

25 January 2024 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 17.01.24



# Development Management Committee

## Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Horwood  
Cllrs. Baker, Ball, Bayley, Camp, P. Darrington, Edwards-Winser, Esler, Harrison, Hogarth, Hudson, Malone, Manston, Purves, Silander, Skinner, Varley and Williams

## 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. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 4 January 2024, as a correct record.	(Pages 1 - 24)	
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered		
3. <b>Declarations of Lobbying</b>		
4. <b>Planning Applications - Chief Planning Officer's Report</b>		
4.1 <b>23/02002/FUL - 112A Chipstead Lane, Riverhead, Sevenoaks Kent TN13 2AQ</b> Demolish existing single-storey dwelling to provide new residential dwelling, with relocation of dropped kerb.	(Pages 25 - 38)	Abbey Aslett Tel: 01732 227000
4.2 <b>23/02918/FUL - The Oast House, Kettlehill Farm, St Julians Road Underriver Kent TN15 0RX</b> Conversion and extension of Oast house to provide a family dwelling.	(Pages 39 - 54)	Anna Horn Tel: 01732 227000

4.3 **23/02976/MMA - Lulworth, School Lane, Seal Kent TN15 0BQ** (Pages 55 - 66) Christopher Park  
Tel: 01732 227000  
Amendment to 22/01496/HOUSE

4.4 **23/03046/HOUSE - 33 Penshurst Road, Leigh, Tonbridge Kent TN11 8HL** (Pages 67 - 76) Stephanie Payne  
Tel: 01732 227000  
Two storey front extension. Loft conversion. Rooflights and fenestration alteration. Roof alterations. Removal of existing chimney and installation of a flue.

#### 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](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 22 January 2024.

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](mailto:democratic.services@sevenoaks.gov.uk).

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Development Management Committee

Minutes of the meeting held on 4 January 2024 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Horwood (Vice-Chairman)

Cllrs. Ball, Camp, Edwards-Winsler, Esler, Harrison, Hogarth, Hudson, Malone, Manston, Purves, Silander, Varley and Williams

Apologies for absence were received from Cllrs. Baker, Bayley, P. Darrington and Skinner

Cllrs. Granville, James Morgan and Thornton were also present.

Cllr. Grint was also present via a virtual media platform which is not recognised as attendance by the Local Government Act 1972.

42. Minutes

Resolved: That the Minutes of the Development Management Committee held on 7 December 2023, be approved and signed by the Chairman as a correct record.

43. Declarations of Interest or Predetermination

Cllr Horwood declared for Minute 45 - 23/00505/FUL - Land North West Of Little Browns Railway Bridge, Hilders Lane, Edenbridge Kent that he worked for UK Power Networks who would be connected to the power source but that he remained open minded.

Cllr Varley declared for Minute 46 - 23/02344/FUL - Chance Cottage , 104 Oakhill Road, Sevenoaks Kent TN13 1NU that he was the local ward Member and was a Member of Sevenoaks Town Council where the item had been considered, but he remained open minded.

Cllr Camp declared for Minute 46 - 23/02344/FUL - Chance Cottage , 104 Oakhill Road, Sevenoaks Kent TN13 1NU that she had chaired the meeting of Sevenoaks Town Council where the item had been considered, but she remained open minded.

44. Declarations of Lobbying

All Members, except for Cllr Malone declared that they had been lobbied in respect of Minute 45 - 23/00505/FUL - Land North West Of Little Browns Railway Bridge, Hilders Lane, Edenbridge Kent

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Cllr Harrison declared that she had been lobbied in respect of Minute 46  
23/02344/FUL - Chance Cottage , 104 Oakhill Road, Sevenoaks Kent TN13 1NU

Cllr Esler, Malone, Varley, Williamson and Harrison declared that they had been  
lobbied in respect of Minute 47 - 23/02516/FUL - Singles Cross Farm , Singles Cross  
Lane, Knockholt Kent TN14 7NG

RESERVED PLANNING APPLICATIONS

**The Committee considered the following planning applications:**

45. 23/00505/FUL - Land North West Of Little Browns Railway Bridge, Hilders  
Lane, Edenbridge Kent

The proposal sought planning permission for Solar photovoltaic farm use for a period  
of 40 years, comprising PV panels mounted on metal frames, new access tracks,  
substations, inverter substations, external transformers, switchgear kiosks, storage  
building, communications building, underground cabling, perimeter fencing with  
CCTV cameras and access gate, temporary construction compound and all ancillary  
grid infrastructure and associated works.

The application had been referred to the Committee by Councillor Jim Morgan on the  
grounds of flood risk and traffic flow.

Members' attention was brought to the main agenda papers and late observation  
sheet which, following the amendments to the National Planning Policy Framework  
(NPPF) that were published on the 19 December 2023, the numbering of some of the  
paragraphs referenced had changed. It also proposed amended recommendations to  
condition 8 and 16 to refer to the revised NPPF. Members were also advised of  
further paragraph references changes that had not been detailed in the late  
observation sheet. The application was also subject to referral to the Secretary of  
State.

The Committee was addressed by the following speakers:

Against the Application: Sophia Kemp

For the Application: Richard Hillam

Parish Representative: -

Local Members: Cllr Jim Morgan

Members asked questions of clarification from the speakers and officer, which  
focused on drainage, flooding, and visibility of the solar panels.

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

Members discussed the application, noting the site would remain designated as Green Belt and return to a grazing field at the end of the life of the panels. Members discussed the support from the Town Council and subject to conditions a local Member had also expressed his support. It was noted by Members the screening proposed and very special circumstances.

The motion was put to the vote and it was

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

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

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

2) The development hereby approved is for a period of forty operational years from the date that electricity from the development is first exported to the National Grid for commercial operation; or within two years of the cessation of the exportation of electricity to the grid, whichever is the sooner. No later than three months before the cessation of the development a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning of the solar farm, along with the measures, and a timetable for their completion (to be completed within 12 months from cessation of the export of energy to the grid), to secure the removal of the solar farm equipment and all associated road, equipment and structures in accordance with the Decommissioning Method Statement.

In order to ensure that the approved development does not remain on site beyond the projected lifetime of the equipment installed in the interests of the visual amenity and character of the surrounding area in accordance with Policies SP1, LO8 of the Sevenoaks Core Strategy and Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

3) Within 21 days of the first exportation of the electricity generated from the site to the National Grid, notification shall be written to and acknowledged in writing by the local planning authority.

In order to allow the Local Planning Authority to adequately monitor the time scale of the development and for the avoidance of any doubt.

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4) No development shall take place until a Construction and Traffic Management Plan (CTMP) shall be submitted to and approved by in writing by the local planning authority. The CTMP should include the details contained within the outline CTMP dated 23/01/23 prepared by Neo Environmental in technical appendix 5 and the details in the Further Transport Information dated 16/10/2023 prepared by Locogen, as well the following additional information; - Full details of the location of wheel washing facilities; - Details of street sweeping; - Detailed construction schedule to include the avoidance of HGV movements during peak times and to prevent two HGV deliveries at one time; - Details of the delivery booking system and delivery management; - Details of traffic management to avoid traffic stacking of heavy goods vehicles on local roads; - Details of site operation hours during construction and decommissioning; - Routes for construction traffic; - Temporary signage and its location in relation to the agreed routing details to and from the site; - Process for the prior notification of local residents of the intended delivery of any exceptional loads such as long low loaders or over hung vehicles along with contractor contact details; - Details of the Community Liaison Group to ensure local residents are kept informed of the detailed CTMP measures and provide a contact point for project enquiries. The approved plan/statement shall be adhered to throughout the construction period thereafter.

In the interests of highway safety, neighbouring amenity and visual amenity as supported by Policy EN1, EN2 and T1 of the Sevenoaks Allocations and Development Management Plan.

5) No development shall commence until a full condition survey of the existing roads 200m either side of the site access which form part of the construction traffic route, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this will require agreement with the local highway authority to identify any existing damage on the existing public highway with each defect and its location being mapped on a plan for the area. Within three months of construction finishing, a post construction condition survey will then be required across the same extent of adopted highway in order to identify and agree with the local planning authority any remedial works reasonably attributable to construction activities. Any identified highways defects resulting from construction activities will then be corrected to the satisfaction of the local planning authority and local highway authority.

In the interests of highway safety and visual amenity as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to the commencement of development the applicant, or their agents or successors in title, will secure: 1) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; 2) Further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; 3) A programme of post excavation



assessment and publication. The works shall be carried out in accordance with the approved details.

To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated, in accordance with policy EN4 of the Sevenoaks Allocations and Development Management Plan.

7) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority, in consultation with Network Rail and Kent as Lead Local Flood Authority. The detailed drainage scheme shall include details of site infiltration testing and shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove not to be practical then any surface water leaving site shall not exceed the existing greenfield run off rate for all rainfall events. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The development shall be carried out in accordance with the approved drainage strategy.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

8) Prior to the first use of the site, a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 175 of the National Planning Policy Framework.

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9) Prior to the commencement of works, a Biodiversity Method Statement which details all precautionary mitigation methods to be implemented for the protection of protected and priority habitats and species will be submitted to and approved in writing by the Local Planning Authority. The method statement will be based on the information within Technical Appendix 2 Ecological Assessment and Appendices 2D and 2E by Neo Environmental dated February 2023, the Further Ecological Information Note by LocoGen dated October 2023, and the Great Crested Newt Risk Assessment by LocoGen dated October 2023. The method statement shall also include details of an updated site walkover to be undertaken prior to works commencing to confirm that the condition/management of the onsite habitats is consistent with that recorded during the ecological assessment, such that the potential for protected species to occur has not changed and to identify any additional badger setts. Should new setts be identified during the pre-works walk over and/or monitoring during the construction period, all required surveys and mitigation/licensing will be implemented prior to further works being undertaken in the vicinity of the sett/s. The Biodiversity Method Statement will be submitted to the local planning authority for written approval, and subsequently implemented as approved.

To ensure the safeguarding of protected habitats and species, in accordance with policy SP11 of the Core Strategy.

10) No development shall take place until a construction environment management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall incorporate pollution control measures detailed within Technical Appendix 2 Ecological Assessment by Neo Environmental dated February 2023 and will incorporate the Biodiversity Method Statement submitted under Condition 9. Details will include the following: a) Purpose and objectives for the proposed works; b) Reference to the Biodiversity Method Statement; c) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs; c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives; d) Extent and location of proposed works shown on appropriate scale maps and plans for all relevant species and habitats; e) Reference to any Environment Agency permits required and any relevant mitigation measures required; f) Method statement for the control of the invasive species Himalayan balsam, including actions to be taken during site clearance and construction to prevent legislation breaches in relation to the species; i) Reference to or inclusion of a detailed arboricultural method statement to protect retained trees; j) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; k) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake/ oversee works; l) Initial aftercare and reference to a long-term maintenance plan (where relevant); m) Disposal of any wastes for implementing work. The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

To ensure the safeguarding of protected habitats and species, in accordance with policy SP11 of the Sevenoaks Core Strategy.

11) Prior to commencement of works, a Landscape and Ecological Management Plan (LEMP) will be submitted to and be approved in writing by the local planning authority. The content of the LEMP will be based on the information within the Biodiversity Management Plan and Technical Appendix 2E by Neo Environmental dated February 2023 and the Landscape and Ecological Management Plan Drawing prepared by Neo Environmental dated March 2023. The LEMP will include the following: a) Description and evaluation of features to be managed, including control of invasive species; b) Constraints on site that might influence management; c) Aims and objectives of management, in alignment with the Biodiversity Net Gain habitat type and condition targets; d) Details of additional biodiversity enhancements to be provided; e) Details of proposed locations for, and long term management of, skylark plots within the wider land ownership; f) Appropriate management prescriptions for achieving aims and objectives; g) Information regarding remedial measures; h) Preparation of a work schedule; i) Measures to be implemented to ensure habitat connectivity for protected and priority species; j) Precautionary measures to be followed during operation with regard to protected species; k) Details of a long-term monitoring program for all habitats (in accordance with the BNG targets) and for protected/priority species including breeding birds, bats, hazel dormouse, badger, reptiles, otter, water vole and invertebrates. A timetable for monitoring surveys will be included, with the first year post-construction to serve as a baseline; l) Details of the body or organisation responsible for implementation of the plan. The LEMP will include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer, with details of the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

To ensure the safeguarding of protected habitats and species, in accordance with policy SP11 of the Sevenoaks Core Strategy.

12) Copies of the habitat and species monitoring survey reports will be submitted to the Local Planning Authority for review in years 2, 5, 10, 20 and 30. These will include details of, and a timetable for, any required remedial measures.

In the interests of safeguarding biodiversity on the site in accordance with policy SP11 of the Sevenoaks Core Strategy.

13) Prior to the commencement of construction works, visibility splays of 50 metres x 2.4 metres x 50 metres at the access with no obstructions over 1.05 metres above carriageway level within the splays shall be provided and thereafter maintained.

In the interest of highway safety.

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14) Within two months of the commissioning and operation of the site, a monitoring noise assessment measuring the noise from the transformers, inverters and equipment on the site shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the noise from the site does not have an adverse impact on nearby dwellings. The assessment should be undertaken within two months of commissioning, and should a loss of amenity be identified to nearby dwellings, then noise mitigation should be provided and implemented to eliminate the excess noise and thereafter retained, details of which shall be submitted to and approved in writing by the Local Planning Authority.

To ensure the development does not cause harmful noise pollution to nearby residential receptors and to monitor noise from the site once operational. In accordance with policy EN1, EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

15) The landscaping and planting works shall be carried out in accordance with the Landscape and Ecological Management Plan, reference NEO00936\_0291\_D, and in accordance with the implementation schedule as detailed on this plan. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

To protect the amenities of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 180 of the National Planning Policy Framework.

17) Prior to the installation of the solar panels, details of a crime prevention strategy shall be submitted to and approved in writing by the local planning authority. The development shall accordance with the approved details and implemented prior to its first operational use.

To maintain the integrity and character of the area and designing out crime as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

18) No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing, details of the position, height, design, beam orientation, measures to control light spillage and intensity of illumination. Only the approved details shall be installed. 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 policy EN1 of the Sevenoaks Allocations and Development Management Plan.

19) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 8195-DRW-DES-0014-Location Plan-v1.0, DES-0001, 0002, 0003, 0004, 0005, 0006, 0007, 0008, 0009, 0010, 0011, 0012, 0013, 0015 and NEO00936\_0261\_D.

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

Informatives:

1. Lead Local Flood Authority Advisory: KCC emphasize that additional ground investigation will be required to support the use of infiltration. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time.
2. Chemicals & Fuel Storage: Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.
3. Highways Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it

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should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

46. 23/02344/FUL - Chance Cottage , 104 Oakhill Road, Sevenoaks Kent TN13 1NU

The proposal sought planning permission for erection of 2 dwellings with detached garages, extension to existing dwelling and associated works.

