

17 October 2019 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks
Despatched: 09.10.19



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. Minutes To approve the minutes of the meeting of the Committee held on 26 September 2019, as a correct record.	(Pages 1 - 2)	
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 19/00979/HOUSE - 1 Old Forge Cottages, High Street, Brasted Kent TN16 1JA Erection of a close boarded fence.	(Pages 3 - 20)	Hannah Donnellan 01732 227000
4.2 19/01980/FUL - Land North of 1 - 7 Conifer Way, Swanley Kent BR8 7UE Erection of 3 no. 3 bedroom dwelling houses with improved children's playground facilities.	(Pages 21 - 32)	Mike Holmes 01732 227000
4.3 19/02155/FUL - 83 Hever Avenue, West Kingsdown, Kent TN15 6HQ Proposed demolition of existing dwelling and construction of 4 no. new-build residential dwellings and associated rking/landscaping.	(Pages 33 - 46)	Guy Martin 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 or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 14 October 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.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 26 September 2019 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Ball, Barnett, Cheeseman, Perry Cole, Coleman, Firth, Hunter, Layland, McGarvey, Pett, Purves and Roy

Apologies for absence were received from Cllrs. P. Darrington, Hogarth, Hudson and Raikes

Cllrs. Penny Cole, Thornton and Grint were also present.

25. Minutes

Resolved: That the Minutes of the meeting of the Committee held on 15 August 2019, be approved and signed as a correct record.

26. Declarations of Interest or Predetermination

There were none.

27. Declarations of Lobbying

There were none.

28. 19/01493/DETAIL - Fairlight, Badgers Road, Badgers Mount, Kent TN14 7AZ

The proposal sought approval for details reserved by condition under planning permission 15/03115/FUL following the previous landscaping scheme approved under details application 16/03384/DETAIL. The application was referred to the Development Control Committee by Councillor Grint as the plan failed to preserve and enhance the visual appearance of the area.

Members' attention was brought to the main agenda papers and late observation sheet, which did not propose any changes to the recommendation.

The Committee was addressed by the following speakers:

Against the Application: Christopher Lucas
For the Application: Graham Gunn
Parish Representative: -
Local Member: Councillor Grint

Agenda Item 1

Development Control Committee - 26 September 2019

Members asked questions of clarification of the speakers and Officers.

Members were advised that in total 7 trees had been removed, which had formed part of the previously approved scheme. The new scheme included 14 trees in the rear garden plus 6 fruit trees. The Officer provided a breakdown of the trees proposed and their heights.

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

Members discussed the application. At the end of the debate the motion was put to the vote and it was

Resolved: That the planning condition be discharged.

THE MEETING WAS CONCLUDED AT 7.26 PM

CHAIRMAN

4.1 19/00979/HOUSE Date expired 11 June 2019

Proposal: Erection of a close boarded fence

Location: 1 Old Forge Cottages, High Street, Brasted KENT TN16
1JA

Ward(s): Brasted, Chevening and Sundridge

ITEM FOR DECISION

This application has been referred to the Development Control Committee by Councillor Firth for the committee to decide whether the proposed fence does not conserve or enhance the setting of the heritage asset to which it relates and, as such, is contrary to Policy EN4 of the ADMP.

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: IP 1902-A1: Revision B.

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

Note to Applicant

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

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

Agenda Item 4.1

outcome,

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

In this instance the applicant/agent:

- 1) Was updated on the progress of the application.

Description of Site

- 1 The application site comprises of a two-storey Grade II listed terraced dwelling and annex located within the urban confines of Brasted. The property forms part of a large group of listed buildings fronting the high street. The property benefits from a long plot and there are neighbours located either side. The rear boundary of the property backs onto a detached garden area of neighbouring 2 Old Forge Cottages with the River Darent, woodland and fields beyond.

Description of proposal

- 2 This application seeks permission for a close boarded fence to be located on the western and northern boundaries of the application site. The fence posts would be 2m in height with the panels at 1.8m. The fence would run adjacent to the shared boundaries between 1 and 2 Old Forge Cottages and adjacent to a private right of way through the garden of the host dwelling.

At the time of the site visit part of the fencing had already been erected.

Relevant planning history

- 3 16/03651/LBCALT - Internal and external repair and refurbishment works to existing dwellinghouse - GRANTED- 29/08/2017

- 4 17/01661/LBCALT - Refurbishment of existing annexe including internal and external alterations - GRANTED - 29/08/2017

Policies

- 5 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 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.

- 6 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SP11 Biodiversity

- 7 Allocations and Development Management (ADMP)

- SC1 Presumption In Favour Of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN5 Landscape

- 8 Other

Agenda Item 4.1

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Brasted Conservation Area Appraisal (SPD)
- Sevenoaks Countryside Character Assessment (SPD)
- Kent Downs AONB Management Plan

9 Publicity Expires on: 27 May 2019

Constraints

- 10 Grade II listed buildings
Brasted Conservation Area
Kent Downs Area of Outstanding Natural Beauty
Area of Archaeological Potential
Tree Protection Orders

Consultations

Brasted Parish Council

- 11 Object: “Brasted PC objects to a solid, close boarded fence as it believes it is inappropriate in this situation (Conservation Area and Grade 2 listing). Brasted PC believes that an open style fence would be more appropriate in this setting”

SDC Conservation Officer

- 12 “Old Forge Cottages are part of an extended ground of Grade II listed buildings which enclose High Street, in the Brasted Conservation Area.

Paragraphs 193 & 194 of the NPPF require great weight to be given to the conservation of designated heritage assets and note that significance can be harmed or lost through unsympathetic development within their settings.

The proposed close boarded fence causes no harm to the significance of the heritage assets and there is no objection in terms of Policy EN4.”

- 13 At the request of Ward Members further comments were received on the application from the Conservation Team Leader which were received on 18 July 2019:

“The applicants have now lowered the height of the fence adjacent to the garden wall, and the height of the rest of the fence panels are 1.8m, not 2m.

The rear gardens are currently sub-divided into three private areas for the three properties in the range. The sub-division of the rear gardens varies from timber fencing of different styles and a brick wall. The character of the rear of the properties is of private gardens which reflects the residential character of the listed buildings and the wider conservation area. The introduction of the new fence that separates the right of way access from the rest of the private garden area for the property is not objectionable in principle. The garden of No.1 currently has a tall untreated modern fence running along its eastern perimeter and the reduction in the size of the garden by the introduction of a parallel fence does not affect the setting of the listed building. The introduction of a new modern fence adjacent to the existing boundary fence does not therefore cause any further intrusion into the space and reflects the established demarcation of the garden plots. The untreated wood, reflects the untreated wood of the existing fence which has weathered over time, as will this fence. The fence which is closest to the buildings is lower than the historic wall which currently separates the garden of No.1 from the garden of No.2 in the area immediately outside the buildings. The fence will continue, lower than the wall around the boundary where there is currently a fence in situ. The fence of the adjacent property is also of a solid modern timber construction and successfully reflects the residential garden character of the properties. Whether the fence is picket as currently in place or solid feather board does not impact on the special interest of the listed buildings or the wall.”

SDC Tree Officer

14 No comment

Kent County Council Archaeological Officer

15 No comment

Representations

16 We received letters of objection from fifteen addresses to the application. The relevant planning issues raised are as follows:

- The fencing design and style would be inappropriate, unsympathetic and out of keeping with the character of the area
- Loss of light and sunlight to neighbouring properties
- Overbearing impact to neighbours and the listed buildings
- Impact to the listed buildings
- Impact to the Conservation Area
- Impact to the AONB
- Layout and density of building design and finishing materials
- Overshadowing to both gardens belonging to 2 Old Forge Cottages
- Loss of outlook, views and visual amenity
- Impact to wildlife and wildlife corridor
- The fence is not a heritage asset

Agenda Item 4.1

- The fence would contravene the NPPF, ADMP and Brasted Conservation Area Appraisal
- No pre-consultation was undertaken by the developer
- The open aspect of the gardens would be lost
- The erection of the fence could set a future precedent
- English Heritage were not consulted

A number of objections were also raised on non-planning matters. These will be considered under 'other issues' at the end of the report.

Chief Officer Planning and Regulatory Services' Appraisal

- 17 The highest part of the fence (posts) would be no more than 2m in height. As such the only reason the fence would require planning permission is that it would form an enclosure within the curtilage of listed buildings. Therefore the principal consideration in this case is the impact to the listed buildings and their setting.
- 18 However for clarity, in light of the objections received, the impact of the proposals in regards to all other relevant policies will be considered in depth.
- 19 The main planning considerations are:
- Impact to the Setting of the Listed Buildings
 - Impact to the Conservation Area
 - Impact to the AONB
 - Design and impact to the character of the area
 - Amenity Protection
 - Archaeology
 - Trees
 - Biodiversity
 - Other Issues

Impact to the setting of the Listed Buildings

- 20 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 21 The NPPF also states that great weight should be given to the conservation of heritage assets (para.193).
- 22 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.

