

20 June 2024 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 12.06.24



The meeting will also be livestreamed to YouTube here:

[YouTube Link.](#)

Development Management Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Williams
Cllrs. Baker, Ball, Barker, Barnett, Bayley, Camp, P. Darrington, Edwards-Winsler, Granville, Horwood, Hudson, Layland, Malone, Purves, Silander, Shea and Reay

Agenda

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

	Pages	Contact
Apologies for Absence		
1. Minutes	(Pages 1 - 10)	
To approve the minutes of the meeting of the Committee held on 23 May 2024 as a correct record.		
2. Declarations of Interest or Predetermination		
Including any interests not already registered		
3. Declarations of Lobbying		
4. Planning Applications - Chief Planning Officer's Report		
4.1 24/00525/FUL - Dunollie, Church Road, Halstead Kent TN14 7HG	(Pages 11 - 24)	Ashley Bidwell Tel: 01732 227000
Erection of infill dwelling of two storey design with accommodation in roof space, utilising existing secondary access.		
4.2 24/00781/CONVAR - 3 Abbotswood Bungalows, London Road, West Kingsdown Sevenoaks Kent TN15 6AR	(Pages 25 - 36)	Eliot Froment Tel: 01732 227000

Variation of condition 3 of 22/01084/HOUSE for 'Rear extension and removal of front porch. Replacement of existing outbuilding with a new outbuilding' with amendment to substitute plans for amended plans for lowering height & parapet wall.

EXEMPT INFORMATION

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

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 17 June 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

Development Management Committee

Minutes of the meeting held on 23 May 2024 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Williams (Vice Chairman)

Cllrs. Baker, Ball, Camp, P. Darrington, Edwards-Winsler, Hudson, Malone, Purves, Silander, Barker, Layland, Reay, Shea and Barnett

Apologies for absence were received from Cllrs. Bayley, Horwood, and Granville

1. Minutes

Resolved: That the minutes of the meeting held 25 April 2024 be approved, and signed by the Chairman as a correct record.

2. Declarations of Interest or Predetermination

There were none.

3. Declarations of Lobbying

Cllrs. Baker, Ball, Barnett, Camp, P. Darrington, Hudson, Layland, Malone, Purves, Reay, Shea, Silander, Williams, and Williamson declared that they had been lobbied in respect of Minute 4 - 23/03038/HOUSE - 10 Tudor Drive, Otford, Sevenoaks Kent TN14 5QP.

UNRESERVED PLANNING APPLICATIONS

There were no public speakers against the following items and no Member reserved the items for debate, therefore, in accordance with Part 7.3(e) of the Constitution the following matters were considered en bloc without debate:

4. 23/03038/HOUSE - 10 Tudor Drive, Otford, Sevenoaks Kent TN14 5QP

The proposal sought permission for local rising of ground levels. The application had been referred to the Committee as the applicant was an officer of Sevenoaks District Council.

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

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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 carried out in accordance with the following approved plans and details: 2000/01B, 2000/02B, 2000/05 and annotated photographs: Photo 1 (Rev A), Photo 2 (Rev A), Photo 3 (Rev A), Photo 4, Photo 5 and Photo 6.

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

5. 23/03534/FUL - Tranby Croft, The Street, Horton Kirby Kent DA4 9BY

The proposal sought permission for the construction of additional dwelling incorporating replacement of stable block.. The application had been referred to the Committee as the applicant was an officer of Sevenoaks District Council.

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

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: 23014 PO1, 23014 PO2, 23014 PO3

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

- 3) Prior to works above damp-proof course level of the development hereby approved, full details of both hard and soft landscape proposals have been submitted to and approved in writing by the local planning authority. The details shall include the materials to be used for the hard landscaping along with details of the proposed soft landscaping and shall include details of the proposed boundary fence/walls. The approved hard landscape scheme shall be implemented prior to the occupation of the development hereby approved and thereafter retained. The approved soft landscape scheme shall be implemented in the first planting season following occupation of the development and retained thereafter.

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

- 4) Prior to commencement of development a demolition and construction environmental management plan (CEMP) 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. The CEMP shall include:#
- a. Details of the proposed working and delivery hours;
 - b. Details of measures for the parking of vehicles, plant and machinery;
 - c. Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries;
 - d. Details of the measures to mitigate the noise and vibration from construction;

In the interests of highway safety and to protect residential amenity of surrounding properties, in accordance with policies EN1, EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

- 5) Prior to any development, all sensitive working measures/recommendations for bats shall be carried out in accordance with the details contained in section 5.1 of the Preliminary Ecological Assessment report produced by ASW Ecology Ltd (dated November 2023).

To ensure the protection of species in accordance with SP11 of the Sevenoaks Core Strategy.

- 6) Prior to works above damp-proof course level of the development hereby approved, a schedule of external materials and material samples shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with these details.

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

- 7) Prior to development reaching the damp proof course of the development hereby approved, details of the location the electrical charging point(s) shall be submitted to and approved in writing by the local planning authority. The approved location of the charging point(s) 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.

- 8) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to

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be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

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

- 9) The provision and permanent retention of the vehicle parking and turning area as shown on the approved plan no. 23014 P02, prior to the first occupation of the dwelling hereby approved.

To provide sufficient parking in accordance with policy T2 of the Sevenoaks Allocations and Development Management Plan.

- 10) Prior to works above damp-proof course level of the development hereby approved, details of secure bicycle parking and refuse facilities to serve the development shall have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for such use at all times.

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and in the interests of the visual amenities of the surrounding area in accordance with Policies EN1, T2 of the Sevenoaks Allocations and Development Management Plan.

- 11) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as recommended within the Arboricultural Report provided by Arborsense Arboricultural Consultants dated 10th November 2023 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered, and the land kept free of vehicles, plant, materials and debris.

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

- 12) The development hereby permitted shall be carried out in accordance with the submitted UNDA, Flood Risk Assessment and Surface Water Drainage Strategy dated March 2024 and thereafter maintained.

In the interests of flood prevention in accordance with the National Planning Policy Framework.

- 13) 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 ensure the protection of species and neighbouring amenity in accordance with SP11 and EN2 of the Sevenoaks Allocations and Development Management Plan.

Informatives

- 1) 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.

- 2) The site should be assessed for any asbestos containing materials prior to any works of demolition or conversion. Any work with asbestos must be carried out in accordance with the Control of Asbestos Regulations (2012) and relevant Approved Code of Practice
<http://www.hse.gov.uk/pubns/books/l143.htm>
- 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.

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- 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 for further details.

6. 24/00592/CONVAR - Tonys Corner Shop, 18 Cedar Drive, Edenbridge Kent TN8 5JL

The proposal sought variation of condition 3 (The hard and soft landscaping) of 23/02074/CONVAR for Creation of seven off-street car parks; the erection of 13 dwellings; an extended replacement to the existing shop and associated landscaping improvements and creation of temporary shop with amendment to drawings to pick up minor changes to parking layouts, landscaping and elevations. The application had been referred to the Committee as the applicant was Sevenoaks District Council.

It was moved by the Chairman that the recommendations within the report, as amended by the Late Observations, be approved.

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 the time limit imposed on application SE/21/02825/FUL

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

- 2) The materials to be used in the construction of the residential development shall be those indicated on the approved plans: A983-01B-PL-120-F, A983-01B-PL-121-E, A983-01C-PL-120-E, A983-01C-PL-121-E, A983-01F-PL-120-D, A983-01F-PL-121-D.