The application had been referred to the Committee by Councillor Gustard on the grounds of harm to the amenity of neighbours, contrary to policy EN2 of the Allocations and Development Management Plan (ADMP), and harm due to the size and massing of the proposal, contrary to policy EN1 of the ADMP.

Members' attention was brought to the main agenda papers and late observation sheet which did not amend the recommendation but also brought Members' attention to the revised NPPF and change or paragraph references.

The Committee was addressed by the following speakers:

Against the Application:	Jurgita Brenninkmeyer
For the Application:	Neal Thompson
Parish Representative:	Cllr Daniell
Local Members:	Cllr Granville (on behalf of Cllr Gustard)

Members asked questions of clarification from the speakers and officer regarding ancillary use of the garages and landscaping.

It was moved by the Chairman that the recommendations within the report, and for an additional condition regarding ancillary use of the garage, be agreed.

Members discussed the application, giving consideration to the additional condition.

The motion was put to the vote and it was

Resolved: That planning permission be GRANTED by subject to the following conditions:

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 102 C, 200 D, 201 D, 202 A, 203 A, 204 B, 205, 300 C, 301 B, 400 A, 401, 0627/23/B/1A.

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

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3) The materials to be used in the construction of the development shall be those indicated on the approved plan 203 A, 300 C and 301 B.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by policies EN1 of the Sevenoaks Allocations and Development Management Plan and C4 of the Sevenoaks Town Neighbourhood Plan.

4) Prior to the commencement of works on the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following: (a) Routing of construction and delivery vehicles to / from site; (b) Parking and turning areas for construction and delivery vehicles and site personnel; (c) Site working hours and timing of deliveries; (d) Site layout and security measures; (e) Provision of wheel washing facilities; (f) Temporary traffic management / signage; (g) measures to deal with noise and dust.

To ensure details of construction are provided in accordance with policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to the development reaching above damp proof course, details of the hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall include details of species, sizes and a planting and maintenance schedule. The approved hard landscaping details shall be implemented prior to first occupation of the dwelling hereby approved, and shall be carried out in accordance with the approved details. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan and Policy C4 of the Sevenoaks Town Neighbourhood Plan.

6) Notwithstanding the approved drawings, the window(s) in the 'House A' first floor south west side 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 residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

7) The cycle parking and EV charging points as shown on plan number 205 shall be implemented prior to the first occupation of the dwellings, hereby approved, and shall be thereafter retained.

To encourage the use of low emissions vehicles and promote sustainable travel in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

8) Within six months of works commencing on the site, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation and shall be thereafter maintained.

In the interests of securing ecological enhancements in accordance with policy SP11 of the Core Strategy and the principles of the National Planning Policy Framework.

9) The development, hereby approved, shall be carried out in accordance with the tree protection measures and recommendations outlined in section 9 and 11 and appendices C, D, F and G of the Arboricultural Report prepared by Quaife Woodlands and dated October 2023.

To ensure the retained trees are adequately protected to preserve the character of the area, in accordance with policy EN1 of the Allocations and Development Management Plan and policy L4 of the Sevenoaks Neighbourhood Plan.

10) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

In order to safeguard the visual amenities of the area and safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

11) No development shall commence until a Biodiversity Gain Plan and Biodiversity Management and Monitoring Plan to ensure that there is a 10% net gain in biodiversity within a 30 year period as a result of the development have been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management and Monitoring Plan shall include 30-year objectives, management

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responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports shall be submitted to the Council during years 2, 5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management and Monitoring Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The Biodiversity Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

To ensure compliance with the Sevenoaks Town Neighbourhood Plan biodiversity net gain policy L1.

12. The use of the detached garages hereby approved, shall only being used as ancillary accommodation to the main dwellinghouse.

In the interest of the residential amenity of neighbouring properties and compliance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

#### **Informatives:**

1. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

#### 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.

47. 23/02516/FUL - Singles Cross Farm , Singles Cross Lane, Knockholt Kent TN14 7NG

The proposal sought planning permission for conversion of an existing barn to a 4 bedroom dwelling house incorporating demolition in linked building, erection of garage with cycle store and associated landscaping, and creation of a new vehicular access. Removal of caravan and store unit.

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The application had been referred to the Committee by Councillor Grint due to concern that the proposal would be inappropriate development in the Green Belt.

Members' attention was brought to the main agenda papers and late observation sheet which, following the amendments to the National Planning Policy Framework (NPPF) that were published on the 19 December 2023, the numbering of some of the paragraphs referenced had changed. It also proposed an additional condition as an alternative to the scheme on the same site which had been allowed at appeal.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Colin Smith
Parish Representative:	Cllr Grint
Local Members:	Cllr Grint

Members asked questions of clarification from the officer regarding the additional condition.

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

Members discussed the application.

The motion was put to the vote and it was

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Drawing No. COB/20/1098/202, 203, 205, 206 and SCF-PPC-00-XX-DR-C-600 (Rev P1).

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan Drawing No. COB/20/1098/ 202 and 203.

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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting those orders), no development falling within Classes A, AA or E of Part 1 of Schedule 2 to the said Order shall be carried out or made to the dwelling without the grant of planning permission by the local planning authority.

In order to protect the openness of the Metropolitan Green Belt in accordance with Policy GB7 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

5) The curtilage of the dwelling hereby approved shall be the land contained within the green line on the approved site plan (Drawing No. COB/20/1098/ 205).

To prevent inappropriate development within the Green Belt and encroachment into the countryside as supported by the National Planning Policy Framework.

6) No permanent development shall be carried out on the hardstanding or the land surrounding the garage up to the existing pole barn, as shown on the approved site plan (Drawing No. COB/20/1098/ 205).

To provide adequate vehicle access, turning and parking within the site and to preserve the openness of the Green Belt, in accordance with policy EN1, GB7 and T2 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

7) Within 3 months of the first occupation of the dwelling hereby approved, the existing linked building to the stables and store unit shall be demolished and all resulting materials removed from the site; and the existing caravan shall be removed from the site. There shall be no other buildings on the site other than those indicated on the proposed site plan (Drawing no. COB/20/1098/ 205) hereby approved.

To preserve the openness of the Green Belt and to comply with the aims of the National Planning Policy Framework.

8) No external lighting shall be installed on the building or within the curtilage of the site other than in accordance with an external lighting design plan which shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting should be designed to minimise light spill and should be downward facing and

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### Development Management Committee - 4 January 2024

on motion sensors. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and will be maintained as such thereafter.

To ensure the development does not cause harm to protected species and preserves the character of the surrounding area, in accordance with policy SP11 of the Sevenoaks Core Strategy and policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9) The development hereby approved shall be carried out in accordance with the noise mitigation measures set out in the Noise Impact Assessment dated June 2023 and produced by Pace Consult.

To protect the amenity of future occupiers, in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

10) No development hereby approved shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components: 1. A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site. 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3. The results of the site investigation and the detailed risk assessment referred to in and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework.

11) Prior to first occupation of any part of the development hereby approved, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with the National Planning Policy Framework.

12) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework.

13) No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with the National Planning Policy Framework.

14) The development hereby approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented (with a connection to foul sewer), has been submitted to and approved by in writing by the local planning authority in consultation with the (water undertaker and) EA. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises shall take place until the installed scheme is confirmed as meeting the agreed specifications (and connections are made to the foul sewer network).

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework.

15) No development hereby approved shall commence until a scheme for the disposal of contaminated run off from all hardstandings, manure heaps, stable washings and hay soaking areas has been submitted, approved and implemented to the satisfaction of the Local Planning Authority. No contaminated run off shall be directed to a soakaway or any watercourse.

To prevent pollution of the water environment, in accordance with the National Planning Policy Framework.

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16) Prior to the first occupation of any part of the development, the parking shown on Drawing No. COB/20/1098/ 205 shall be provided in full and shall be so maintained and available for use as such at all times.

To ensure the development delivers appropriate parking provision in accordance with policy EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

17) The visibility splays for the new access shown on Drawing No. COB/20/1098/ 205 shall be maintained and shall be free from obstruction at all times.

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

18) Prior to development reaching the damp proof course, details of the location and type of an electrical vehicle charging point shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of the charging point and the appearance of the charging point. The approved charging point shall be installed prior to first occupation of the development and shall be maintained thereafter.

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

19) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection of the hedge adjacent to Singles Cross Lane in accordance with BS5837:2012 Trees in Relation to Construction, shall be submitted to and approved in writing by the Local Planning Authority. The land so enclosed shall be kept clear of all contractors materials and machinery. The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.

To prevent damage to the hedge during the construction period as supported by Policy EN1 of the Sevenoaks District Councils Allocation and Development Management Plan.

20) Prior to first occupation of the development hereby approved, details of hard and soft landscaping for the site have been submitted to and approved in writing by the local planning authority. The details shall include: hard surfacing materials; planting plans; boundary treatments; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate. All soft landscaping shall be implemented not later than the first planting season following the first occupation of any part of the development. All hard surfaces shall be laid in accordance with the approved details prior to the first occupation of any part of the development.



To preserve the character and appearance of the area in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

21) Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

To preserve the character and appearance of the area and to comply with policy EN1 of the Allocations and Development Management Plan.

22) Prior to the commencement of the development hereby approved, details of how the development will protect and enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include mitigation measures to avoid any impacts upon protected species (including great crested newts, hazel dormouse, breeding birds, and nesting birds) and ecological enhancements including, but not limited to, the provision of bat boxes, bird boxes and native planting. The approved details shall be implemented and thereafter retained.

To ensure the development does not cause harm to protected species and provides benefits to biodiversity, as supported by Policy SP11 of Sevenoaks District Council's Core Strategy.

23. The development hereby permitted shall be carried out as an alternative to the scheme allowed at appeal under reference APP/G2245/W/23/3316549 (SDC reference 22/00690/FUL); but not in addition to it, so that one of the developments permitted may be implemented but not both, nor parts of both, developments.

In order to protect the openness of the Metropolitan Green Belt in accordance with the National Planning Policy Framework.

#### Informatives

1) An appropriate Asbestos survey should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. Demolition must take into account the findings of this survey. It is also recommended that the Council's building control department is notified of the demolition.

2) Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being

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contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

3) Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

4) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore

important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

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.

THE MEETING WAS CONCLUDED AT 9.50 pm

CHAIRMAN

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4.1 - 23/02002/FUL

Date expired 22 December 2023

Proposal:

Demolish existing single-storey dwelling to provide new residential dwelling, with relocation of dropped kerb

Location:

112A Chipstead Lane, Riverhead, Sevenoaks Kent TN13 2AQ

Ward(s):

Dunton Green & Riverhead

**Item for decision**

This application has been referred to the Development Management Committee by Councillor Clack because of concerns that the proposed works constitute overdevelopment, will cause overshadowing, will cause a severe impact on highways and parking and that the proposal lacks information to ensure the proposal conserves the character of the conservation area.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Proposed Elevations (1 July 2023), Proposed Floor Plans (25 July 2023), Proposed Roof and Parking Plan (23rd November 2023) and Proposed Block Plan (received by email dated 23rd November 2023)

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan Proposed Elevations (1 July 2023) and application form.

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) Within three months of the work commencing full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include but not limited to: planting plans (identifying existing planting, plants to be retained and new planting); a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); details of hard landscaping and boundary treatments and a programme of implementation including any necessary tree protection measures during construction. The works shall be carried out in accordance with the approved details, prior to occupation or in the first planting season following the completion of the development hereby granted, whichever is sooner.

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.

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

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

6) Prior to the first occupation of the development hereby approved, details of secure, covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be implemented in accordance with the approved details, prior to the first occupation of the dwelling, and shall be permanently retained as such.

In accordance with policy T2 of the Sevenoaks Allocations and Development Management Plan 2015

7) Prior to the first occupation of the dwelling hereby approved, three vehicle parking shall be provided in accordance with the approved details. These spaces shall be made of a permeable, bound surface. These spaces shall be permanently retained as such.

In the interest of highway safety and in accordance with policy T2 of the Sevenoaks Allocations and Development Management Plan 2015.

8) Prior to first use of the site commencing, 2 metres x 2 metres pedestrian visibility splays, behind the footway on both sides of the access with no obstructions over 0.6m above footway level, shall be provided and maintained thereafter.

In the interest of highway safety.

9) Notwithstanding the provisions the Town and Country (General Permitted Development Order) (England) 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), no gates shall be provided unless they open away from the highway and are set back a minimum of 5.5 metres from the edge of the carriageway.

In the interest of highway safety.

10) The dwelling shall be provided within an Electric Vehicle Charging Point for the safe charging of electric vehicles prior to its occupation, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

To provide opportunities for low carbon sources of transport, in accordance with Policy T3 of the Sevenoaks Allocations and Development Management Plan.

### **Informatives**

1) 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](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed online via

www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Where the developer proposes to discharge surface water to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-nearour-pipes>

2) All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

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

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

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

#### **Description of site**

- 1 The site lies to the north of Chipstead Lane and consists of a single-storey bungalow dwelling constructed in brick with a pitched roof. The property is adjoined to the neighbouring property in part at the rear and benefits from a front garden and paved front driveway. The dwelling is located directly opposite Chipstead Common, adjacent to the Chipstead Common Conservation Area.

#### **Description of proposal**

- 2 Permission is sought for the demolition of the existing bungalow, and its replacement with a new residential dwelling. The works would also include the relocation and extension of the existing dropped kerb. This application follows the refusal of previous applications on the site for two new dwellings, which have been refused and dismissed at appeal.

#### **Relevant planning history**

- 3 75/00717/HIST Use of existing dwelling and annexe as two self-contained bungalows and formation of vehicular access to Chipstead Lane - GRANTED
- 4 20/02656/FUL Demolition of existing single storey dwelling to provide 2 new semidetached residential units - REFUSED

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- 5 20/03736/FUL Demolition of existing single storey dwelling to provide 2 new semidetached residential units - REFUSED – Dismissed at appeal.
- 6 22/01865/FUL Demolition of existing single storey dwelling to provide 2 new semi-detached residential units with basements. Associated landscaping including steps and creation of parking and new access to highway. REFUSED – Dismissed at appeal.
- 7 23/00867/FUL Demolish existing single-storey dwelling to provide new residential dwelling, with relocation of dropped kerb - WITHDRAWN

### Policies

- 8 National Planning Policy Framework (NPPF)

Paragraph 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.