- 23 The application site forms part of a row of Grade II listed two storey cottages. The properties are residential in nature, linear in building line with an informal plot arrangement to the rear. Historically the plot layout of these properties has varied with the site being open in 1888 then enclosed with small gardens by 1896. The garden of the application site had been extended by 1909 and has remained largely similar since this time with the exception of the westernmost part of the garden which has been acquired by 3 Old Forge Cottages and the rearmost part of the garden adjacent to the River Darent which has been acquired by 2 Old Forge Cottages and is accessed via a private right of way that runs through the garden of the application site.
- 24 The plot arrangement and property boundaries have therefore varied over time as would be expected for residential properties of this age. The existing boundary treatments comprise of a mix of fencing, (including high close boarded fencing along the boundaries between numbers 2 and 3 Old Forge Cottages and between 1 Old Forge Cottages and Fig Tree House), an historic brick wall, trees and shrubbery, all of which are characteristic of the wider area.
- 25 This application proposes to construct a new close boarded fence adjacent to the shared boundaries with number 2 Old Forge Cottages and within the garden of the application site. The fence would be located adjacent to the low level picket fencing which currently marks the boundary between the neighbours and begins where the historic wall ends. At this point the fence would be no higher than the wall and would run at this height for 6.2m adjacent to the fence, turn 90 degrees and continue up to the neighbour's rear gate which provides access to the private right of way through the garden. The fence would then run north through the application site with the panels at 1.8m at a distance of 1.05m from the fence of number 3 Old Forge Cottages up to the existing picket fence which divides the neighbour's northern garden from the garden of the application site. The fence would continue adjacent to this picket fence at 1.8m (panels) up to the boundary shared with Fig Tree House.
- 26 The proposed fence would have a modern and more suburban appearance than the existing boundary treatments; being constructed in untreated wood with concrete posts. However the existing setting is currently characterised by formal residential boundary treatments, including standard height close boarded fences, outbuildings and other development such as patios or residential paraphernalia. Although the existing close boarded fences are entirely constructed in timber they include untreated timber which has weathered over time and, although concrete posts are more suburban in appearance, they are not unusual for domestic properties in villages. It is expected that the untreated wood of this fence would weather over time as have other fences in the area and the overall visual impact within the setting of the listed buildings would be limited and would improve over time.
- 27 The fence would not be attached to the listed structures and would be located some distance from them. Considering that the fence would be of a

Agenda Item 4.1

standard height, and no higher than the existing wall where it is closest to the original structures, it would not be considered to have an overbearing impact to the listed buildings. Moreover the fence would not have a visual relationship with the listed buildings within the public realm and would only be visible privately which significantly reduces the impact on the setting of the heritage assets.

- 28 The demarcation of the plots, which would separate the garden from the neighbouring private right of way, is acceptable in principle as, as noted above, there is no formal established plot layout attached to the listed buildings which has vastly altered over time. The division of the plot would therefore not be out of character with these properties and would not cause harm to the significance or special interest of the heritage assets. It is not necessary for the purposes of national or local planning policy for proposed development within the setting of listed buildings to provide an historic contribution to the heritage assets which only requires that the setting be conserved or enhanced as the proposals would do in this instance.
- 29 Neither is it required by Policy for development to enhance the heritage assets. Although enhancement is desirable, in order for the proposals to be considered appropriate in accordance with the NPPF and Policy EN4 of the ADMP the proposals would only need to demonstrate that the proposals would conserve the setting of the heritage assets. As the fencing would be within the existing character of the existing setting I am satisfied that the proposals would achieve this.
- 30 SDC Conservation were consulted on the application and have advised that the proposed fence would not result in harm to the significance of the heritage assets. As such they have no objection to the proposals in regards to planning policy. At the request of Ward Members further comments were received from the Conservation Team Leader seeking their views and clarification on the impact of the proposals to the setting of the listed buildings. It is their view that the fence would be within the expected character of the listed residential properties and, whether the style of the fencing were high and close boarded or low level, the construction of a fence in this location would not have an adverse impact on the special interest of the listed buildings or their setting for the above reasons.
- 31 In light of the above it is therefore considered that the proposed fence would not cause harm to the setting of the listed buildings or significance of the heritage assets in accordance with Policy EN4 of the ADMP, Core Strategy and NPPF.

Impact to the 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 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 35 The Brasted Conservation Area Appraisal identified Old Forge Cottages as an important group of buildings with a valuable contribution to the character of the Conservation Area. The properties back onto the banks of the River Darent with woodland beyond. The Conservation Area Appraisal notes that some properties which back onto the river can have an open appearance, however in this case the properties are for the most part screened by the tree belt to the north. As such there would be no harm within the street scene and thus the impact to the overall Conservation Area would be substantially limited.
- 36 The Brasted Conservation Area Management Plan refers to boundary treatments and walls where they contribute to the character of the area and streetscape, i.e. those that are visible, but does not provide guidance in regards to rear boundary treatments which separate plots. Part III of the recently adopted conservation area assessments, (not specific to Brasted), offers guidance on new and replacement boundary treatments which should use traditional materials and detailing prevalent in the conservation area. As noted above standard height close boarded fences are already a prevalent feature within the private residential gardens of this row of listed buildings and the work would therefore accord with this guidance.
- 37 As such it is regarded that the proposed fence would leave the Conservation Area unharmed and would therefore be in compliance with Policy EN4 of the ADMP and the Brasted Conservation Area Management Plan.

Impact to the AONB

- 38 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.
- 39 Therefore the AONB designation includes not only the application site and open landscape beyond, but also the built villages and towns within it. The purpose of the AONB is not to prohibit development, but to preserve, enhance and reinforce its distinctiveness.
- 40 Development within the AONB should conserve the character of the landscape. Policy EN5 of the ADMP requires that development conserve the character of the landscape and enhance it where appropriate.

Agenda Item 4.1

- 41 The fence would be located within the built confines of Brasted. As it would only be visible privately and surrounded by development to the southern, eastern and western aspects and screened from the north it would have a very limited visual impact within the wider landscape.
- 42 As previously noted, when considering the impact of the fence to the setting of the listed buildings, close boarded fencing is already a feature of the existing character of the area. As such the introduction of a new fence would be within the expected character of the existing landscape with the fence being seen set against residential gardens and their context.
- 43 It is therefore clear that the fence would conserve the character of the AONB. Although it is less clear that the fence would enhance the AONB, Policy EN5 requires that proposals demonstrate an enhancement only where appropriate. The scale of the development, the installation of a domestic garden fence, would be considered very minor work and as such it would not be expedient to require the work to demonstrate an enhancement in this case, particularly considering that the fence would only be visible privately and, were it not for the fact that the property is listed, the works would not otherwise require planning permission.
- 44 It is therefore considered that the proposals accord with Policy EN5.

Design and Impact to the Character of the Area

- 45 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.
- 46 As noted above, although the fence would have a more suburban appearance than the existing fencing within the immediate area, it would not be considered out of keeping with existing character. The fence would not be visible within the public realm and would not have an impact within the street scene.
- 47 A letter of objection made reference to Policy EN1 in that the proposed fence would not respect the layout and density of building design and finishing materials. This policy refers to development of all scales and would apply proportionately to individual applications depending on the size of the scheme. It is relevant to note that the erection of standard height fencing in private gardens is very minor work, one that in most cases does not require planning permission. Density and layout refers most usually to new buildings and the proposed materials, as above, would be appropriate.
- 48 The proposals therefore fully accord with Policy EN1.

Amenity Protection

49 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The two neighbouring properties which could be affected by the proposals are number 2 Old Forge Cottages located to the west and Fig Tree House to the east.

50 Loss of light/overshadowing:

The Sevenoaks Residential Extensions SPD requires that a 45 degree light test be undertaken to ascertain the impact to daylight to habitable rooms in accordance with BRE guidance. There are no equivalent light tests to ascertain the impact to neighbouring amenity space. In this case a judgement must be made based on the scale and form of the development taking into account the orientation of the properties, situation on site and other relevant considerations. For clarity the private amenity space is regarded as the first five metres of garden space measured from the rear elevation of a property.

51 2 Old Forge Cottage:

The fence would be located adjacent to the neighbouring garden approximately 6m from the rear elevation of the neighbouring extension. This extension serves a kitchen which benefits from three windows and a glazed door across the full width of the elevation. The rear elevations of the properties are north-west facing and there is already a 1.5m high brick wall which runs for the first 6m from the rear elevation between this neighbour and the application site. The proposals would therefore pass the light test to the kitchen windows of the neighbouring property as does the existing brick wall and the impact to daylight as a result of the work would not be materially different than the existing situation.

52 Considering that this elevation is north-west facing and that this neighbour is bounded by an existing 1.5m brick wall on the eastern aspect and number 3 Old Forge Cottages on the western aspect, the existing amount of direct daylight received to the private amenity space would be very limited in the existing situation and would mostly be blocked by the existing roof planes. As the fence would be a standard height and located further north into the garden the impact in real terms to the private amenity space as defined within the Residential Extensions SPD would be negligible.

53 The northern part of the garden of number 2 Old Forge Cottages would not be considered private amenity space for planning purposes. Although it is appreciated that the fence could have an impact to the light received to the greenhouse located in this area, in this instance it cannot be protected under current planning policy and as such impact to daylight to this area cannot be considered harmful in terms of Policy EN2.

