

4.1 – SE/12/02799/FUL Date expired 15 May 2013

PROPOSAL: Demolition of existing dwelling and associated development (retrospective), and erection of replacement 1 x 2 storey detached dwelling with parking facilities. As amended by plans received 27.06.13 and information received 28.06.13.

LOCATION: Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH

WARD(S): Sevenoaks Eastern

### ITEM FOR DECISION

This application has been referred to the Development Control Committee at the request of Councillor Purves who has concerns that the proposal could potentially represent overdevelopment of the plot, have a detrimental impact upon neighbouring amenity and have a detrimental impact on the character of the 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) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

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 District Local Plan.

3) Notwithstanding the details submitted no development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details should focus in particular on the frontage of the site and both side boundaries, and shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

4) Soft landscape works shall be carried out before first occupation of the dwelling. The landscape works shall be carried out in accordance with the approved details.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

5) If within a period of five years from the completion of the development, any of the

trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

6) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

7) The first floor windows in the northern and southern flank elevations of the dwelling shall be obscure glazed and non openable, apart from any top hung lights, at all times.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) No extension or external alterations shall be carried out to the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

9) No building, enclosure or swimming pool, other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

10) Notwithstanding the information submitted, no development shall take place until details of the proposed slab level of the approved house and any changes in levels on the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

11) No development shall be carried out on the land until details relating to an intrusive investigation of the garden area to the rear of the property carried out by a suitably qualified environmental specialist has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with any recommended remediation that should be undertaken prior to the occupation of the dwelling.

To avoid pollution as supported by The National Planning Policy Framework.

12) No development shall commence on site until a Construction Phase Management Plan has been submitted to and agreed by the Local Planning Authority. The Plan shall show the location of any site office, contractors' parking and compound for storage, together with proposals for the delivery of goods and removal of surplus, control of large

goods vehicle movements and the protection of property and highway, and the cleaning of the wheels of vehicles leaving the site.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks District Local Plan.

13) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority. Achievement of Code level 3 must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

In the interests of environmental sustainability and reducing the risk of climate change as supported in the National Planning Policy Framework and policy SP2 of the Sevenoaks District Core Strategy.

14) The development hereby permitted shall be carried out in accordance with the following approved plans: SEALC/6, SEALC/7, SEALC/8, SEALC/R/10B (not including the garage), SEALC/R/11A (not including the garage), SEALC/R/12B, SEALC/13A, and 6317se-03 Revision.

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

**In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:**

Sevenoaks District Local Plan - Policies EN1 and VP1

Sevenoaks District Core Strategy 2011 - Policies LO1, LO2, SP1, SP2, SP5 and SP7

**The following is a summary of the main reasons for the decision:**

The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.

Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by way of the conditions imposed.

Informatives

1) The applicant should be aware that it may be necessary for the entrance of the new dwelling to have a ramp installed up to it to comply with Building Regulations. If this is the case the applicant is encouraged to contact the planning department at the Council to check whether planning permission is required for the ramp.

#### Description of Proposal

1 The application seeks the approval of the erection of a two storey detached dwelling after the existing bungalow was previously demolished. The bungalow

was demolished after permission was granted to replace the building with a two storey detached dwelling, application number SE/12/00307/FUL. To date these works are unauthorised since work commenced on site prior to several pre-commencement conditions being discharged. Currently the site possesses a slab on which the applicant intended to erect the house on. This slab level has been laid in accordance with the levels indicated on the plans submitted.

- 2 On commencement of work it became obvious that an error had occurred in the site survey previously taken, which meant that the house could not be built out in the position approved. Hence, the submission of this planning application to rectify the situation by correctly surveying the site and correctly showing the siting of the proposed house. The result of this is that the width of the site has now been measured at about 0.5m less than was previously shown and the length of the site is about 2m shorter.
- 3 The proposed house would be sited in a similar position to that of the original bungalow but would be re-orientated to face more in the direction of the plot frontage, whereas the bungalow faced a more south-easterly direction. The dwelling would be set about 14m back from the back edge of the highway.
- 4 The proposed house would be mainly rectangular in shape, with single storey and two storey projections to the front and rear of the dwelling. The property would have a pitched roof, hipped to the flanks, rising up to a flat roof section. The front projections would have gable ends, as would a small dormer feature to the centre of the building at first floor level.
- 5 The dwelling would have an overall height of 7.55m, a maximum width of about 14.5m and a maximum depth of about 16.5m.
- 6 The application proposes to use the existing access onto the site, which also serves Salterns, Dawning House and Summerhill to the north and west of the application site.
- 7 As referred to above, the application follows the grant of planning permission for a replacement dwelling approved at the Development Control Committee in June 2012. This application has been amended from the previous scheme in that the width of the footprint of the house has been reduced by 0.5m and the first floor of the house has been brought in by 0.65m along the southern side of the building. The revised survey of the site has also resulted in the southern flank of the proposed house moving 0.1m closer to the boundary shared with Thornwood. Otherwise the scheme remains similar to that previously approved.

