

18 November 2021 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 10.11.21

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Development Control Committee

Membership:

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

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To approve the minutes of the meeting of the Committee held on 21 October, as a correct record.	(Pages 1 - 6)	
2. Declarations of Interest or Predetermination Including any interests not already registered		
3. Declarations of Lobbying		
4. Planning Applications - Chief Planning Officer's Report		
4.1 21/01126/FUL - Rear Of 49 And 51 Wickenden Road, Sevenoaks, KENT TN13 3PL Erection of a pair of semi-detached dwellings of two-storey design with associated parking, amenity space, bicycle and bin storage.	(Pages 7 - 20)	Sean Mitchell Tel: 01732 227000
4.2 21/00882/FUL - 1C Wickenden Road, Sevenoaks, KENT TN13 3PJ Sub division of land with demolition of	(Pages 21 - 34)	Sean Mitchell Tel: 01732 227000

existing garage and storeroom to form new two-storey dwelling and formation of vehicle access to number 1c.

- 4.3 **21/03097/LBCALT - The Castle House, Sevenoaks Road, Otford KENT TN14 5PB** (Pages 35 - 40) Hannah Donnellan
Tel: 01732 227000
To convert a second floor anteroom into an en-suite bathroom.
- 4.4 **21/03394/DETAIL - The Castle House, Sevenoaks Road, Otford KENT TN14 5PB** (Pages 41 - 44) Hannah Donnellan
Tel: 01732 227000
Details pursuant to condition 1 (internal gutter) of planning permission 21/02431/LBCALT.
- 4.5 **21/03208/NMA - White Oak Leisure Centre, Hilda May Avenue, Swanley KENT BR8 7BT** (Pages 45 - 50) Nicola Furlonger
Tel: 01732 227000
Non-material amendment to 19/02951/HYB.
- 4.6 **21/03134/HOUSE - 102 Manor Forstal, New Ash Green, KENT DA3 8JQ** (Pages 51 - 56) Hayley Nixon
Tel: 01732 227000
Demolition of sunroom with side infill, rear extension and rooflights.

5. Tree Preservation Orders

- 5.1 **Objections to Tree Preservation Order (TPO) 3 of 2021 - Situated to the north of Pilgrims Way, Kemsing. Between Eastlea to the west and Chalkpit Cottage to the east.** (Pages 57 - 62) Les Jones
Tel: 01732 227000
- 5.2 **Objection to Tree Preservation Order (TPO) 2 of 2021 - Situated on Milton Avenue, Badgers Mount, TN14 7AU** (Pages 63 - 66) Les Jones
Tel: 01732 227000

EXEMPT INFORMATION

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

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 15 November 2021.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess

those factors without a Site Inspection.

- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

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

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

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 21 October 2021 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Pett (Vice Chairman)

Cllrs. Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Edwards-Winsor, Hogarth, Hunter, McGarvey, Osborne-Jackson, Pett, Purves, Raikes and Reay

Apologies for absence were received from Cllrs. Ball, Barnett, Hudson and Layland

Cllrs. Grint and Thornton were also present via a virtual media platform, which does not constitute attendance as recognised by the Local Government Act 1972.

34. Minutes

Resolved: That the Minutes of the Development Control Committee meeting held on 30 September 2021, be approved and signed as a correct record.

35. Declarations of Interest or Predetermination

For transparency, Cllr Reay declared for Minute 38 - 20/02393/HOUSE - Meadowfield, 60 Hitchen Hatch Lane, Sevenoaks, Kent, that he collected a greenhouse from one of the speakers several weeks previously, and he would remain open minded.

Cllr Hogarth declared for Minute 38 - 20/02393/HOUSE - Meadowfield, 60 Hitchen Hatch Lane, Sevenoaks, Kent, that he had previously considered and discussed the application as a Member of the Sevenoaks Town Council Planning Committee, therefore would not take part in the debate or vote thereon.

For transparency, Cllr Williamson declared for Minute 38 - 20/02393/HOUSE - Meadowfield, 60 Hitchen Hatch Lane, Sevenoaks, Kent, that he knew one of the speakers but they had not spoken for at least 6 years, and he would remain open minded.

36. Declarations of Lobbying

Cllr Hunter and Williamson declared that they had been lobbied in respect of Minute 37 - 20/03119/FUL - Land South of Tudor House, Rushmore Hill, Knockholt, Kent.

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Cllrs Perry Cole, Coleman, Darrington, Hogarth, Hunter, Osborne-Jackson, Pett, Purves, and Williamson declared that they had been lobbied in respect of Minute 38 - 21/02393/HOUSE - Meadowfield, 60 Hitchen Hatch Lane, Sevenoaks, Kent.

37. 20/03119/FUL - Land South Of Tudor House, Rushmore Hill, Knockholt, KENT

The proposal sought planning permission for erection of 2 polytunnels, storage/potting, office facilities building in connection with a horticultural nursery. The application had been referred to the Committee by Councillor Williamson so that the implications on the openness of the Green Belt, highway conditions and viability could be discussed.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Representative from Graham Simpkin Planning
Parish Representative:	Zoe Brookman on behalf of Knockholt Parish Council
Local Members:	Cllr Grint

Members asked questions of clarification from the speakers and officer. It was clarified that the site would be used early in the morning to prepare for a market stall. It was noted that the height of the proposed machinery store was 5.7m high.

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

Members discussed the application and expressed concerns over the size of the machinery store. Further concerns were expressed over potential light pollution from the site during its use in early mornings and late evenings.

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

It was moved, and duly seconded that the application be refused on the grounds that size and bulk of the machinery store as well as light pollution would cause harm to the character of the area.

Resolved: That planning permission be refused on the grounds that the proposal by virtue of its bulk, height and scale and potential for light pollution, would harm the visual amenities and character of the area and street scene contrary to Policy EN1 of the Allocations and Development Management Plan.

Informative

If a similar proposal is to be re-submitted, the applicant is encouraged to explore options to minimise the use of water and to use water recycling methods.

38. 21/02393/HOUSE - Meadowfield, 60 Hitchen Hatch Lane, Sevenoaks KENT TN13 3AU

The proposal sought planning permission for the demolition of existing garage and shed, remodelling and enhancement including extensions to existing house, new porch, integral garage, loft conversion, landscaping, covered pergola, rooflights and alterations to fenestration. The application had been referred to the Committee by Councillor Fleming on the ground of impact on neighbouring amenity.

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

The Committee was addressed by the following speakers:

Against the Application: John Wertheim

For the Application: Jack May

Parish Representative: -

Local Members: -

Members asked questions of clarification from the officer. It was clarified that the proposal was not likely to impact the privacy of future dwellings built on Woodside Road as they were far from the site. It was highlighted that there were conditions included to prevent damage to trees.

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

Members discussed the application.

The motion was put to the vote and it was

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

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

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

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Development Control Committee - 21 October 2021

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 6214-PD-01, 10, 11, 12 and 13.

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.

- 4) No development shall take place until details are submitted and approved for tree protection, including: A) A plan showing the location of, all existing trees on the land which have a stem with a diameter exceeding 75mm when measured over the bark at a point 1.5m above ground level. The plan shall identify those trees which are to be retained and the crown spread of each retained tree. In paragraphs 'b' to 'e' below references to a "retained tree" mean an existing tree which is to be retained in accordance with this plan. B) Details of the species, diameter (measured in accordance with paragraph A) above), the approximate height, and an assessment of the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (C) and (D) below apply. C) Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site. D) Details of any proposed alterations in existing ground levels and of the position of any proposed excavations or other engineering operations. These details shall be illustrated by a series of cross-sections showing existing and proposed levels. E) Details of the specification and position of fencing or other measures to create a 'retained tree protected area' for the protection of any retained tree from damage before or during the course of development. F) Details of the location and extent of any area on the land to be used during the construction period for storage (including materials, plant and machinery) and/or for siting any temporary ancillary structures, such as a site office.

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

- 5) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection for any retained tree shall be undertaken in accordance with the details submitted to and approved in writing by the local planning authority under condition 4 above. In this condition a "retained tree" means an

existing tree which is to be retained in accordance with condition 4 above. Also: A) The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land. B) Within a retained tree protected area: -Levels shall not be raised or lowered in relation to the existing ground level - No roots shall be cut, trenches cut, or soil removed - No buildings, roads, or other engineering operations shall be constructed or carried out -No fires shall be lit; - No vehicles shall be driven or parked over the area; - No materials or equipment shall be stored.

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

- 6) No works of excavation shall take place under the canopy of the trees on the northern boundary unless it is in accordance with a method statement which has been submitted to and approved in writing by the local planning authority.

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

(Having made a declaration of predetermination, Cllr Hogarth left the room during consideration of this item and did not take part in the debate on voting thereon).

THE MEETING WAS CONCLUDED AT 8.32 PM

CHAIRMAN

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4.1 21/01126/FUL

Date expired 15 June 2021

Proposal:

Erection of a pair of semi-detached dwellings of two-storey design with associated parking, amenity space, bicycle and bin storage.

Location:

Rear Of 49 And 51 Wickenden Road, Sevenoaks, KENT TN13 3PL

Ward(s):

Sevenoaks Eastern

Item for decision

Cllr Clayton and Cllr Purves have referred this application to DC Committee to assess whether the proposal is overdevelopment of the site, its impact upon the character and appearance of the street neighbouring amenities, wildlife and sets a precedent.

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

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

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

2) No development shall be carried out above damp proof course level of the development hereby approved until details of the external finish materials including rainwater goods to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To 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) A hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any works above damp proof course level. The landscaping scheme shall include the following details: a) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible) and size; b) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges; c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps, driveway and if applicable synthetic surfaces; and d) any other landscaping feature(s) forming part of the scheme. 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 or in accordance with a programme agreed with the Local

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

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

4) Prior to completion of the development a schedule of biodiversity enhancements that includes a plan showing their locations have been submitted to and approved by the Local Planning Authority and completed in full prior to the occupation of the new dwelling hereby approved. The scheme shall be implemented in accordance with the approved details.

To ensure that the proposed development will enhance biodiversity value of the site, in accordance with Policy SP11 of the Core Strategy and guidance in National Planning Policy Framework.

5) No external lighting within the site until details of any form of external lighting has been submitted to and approved in writing by the local planning authority. Such details shall include location, height, type and direction of light sources, means of controlling light spillage and intensity of illumination. Any lighting, which is so installed, shall thereafter be maintained and operated in accordance with the approved details and shall not be altered other than for routine maintenance.

To maintain the integrity and character of the area as supported by Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

6) The dwellings 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 its first occupation and maintained thereafter.

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

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

To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development or the amenities of future occupants of the development or the occupiers of adjoining property in accordance with Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

8) The windows in the first floor, east facing elevation(s) of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level

3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

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

9) No building shall be occupied until details of permeable surfacing and any surface water drainage provision of the access and parking areas have been submitted to and approved in writing by the local planning authority. All surfacing and any surface water drainage provision shall be carried out in accordance with the approved details and completed prior to the first occupation of the dwelling hereby permitted.

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

10) The development hereby permitted shall be carried out in accordance with the following approved plans: 593/A1/01 Rev. A, 593/A1/02 Rev. B, 593/A1/03 Rev. B, 593/A1/04 Rev. B, 593/A1/06 Rev. A.

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 for further details.

3) The applicant should note that under the terms of The Conservation of Habitats and Species Regulations 2010, Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats which are also European Protected Species.

You should note that the work hereby granted consent does not override the statutory protection afforded to these and other protected species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. Please note that a European Protected Species Licence will be required to allow the proposed development to proceed lawfully. Further details can be found at:

<https://www.gov.uk/environmental-management/wildlife-habitat-conservation>

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 section of Wickenden Road nearest the appeal site is a straight residential street characterised by 2-storey semi-detached dwellings typical of the mid- 20th century. The street has a sense of rhythm and uniformity arising from the strong building line, the symmetry of the dwellings with their hipped roofs, and the modest front and spacious rear gardens. By contrast Littlewood is a short cul-de-sac which was originally provided to give access to blocks of garages. It is now enclosed on one side by the rear boundaries of Nos 49-55 Wickenden Road and a series of parking spaces separated by small areas of landscaping on the other. The gardens of terraced properties in Hillingdon Rise back onto these parking spaces. The only property to have frontage onto Littlewood is a building facing the turning head at the end which comprises 4 flats but is similar in scale to a pair of semis. This apartment block is largely disconnected in townscape terms from the surrounding development.
- 2 The area is suburban residential in character and has a broadly similar appearance and noticeable that other properties have extensions to them and associated off-street parking provision.

Description of proposal

- 3 The site relates to the rear gardens of Nos 49 and 51, a pair of semis. On each site, it is proposed to provide a small detached dwelling with rear garden and two parking spaces in a tandem arrangement to the side.