Agenda Item 4.1

- 54 Similarly it is likely that there would be a noticeable impact along the private right of way within the garden of the application site where it would be bounded by two standard height fences. However, as with the northern garden, this would not be considered amenity space in planning terms which can be protected.
- 55 As such the impact in regards to daylight and overshadowing to the habitable rooms and private amenity space of number 2 Old Forge Cottages would be considered acceptable and the proposals would not result in an impact to habitable rooms of private amenity space that would be considered materially different to the existing situation.
- 56 Fig Tree House:
- The proposed fence would be located adjacent to the neighbour's existing close-boarded fence. This would be set approximately 33m from the rear elevation of this property. Due to this distance and orientation there would not be an impact to this neighbour in regards to daylight or overshadowing.
- 57 Loss of outlook, visual amenity, overbearing impact:
- In planning terms the impact to outlook would be concerned with the normal immediate outlook from windows of habitable rooms of neighbouring properties. For outlook to be considered adversely affected to the extent in which it results in unacceptable harm, the normal outlook would need to be clearly and adversely obstructed, (for example a large extension in close proximity to direct outlook from a window). That proposed development can be seen, or impact views generally, do not amount to a material planning consideration and views from a private property cannot be protected by the planning system.
- 58 As such the only windows with the potential to be impacted by the proposals are the rear kitchen windows of number 2 Old Forge Cottages. The immediate outlook from these windows would be their private amenity space which includes the patio area. To the left are oblique views of the flank elevation of 3 Old Forge Cottages and to the right are oblique views of the boundary wall between numbers 1 and 2. These would not be considered within the direct outlook in planning terms.
- 59 Further into the site from approximately 6m the outlook continues into the garden which includes close boarded fencing and trees /vegetation to the right, picket fencing and garden of 1 Old Forge Cottages within the direct view, and oblique views of the existing picket fencing and neighbouring annex. The detached garden of number 2 is also visible at a distance of 45m.
- 60 The fencing panels at the closest proximity to these windows would be the continuation of the boundary treatments on the flank elevation. This would be located 6m from the rear windows and at being orientated 90 degrees would not be considered within, nor materially alter, the direct outlook

from these windows. The only element of fencing which would be directly parallel to these windows, and thereby have the potential to impact the direct outlook in planning terms, would be the panels located adjacent to the existing picket fencing and would be set at a distance of over 12m away.

61 Therefore, although it is undoubtable that the existing views from these windows would change, the fence would not be located in such close proximity to alter the immediate normal outlook to the extent in which it would result in substantial harm to the enjoyment of the property. There is already fencing bounding and within the site and the fact that the northern part of the garden, or the neighbour's garden, would no longer be visible would not amount to harm to normal outlook. As above, the impact on site would be to views generally which cannot be protected and I am therefore satisfied that there would be no harm to outlook in planning terms.

62 As discussed in regards to the impact of the fence to the setting of the listed buildings, the fence would be characteristic of the area, of a standard height and would be relatively minor work. It would not further enclose the garden of the neighbouring property which is already demarcated by fencing, albeit of a lower height, and would therefore not be considered development that would have an obtrusive or overbearing impact to the habitant of number 2 Old Forge Cottages.

63 Overlooking/loss of privacy:

The fence would not result in an increase of overlooking to the neighbouring property and privacy to neighbours would be preserved.

Archaeology

64 The site is located within an Area of Archaeological Potential. A brief review of HER records show that there have been no archaeological finds recorded for this site. The nearest records relate to the Mill some 200m away from the application site. Considering that the development in minor and limited excavation is required the development is considered to be very low risk and would accord with Policy EN4.

Impact to Trees

65 The site is covered by a blanket tree preservation order. The proposals would not be located within the RPA of any protected trees. No concerns were raised by SDC's Tree Officer.

Biodiversity

66 The site is not located within a biodiversity opportunity area however the rear boundary of the neighbour's land backs onto the River Darent and there are no closed boundary treatments in this location. It has been stated that local wildlife, including hedgehogs, currently visit the garden and letters of

Agenda Item 4.1

objection have raised concerns that the proposed fence would adversely impact the local wildlife.

- 67 These rows of dwellings are already bounded on this side by close-boarded fencing which means that there is no formal wildlife corridor which runs through the gardens. Rather the formal 'corridor' would be considered to be that which runs through the river and woodland / fields behind which would remain unaffected by the proposals.
- 68 The existing fencing within the site is open and it is possible for small wildlife to move around the two gardens which would be impacted by the proposed fence. However the fact that the gardens would be separated would not be considered detrimental to wildlife as it would not inhibit movement along the river nor through the land behind. As such I am satisfied that the fence would not cause harm to wildlife in accordance with Policies SP11 of the Core Strategy and SP1 of the ADMP.

Other Issues

- 69 Other than the issues already discussed a number of objections were received on the following matters:
- 70 No pre-planning consultation was undertaken - Although pre-application consultation is encouraged within the NPPF the applicant has no statutory obligation to do so.
- 71 The fence would set a precedent within the area - Each application is assessed on its own merits. Should further applications be received for similar fencing they would be accordingly considered based on the facts of the application and their planning merits.
- 72 English Heritage were not consulted - Historic England are only a statutory consultee in specific circumstances. This application would not involve works to the listed buildings and therefore they would not be a statutory consultee in this instance.
- 73 Property values - property values and 'desirability' are not a material planning consideration that can be taken into account.
- 74 Safety / hazards / security - safety and security are not a material planning consideration for a scheme of this size which is normally a consideration for larger scaled development (i.e. new housing developments). Any private issue on this matter would be a civil matter between neighbours.
- 75 The fence is inconsiderate, unneighbourly and designed to cause offense - It is appreciated that the erection of this fence in this location may be uncomfortable and stressful for the occupier of number 2 Old Forge Cottages however we can only consider whether the fence would be acceptable in planning terms. Mindful of the very minor nature of the development, and considering that in most circumstances planning

permission is not required for the erection of a 2m high fence in a private garden, this is not something that the planning authority can control in this case. As above it would be a private matter for the applicant and neighbour to resolve.

- 76 It would be difficult for the occupier of number 2 Old Forge Cottages to maintain the existing fence - As above maintenance issues are a private property matter rather than a planning issue and cannot be taken into account.
- 77 Impact to the shared drainage system - As above this is a civil private matter to be resolved between neighbours
- 78 Low level picket-style fencing / planting would be more appropriate - It is the statutory duty of the planning authority to determine a planning application as it has been submitted. In line with the National Planning Practice Guidance (NPPG) amendments should only be sought where proposals would otherwise be unacceptable. In line with the NPPF where proposals accord with all relevant policies they should be approved without delay.

Community Infrastructure Levy (CIL)

- 79 is proposal is not CIL liable.

Conclusion

- 80 The proposed fence accords with all national and local planning policies.

Recommendation

- 81 It is therefore recommended that this application is approved

Background papers

Site and block plan

Contact Officer(s): Hannah Donnellan Contact 01732 227000

Richard Morris
Chief Officer Planning and Regulatory Services

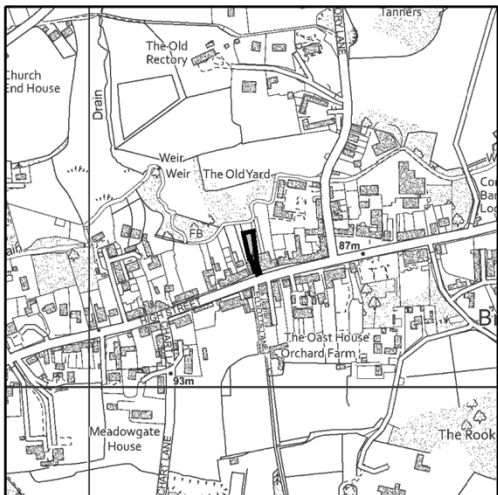
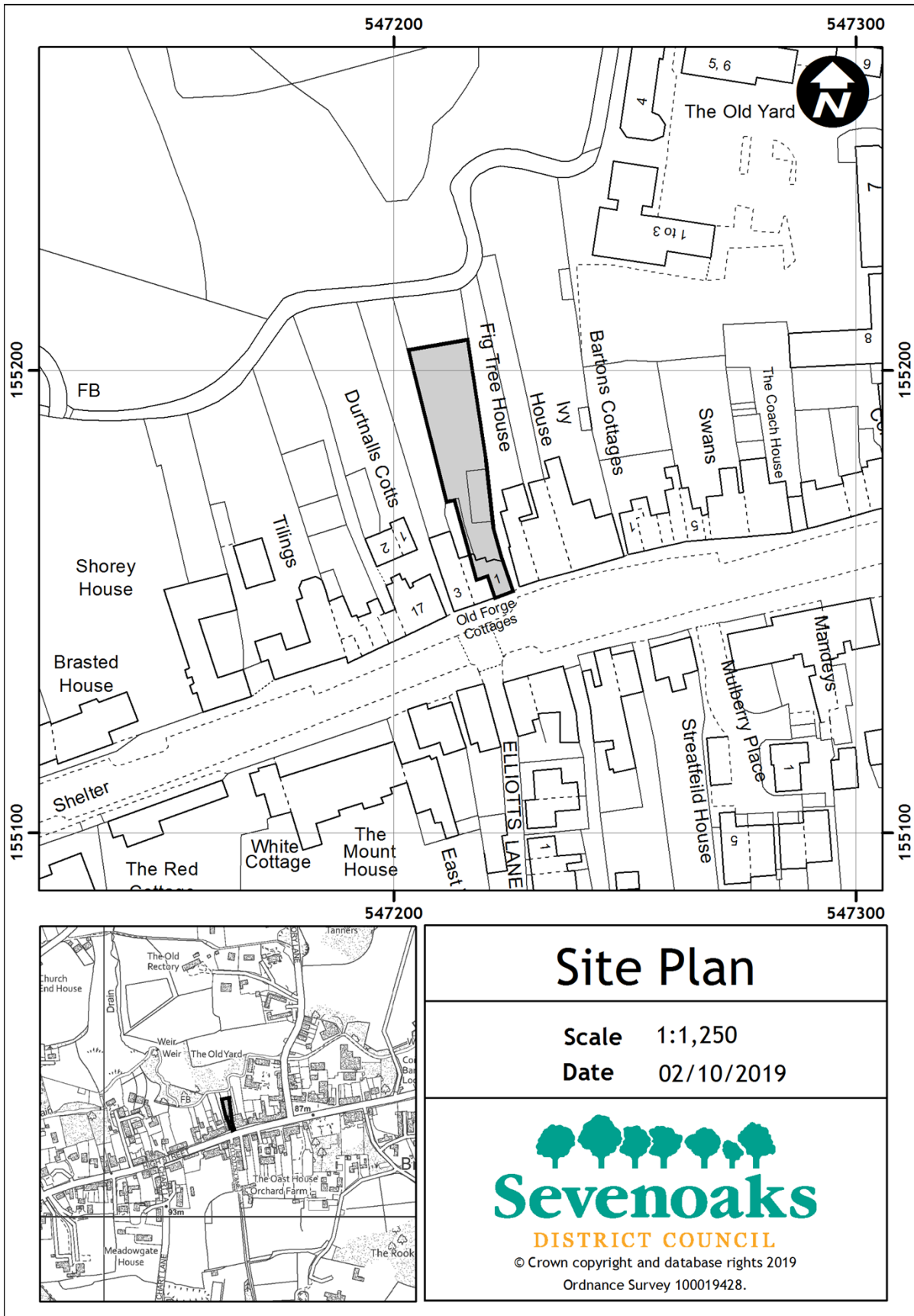
Link to applications details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Agenda Item 4.1