Paragraph 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding

- 9 Core Strategy (CS)

- SP1 – Design of New Development and Conservation

- 10 Allocations and Development Management Plan (ADMP)

- EN1 – Design Principles
- EN2 – Residential Amenity
- EN4 – Heritage Assets
- T2 – Vehicle Parking
- T3 – Provision of Electric Vehicle Charging Points

- 11 Other:

- Sevenoaks Residential Extensions Supplementary Planning Document (Residential Extensions SPD)
- Chipstead Common Conservation Area Appraisal



### Constraints

- 12 The following constraints apply:
- Chipstead Common Conservation Area (adjacent)
  - Urban confines: Sevenoaks

### Consultations

- 13 Riverhead Parish Council objects for following reason -
- 14 “At this height proposed it will still overshadow nearby buildings. The addition of extra parking space will still not alleviate the already congested and hazardous lane. It will be detrimental to the views from Chipstead Common. There will potentially be more than three vehicles owned by residents of this proposed new build. The parish council are still of the view that this amended application will not fit into the landscape which is adjacent to a Conservation Area.
- 15 The increased length of the dropped kerb further exacerbates the already problematic issue of residents parking. This lane is one of the main routes to both Riverhead and Amherst Schools. Reversing out of this property is extremely dangerous because of the visual splay leaving the property.”
- 16 Chevening Parish Council (adjacent Parish) – objects for the following reason:
- 17 “The volume of traffic utilising Chipstead Lane, Bullfinch Lane and Witches Lane at present is already a huge concern for residents and this development will make it substantially worse.
- 18 The addition of the number of cars this development will bring onto the surrounding roads would be unsustainable.
- 19 The removal of a bungalow from the housing stock means there are less opportunities for those wishing to downsize to do so and remain local – building bigger and bigger houses simply makes the situation worse by driving older local people out or forcing them to stay in larger houses as there is nowhere for them to downsize to.”
- 20 KCC Highways raises no objection subject to conditions -
- 21 The application proposes the relocation of the existing dropped kerb to serve a new residential property following the demolition of the existing property. I note that in material terms the proposals do not differ materially from those presented under the previous planning application, reference SE/23/00867/FUL, which was considered acceptable by us.
- 22 I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-
- Provision and permanent retention of two vehicle parking spaces prior to the use of the site commencing.

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- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
- Provision and permanent retention of electrical charging facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.

- 23 SDC Conservation Officer -No comment
- 24 Thames Water – No objection raised subject to informative.
- 25 South East Water – No objection raised
- 26 KCC Archaeology - No comment

### Representations

- 27 29 objection comments received. The main issues raised are summarised below:
- Size of the development/overdevelopment of the site
  - Height of the proposal and its location on higher ground level compared to existing/different land levels
  - Overbearing and over dominating to neighbouring properties
  - Impact on the views towards the North Downs, especially from Chipstead Common (which is in a Conservation Area)
  - The proposal is harmful/does not enhance the conservation area
  - Appearance is not in keeping with the surrounding properties or area
  - The impact on parking by extending the drop kerb (comments that this will be made even worse by providing 3 spaces)
  - Impact on parking by the cars from the proposed development (objection comments estimate to be 8-12 additional cars)
  - Impact on road safety, positioning near the crossroads (and near local schools)
  - Increase in road traffic
  - No turning for the car parking spaces, so cars may have to reverse
  - Potential to be used as HMO or further subdivided
  - Concerns regarding overshadowing to neighbouring properties
  - Concerns about privacy (even with frosted glass)
  - Loss of mature trees
  - Small garden area
  - Feel that the only development should be a bungalow
  - Loss of bungalow from the housing stock

- Modern and bland appearance
- Lack of material details
- Concerns about the site notice display
- Roof line higher than 2 and 4 Bullfinch Lane
- Overlooking into neighbouring gardens
- Not in keeping with either the terraces or the bungalows
- Reduction in outlook
- There is value in the existing spatial layout (especially in terms of light and privacy)
- No electric vehicle charging for the street parked vehicles.
- Does not alleviate concerns by previous proposals or Inspector Decisions.

### Chief Planning Officer's appraisal

28 The main planning considerations are:

- Design and impact on character of the area
- Impact on the adjacent Conservation Area
- Impact on neighbouring and future occupier amenity

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

29 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.

30 The proposed dwelling will be a moderate scale and will appear as a chalet bungalow (1.5 storey) from the street scene, with the use of dormers on both the rear and front elevations. The lower ground floor level will be more visible from the rear. The proposed dwelling will be approx. 65cm higher than the existing bungalow, although will be positioned closer to the road which is on a higher ground level. The eaves of this proposal have been much reduced from previous schemes, and now are only at 4.1m (on front elevation). The ground does slope to the rear, and therefore the dwelling, like its neighbours to the East appear taller as you progress through the site. The roof level of the proposed dwelling will be lower than the neighbour at 112 Chipstead Lane, and as such will not detract, overbear or compete with the terrace. There will be a gap of approx. 9.6m between the proposed property and the bungalows in Bullfinch Lane, which will provide sufficient distance so that the dwelling will not appear overbearing to the 2 Bullfinch Lane, and the height difference will create a distinctness between the properties. The appearance of the rooflines will be stepped as you look west at street scene level and this is considered appropriate.

31 The appearance of the dwelling will be distinct from the terrace and the bungalow, but features such as the window detailing and materials will help to assimilate its appearance. A crown roof is proposed and is hipped on all sides and would incorporate roof dormers, to which other examples of dormers of the front elevation of dwellings can be found within the street. As such the design and impact on the street scene is considered acceptable.

32 The materials of the proposal will be conditioned to ensure that they are in keeping with the character of the surrounding area. A landscaping condition will be attached to the decision, to ensure that trees are retained/implemented in accordance with the character of the area.

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- 33 Overall, the proposal is considered compliant with policies SP1 of the Core Strategy and EN1 of the ADMP.

### Impact on Adjacent Conservation Area

- 34 Policy EN4 of the ADMP requires proposals to conserve or enhance heritage assets.
- 35 The application site sits adjacent to Chipstead Common Conservation Area. Numerous public comments have raised concerns about the impact the proposal will have on the Conservation Area, especially the view out from Chipstead Common towards the North Downs.
- 36 The increase in height of the proposal, and its positioning on higher ground (compared to the existing bungalow) has caused concerns that the views towards the North Downs will be completely lost. However, the low-level eaves and the demolition of the existing bungalow will mean that some views towards the North Downs will still be appreciable from various vantage points. The existing view from the Common is somewhat limited with existing built form interrupting the views, and as such the current proposal is considered to have a neutral impact on this view.
- 37 Whilst the proposal is considered a more modern design, it will not detract from the traditional terrace next to the property. The use of materials will be conditioned to ensure that they are appropriate and do not detract from views in towards the Conservation Area from the west. The proposed dwelling will be of a lower ridge height than the terrace, and this will ensure that it is not competing for prominence within the street scene. The design of the proposal is considered appropriate to the adjacent setting of the conservation area.
- 38 The proposal is considered to conserve the character and appearance of the conservation area and therefore complies with EN4 of the ADMP.

### Impact on Residential Amenity

- 39 Policy EN2 of the ADMP requires proposals to safeguard the amenities of existing and future occupants of nearby properties.
- 40 Neighbouring Amenity
- 41 Concerns have been raised in the public comments about the impact of the proposal on the neighbouring properties, particularly 112 Chipstead Lane, 2 Bullfinch Lane and the properties to the rear. Whilst previous schemes have been refused in part, for their impact on neighbouring amenity, the positioning and scale of this proposal has been altered and as such is no longer having a detrimental impact on neighbouring amenity in terms of light, privacy or visual intrusion.
- 42 The proposal passes the 45-degree daylight assessment in terms of 2 Bullfinch Lane and therefore is not considered to have a detrimental impact on the amount of daylight they will receive to their habitable rooms. In terms of 112 Chipstead Lane, a small number of side windows may be impacted, by these would only be at lower ground floor and ground floor levels. Previous planning and estate agents plans show that the windows on the lower ground floor that may be impacted already have light blocked by the existing boundary wall, and the rooms they serve have other sources of daylight that will not be impacted by the proposal, including a light well at the front of the property. On the ground floor, the side window appears to be obscure glazed and the plans suggest that this window serves a hallway, which is a non-habitable

room. As such, the proposal is not considered to have a significantly harmful impact of the daylight levels of the neighbouring properties. Given the orientation of the neighbouring buildings, and the new positioning of this proposal, the scheme will not have any significant impact on the sunlight levels on the neighbouring properties.

- 43 Concerns have been raised in the public comments about the privacy of the properties to the rear, even with the obscure glass. The windows to the rear at first floor level are proposed to be obscure glazed and would be conditioned so that they remain so in perpetuity (and remain non-opening under 1.7m). These obscure windows would be required to meet a Pilkington Level 3 in obscurity to protect the privacy of properties to the rear. The floor plans indicate that these windows would serve dressing rooms and en-suite bathrooms, which are non-habitable rooms and as such there is unlikely to be sustained periods of time where the occupant is looking out of these windows. Given the orientation of 2 Bullfinch Lane, only oblique views from the rear of the property would be visible. In terms of 4 Bullfinch Lane, the proposed site is approx. 20m from their nearest wall, which is usually considered sufficient distance (regardless of the obscure glazing) to maintain privacy levels. The bedroom skylights facing west, can also be conditioned to be obscure glazed so as to not impact the privacy levels of 2 Bullfinch Lane, as they are not the primary light or outlook source. The skylight will not face the private amenity or first floor windows of 112 Chipstead Lane and as such the rooflights in the east elevation are not considered necessary to obscure. There are ground floor windows in rear projection that will face towards 2 Bullfinch Lane, but given the orientation of 2 Bullfinch Lane, this is will only be at oblique angles. The windows will only be at ground floor level and such their impact will be limited. Furthermore, the hard and soft landscaping, including boundary treatments will be proposed to ensure that the privacy between these properties remains.
- 44 The proposed dwelling has been set back further from the boundary of 2 Bullfinch Lane than under previous schemes, and now sits at least 9.6m (approx.) from the boundary at its' closest point. The dwelling has also been reduced in height to 1.5 storeys and as such, whilst taller than the existing dwellings, should not be significantly enclosing. The soft landscaping and boundary treatments will also help to soften the appearance of the proposed dwelling. In terms of the 112 Chipstead Lane, the proposed dwelling, does not extend as far back as this neighbouring property and therefore will have no impact on the private amenity space of their property.
- 45 Future Occupancy
- 46 The proposed dwelling exceeds the national space standards and therefore is considered to be of a size that is acceptable to protect the future amenity of the occupiers. It is acknowledged that two bedrooms are proposed at lower ground level and this does limit the amount of outlook and light available to these rooms, but light wells and patio doors are proposed which should help maximise light and outlook for these bedrooms and is considered acceptable. Public comments have raised concerns about the size of the garden available. A modest rear garden area is proposed and Chipstead Common is opposite the site, and as such, the proposal is considered acceptable in terms of future occupier amenity.
- 47 The proposal is considered to comply with EN2 of the ADMP, subject to conditions.

### **Impact on Parking and Highway Safety**

- 48 Policy T2 of the ADMP requires proposals to provide vehicle/cycle parking in accordance with the KCC Vehicle Standards and states the Local Planning Authority

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may depart from the maximum or minimum standards in order to take into account of specific local circumstances. Policy T3 of the ADMP requires all new homes with vehicular access to have the facilities for the safe charging of electric vehicles.

- 49 The application proposes to relocate and extend of the dropped kerb, which will help to facilitate three car parking spaces on-site, as well as the provision of the cycle storage. It is acknowledged that there is limited on-street car parking within Chipstead Lane and that proposed re-location of the dropped kerb does move it closer to the crossroads, with Chipstead Lane, Bullfinch Lane and Witches Lane, however the proposed scheme is not considered to cause 'severe' harm to the highways in terms of safety or impact on car parking.
- 50 KCC Highways has raised no objections to the scheme, as long as two parking spaces on-site are provided and retained, as well as cycle storage and EV charging points. According to policy T2 the number of spaces required for a property of this site is a minimum of 2 independent spaces. The scheme offers more than the minimum car parking spaces required by policy T2 and therefore the impact of the proposal on parking arrangements within Chipstead Lane should be more limited. Conditions would be added to any approval, which would ensure that the parking spaces on-site are retained, secure cycle provision is provided in accordance with policy T2, and that electric vehicle parking would be accommodated within site. The Local Planning Authority has no control over the number or availability of on street electric vehicle parking spaces, and the proposal could be conditioned to comply with policy T3 of the ADMP.
- 51 KCC Highways on previous schemes have raised concerns about reversing out of the proposed parking spaces onto Chipstead Lane. This has been raised by some of the public comments on this application, however the parking layout/positioning is different under this scheme. KCC have not raised any concerns about the need to reverse out of the parking spaces on this application, and as such it is not considered to be unacceptable in terms of highways safety.
- 52 The existing dropped kerb is proposed to be extended by approx. 4.5m in length which is less than a parking space. Paragraph 115 of the NPPF states that an application should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Effectively, the increase in the dropped kerb, means that approximately one on-street parking space is lost on street. Many of the public comments have suggested that the proposed dwelling will generate the need for 8-12 parking spaces, but there is no evidence of this. The proposal will replace an existing 2-bedroom property, with a 4-bedroom property. The impact of this on parking or traffic movements is not considered to be severe. Furthermore, KCC Highways have found the scheme acceptable and have not raised any concerns about safety.
- 53 In addition to the above, in the most recent appeal decision dated 06 December 2023 (APP/G2245/W/23/3319751), whilst noting that they visited the site outside of school hours, the Inspector found no substantive evidence that a small increase in on-street car parking would be harmful. Whilst it is inevitable that Chipstead Lane experiences more traffic during school drop-off and collection times, the increased size of the proposed dwelling is not considered to have an unacceptable impact on highway safety.

- 54 Overall, subject to the conditions requested by KCC Highways, the proposal is considered acceptable in terms of parking and impact on highways. As such the proposal is compliant with policies T2 and T3 of the ADMP.

### Other Issues

- 55 Public Comments

- 56 The majority of the public comments received related to issues that have been addressed in the above sections. The following points relate to the comments that have yet to be addressed.

- Site Notice – During the course of assessment for this application, the application was made invalid on a technical issue and then revalidated. The site notice comments, came during the first round of consultation before the application was invalidated. The case officer herself put a site notice during this period to ensure it had been displayed correctly. When the site notice was required following the revalidation of the application, we received confirmation from the applicant that the site notice had been displayed as per our requirements. It is not possible for the Council to check each application at regular intervals to ensure that the site notice remains present. Furthermore, neighbour letters were sent as per normal Council consultation policy and an advert was placed in the paper to ensure that the scheme was fully advertised.
- House in Multiple Occupation (HMO) – We have received numerous comments that the application site will be used for a HMO or further subdivided. We have no evidence that this is the intention for this scheme, and it would be unreasonable and prejudicial to refuse an application on this basis.
- 
- Housing Stock – Several concerns were raised that the removal of the bungalow from housing stock means that there are fewer places for people to downsize to and may force them out of the district. The removal of one bungalow from the housing stock is not considered to have a significant enough impact to warrant a refusal.
- 
- Many feel that only a bungalow is suitable for this plot, but the height of this scheme and amenity of this scheme has been assessed in the sections above. The local planning authority can only assess scheme, as submitted.
- 
- Many comments have made reference to the previous schemes that have been refused. It is considered that this proposal overcomes the concerns of the previous schemes as addressed above.

