

15 August 2019 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Despatched: 07.08.19



# Development Control Committee

## Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Reay  
Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Firth, Hogarth, Hudson, Hunter, Layland, McGarvey, Pett, Purves, Raikes and Roy

## 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. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 25 July 2019, as a correct record.	(Pages 1 - 4)	
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered.		
3. <b>Declarations of Lobbying</b>		
4. <b>Planning Applications - Chief Planning Officer's Report</b>		
4.1 <b>19/01534/HOUSE - Vine House, Grove Road, Penshurst, Kent TN11 8DU</b> New entrance canopy and single storey extension to rear. Alterations to fenestration.	(Pages 5 - 14)	Rebecca Fellows Tel: 01732227000
4.2 <b>19/01735/LDCPR - 41 Bradbourne Park Road, Sevenoaks, Kent TN13 3LJ</b> Loft conversion with new L-Shaped rear dormer.	(Pages 15 - 22)	Holly Pockett Tel: 01732227000
4.3 <b>19/01058/HOUSE - Merryn, Orpington Bypass Road, Badgers Mount, Kent TN14 7AG</b> First floor rear extension and internal alterations.	(Pages 23 - 32)	Mike Holmes Tel: 01732 227000

## EXEMPT INFORMATION

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.

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 12 August 2019.

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](mailto:democratic.services@sevenoaks.gov.uk).

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 25 July 2019 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Ball, Barnett, Cheeseman, Perry Cole, P. Darrington, Firth, Hudson, Hunter, Layland, McGarvey, Raikes, and Roy

Apologies for absence were received from Cllrs. Coleman, Hogarth, Pett and Purves

Cllrs. Dr. Canet, G. Darrington, Griffiths, Osborne-Jackson, Waterton and Penny Cole were also present.

14. Minutes

Resolved: That the Minutes of the meeting of the Committee held on 4 July 2019, be approved and signed as a correct record subject to the removal of 'Parish Cllr Terry Brooker' from Minute 13, Parish Representative.

15. Declarations of Interest or Predetermination

Councillor Raikes declared for Minute 18 - 19/00853/House - 61 The Moor Road, Sevenoaks Kent TN14 5ED that he had previously considered the matter when discussed by Sevenoaks Town Council, but he remained open minded.

16. Declarations of Lobbying

All Councillors declared that they had been lobbied for Minute 18 - 19/00853/HOUSE - 61 The Moor Road, Sevenoaks Kent TN14 5ED.

Reserved Planning Applications

The Committee considered the following applications:

17. 19/00946/FUL - Hurstgrove, Castle Hill, Hartley, Kent DA3 7BQ

The proposal sought permission for the demolition of existing buildings and structures. Erection of a detached single storey dwelling. Improvements to access. The application had been referred to the Development Control Committee by Councillor Parkin on the grounds that she was of the view that the proposal represents appropriate development in the Green Belt.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: -  
For the Application: Jillian Barr  
Parish Representative: -  
Local Member: -

Members asked questions of clarification from the Officers.

Members were advised that as there was a tank built into the site, as a result there was some built form on the site and therefore had been taken into consideration.

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

Members debated the application and discussed whether the Green Belt would be preserved and or enhanced by the proposal, with the maximum heights increased with the footprint of the size decreased. The very special circumstances were discussed and whether this outweighed the harm to the Green Belt.

The motion was put to the vote and it was

Resolved: That planning permission be refused on the grounds that the land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. The Council does not consider that the special circumstances relevant in this case are sufficient to justify overriding the National Planning Policy Framework and policy L01 of the Sevenoaks Core Strategy.

18. 19/00853/HOUSE - 61 The Moor Road, Sevenoaks Kent TN14 5ED

The proposal sought permission for the demolition of existing rear extension at ground floor; proposed new rear extension at ground floor with rooflight; proposed first floor rear extension; proposed garage conversion and rear ground floor extension with rooflight.

The application had been referred to the Development Control Committee by Councillor Canet, who felt that the proposal would set a precedent for the terrace as it would be the only double height rear extension in The Moor Road.

Members' attention was brought to the main agenda papers and the late observation sheet which included an additional recommended condition.

The Committee was addressed by the following speakers:

Against the Application: Andrew Joynton  
For the Application: Neal Thompson

Parish Representative: -  
Local Member: Councillor Dr Canet

Members asked questions of clarification from the Speakers and Officers.

In response to questions Members were advised by the Officers that the policies raised by the objector had been discussed within the Officers report and an assessment had been carried out against them. Members were advised that the windows along the south side of the property would be glazed and non-opening.

It was moved by the Chairman and duly seconded that the recommendation and additional condition in the late observation be agreed.

Members debated the application and concern was raised that the development would have an overbearing impact upon the two neighbouring properties, due to its scale, bulk and form. Concern was also raised that the development failed to respond positively to the features of the area.

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

It was moved by Councillor Firth and duly seconded that planning permission be refused on the grounds that the development would fail to respond positively to the features of the area and that it would be overbearing onto neighbouring properties due to its scale and bulk.

The motion was put to the vote and it was

Resolved: That planning permission be refused on the grounds that

1. The proposal would harm the character and appearance of the area because the development would not respond positively to the features of the area which contribute to the local distinctive character. This conflicts with policy EN1 of the Sevenoaks Allocations and Development Management Plan and the Sevenoaks Residential Extensions Supplementary Planning Document.
2. The proposal would create an undesirable form of development. It would harm the residential amenities enjoyed by the occupants of 59 and 63 The Moor Road because of the overbearing effect the development would have. This conflicts with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

THE MEETING WAS CONCLUDED AT 8.20 PM

CHAIRMAN

4.1 19/01534/HOUSE

Date expired 19 July 2019

Proposal: New entrance canopy and single storey extension to rear. Alterations to fenestration.