Relevant planning history

- 4 20/01055 - Erection of linked two storey addition to side of existing dwelling to provide a 2 bedroom dwelling with associated parking, bin, cycle storage and private rear garden and provision of single storey rear extension to serve existing dwelling at No. 51 - GRANTED
- 5 20/01056 - Erection of detached two bedroom dwelling with associated parking, secure bin and cycle storage and amenity space on land to rear of 51 Wickenden Road with access achieved from rear (Littlewood) - REFUSED - APPEAL DISMISSED
- 6 20/01627 - Erection of detached two bedroom dwelling with associated parking, secure bin and cycle storage and amenity space on land to rear of 49 Wickenden Road with access achieved from rear (Littlewood) - REFUSED - APPEAL DISMISSED

Policies

- 7 National Planning Policy Framework (NPPF)
- 8 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
 - SP4 Provision of Affordable Housing
 - SP7 Density of Housing Development
 - SP11 Biodiversity
 - LO1 Distribution of Development
 - LO2 Development in Sevenoaks
- 9 Allocations and Development Management Plan (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
 - T2 Parking
 - T3 Electrical vehicle charging point
- 10 Other:
- 11 National Planning Policy Guidance;
 - CIL Regulations;
 - Appendix 2 of the ADMP -Guidance for Residential Parking;
 - Sevenoaks Residential Character Assessment CO8 -Wickenden Rd
 - SDC Residential Extensions SPD

Constraints

- 12 The following constraints apply:
 - Built confines of Sevenoaks

Consultations

- 15 **Sevenoaks Town Council** - Objects to the proposal on the following grounds:

“The new plan is higher and of greater bulk than the plan for 'semi-bungalows' refused by SDC as intrusive impact on neighbours in Wickenden Road, due to height, bulk and enclosure, would be more intrusive than the earlier plan refused by the Planning Inspector at appeal”
- 16 **Kent County Council Highways** - No comment
- 17 **Thames Water** - No objection raised
- 18 **South East Water** - No comment received

Representations

19 19 representations have been received, objecting to the proposal on the following grounds:

- Unauthorised work, being subdivision of rear garden/clearance;
- Building within a back garden;
- Overdevelopment;
- Sets a precedent;
- Diminishes a green space;
- Affects wildlife;
- Compromises highway safety;
- Loss of privacy;
- Overshadowing;
- Additional noise generated.

Chief Planning Officer's appraisal

20 The main planning consideration are:

- The principle of the development;
- The impact on the character and appearance of the area;
- The impact on residential amenity;
- Highways.

Principle of development

21 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, and reusing previously developed land.

22 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 states that "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed infrastructure. This excludes: ... land in built up areas such as private residential gardens..."

23 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.

24 Policies L01 and L02 of the Core Strategy requires development to be focussed within the built confines of existing settlements. The Sevenoaks urban area will be the principal focus for development in the District. Policy

LO2 of the Core Strategy places emphasis that suitable employment sites will be retained and provision will be made for housing within Sevenoaks Urban Area.

- 25 This site is within the built confines of Sevenoaks, and as such, there is a presumption in favour of development. The development of this windfall site would make a welcome, small, contribution to the housing provision within the district; however it is not critical to the delivery of the Core Strategy's current housing targets. The broad location of development is accepted in an established residential suburb within the built confines of Sevenoaks, and supported by the necessary infrastructure.
- 26 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.
- 27 This is broadly consistent with Policies LO1, LO2, SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.
- 28 Policy SP7 of the Core Strategy is relevant to density and states that all new housing will be developed at a density consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration new residential development will be expected to achieve a density of 40 dwellings per hectare (dph). Without prejudice to an assessment of the development against relevant design policies the proposal would not represent overdevelopment of the land with an approx. 50dph being proposed. This would represent the efficient use of land as cited in paragraph 124 of the NPPF.
- 29 It is recognised that the site is located within the built confines of Sevenoaks and it is clear that development plan policies seek to maximise the potential of such sites. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt. However, the Council does not have a policy which resists the development of residential gardens. Instead, it is considered sufficient to rely on an assessment of development on the basis of its location - within the built confines - and its context - whether it accords with the criteria in other policies relating to appearance and impact.

Impact on the character and appearance of the area

- 30 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. 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. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

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- 31 The site falls within the Wickenden Road (C08) of the Residential Character Area Assessment SPD. This states that Wickenden Road comprises 1930-1950's residential development with housing houses set back from the road on a relatively regular building line. Locally distinctive positive features are identified as houses that are set back from the road along a relatively regular building line with trees and boundary hedges. Design guidance for the area states that some infill development and redevelopment has occurred in this character area; in proposing new development within Wickenden Road development should be set back from the road and respect the relatively regular building line, use of harmonious materials, mature trees and hedge, or wall and hedge, boundaries which contribute to the character of the area should be retained.
- 32 The architectural styles of houses within the road are of various repeated designs that conform to a regular building line, set back from the road and notable that other properties have been extended, especially to their sides. Several of these additions comprise new dwellings.
- 33 The site forms part a row of dwellings that front onto the eastern side of Wickenden Road that occupy modest sized plots with generous front and rear gardens, with many properties having being extended at their sides, either enlarging the property or the creation of a new dwelling. The general pattern of development is close-knit, with dwellings fronting the highway and in particular, the development to the eastern side conforming to a regular building line.
- 34 It should be noted that in the previous dismissed planning appeal the Planning Inspector stated:
- “The appeal sites are sections of the rear gardens of Nos 49 and 51, a pair of semis. On each site it is proposed to provide a small detached dwelling with a rear garden and two parking spaces in a tandem arrangement to the side. Although the houses would not have front gardens, they would introduce an active street frontage to Littlewood. There would be some loss of spaciousness at the rear of the Nos 49 and 51, but this would not be visually apparent from anywhere other than the immediate surroundings. As the parking area on the opposite side of Littlewood is open, the introduction of the dwellings would not result in the cul-de-sac feeling unduly enclosed. I consider that, if considered together, these aspects of the schemes would be acceptable.”***
- 35 In light of the above, the Planning Inspector accepts the principle of the development and its spatial visual impact. Significant weight has to be given to this in its consideration.
- 36 This proposal has now addressed the principle concerns of the Inspector whereby the design of the dwellings has been addressed. The overall appearance of the pair of semi, appear more proportionate in scale and with the surrounding development being semi-detached and short terraced dwellings being the predominant building form within the surrounding area.
- 37 Despite the objections raised by third parties and Town Council, weight is given to the previous Inspectors findings in relation to the impact of the

development upon the surrounding area and as now the design has been amended to reflect the built form of the surrounding area, the development would accord with Policy EN1 of the ADMP.

Impact upon residential amenity

- 38 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development, while ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties and occupants of future developments.
- 39 In terms of loss of privacy to surrounding properties, the first floor windows to the rear elevation of the dwellings are proposed to be obscure glazed and that they only serve non habitable spaces being a landing areas and bathrooms of each property. As such, by securing the obscure glazing to these windows, this would ensure that the privacy of the neighbouring properties to the rear of the site is protected. As such a reason to object on this basis is unjustified despite the objections raised.
- 40 In respect to the other properties surrounding the development, the windows from development would have oblique views into the rear and at times would be partially obscured by existing/retained boundary treatments for properties on Hillingdon Rise and Little Wood. Again, the impact upon these properties would not be significant to justify a reason for refusal.
- 41 In terms of loss of light and overshadowing, the development would not cause a loss of light to the rear windows of 49 - 51 Wickenden Road due to the separation distance involved (being greater than 20 metres) and that the rear of those properties are east facing. It is acknowledged that overshadowing would occur into the part of the rear gardens of those properties, but harm caused by this would is not significant to sustain a reason to object.
- 42 In respect to the outlook, from the properties to the rear of the site that front onto Wickenden Road, the proposed development would be sited greater than 20m from the rear of the those properties and as it's a suburban location, normally views of other built form is expected. In addition to this, the separation distances between dwellings would be in accordance with National Design Guidance.
- 43 The use of the land for residential purposes would not cause significant levels of noise and disturbance to adjoining properties, due to the separation distances involved and the parking areas that serve to the new dwelling are location to their flanks.
- 44 Overall, it is considered that the proposed new dwellings would not affect the amenities of other properties despite the concerns raised by third parties, no loss of light or adverse overshadowing, overlooking issues would occur. Upon considering the above, the development would not harm the amenities of adjacent neighbouring properties in accordance with Policy EN2 of the ADMP.

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Highways

- 45 The 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 2 independently accessible spaces per unit. Policy T2 states the Local Planning Authority may depart from the maximum or minimum standards in order to take into account of specific local circumstances.
- 46 This proposed development would provide 2 parking accessible off street parking spaces for each of the proposed dwelling in a tandem arrangement. The required amount of off-street parking offered on site for a two bedroom property in this urban location, close to a range of good public transport provision and access to services and would therefore meet the vehicle parking provision standards and conforms to policy T2 of the ADMP.
- 47 The development would likely to generate at addition of 6-8 vehicle movements per dwelling, this alone would not be sufficient to justify a reason to object.
- 48 Policy T3 seeks to ensure provision of new charging facilities to be provided within new residential development for electric cars. This can be secured by imposing an appropriate condition.

Other issues

- 49 The Town Council wishes the application to be refused and have been considered as part of the determination of this application and where appropriate, have been addressed in the above paragraphs, where relevant.
- 50 The site is not subject to any statutory nature conservation designations, nor does it contain any priority habitats. One representation has commented on that slowworms can be found in the vicinity of the site and that rear of the site is used as a 'green corridor'. Evidence has been brought forward to suggest that there is, however the rear of No.49 is well manicured garden with limited planting to the rear of the site, it is more than probable that slow worms are not present within this part of the site. Furthermore, the existing scrub/small trees have once stood to the rear of nos. 49-51 have been removed and the damaged to any existing habitat has already been done. That said, slow worms are also subject to legal protection such that, in the event that they were discovered within the site, works would cease and it would be necessary to obtain a licence from Natural England. This process would secure any further mitigation which may be required. Overall, it is not considered that the proposal would result in significant harm to biodiversity as the rear of the site has already been cleared. Even though this is disappointing, further biodiversity enhancements and landscaping can be secured by a condition to ensure that the value of the site is enhanced in accordance with Policy SP11 of the Core Strategy.
- 51 To protect the existing amenities of adjacent dwellings, it would be reasonable and necessary to remove certain permitted development rights from the new properties should planning permission be forthcoming.

- 52 A third party representation has raised a concern that the development would set a precedent for further development, however it's the Councils statutory duty to consider each proposal on its own individual merits taking account of the particular circumstances of each case.

Community Infrastructure Levy (CIL)

- 53 This proposal is not CIL liable.

Conclusion

- 54 It is recognised that the Council is unable to demonstrate a 5-year supply of deliverable housing sites as at present the Council has a supply of only 2.9 years. Consequently, paragraph 11 d) of the National Planning Policy Framework is engaged.
- 55 Regard has been given as to whether this proposal would constitute as sustainable development and there is a presumption in favour of it. The development proposed would provide good access to national rail links; achieve the re-use of previously developed land within the settlement boundary; make a contribution towards the support for windfall sites and responds to the fact that that a high proportion of the council's area is covered by Area of Outstanding Natural Beauty or the Green Belt. There would also be some limited economic benefit in providing an extra housing units and some, during its construction. The dwellings would also provide a small but valuable contribution to the supply of housing in Sevenoaks District.
- 56 Taking everything into account, it is considered that some identified harm would be caused by granting permission, would not significantly and demonstrably outweigh the benefits. As a result paragraph 11(d) of the NPPF indicates that planning permission should be granted.

Recommendation

- 57 It is therefore recommended that this application is GRANTED.

