

18 February 2021 at 7.00 pm

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

[https://www.youtube.com/channel/UCIT1f\\_F50fvTzxjZk6Zqn6g](https://www.youtube.com/channel/UCIT1f_F50fvTzxjZk6Zqn6g)

Published: 10.02.21



# 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 28 January 2021, as a correct record.	(Pages 1 - 2)	
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>20/03245/FUL - Linwood, Main Road, Knockholt, Kent TN14 7NT</b> Demolition of existing buildings and erection of replacement dwelling.	(Pages 3 - 16)	Charlotte van den Wydeven Tel: 01732 227000
4.2 <b>20/03248/HOUSE - 47 Drive, Sevenoaks, Kent TN13 3AD</b> Alteration to porch. Erection of a rear double storey. Alterations to fenestration.	(Pages 17 - 28)	Alexis Stanyer Tel: 01732 227000
4.3 <b>20/03286/FUL - Land South Of 19 Mount Close, Sevenoaks, Kent TN13 3EG</b> Erection of a new dwelling.	(Pages 29 - 44)	Samantha Simmons Tel: 01732 227000
4.4 <b>20/03257/HOUSE - 52 Capelands, New Ash Green, Kent DA3 8LQ</b> Proposed two storey side extension. Alteration to fenestration.	(Pages 45 - 54)	Hayley Nixon Tel: 01732 227000

- 4.5 **20/03106/HOUSE - 39 Cobden Road, Sevenoaks, Kent TN13 3UB** (Pages 55 - 62) Anna Horn  
Tel: 01732 227000  
Loft conversion with rear dormer and front velux windows.

5. **Tree Preservation Order**

- 5.1 **Objection to Tree Preservation Order (TPO) 6 of 2020 - Situated within the front garden of 5a Holly Bush Lane, Sevenoaks, Kent** (Pages 63 - 68) Harry Walker  
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 28 January 2021 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Hogarth, Hudson, Hunter, Layland, McGarvey, Pett, Purves, Raikes, Reay and Roy

An apology for absence was received from Cllr. Osborne-Jackson

Cllrs. McArthur, McGregor and Thornton were also present.

143. Minutes

Resolved: That the Minutes of the Development Control Committee held on the 7 January 2021, be signed by the Chairman as a correct record.

144. Declarations of Interest or Predetermination

Councillor Barnett declared for Minute 146 - 20/02846/HOUSE - Applewood, Swan Lane, Edenbridge Kent TN8 6AT, that he was the Ward Member for the application, but would remain open minded.

Councillor Layland declared for Minute 146 - 20/02846/HOUSE - Applewood, Swan Lane, Edenbridge Kent TN8 6AT, that he was the neighbouring Ward Member for the application, but would remain open minded.

145. Declarations of Lobbying

There were none.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning application:

146. 20/02846/HOUSE - Applewood, Swan Lane, Edenbridge Kent TN8 6AT

The proposal sought planning permission for the erection of a double garage to the property. The application had been referred to Development Control Committee by Councillor McGregor on the grounds that the proposal affected the street scene on Swan Lane and was in contravention of the residential extensions Supplementary Planning Document (SPD).

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

## Agenda Item 1

Development Control Committee - 28 January 2021

The Committee was addressed by the following speakers:

Against the Application: -  
For the Application: Nathan Farrar  
Parish Representative: Town Cllr John Scholey  
Local Member: Cllr McGregor

Members asked questions of clarification from the speakers and officers. The difference between the Applicant's measurements and the Officer's measurements was clarified. Advice was given that the recommended condition implied the existence of the hedge during the lifetime of the application, but that it may be possible to tighten this. Members noted that hedging was not a planning consideration and that the Kent Highways had legislative powers to require maintenance of any hedging obstructing a highway, and that it was an existing entrance. Clarification was sought on the current enforcement action on the current part build which was paused pending the outcome of the planning application. It was clarified that since the adoption of the residential extensions SPD on 7 September 2009, no garages had been built to the front of residential properties in that area.

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

Members discussed the application, in particular the size, bulk and impact of the application on the street scene; its distance from the residential dwelling; and proximity to the highway in contrast to neighbouring properties.

The motion was put to the vote and lost.

Councillor Reay proposed and it was duly seconded, that the application be refused as it was considered detrimental and overbearing on the street scene due to its bulk size shape and location, which was contrary to Policy EN1 of the Allocations and Development Management Plan (ADMP) and SP1 of the Core Strategy and the Residential Extensions SPD.

The motion was put to the vote and it was

Resolved: That planning permission be refused as it was considered harmful and overbearing to the street scene and contrary to Policy EN1 of the Allocations and Development Management Plan (ADMP) and SP1 of the Core Strategy and the Residential Extensions SPD.

THE MEETING WAS CONCLUDED AT 7.54 PM

CHAIRMAN

4.1 20/03245/FUL

Revised expiry date 23 February 2021

Proposal:

Demolition of existing buildings and erection of replacement dwelling.

Location:

Linwood, Main Road, Knockholt KENT TN14 7NT

Ward(s):

Halstead, Knockholt & Badgers Mount

#### Item for decision

The application is referred to the Development Control Committee by Councillor Grint on the grounds that it is 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. The development hereby permitted shall be carried out in accordance with the following approved plans: PD-10 and PD-11.

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

3. Before the commencement of the development hereby approved a phase 1 (desk top) contaminated land study shall be undertaken to establish the potential presence of soil contamination. If the Phase 1 study indicated that further investigation is necessary, then a Phase 2 contaminated land investigation including a remediation methodology (if necessary) shall be undertaken and submitted to the local planning authority for approval in writing. The investigation and risk assessment must be undertaken by suitably qualified and accredited persons. The details shall be implemented as approved. If during any works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority. Following completion of measures identified in any approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EN2 of the Council's Allocations and Development Management Plan

4. From the commencement of works (including site clearance), all precautionary mitigation measures for ancient woodland and protected species will be carried out in accordance with the details contained in sections 9.2 through to 9.11 of the Ecological Impact Assessment (Native Ecology July 2020).

In the interests of protecting the adjacent ancient woodland and protected species as supported by policy SP11 of the Sevenoaks District Core Strategy.

5. Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include recommendations within section 10 of the Ecological Impact Assessment (Native Ecology July 2020). The approved details will be implemented and thereafter retained.

In the interests of protecting the adjacent ancient woodland and protected species as supported by policy SP11 of the Sevenoaks District Core Strategy.

6. The development hereby permitted shall be constructed in accordance with the materials specified on the planning application form.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7. The curtilage and means of enclosure shall not be implemented other than in accordance with the details hereby approved and as indicated on drawing PD-10.

To define the extent of development and to ensure a satisfactory appearance which will preserve the amenities of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

8. No works, including any removal and/or replacement of hard surfacing, shall take place within the canopy spread of the mature Oak tree (no.31 on drawing PD-10) unless in accordance with details of tree protection measures which shall first have been submitted to the District Planning Authority for approval in writing.

To prevent damage to the oak tree during the construction period as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9. The development hereby permitted shall provide an electrical socket with suitable voltage and wiring for the safe charging of electric vehicles within the residential curtilage prior to the first occupation of the new dwelling hereby approved and maintained thereafter.

In the interests of sustainable development and reducing emissions as supported by policy T3 of the Council's Allocations and Development Management Plan.

#### **Informatives**

- 1) Please note that in accordance with the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you **MUST** submit a **COMMENCEMENT NOTICE** to the Council **BEFORE** starting work on site on the Self Build Annex. Failure to do so will result in the CIL charge becoming payable in full.
- 2) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) for further details.

#### **National Planning Policy Framework**

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

#### **Description of Site**

- 1 The application site comprises an extensive plot, with a bungalow and several large outbuildings set well back from the highway, accessed by a private driveway from Main Road. It occupies a rural setting, part of a ribbon of development which extends along the road to the west of Knockholt centre.
- 2 The site is located outside the village confines of Knockholt.

#### **Description of Proposal**

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- 3 The proposal seeks the demolition of existing buildings and erection of replacement dwelling.
- 4 The current approval under 20/01957/FUL allows the extension, conversion, and re-use of the two existing buildings for residential purposes. On the basis of the existing permission, it is proposed to demolish these structures and erect a replacement single storey dwelling of a higher quality.
- 5 Whilst the existing buildings are able to be converted, as confirmed by the Council previously, the applicants are keen to make some modest changes to the design of the dwelling, including a modest increase in overall height of just 750mm at its highest point. This will allow a dwelling of an improved external appearance while retaining the circular roof profile which is a characteristic of the existing Anderson shelter.
- 6 The design approach is to construct a building with the appearance of two Anderson shelters conjoined as a more aesthetically pleasing development offering improved accommodation.
- 7 The footprint will slightly increase in the south east and south western corners of the site, taking the new building in line with the footprint of the larger existing building.
- 8 The scheme includes an external terrace on the northern side, suspended above the existing hardstanding area. The approved flank elevation on this side contained no windows; the current scheme now includes two modest window features and a door leading to the terrace.
- 9 The positioning of the dwelling in the plot is unchanged, likewise the previously approved car parking and amenity areas to the front are also approved. Access to the site is also unchanged from that which has already been approved.

### Relevant Planning History

- 10 74/00632 - Erection of detached garage - GRANTED
- 11 99/00396 - Extensions and Alterations - GRANTED
- 12 20/01957 - Conversion of existing buildings to form a new dwelling with associated landscaping - GRANTED

### Policies

- 13 National Planning Policy Framework (NPPF)
- 14 National Planning Policy Guidance (NPPG)



- 15 Core Strategy (CS)
- SP1 Design of New Development and Conservation
  - SP2 Sustainable Development
  - SP5 Housing Size and Type
  - SP7 Density
  - SP11 Biodiversity
  - L08 The Countryside and the Rural Economy
- 16 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- SC1 Presumption in Favour of Sustainable Development
- T2 Parking
- T3 Provision of Electrical Vehicle Charging Point

**Constraints**

- 17 The following constraints apply;

- Metropolitan Green Belt

**Consultations**

- 18 Knockholt Parish Council - Objection for the following reason:

‘The current application is based on an existing dwelling in the Green Belt but in fact the situation is that approval exists for conversion of existing structures. The current application would potentially allow up to 50 percent increase and alteration in the structure as it will be a replacement build. We would expect that current Green Belt policies would apply to the existing situation regarding bulk, height, scale and form. We need to reiterate our comments on the previous application 20/01957/FUL regarding the fact that the dwelling should not have its own hereditament and should remain ancillary to the main domicile. We are aware of the applicant’s concern regarding the position of the toilet on the previous application, but we feel that this could have been addressed with only minor alterations to the original application’.

- 19 Natural England - No Objection
- 20 Environment Agency - No Comments
- 21 KCC Ecology - No objection recommends conditions relating to precautionary mitigation measures and biodiversity enhancements
- 22 SDC Environmental Health - No objection recommends a pre-commencement condition relating to a contaminated land investigation

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- 23 SDC Tree Officer - No objection recommends tree protection condition

### Representations

- 24 Three representations of support received and one stating no objection.

### Chief Planning Officer's appraisal

- 25 The main planning consideration are:

- Principle of Residential Development and impact on the Green Belt
- Impact on the Street Scene and Landscape
- Impact on Residential Amenity
- Impact on Parking & Highways
- Ecological Issues
- Other Issues

### Principle of Residential Development and impact upon the Green Belt

- 26 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.
- 27 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:
- Application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 28 Footnote 6 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 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.
- 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 Using land efficiently is still a key consideration in planning. Accordingly, when assessing the availability of suitable land for development in any given area and when considering the desirability of using land efficiently, well-designed garden land and infill schemes can still be considered where they are of high quality and they are deemed to be appropriate.
- 32 The Core Strategy and Allocations and Development Management Plan both contain policies to protect the character of local areas, but neither document sets out any express aim to resist inappropriate development of residential gardens.
- 33 The development would be sited outside the confines of any existing settlement, but would be located nearby the existing dwelling; Linwood, and the neighbouring property to the south west known as Cherry Cottage. The dwelling is located within the Green Belt and is located outside the defined rural settlement, as such Policy LO8 is applicable here.
- 34 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, however, it is not considered that this proposal meets any of these exceptions.
- 35 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.
- 36 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.
- 37 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.
- 38 Taking the above into consideration, the proposal would represent inappropriate development within the Green Belt. A case of Very Special Circumstances has been advanced which is considered below.

#### **Impact on the Street Scene and Landscape**

- 39 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.
- 40 Core strategy L08 states that the extent of the Green Belt will be maintained. The countryside will be conserved and the distinctive features

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that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible

- 41 Policy EN1 of the ADMP requires development to respond to the character of the area and provide adequate parking, amongst other things. The proposed new dwelling would have only a very limited visual impact on the wider character of the area or the landscape appearance of the site, as set well back from the road frontage and well screened along all boundaries by dense tree foliage. The proposal would represent a sympathetic, high quality design that reflects local vernacular and as such preserves the appearance of the site and the locality in general. Whilst the new dwelling does propose a modest increase in height over the existing buildings, this would not be widely visible.
- 42 Views from the public footpath to the north would be very limited and consider the proposed development would not become a prominent feature within the public realm.
- 43 Landscaping is largely to be retained, which is already fairly extensive. New hedge planting is proposed along the boundaries. The proposed residential curtilage would be modest and well constrained. Taking into consideration of the above, the proposed development would conform to policies SP1, L08 of the Core Strategy and EN1 of the ADMP.

### Impact on Residential Amenity

- 44 Policy EN2 of the ADMP seeks to protect residential amenity. The only neighbouring properties are Cherry Cottage located approx. 25m to the south-west and Fairfield over 80m to the north-east. Both are well screened by dense, established foliage and there would consequently be no direct visual impact from the proposals on these properties, nor would the development result in a loss of privacy or loss of light.
- 45 Furthermore, the proposed dwelling would be approx. 20m from the rear elevation of Linwood, and as such, is not considered to have a detrimental impact on the residential amenity to this property either.
- 46 Though the proposed residential use may result in some noise and disturbance, including that from associated vehicular activity, however it is considered that this is unlikely to result in significant loss of amenity. Subject to landscaping and boundary treatments, there would be no loss of privacy to neighbouring occupiers. Overall, the development would comply with Policy EN2 of the ADMP.

