

06 September 2018 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Despatched: 29.08.18



Development Control Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Thornton
Cllrs. Ball, Barnes, Bosley, Brown, Clark, Coleman, Edwards-Winsor, Gaywood,
Halford, Horwood, Mrs. Hunter, Layland, McArthur, Parkin, Purves, Reay and
Raikes

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To approve the minutes of the meeting of the Committee held on 26 July 2018, as a correct record. If Members wish to discuss the exempted appendix to the Minutes, a resolution will need to be passed (*please see below).	(Pages 1 - 8)	
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 17/03508/FUL - 3 Webbs Court, Buckhurst Lane, Sevenoaks TN13 1JN Change of use of business premises (B1) to residential (C3) and erection of a first floor extension to accommodate 1no. flat.	(Pages 9 - 22)	Mike Holmes Tel: 01732 227406
4.2 18/02133/HOUSE - 20 Barnetts Road, Leigh, Kent TN11 8QH	(Pages 23 - 32)	Alexis Stanyer Tel: 01732 227346

Demolition of existing conservatory and the erection of a single storey front porch, double storey side extension, loft conversion with rear dormer and change of roof of existing rear extension from flat roof to pitched roof and alterations to fenestration.

- 4.3 **18/00716/HOUSE - 10 Bullfinch Lane, Riverhead, TN13 2DY** (Pages 33 - 42) Hannah Donnellan
Tel: 01732 227387

Erection of a two-storey rear extension, alterations to roof, two new velux windows, circular roof light and front porch. Removal of chimneys to side elevations and alterations to chimney at the rear. Addition of two front dormers and two square bay windows to ground floor front elevation.

- 4.4 **18/00517/HOUSE - Orchard House, 48 Well Road, Otford, TN14 5PT** (Pages 43 - 50) Emma Gore
Tel: 01732227477

Installation of three (3) new roof-lights to the front and south-west side elevations and on the flat roof, amendments on the dormer to the rear elevation and new chimney to the south-east elevation.

*EXEMPT INFORMATION

Consideration of Exempt Information

Recommendation: That, under section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting when considering pages 7 - 8 (the confidential appendix to the minutes) of the Development Control Committee held on 26 July 2018 above, on the grounds that likely disclosure of exempt information is involved as defined by Schedule 12A, paragraphs paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information); and paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

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 227000 by 5pm on Monday, 3 September 2018.

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.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 26 July 2018 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Ball, Barnes, Bosley, Clark, Edwards-Winsor, Halford, Horwood,
Mrs. Hunter, Layland, Parkin, Purves, Thornton and Raikes

Apologies for absence were received from Cllrs. Brown, Coleman,
McArthur and Reay

Cllrs. Barnes, Mrs Bosley, Dyball and Piper were also present.

13. Minutes

Resolved: That the minutes of the Development Control Committee meeting held on 5 July 2018 be approved and signed by the Chairman as a correct record.

14. Declarations of Interest or Predetermination

There were none.

15. Declarations of Lobbying

There were none.

16. 18/01071/FUL - Sherinside, Stonehouse Road, Halstead TN14 7HN

The proposal sought planning permission for the construction of a replacement dwelling and outbuildings following the demolition of the existing dwelling and outbuilding.

The application had been called to the Development Control Committee by Councillor Grint who believed the proposal constituted inappropriate development in the Green Belt.

Members' attention was brought to the main agenda papers and the late observations sheet.

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: Richard Games

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Parish Representatives: -
Local Member: Councillor Grint

Members asked questions of clarification from officers.

It was moved by the Chairman and duly seconded that the recommendations within the report be agreed.

Members noted the absence of a Parish Council representative and that the proposal was more reasonable than that which could be achieved with the Lawful Development Certificates.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions: -

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

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

- 2) The materials to be used in the construction of the development shall be those indicated on the approved plan: P132-118, 120 and the application form.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 3) No development shall take place until details of the existing levels of the land any proposed slab levels and any changes in levels as a result of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- 4) No works shall commence until the tree protection strategy has been implemented as shown on the submitted Tree Protection Plan 17_1356_TPP_NT and Tree Survey Report dated 29th March 2018. The tree protection strategy shall be maintained during the duration of the works.

To prevent damage to the trees during the construction period as supported by Policy EN1 of the Sevenoaks District Councils Allocation and Development Management Plan.

- 5) Prior to the first occupation of the dwelling hereby permitted full details for the provision of facilities for the safe charging of electric vehicles has been submitted to and approved in writing by the local planning authority. The facilities shall be installed in accordance with the details so approved prior to the first occupation of any of the residential units and be retained, maintained thereafter and be available for use at all times.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan.

- 6) The full bat mitigation strategy, as detailed in paragraph 5.1.2.1 and in Figure 3 Bat roost compensation/enhancement scheme of the Updated Ecology Report, dated 29 March 2018 along with measures to enhance the site for bats shall be implemented in full and to the timetables provided, and shall be thereafter retained.

To ensure the protection of protected species and to enhance biodiversity on site as supported by the NPPF and Policy EN1 of the ADMP and SP11 of Sevenoaks District Council's Core Strategy.

- 7) The full Lighting Design Strategy for Biodiversity, as detailed in appendix 6 of the Updated Ecology Report, shall be implemented in full prior to occupation in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

To ensure the protection of protected species as set out within the NPPF.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development including basements within the curtilage of the dwelling house permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the local planning authority.

In recognition of the very special circumstances of the case and to mitigate harm to the openness of the Green Belt as supported by the

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National Planning Policy Framework and policy GB3 of the Allocations and Development Management Plan.

- 9) The proposed garage shall be used solely as ancillary to the main dwelling and for no other purpose.

To prevent overdevelopment of the land as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 10) No development shall take place until the dwellinghouse, shed and garage as shown on plan P132-113 has been demolished and all resulting materials have been removed from the land.

To protect the openness of the Green Belt and to support the very special circumstances of the case including maintaining the openness of the Green Belt.

- 11) The development hereby permitted shall be carried out in accordance with the following approved plans: P132-104, 105, 106, 112, 116, 117, 118, 120, 17_1356_TPP_NT, P132-113.

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

Informatives

- 1) Prior to work commencement, the following vegetation clearance scheme has to be carried out by an experienced ecologist to ensure no harm occurs to reptiles during the proposed development:
- Any cutting of the vegetation and removal of piles of masonry/concrete and debris within the work area, should be undertaken during the active season for reptiles (April to early October inclusive) in any given year.
 - Immediate maintenance of low vegetation cover (max 10cm) on site from the start and until the end of development works to prevent the works area becoming suitable for reptiles. To enable reptiles to relocate to surrounding habitats, the vegetation will be cut using hand tools only (strimmer and brush cutters acceptable).
 - Appropriate checks by the experienced ecologist prior to careful removal of the piles of masonry/concrete, debris and other suitable reptile refuges and to be kept away from the areas to avoid reptiles colonising those.

At 7.18 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 7.23 p.m.

17. 17/02279/FUL - Swanley Centre, London Road, Swanley BR8 7TQ

The Chairman moved and it was

Resolved: That under section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting when considering Agenda item 4.2 below, on the grounds that likely disclosure of exempt information is involved as defined by Schedule 12A: paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information); and paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Further information is contained within the confidential appendix to these minutes.

Resolved: That 2 (i) and (ii) and 3 as set out in the conclusion of the confidential report, subject to the agreed amendment to 2 (i), be agreed.

THE MEETING WAS CONCLUDED AT 9.00 PM

CHAIRMAN

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4.1 17/03508/FUL

Date expired 29 December 2017

Proposal: Change of use of business premises (B1) to residential (C3) and erection of a first floor extension to accommodate 1no. flat.

Location: 3 Webbs Court, Buckhurst Lane, Sevenoaks TN13 1JN

Ward(s): Sevenoaks Town & St Johns

Item for decision

This application is referred to the Development Control Committee at the request of Councillors Clack and Raikes who have concerns regarding the impact of the development on residential amenity of 41 Buckhurst Avenue.

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: 15_01A_01 Revision B, 15_01A_09 Revision D, 15_01A_10 Revision D, 15_01A_11 Revision D, 15_01A_12 Revision D and 15_01A_13 Revision D.

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

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

To ensure that the appearance of the development is in harmony with the existing character of the building and street scene as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) No development shall be carried out on the land until a detailed method statement of any works affecting the wall forming the southern boundary of the site have been submitted to and approved in writing by the local planning authority. The method statement should ensure minimal intervention to the wall and should also ensure the long term retention of the wall.

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 Allocations and Development Management Plan.

5) The north facing ground floor windows proposed to serve the two bedrooms

of Apartment 1 shall be obscure glazed and fixed shut at all times unless above 1.7m measured from internal floor level.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

6) The existing street sign, found on the west facing gable end of the existing building, shall be retained as part of the west facing elevation of the approved development.

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 Allocations and Development Management Plan.

7) No surface water from the development shall be discharged onto the adjacent public right of way.

To ensure that surface water is appropriately drained from the site in accordance with the National Planning Policy Framework.

Informatives

1) 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.