Background papers

Site and block plan

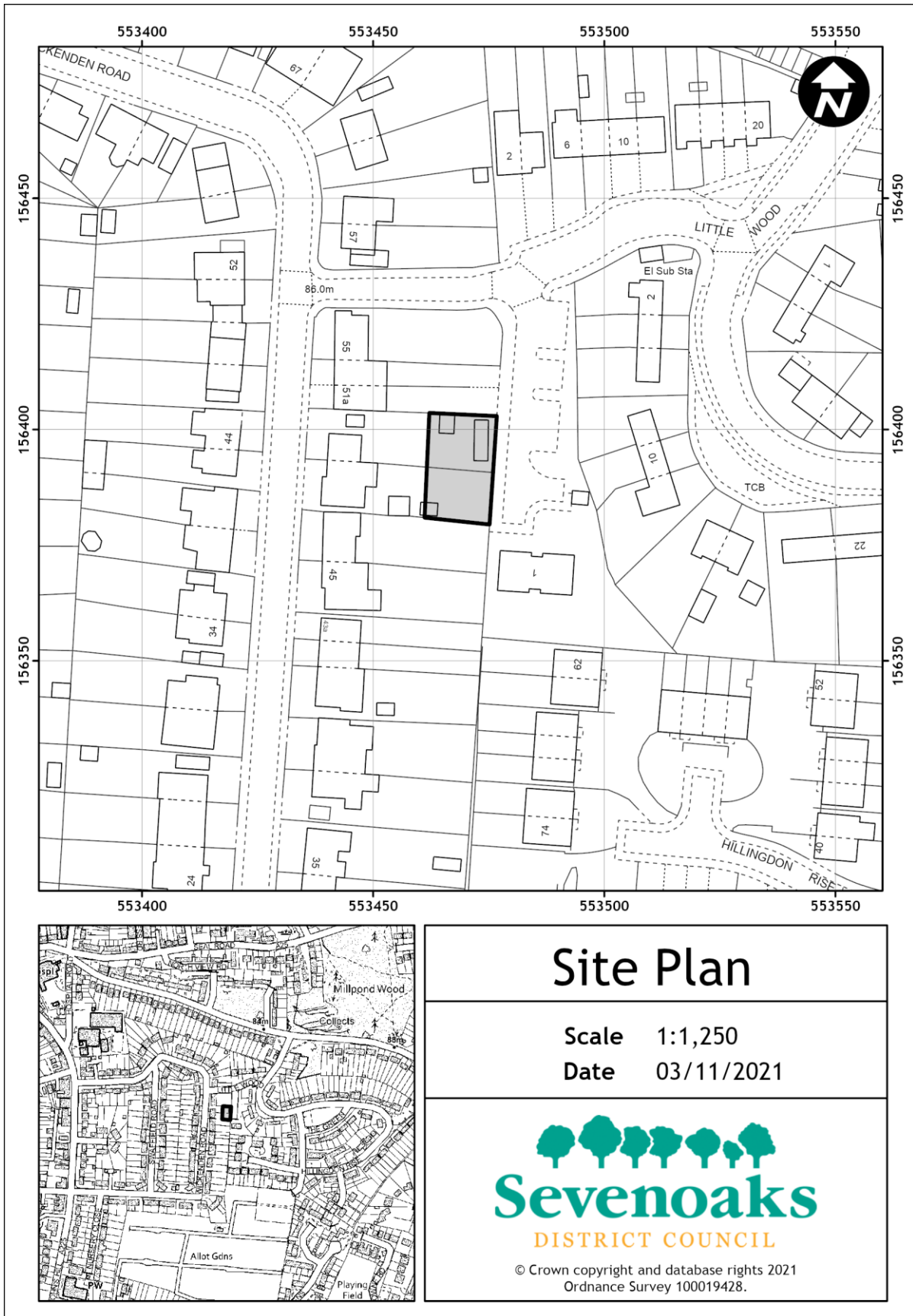
Contact Officer(s):

Sean Mitchell: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



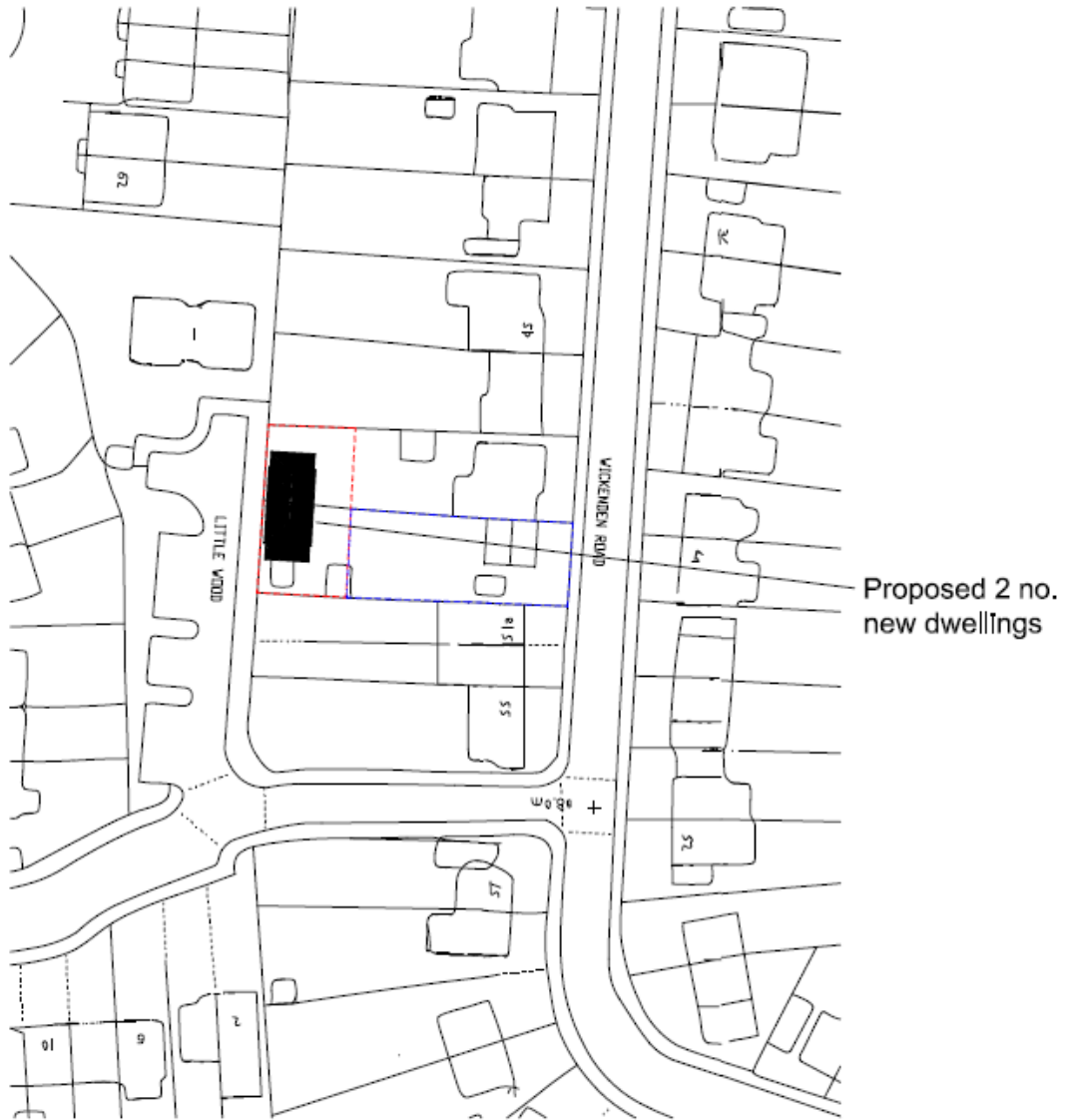
Site Plan

Scale 1:1,250
Date 03/11/2021



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Ordnance Survey 100019428.

BLOCK PLAN



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4.2 21/00882/FUL

Date expired 11 August 2021

Proposal: Sub division of land with demolition of existing garage and storeroom to form new two-storey dwelling and formation of vehicle access to number 1c.

Location: 1C Wickenden Road, Sevenoaks, KENT TN13 3PJ

Ward(s): Sevenoaks Eastern

Item for decision

Councillor Purves and Councillor Clayton have referred this application to DC Committee for assess the impact of the development upon the character and appearance of the street, impact upon the neighbouring properties and these issues are outweighed by the presumption in favour for the development.

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 dwelling as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) Notwithstanding the landscaping details on the approved plans, prior to the completion of the conversion of the building hereby permitted, full details of hard and soft landscaping have been submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Hard landscaped surfaces, Boundary Treatments (including retaining walls), Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and implementation timetables. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development hereby permitted or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Agenda Item 4.2

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

4) Prior to completion of the development a schedule of biodiversity enhancement that includes a plan showing their locations have been submitted to and approved by the Local Planning Authority and completed in full prior to the occupation of the new dwelling hereby approved. The scheme shall be implemented in accordance with the approved details.

To ensure that the proposed development will enhance biodiversity value of the site, in accordance with Policy SP11 of the Core Strategy and guidance in National Planning Policy Framework.

5) The dwelling 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 its first occupation and maintained thereafter.

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

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

To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development or the amenities of future occupants of the development or the occupiers of adjoining property in accordance with Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

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

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

8) No building shall be occupied until details of permeable surfacing and any surface water drainage provision of the access and parking areas have been submitted to and approved in writing by the local planning authority. All surfacing and any surface water drainage provision shall be carried out in accordance with the approved details and completed prior to the first occupation of the dwelling hereby permitted.

To ensure that the appearance of the development is in harmony with the existing character of the area and mitigate against any surface water runoff as supported

by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9) The development hereby permitted shall be carried out in accordance with the following approved plans: 20.138.11, 20.138.12, 20.138.13, 20.138.14.

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

Informatives

1) There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read Thames Water guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, MEG SAH, Tel: 01444-448200

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

2) 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.

3) 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 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 located on the western side of Wickenden Road and consists of a semi-detached 2-storey dwelling within the urban area of Sevenoaks.
- 2 The existing ground levels to the front of the property gradually slope away in a northerly direction. There is a noticeable ground level change between of approximately 400mm between nos. 1 Nursery Close and the site.
- 3 The area is suburban residential in character and has a broadly similar appearance and noticeable that other properties have extensions to them and off-street parking.

Description of proposal

- 4 It is proposed to demolish an existing single storey linked outbuilding to facilitate a two-storey side extension to be used as a new 3 bedroomed dwelling with off-street parking area to the front of the property.

Relevant planning history

- 5 None

Policies

- 6 National Planning Policy Framework
- 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; 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 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

9 Core Strategy

- SP1 Design of New Development and Conservation
- SP7 Density of Housing Development
- LO1 Distribution of Development
- LO2 Development in Sevenoaks
- SP11 Biodiversity

10 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- T2 Parking
- T3 Provision of Electric Vehicle Charging Points

11 Other:

- National Planning Policy Guidance;
- CIL Regulations;
- Appendix 2 of the ADMP -Guidance for Residential Parking;;
- Sevenoaks Residential Character Assessment CO8 -Wickenden Rd
- SDC Residential Extensions SPD

Constraints

12 The following constraints apply:

- Built confines of Sevenoaks

Consultations

13 Sevenoaks Town Council - Objects to the application on the following grounds:

- Overdevelopment of the site;
- Result in a longer terrace;
- Loss of light and privacy to No.1 Nursery Close.

14 SDC Tree Officer- No comment

15 KCC Highways - No comment

16 Thames Water - No objection recommend informative

Agenda Item 4.2

Representations

- 17 9 objections received (this includes 5 representations from No.1 Nursery Close) objecting on the following matters:
- Incorrectly drawn plans;
 - Loss of light and privacy;
 - Loss of visual amenity;
 - Terracing effect upon street scene;
 - Impact upon existing sewer infrastructure that runs through site;
 - Inadequate parking;
 - Downgrading semi-detached property to end-of-terrace;
 - Rights to Light.

Chief Planning Officer's appraisal

- 18 The main planning consideration are:
- The principle of the development;
 - The impact on the character and appearance of the area;
 - The impact on residential amenity;
 - Highways.

Principle of development

- 19 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, and reusing previously developed land.
- 20 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 states that "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed infrastructure. This excludes: ... land in built up areas such as private residential gardens..."
- 21 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.
- 22 Policies L01 and L02 of the Core Strategy requires development to be focussed within the built confines of existing settlements. The Sevenoaks urban area will be the principal focus for development in the District. Policy L02 of the Core Strategy places emphasis that suitable employment sites will be retained and provision will be made for housing within Sevenoaks Urban Area.
- 23 This site is within the built confines of Sevenoaks, and as such, there is a presumption in favour of development. The development of this windfall

site would make a welcome, small, contribution to the housing provision within the district; however it is not critical to the delivery of the Core Strategy's current housing targets. The broad location of development is accepted in an established residential suburb within the built confines of Sevenoaks, and supported by the necessary infrastructure.

- 24 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.
- 25 This is broadly consistent with Policies LO1, LO2, SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.
- 26 Policy SP7 of the Core Strategy is relevant to density and states that all new housing will be developed at a density consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration new residential development will be expected to achieve a density of 40 dwellings per hectare (dph). Without prejudice to an assessment of the development against relevant design policies the proposal would not represent overdevelopment of the land with an approx. 43 dph being proposed.
- 27 It is recognised that the site is located within the built confines of Sevenoaks and it is clear that development plan policies seek to maximise the potential of such sites. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt. No objection is raised to the provision of an additional dwelling within Wickenden Road. The surrounding area is predominantly residential in character and there are other examples of similar scheme evident within the road. The principle of subdivision of the plot and erection of a two-storey side extension to be used as a dwelling would reflect the general pattern of development in the area. This proposal is considered to be acceptable in land use terms provided the scheme complies with all other relevant development plan policies.

Impact upon the character and appearance of the area

- 28 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. 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. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 29 The site falls within the Wickenden Road (C08) of the Residential Character Area Assessment SPD. This states that Wickenden Road comprises 1930-1950's residential development with housing houses set back from the road on a relatively regular building line. Locally distinctive positive features are identified as houses, that are set back from the road along a relatively

Agenda Item 4.2

regular building line with trees and boundary hedges. Design guidance for the area states that some infill development and redevelopment has occurred in this character area; in proposing new development within Wickenden Road development should be set back from the road and respect the relatively regular building line, use of harmonious materials, mature trees and hedge, or wall and hedge, boundaries which contribute to the character of the area should be retained.

