

01 October 2020 at 7.00 pm

This meeting will be held virtually via Zoom,  
and livestreamed here:

[https://www.youtube.com/channel/UCIT1f\\_F5OfvTzxjZk6Zqn6g](https://www.youtube.com/channel/UCIT1f_F5OfvTzxjZk6Zqn6g)

Despatched: 23.09.20



# Development Control Committee

## Membership:

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

## Agenda

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 10 September, as a correct record.	(Pages 1 - 12)	
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered		
3. <b>Declarations of Lobbying</b>		
4. <b>Planning Applications - Chief Planning Officer's Report</b>		
4.1 <b>20/01692/HOUSE - 6 Hailwood Place, School Lane, West Kingsdown, KENT, TN15 6FQ</b>  Canopy and porch to front elevation, single storey side and rear extension and two storey rear extension.	(Pages 13 - 28)	Hayley Nixon Tel: 01732 227000

## EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public

As it is necessary to observe social distancing to limit the spread of Covid-19, currently the Council is unable to arrange site visits in the established manner and therefore requests for site visits will not be taken.

Please note speakers should register by 5pm on the day of the meeting.

Any slides speakers may wish to have displayed at the meeting should be emailed to [dc.committee@sevenoaks.gov.uk](mailto:dc.committee@sevenoaks.gov.uk), by 5pm the day before the meeting.

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

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

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 10 September 2020 commencing at 5.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Hudson, Hunter, Layland, McGarvey, Osborne-Jackson, Pett, Purves, Raikes, and Roy

Apologies for absence were received from Cllrs. Ball and Hogarth

Cllrs. Esler, London and Maskell were also present.

97. Minutes

Resolved: That the Minutes of the Development Control Committee held on 20 August 2020, be signed by the Chairman as a correct record.

98. Declarations of Interest or Predetermination

Councillor P. Darrington declared that for Minute 101 - 19/02387/FUL - 17 High Street Swanley, Kent BR8 8AE that he had considered the application before with Swanley Town Council but remained open minded.

99. Declarations of Lobbying

All Members declared that they had been lobbied in respect of Minute 101 - 20/01170/FUL - Land South of Force Green Farm, Force Green Lane, Westerham Kent TN16 2DN

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

100. 20/01170/FUL - Land South Of Force Green Farm, Force Green Lane, Westerham Kent TN16 2DN

The proposal sought planning permission for the conversion and change of use of an existing agricultural building and land to a dog day care business (sui generis). The application had been referred to the Committee by Councillor Esler on the grounds that the noise from the proposal would impact residential amenity and the development would also impact highways safety.

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Members' attention was brought to the main agenda papers and late observation sheet, which included an additional informative but did not amend the recommendation.

The Committee was addressed by the following speakers:

Against the Application: Linda Bunyer  
For the Application: Bruce Casilis  
Parish Representatives: Town Cllr Deborah Coen  
Local Members: Cllr Esler and Cllr Maskell

Members asked questions of clarification of the speakers and officers. It was confirmed that 130 dogs was the maximum number of dogs on site with 7 vans in use at peak capacity. Members' attention was brought to condition 5 for submitted detailed noise management plan.

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

Members debated the application, some members raised concerns for noise made by the proposal of 130 dogs on site and traffic management but it was noted that there were conditions to help mitigate noise and travel disruption. An amendment was moved by Councillor Hunter and duly seconded that an additional condition (12) be added requesting to limit the number of dogs at the site to a maximum of 130.

The amendment was put to the vote and was carried.

The substantive motion was put to the vote, and it was

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

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GA\_00, S-02 Rev.B, Proposed Building Layout.

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

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- 3) Prior to the installation of any new exterior materials, full details of the materials to be used in the construction of the external surfaces of the converted building hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

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

- 4) The development shall not be brought into use until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include: -hard landscaping plans (identifying existing hard standing, hard standing to be retained and new hard landscaping); -boundary treatment; -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. Only the approved details shall be carried out in the planting season following the completion of the development hereby granted. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

- 5) The development shall not be brought into use until a detailed noise management plan, and any mitigation measures, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plan thereafter.

To safeguard the residential amenity of nearby local residents as supported by the National Planning Policy Framework and policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

- 6) The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to

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throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

To reduce dependency on the private car as supported by the National Planning Policy Framework.