2) The applicant should be aware that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should contact Kent County Council before commencing any works that may affect the Public Right of Way.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

1 The Buckhurst Lane area was built in the late Victorian period close to the centre of town to house local workers. The area is characterised by narrow streets, lined with two storey terraced houses sited, on a regular building line to the back edge of pavement or behind shallow front gardens, which give a strong sense of enclosure. Commercial premises are part of the mixed use character of buildings within the area.

- 2 3 Webbs Court is one such commercial premises, which forms a small courtyard around the front entrance to the adjacent commercial properties. The property lies directly adjacent to residential properties to the north.

Description of proposal

- 3 The application seeks the change of use of the existing building from office to a residential unit and the erection of a first floor addition to the building to provide a second residential unit.
- 4 The first floor addition would extend along most of the building, but would stop 2.75m from the eastern end of the building.
- 5 The development would have a modern appearance in terms of its design but would be finished in facing brickwork and a slate roof to match the existing building.

Relevant planning history

- 6 15/02695/PAC - Prior notification for a change of use from offices to a single residential dwelling. This application is made under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior approval not required.
- 17/02271/FUL - Change of Use of Business Premises (B1) to Residential (C3) and First Floor Extension to Accommodate 1no. Flat - Withdrawn.

Policies

- 7 National Planning Policy Framework

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

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8 Core Strategy

- LO1 Distribution of Development
- LO2 Development in Sevenoaks Urban Area
- SP1 Design of New Development and Conservation
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP8 Economic Development and Land for Business

9 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EMP5 Non Allocated Employment Sites
- T2 Vehicle Parking

10 Other

- Sevenoaks High Street Conservation Area Appraisal
- Sevenoaks Residential Character Area Assessment (SRCAA) Supplementary Planning Document (SPD)

Constraints

11 The site lies within:

- The built urban confines of Sevenoaks
- A Source Protection Zone
- The wall facing on to Akehurst Lane is locally listed and is adjacent to a public right of way.
- The boundary to the High Street Conservation Area lies to the west of the site.

Consultations

Sevenoaks Town Council - 10.07.18

12 “Sevenoaks Town Council recommended refusal as:

The first floor extension would have an overbearing and dominating impact on the garden of 41 Buckhurst Avenue, windows would overlook the garden leading to a loss of privacy

The ground floor windows on the northern boundary would look directly into the garden of 41 Buckhurst Avenue leading to an unacceptable loss of privacy.

Informative: The Town Council may be more sympathetic to an application which did not include ground floor windows looking into the garden of 41 Buckhurst Avenue, and which brought the first floor

extension back in line with 41 Buckhurst Avenue's boundary line."

County Highways Engineer - 08.11.17

- 13 "Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration."

County Public Rights of Way Officer - 14.11.17

- 14 Objection raised due to the impact on the amenities of the users of the public right of way.

Business & Economic Development - 08.11.17

- 15 "I have no comments to make on the application."

Representations

- 16 We received five letters of objection relating to the following issues:

- Overdevelopment of the site
- Impact on the character and appearance of the area
- Overlooking and a loss of privacy
- Loss of daylight and sunlight
- Lack of vehicle or cycle parking
- Accessibility
- Use of the courtyard for residential purposes
- Impact on outlook
- Visual intrusion and
- Loss of architectural features.

Chief Planning Officer's appraisal

- 17 The main planning consideration:

- Principle of the development
- Impact on the character and appearance of the area
- Impact on the character and appearance of the adjacent conservation area
- Impact on residential amenity
- Impact on the locally listed wall
- Impact on the public right of way
- Impact on the Source Protection Zone.

Principle of the development

- 18 Para 122 of the NPPF (in part) states that planning policies and

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decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.

- 19 Policy LO1 of the Core Strategy advises that development will be focused within the built confines of existing settlements, with Sevenoaks being the principal for development in the district.
- 20 The development would be an efficient use of land and, subject to the proposal maintaining the setting and character of the area, would comply with paragraph 122 of the NPPF and policy LO1 of the Core Strategy.
- 21 The site comprises an unallocated employment site protected by policy SP8 of the Core Strategy and policy EMP5 of the ADMP. However, the applicant has established a fall back position through the submission of a prior notification application (15/02695/PAC). This application established that prior approval was not required for a change of use from the existing offices to a single residential dwelling.
- 22 These works can be completed at any point up until the middle of October this year.
- 23 Given the site can already be converted to a residential use there is a reasonable fall back position that may be implemented and which is a material consideration that is given significant weight.
- 24 The principle of the development is therefore appropriate providing the development complies with all other relevant development plan policies.

Impact on the character and appearance of the area

- 25 The locally distinctive positive features identified by the SRCAA include:
 - Terraced houses set on a regular building line close to the narrow road to the back edge of the pavement or behind shallow front gardens that give a sense of enclosure
 - Repeated designs in small cohesive groups within streets
 - Designs varied by use of bays, gables and use of materials
 - Harmonious range of limited materials.
- 26 In proposing new development within the Buckhurst Avenue Character Area, the SRCAA states that the harmonious palette of yellow and red brick or white render and original slate roofs should be respected, regular building lines to the street should be respected and traditional windows and doors and detailing should be retained or reinstated.
- 27 The development would retain the close building line to the street and the sense of enclosure, and proposes materials that match the existing building. The proposed development would therefore reinforce the established character of the area, with the introduction of an extension

that would tie into the existing building in terms of its design and finish.

- 28 The design approach is acceptable since it is of a bulk, mass and scale that respects the character of the area. The design would ensure that the development would remain subservient to the main element of the building, which fronts on to the corner of Buckhurst Avenue. This is achieved by retaining the modest footprint of the existing building and retaining a ridge height below that of the main part of the commercial building directly to the north of the site.
- 29 The existing building has the appearance in the street scene of an old outbuilding related to one of the attached buildings (1 and 2 Webbs Court). Whilst this proposal would involve a first floor extension, the design would retain this character and subservience. The proposed development would therefore maintain the character of the area and character of spaces between buildings.
- 30 A historic street sign is currently attached to the west facing gable of the building. A condition can be imposed to require its retention.
- 31 The proposal would preserve the character and appearance of the area in accordance with the NPPF, policy SP1 of the Core Strategy, policy EN1 of the ADMP and the Sevenoaks Residential Character Area Assessment SPD.

Impact on the character and appearance of the adjacent conservation area

- 32 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 33 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 34 As outlined above, the proposal would retain a subservient appearance to the properties at Webbs Court and Buckhurst Avenue, and would be finished in appropriate materials. The proposal would conserve the special character and appearance of the adjacent conservation area.
- 35 The proposal is therefore in compliance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policy EN4 of the ADMP.

Impact on residential amenity

- 36 The neighbouring properties potentially most affected by the proposed development would be the adjoining properties - 1 and 2 Webbs Court and 39 and 41 Buckhurst Avenue to the north of the site.
- 37 The properties to the south of the site, 2, 4 and 4A Akehurst Lane front on to the site and there would not be any adverse impacts as they are

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approximately a minimum of 18m from this proposal.

- 38 1 and 2 Webbs Court are part of the existing commercial property but do not form part of the application site. 1 Webbs Court possesses a number of windows over three floors that face towards the site, with windows for 2 Webbs Court facing towards the west.
- 39 The location of the site, in relation to 1 and 2 Webbs Court, and the design of the proposed development, means that the use of the site for residential purposes would not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements to the occupiers of these properties.
- 40 For the proposed residential units, windows at ground floor level would face onto the shared courtyard to the front of the site, which is overlooked by the commercial premises, and the windows of 1 Webbs Court. At first floor level a kitchen window and balcony would look onto the same area. The proposed windows and balcony at first floor would be at 90 degrees to 2 Webbs Court and so only oblique views towards this property would be available.
- 41 As a result there would be no harm to 1 and 2 Webbs Court from overlooking or loss of privacy.
- 42 Paragraph 123c of the NPPF states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). In this case Nos.1 and 2 Webbs Court are commercial units and so there would be no concerns relating to daylight and sunlight to these properties since the development proposes to make efficient use of the site.
- 43 39 and 41 Buckhurst Avenue are residential units located to the north-west side of the site, with 41 Buckhurst Avenue backing directly onto the site.
- 44 Ground floor window openings facing directly on to the rear garden of 41 Buckhurst Avenue are proposed to be controlled by condition to prevent overlooking and a loss of privacy. This proposal would represent an improvement to the existing situation where larger windows currently exist facing on to the rear amenity area of 41 Buckhurst Avenue from the existing commercial unit. The proposal would, therefore, not result in overlooking or a loss of privacy to 41 Buckhurst Avenue.
- 45 The impact of the proposed development on the outlook from the rear of 41 Buckhurst Avenue and the rear amenity area of the property is of potential concern. The first floor addition would project partly across the rear boundary of 41 Buckhurst Avenue. However, whilst the outlook from the rear facing kitchen window of 41 Buckhurst Avenue would change the reduction in outlook would not be so significant as to cause significant harm. There would still be a view over part of the ground floor section and to the side of the extended building. There is also a side facing window

that serves the kitchen of 41 Buckhurst Avenue and would not have a direct view of the proposed first floor extension.