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

- 3) The hard and soft landscaping, hereby approved, shall be carried out in accordance with the landscaping plans and planting schedules, reference numbers: 6337-LLB-ZZ-E10-DR-L-0001-S4-P03, 6337-LLB-ZZ-E6-DR-L-0001-S4-P02, 6337-LLB-ZZ-E3-DR-L-0001-S4-P01, 6337-LLB-ZZ-E7-DR-L-0001-S4-P01, 6337-LLB-ZZ-ZZ-DR-L-0001-S4-P02, 6337-LLB-ZZ-E10-DR-L-0002-S4-P03, 6337-LLB-ZZ-E3-DR-L-0002-S4-P01, 6337-LLB-ZZ-E6-DR-L-0002-S4-P02, 6337-LLB-ZZ-E7-DR-L-0002-S4-P01, 6337-LLB-ZZ-ZZ-DR-L-

0002-S4-P02, 6337-LLB-ZZ-E11-DR-L-0001-S4-P02, 6337-LLB-ZZ-E11-DR-L-0002-S4-P02.

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) 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 provision, establishment, and maintenance of the landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to the first occupation of the dwellings on sites 6 and 10, eleven electric car charging points with suitable voltage and wiring for the safe charging of electric vehicles within the residential curtilage, shall be installed and thereafter maintained, as per approved plan numbers A983-01B-PL-102-E and A983-01F-PL-102-E.

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

6) Prior to the use of the sites commencing, the visibility splays shall be provided and maintained with no obstructions over 1.05 metres above carriageway level within the splays, as per approved plans 4966 03, 4966 04, 4966 05, 4966 06, 4966 08, 4966 09.

In the interests of Highways safety.

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

In the interests of Highways safety.

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8) The development shall be carried out in accordance with the approved construction management plan (rev 2), prepared by BBS Construction Ltd and dated 14/07/2022, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

9) From the commencement of works (including site clearance), all mitigation measures for reptiles will be carried out in accordance with the details contained within section 5 of the Reptile Survey and Mitigation Strategy (KB Ecology May 2021).

In the interests of protected species and ecology on the site, in accordance with policy SP11 of the Core Strategy.

10) The development shall be carried out in accordance with the approved drainage scheme, unless otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the approved details: Drainage calculations dated August 2022, revision P01; 4779-CON-00-XX-DR-C-1532-P01; 4779-CON-00-XX-DR-C-1531-P01; 4779-CON-00-XX-DR-C-1530-P01; 4779-CON-00-XX-DR-C-1516-P01; 4779-CON-00-XX-DR-C-1514-P01; 4779-CON-00-XX-DR-C-1518-P01; 4779-CON-00-XX-DR-C-1513-P01; 4779-CON-00-XX-DR-C-1517-P01; 4779-CON-00-XX-DR-C-1512-P01; 4779-CON-00-XX-DR-C-1515-P01; 4779-CON-00-XX-DR-C-1511-P01; 4779-CON-00-XX-DR-C-1510-P01; 4779-CON-00-XX-DR-C-1400-P01.

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.

11) The approved surface water drainage strategy shall be operated and maintained in accordance with the approved details, reference DWD-4779-CON-00-XX-DR-C-1510-AB, 1512-AB, 1513-AB, 1514-AB, 1515-AB, 1516-AB, 1517-AB, 1518-AB, 1530-AB, 1531-AB, 1532-AB, 2024-03-28 (1), 2024-03-28 (2) and 4779-CON-XX-XX-RP-C-0001-S2-P01-TN-VR.

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 173 of the National Planning Policy Framework.

12) The development shall take place in accordance with the approved Arboricultural Method Statement, prepared by Temple Group Ltd and dated 26 May 2022, unless otherwise agreed in writing by the local planning authority.

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

13) The development shall take place in accordance with the approved details of the implementation and phasing plan, prepared by BBS Construction Ltd and dated 31st May 2022, unless otherwise agreed in writing by the local planning authority.

To ensure the visual amenity of the area is maintained, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

14) Works of demolition and construction shall only be carried out between the hours of 08.00 to 18.00 hours Monday to Friday, and 08.00 to 13.00 hours on Saturdays, with no work being permitted on Sundays or Bank Holidays.

In the interests of residential amenity in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

15) The applicant shall obtain a Secured by Design accreditation for the development hereby permitted, a copy of which must be submitted to, and approved in writing by, the Local Planning Authority within 3 months of the completion of the development.

In the interest of Security, Crime Prevention and Community Safety and in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

16) The development hereby permitted shall be carried out in accordance with the following approved plans and details: A983-01-101 H, 5469 LLB ZZ ZZ DT L 0001 P01, 4966 01, 5469 LLB ZZ ZZ DR L 0001 P06, A983-01C-PL-110-D, A983-01F-PL-102-E, A983-01A-PL-102-F, A983-01B-PL-102-E, A983-01C-PL-102-F, A983-01F-PL-130-E, A983-01F-PL-121-D, A983-01F-PL-120-D, A983-01F-PL-111-D, A983-01F-PL-110-C, A983-01C-PL-121-E, A983-01C-

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PL-120-E, A983-01B-PL-131-B, A983-01B-PL-130-C, A983-01B-PL-121-E,
A983-01B-PL-120-F, A983-01B-PL-112-C, A983-01B-PL-110-F, A983-01E-
PL-102-D, A983-01F-PL-131-B, A983-01G-PL-102-D.

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

THE MEETING WAS CONCLUDED AT 7.02 pm

CHAIRMAN

4.1 - 24/00525/FUL

Date expired 21 May 2024

Proposal: Erection of infill dwelling of two storey design with accommodation in roof space, utilising existing secondary access.

Location: Dunollie, Church Road, Halstead Kent TN14 7HG

Ward(s): Halstead, Knockholt & Badgers Mount

Item for decision

Councillor Williamson has called the application to Development Management Committee for consideration of the impact of the bulk and form of the proposed building.

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: 8603 PD-01, PD-02 A, PD-03, application form.

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

3) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include details of: (a) parking for vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) programme of works (including measures for traffic management); (e) provision of boundary security hoarding behind any visibility zones; (f) measures to control the emissions of dust and dirt during construction; (g) measures to control the emissions of noise during construction; (h) a scheme for the recycling/disposing of waste resulting from demolition and construction works; and (i) hours of operation.

To ensure the proposed construction works preserve neighbouring amenity and highway safety in accordance with policies EN1 and EN2 of the Allocations and Development Management Plan.

4) Prior to the commencement of development above damp-proof course, details and samples of the proposed materials to be used externally on the building (including the timber framing) 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 enhances the character and appearance of the Conservation Area as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

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5) No external lighting shall be installed on the dwelling or within the grounds of the dwelling, unless in accordance with a lighting design strategy which has first been submitted to and approved by the local planning authority. The strategy shall include details of the location, height, type and direction of light sources, means of controlling light spillage and intensity of illumination. The lighting shall be designed to preserve neighbour amenity in accordance with policy EN2 of the Allocations and Development Management Plan.

To preserve amenity in accordance with policy EN2 of the Allocations and Development Management Plan.

6) Prior to the commencement of development, details of existing and proposed finished site levels, and finished floor and ridge levels of the building to be erected, showing the relationship of levels to the neighbouring properties, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

To ensure that the appearance of the development preserves the character and appearance of the area and to preserve neighbouring amenity as supported by Policies EN1 & EN2 of the Sevenoaks Allocations and Development Management Plan.

