

14 November 2019 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks
Despatched: 06.11.19



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 17 October 2019, as a correct record.	(Pages 1 - 6)	
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4.1 19/02017/FUL - 17 Egerton Avenue And The Former Egerton Nursery, Hextable, KENT BR8 7LG This item has been withdrawn by the Applicant	(Pages 7 - 36)	Jim Sperryn 01732 227000
4.2 19/02078/HOUSE - 7 High Street, Shoreham, Kent TN14 7TB Proposed demolition existing garage, proposed ground floor rear extension with rooflight, proposed ground and first floor side extension, proposed new roof, new dormer at the rear along with increase of size and shape of dormers, rooflight at front	(Pages 37 - 52)	Hannah Donnellan 01732 227000

- and new steps of the front of the dwelling.
- 4.3 **19/02500/HOUSE - 1 Squires Field, Hextable, KENT BR8 7QY** (Pages 53 - 64) Hayley Nixon
01732 227000
- Erection of single storey side extension with barn hip and small gabled roof to accommodate a garage; replacement of existing part-pitched and flat roof over existing side extension with barn hip and small gabled roof to match the proposed.
- 4.4 **19/01699/FUL - Chartwell House, Mapleton Road, Westerham Kent TN16 1PS** (Pages 65 - 78) Claire Shearing
01732 227000
- Installation of sewage treatment plant.
Acoustic Close Board Fence.
- 4.5 **19/02020/FUL - Outbuilding South Of Godden Green House, Park Lane, Godden Green Sevenoaks Kent TN15 0JS** (Pages 79 - 96) Emma Gore
01732 227000
- Demolition of existing barn and erection of one 1-bed dwelling house.
- 4.6 **19/02304/HOUSE - Rushmore Lodge, Rushmore Hill, Knockholt KENT TN14 7NS** (Pages 97 - 106) Hannah Donnellan
01732 227000
- Erection of a single storey rear extension.

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, 11 November 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.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 17 October 2019 commencing at 7.00 pm

Present: Cllr. Reay (Chairman)

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

Apologies for absence were received from Cllrs. Brown, Hogarth, Hudson, McGarvey and Williamson

Cllrs. Dr. Canet, G. Darrington, Osborne-Jackson, Piper and Thornton were also present.

29. Minutes

Resolved: That the Minutes of the Development Control Committee held on 26 September 2019 be signed by the Chairman as a correct record.

30. Declarations of Interest or Predetermination

Cllr Firth declared for Minute 31 - 19/00979/HOUSE - 1 Old Forge Cottages, High Street, Brasted Kent TN16 1JA, that she was the Ward Councillor but remained open minded.

Cllr Darrington declared for Minute 33 - 19/02982/FUL, Land North of 1 - 7 Conifer Way, Swanley Kent BR8 7UE, that he was the Ward Councillor but was not biased towards the application.

Cllr Ball declared for Minute 33 - 19/02982/FUL, Land North of 1 - 7 Conifer Way, Swanley Kent BR8 7UE, that he had previously considered the matter when discussed by Swanley Town Council, but he remained open minded.

31. Declarations of Lobbying

All Members declared that they had been lobbied in respect on Minute 34 - 19/02155/FUL - 83 Hever Avenue, West Kingsdown, Kent TN15 6HQ.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

32. 19/00979/HOUSE - 1 Old Forge Cottages, High Street, Brasted Kent TN16 1JA

The application sought planning permission for the erection of a close boarded fence. The application was referred to the Committee by Cllr Firth for the Committee to decide whether the proposed fence would not conserve or enhance the setting of the heritage asset to which it related to, and as such was contrary to Policy EN4 of the ADMP.

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

The Committee was addressed by the following speakers:

For the Application: -
Against the Application: Yvonne Abbott
Parish Representative: Simon Thorogood
Local Member: Cllr Piper

Members asked questions of clarification of the Officers.

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

Members debated the application and considered whether a close boarded fence and concrete posts were out of keeping with the area and a listed building. Concern was raised that the concrete would have a suburbanising and artificial effect and would visually detract from the conservation area and the listed building. An unnatural corridor would be created between the fences which was not common in the area and was too close to the listed building.

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

It was moved and duly seconded that planning permission be refused on the grounds that the application failed to conserve or enhance the conservation area and setting of the listed buildings, contrary to EN4 of the ADMP and NPPF.

The motion was put to the vote and it was

Resolved: That planning permission be refused on the following grounds:

By virtue of the modern and suburban appearance of the proposed fence the proposal would fail to either conserve or enhance the setting of the listed buildings and would therefore be harmful to the significance of the heritage assets contrary to Policy EN4 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

33. 19/01980/FUL - Land North of 1 - 7 Conifer Way, Swanley Kent BR8 7UE

The application sought permission for the erection of 3 no. 3 bedroom dwelling houses with improved children's playground facilities. The application was referred to the Development Control Committee as Sevenoaks District Council was the applicant for the application.

Members' attention was brought to the main agenda papers and late observation sheet which did not amend the recommendation.

The Committee was addressed by the following speakers:

For the Application: -
Against the Application: Tracey Moore
Parish Representative: -
Local Member: -

Members asked questions of clarification of the Officers and speakers. In response to questions Members were advised that the land was currently classed as designated open space, therefore if planning permission was agreed the focus was on the improved play area, formal access and retention of some open space.

It was moved and duly seconded that the recommendation in the report be agreed.

Members debated the application, and discussed whether the proposed plans would be the best use of the space, recognising the need for open space for the local residents and children but also the need for housing.

The motion was put to the vote and it was

Resolved: That planning permission be agreed 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

Agenda Item 1

Development Control Committee - 17 October 2019

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.

34. 19/02155/FUL - 83 Hever Avenue, West Kingsdown, Kent TN15 6HQ

The proposal sought permission for the proposed demolition of existing dwelling and construction of 4 no. new-build residential dwellings and associated parking/landscaping. The application was referred to Development Control Committee by Cllr Harrison as she considered that the proposal represented over development of the site that it would be out of keeping with the street scene and would have an adverse impact upon local amenities.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

For the Application: -
Against the Application: Marion Fry
Parish Representative: Ian Bosley
Local Member: -

Members asked questions of clarification of the Officers.

In response to questions, Members were advised that the density numbers were to optimise rather than maximise the site. There were other areas within West Kingsdown that had similar density numbers although not within the immediate locality of the site. Members were also advised that although the current property on the site was a bungalow, there were two storey building opposite and across from the site.

The Chairman moved and it was duly seconded that the recommendation within the report be agreed.

Agenda Item 1

Development Control Committee - 17 October 2019

Members debated the application and concern was raised that the proposed density of the site was out of keeping with the immediate locality and that it would be unacceptably out of keeping with the surroundings. Consideration was also given to the proposed rear properties overlooking neighbours.

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

It was moved by the Chairman that planning permission be refused on the grounds that the proposal was overdevelopment of the site and harmful to the character and appearance of the area contrary to policy EN1 of the ADMP. The proposal would also fail to meet the aims and aspirations of the National Planning Policy Framework (NPPF).

The motion was put to the vote and it was

Resolved: That planning permission be refused on the following grounds

The proposal represents a cramped overdevelopment of the site at an excessive residential density harmful to the character and appearance of the area contrary to Policy EN1 of the Sevenoaks District Council Allocations and Development Management Plan Adopted February 2015 and the aims and objectives of the National Planning Policy Framework

THE MEETING WAS CONCLUDED AT 9.08 PM

CHAIRMAN

4.1 19/02017/FUL

Date expired 31 October 2019

Proposal: Demolition of the existing premises and subsequent residential development comprising of the construction of 43no. 1 & 2 bedroom apartments and 2, 3 & 4 bedroom houses with associated access and parking including the on site provision of 17no. 'affordable' housing units. No change.

Location: 17 Egerton Avenue And The Former Egerton Nursery, Hextable, KENT BR8 7LG

Ward(s): Hextable

ITEM FOR DECISION

This application has been called to the Development Control Committee by Councillor Kitchener and Councillor Hudson so that the special circumstances regarding shortfall of housing supply, local need for smaller units and the relevance of the emerging local plan can be considered.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:

The proposals, by reason of the quantum of development proposed and the consequent scale, massing and height and spread of development, would represent inappropriate development in principle which would also be harmful to the openness of the Green Belt and also to the open character of the Green Belt. The very special circumstances advanced do not outweigh the harm to the Green Belt and other harm identified. The proposals are therefore contrary to the National Planning Policy Framework, policies L08 and SP1 of the Core Strategy, policy EN1 of the Allocations and Development Management Plan and guidance contained within the Sevenoaks Council Development in the Green Belt Supplementary Planning Document.

On the basis of the information submitted to date, the proposals would fail to provide sufficient parking and pedestrian access to serve the proposed development. As such the proposals are contrary to policies EN1 and T2 of the Sevenoaks District Allocations and Development Management Plan.

The proposed erection of 31 houses and 12 apartments would, by reason of the siting, layout and extensive degree of hardsurfacing and lack of space for meaningful soft landscaping, represent a cramped overdevelopment of the site seriously detrimental to the visual amenities of the street scene and the character of the area. As such, the proposals are contrary to Government advice in the form of the National Planning Policy Framework and policy SP1 of the Council's Core Strategy and policy EN1 of the Allocations and Development Management Plan.

By reason of the siting, scale and height of the buildings on Plot 1 and Plot 38-43 and their proximity to the neighbouring residential houses on Egerton Road, these buildings would result in an unduly dominant and overbearing form of development detrimental to the amenities presently enjoyed by the occupiers of these properties. As such, the proposals would be contrary to policy EN2 of the Councils Allocations and Development Management Plan.

In the absence of a legal agreement to secure on site provision of affordable housing, the proposed development would be contrary to policy SP3 of the Council's Core Strategy and Affordable Housing SPD and the National Planning Policy Framework.

In the absence of appropriate ecological or habitat surveys and details of necessary mitigation or enhancement, the proposed development would fail to conserve or enhance biodiversity contrary to the National Planning Policy Framework, paragraph 99 of Government Circular (ODPM 06/2005), policies SP11 of the Core Strategy and EN1 of the Allocations and Development Management Plan.

National Planning Policy Framework

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

Description of site

- 1 The application site is located at the southern edge of Hextable. Apart from no.17 Egerton Road and its rear garden, the site in its entirety is located within the Green Belt.
- 2 Abutting the site to the west is an area of woodland, to the south are open fields and to the east are extensive gardens to neighbouring houses.
- 3 The site formerly comprised an extensive area of largely open land used as nursery gardens. Approximately 10 years ago there appears to have been some 4 buildings on the site, with limited numbers of containers and open storage located roughly centrally within the site. However, much of the site retained an open appearance.
- 4 More recently, a large polytunnel has been erected and within the last 3-5 years, use of the site appears to have changed dramatically, with a large number of other structures appearing on site. These include a significant number of storage containers, with the site also clearly being used

intensively for storage/valeting and some maintenance of cars. The uses extend over the majority of the site.

Description of proposal

- 5 Demolition of the existing premises and subsequent residential development comprising of the construction of 43no. 1 & 2 bedroom apartments and 2, 3 & 4 bedroom houses with associated access and parking including the on site provision of 17no. 'affordable' housing units. In total 2 x 1 bed, 10 x 2 bed flats; and 9 x 2 bed, 14 x 3 bed and 8 x 4 bed houses, with 88 car parking spaces would be provided.
- 6 Access to the site would be gained via Egerton Avenue, but in a location currently occupied by no.17, which would be demolished in the process. The access would then run south into the site, leading to an open square and then onwards towards the southern portion of the site. The closest buildings would be set approximately 13m to the rear of no.19 Egerton Avenue and approximately 14m to the rear of no.15. The dwellings would comprise of a mix of semi-detached and detached dwellings, some with open forecourt parking and some with ports or garages. The rear (southern-most) end of the site would incorporate an open green, surrounded by housing. There would be a mix of smaller flats and houses and larger houses. The southern boundary would comprise a row of detached 4 bed houses. Two blocks of apartments are proposed roughly centrally within the site, each with parking to the rear.
- 7 The buildings would all be two storey in scale, with a variety of designs and materials.

Relevant planning history

- 8 90/01653/HIST Change of use of an agricultural building to storage - Granted - 05.04.91
- 9 02/00424/LDCEX Storage and distribution and the parking of commercial vehicles and trailers - Granted - 10.07.02
- 10 03/01079/OUT Erection of 54 self contained retirement houses; community centre, garaging and parking, revalidated on 06/08/03 after receiving additional Certificate B regarding land not in applicants ownership - Withdrawn
- 11 03/01714/LDCPR Resurfacing of existing yard - (Split decision see notice) - Split 26.08.03
- 12 03/02440/LDCPR Extension to existing building. Replacement of storage containers in connection with use of buildings at the site. (SPLIT DECISION) - Split 03.12.03

Agenda Item 4.1

- 13 03/02489/OUT Erection of 54 self contained retirement houses, community centre. Garaging and parking. (Outline) - Refused 09.01.04
- 14 05/00586/OUT Erection of 5 No detached 5 bed houses (Outline)
Withdrawn
- 15 07/00991/FUL Erection of Polytunnels and Facilities Building (Plot A) -
Refused 17.05.07
- 16 07/00998/FUL Erection of Polytunnels and Facilities Building (Plot B) -
Refused 17.05.07
- 17 07/00999/FUL Erection of Polytunnels and Facilities Building (Plot C) -
Refused 17.05.07
- 18 07/01001/FUL Erection of packhouse/warehouse and polytunnels. (Plot
D) - Refused 17.05.07
- 19 07/01395/FUL Erection of 3 polytunnels on Plot D2 - Granted 16.11.07
- 20 08/01240/FUL Erection of Potting & packing store/WC/mess
area/office building and x2 polytunnels on site of former glasshouses on
cleared and levelled land Granted- 30.12.08
- 21 09/02688/FUL Erection of a facilities building and polytunnels to serve
the horticultural use of the nursery at Plot B - Granted 21.1.10
- 22 09/02689/FUL Erection of a facilities building and polytunnels to serve
the horticultural use of the nursery at Plot C - Granted 21.1.10
- 23 09/02722/FUL Erection of a facilities building and polytunnels to serve
the horticultural use of the nursery at Plot D - Granted 21.1.10
- 24 10/03533/FUL Erection of a facilities building and polytunnels to serve
the horticultural use of this plot as a replacement for the original glasshouse
at Plot B - Granted 9.3.11
- 25 10/03534/FUL Erection of a facilities building and polytunnels to serve
the horticultural use of Plot C - Grant 9.3.11
- 26 10/03535 Erection of a facilities building and polytunnels to serve the
horticultural use of Plot D as a replacement for the original glasshouse at
Plots D1 and D2 - Granted 9.3.11
- 27 11/01997/LDCPR Use of toilet block for storage purposes - Refused
4.10.11

- 28 11/02007/FUL Erection of a toilet/shower block to serve the lawful commercial and horticultural uses on the site, provision of a connection to public sewer and upgrading of access road at Egerton Nursery - Refused 10.11.11
- 29 12/01285/LDCPR Use of building for storage purposes - Granted 15.6.12
- 30 13/00384/FUL Demolition of existing storage building - Refused 5.4.13
- 31 13/01199/FUL Replacement of existing storage building, with a new storage building to serve business use - Granted 13.6.13

Policies

32 Core Strategy (CS)

- LO1 Distribution of Development
- L08 The Countryside and the Rural Economy
- SP1 Design of new Development and conservation
- SP2 Sustainable Development
- SP3 Provision of Affordable Housing
- SP5 Housing Type and Size
- SP7 Density of Housing Development
- SP8 Economic Development and Land for Business
- SP11 Biodiversity

33 Allocations and Development Management Plan (ADMP):

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- EMP5 Non Allocated Employment Sites
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- GI1 Green Infrastructure and New Development

34 Other:

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Constraints

- 35 Number 17 only within built confines of Hextable.

Agenda Item 4.1

36 Rest of site within Green Belt.

Consultations

Hextable Parish Council

- 37 Hextable Parish Council strongly support this development, as it is broadly in line with the pending local plan for providing sites for housing, and suits the overall residential environment of Egerton Avenue.
- 38 The current site use of the formal nursery is not compatible with the immediate surrounding area. In supporting this application, we have a number of areas that we request the Planning Officer considers carefully when determining this.
- 39 Consideration of a temporary trackway for construction traffic accessed from Main Road to the rear of the site to minimise it going through Egerton Avenue. Sensible constraints on construction times. Consideration of the provision of future Infrastructure requirements such as future medical provision and school places.
- 40 Provision for adequate parking for the properties. Where the site encroaches part of the Green Belt area, we would not want the rules associated with height limitations of the new buildings to detriment the scheme.
- 41 HPC would like to work with the developer for opportunities to maximise the benefit for the village of CIL contribution.

Planning Policy

- 42 The site (excluding 17 Egerton Avenue) is located in the Metropolitan Green Belt. Part of the site is a draft site allocation (ST2-59 Egerton Nursery, Egerton Avenue, Hextable) within the Local Plan, which was submitted for examination in April 2019.

The key strategic planning policy issues are considered to be:

- Green Belt and land status
- Housing mix and affordable housing
- Implications of the emerging Local Plan

Green Belt and land status

- 43 The site is located within the Metropolitan Green Belt, within the narrow strategic gap that separates Hextable and Swanley. Core Strategy Policy L08 (The Countryside and the Rural Economy) states that the extent of the

Green Belt will be maintained. The application acknowledges the sensitive nature of the site's location within the Metropolitan Green Belt.

44 NPPF paragraph 145 states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, but with a number of exceptions including:

45 "(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

have a greater impact on the openness of the Green Belt than the existing development; or

Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."

46 The applicant asserts that the entirety of the site is brownfield land. The NPPF glossary defines previously developed land (PDL) as:

"land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure..."

47 The 2018 aerial photograph of the site shows that the uses on the southern half of the site are temporary, primarily being the placement of storage containers and the parking of vehicles, with no visible fixed surface infrastructure. Further, the 2016 aerial photograph of the site shows the southern half of the site to be primarily greenfield, and this is the case in aerial photographs dating back to 1999 and beyond. Therefore the brownfield status of the land asserted by the applicant is questionable.

Housing mix and affordable housing

48 The application proposes 43 dwellings, of which 17 are proposed as affordable. This provision (40%) is in line with Core Strategy Policy SP3 (Provision of Affordable Housing).

49 Core Strategy Policy SP5 (Housing Size and Type) states that new housing development is expected to contribute to a mix of different housing types and promotes the inclusion of smaller units (less than 3 beds). The accommodation schedule submitted by the applicant would appear to satisfy the policy requirement, however the Housing Policy team may wish to comment further, particularly on the proposed mix of affordable units.

Agenda Item 4.1

Implications of the emerging Local Plan

- 50 The application site forms part of draft site allocation (ST2-59 Egerton Nursery, Egerton Avenue, Hextable) within the Local Plan, which was submitted for examination in April 2019. The application site extends to a wider area than that included in the site allocation.
- 51 The proposed design guidance for the allocation site outlines that the land is proposed for residential development (30 units). It provides guidance in relation to design and layout and access. The proposed application should be reviewed against these draft criteria.

KCC Highways (in summary)

- 52 The proposal involves the construction of 43 units (2 x 1 bed, 10 x 2 bed flats; and 9 x 2 bed, 14 x 3 bed and 8 x 4 bed houses), with 88 car parking spaces, and a new access via Egerton Avenue.
- 53 The site is located within a residential area. Egerton Avenue is approximately 5.4 metres in width, with a 30mph speed restriction. Pedestrian footways are present on either side of the road.
- 54 The property 17 Egerton Avenue is proposed to be demolished to provide improved access to the site. A 6 metre bell mouth kerb radii has been provided, but sufficient tracking for an 11.2 metre refuse freighter will need to be demonstrated. Visibility splays of 2.4 metres x 43 metres will need to be demonstrated, with no obstruction above 1.05 metres above carriageway within the splay. Pedestrian spays of 2 metres x 2 metres, with no obstruction above 0.6 metres.
- 55 It is noted that all of the houses provide a private driveway to provide two parking spaces. It should be noted that garages would be included in addition to the standards. As such, open car ports or car barns are generally more acceptable.
- 56 All three bed houses should have a provision of 1.5 parking spaces per unit. Where parking is not provided within the curtilage, provision should be made for suitable unallocated visitor spaces. All four bed houses should have two independently accessible spaces. As previously noted, garages for plots 17, 21 and 26 will not be included in the parking standards. (Note - I assume plots 22, 24 & 25 which only have 1 space + garage).
- 57 I note that 5 visitor spaces are provided throughout the site. In line with IG3 parking standards, I suggest that a provision of 0.2 spaces are provided which would equate to 11 spaces. A number of the parking spaces are tandem parking alongside the property, or tandem parking in front of a garage or car barn. Sufficient unallocated visitor parking will need to be provided to ensure that the main through roads do not become blocked by parked vehicles.