- 7) Prior to the commencement of the development on the site a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include the following:
  - (a) Routing of construction and delivery vehicles to / from site
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel
  - (c) Timing of deliveries
  - (d) Provision of wheel washing facilities
  - (e) Temporary traffic management/signage.The Construction Management Plan shall be fully adhered to during the course of the construction phase.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 8) The development hereby permitted shall not begin until the local planning authority has approved in writing a full scheme of works to provide alterations to the entry and egress junctions at Force Green Road/London Road. The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 9) Prior to works commencing on site an ecological mitigation strategy must be submitted to and approved in writing by the local planning authority. The plan must provide the following information:
  - Overview of the proposed mitigation for reptiles, amphibians, breeding birds and hedgehogs;
  - Detailed methodology to implement the mitigation;
  - Timings of the proposed works; and
  - Map showing areas where mitigation will be carried out and receptor site.Details of who will be carrying out the works. The plan must be implemented as approved.

To conserve biodiversity within the site as supported by the National Planning Policy Framework and policy SP11 Sevenoaks Core Strategy.

- 10) Prior to the installation of any external lighting, details of the lighting shall be submitted to and approved in writing by the local planning authority. The lighting plan shall implement the recommendations within the Bats and artificial lighting in the UK document (Bat

Conservation Trust and Institution of Lighting Professionals) and shall be retained thereafter.

To retain bats within the site and surrounding area as supported by the National Planning Policy Framework and policy SP11 Sevenoaks Core Strategy.

- 11) Within 3 months of works commencing an ecological enhancement plan, detailing what ecological enhancements will be incorporated into the site, shall be submitted to and approval in writing by the local planning authority. The development shall be carried out in accordance with the approved plan.

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

- 12) To limit the number of dogs at the site to a maximum of 130.

To safeguard the residential amenity of nearby residents and to preserve highways safety as supported by the National Planning Policy Framework and policies EN1, EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

### **Informative**

The signage shown on the northern elevation of the proposed development does not form part of this planning application. Instead, the applicant would need to consider whether consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) is required for the signage.

### **101. 19/02387/FUL - 17 High Street, Swanley, Kent BR8 8AE**

The proposal sought planning permission for a two storey rear extension, single storey side extension and the conversion of the rear section and upper floors into residential apartments, including associated parking for cars and bicycle, plus refuse collection area. The application had been called to Development Control Committee by Councillor Barnes on the grounds that the proposal would have a lack of parking facilities and there would be access issues to the site.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

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Against the Application: -  
For the Application: Jeff Haskins  
Parish Representatives: -  
Local Members: Cllr Barnes

Members asked questions of clarification from the speakers.

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

Members debated the application.

The motion was put to the vote and it was

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

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4407-PD-003 Revision B, 4407-PD-004 Revision C and 4407-PD-005.

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

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

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

- 4) The vehicle parking spaces shown on the approved plan drawing number 4407-PD-003 Revision B shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the vehicle parking spaces.

To ensure a permanent retention of vehicle parking for the property as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.



- 5) Prior to first occupation of the development hereby approved, details of the electrical charging point for the safe charging of electric vehicles shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained thereafter.

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

- 6) The development shall be carried out wholly in accordance with the proposed scheme of sound insulation measures contained within section 4 of the submitted External and Commercial Plant Noise Assessment and shall be maintained as such thereafter.

To safeguard the residential amenity of the future occupiers of the development in accordance with policy EN7 of the Sevenoaks Allocations and Development Plan.

- 7) Prior to the first occupation of the development, full details of appropriate measures to enhance the biodiversity and nature conservation value 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 and maintained thereafter.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Sevenoaks Core Strategy.

### **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.

#### **102. 20/01603/HOUSE - 42 Chipstead Park, Sevenoaks, Kent TN13 2SN**

The proposal sought planning permission for the demolition of garage, utility room and conservatory. Erection of a two storey side extension and single storey rear extensions and a new garage. The application was referred to Committee by Councillor London on the grounds of overdevelopment, loss of light and loss of privacy.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speaker:

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Against the Application: -  
For the Application: -  
Parish Representative: -  
Local Member: Cllr London

Members asked questions of clarification of the Officer.

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

Members discussed the application.

The motion was put to the vote and it was

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

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

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

- 2) The materials to be used in the construction of the development shall be those indicated on the approved plan 1006-P-002 (Rev B).