7) Prior to development reaching damp proof course, a soft landscaping scheme to enhance the appearance and biodiversity of the site, with native only species planting, 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.

To ensure the proposed landscaping preserves the character of the area and enhances biodiversity in accordance with policies EN1 of the Allocations and Development Management Plan and SP11 of the Core Strategy.

8) The new dwelling shall not be occupied until the electrical charging point shown on the approved drawing reference 8603-PD-01 has been installed in the location shown. The charging point 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) Notwithstanding the approved drawings, the first floor windows in the side (north west and south east) elevations 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 windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

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

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 garden land and part of the driveway to the south-east of Dunollie. The site is located on the north-east side of Church Road in Halstead, between the detached properties of Dunollie and Avebury.
- 2 This part of Church Road is located outside of the defined settlement confines of Halstead, although within a row of houses that line Church Road. It is within the Green Belt. The site is enveloped by the Halstead Conservation Area which wraps around Dunollie and the application site on three sides. Neither Dunollie or the application site are within the Conservation Area.
- 3 Dunollie has two access points to the highway, one of which would serve the proposed dwelling.

Description of proposal

- 4 Permission is sought for the erection of a two storey five-bedroom detached dwelling, with some accommodation in the roof space. It would be a timber framed house, with a forward gable projection, integral garage and single storey rear projection.

Relevant planning history

- 5 There is no history of decision on the application site itself (comprising the garden space to Dunollie); there is some history of extensions and alterations to Dunollie itself and for new dwellings in the vicinity.

Policies

- 6 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 (National Landscapes), designated heritage assets and locations at risk of flooding.

- 7 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
 - LO1 Distribution of Development
 - LO8 The Countryside and Rural Economy

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8 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Electric Vehicle Charging

9 Other

- Development in the Green Belt SPD (2015)
- Sevenoaks Landscape Character Assessment (2017)
- Halstead Conservation Area Appraisal (2003)

Constraints

10 The following constraints apply:

- Metropolitan Green Belt
- Setting of Halstead Conservation Area.

Consultations

11 Halstead Parish Council:

Halstead Parish Council object to this application. It is felt to be inappropriate development in Green Belt as per NPPF Para 152 by definition, harmful to the Green Belt, which should not be approved except in very special circumstances. No special circumstances have been given.

12 SDC Environmental Health:

"There is no objection to this application. The following is recommended:

13 Demolition and Construction Environmental Plan

A Demolition and Construction Environmental Management Plan is recommended due to the proximity of neighbouring dwellings. The CEMP should include measures to deal with noise, dust, site working hours, deliveries and waste. Other teams such as Highways may wish additional matters to be included. There should be no burning whatsoever on site.

14 External Lighting

Any external lighting must be designed to ensure that lighting overspill beyond the boundary of the site and upward/sky glow is minimised. External lighting should be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light."

15 SDC Conservation:

Significance

The application site is edged on three sides by the Halstead conservation area, although the site itself is excluded.

16 Impact on Significance

In scale, form, architectural treatment and materials, the proposed infill building references the dwellings to either side. Although intensifying the level of development in the immediate context, the new built form respects the front building line and generally sits comfortably on the site. It is compatible with the built form enclosing the northeastern side of Church Road and neither assumes undue dominance in the street scene, nor obstructs any distinctive conservation area views.

17 Policy Context

Paragraphs 205 & 206 of the NPPF require great weight to be given to the conservation of designated heritage assets and note that significance can be harmed or lost through unsympathetic development within their settings.

Subject to submission and approval of external materials samples, the proposal causes no harm to the significance of the Halstead Conservation Area and there is no objection in terms of Policy EN4.”

18 KCC Highways and Transportation:

Confirms that the development does not meet the criteria to warrant involvement from the Highway Authority in accordance with current consultation protocol arrangements.

Representations

19 2 letters of objection have been received in response to the application, raising the following issues:

- Loss of light to side windows.
- Overshadowing due to scale of the building.
- Loss of privacy.
- Risk of damage due to construction works adjacent to neighbouring property.
- Site line/building line is not in keeping with the street.
- Inappropriate development in the Green Belt.
- Overdevelopment of the site.

20 3 letters of support have been received, raising the following issues:

- The design is supported.
- The development will deliver new housing without impacting green, open spaces.
- Housing in this location is better than alternative large-scale development.
- Ad hoc developments/additions to the village will create a better result for all.

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Chief Planning Officer's appraisal

21 The main planning considerations are:

- Principle of development, including development in the Green Belt.
- Impact on the character of the area and heritage impact.
- Residential amenity.
- Highway safety and parking.

Principle of development, including development in the Green Belt

22 Legislation states that applications must be determined in accordance with the local authority's development plan unless material considerations indicate otherwise. The Council's Development Plan includes the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP) 2015.

23 Policy LO1 of the Sevenoaks Core Strategy 2011 defines the Council's strategy for the distribution of development in the District, stating that: "development will be focussed within the built confines of existing settlements". Policy LO1 goes on to state that "in other locations priority will be given to protecting the rural character of the District. Development will only take place where it is compatible with policies for protecting the Green Belt...".

24 Policy LO7 refers to development within rural settlements, including Halstead, and states that these will be locations for small scale development. The site lies within a short distance from the defined boundary of Halstead; however, the policy is clear that it relates to development "within the settlement confines", which this site is not.

25 Policy LO8 of the Core Strategy, which addresses matters relating to the countryside and rural economy, states that the extent of the Green Belt will be maintained, and the countryside will be conserved. The application site, like the majority of Church Road, is outside the settlement confines of Halstead and within the Green Belt.

26 While the above locational policies are considered to align with the NPPF's emphasis on sustainable development, and protection of the Green Belt, they can only be considered partially in date as the policies have not to date facilitated the delivery of sufficient housing in the District in accordance with national policy.

27 The proposed dwelling would be a small-scale development of a nature acceptable within the settlement of Halstead. It would be on garden land set amid a row of existing dwellings that are closely linked to Halstead. The proposed development would provide an additional dwelling. In this way, the development would contribute towards the District's housing stock in the context of a shortfall of housing supply within an adopted local plan and a long-term undersupply of housing to meet needs.

28 Overall, therefore, the principle of development may be considered acceptable subject to whether the proposal conflicts with the policies in the NPPF relating to protected areas, in particular, the Green Belt. This is considered further below.

29 Whether the development is appropriate in the Green Belt

30 Paragraph 153 of the NPPF advises that local planning authorities 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.

- 31 As set out in paragraph 154 of the NPPF, the construction of new buildings in the Green Belt should be regarded as inappropriate development, subject to a number of defined exceptions including:

“154. (e) limited infilling in villages;”

- 32 The NPPF does not define ‘limited infilling in villages and case law has established that a judgment must be made in each case based on the circumstances of the site. Section 3 of the Development in the Green Belt SPD (2015), however, provides further guidance in this respect.

- 33 Paragraph 3.3 of the SPD states:

“The District Council defines limited infill development as the completion of an otherwise substantially built-up frontage by the filling of a narrow gap normally capable of taking one or two dwellings only”.

- 34 Paragraph 3.4 further provides a definition of a substantially built-up frontage “as an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene”. This section of the SPD also provides an illustration.

- 35 Whereas the SPD states that the defined settlement boundaries usually marks the edge of the settlement for the purposes of considering limited infill, there may be circumstances where infill development is appropriate in the Green Belt where a change in character between the settlement and adjoining development is not apparent (paras. 3.5 - 3.6). Regard must be given to the situation on the ground.