- 58 Footways are to be provided, and should be maintained and kept free for free pedestrian movements with the site. It is not accessible to assume that footways will provide supplementary casual parking throughout the development. Haphazard parking of this nature would jeopardise highway safety. As noted above, the sufficient provision of visitor parking should be included to ensure parking on the footway does not take place.
- 59 No footways are provided along the western and southern aspect of the site, between Plots 17 and 26 and Plots 14 to 16.
- 60 Refuse freighter tracking will be required to ensure sufficient manoeuvrability throughout the site. A tracking diagram has been included in the Highways Statement but this does not state the length of the vehicles and is difficult to read. The tracking provided does appear to show that larger vehicles will encroach on the footway. It is also clear that there would be conflict should a freighter meet another vehicle.
- 61 I refer to the above planning application and in order that I may fully assess the highway implications I shall require further information in respect of:
- Inclusion of sufficient unallocated visitor parking spaces throughout the site;
 - Provision of footways to all properties or the demonstration of sufficient shared space;
 - Visibility splays of 2.4 metres x 43 metres with no obstruction above 1.05 metres within the splay;
 - Tracking of refuse freighter at the access and within the site.

An amended plan was received which provided an updated site layout drawing to respond to the comments raised by Kent County Council Highways above. A re-consultation was undertaken with KCC Highways and any updated comments will be reported within the Late Observation Papers.

Housing Policy

- 62 There are only a few other issues to raise within the Housing Policy comments:
- We would look for all the homes to meet the Nationally Described Space Standard and, ideally, Part M4(2) of the Building Regulations.
 - We expect the affordable homes to be delivered by a housing association partner - please refer to the Affordable Housing Supplementary Planning Document page on the website for the current list, unless otherwise agreed by us.
 - We expect any Affordable Rent homes to be let at 80% of Open Market Rent or capped at the Local Housing Allowance, whichever is lower (as set out in the template S106 agreement).

Agenda Item 4.1

- We expect the affordable homes to be secured through use of the template S106 agreement - please refer to the Affordable Housing Supplementary Planning Document page on the website for the template.

Environmental Health

- 63 I have significant concerns regarding ground contamination at this site, I would therefore like to see a comprehensive phase 1 (desk top) study and phase 2 (intrusive) investigation of the site prior to determination to verify the suitability of the site for its proposed use in line with the current guidance on remediation for the potential use.
- 64 If this is not possible and you are minded to grant permission, then I recommend a contaminated land condition requiring (a) phase 1 (desk top) study, (b) phase 2 (intrusive) investigation, (c) the applicant shall comprehensive remediation strategy to be agreed in writing by the local planning authority, (d) on completion of all remedial works and soil importation, the applicant shall submit a validation report to be agreed in writing prior to the habitation of any property.
- 65 I would also recommend the applicant undertake a damage cost analysis in place of an air quality assessment and requiring the applicant identify measures to negate any reduction in air quality caused by the development. This should not include the provision of or infrastructure for the charging of electric vehicles as this is expected of developers, this can be required by condition.

SDC Arboricultural Officer

- 66 This site is devoid of any vegetation with the exception of trees within the rear garden of 17 Egerton Avenue, which are shown to be retained. The main areas where existing vegetation may be affected is located within adjoining properties. I think this will be affected more post development than during. This will be more likely given the amount of proposed dwellings which decreases the sizes of the rear garden spaces adjoining the boundaries where the neighbouring trees overhang. The amount of proposed properties also decreases the potential for any new planting of substance with only token planting possible. In order to secure a development that has a good ratio of soft landscaping I consider that the dwelling number has to be decreased.

Natural England

- 67 No comments - refer to standing advice and recommend contacting own Ecologist.

KCC Ecology (In summary)

- 68 We advise that additional information is required prior to determination of the planning application.
- 69 Number 17 Egerton Avenue will be demolished to facilitate the proposed development and this building was not included within the ecological survey. We advise that a bat scoping survey, recommended emergence surveys and details of any mitigation required must be submitted prior to determination of the planning application.
- 70 The proposed development is adjacent to an area of woodland/scrub and the submitted ecological report has not taken this into consideration. It is likely that badgers, roosting/foraging bats, reptiles and breeding birds are present within this area and we would expect the submitted ecological information to assess the impact the proposed development would have on the habitat and any protected species to be present within the adjacent habitat. Impacts to be considered included (but not limited to increase in noise and lighting).

KCC Archaeology (in summary)

- 71 The site of the proposed development lies in an area of general potential for prehistoric and later remains. There is early map evidence for activity on this site for horticultural greenhouses of local heritage interest. In view of the archaeological potential and size of the proposed development, a condition for an archaeological field evaluation is requested.

Police Crime Prevention Unit (in summary)

- 72 Have considered the proposals in light of the Crime Prevention Through Environmental Design (CPTED) and Secured by Design (SBD). They note reference to these in the Design and Access Statement.
- 73 A number of other issues are raised particularly with regard to boundary treatments, including around the public open space to prevent parking on this. Other detailed design matters are raised.
- 74 A condition is requested.

Thames Water (In summary)

- 75 With regard to Waste Water Network and Sewage Treatment Works they raise no objection.
- 76 With regard to surface water drainage, if the developer follows the sequential approach, no objection would be raised. Prior approval will be required for discharge into a public sewer.

Agenda Item 4.1

77 No objection is raised to water network and water treatment capacity.

78 An informative is recommended.

NHS Dartford and Gravesham (In summary)

79 Highlight the impact of the proposals on health facilities in the locality and that if it were not for the CIL list, they would request a financial contribution towards expanding existing facilities.

KCC Economic Development (in summary)

80 Highlight cost impact of development on infrastructure funding which they would seek were it not for the CIL list.

Representations

81 Letters of support have been received from 22 interested parties raising the following points:

- Preferable to existing commercial use, which is a nuisance and will reduce associated traffic.
- Proposals represent sympathetic development of brownfield site.
- Welcomes mix of affordable housing
- Housing need
- Ecological benefits

82 Letters of objection have been received from 13 interested parties raising the following points:

- Object to such a large scale development of flats and houses
- Apartments (nos.38-43) visually overbearing
- Erosion of Green Belt and gap to Swanley
- The proposals will generate excessive traffic.
- Should be reduced scale of development
- Inadequate parking proposed
- Noise and disturbance from use of the access.
- overshadowing
- Overlooking and loss of privacy
- Loss of privacy through creation of new access
- Loss of trees
- Site should be subject to enforcement.

83 Non planning matters are also raised, including boundary dispute issues.

Chief Planning Officer's appraisal

84 Policy Background

85 Presumption in favour of sustainable development:

86 Para 11 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise.

87 Paragraph 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.

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

89 Paragraph 8 explains there are three overarching objectives to achieve sustainable development, an economic objective, a social objective and an environmental objective.

Principal issues

90 The main issues requiring assessment relate to:

- Principle of development and land use;
- Impact on openness;
- Access, layout, scale, design and impact on the character of the area:
 - Impact on residential amenity;
 - Impact on highways and parking;
 - Impact on ecology and biodiversity;
 - Case for very special circumstances.

Principle of development and land use

91 Having established that the site is within the Green Belt the Authority must consider both its own Development Plan Policy and the NPPF.

Agenda Item 4.1

- 92 As set out in para 143 of the NPPF, 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.
- 93 Para 144 of the NPPF advises that LPAs 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.
- 94 Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development. Paragraph 136 of the NPPF states that:
- 95 “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.”
- 96 Government Guidance in the form of the NPPF seeks to significantly boost the supply of homes and that a sufficient amount and variety of land can come forward where it is needed. This should be informed by local housing needs assessments, which should also identify the size, type and tenure of housing needed for different groups in the community and provide for affordable housing where it is needed.
- 97 Policy L01 of the Core Strategy (2011) is relevant to the principle of development in this location and adopts a settlement hierarchy approach that seeks to accommodate new development within the most sustainable settlements. The site is located outside of any designated settlement boundaries where small scale development is necessarily appropriate and in locations such as this policy L08 applies. In summary, the fundamental aim of this policy is to maintain the extent of the Green Belt and conserve the countryside. This follows the general thrust of the NPPF.
- 98 Whilst the authorised use of the wider site is highly questionable, it is clear that there is an element of legitimate commercial use. Policies SP8 of the Core Strategy and EMP5 of the ADMP are therefore also relevant. In summary these policies seek to resist the loss of lawful business premises if unviable or considered to be inappropriately located.
- 99 In my view, the site is poorly located for an intensive commercial use, with access via a relatively restricted residential road, bounded by houses. An intensive commercial use of the site would be likely to detract from the character of the area. In addition, policy L08 of the Core Strategy seeks to conserve and enhance the countryside and the Green Belt. In the particular circumstances, I would not raise an objection to the loss of employment use of the site.

- 99 In my view, there may be some scope for replacement of the lawful business use with a residential use. However, the degree to which this can be satisfactorily achieved without having a greater impact on the Green Belt is fundamental to the consideration of this application.

Impact on Green Belt

- 100 The starting point for this application is the fact that other than no.17 Egerton Avenue and its residential garden, which lies within the built confines, the site in its entirety is washed over by the Green Belt.
- 101 The NPPF makes clear that the essential characteristics of the Green Belt are their openness and permanence. Openness is not reliant upon degree of visibility but upon an absence of built development. The purpose of the Green Belt is also to protect land against unrestricted sprawl and safeguard countryside from encroachment.
- 102 There is both a visual and spatial aspect to openness. Openness is about freedom from built form. Even if there is absence of harm to openness, there can still be harm in principle to the Green Belt from inappropriate development.
- 103 The NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of circumstances, the most pertinent being:
- 104 Paragraph 145 g) of the NPPF which states, amongst other things, that exceptions to inappropriate development include “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.”
- 105 Regard should also be had to the definition of “previously developed land” provided by Annex 2 of the NPPF, which states as follows:
- 106 “Land which is or was occupied by a permanent structure, including curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural or forestry buildings...and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”
- 107 With this in mind, paragraph 6.7 of the Council’s own Supplementary Planning Guidance “Development in the Green Belt” also provides a useful interpretation as to what is required for a building to be considered permanent in nature. This includes that it “must be built on permanent

Agenda Item 4.1

solid foundations. Portacabins, caravans and mobile homes are not considered to be permanent buildings.”

- 108 Whilst horticulture could comprise agricultural use, such uses latterly appear to have related to a limited area of the site. Thus whilst the proposals may result in the loss of some agricultural land (Class/grade 2), the site does not appear to be in an active agricultural use.
- 109 Of more relevance in my view, is the extent of commercial use.
- 110 Section 7 of the Council’s Development in the Green Belt SPD is also relevant to proposals for previously developed land. It states that the Council will consider redevelopment proposals of brownfield sites based on whether they would have a greater impact on the openness of the Green Belt. The Council would generally expect proposals to:
- a) Have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;
 - b) Not exceed the height of the existing buildings; and
 - c) Not occupy a larger area of the site than the existing buildings.
- 111 The SPD states that the most relevant area for the purpose of (c) is the aggregate ground floor area of the existing buildings (the footprint). This does not however override the first criterion (a) relating to impact on openness which is not limited to footprint, but to the three-dimensional impact of built form, including building volume and height. It is necessary to assess whether any of these elements, either individually or combined, would result in unacceptable harm to the openness of the Green Belt. The character and dispersal of proposed redevelopment will also need to be considered.
- 112 From my visit to the site, the majority of structures were relatively low key and small scale, apart from a small number of “permanent” structures, the majority comprised storage containers, with a large area of the site utilised in the form of open car parking/storage.
- 113 The planning history for the site is fairly extensive. However, from my review, there appear to be only five buildings that benefit from a lawful use, two which were erected for horticultural use with one of these a large, light-weight, polytunnel type structure. The three other buildings appear to have a commercial use. These structures are sited on or adjacent to the northern portion of the site. One of the commercial buildings located in the centre of the site has an adjacent area with a lawful use for ancillary storage and distribution. However, the extent of this is relatively limited.
- 114 Whilst the wider site is presently extensively covered by car parking and numerous storage containers and other uses, there is no clear evidence that any of these are lawful and indeed are presently subject to planning

enforcement investigations. Aerial photographs suggest these uses have only occurred very recently (last three years).

- 115 My conclusion in light of the above, is that the majority of any justifiable previously developed land would appear to lie towards the northern and central portion of the site and is relatively limited in nature. The lawful buildings are of modest scale and furthermore, of the five buildings on site, the largest comprises a polytunnel and I consider it debatable whether this constitutes a permanent building.
- 116 Thus for the purpose of para. 145 g) of the NPPF, there are only five buildings/structures at best, which in my view can be considered permanent.
- 117 Even a cursory comparison of the existing buildings with the proposed footprint, floorspace and volume of the 31no, two storey houses and 2no. 2 storey apartment blocks reveals massive disparity in these regards. The proposals would not only have a significantly greater impact on the openness of the Green Belt because of the increase in scale and overall massing, but would also exceed the height of the existing buildings and, on the face of it, occupy a significantly greater proportion of the site than the existing lawful uses.
- 118 Even if consideration were to be given the impact of the numerous storage containers, these are not permanent buildings but mobile structures and are transient in nature. The same can be said of the extensive car parking on site. Therefore, I would give limited weight to the impact from these elements on the openness of the Green Belt.
- 119 I note that there is both a visual and spatial aspect to openness. In spatial terms, I consider there to be no question that the proposals would have a materially greater impact on the openness of the Green Belt. In visual terms, the site in its current state has an intensively used and cluttered appearance with numerous structures (largely storage containers) dotted around the site. However, even were these uses and structures to be considered lawful (which is highly questionable as set out above), I do not consider extinguishment of the use would outweigh the impact which would arise by virtue of the extent and permanence of the development proposed.
- 120 In light of the above, it is my conclusion that the proposed houses and associated development would have a significantly greater impact on the openness of the Green Belt than the existing development. The proposals therefore represent inappropriate development, which by definition is harmful to the maintenance of the Green Belt.
- 121 In addition to the above, the properties in Egerton Avenue together with those in Nutley Cose and just to the south east along Main Road form a clearly defined boundary to the edge of Hextable. The land to the south to New Barn Road, together with woodland directly to the south and Swanley

Agenda Item 4.1

Park to the south-west form a distinctive break between the settlement boundaries of Swanley and Hextable. Paragraph 4.3.5 of the supporting text to Core Strategy policy L04 (development in Swanley) highlights that land “...to the north and north east plays an important role in separating Swanley from the nearby communities of Hextable and Swanley Village...”

- 122 Whilst no.17 Egerton Avenue and its associated garden lie within the built confines of Hextable, the remainder of the site in its entirety lies within the Green Belt.
- 123 Due to the significant degree that the development site would extend southwards into the Green Belt, it is my view that the proposals would also fail to meet the purposes of the Green Belt to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging into one another and to safeguarding the countryside from encroachment.
- 124 Any case for very special circumstances will be set out below.

Density, layout, scale, design, access and impact on the character of the area

- 125 Section 12 of the NPPF relates to achieving well-designed places. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”
- 126 At paragraph 127, the guidance explains, amongst other things, that “planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping” and that “are sympathetic to local character and history, including the surrounding built environment and landscape setting...”
- 127 Paragraph 130 states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 128 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Outside settlements, priority will be given to the protection of the countryside and any distinctive features that contribute to the special character of the landscape and its biodiversity will be protected and enhanced where possible. Policy L08 of the Core Strategy recognises the importance of the visual quality of the landscape and requires development to respect the countryside by having no detrimental impact upon the landscape character. Policy EN5 seeks to protect the landscape throughout the District.

- 129 Policy EN1 of the ADMP states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 130 Criteria d) of policy EN1 of the ADMP requires a satisfactory means of access for vehicles and pedestrians and for provision of adequate parking and refuse facilities. Criteria f) and g) also require the design and layout of spaces, including footways to be permeable and provide connectivity with neighbouring areas and to provide safe and secure environments.
- 131 With regard to impact on the highway, paragraph 109 explains that “Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 132 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, including cycle parking and requires provision in accordance with advice from the Highway Authority. Policy T3 requires the provision of electrical vehicle charging infrastructure.
- 133 With regard to the design of the houses themselves, I consider the two storey scale proposed would generally reflect that of neighbouring built form, although I note this comprises a mix of two storey houses as well as bungalows. The flatted blocks would be bulkier, but are clearly two storey in form (I would note some discrepancy between the large scale elevations and the roof plan on the layout drawing of both apartment blocks). The drawings and supporting information suggests the use of a palette of local materials including red/brown multi stock brick, areas of rendering, red/brown/grey roof tiling and elements of brick detailing. The houses would include a variety of designs and roof forms, with a reasonable degree of articulation. Overall, I consider the buildings to be of an acceptable design.
- 134 With regard to housing mix and density, policy SP5 seeks an appropriate mix of housing, including smaller units. The proposals include a number of smaller 1, 2 and 3 bed units (as well as 4 bed houses). I consider the mix to be appropriate.
- 135 Policy SP7 (density of housing development) states that within the urban areas of Sevenoaks, Swanley and Edenbridge new residential development will be expected to achieve a density of 40 dwellings per hectare (dph)(with higher densities within the defined town centres). Outside these locations development will be expected to achieve 30dph. Development in the locality achieves a density of approximately 20-25dph. The proposals would

Agenda Item 4.1

represent a density of approximately 32dph. I consider this to be broadly compatible with the density of neighbouring development.

- 136 However, bearing in mind the relatively sensitive Green Belt nature of the site, I do have reservations over the layout and form of the development. Were the application to be acceptable in principle (noting the GB objections raised above), I consider the layout displays an overly suburban character, with a significant degree of hardsurfacing. In my view, the site fails to reflect the open Green Belt character of the neighbouring land. This is especially the case in the southern half of the site, which would project the greatest degree into the GB boundary. Rather than seeking to provide a more landscaped buffer and introducing a degree of spaciousness, this would essentially be the most densely developed part of the site. Here the houses would form an almost continuous building line, with only narrow gaps between. The same applies to nos.17-20 and 27-30. This is in stark contrast to the houses to the east, for example, which have extensive, well foliated, gardens.
- 137 I also note the concerns of the Council's Arboricultural and Landscape Officer, who has raised concerns over the lack of space not only to aid protection of existing tree planting along the neighbouring boundaries of the site but to also plant adequately within the site. For example the space in front of the buildings is very limited and seriously limits the potential for meaningful landscaping. This adds weight to my concerns expressed above. Whilst I note the provision of open space within the site, I consider this would be of little visual benefit outside the site and would fail to adequately balance the compact arrangement of the blocks, particularly plots 17 to 30 as mentioned above. I also have some concern regarding the proximity to the rear of properties in Egerton Avenue, with the closest properties only 13m away.
- 138 The Highway Authority also raise concerns regarding unsatisfactory levels of parking to several houses, notably nos. 22, 24 and 25. These houses have garages, rather than carports and hence the addition space is not counted towards the parking allocation. However, this is a relatively minor concern, which could be dealt with by condition if necessary. They also seek details of tracking of a refuse freighter. This again could potentially be subject to condition. However, of more concern is the requirement for additional visitor parking and the provision of footways or demonstration of sufficient shared space (nos. 14-24). I consider that this in turn could potentially further erode the space in front of these houses and result in further hardsurfacing. As stated above an amended site layout plan was also provided to address these comments and a further consultation response from KCC Highways is awaited.
- 139 In conclusion, in light of the above, it is my view that the proposals would fail to provide sufficient space for soft landscaping and the layout represents a somewhat cramped and unduly dense form of development at odds with the wider setting of the site, particularly viewed in the context of

the land immediately to the south, east and west which lies within the Green Belt.

- 140 As an aside, even if the front part of the site were to be adopted for residential development as proposed in the emerging Local Plan, there is no intention to remove the southern portion of the site from the Green Belt.