- 46 Due to the relationship of the proposal with 39 Buckhurst Avenue in terms of distance and layout of rooms and location of windows, there would be limited harm to this property.
- 47 41 Buckhurst Avenue possesses a number of rear facing windows serving a kitchen at ground floor level, a bathroom at first floor level and a bedroom at second floor level. As noted above, the kitchen is served by a second side facing window and benefits from an open plan layout to the adjacent dining room, which has its own rear facing window set back from the very rear of the property.
- 48 Any harm caused by a loss of daylight to the rear facing kitchen window would be mitigated by the existence of the side facing window that also serves the kitchen and the open plan nature of the kitchen and dining room. At first floor level and second floor level the bathroom and bedroom would be sufficiently elevated not to be impacted by a loss of daylight by the proposed development.
- 49 The development would pass the relevant daylight tests when applied to 39 Buckhurst Avenue. It is therefore the case that no detrimental loss of daylight would occur to 39 and 41 Buckhurst Avenue.
- 50 The first floor addition may lead to a reduction in sunlight received by the rear amenity area to 41 Buckhurst Avenue in the early afternoon. However, the morning period of sunlight would not be affected and as noted above an acceptable level of ambient daylight would continue to be received within the rear amenity area of 41 Buckhurst Avenue. 39 Buckhurst Avenue would also not suffer any detrimental loss of sunlight.
- 51 The proposed development would have some impact on the amenities enjoyed by the occupiers of neighbouring properties but that impact would be limited and not cause significant harm. The development would also provide adequate residential amenities for future occupiers of the development. This is in accordance with the NPPF and policy EN2 of the ADMP.

Impact on the locally listed wall

- 52 The proposal would incorporate the existing locally listed wall. These works can be controlled by way of condition to ensure that the method through which the development is created is appropriate to conserve the wall.
- 53 The development would not harm the significance of the locally listed wall in compliance with the NPPF and policy EN4 of the ADMP.

Impact on the public right of way

- 54 As highlighted within the SRCAA, the character of the area is defined by a sense of enclosure.
- 55 The proposal would increase the height of the building on one side of

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the street but the remainder is open and the character of the Right of Way would be preserved.

Impact on the Source Protection Zone

- 56 No groundworks are involved in the development so the Source Protection Zone would not be affected.

Impact on highways safety and parking provision

- 57 The site is in a sustainable location, adjacent to the town centre and close to public transport links. No vehicle parking is proposed for the development, which is acceptable in this instance. In addition, future occupants could make arrangements for the storage of bikes within the development.
- 58 Therefore, there are no highway safety implications relating to the proposal.

Other issues

- 59 Use of the courtyard for residential purposes
- 60 The use of the courtyard area would be for agreement between the parties involved and is not material to the consideration of this application.

CIL

- 61 This proposal is CIL liable and there is no application for an exemption.

Conclusion

- 62 I consider that the proposed development would preserve the character and appearance of the area and the conservation area, would not cause significant harm to the amenities enjoyed by the occupiers of neighbouring properties and would not harm the locally listed wall. Consequently the proposal is in accordance with the development plan.

Recommendation - It is therefore recommended that this application is granted.

Background papers

Site and block plan

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

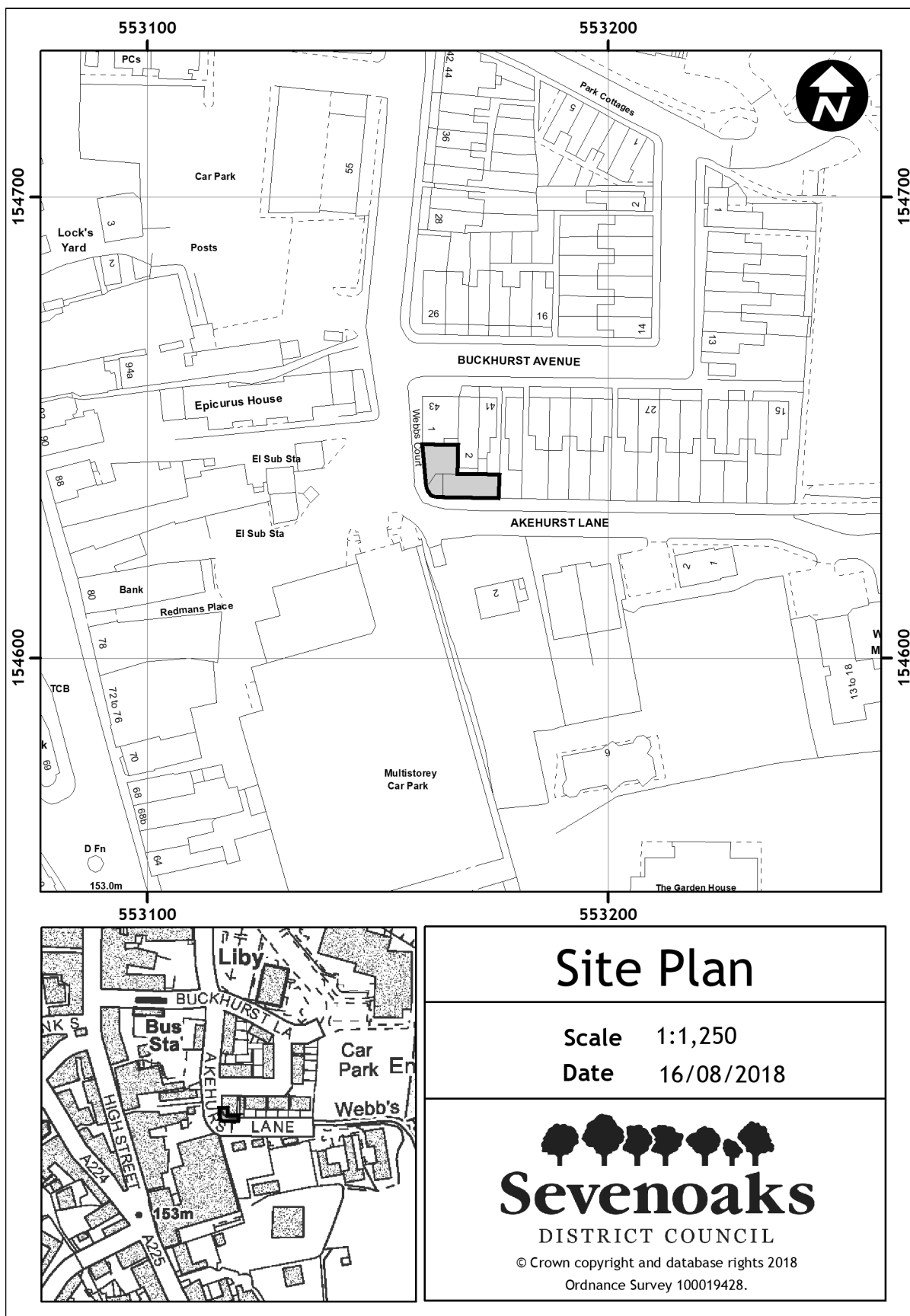
Richard Morris
Chief Planning Officer

Link to application details:

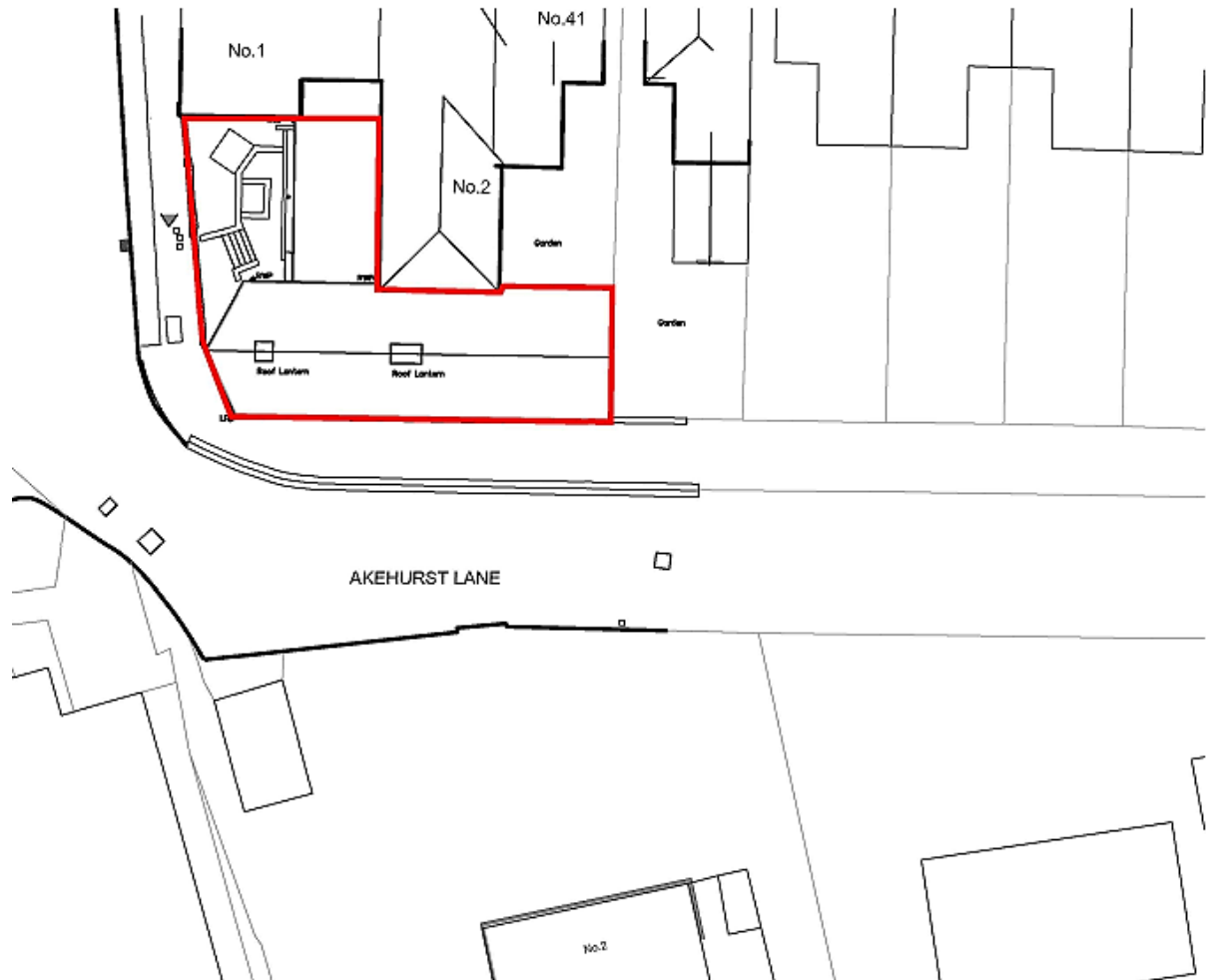
<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OYUQ0MBKHHE00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OYUQ0MBKHHE00>