- 36 A recent appeal in West Kingsdown (APP/G2245/W/23/3336039) tested the strength and weight of the guidance provided by the SPD in respect of the more recent policy of the NPPF. Taking into account a number of appeal decisions, the Inspector found that “the SPD is broadly consistent with the approach to infilling in the Green Belt set out in the Framework. As such, ..., it should be accorded considerable weight in determining the appeal proposal”. [my emphasis]

- 37 The proposal is for the erection of one dwelling in a modest gap between Dunollie and Avebury, which form part of a row of several dwellings in a consistent building line/frontage. The site is of sufficient size to accommodate one dwelling as per the Green Belt SPD definition.

- 38 Moreover, whilst not within the defined settlement confines of Halstead, case law has established that such boundaries are not always conclusive of whether a site lies within the village. From my assessment, Church Road is well connected and part of the Village.

- 39 As the development is found to accord with the limited infilling exception of the NPPF, it can be considered as appropriate development in the Green Belt. No further assessment of impact on openness of the Green Belt is required.

Impact on the character of the area and heritage impact

- 40 Policy SP1 of the Core Strategy and EN1 of the Allocations and Development Management Plan outline that all new development should be designed to a high

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quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 also states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

- 41 Policy EN4 of the Allocations and Development Management Plan states “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”.
- 42 The application site is located adjacent to the Halstead Conservation Area, within its setting. The site is not within the setting of any listed buildings.
- 43 It is proposed to construct a two-storey dwelling, with a footprint of 185sqm (excluding porch) and a maximum height of 8.66m. As shown on the submitted Street Section, the height would be the same as Dunollie and less than 1m taller than Avebury; it is in keeping with the bulk, scale and massing of the two immediate neighbours. A condition securing details of finished floor levels and heights would ensure that these levels are maintained.
- 44 The proposed dwelling design features a two-storey forward projection, in keeping with the neighbouring properties. This projection aligns with the building line of Dunollie, while the main building line is broadly consistent with that of Avebury. There would be a single storey rear projection proposed creating a footprint comparable to that of Dunollie and a first floor ‘footprint’ comparable to Avebury.
- 45 The Halstead Conservation Area Appraisal notes that the Conservation Area contains mainly large, detached buildings of the 18th and early 19th Century, with “splendid examples of early 19th century cottages”. Brick is identified as the most popular building material, with some timber framing also evident locally, including Kent Acre on Church Road.
- 46 The appraisal goes on to highlight that “three examples of vernacular housing design with their own unique features are Avebury, Holly Cottage and Tudor Cottage”, and that these properties “have plain clay tiled hipped roofs and first floor decorative timber framing reflecting Kentish vernacular design”.
- 47 The design of the proposed dwelling reflects that of the vernacular identified as a positive feature of the Halstead Conservation Area. It is proposed to be finished in brick at ground floor, with a mock Tudor style to the first floor, featuring a timber frame and render infill panels. Further details of materials can be secured by condition. The design of the building is considered to be in keeping with the character of the area and Conservation Area and includes sympathetic materials and features.
- 48 Representations received express concerns that the dwelling does not fit with the established building line. As demonstrated on the Proposed Site Plan (8603-PD-01), the front projection is in line with the front elevation of Dunollie to the northwest, while the elevation step backs towards Avebury to the southeast. Overall, the new building would align and sit comfortably with the wider building line of Church Road. As illustrated by the submitted Proposed Street Scene, the dwelling would not appear out of place, too large for the site, or overly dominant in the street scene, with consistent spacing maintained between the dwellings.
- 49 The Conservation Officer has also commented that the proposed dwelling respects the front building line and generally sits comfortably on the site.

- 50 The site benefits from an existing laurel hedge, bushes and trees to the street front, in addition to an existing access. The proposals do not include any alteration of the street frontage. An existing hedgerow further into the site dividing the driveway from the rear garden would be removed, along with a small section of hedgerow to the northeast of the proposed dwelling. This would have a negligible impact on the street scene and further details, including for any proposed landscaping, can be secured by condition.
- 51 To the rear of the proposed dwelling the site would be divided from the garden of Dunollie by a new hedgerow. There are no other outbuildings or changes to the rear garden proposed; the existing outbuilding and shed of Dunollie would be located within the garden of the proposed dwelling.
- 52 Overall, the proposed development is considered to preserve the character of the area and the setting and significance of the Halstead Conservation Area through its sympathetic design, scale and bulk. The proposed development would comply with policies EN1 and EN4 of the Allocations and Development Management Plan.

Residential amenity

- 53 Policy EN2 of the Allocations and Development Management Plan requires proposals to provide adequate residential amenities for existing and future occupiers of the development and to safeguard the amenities of neighbouring occupants.
- 54 The proposal would sit within a gap between Dunollie and Avebury and, although creating a relatively close relationship, this would not be atypical of the street and wider area. It would replicate the layout and separation distances of Avebury, Holly Cottage and Tudor Cottage.
- 55 The impact of the development is, nonetheless, assessed below.
- 56 Focussing first on Avebury, a review of the planning history (applications 05/00084/FUL and 06/00852/FUL) shows the side elevation facing the application site comprises windows serving a kitchen and living room at ground floor and bedrooms 2 & 4 at first floor, in addition to a bathroom. This arrangement has been confirmed through a site visit.
- 57 Starting with the ground floor, a kitchen is not a primary habitable living space as per the definition in the Residential Extensions SPD. Therefore, a modest loss of light would not result in an unacceptable loss of amenity. This room is already subject to limited light due to its proximity to the boundary hedge, the proposed development would not exacerbate the existing levels of daylight light to an unacceptable degree compared to the current arrangement.
- 58 The living room is dual aspect and so would also not see an unacceptable loss of light as it is served by windows other than that facing the new development. The living room is also be situated in line with the single storey element of the proposed dwelling, thus there would not be a materially greater impact than the existing boundary hedging. The living room of Avebury is also situated further from the boundary and would be less susceptible to a loss of light.
- 59 Moving to the first floor, loss of light to the bathroom is not contrary to policy as it is not a primary habitable space. As for Bedroom 3 at the rear, this benefits from a secondary window at the rear and would continue to maintain acceptable levels of

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light. Similarly, Bedroom 4 to the front (used as an office) also benefits from a front window, negating/mitigating the loss of light.

- 60 With regard to outlook, it is noted that the proposed dwelling would reduce the separation distance to other built development Avebury currently benefits from on its northwestern side. However, the separation distance of 2.77m at the narrowest point is not atypical of separation distances between properties in the vicinity. For example, the separation distances between Avebury, Holly Cottage and Tudor Cottage range from 2.5m to 3m. The development accords with the guidance within the Residential Extensions SPD and the National Model Design Code and would not result in adverse living conditions through a significant reduction in outlook, noting the availability of other windows serving affected rooms.
- 61 Turning to the impact upon Dunollie, the facing windows at ground floor level serve a bathroom/toilet and open plan living area (within the single storey element of the building). Bathrooms and toilets are not primary living spaces, and the living area has ample light and outlook through numerous other windows. As for the first-floor side windows, these serve bedrooms. However, they are small secondary/additional windows with the main sources of light & outlook through the front and rear windows. For the same reasons as Avebury, the proposed development would preserve amenity for the current and future residents of Dunollie.
- 62 In terms of privacy impacts, the small upper floor side facing windows of the proposed dwelling would serve bathrooms. In this respect, it would be reasonable to include a condition that requires that these windows are obscure glazed. In terms of the front and rear facing windows, these would create a normal relationship with adjoining properties and would not be considered to have an unacceptable impact on privacy.
- 63 The proposed development is considered to accord with Policy EN2 of the Allocations and Development Management Plan.