Amenity of neighbouring occupiers

- 141 Paragraph 127 (f) of the NPPF identifies that developments should have a high standard of amenity for existing and future users.
- 142 Policy EN2 of the ADMP relates to “Amenity Protection”. The policy states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring the development does not result in, amongst other things, overlooking, loss of privacy, loss of light or visual intrusion.
- 143 The nearest houses close to the site and most likely to be directly affected are nos. 15 and 19 Egerton Avenue, which would be separated by approximately a 13-14m distance. . The closest properties would be two storey in scale with blank flank elevations (or obscured toilet windows). Whilst I do not consider the proposals would result in overlooking or undue loss of privacy, the outlook from the rear of these properties would be towards the 2 storey flank of the proposed buildings. As the separation would be between 13-14m, essentially the depth of the small rear gardens, I do consider the proposals would appear somewhat overbearing and dominant, with the potential to result in some loss of sunlight.
- 144 Otherwise, the closest dwellings are those in Nutley Close to the east (esp. nos. 14 & 23). However, these properties would be set approximately 30m away from the rear elevations of proposed houses. In the circumstances, I do not consider the proposals would appear overbearing or result in loss of privacy or light.
- 145 Whilst there would be traffic implications from the proposals, there is significant activity associated with the site. In the circumstances, I do not consider the noise and disturbance from associated traffic would result in serious loss of amenity to neighbouring residents, particularly along Egerton Road. However, there would potentially be noise and disturbance to the houses either side of the access road. This could be addressed by solid (or acoustic) fencing along the boundary and this could potentially be subject to condition.

Agenda Item 4.1

Affordable Housing

- 146 Paragraph 62 of the NPPF states that where a need for affordable housing is identified, planning policies should specify what is required and expect it to be met on site.
- 147 Policy SP3 of the Core Strategy would require the provision of affordable housing on site.
- 148 The applicant is proposing to provide affordable housing to meet the requirements of policy SP3 (40% = 17 units), with 8no. units for affordable rent and 9 units for discounted market sale or shared ownership. No objection is raised to this mix by the Council's Housing Policy Team.
- 149 The applicant has agreed in principle to a legal agreement which would secure the required affordable housing contribution, however, no agreement has been submitted to date. The Council's Affordable Housing Supplementary Planning Document explains that the agent should submit a draft s106 based on the Council's template together with the planning application. If the scheme is acceptable, the s106 agreement would be completed.
- 150 However, no draft agreement has been submitted in support of the application. In the circumstances, as there is no legal agreement to secure the provision of the affordable housing, the proposals would fail to meet the requirements of policy SP3.
- 151 Whilst it may be possible to seek a legal agreement, it is not considered appropriate at this stage, as there are considered to be fundamental objections to the form of the proposals and the ability of the site to accommodate the quantum of development proposed.

Trees & Ecology

- 152 Section 15 of the NPPF relates to conserving and enhancing the natural environment and includes discussion relating to biodiversity. Paragraph 175 explains that when determining planning applications, if *significant* harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused (my emphasis in italics).
- 153 At a local level, policies SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 154 The site is not directly subject to any statutory or non-statutory ecological designations, however biodiversity is not confined to protected sites, but

occurs throughout rural and urban areas, and it is important to protect species and provide enhancement.

- 155 It is accepted that there is little of ecological importance on the site itself. The site is very largely cleared and comprises hardsurfacing. However, the Arboricultural Officer has expressed concern regarding the potential impact on trees within neighbouring gardens, as the proposed gardens are small there may well be post development pressure to remove them. Furthermore, KCC Ecology have expressed concerns that the impact on trees within the garden to no.17 and on adjacent woodland/scrub has not been taken into consideration in the ecological report. In particular they advise that a bat scoping survey, recommended emergence surveys and details of any mitigation required must be submitted *prior* to determination of the planning application.
- 156 Bearing in mind there is a requirement to enhance as well as preserve biodiversity interests, without evidence to the contrary, I consider the proposals could potentially be harmful to ecology in the vicinity of the site.

Other issues

- 157 There is potential for contamination on site, which may present some risk to human health. I would note that the Council's Environmental Health Officer has requested a comprehensive investigation prior to determination to verify that the site is suitable for use. Whilst this could potentially be subject to condition, it could on the other hand, have implications for the acceptability of the site to accommodate large scale residential development.
- 158 In this regard, paragraph 178 of the NPPF states that decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from land instability and contamination and that adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Community Infrastructure Levy (CIL)

- 159 The proposal would be CIL liable and no exemption is sought.

Very Special Circumstances:

- 160 Paragraph 143 and 144 of the NPPF states that when considering any planning application, LPAs should ensure that substantial weight is given 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 any other considerations.
- 161 The harm in this case has been identified as:

Agenda Item 4.1

- The harm in principle from inappropriate development in the Green Belt, which must be given significant weight.
- The harm to the openness of the Green Belt, which is also given significant weight.
- Harm in terms of inappropriate layout resulting in short fall in visitor parking and some loss of amenity to neighbouring residents.
- Lack of ecology information to support the proposals.
- Lack of contamination investigation to verify the site is suitable for residential use.

162 The applicant has put forward the following VSC:

- Front of site allocated for housing in emerging local plan.
- The site in its entirety is a brownfield site.
- Sustainably located.
- Significant shortage of housing land in Sevenoaks.
- Provides affordable housing.
- The site is a bad neighbour and developing only the front and retaining the rear for commercial use would prohibit residential development.
- No impact on strategic gap.

Consideration of Very Special Circumstances:

163 The emerging Local Plan is currently undergoing the examination in public and is a material consideration. However, the plan is currently in its early stages at the as this at enquiry stage and has not yet been subject to full scrutiny, the weight to be attached to this is therefore somewhat limited.

164 That said, it is clear that part of the site is proposed to be allocated in the plan for residential use. This is because there is a requirement for the District to provide additional housing to meet recognised need. The issue of whether the Council have sufficient land available to meet our current need is also material consideration, which in turn has helped inform the allocation of part of this site. I consider this further as follows.

165 The site, in part, is promoted as suitable for housing development in the emerging Local Plan as ST2-59 and the sustainability of the site is accepted. This identifies the northern part of this site (approximately 45% area of this submission) as potentially capable of accommodating 30 dwellings (density of 60 dwellings per hectare). This conclusion has been reached following detailed consideration of the site. Full details are provided on the Council's web-site under supporting documents SUP016 (Site Appraisals and Methodology), which has been used to inform document SUP017a (Sites Included in the Local Plan).

166 These documents recognise the need to provide new housing whilst preserving the character of the area. In brief summary, this analysis has concluded that:

- The site is presently within the Green Belt;
 - It provides a strategic gap between Hextable and Swanley;
 - There is low/medium landscape sensitivity;
 - Development should be restricted to the northern portion of the site, which is considered to comprise previously developed land.
- 167 There is inadequate evidence to show that the site in its entirety benefits from being previously developed land and this is reflected in the Council's brownfield register, which recommends allocation of the front part only and the resultant proposed policy designation. There is no additional evidence within this application, which suggests otherwise. It is clear from the above, that whilst the applicant has advanced the entirety of the site for housing development, there is insufficient evidence to show that the southern part of the site comprises previously developed land. In conclusion, in light of the above, only the northern portion of the site is considered suitable for development.
- 168 Notwithstanding the above, I would note that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.
- 169 Paragraph 11 d) states that in terms of the decision-taking process this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reasoning for refusing the development proposed; or
 - ii. 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; or
- 170 In the view of the Council, the confirmed 5 year supply position (tested against the adopted development plan) is set out in the Authority Monitoring Report 2018, and confirms that the District Council has a deliverable supply of housing for 10.8 years.
- 171 However, the most recent position (tested against the standardised methodology housing requirement) is set out in the '5 year supply statement' which accompanies the submission version of the Local Plan, and confirms that the District Council has a deliverable supply of housing for 5 years.
- 172 For the purposes of development management considerations, the position set out in the 2018 AMR is the confirmed position, as the 5 year supply is measured against a tested housing requirement. However, it is accepted that the housing requirement has changed substantially since the adoption

Agenda Item 4.1

of the Core Strategy and ADMP and the 5 year housing supply is untested and may be out of date.

- 173 If the Council cannot demonstrate a 5 year housing supply in the context of the NPPF the “tilted balance” in paragraph 11 is engaged. This would mean that there is a presumption in favour of the development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 174 However, in this instance, the Local Plan formally designates the site as Green Belt. The proposals would therefore fail under paragraph 11 (d) i.
- 175 In light of the above, whilst there is clearly a difference of opinion regarding the extent of site which comprises previously developed land and the need for housing sites within the District, I am satisfied that there is no overriding need which would justify development of the site to the extent proposed and I would give these limited weight to this justification.
- 176 I do not consider the provision of affordable housing to comprise a very special circumstance as it is a policy requirement to provide this on all residential development sites of this size. I would therefore attach limited weight to this.
- 177 With regard to the cessation of the existing use of the site, it is accepted that the site has resulted in considerable noise and disturbance to neighbouring residents. Removal of all structures and clutter from the site, including the storage containers and cars and cessation of the use would be beneficial to the openness of the Green Belt. However, as explained above, there is no evidence to show that the site in its entirety benefits from lawful commercial use and many of the uses are presently subject to enforcement investigation. Without evidence to clearly show that the site in its entirety benefits from a commercial use, I can give only limited weight to the cessation of the use, as ultimately these uses may be removed from the site regardless.
- 178 In any event, there are few buildings on site of a substantial and permanent nature and the majority of structures are mobile and are transient in nature. Indeed aerial photographs suggest that they have only recently appeared on site (last 3-4 years). I would therefore give only limited weight to the cessation of the use and removal of all structures.
- 179 The proposals would result in the erection of a large number of substantial and permanent houses and garages, together with formal accesses and extensive hardsurfacing. The impact from the proposals in Green Belt terms would be irreversible.
- 180 In the circumstances, I am not satisfied that the very special circumstances above would clearly outweigh the harm to the Green Belt in principle, the harm to the openness of the Green Belt or the impact of the design on the

character and ecology of the area or the suitability of the site in contamination terms for residential use.

Conclusion

- 181 Whilst I do consider there is potential for re-development of the *northern* part of the site for residential purposes, in light of the above it is my conclusion that the present proposals would represent inappropriate development which would be harmful to the openness of the Green Belt and the circumstances in favour of the proposals do not clearly outweigh the harm identified.
- 182 In addition, I consider the siting, layout and design of the proposed houses, together with the access and extensive hardsurfacing and lack of space for meaningful soft landscaping and potential adverse impact on the amenities of neighbouring occupiers, would fail to respect and erode the open and rural character of the area.
- 183 Furthermore, without evidence to the contrary, the proposals would be likely to be harmful to the ecological interests of the area and without site investigation, it is unclear whether the site, if contaminated, could be made suitable for residential use.
- 184 I consider there to be no other material considerations that could not otherwise be covered by suitable conditions and thus which would warrant refusal.
- 185 Taking all these factors into account, I conclude that planning permission should be refused.
- 186 It is therefore recommended that this application is Refused

Background papers

Site and block plan

Contact Officer

Jim Sperryn Contact: 01732 227000

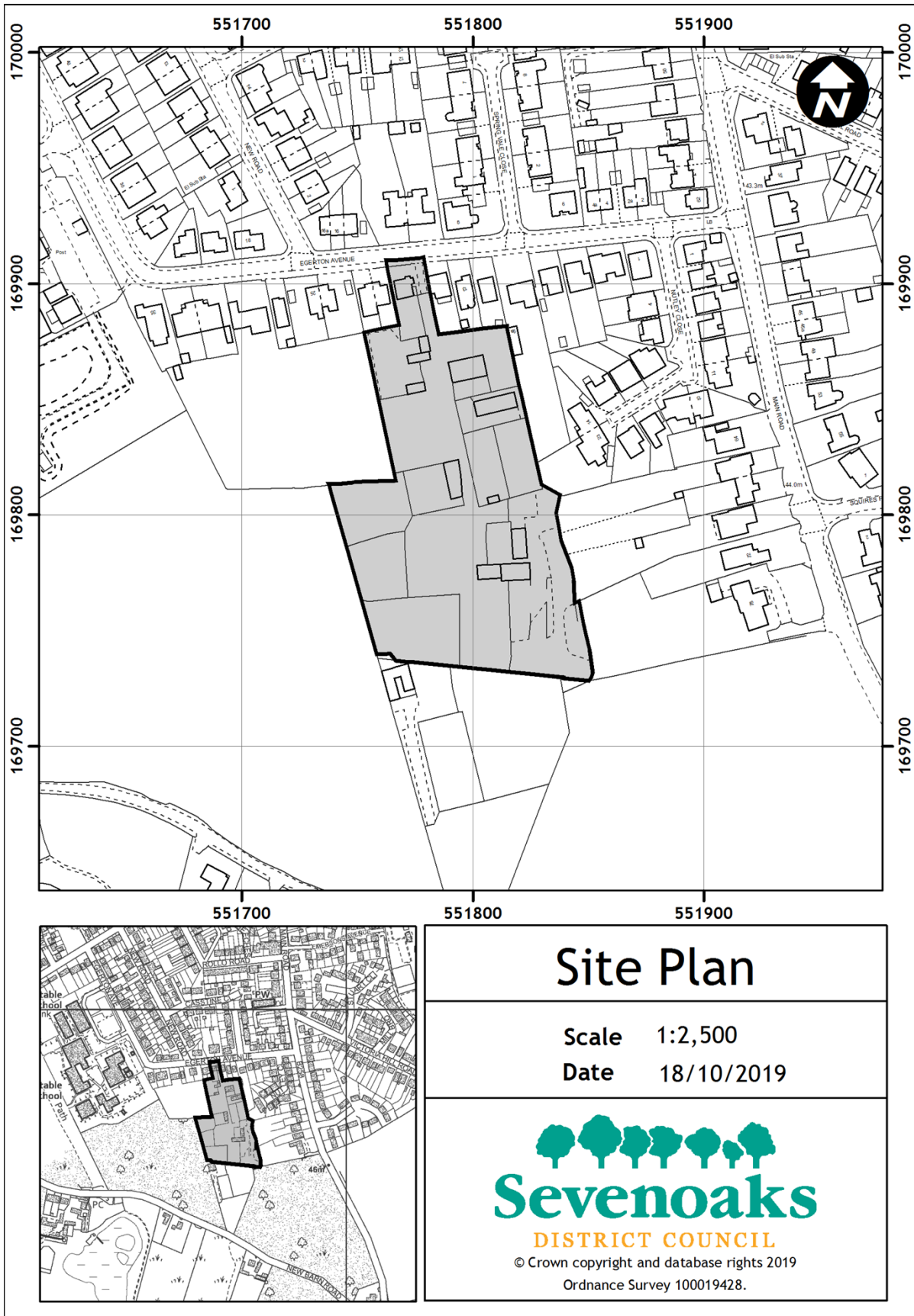
Richard Morris
Chief Officer Planning & Regulatory Services

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=PUDTKQBKIY800>



BLOCK PLAN



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4.2 19/02078/HOUSE Revised expiry date 3 October 2019

Applicant: Mr Borrows

Proposal: Proposed demolition existing garage, proposed ground floor rear extension with rooflight, proposed ground and first floor side extension, proposed new roof, new dormer at the rear along with increase of size and shape of dormers, rooflight at front and new steps of the front of the dwelling.

Location: 7 High Street, Shoreham, KENT TN14 7TB

Ward(s): Otford & Shoreham

ITEM FOR DECISION

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

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 upper floor bathroom window shown on the south side elevation facing number 5 High Street, hereby permitted, shall be obscure glazed to a minimum level 3 and non-opening below 1.7m above the finished floor level

In order to preserve neighbouring privacy as supported by Policy EN2 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: SP1242-19-PL02 REV A; Revised Design & Access Statement received 12/08/19

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

Agenda Item 4.2

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 of a modern detached single storey dwelling with living accommodation within the roof space constructed circa 1965. The property is set back from the highway but prominently located on the high street frontage set above street level on raised topography. There are neighbours located either side of the property.

Description of proposal

- 2 This application seeks permission for the demolition of the existing garage and the construction of a two-storey side and single storey rear extension. The extension would not exceed the existing ridge height and would be located between 1.025m and 1m from the boundary. A roof extension to increase the internal space at the first floor is also proposed including new and, enlargement of existing, dormers. New steps to the front are also proposed.

Relevant planning history

- 3 SW/5/64/522 - Erection of a detached chalet bungalow with integral garage - GRANTED - 13/11/1964
- 4 06/00663/FUL - Demolition of existing single storey garage to side of existing house. Rebuild garage with a small extension to the rear and accommodation over in materials to match existing. Amended plans received 19.05.2006 - Granted 02/06/2006

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
- T2 Vehicle Parking

8 Other

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

9 Publicity Expires on 9 October 2019

Constraints

10 Shoreham Conservation Area

Kent Downs Area of Outstanding Natural Beauty

Area of Archaeological Potential

Agenda Item 4.2

Biodiversity Opportunity Area

Tree Protection Orders

Consultations

Shoreham Parish Council

- 11 Object - Shoreham Parish Council applauds the idea of what the applicant is trying to achieve in terms of improving the appearance of the building to fit more in line with its surroundings. It also applauds the applicant's plans for an environmentally sustainable dwelling. However, due to the sheer bulk and scale of the proposed development, the Parish Council has no alternative other than to object to this application. The current dwelling is already large and its size has been noted in the recent Conservation Appraisal carried out by Sevenoaks District Council. The proposed extension would further increase the size and bulk of the house and this, coupled with its elevated position, would have an overbearing impact on neighbouring properties and the street scene. The proposed second storey extension over the garage would also affect the property to the south of the dwelling (5 High Street), resulting in a loss of light. A different roof design such as a catslide roof could mitigate this to a certain degree. Finally, whilst the Parish Council is in favour of cladding the building to be more in keeping with the area, it believes white weatherboarding would blend in better with the row of cottages to the north of the property than the oak material which is being proposed."

Following amendments to the scheme to remove the proposed solar panels on the south flank elevation Shoreham PC submitted the following comments:

"Shoreham Parish Council is disappointed that previous concerns about the development have not been addressed and it therefore continues to object to this application on same grounds as before. It will be making a representation at the Development Control Committee when this application will be discussed."

SDC Conservation Officer

- 12 "Verbal comments provided raising concerns about the proposed bulk and massing of the building and the overbearing effect it would have on the neighbouring properties, i.e. 9-13 High Street, and the wider streetscene. External timber-cladding lacks justification and fails to respond to local distinctiveness and would make the building stand out even more within the streetscene."

Representations

- 13 We received letters of objection from five addresses relating to the following issues:
- Overdevelopment of the site
 - Prominence and overbearing impact within the Conservation Area and to neighbouring properties
 - Visibility of the solar panels and harm to the existing visual amenity of residents
 - Loss of light to numbers 5, 6 & 9 High Street
 - Loss of views to number 9 High Street
 - Visibility of the external flue from the neighbouring skylight window
 - A protected tree would need to be removed and potential subsidence
 - The proposed cladding and flue would prevent neighbouring access
 - Noise from the proposed Air Source Heat Pump
 - Smoke, smells and fire risk from the proposed flue
 - Overlooking and loss of privacy to numbers 9, 5 and 6 High Street
 - Overshadowing to numbers 9 & 5 High Street
 - Cladding would be out of keeping with neighbouring properties and impact to the AONB
 - ‘Tunnel’ effect to number 5 High Street
 - The dwelling already has a negative impression in the area
 - Proposals contravene the Shoreham Conservation Area Appraisal and Policy EN1 of the Sevenoaks Allocations AND Development Management Plan
 - The proposals would not address or improve the hardstanding to the front of the property which is out of character
- 14 We also received one letter in support of the application relating to the following issues:
- The design would improve the appearance of the dwelling and have a positive impact within the Conservation Area
 - The proposals would improve existing outlook
- 15 Following amendments to the scheme removing the solar panels a further three letters of objection were received on the following grounds:
- The proposals would still fail to fit with the conservation area, would continue to impact neighbouring properties and the applicants should reconsider their design.
 - The proposals would still contravene the Conservation Area Appraisal
 - The proposals would still have an unacceptable increase in bulk
 - The cladding would still be unacceptable and would not fit in with the local area

Agenda Item 4.2

Chief Planning Officer's Appraisal

16 The main planning considerations are:

- Impact to the Conservation Area
- Impact to the AONB
- Design and Impact to the existing character of the dwelling and area
- Amenity Protection
- Highways and Parking
- Impact to Trees

Impact to the Conservation Area

- 17 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.
- 18 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.
- 19 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. The Shoreham Conservation Area Appraisal identifies the small scale of buildings, primarily in the local Kentish vernacular, as the unifying feature of the Conservation Area which lends to its distinctive rural and historic character. Styles within the Conservation Area are varied, with some modern buildings of varying prominence, however it is the simple building forms, low scale, traditional materials and sense of openness created by individual groupings and gaps between development that integrate the varied styles into a cohesive and sensitive setting according to the supporting text.
- 20 For clarity the purpose of designating a conservation area is not to prohibit development, but to ensure that any new development respects the existing character of the historic environment and leaves it unharmed. For the purpose of Policy EN4 if the development is regarded to conserve the character of the conservation area it will be deemed acceptable. It is not necessary for the proposals to demonstrate an enhancement to the Conservation Area although it is desirable.