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

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1006-P-002 (Rev B) and site plan

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

- 4) The window in the proposed first floor West Side Elevation of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

To safeguard the privacy of the occupants of adjoining properties in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

103. 20/01942/FUL - Timbers, Chevening Road, Chipstead Kent TN13 2SA

The proposal sought planning permission for the erection of a two-storey three bedroom dwelling. The application had been referred to Development Control Committee by Councillor London on the grounds that it was too much development for a site in greenbelt and AONB in terms of the layout and density of buildings and the design, appearance and materials of the proposed building.

Members' attention was brought to the main agenda.

The Committee was addressed by the following speaker:

Against the Application:	-
For the Application:	-
Parish Representative:	-
Local Member:	Cllr London

Members asked questions of clarification from the Officer.

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

Members considered the application, and it was

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

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

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

- 2) Prior to development above the damp proof course the details of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted and approved in writing by the local planning authority.

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

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 0238.1 and 0238.3

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

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- 4) The approved dwelling shall not be first occupied until full details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall cover: hard surfacing materials; planting plans; boundary treatments; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; and implementation timetables. Development shall then be carried out in accordance with the approved details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

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

- 5) Prior to the first occupation of the dwelling a universal electric vehicle charging point will be installed for use by the dwelling. It shall be retained and available for use at all times.

To ensure the sustainability of the site in accordance with policy T3 of the Allocations and Development Management Plan.

- 6) No development shall take place until a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

To protect the trees on to the southern part of the site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 7) Prior to development above the damp proof course the details of all biodiversity enhancements to the site shall be submitted and approved in writing by the local planning authority.

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To enhance the biodiversity of the site as per Policy SP 11 of the Sevenoaks Core Strategy.

- 8) The window located in the north west side elevation shown as a bathroom on plan 238.3 of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and be non-opening unless the opening part of the window is located more than 1.7m above the internal floor level if the room within which the window is located. The window shall be so maintained.

To ensure the protection of the neighbouring amenity as per Policy EN2 of the Sevenoaks Allocations & Development Management Plan.

THE MEETING WAS CONCLUDED AT 7.05 PM

CHAIRMAN

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4.1 20/01692/HOUSE Revised expiry date 2 October 2020

Proposal: Canopy and porch to front elevation, single storey side and rear extension and two storey rear extension.

Location: 6 Hailwood Place, School Lane, West Kingsdown KENT TN15 6FQ

Ward(s): Fawkham & West Kingsdown

Item for decision

The application has been called to the committee by Councillor Harrison, Councillor Fothergill and Councillor Parkin on the basis that it would be inappropriate development in the Green Belt and would impact the Area of Outstanding Natural Beauty.

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

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

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

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

To ensure that the appearance of the development is in harmony with the existing character of the building 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: COB/20/1048/02C

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

National Planning Policy Framework

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

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### Description of site

- 1 The site comprises of a large dwelling situated within Hailwood Place, formerly called Stacklands Retreat. The dwelling forms part of a residential development that lies within the Green Belt and Area of Outstanding Natural Beauty which was granted in 2018 under very special circumstances. In granting permission for this scheme, the Council removed permitted development rights for extensions and external alterations (including porches) as well as outbuildings.

### Description of proposal

- 2 The application seeks permission for the erection of a canopy and porch to the front elevation, a single storey side and rear extension and a two storey rear extension.

### Relevant planning history

- 3 16/00626/FUL Demolition of existing retreat house and outbuildings. Construction of 4 detached double garages and associated access road, gates and parking areas. GRANT 12/10/2016
- 4 17/00410/FUL Demolition of existing retreat house and construction of 6 no. detached dwellings and associated access, gates and parking areas. GRANT 19/01/2018
- 5 20/01009/HOUSE Front entrance porch. GRANT 28/05/2020

### Policies

- 6 National Planning Policy Framework (NPPF)
- 7 Core Strategy (CS)
  - LO1 Distribution of Development
  - LO8 The Countryside and the Rural Economy
  - SP1 Design of New Development and Conservation
  - SP11 Biodiversity
- 8 Allocations and Development Management Plan (ADMP)
  - SC1 Presumption in Favour of Sustainable Development
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN5 Landscape
  - GB1 Limited Extensions in the Green Belt
  - GB5 Dwellings Permitted under Very Special Circumstances or as Rural Exceptions in the Green Belt



9 Other:

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

Constraints

10 The following constraints apply

- Metropolitan Green Belt
- Area of Outstanding Natural Beauty (AONB)
- Local Wildlife Site (outside of application site boundary)
- Ancient Woodland (outside of application site boundary)
- Public Right of Way (northern boundary of site and across the vehicular access road to Hailwood Place)

Consultations

11 West Kingsdown Parish Council

“1) The proposal constitutes inappropriate development in this Green Belt AONB location. 6 Hailwood Place is part of a replacement development for the buildings at “The Retreat”. In granting permission, SDC removed permitted development rights for extensions and external alterations as well as outbuildings. Therefore the 50% rule does not apply as no extensions are permissible.