Highway safety and parking

- 64 Policy EN1 of the Allocations and Development Management Plan states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 65 The application site benefits from an existing access off Church Road, with entrance gates sufficiently setback from the road to allow for good visibility. As for parking, the driveway is sufficiently large enough for at least 2 vehicles in accordance with policy T2 of the Allocations and Development Management Plan.
- 66 An electric vehicle charging point would be provided to the front of the house, in accordance with Policy T3 of the Allocations and Development Management Plan, which can be secured by condition.
- 67 The development would accord with Policy in this regard.

Other issues

- 68 A case of very special circumstances is not required as the development is considered appropriate in the Green Belt under the terms of the NPPF.

- 69 Concerns have been raised regarding the construction works in close proximity to the neighbouring dwelling. This is typical of development within an existing residential area and, as advised by the Environmental Protection Officer, should be managed through a Construction Environmental Management Plan which can be secured by condition.
- 70 In terms of biodiversity, opportunities for biodiversity enhancement can be secured through an appropriate landscape condition.

Community Infrastructure Levy (CIL)

- 71 The development is CIL Liable, and a liability notice will be issued separately.

Conclusion

- 72 The proposal would comprise limited infill development, which is considered appropriate development in the Green Belt under the terms of the National Planning Policy Framework and in line with the Development in the Green Belt SPD. The development would preserve the character of the area and the setting of the Conservation Area. Further, I have found that there would be no unacceptable loss of amenity for the neighbouring residents. The development would accord with the Development Plan and the NPPF.
- 73 The development would deliver one additional dwelling and, as I have found that the development would accord with the NPPF's policy for protection of the Green Belt, the presumption in favour of granting planning permission must apply, as set out within paragraph 11(d) of the NPPF. As I have not found any adverse harms that would significantly and demonstrably outweigh the benefits of the delivery of the dwelling, the NPPF states that planning permission should be approved.
- 74 It is therefore recommended that this application is granted.

Background papers

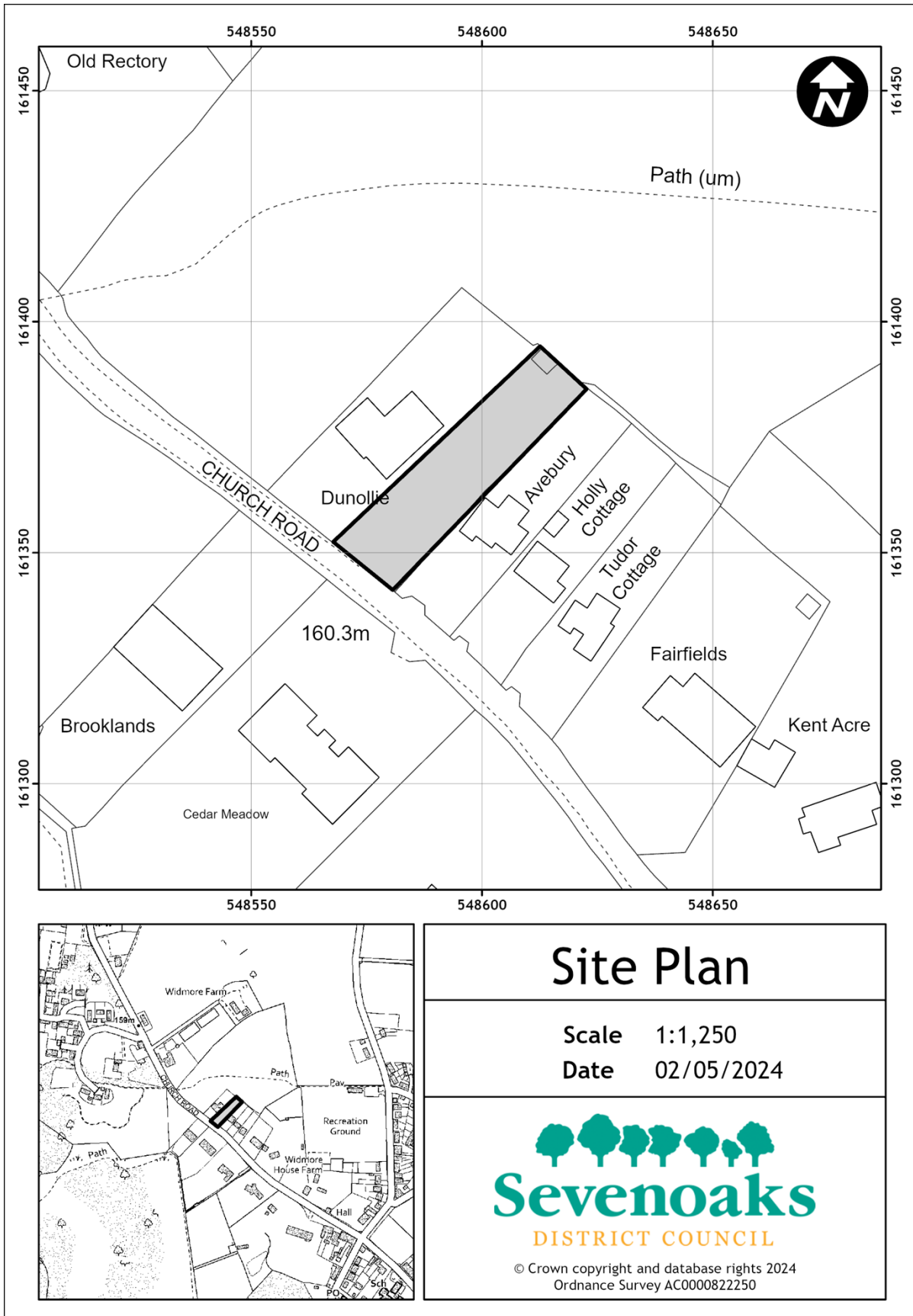
- 75 Site and block plan

Contact Officer(s): Ashley Bidwell 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)





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4.2 - 24/00781/CONVAR Revised expiry date 21 June 2024

Proposal: Variation of condition 3 of 22/01084/HOUSE for 'Rear extension and removal of front porch. Replacement of existing outbuilding with a new outbuilding' with amendment to substitute plans for amended plans for lowering height & parapet wall.

Location: 3 Abbotswood Bungalows, London Road, West Kingsdown
Sevenoaks Kent TN15 6AR

Ward(s): Fawkham & West Kingsdown

Item for decision

This application has been called to Committee by Councillor Bulford for the following reasons: i) Impact on neighbouring amenities; ii) Impact on the character of the area through bulk and form; and (iii) Visual intrusion for the neighbouring property.

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

1) The alterations to planning permission 22/01084/HOUSE hereby permitted shall be completed before the expiration of three months from the date of this permission.

To ensure that the development on site would be in accordance with both local and national policies as the in-situ development is unauthorised.

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

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: PA1; PA2 Rev D; PA3 Rev D; PA5 Rev D; Application Form.

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

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting those orders), no development falling within Classes A, AA, B, C, D 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 Green Belt in accordance with Policy GB1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

National Planning Policy Framework

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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 of an end of terrace bungalow located directly on London Road. The site has a modest sized rear garden which wraps around the rear garden of the directly adjacent property, no.2 Abbotswood Bungalows. The dwelling itself is of modest scale and has a single storey.