BLOCK PLAN



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4.2 18/02133/HOUSE

Date expired 30 August 2018

Proposal: Demolition of existing conservatory and the erection of a single storey front porch, double storey side extension, loft conversion with rear dormer and change of roof of existing rear extension from flat roof to pitched roof and alterations to fenestration.

Location: 20 Barnetts Road, Leigh, Kent TN11 8QH

Ward(s): Leigh & Chiddingstone Causeway

Item for decision

Councillor Lake has referred this application to Development Control Committee as the development would be visually intrusive, overbearing and out of character in an area of mainly listed buildings.

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

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

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

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

To ensure that the appearance of the development is in harmony with the existing character of the dwellinghouse and terrace as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: RA1208/REV B/01

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

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The site is a 1930s end-terraced dwelling house with a pitched roof, terracotta hanging tiles at first floor level and white painted exterior at ground floor level. The majority of the other properties in the road are similar in terms of their size, style and building line but they are not identical in their appearance and there is evidence of more recent additions along the road. The dwelling is centrally located in Leigh village and it falls within ward of Leigh and Chiddingstone Causeway. The property is not located in a conservation area but it is located close to the boundary of the Leigh Conservation Area.

Description of proposal

- 2 The application is to allow for the demolition of the existing conservatory to facilitate the erection of a two-storey side extension and a loft conversion with proposed roof lights at the front of the property and a new dormer at the rear. The applicant also seeks to erect a porch with 40 degree roof pitch at the front of the property and to change the roof of the existing rear extension from a flat roof to a pitched roof with 15 degree pitch.

Relevant planning history

- 3 None

Policies

- 4 National Planning Policy Framework

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 5 Core Strategy

SP1 - Design of New Development and Conservation
L07 - Development in Rural Settlements

- 6 Allocations and Development Management Plan (ADMP)
- EN1 - Design Principles Design Principles
 - EN2 Amenity Protection
 - EN4 Heritage Assets
 - SC1 Presumption in Favour of Sustainable Development

7 Other:

- Sevenoaks Countryside Character Assessment (SPD)
- Sevenoaks Landscape Character Assessment (SPD)
- Sevenoaks District Council Residential Extensions (SPD)

Constraints

- 8 None

Consultations

Leigh Parish Council

- 9 Objection lodged in relation to the application for the reasons detailed below

‘Leigh Parish Council objects to this application because the proposed dormer windows on the proposed extension would be out of keeping with neighbouring properties, and there would be overlooking from these windows into neighbours’ properties. The size and scale of the proposal is also too large for the plot and in comparison with neighbouring properties. The property is on the edge of the Conservation Area and could have a visual impact on the Conservation Area.’

Representations

- 10 Four representations received objecting on the following grounds:

- Overlooking and loss of privacy
- Design and appearance
- Height and density of the roof elevation/new dormers
- Impact on listed buildings
- Impact on the conservation area
- Visual amenity
- Encroachment on right of way

Chief Planning Officer’s appraisal

- 11 The main planning considerations are as follows:

- Impact on heritage assets
- Impact on the design and character of the area
- Impact on neighbouring amenity
- Parking and highway impact

Agenda Item 4.2

Impact on heritage assets:

- 12 Paragraphs 184-202 of the NPPF are concerned with conserving and enhancing the historic environment and in particular the importance to be attached to the conservation and enhancement of heritage assets when considering development proposals.
- 13 Policy EN4 of the ADMP further states that proposals which affect a heritage asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 14 In this case, the property is not listed, nor is it situated in a conservation area. The rear of the adjacent site backs on to the boundary of the Leigh Conservation area. The representations received mention that there is some concern locally that the proposed alterations will have a negative effect upon the integrity of the conservation area and upon the buildings situated along Powder Mill Lane which are listed, namely Gales and Greenways Cottage. Neither of the properties adjoin the application site. However due to the fact that the properties are located in the vicinity of the subject property there is some concern that the new extension could affect the historic setting of the listed buildings.
- 15 I have measured the distance between the proposed location of the new extension and the boundary fences of both properties. In the case of the Gables, once built the proposed extension would be situated be approximately 17.7m from the boundary and approximately 27.5m from the main dwellinghouse at its closest point. In the case of Green Ways Cottage, once built the new proposal would be situated approximately 17.1m from the property boundary and approximately 30m away from the main dwellinghouse at its closest point. Consequently I feel that the subject property in this case is sufficiently far away from both of the listed properties that the proposed alterations will not have a negative impact on their setting. There is also an undeveloped plot located between the subject property and the two listed properties which helps to provide a certain amount of additional protection with regards to their historic setting.
- 16 I consider that the proposal should not have a negative impact on the rhythm and uniformity of the streetscene, nor upon the Conservation Area views and the setting of the listed buildings located in the vicinity. It therefore complies with Policy EN4.

Impact on the design and character of the area

- 17 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 18 In this case, this particular terrace of properties is fairly uniform in terms of materials though the style of the windows appears to differ from house to house.
- 19 At the front of the property the addition of four roof lights has been proposed, together with a new porch. The addition of the roof lights could

be carried out under permitted development and so I am satisfied that this element of the proposal is acceptable. Whilst the addition of a porch is not necessarily in keeping with the style of the rest of the terrace, again it would ordinarily be possible to erect a similar structure under permitted development rights if it had a lower pitch. The 40 degree pitch follows the main roof line and in terms of aesthetic appearance the proposed pitched roof is more in keeping with the style of the existing building than a flat roof might be.

- 20 As far as the side extension is concerned, the extension has been designed in a way that reflects the style of the existing terrace to the extent that the proposed materials, window size and line of the windows are in keeping with the existing row of properties. The proposed side window at first floor level is to be obscure glazed to avoid creating issues relating to loss of privacy and it will also be approximately 23.5m away from the nearest dwelling. I therefore consider that there is sufficient distance between the two properties to avoid problems caused by overlooking. The new bi-fold doors at ground floor level will be similarly positioned approximately 23.5m away from the nearest neighbouring property and they will afford less visibility towards the neighbouring properties than that afforded by the existing conservatory. Equally the addition of a new window in the existing rear extension should not create any issue with regards to privacy and overlooking due to the distance between it and the nearest property, which in this case is approximately 30.5m.
- 21 At the rear of the property the addition of a dormer with three windows is proposed, together with a change to the roof of the existing rear extension at ground floor level. It is considered that the roof of the rear extension on the ground floor has been deliberately designed to follow the pitch of the lower roof line in keeping with the character of the existing building. The application form confirms that the materials to be used in the extension including the tiles and brickwork will also match the existing dwellinghouse so it is considered that the proposal will respond to its character.
- 22 Whilst it is acknowledged that the new proposed dormer is substantial, the principle of having a dormer isn't brought into question due to the fact that it would be possible to erect a smaller dormer under permitted development rights. In addition the dormer is still subservient to the existing roof in that it sits below the existing roof line and does not project out beyond the rear elevation. The proposed dormer windows also been designed to reflect the line and style of some of the existing windows at first and ground floor level.
- 23 The Sevenoaks District Council Residential Extensions SPD states that the scale height and proportion of an extension should respect the character of the existing building and that it should fit unobtrusively with the building and setting. Whilst a side extension is often set back from the main building line, in this case the line of terraced properties are flat-fronted. The proposed extension follows the existing building line and ridge line and I consider this to be an acceptable means of blending the extension in to match the line and appearance of the neighbouring properties.

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- 24 According to the Sevenoaks Countryside Character Assessment and the Sevenoaks Countryside Landscape Assessment, the property is located in area characterised for its intensely farmed landscape, pastureland and estate parklands, and for its substantial areas of woodland and mature hedgerow network. The villages located in the area villages tend to have strong historic building style at their core.
- 25 In this case, the implementation of the proposal will not result in a loss of some of the features which are characteristic of the area such as hedgerows and woodland. In addition, the subject property is not located along the high street or in the designated conservation area and so it is not considered to be detrimental to the historic character of the village core.