### Impact on Parking & Highways

- 47 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.”

- 48 Policy EN1 of the ADMP requires satisfactory access and parking. Policy T2 requires satisfactory parking in accordance with set standards. It is not considered that the development would generate significant traffic generation from a single additional dwelling would adversely impact highway conditions to the degree that would fail the test of paragraph 109 of the NPPF.
- 49 There would be adequate off street parking provision on site and an electric vehicle charge point can be secured by condition. As such the development would comply with the above-mentioned policies.

### Ecological Impacts

- 50 In summary, there is legislation which requires the Local Planning Authority to have regard to conserving biodiversity and to consider the potential ecological impacts of a proposed development and provide enhancement where possible.
- 51 Policy 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.
- 52 The application is supported by an Ecological Impact Assessment. As highlighted within the ecology report, there are several ecological considerations regarding the proposed development. Whilst not requiring direct mitigation measures, precautionary measures have been proposed regarding:
- The ancient woodland in close proximity to the northern boundary
  - Foraging and commuting bats.
  - Dormice, badgers, hedgehogs and nesting birds.
- 53 The implementation of precautionary mitigation measures and biodiversity enhancements can be secured by condition. In light of the above, subject to suitable conditions, the proposals would comply with policy SP11 of the Core Strategy.

### Other Issues

- 54 It is noted that Environmental Health Officer has raised concerns with regard to potential contamination. It is unclear what the history of use of the buildings is, other than possibly previously in connection with the use of the associated land as a small holding. However, this ceased many years ago and the buildings and land have remained in ancillary residential use for a considerable time. Further investigation could be subject to condition and, if necessary, remediation.

**Community Infrastructure Levy**

- 55 The proposals would be CIL liable and an exemption is sought for a self-build dwelling. As a new dwelling, the proposals would be CIL liable. However, the applicant has claimed a self-build exemption. The self-build exemption for housing can only be claimed if the person making that claim has in accordance with Section 54B(2)(a)(ii) of the regulations: assumed liability to pay CIL in respect of the new dwelling, whether or not they have assumed liability to pay CIL in respect of other development.
- 56 The applicant is claiming exemption for a self-build dwelling within the definition in Regulation 54A. A person is eligible for an exemption from liability to pay CIL in respect of a chargeable development, or part of a chargeable development, if it comprises self-build housing (or self-build communal development).

Additional criteria for exemption	Yes / No
Has the development commenced?	No
Has the claimant for exemption assumed liability to pay CIL for the dwelling subject of the claim for exemption, with the submission of an Assumption of Liability form?	Yes
Is more than one person assuming liability to pay CIL?	Yes

- 57 The applicant has completed all the declarations on the exemption claim form and has assumed liability for CIL. The development has not commenced on site. I am therefore satisfied that the persons claiming liability and seeking exemption, Mr S & Mrs S Fowler are exempt from CIL for planning permission reference: 20/03245/FUL.

**Case for Very Special Circumstances**

- 58 Para 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.
- 59 In this case the harm has been identified as:
- Inappropriate development in the Green Belt
- 60 The possible very special circumstances have been identified as:

- As mentioned, the applicant's 'fallback' position is to construct the development as already approved. This would then represent the 'original' building in the terms of Policy GB4 of the ADMP. It is the case, therefore, that the approved building could be constructed and then subsequently replaced with a building 50% larger. This would be a policy compliant and appropriate development, resulting in an increased impact on the Green Belt.
- Furthermore, the approved dwelling could also be constructed, and permission sought to extend it by 50%. This, again, would accord fully with the requirements of Policy GB1 of the ADMP and would result in a potentially far larger building.
- The extant approval also allows a dwelling to be created which retains all 'Permitted Development' rights for extensions and alterations. This is a material consideration. While the Planning Policy Guidance is clear that the blanket removal of PD rights rarely meets the test of necessity or reasonableness, this is something that may be a consideration upon an approval of this application.

61 In reviewing this case, it is acknowledged that the development that could be built on the site is a material consideration that can be given some weight.

62 The applicant has submitted an additional supporting statement in lieu of very special circumstances and it is considered that if the current application were to be refused that there is a strong intention of implementing and constructing the extant planning permission.

63 Taking these factors into account, very special circumstances therefore exist to justify the development. In consequence, the very special circumstances submitted are identified as being sufficient to outweigh the harm to the Green Belt in principle and to its openness.

### Conclusion

64 The proposal would represent inappropriate development within the Green Belt. The very special circumstances put forward are however, considered sufficient to outweigh this harm.

65 The proposal would incorporate an appropriate design that would not impact upon local amenities and would conserve the character of the area and landscape generally. The proposals would have an acceptable impact on the amenities of neighbouring occupiers. The impact on highway conditions would be acceptable.

66 Overall, there are no other material considerations to indicate otherwise and as such the proposed development would comply with local and national planning policies.

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67 It is therefore recommended that planning permission is GRANTED

### Background Papers

Site and Block Plan

Contact Officer(s)

Charlotte Van De Wydeven 01732 227000

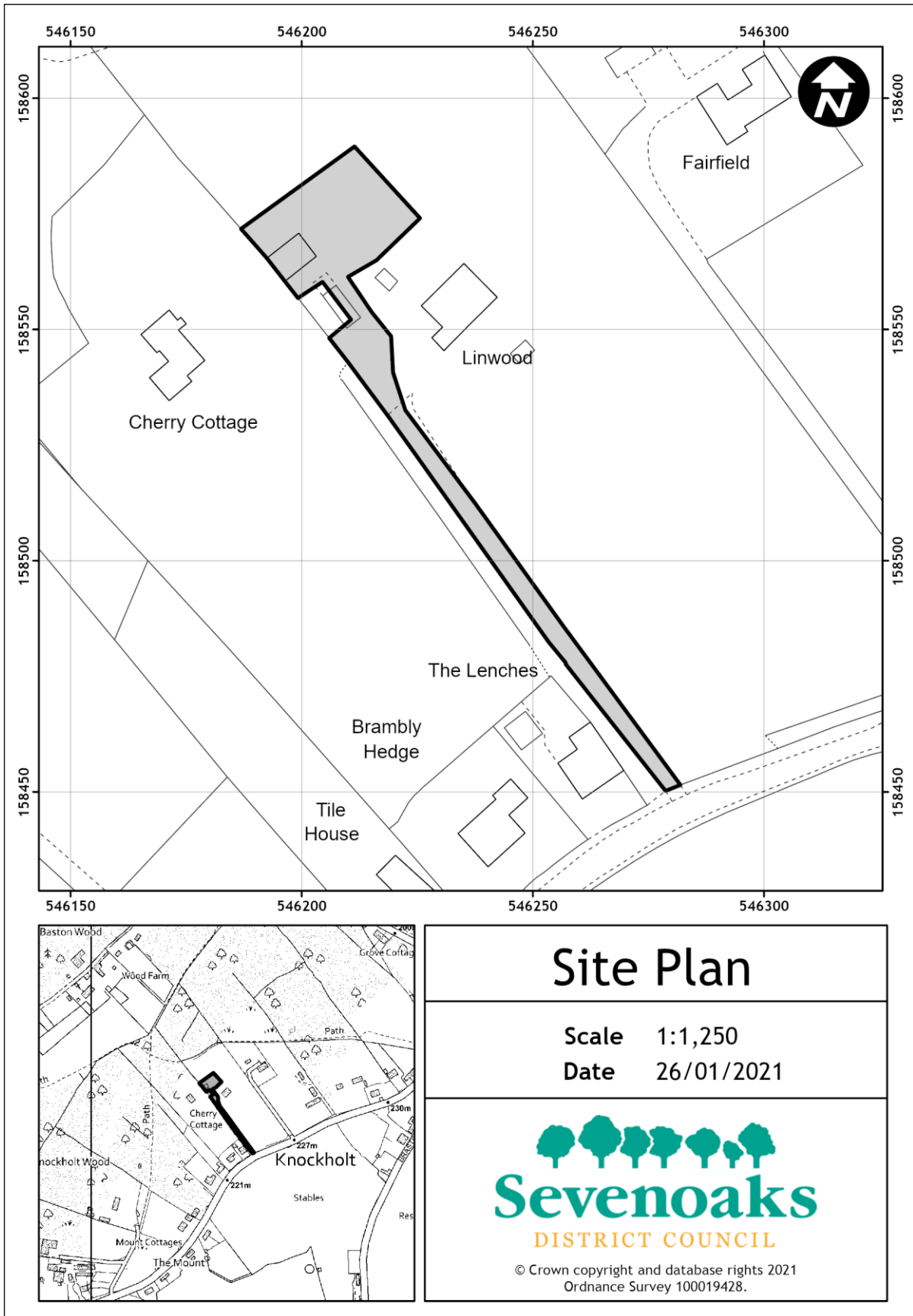
**Richard Morris**

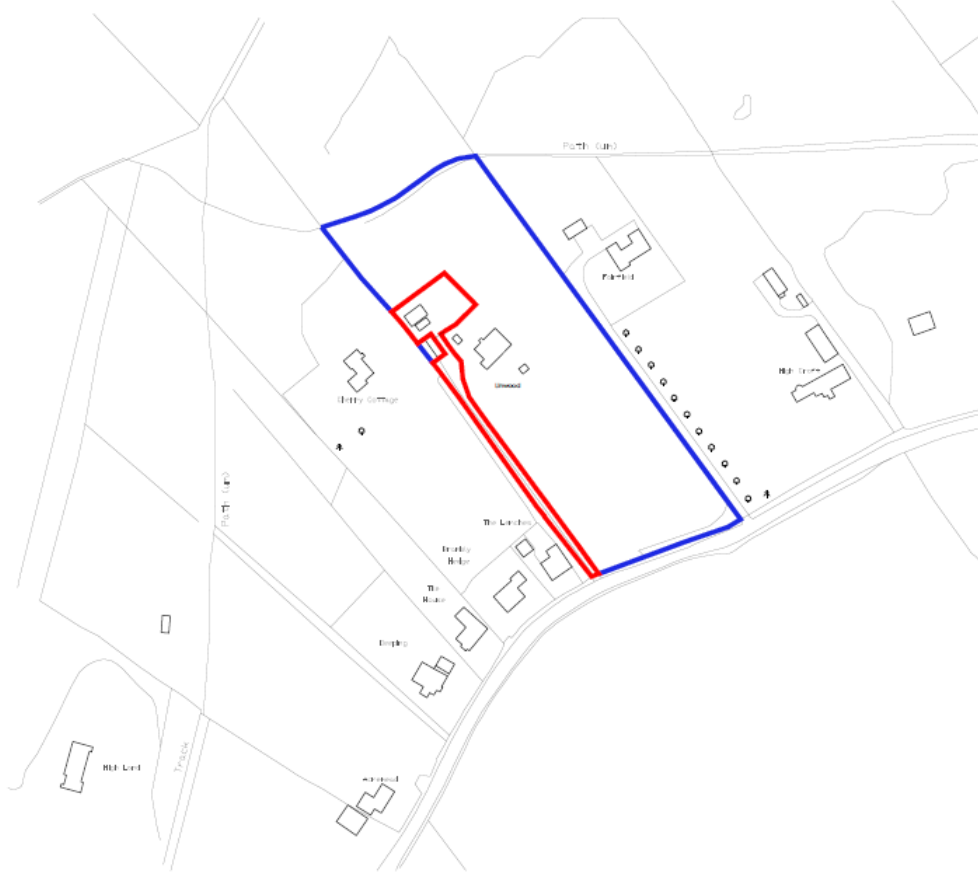
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)







4.2 20/03248/HOUSE

Revised expiry date 19 February 2021

Proposal: Alteration to porch. Erection of a rear double storey.  
Alterations to fenestration.

Location: 47 The Drive, Sevenoaks, KENT TN13 3AD

Ward(s): Sevenoaks Town & St Johns

**Item for decision**

This application has been called to the Development Control Committee by Councillor Fleming to protect the residential amenity of the current and future residents of 47 The Drive and that of the neighbouring property.

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

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

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

2) The materials to be used in the construction of the development shall be those indicated on the following approved plans and details: Application form, 2020 Rev D, 1020 Rev D, 2010 Rev D, 1010 Rev D, 401 Rev A, 402 Rev A, 701, 702

To ensure that the appearance of the development is in harmony with the existing character of the property 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: 2020 Rev D, 1020 Rev D, 2010 Rev D, 1010 Rev D, 401 Rev A, 402 Rev A, 701, 702, 104 Rev C, 301 Rev A, 190320-SURV-06

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

4) The proposed new window to the south west facing elevation, located at first floor level which is shown to be obscure-glazed and non-openable up to a height of 1.7 metres on drawing number 2020 Rev D, shall remain obscure-glazed and non-openable up to a height of 1.7 metres above the internal finished floor level and maintained as such thereafter.

To protect neighbouring amenity in accordance with Policy EN2 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 subject property is an 'L'-shaped detached two-storey dwelling constructed in brick with a pitched roof, gabled front projection and hung tile decoration at first floor level. The property benefits from a rear garden and paved front driveway. The property is located in a residential area within the urban confines of Sevenoaks.

**Description of proposal**

- 2 The development proposal relates to the re-roofing of an existing single-storey entrance porch and to the erection of a part single-storey and part two-storey side and rear extension. On the ground floor, the proposed extension will provide a new open-plan kitchen/dining/family room, and a WC, utility room and entrance hallway within the existing reconfigured floorspace. At first floor level, the proposed extension will provide an additional bedroom and will allow space to reconfigure and enlarge the existing bedrooms and family bathroom. The proposal also allows for an extension to the depth of the gable roof feature to the rear at first floor level (by approximately 1 metre), for alterations to the fenestration, for new front steps and for a footpath leading to the utility room.