2) The proposal conflicts with the most important aspect of Green Belts, namely openness, as the extensions would be seen from Bridleway SD291 and Footpath SD270, particularly in winter when the ancient woodland trees that abut the site are bare.

The Parish Council did not object to the minor front porch extension, providing the Approval contained a condition that the extension was the limit of any development allowed at this property. This remains Members opinion.”

12 KCC Ecology

“We assume the building related to this application is not yet complete, or has been very recently completed and, therefore, is unlikely to support roosting bats (the primary ecological consideration). As such, we have no further comments regarding this application.”

13 Natural England

“Natural England has no comments to make on this application.”

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### KCC Public Rights of Way

- 14 “Public Rights of Way Footpath SD270 crosses the vehicular access road, and Public Rights of Way Bridleway SD291 skirts the northern boundary of the site but I do not believe they will be affected by the development.”

### Representations

- 15 1 letter of objection has been received relating to the following issues:
- Impact on the openness of the Green Belt
  - The proposals would not conserve or enhance the AONB
  - Impact on visual amenity of Hailwood Place
  - The scale and location of the proposed extensions would adversely impact on the openness of the development and the views of residents
  - Percentage increase in floor space would be disproportionate
  - The development would reduce space between properties
  - Two storey extension would be visible and dominant from bridle paths and would encroach on ancient woodland
  - The development could be repeated by other properties which would have a more serious and cumulative impact on the Green Belt
  - Control of hours of operation
  - Restrictive covenants
- 16 4 letters of support have been received relating to the following issues:
- The development would enhance the appearance of the property
  - The extension would be contained and harmonious within the development
  - The development would have a limited impact due to ample views and spacing between properties
  - Surrounding areas are fenced and protected fully
  - The development would not be disproportionate or limiting due to the spaces and openness of the development
  - The development would maintain the AONB and Green Belt
  - The development would not cause obstruction in the way of views or height
  - The development would not have a visual impact
  - Proposed increase in footprint would have no impact

### Chief Planning Officer’s appraisal

- 17 The main planning consideration are:
- Impact on the Green Belt
  - Impact on the AONB
  - Impact on the character of the area
  - Impact on neighbouring amenity

- Impact on Public Rights of Way
- Impact on Ecology and Biodiversity

### Impact on the Green Belt

- 18 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 “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”
- 19 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.
- 20 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.
- 21 Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.
- 22 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.
- 23 Whether the development would be inappropriate in the Green Belt
- 24 With regards to whether the development would be inappropriate in the Green Belt, Policy GB1 of the ADMP provides the local policy on extensions in the Green Belt.
- 25 Policy GB5 of the ADMP provides the local policy on dwellings permitted under very special circumstances.
- 26 Paragraph 7.19 of the ADMP and paragraphs 5.3 to 5.8 of the Development in the Green Belt SPD, which support GB1 and GB5, state that for the purposes of residential extensions and replacement dwellings “original” means the dwelling as existing on 1<sup>st</sup> July 1948 even if the original dwelling has since been replaced.
- 27 Despite this, the NPPF provides a more recent definition of “original” which conflicts with the ADMP. The NPPF states original means “A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.”
- 28 As the definitions set out in the ADMP are in conflict with those of the NPPF, the NPPF carries more weight in this instance as it is more up to date (February 2019).

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- 29 Stacklands Retreat previously comprised of three detached buildings set within a large plot. Hailwood Place now contains 6 detached dwellings which are all set within their own residential curtilages.
- 30 The dwelling under this application was constructed after 1 July 1948 following the grant of planning permission in 2017. Therefore, regardless of what was previously on site, the Council must assess any size increase in relation to the replacement dwelling, as opposed to the building(s) the dwelling has replaced, in accordance with the definitions set out in the NPPF.
- 31 The dwelling has not been extended since its completion. It is understood that planning permission was granted earlier this year for a front porch under 20/01009/HOUSE. A site visit confirmed that this porch has not been built.
- 32 The increase in floor space of the dwelling, as a result of the proposed extensions, is set out in the table below.

