adjoining property at a close distance and which would result in an unreasonable loss of privacy is unacceptable. For similar reasons, a window overlooking the private amenity area immediately adjacent to the rear of an adjoining dwelling is also inappropriate. The District Council will normally calculate the private amenity area as a depth of 5 metres from the back of a property.
- 71 It is proposed to erect a 1.8 metre high closed boarded fence to the boundaries of the application site which will prevent any overlooking from ground floor windows. There are four windows proposed to serve the accommodation in the roof. The first is in the rear elevation serving the bedroom; this window would overlook the far rear end of the gardens located in Till Avenue which is in excess of 5 metres from the back of the properties which as stated previously would not constitute private amenity space as defined by the Council. The second window would be located in the front elevation overlooking the access and would serve non habitable space being the staircase and shower room. The third and fourth windows are roof lights in the side facing roof slopes which replace the dormer windows previously proposed. The cill to these roof lights would be positioned 1.7 metres above the internal finished floor level in order to avoid any unacceptable overlooking. In conclusion, I do not consider that the amended proposal would result in any unacceptable loss of privacy to neighbouring occupants.

- 72 For the reasons set out above, it is not considered that the proposal would cause any significant harm to the amenity of neighbouring residents.

Highways

- 73 Concern remains about the access and parking arrangements.
- 74 Kent Highway Services have raised no objection previously to these matters. Notwithstanding this an informative was attached to the previous decision notice reference SE/13/00135/FUL relaying the concerns of the Development Control Committee and Local Members and it should be noted that this was not upheld by the Planning Inspector who raised no concern regarding access and parking arrangements.
- 75 Kent Highway Services continue to raise no objection to the proposal.
- 76 The proposal would benefit from sufficient allocated off street parking in accordance with KCC Residential Parking Standards set out in Interim Guidance Note 3.
- 77 In the event of an approval KCC Highways have requested the imposition of an appropriately worded condition to secure wheel washing facility on site during construction which will prevent loose material from being deposited onto the highway.
- 78 As the Inspector did not uphold the previous concerns raised by Local Members and the Development Control Committee and KCC have raised no objection, it is therefore my view that there remain no justifiable grounds on which to refuse the application in respect of highway matters.

Sustainability

- 79 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).
- 80 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.
- 81 In my opinion, the proposed scheme 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.

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- 82 The Council is committed to reducing the causes and effects of climate change by promoting best practice in sustainable design and construction as set out in policy SP2 of the Sevenoaks Core Strategy.
- 83 Having regard to this, it would be considered reasonable in the event of permission being granted, in accordance with Planning Practice Guidance 'The use of planning conditions', to require the development to achieve a minimum of Code Level 3 of the Code for Sustainable Homes.

Biodiversity

- 84 Having followed Natural England's Standing Advice there is no specific criteria applying to the present condition of the site which indicates the need for the Local Planning Authority to request an Ecological Survey, or which indicates that any protected species/habitat are affected by the proposal.
- 85 Notwithstanding this, the National Planning Policy Framework states at paragraph 118 that:
- "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*
- opportunities to incorporate biodiversity in and around developments should be encouraged;....."*
- 86 In addition, policy SP11 of the Sevenoaks Core Strategy states that *"the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity"*.
- 87 Given that the application site does not comprise any of the features in Natural England's standing advice and that it is currently a garden maintained for residential purpose, it is unlikely that any protected species would be affected by the proposal.
- 88 However, given the aforementioned National and Local policies I consider it reasonable in accordance with Planning Practice Guidance 'Use of Conditions' to impose a condition requiring biodiversity enhancements.

Affordable Housing

- 89 Policy SP3 of the Sevenoaks Core Strategy states that in residential developments of less than 5 units that involve a net gain in the number of units a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off site. The formula for calculating the sum of monies required is set out in the Councils Affordable Housing SPD.
- 90 The proposal would result in a net gain of 1 residential unit.
- 91 The applicant has indicated that they are willing to provide a financial contribution in line with the formula held within the Affordable Housing SPD and submitted a draft Section 106 agreement to reflect this. Confirmation has since been received from Legal Services that a legal agreement has been completed and a financial contribution secured in accordance with policy SP3 and the Affordable Housing Supplementary Planning Document.

Other Matters

Archaeology

- 92 The County Archaeology's comments are set out in the consultation responses above.
- 93 It should be noted that due to the possible presence of Roman remains some of which have been found within the vicinity of the application site, County have recommended that a condition is imposed to any grant of planning permission requiring a programme of archaeological works. In the interest of recording any items of interest, I consider this condition to be reasonable in accordance with planning practice guidance.