- 21 Number 7 High Street is a modern addition to the Conservation Area granted planning permission in 1964. It is located prominently on the High Street frontage to the south of the Conservation Area but is set back from the highway, elevated and in line with number 9 High Street and set behind number 5. The dwelling is single storey in height but from its elevated position is in line with, and in some cases taller, than the surrounding single storey and two storey dwellings.
- 22 Like many dwellings in the area the existing property is simple in design and form. As existing it is considered a detractor to the character of the Conservation Area identified within the Conservation Area Appraisal, however the set back from the road and the relatively low scale allow the dwelling to blend to an extent within the existing views and the surrounding development. The properties within the immediate area include a mix of two storey and single storey dwellings and one commercial property, primarily historic in nature and constructed in the traditional vernacular style, but this also includes a pair of modern semi-detached dwellings of similar materials, simple design and palette to the application site.
- 23 The current application results in a two storey side extension which would be visible within the streetscene. This would include the re-roofing of the dwelling which would result in a change in roof form introducing a new gable end to the front and rear elevations but would not result in an increase of the existing ridge height. The dormers would be enlarged with an increase in height as a result of the new pitched roof and an increase in depth of 1.8m. It is also proposed to clad the dwelling in natural unstained timber in its entirety.
- 24 The side extension, re-roofing and cladding would alter the form and character of the existing dwelling which would change from a tall detached pitched roof bungalow with roof dormers to a two storey dwelling. However it should be noted that the overall ridge height would not change and would therefore not appear fundamentally different in scale. Although the Conservation Area appraisal notes the small scale of development within the area it is clear that within the immediate area there are a mix of differently scaled dwellings including other two storey dwellings which are prevalent within the area and some include gable features similar to this application. The change in roof form on the southern elevation would therefore appear in keeping with the existing character.
- 25 A number of objections were received in regards to the proposed recladding of the building which would change from modern facing brickwork to timber boarding. For clarity the timber boarding would have a median neutral or silver colour rather than dark (as initially proposed) or white (which is most prevalent in the area). The residential extensions SPD regards proposals which would improve an existing dwellings character as favourable and, although the boarding would not match existing cladding in the area, it would be of a similar material as many of the surrounding properties and as such would be an improvement on the existing situation. Should the application be approved it would be possible to secure the quality of the materials via condition.

Agenda Item 4.2

- 26 In line with SDCs consultation protocol the proposals were informally discussed with SDCs Conservation Team due to the prominence of the existing dwelling and the highly visible impact of the proposals within the Conservation Area. Concerns were raised by SDCs Conservation Officer in regards to the prominence that the alterations would have and their impact to the Conservation Area due to the elevated position of the existing dwelling, raised eaves height and loss of the existing traditional roof form.
- 27 However as above, although it is undeniable that there would be a visible change within the street scene, the proposals would not be unacceptable within the Conservation Area by virtue of the mixed scale of development and use of timber which is prevalent. It is not necessary in terms of planning policy for materials and form to match existing precedents precisely and it should be noted that Conservation Area appraisals, in terms of how planning policy is applied, are afforded less weight than local and national policy. As such proposals need not comply with all recommendations within the appraisal to be acceptable in planning terms.
- 28 It is therefore considered that the proposals would, on balance, conserve the existing character of the conservation area and accord with policy EN4.

Impact to the AONB

- 29 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.
- 30 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.
- 31 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 design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 32 The application site is situated within the built confines of Shoreham Village and is surrounded by development. As such the proposals would be seen within the wider village context. The single storey rear extension would not be visible within the wider area and would be seen only privately set against the existing built form. The two storey extension would have a greater impact but would include traditional materials, thereby improving the external appearance of the existing dwelling, and although resulting in additional bulk on the southern elevation, would not impact wider views

within the landscape and, as noted above, appear in keeping with the expected character of this area of the AONB.

- 33 The proposals would therefore both conserve and enhance the character of the AONB.

Design and Impact to the existing character of the dwelling and area

- 34 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.
- 35 As noted above the impact of the proposed extension on the traditional form creating a clearly visible two-storey dwelling would appear in keeping with existing development and conserve the character of the Conservation Area and AONB.
- 36 The proposals would increase the gap at single storey level between the dwelling and its neighbouring property at number 5 from 0.5m to 1m. Taking these distances into consideration and the overall footprint of the development proposed the side extension would not result in a substantial increase in footprint nor result in an over development of the site. There would be no projection of the extension beyond the existing principal elevation which would be an improvement on the existing garage which sits forward of it and would regularise the frontage. Moreover the proposals would not appear to dissimilar to a previously approved scheme in 2006 which also proposed a two storey side extension with the only difference being the alteration of roof form on the southern elevation which, in this case, would not be immediately apparent within the street scene. As noted above the introduction of a front gable feature would be in keeping with other properties and would be acceptable.
- 37 The single storey rear extension would be a limited and modest addition. Although the roof detailing joining the existing dwelling above the eaves height is far from ideal, as it would not be visible from a public perspective it would not be considered harmful to warrant refusal on design grounds. Similarly, the irregular alignment of the rear dormers would also not be considered harmful in this case. As the proposed roof light to the front elevation would not likely require planning permission this would also be acceptable.
- 38 The alterations to the steps to the front of the dwelling and minor levelling would not be too dissimilar to the existing situation and are considered acceptable in principle.
- 39 As such the proposals would accord with Policy EN1.

Agenda Item 4.2

Amenity Protection

- 40 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. Impact upon residential amenities can include excessive noise, vibration, odour, air pollution, activity or vehicle movements. Development should also not result in harmful overlooking, visual intrusion, and unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

Loss of light / overshadowing

- 41 The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to habitable rooms of neighbouring dwellings, based on BRE guidance. For side windows serving habitable rooms a 25 degree test is recommended.
- 42 The two direct neighbouring properties to the application site are numbers 5 & 9 High Street. The light test was undertaken accordingly to ascertain the impact to both properties.
- 43 Due to the gap and orientation between numbers 7 & 5 High Street the proposals would not impact the front or rear windows of this property. The proposals would fail the 25 degree light test to the existing side windows, however due to the substantial change in levels and fencing the light test would fail in the existing situation. Moreover as these windows are all north facing they would not receive direct daylight in any case. With number 5 set south of the application site it would not experience overshadowing as a result of the proposals.
- 44 The two storey side extension would not result in an impact to daylight to number 9 High Street due to its location. The single storey rear extension and dormers would pass the light test to this property.
- 45 Concerns were also raised in regards to the impact to daylight to the front windows of number 6 High Street. This property is located opposite (east) of the application site and set slightly south at a distance of approximately 19m. As such there would not be an adverse impact to daylight nor overshadowing to this property.

Overbearing impact / tunnel effect

- 46 It has been acknowledged that, in design terms, the increase in eaves height on the southern flank elevation would have some impact to the character and appearance of the Conservation Area due to its elevated position. However with regards to amenity protection, it would not be considered to have an overbearing impact to neighbouring properties due to the substantial distance and orientation where number 5 is set forward of the application site.

- 47 It is acknowledged that the visual impact may be uncomfortable due to the substantial raise in eaves height however this would not be sufficient in this case to result in an overbearing 'tunnel' effect harmful to amenity.

Overlooking / Loss of Privacy

- 48 As there is already a nature of overlooking between the front elevations of properties the proposals would not result in a loss of privacy to the properties on the opposite of the High Street. As there are no side windows proposed to the side elevation of the extension which face towards number 9 High Street their privacy would be conserved.
- 49 One upper floor and one ground floor window are proposed to the flank elevation facing number 5 High Street. As unobscured ground floor windows can be installed without requiring planning permission the only window which can be considered potentially harmful would be the upper floor window which would serve an en-suite bathroom. As this serves a bathroom this could be controlled on any approval by an appropriately worded planning condition to restrict any overlooking or loss of privacy.
- 50 The proposals would therefore preserve neighbouring privacy.

Outlook / visual amenity

- 51 For proposals to be considered to adversely impact the outlook of neighbouring properties the proposals would need to result in demonstrable harm i.e. affecting the normal immediate outlook of primary habitable windows. That the proposed works, or elements of the proposed works would be visible does not mean that there would be harm in principle.
- 52 As such the proposals would not be considered to result in harm to the outlook of numbers 9 High Street or the properties opposite. The only property likely to be affected in regards to outlook would be number 5 High Street which has side windows looking towards the application site.
- 53 As noted above there is a substantial distance between the flank elevations of the two properties. With the application site set above the neighbouring property the direct outlook would already be onto the existing boundary treatments and flank wall above. The normal outlook would therefore not be considered adversely affected by the works.

Noise / smells

- 54 It would not be expected that the installation of a single new flue and air source heat pump would result in excessive noise or smells to the detriment to neighbouring amenity. The applicant will otherwise need to ensure that these elements of the proposals comply with relevant Building Regulation standards. Any equipment installed would have to take account of the existing occupiers of neighbouring dwellings and any future complaints

Agenda Item 4.2

relating to noise and smells would be a matter covered under separate Environmental Health legislation.

55 The proposals would therefore accord with Policy EN2.

Highways and Parking

56 The proposals would add an additional bedroom to the property. 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 four bedrooms require two parking spaces.

57 The required provision would be the same as the existing situation. The existing garage would be replaced and there is a significant area of hardstanding to the front of the property. The proposals would therefore meet the requirements of Policy T2.

Impact to Trees

58 The site is covered by a blanket Tree Preservation Order. The proposals have been considered by SDC's Tree Officer who has visited site and has no objections.

Other Issues

59 A number of points of objection have been raised in regards to matters which are either not planning related or cannot otherwise be included as a material consideration for these proposals. These include:

- Subsidence
- Fire risk
- Right of access
- Development which should be included within these proposals

60 Proposals need to be assessed as they have been submitted. That other elements of the site have not been included has no bearing on the merits of this application which must be determined on its own merits.

61 Matters regarding subsidence / fire risk would be dealt with at building control stage and are not part of the planning process. Rights of access similarly are a civil matter to be resolved between neighbours.

Community Infrastructure Levy (CIL)

62 This proposal is not CIL liable.

Conclusion

63 The proposals accord with both national and local planning policy

Recommendation

64 It is therefore recommended that this application is approved

Background papers

Site and block plan

Contact Officer: Hannah Donnellan Contact 01732 227000

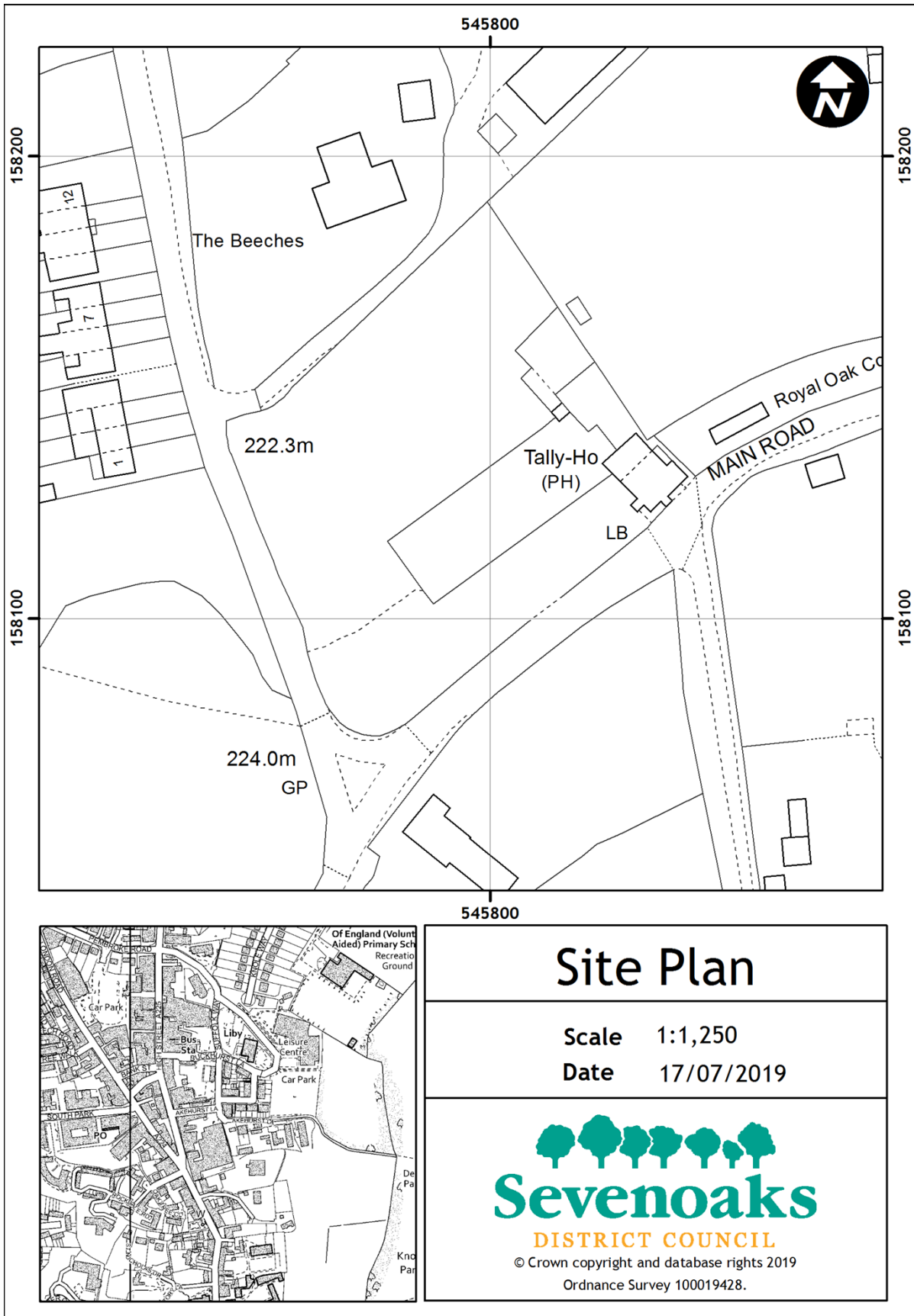
Richard Morris
Chief Officer Planning & Regulatory Services

Link to applications details:

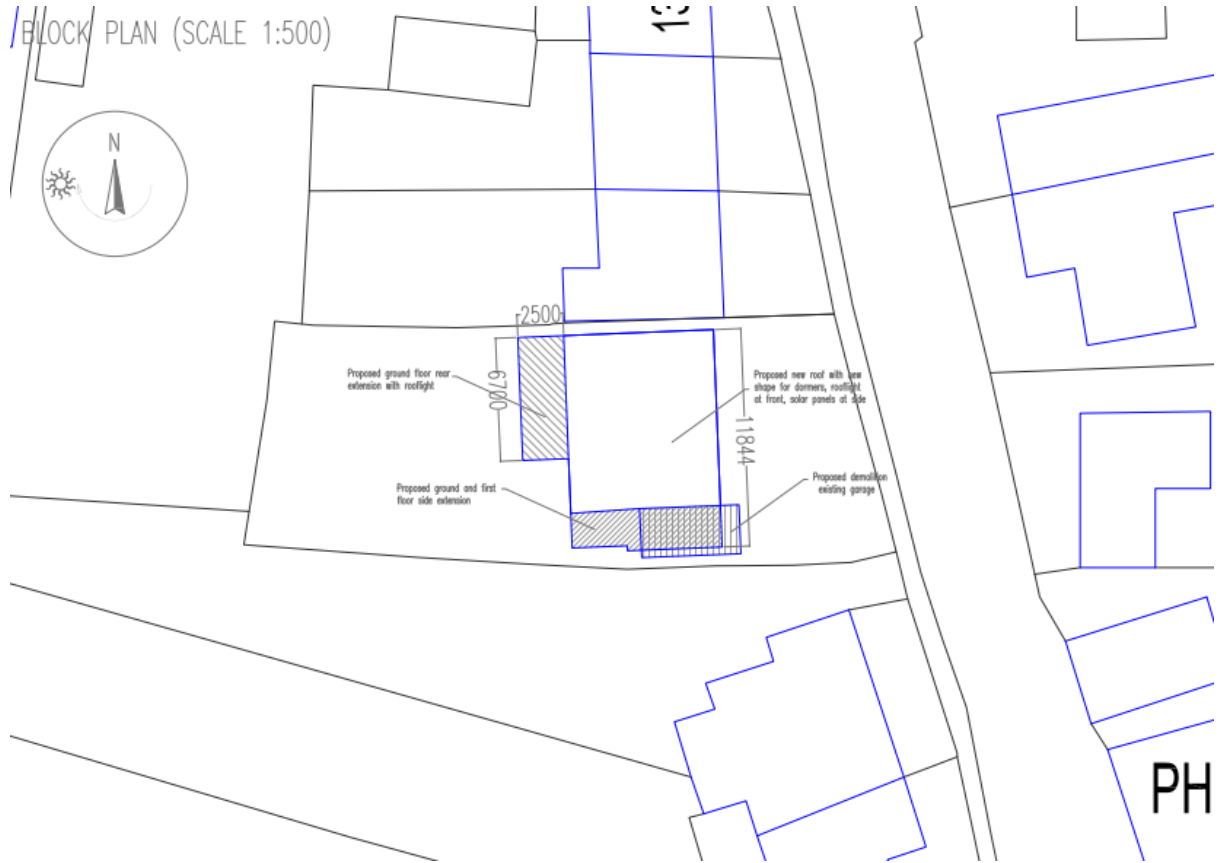
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Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PUOXLXBKK6R00>



BLOCK PLAN



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4.3 19/02500/HOUSE Date expired 15 November 2019

Proposal: Erection of single storey side extension with barn hip and small gabled roof to accommodate a garage; replacement of existing part-pitched and flat roof over existing side extension with barn hip and small gabled roof to match the proposed.

Location: 1 Squires Field, Hextable, KENT BR8 7QY

Ward: Hextable

Item for decision

The application was referred to Development Control Committee as Councillor Kitchener states that the application would have an effect on the street scene.

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

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

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

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

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 19-0593 D01A, 19-0593 D04, 19-0593 D05, 19-0593 D07.

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

4) The applicant is reminded that, under the Wildlife and Countryside Act 1981, it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent does not provide a defence against prosecution under this Act.

National Planning Policy Framework

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

Description of Site

- 1 The site contains a detached two-storey dwelling located on a corner plot at the entrance to Squires Field. While vehicle access to the property is from Squires Field, the principle elevation of the property faces the Main Road. There are neighbouring properties to the front, side and rear. The area is predominantly residential in character.

Description of Proposal

- 2 The applicant has proposed the erection of a single storey side extension with a hip and small gabled roof to accommodate a garage. The single storey side extension would have a maximum height of approximately 4.92m to its ridgeline and 2.3m to its eaves. The applicant has also proposed the replacement of an existing part-pitched and flat roof over the existing side extension with a hip and small gabled roof. This would have a maximum height of 5.01m to its ridgeline and 2.26m to its eaves.
- 3 During the course of the application amended plans were received for the application and a re-consultation was undertaken. The amended plans indicated an amended red boundary line.

Relevant Planning History

- 4 93/00672/HIST Planning permission granted 02.11.1993 for "Erection of 14 no detached two storey dwellings, garage, parking and associated estate roads. As amended by plans received with letter dated 15.09.1993"
- 5 12/02871/HOUSE Planning permission granted for "The erection of a garage at side and conversion of the existing integral garage into a living room."