Original floor space	311.08 (including detached garage within 5 metres)
50% limit	155.54
Existing extensions	0
Proposed development	122.2 (front porch, single storey side extension and two storey rear extension)
Floor space to be removed	0
Proposed floor area	433.28
Total increase from original	39.28%

- 33 The proposed extensions would not exceed the gross floor area of the original dwelling by more than 50%. As such, the extensions would not result in disproportionate additions over and above the size of the original dwelling and would not cause significant harm to the openness of the Green Belt.
- 34 While it is acknowledged that there would be a significant uplift in floor space on the site from what previously existed, it remains the case that the extensions are appropriate by definition as defined by the NPPF.
- 35 Impact on openness of the Green Belt
- 36 With regards to the impact on openness, it is considered that the design and form of the extensions would be in keeping with the character of the existing dwelling. The proposed extensions would be located to the front, side and rear of the dwelling and, when viewed from these elevations, the extensions would appear proportional and would not dominate the existing building.
- 37 The extensions would sit below the ridge of the main roof and the two storey extension would be discretely located and would infill the space at the rear extremity of the dwelling.
- 38 It is acknowledged that both the two storey and single storey extensions would extend beyond the rear and south flank elevation of the existing property. However, they would be located in an area of low visibility that has a residential use. Hailwood Place is self-contained and the dwellings are well screened from outside of the estate. There is limited visibility of the existing dwelling from the bridleway located to north-west of the application site. This is due to the woodland which surrounds it as well as the high close boarded fencing along the northern and western boundary of the site. In this regard, it is considered that the proposed extensions would not have a significant impact on the countryside and would not harm the openness of the Green Belt through visual intrusion.
- 39 In addition, the scale and size of the extensions would not appear to encroach on the open nature of the countryside nor result in unrestricted sprawl resulting in the Green Belt. The existing property occupies a modestly sized piece of land. Properties within Hailwood Place are evenly dispersed around an island of open space and there is an existing buffer between the housing, green open spaces and ancient woodland within and around the wider estate. As such, while there would be some impact on openness through the presence of built form within the site, the overall sense of openness around the site and the wider estate would be maintained.
- 40 In light of all of the above the above, the development would be appropriate in the Green Belt and would preserve openness.

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### Impact on the 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 As described in the officer report for 17/00410/FUL, Hailwood Place is located within the East Hill Woodlands/North Downs/Wooded Downs character area and is described in the Sevenoaks Countryside Character Area Assessment as being characterised by a strong sense of enclosure from the topography, densely tree lined lanes and many blocks of woodland. The Character Area Assessment seeks to ensure that that any development reinforces the sense of enclosure and incidences of local vernacular within the area.
- 45 Hailwood Place itself can be defined by large areas of open space. However, as previously mentioned, views of Hailwood Place and the application site are relatively limited from outside of the estate, such as from the public rights of way and School Lane. This is due to the dense woodland surrounding the estate, the high close boarded fencing along the northern and western boundaries of the application site and the distance of the existing dwelling from School Lane.
- 46 For the reasons described above, the proposed porch and single storey side extension would not be highly visible within the wider landscape. The upper floor of the proposed two storey extension would be partially visible from the bridleway located to the rear to the application site, however as mentioned in 17/00410/FUL, this has low usage.
- 47 The proposed extensions would retain the defined features of the estate and the surrounding area's sense of enclosure and would retain the buffer between the housing, green open spaces and ancient woodland. The hedges and open fencing along the front boundary of the application site would also be maintained. As such, it is considered that the proposed extensions would conserve the character of this part of the AONB.

- 48 It is also considered that the extensions would enhance the AONB. The proposed extensions would be sensitive to the design approach of the host dwelling and the surrounding properties within Hailwood Place. The extensions would also utilise a similar pallet of materials. As such, the proposed extensions would contribute positively to the character of the existing property and would, in turn, positively enhance the character of the wider area.
- 49 As a result, the proposed extensions would comply with Policy EN5 of the ADMP and would conserve and enhance the AONB.