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PPAHXSBKIWA00>



Site Plan

Scale 1:1,250

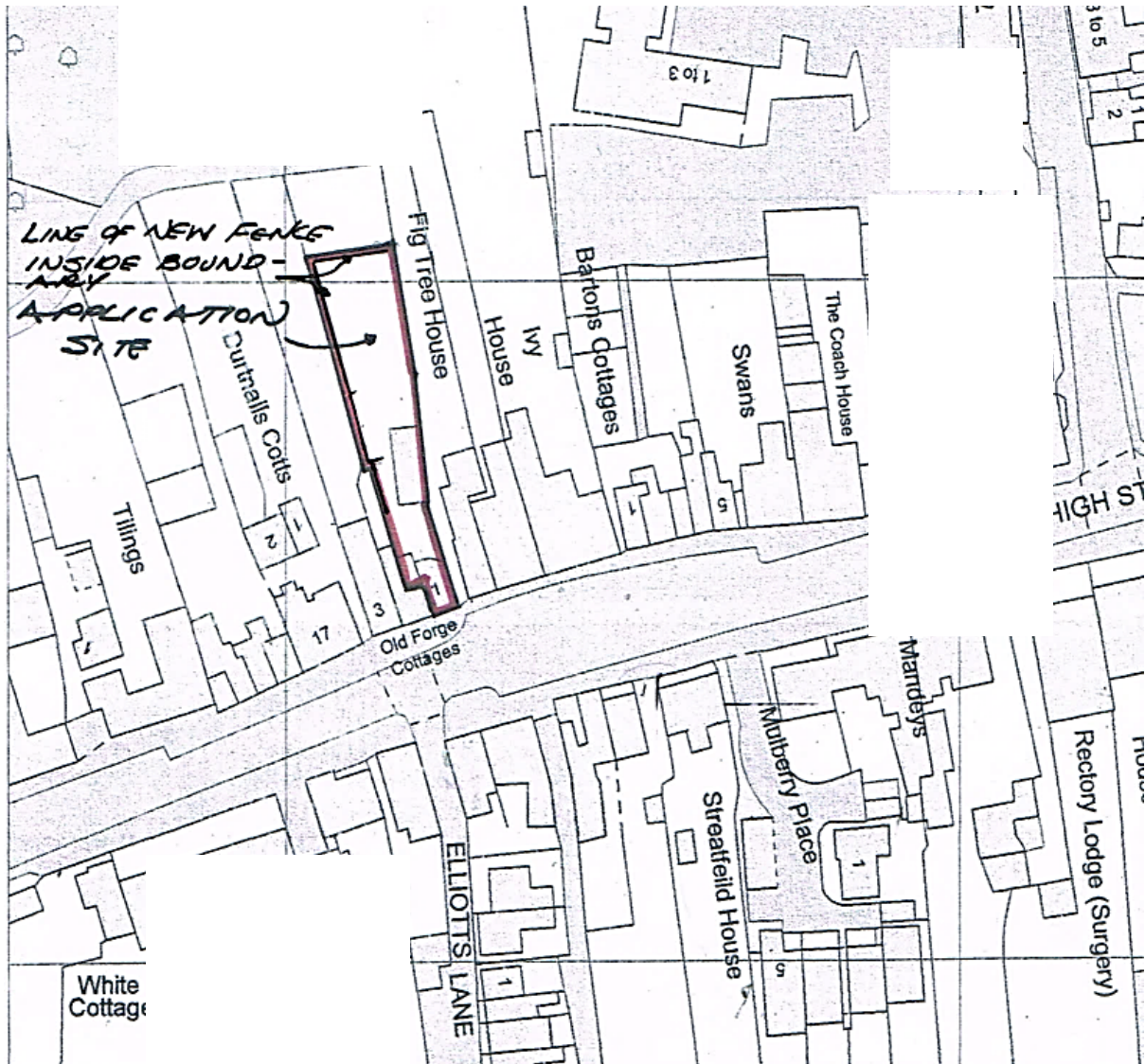
Date 02/10/2019



DISTRICT COUNCIL

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Ordnance Survey 100019428.



4. 2 19/01980/FUL

Date expired 5 September 2019

Proposal:

Erection of 3 no. 3 bedroom dwelling houses with improved children's playground facilities.

Location:

Land North Of, 1 - 7 Conifer Way, Swanley KENT BR8 7UE

Ward(s):

Swanley White Oak

ITEM FOR DECISION

This application has been referred to the Development Control Committee since Sevenoaks District Council is the applicant for the application.

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: A983-02B-PL-001 Revision A, A983-02B-PL-101 Revision C, A983-02B-PL-102 Revision E, A983-02B-PL-110 Revision D, A983-02B-PL-111 Revision A, A983-02-PL-120, A983-03-PL-130, A983-03-PL-131 and HED.1373.101.

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

3) Prior to the completion of works above damp proof course level, full details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be 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 area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) Prior to the completion of the development, full details of hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Those details shall include:-hard landscaping plans (identifying the finishing materials of areas of hard landscaping and details of all fencing);- planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation including any necessary protection measures during construction. The approved details shall be carried out prior to the first occupation of the development hereby

granted. If within a period of 5 years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) All first floor windows in the side elevations of the approved dwellings 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.

6) Prior to the completion of the development, details of measures incorporated into the development to enhance the biodiversity of 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.

To enhance biodiversity within the local area as supported by the National Planning Policy Framework and policy SP11 of the Sevenoaks Core Strategy.

7) Prior to first occupation of the new dwellings hereby approved, an electrical charging point for the safe charging of electric vehicles shall be provided and maintained for the each of the dwellings.

To encourage the use of low emission vehicles in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

8) Prior to the first occupation of the development, the children's play area shall be installed for the use of the general public and maintained thereafter.

To preserve the provision of open space within the area in accordance with policy SP10 of the Sevenoaks Core Strategy and policy GI2 of the Sevenoaks Allocation and Development Management Plan.

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.

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 application site comprises an irregularly shaped piece of open space bounded by properties on Aspen Close to the north, Conifer Way to the south and west and by Russett Way to the east.
- 2 A gap in the fence on Russett Way means that pedestrians are able to access the site from there and it is open from Conifer Way. A children's slide is located to the western corner of the site.
- 3 The levels of the site rise gently from Russett Way up to Conifer Way and from Aspen Way up to Conifer Way.

Description of proposal

- 4 The application seeks approval for the erection of three new dwellings and a new children's play area. The dwellings would comprise two storey units, with a pair of semi-detached houses located parallel with the south-west boundary of the site and a detached unit located in the north eastern corner of the site.
- 5 Parking would be provided for each dwelling on site and each unit would be afforded some amenity space, mainly to the rear of each house.
- 6 The children's play area would include swings, stepping pods and a slide.
- 7 The remainder of the site would provide a pedestrian access from Russett Way through to Conifer Way and would otherwise remain as open space.

Relevant Planning history

- 8 No relevant planning history exists for the site.

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 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.

Agenda Item 4.2

- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

10 Core Strategy (CS):

- LO1 Distribution of Development
- LO4 Development in Swanley
- SP1 Design of New Development and Conservation
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP10 Green Infrastructure, Open Space, Sport & Recreation Provision
- SP11 Biodiversity

11 Allocations and Development Management (ADMP):

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- GI2 Loss of Open Space
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

Constraints

- 12 The site lies within the built urban confines of Swanley and is designated open space.