### Community Infrastructure Levy (CIL)

- 57 The application is CIL Liable. No exemption has been applied for.

### Conclusion

- 58 The principle of the development of the site is considered to be acceptable in land use terms. The development would be appropriate in terms of height, scale, location and design and would respect the character and appearance of the area. It would not be harmful to neighbour amenity and would provide for adequate parking. There are no other issues that could not be addressed by appropriate condition. As such, in

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

### Recommendation

59 It is therefore recommended that this application is GRANTED subject to conditions.

### Background papers

60 Site and block plan

Contact Officer(s):

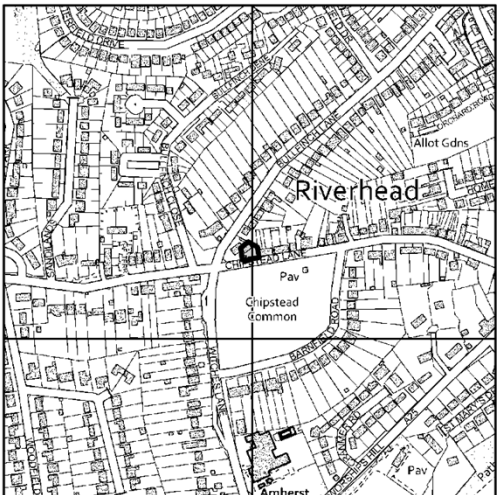
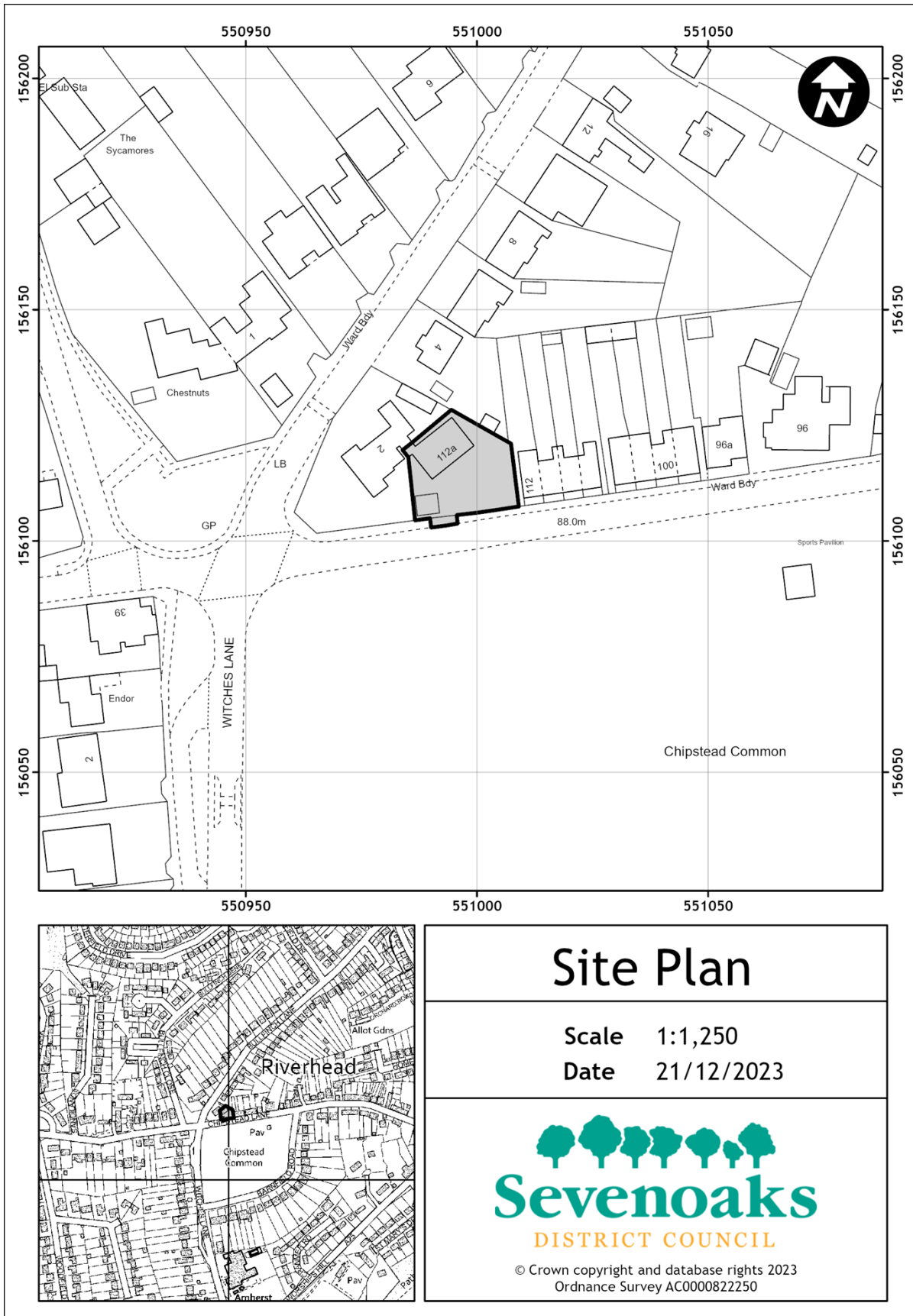
Abbey Aslett: 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)



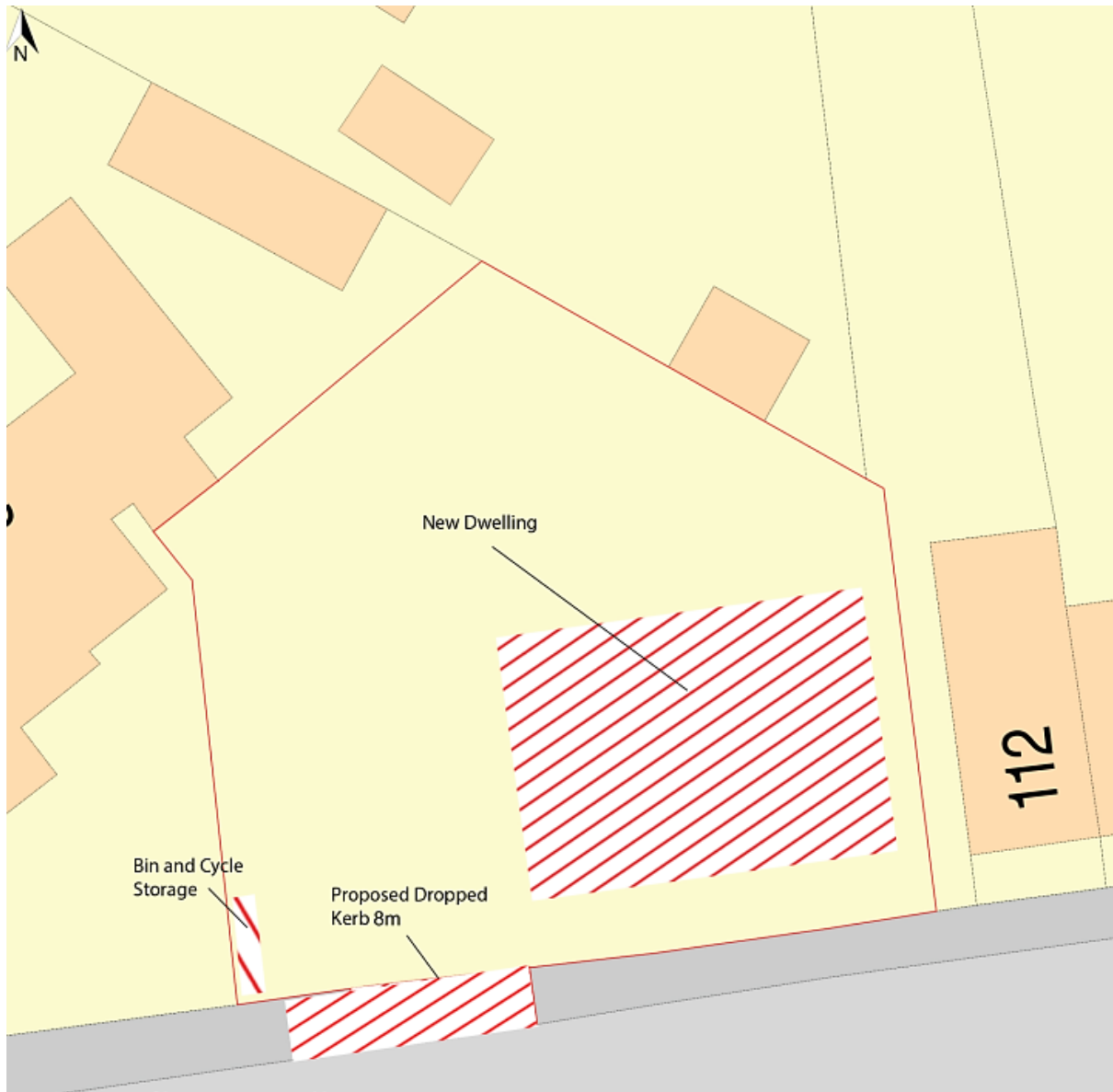


# Site Plan

Scale 1:1,250  
Date 21/12/2023



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Ordnance Survey AC0000822250



4.2 - 23/02918/FUL

Revised expiry date 26 January 2024

Proposal: Conversion and extension of Oast house to provide a family dwelling.

Location: The Oast House, Kettleshill Farm, St Julians Road Underriver Kent TN15 0RX

Ward(s): Seal & Weald

**Item for decision**

The application has been called to Development Control Committee by Councillor Hogarth to consider the grounds of heritage and the changes to the Oast house harming the non-designated heritage asset (National Planning Policy Framework paragraph 209) and the less than substantial harm to the listed building (Kettleshill Farm) through change within its setting (National Planning Policy Framework paragraph 208).

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 2023-02-OAS-07040 P1, 07050 P1, 07090 P1, 07102 P1, 07103 P, 07200 P1, 07220 P2, 07221 P1, 07310 P1, 07311 P1, 07312 P1, 07313 P1, 07314 P1, 07100 P2, 07101 P3, 07201 P2, 07210 P2 and 07230 P2.

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

3) Prior to the commencement of the development, hereby approved, details of samples of external wall and roof materials and window specifications 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.

4) Prior to works above damp proof course of the extension, details of hard and soft landscaping, and details of boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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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.

5) Prior to the commencement of the development, hereby approved, a detailed bat mitigation strategy, based on the Bat Roost Assessment prepared by Ecology Partnership and dated July 2023, shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall be thereafter implemented as approved unless varied by a European Protected Species licence subsequently issued by Natural England.

In the interests of protecting bats on the site, in accordance with policy SP11 of the Sevenoaks Core Strategy.

6) No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

To protect the character of the Green Belt and the character of the National Landscape from harmful light pollution, as supported by policy EN5 of the Sevenoaks Allocations and Development Management Plan and LO8 of the Sevenoaks Core Strategy.

7) In the event ground contamination is found on the site in the duration of the works, the applicant shall submit details of this to the Local Planning Authority, along with suggested remediation works that may be required. These details shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the agreed works and remediation strategy.

To safeguard the site and future occupants in the event contamination is found.

8) Prior to development reaching the damp proof course of the extension, details of the location and type of electrical charging point shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of charging point and appearance of charging point. The approved charging points shall be installed prior to first occupation of the development and shall be maintained thereafter.

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

9) Prior to the first occupation of the dwelling, hereby approved, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall be installed and thereafter maintained.

In the interests of securing biodiversity enhancements, in accordance with policy SP11 of the Sevenoaks Core Strategy.

10) The development, hereby approved, shall be carried out in accordance with the ecological mitigation measures outlined in the ecology report prepared by Greenspace Ecological Solutions and dated October 2022.

In the interests of protecting biodiversity on the site, in accordance with policy SP11 of the Core Strategy.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or

amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, AA, B, C and E of that Order.

To protect the character of the landscape and openness of the Green Belt as supported by Policy LO8 of the Sevenoaks Core Strategy and Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

12) Prior to the extension reaching above damp proof course, details of the refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the dwelling and shall be thereafter maintained.

To ensure the development provides suitable refuse storage, in accordance with policy EN1 of the Sevenoaks Allocation and Development Management Plan.

### **Informatives**

1) Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you MUST submit a COMMENCEMENT NOTICE to the Council BEFORE starting work on site. Failure to do so will result in the CIL charge becoming payable in full.

2) Please note that within six months of completing the home, the applicant must submit additional supporting evidence to confirm that the project is self-build, being:

\* A Self Build Exemption Claim Form - Part 2 (available on the Planning Portal website);

\* The supporting evidence as set out in the form, to confirm that the levy exemption should be upheld.

If the evidence is not submitted to the Council within the 6 month time period, the full levy charge becomes payable.

3) The applicant is advised that there are access rights over the land regarding neighbouring properties. This is a civil matter and does not fall within the remits of the planning assessment.

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

5) It is drawn to your attention that the legal line of the Public Right of Way SR157, which is in fact overgrown, runs across and runs through the southern part of the application site. The options available is to either open up the legal line of SR157 and include this in their landscaping, or apply for a diversion to move the legal line to the current walked line, under the Town and Country Planning Act.

No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

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In cases of doubt you are advised to contact this Kent County Council Public Rights of Way and Access Service before commencing any works that may affect the Public Right of Way - Telephone: 03000 412328.

### **National Planning Policy Framework**

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

### **Description of site**

- 1 The application site comprises a derelict Oast house located within St Julians Road. The site is located within the parish of Seal and there are both agricultural units and residential dwellings surrounding the application site.

### **Description of proposal**

- 2 Permission is sought for the conversion and extension of the existing Oast house to provide a dwelling.