**Impact on the character of the area**

- 50 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.
- 51 The proposed development would include a canopy and front porch, single storey side and rear extension and a two storey rear extension.
- 52 The porch would be of a similar form and design to the porch previously approved under 20/01009/HOUSE. The proposed canopy would extend along the front elevation of the existing property and would have a similar roof design to the main roof of the dwelling. Both the front porch and canopy would be modest additions to the property and would not significantly alter its character when viewed from the front elevation. Furthermore, they would not appear unduly prominent within the street scene.
- 53 Porches and canopies are a common feature of properties within Hailwood Place and the proposed porch and canopy would have a cohesive design when viewed against the existing property. As such, the porch and canopy would not appear incongruous with the street scene and, due to their limited projection, would not have a harmful impact on the unified appearance of properties within the estate.
- 54 The proposed single storey side and rear extension would extend beyond the side elevation of the dwelling by approximately 8.7 metres and beyond the rear elevation by 2.7 metres. The extension would also be set back from the front elevation of the existing property. This would ensure that the visual primacy of the original dwelling is maintained along the front elevation and that the extension does not appear unduly dominant within the street scene.
- 55 The two storey rear extension would extend beyond the rear elevation of the existing property by approximately 4.6 metres with a width of 6.5 metres. The two storey extension would sit below the main roof of the existing dwelling which would ensure that the extension appears subordinate and fits unobtrusively with the existing building. The incorporation of a pitched roof would also respond positively to the design features of the dwelling along the rear elevation.
- 56 The materials used in the construction of the development would match those of the existing dwelling. For example, the external walls of the

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extensions would be constructed of facing brickwork. The windows and doors would consist of dark grey frames and would also be of a similar size and proportion to those of the existing dwelling. The use of matching materials would help to integrate the extensions into the existing dwelling and can be secured by a condition.

- 57 The existing property is located to the east of School Lane within Hailwood Place. Hailwood Place consists of six detached two-storey dwellings. Each of these properties occupy large pieces of land which are clearly demarcated by hedges and open fencing along the frontages of the properties. The properties are of a similar size and architectural design and are evenly dispersed around an island of open space with regular spacing between the properties also.
- 58 The proposed front porch, canopy and single storey side extension would be visible from the vehicular access road situated within Hailwood Place and the proposed two storey rear extension would be partially visible from the bridleway located to the rear of the application site. However, due to the limited visibility of Hailwood Place, the extensions would not be visible from the public realm or the wider area.
- 59 It is acknowledged that, cumulatively, the extensions would increase the overall size and width of the existing property. However, this would not be harmful to the character of the surrounding area. The proposed extensions would not have an adverse impact on the nature of space between 6 Hailwood Place and the surrounding properties. Furthermore, they would not have a detrimental impact upon the island of open space towards the centre of the Hailwood Place and the unified alignment of properties within the estate.
- 60 The remaining gap between 6 Hailwood Place and 5 Hailwood Place, as a result of the proposed extensions, would be approximately 25 metres and the property would remain set back from the centre of Hailwood Place due to the limited projection of the proposed front porch and canopy. As such, the character of Hailwood Place and its sense of openness would be maintained.
- 61 In addition, the design of the extensions would appear cohesive and would be sympathetic to the architectural design of the surrounding properties located within Hailwood Place.
- 62 Overall, it is considered that the proposed development would preserve the character and appearance of the area in accordance with the NPPF and policies SP1 of the Core Strategy and EN1 of the ADMP.

### Impact on neighbouring amenity

- 63 Light
- 64 The Sevenoaks Residential Extensions SPD seeks to ensure that a significant loss of daylight should not occur and the 45 degree test is used, whereby a significant loss of light would only occur if the proposal fails in both plan and elevation in line with BRE guidance. In terms of the loss of sunlight, the



Residential Extensions SPD seeks to ensure that the proposed will not result the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or private amenity space.

- 65 The 45 degree test was conducted and the proposed extensions would not result in a loss of light for any neighbouring property within Hailwood Place. This is due to the distance of the neighbouring properties from the application site and the proposed development.
- 66 Privacy
- 67 The proposed extensions would not result in a loss of privacy for any neighbouring property within Hailwood Place. The single storey side and rear extension would not contain any windows on the left flank elevation facing towards the neighbouring property 5 Hailwood Place.
- 68 There would be a ground floor window on the left flank elevation of the two storey rear extension. However, 5 Hailwood Place would be located approximately 36 metres from this extension. The windows situated on the flank elevation of the neighbouring property facing the application site are also obscure glazed. Therefore, these windows would be unaffected and there would be no direct overlooking as a result of the development.
- 69 Visual Intrusion
- 70 The proposed extensions would not result in visual intrusion nor harm the normal outlook of neighbouring properties within Hailwood Place. As previously mentioned above, the windows of the neighbouring property 5 Hailwood Place which face towards the application site are obscure glazed. Therefore, the extensions would not be visible from these windows.
- 71 The other neighbouring properties within Hailwood Place are situated a sufficient distance away from the application site and none of their main windows would directly overlook the proposed extensions. As such, their normal outlook would not be adversely affected by the development.
- 72 Notwithstanding the above, it is important to note that as per the Residential Extensions SPD the planning process cannot protect a view from a private property.
- 73 Overall, the development would safeguard the amenities of existing and future occupants of nearby properties and would provide adequate residential amenities for existing and future occupiers in compliance with the NPPF and Policy EN2 of the ADMP.