Description of proposal

- 2 This application seeks a variation of Condition 3 of planning permission 22/01084/HOUSE which was granted in June 2022 for a rear extension, removal of front porch and a replacement outbuilding. The principle of the rear extension is therefore established.
- 3 The applicant submission explains that, during the course of the build, drainage concerns were raised which meant that the extension as approved by planning permission 22/01084/HOUSE could not be built.
- 4 The proposed variation of condition therefore seeks an amendment to the approved drawings for the rear extension, namely a change to the design of the roof of the rear extension from a crown roof to a flat roof with an overall decrease in height. The plans indicate that the extension would be built with a hidden gutter, draining to a soakaway in the rear garden. The length and width (footprint) of the extension would remain as approved.
- 5 The original outbuilding has been demolished and the extant permission allows for replacement by a smaller outbuilding. The principle of acceptability of the replacement outbuilding was established under the previously granted planning application 22/01084/HOUSE.

Relevant planning history

- 20/03409/LDCEX Confirmation that the existing outbuilding garden store/shed is lawful for the use ancillary to the main house REFUSE 22/01/2021
- 21/00543/LDCEX Existing outbuilding in rear garden as shed / store in connection with 3 Abbotswood Bungalows. GRANT 27/04/2021
- 22/00015/HOUSE The erection of 5m rear extension and removal of front porch. Replacement of existing outbuilding with a new smaller outbuilding. REFUSE 07/03/2022
- 22/01084/HOUSE Rear extension and removal of front porch. Replacement of existing outbuilding with a new outbuilding. GRANT 01/06/2022
- 23/02605/MMA Amendment to 22/01084/HOUSE. REFUSE 01/11/2023

- 23/03622/MMA Amendment to 23/02605/MMA related to 22/01084/HOUSE for Rear extension and removal of front porch. Replacement of existing outbuilding with a new outbuilding. REFUSE 13/03/2024
- 6 As noted above, planning permission (reference 22/01084/HOUSE) was granted on 1 June 2022 for the erection of a rear extension, removal of the front porch and the replacement of the existing rear outbuilding.
- 7 The development was not constructed in accordance with the approved plans and a minor material amendment (23/02605/MMA) was submitted which sought planning permission for the development as built. As constructed, the flank wall abutting the boundary with no.2 Abbotswood Cottage had been increased in height by 0.6 metres (60 centimetres), to 3.4m in height.
- 8 This application to retain the extension as built was refused for the following reason:
- “The proposed amendments, by virtue of their height increase, the proposals would result in an overbearing and unneighbourly form of development that would have a detrimental impact on residential amenity and living conditions of the neighbouring property. The resulting increase in visual intrusion would be contrary to Policy EN2 of the Allocations and Development Management Plan and the National Planning Policy Framework.”
- 9 A second minor material amendment application (23/03622/MMA) was then submitted. This proposed to slightly reduce the height of the flank wall abutting the boundary with no. 2.
- 10 The application was refused by the Development Management Committee. The reasons for refusal were:
- By virtue of their height increase, the development results in an overbearing and unneighbourly form of development that would have a detrimental impact on residential amenity and living conditions of the neighbouring property. The resulting increase in visual intrusion would be contrary to Policy EN2 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.
 - The development would, by virtue of their proportions, design, and scale, appear out of keeping with the character of the area and the adjoining bungalow. This would be contrary to Policy EN1 of the Sevenoaks Allocations and Development Management Plan.
- 11 The current application proposes further amendment, which is explained in more detail below.

Policies

- 12 National Planning Policy Framework (NPPF)
- 13 Core Strategy (CS)
- SP1 Design of New Development and Conservation

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14 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- GB1 Residential Extensions in the Green Belt
- T2 Vehicle Parking

Constraints

15 The following constraints apply:

- Metropolitan Green Belt

Consultations

16 Parish Council

“Parish Council objects to this application due to the loss of the amenity to the neighbours in their small garden”

Representations

17 4 letters of objection have been received relating to the following issues:

- Separation of raised patio and extension under application
- Loss of light
- Floor levels inaccurate
- Out of keeping with the character of the area
- Plans do not match built form on site and are incorrect in terms of measurements
- Guttering and impact of rainwater discharge on neighbouring property

Chief Planning Officer's appraisal

18 The application has been called to Committee for reasons relating to the loss of residential amenities; impact of proposals bulk and form; and visual intrusion for neighbouring properties.

19 This application is for a variation of condition. An application to 'vary' a condition of planning permission (as referred to in the Government's Planning Practice Guidance) is made under Section 73 of the Town and Country Planning Act 1990 (as amended) (the 'TCPA') and can be a way of varying a condition that lists the approved drawings, in order to make amendments to the approved development. Under such a variation of condition, the TCPA requires that the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted; the proposed amendments may not alter the description of the development approved.

20 The main planning considerations are:

- Design and impact on the character of the area (Policy EN1)
- Impact on neighbouring amenities (Policy EN2)
- Impact on the Green Belt (Policy GB1)

Design and impact on the character of the area

- 21 The relevant policies relating to design and the character of the area are EN1 of the ADMP, SP1 of the Core Strategy and The Residential Extensions SPD is also applicable.
- 22 As noted, the principle of a rear extension in this position has been established by the 2022 planning permission. As with that approved, the proposed amended rear extension would be marginally visible in the street scene as a result of its projection beyond the side wall of the existing dwelling. However, the proposed extension would be single storey with a lower eaves height than the approved scheme. It would be set back a considerable distance from the front elevation of the dwelling and the highway. Therefore, the extension would not appear unduly dominant or visually intrusive in the street scene.
- 23 The amendments would result in the roof of the extension being reduced in height from 3.3 metres (ridge level to pitched roof as approved) to the proposed flat roof height of 3.1m, sloping down to 2.98 on the boundary with no.2. Changing the design to a flat roof would slightly reduce the overall visual bulk and massing of the extension.
- 24 The proposed amendments would remain subservient to the existing bungalow and would appear proportionate. The overall scale and massing of the proposals would be lesser than that of the approved extension. The additional impact on the character of the dwelling would thus be considered to be limited.
- 25 The proposals would not result in any material change to the character of the area beyond what was considered under planning permission 22/01084/HOUSE and, overall, would reduce the scale of the built form on site. The proposed amendments would thus be considered to comply with Policy EN1 of the Allocations and Development Management Plan.

Impact on Neighbouring Amenities

- 26 Policy EN2 of the ADMP and our Residential Extensions SPD are relevant in the consideration of this application. Policy EN2 states that “proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in, and is not located in areas where occupiers of the development would be subject to, excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.”
- 27 The proposed development as amended would not include any side windows offering views of neighbouring properties. The existing north-west facing side window which overlooks the area of private amenity of no.2 would be removed. Overall, the proposed amendment would not result in any increased harm to privacy of the neighbouring dwellings.
- 28 As approved the height of the flank wall abutting no. 2 Abbotswood Bungalows was approximately 2.9m high. As built, this was raised by inclusion of a parapet wall approximately 0.6m. It is now proposed to amend the roof design to a flat roof and incorporate a reduction in the height of the flank wall so that it would be no higher than the approved scheme.