#### Description of Site

- 8 The site is currently vacant after the detached bungalow that previously stood on the site was demolished following the grant of planning permission for a replacement two storey detached dwelling, application number SE/12/00307/FUL. The site is located just to the north of the junction with Blackhall Lane and is one of a row of sites which faces those which define the edge of the Wildernesse Estate.
- 9 The site is similar in size and shape to that of Thornwood, the adjacent plot to the south, and other properties along Hillborough Avenue and Seal Hollow Road to the south. The majority of properties to the north of the site are accessed from

Wilderness Mount and front onto this street scene context rather than Seal Hollow Road. There is generally a mature and established tree and vegetation screen to Seal Hollow Road and the land generally rises up beyond this to meet Wilderness Mount. Opposite these houses are much larger properties defining the western edge of the Wilderness Estate. These properties are generally more open to views from the street due to the frontage of some plots comprising of well maintained hedgerows.

- 10 There is a shared driveway access which runs between the application site and Dawning House, which also serves Salterns and Summerhill to the rear. Hillborough Avenue further to the south serves a range of properties to the west of the application site which visually step up the rising topography. The network of roadways of Hillborough Avenue, Wilderness Mount and Seal Hollow Road provide a varying character of plot shapes, sizes and orientation surrounding Sealcot. There is variety in the size of property from single storey and split level properties at Thornwood, to more imposing three storey traditional properties of Hill House and Salterns.
- 11 Thornwood is predominantly a single storey property, which has a two storey central section. The property has a mono-pitch roof to the two storey element of the building with a height of about 6m and is sited approximately 2m from the shared boundary. To the north of Sealcot is Dawning House, which is currently a large two storey detached property and is divided from the application site by the shared access track and approximately 38m separation to the boundary of the application site. To the west of the plot is Salterns, a large three storey semi-detached dwelling, which shares a boundary with the site mainly treated with mature screening of trees.
- 12 The levels of the area are such that both Sealcot and Thornwood are slightly higher than the highway to the front, Sealcot is set slightly higher than Thornwood, and both Salterns and Dawning House are on higher levels than Sealcot.

#### Constraints

- 13 The site lies within the built urban confines of Sevenoaks.

#### Policies

##### *Sevenoaks District Core Strategy*

- 14 Policies – L01, L02, SP1, SP2, SP5 and SP7

##### *Sevenoaks District Local Plan*

- 15 Policies – EN1 and VP1

##### *Other*

- 16 The National Planning Policy Framework (NPPF) – paragraphs 14, 17, 53, 56, 118 and 120
- 17 Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD)
- 18 Residential Extensions Supplementary Planning Document (SPD)

## Planning History

- 19 SE/13/00787 The erection of a new detached single car garage. Pending consideration (see following item on agenda)
- SE/12/00308 Erection of a new detached single car garage. Granted 18.04.12
- SE/12/00307 Demolition of existing dwelling and associated development, and erection of replacement 1 x 2 storey detached dwelling with parking facilities and associated works. Granted 02.07.12
- SE/11/00776 Demolition of existing dwelling and associated development, erection of replacement 1- 2 storey detached dwelling, with garaging and parking facilities; associated works. Granted 01.07.11

## Consultations

- 20 The application was initially submitted as a variation of condition application, seeking minor-material amendments to the approved scheme, SE/12/00307/FUL. Following legal advice, stating that this was not a route the applicant could follow in this instance, the application was converted to a full planning application. A consultation period therefore took place when the initial variation of condition application was submitted and a second period occurred when the application became a full planning application. Responses have therefore received prior to and during the submission of the current full planning application.

### *Sevenoaks Town Council – 16.11.12*

- 21 'In view of the errors in the earlier application 12/00307, which were not identified in earlier planning officers' reports, and of the miscalculations in initial work on the site, which had to be halted by building control, the Town Council did not consider that a variation of condition to allow the proposed house to be built without regard to condition 13 (construction in accordance with granted permission) is appropriate.

Instead a fresh permission should be sought which conforms to the limits of the site and the character of the area.