**Relevant planning history**

- 3 01/02181/FUL - Single storey extension to side and two storey extension to rear, as amended by letter dated 27/02/02 and enclosed plan - REFUSED
- 4 02/00894/FUL - Single storey extension to side and two storey extension to rear. As amplified by amended drawings received 14.06.02 - GRANTED
- 5 06/00040/FUL - Single storey extension to side and two storey extension to rear. (Amendment to previous planning permission SE/02/00894/FUL) - GRANTED

## Policies

- 6 National Planning Policy Framework 2019 (NPPF)
- 7 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.
- 8 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
  - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
  - Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 9 Core Strategy (CS)
  - SP1 Design of New Development and Conservation
  - L01 Distribution of Development
  - L02 Development in the Sevenoaks Urban Area
- 10 Allocations and Development Management (ADMP)
  - EN1 Design Principles
  - EN2 Amenity Protection
  - SC1 Presumption in Favour of Sustainable Development
  - T2 Vehicle Parking
- 11 Other
  - Sevenoaks Residential Character Area Assessment (SPD)
  - Sevenoaks Residential Extensions SPD

## Constraints

- 12 The following constraints apply
  - Sevenoaks The Vine Conservation Area
  - Locally Listed Building
  - Urban Confines
  - Source Protection Zone

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### Consultations

13 Sevenoaks Town Council - Object to the proposal:

*‘Sevenoaks Town Council recommend refusal unless the Planning Officer is satisfied that:*

- The proposed changes to the 1st floor windows appropriately addresses the potential to create overlooking and loss of privacy and amenity for the neighbouring property (No 45), and*
- There are no issues of overshadowing of neighbouring properties.’*

14 Sevenoaks District Council Conservation Officer - No objection

15 Kent County Council Public Rights of Way Officer - No objection. The two-storey extension will overshadow the public footpath, but as it is in an area of urban development this is not unusual. All down pipes must be directed into soakaways and not allowed to drain onto the public footpath.

### Representations

16 Three representations have been received. Two of the representations received neither object nor support the proposal.

17 One representation objects to the proposal on the following grounds:

- Concerns as to the potential for loss of light/overshadowing
- Concerns as to the potential for overlooking/a loss of privacy
- Concerns as to the pressure of future enforcement action on Council resources

### Chief Planning Officer’s appraisal

18 The main planning considerations are:

- Impact on the Design and Character of the area
- Impact on Neighbouring Amenity
- Impact on Locally Listed Building
- Impact on Conservation Area
- Impact on Parking/Highways

### Impact on the design and character of the area

19 Policy L02 of the Core Strategy and Policy EN1 of the ADMP state that any new development should be designed to a high quality and should respond to and respect the distinctive character of the area in which it is situated.

20 With regards to the potential impact of the proposed development upon the character and appearance of the streetscene, the properties located along The Drive are typically individually designed detached or semi-detached properties which are set back from the road along a regular building line.

Owing to the topography, the properties are built on a steep gradient and some properties may be sited at a higher level than those on neighbouring plots. In the case of the current proposal, the proposed extension to the property is to be located at the rear and it will not be widely visible from the road so its impact upon the streetscene will be limited. Similarly, the proposed changes to a section of the roof to the rear will not be widely visible from the road. The proposed extension will not widen the property and the property will remain set back from the neighbouring boundaries so the spacing pattern between buildings will remain the same. The proposed re-roofing of the porch will alter the appearance of a small section of the property frontage. However, the proposed change to the roof design is considered to be more sympathetic to the design and form of the original building.

- 21 With regards to the form and scale of the proposal, the proposed addition is considered to be proportionate to the size of the plot. The design of the proposed extension and the form of the roof will follow the design of an existing addition and so the proposed extension is considered to respond to the form of the existing building.
- 22 The proposed construction materials allow for the use of red face brickwork and hung tiles to match with the existing and clay, Wienerberger Alban hand crafted plain roof tiles. Any new proposed windows will be white framed to match with the existing and the proposed new bi-fold doors at ground floor level will be aluminium. The proposed materials are considered to be appropriate and in keeping with the design and appearance of the main house.
- 23 Some comments have been made as to the quality of the standard of living for the future occupiers of an existing bedroom to the rear if the window is moved and obscure-glazed up to a height of 1.7 metres. However, the bedroom already exists and is in use, albeit the existing window is currently located to the side of the building. Therefore, the applicant is not introducing new accommodation which could be subject to this assessment. In addition, the obscure-glazed window will only be partly obscured to protect the privacy of the neighbouring property. The upper part of the window will remain clear-glazed and openable above a height of 1.7 metres in order to meet building regulations. On this basis, the room will still benefit from adequate light and ventilation.
- 24 In light of the above, the proposal is considered to meet the requirements of Policy EN1 of the ADMP.

#### **Impact on Neighbouring Amenity**

- 25 Policy EN2 of the ADMP requires proposals to safeguard the residential amenities of existing and future occupants of any properties which are situated in the vicinity. Consequently, regard must be had to and excessive noise, odour, overlooking or visual intrusion. The Residential Extensions SPD recommends that a 45-degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.

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- 26 With regards to the potential impact of the proposed development upon neighbouring access to daylight, the proposal is considered to meet the requirements of the 45-degree test for daylight. Owing to the detached nature of the dwelling and the fact the location of the two-storey extension in relation to the neighbouring boundaries, and the existing public footpath which lies between 47 The Drive and 49 The Drive, the proposal is unlikely to result in significant overshadowing. The proposed elongation of a section of the roof by 1 metre on the south-eastern side of the building is also unlikely to result in significant overshadowing as the roof ridgeline of the main house exceeds the height of this section of the roof. The new mono-pitched roof to the porch is also unlikely to overshadow neighbouring properties to an unreasonable extent.
- 27 With regards to the potential for the proposed works to result in a significant loss of sunlight, owing to the site orientation, the detached nature of the dwelling and the sun's trajectory, a significant loss of sunlight is unlikely to occur. 49 The Drive may experience partial overshadowing in the morning along one side of the property. However, the proposed development is sufficiently set back from the neighbouring boundary that it will not result in a loss of sunlight over a significant proportion of the day.
- 28 With regards to concerns raised as to the potential for a loss of privacy, the design of the proposed development allows for the addition of a new rooflight and door along the front elevation, four new rooflights along the side (western) elevation, two new windows and two sets of glazed doors along the rear elevation, and a new rooflight along the side (eastern) elevation.
- 29 With regards to the new proposed glazing along the front elevation, the new proposed glazing will face directly on to the road and it will not impact any neighbouring private amenity space.
- 30 The proposed rooflights proposed along the side (eastern and western) elevations, will be set into the roof plane at a high level, so they will not afford any significant views to neighbouring private amenity space.
- 31 The new proposed glazing along the rear elevation, all of the new proposed glazing will face directly on to the rear garden of the subject property. At ground floor level, any potential oblique views towards the neighbouring gardens will be largely obscured owing to the existing boundary treatments which are in place (high level boundary fencing).
- 32 The proposed new windows at first floor level, the window proposed which is to be nearest to 45 The Drive, has the potential to afford significant views to the neighbouring patio as a result of the orientation of the buildings and a difference in the land-levels. However, as the window will be obscure-glazed and non-openable to a height of 1.7 metres, it is considered that the potential harm to neighbouring amenity can be mitigated and the window will be conditioned to ensure that it remains obscure-glazed and non-openable up to a height of 1.7 metres thereafter. Although it is acknowledged that the second new window at first floor level may afford oblique views to the neighbouring garden at 49 The Drive, there is a public footpath running between 47 and 49 The Drive which affords a degree of



separation between the two properties, such that the views afforded are not considered to be overly harmful in an urban location such as this. In light of the above, a loss of privacy is unlikely to occur.

- 33 With regards to the potential impact upon neighbouring outlook, the nature of the proposal and the detached nature of the property are such that the proposed extensions are unlikely to result in visual intrusion.
- 34 On this basis, subject to condition, the proposal is considered to meet the requirements of Policy EN2 of the ADMP.

#### **Impact on locally listed building**

- 35 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 36 The NPPF also states that great weight should be given to the conservation of heritage assets (para.193).
- 37 Paragraph 197 of the NPPF further states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 38 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.
- 39 The subject property is locally listed Edwardian house and is considered to be of historic significance owing to the quality of its design. It is one of a group of properties in the road which has retained a number of original external features that make a contribution to the character of the Vine Conservation Area. The local list makes specific reference to the unusual turreted window to the front of the property, which is distinctive architectural feature.
- 40 The proposed two-storey rear extension will infill the space between the existing two-storey rear projection and the rear elevation of the original house. Whilst the proposed extension to the building will increase the bulk and scale of the property to the rear, the property frontage will remain largely similar in its appearance and the building will retain its proportions, and the high quality architectural features for which it is considered to be historically significant.
- 41 The Conservation Officer has raised no objection to the proposed extensions to the building on the basis that the proposed works will not detract from the building's character and appearance.

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- 42 The proposal is therefore considered to conserve the qualities of the non-designated heritage asset, in accordance with Policy EN4 of the ADMP.

### Impact on Conservation Area

- 43 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.
- 44 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.
- 45 Further to the above, Policy EN4 of the ADMP also applies.
- 46 The property is located within the The Vine Conservation Area and considered to make a positive contribution to the Conservation Area. Whilst the proposed amendments to the design and form of the building will increase the size of the property to the rear, the proposed additions will not be widely visible from the front of the property and the appearance of the property frontage is conserved. The re-roofing of the porch is considered to be sympathetic to the design and form of the original building and it will not increase in its bulk and scale. As a consequence, the property should not appear overly dominant in the context of the streetscene.
- 47 The proposed development is unlikely to overwhelm the general appearance of the building in a way that might have a negative impact upon the Conservation Area setting and will not result in any harm to the important views within the Conservation Area.
- 48 On this basis, the proposal is considered to meet the requirements of Policy EN4 of the ADMP.

### Impact on Parking/Highways

- 49 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 parking provision should be in accordance with KCC guidance and KCC guidance states that dwellings in this location and of this size require a minimum of 2 parking spaces.
- 50 The existing property benefits from a front driveway with enough parking for two vehicles. The parking area will remain unaffected by the proposed works and therefore the current parking requirements are met.

### Other issues

- 51 Public Right of Way - A public right of way runs between the boundaries of 47 and 49 The Drive. KCC Public Rights of Way Officer has been consulted on the application and has confirmed that, though the public right of way may be overshadowed by the proposed extension, the extent of overshadowing is

not unreasonable in an urban location such as this. As such, no objection has been raised.

- 52 Enforcement - The representation received has raised the issue of the Council not having sufficient resources to enforce any future breaches of planning. However, potential future planning breaches cannot be considered, as they are speculative.

**Community Infrastructure Levy (CIL)**

- 53 The proposal is not CIL liable.

**Conclusion**

- 54 The development proposal is considered to meet the requirements of the local plan policies, subject to condition. On this basis, the proposal is in accordance with the development plan for the District.

- 55 It is therefore recommended that this application is APPROVED.

**Background papers**

Site and block plan

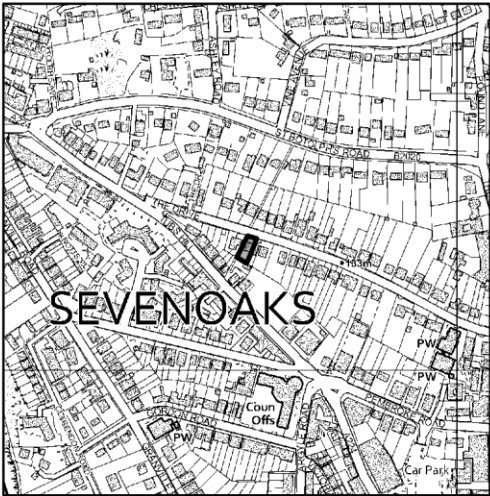
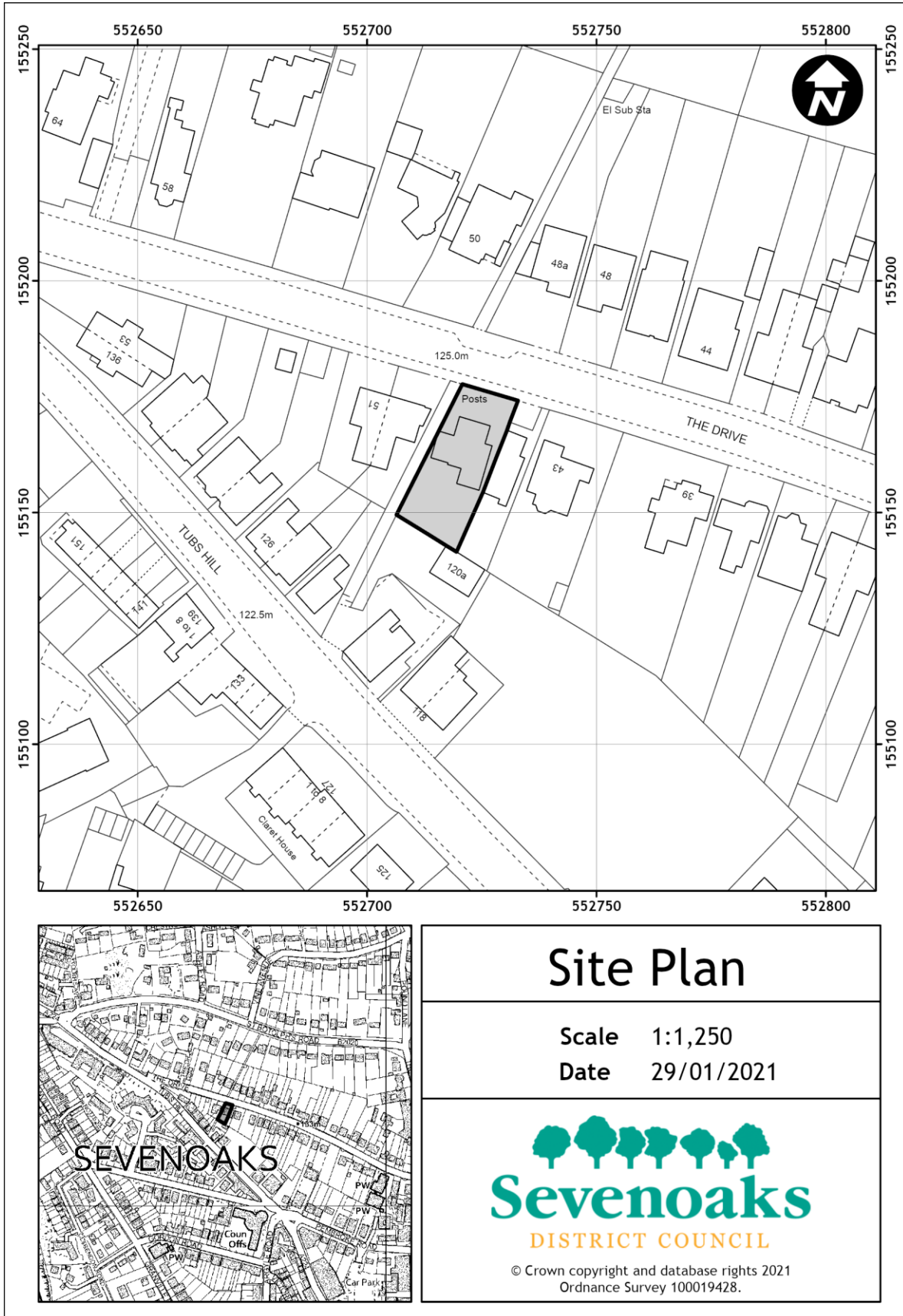
Contact Officer(s):