- 30 The architectural styles of houses within the road are of various repeated designs that conform to a regular building line, set back from the road and notable that other properties have been extended, especially to their sides. Several of these additions comprise new dwellings.
- 31 The proposed dwelling would be situated in a similar position to that of the existing host dwelling. The proposed dwelling would match the roof ridge and eaves height to that of its host dwelling. It is recognised that the development would erode the visual gap between the host dwelling and No. 1 Nursery Close, however the gaps between buildings within Wickenden Road are not uniform and do not present a sense of rhythm to the existing building form. Therefore the infilling of this visual gap between host dwelling and No. 1 Nursery Close is accepted. The resultant development would appear as a block of terrace housing, however it's not considered that this would be duly harmful nor a prominent feature within the street scene.
- 32 It is considered that the proposed unit would sit comfortably within the street scene. Its design, reflects the design elements of those houses found elsewhere within the street and that of its host. Overall, the scale and form of the development is well proportioned when compared to the design of the host dwelling as a whole and to the surrounding development.
- 33 Off-street parking would be provided to the front of the plot. Two off-street parking spaces are proposed to serve the proposed dwelling and the existing provision for the host will remain. As a result, the existing low level boundary treatment would be removed, to facilitate the parking spaces. The removal of the boundary treatment is considered not be harmful to the general quality of the surrounding street scene, off-street parking areas to the front of properties are common features within the street.
- 34 Overall, it is considered that the proposed dwelling is of a design and scale that sympathises with the character and appearance of the surrounding area and that of its host. On this basis, this proposal would conform to policy EN1 of the ADMP, policies SP1, LO1 the Core Strategy and guidance as cited by the SDC Residential Character Assessment.

Impact on neighbouring amenity

- 35 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development, while ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties and occupants of future developments.

- 36 The proposed dwelling would be positioned approximately 1.2m from the western common boundary of its adjacent neighbour. It would be effectively two storey in height and would have an eaves and roof ridge height lower than No. 1. Whilst it would to some degree give a further sense of confinement to the occupier of No.1 due to its proximity, its severity is not so great to warrant a reason for refusal.
- 37 A loss of light assessment has been undertaken using the 45° degree methodology as cited in the adopted SDC Residential Extensions SPD.
- 38 Analysis shows that the ground floor side, southeast facing windows of No.1 would be partially affected by the development. There may be some occurrence of loss of light by overshadowing to the southeast facing window that serves a kitchen/ diner and also to their garden room. However, however it's understood that the garden room is served by another window so the impact is not so great, but still the kitchen/dining room window would be impacted by the development. As such, there would be some harm caused to this window by the development, by overshadowing.
- 39 It is noted that a third party has expressed their rights to light. This is a private and civil matter relating to the protection of purely private interests and as such, the loss of private rights to light is not a material planning consideration.
- 40 Objection has been raised in in terms of loss of privacy and overlooking. There is a proposed first floor window to be sited in the flank wall of the property. This can be obscured glazed to mitigate against any loss of privacy to the adjacent property. The proposed property would only have oblique views of the rear garden area of no.1 to which would be partially obscured by their existing rear extension, this would be no different to the existing situation. Furthermore, no windows of the neighbouring property would be directly overlooked.
- 41 The proposed dwelling would be sited approx. 16m from the southern common boundary of No.2 Nursery Close. The rear garden area of No.2 would be overlooked from the proposed development, however it would be no greater than what is currently experienced. In addition, this development is within an urban area to which there is an expectation of degree of overlooking. As such, it not considered the degree of harm of overlooking by the development is not so great to sustain a reason to object despite the concerns raised by third parties.
- 42 The development would result in the introduction of additional built form on the site and this would be noticeable to the occupiers of buildings directly opposite. These dwellings are sited to the opposite side of the road and would be in excess of 20m from the proposed dwelling across the road. The development would retain gaps between the buildings and boundaries and the separation, in relation to the street would be sufficient to ensure the development would not result in a loss of daylight or privacy or be unduly overbearing/prominent.

Agenda Item 4.2

- 43 Upon considering the above, the development some harm has been identified that would cause some harm to a window of No.1 Nursery Close contrary to Policy EN2 of the ADMP and SDC Residential Extensions SPD.

Highways

- 44 Policy T2 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 three bedroom unit located in a suburban location should provide 2 independently accessible spaces per unit. Policy T2 states the Local Planning Authority may depart from the maximum or minimum standards in order to take into account of specific local circumstances.
- 45 This proposed development would provide 2 independently accessible off street parking spaces for the proposed and its host dwelling. The required amount of off-street parking offered on site for a three bedroom property in this urban location, close to a range of good public transport provision and access to services and would therefore meet the vehicle parking provision standards and conforms to policy T2 of the ADMP despite the objections raised by third parties.
- 46 Policy T3 seeks to ensure provision of new charging facilities to be provided within new residential development for electric cars. This can be secured by imposing an appropriate condition.
- 47 There are no highway or off street parking concerns relating to this proposal as it conforms to Policy T2 of the ADMP.

Other issues

- 48 In accordance with policy SP11 of the Core Strategy, to increase the biodiversity value of the site, this can be secured by a planning condition.
- 49 To protect the existing amenities of adjacent dwellings, it would be reasonable and necessary to remove certain permitted development rights from the new properties should planning permission be forthcoming.
- 50 Representations have been made that the development would set a precedent. In accordance with planning legislation, each application is to be determined on its own merits. By the granting of this permission does not necessarily imply that other properties can follow due to differing set of material considerations and site constraints.
- 51 Objection has been raised in relation to the de-valuation of property values because of permitting this development. It is clear within national planning guidance that the negative effect of a planning permission on the value of properties is not a material consideration.
- 52 It is noted that there is water infrastructure that runs through the site, however, this is not a planning matter and that appropriate consents would be required from the appropriate water authority should the development affect it.

Community Infrastructure Levy (CIL)

53 This proposal is CIL liable and no exemptions have been applied for.

Conclusion

54 In accordance with section 38(6) of the 2004 Act, this application has to be determined in accordance with the development plan, unless material considerations (which include the NPPF), indicate otherwise.

55 It is recognised that the Council is unable to demonstrate a 5-year supply of deliverable housing sites as at present the Council has a supply of only 2.9 years. Consequently, paragraph 11 d) of the National Planning Policy Framework is engaged.

56 Regard has been given as to whether this proposal would constitute as sustainable development and there is a presumption in favour of it. The development proposed would provide good access to national rail links; achieve the re-use of previously developed land within the settlement boundary; make a contribution towards the support for windfall sites and responds to the fact that that a high proportion of the council's area is covered by Area of Outstanding Natural Beauty or the Green Belt. There would also be some limited economic benefit in providing an extra housing unit and some, during its construction. The dwelling would also provide a small but valuable contribution to the supply of housing in Sevenoaks District.

57 Taking everything into account, it is considered that some identified harm would be caused by granting permission to No.1 Nursery Close, however in the planning balance it is considered that the identified harm would not significantly and demonstrably outweigh the benefits. As a result paragraph 11(d) of the NPPF indicates that planning permission should be granted.

Recommendation

58 It is therefore recommended that this application is GRANTED.

Background papers

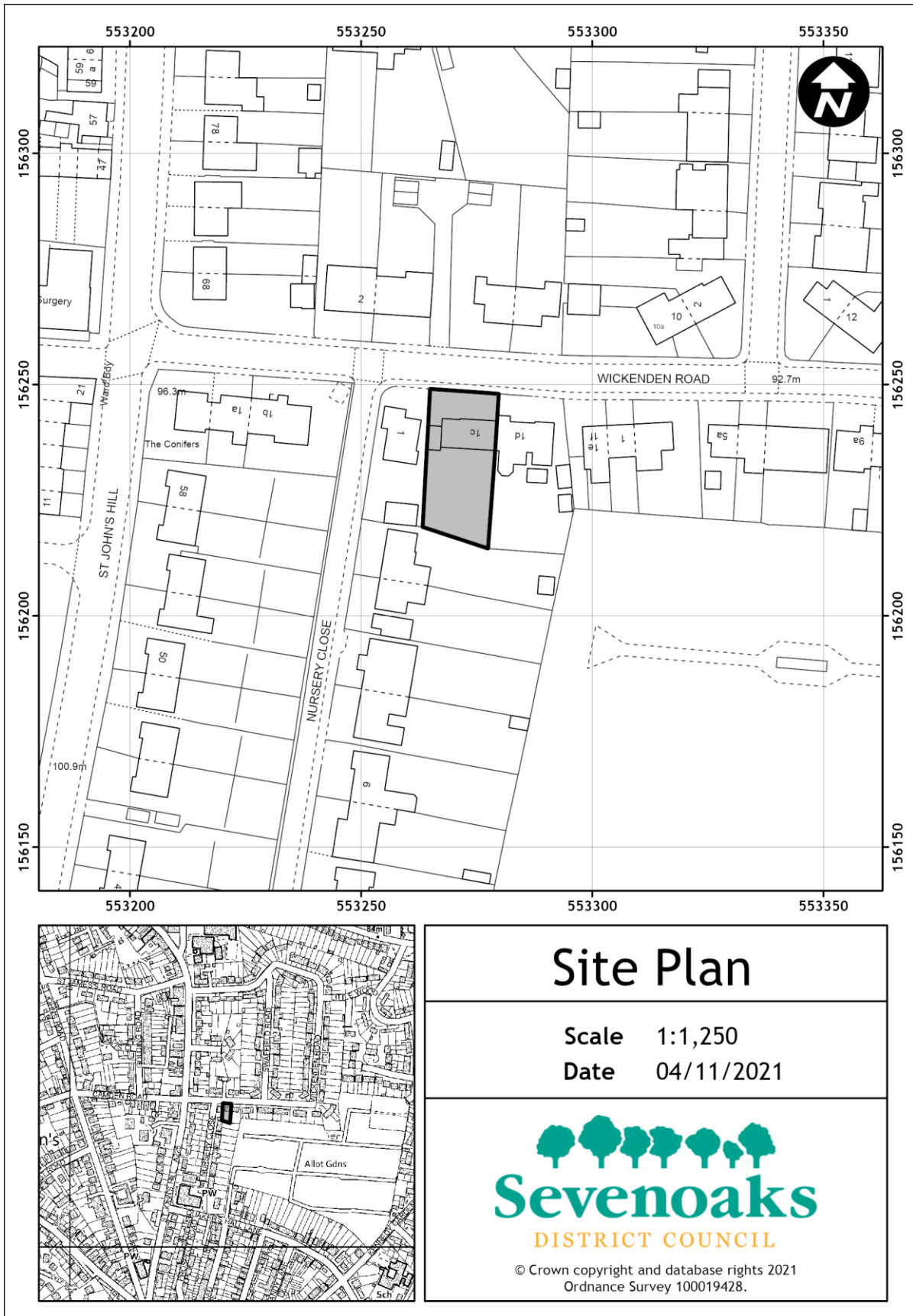
Site and block plan

Contact Officer(s): Sean Mitchell: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN



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4.3 21/03097/LBCALT Date expired 15 November 2021

Proposal: To convert a second floor anteroom into an en-suite bathroom.

Location: The Castle House, Sevenoaks Road, Otford KENT TN14 5PB

Ward(s): Otford & Shoreham

Item for decision

This application is referred to the Development Control Committee for a decision, as the applicant is a District Councillor.

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

1) The works to which this consent relates shall begin before the expiration of three years from the date of this consent.

In pursuance of section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: PL-010; PL-007; PL-009; Design and Access Statement

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

Description of site

1 The application site comprises of a two-storey, detached, Grade II listed property.

Description of proposal

2 The application seeks permission for the conversion of a second floor room to an en-suite bathroom

Relevant planning history

3 21/02431/LBCALT Removal of a small cupboard area, replacing the modern spindles to the banister, enlargement of second floor gable window, skylight facing southern elevation and works to increase capacity of internal gutter and outlet into external gutter at front of property. GRANTED

Agenda Item 4.3

Policies

- 4 National Planning Policy Framework (NPPF)
- 5 Core Strategy (CS)
 - SC1 Design of New Development and Conservation
- 6 Allocations and Development Management Plan (ADMP)
 - EN4 Heritage Assets

Constraints

- 7 The following constraints apply:
 - Grade II listed building

Consultations

- 8 Otford Parish Council - Supports the application
- 9 SDC Conservation Officer - “It is proposed insert a bathroom into the store room off the second floor bedroom. The principle of a roof light has already been assessed and granted under 21/02431/LBCALT. The application has shown that services for the new bathroom can be run from the first floor bathroom below without harming the fabric of the listed building.
- 10 Assessed in line with the NPPF in particular paras 200 and 202, this application is considered to not cause harm to the significance of the listed building.”
- 11 Amenity Societies: No response

Representations

- 12 No representations have been received.

Chief Planning Officer’s appraisal

- 13 The main planning consideration are:
 - Impact on the listed building

Impact on the listed building

- 14 Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 placed a duty on a local planning authority, in considering development, which affects a listed building or its settings, to having special regard to the

desirability of preserving the building or its setting, or any features or architectural or historical interest it possess. The NPPF also states that great weight should be given to the conservation of heritage assets (para 199).