Location: Vine House, Grove Road, Penshurst, Kent TN11 8DU

Ward(s): Penshurst, Fordcombe & Chiddingstone

**Item for decision**

The application has been referred to the Development Control Committee by Councillor Coleman for the committee to decide whether the design, size and impact of the proposed works has a detrimental effect on the openness of the 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) The materials to be used in the construction of the development shall be those indicated on the application form.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1810/008 Rev 01, 1810/007 Rev 01, 1810/020 Rev 02, 1810/005 Rev 01, 1810/006 Rev 01 and Site Location Plan.

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.

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### Description of site

- 1 The application site consists of a two-storey detached dwelling on the southern side of Grove Road. The house itself is extremely isolated and is bounded by ancient woodland and a blanket tree preservation order. It sits within the Metropolitan Green Belt and High Weald Area of Outstanding Natural Beauty.

### Description of proposal

- 2 It is proposed to construct a new entrance canopy over the front entrance door, make alterations to the fenestration on all elevations and replace the existing conservatory with a single-storey rear extension.

### Relevant planning history

- 3 83/01681/HIST - Two storey extension and carport to dwelling. GRANT  
91/00697/HIST - Rear hardwood Victorian conservatory. GRANT  
92/00727/HIST - WC within existing garage with bedroom/shower room over garage. Appeal Allowed.

### Policies

- 4 National Planning Policy Framework (NPPF)

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 proposed<sup>6</sup>; 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 Sevenoaks Core Strategy:

- SP1 Design of New Development and Conservation
- L08 The Countryside and the Rural Economy

- 6 Allocations and Development Management (ADMP)



- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- GB1 Limited Extensions to Dwellings in the Green Belt

7 Other:

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Emerging Proposed Submission Version of the Sevenoaks Local Plan 2019

**Constraints**

- 8 High Weald Area of Outstanding Natural Beauty
- 9 Metropolitan Green Belt
- 10 Tree Preservation Order - 55/03/KSR (blanket TPO surrounds the entire site)
- 11 Ancient Woodland (borders western boundary)

**Consultations**

Penshurst Parish Council

- 12 'The PC have no objection to the entrance canopy, changes to garage and change to fenestration.

The Parish Council do, however, object to the increase in size of the proposed conservatory. We note from the Appeal SE/92/0727 that the original size of the property was around 57sqm and that subsequent extensions have increased it to 160sqm (or even more if the existing conservatory was not included in this figure). This is hugely greater than the 50% normally allowed and we consider that any further increase in the size of the dwelling would be detrimental to the Green Belt'.

**Representations**

- 13 No representations have been received.

**Chief Planning Officer's Appraisal**

- 14 The main planning consideration is:
  - Impact on the green belt
  - The case of very special circumstances
  - Impact on the AONB
  - Design and impact on the character and appearance of the area
  - Impact on neighbouring amenity
  - Impact on trees

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### Impact on the Green Belt

- 15 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such the extension or alteration of a building. Paragraph 143 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 16 Paragraph 144 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.
- 17 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.

### Assessment against policy and impact on openness

- 18 The NPPF states that the extension or alteration of a building could be appropriate in the Green Belt if it does not result in disproportionate additions over and above the size of the original building. In this case as the increase in floorspace does not comply with the requirements of Policy GB1, subject to the impact on openness, the proposed form of development would be, by definition inappropriate development in the Green Belt, contrary to Policy GB1 of the ADMP.
- 19 Vine House has been substantially extended over time. I have looked through the planning history and located a planning application from 1983. This provides clear plans of the building and our historic maps (which pre-date this) match the footprint of the building in the 1983 application.
- 20 The floorspace calculations are:

Original Building	103 square metres (50% = 51.5 square metres)
Total Allowable	154.5 square metres
Total Existing Floorspace - (as it stands today)	211.85 square metres
Total Proposed Floorspace- (taking into account the proposed works)	234.83 square metres

- 21 The house as it stands today far exceeds the 50% floorspace allowance and the proposed rear extension and canopy increases the floorspace further, therefore the development is inappropriate. That said, the emerging local

plan submitted for examination states that ‘floorspace alone does not reflect the impact of the development of the openness of the greenbelt’ it also states, ‘the principles that determine the acceptability of a scheme are based on design and the impact that the form and appearance of the extensions/replacement have on the openness of the Green belt’. Whilst the emerging local plan holds very limited weight, it emphasises the move away from the rigid 50% floorspace allowance under our current extensions to dwellings in the Green Belt policy GB1 of the ADMP.

Very Special Circumstances

- 22 The proposed canopy would fall under permitted development (adding 3 square metres, with an overall height of 3 metres) and could therefore be constructed without requiring planning permission. The canopy is entirely open and would have very little impact to the openness of the greenbelt. The proposed rear extension would replace the existing conservatory. The proposed extension would be 1.4 metres deeper and 1.8 metres wider than the existing conservatory. The height of the proposed extension would be the same as existing. The proposed rear extension sits within the crux of the existing ‘L’ shaped part of the building, and from all vantage points this extension would be seen against the backdrop of the existing building. The house itself is set down by the natural land level and therefore surrounded by garden land that is slightly raised. The extension sits well with the existing building and the introduction of a shallow roof slope helps to reduce its bulk.
- 23 The proposal would not materially increase harm to openness of the green belt when compared to the existing permitted conservatory. It is fully acknowledged that the proposal is contrary to Policy GB1 of the ADMP. However, I am satisfied that a case of very special circumstances exists, given the permitted development fall back for the canopy, the unique design of the house and the nil harm to the openness of the Green Belt.