In its original comments on SE/12/00307 the Town Council noted the dominating effect that the dwelling would have on Thornwood, and its excessive size in relation to the granted 2011 permission. The failure to check dimensions in determining the early 2012 application suggests that the impact was not properly assessed, and so a fresh application would be the best way of giving neighbours a fair way of commenting on a confusing succession of plans. The sketches provided with this new application fail to show clearly either the proximity of the new house to the access road to Salterns, or the impact on the dining room windows, or on the garden, of Thornwood.

The Town Council therefore recommended refusal.

- 22 Further comments – 21.03.13

'This application is in essence similar to that seen by Sevenoaks Town Council in October 2012, attempting to vary a condition for a two storey house for which the

original application was inaccurately specified. Sevenoaks repeats its recommendation made on that application:

“In view of the errors in the earlier application 12/00307 which were not identified in the planning officer's reports on of miscalculations in initial work on the site, which had to be halted by building control, the Town Council does not consider that a variation of conditions to allow the house to be built without regard to condition 13 (construction in accordance with granted permission) is appropriate.

Instead a fresh permission should be sought which conforms to the limits of the site and the character of the area.

In its original comments on SE/12/00307 the Town Council noted the dominating effect that the dwelling would have on Thornwood and its excessive size in relation to the granted 2011 permission. The failure to check dimensions in determining the early 2012 application suggests that the impact was not properly assessed. So a fresh application would be the best way of giving neighbours a fair way of commenting on a confusing succession of plans. The sketches provided with this new application fail to show clearly either the proximity of the new house to the access road to Salterns, or the impact on the dining room windows, or the garden, of Thornwood.”

In addition, it has become clear that as well as miscalculating the size of the plot of Sealcot, application SE/12/00307 also did not accurately show the height of the new dwelling relative to Thornwood. The sketch elevation with that application shows the floor levels of Thornwood and the new dwelling to be the same, but the work already done on foundations at Sealcot shows the slab level to be about two thirds of a metre above that of Thornwood. To avoid overlooking of Thornwood's garden, and loss of light to windows, it would be necessary for the slab level for the new two storey building to be no higher than that of Thornwood. Impact on the street scene, and the Wildernessee estate, of the house at the height indicated by its foundations would also be contrary to the neighbourhood character assessment for that area.

The Town Council therefore recommends refusal.’

23 Further comments – 08.04.13

‘Sevenoaks Town Council recommended approval subject to the Planning Officer considering the details of site levels and being convinced there will be no adverse effect upon the residential amenity of Thornwood, and subject to all of the conditions included in the original grant of permission (12/00307)

Informative: Sevenoaks Town Councils strongly regrets the apparent inconsistent, inaccurate, and incomplete information supplied by Sevenoaks District Council on this application. Which presented STC with difficulty in reaching an informed decision on the application.’

*Highways Engineer – 16.11.12*

24 ‘I write to confirm that there are no additional highway implications and I have no objection to this variation.’

25 Further comments – 20.03.13

‘I confirm that I have no objection to this variation essentially comprising modifications/a reduction to the proportions of the dwelling proposed. I would ask however that the applicant is made aware of the latest drawing 4482-PD-010 Revision A pertaining to the development opposite, so that land survey data can be checked to be consistent. Whilst on inspection it appears that the same land survey has been made available for both developments, it is important that the agreed bell mouth and access width of at least 4.1m in this area is achieved.’

*Environmental Health Officer – 07.11.12*

26 ‘Providing that condition 11 (land contamination) is unchanged I have no adverse comments or observations.’

Representations

27 Twelve letters of representation were received as part of the process of consultation on the initial minor-material amendment application. One letter of support was submitted along with eleven letters of objection. Within the letters of objection, seven letters were received from the same three neighbouring properties. These include four representations from the owners of Thornwood, the neighbouring property to the south of the site. The concerns raised by the remaining letters of objection are listed below:

- Proximity of house to northern boundary;
- The laying of foundations;
- Construction of the house impacting land outside of the ownership of the applicant;
- Neighbouring amenity;
- Distance of separation from neighbouring properties;
- Overdevelopment of the plot;
- Consideration of the garage application;
- Loss of trees;
- Impact on the character of the area;
- Request for any consent to be conditioned to require a construction management plan controlling parking during this time and preventing surface run-off onto the highway;
- Inaccuracies in the submission and the plans;
- Commencement of work prior to the discharge of previous conditions;
- Loss of privacy;
- Loss of light; and
- Highways safety.