Impact on the neighbouring amenity

- 26 Policy EN2 of the ADMP requires proposals to safeguard the residential amenities of existing and future occupants of any properties which are situated in the vicinity. Consequently regard must be had to and excessive noise, odour, overlooking or visual intrusion. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.
- 27 At the front of the property, the proposed new porch is to be located 7 metres away from the boundary with 19 Barnetts Road and will project out from the line of the terrace by 1.8m. The depth of the porch is therefore such that the new proposed structure is unlikely to cause any overshadowing.
- 28 The proposed side extension is to be erected on a large square shaped plot at the end of a line of terraced properties. The extension will be situated approximately 26 metres away from the northern site boundary. Consequently it is concluded that the presence of the new bi-fold doors and obscure glazed window on the first floor of the extension will be acceptable distance from the neighbouring boundary and should not cause any issues relating to a loss of privacy. Given that the main projection will be at the side of the property away from the rest of the terrace and given the sun's trajectory, I do not consider that the presence of the new side extension will create any additional issues relating to loss of daylight and sunlight for the neighbouring properties.
- 29 At the rear of the property, the footprint of the existing rear extension will remain the same. The addition of a pitched roof will be at a 15 degree angle and given the low pitch it should not cause any additional overshadowing issues.
- 30 As far as the rear dormer is concerned, the intended use of the new second floor is as a bedroom, en-suite and dressing room. Given that the new rooms will be used mainly at night, the impact on the neighbouring garden in terms of overlooking will be fairly minimal during the day.
- 31 As a result of the above, I am satisfied that the alterations should not result in overlooking, unreasonable loss of light or create privacy issues for those occupying the neighbouring properties.

Parking and highways impact

- 32 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 33 Although the application in this case involves the addition of two extra bedrooms, owing to the size of the plot there will be adequate space for parking on the driveway in front of the house and complies with policy T2 of the ADMP.

Other issues

- 34 Two of the representations received mentioned concern about a loss of private rights of way. This is a legal matter and is not a material planning consideration in the determination of this application.

CIL

- 35 This proposal is not CIL liable.

Conclusion

- 36 The application proposal for a new front porch, front rooflights, a side extension and the addition of a new dormer and replacement roof at the rear has been designed in a way which is not considered harmful to the streetscape or to its surroundings. The materials proposed are to match the existing brickwork and tiling in order to minimise the impact on the existing street scene. The size of the proposed extension is also unlikely to cause any significant privacy or loss of light issues for the neighbouring properties. Consequently, the proposal is in accordance with the development plan.

Background papers

Site and block plan

Contact Officer(s): Alexis Stanyer Extension: 7346

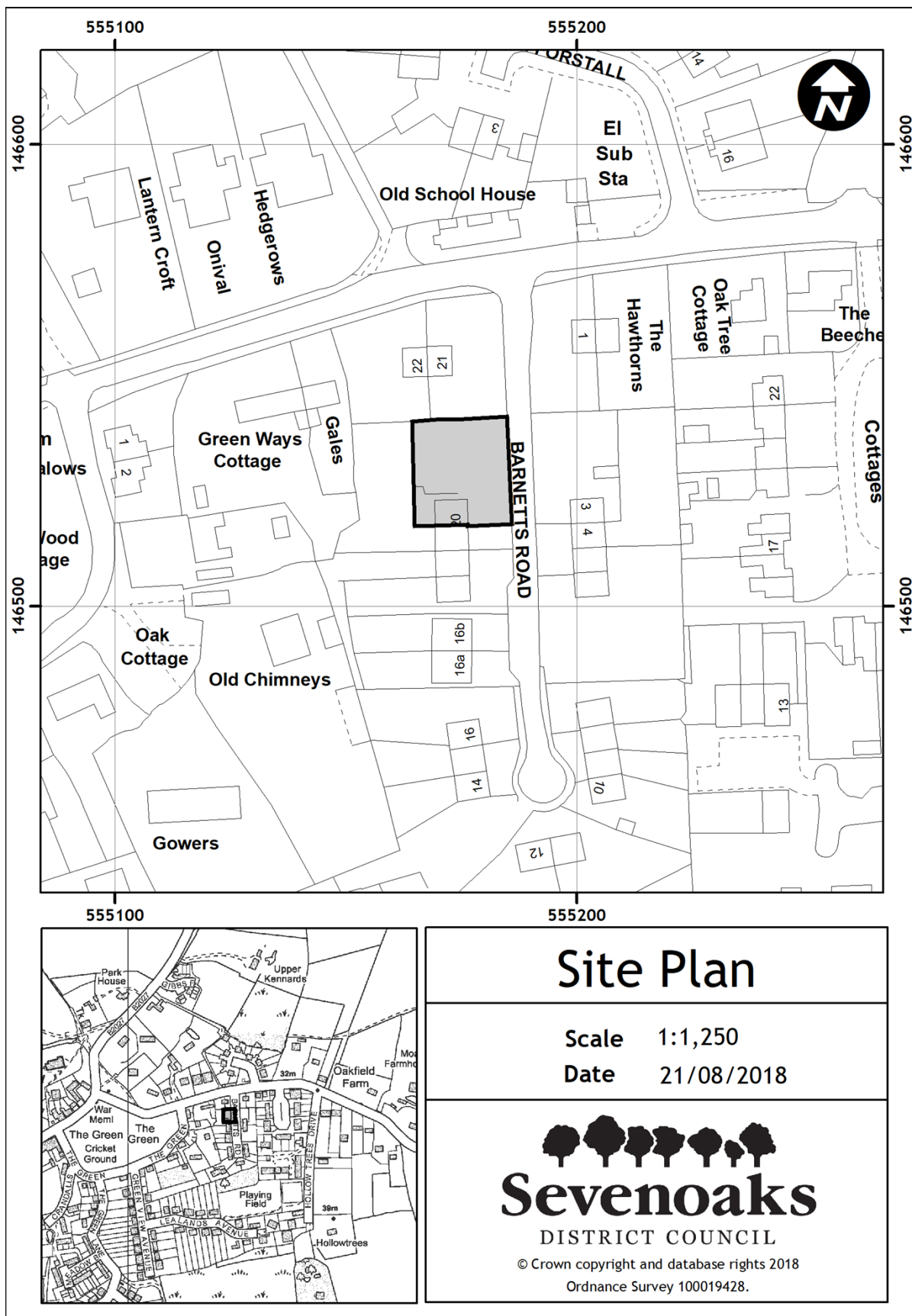
Richard Morris
Chief Planning Officer

Link to application details:

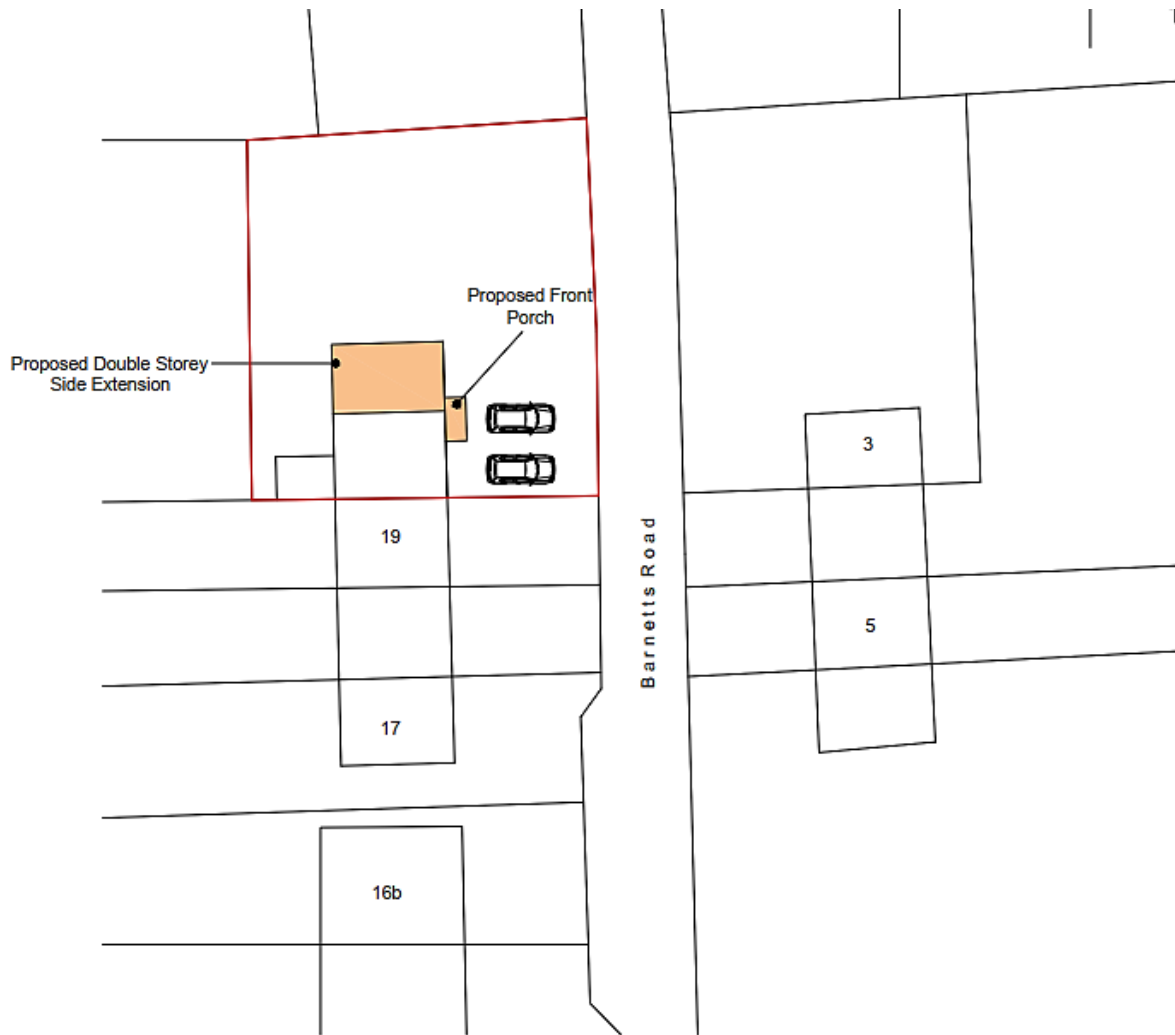
<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PBEHWABKLB00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PBEHWABKLB00>