Alexis Stanyer: 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

Scale 1:1,250  
Date 29/01/2021



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Ordnance Survey 100019428.

BLOCK PLAN



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4.3 20/03286/FUL

Date expired 12 January 2021

Proposal: Erection of a new dwelling.

Location: Land South Of 19 Mount Close, Sevenoaks, KENT TN13  
3EG

Ward(s): Sevenoaks Northern

**Item for decision**

Councillor Canet has referred this application to the Development Control Committee for the following reasons:

- Overdevelopment of the site
- Overlooking of the neighbours
- Inadequate parking space

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 dwelling hereby permitted shall be implemented in accordance with the materials outlined in the approved plan 1091/03 Rev B Proposed Plans and Elevations and the materials outlined on the Application Form for the development.

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

3) The hard and soft landscaping hereby approved, including the proposed boundary treatments, shall be implemented prior to first occupation of the dwelling, in accordance with the approved Landscaping Plan and Site Section 1091/04.

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. If any planting is removed, dies, become severely damaged or diseased within five years of completion of the development, the planting 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 development shall be carried out strictly in accordance with the details so

## Agenda Item 4.3

approved and shall be maintained as such thereafter.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to preserve the appearance and character of the site and locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) No development shall take place until details of a scheme to demonstrate that the internal noise levels within the residential unit would conform to Table 4: Indoor Ambient Noise Levels for Dwellings identified in BS 8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority.  $L_{Amax,F}$  during the period 2300 to 0700 should not exceed 45dBA. Work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and maintained thereafter. If mechanical acoustic ventilation needs to be provided, self-noise must not cause the internal noise levels to exceed the BS8233:2014 criteria.

To safeguard the amenities of the future occupiers of the new dwelling as supported by Policies EN1, EN7 of the Sevenoaks Allocations and Development Management Plan.

5) The ground and first floor window(s) in the north west facing elevation(s) shall be obscure glazed at all times.

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

6) The biodiversity enhancements hereby approved shall be implemented in accordance with the approved Landscaping Plan and site section called plan number 1091/04, and completed in full prior to the occupation of the new dwelling hereby approved.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity, in accordance with Policy SP11 of the Core Strategy and the NPPF.

7) Before the use or occupation of the new dwelling hereby permitted, the car parking and driveway shown on approved drawing 1091/04 shall be provided and shall be kept available for the access and parking of cars for both properties at all times. The driveway and parking shall be constructed of permeable materials in accordance with the materials outlined on the approved drawing 1091/04.

In the interest of highway safety as supported by policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

8) The development hereby permitted shall provide an electrical socket with suitable voltage and wiring for the safe charging of electric vehicles within the residential curtilage prior to the first occupation of the new dwelling hereby approved and maintained thereafter.

In order to mitigate and adapt to climate change and ensure development contributes to an improvement in the District's air quality, in accordance with



Policy T3 of the Sevenoaks ADMP.

9) Demolition or construction works shall not take place outside 0700 hours to 1800 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

To mitigate the impact upon nearby amenities of surrounding residents during construction, in accordance with policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

10) The development hereby permitted shall be carried out in accordance with the following approved plans: 1091/01 Location Plan, 1091/02 Site Plan, 1091/03 Rev B Proposed Plans and Elevations, 1091/04 Landscaping Plan and Site Section

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

**Informatives**

1) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

2) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) for further details.

**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 situated on the south west corner of a residential close which serves ten bungalows of a repeated design, set on a regular building line around the head of the close, and with evenly spaced land plots.
- 2 All land plots of dwellings possess rear gardens and open frontages, with dwellings set back behind front lawns or paved areas.
- 3 The dwellings are sited around the top pf a turning head access road from Robyns Way and there is no through traffic. The rear of the site is bound by a mainline railway route to London.

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### Description of proposal

- 4 Permission was granted for the erection of a bungalow in this location in 2016. This application seeks for the erection of bungalow sited in this location which forms land to the south of 19 Mount Close.
- 5 The design of the bungalow has been varied to a detached design, rather than attached to 19 Mount Close to create a terraced effect. The bungalow would repeat the design and match the height and depth of bungalows in the close.
- 6 The bungalow would maintain a 1.5m gap with the neighbouring bungalow 19 Mount Close. Parking provision for two vehicles would be provided on the front driveway of the site.

### Relevant planning history

- 7 16/03117/FUL - Proposed rear dormer loft conversion to No.19 Mount Close, and the erection of an attached dwelling to the side of No.19 Mount Close - GRANTED.

### Policies

- 8 National Planning Policy Framework (NPPF)
- 9 Core Strategy (CS)
  - L01 Distribution of Development
  - L02 Development in Sevenoaks Urban Area
  - SP1 Design of New Development and Conservation
  - SP2 Sustainable Development
  - SP5 Housing Size and Type
  - SP7 Density of Housing Development
  - SP11 Biodiversity
- 10 Allocations and Development Management Plan (ADMP)
  - SC1 Presumption in Favour of Sustainable Development
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN7 Noise Pollution
  - T1 Mitigating Travel Impact
  - T2 Vehicle Parking
  - T3 Provision of Electric Vehicle Charging Points
- 11 Other:
  - Sevenoaks Residential Extensions Supplementary Planning Document (Residential Extensions SPD)
  - Sevenoaks Residential Character Area Assessment SPD (SRCAA)
  - Kent Design Review: Interim Guidance Note 3 - Residential Parking
  - Vehicle Crossing: - Guidance and Self-Assessment

### Constraints

- 12 The following constraints apply:
- Urban Confines of Sevenoaks
  - Residential Character Area: Mount Close
  - Network Rail 10M Buffer Zone

### Consultations

- 13 Sevenoaks Town Council - Recommend refusal on the grounds of overdevelopment and severe overlooking of 56 and 56A Robyns Way.
- 14 Dunton Green Parish Council - Supports any comments submitted by Sevenoaks Town Council and Riverhead Parish Council in relation to this application.
- 15 Riverhead Parish Council - No response received.
- 16 Kent County Council Highways - No Comment. Standard Informative provided.
- 17 Network Rail - No objections.
- 18 South East Water - No response received.
- 19 Thames Water - No response received.
- 20 Kent County Council Archaeology - The site is located within an area of medium potential for Palaeolithic remains. Pre-commencement condition recommended.

### Representations

- 21 One neighbouring letter has been received requesting conditions related to vibration/noise from adjacent railway line, and a landscaping scheme/biodiversity enhancements, if the scheme is approved.

### Chief Planning Officer's appraisal

- 22 The main planning consideration are:
- Principle of Development
  - Impact upon the character and appearance of the area
  - Impact on residential amenity
  - Highways and Parking
  - Biodiversity
  - Other issues

## Agenda Item 4.3

### Principle of the development

- 23 The NPPF has a general presumption in favour of sustainable development, whilst encouraging the delivery of homes of a high quality design and a good standard of amenity for all, whilst reusing previously developed land.
- 24 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 25 Part of the site is clearly previously developed land. However, it should be noted that the definition of Previously Developed land in Annex 2 of the NPPF includes land in built up areas such as private residential gardens.
- 26 Policy LO1 of the Core Strategy states that development will be focussed within the built confines of existing settlements.
- 27 Policy LO2 seeks to prioritise development within the Sevenoaks Urban Area.
- 28 Policy SC1 of ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with policies in the Development Plan will be approved without delay unless material planning considerations indicate otherwise.
- 29 The National Planning Policy Framework (NPPF) removed gardens from the definition of 'previously developed land', as cited earlier. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude such land from being developed, provided such development is in a suitable location and relates well to its surroundings.
- 30 Paragraph 53 of the NPPF states that local planning authorities should consider setting out policies to resist the inappropriate development of rear gardens where this would cause harm to the local area. This is broadly consistent with Policies LO1, LO2 and SP1 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.
- 31 This site is within the built confines of Sevenoaks Urban Area, and as such there is a presumption in favour of development. The development of this windfall site would make a welcome contribution to the housing provision within the district of one additional housing unit.
- 32 In January 2021 Central Government confirmed that the Council is not meeting its 5-year land supply and therefore the planning balance should be further tilted in the presumption in favour of sustainable development and

therefore this additional housing unit is given additional weight in helping to support the Council to meet its current housing targets.

- 33 The location of the development is within an established residential suburb within the built confines of Sevenoaks, which is a strategic location for new housing and is supported by the necessary infrastructure.
- 34 The development plan policies seek to maximise the potential of such sites. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt.
- 35 In summary, the proposed development is in a strategic location for a new dwelling and can provide a valuable windfall contribution to the Council's housing supply. The development would maintain an appropriate housing density to maintain the spacious and open character of the area and the principle of development to subdivide neighbouring land plots is accepted, subject to other material planning considerations detailed in this report.
- 36 The development is in accordance with Policies, L01, L02 and SP1 of the Core Strategy and the planning balance is tilted in favour of sustainable development, subject to other material planning considerations detailed below.

#### **Impact upon the character and appearance of the area**

- 37 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.
- 38 Policy EN1 of the ADMP state that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality.
- 39 The bungalows within Mount Close are pairs of semi-detached bungalows in a repeated design which includes a front facing gable and generally open frontages with off street parking on front driveways. Many of the bungalows have been altered and extended over time, to include hip to gable loft conversions and side extensions set back from the principle building line of the dwellings.
- 40 The existing detached garage on the application site is located along the principle building line of the street which is uncharacteristic of the street scene and there is no objection to its demolition.
- 41 The uniform heights of the bungalows, even spacing within land plots and palette of buff brick, pale paint and brown roof tiles provides a visual cohesiveness to the street scene as identified within the SRCAA. The planned, relatively cohesive design and spacing of the bungalows together with the low building heights also afford glimpses of tree belts along the railway line to the west of Mount Close and afford glimpses of the North Down to the north of the Close.

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- 42 The proposed dwelling would match the design, height and depth of the existing bungalows to respect the unity of the single-storey bungalows, in accordance with the SRCAA.
- 43 The design includes a front-facing single storey protruding gable and a gable-end pitched roof with front roof lights to match the design of other bungalows across the street scene. The proposed dwelling would be constructed in materials to match neighbouring dwelling across the street scene and as a result of this design, form and detailing, the dwelling would blend well into the character of the existing street scene.
- 44 The dwelling would be sited on part of the land owned by 19 Mount Close on land where the existing garage on site is to be demolished. The new residential curtilage would extend approximately 5.5 metres into the rear gardens of two neighbouring dwellings to the south of the site (56 and 56A Robyns Way) which have generous rear gardens.
- 45 As a result, the proposed dwelling would be sited approximately 1.5m from the neighbouring dwelling 19 Mount Close. This visual spacing would conserve the open character of the street scene and preserve the existing visual symmetry of the pair of semi-detached dwellings no.19 and no.17 Mount Close. As result this design is considered of a more responsive design to conserve the pattern of development and spacing across the close and the visual character of the street scene.
- 46 In terms of density, Policy SP7 of the Core Strategy sets a density of 40 dwellings per hectare for developments within built up areas. The proposed development would achieve a slightly lower density of 30.2 dwellings per hectare which would enable the open and spacious feeling of the area's character to be preserved, in accordance with paragraph 122 of the NPPF which requires decisions to support development which makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting. As a result, the new dwelling is not considered to be an overdevelopment of the site, in response to concerns raised by the local Councillors and Town Council.
- 47 Off street parking would be provided to the frontage of the site and would be set at an oblique angle due to the screened siting of the land plot at the end of the Close. It is also proposed to enable two off-street parking spaces to the frontage of no.19 Mount Close, rather than to the front and sides of the dwelling which is typical of parking arrangements in the Close.
- 48 A landscaping plan confirms the driveways would be of a permeable surfacing and partial grass frontages would be retained for both the proposed site and no.19 Mount Close. This design and parking arrangement would retain the overall character of the street scene which includes open frontages with a mixture of grass verge and hard standing for vehicle parking. This landscaping can be secured via planning condition.
- 49 Finally, with regards to the street scene, the dwelling would be sited in the south west corner of Mount Close. The land plot is screened on the approach to the Close by the three existing dwellings along Robyns Way (no. 54, 56

and 56A) and their evergreen boundary treatments, together with the natural topography of the land.