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- 29 It has been acknowledged that what has been built on site is not considered acceptable in terms of local policy EN2 of the Allocations and Development Management Plan. This application seeks to amend what has been built and would need to be implemented in accordance with the submitted plans. A condition is proposed to ensure this would be implemented within a limited time-period as per Condition 1.
- 30 The main consideration is whether the proposed have any greater impact on the neighbouring property than the granted planning permission.
- 31 The rear extension would fail the 45 degree test on its floor plan but would pass the test on its elevation in relation to the rear windows of the adjoining property, 2 Abbotswood Bungalows. In line with BRE guidance, the proposal would pass the test overall and would not result in a loss of light that would be considered harmful to the living conditions of current and future occupiers of the neighbouring property.
- 32 It is also noted that the nearest window of 2 Abbotswood Bungalows does not serve a habitable room (toilet). The 45 degree light test is shown clearly on the submitted plans and the window serving the habitable bedroom of no.2 would not be impacted. There would thus be no loss of light as a result of the proposed amendment.
- 33 As mentioned previously, the maximum height of the roof would be lowered as a result of the proposals, and the height on the wall on the boundary with no.3 Abbotswood would be significantly reduced from its current height. I consider the overall scale, bulk and massing would have no greater impact on the amenities of neighbouring occupiers than the extant permission.
- 34 It is acknowledged that the proposed rear extension would be a large addition and that there would be oblique views of the extension from the rear windows of the immediate neighbouring properties, 2 Abbotswood Bungalows and Aitches, as well as their rear gardens. This position was accepted under the approved 2022 planning permission. On the basis that these neighbouring properties would not directly overlook the extension as their rear windows face towards their own gardens, I do not consider that the development would be unduly harmful to the living conditions of the occupiers of these properties.
- 35 It is also important to note here that, as set out in the Residential Extensions SPD, the planning process cannot protect a view from a private property. The massing of the roof would be reduced overall as compared to the granted planning permission. The proposals submitted as part of this application would result in a lesser degree of visual intrusion than the approved planning permission 22/01084/HOUSE due to the change in roof form. The flat roof would appear less visually intrusive and, overall, the degree of visual intrusion would be decreased as a result of the proposed amendment.
- 36 In terms of impact of light on the neighbouring garden, the Right to Light Act is not a material planning consideration. It is separate private and civil matter between neighbouring properties.
- 37 The planning application has been assessed against the Sevenoaks Residential Extensions SPD and will not result in a significant loss of background daylight under the 45-degree test, as it passes on elevation. The proposal lies to the southeast of the neighbouring property, and potentially will affect sun light to the garden area during the early to mid-morning hours. The highest point of the new roof has been decreased compared to the approved scheme. The proposal will result in a lesser

impact on sunlight to the garden area of no.2 compared to the approved plans due to the lower overall height of the roof. The proposals under this application would result in increased sunlight access compared to the granted planning permission.

- 38 Overall, the impact of the proposed amendments would not be no greater than the approved scheme. The light test was conducted and was passed, noting that the window which would be modestly impacted is an obscured toilet/bathroom window.
- 39 In light of the above, it is considered that the proposals would comply with Policy EN2 of the Allocations and Development Management Plan and the Residential Extensions SPD.

Impact on the Green Belt

- 40 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.”
- 41 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.
- 42 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.
- 43 Openness is an essential characteristic of the Green Belt and both spatial and visual impacts on openness should be considered. 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.
- 44 The proposals would not result in any increase in footprint of the extension as approved under application 22/01084/HOUSE. The extension would be contained to the rear of the dwelling and would sit amongst an existing row of residential buildings rather than being situated in an isolated location or the open countryside. As such, it is considered that the scale and size of the extension would not appear to encroach on the open nature of the countryside beyond nor result in unrestricted sprawl in the Green Belt. The overall sense of openness within the wider area and the surrounding countryside, would be preserved.
- 45 The total floor space would exceed the 50% uplift limit, however, it has been determined that there are very special circumstances that would clearly outweigh any harm, as the size of the extension could be justified by the removal of the existing large outbuilding and the erection of a new outbuilding of a smaller size. The following section summarises the case for very special circumstances as set out in relation to the granted planning permission 22/01084/HOUSE.
- 46 “The floor space of the existing dwelling is 89.94sqm and the floor space of the existing outbuilding is 64.8sqm. The total floor space on site pre-development was 154.74sqm.

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- 47 By comparison, the floor space of the dwelling, following the proposed extension would be 125.48sqm, and the floor space of the smaller outbuilding would be 28sqm. The total floor space on site as a result of the proposed development would be 153.48sqm. Therefore, there would be an overall reduction in floor space on site by 1.26 sqm.
- 48 Potentially of greater significance than the slight reduction in built footprint on the site, is the proposed significant reduction in the scale of the outbuilding. The reduction in scale would not only reduce the prominence of the outbuilding but would also reduce the apparent spread of built development across the site. For these reasons, the proposals represent an opportunity to reduce the scale and spread of built development on the site, which would clearly outweigh the harm from the proposed addition to the principal dwelling.”
- 49 As the proposed amendments would not result in any additional footprint or floor space and the alterations to the roof form would reduce its overall bulk, the case for very special circumstances remains as determined.
- 50 As before, in order to control future development on the site and protect the openness of the Green Belt, it is considered necessary to include a condition that removes permitted development rights for extensions and outbuildings.

Other issues

Human Rights Implications

- 51 In considering this application, SDC must consider its obligations under the European Convention on Human Rights (ECHR) is engaged. Article 8(1) provides that everyone has the right to respect for his private and family life, his home and his correspondence.
- 52 I note that this is a qualified right, as Article 8(2) allows interference by a public authority with the right to respect where the interference accords with the law and is necessary in a democratic society for the wider public interest, including for the protection of rights and freedoms of others.
- 53 It is evident, nonetheless, that the refusal of the current planning permission would represent an interference with the rights of the applicant under Article 8 of the Human Rights, leaving the family unable to complete their build and with accommodation that is not suitable for family life in the long term, also leaving them and their neighbours in the midst of a construction site. Given the findings above, the circumstances of the family add further weight in favour of approving the proposed development.

Inaccurate plans and not in accordance with built form

- 54 It is acknowledged that the application is retrospective, as development has been carried out on site and does not therefore match the approved plans and drawings. This minor material amendment application would seek to amend the approved plans which would also result in the built form on site to be altered to match the submitted plans under this current application.
- 55 The measurements and details of the elevations would need to match that of the plans as a condition would be added to ensure that all future development would be in accordance with the submitted details. From the previous site visit carried out by

two officers of this Council, measurements were taken that suggested the measurements included on the submitted plans are consistent with the submitted details. Should it be found that the development is not constructed in accordance with the attached condition, enforcement action may be taken.

Raised Patio

- 56 Concerns have been raised in regard to the raised platform which has been erected on site and does not have planning permission. It is noted that, as the raised platform would not fall within the description of development approved by virtue of planning permission 22/01084/HOUSE, it cannot be considered under section 73 of the Town and Country Planning Act 1990. It would need to be subject to a planning application in its own right. This is a position SDC officers are aware of and the submission confirms it is the intention of the applicant to make a separate submission in this regard. The raised patio does not constitute a planning consideration for the proposals submitted as part of this application.

Guttering and rainwater

- 57 It is noted that rainwater disposal and guttering do not fall within planning legislation and are a matter for building control. The submitted plans, however, show the provision of a hidden gutter with the run-off being located in a soakaway within the garden of no.3.

Community Infrastructure Levy (CIL)

- 58 The application not liable for the payment of CIL.

Conclusion

- 59 The proposed amendments would not alter the nature of the development and would comply with the relevant local and national Policies.
- 60 It is therefore recommended that this application is approved.