Land Ownership

- 94 Representations have been received disputing the applicant's ownership of the land within the application site.
- 95 To clarify, the red line boundary identifies the site area to which the proposal relates. As I understand it, during the processing of refused application reference SE/12/00702/FUL a triangular piece of land within the curtilage of number 6 Till Avenue, adjoin the application site and included within the red line boundary was found not to be under the ownership of the applicant.
- 96 This land was subsequently removed from within the red line boundary.
- 97 This remains the case with the current application, the triangular piece of land within the curtilage of number 6 Till Avenue is not included in the red line boundary as indicated on drawing numbers 01 Rev P1, 04 Rev P1 and 05 Rev P1.
- 98 In addition, the applicants agent has been contacted and asked to clarify their clients position regarding the piece of land in question and has clarified in writing by email that the land is within the ownership of the applicant.
- 99 West Kent Housing has also been contacted following receipt of their representation. The following comment has been received in response:
- Having looked over the plans supplied I think that there is an element of possible confusion caused by the fact that although the relevant plans submitted indicate the red line is now in the correct position, the area to the rear of 6 Till Avenue is still coloured green on the subsequent plans which shows the landscaping element. We would much prefer to see all the relevant plans without WKHA's land coloured in green.*
- 100 I am satisfied from the comments received from West Kent Housing that none of the land to which the application relates is within the ownership of West Kent Housing. I have advised the applicant of West Kent Housings comments and they may choose to amend the colour of the plans submitted to avoid any further confusion. However, it is important to note that I am unable to insist that they amend the colour of the plans as this does not affect the validity of the application.
- 101 Ultimately, it should be noted that ownership certificates signed by the applicants are taken in good faith and that the Council does not involve itself in land

Agenda Item 4.3

ownership related disputes which are a matter to be resolved between the applicant and any relevant third part involved. To clarify, a grant of planning permission does not confer any right of access or any right to develop land found not to be within the ownership of the applicant.

- 102 It has also been brought to my attention by a local resident and the Local Member that there is a restrictive covenant on the land which appears to prevent any buildings from being erected on the site. Similarly to the matter of land ownership the existence of covenants is not a material planning consideration and would not prevent planning permission from being granted. The existence of any covenants which may affect the proposed development is a legal matter and not a material planning consideration which will need to be considered by the applicant.

Conclusion

- 103 An application for a new dwelling was previously dismissed at appeal by the Planning Inspector in October 2013. In summary, the Inspectors principle concern with the scheme related to the form of the proposed roof which he considered was disproportionate in relation to the dwelling itself and would thus result in a top heavy appearance which would appear unduly bulky. The Inspector considered that this would result in poor design which would be harmful to the character and appearance of the area contrary to the wider policy requirement of SP7 of the Core Strategy and contrary to policy SP1 of the Core Strategy and EN1 of the Local Plan. The Inspector did not raise any objection to the following:

- Principle of development;
- Density;
- Impact on the of the proposal on the living conditions of future and existing occupiers;
- Alandene appearing cramped in a way which would be harmful to the character and appearance of the area;
- Access and parking arrangements.

- 104 The application seeks permission for the erection of a detached 2 bedroom bungalow with provision for two off street parking spaces and a refuse storage area. The application has been revised to incorporate a new form of roof with accommodation within.

- 105 Overall, taking into consideration the Planning Inspectors decision and the revisions proposed it is my view that for the reasons set out in the preceding paragraphs, the proposed new dwelling would not appear cramped and is sufficiently sympathetic in a way which would ensure it would not have a negative impact upon the character of area and would reflect the surrounding pattern of development and layout. As such, the proposal would not adversely impact upon the quality, character, appearance or visual amenity of the locality and is not therefore harmful to the appearance of the street scene or the character and appearance of the AONB.

- 106 The proposal is not considered to cause any significant harm to the amenity of neighbouring residents.

- 107 Kent Highways Services have raised no objection to the proposal.