Policies

- 6 Allocations and Development Management (ADMP)
 - EN1 Design Principles

- EN2 Amenity Protection
- T2 Vehicle Parking

7 Core Strategy (CS)

- SP1 Design of New Development and Conservation

8 Other

National Planning Policy Framework (NPPF)

Sevenoaks Residential Extensions Supplementary Planning Document (SPD)

Constraints

9 Area of Archaeological Potential

Consultations

Hextable Parish Council

- 10 Strongly object - “The red line on the application is not in the right place it goes over highway verge (land registry site plan attached showing actual red line of property). New garage will require access across the public footpath and relocation of the ornamental lamppost - application states no altered vehicular access will be required. This application will alter the street scene - covenants on properties require no change to street scene”
- 11 A revised plan was submitted by the applicants together with the details of the notice served to Kent County Council under Certificate B of the planning application forms. The revised plan and certificate indicated the correct site boundary and confirmed that notice has been served on Kent County Council Highways informing them of the application.
- 12 Re-consultation was undertaken with the Parish Council on 20 September. No comments have been received following the re-consultation to date. Any further comments received will be reported in the Late Observations papers at the committee meeting.

Representations

- 13 Four letters of objection were received relating to the following issues:
- The application includes part of the grass verge, which is not in the applicant’s ownership.
 - The proposal would have a detrimental effect on the appearance and character of the close, building lines, spacing and landscaping.

Agenda Item 4.3

- The height of the garage roof extension would be higher than the first floor of the existing.
- The barn hip and gabled roof would not be in keeping with the surrounding area.
- Erosion of landscaping, e.g. mature bushes, which accommodate wildlife and two trees.
- The proposal would extend on to the grass verge, which would have an effect on parking availability and highway safety.
- The loss of the curved brick wall and boundary treatment would have an effect on the street scene.
- Breach of restrictive covenants.
- Concern that the proposed garage would be converted into living accommodation, similar to previous applications.
- Loss of feature lamppost, which would need repositioning.
- The width of the garage would be wider than the standard width of a parking space.
- Creation of vehicular access would require the removal of soil due to an undulating gradient leading to the grass verge.
- Noise and disruption caused by works.

Chief Planning Officer's Appraisal

14 The main issues for consideration are:

- Impact on the character of the area
- Impact on residential amenity
- Ecology, tree and landscaping
- Parking and Highways impact

Impact on the character of the area

15 Single storey side garage with barn hip and gabled roof

16 The proposed side garage would be set back from the front elevation of the existing property by approximately 2.8m and would have a width of 3.5m and a total height of 4.9m. The barn hip roof of the proposed garage would be lower than the roof of the main dwelling and would have a similar pitch.

17 Neighbours have raised concern over the fact that the roof would be higher than the first floor of the existing property and that the roof would not be in keeping with the surrounding area. However, the proposed roof design would match that of the main dwelling and the height and pitch of the roof is a key feature of properties located within Squires Field. For example, properties such as no. 2, 3, 4 and 6 Squires Field all have garage roofs that are higher than the first floor.

- 18 The materials used in the construction of the garage would match the existing, which can be secured by a planning condition. Taking the above into consideration, the proposed garage would be a modest addition and would be in harmony with the character of the existing property.
- 19 The proposed garage would not have a detrimental impact on the wider street scene or the character of the surrounding area. Properties within Squires Field follow a regular design and integral garages are a common feature. The proposed side garage would be similar in design to the side garages of the neighbouring property, 2 Squires Field. As such, the proposed garage would create some symmetry between the two properties upon entering Squires Field and would reflect the existing character and appearance of neighbouring properties.
- 20 The proposed garage would project off the side elevation of the property by approximately 3.5m and this would project forward of the existing established building line along Squires Field towards the east. Whilst this would alter the appearance of the street scene at this point along Squires Field, the garage is a subservient addition to the host dwelling, it is not of an excessive height, scale or bulk and would still retain some gaps towards the boundary of the site. As such, the proposal would be in keeping within the surrounding area and prevailing pattern of development within the street scene. Furthermore, the proposed garage would be set back from the front elevation of the property by approximately 2.8 metres and therefore would not appear obtrusive or prominent within the street scene.
- 21 The proposed garage would only exceed the existing brick wall situated to the side of the property by approximately 2 metres on the front elevation and 0.5 metres on the side elevation. Concern has been raised over the loss of the curved brick wall and how its loss would have an effect on the street scene. However, the curved brick wall is not historic nor protected and is not considered significant to the character of the close. The walls adjacent to the curved wall, situated near the Main Road at the entrance to Squires Field, contribute more to the character of the close and are more prominent. This reduces the significance of the curved wall within the street scene and the subsequent impact of the proposals on the character of the close.
- 22 As stated in the previous application 12/02871/HOUSE, 1 Squires Field can also be considered visually separate from the rest of the close because the property faces the Main Road, not Squires Field. As such, I do not consider 1 Squires Field to contribute strongly to the overall character and appearance of the close and therefore the proposal is not considered to have a detrimental impact.
- 23 Overall, the proposed garage would comply with Policy EN1 and the Sevenoaks Residential Extensions Supplementary Planning Guidance as it would fit unobtrusively with the building, surrounding street scene, garden space and character and appearance of the area.

Agenda Item 4.3

- 24 Replacement of roof over existing side extension with barn hip and small gabled roof
- 25 The proposed barn hip roof would have a total height of approximately 4.92 metres in line with the roof of the proposed garage. The Residential Extensions SPD states that altering the eaves height or the pitch of a roof can have a significant impact on the dwelling or street scene and should be avoided. However, the proposed roof would be lower than the roof of the main dwelling and would be in harmony with the roof of the main dwelling and the proposed garage. As stated previously, the height of the roof, which would exceed the first floor of the property concerned, would be in keeping with surrounding properties due to its roof design and symmetrical appearance when viewed within the context of the existing street scene and host dwelling. Therefore, the proposed barn hip roof of the existing extension would not have a detrimental impact on the character of the dwelling or the surrounding area.
- 26 The roof would be visible within the street scene. However, because it would be in keeping with the rest of the property, it would not have a significant impact, nor appear unduly prominent within the street scene. The scale and form of the roof alterations are subservient to the host dwelling and are not considered harmful to the character or appearance of the area.
- 27 The replacement roof over the existing side extension therefore complies with Policy EN1 and the Sevenoaks Residential Extensions Supplementary Planning Guidance.

Impact on residential amenity

- 28 The proposals would not have a detrimental impact on neighbouring properties in regards to outlook and privacy. This is because neither of the immediate neighbouring properties located to the side, front and rear (such as 55 Main Road, 2 Squires Field, 3 Squires Field and 4 Squires Field) look directly at the property concerned and would not look out onto the proposed garage or the new roof. In a similar fashion, there would be no windows located on the proposed garage. Therefore, there would be no loss of privacy for any neighbouring properties.
- 29 Within the Sevenoaks Residential Extension SPD, a 45 degree test is conducted in order to assess a loss of light to neighbouring properties. The 45 degree test was carried out and the proposals would not result in a loss of light for any neighbouring property.
- 30 The proposals therefore comply with Policy EN2.

Impact on ecology, trees and landscaping

- 31 The application site has established landscaping in the form of hedging around the curved brick walls. Neighbouring properties have highlighted that the existing hedging provides a nesting habitat for birds and forms part of the landscaping scheme of Squires Field. Although not on the block plan there is also a tree situated close to where the proposed garage would sit, which may have to be removed as a result of the works. Large areas of the application site to the front and side elevations would remain as existing. This includes a mixture of hard and soft landscaping and boundary planting.
- 32 The applicant has confirmed that the hedging would be retained and the trees would be removed. There is no evidence to suggest that the hedges and trees have a strong ecological value. Therefore, the removal of such vegetation would not appear to have a significant ecological impact. However, an informative would be included upon any grant of permission to remind the applicant that:
- “Under the Wildlife and Countryside Act 1981, it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent does not provide a defence against prosecution under this Act.”
- 33 Taking the above into consideration it is not considered that this proposal would have any significant adverse impacts upon ecology, trees or landscaping.

Impact on parking and highways

- 34 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 4+ bedrooms require 2 parking spaces. There is already adequate parking at the site in the form of a driveway and the proposed garage would provide an additional parking space. As such, the proposals comply with Policy T2 of the ADMP.
- 35 Vehicular access would be required to gain access to the proposed garage. This would be located on the grass verge owned by KCC Highways. The applicant has served notice on KCC highways and has completed certificate B in their application form. The applicant would also require separate permission from KCC Highways in order to create vehicular access to the garage. However, such permission is not a prerequisite for approving this application.
- 36 Neighbours have raised concern over the fact that the proposals and creation of vehicular access would prevent parking on the highway near the

Agenda Item 4.3

property concerned. However, ample opportunities for on street parking would continue to exist within the close.

Other issues

Area of Archaeological Potential

- 37 The site is situated within an Area of Archaeological Potential. Since there is already built form on the site the development and works associated with the proposals, such as the removal of soil, are not considered to have a significant impact.

Boundary lines

- 38 The Parish Council and neighbours have stated that the red line on the block plans incorrectly goes across a grass verge and the new garage would require access across a public footpath. The applicant has submitted amended plans showing the correct boundary lines and has served notice on KCC highways and completed certificate B.

Use of the proposed garage

- 39 Neighbours have raised the concern that should planning permission be granted, the proposed garage would likely be converted into habitable accommodation. This is because a previous garage at the site has been converted and the width of the proposed garage would be wider than the standard width of a parking space. The Council cannot speculate on the future uses of the garage and can only take into account the use of the garage shown in the application plans when determining the planning application.
- 40 The application plans demonstrate that the proposed garage would not contain the facilities required for independent use and would have a garage door on the front elevation and a normal door on the rear elevation. As such, the garage would be considered ancillary to the main dwelling and would not be used for habitable accommodation.

Loss of feature lamppost

- 41 Hextable Parish Council and neighbouring properties have both highlighted that there is a feature lamppost situated on the grass verge that would need to be moved for the creation of access to the garage. However, the applicant has confirmed that the lamppost would not need to be removed or repositioned as a result of the development.

Covenants

- 42 There have been objections to the application based on restrictive covenants, which were created by the developers of Squires Field. These covenants require no change to the street scene. However, covenants are a private legal matter and are not a material planning consideration. Therefore, the application could be approved despite these restrictions.

Noise and disruption

- 43 Should permission be granted, there are concerns over noise and disruption during the construction process. However, any disturbance would be limited to the construction process only and Environmental Health have their own legislation to assist in enforcing against these issues.

Removal of soil due to gradient

- 44 Neighbours have raised concern over the fact that in order to build the garage, soil would need to be removed to level the ground. However, the existing gradient is not significant. As such, the removal of soil is not considered to have a detrimental impact.

Community Infrastructure Levy (CIL)

- 45 This proposal is not CIL liable.

Conclusion

- 46 The proposals comply with policies EN1, EN2 and T2 of the ADMP.
- 47 It is therefore recommended that this application is granted.

Background Papers

Site and block plan

Contact Officer: Hayley Nixon Contact: 01732 227000

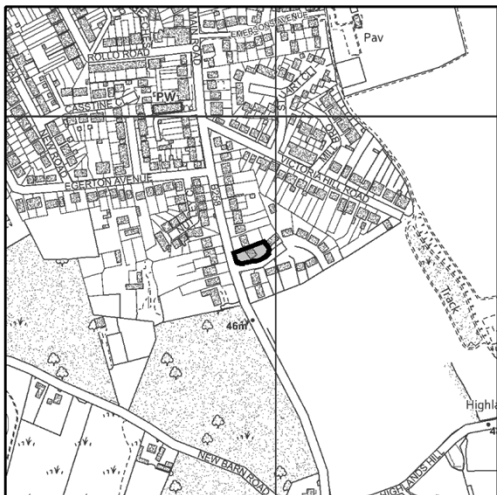
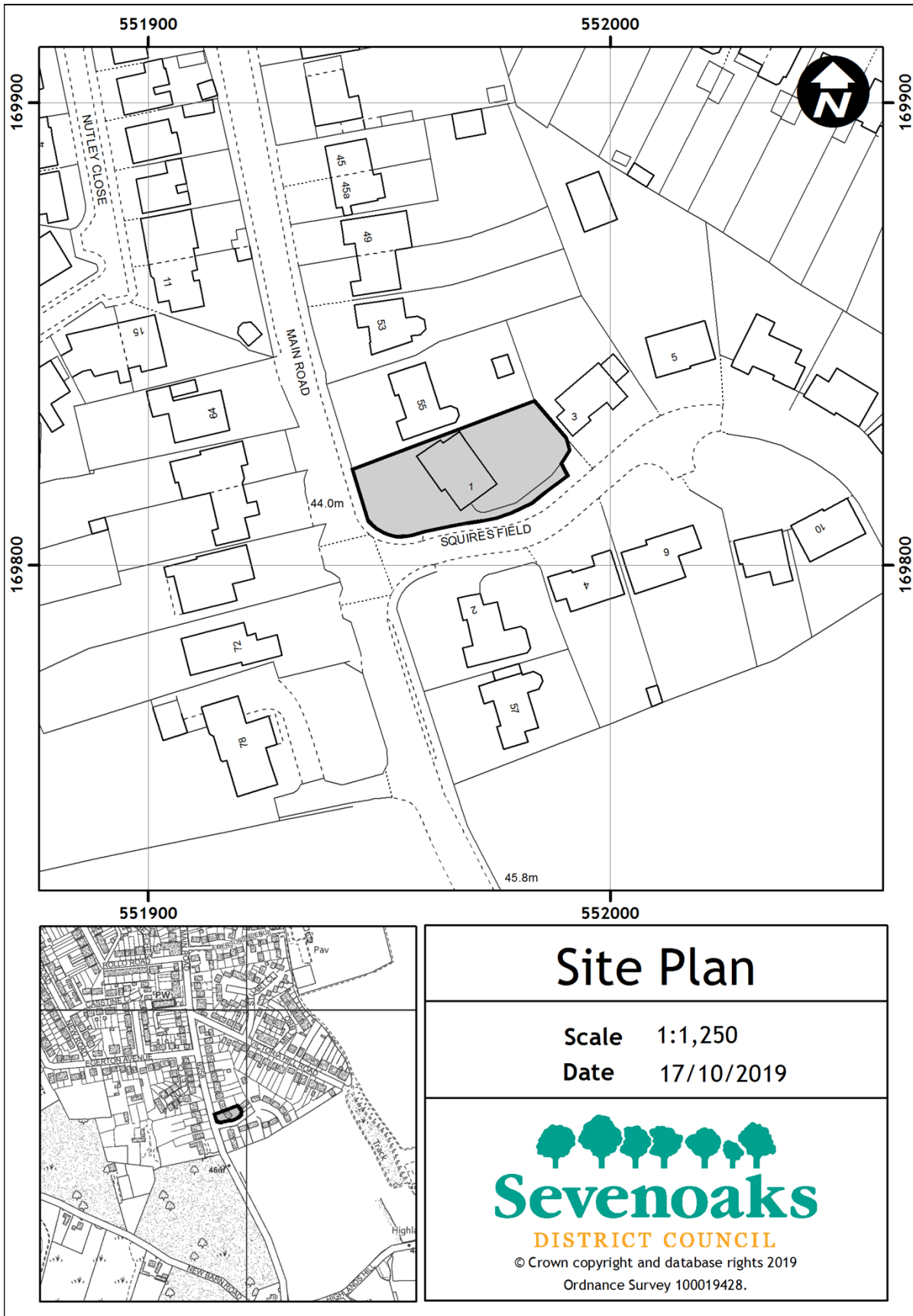
Richard Morris
Chief Officer Planning & Regulatory Services

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=PX09KRBKJC900>



Site Plan

Scale 1:1,250

Date 17/10/2019



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Ordnance Survey 100019428.

BLOCK PLAN



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4.4 19/01699/FUL

Date expired 5 August 2019

Proposal: Installation of sewage treatment plant. Acoustic Close Board Fence.

Location: Chartwell House, Mapleton Road, Westerham KENT TN16 1PS

Ward(s): Westerham & Crockham Hill

Item for decision

The application has been referred to the Development Control Committee by Councillor Maskell on the grounds of harm to the Green Belt and noise disturbance to neighbouring dwellings, contrary to policy EN2.

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

1) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 2283/311/LBP, 2283/311/1, 2283/311/100, hla 316 01/A, 10747-03-SHT03/A.

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

2) The sewage treatment system shall only operate while the acoustic fencing is in place in full accordance with drawing 2283/311/100. If at any time the fencing is not in full accordance with that drawing, the use of the sewage treatment plant shall cease with immediate effect until such a time that the acoustic fencing is reinstated in full.

To protect the amenities of the nearby residential properties, to comply with policy EN2 of the ADMP.

3) Within 3 months of the date of this permission, details shall be submitted to the local planning authority for approval of a scheme of landscaping to thicken and enhance the hedgerow existing to the south of the sewage treatment plant. The approved scheme shall be implemented in full in the first planting season following its approval.

To provide visual screening to reduce visibility from the public right of way and wider views across the AONB, to comply with policies EN1 and EN5 of the ADMP.

4) All planting or seeding approved shall be carried out in the first planting and seeding season following the approval of those details. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

To provide visual screening to reduce visibility from the public right of way and wider views across the AONB, to comply with policies EN1 and EN5 of the ADMP.

5) The acoustic fencing hereby approved shall be of timber construction and so maintained.

To protect the character and appearance of the area and the landscape, and to preserve the setting of the heritage assets, to comply with EN1, EN4 and EN5 of the ADMP.

Informatives

1) The granting of planning permission confers no other permission or consent on the applicant. The applicant is reminded that no works should be undertaken on a Public Right of Way without the express consent of the Highway Authority. This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this included building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across the Public Right of Way without consent.

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 proposals relate to land located to the south of Chartwell House, on the eastern side of Mapleton Road. The site of the proposals is accessed via a separate access to the south of Chartwell Cottage and the proposals are located directly east of this property.

Description of Proposal

2 Planning permission is sought for the installation of a sewage treatment plant and associated acoustic fence. The application is part retrospective as the treatment plant has already been installed.

3 The sewage treatment plant is currently partially enclosed with 2m high hurdle fencing. The proposals entail the addition of a 1.5m high close board acoustic fence to the northern and part western side of the equipment outside the hurdle fence and a proposed hedge beyond that.

Relevant Planning History

- 4 The Planning Statement submitted with the application describes that the works have been undertaken in connection with a new WC within the gardens of Chartwell (granted planning permission under reference 14/03491/FUL) which were initially intended to link to the existing foul sewer which serves both Garden Cottage and Well Cottage. It is relevant that that planning permission did not include a drainage plan and any treatment works.
- 5 The following planning records also relate to the current proposals:

Lawful development certificate refused 01.06.2018 for “Installation of a sewage treatment plant.”
- 6 Lawful development certificate refused 28.09.2017 for “Installation of sewage treatment plant.”

Policies

- 7 Core Strategy (CS)

SP1 Design of New Development and Conservation

SP2 Sustainable Development

SP11 Biodiversity

L01 Distribution of Development

L08 The Countryside and the Rural Economy
- 8 Allocations and Development Management (ADMP)

EN1 Design Principles

EN2 Amenity Protection

EN4 Heritage Assets

EN5 Outdoor Lighting

LT1 Tourist Accommodation and Visitor Attractions
- 9 Other

Sevenoaks Development in the Green Belt SPD

Kent Downs AONB Management Plan

Agenda Item 4.4

Countryside Character Assessment SPD

Constraints

- 10 Area of Outstanding Natural Beauty
 - Green Belt
 - Adjacent public right of way
 - Registered Parks and Gardens- Grade II*
 - Area of Archaeological Potential
 - Near listed buildings- Chartwell (Grade I) and Oast Tops (Grade II)

Planning History

- 11 The Planning Statement submitted with the application describes that the works have been undertaken in connection with a new WC within the gardens of Chartwell (granted planning permission under reference 14/03491/FUL) which were initially intended to link to the existing foul sewer which serves both Garden Cottage and Well Cottage. It is relevant that that planning permission did not include a drainage plan and any treatment works.
- 12 The following planning records also relate to the current proposals:
 - Lawful development certificate refused 01.06.2018 for “Installation of a sewage treatment plant.”
- 13 Lawful development certificate refused 28.09.2017 for “Installation of sewage treatment plant.”

Consultations

Westerham Town Council

- 14 Objects- “WTC objects to this application and refers back to the original application SE/17/02112/LDCEX whereby ‘WTC objected as it was a new build in the AONB and Green Belt. It appears to have been built in a different site to that originally proposed and is visually intrusive in the landscape with minimal landscaping. The site is close to several cottages along Mapleton road that are affected by noise and sight lines as shown in the photographs. It is recommended that the National Trust be instructed to remove the installation and reapply on the original site with appropriate mitigation for landscaping and noise reduction.”