Area of Outstanding Natural Beauty (AONB):

- 24 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 25 There are therefore two considerations directly related to a site’s AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.
- 26 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and

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design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.

- 27 The application site is within the High Weald Area of Outstanding Natural Beauty. Extensions to residential properties are to be expected. It is considered the proposed development would have little impact on the AONB. The rear extension fits well with the host dwelling and would not be at odds with the generally mixed residential/rural character of the immediate area. The proposed development therefore conserves and enhances the character of this part of the AONB; complying with EN5 of the ADMP.

### Design and impact on the character of the area

- 28 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.
- 29 It is proposed to introduce a small canopy over the main entrance door on the front elevation. This would be entirely open and fixed to the wall.
- 30 It is also proposed to make alterations to the fenestration on all elevations, including the removal of the garage door and replacement with a window. These changes are to accommodate internal alterations to the building.
- 31 Lastly, it is proposed to demolish the existing conservatory and replace with a single-storey extension. The extension would sit in the crux of the 'L' shaped building and would be contained within the envelope of the existing built form. The walls of the extension would be brick to match existing and the shallow mono-pitch roof would be seamed zinc.
- 32 The proposed development would fit well with the host dwelling and would therefore not detriment the character and appearance of the wider area and therefore complies with Policy EN1 of the ADMP.

### Neighbouring Amenity

- 33 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD recommends that a 45-degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.
- 34 The application site is in a very isolated position well detached from neighbouring properties. For this reason, the proposed development will have no impact on neighbouring amenity and therefore complies with Policy EN2 of the ADMP.

### Parking and Highways Impact

- 35 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.

- 36 The proposal does not increase the number of bedrooms at the dwelling. As a result, the existing parking arrangement on site is acceptable.

#### Trees and Landscaping

- 37 The site is bounded by ancient woodland and a blanket tree preservation order. The porch canopy to the front is wholly attached to the wall and requires no excavation for its construction. The proposed rear extension would be constructed on an existing patio area. This particular area is set on a lower ground level when compared to the surrounding garden land and therefore it is unlikely that tree roots would be present.

#### **Community Infrastructure Levy (CIL)**

- 38 This proposal is not CIL liable.

#### **Conclusion**

- 39 The proposed canopy, alterations to the fenestration and new rear extension does not result in harm to the openness of the greenbelt. The proposed development fits well with the existing dwelling and does not harm the character and appearance of the dwelling, nor wider area. There would be no impact to neighbouring amenity.

#### **Recommendation**

- 40 It is therefore recommended that this application is approved.

#### **Background Papers**

Site and block plan.

Contact Officer(s): Rebecca Fellows      Contact : 01732 227000

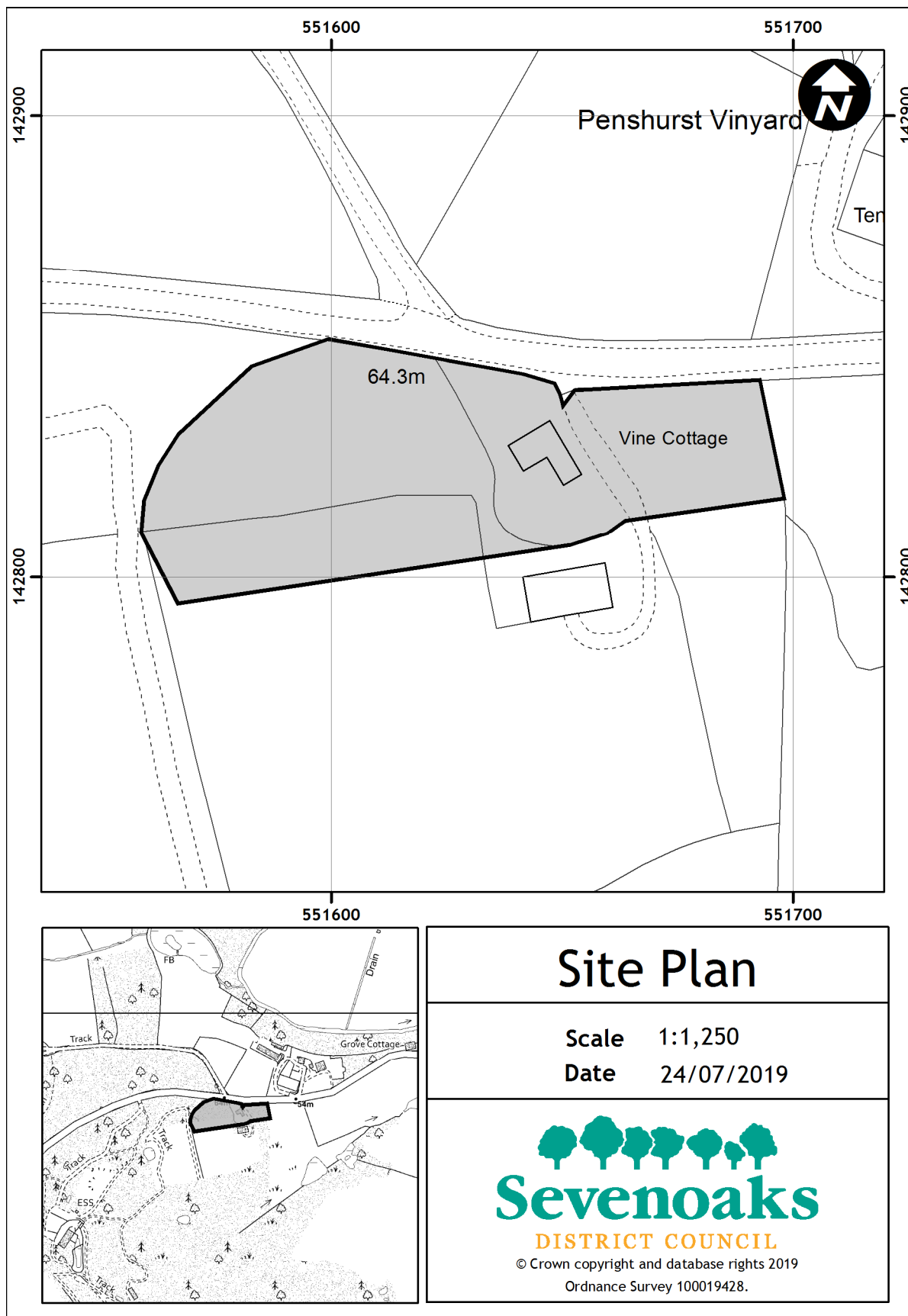
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