- 15 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.
- 16 Castle House is a substantial Grade II house. It sits in the Otford Conservation Area and lies within the area of the Schedule Monument of The Archbishop's Palace. The historic core of the building is considered to date from the mid-16th century with additions and alterations in the 17th, 18th, 19th and 20th centuries. The evolution of the building is reflected in its irregular form and use of a range of building materials from random rubble ragstone, painted brick and tile hanging. Analysis undertaken in the Heritage Statement for a previous application suggests the building's original use was non-domestic. The Castle House's significance lies as an example of Kentish vernacular and evolution from a medieval building to gentrified Georgian house.
- 17 The proposals would convert an anteroom joining an existing bedroom to an en-suite bathroom. The work would comprise of minor works with services being joined to an existing bathroom directly below. SDC's Conservation Officer has considered the proposed works and is satisfied that the new service connections and associated works would conserve the historic fabric of the building.
- 18 The proposals would therefore preserve the special interest of listed building in accordance with EN4 of the Sevenoaks Allocations and Development and Management Plan and the National Planning Policy Framework.

Community Infrastructure Levy (CIL)

- 19 The proposals are not CIL liable.

Conclusion

- 20 The proposals would preserve the special interest of the listed building.

Recommendation

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

Background papers

Site and block plan

Contact Officer(s):

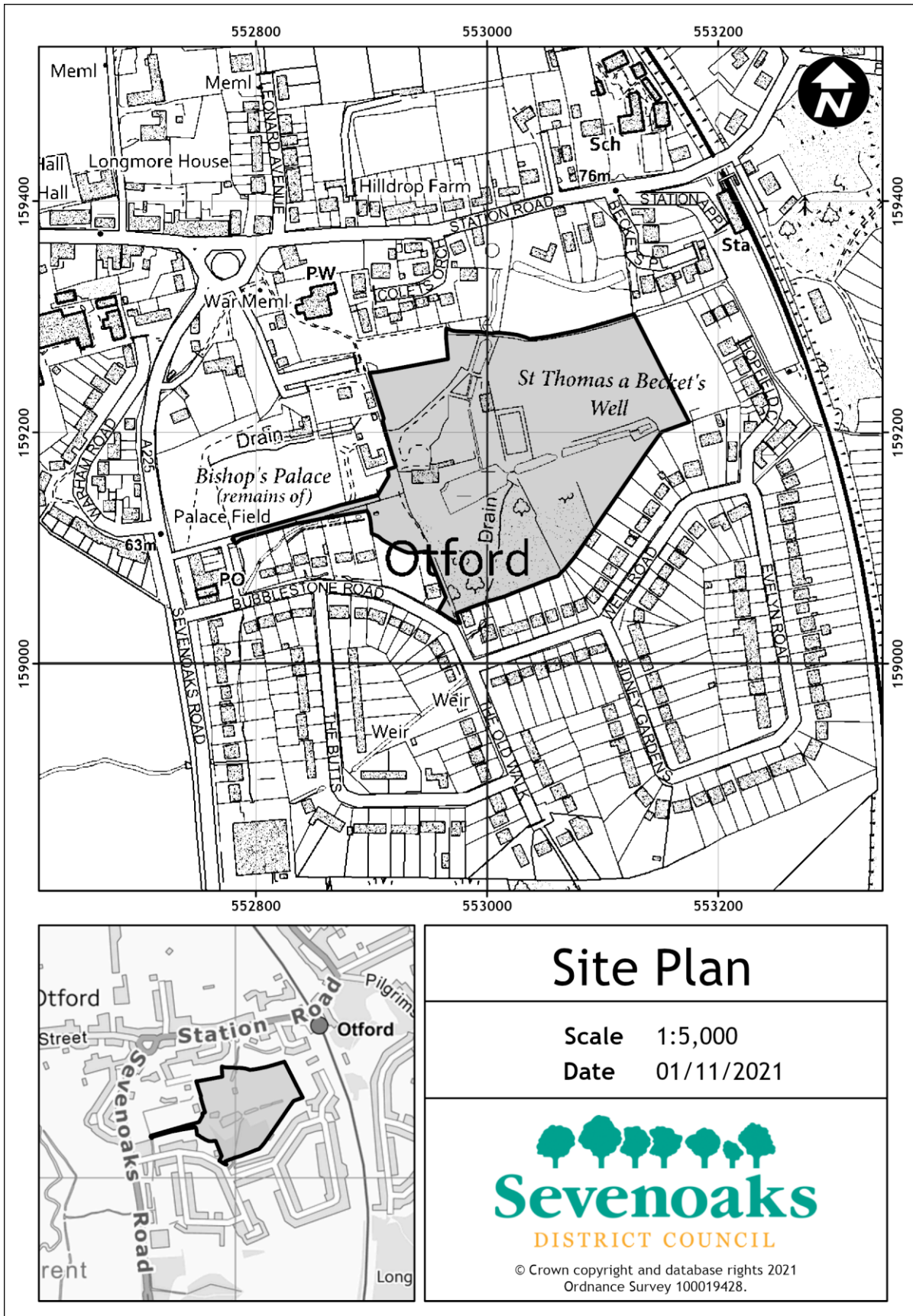
Hannah Donnellan: 01732 227000

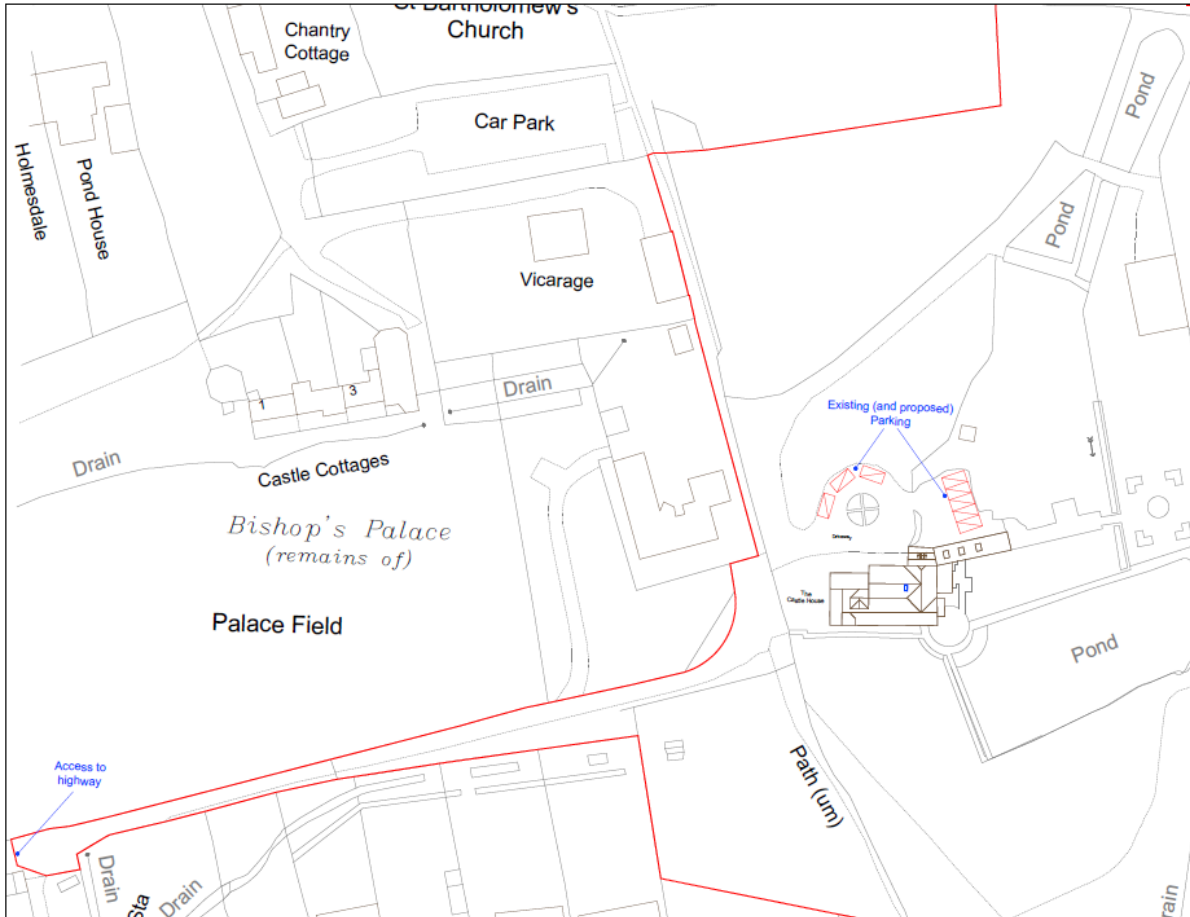
Agenda Item 4.3

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)





4.4 21/03394/DETAIL Date expired 26 November 2021

Proposal: Details pursuant to condition 1 (internal gutter) of planning permission 21/02431/LBCALT.

Location: The Castle House, Sevenoaks Road, Otford KENT TN14 5PB

Ward(s): Otford & Shoreham

Item for decision

This application is referred to the Development Control Committee for a decision as the applicant is a District Councillor.

RECOMMENDATION: That Condition 1 pursuant to 21/02431/LBCALT is GRANTED

Description of site

1 The application site comprises of a Grade II listed property

Description of proposal

2 The application seeks the discharge of condition 1 pursuant to 21/02431/LBCALT.

Relevant planning history

3 21/02431/LBCALT Removal of a small cupboard area, replacing the modern spindles to the banister, enlargement of second floor gable window, skylight facing southern elevation and works to increase capacity of internal gutter and outlet into external gutter at front of property. GRANTED

Policies

4 National Planning Policy Framework (NPPF)

5 Core Strategy (CS)

- SC1 Design of New Development and Conservation

6 Allocations and Development Management Plan (ADMP)

- EN4 Heritage Assets

Agenda Item 4.4

Constraints

- 7 The following constraints apply:
- Grade II listed building

Consultations

- 8 SDC Conservation Officer: Support

Representations

- 9 No representations have been received

Chief Planning Officer's appraisal

- 10 The main planning consideration are:
- Impact on the listed building

Impact on the listed building

- 11 Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 placed a duty on a local planning authority, in considering development, which affects a listed building or its settings, to having special regard to the desirability of preserving the building or its setting, or any features or architectural or historical interest it possess. The NPPF also states that great weight should be given to the conservation of heritage assets (para 199).
- 12 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.
- 13 The alterations to the existing internal gutter were approved in principle under application 21/02431/LBCALT. Works to the internal gutter were required to prevent internal overflow and damage to the internal fabric and it was recognised that the works were necessary to prevent harm to the historic fabric of the heritage asset. Further details were required by condition to ensure that the work would preserve the historic fabric of the listed building in accordance with Policy EN4.
- 14 A schedule of work to the gutter was submitted which confirms the works would include:
- Increasing the size of opening on front roof slope where existing gutter discharges to allow access to undertake works.

- Stripping out existing lead to gutter full length from internal flat roof to front roof slope
- Raising the sides of existing timber box former to give minimum height of 150mm (existing 80-100mm), using treated timber planted to top of existing.
- Lining the timber box dormer with code 5 lead all to LSA recommendations including welding to the existing flat roof.
- Forming an enlarged lead chute to front slope side to accommodate new height
- Relaying existing clay tiles around new chute to front slope

15 The proposed works would involve minimal intervention to the existing historic fabric and it is considered that the proposed works would be proportionate considering the necessity to increase the gutter capacity to prevent internal overflow and flooding. SDC's Conservation Officer has considered the details and recommends that the condition can be discharged.

16 The proposed works to the gutter, approved in principle, would therefore preserve the special interest of the designated heritage asset in accordance with Policy EN4.