Consultations

Swanley Town Council

- 13 “No comment.”

KCC Highways

- 14 “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.”

Representations

- 15 Six letters of objection relating to the following issues:

- Proximity of the development to neighbouring properties;
- Access to the adjacent properties being restricted;
- Fly-tipping;
- Anti-social behaviour;
- Overlooking and loss of privacy;
- A lack of parking provision;

- Loss of the open space;
- Loss of light; and
- The layout of the development.

Chief Officer Planning & Regulatory Services appraisal

16 The main planning considerations are:

- Principle of the development
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Parking provision and impact on highways safety
- Trees, landscaping and biodiversity
- Anti-social behaviour and fly-tipping
- Community Infrastructure Levy (CIL)

Principle of the development

- 17 Some land within built up areas is excluded from the definition of previously developed land. While there is a focus on utilising previously developed land within the NPPF, policy LO1 of the Core Strategy states that new development should be focused within existing settlements.
- 18 The site lies within the urban confines of Swanley and as such, forms part of an existing settlement with the potential to provide additional housing for the District in a sustainable location. In addition to this, it could represent a development that makes effective use of land, which could support the aspirations of the NPPF.
- 19 Policy LO4 states that in Swanley provision will be made for approximately 660 dwellings (2006-2026) throughout the town on a range of sites suitable for residential use within the urban area. Subject to this and the considerations bullet pointed above, the proposal to re-develop the site for some form of residential development could be acceptable in principle.
- 20 Also key to the assessment of the principle of the development is the potential loss of open space.
- 21 Policy SP10 of the Core Strategy states that open space will be retained. Development may exceptionally be allowed where replacement provision of at least equivalent value to the local community is provided.
- 22 Policy GI2 of the ADMP states that redevelopment of open space will not be permitted unless the applicant demonstrates that the loss will be mitigated by equivalent replacement provision (in terms of quality, quantity and accessibility). There should be no significant adverse impact on the character of the local environment and any potential loss of biodiversity interests should be mitigated.
- 23 Within the development the applicant has incorporated a significantly improved play area compared with the single children's slide that stands on the site, a significantly improved pedestrian link across the site providing a

Agenda Item 4.2

formal pedestrian access between Conifer Way and Russett Way, and the retention of some open space.

- 24 It is acknowledged that the development would lead to the loss of some open space. However, given the increase in the quality and quantity of the children's play area and equipment and the increase in the quality of the accessibility of the site and the wider area these factors mitigate against the loss of the current low quality area of open space.
- 25 The proposal therefore meets the test of policy SP10 of the Core Strategy and policy GI2 of the ADMP.

Design and impact on the character and appearance of the area

- 26 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.
- 27 The application site comprises an open area of grassland bounded partly by fencing and a lock up garage. Surrounding the site to the north, south and west are terraced residential properties, all two storeys in height.
- 28 The proposal includes the erection of a pair of semi-detached houses and a detached house, each two storeys in height. The three houses would have pitched roofs, with the semi-detached houses having hipped ends to their respective roofs and the detached house would have gable ends. The semi-detached properties would be located adjacent to and parallel with the south-west boundary of the site and the detached house would be sited in the northern corner of the site.
- 29 The principle of the mix of buildings proposed is considered to be acceptable. The buildings would be designed and finished to respect and complement the prevailing character of the area, which is characterised by the estates of development that surround the site, comprising terraced and semi-detached properties, and further afield, detached dwellings.
- 30 The layout of the development would respect the site, providing appropriate spacing within the development and between the development and the surrounding properties.
- 31 Overall, the proposal would be of an acceptable design that would respect the character and appearance of the area. As such, the proposals are considered to be in accordance with the NPPF, policy SP1 of the Core Strategy and policy EN1 of the ADMP.

Impact on residential amenity

- 32 Policy EN2 of the ADMP requires that any development should safeguard the amenities of existing and future occupiers of nearby properties and would provide adequate residential amenities for future occupiers of the development.

- 33 Due to the prevailing residential character of the area, the development would not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements.
- 34 The introduction of built form where none currently exists has the potential to impact on daylight and sunlight, outlook and privacy of the surrounding properties to the site.
- 35 These neighbouring properties include 1-7 Conifer Way, 35 Conifer Way and 1-7 Aspen Close. All other nearby properties would be sufficient distance away from the proposed development to ensure that the amenities of the occupiers of these properties would be safeguarded.
- 36 1-7 Conifer way is a terrace of four properties located to the south-west of the site. These properties are two storey in design and are situated on a slightly higher level to the application site.
- 37 The development would pass the 45 degree angle test in both plan and elevation when applied to 1-7 Conifer Way. The development is also proposed to be sited to the north-east of the neighbouring terrace. The proposal would therefore not cause a detrimental loss of daylight or sunlight to the occupiers of 1-7 Conifer Way.
- 38 The properties that make up the neighbouring terrace of dwellings possesses windows that face onto the application site. The applicant has demonstrated, through indicating levels and a 25 degree angle of view out of the ground floor windows, that outlook from 1-7 Conifer Way would not be significantly interrupted.
- 39 The semi-detached properties would possess front and rear facing bedroom windows at first floor level. However, outlook from these towards 1-7 Conifer Way would be oblique. A first floor side facing window is proposed to face towards the neighbouring terrace of properties. However, this window would serve a bathroom and so could be controlled. No overlooking or loss of privacy would therefore occur to the occupiers of 1-7 Conifer Way.
- 40 35 Conifer way is a two storey, end of terrace property located to the north-west of the site on a similar level to the application site.
- 41 The development would be located over 25m from No.35 and so would not cause a detrimental loss of daylight or sunlight to the occupiers of this neighbouring property, would not interrupt outlook and would not result in overlooking or loss of privacy.
- 42 No.35 would be sited adjacent to the proposed children's play area. The play area has been designed for younger children and so is likely to be used during daylight hours. Any noise or disturbance from the use of the play area would therefore not have a detrimental impact on the occupiers of No.35.
- 43 1-7 Aspen Close is a terrace of four properties located to the north-east of the site. These properties are two storey in design and are situated at a similar level to the application site.

Agenda Item 4.2

- 44 The development would pass the 45 degree angle test in both plan and elevation when applied to 1-7 Aspen Close. The development is also proposed to be sited to the south of the neighbouring terrace. The proposal would therefore not cause a detrimental loss of daylight and is sufficiently spaced not to cause a detrimental loss of sunlight to the occupiers of 1-7 Aspen Close.
- 45 The properties that make up the neighbouring terrace of dwellings possesses windows that face onto the application site. The applicant has demonstrated, through indicating levels, a 25 degree angle of view out of the ground floor windows and the layout of the development that outlook from 1-7 Aspen Close would not be significantly interrupted.
- 46 The detached property would possess front and rear facing bedroom windows at first floor level. However, outlook from these towards 1-7 Aspen Close would be oblique. A first floor side facing window is proposed to face towards the neighbouring terrace of properties. However, this window would serve a bathroom and so could be controlled. No overlooking or loss of privacy would therefore occur to the occupiers of 1-7 Aspen Close.
- 47 The future occupiers of the development would generally be provided with adequate residential amenities for future occupiers. One potential issue is the relationship between 1 and 3 Conifer Way and the pair of semi-detached houses and 1 Aspen Close and the detached unit. These are close relationships but they are not unusual for an urban area such as this.
- 48 Overall, the development would safeguard residential amenity in compliance with the NPPF and policy EN2 of the ADMP.

Parking provision and impact on highways safety

- 49 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health. Policy T2 relates to vehicle parking and requires provision in accordance with advice from the Highway Authority. Policy T3 requires the provision of electrical vehicle charging infrastructure.
- 50 The site is located in a highly accessible location within walking distance of the town centre, railway station, regular local bus routes, medical facilities, schools, employment and retail uses.
- 51 The proposals include the provision of a single vehicular access from Conifer Way and pedestrian access from both Conifer Way and Russett Way. The development would result in a modest increase in traffic movements locally. However, this would not significantly impact the wider road network.
- 52 The area to the front of the garages adjacent to the access to the detached dwelling are not designated parking spaces and future owners of the development would have a right to pass along this access way. Therefore, vehicles should not be parking in such a way to block access to the site.

- 53 The development also includes a minimum of two parking spaces for the two semi-detached units and a single parking space for the detached dwelling. This provision, in addition to the location of the development, and the lack of on-street controls means that the parking provision is wholly acceptable.
- 54 The applicant has demonstrated that the development is capable of incorporating facilities for electric vehicle charging.
- 55 Finally, local residents have raised the issue of access to the adjacent properties being restricted. This would not be the case with the layout of the development retaining existing accesses including those pedestrian accesses to the rear of 1-7 Conifer Way.
- 56 Overall, the development would be in accordance with the NPPF and policies T1, T2 and T3 of the ADMP.

Trees, landscaping and biodiversity

- 57 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. Policy EN1 of the ADMP states that trees should be incorporated into the layout of development.
- 58 The site currently possesses no trees of importance and so none would be lost. The development provides an opportunity to improve the current situation with regards the landscaping of the site. Details of this can be secured by way of condition.
- 59 Ecological enhancements can also be sought by way of condition to ensure that there is an ecological gain.
- 60 Therefore, the development would be in accordance with the NPPF and policy SP11 of the Core Strategy and policy EN1 of the ADMP.