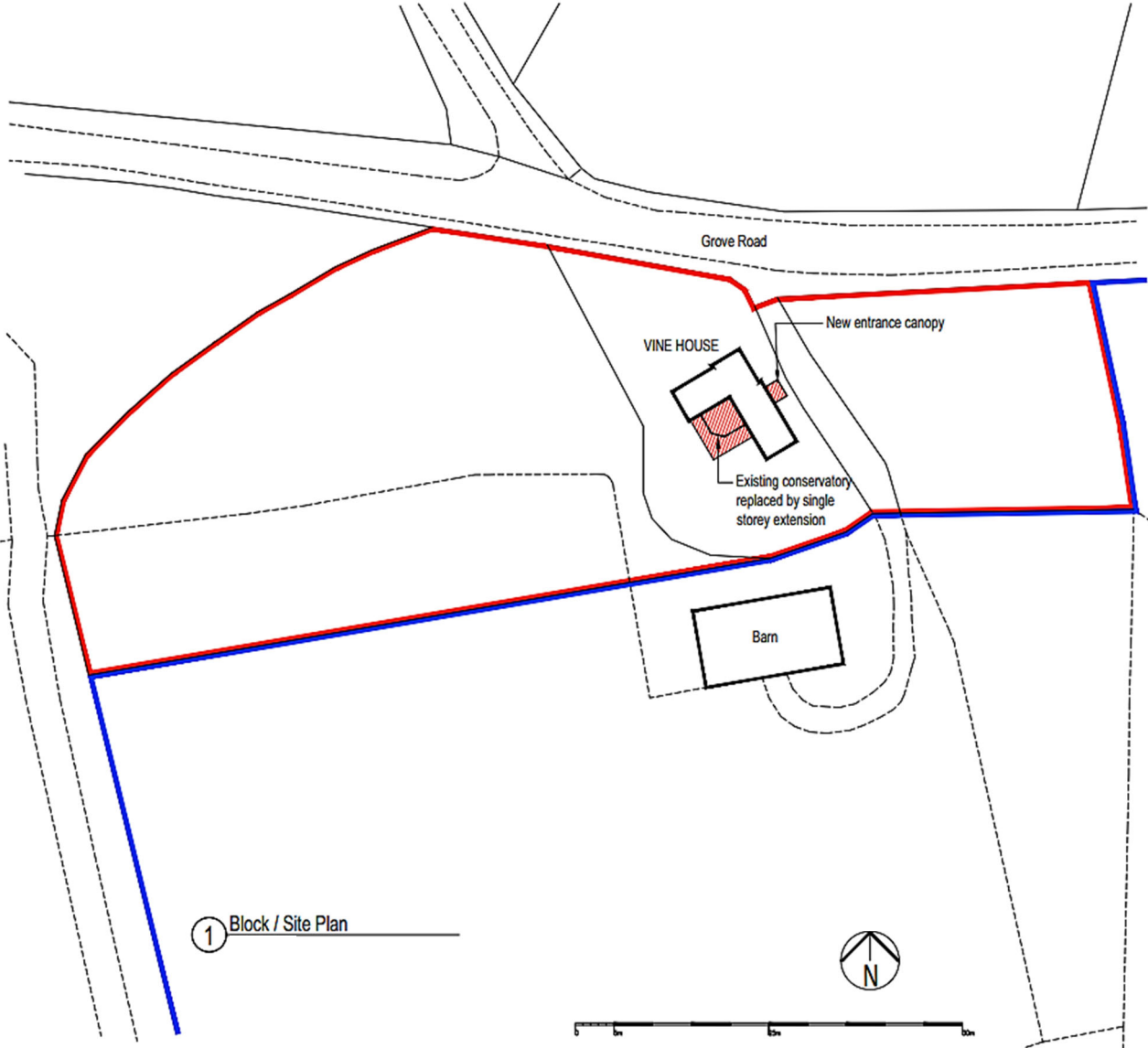
<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PS0MXDBKJGR00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PS0MXDBKJGR00>



Block Plan



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4.2 19/01735/LDCPR

Date expired 7 August 2019

Proposal: Loft conversion with new L-Shaped rear dormer.

Location: 41 Bradbourne Park Road, Sevenoaks, Kent TN13 3LJ

Ward(s): Sevenoaks Town & St Johns

**Item for decision**

This application is referred to Development Control Committee as the applicant is a member of staff.

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

The proposals would constitute permitted development as it conforms to Schedule 2, Part 1, Classes B, C and G of the Town and Country General Permitted Development (England) Order 2015 as amended.

**Description of proposal**

- 1 Loft conversion with new L-Shaped rear dormer.