- 50 Mount Close is accessed via Robyns Way via a steep incline so that the bungalows are not visible across long-range views from neighbouring residential streets. Upon entering the Close, half of the application site will be screened from view by the existing rear garden of no.54 Robyns Way. As a result, the proposed dwellings design and siting will be of a discreet visual appearance within the street scene and blend well with the existing character of built frontages across the Close.
- 51 In summary, the proposed dwelling would be of a responsive design, detailing and siting with associated parking provision and soft landscaping which would respect the character of the existing street scene and residential character of Mount Close, in accordance with Policies SP1 and SP7 of the Core Strategy and Policy EN1 of the Sevenoaks ADMP, as well as the SRCAA supplementary design guidance.

#### **Impact on residential amenity**

- 52 Policy EN2 of the ADMP requires that any development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants. Policy EN7 seeks to maintain acceptable noise levels from existing noise sources for existing and future occupants of development.
- 53 Daylight and sunlight
- 54 The new dwelling would be sited on land to the south east of no.19 and would be built to remain flush with the principle building line and rear building line of no. 19 Mount Close, as well as match the height of this neighbouring dwelling. As a result, the dwelling would have no impact on the daylight levels of any primary light sources serving habitable rooms of no.19 Mount Close and would safeguard suitable levels of sunlight to the private rear amenity space of the garden of no.19 Mount Close.
- 55 A light assessment has also been undertaken to the nearest neighbouring dwellings to the south of the application site. The proposed dwelling would extend approximately 5.5 metres into the rear gardens of two neighbouring dwellings to the south of the site (56 and 56A Robyns Way) which have generous rear gardens.
- 56 These neighbouring dwellings would remain over 13 metres from the new dwelling and as a result of this distance the new dwelling would have no impact on the daylight levels received by these neighbouring dwellings. Together with this distance and the siting of the neighbouring dwellings to the south of the application site, due to the orientation of the sun's path the dwelling would have no impact on the sunlight levels received to the neighbouring gardens of 56 and 56A Robyns Way.
- 57 In summary the daylight and sunlight levels of all neighbouring dwellings would be suitably preserved by the development.

## Agenda Item 4.3

### 58 Privacy

59 With regards to privacy, the new dwelling would have a rear dormer which would maintain an oblique view towards the neighbouring gardens and maintain the degree of overlooking associated with other neighbouring dwellings which have rear dormers as part of the back development of site, safeguarding the 5 metres of protected rear amenity space under local policy guidance.

60 The new dwelling would have one ground floor window and one first floor window to serve non-habitable rooms on the north-west facing side elevation of the dwelling. These are indicated to be obscure glazed on the plans and this can be secured via condition to protect neighbouring privacy.

61 The Town Council has expressed concern with regards to overlooking of properties to the south of the site - no. 56 and 56A Robyns Way. The new dwelling would have no windows on the south-east facing side elevation of the dwelling and a 1.8m close boarded fence is proposed along the southern boundary of the site, which is a typical boundary treatment across the area to protect the privacy of the occupant and neighbouring gardens.

62 As a result, there would be no privacy impact to any neighbouring dwellings as a result of this proposal.

### 63 Outlook

64 As the new dwelling would be built flush with the existing principle building lines and height of the nearest neighbouring dwelling no. 19 Mount Close, the dwelling would preserve the existing outlook afforded from habitable rooms of no.19 Mount Close.

65 Land levels sharply incline from north to south, between Robyns Way and Mount Close where the application site is sited. As a result, the rear gardens of Robyns Way steeply rise up towards the application site and the existing outlook from the ground level of numbers 56 and 56A is of the slope of their gardens. This outlook would remain as existing as a result of the development.

66 At first floor level the neighbouring dwellings number 56 and 56A have a restricted direct view of the side elevation of number 10 Mount Close. The new dwelling would result in a view of the side elevation of the new dwelling, which would still remain over 13m from the nearest neighbouring window. As a result, this change of outlook is modest and would preserve satisfactory levels of outlook for numbers 56 and 56A Robyns Way. The planning process is unable to protect a view.

67 In summary, the new dwelling would safeguard suitable levels of outlook for all neighbouring dwellings.

### 68 Noise

69 As highlighted in the neighbouring representations, the dwelling would be bound by rail infrastructure to the rear of the application site. A planning



condition can be secured to ensure that the construction of the new dwelling safeguards satisfactory noise levels for future occupants of the development.

- 70 The dwelling would not alter the noise levels received to neighbouring dwellings, aside from the standard noise levels experienced during the finite construction period of the development. The hours of operation for constructing the new dwelling can be secured via planning condition to safeguard the quiet residential character of the area, in accordance with local policy.
- 71 Finally, in terms of size, layout, daylight and outlook, the proposed dwelling would provide an adequate living environment for future occupiers. The Council does not have minimum standards in relation to the size of external amenity areas for proposed new dwellings however the rear garden would seek to match the length of existing rear gardens along this section of the close to provide future occupiers with an adequate amount of usable garden space and allow for a satisfactory standard of living conditions in accordance with relevant policy.
- 72 In summary, the new dwelling would safeguard the amenities of existing and future occupiers of the site in accordance with Policies EN2 and EN7 of the ADMP. Planning conditions can be applied to secure the privacy and acceptable noise levels for residents and neighbours of the development.

### **Highways and Parking**

- 73 Concern has been expressed with regards to the proposed parking arrangements for the site. Policy T2 of the ADMP requires parking to be provided for residential developments in accordance with KCC parking standards. This is contained in Appendix 2 of the ADMP. It states that a two-bedroom unit located in a suburban location should provide 1.5 independently accessible spaces per unit.
- 74 The proposed off-street parking provision would comply and exceed current parking standards and would assist in mitigating pressures for on-street parking in the area, which is subject to parking controls. As a result, the proposal would not exacerbate any on-street parking concerns.
- 75 KCC Highways has raised no objections to the proposed parking provision. The additional 6- 8 vehicle trips a day generated by a household is unlikely to cause a highway safety issue, especially when the close has no through traffic, in accordance with Policy T1 of the ADMP.
- 76 Access to the site is from an existing and extended access from the end of the close to retain adequate and safe sightlines to and from the public highway.
- 77 Permeable surfacing is proposed for the driveway to safeguard the public highway from any surface water run-off. This surfacing can be secured via planning condition.

## Agenda Item 4.3

- 78 Policy T3 of the ADMP requires new houses to include electrical vehicle charging infrastructure which can be suitably secured through planning condition.
- 79 In summary, the development would remain in accordance with Policies T1, T2 and T3 of the Sevenoaks ADMP.

### **Biodiversity**

- 80 SP11 of the Core Strategy sets out that new development should maximise opportunities to build in features which are of benefit to biodiversity as part of good design. The application details proposed landscaping of the site, to include beech and copper hedging, and bird boxes to provide new habitats for birds and wildlife. These measures would improve the ecological value of the site and can be secured via planning condition.
- 81 As a result, the proposed scheme would positively enhance local biodiversity in accordance with policy SP11 of the Core Strategy.

### **Other issues**

- 82 The development proposed is for one residential unit and as such, an on-site affordable housing provision would not be deemed appropriate under Policy SP3 of the ADMP.
- 83 The County Archaeological Officer has suggested an archaeological condition in relation to the site. The site is not located within an area of archaeological potential and given the dwelling is to be sited on partially disturbed land, it would not be reasonable to apply a planning condition under the tests required under the NPPF.

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

- 84 The development is CIL liable.

### **Conclusion**

- 85 The proposal would provide one additional housing unit to assist the Council in meeting housing need and make efficient use of urban land, whilst respecting the character of the site, safeguarding residential amenities and enhance local biodiversity. The development is in accordance with the Sevenoaks Development Plan and there are no material planning conditions which would outweigh the presumption in favour of sustainable development.
- 86 It is therefore recommended that this application is GRANTED.

**Background papers**

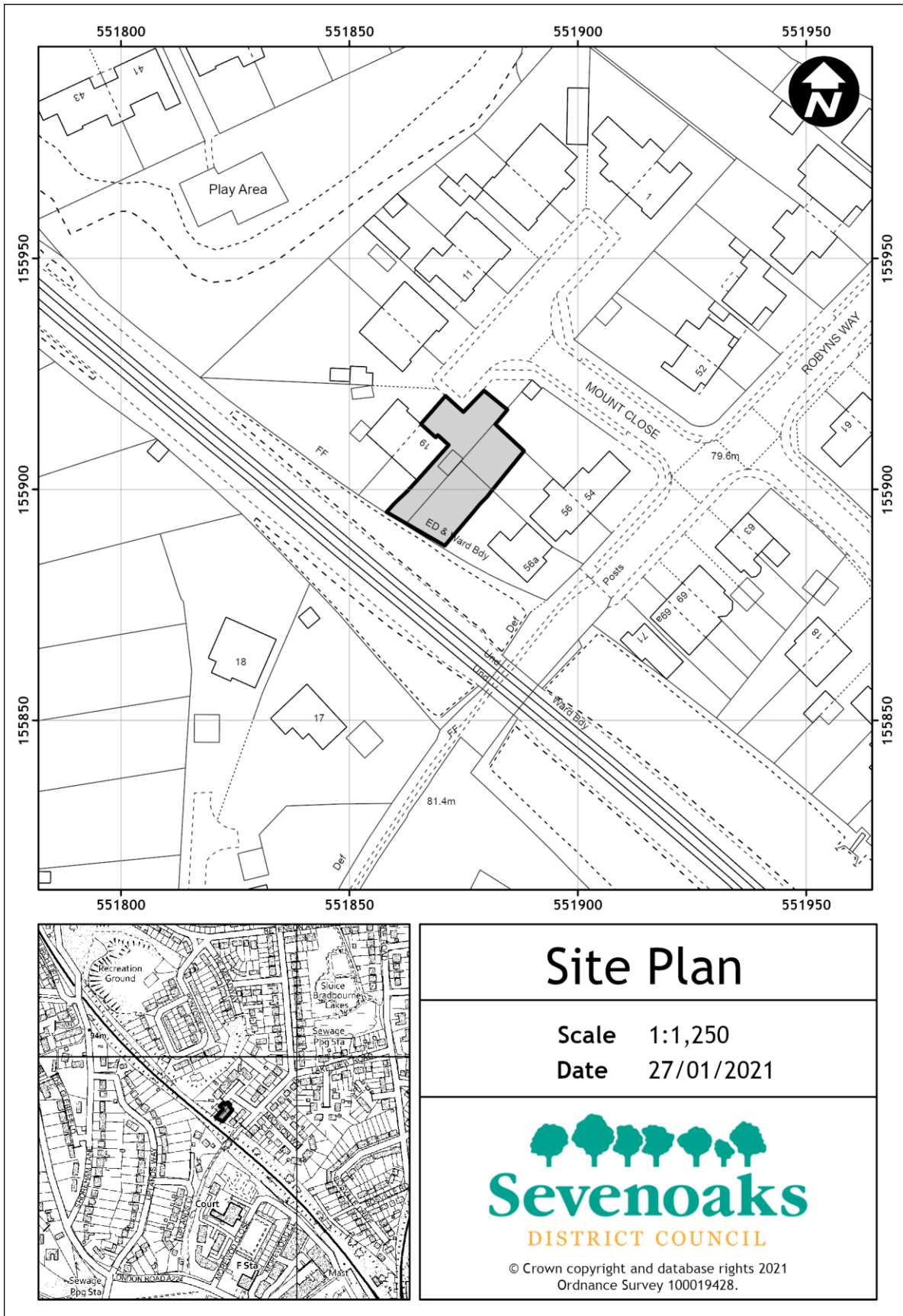
Site and block plan

Contact Officer(s): Samantha Simmons: 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)



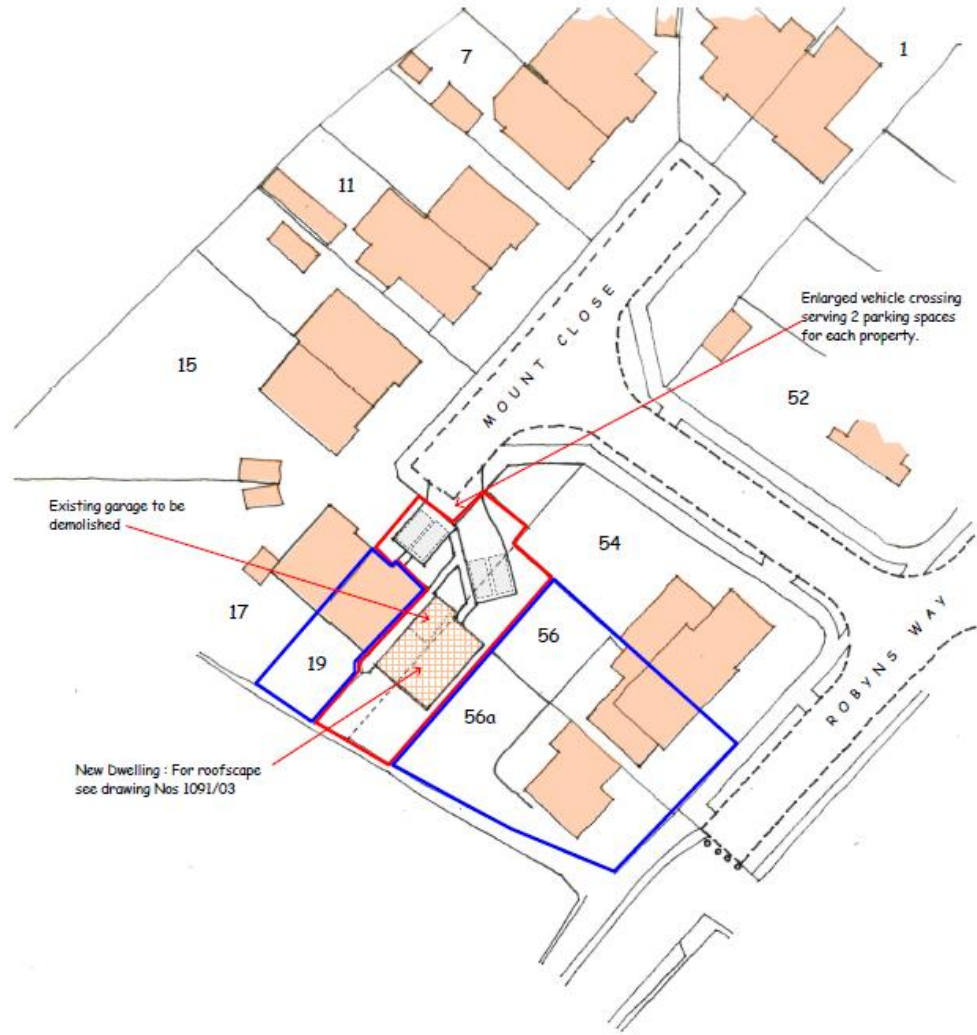
# Site Plan

Scale 1:1,250  
Date 27/01/2021



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Ordnance Survey 100019428.