Background papers

- 61 Site and block plan

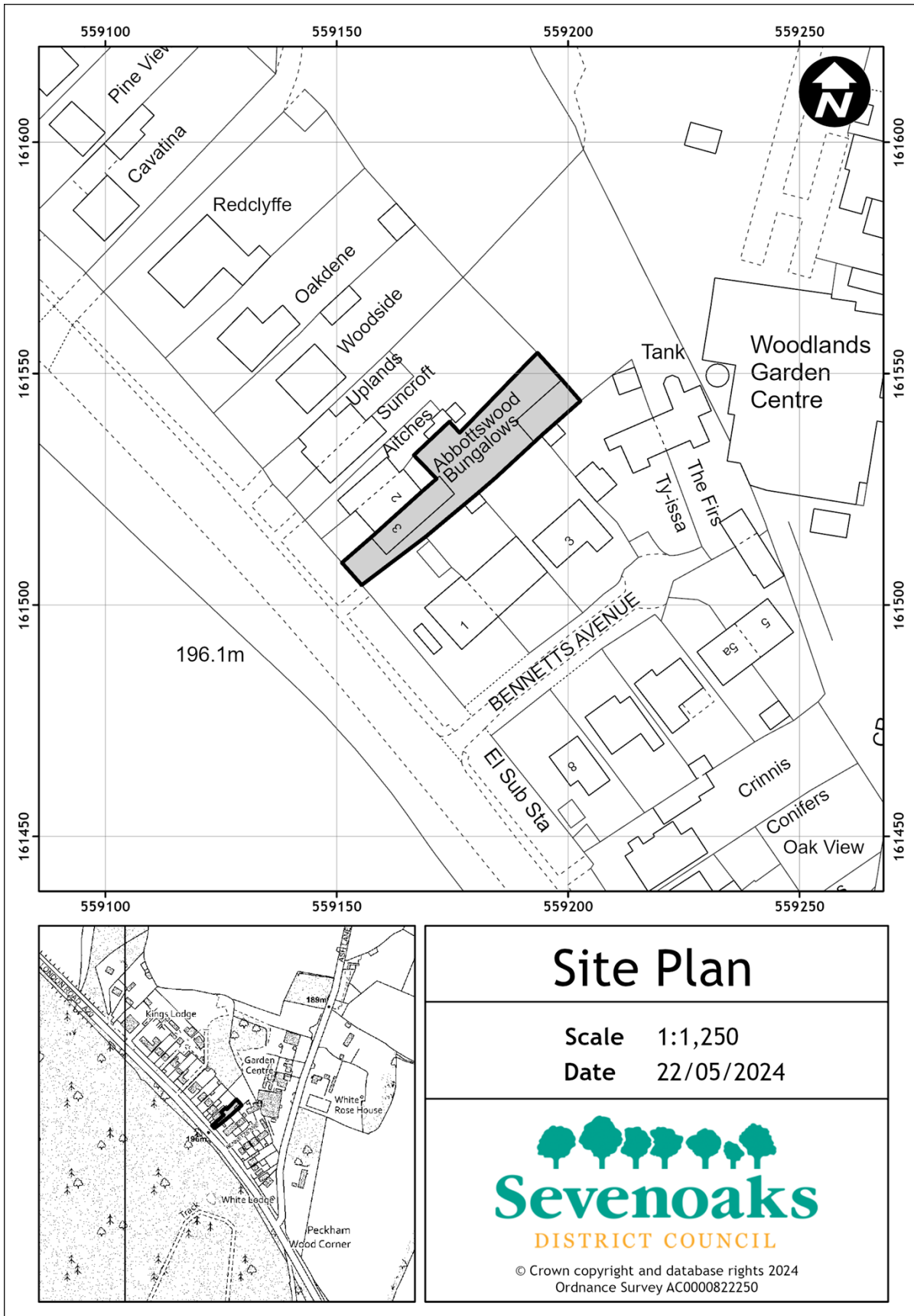
Contact Officer(s):

Eliot Froment 01732 227000

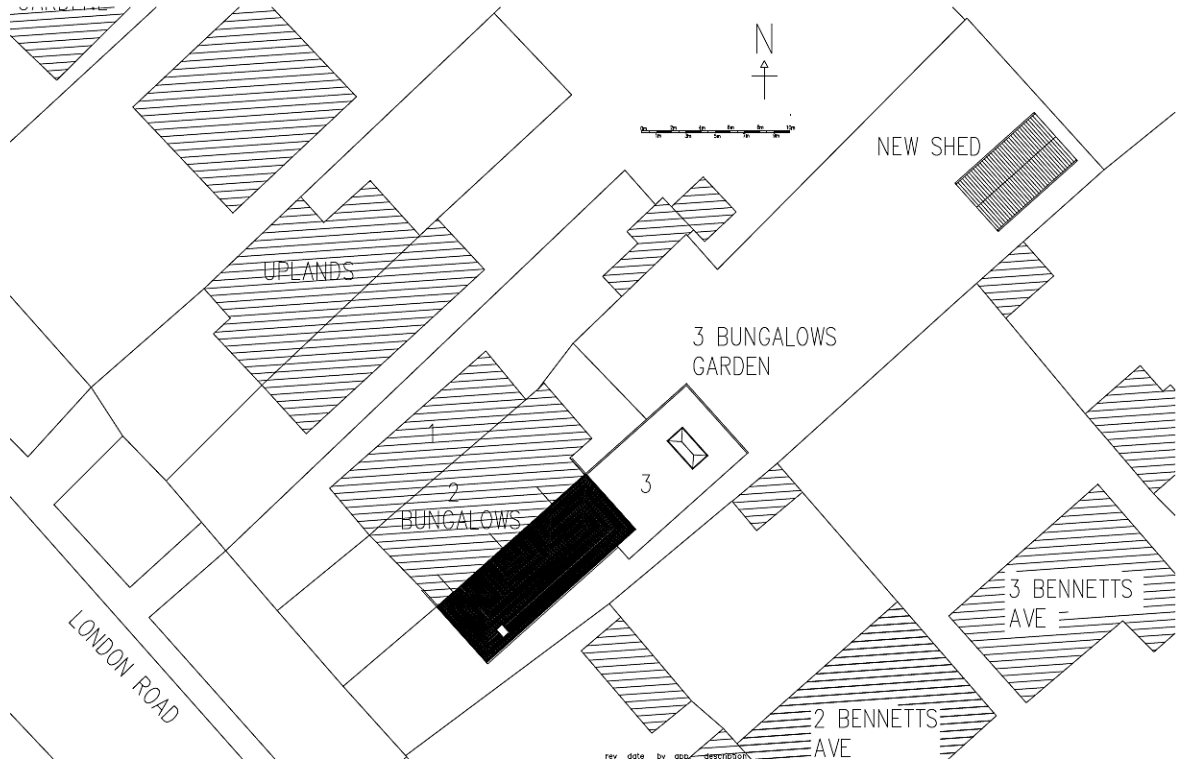
Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



PROPOSED BLOCK PLAN



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Planning Application Information on Public Access – for applications going to

DM Committee on Thursday 20 June 2024

4.1 – 24/00525/FUL - Dunollie, Church Road, Halstead, Kent TN14 7HG

[Link to application details:](#)

[Link to associated documents:](#)

4.2 – 24/00781/CONVAR – 3 Abbotswood Bungalows, London Road, West Kingsdown, Sevenoaks, Kent TN15 6AR

[Link to application details:](#)

[Link to associated documents:](#)

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