- 108 An affordable housing contribution has been offered.
- 109 Consequently, it is my view that the proposal is in accordance with the NPPF and development plan policies and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block plans

Contact Officer(s): Claire Baldwin Extension: 7367

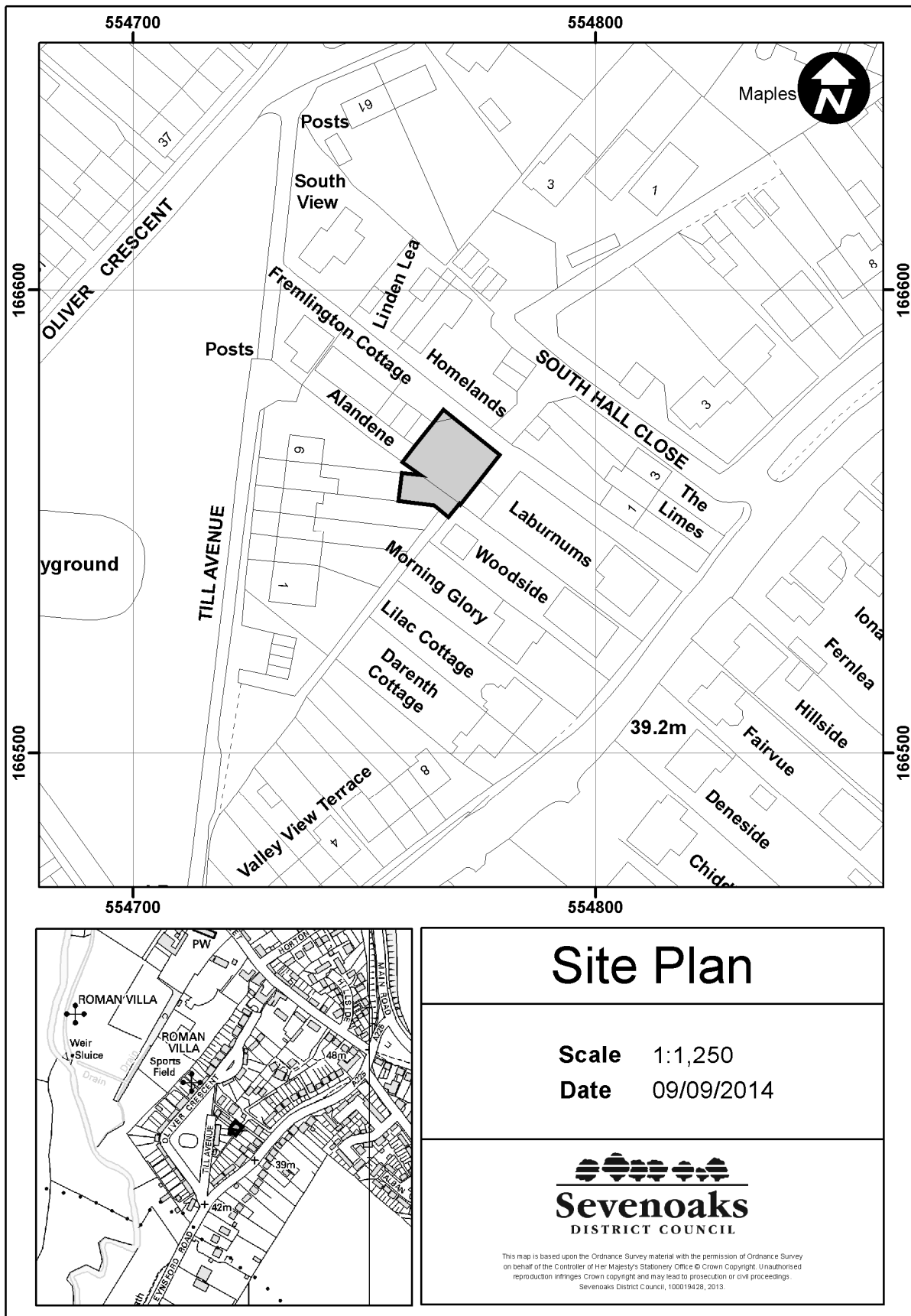
Richard Morris
Chief Planning Officer

Link to application details:

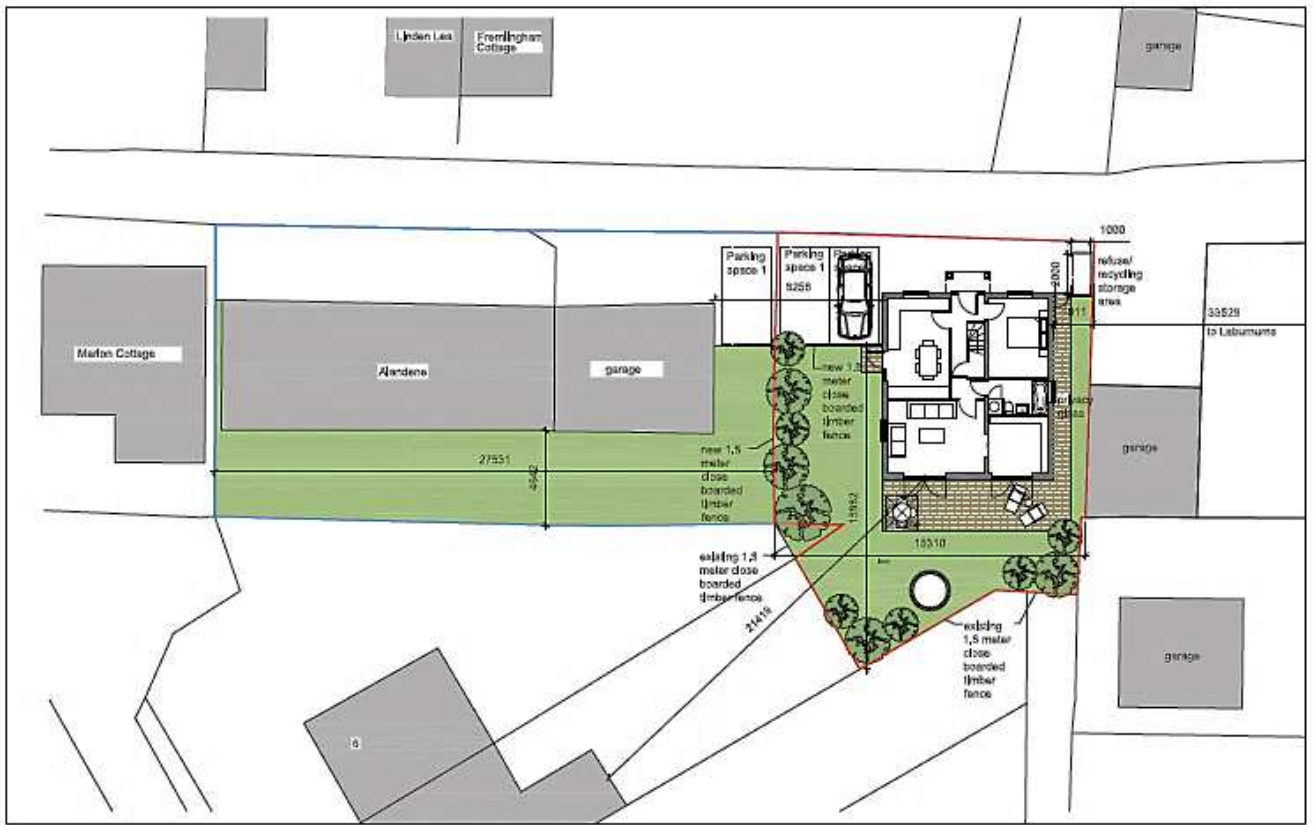
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N73IFHBKG6F00>

Link to associated documents:

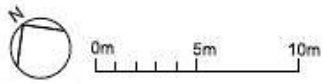
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N73IFHBKG6F00>



Block Plan



Proposed site plan





Appeal Decision

Site visit made on 17 October 2013

by **Timothy C King BA(Hons) MRTPI**

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

Decision date: 14 January 2014

Appeal Ref: APP/G2245/A/13/2201254

Alandene, Till Avenue, Farningham, Dartford, DA4 0BH

- 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 Paul Bonen against the decision of Sevenoaks District Council.
 - The application Ref SE/13/00135/FUL, dated 16 January 2013, was refused by notice dated 17 June 2013.
 - The development proposed is '*Construction of a two bedroomed bungalow on the land to the side of Alandene, Till Avenue, Farningham, Kent, DA4 0BH including provision for two off street parking spaces and a refuse storage area.*'
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The dwelling immediately to the north west of Alandene is referred to in the appeal papers as both Marion Cottage and Marjon Cottage. Taken with the Council's documents the consensus appears to lie with 'Marjon' and I will refer to this property, accordingly.

Main Issues

3. The main issues in this case are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on living conditions for existing occupiers of Alandene, with particular regard to the reduction of available garden space; and
 - iii) whether the proposed dwelling would provide a satisfactory standard of living conditions for any future occupiers, with particular regard to garden space provision.