BLOCK PLAN



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4.4 20/03257/HOUSE

Revised expiry date 19 February 2021

Proposal:

Proposed two storey side extension. Alteration to fenestration.

Location:

52 Capelands, New Ash Green, KENT DA3 8LQ

Ward(s):

Ash And New Ash Green

**Item for decision**

This application has been called to Committee by Councillor Pett on the grounds of loss of visual amenity, specifically that the "slot" created at first floor level will be incongruous and at variance with other approved (and built) alterations to the same design of house elsewhere in this estate.

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: PL-1675

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 4.4

### Description of site

- 1 The site comprises of a two-storey link detached dwelling located within New Ash Green. There are neighbouring properties to the side and rear of the application site.

### Description of proposal

- 2 Proposed two storey side extension. Alteration to fenestration.

### Relevant planning history

- 3 No relevant planning history.

### Policies

- 4 National Planning Policy Framework (NPPF)
- 5 Core Strategy (CS)
  - SP1 Design of New Development and Conservation
- 6 Allocations and Development Management Plan (ADMP)
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN4 Heritage Assets
  - T2 Vehicle Parking
- 7 Other:
  - Sevenoaks Residential Extensions Supplementary Planning Document (SPD)

### Constraints

- 8 The following constraints apply
  - Area of Archaeological Potential
  - Ancient Woodland (outside of application site boundary)

### Consultations

- 9 Ash-cum-Ridley Parish Council - “The Parish Council objects to this application as the proposed development, with a 1m gap will be out of keeping with the street scene and the character of the houses in that row.”



## Representations

10 One letter of objection has been received relating to the following issues:

- Design and aesthetics
- 1 metre gap
- The neighbouring property would prefer the extension to join their property at ground and first floor level
- Maintenance
- Water penetration
- Snow
- Health hazard and loss of amenity for residents
- Joining the two houses would save energy

## Chief Planning Officer's appraisal

11 The main planning considerations are:

- Impact on the character of the area
- Impact on neighbouring amenity

## Impact on the character of the area

12 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.

13 The property is located in Capelands, within New Ash Green. The wider street scene consists of a number of terraced, semi-detached and linked detached dwellings that are two storeys in height and have a similar architectural design, appearance and pallet of materials. Some properties within the surrounding area have been extended and altered in the past through the addition of single storey and two storey extensions.

14 The immediate street scene comprises of a row of properties that are link detached. These properties contain staggered and irregular building lines as well as inconsistent eaves heights. However, there is a consistent pattern of gaps between the row of properties. These gaps are considered to be an important feature of the street scene because they allow views through to the Ancient Woodland situated to the north of the application site and also break up the existing built form, contributing positively to the character of the surrounding area.

15 The proposed development would include a two storey side extension and alterations to fenestration. At first floor level, the proposed two storey extension would extend beyond the south east side elevation of the existing property by approximately 2.5 metres. At ground floor level, the extension would extend beyond the rear elevation of the existing ground floor dining room by 2.7 metres, in line with the rear elevation of the existing property.

16 The extension would be a modest addition and would have a similar roof form and design when compared to the existing dwelling. Furthermore, the

## Agenda Item 4.4

materials used in the construction of the extension would match those of the existing dwelling and the windows and doors would be of a similar size and proportion. As such, it is considered that the extension would integrate successfully with the character of the existing dwelling and would result in a cohesive design.

- 17 The extension would also be set back from the front elevation of the existing property by approximately 1.2 metres. This would ensure that the extension does not appear unduly dominant in the street scene and that the visual primacy of the original dwelling is maintained.
- 18 In addition, the proposed extension would maintain a minimum gap of 1 metre between the side wall of 52 Capelands and the side wall of 53 Capelands, which is situated along the shared boundary of the two properties. This would be in accordance with the guidance set out in the Residential Extensions SPD to prevent visual terracing.
- 19 It is acknowledged that concern has been raised during the consultation process in relation to the 1 metre gap and its impact on the character of the area. However, it is considered that the proposed 1 metre gap would maintain the link-detached appearance of the row of properties and would prevent the extension from having a cramped appearance which would be at odds with the pattern of development within the immediate street scene. Furthermore, the 1 metre gap would ensure that, whilst to a lesser degree, views towards the Ancient Woodland situated to the north of the application site remain.
- 20 It is also acknowledged that within the wider area there have been a number of extensions that have enclosed the first floor gaps between properties. However, due to the irregular building lines and inconsistent eaves heights of the row of properties within the immediate street scene, it is considered that the two storey extension, along with the resulting 1 metre gap between No. 52 and No.53 Capelands, would not appear unduly prominent or visually intrusive and would not cause significant harm the overall character and appearance of the area. The extension would sit comfortably in the surrounding street scene and would retain the defined features of the surrounding area.
- 21 The proposed alterations to fenestration would include the installation of bi-fold doors along the rear elevation of the existing property. The bi-fold doors would not be publically visible in the street scene and therefore would not have a detrimental impact on the character of the surrounding area.
- 22 Overall, the development would preserve the character and appearance of the area in accordance with the NPPF, policies SP1 of the Core Strategy and EN1 of the ADMP and the Residential Extensions SPD.

**Impact on neighbouring amenity**

23 Light

24 The 45-degree test was conducted and the proposed development passed the test. The proposed two storey extension would not result in a loss of light to any neighbouring property.

25 Privacy

26 The proposal would not result in a loss of privacy to any neighbouring property. This is because the extension would not directly overlook the main windows or private amenity areas of the properties situated to the side and rear of the application site. Furthermore, there are already windows on the front and rear elevations of the existing property and therefore the degree of overlooking would be the same as that which currently exists.

27 Visual intrusion

28 The proposal would not result in visual intrusion nor harm the outlook of neighbouring properties. None of the main windows of the neighbouring properties situated to the side and rear of the application site would directly overlook the extension.

29 The extension would be partially visible from the rear gardens of the surrounding neighbouring properties, however, this is not considered to be harmful. The proposed extension it is not a dominant or visually intrusive addition and therefore the development would not significantly alter the existing outlook from these rear gardens towards 52 Capelands.

30 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 of 52 Capelands in compliance with the NPPF and Policy EN2 of the ADMP.

**Other issues**

31 Area of Archaeological Potential

32 The site is located in an Area of Archaeological Potential. Since there is existing built form on the site and the land has already been displaced, the proposed development should not have an impact.

33 Ancient Woodland

34 There is an Ancient Woodland to the north of the application site. The proposed extension would have no direct or indirect impacts on the Ancient Woodland. The extension would take place within the application site and would not constitute major development. Therefore, the extension would not result in the damaging or destroying of the ancient woodland or significantly increase the amount of pollution and disturbance to wildlife.

35 Neighbour comments

## Agenda Item 4.4

- 36 Design, aesthetics and 1 metre gap
- 37 It is noted that the neighbouring property, 53 Capelands, has raised concern regarding the design of the two storey extension and the 1 metre gap between the two properties. They have also stated that they would prefer the extension to be built up to their property, without a gap.
- 38 The purpose of the 1 metre gap, as outlined in the Residential Extensions SPD, is to prevent visual terracing. The design of the extension and the impact of the 1 metre gap on the character of the surrounding area, has been addressed within this report.
- 39 Maintenance, water penetration, snow and energy
- 40 The neighbouring property has raised concern regarding access to the first floor level for maintenance and issues relating to water penetration, collection of snow and loss of energy as a result of the 1 metre gap between the two properties and the flat roof of the extension.
- 41 These issues are not a planning matter and therefore cannot be taken into consideration when determining a planning application.
- 42 However, the submitted plans show that the 1 metre gap between the two properties would comprise of a pitched roof, rather than a flat roof, which would enable run off.
- 43 Health and amenities
- 44 The neighbouring property has also raised that the proposed 1 metre gap may result in nesting birds and windblown rubbish which may cause a health hazard and loss of amenity for residents.
- 45 There is separate Environmental Health legislation which would address this matter.
- 46 Parish Council comments
- 47 The Parish Council have raised that the 1 metre gap between the proposed extension and the neighbouring property 53 Capelands would be out of keeping with the street scene and the character of the houses within the row. As previously mentioned, the impact of the proposed extension on the character of the area has been addressed within this report. The proposed 1 metre gap would maintain the link-detached appearance of the row of properties and would ensure that the extension does not result in a terraced or cramped appearance at odds with the pattern of development within the immediate street scene, in accordance with the Residential Extensions SPD.

### Community Infrastructure Levy (CIL)

- 48 The proposal is not CIL liable.

**Conclusion**

49 The proposal would be an acceptable form of development because it would not have a detrimental impact on the character of the existing property or the surrounding area. Furthermore, it would not have a harmful impact on neighbouring amenities. As a result, the development would comply with our policies.

50 It is therefore recommended that this application is GRANTED.

**Background papers**

Site and block plan

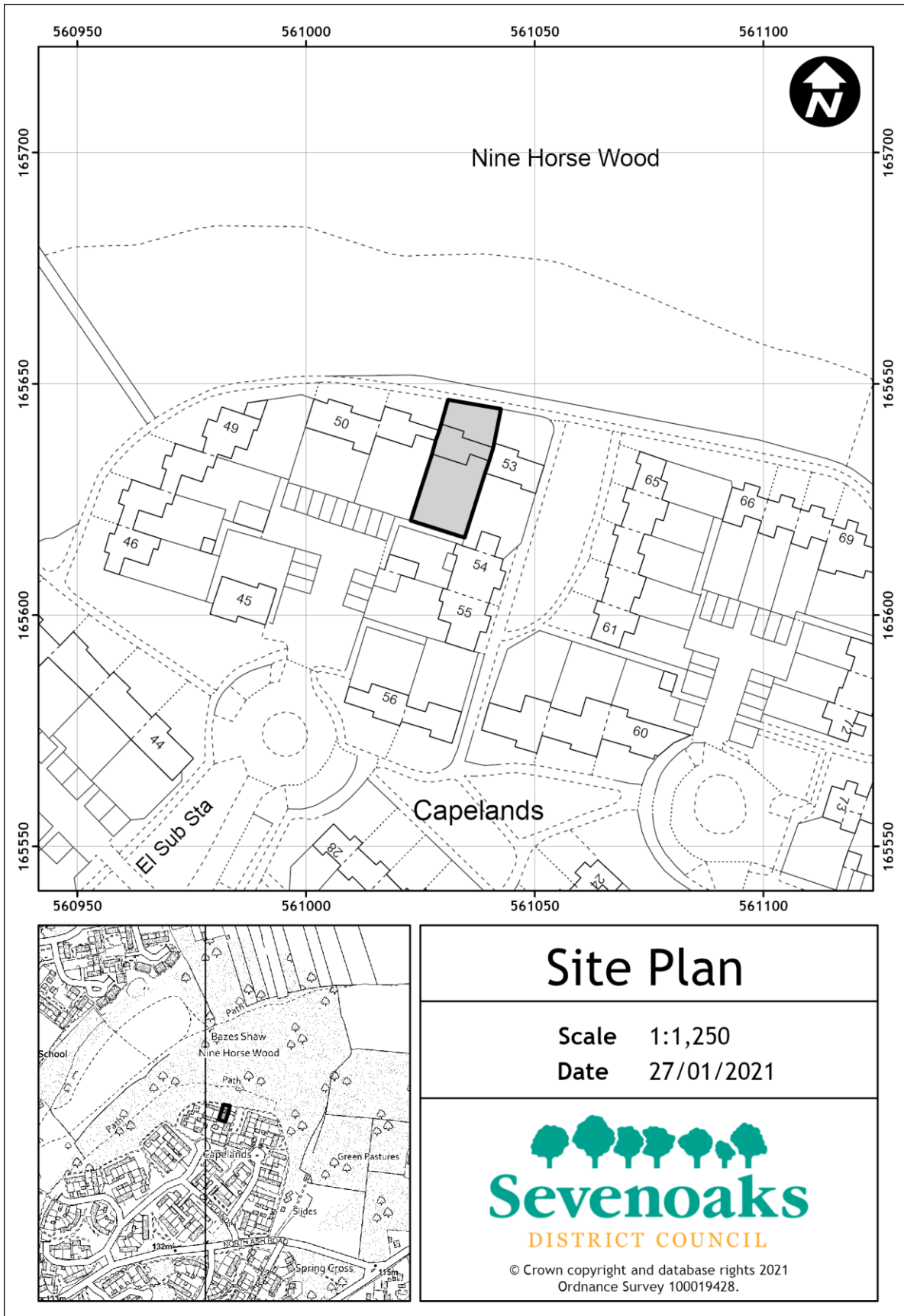
Contact Officer(s):