Community Infrastructure Levy (CIL)

17 The proposals are not CIL liable.

Conclusion

18 The proposals would preserve the special interest of the listed building.

19 It is therefore recommended that Condition 1 pursuant to 21/02431/LBCALT is GRANTED.

Background papers

Site plan

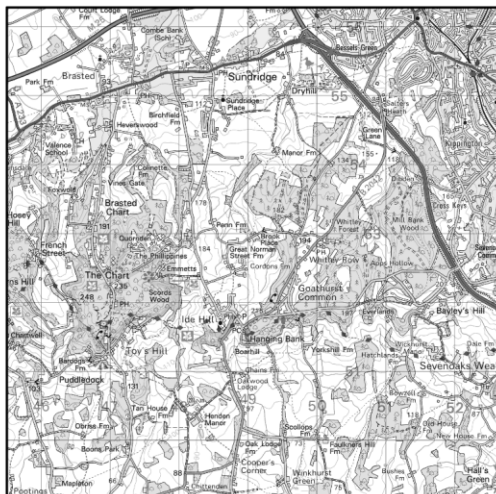
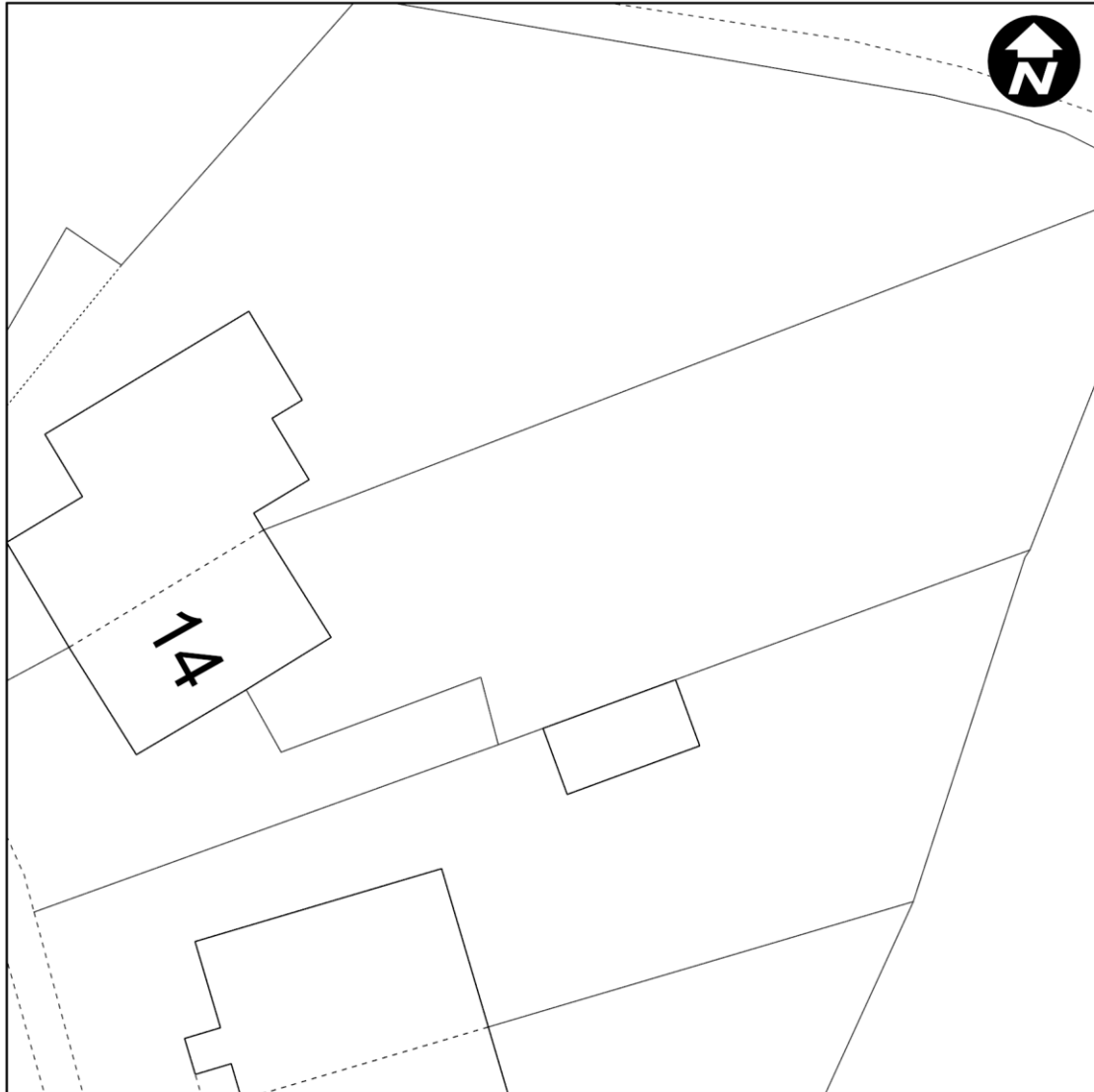
Contact Officer(s):

Hannah Donnellan: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:5,000
Date 02/11/2021



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Ordnance Survey 100019428.

4.5 21/03208/NMA

Date expired 26 October 2021

Proposal:

Non-material amendment to 19/02951/HYB.

Location:

White Oak Leisure Centre, Hilda May Avenue, Swanley
KENT BR8 7BT

Ward(s):

Swanley White Oak

Item for decision

The reason that the application has been referred to Development Control Committee is because Sevenoaks District Council is the applicant.

RECOMMENDATION: That the alterations can be treated as a NON-MATERIAL AMENDMENT to the approved scheme and no further planning permission will be required in this instance.

Description of site

- 1 The application site is the site of the White Oak Leisure Centre, which is currently under redevelopment. It is sited on a large irregular shaped plot at the junction of Hilda May Avenue and Garrolds Close in Swanley. The site lies to the northeast of London Road, approximately 400m to the north-west of Swanley Town Centre.

Description of proposal

- 2 The application seeks a non-material amendment to the original scheme approved as a Hybrid Planning Permission for a new leisure centre (approved in detail) and residential development (approved in outline), as described in the planning history below.
- 3 The revisions proposed relate to:
 - The relocation of a temporary bin store; and
 - Enlargement of the chiller compound.
- 4 Both the temporary bin store and chiller compound were previously approved as a non-material amendment to the original planning permission on 30 April 2021.

Relevant planning history

- 5 The principal decisions of relevance to the current application are:

Agenda Item 4.5

- 6 19/02591/HYB - Hybrid application comprising, in outline: residential development of between 35 and 40 residential units - residential mix to be either 2 or 3 bed units with integral or on-street parking. Units to be either 2 or 3 storeys high. In detail: demolition of existing leisure centre building and erection of replacement leisure centre and associated car park - GRANTED
- 7 21/00635/NMA - Non-material amendment to 19/02951/HYB - APPROVED

Planning appraisal

- 8 The main planning consideration is whether the proposal is a non-material amendment.
- 9 Section 96A of the Planning Act allows a local planning authority to make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. There is no statutory definition of 'non-material' and this will vary in relation to the context of the approved development. The Government's Planning Practice Guidance (PPG) confirms that the local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A.
- 10 Further guidance to the Act within the PPG (Greater Flexibility for Planning Permissions) makes it clear that in issuing a decision for an NMA application, the original planning permission still stands and that the NMA decision should be read in conjunction with the original planning permission.
- 11 The previous non-material amendment to the original planning permission approved the provision of a chiller compound adjacent to the rear (west) side of the new leisure centre, within the smaller car park /servicing area. The current application would result in limited changes to the structure and dimensions of the chiller enclosure, including some increase in scale. This would be an acoustic metal-panelled enclosure, with a graphite grey matt powder coated finish. Under the proposed change, the enclosure would have a maximum height of 3.4metres. The proposed structure would, however, be positioned at the foot of the west elevation and remain diminutive in the context of this elevation and wider building/development, sitting at lower ground floor level against the dark brick plinth and below the light grey cladding that forms the principal elevational treatment.
- 12 The approved location of the temporary bin store, as confirmed by the previous non-material amendment, is also adjacent to the rear elevation of the new leisure centre, adjoining the chiller compound. This bin store is required for a temporary period while the main car park area, the location of permanent bin compound to service the leisure centre, is under construction following the demolition of the existing leisure centre. The proposed amendment would relocate the temporary bin compound to a position at the southern end of the car park, adjacent to the car park entrance on Garrols Close. The proposed temporary bin store, comprising

timber close boarded fencing and gates, would be 1.8 metres in height, with a footprint of approximately 4.8x4.9metres.

- 13 The temporary bin compound would be viewed in the context of the leisure centre and parking/service area at the rear of the leisure centre. Due to its location, the temporary bin compound would have limited impact in terms of noise, disturbance and odours being emitted.
- 14 The applicant has advised that the amendments are required to meet statutory guidelines and Sevenoaks District Council requirements.
- 15 Overall, both individually and collectively, and considered cumulatively with the previous non-material amendment, these proposed changes would not materially change the approved development.

Conclusion

- 16 It is therefore considered that the proposed amendments comprise a Non-Material Amendment to the approved scheme, reference number 19/02951/HYB.
- 17 It is recommended that the proposed amendments are ACCEPTED.

Background Papers

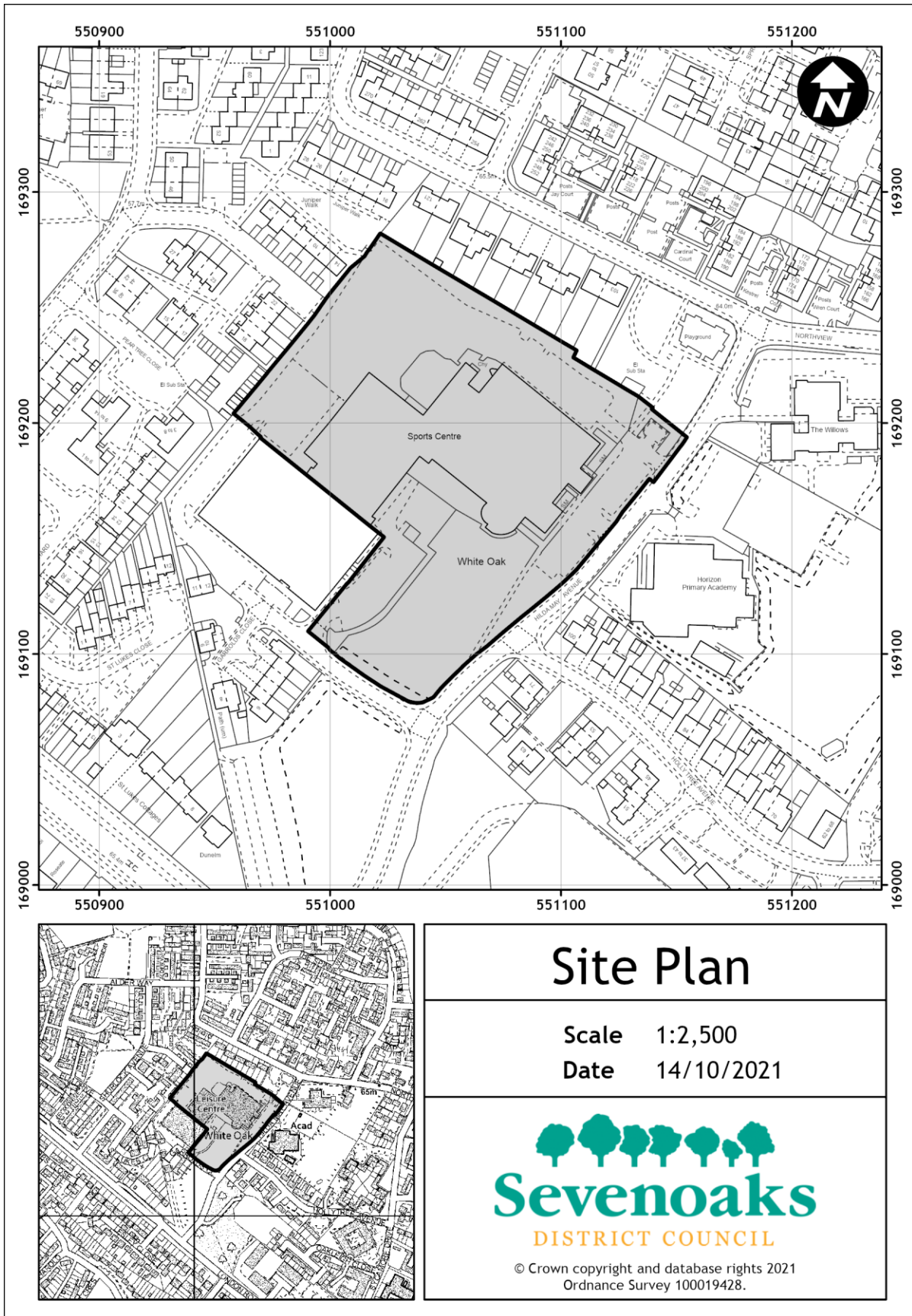
Proposed Site Plan

Contact Officer(s): Nicola Furlong: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