**Description of site**

- 2 The application site relates to a two storey terrace dwelling located within Bradbourne Park Road. There are neighbouring properties located either side of the site, and to the rear and opposite. The property is located within the parish of Sevenoaks Town.

**Constraints**

- 3 Area of Archaeological Potential

**Relevant planning history**

- 4 None

**Background information**

- 5 This application is for a Lawful Development Certificate for proposed works, to determine whether those works are permitted development or whether planning permission is required.

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- 6 No consultations are required for this type of application and there are no planning policies that are relevant. This is a test against legislation and in this case the legislation is the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (to be referred to as 'the Order').
- 7 If the proposed works comply with the requirements of the Order, then we are obliged to confirm that the works would be permitted development, and grant a Lawful Development Certificate.
- 8 If the proposed works would not comply with the requirements of the Order, we would confirm that the works require planning permission and refuse a Lawful Development Certificate.

### Chief Planning Officer's Appraisal

#### Appraisal

#### Whether the proposed use applied for is Lawful

- 9 The application is assessed under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 10 We have checked the planning history, and there is no planning history for the site and therefore permitted development rights are still intact to the property in relation to the proposed development. The proposed Loft conversion with new L-Shaped rear dormer will be assessed under the criteria in Schedule 2, Part 1, Class B 1 'The enlargement of a house consisting of an addition or alteration to its roof' and Class C 'Other alterations to the roof of a dwellinghouse' and Class G 'chimneys, flues etc on a dwelling house'.

#### Class B - additions etc to the roof of a dwellinghouse

- 11 **B.1 Development is not permitted by Class B if—**
  - (a) **permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of of Class M, N, P or Q of Part 3 of this Schedule (changes of use);**
    - This does not apply
  - (b) **any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**
    - The proposed would not exceed the original height of the existing roof.

**(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and**

- The proposal would not extend beyond the plane of the existing roof slope which forms a principal elevation.

**(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—**

**(i) 40 cubic metres in the case of a terrace house, or**

**(ii) 50 cubic metres in any other case;**

- The proposal measures 36.6 cubic metres therefore this would not exceed 40 cubic metres limit for a terrace house.

**(e) it would consist of or include—**

**(i) the construction or provision of a veranda, balcony or raised platform, or**

**(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

- This will be assessed under Class G below.

**(f) the dwellinghouse is on article 2(3) land.**

- The dwellinghouse is not article 2(3) land, therefore this does not apply.

#### Conditions

**12 B.2 Development is permitted by Class B subject to the following conditions -**

**(a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse**

- The materials proposed are to match the existing house. The dormer walls are to be slates to match the existing main roof.

**(b) the enlargement shall be constructed so that -**

**(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension -**

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- (aa) the eaves of the original roof are maintained or reinstated; and
  - (bb) the edge of the enlargement closest to the eaves of the original roof if, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
- The eaves of the dwelling would remain unchanged and the dormer window would not come within 0.2 metres of them.
- (ii) other than in the case of an enlargement that joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse
  - The dormers are in accordance with the above criteria
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be -
  - (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- The dormer would not create a window on the side elevation.

### Class C - Any other alteration to the roof of a dwellinghouse

#### **Development not permitted**

- 13 C.1 Development is not permitted by Class C if—
- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
    - This does not apply
  - (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
    - This will not exceed 0.15 metres beyond the plane of the slope of the original roof.

**(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or**

- The proposed would create two velux windows to the front elevation and would not exceed, therefore this does comply

**(d) it would consist of or include—**

**(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or -**

- This will be assessed under Class G below.

**(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

- This does not apply

Class G - chimneys, flues, etc on a dwelling house

**G. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwelling house.**

**Development not permitted**

14 G.1 Development is not permitted by Class G if—

**a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule**

**(changes of use);**

- Does not apply to this case.

**b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or**

- Does not apply to the chimney as it is to be removed. The proposed vent pipe would not exceed the highest part of the roof by more than 1 metre, as such this complies.

**c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—**

**(i) fronts a highway, and**

**(ii) forms either the principal elevation or a side elevation of the dwellinghouse.**

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- Does not apply to this case as the property does not fall within article 2(3) land

- 15 The proposed loft conversion and rear dormers are in accordance with the criteria of Classes B, C and G of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), and are permitted development.

### Other Matters

- 16 Two letters of objection have been received from neighbouring properties raising the following concerns:
- Design not in keeping
  - Party wall agreement
  - Loss of privacy
- 17 However, these are not matters that can be considered under the determination of a lawful development certificate, which decides whether or not a planning application is required. The LDC application does not make a judgement on the merits of the design or impact upon neighbouring properties.

### Conclusion

- 18 The proposals would constitute permitted development as it conforms to Schedule 2, Part 1, Classes B C & G of the Town and Country General Permitted Development (England) Order 2015 as amended. Therefore, no planning application is required for these works.