### **Relevant planning history**

- 3 89/00360/HIST Conversion of redundant agricultural Oast House into dwelling - REFUSE
- 4 91/00702/HIST Conversion and change of use of redundant oast to dwelling - REFUSE
- 5 00/02113/FUL Reinstall original gable end to replace hip end to Oast House - GRANT
- 6 22/03031/FUL Conversion and extension of Oast House to provide a family dwelling - REFUSE

### **Policies**

- 7 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

### 8 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- LO1 Distribution of Development
- LO8 The Countryside and Rural Economy
- SP11 Biodiversity

### 9 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage
- EN5 Landscape
- GB7 Re-use of a building in the Green Belt
- T2 Vehicle Parking
- T3 EV Charging Points

### 10 Other

- Development in the Green Belt SPD
- Kent Downs National Landscape Management Plan
- Underriver Village Design Statement

### Constraints

#### 11 The following constraints apply:

- Metropolitan Green Belt
- Kent Downs National Landscape (AONB)
- Proximity to Grade II Listed Building – Kettlehill Farm
- Historic Farmstead (dispersed driftway plan farmstead) – Historic Environment Record (HER)
- Public Right of Way – SR157

### Consultations responses

- 12 Seal Parish Council – Object on the grounds of AONB, public right of way and visibility. They also comment on ensuring conversions conserve the original character of the building and the various access arrangements on and adjacent to the site. They also request conditions, including materials, soft landscaping and light pollution.
- 13 Conservation – Supports the principle of conversion, raised concerns with the fenestration and the impact on both the Oast House as a non-designated heritage asset and the setting of the adjacent listed building. Following amendments to the application, concerns are still raised regarding the two roof lights and the two windows on the roundel.

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- 14 Environmental Health – No objections, recommends conditions regarding noise (if relevant), contamination, Construction Environmental Management Plan and external lighting, also comments on foul drainage arrangements.
- 15 KCC Ecology – Sufficient ecological information has been provided, recommends conditions regarding updated bat mitigation strategy, external lighting design and ecological enhancements.
- 16 KCC Highways – No comments.
- 17 Southern Water – No objections, comments that the applicant should contact the Environment Agency regarding use of septic tank.
- 18 KCC Public Rights of Way – No objection, comments on Public Right of Way SR157 which is overgrown and should either be opened up or diverted to where the walked path is.

### Representations

- 19 10 public comments were initially received, objecting and raising the following points:
  - Impacts on bridleway, footpath and right of access
  - Impact of gates on access rights
  - Concerns regarding impact of car port
  - Scheme is contrary to Underriver Village Design Statement
  - Impact on AONB and rural setting
  - Impact and harm to Green Belt
  - Concerns regarding windows and fenestration in terms of appearance and light pollution
  - Concerns regarding landscaping and requesting protection of hedgerow
  - Concerns regarding access rights
  - Concerns regarding water metering arrangements
  - Waste storage and collection
  - Lack of consultation
  - Design of scheme and works proposed as not in keeping
  - Loss of privacy and impact on neighbours
  - Lack of details regarding sewerage and waste water disposal
  - Increased traffic generation
  - Scheme has not addressed previous concerns
  - Condition to restrict permitted development rights
  - Comments regarding site history, previous applications and previous court rulings
  - Impact of proposal on heritage and listed building
  - The Oast house as a non-designated heritage asset
  - Impact on wildlife including kestrels and bats
- 20 Upon re-consultation an additional 8 comments were received, objecting and raising the following points:
  - Noting reductions in windows but concerns regarding light pollution remain
  - Protection of listed building adjacent to the site
  - Concerns remain regarding rear extension
  - Impact of proposal on wildlife including bats
  - Harm to AONB and Green Belt – urbanisation and encroachment



- Comments regarding previous site history, previous applications and previous court rulings
- Concerns of sewerage disposal
- Concerns regarding the public right of way and access arrangements over the site being impeded
- Inadequate vehicle parking
- Contrary to Village Design Statement
- Concerns with materials proposed
- External lighting is not addressed
- Concerns regarding future development of the site

### Chief Planning Officer's appraisal

21 The main planning considerations are:

- Impact to the Green Belt
- Impact on Heritage
- Design and Impact on the National Landscape
- Impact to neighbouring amenity
- Impact to highways and parking
- Ecology
- Other

### Impact on the Green Belt

22 As set out in paragraph 154 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as the extension or alterations of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling.

23 Paragraph 152 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances. Paragraph 153 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

24 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

25 Policy GB7 of the ADMP allows the re-use of an existing building within the Green Belt, as long as it meets the following criteria:

a) The proposed new use, along with any associated use of land surrounding the building will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area

b) The applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are

## Agenda Item 4.2

capable of conversion without major or complete reconstruction that would detract from their original character.

- 26 Criteria a) of the policy refers to the building not being materially greater than the existing. The building would be greater in scale than what is currently on site as the development would include an addition at the rear of the building. This would result in a single storey extension with a proposed flat green roof at the rear side of the building. The extension has been reduced since the previous refusal decision and is considered modest in size, scale and height, reading as clearly subservient to the main Oast building. The modest extension is considered to respect the existing footprint of the building and would not result in an increase of over 50% of the original floor area of the building. As such, the proposal would not be considered to harm the openness of the Green Belt through visual or volumetric impact.
- 27 Regarding criteria (b), it is clear that the building is capable of conversion, as supported by the structural report submitted with the scheme. The structural survey confirms the building is viable and suitable for residential conversion without the need for major reconstruction, meaning the character of the building will be retained through the conversion.
- 28 Overall, the development would not result in a wider encroachment of development into the openness of the Green Belt and the character of the existing building and the openness of the Green Belt would be maintained. There is a small area of hardstanding at the rear of the property, however this is to be located within an area between the existing built form and the surrounding vegetation. Hard standing is a common feature found on residential plots and the location in which it is positioned respects the openness of the Green Belt and the rural character of the area and will not have a harmfully domesticating impact.
- 29 Policy GB7 also refers to whether the building has been on site for less than 10 years. When reviewing the aerial photography for the site along with the planning history, the Oast House has been on site for over 10 years.
- 30 When reviewing the development against the NPPF, paragraph 154(c) allows the alteration to a building as long as it does not result in disproportionate additions. Paragraph 155 also allows the “re-use of buildings provided that the buildings are of permanent and substantial construction”. The conversion of the existing Oast House to accommodate a dwelling, along with a modest extension to the rear, would not result in a disproportionate addition within the Green Belt and would not be considered inappropriate development in the Green Belt. In order to protect the openness of the Green Belt, it would be necessary to remove permitted development rights, this can be done via condition.
- 31 Overall, the proposal represents an appropriate form of development in the Green Belt and would not harm the openness of the Green Belt or be considered to have a greater impact on the openness of the Green Belt. The proposal therefore complies with local and national policies, including policy LO8 of the Core Strategy, policy GB7 of the ADMP and paragraphs 154(c) and 155(d) of the NPPF.

### **Design and impact on the National Landscape (AONB)**

- 32 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.

- 33 Policy EN5 of the ADMP states that the Kent Downs National Landscape and its setting will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the National Landscape will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 34 The Kent Downs National Landscape Management Plan refers directly to proposed development within the landscape. The plan emphasises the importance of:
- SP2: The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.
- SP9: The particular historic and locally distinctive character of rural settlements and buildings of the Kent Downs AONB will be maintained and strengthened. The use of sustainably sourced locally derived materials for restoration and conversion work will be encouraged. New developments will be expected to apply appropriate design guidance and to be complementary to local character in form, siting, scale, contribution to settlement pattern and choice of materials.
- 35 Moreover, paragraph R5 of the Underriver Village Design Statement states that: “Residential conversions of redundant agricultural buildings of historic interest should be designed to conserve as much as practicable of the original character. Appropriate doors and windows should be used.”
- 36 Under the previous scheme concerns were raised regarding the bulk and mass of the extension proposed, and the new fenestration was considered disproportionate and unsympathetic to the building. The proposal was not found to conserve and enhance the setting and beauty of the National Landscape and was considered harmful in design to the landscape and character of the area.
- 37 The application has been amended since the last submission, with the extension being reduced in bulk, scale and height, the extent of hard surfacing and formal landscaping being reduced and the extent of fenestration also being significantly reduced. Overall, the works now appear more sympathetic and in keeping with the character of the building and the rural character of the area. The extent of glazing has been significantly reduced and the extension is considered modest in size and scale, clearly reading as subservient to the Oast building, with a green roof to help reduce the visual appearance of the extension when viewed in the wider landscape.
- 38 Enhancements to the National Landscape can be demonstrated through bringing a vacant Oast building back into viable use through sympathetic repair and conversion works. Moreover, biodiversity enhancements can be secured on the site through a condition.
- 39 Concerns have been made regarding light pollution. The extent of glazing has been significantly reduced through the scheme. Moreover, regarding external lighting, this can be controlled through a condition requiring a sensitive lighting plan. The comments regarding waste and refuse storage as also noted and a condition is included to ensure suitable refuse storage details are provided.

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- 40 Overall, the scheme would not be of a scale, bulk, mass or volume to pose harm to the character and appearance of the area or the National Landscape. The proposal can be found to conserve and enhance the character and beauty of the National Landscape and is acceptable in design. As such, the proposed development would not be considered harmful to the existing rural and open character of the area, or the National Landscape in accordance with policy SP1 of the Core Strategy, policies EN1 and EN5 of the ADMP and paragraph R5 of the Underriver Village Design Statement.

### Impact on Heritage

- 41 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset. The NPPF, at paragraph 205, states that great weight should be given to the conservation of heritage assets.
- 42 The site lies within the setting of the grade II listed building Kettleshill Farm (approximately 43m to the east). The building itself is an intact Oast House and is part of the historic farmstead of Kettleshill so is considered as a non-designated heritage asset.
- 43 Paragraph 209 of the NPPF states: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
- 44 It is proposed to convert the existing oast into a dwelling house and the proposed changes include a single storey flat roofed extension, internal alterations, introduction of upper floors to the stowage and roundels, introduction of fenestration to the stowage and roundels and external landscaping.
- 45 The previous application, reference 22/03031/FUL, was considered to have a harmfully domesticating appearance and the extension and other works to the Oast were considered to appear incongruous and not in keeping with the character of the existing building.
- 46 Regarding this application, the applicant has amended the plans to address the initial concerns from the Conservation Officer. The applicant has removed the windows and fenestration on the southern elevation, the fenestration on the roundels has been reduced and re-sited and it was confirmed the previous car port is not part of the application.
- 47 The Conservation Officer is supportive of the principle of conversion to secure the long term viable use of the Oast and prevent any further disrepair to the building. The alterations to the windows and fenestration are welcomed and are considered more sympathetic to the character of the building than the previous scheme. There are no objections raised to the internal works and the extension at the rear of the building.
- 48 That said, the Conservation Officer remains concerned about the two roof lights on the southern elevation, and the two windows on the north eastern roundel, in that they may domesticate the appearance of the building. The two roof lights are considered modest in size and scale and would be conservation grade roof lights,

sitting flush against the roof slope and not protruding from to roof. They would not read as bulky additions to the roof profile. Additionally, the windows on the roundel have been reduced and staggered to prevent an overly formalised appearance and to better reflect the rural and agricultural character of the building. However, the Conservation Officer is concerned they will still be visible and appear at odds with the building. This identified impact of the four windows is considered to constitute less than substantial harm to the non-designated heritage asset and the setting of the listed building.

- 49 The listed building is some 43m to the east, with a curtilage building sited some 22m from the Oast House to the east also. Paragraph 208 of the NPPF states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 50 The development would involve the re-use of an existing vacant building and converting this building into a dwelling would be a positive contribution as it would restore the existing building, a non-designated heritage asset, back into a viable use. The scheme would also contribute a new dwelling to the District's housing stock. Overall, the proposal is considered much improved from the previous submission and the previous concerns have predominantly been addressed. The impact of the two roof lights and two windows on the roundel is considered to be limited and less than substantial. In line with the NPPF, the public benefits of the scheme, through the restoration and repair of a currently vacant building, bringing it back into viable use through sympathetic conversion, is considered to outweigh the less than substantial harm identified.
- 51 Having regard to paragraph 209 of the NPPF, the scale of harm on the non-designated heritage asset would be limited and less than substantial. In having a balanced judgement, the benefits of the scheme in bringing the building back into a viable use and carrying out much needed structural and external repair works is considered to outweigh the harm identified. The four windows are limited in scope and will not lead to a loss of significance, with the significance and character of the Oast building considered to remain legible and intact.
- 52 Overall, the less than substantial harm to the non-designated heritage asset and the setting of the listed building is considered outweighed by the public benefits of the scheme, and the balanced judgement made above. The proposal is considered acceptable on heritage grounds and is considered in accordance with policy EN4 of the ADMP and paragraphs 208 and 209 of the NPPF.

### **Neighbouring Amenity & Future Occupiers**

- 53 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 54 Due to the siting and location of the building, the development would be adequately separated from nearby neighbouring properties and would not be considered to cause a harmful loss of light, privacy or outlook to neighbouring residential amenity. The works would not be considered of a size, mass or bulk to cause harm to neighbouring amenity, with a separation distance of some 22m from the nearest residential property.

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- 55 Regarding the amenity of future occupiers, all habitable spaces are served by natural sources of light and the plot benefits from suitable amenity space.
- 56 Considering the above, the proposal is therefore considered to comply with policy EN2 of the ADMP.

### Parking and Highways Impact

- 57 Policies EN1, T2 and T3 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking and provision of an Electrical Vehicle charging point.
- 58 The block plan shows that there is adequate on-site spaces for parking associated with the new dwelling, this is acceptable. The access is as existing and this is considered to be acceptable, with no changes proposed. Details of an electric charging point can be secured by condition.
- 59 Overall, the proposal is considered acceptable on highway grounds and complies with policies T2, T3 of the ADMP in this regard.

### Ecology

- 60 Policy SP11 of the Core Strategy states that the biodiversity of the district will be conserved, and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 61 The applicant has submitted the required ecology information as part of this application. KCC Ecology advise that sufficient information has been provided. The information confirms that Brown long eared bats use the site for day roosting, five species of foraging bats were identified and the presence of a kestrel nest was confirmed. The applicant has confirmed that suitable mitigation will be put in place, including:
- 3 bat boxes within the site prior to works commencing
  - All tiles / weather boarding to be removed under a watching ecological brief
  - Works to be carried out outside of bird breeding season or following a pre-commencement survey
- 62 KCC Ecology advise that they are satisfied with the principle of what has been proposed but recommend an updated bat mitigation strategy be submitted prior to works commencing, to provide details of integrated features to be incorporated into the building. Other conditions regarding lighting and measures to secure biodiversity enhancements can be attached.

### Other Issues

- 63 Landscaping, materials and details of external lighting can be secured by condition. The plans show that the public right of way would be unaffected by the conversion and extension. Any proposal to divert the public right of way would be a separate matter for KCC Public Rights of Ways Team to advise on. Regarding private access agreements / rights of access over the land, the plans show the access arrangements

are to be maintained, however this would be a civil matter and not a material planning consideration. An informative can be secured to advise the applicant of private access arrangements and rights of ways on the site. Regarding the water metering and concerns over future development on the site, these are not material planning considerations and the water metering in particular is considered a civil matter that cannot form part of this planning assessment.