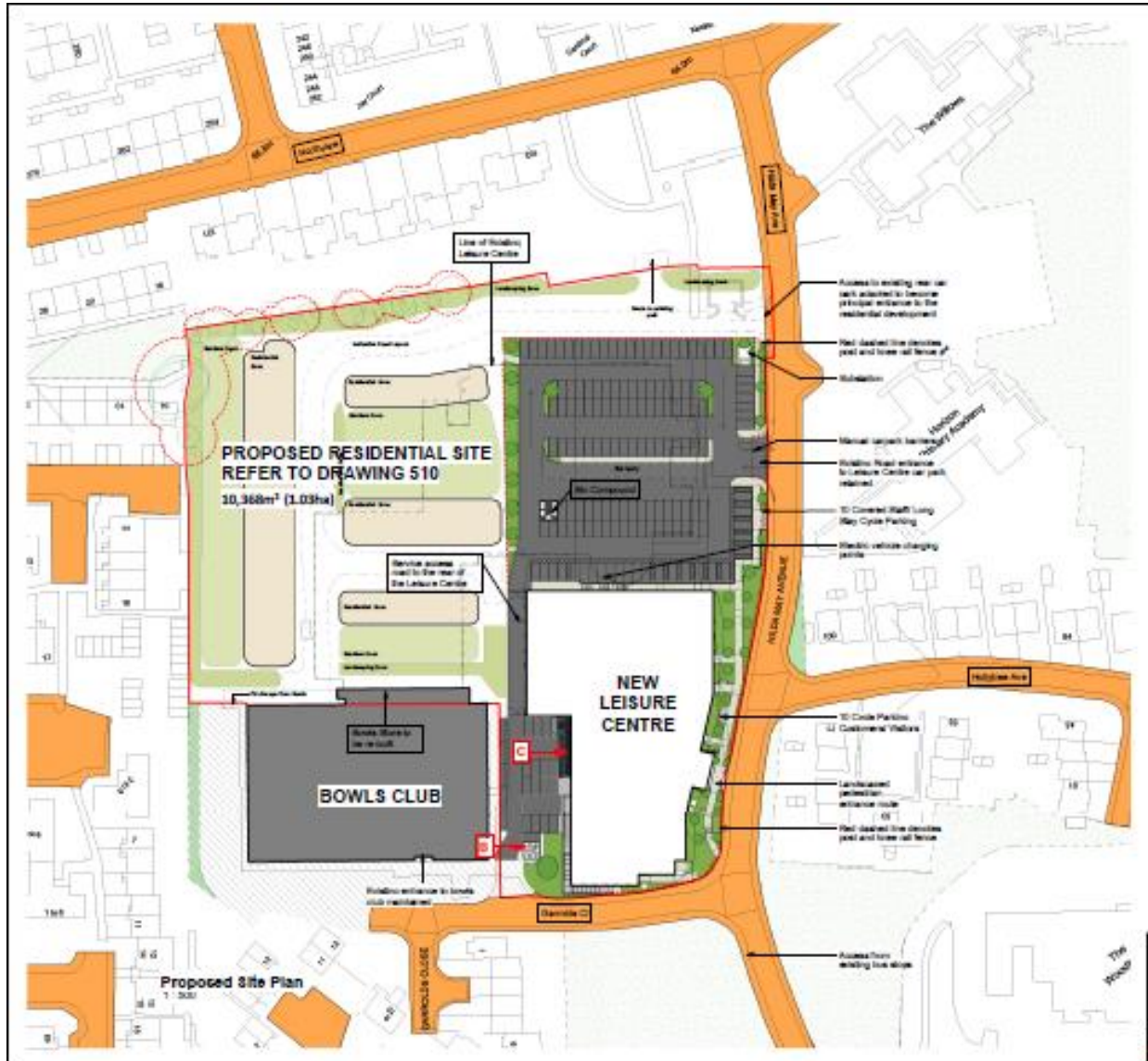
Site Plan

Scale 1:2,500
Date 14/10/2021



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BLOCK PLAN



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4.6 21/03134/HOUSE Date expired 30 November 2021

Proposal: Demolition of sunroom with side infill, rear extension and rooflights.

Location: 102 Manor Forstal, New Ash Green, KENT DA3 8JQ

Ward(s): Ash And New Ash Green

Item for decision

This application is referred to the Development Control Committee for a decision, as the applicant is a District Councillor.

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: Drawing No. PL-1691-01.

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

National Planning Policy Framework

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

Agenda Item 4.6

Description of site

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

Description of proposal

- 2 Demolition of sunroom with side infill, rear extension and rooflights.

Relevant planning history

- 3 None.

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
- 7 Other:
 - Residential Extensions Supplementary Planning Document (SPD)

Constraints

- 8 No relevant constraints.

Consultations

- 9 Ash-cum-Ridley Parish Council - "The Parish Council does not object to this application as long as it does not conflict with local planning policy."

Representations

- 10 No representations have been received.

Chief Planning Officer's appraisal

- 11 The main planning consideration 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 existing dwelling is located in Manor Forstal, within New Ash Green. The dwelling faces towards North Ash Road and there is a footpath which runs along the front and side of the site.
- 14 The immediate street scene consists of a row of properties that are link detached and have a similar architectural design, appearance and pallet of materials. Some properties within the surrounding area, including the adjoining neighbouring property 103 Manor Forstal, have been extended and altered in the past through the addition of single storey rear extensions.
- 15 The proposed development would involve the demolition of the existing sunroom to the rear of the dwelling and the erection of a side and rear extension. The extension would be single storey with a low eaves height and a modest projection. The extension would also have a flat roof, with roof lights, which would sit below the main roof of the dwelling. Additionally, the materials used in the construction of the extension would match those of the existing dwelling. As such, it is considered that the proposed extension would appear proportional and subservient and would not harm the overall character of the dwelling.
- 16 The proposed development would not be visible from North Ash Road. However, there would be partial glimpses of the extension within the street scene from the footpath to the side of the site, as well as from the car park to the southeast. However, due to the sensitive design of the proposed extension, it is considered that the development would not appear unduly prominent or visually intrusive in the street scene. It would appear as a sympathetic addition when viewed against the existing built form. Furthermore, views of the extension from the footpath would be softened by the existing fencing and vegetation along the western boundary of the site. Therefore, it is considered that the proposed extension would not have a detrimental impact on the character of the surrounding area.
- 17 Overall, the development would preserve the character and appearance of the area in accordance with the policy SP1 of the Core Strategy, policy EN1 of the ADMP, the NPPF and the Residential Extensions SPD.

Impact on neighbouring amenity

- 18 Policy EN2 of the ADMP and our Residential Extensions SPD are relevant in the consideration of this application.
- 19 Light
- 20 The 45-degree test was conducted and the proposed development passed the test. The extension would not result in a harmful loss of light for any neighbouring property.

Agenda Item 4.6

- 21 Privacy
- 22 The proposed development would not result in a loss of privacy to any neighbouring property. This is because no part of the extension would directly overlook the main windows or private amenity areas of the surrounding neighbouring properties to the front, side or rear of the site.
- 23 The flank elevation of the neighbouring property, 101 Manor Forstal, which faces towards the rear garden of the application site, does not contain any windows. Views of other neighbouring properties to the rear of the site would also be restricted by the existing tall trees along the southern boundary.
- 24 Visual intrusion
- 25 The proposed development would not result in visual intrusion nor would it harm the normal outlook of neighbouring properties. None of the main windows of the surrounding neighbouring properties would directly overlook the proposed extension and the extension is not considered to be an unduly dominant or visually intrusive addition.
- 26 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 102 Manor Forstal, in accordance with policy EN2 of the ADMP and the NPPF.

Other issues

- 27 N/A

Community Infrastructure Levy (CIL)

- 28 The proposal is not CIL liable.

Conclusion

- 29 The proposal would be an acceptable form of development and would comply with our policies.
- 30 It is therefore recommended that this application is GRANTED.

Background papers

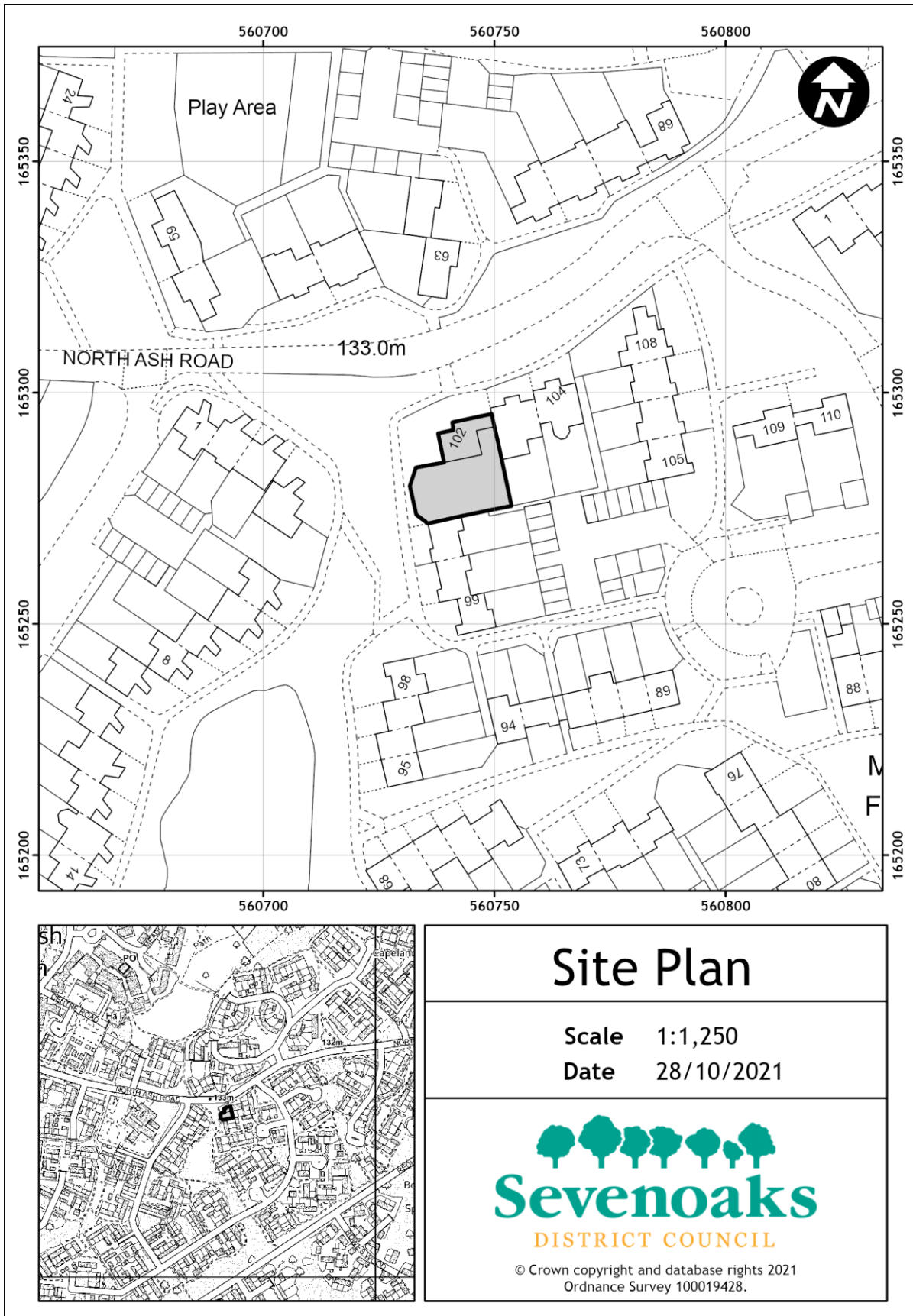
Site and block plan

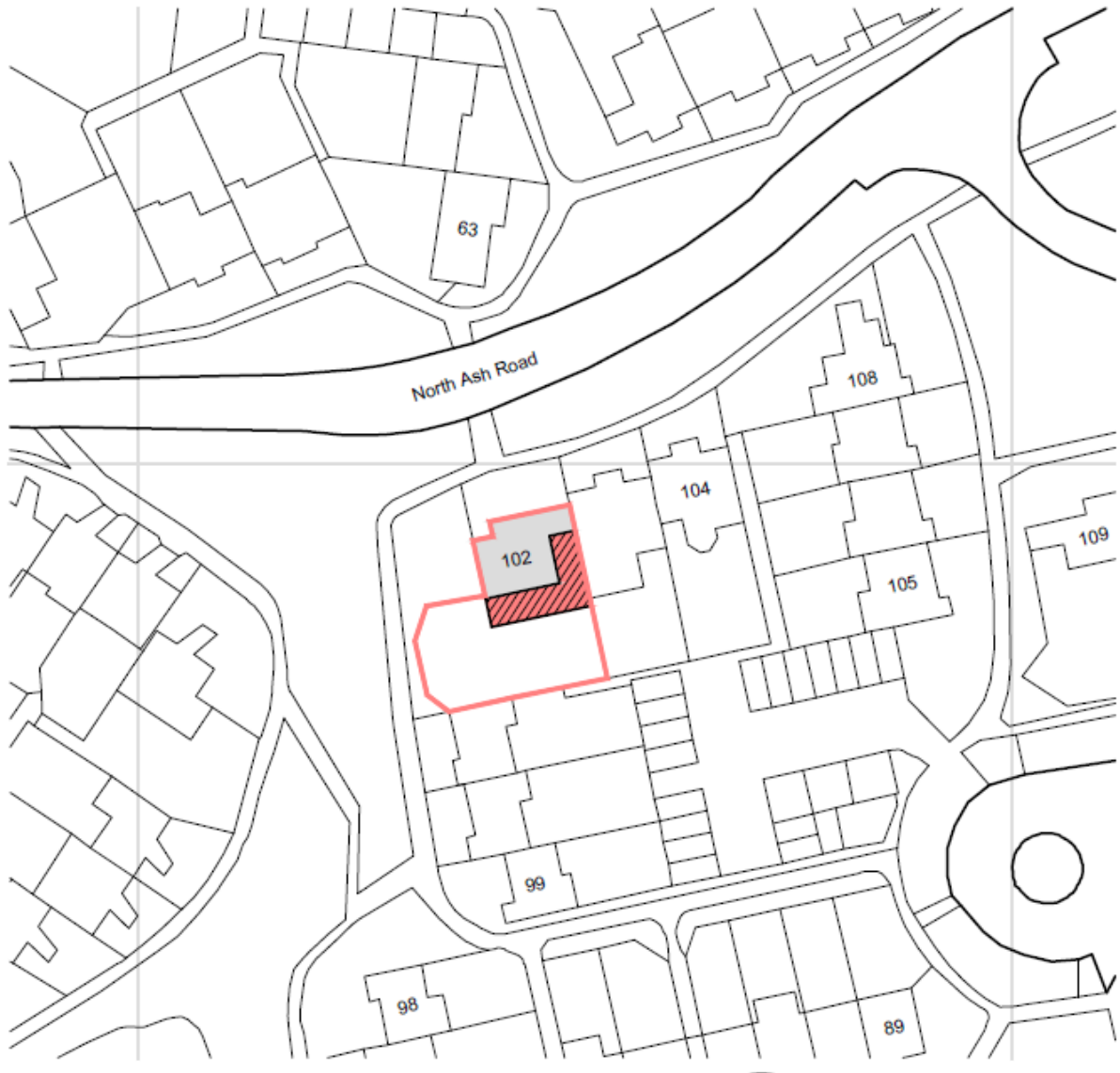
Contact Officer(s): Hayley Nixon: 01732 227000

Richard Morris
Chief Planning Officer

Link to application details:

Link to associated documents:





5.1 - TPO 3 of 2021

PROPOSAL: TPO 3 of 2021 was served in response to the auctioning of lots at Kemsing Nature Reserve Leisure Plots. Concern has been raised that multiple ownership within a large area would alter the overall amenity benefits that the site currently offers.