### Background Papers

Site and Block Plan

Contact Officer(s): Holly Pockett      Contact: 01732 227000

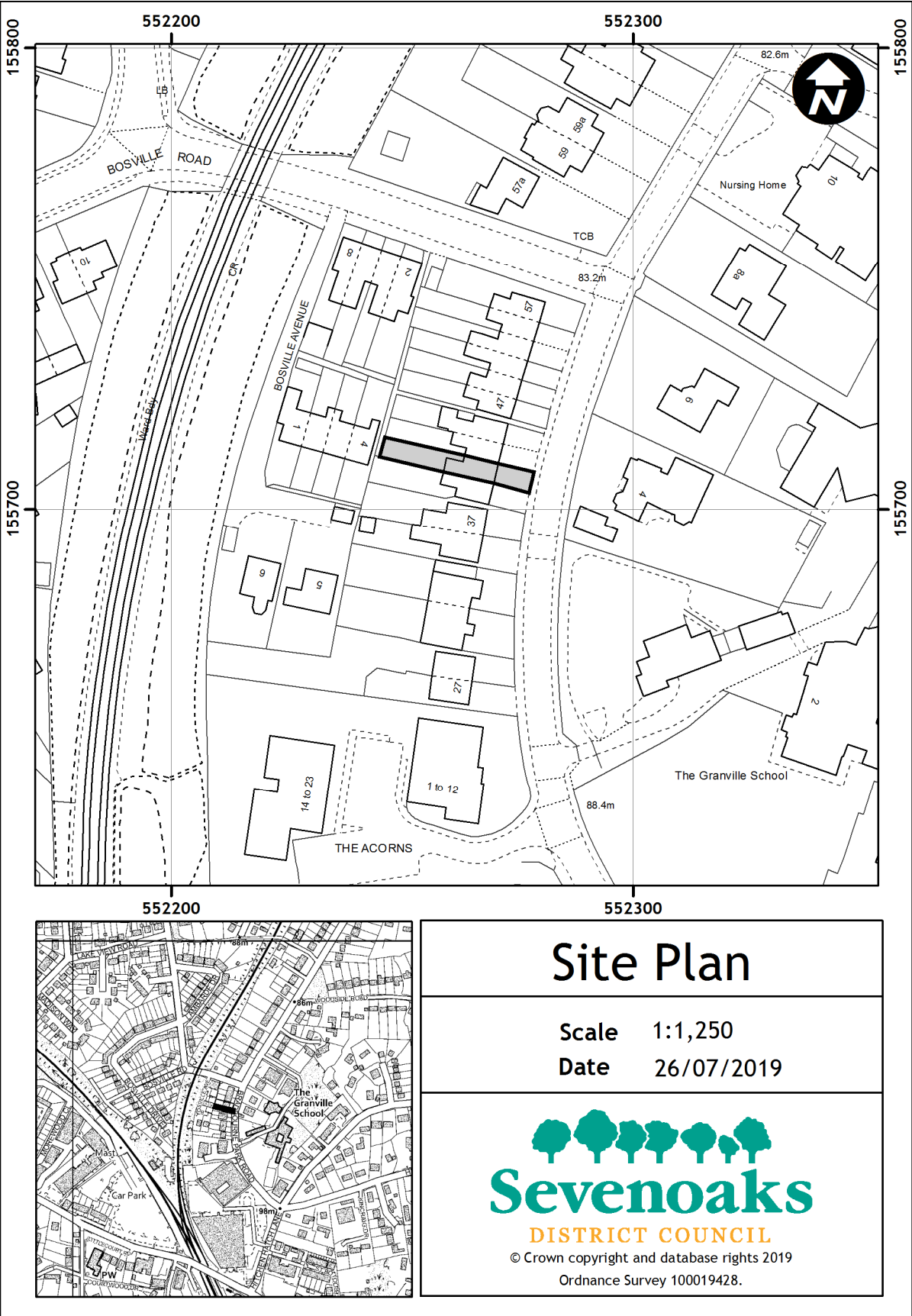
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSZTLVBKLUB00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PSZTLVBKLUB00>







4.3 19/01058/HOUSE

Date expired 3 June 2019

Proposal: First floor rear extension and internal alterations

Location: Merryn, Orpington Bypass Road, Badgers Mount, Kent  
TN14 7AG

Ward(s): Halstead, Knockholt & Badgers Mount

**Item for decision**

This application has been referred to the Development Control Committee by Councillor Grint on the grounds that he is of the view that the proposal would impact residential 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 and details: 6927-PD-02A.

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan 6927-PD-02A.

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

4) The new roof light window in the southern side elevation of the approved extension 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 EN2 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to the first occupation of the development details of ecological enhancements to be implemented within the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.

To ensure that the development enhances ecology locally in accordance with the National Planning Policy Framework and policy SP11 of the Sevenoaks Core Strategy.

### **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 proposal**

- 1 The application seeks the approval of the erection of a first floor extension over the existing single storey rear projection and various internal alterations to the property.
- 2 The extension would tie into the roof of the existing dwelling, replicating the height and barn hip feature of the existing main roof form.
- 3 Materials would match the existing chalet bungalow and first floor windows would be installed to the rear and southern flank elevation of the extension.
- 4 The existing access and parking provision for the property would remain unaltered.

### **Description of site**

- 5 The application site comprises a chalet style bungalow set on a rectangular shaped plot on the western side of Orpington Bypass Road.
- 6 The street is lined by residential development on the western side and the site backs onto properties on Old London Road.
- 7 The levels of the site drop away towards the rear of the building.

### **Constraints**

- 8 The site lies within the built urban confines of Badgers Mount and a Biodiversity Opportunity Area.

### **Policies**

- 9 National Planning Policy Framework (NPPF)

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 proposed<sup>6</sup>; 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.

10 Sevenoaks Core Strategy (CS)

- LO1 Distribution of Development
- LO7 Development in Rural Settlements
- SP1 Design of New Development and Conservation
- SP11 Biodiversity

11 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- T2 Vehicle Parking

Other

12 Residential Extensions Supplementary Planning Document (SPD)

**Relevant planning history**

- 13 07/01304/FUL - Roof extension to provide accommodation at first floor level, with dormer windows at rear - Granted.

14/02140/HOUSE - Demolition of existing garage. Erection of a single storey rear extension, roof alterations to include front and rear dormers and enclosure of entrance porch - Granted.