- 64 Regarding past planning history and past decisions on the site, the Development Plan is very different now, with adopted policy documents that were not present in the 1980s, 1990s, or even early 2000s. I have assessed the application against the relevant and adopted local and national planning policies that allow for conversions of existing buildings in the Green Belt, subject to certain criteria which are considered to be met in this case.
- 65 Regarding sewerage and foul water drainage, the applicant advises they will use a septic tank. This is acceptable and the applicant is advised to contact the Environment Agency if any consent or permit is required.
- 66 Regarding the comments from Environmental Health, a noise assessment is not deemed necessary in this instance. It is a rural area, with other residential properties within the vicinity. Regarding contamination, the only part of the scheme that would involve any ground works is the floor space for the extension. This is a modest area. A condition can be attached that in the event contamination is found the correct procedure is followed and a remediation strategy put in place.

**CIL**

- 67 The proposal is CIL liable and a self-build exemption has been applied for. The applicant has submitted a self-build Exemption Claim Form and an Assumption of Liability Form, confirming all the declarations required.

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

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- 68 The applicant has confirmed the declarations for exemption on the form required and the additional criteria referred to in the above table are met. Therefore it is considered that the applicant, Ms Payne, is exempt from CIL on planning application 23/02918/FUL.

### Conclusion

- 69 The proposal is considered to accord with the Green Belt policies of the NPPF and local policies GB7 and LO8. The proposal is considered to be appropriate development that would not be harmful to the openness of the Green Belt or the intrinsic beauty of the National Landscape. The proposal would also be considered acceptable with regards to the character and appearance of the area and neighbouring amenity and is considered in accordance with the Development Plan.

### Recommendation

- 70 It is therefore recommended that this application is approved.

### Background Papers

- 71 Site and block plan

Contact Officer(s):

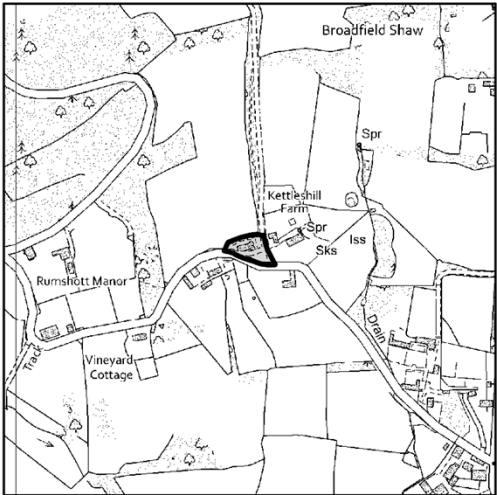
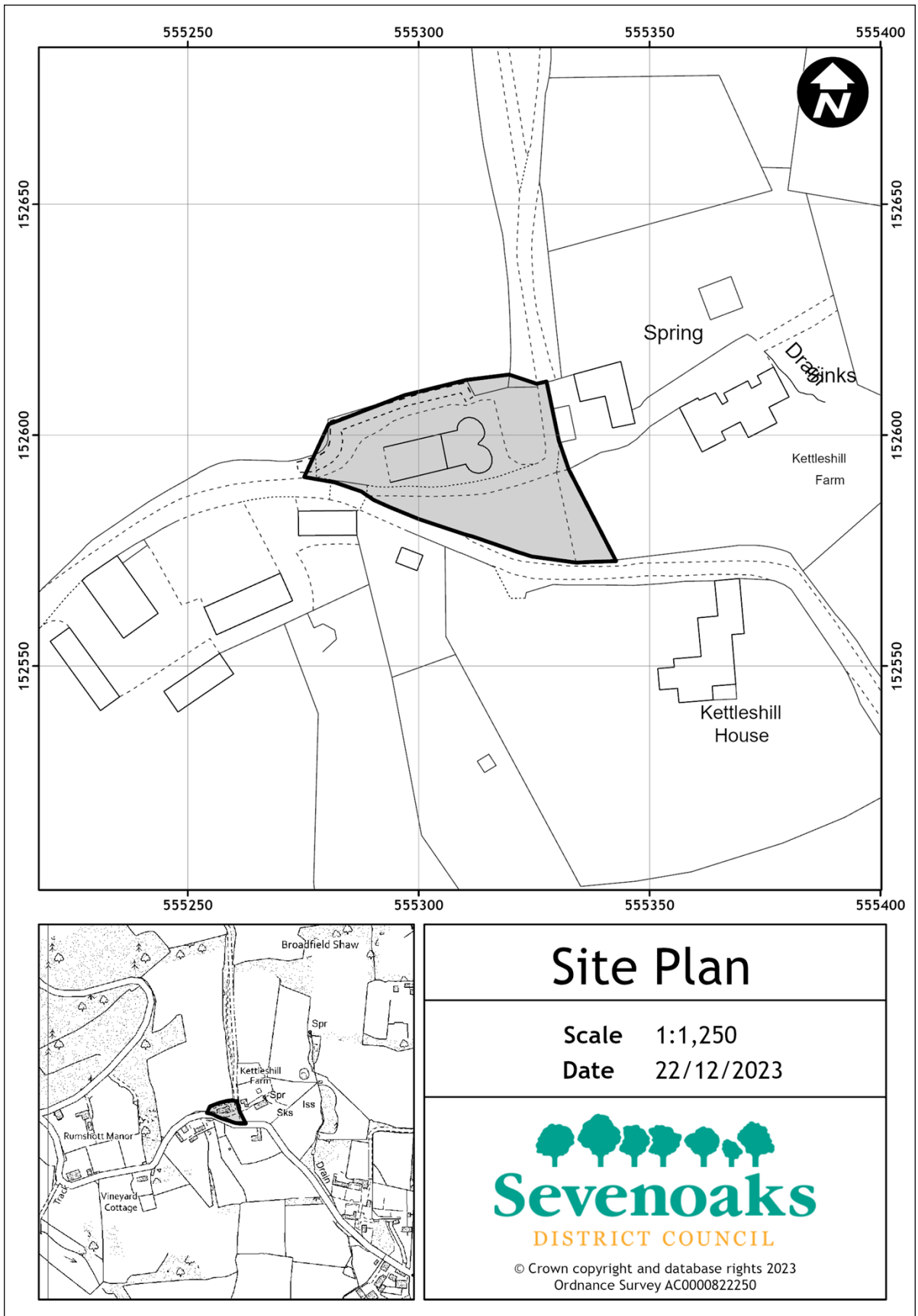
Anna Horn 01732 227000

Richard Morris  
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)





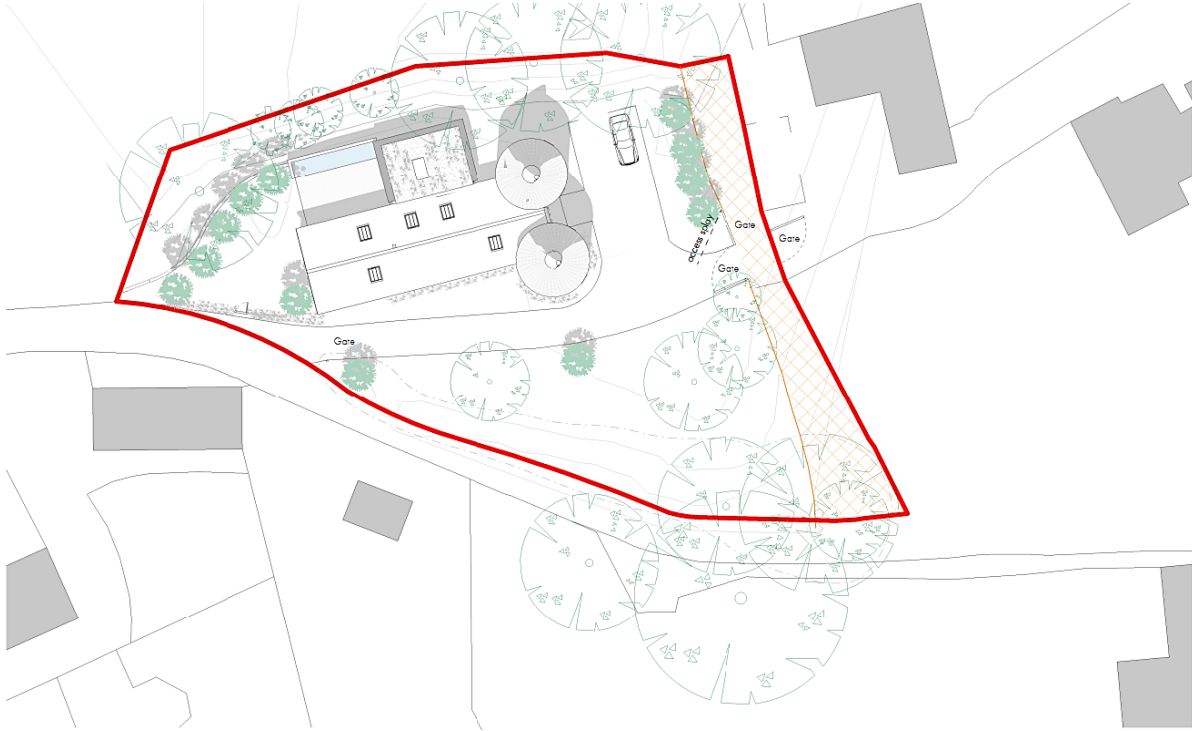
# Site Plan

Scale 1:1,250

Date 22/12/2023



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Ordnance Survey AC0000822250



4.3 - 23/02976/MMA Revised expiry date 12 January 2024

Proposal: Amendment to 22/01496/HOUSE

Location: Lulworth, School Lane, Seal Kent TN15 0BQ

Ward(s): Seal & Weald

**Item for decision**

This application has been called to Committee by Councillor Thornton due to concerns over the impact of the proposed development on the National Landscape (AONB)

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

1) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Proposed Plans (RA1558/REV F/02).

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

2) Within three months from the date of this decision, details of material samples and specifications of the external materials including bricks, roof tiles, windows and railings for the balcony, shall be submitted to and approved in writing to the Local Planning Authority. The works shall be carried out in accordance with the approved details.

To ensure the development is in keeping with the character and appearance of the street scene and the Conservation Area, in accordance with policies EN1 and EN4 of the ADMP and policy SP1 of the Core Strategy.

3) Prior to the first occupation of the development hereby approved, details of the hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and all planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

To ensure the development is in keeping with the character and appearance of the street scene and the Conservation Area, in accordance with policies EN1 and EN4 of the ADMP and policy SP1 of the Core Strategy.

4) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.

## Agenda Item 4.3

In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan

### **Informatives**

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

### **National Planning Policy Framework**

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

### **Description of site**

- 1 The application site comprises a relatively large, detached dwellinghouse which is contained within a modest plot. Additionally, the site is situated within the village confines of Seal, the designated Seal Conservation Area and Kent Downs National Landscape (AONB).

### **Description of proposal**

- 2 This application seeks to amend the approved plans associated with 22/01496/HOUSE. The amendment includes a 60cm increase in ridge height, and enlargement of the balcony.

### **Relevant planning history**

- 3 22/01496/HOUSE – Part single, part double storey rear extension, single storey side extension and first floor side / rear extension over garage – GRANTE
- 4 22/03000/NMA - Non-material amendment to 22/01496/HOUSE – AMENDMENT NON-MATERIAL

### **Policies**

- 5 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

### 6 Core Strategy (CS)

- SP1 – Design of New Development and Conservation
- LO7 – Development in Rural Settlements Allocations and Development Management Plan (ADMP)
- EN1 – Design Principles
- EN2 – Amenity Protection
- EN4 – Heritage Assets
- EN5 – Landscape

### 7 Other:

- Residential Extensions Supplementary Planning Document (SPD)
- Kent Downs AONB Management Plan
- Seal Village Design Statement

## Constraints

### 8 The following constraints apply:

- Seal Conservation Area
- Kent Downs National Landscape (Area of Outstanding Natural Beauty)

## Consultations

### 9 Seal Parish Council – Object got the following reason:

‘There are concerns about the overall impact this increase in height could make a significant difference to the impact which the new building will make.

In particular we reference Key Contextual View 10 from the Conservation Area Appraisal 2019 which will be altered considerably by an increase in mass and height of the building. The resulting building will be out of keeping and character with the rest of the street’.

### 10 Conservation Officer – The Conservation Officer submitted representations which state that ‘the proposed changes to the approved design are not considered to preserve the character or appearance of the conservation area and are not supported in conservation terms’.

## Representations

### 11 Ten (10) letters of objection have been received relating to the following issues:

- Loss of light to the allotments.
- Loss of light to neighbouring properties.

## Agenda Item 4.3

- Prominent appearance of the property.
- Dominating appearance of the property when compared with its neighbours.
- Impact on contextual views within the conservation area.
- Impact on the privacy enjoyed by occupants of neighbouring properties.
- Obstruction of views to the North Downs.
- Height of the property as proposed.
- Noise Levels.
- Principle of an application being retrospective and not complying with the previously approved plans.
- Impact on listed buildings
- Mass and scale of the dwelling as proposed.
- Potential for a third floor to be provided at a later date.
- Impact in views from existing properties along Jubilee Rise.
- Restrictions previously applied to existing properties.
- Visual domination of the village.
- Dwelling being built larger than approved.
- Whether the fenestrations are appropriate within this setting.
- Site notice not displayed.

### Chief Planning Officer's appraisal

The main planning considerations are:

- 12 Consideration of this application falls within the provision of Section 73 of the Town and Country Planning Act 1990 as amended. Section 73 gives an express power to apply for planning permission for the development without complying conditions attached to an earlier permission. The effect of a successful application under Section 73 is to produce fresh planning permission but limitations on the use of the Section 73. With regard to this application Section 73(2) states that the decision maker considers only the question of the conditions subject to which planning permission should be granted. In this case the application seeks to vary condition 2 of the 2022 permission.
- 13 Upon considering the above, the basis of this application is to vary condition 2 of planning permission 22/01496/HOUSE which relates to approved plans. The purpose for varying the condition is to substitute the approved plan(s) with amended scheme showing the change in roof ridge height by 60cm and the enlargement of the rear balcony.
- 14 The development which this application seeks to amend has by definition been judged to be acceptable in principle. Paragraph 031 (Reference ID: 21a-031-20180615) of the NPPG states that 'In deciding an application under Section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.' On this basis an assessment under Section 73 should be focused on the changes sought.
- 15 As highlighted above, the principle of the proposed works has already been established under the previous application to which this amendment relates. As noted, there have been changes in national policy since the last decision, however it is considered that the minor changes policy has not materially changed in the consideration of this proposal.

- 16 The main planning considerations are:
- Impact on the character of the area.
  - Impact on the conservation area.
  - Impact on the National Landscape (AONB).
  - Impact on neighbouring amenity.