#### **Impact on Public Rights of Way**

- 74 A footpath crosses the vehicular access road to Hailwood Place and a bridleway skirts the northern boundary of the application site. As per the comments made by KCC Public Rights of Way, it is considered that the footpath and bridleway would not be affected by the development as the proposed extensions would be contained within the application site.

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### Impact on Ecology and Biodiversity

- 75 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 76 There is a Local Wildlife Site and Ancient Woodland located to the north of 6 Hailwood Place outside of the application site boundary. Natural England's standing advice states that when assessing the impacts of a development on Ancient Woodland and protected species, the relevant inventories should be consulted and the direct and indirect impacts should be considered.
- 77 Natural England have not provided any comments on the application. However, it is considered that the proposed extensions would have no direct impacts on the Ancient Woodland or protected species. This is because the extensions would take place within the application site and therefore would not result in the damaging or destroying of the ancient woodland located the north of the application site.
- 78 It is also considered that the extensions would have no indirect impacts as they would preserve the landscape character of Hailwood Place and the surrounding area. The extensions would not constitute major development and therefore would be unlikely to result in damaging activities or significantly increase the amount of pollution (light and air) and disturbance to wildlife.
- 79 As per the comments made by KCC Ecology, the existing building on site has been recently completed and, therefore, is unlikely to support roosting bats (the primary ecological consideration).
- 80 In light of the above, it is considered that the proposed development would not cause a net loss of biodiversity and would not harm the Ancient Woodland or Local Wildlife Site located outside the application site.

### Other issues

- 81 Parish Council comments
- 82 Permitted Development Rights and conditions limiting development
- 83 The Parish Council have raised that permitted development rights for extensions and external alterations as well as outbuildings have been removed and that the 50% rule does not apply as no extensions are permissible.
- 84 Permitted development rights for the property were removed under 17/00410/FUL. However, the removal of permitted development rights does not prohibit the owners of 6 Hailwood Place from seeking planning permission for further extensions or alterations to the property. When an application is made for planning permission, the Council is required to assess the proposals in light of local and national policies.
- 85 In a similar vein, the Parish Council have also raised that they did not object to the minor front porch extension, approved under 20/01009/HOUSE,

providing that the approval contained a condition that the extension was the limit of any development allowed at 6 Hailwood Place.

- 86 The Council is unable to condition that an extension be the limit of any development at a property. We cannot prevent the owners of 6 Hailwood Place from applying for planning permission and we have an obligation to assess any applications made. We can only aim to control the amount of development through our policies and through the removal of permitted development rights which still remains to be the case for 6 Hailwood Place.
- 87 Neighbour comments
- 88 Restrictive covenants
- 89 One neighbouring property has raised that there are restrictive covenants which include protections to green spaces and the openness of Hailwood Place, the protection of sightlines and boundaries, the protection of the environment and visual amenity by restricting parking on the development road and preventing landscaping and development to the front of individual properties.
- 90 Covenants are a private legal matter and are not a material planning consideration. Therefore, the application can be approved despite these restrictions.
- 91 Repetition of development by other properties
- 92 The neighbouring property has also raised that the proposed development could be repeated by other properties within Hailwood Place and that this would have a cumulative impact on the Green Belt and the urbanisation of the countryside.
- 93 It remains the case that whilst permitted development rights for properties within Hailwood Place have been removed, these properties can still be extended in line with the NPPF. Any application made must be assessed on its own merits against local and national policies. As such, the possibility that the proposed development could be repeated by other properties within Hailwood Place would not be an appropriate planning reason to refuse the current application.
- 94 Hours of operation
- 95 It has been requested by a neighbouring property that, if the development is approved, the Council enforce controlled hours of operation and also consider how and where construction vehicles would access the site for unloading and parking.
- 96 The proposed extensions would not constitute major development and it is unlikely that they would have a harmful impact on the vehicular access road within Hailwood Place. The existing property benefits from a driveway which can be used for parking. As such, it is not considered reasonable to condition that a Construction Management Plan be provided for this development.