### Consultations

#### Parish Council

- 14 Badgers Mount Parish Council - 17.05.19

“Adjacent property owners are concerned that there will be increased overlooking of the rear gardens affecting their amenity. At present the parapet wall around the flat roof of the ground floor restricts such overlooking.”

### Representations

- 15 We have received two letters of objection relating to concerns regarding overlooking and loss of privacy from the proposed first floor windows.

### Chief Planning Officer's appraisal

#### Principal issues

- 16 The main planning considerations are:
- Design and impact on the character and appearance of the area
  - Impact on residential amenity
  - Impact on highways safety and parking provision
  - Impact on biodiversity and
  - The Community Infrastructure Levy (CIL).

#### Design and impact on the character and appearance 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 The street has a varied character because it possesses properties with a varied appearance. Bungalows and chalets bungalows stand side-by-side with two storey properties, each with varying architectural features and external materials.
- 19 The front elevation would remain unaltered, retaining the appearance of the existing chalet bungalow.
- 20 The first floor rear extension would project away from the street, with only fleeting views available from the public vantage points of the flank elevations of the property.
- 21 As noted above, the proposed extension would tie into the existing height and form of the roof, matching the height of the roof and incorporating the small pitched roof along the length of both flanks of the extension.

- 22 The materials proposed to be used to finish the exterior of the extension would also match those on the exterior of the existing property.
- 23 I am satisfied that the design approach is acceptable since it is of a bulk, mass and scale that respects the varied character of the area. The proposed development would therefore fit in its setting and would be in keeping with the character of the wider area.
- 24 I also believe that the proposal does not comprise an overdevelopment of the site since the extended property would sit comfortably within the plot.
- 25 I am therefore of the opinion that the proposal would preserve the character and appearance of the area in accordance with the NPPF, policy SP1 of the Core Strategy and policy EN1 of the ADMP.

Impact on residential amenity

- 26 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 27 The neighbouring properties potentially most affected by the proposed development would be those that are adjacent to the site. These include Halcyon Daze to the north, Star House to the south and 68 and 70 Old London Road to the west.
- 28 All other neighbouring properties would be sufficiently separated from Merryn not to be affected.
- 29 The proposed extended bungalow would be situated approximately 35m from 68 and 70 Old London Road. At these distances of separation I am satisfied that the amenities of the existing and future occupiers these adjoining properties would also be safeguarded.
- 30 Turning to Halcyon Daze and Star House, the extension would not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements by these adjoining properties.
- 31 Windows are proposed to the rear and to the southern side elevation of the proposed extension. The rear facing windows would serve bedrooms and would be more in line with the rear elevations of the two neighbouring properties. It is therefore the case that views directly down onto Halcyon Daze and Star House would be at an oblique angle. The main aspect out of these windows would be looking down the rear garden of Merryn and the rear section of the neighbouring gardens. These areas of the neighbouring gardens are not within the private amenity space, as defined by the Residential Extensions SPD.
- 32 The side-facing window would serve a bathroom and so can be controlled by condition. No overlooking or a loss of privacy would occur to either Halcyon Daze or Star House.

### Agenda Item 4.3

- 33 With the rear of the first floor extension proposed to project no further than the existing ground floor projection, and the two neighbouring properties, the extension would not cause a visual intrusion on outlook from either adjoining house.
- 34 Finally, the proposal would pass the 45-degree light tests and so daylight to Halcyon Daze and Star House would not be detrimentally impacted upon. Star House is located to the south of the site and so the sunlight received would be uninterrupted. Halcyon Daze is to the north. However, since the extension would not project beyond the rear of Halcyon Daze, and any side-facing window to the south-eastern corner of the building appears to be either non-habitable or secondary, any potential loss of sunlight would not be detrimental.
- 35 Due to the situation proposed for Merryn I am satisfied that the existing and future occupiers of the development would be provided with adequate residential amenities.
- 36 Overall, I would therefore conclude that the proposed development would be in accordance with the NPPF and policy EN2 of the ADMP.

#### Impact on highways safety and parking provision

- 37 Policy EN1 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location with four or more bedrooms require two parking spaces.
- 38 The continued use of the existing vehicular access that serves the site is wholly acceptable. In addition, the development would not affect the existing parking arrangements, which provide for a minimum of two parking spaces.
- 39 The proposal would therefore preserve highways safety and provide sufficient parking in compliance with the NPPF and policies EN1 and T2 of the ADMP.

#### Impact on biodiversity

- 40 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 41 The site lies within a Biodiversity Opportunity Area and so ecological enhancements can be sought by way of condition.
- 42 Therefore, the development would be in accordance with the NPPF and policy SP11 of the ADMP.

#### Community Infrastructure Levy (CIL)

- 43 This proposal is not CIL liable.

**Conclusion**

- 44 I consider that the proposed development wholly complies with the development plan.

**Recommendation**

- 45 It is therefore recommended that this application be approved.

**Background papers**

Site and block plan.