SDC Conservation Officer

- 15 No Objection - “The sewage treatment works is located in the south west edge of Grade II* Registered Park and Garden and is the setting of Chartwell House, which is Grade I. The area is a strip of grassland which is bordered by

hedging and post and rail fencing. The sewage treatment plant has already been installed and is currently screened in part by hurdle fencing and planting. It is proposed to install 1.5m acoustic fencing around the treatment plant to mitigate against the sound and will then be screened by hedging. There are concerns with the introduction of the acoustic close board fencing due to its solid appearance. Whilst hedging is proposed, unless it is planted particularly densely, there will be glimpses of the acoustic fence in winter. However the planting of the orchard to the north east of the sewage treatment plant has already changed the character of this area from grassland and as a consequence there is no longer quite the same sense of openness. Due to the typography, built features and planting, the proposal will not impact on the gardens and pleasures grounds of Chartwell. Consequently there is no objection to the scheme as the proposal is not considered to harm the significance of the setting of the listed building nor the significance of the registered park and garden.”

Historic England

- 16 “We do not wish to offer any comments. We suggest you seek the views of your specialist conservation and archaeological advisers as relevant.”

The Gardens Trust: (in summary)

- 17 We do not wish to comment on the proposals at this stage. This does not in any way signify either approval or disapproval of the proposals.

Environmental Health

- 18 “I am satisfied with the acoustic assessment and have no objection to the provision of a suitable constructed acoustic fence to give an acceptable night-time noise level from the plant.”

KCC Rights of Way Officer

- 19 “Public Right of Way Footpath SR386 runs along the track from Mapleton Road in an east north east direction. I enclose a copy of the Public Rights of Way network map showing the line of this part for your information.
- 20 This development has had an adverse impact on the visual and auditory amenity for walkers. It is prominent in the landscape which slopes down to the public right of way.
- 21 The track has been doubled in width to allow a layby to be built which has been surfaced and is not being used for parking, as shown on the photos submitted with the application. The previous line of the post and rail fence and mature hedge has been removed and a new fence and hedge set back into the field.
- 22 I would be interested to know what evidence the agent has for suggesting that there are few walkers using the footpath. This is a public highway and I would argue that the impact is not negligible but high, due to the proximity of the plant to the footpath and the hum that is audible. In winter the hedge is not sufficient. The hedge should be thickened and the hurdles continued along

Agenda Item 4.4

the southern side of the site. In 5.15 the Landscape Sensitivity is judged as High at local, regional and national level due to its heritage location yet little consideration appears to have been taken with regard to the impact on walkers who use this route. This is also new development in the AONB.

- 23 The granting of planning permission confers no other permission or consent on the applicant. IT is therefore important to advise the applicant that no works should have been undertaken on a Public Right of Way without the express consent of the Highway Authority. This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this included building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across the Public Right of Way without consent.”

Representations

- 24 No representations have been received.

Chief Planning Officer's Appraisal

- 25 The main planning considerations are:
- Whether the development is appropriate in the Green Belt and the impact on the openness of the Green Belt;
 - Impact on heritage assets;
 - Impact on the character of the area and the AONB;
 - Impact on residential amenity
 - Access and Public Right of Way

Impact on the Green Belt

- 26 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this as listed within paragraph 145. Paragraph 146 lists other forms of development that are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes “engineering operations”.
- 27 The proposed sewage treatment works do not comprise any buildings as such. Excluding the fencing, the works comprise predominantly low level structures which it would not be possible for any person to stand within at the ground level. The tallest part of the proposed equipment is the ‘kiosk’ which measures 1m in height plus a 10cm high alarm above. Those parts of the works are considered to comprise engineering works and could be appropriate development, subject to their impact on openness.

- 28 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Those structures associated with the treatment plant comprise low level additions to the site. They are considered to preserve the openness of the Green Belt.
- 29 The surrounding enclosures, including the existing hurdle fence and the proposed 1.5m high acoustic fence, do not meet any of the exceptions listed within paragraphs 145 and 146 of the NPPF. As such they are inappropriate development in the Green Belt by definition.
- 30 They would also add built form to the site where none had previously existed. These fences would be largely solid and, in particular the acoustic fence, would not provide any views through. These fences are therefore also considered to cause harm to the openness of the Green Belt.
- 31 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.
- 32 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.
- 33 Very special circumstances are considered at the end of this report, once all potential harms have been identified.

Impact on heritage assets

- 34 The proposed works are located in the south western edge of a Grade II* listed Registered Park and Garden which is the setting of Chartwell House, which is Grade I listed. The site also lies within an area of archaeological potential.
- 35 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.
- 36 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.
- 37 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. The NPPF also states that great weight should be given to the conservation of heritage assets (para.193).
- 38 The SDC Conservation Officer has raised no objection to the proposals, stating that the open character of this part of the Registered Park and Garden has

Agenda Item 4.4

already been compromised by the planting of a formal orchard to the north east of the application site and that the proposals would not impact on the gardens and pleasure grounds of Chartwell. The Officer concludes that the proposals are not considered to harm the significance of the setting of the listed building nor the significance of the registered park and garden. For these reasons the proposals are considered to comply with policy EN4 of the ADMP and would preserve the setting of the listed building and listed gardens.

- 39 Consultation responses have also been received from both Historic England and The Gardens Trust, both have chosen not to comment on the application.
- 40 The site is an area of archaeological potential. It is noted that the ground works associated with the plant have already been undertaken in 2016. The proposed additional works would not entail significant ground works and no further information is required in this regard.

Impact on the character of the area and the Area of Outstanding Natural Beauty (AONB)

- 41 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.
- 42 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.
- 43 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 design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 44 The site lies within the Kent Downs AONB. The site is exposed to long views from the south due to the gentle gradient of the land which drops to the south. The proposed treatment works are limited in their impact on the landscape character due to the low level of that equipment, its colour and finish, and the soft landscaped boundary to the south of the site. The highest part of the equipment being the kiosk at 1.1m high is approximately the same height as the existing hedgerow.
- 45 The existing hurdle fencing and proposed acoustic fencing however, which would rise to 2m and 1.5m above the ground level, would be more visually prominent in the landscape due to their height, raised position and more solid nature.
- 46 It is noted that the application site is close to the residential properties of Chartwell Cottage, Forest Lodge and Well Cottage. These properties have

residential gardens characterised by typical residential paraphernalia, including boundary treatments and garden structures. These properties and their residential gardens form part of the established landscape character of the AONB. However, the proposed fencing would be visually separate from the boundary treatments and residential curtilages of those properties and would sit within part of the registered gardens which is otherwise largely open in this particular location.

- 47 In light of the position, height and design of the proposed fencing, it cannot be concluded that the fencing would both conserve and enhance the AONB. It would therefore fail to meet the tests discussed above and would be contrary to policy EN5 of the ADMP. The fencing fails to show consideration for the character of the area in which it lies.
- 48 The lower level equipment, by reason of its limited height and colour, experiences limited visibility from the surrounding area and sits fairly unobtrusively into the landscape. It is considered that this conserves the AONB.

Neighbouring Amenity

- 49 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The sewage treatment plant would operate continuously over a 24 hour period 7 days a week.
- 50 The application is accompanied by a noise impact assessment which considers the noise levels arising from the sewage treatment plant using accepted British Standard assessment methodology. The report considers the change in noise levels arising from the equipment experienced by Chartwell Cottage, Forest Lodge and Well Cottage. This is informed by a baseline sound survey which assessed the ambient background noise levels.
- 51 Of particular note, the report finds that during the night-time periods, noise levels have been predicted to exceed the night-time background noise level by 5dB at one receptor, being Chartwell Cottage, the closest of the residential properties. The report concludes that a required 5dB(A) sound reduction could be achieved by the positioning of a 1.5m barrier between the sewage treatment system and Chartwell Cottage.
- 52 During daytime hours, the noise created by the equipment was found to fall below the ambient background noise level experienced at these properties.
- 53 The proposals include the acoustic fencing to provide the necessary noise attenuation to Chartwell Cottage at night time. Environmental Health have been consulted on the proposals and raise no objection subject to the provision of the acoustic fence. Subject to maintenance of the fence while the treatment system is in operation, the proposals would comply with EN2 and would preserve residential amenity. A condition is recommended to this effect.
- 54 The fencing and equipment itself would not have an adverse impact on the daylight or sunlight experienced by those nearby properties.

Access and Public Right of Way

- 55 The equipment would be serviced from the adjacent lay by to the south of the site. As a result servicing vehicles would be located off the highway and the proposals would not cause harm to highway safety.
- 56 The lane from which the site is accessed is a public right of way (reference SR386). The Public Rights of Way Officer at Kent County Council has raised concern for the visual and audible impact of the proposals for walkers. In line with this Officer's comments, a condition is recommended to secure a scheme to thicken the hedge to reduce the visibility of the proposals from the public right of way. The Officer has recommended that the hurdle fencing is continued around the southern part of the equipment, however this is likely to draw further attention to the equipment.
- 57 The Public Rights of way Officer has raised concerns for the changes which have occurred to the width of the lane, however these works have not required planning permission and do not form part of the proposals currently under consideration.
- 58 It is recommended that an informative forms part of any planning permission to remind the applicant of their obligations in terms of the right of way.

Assessment of any Very Special Circumstances

- 59 Paragraph 144 of the NPPF states that when considering any planning application, we should ensure that substantial weight is given 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 any other considerations.
- 60 In this instance the harms have been identified as:
- Harm to the Green Belt through being inappropriate by definition,
 - Harm to the openness of the Green Belt;
 - Failure to conserve and enhance the landscape character of the AONB.
- 61 Possible very special circumstances - these can be summarised as:
- That the fencing could be installed under permitted development without planning permission
- 62 With regard to permitted development, fencing could be installed in this location under Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended. In particular this is because the fencing is not adjacent to a highway, is not over 2m in height and is not within the curtilage of a listed building. This has been discussed as length with the Council's Conservation Team who agree the site is not part of the curtilage of Chartwell, only part of its setting. While the site is part of a

Grade II* listed Park and Garden, the permitted development order does not prohibit such development in those areas.

- 63 This is a material consideration of significant weight as the applicant could erect the fencing up to a height of 2m without the need for planning permission.
- 64 This consideration is of substantial weight and it is considered that this would clearly outweigh the harms identified. A condition is recommended to ensure that the extent of fencing erected is only that of the location and height shown on the approved plans.

Conclusion

- 65 It is considered that there are very special circumstances which outweigh the harms to the Green Belt and AONB identified in this case. The proposals are policy compliant in other respects subject to compliance with conditions.
- 66 It is therefore recommended that this application is Granted.

Background Papers

Site and Block Plan

Contact Officer: Claire Shearing Contact: 01732 227000

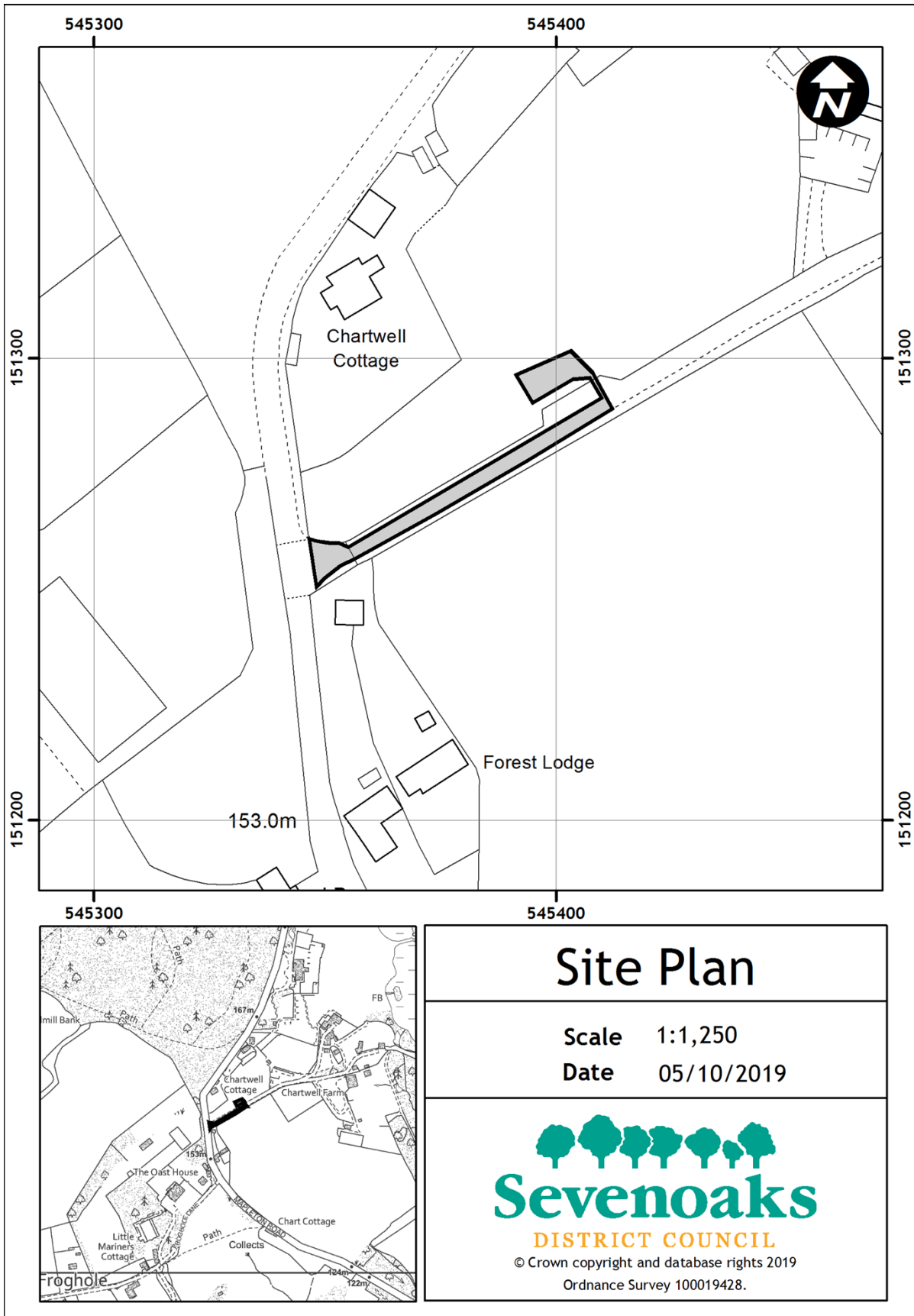
Richard Morris
Chief Officer Planning & Regulatory Services

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=PSW48WBKLS00>



Site Plan

Scale 1:1,250

Date 05/10/2019

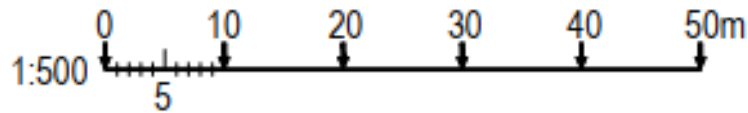


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BLOCK PLAN



BLOCK PLAN



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4.5 19/02020/FUL Date expired 5 September 2019

Proposal: Demolition of existing barn and erection of one 1-bed dwelling house.

Location: Outbuilding South Of Godden Green House, Park Lane, Godden Green Sevenoaks Kent TN15 0JS

Ward: Seal & Weald

Item for decision

Councillor Thornton and Councillor Hogarth have called the application to Development Control Committee on the grounds of harm to the landscape of the Area of Outstanding Natural beauty and 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) Prior to reaching slab level details of the proposed external materials and green roof shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: PL100, EX099, PL202, PL101, PL201, PL200.

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

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, D or E of Part 1 of Schedule 2 or Class A of part 2 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the local planning authority.

To ensure any future development on the site maintains the character of the area and protects neighbouring amenity in accordance with Policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to the occupation of the dwelling full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include: -planting plans (identifying existing planting and trees, plants and trees to be retained and new planting and trees), - written specifications (including cultivation and other operations associated with tree, plant and grass establishment), -schedules of new plants and trees (noting species, size of stock at time of planting and proposed number/densities where appropriate), - Details of any means of enclosure, and -a programme of implementation. If any part of the approved landscaping scheme is removed, dies, becomes severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The works shall be carried out in accordance with the approved details.

To enhance the visual appearance of the area as supported by EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

6) Before the use or occupation of the development hereby permitted, the car parking area shall include two parking spaces at a scale of no less than 2.5x5m, which shall be provided and shall be kept available for the parking of cars at all times.

In the interest of highway safety.

7) Prior to the implementation of any visibility splays details of the landscaping (trees) to be retained, removed, and replaced along the proposed visibility splays shall be submitted and approved in writing by the local planning authority. These details shall include: - Tree protection measures, - Replacement trees including species, size, and a programme of implementation, - Root protection measures for retained trees. The works shall be carried out in accordance with the approved details.

To conserve the visual appearance of the area as supported by EN5 and EN1 of the Sevenoaks Allocations and Development Management Plan.

8) Prior to the occupation of the new dwelling hereby permitted details for the provision of an electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point shall be installed in accordance with the details so approved prior to the first occupation of the new dwelling hereby approved.

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

9) No development shall be carried out above DCP level of the hereby approved dwelling and extension until a visibility splay of 2m x 43m has been provided on each side of the access, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility above 0.9m in height above ground level shall be erected within the area of such splays.

To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy T2 of the Sevenoaks Allocations and Development Management Plan.

10) Prior to the commencement of the development details of the existing and proposed land levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved land levels.

To prevent inappropriate development in the Green Belt as supported by the National Planning Policy Framework of the Sevenoaks Allocations and Development Management Plan.

National Planning Policy Framework

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

Description of site

- 1 The application site is located to the east of Park lane. The site currently houses a garage/outbuilding, which is single storey, comprised of solid brick work, has a pitched roof and a linear traditional appearance.
- 2 The site is surrounded by heavy vegetation and trees, part of which forms hedging along the adjacent roadside and eastern boundary. A Public Footpath runs to the south and east of the site. Limited views can be gained due to the vegetation and existing fencing. The site is located in the Metropolitan Green Belt and an Area of Outstanding Natural Beauty.

Description of proposal

- 3 Demolition of existing barn and erection of one 1-bed dwelling house.
- 4 The proposed dwelling would have an overall width of 11.080m and depth of 5.095m. The dwelling would contain a basement which would be partly visible with access stairs and slightly elevated land levels.
- 5 The dwelling would have a long linear form which would be single storey with a green roof. The overall height of the built form would be between 3.2m and 3.5m. The proposal would be of timber construction and some large glazing panels.

Agenda Item 4.5

Relevant planning history

- 6 18/01930/FUL Change of use of barn to one 1 bed dwellinghouse - GRANTED - 30/08/2018
- 7 18/02860/FUL Change of use of barn to 2-bed dwellinghouse with extension - GRANTED - 29/11/2018
- 8 19/00005/FUL Demolition of existing barn. Erection of one 2 bed dwellinghouse - WITHDRAWN - 25/03/2019

Policies

- 9 National Planning Policy Framework (NPPF)
- 10 Core Strategy (CS)
 - LO1 Distribution of Development
 - LO8 The Countryside and the Rural Economy
 - SP1 Design of New Development and Conservation
 - SP11 Biodiversity
- 11 Allocations and Development Management Plan (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN5 Landscape
 - T2 Vehicle Parking
 - T3 Provision of Electrical Vehicle Charging Point
- 12 Other
 - Development in the Green Belt (SPD)
 - National Planning Policy Guidance

Constraints

- 13 Green Belt - GB
- 14 Area of Outstanding Natural Beauty - AONB

Consultations

Parish/Town Council

- 15 The existing structure is described in the application as a 'woodstore'; it is not a barn. Planning permission was granted (18/01930/FUL) for the conversion of this isolated outbuilding of traditional construction and style within the curtilage of Godden Green House to a small dwelling. A subsequent permission was granted for an extension to approximately increase the volume by 50% and the floorspace by 100% (18/02860/FUL).