Reasons

Character and appearance

4. The appeal site comprises what is currently side garden land relating to Alandene, a bungalow fronting the narrow un-made lane between Till Avenue and the A225, Eynsford Road. In proximity, also fronting the lane, are Marjon
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Cottage, adjacent to Alandene, and opposite, Linden Lea and Fremlingham Cottage. The proposal would involve Alandene ceding a large part of its garden to allow for the erection of a new two-bed bungalow fronting the lane.

5. The proposed dwelling would have a frontage of some 8.5m and, save for a projecting bay window feature, would be set just slightly forward of the front building line of Alandene and its adjoining triple garage. Whilst the dwelling's eaves are shown to reach only 2.5m, its ridge height would climb to approximately 6m, which would involve a disproportionate sized roof in relation to the dwelling itself. Indeed, the dwelling's flank elevations, due to the depth and expanse of roofscape would give the building a top-heavy appearance and it would appear unduly bulky in views from the lane and directly from neighbouring properties, including Laburnums, Woodside and Alandene itself.
6. The dwellings in the immediate vicinity are of varying age, style and density. In the main, those fronting Till Avenue and Eynsford Road have defined front and rear gardens whilst Linden Lea, Fremlingham Cottage and Alandene have side curtilage space used as garden area. Whilst the density of the proposed dwelling relative to its surrounding curtilage is within the general range of those existing nearby I note that Policy SP7 of the Sevenoaks Core Strategy (SCS) requires that all new housing should be developed at a density that is consistent with achieving good design and without compromising the distinctive character of the area in which it is situated. In this instance I do not consider that the proposed dwelling constitutes good design relative to its surroundings and, moreover, the dwelling's bulk would give it a cramped appearance in its contextual setting. Whilst, therefore, the resultant density itself may be acceptable the wider policy requirement would not be met.
7. Policy EN1 of the Sevenoaks District Plan (SDP) and Policy SCS Policy SP1 both require that new development should respond to, and be compatible with, local character and appearance. I conclude that the dwelling, due to the depth and extent of its roof planes and the consequent bulk, would appear cramped in its setting causing material visual detriment to passers by and neighbouring residents alike. I therefore find on the first issue that the proposal would be harmful to the character and appearance of the area and contrary to the requirements of SDP Policy EN1 and SCS Policy SP1.

Living Conditions – existing occupiers

8. Alandene currently enjoys a generous side garden which opens out from the strip of land set between the bungalow, its adjoining domestic garage and the boundary fence with No 6 Till Avenue. The sub-division of its plot would, however, leave Alandene with only a limited L shaped garden remaining, comprising of the said strip and also an area of limited significance between the garage's flank wall and the proposed fence that would demarcate Alandene from the new dwelling.
 9. At my site visit I noted, not only the length of the main strip, but also its apparent narrowness. Whilst it would not be overlooked by neighbours I disagree with the appellant's view that the garden area remaining would represent "great quality private amenity space" and its form would clearly affect its usability. Nonetheless, it is south west facing and reflects the arrangement behind its immediate neighbour, Marjon Cottage.
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10. Although Alandene's curtilage would thereby be much reduced and its new setting somewhat cramped relative to the current situation I conclude, on balance, that a sufficient and usable area of garden space would remain so as not to unduly compromise the living conditions of its occupiers. On this issue, therefore, the requirements of SDP Policy EN1 and SCS Policy SP1 would be met.

Living conditions – proposed occupiers

11. I have expressed concerns regarding the proposed building's design which would result in a dwelling appearing too bulky in its setting and out of character with its surroundings. Notwithstanding this, areas of usable garden space, shown laid to lawn, would be available for the dwelling's future occupiers to its side and rear. In addition, a terrace is also shown surrounding the bungalow. The garden would be orientated largely southwards and would enjoy suitable privacy.

12. I therefore conclude that the proposal would provide future occupiers with an adequate amount of usable garden space and allow for a satisfactory standard of living conditions. Accordingly, the requirements of SDP Policy EN1 and SCS Policy SP1 would be met in this respect.

Other matters

13. The appellant has referred to the Council's committee report whereby it was indicated that the proposal would be acceptable in its context and recommended that planning permission be granted. I understand that the appeal proposal followed on from a previous unsuccessful application for a bungalow and revisions had been made in an attempt to overcome the Council's concerns. Comparisons with the previous scheme were thereby drawn. However, I can only determine this appeal on the merits of the scheme before me.

Conclusion

14. I have found the proposal to be acceptable on two of the three issues but this does not outweigh the harm I have identified on the first issue which is compelling. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Timothy C King

INSPECTOR