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### Community Infrastructure Levy (CIL)

- 97 The application is CIL liable and the applicant has applied for an exemption. This will be considered separately once the Committee has made its decision on the application.

### Conclusion

- 98 The proposal would be an acceptable form of development and would comply with our policies.
- 99 It is therefore recommended that this application is APPROVED.

### Background papers

### Site and block plan

Contact Officer(s): Hayley Nixon : 01732 227000

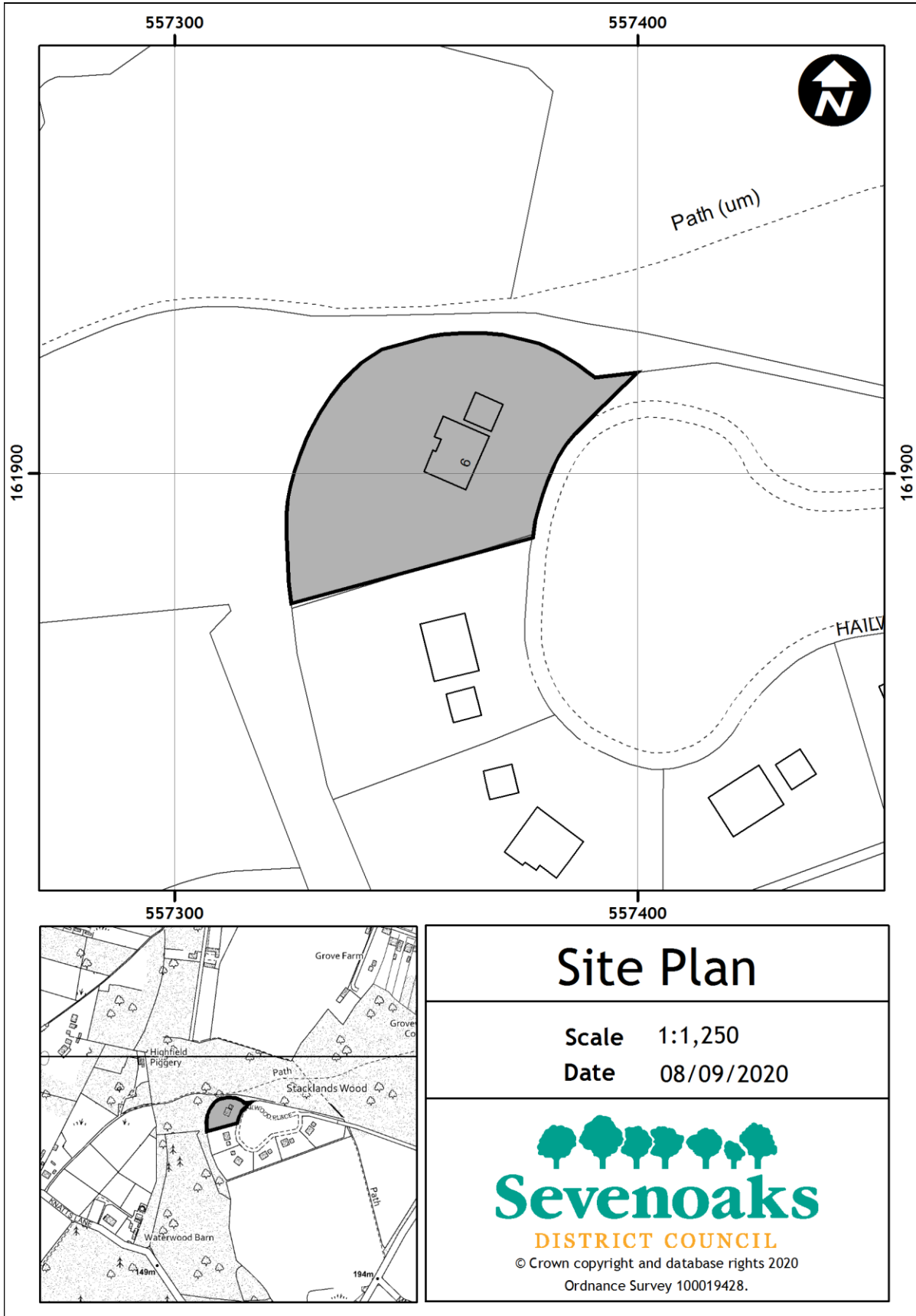
Richard Morris  
Chief Planning Officer

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=QC4PKSBKLZM00>





Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 01 October 2020

**4.1 20/01692/HOUSE**

Link to application details:

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

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