Hayley Nixon: 01732 227000

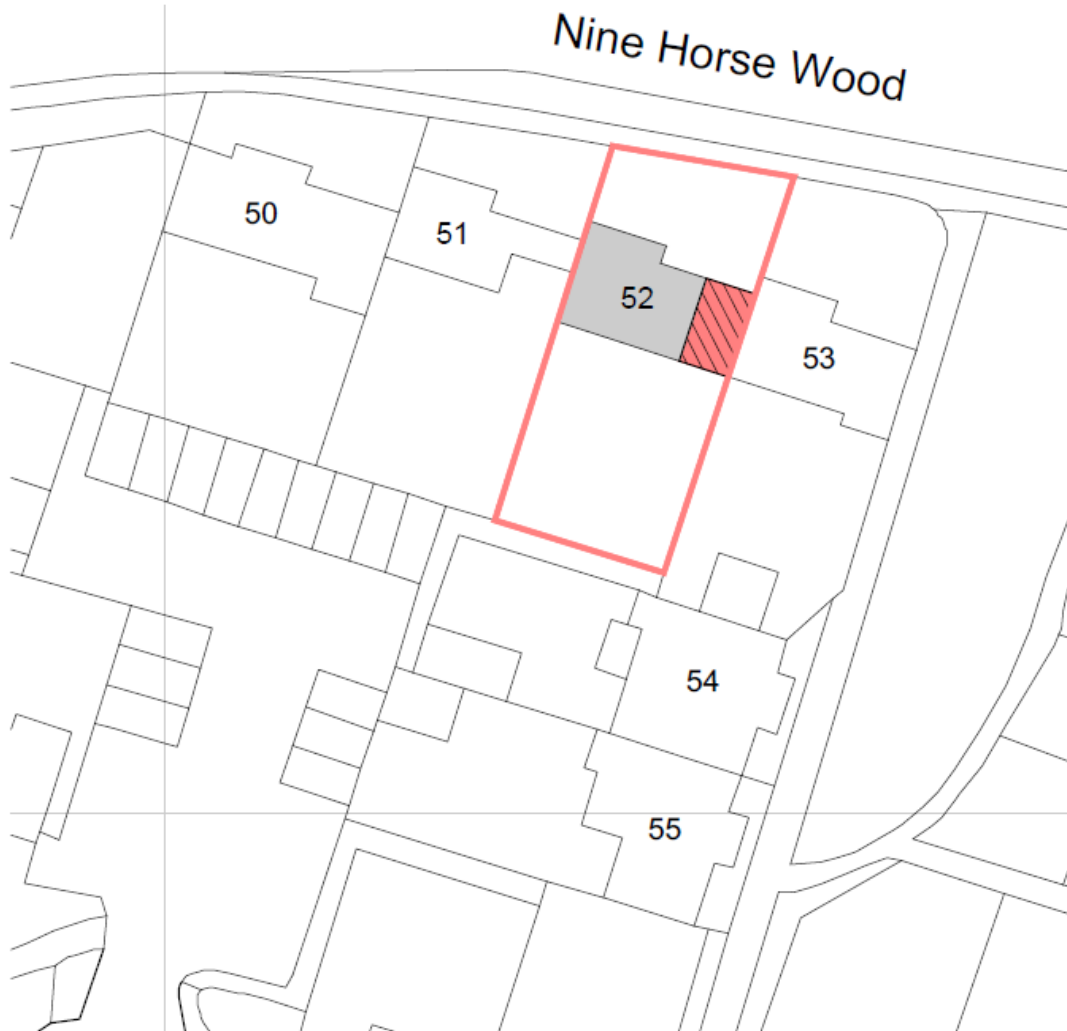
**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



**BLOCK PLAN**



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4.5 20/03106/HOUSE

Revised expiry date 22 January 2021

Proposal: Loft conversion with rear dormer and front velux windows.

Location: 39 Cobden Road, Sevenoaks, KENT TN13 3UB

Ward(s): Sevenoaks Eastern

**Item for decision**

Councillor Clayton has referred the application to Development Control Committee on the grounds of loss of privacy, overshadowing and general dominance.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: RA1461/REV A/01 and Location Plan

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

3) 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 area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

**National Planning Policy Framework**

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

## Agenda Item 4.5

### Description of site

- 1 The site comprises a two storey terraced property located to the west of Cobden Road within the Hartslands Conservation Area in Sevenoaks.

### Description of proposal

- 2 The application seeks permission for a loft conversion with a rear dormer and front facing roof light windows. The application has been amended from the initial scheme submitted.

### Relevant planning history

- 3 18/03858/LDCPR Single storey rear extension. GRANT 11/02/2019.

### Policies

- 4 National Planning Policy Framework (NPPF)
- 5 Core Strategy (CS)
  - LO1 Distribution of Development
  - SP1 Design of New Development and Conservation
- 6 Allocations and Development Management Plan (ADMP)
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN4 Heritage Assets
  - T2 Vehicle Parking
- 7 Other
  - Sevenoaks Residential Extensions SPD
  - Sevenoaks Hartslands Conservation Area Appraisal

### Constraints

- 8 The following constraints apply  
Sevenoaks - Hartslands Conservation Area

### Consultations

- 9 Sevenoaks Town Council -  
“Sevenoaks Town Council recommended refusal on the grounds the dormer occupies too much of the roof space to meet the requirements of the conservation area designation.”

## Representations

- 10 One public comment on behalf of three properties received supporting the principle of development but raising concerns regarding the size and bulk of the dormer, visual intrusion, impact on Conservation Area and materials.

## Chief Planning Officer's appraisal

- 11 The main planning consideration are:
- Design and impact on the character and appearance of the area
  - Impact on neighbouring amenity
  - Impact on the Conservation Area
  - Impact on highways safety and parking provision

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

- 12 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.
- 13` The dwellings along Cobden Road and the immediate vicinity are predominantly made up of rows of terraced properties, many of which have benefitted from loft conversions with rear facing dormer windows.
- 14 The dormer would be located on the rear roof slope so would not be highly prominent or visible from the street scene. The front facing roof lights would be visible from the street scene but would not be considered as harmful to the residential character of the area, with other examples of front roof lights present within the street scene along Cobden Road. Whilst the loss of the chimney may impact the street scene, again a precedent has been set with adjoining neighbours to the south of the site having carried out similar developments. Overall, the proposal would not be considered as out of character within the wider pattern of development and would not be considered intrusive or prominent within the street scene.
- 15 The Residential Extensions SPD advises that rear dormers should be proportionate in scale to the roof plane and should be below the highest part of the existing roof (the ridgeline), demonstrating a set back from the eaves and sides to maintain the visual appearance of the roof line. The applicant amended the scheme to demonstrate a set down from the ridge height and a set in from the sides of 100mm. Therefore, the dormer would not have the appearance of occupying the whole roof plane and would appear more proportionate to the existing property in terms of mass, bulk and size. The revised scheme is considered to be more acceptable when considering the design, form and proportions of the proposed dormer.
- 16 The materials proposed are hung tiles to match and complement the materials of the existing property and help blend the dormer into the existing roof slope. The proposed fenestration on the dormer would be a timbre sash style window to match the traditional fenestration on the rear

## Agenda Item 4.5

elevation of the property. The materials are considered to be of high quality and would appear in keeping with the host dwelling.

- 17 As indicated, other large rear facing dormers have been granted within the immediate locality, a recent example being number 14 Cobden Road, which was supported by the Town Council and granted permission in December under reference 20/02929/HOUSE.
- 18 Overall, the proposal is not considered as harmful to the character and appearance of the area and is considered to accord with policies SP1 of the Core Strategy and EN1 of the ADMP.

### Impact on neighbouring amenity

- 19 Policy EN2 of the ADMP requires proposals to safeguard the amenities of existing and future occupants of nearby properties.
- 20 When considering the siting and scale of the proposed dormer in relation to the adjoining neighbouring properties, the proposal would not be considered to pose a harmful loss of light, outlook or privacy to neighbouring properties.
- 21 The dormer would be adequately separated from the properties located to the rear of the site, numbers 18-24 Prospect Road, and would not be considered to pose a harmful perception of overlooking. The property located directly to the rear of the application site, number 20 Prospect Road, is separated by a 21m back to back separation distance which is considered to be acceptable when considering the protection of neighbouring amenity.
- 22 The dormer would be set within the existing roof slope and would not be harmful to neighbouring properties through overshadowing or a loss of light. The dwellings to the south of the application site have similar style dormers and the proposal would not be considered as visually intrusive to neighbouring properties when considering the wider pattern of development within the immediate area.
- 23 As such, the proposal is not considered to be harmful to neighbouring amenity, in accordance with policy EN2 of the ADMP.

### Impact on the Conservation Area

- 24 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.
- 25 The application site is located within the Sevenoaks Hartlands Conservation Area. The Conservation Area Appraisal for Sevenoaks Hartslands Area states that dormer additions should not be considered in instances where they will face directly on to the street. With regards to this application, the dormer would be sited on the rear roof slope where it would not be visible from the street scene.

- 26 Moreover, the bulk and scale of the proposed dormer is considered to be acceptable and the dormer would not be considered to harm the important views within the Conservation Area. There are other similar developments that have been allowed within the surrounding locality and the proposal would not be considered to harm the character or appearance of the Conservation Area.
- 27 In addition, the construction materials are considered to be appropriate to the site context. The proposed roof lights on the front elevation are modestly sized and would not project from the roof slope. Whilst the chimney would be lost, this would not be considered to substantially harm the significance of the Conservation Area to a degree that could warrant a refusal.
- 28 Overall, the proposal would not be considered to substantially harm the setting, significance and historic interest of the Conservation Area and the character and appearance of the heritage asset would be preserved, in accordance with policy EN4 of the ADMP.

#### **Impact on highways safety and parking provision**

- 29 Due to the existing parking arrangements, the properties on Cobden Road rely predominantly upon on-street parking. Although the proposal will add an additional third bedroom to the property, this would not be considered to pose an increased need to demonstrate further parking provisions. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact upon highways safety, or if the residual cumulative impact upon the road network would be 'severe'. The addition of the third bedroom would not be considered to pose a 'severe' impact upon the road network and on this basis the proposal is considered acceptable in this regard.

#### **Conclusion**

- 30 As highlighted in the report above the proposed development accords with the NPPF and our adopted development plan policies.
- 31 It is therefore recommended that this application is GRANTED.

#### **Background papers**

Site and block plan

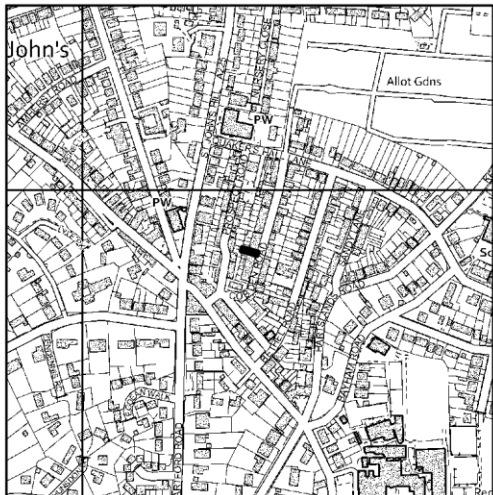
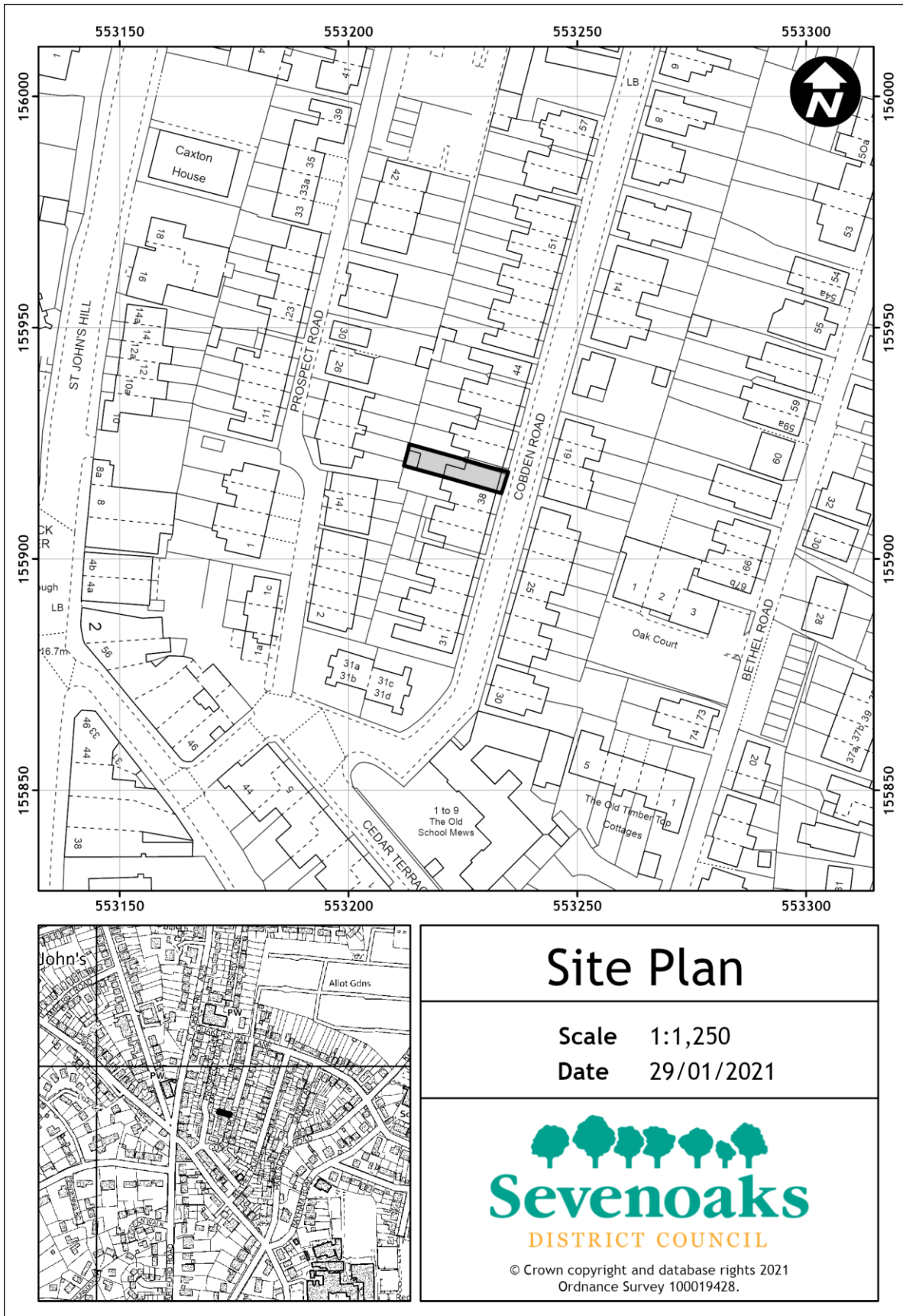
Contact Officer(s): Anna Horn