- 16 Both permissions are subject to planning conditions 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” and that “any future development maintains the character of the area and protects neighbouring amenity in accordance with Policies EN1 and EN2”.
- 17 The Parish Council strongly objects to the current proposal for an entirely new dwelling to replace the existing outbuilding. This is contrary to the purpose of the planning conditions to maintain the character of this area, which is within the AONB. It is contrary to the principle that ancillary outbuildings within residential curtilages should not be replaced by independent dwellings within the Green Belt.
- 18 The proposal is contrary to The National Planning Policy Framework paragraph 145(d) which defines an exception to ‘inappropriate development’ as “the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.” The proposal fails this criterion, and is contrary to the principles of Adopted Local Plan policies which protect the openness of the Green Belt and the character of the AONB.
- 19 The original building has a floor-space of 57.12sqm but the proposal is for a dwelling of 94.1sqm; an increase of 65% contrary to Policy GB1
- 20 The proposed access does not comply with planning conditions on the existing consents and required by the Highways Authority, that a visibility splay of 2m x 43m must be provided on each side of the access if it is to be used for the new dwellings.
- 21 If the planning authority were minded to permit the application, planning conditions should be imposed to withdraw permitted development rights, to meet the requirements of the Highways Authority and to ensure that the damage thus caused to the roadside hedges and trees are made good, as for 18/02860/FUL.
- 22 A condition should be imposed to control external lighting in this remote location, which is close Park Lane. The extent of glazing facing the nearby highway should not exceed that of the existing building.

KCC Highways

- 23 I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-
- 24 Before the use or occupation of the development hereby permitted, the car parking area shall include two parking spaces at a scale of no less than 2.5 x 5m shall be provided and shall be kept available for the parking of cars at all times.

Agenda Item 4.5

- 25 Prior to the implementation of any visibility splays details of the landscaping (trees) to be retained, removed, and replaced along the proposed visibility splays shall be submitted and approved in writing by the local planning authority.
- 26 Prior to the occupation of the new dwelling hereby permitted details for the provision of an electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point shall be installed in accordance with the details so approved prior to the first occupation of the new dwelling hereby approved.

Representations

- 27 The Council received 1 letter of objection relating to the following issues:
- Design Concept in Design and Access states that the building has been designed to ‘draw a distinction between built form and landscape’. Makes no reference to respond or respect the character of the area.
 - Design would be at odds with the existing character of the AONB would fail to conserve or enhance the AONB.
 - Light pollution from extensive glazing in the AONB.

Chief Planning Officer’s appraisal

- 28 The main planning consideration are:
- Principle of development
 - Impact to the Green Belt
 - Impact to the AONB
 - Impact to the design and character of the area
 - Impact to neighbouring amenity
 - Highways/parking
 - Very Special Circumstances

Principle of the development

- 29 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).
- 30 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.

- 31 The National Planning Policy Framework (NPPF) places an emphasis for development to be focused on previously developed land. The NPPF defines previously development land as:

‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape’.

- 32 The building itself is not agricultural and has not been used for agricultural purposes, nor does the land and building constitute a residential garden. This is due to the distance from the main dwelling (Godden Green House) and the informal character of land in this location. The existing building would therefore represent previously developed land.

- 33 The existing garage/outbuilding, benefits from planning permission for its conversion to residential use and extension of the existing built form, under application references: 18/01930/FUL and 18/02860/FUL. The use of the land for residential purposes is already established.

- 34 Policy L07 of the Core Strategy identifies that in Seal:

‘...infilling and redevelopment on a small scale only will be permitted taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available...’.

- 35 The site lies outside of the main settlement of Seal and thus Policy L08 of the Core Strategy is a relevant consideration. Policy L08 of the Core Strategy seeks to protect the distinctive character of the Area of Outstanding Natural Beauty and the special character of the landscape.

- 36 The proposal under this application is to demolish the existing garage/outbuilding and replace the built form with a dwelling. The proposal for one additional dwelling in this location is principally accepted due to the above. This is subject to the impact to the Green Belt, Area of Outstanding Natural Beauty, neighbouring amenity and parking and highways.

Green Belt

- 37 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development, there are some exceptions. 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.

Agenda Item 4.5

- 38 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.
- 39 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

- 40 The existing garage/outbuilding has been granted permission for conversion for residential use under application references: 18/01930/FUL and 18/02860/FUL. The building has not however currently been converted. No local policy would allow for the proposed works as it would not meet the policy definitions. Policy GB7 does not apply in connection with this proposal.
- 41 Paragraph 145 of the NPPF states that:
- ‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- Not have a greater impact on the openness of the Green Belt than the existing development’.
- 42 As established above the built form is considered previously developed land. As such, the proposal can be considered under sub-paragraph (g) of paragraph 145 of the NPPF.
- 43 The original building has a floor-space of approx. 57.58sqm. The proposed replacement dwelling would have a floor-space of approx. 112.90sqm. This would represent an increase of 96.08%. However, the majority of the extension would be located at basement level.
- 44 The proposed basement level would mean the majority of the resultant bulk and mass would be contained below ground. A small portion of the basement would be visible with the door and staircase exposed. The proposed dwelling would in addition lie on slightly elevated land levels to the existing.
- 45 The design of the proposed dwelling would introduced a flat roof. The flat roof would see a loss of the existing pitch which contains a larger degree of

bulk and mass. As a result, taking into account the visible portion of the basement the resultant approx. volume of the proposed dwelling would be 187.96m³. This would represent a loss of volume from the original which is approx. 208.49m³. A resultant loss of approx. 9.85% in volume of the building would occur. This reduction in volume would therefore reduce the adverse impact upon the openness of the Green Belt.

- 46 While the volumetric dimensions of the built form would be reduced, the proposal would create a residential curtilage. As such, the installation of residential paraphernalia including enclosure details, potential outbuildings and other domestic items would occur. The impact to the open field which surround this building would be harmful in comparison to the existing development.
- 47 As such, the proposal would fail to comply with sub-paragraph (g) of paragraph 145 of the National Planning Policy Framework.

Very special circumstances

- 48 In this case there are material considerations that may amount to or contribute to a case for very special circumstances. This issue is considered in more detail in this report.

Area of Outstanding Natural Beauty (AONB)

- 49 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.
- 50 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.
- 51 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 design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance
- 52 The application site is located within the Kent Downs Area of Outstanding Natural Beauty. The site already contains built form with the outbuilding creating bulk and mass within the setting of the field. To the south, north and west of the site a variety of sporadic built form exists. This includes residential dwellings and Sevenoaks Preparatory School. Built form, including residential development, in this location is an expected form of the AONB landscape.

Agenda Item 4.5

- 53 The built form varies within the local vicinity. This is due to the sporadic growth of development in the area and the rural context of Godden Green. The school is currently subject to a more contemporary addition with other residential dwellings having a more traditional form, bulk and mass. The dwellings do have origins in the 19th and 20th century.
- 54 A network of public rights of way are located to the east, south and west of the site. Public rights of way provide greater access and visibility of the Kent Downs AONB. While the wider area has an open field pattern character, the site in question is located within a field which is fairly well screened from the public realm by established hedging, close boarded fencing and vegetation.
- 55 The public right of way cuts across the grounds of Sevenoaks Preparatory School, the user of the landscape in this location would therefore experience a more contemporary style development in the vicinity.
- 56 The more traditional dwellings have settled into the environment due to age, design and setting. The dwellings tend to be clustered together, which can be seen with Lordspring Cottage, Little Steading, 1, 2, 3 and 4 Cherry Tree Cottage and Stake Cottage. The proposed dwelling would sit more than 100m from these dwellings. As a result, if the proposal was constructed in a more traditional design (modern interpretation of an Arts and Crafts dwelling), due to it being located within the open field it would have a stark and incongruous appearance. Taking this into consideration the proposed replacement of the outbuilding is therefore of a more square and contemporary design. The low scale of the built form, its overall screening and the use of natural materials such as timber would mean the built form would conserve the more varied context of the wider area and settle into the open field in a more discreet manner.
- 57 The less traditional design of the proposed built form would not contain a strong residential character. Given the rural setting, the use of weathering materials, loss of volume and bulk from the existing pitched roof would create a dwelling that responds to a greater degree with the landscape.
- 58 The proposal would contain larger glazing panels than that previously approved. While these openings would be an enlargement, the previously approved plans would allow for residential use and associated light admittance. The proposed dwelling would be single storey which would limit the light admittance.
- 59 The agent has submitted details of potential light filters to the windows. From my reading of the information the filters would prevent heat entering the house rather than preventing light spill. However, a condition could be imposed to ensure that the glazing prevents significant light spillage to protect the dark skies of the AONB.

- 60 Conditions relating to ecological enhancements and landscaping could ensure a further enhancements to the AONB landscape. A condition could also be imposed to protect the existing trees and hedges.
- 61 The proposal would be considered to conserve the landscape and due to the loss of volume and bulk would enhance the landscape in conjunction with landscape conditions. The proposal is considered to comply with policy EN5 of the ADMP.

Design and impact on the character of the area

- 62 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.
- 63 The site is located within an open field with the wider character of the area being rural. Whilst the predominant character of the area is rural, the area does feature a number of residential dwellings and other built form including the school.
- 64 The proposed replacement built form would sit within an open field which is heavily screened by trees and vegetation. Due to the proposed small scale of the built form it would not erode the sense of spaciousness or the characteristics of this site. The proposed replacement dwelling would have a modest height, width and depth and due to the use of the basement would not overwhelm the plot.
- 65 The dwelling would have a more contemporary design than that of the existing garage/outbuilding and a number of the surrounding residential properties. However, there is not a set design in this location and due to the heavy vegetation a number of the dwellings are not widely visible from the public realm. With no set uniform design the proposed contemporary design of the development would not stand out or dominate the street scene.
- 66 The use of natural cladding, such as timber, will also allow the building to weather into its surroundings and mirror the rural character of the area.
- 67 The eastern boundary landscaping provides a valuable contribution to the character of the area. The retention and back planting of as much of this unprotected vegetation would be important in securing the overall verdant character of the area. Currently this could be removed as a result of visibility splays connected with development to the north. The securing of this permission could allow landscaping conditions to secure the re-planting of any vegetation lost as a result of the proposed developments in the area.
- 68 The site already contains an access and the maintenance of the landscaping by condition would ensure the character of the area is secured. The proposal would comply with policy EN1 of the ADMP.

Neighbouring Amenity

Agenda Item 4.5

- 69 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.
- 70 As a general rule a distance of 21m is considered sufficient to ensure a significant loss of amenity would not occur. The proposed replacement dwelling would be located at a sufficient distance (approx. 100m) from other residential dwellings.
- 71 The distance and single storey scale of the development would ensure that a significant loss of daylight/sunlight would not occur. The distance and overall height of the proposed development would also ensure that visual intrusion to neighbouring outlook would not occur.
- 72 The proposed dwelling would contain two side widows at either end of the property. The proposal would sit on slightly artificially raised ground, however its overall dimensions would mean the dwelling would not exceed an ordinary single dwellings height. In, addition the distance between the dwellings to the south (Lord Spring Cottage and Little Steading) and the new development to the north is sufficient that a significant loss of privacy would not occur.
- 73 The proposal would introduce a residential use to the land. However, the area does feature a number of residential dwellings, a school and a well-used road. The proposed introduction of a further residential property would allow for an acceptable degree of expected residential noise.

Proposed dwelling

- 74 The proposed dwelling would have a basement with a single opening (front door). The basement contains two bathrooms and does not appear to contain habitable spaces. As a result, the basement would not need more sufficient light sources. However, should this area be used for habitable accommodation this would be a matter for building control.
- 75 At ground floor the dwelling would have sufficient openings for allowing natural light to filter in and ensure sufficient outlook. The property would have residential amenity space which would be large enough for a single bedroom/family dwelling.
- 76 The proposed dwelling would maintain acceptable amenity levels for surrounding properties. The proposal would comply with policy EN2 of the ADMP.

Parking and Highways Impact

- 77 Policies EN1 and T2 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.

- 78 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.
- 79 The site already has an existing access. Planning permission has already been established for residential vehicular access in this location under applications 18/01930/FUL and 18/02860/FUL. KCC Highways were consulted on the planning application and raised no objection subject to conditions, which would be attached to any granted permission. The site would accommodate two parking spaces as per the KCC guidance.
- 80 In addition, in accordance with policy T3 of the ADMP an electrical charging point would be conditioned. The site would have sufficient space for the storage of refuse.
- 81 The proposal is considered to comply with policy EN1 and T2 of the ADMP.

Trees and Landscaping

- 82 One of the defining features of the area is the heavy vegetation and trees that lie adjacent to the highway along the western boundary. The vegetation is sporadic in nature but combines to create an appearance of an attractive hedge adjacent to the road. The trees in this location are not protected by planning legislation. As part of previous site visits the Tree Officer has visited the site.
- 83 It would be important to secure a landscaping condition to ensure that backfilling of landscaping would occur regardless of whether or not some of the landscaping is removed for the proposed visibility splays.

Very Special Circumstances

- 84 Paragraph 144 of the NPPF states that when considering any planning application, we should ensure that substantial weight is given 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 any other considerations.
- 85 Possible very special circumstances - these can be summarised as:
- Loss of volume, bulk and mass
 - Previously Granted Scheme: 18/02860/FUL
 - Securing of landscaping
- 86 The harm in this case has been identified as:
- The harm in principle from inappropriate development in the Green Belt, which must be given significant weight.
 - The harm to the openness of the Green Belt which is also given significant weight.

Agenda Item 4.5

- 87 It has been established above that the proposed replacement dwelling would see a loss in volume from the existing/original built form. The impact of the built form to the open landscape would be less than that which currently exists.
- 88 Under application 18/02860/FUL the conversion of the outbuilding to a residential dwelling with an extension was granted and could be implemented. Under application 18/02860/FUL the proposed extension would have had some below ground level development, the resultant volume of the proposal would have been approx. 311.93m³. Extensions were permissible under policy GB7 of the previous application. The current proposal would offer a significant improvement to the openness of the Green Belt.
- 89 The previous planning permission has also created a precedent of potential residential use with associated residential paraphernalia. Permitted Development rights were previously removed. Under this application Permitted Development rights could once again be removed from the site. This would include means of enclosure and outbuildings.
- 90 As a residential use can already be implemented on site the previous applications coupled with the resultant loss of volume, bulk and mass would ensure that the harm to the Green Belt would be clearly outweighed. The granting of the application would also allow landscaping conditions which would seek to protect and see replacement of any loss of planting.
- 91 As discussed above, the case of Very Special Circumstances is tantamount to a Green Belt 'fall back' position. 'fall back' positions constitute a material planning consideration. The council has encountered similar schemes and attributed weight in considering such cases of Very Special Circumstances, although each case is considered on its own merits. In this instance, the current proposal offers the opportunity to reduce the bulk and mass located on site and from that which could arise should the applicant seek to implement the previous planning permission 18/02860/FUL.

92 Conclusion on very special circumstances

In reviewing the extent of harm and the potential very special circumstances, it is concluded that significant weight should be given to the existing permission for residential use and this would clearly outweigh the harm to the Green Belt.

Other issues

- 93 Design and Access Statement

Design and Access Statements do make justifications for development. However, spate assessments by Officers are made and do solely rely on the justifications of agents/applicants.

Community Infrastructure Levy (CIL)

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

Conclusion

95 The proposal would represent inappropriate development in the Green Belt, this would however be outweighed by the case of very special circumstances. The proposal would reflect the rural character of the site and the use of materials would reflect and weather the more open landscape. The proposal is considered to comply with landscape considerations. Subject to condition the proposal would comply with highway policy and would not result in a significant loss to neighbouring amenity.

96 It is therefore recommended that this application is GRANTED.

Background papers

Site and block plan

Contact Officer: Emma Gore Contact: 01732 227000

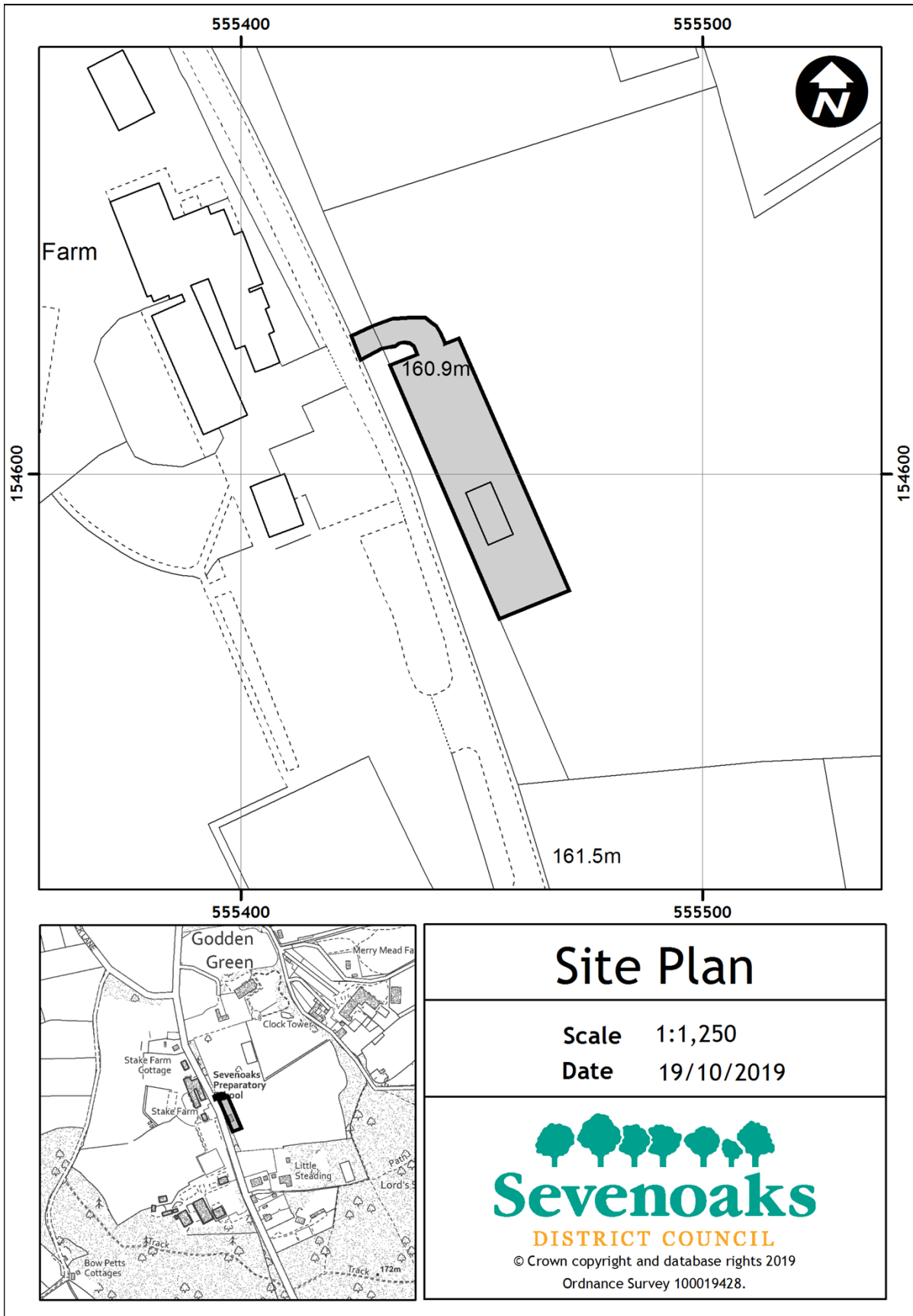
Richard Morris
Chief Officer Planning & Regulatory Services

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=PUDTLNBKIYE00>



Site Plan

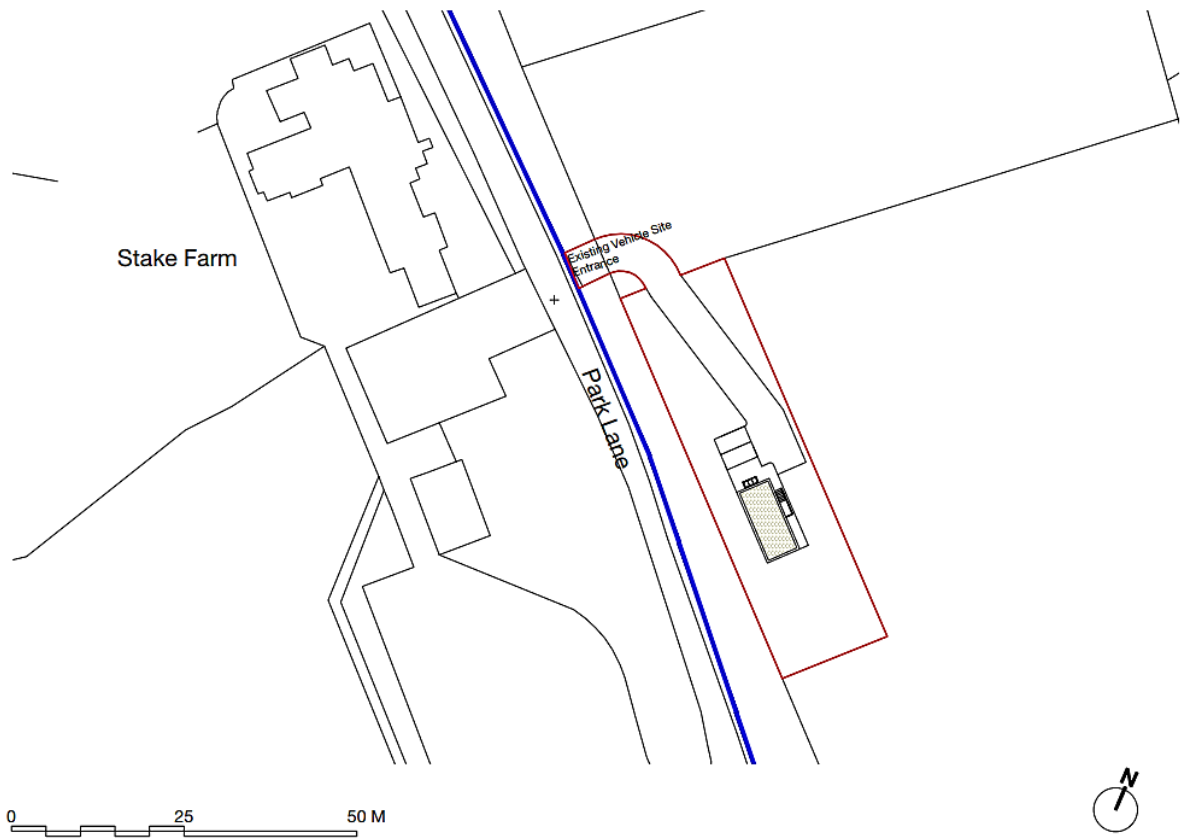
Scale 1:1,250

Date 19/10/2019



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BLOCK PLAN



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4.6 19/02304/HOUSE Revised expiry date 21 November 2019

Proposal: Erection of a single storey rear extension.