Contact Officer(s): Mike Holmes Contact: 01732 227000

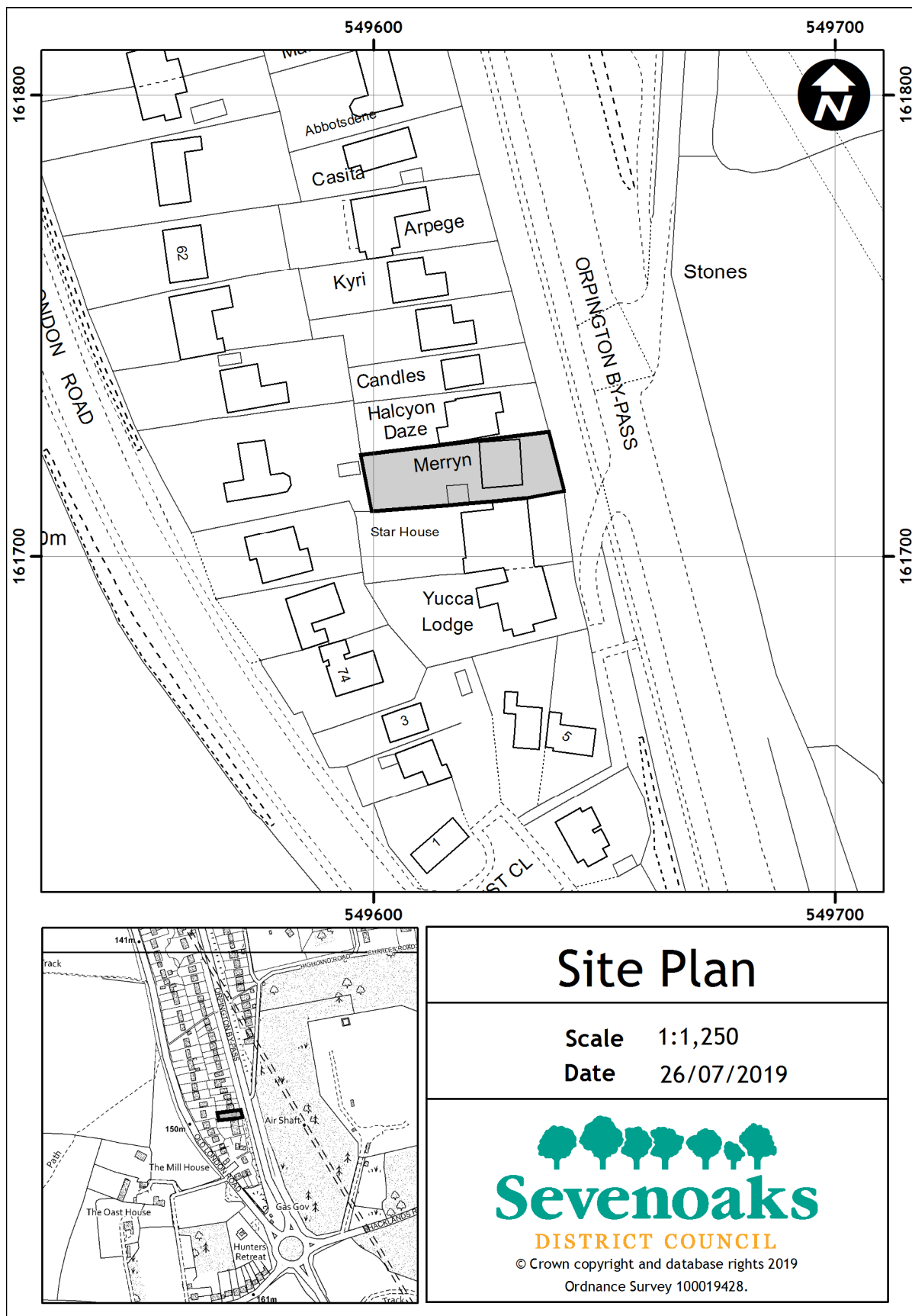
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

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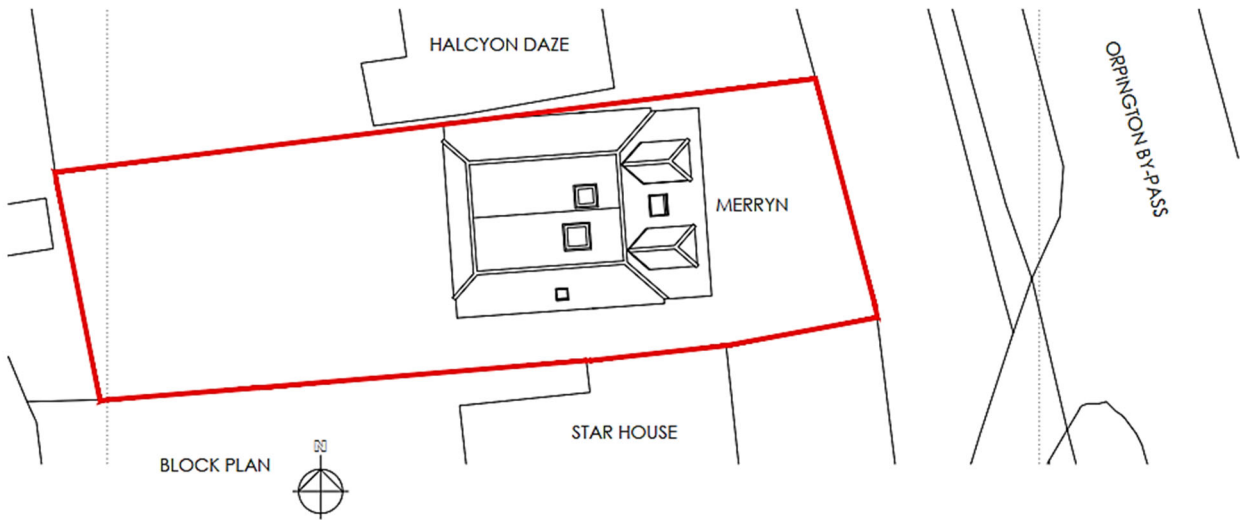
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Block Plan



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Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 15 August 2019

**4.1 19/01534/HOUSE Vine House, Grove Road, Penshurst, Kent TN11 8DU**

Link to application details:

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Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PS0MXDBKJGR00>

**4.2 19/01735/LDCPR 41 Bradbourne Park Road, Sevenoaks TN13 3LJ**

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