Anna Horn: 01732 227000

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

[Link to application details](#)

[Link to associated documents](#)



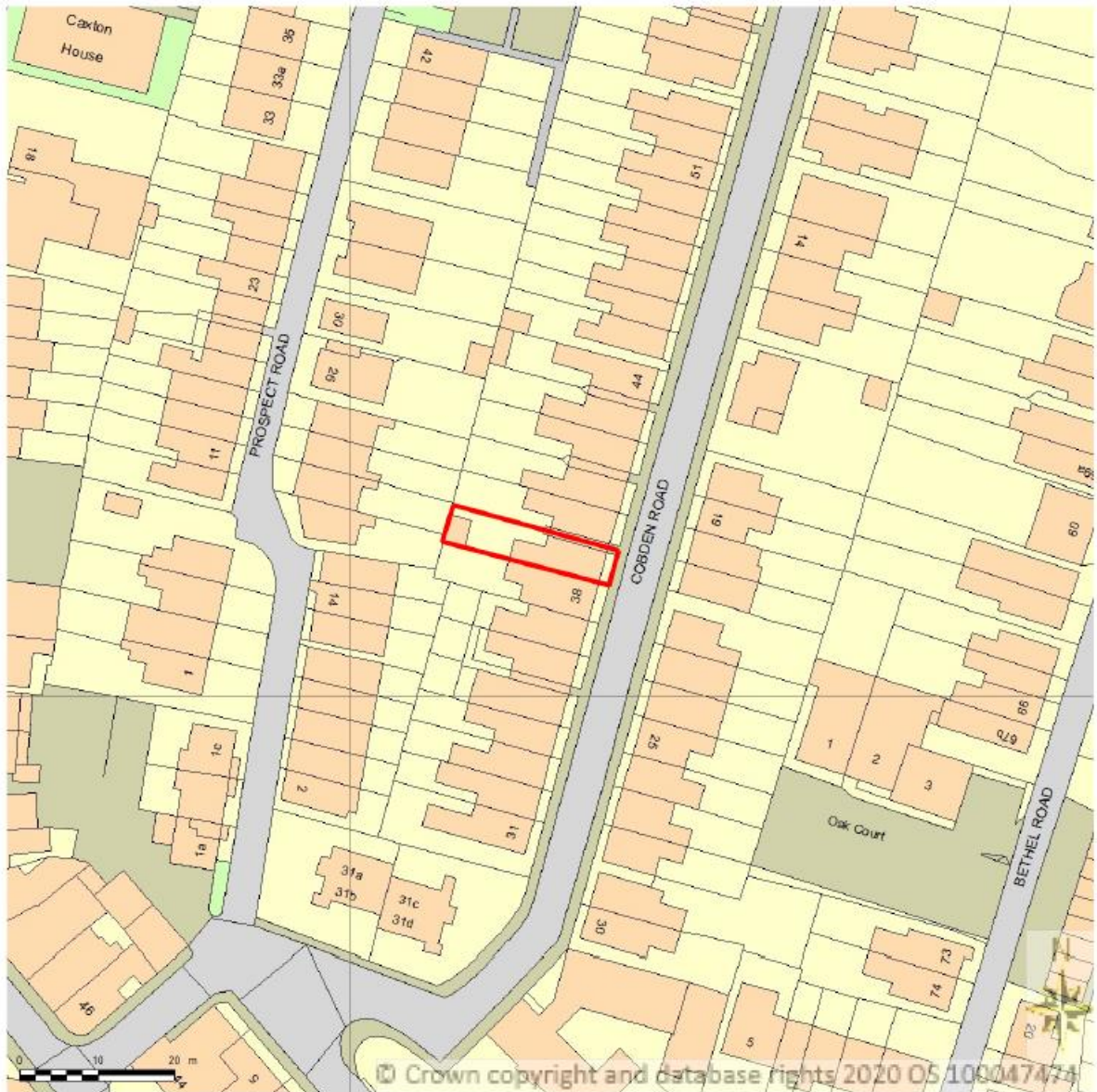
# Site Plan

Scale 1:1,250

Date 29/01/2021



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Ordnance Survey 100019428.



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5.1 TPO 6 of 2020

PROPOSAL: TPO 6 of 2020 was served to protect a mature Pine tree.

LOCATION: Situated within the front garden of 5a Holly Bush Lane, Sevenoaks.

WARD(S): Sevenoaks Eastern.

**ITEM FOR DECISION**

The application is referred to committee following an objection to TPO 6 of 2020.

RECOMMENDATION: That TPO 6 of 2020 is confirmed without amendment.

**Description of Site**

- 1 15a Holly Bush Lane is a detached property situated within the urban confines of Sevenoaks. The frontage or eastern aspect faces onto Holly Bush Recreation Ground. The Pine tree is situated within the front garden.

**Policies**

- 2 National Planning Policy Framework (NPPF)
- 3 National Planning Policy Guidance (NPPG).

**Constraints**

- 4 The following constraints apply
  - TPO 06 of 2020.
  - Vine Court Conservation Area.

**Amenity Value and Visibility of the Pine tree.**

- 5 The Pine tree is situated within the front garden of the property. It can be clearly seen from the public highway and footpath outside the property. It appears to be in a sound and healthy condition and so offers a degree of amenity to the local area. The serving of this TPO would prevent its removal, thus preserving its amenity value.

**Representations**

- 6 An objection has been received to the serving of TPO 06 of 2020. The objectors are Mr and Ms N & J Bamfield of 5a Holly Bush Lane, Sevenoaks.

## Agenda Item 5.1

- 7 Mr and Ms Bamfield object on the grounds:
1. That the Pine tree is unsuitable for its location as it is a forest type tree which can grow to 35 metres in height. It was planted by the builders who built the property. It is currently situated 5m from the property and 2m from the footpath outside. Branches are currently 1m from the front of the house. The owners wish to remove it and replace it with a smaller species;
  2. The Pine tree may cause structural damage to the property in the future. The roots of this tree have caused disruption to the driveway and may occur in the future to the public footpath outside the property;
  3. That branches from the Pine tree interfere with wires attached to the property. They are concerned that unless these branches are pruned back damage may occur especially if it snows;
  4. Pine needles shed by the Pine tree cause a mess to their front garden and drive and the public footpath outside;
  5. The roots of this tree prevent them from growing plants within the front garden and the failure of the grass to become established impacts on the appearance of the property.

### Appraisal

#### Consideration of Objections

- 8 TPO 6 of 2020 was served to prevent the felling of the Pine tree taking place. Its removal would have been detrimental to the local amenity. Protecting this tree with a TPO, does not mean that works may not be carried out in the future, but there would be control over the extent of any future pruning works.
- 9 With regards to the Pine tree being unsuitable to its location, at the moment it appears to be appropriate for its position. As this tree matures it will of course become larger although this will take many years to achieve. Should this tree have to be removed in the future for any reason, we can insist on replacement planting taking place and can also influence the species of replacement tree to be planted. However, if this tree is not protected by the TPO, the tree owners are not obliged to carry out replacement planting.
- 10 The objection relating to this tree causing structural damage in the future, this is difficult to predict. There are many mature trees located outside of properties within Sevenoaks where structural damage has not occurred. It does not always follow that a mature tree located near to a property results in structural damage. With regards to the disruption to the driveway, this could be remedied by reinstating the drive and at the time of inspection, no disruption was visible to the public footpath.
- 11 With regards to the branches of the Pine tree damaging wires, this could be overcome by carrying out sensible pruning works to the said branches. All that would be required would be a formal application for consent to cutback

from the cables. Providing the requested works are reasonable, consent would be granted.

- 12 The problem of the needles shed by the Pine tree, could be overcome by carrying out regular maintenance works. The clearance of the needles from the public footpath would be a matter for the street cleaning teams. At the time of inspection this did not appear to be a concern.
- 13 With concern of establishing plants within the front garden, the planting of shade and drought tolerant species of grass and shrubs may enable the front garden to be landscaped to a degree that satisfies the homeowners.

**Expediency of Preserving the Pine tree.**

- 14 The Pine tree is prominent within its setting. The loss of this tree would be detrimental to the local and visual amenity. The serving of this order would retain this tree and control would be exerted on the extent of any future pruning works to it.

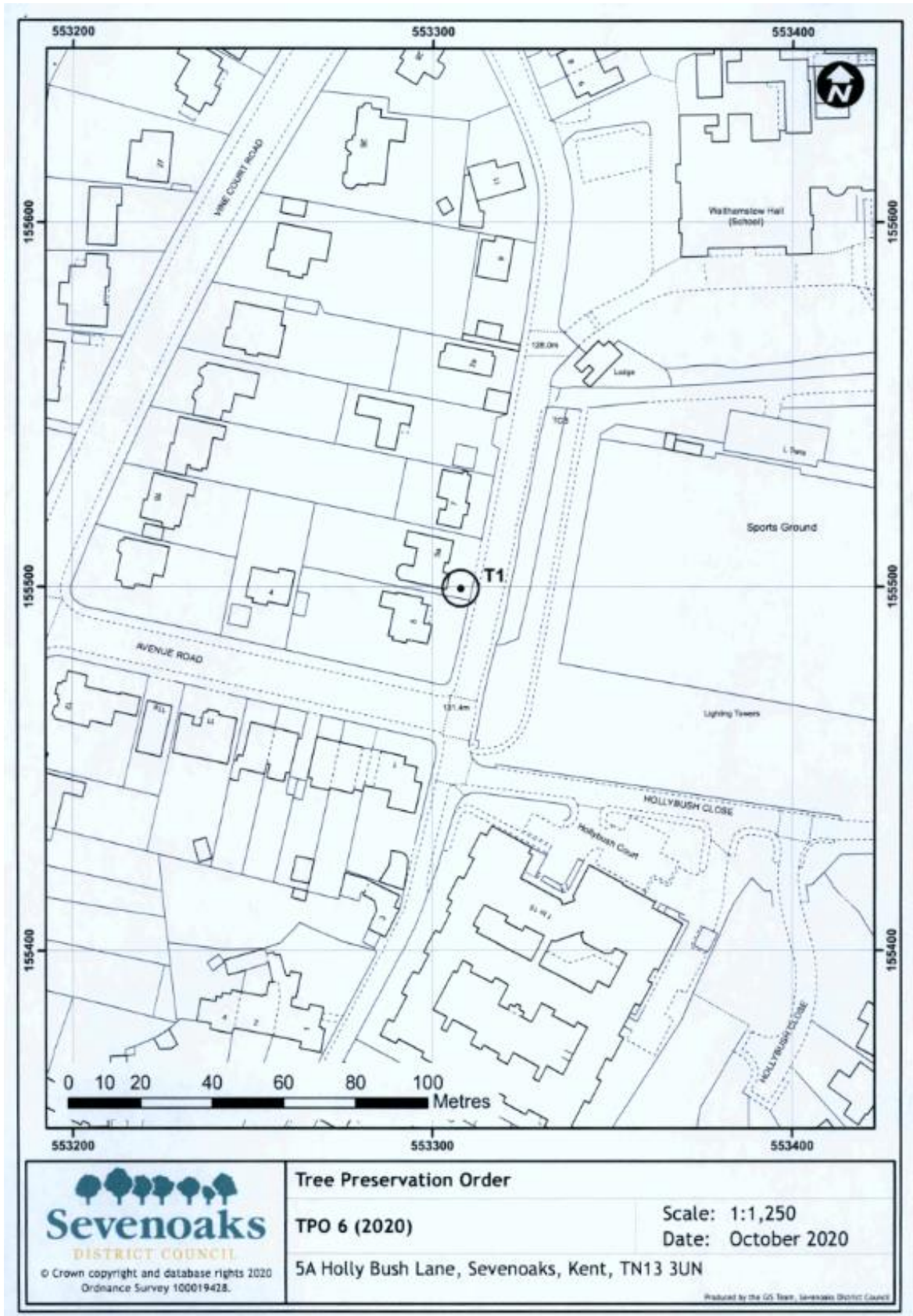
**Conclusion.**

Recommendation: that TPO 6 of 2020 be confirmed without amendment.

TPO plan and Schedule 1 attached as (Appendix 1).

Contact Officer Harry Walker 01732 227000

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



APPENDIX 1

<b>SCHEDULE 1</b>		
<b>SPECIFICATION OF TREES</b>		
<b>Trees specified individually</b> (encircled in black on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1	Pine	Situated within the front garden of 5a Holly Bush Lane, Sevenoaks, Kent.
<b>Trees specified by reference to an area</b> (Within a dotted black line on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	
<b>Groups of trees</b> (Within a broken black line on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	
<b>Woodlands</b> (Within a continuous black line on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	
* complete if necessary to specify more precisely the position of the trees.		

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