Proposed Block Plan



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4.3 18/00716/HOUSE

Revised expiry date 17 September 2018

Proposal: Erection of a two storey rear extension, alterations to roof, two new velux windows, circular roof light and front porch. Removal of chimneys to side elevations and alterations to chimney at the rear. Addition of two front dormers and two square bay windows to ground floor front elevation.

Location: 10 Bullfinch Lane, Riverhead, Kent TN13 2DY

Ward(s): Dunton Green & Riverhead

Item for decision

Councillors Brown and Bayley referred the application to the Development Control Committee on the following grounds: impact of the development on neighbouring amenity

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

1) The materials to be used in the construction of the development shall be those indicated on the approved plan.

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 Allocations and Development Management Plan.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2884-16-PL301; 2884-16-PL302

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

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

The application site comprises of a two-storey detached dwelling within the urban confines of Riverhead. Bullfinch Lane is a primarily residential area of mixed character and design. 10 Bullfinch Lane is part of a distinctive group of detached bungalows situated to the south of the road. There are neighbours situated to either side of the property.

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Description of proposal

- 1 This application is for changes to a previously approved planning application reference 17/02305/HOUSE granted on 7 September 2017. The proposals retain much of the original scheme with the following alterations:
 - the eaves of the single-storey rear extension extended by 0.35m in width
 - raised eaves to the roof alterations by 0.45m
 - extended eaves to the two-storey rear extension by 0.15m in width
 - front dormer extended 0.3m in height
 - extended and lowered patio
 - alterations to fenestration on the front elevation, rear elevation and roof

Constraints

- 2 The site does not fall within any areas of constraint relevant to this application.

Policies

- 3 Sevenoaks Core Strategy:
 - SP1 Design of New Development and Conservation
- 4 Allocations & Development Management Plan:
 - SC1 Presumption In Favour Of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - T2 Highways and Parking
- 5 Other:
 - The National Planning Policy Framework (NPPF)
 - Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
 - Sevenoaks Residential Character Area Assessment (SPD)

Relevant Planning History

- 6 17/00521/HOUSE - Erection of a two storey rear extension, alterations to roof, two new Velux windows, circular rooflight and front porch. Removal of chimneys to side elevations and alteration to chimney at the rear - GRANTED - 13 April 2017
- 7 17/02305/HOUSE - Erection of a two storey rear extension, alterations to roof, two new velux windows, circular roof light and front porch. Removal of chimneys to side elevations and alterations to chimney at the rear.

Addition of two front dormers and two square bay windows to ground floor front elevation - 7 September 2017

Consultations

Riverhead Parish Council object

- 8 “As stated with the previous application, the boundary wall should be respected and acknowledged. Again this roof line encroaches over the boundary and the neighbour’s garden. No gutter shown on the plans and will cause further encroaching over the boundary.”

Representations

- 9 Two letters of objection have been received on the following grounds:
- The description of the works omitted the comment “to show an alteration to the roof construction with enlarged eaves which has resulted in a high level encroachment over the boundary”
 - The eaves of the two-storey and single-storey rear extensions overhang the garden of neighbouring 8 Bullfinch Lane.
 - The encroachment will set a precedent for developers to design and build on land not owned by the applicant and build without compliance with the approved plans.
 - The development will result in overshadowing, loss of light, overlooking and loss of privacy.
 - The design is out of keeping with the immediate neighbouring properties and overall character of Bullfinch Lane.
 - The alterations to the front dormer result in an incongruous feature on the street scene out of keeping with other properties.

Chief Planning Officer’s Appraisal

Principal Issues

- 10 The main planning considerations are:
- Design and impact on the character of the area
 - Impact on neighbouring amenities
 - Highways and parking
- 11 Of particular relevant to this application is the following guidance:
- 12 Para 11 of the NPPF confirms there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 13 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

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- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Appraisal

Design and impact on the character of the area

- 14 The external width, depth and height of the proposed extensions have not changed; neither has the ridge height of the roof been altered. No other changes are proposed. These elements of the proposal were assessed under application 17/02305/HOUSE and approved accordingly. As planning policy has not significantly changed since this application was approved, these elements are therefore considered acceptable in this case.

Front dormer window and ground floor bay windows

- 15 The alterations to the front dormer and the alterations to the ground floor bay windows on the principal elevation are visible from the street scene. Objections were raised that the proposals, particularly the enlarged front dormer, would be out of keeping with the immediate neighbours and wider area.
- 16 The Sevenoaks Residential Character Area Assessment SPD identifies 10 Bullfinch Lane as part of a distinctive group of uniformly designed bungalows. There are some differences in detailing including roof shape, chimneys, side dormers and porch shape. The SPD identifies the wider area of Bullfinch Lane being characterised of a variety of interwar designs with a wide range of materials and detailing characteristic of this period. As the changes to the ground floor windows retain the semi-hexagonal bay windows it is considered that these alterations are in keeping with the existing property and area.
- 17 Whilst the front dormer is taller, by being extended closer to the eaves by 0.3 metres and therefore larger than those of its neighbours, the width remains unchanged and the dormer is still appropriately located within the roof face and subservient to it. As such the proposal preserves the proportionate appearance of the dwelling in accordance with the Residential Extensions Supplementary Planning Document. Considering that the key architectural features which define these sets of dwellings are retained, and that the works are not substantially different to those already approved, the alterations to the front dormer and ground floor fenestration are not considered to adversely impact the visual appearance on the street scene.

Enlarged and raised eaves of the rear extensions

- 18 The extended eaves on the rear extensions result in an increase in the width of the single storey extension by 0.35 metres and the two storey extension by 0.15 metres. As the extensions are situated to the rear of the property, and considering that the proposals are not substantially different to those already approved, it is regarded that the alterations have a very limited visual impact.
- 19 As the property is situated on an irregular plot the enlarged eaves do not retain a gap between the building and the boundary. There is no planning policy or guidance, including the Residential Extensions SPD, which requires single storey extensions to retain a 1 metre gap between the property boundaries. In this instance number 8 Bullfinch Lane is situated approximately 2.4 metres from the side elevation of number 10 Bullfinch Lane with boundary treatments and trees on site which provide screening limiting the impact of the works.
- 20 The raised eaves of the roof alterations are increased by 0.5 metres. As the roof shape has not significantly altered the alterations in this instance are regarded to be acceptable.

Alterations to windows and patio

- 21 A rectangular roof light has been installed to the flat roof element of the two storey extension in place of the proposed circular roof light. Two proposed windows have not been installed on the ground floor rear elevation and the number of glazed panels has been altered to the bi-fold rear doors from five to three. As these alterations are minor and not visible on the street scene it is not considered that there will be an adverse impact as a result of these alterations.
- 22 The proposed stepped patio now projects 4.6 metres from the rear elevation, and is set at 0.2 metres above ground level from 1.1 metres of the rear wall. As this to the rear of the property there will be no adverse visual impact.
- 23 As the alterations preserve the distinct architectural features of the immediate area, and are not substantially different from the scheme already approved, it is considered that the works remain in accordance with policy EN1 of the ADMP, Core Strategy and NPPF.

Impact on residential amenities

- 24 Objections were raised that the alterations result in a loss of light, overshadowing, overlooking and loss of privacy.

Overlooking and loss of privacy

- 25 It is established in case law that the material consideration to ascertain loss of privacy are unreasonable views which proposals would provide into the private space of neighbouring properties.
- 26 One first floor obscure glazed roof light is installed to a side elevation and was approved under application 17/02305/HOUSE. No windows are to be

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installed to the side elevations as a result of the alterations. Therefore there will be no overlooking or loss of privacy to 8 and 12 Bullfinch Lane.