**Impact on the character of the area**

- 17 Firstly, it is important to note that the subject property appears in views from public vantage points within Jubilee Rise, School Lane, and Childsbridge Lane. Furthermore, it is also important to note that the property sits taller than any of its neighbours when viewed comparatively. However, due to the topography of the site, the property as proposed does not extend above the ridgeline of its most immediate neighbours at Jubilee Rise to an extent that would visually dominate these dwellings. As such, it is not considered that the proposed development would cause significant additional harm when viewed in comparison with the previously approved scheme.
- 18 Given that the allotments occupy a modest sized parcel of land, and that the site is located within the village confines, near to significant existing built form, it is not considered that the proposed development results in demonstrable visual harm to the contribution that the allotments make to the area. As such, the allotments would be maintained as an appreciable community feature which contributes to the area as is supported within the Seal Village Design Statement.
- 19 Similarly, when viewed comparatively with the original scheme, it is not considered that the proposal would represent any significant harm to the village as a whole, especially given that the site is within the village confines of Seal.
- 20 Overall, for the reasons stated above, it is not considered that the proposed development to result in significant harm either the character or appearance of the wider streetscape.
- 21 In terms of the overall design of the property as amended, it is not considered that the amended scheme would cause the host property to appear visually unbalanced to a degree that would represent demonstrable harm. Similarly, the amendments to the height of the dwelling and the scale of the balcony would not represent significant harm to the character of the main dwellinghouse. As such, the proposal is considered to be acceptable from this perspective.

**Impact on the Conservation Area**

- 22 The subject property appears within contextual view 10 as shown within the Seal Conservation Area Appraisal Supplementary Planning Document (SPD). Contextual view 10 is shown to be looking in a northerly direction towards the property known as “Little Grove” and the application property from within Jubilee Rise, this view comprises some built form in the foreground with the North Downs landscape appearing in the distance.
- 23 Bearing the above in mind and having extensively compared the previously approved plans with those as proposed, the difference in the amount of landscape that would be appreciable from within viewpoint 10 would be negligible. As such, the perceived demonstrable harm to the conservation area the views in or out of it cannot be identified. The Conservation Officer’s has been noted with regards to the impact on

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the important viewpoints, however it is not considered that the proposed amendment would result in demonstrable harm to the conservation area.

- 24 Similarly, whilst the conservation officer states that the increase in massing and height would dominate views within and into the conservation area, it is important to differentiate between “impact” and actual harm. Whilst it is accepted that there is some impact to the conservation area by virtue of the amendment being visible from vantage points, it is not considered this impact equates to actual identifiable harm that justifies a reason to object on the grounds of impact to the views within the conservation area.
- 25 Additionally, the Conservation Officer states that top of first floor windows meeting the eaves is an identifiable characteristic of the conservation area, and that this feature would be lost as a result of the proposed amendment. However, there are examples of windows within the conservation area that do not follow this feature. Furthermore, this architectural feature was not deemed to be so important to the character of the conservation area as to include reference to it within the Seal conservation area appraisal. As such, the provision of a gap between the top of the window frame and the eaves would not result in harm to the important features of the conservation area as identified within the conservation area appraisal.
- 26 With regards to the enlargement of the balcony, the provision of brick pier would assist with the articulation of the façade to which is supported by the Conservation Officer. Overall, the proposed enlargement of the balcony to have a natural impact on the conservation area when compared with the previously approved scheme.
- 27 Overall, it is considered that the proposed amendments would neither harm nor unduly encroach into the views of the North Downs when standing at the location identified within the Seal Conservation Area appraisal as “contextual viewpoint 10”. Additionally, the proposed development would not detract from any important architectural features identified within the relevant Conservation Area appraisal. Therefore, the proposed amendments would successfully conserve the character and appearance of the conservation area in accordance with policy EN4 of the ADMP.

### **Impact on the National Landscape**

- 28 The application site is situated within the Kent Downs National Landscape (AONB). As such, policy EN5 of the ADMP is relevant to the consideration of this application.
- 29 Policy EN5 states that ‘The Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape’.
- 30 In this case, it is pertinent to note that the application site is also situated within the village confines of Seal. As such, any views towards the village from public vantage points already comprises a significant level of built form, meaning that the village itself does not particularly contribute towards the scenic beauty of the National Landscape.
- 31 Upon considering the above, the modest increase in height of the dwelling would not harm the scenic beauty of the wider landscape when specially looking towards the village.



- 32 In terms of when looking out of the village and into the landscape beyond, the impact of the development upon these views is negligible. The site is situated on a lower land level than that of its neighbours within Jubilee Rise. Therefore, it is not considered that the proposed increase in either ridge height or scale of the balcony would unduly impact upon views looking out of the village towards the landscapes beyond.
- 33 Overall, the proposed development conserves the character and scenic beauty of the National Landscape and therefore accords with policy EN5 of the ADMP.

### **Impact on neighbouring amenity**

- 34 The adopted Residential Extensions SPD sets out two tests in relation to overshadowing. These comprise a review of whether the proposal would result in the loss of direct sunlight for a significant part of the day, and whether the proposed development would cause a significant loss of ambient daylight.
- 35 In terms of direct sunlight, the proposed development is sited north of its immediate neighbours, meaning that the north facing fenestration of the closest properties already receives a reduced level of sunlight as the sun travels from east to west. As such, it is not considered that the proposed increase in height of 60cm would result in any significant additional harm when compared with the original proposals.
- 36 In terms of ambient daylight, the residential extensions SPD puts forward a 45° test to ascertain the level of overshadowing experienced by any neighbour. In this case, the proposed development would pass this test on elevation when assessed against the rear facing fenestrations and amenity area of the nearest properties. Therefore, the proposed development is considered to have an acceptable impact in this regard.
- 37 In relation to outlook, the planning system cannot protect private views from other properties. However, it can look at whether a proposed development would significantly alter the nature of the outlook from neighbouring properties. In this case, if the scheme had been built as originally approved, the outlook from neighbouring properties when looking towards the application site would have comprised built form with views to the landscape beyond. Therefore, given the modest nature of the proposed amendments, it is not considered that that the proposal would significantly alter the nature of this outlook.
- 38 Additionally, given that a balcony has already been approved in its location, the enlargement of this structure would not result in an unacceptable loss of privacy when viewed comparatively with the approved scheme.
- 39 Whilst it is generally expected that there will be a degree of noise and disruption during the construction phase of a development, A condition shall be secured which specifies the appropriate hours of works to minimise any impact in this regard. Any breach of these hours should be reported so that the council can explore whether enforcement action can be taken.

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### Other issues

Impact on listed buildings:

- 40 Concerns in relation to the impact of the proposed amendment on the surrounding listed buildings has been raised, and the conservation officer has suggested that there is a risk that the proposal could have a domineering impact on the nearby listed buildings at 4 and 5 School Lane.
- 41 However, it is considered that the relatively modest nature of the amendments would not impact either the significance of the heritage assets or their settings. Additionally, the road known as "School Lane", the boundary treatments, and the spacing between the site and these listed buildings combine to provide a clear level of separation between the assets and the application site. As such, these factors ensure that the development does not impact their significance, their setting, and not lessen the contribution that they make to the wider area.

### Third Party Comments:

- 42 The issues raised by third parties' in relation to the impact on visual amenity, wider views, designated heritage assets, national landscapes, residential amenity have already been addressed within the relevant sections of this report.
- 43 The objections raised on the basis of the application being retrospective are not material to this application. Whilst submitting an application retrospectively can put the applicant at increased risk, there is no legislation or guidance that prevents applications being submitted retrospectively. As such, it would be highly erroneous to refuse an application that is otherwise acceptable on the sole basis that it is retrospective.
- 44 Whilst a comment has been submitted which pointed out that a site notice had not been displayed, it can be confirmed that a notice was subsequently displayed on 15 December 2023.
- 45 Concerns relating to the potential for a third floor to be provided within the dwellinghouse are not material to this application. This application does not specifically propose a third floor and cannot, therefore, be refused on a hypothetical situation. Furthermore, any loft conversion would either need to conform with the regulations as set out within the General Permitted Development Order 2015 (as amended), or be formally approved by the Council should the works require planning permission.
- 46 A neighbour has raised concerns in relation to the dwelling being larger than that permitted by the previous scheme, citing the distance between the north elevation and the northern boundary as being the reason for their concern. However, having compared the plans with our GIS maps, the width measurement of the dwelling is in accordance with the originally approved plans.
- 47 The applied conditions as attached to previous planning permission have been re-assigned to this where appropriate, amended or removed if no-longer appropriate/reasonable.

**Community Infrastructure Levy (CIL)**

48 The proposed amendment would not increase the amount of internal area when viewed comparatively with the originally approved scheme. As such, the proposed development would not be CIL liable.

**Conclusion**

49 It is considered that the variation to the condition proposed is acceptable and in accordance with the Development Plan and there are no overriding material considerations to indicate otherwise.

**Recommendation**

50 It is therefore recommended that permission is granted.

**Background papers**

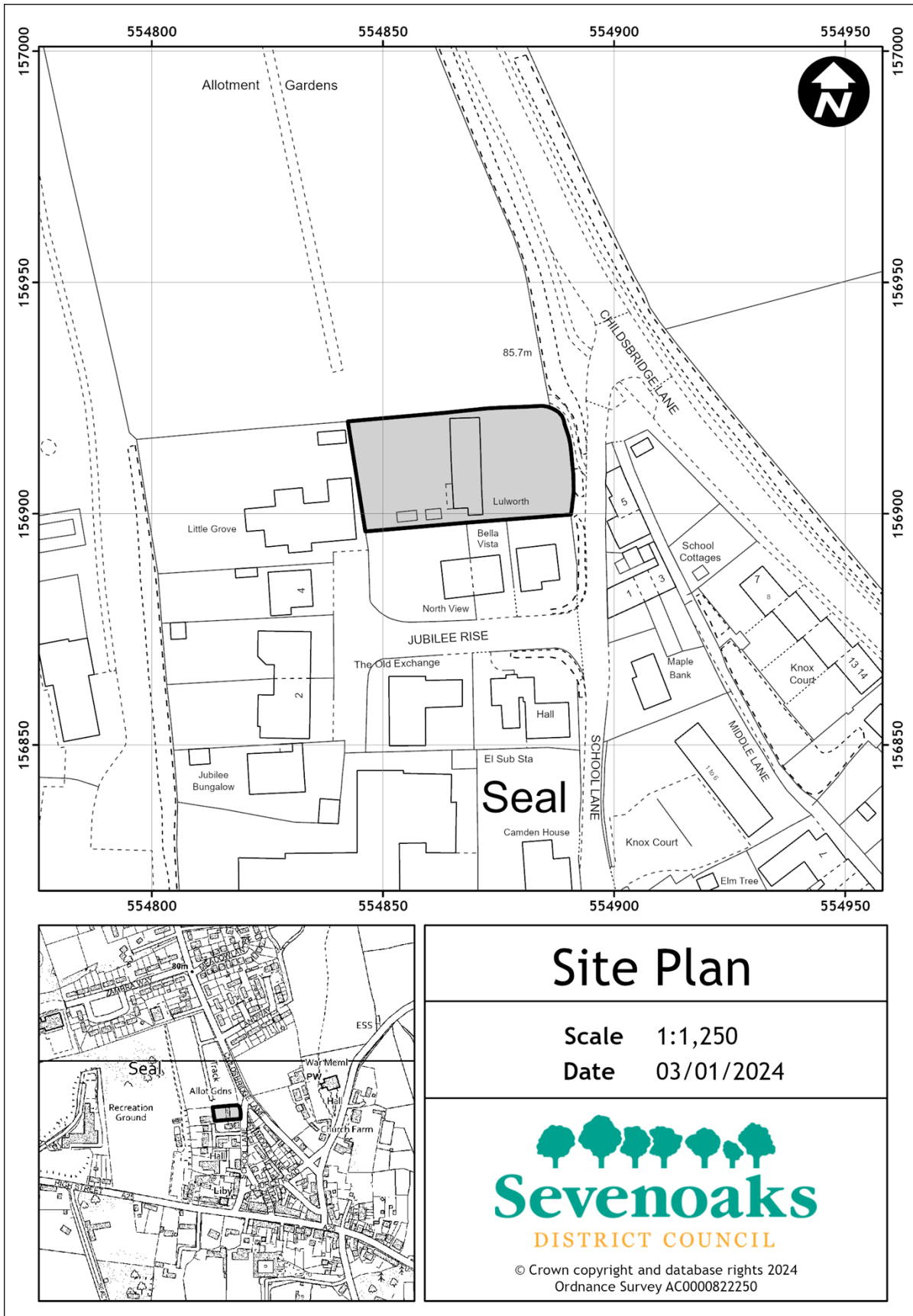
Proposed Plans (RA1558/REV F/02)

Contact Officer(s): Christopher Park 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)





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4. 4 - 23/03046/HOUSE Revised expiry date 26 January 2024

Proposal: Two storey front extension. Loft conversion. Rooflights and fenestration alteration. Roof alterations. Removal of existing chimney and installation of a flue.

Location: 33 Penshurst Road, Leigh, Tonbridge Kent TN11 8HL

Ward(s): Leigh & Chiddingstone Causeway

**Item for decision**

The application has been referred to Development Management Committee due to the applicant being 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 development hereby permitted shall be carried out in accordance with the following approved plans and details: S.01 Rev A; P.01 Rev J; P.02 Rev I

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

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

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

**National Planning Policy Framework**

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

## Agenda Item 4.4

### Description of site

- 1 The site consists of a two storey semi-detached dwelling that forms part of ribbon development to the southern side of Penshurst Road.
- 2 The property is set back from the highway behind open frontage and a hardstanding driveway. A small detached single storey outbuilding is located to the rear of the site. A mix of boundary treatments including close boarded fencing and hedging is present on site. The site benefits from a modest rear garden with detached outbuilding.
- 3 Penshurst Road consists of a mix of semi-detached and detached properties of varying heights, designs and materials.
- 4 The site lies within the Metropolitan Green Belt and the High Weald National Landscape (Area of Outstanding Natural Beauty).

### Description of proposal

- 5 The application proposes a two-storey front extension, loft conversion, rooflights and fenestration alteration, roof alterations, removal of the existing chimney and installation of a flue to the rear roof plane of the property.

### Relevant planning history

- 6 16/01870/HOUSE - Proposed two storey side extension with sunpipe at rear and part demolition of existing outbuilding. Alterations to fenestrations and external tile hanging around the first floor of dwelling - GRANTED
- 7 23/00707/HOUSE - Front porch extension. Loft conversion. Rear roof dormer extension. Addition of two velux windows. Roof alterations - REFUSED

### Policies

- 8 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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- Footnote 7 relates to a variety of designations, including SSSIs, National Parks, Green Belt, AONBs, designated heritage assets and locations at risk of flooding

9 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- LO8 Rural Economy and Landscape

10 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage
- EN5 Landscape
- GB1 Limited Extensions in the Green Belt
- T2 Vehicle Parking

11 Other

- Sevenoaks Residential Extensions SPD
- High Weald AONB Management Plan
- Development in the Green Belt SPD
- Kent Design Review: Interim Guidance Note 3 – Residential Parking

**Constraints**

12 The following constraints apply:

- National Landscape (Area of Outstanding Natural Beauty) – High Weald
- Metropolitan Green Belt
- Area of Archaeological Potential – (In part, to the front of the site)

**Consultations**

13 Leigh Parish Council – No comment

**Representations**

14 None received

**Chief Planning Officer's appraisal**

15 The main planning consideration are:

- Impact on the Green Belt;
- Design and impact on the character and appearance of the area;
- Impact on National Landscape (AONB);
- Impact on neighbouring amenity;

## Agenda Item 4.4

- Impact on highways safety and parking provision.