Anti-social behaviour and fly-tipping

- 61 With regards to the issue of anti-social behaviour within the play area, the existing limited play facilities are neglected and in a run down the state, which at present may be encouraging any existing anti-social behaviour that takes place within the site.
- 62 The provision of new facilities could go some way to preventing anti-social behaviour and the facilities are made for younger children, which will make the space the space less attractive to older children who are more likely to behave anti-socially.
- 63 The scheme has also been designed in line with the Kent Police crime prevention guidance to further reduce the potential for anti-social behaviour. This would be achieved in part by natural surveillance of the play area being maximised and the area being fenced off.
- 64 Concerns have also be raised regarding anti-social behaviour and fly-tipping along the pedestrian access to the rear of 1-7 Conifer Way. As per the

Agenda Item 4.2

existing situation, the natural surveillance from the existing houses in the terrace would continue to warn off any anti-social behaviour or fly-tipping.

- 65 In any event, if anti-social behaviour or fly-tipping takes place these are matters controlled by other legislation.

CIL

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

Conclusion

- 67 As highlighted in the report above the proposed development accords with the NPPF and our adopted development plan.

- 68 It is therefore recommended that this application is approved

Background papers

Site and block plan

Contact Officer(s):

Mr M Holmes T: 01732 227000

Richard Morris

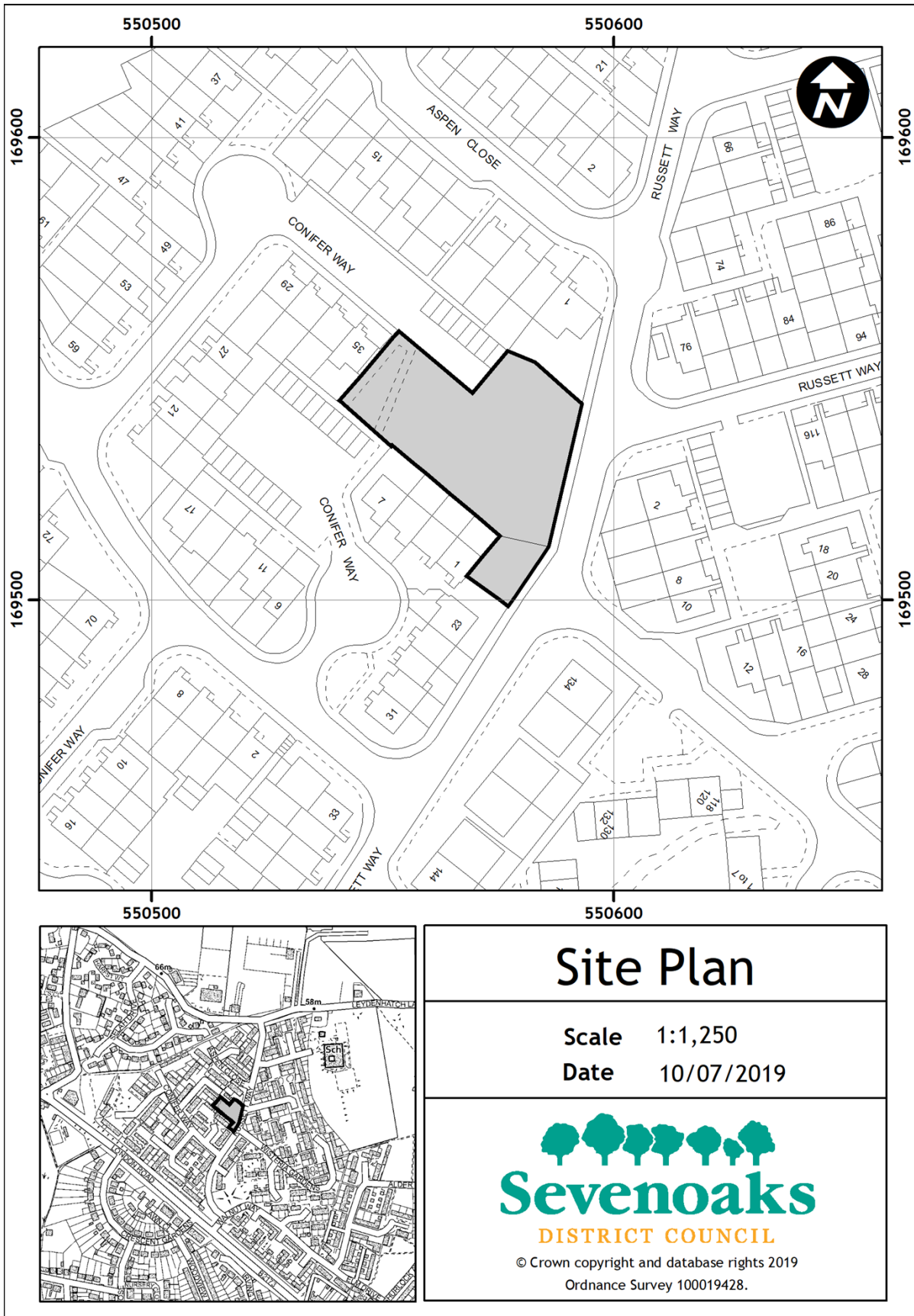
Chief Officer Planning and Regulatory Services

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PU42LDBK0L000>



Site Plan

Scale 1:1,250

Date 10/07/2019



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Ordnance Survey 100019428.



4.3 19/02155/FUL Revised expiry date 18 October 2019

Proposal: Proposed demolition of existing dwelling and construction of 4 no. new-build residential dwellings and associated parking/landscaping

Location: 83 Hever Avenue, West Kingsdown, KENT TN15 6HQ

Ward(s): Fawkham & West Kingsdown

Item for decision

This application has been called to Development Control Committee by Councillor Harrison as she considers that the proposal represents over development of the site that would be out of keeping with the street scene and would have an adverse impact upon local amenities.

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) No development shall be carried out above the damp proof course of the hereby approved dwelling until details of the materials to be used in the construction of the external surfaces of the extensions hereby granted consent have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using the approved materials.

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

3) No development shall be carried out above the damp proof course level of the hereby approved dwelling until full details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall cover as appropriate: Proposed finished levels or contours; Hard surfacing materials; Planting plans; Boundary Treatments; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate. Implementation timetables. Development shall then be carried out in accordance with the approved details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Agenda Item 4.3

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

4) The first floor southern facing window of Unit 1 and the southern panel of the first floor window on the rear elevation of Unit 1 shall be obscure glazed and non-opening unless the window is set higher than 1.7m above the internal floor level of the room within which the window is located.

In order to safeguard the character of the area and protect residential amenities as supported by the NPPF and policies EN1 and EN2 of the Allocations and Development Management Plan.

5) No development shall be carried out above the damp proof course level of the hereby approved development until a scheme to promote ecological enhancement has been submitted to and approved in writing by the local planning authority with a scheme of implementation. The development shall be carried out in accordance with the approved details and shall be maintained thereafter.

To enhance biodiversity as supported by Policy SP11 of Sevenoaks District Councils Core Strategy.

6) The electric vehicle charging points as shown on plan04356_NB03F shall be installed prior to occupation of the dwellings and shall be maintained thereafter.

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

7) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 04356_NB02E, NB03F, NB04D, NB05B, NB06E

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 application site comprises a detached bungalow sited on a long rectangular plot on the western side of Hever Avenue, south of the junction with Hever Road.
- 2 The bungalow is set back from the plot frontage, generally in line with the building line created along this side of the street and spans much of the width of the plot.

- 3 The frontage of the plot is open in appearance, with the front boundary formed by a low brick wall. A close boarded fence and lock up garages form the northern boundary of the site, shared with a large car park area.

Description of proposal

- 4 Proposed demolition of existing dwelling and construction of 4no.new-build residential dwellings and associated parking/landscaping.

Relevant planning history

- 5 19/00111/FUL - Proposed demolition of existing dwelling and construction of 4no. New-build residential dwellings and associated parking/landscaping - REFUSED - 17/07/2019

Policies

- 6 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.

- 7 Core Strategy (CS)

- L01 Distribution of Development
- L07 Development in Rural Settlements
- SP1 Design of New Development and Conservation
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP11 Biodiversity

Agenda Item 4.3

- 8 Allocations and Development Management Plan (ADMP)
- SC1 Presumption in Favour of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN7 Noise Pollution
 - T2 Vehicle Parking
 - T3 Provision of Electrical Vehicle Charging Points

Constraints

- 9 Built urban confines of West Kingsdown

Consultations

West Kingsdown Parish Council

- 10 “Objection - 1. The proposal would be seen as an overdevelopment of the site due to the bulk of the dwellings compared with the amenity space left and the height of the neighbouring bungalow. Properties 3 & 4 rear lawn measures 6m x 6m and 4.5m x 8m. Properties 1 & 2 are 5.5m x 7.5m and 4m x 7.5m.
- 11 2. The proposed dwellings at the rear would constitute a tandem development and an undesirable form of back land development likely to prove difficult for service/emergency vehicles. The distance to the refuse storage at the front of the buildings is excessive at some 36m. This would be contrary to Policy EN1 of the Saved Policies of the SDC Local Plan.
- 12 3. Dwellings 3 and 4 (at the back) would need to be accessed by the service road adjacent to the front building No2, and the bedroom above No2 would be subject to noise of vehicles/pedestrians using this facility.
- 13 4. The space between the proposed properties is limited and this would result in restricted manoeuvrability for vehicles. This again would be likely to add to any air/noise pollution problems.
- 14 5. The proposal would be out of keeping with other properties in the vicinity and would thereby be detrimental to the street scene.”