Loss of light and overshadowing

- 27 The Residential Extensions SPD states that a '45 degree test' should be used to assess whether the proposal would cause any significant loss of daylight or the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or private amenity space. For a significant loss of light to occur, the proposal would need to fail the test on both plan and elevation form.
- 28 The 45 degree test was carried out to see how the alterations affect the neighbouring properties. With regard to 12 Bullfinch Lane, the enlarged eaves and roof alterations failed the 45 degree test on plan view, however they passed on elevation. Therefore the works pass the overall test and do not cause an unreasonable loss of light to Number 12 Bullfinch Lane.
- 29 The 45 degree test was also carried out on neighbouring property 8 Bullfinch Lane and the alterations passed on both plan and elevation. 8 Bullfinch Lane is also orientated to the south of number 10 with the extensions partially screened by existing boundary treatments. As such the works do not result in an unreasonable loss of light or overshadowing.
- 30 Overall the alterations do not result in overlooking, loss of light, overshadowing or loss of privacy to the neighbouring properties. As such it is considered that the works are in accordance with Policy EN2 of the ADMP and are therefore acceptable.

Loss of outlook

- 31 Objections were raised that the alterations would result in a loss of outlook to number 8 Bullfinch Lane. The Sevenoaks Residential Extensions SPD states that extensions which significantly alter the immediate outlook from a main window would be considered to be unacceptable. For the impact on outlook to constitute a material consideration the impact would need to be to the detriment of neighbouring amenity. Loss of views generally is not a material planning consideration.
- 32 10 and 8 Bullfinch Lane are situated on a regular building line with a 2.4 metres distance between the side elevations. The extensions, and alterations, are not situated directly within the immediate outlook of the main windows of 8 Bullfinch Lane. Considering the distance between the properties, the fact that the material considerations of loss of light and overshadowing have not changed, and that the boundary treatments provide some screening to the extensions, the impact on outlook is not considered to be detrimental to neighbouring amenity.
- 33 Overall the alterations do not result in overlooking, loss of light or privacy to the neighbouring properties. As such it is considered that the works are in accordance with Policy EN2 of the ADMP and are therefore acceptable.

Highways and parking

- 34 No changes have been made in this application which alter the original consideration in regard to Policy T2 of the ADMP, therefore the works are compliant.

Other issues

Boundary issues

- 35 Objections were raised to the application on the grounds that the eaves of the two storey and single storey rear extensions encroach over the neighbouring boundary shared with number 8 Bullfinch Lane.
- 36 Boundary and property ownership issues are a civil matter between neighbours and the encroachment does not constitute a material planning consideration. In this case the applicant has also served the correct planning notice on the neighbour.

Description of the proposal

- 37 Objections were raised on the grounds that the encroachment was omitted from the description of the proposal. As boundary encroachments are not a material planning consideration this would not be relevant to the application. As such there is no obligation to include this on the description.

Land ownership

- 38 Objections were raised on the grounds that, should the application be approved, a precedent would be set for applicants to design and build on land they do not own. Property and land ownership is a civil matter and not a material planning consideration.
- 39 The Development Management Procedure Order legislation sets out the procedure for planning applications which are made on land owned by other parties other than the applicant. Providing that the correct notice is served to the owner the process would be lawful. In this instance the notice was served to 8 Bullfinch Lane therefore the correct process was followed.

Breaches of planning control

- 40 Objections were raised on the grounds that, should the application be approved, a precedent would be set for contractors to undertake work which is not in accordance with approved plans. Whilst this is a breach of planning control the Development Management Procedure Order legislation sets out the procedure for remedying these breaches. In the first instance the obligation is to remedy the situation through negotiation which can include retrospective or amendment applications. Therefore in this instance the correct procedure has been followed and is in line with our adopted Enforcement Plan.

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Conclusion

- 41 The works are in accordance with both National and Local planning policy and therefore planning permission should be granted.

Background Papers

Site and block plan

Contact Officer(s): Hannah Donnellan Extension:

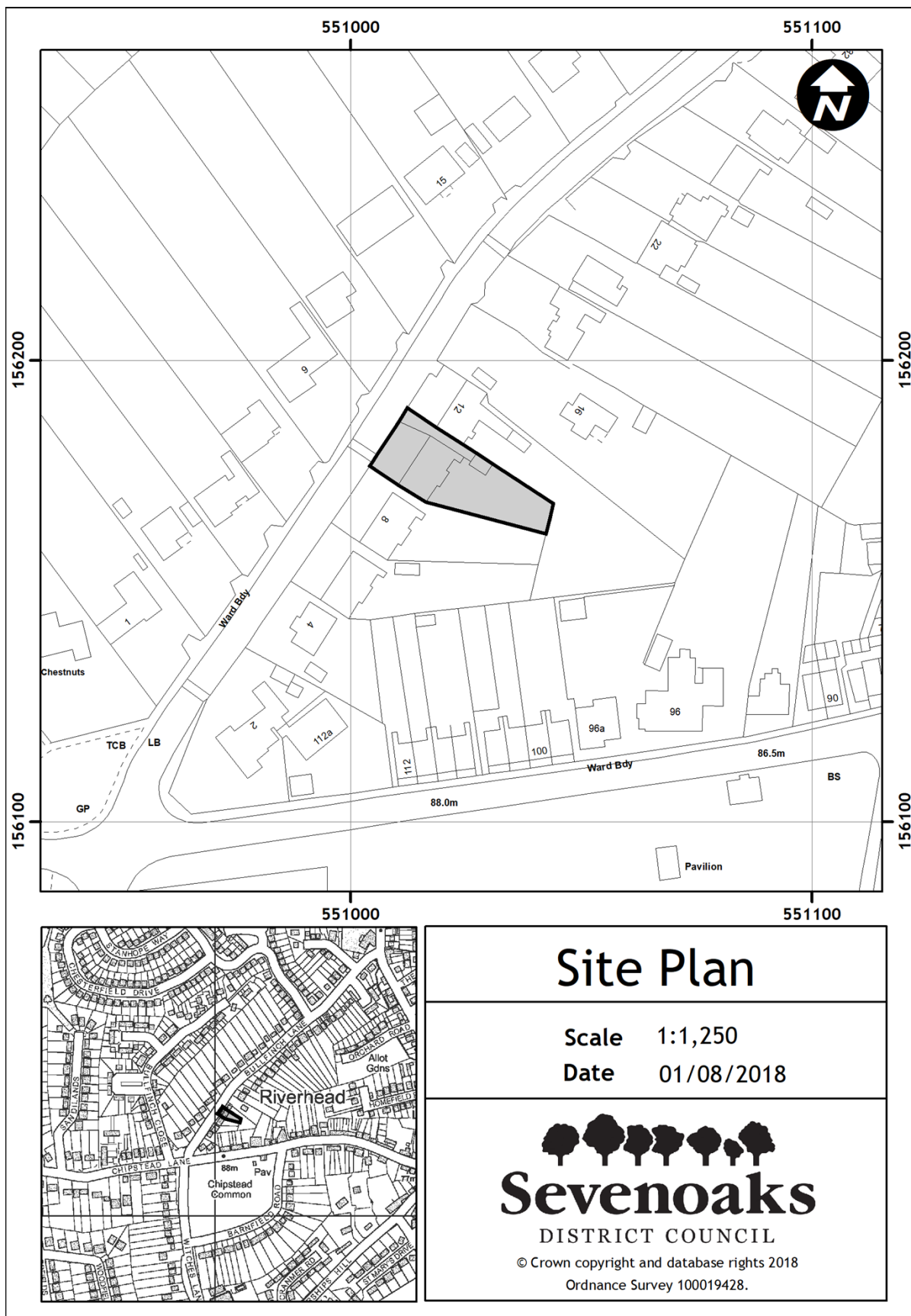
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P4Z3DCBKK1100>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P4Z3DCBKK1100>





4.4 - 18/00517/HOUSE Revised expiry date 5 July 2018

Proposal: Installation of three (3) new roof-lights to the front and south-west side elevations and on the flat roof, amendments on the dormer to the rear elevation and new chimney to the south-east elevation.

Location: Orchard House, 48 Well Road, Otford, Kent TN14 5PT

Ward(s): Otford & Shoreham

Item for decision

This application is referred to the Development Control Committee at the request of Councillor Edwards-Winser on the grounds that the previously approved plans demonstrated proportionate windows on the upper floor harmonising with the building and maintaining the street vernacular, the proposal that has been built is incongruous to the 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: 229 03 date stamped 06/07/2018.

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

3) The materials to be used in the construction of the development shall be those indicated on the approved application form.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The site is located to the north west of Well Road. The dwelling is two storeys and detached. The rear garden lies adjacent to fields and the dwelling is set along a suburban street. To the southwest of the application site is the Otford Conservation Area. The dwelling is a replacement dwelling which was granted permission under application reference, 14/02917/FUL.

Description of proposal

- 2 Installation of two roof lights to the southwest elevation and one roof light to the front elevation. Amendments to the dormer to the rear and the installation of a chimney.
- 3 The replacement dwelling under application 14/02917/FUL has been significantly completed; the original plans included a dormer window to the rear. The proposed works are partly retrospective as a dormer window has been constructed on site.
- 4 The proposed amendments involve the installation of an additional chimney, alterations to the previously approved chimney to include two pitches to chimneybreast. Enlarged dormer window. Clay tiling to the single storey side extension and loss of parapet wall.