### Impact on the Green Belt

- 16 As set out in paragraph 154 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as “c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”
- 17 Paragraph 152 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 18 Paragraph 153 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 19 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form although it can have a visual element. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 20 Policy GB1 of the ADMP provides the local policy on extensions in the Green Belt.
- 21 The dwelling is lawful and permanent in nature and meets criterion a) of GB1.
- 22 The loft conversion would add no additional bulk to the dwelling and have no impact on the openness of the Green Belt. The two-storey extension whilst adding additional bulk to the dwelling is of a size, design and materials palette that would appear subservient and in keeping with the general character of built form in this area of the Green Belt and as such, would not impact on the visual openness of the Green Belt. As a result, the scheme would be compliant with criterion b) of GB1.
- 23 Based on planning history and information provided by the applicant and the plans provided the floorspace calculations would be as follows:

Original total floorspace - **122.3m<sup>2</sup>** (including outbuilding within 5m)

50% allowance - **61.1m<sup>2</sup>**

Proposed Total - **180.1m<sup>2</sup>** (including outbuilding within 5m)

**% uplift – 47.3%**

(This excludes the converted loft space as it is converted using rooflights and adds no additional bulk to the dwelling)

- 24 Based on the above the proposed scheme would not result in an increase of more than 50% above the original dwelling and does not result in spatial harm to the Green Belts openness and is therefore compliant with Policy GB1 of the ADMP.

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

- 25 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.
- 26 The properties along Penshurst Road vary in scale, form, design and materials with a mix of two storey, bungalows, semi-detached and detached properties. Generally, all properties are set back from Penshurst Road behind a generous garden frontage and driveways.
- 27 An existing mono-pitched porch is present on site which connects to the bay window. The porch is to be removed and separates the bay window. A two-storey front extension is proposed to the property. The extension has two pitched roof forms, with a portion of the extension appearing as a central feature on the dwelling. The extension sits at a lower height than the existing roof ridge and the roof pitch follows the pitch of the existing roof which gives the appearance as a subservient addition to the property.
- 28 The properties in Penshurst Road have various front projections such as, porches, gabled extensions and rooflights, as well as vary in design and height as previously highlighted. As such, the proposed built form would be characteristic of the wider area and would remain set back from the highway behind open frontage and would not erode the existing gap between the dwellings. The overall design of the scheme is considered to have an acceptable impact on the street scene.
- 29 The existing loft space would be converted to habitable space. The insertion of five new rooflights is proposed to serve this room. The loft conversion allows for the creation of usable space without adding additional bulk to the dwelling. The rooflights do not overcrowd the existing roof planes and overall, the work would be respectful of the character and appearance of the area.
- 30 The removal of the chimney stack and installation of a smaller flue to the rear would not have an adverse impact on the character of the area.
- 31 The materials proposed include hanging tiles and brickwork that would match those found on the existing dwelling and as such, would assist integrating the proposed work with the existing dwelling.
- 32 Overall, the proposal is not considered as harmful to the character and appearance of the area and is considered to accord with policies SP1 of the Core Strategy and EN1 of the ADMP.

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### Impact on the National Landscape (AONB)

- 33 The Countryside and Rights of Way Act 2000 as amended states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty (AONB). Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 34 There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement.
- 35 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance. This is also replicated in Policy LO8 of the Core Strategy.
- 36 The site is located within the High Weald National Landscape (Area of Outstanding Natural Beauty). The proposed work would be of similar scale, design and form that is featured along Penshurst Road. The site is part of other linear built development within the immediate locality and would utilise materials that are characteristic of the area and therefore, the proposed work would be in keeping with the existing built for. Overall, the development would have a neutral impact on the AONB by conserving the overall character and enhancing the appearance of the dwelling in compliance with the relevant planning policies.

### Impact on neighbouring amenity

- 37 Policy EN2 of the ADMP requires proposals to safeguard the amenities of existing and future occupants of nearby properties.
- 38 Light
- The two-storey extension is to the front of the property. The eaves height remains matching the existing. Whilst projecting slightly further forward, the separation distance between no.33 and no.35 means that no significant loss of light would occur. Additionally, with the extension located on the north facing elevation of the dwelling, due to the sun's path, no overshadowing would occur over and above, what the existing dwelling already creates.
- 39 Privacy
- No side facing windows on the extension are proposed and the rear facing rooflights whilst large would have views upwards rather than outwards but any views of the neighbouring property would be oblique and as such, no significant loss of privacy would occur.

40 Visual Intrusion

The proposed does not encroach any closer to no.35 or pass the existing side building line. As such, the work would not be considered visually intrusive to neighbouring properties as to impact direct outlook.

On considering the above, the proposal is not considered to be harmful to the existing neighbouring amenity, in accordance with policy EN2 of the ADMP.

**Impact on highways safety and parking provision**

41 Policy EN1 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states the Local Planning Authority may depart from the maximum or minimum standards in order to take into account of specific local circumstances.

42 An additional bedroom is proposed. The proposed extension is located on an area of existing hardstanding at the top of the driveway. Even with the proposed extension, sufficient parking for at least two vehicles would be retained and the access would remain unchanged. This would continue to meet parking standards in compliance with policy T2 of the ADMP.

**Other Issues**

43 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.

44 The proposed development is sited are outside the Area of Archaeological Potential and therefore would not be harmed.

**Community Infrastructure Levy**

45 This proposal is not CIL liable.

**Conclusion**

46 Upon considering the above, the proposed development accords with development plan policies and there are no other material considerations to indicate otherwise.

**Recommendation**

47 It is therefore recommended that this application is GRANTED.

**Background papers**

48 Site and block plan

## Agenda Item 4.4

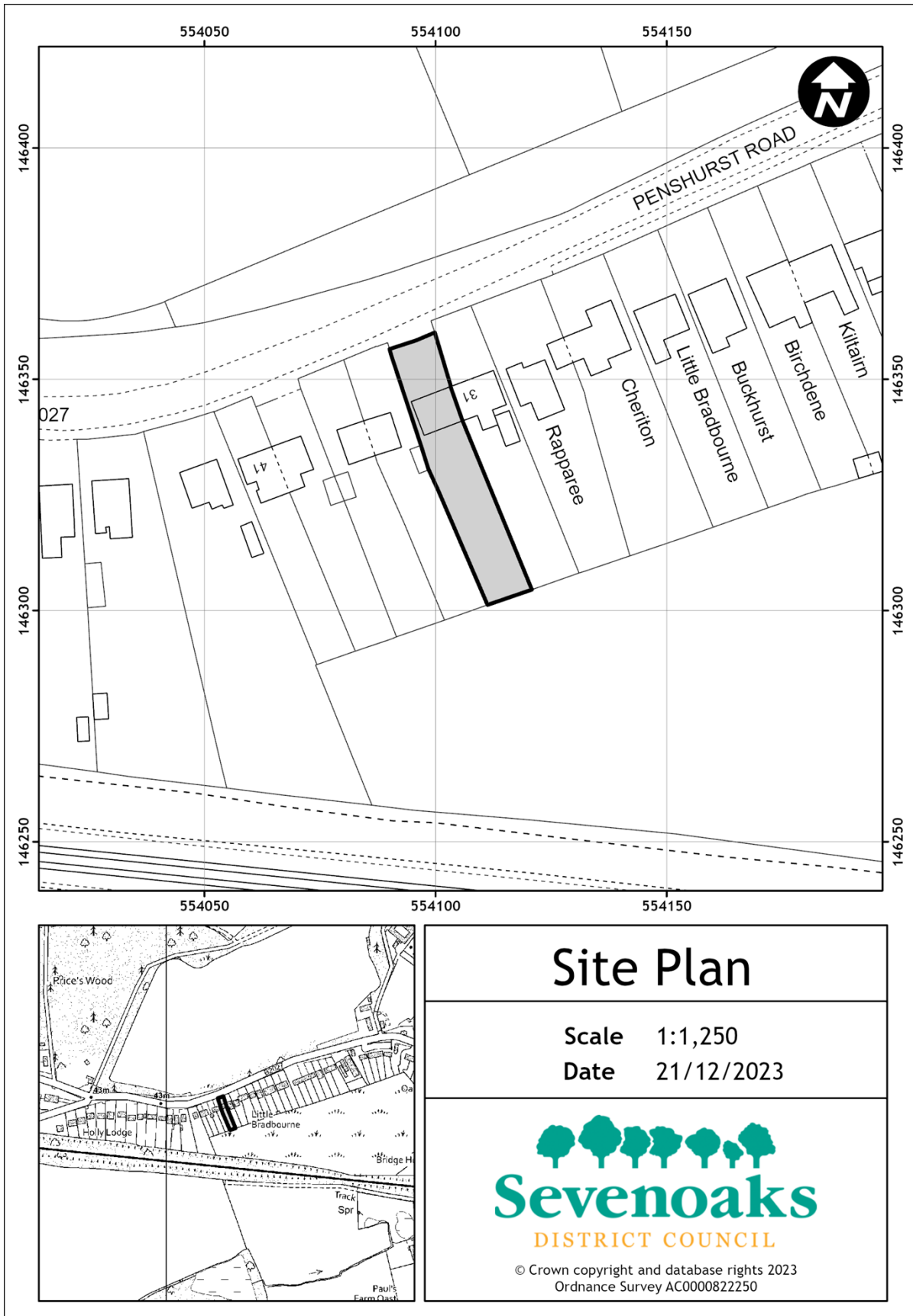
Contact Officer(s): Stephanie Payne

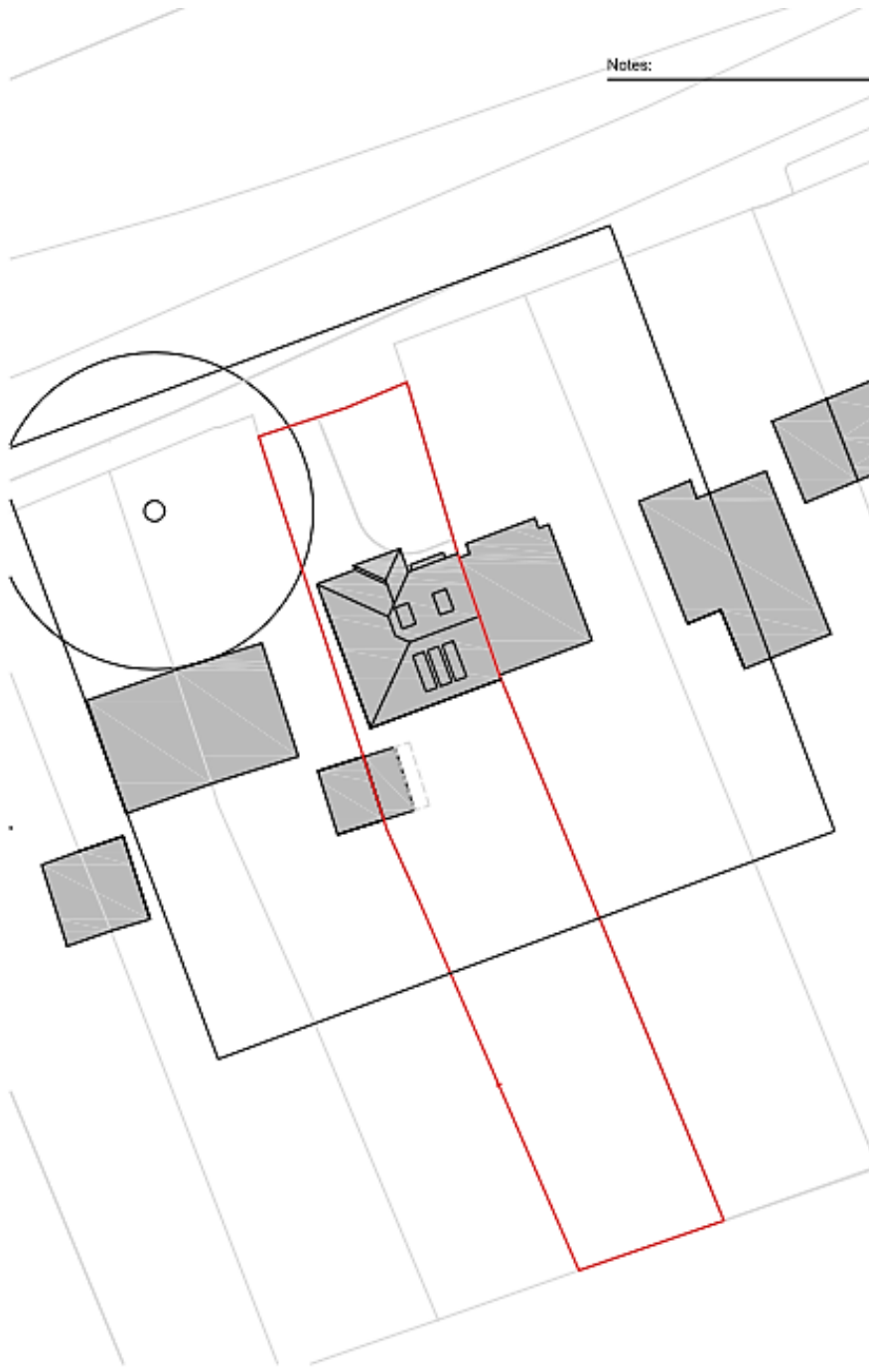
01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)





Notes: \_\_\_\_\_

Proposed Site Plan (1:500 at A3)





Planning Application Information on Public Access – for applications coming to

DM Committee on Thursday 25 January 2024

4.1 – 23/02002/FUL – 112A Chipstead Lane, Riverhead, Sevenoaks, Kent TN13 2AQ

[Link to application details:](#)

[Link to associated documents:](#)

4.2 – 23/02918/FUL – The Oast House, Kettleshill Farm, St Julians Road, Underriver, Kent TN15 ORX

[Link to application details:](#)

[Link to associated documents:](#)

4.3 – 23/02976/MMA – Lulworth, School Lane, Seal, Kent TN15 OBQ

[Link to application details:](#)

[Link to associated documents:](#)

4.4 – 23/03046/HOUSE – 33 Penshurst Road, Leigh, Tonbridge, Kent TN11 8HL

[Link to application details:](#)

[Link to associated documents:](#)

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