Location: Rushmore Lodge, Rushmore Hill, Knockholt KENT TN14 7NS

Ward: Halstead, Knockholt & Badgers Mount

Item for decision

This application has been referred to the Development Control Committee by Councillor Grint as the proposals constitute inappropriate development in 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, B or E of that Order.

In recognition of the very special circumstances of the case and to mitigate harm to the openness of the Green Belt as supported by the National Planning Policy Framework and policy GB1 of the Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 0052.3 Rev A; application form dated 6/8/19

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.

Agenda Item 4.6

Description of site

- 1 The application site comprises of a two storey detached dwelling and annex set south of Rushmore Hill. The property is located on a substantial plot set deep into the site. It has been previously extended and there are neighbouring properties set forward of the property. The site falls within the Metropolitan Green Belt.

Description of proposal

- 2 This proposal seeks permission for a single storey rear extension to create a new 'Garden room'. This application follows 19/01432/HOUSE for the same work.

Relevant planning history

- 3 00/00624/FUL - First floor and rear extension and demolition of double garage - GRANTED - 03/07/2000
- 4 88/02511/HIST - Erection of double garage and covered way adjacent to house - GRANTED - 20/01/1989
- 5 19/00593/LDCPR - Erection of a single storey side extension - GRANTED - 10/05/2019
- 6 81/00282/HIST - Two storey extension to dwelling- - GRANTED - 30/03/1981
- 7 764/79 - Rebuild of single storey lean to block (Building Control Record)
- 8 916/00 - Loft Conversion (Building Control Record) - 06/10/2000
- 9 19/01432/HOUSE - Erection of a single storey rear extension - REFUSED - 05/08/2019

Policies

- 10 National Planning Policy Framework (NPPF)
- 11 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
- 12 Allocations and Development Management Plan (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
 - GB1 Limited Extensions to Dwellings in the Green Belt

13 Other:

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Development in the Green Belt (SPD)

Constraints

14 Metropolitan Green Belt

Consultations

Knockholt Parish Council

- 15 Object: “We appreciate that there have been changes to the application but we still stand by our previous comments on application SE/19/01432/HOUSE as it would seem that previous extensions would preclude any further increase in footprint and bulk.”
- 16 For clarity the previous comments from the Parish Council read as follows:
- 17 We object to this application as there is insufficient information as to previous development on this site which falls outside the Village envelope and is therefore subject to Green Belt restrictions.
- 18 Local knowledge suggests that the property has been previously extended, but no data has been provided. It is of interest that this property has a large building in the grounds which is currently advertised as a holiday Let.”

Representations

- 19 No representations have been received

Chief Planning Officer’s appraisal

- 20 The main planning considerations are:
- Impact to the openness of the Green Belt
 - Design and impact on the character of the area
 - Amenity protection
 - Very Special Circumstances

Impact on the Green Belt

- 21 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 as limited extensions to dwellings providing that they do not result in disproportionate additions over and above the original dwelling. Paragraph

Agenda Item 4.6

- 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.
- 22 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.
- 23 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.
- 24 Policy GB1 states that proposals to extend an existing dwelling within the Green Belt, which is both permanent and lawful in nature, and designed to respond to the original form and appearance of the building with a proposed volume which is proportional and subservient to the original dwelling, not materially harming the openness of the Green Belt though excessive scale and bulk, will be permitted. Policy GB1 further states that where a proposal is considered acceptable in regards to cumulative bulk, the resultant additional floor space should not exceed 50% over and above that of the original dwelling.
- 25 The host dwelling is historic in nature and based on historic maps appears to have been constructed between 1909 and 1932. As such the 'original' dwelling would be considered as it stood on 1 July 1948. On the presumption that the dwelling was originally two storeys in height which, based on planning and building control records, is most likely the approximate original floor area would be around 194m².
- 26 The property has benefited from a number of additions. Building control records show that there was a 'lean-to' extension to the rear which was rebuilt with a flat roof in 1979. Building control drawings show that the original may have been smaller in footprint but, as no existing drawings are available on file, it is not possible to ascertain the size of the original lean to extension or whether or not it was built after July 1948.
- 27 A two storey extension was built in 1981 on the southern elevation. In 1988 a detached garage and covered way were constructed on the north elevation within 5m of the dwelling. The garage has since been demolished however a covered terrace area attached to the house is now in this location and would be included within the Green Belt calculations. The garage was demolished as part of an application made in 2000 for a first floor extension over the flat roofed extension reconstructed in 1979. A balcony serving the first floor, which creates a covered area over the existing side patio, was constructed sometime between 2000 and 2008.

- 28 Finally building control records show that, as part of the 2000 application, the roof of the dwelling was extended which accommodated a loft conversion although this was not part of the planning application. In accordance with Policy GB1 as the work involved a significant extension of the roof the resultant floorspace would be included in the calculations.
- 29 On this basis, with no evidence to the contrary, the original dwelling will include the 1979 extension and the later additions will be considered as the two storey extension, first floor addition, and second storey loft conversion, the covered seating area on the northern elevation and the balcony on the south elevation.
- 30 On this basis the floorspace calculations would be as follows:

	m ²	% increase
Original dwelling	193.56	
Extensions to date	234.07	
Existing uplift	427.63	120.93
Proposed extensions	35.7	
Total increase on the original	463.33	139.37

- 31 The proposals would therefore result in an uplift far in excess of the 50% guideline of Criterion C of Policy GB1 and would result in cumulative additions disproportionate to the original form of the dwelling. Thus the proposals would result in material harm to the Green Belt through excessive scale and bulk of the extended house and would constitute inappropriate development in the Green Belt contrary to Policy GB1 of the ADMP and the NPPF.

Agenda Item 4.6

Very special circumstances

- 32 The applicant has made a claim for very special circumstances. In this case there are material considerations that may amount to or contribute to a case for very special circumstances. This issue is considered in more detail in this report.

Design and impact to the character of the area

- 33 The host dwelling is set on a substantial plot with the house located deep into the site and the proposals would not be visible within the public realm. As such the extension and would have a limited impact both within the wider area and within the site itself.
- 34 The proposed extension would have a simple form of limited height, width and projection and would be considered subservient to the host dwelling on its own merits in accordance with the design guidance set out within the Residential Extensions SPD. The materials would match the existing dwelling and would be sited in an unobtrusive location and so would be considered to integrate well on site. Although flat roofed, due to the limited height of the extension, and the discrete location this would be considered acceptable in this case.
- 35 The proposals would be considered to be in keeping with the host dwelling and area in accordance with Policy EN1.

Amenity protection

- 36 The nearest neighbours to the application site are located approximately between 33m and 38m from the property and are entirely separated from the site by standard boundary treatments, trees and vegetation.
- 37 Due to the location of the extension, at single storey, the proposals would not result in loss of daylight, sunlight, outlook or privacy to its neighbours and would accord with Policy EN2.

Very Special Circumstances

- 38 Para 144 of the NPPF states that when considering any planning application, LPAs should ensure that substantial weight is given 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.
- 39 In this case the possible Very Special Circumstances can be summarised as:
- The applicant would be able to construct a single storey extension of the same design and footprint under permitted development on the opposite side of the dwelling. This would be in a much more visually prominent location within the site.

Assessment of Very Special Circumstances

- 40 The harm in this case has been identified as:
- The harm in principle from inappropriate development in the Green Belt which must be given significant weight
 - The harm to the openness of the Green Belt which is also given significant weight
- 41 In this case the applicant has provided evidence of a Lawful Development Certificate (19/00593/LDCPR) which confirms that the applicant can build a single storey extension of the same design and footprint on the opposite side of the dwelling without planning permission.
- 42 Thus the case of Very Special Circumstances amounts to a ‘fall back’ position. As supported by case law, appeal decisions and consideration of similar planning applications, fall back positions constitute a material planning consideration which can constitute Very Special Circumstances in some cases. This is a position which the Council has also previously taken.
- 43 When considering the merits of fall back positions as a case of Very Special Circumstances the alternative development must not only be theoretical but neither is it necessary for the applicant to demonstrate with evidence that its construction is imminent. Rather, the likelihood of the alternative being implemented is the matter under consideration. Considerations affording weight to the likelihood include the similarities of the development and this can constitute the type of development (i.e. are both proposals for extensions), is the same living provision being provided in both schemes and similarities between the scale, form and design.
- 44 In this case the proposals of this application and the alternative scheme are both for extensions. Moreover the extension subject of this application would provide the same living accommodation as the extension of the LDC and would not be materially different in design or footprint. As such I consider that, on the balance of probability, it is entirely reasonable to conclude that the applicant could carry out this work should this application be refused and that a reasonable likelihood of its construction exists. As such it is recognized as a legitimate fallback position and should be afforded substantial weight.
- 45 The proposed extension being considered in this application is located on the rear elevation. This extension would be considered a more appropriate location for the additional built form, rather than the eastern elevation, in that the built form would be compactly located adjacent to the boundary rather than extending centrally into the site as the extension of the LDC would do. The scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms. The current proposal would therefore, offer an opportunity for a more suitably located extension as opposed to a more visually intrusive

Agenda Item 4.6

form of development that would arise should the applicant seek to undertake to implement permitted development rights. As such the impact to openness of the LDC application would be considered greater than the resultant impact in this case.

- 46 It is therefore considered that the proposed extension would not result in any greater material harm to the Green Belt by virtue of its scale or form than the extension of the existing LDC application. I am satisfied that there is a reasonable likelihood that the extension of the LDC could be carried out and, as such, I am satisfied that Very Special Circumstances exists in this case which clearly outweighs the harm to the Green Belt in accordance with Para 144 of the NPPF.
- 47 As the property has already been significantly extended well beyond the 50% uplift, and that this application is reliant upon a case of VSC, it is considered reasonable to remove permitted development rights for Classes A, B and E of the General Permitted Development Order should this application be granted to control further development that could result in further inappropriate development harmful to the Green Belt.

Community Infrastructure Levy (CIL)

- 48 This proposal is not CIL liable.

Conclusion

- 49 Whilst the proposed extension would result in disproportionate additions constituting in inappropriate development in the Green Belt in this case it is clear that there are other material considerations which amount to a case of Very Special Circumstances that clearly outweigh the harm identified. The removal of permitted development rights relating to Classes A, B and E would ensure that future development can be controlled and would reduce future harm.
- 50 It is therefore recommended that this application is Granted

Background papers

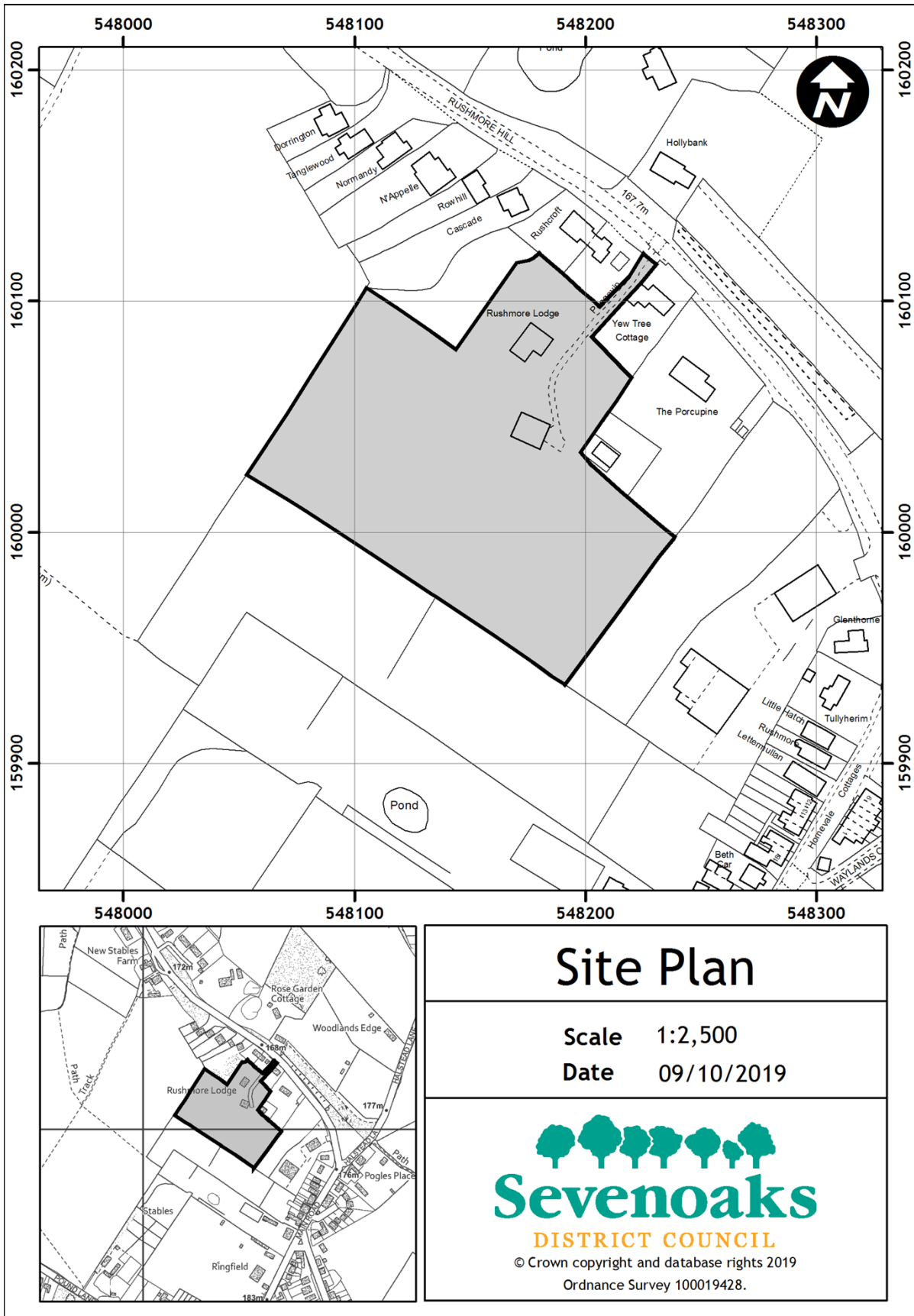
Site and block plan

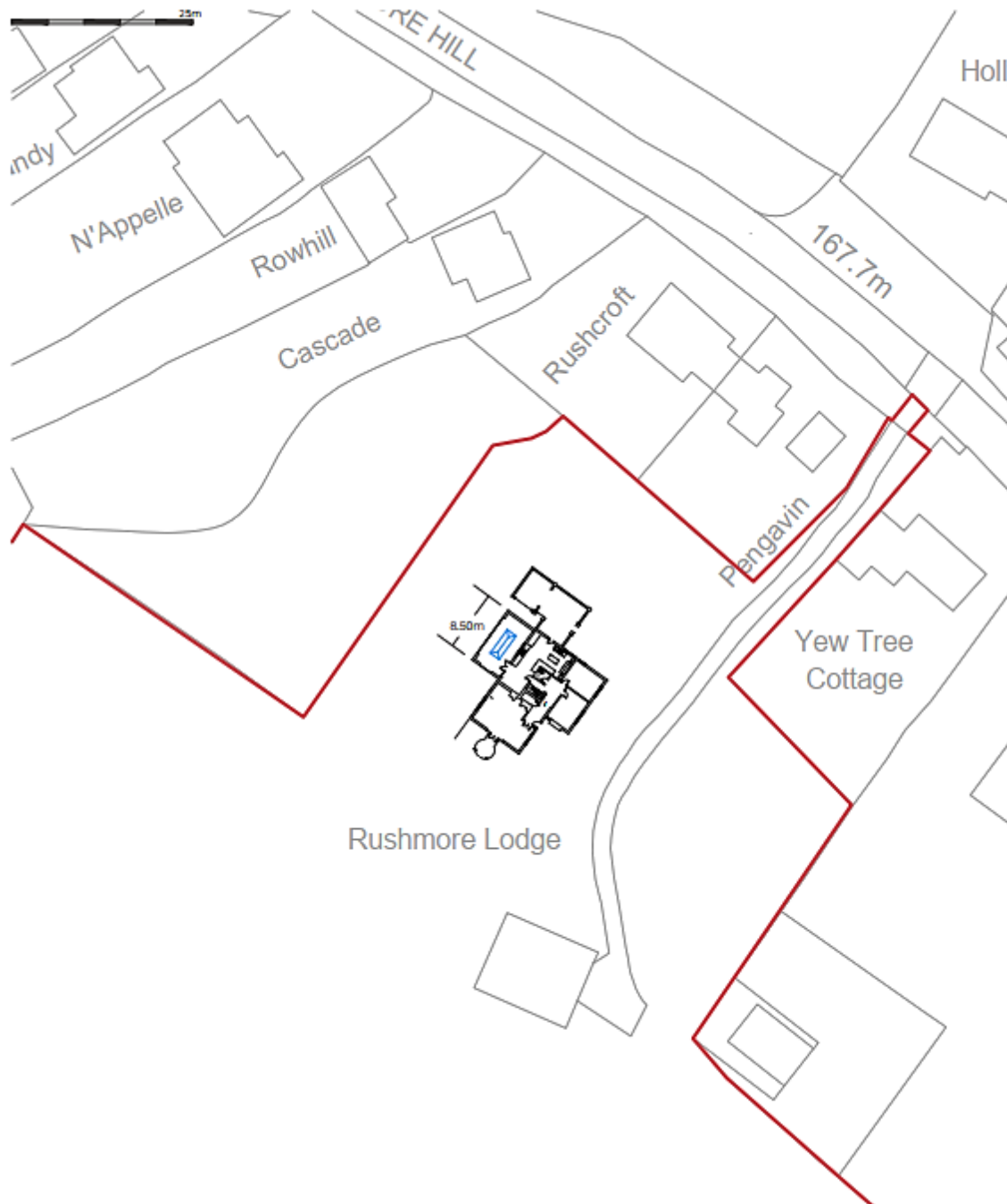
Contact Officer: Hannah Donnellan Contact: 01732 227000

Richard Morris
Chief Officer Planning & 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=PVTOA4BKGF500>





Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 14 November 2019

4.1 19/02017/FUL

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=PUDTKQBKIY800>

4.2 19/02078/FUL

Link to applications details:

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Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PUOXLXBKK6R00>

4.3 19/02500/HOUSE

Link to application details:

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Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PX09KRBKJC900>

4.4 19/01699/FUL

Link to application details:

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Supplementary Information

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PSW48WBKLHS00>

4.5 19/02020/FUL

Link to application details:

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4.6 19/02304/HOUSE

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