Relevant Planning history

- 5 13/00642/HOUSE The erection of single storey side extension, two storey rear extension, alterations to the existing roof configuration, loft conversion with rear facing dormer window and the addition of roof lights to the front and side elevation. GRANT 08/07/2013

14/02917/FUL Demolition of existing dwelling and proposed new dwelling to be built in accordance with the approved consent for the extended house. GRANT 18/11/2014

Policies

- 6 National Planning Policy Framework

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

7 Core Strategy (CS)

- SP1 Design of New Development and Conservation

8 Allocations and Development Management (ADMP)

- EN1 - Design Principles
- EN2 - Amenity Protection
- EN4 - Heritage Assets

9 Other

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Otford Village Design Statement 2

Constraints

10 The Site lies within:

- Area of Archaeological Potential - AAP

Consultations

Otford Parish Council:

11 1st Consultation: Otford Parish Council: Objects

1. Cannot identify the sill heights of the roof-lights.
2. The increase in fenestration of the extended dormer at the rear of the property is untypical of other properties in the area.
3. The third storey fenestration is potentially visible from the North Downs.
4. The side dormer will overlook the neighbours.

12 2nd Consultation: Otford Parish Council: Objects

Otford Parish Council is still waiting for confirmation that the sill heights are at least the minimum requirement.

Otford Parish Council is objecting to the fenestration of the extended dormer covering the full ridge height however, we realise that planning regulations may not support our view.

Representations

Agenda Item 4.4

13 We received 1 letter of objection relating to the following issues:

- Windows to the rear of the dwelling represent 5 floor to ceiling panels of glass one of which is a door, unsatisfactory.

Chief Planning Officer's appraisal

14 The main planning considerations are:

- Impact to the character of the area,
- Impact to neighbouring amenity,

Impact to the character of the area:

15 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.

16 Members should be aware that planning permission has been granted for the replacement dwelling under application reference 14/02917/FUL. The works for the replacement dwelling are substantially complete. The only issues are the amendments detailed in the description of proposal.

17 The dormer window would be located to the rear of the dwelling and would be constructed to the top of the ridgeline of the property. The dormer would have a flat roof and would cut into the eaves of the existing roof. The overall width of the dormer would extend across the two apexes of the roof. When viewed from the rear the dormer does have a visible presence, and creates an external appearance of a partial third storey.

18 However, due to the location of the dormer to the rear of the property and the confined nature of the built form along Well Road, the dormer is not widely visible along the street scene. Small portions of the dormer can be discerned, but the full width and design are not widely apparent. While dormers of this scale are not common to the rear of dwellings, the dormer does not have a significantly adverse impact upon the character or appearance of the dwelling when viewed from the street scene. The dormer would not be considered so significantly harmful to the character of the area to warrant a refusal on these grounds.

19 The chimneys located to the north side elevations would mirror one another in form, design and height. The chimney itself would exceed the ridge height by 1.4m, which would not overwhelm the main dwelling. The chimneys are not uncharacteristic features of this residential area.

20 The proposed additional roof lights would sit within the roof slope along the southwest and south elevations. The roof lights would have a limited impact to the street scene given they would not result in additional bulk or volume. Roof openings can be observed along the street scene and these elements would maintain the character of the road.

21 The proposed works would comply with policy EN1 of the ADMP.

Neighbouring amenity:

- 22 Policy EN2 of the ADMP and our Residential Extensions SPD are relevant in the consideration of this application.

46 and 50 Well Road:

- 23 46 Well Road is located to the southwest of the site and 50 Well Road is located to the northeast, both dwellings are detached and two storeys. The proposed two roof lights along the southwest elevation, facing 46 Well Road, would serve an en-suite bathroom. Bathrooms are non-habitable spaces and so the roof lights would not result in a significant loss of privacy.
- 24 The proposed dormer window would be altered to include a set of bi-fold doors. The view from this would mainly face to the northwest. The view from this window would not be significantly greater than the view gained from the first floor windows of 48 Well Road. The suburban nature of the site means that there is an existing degree of overlooking of rear gardens. In addition, the window would serve a bedroom, which although habitable would not generally be used consistently over a 24hr period.
- 25 No part of the works would be located such that they would not directly obscure the overall outlook from 46 or 50 Well Road. The proposed dormer would be set within the roof slope, and be located on the northwest elevation. Due to the sun's trajectory the main source of sunlight is received to the front elevation of 46 and 50 Well Road. The dormer window and chimneys would not result in a significant loss of light to the whole amenity of the neighbouring dwellings.
- 26 Other dwellings are located at a sufficient distance that they would not experience a significant loss of amenity as a result of the proposed works.

Other issues

Area of Archaeological Potential:

- 27 The proposed development would not sit within an area designated as an Area of Archaeological Potential, which is located to the south of the site. Thus, under the guidance of the NPPG, it would not be reasonable to apply a condition requiring an Archaeological Watching Brief.

Building Control Requirements:

- 28 Planning legislation and Building Control legislation are separate, and only planning matters can be considered as part of this application. Matters of right to light are a separate civil matter.

CIL

- 29 This proposal is not CIL liable.

Conclusion

- 30 The proposed works would be in keeping with the character of the area. The works would be policy compliant and therefore planning permission is recommended.

Background papers

Site and block plan.

Contact Officer(s): Emma Gore Extension: 7206

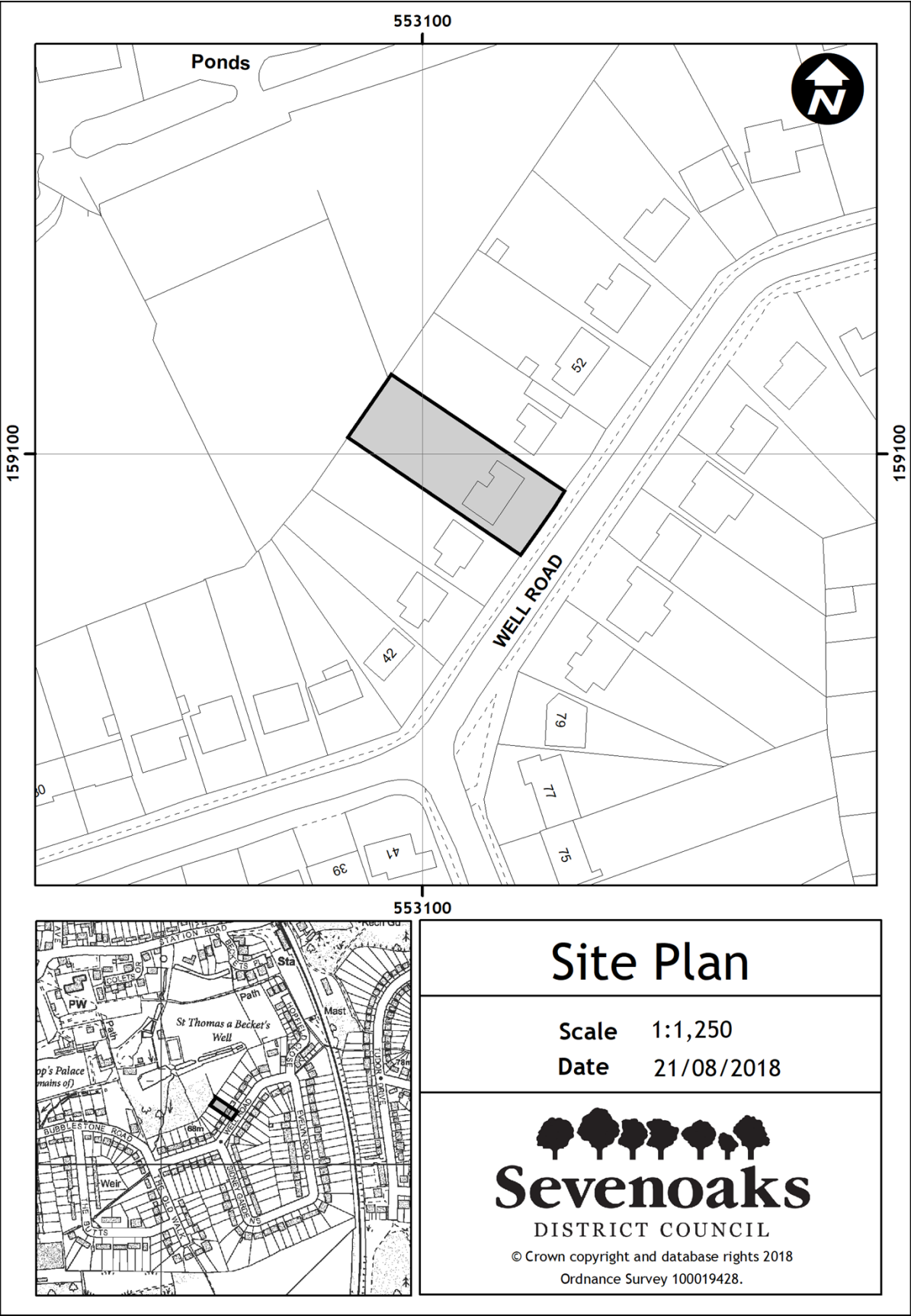
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P45GO7BKFTB00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P45GO7BKFTB00>



BLOCK PLAN