Further comments:

- 15 1. The plan shows the adjacent car park as the belonging to the adjacent Day Nursery. This is not the case. It is open to the public 24/7 for the shops and flat dwellers as well as the nursery. This could cause discomfort to people living in the rear dwellings Nos 3 and 4
- 16 2. The Ridge height of the neighbouring bungalow appears to be 13ft 8. This proposal dwarfs that to 27ft. The rear dwellings are of a similar height

which would be overbearing on the rear garden of the neighbouring property.

- 17 3. It is noted that there is limited natural light to the living area and light is gained by “stolen” from the dining room, similar to the bedrooms above and buildings 1 and 2 (front) .”

KCC Highways

- 18 “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.”

SDC Tree Officer

- 19 “I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:
- 20 Although this site is well stocked with vegetation, the majority are situated within the rear garden and are of low amenity value. They would not be considered worthy of protection with a TPO. Several trees would be lost to make way for the proposed development but could be replaced as part of an approved landscaping scheme. In view of these comments, I have no objection to the proposed development.”

South East Water

- 21 No response received

Thames Water

- 22 No response received

Representations

- 23 We received 2 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 light and overshadowing
 - Devalue neighbouring properties
 - Creates of precedent of back land development
 - impinges upon neighbours land (no. 81)

Agenda Item 4.3

Chief Officer Planning and Regulatory Services' appraisal

24 The main planning considerations are:

- Principle of the development
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highways safety and parking
- Trees and landscaping
- Biodiversity

Principle of the development

- 25 Whilst the NPPF places an emphasis on development on previously developed land, it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings. Residential gardens outside built up areas can be previously developed land. Land in built up areas such as private residential gardens is excluded from the definition of previously developed land (Annex 2 NPPF).
- 26 Para 122 of the NPPF (in part) states that planning policies and 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.
- 27 An assessment as to whether the proposed dwellings would protect the setting of the urban area and the distinctive character of the local environment is carried out in detail below however provided that the scheme complies with all other relevant development plan policies, the proposal complies with Policy
- 28 The Local Plan and Core Strategy both contain policies to protect the character of local areas, but neither document sets out any express aim to resist inappropriate development of residential gardens. Policy LO1 of the Core Strategy advises that development will be focused within the built confines of existing settlements, with Sevenoaks being a location for development of a scale and nature consistent with the needs of the surrounding rural area.
- 29 Policy SP7 of the Core Strategy relates to density and states that all new housing will be developed at a density consistent with achieving good design and that does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration new residential development will be expected to achieve a density of 30 dwellings per hectare.

- 30 Policy L07 states that in settlements such as West Kingsdown development should be of a scale and nature appropriate to the settlement, responding to the local characteristics of the area. Subject to this and the considerations bullet pointed above, the proposal to re-develop the site for some form of residential development could be acceptable in principle.
- 31 The proposal would result in a density of 40 dwellings per hectare which would not be out of character with other development within the urban confines of West Kingsdown and provides much needed small scale development within this locality.
- 32 It is recognised that the site is located within the built confines of West Kingsdown and it is clear that development plan policies seek to maximise the potential of such sites. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt. Hever Road and the surrounding area is predominantly residential in character comprising a mixture of dwellings. With this in mind, the principle of plot subdivision would reflect the general pattern of development in the area and is considered to be acceptable in land use terms provided the scheme complies with all other relevant development plan policies.
- 33 With this in mind, the development is acceptable in principle. It would therefore comply with policies LO1, L02 and SP7 of the Core Strategy and the NPPF. Design and impact on the character and appearance of the area 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.
- 34 The site lies within the built confines of West Kingsdown and lies close to the centre of the settlement. The dwellings in this area have a fairly consistent building line, although it is noted that there has been some infilling to rear gardens and disruption to the linear character in places.
- 35 The site comprises a modest sized bungalow, spreading across the width of the plot. The bungalow stands on a generously sized plot benefiting from a large rear garden. Surrounding the site to the east and west are residential properties, predominately detached and semi-detached houses, which comprise a mix of bungalows and two storey properties. To the north lies a row of commercial properties with residential units over with a row of garages and a car park between the shops and the northern garden boundary.
- 36 The proposal comprises of the erection of two sets of semi-detached properties one set behind the other. The houses would be two storeys in height. Vehicular access to the rear properties is provided from Hever Avenue. This also provides access for three parking spaces located centrally within the site adjacent to the northern boundary. Two spaces would serve units 3 and 4 and one space would be utilised by unit 2. Unit 1 would have a separate vehicle access and 1 parking space to the front of Hever Avenue.
- 37 The proposal would make and efficient use of the land which would not be out of character with other developments within the wider area.

Agenda Item 4.3

- 38 The two sets of properties would be set back from the boundary by at least 1m which would ensure that the proposal would not result in visual terracing and would be in character with other dwellings within the locality with soft landscaping proposed at the front of the site.
- 39 The proposed dwellings rise to a height of 8.1m and 6.7m respectively. The dwellings to the south, nos. 79 and 81 Hever Avenue rise to a height of 6m. Whilst units 1 and 2 will be higher than this adjacent property the proposal would not be out of character with other properties within the locality such as 78 and 80 Hever Road on the eastern side of the street.
- 40 The area is characterised by a variety of styles and a condition could be imposed to ensure that the materials would be in keeping with the locality. Refuse stores are located adjacent to the front of each property and each property would incorporate private amenity space.
- 41 Overall, the proposal would respect the character of the street scene with a high quality design for the site. As such, the proposal would meet the NPPF policy SP1 of the Core Strategy and policy EN1 of the ADMP.

Impact on residential amenity

- 42 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. Policy EN7 of the ADMP requires development not have an unacceptable impact when considered against the indoor and outdoor acoustic environment.
- 43 The neighbouring property most affected by the development would be the one directly adjacent to the site, namely 81 Hever Avenue to the south of the site.
- 44 All other neighbouring properties, including those on the opposite side of the street to the east, those above the commercial properties to the north and those to the west on Hever Road and Multon Road, would be a sufficient distance away to ensure that the amenity enjoyed by the existing and future occupants would be safeguarded.
- 45 81 Hever Avenue is a chalet style bungalow with mainly front and rear aspect. However, the property does possess a kitchen and bathroom window at ground floor level and first floor bathroom window to the side elevation of the property. The kitchen is also served by a rear opening into a rear conservatory.
- 46 The occupants of No.81 would not experience excessive noise, vibration, odour, air pollution, activity or vehicle movements due to the proposed layout of the development and the layout of No.81 itself, with a detached outbuilding being located adjacent to the shared boundary to the application site.
- 47 Unit 1, adjacent to the shared boundary to No.81, would possess an upper floor side facing window serving a bathroom to which a condition could be incorporated to ensure that the window is obscure glazed and non-opening unless the window is set 1.7m above the internal floor level of the room

within which it is located. A rear facing bedroom window lies adjacent to the shared boundary however this would only provide oblique views of part of the rear 5m of this neighbours garden.

- 48 This type of arrangement is one which is to be expected within a suburban environment such as this location. A condition could be imposed to ensure that the panel closest to this neighbour is conditioned to protect the amenities of the neighbour.
- 49 Unit 2 lies adjacent to the access drive serving the proposed units nos. 3 and 4, however due to their only being three parking spaces to the rear of this property it is not considered that the movement of vehicles/pedestrians would have an adverse impact upon the amenities of unit 2.
- 50 Unit 3 to the rear of the site and adjacent to the shared boundary would be more than 21m away from the rear of No.81. These relationships would ensure that no overlooking or loss of privacy would occur.
- 51 The windows serving No.81 and the proposed dwellings would be positioned to prevent an impact on the outlook or cause visual intrusion on the occupiers of No.81.
- 52 The development would pass the 45 degree tests as set out within the Councils Residential Extensions SPD and would be positioned to the north of No.81. As such, the proposed built form would not result in an unacceptable loss of daylight or sunlight to the occupiers of No.81.
- 53 The proposed layout of the development and the relationship to adjoining and nearby properties is considered acceptable. The proposal would provide adequate residential amenities for the future occupiers of the development and would therefore be in accordance with the NPPF and policy EN2 of the ADMP.

Impact on highways safety and parking

- 54 Policy EN1 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 two bedrooms require one parking space.
- 55 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.
- 56 The proposal comprises the addition of two new accesses to the site, which would not cause a severe impact to highways safety given the nature of the street and the speed limit along it.
- 57 The proposal would also comprise four parking spaces, which meets the number required by current standards. The parking spaces meet the size requirements as set out by KCC Highways with sufficient space at the rear of the site for vehicles to manoeuvrability. The proposed vehicle access has

Agenda Item 4.3

suitable visibility splays with adequate room for vehicles to enter and exit the site satisfactorily.