LOCATION: Situated to the north of Pilgrims Way, Kemsing. Between Eastlea to the west and Chalkpit Cottage to the east.

WARD(S): Kemsing.

ITEM FOR DECISION

TPO 3 of 2021 has been served to avoid numerous differing types of management of a woodland area (wood lotting)

RECOMMENDATION: That TPO 3 of 2021 is CONFIRMED without amendment.

Description of Site

- 1 The woodland area as described above consists of mixed deciduous woodland with underlying scrub, with well-trodden pathways running in and around the site.

Constraints

- 2 The following constraints apply
 - Kent Downs AONB;
 - TPO 03 of 2021;
 - Local Wildlife Site (ref; SE12);
 - Metropolitan Green Belt.

Amenity Value and Visibility of the woodland.

- 3 The woodland amenity is measured in its ecological and visual benefits. The site is readily accessible with multiple well-trodden footpaths throughout as well as Public Right of Way SR77 within it to the east. The amenity is not generally to do with a singular tree but the group/woodland as a whole. The site now has in excess of 70 registered owners. As the sites amenity is within its whole, rather than individual specimens, the differing management techniques of all the owners could change/formalise the area with the resultant reduction/removal of any amenity benefits that currently exist. It

Agenda Item 5.1

is clear from a brief walk through the site that bird life is abundant throughout, as are walkers using the location for amenity benefits.

Representations

- 4 Two objections to the order have been received from two separate plot holders.
- 5 Mr K Constantinou has objected to the serving of the TPO via his solicitors Bowers & Jessup. They have stated that the land has no trees and that the order protects scrub and prevent Mr Constantinou from ever making use of his land in the future.
- 6 They go onto state that the order makes the land completely valueless and that they believe that their client is being victimised by the Council who are proposing to take away the value of his land without any form of compensation. That would appear to amount to expropriation and therefore a breach of our clients right to lawful enjoyment of his property, both under common law and under the Human Rights Act.
- 7 Memnitsa McWilliams has objected to the order on the following grounds.
- 8 The proposed order will prejudice our rights to use our land as outlined in the land registry title deeds as agricultural land, thereby materially penalising ourselves as land owners.
- 9 The LPA has not provided explanation, justification or evidence that the land provides a reasonable degree of public benefit, nor that a TPO is required in this area to protect the local environment and its enjoyment by the general public.

Appraisal.

Consideration of Objections.

- 10 TPO 3 of 2021 was served to ensure that the woodland as a whole was not dissected into plots and managed individually. An Article four was served on the site in the 1970's. This does prevent the erection of fencing, sheds etc. TPO 3 of 2021 now prevents unjustified felling and/or clearance of any of the plots. Any proposal can still be considered via an application, where the importance of the trees, now protected, will be taken into account.
- 11 The previously served Article 4, already restricts actions that can be taken on the plots which has been in place for many decades. The only options therefore available to the land owners without planning consent for their plots would be tree works. Any such proposal would now require a formal application, which would be assessed in the normal way and provide this local planning authority with an opportunity to support or disagree with the proposals based upon the effects on the amenity of the site.
- 12 Section 6 of the Human Rights Act 1998 imposes a duty on public authorities, including Local Authorities, not to act in any way which is incompatible with the European Convention on Human Rights. Article 1 of the First Protocol to the Convention provides that every person is entitled to

the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principle of International Law. Article 1 permits a Member State to enforce such laws, as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

- 13 The service of a Tree Preservation Order could be interpreted as an interference with the rights of a property owner to use his property as he sees fit. Such interference must be 'proportionate', which means that it must not be in excess of what is needed to prevent harm to the general interest. The Government considers that there is a genuine wider public interest in protecting the loss or deterioration of irreplaceable habitats and protecting the quality and character of the environment.

Expediency of preserving the mixed deciduous woodland

- 14 The woodland has amenity benefits as a whole with roosting and nesting sites for birds within it, as well as the benefits to the users of the site as they walk throughout and around its many tracks and pathways. The serving of this order would retain this woodland with control on the extent of any future pruning/felling works to it.

Conclusion

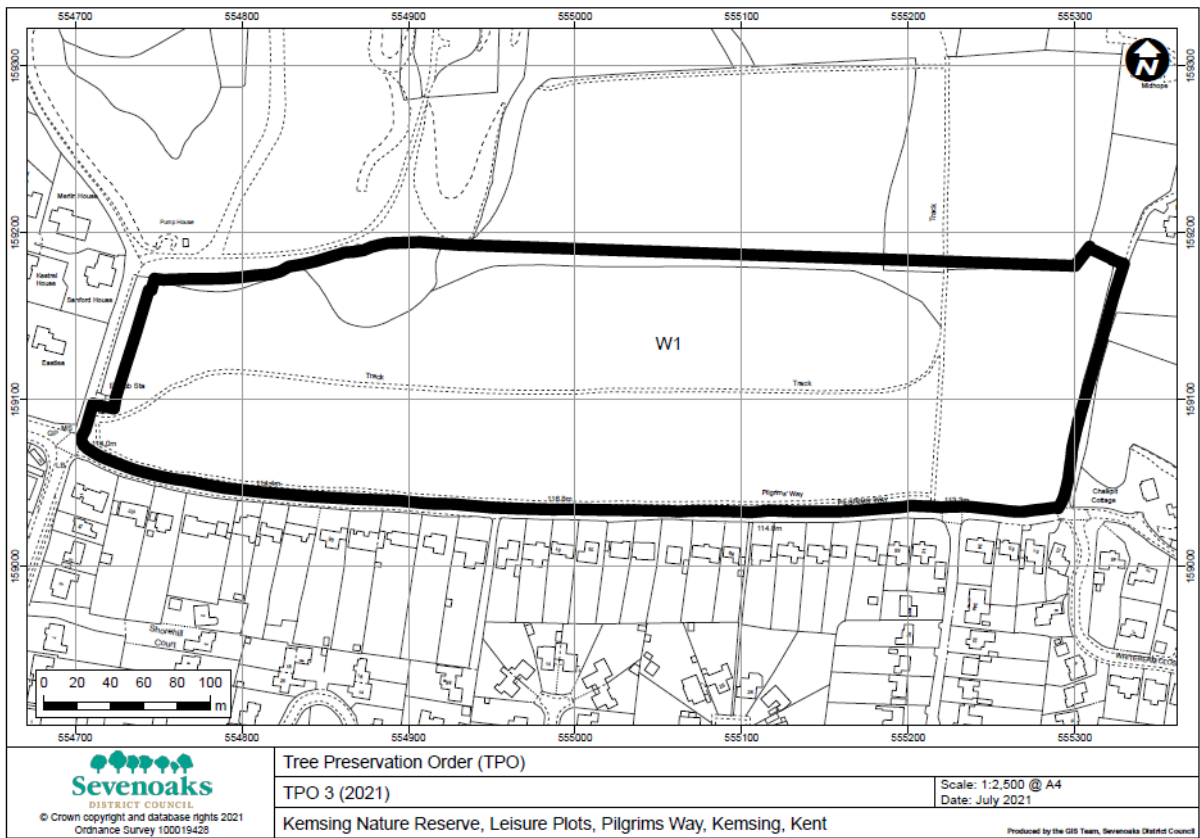
- 15 It is therefore my recommendation that TPO 3 of 2021 be CONFIRMED without amendment.

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

Contact Officer Les Jones 01732 227000

Richard Morris
Chief Planning Officer

Agenda Item 5.1



APPENDIX 1

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Trees specified by reference to an area
(Within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Groups of trees
(Within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Woodlands
(Within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
W1	Mixed deciduous woodland with underlying scrub	Located between Eastlea to the west and Chalknit Cottage to the east

* complete if necessary to specify more precisely the position of the trees.

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5.2 - TPO 2 of 2021

PROPOSAL: TPO 2 of 2021 was served in response to a report of change of ownership of this property and that the new owner intended to remove the mature Oak tree located at the frontage of the dwelling.

LOCATION: Situated on Milton Avenue, Badgers Mount, TN14 7AU.

WARD(S): Halstead, Knockholt and Badgers Mount.

ITEM FOR DECISION

TPO 2 of 2021 has been served to avoid the removal of a mature Oak tree located in this publicly visible residential setting.

RECOMMENDATION: That TPO 2 of 2021 be CONFIRMED without amendment.

Description of Site

- 1 Druids Oak is a detached dwelling located towards the western end of Milton Avenue. The building lies back from the road for some 16 metres with the Oak tree, the subject of this report located to the frontage of the house.

Constraints

- 2 The following constraints apply
 - Kent Downs Area of Outstanding Natural Beauty;
 - TPO 02 of 2021.

Amenity Value and Visibility of the Oak tree.

- 3 The tree is located to the immediate frontage of the dwelling growing within the lawn which makes up much of the front garden. There are no walls or fences marking the boundary of the site leaving the tree clearly visible to passers-by. There are other trees nearby but this is the only noticeable tree in this immediate vicinity and would be missed if removed. It is considered that this tree has a high amenity value as it makes a valued contribution to the character and appearance of the street scene.

Representations

- 4 One objection from the new owner Mr Alfie Pitt has been received.
- 5 Mr Pitt states that there is almost no natural light entering the frontage of the property due to the tree. He also states that there is a fissure in the union of the two main stems which will affect the integrity of the tree.

Agenda Item 5.2

- 6 Mr Pitt also states that there is a power cable that runs under the tree's canopy and that debris falling has caused the cable to come loose.

Appraisal.

Consideration of Objection

- 7 It does not appear that the tree has been pruned or had any maintenance to it for some time. There is scope for suitable pruning works to be carried out. Such pruning would take the form of thinning the density of the crown and reducing the height and spread of the crown as well as some light lifting of the lower canopy. Any dead wood or cracked broken branches would also be pruned out at this time.
- 8 The benefits of this work would be to allow more natural light into the building as well as lessening the wind resistance that the tree has, as well as lessening the weight on any weaker branches and removing suspect parts that may fail.

Expediency of preserving this individual mature tree

- 9 This mature Oak tree, estimated to be in the region of 80-100 years of age stands as a feature specimen within the street. Its visible presence enhances the character and appearance of the street scene. Ecological amenity of Oak trees is well documented with hundreds of species known to be associated with them, which does not include all of the fungi or any of the bacteria and other microorganisms, which create a symbiotic home within Oaks.

Conclusion

- 10 It is therefore my recommendation that TPO 2 of 2021 be CONFIRMED without amendment.


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

Contact Officer

Les Jones 01732 227000

Richard Morris
Chief Planning Officer



 <p>Sevenoaks DISTRICT COUNCIL © Crown copyright and database rights 2021 Ordnance Survey 100019428</p>	Tree Preservation Order (TPO)	
	TPO 2 (2021)	Scale: 1:1,250 @ A4 Date: June 2021
	Druids Oak, Milton Avenue, Badgers Mount, Kent, TN14 7AU <small>Produced by the GIS Team, Sevenoaks District Council</small>	

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1	Mature Oak tree	Located on front lawn

Trees specified by reference to an area
(Within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Groups of trees
(Within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Woodlands
(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.

Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 18 Nov 2021

4.1 21/01126/FUL - Rear of 49 And 51 Wickenden Road, Sevenoaks, KENT TN13 3PL

[Link to application details:](#)

[Link to associated documents:](#)

4.2 21/00882/FUL - 1C Wickenden Road, Sevenoaks, KENT TN13 3PJ

[Link to application details:](#)

[Link to associated documents:](#)

4.3 21/03097/LBCALT - The Castle House, Sevenoaks Road, Otford KENT TN14 5PB

[Link to application details:](#)

[Link to associated documents:](#)

4.4 21/03394/DETAIL - The Castle House, Sevenoaks Road, Otford KENT TN14 5PB

[Link to application details:](#)

[Link to associated documents:](#)

4.5 21/03208/NMA - White Oak Leisure Centre, Hilda May Avenue, Swanley, KENT BR8 7BT

[Link to application details:](#)

[Link to associated documents:](#)

4.6 21/03134/HOUSE - 102 Manor Forstal, New Ash Green, KENT DA3 8JQ

[Link to application details:](#)

[Link to associated documents:](#)