- 58 As shown on the submitted plans the proposal incorporates three electric vehicle charging points to mitigate climate change.
- 59 In consequence the proposal would not have an adverse impact upon highway safety and would provide adequate parking provision meeting the requirements of national and local planning policy.

Trees and landscaping

- 60 The site currently possesses no trees of importance and so none would be lost. The development provides an opportunity to significantly improve on the current situation with regards the landscaping of the site. Details of this can be secured by way of condition. This view was supported by SDC's Tree Officer.

Biodiversity

- 61 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.
- 62 Again, the site possesses little in the way of biodiversity but the development provides an opportunity to significantly improve this situation, which could be secured by condition.

Community Infrastructure Levy (CIL)

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

Other issues

- 64 The accessibility of the proposed dwelling for emergency services is a building control issue and accordingly is considered under other legislation which means it cannot be considered as part of a planning application.
- 65 The design of the proposed dwellings and the amount of natural light received by residential rooms is a building control issue and is not a matter that can be considered through a planning application.

Conclusion

- 66 The proposal would incorporate an appropriate design that would not have an adverse impact upon local amenities and would provide adequate parking provision. Conditions can be imposed in respect to soft and hard landscaping and biodiversity enhancement.

Recommendation

It is therefore recommended that this application be granted.

Background papers

Site and block plan

Contact Officer(s): Guy Martin Contact 01732 227000

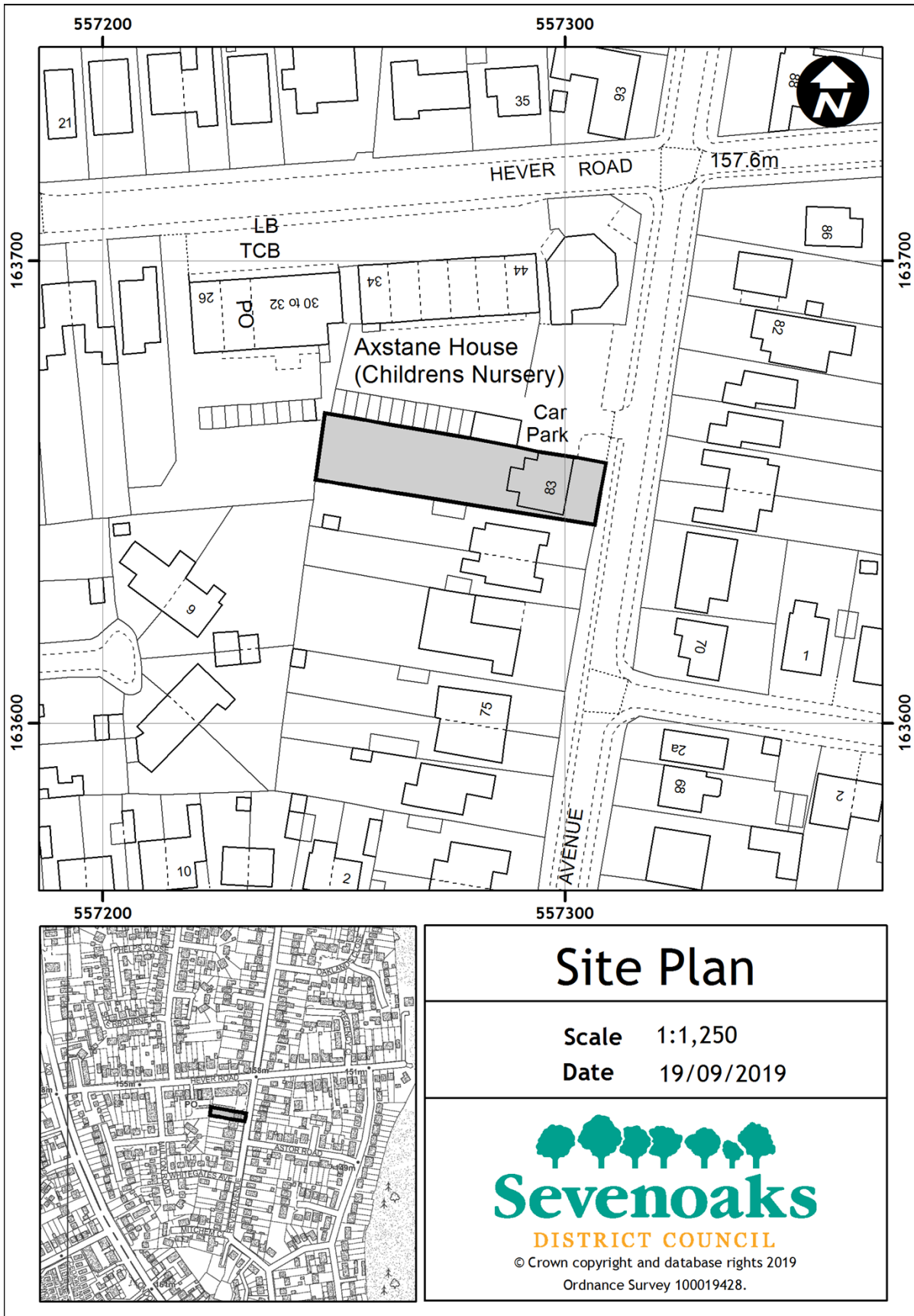
Richard Morris
Chief Officer Planning and Regulatory Services

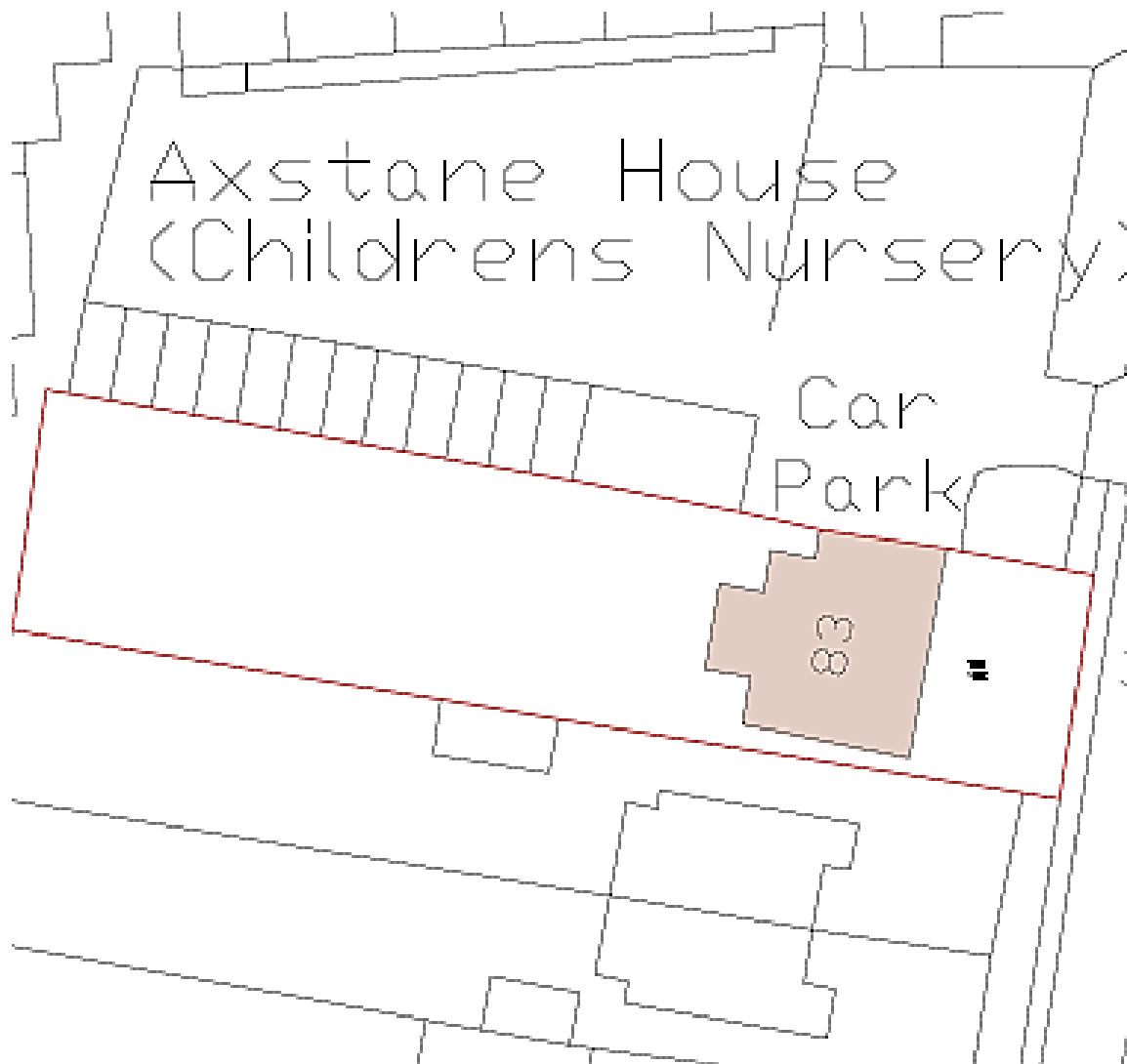
Link to application details:

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Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 17 October 2019

4.1 19/00979/HOUSE

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Link to associated documents:

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4.2 19/01980/FUL

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4.3 19/02155/FUL

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