28 The concerns raised by the owners of Thornwood in the letters of objection they have submitted are listed below:

- Inaccuracies in the submission and the plans;



- Right to light;
- Commencement of work prior to the discharge of previous conditions;
- Missing information;
- Levels of the area not correctly shown;
- The windows of Thornwood have not been correctly indicated;
- The proposed garage has been omitted;
- Inaccuracies in the roof height comparisons provided;
- Loss of trees along the front and side boundaries;
- Inaccuracies in the previous officer's report to Development Control Committee;
- Loss of privacy;
- Overlooking;
- Loss of light;
- Overall size of the proposed house;
- Overshadowing;
- Overdevelopment of the site;
- Loss of amenity;
- Mud running off the site; and
- Construction traffic needs to be controlled.

29 During the second period of consultation, for the full planning application, fourteen letters of representation have been received. One letter of support has been submitted along with thirteen letters of objection. Within the letters of objection, four representations have been received from the owners of Thornwood. The concerns raised by the remaining letters of objection are listed below:

- Loss of light;
- Overbearing effect;
- Overdevelopment of the plot;
- Loss of trees;
- Highways safety;
- House larger than that approved under SE/11/00776/FUL;
- Impact on neighbouring amenity;
- Provision of an outdoor amenity area;
- Cumulative impacts of proposal and other recent approvals;
- Previous approval for a detached garage;
- Parking provision and highways safety;
- Incorrect to rely on previous consent due to the errors that were included;

- Height of proposed house;
- Overlooking;
- Proximity to the northern boundary;
- Impact on the character of the area and the street scene; and
- Loss of privacy.

30 The further concerns raised by the owners of Thornwood in the letters of objection they have submitted are listed below:

- Validity of the previous consents;
- Accuracy of the topographical survey;
- Loss of trees;
- Overdevelopment of the site;
- Application should be considered on its own merits;
- Loss of privacy;
- Overlooking;
- Loss of light;
- Loss of amenities;
- Impact on the character of the area and the street scene;
- Parking provision;
- Contaminated soil;
- Distance of separation to boundaries and adjoining properties;
- Provision of an outdoor amenity area;
- Difference in levels between Sealcot and Thornwood;
- The proposed planting scheme;
- Previous approval for a detached garage;
- The manner in which the application has been submitted;
- Reduction in the plot size from the approved plans;
- Right to light;
- Inaccuracies in the plans;
- Proposed garage building missing from plans;
- Pre-commencement conditions on previous consents remain outstanding;
- Inaccuracies in the previous officer's report to Development Control Committee; and
- Impact of the proposed garage on the proposed development.

## Group Manager Planning Services Appraisal

- 31 Members should note that what has gone before has no relevance to the consideration of this application and that only the content of this current proposal should be the focus of their assessment.
- 32 The main issues in this case are the principle of the development, the potential impact on the character and appearance of the street scene and the potential impact on neighbouring amenity. Other issues include the potential impact on highways safety, parking provision, the Code for Sustainable Homes, impact on trees, contamination and sustainable development.

### Principal Issues

#### *Principle of the development –*

- 33 The NPPF encourages the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value (para. 17). Policy LO1 of the Core Strategy advises that development will be focused within the built confines of existing settlements, with Sevenoaks being the principal for development in the district.
- 34 In my view the site comprises previously developed land, which is not of high environmental value, and the development would take place within the built confines of Sevenoaks. The scheme therefore complies in this respect with the NPPF and policy LO1 of the Core Strategy.

#### *Impact on the character and appearance of the area –*

- 35 The NPPF also states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56)
- 36 Policy LO2 of the Core Strategy seeks to protect the setting of the urban area and the distinctive character of the local environment. Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. I therefore consider that these policies are broadly consistent with the NPPF.
- 37 The Sevenoaks Residential Character Area Assessment SPD identifies several locally distinctive positive features for the area including individually designed mostly two storey detached houses, set back from the road with gaps between buildings, and hedged and tree boundaries, along with other features. Design guidance within the document states that development should be set back from the road, should retain space between buildings and mature trees and hedged boundaries which contribute to the character of the area should be retained.
- 38 As stated above, the dwelling would have a height of 7.55m, a maximum width of 14.5m and a maximum depth of 16.5m. This height is comparable to some

properties in the locality, with Dawning House having a height of roughly 7m. In addition, work has commenced on the Dawning House site for two dwellings on the plot. These properties would have a height of almost 9m. Thornwood has a maximum ridge height of just under 6m. Ridge heights across the three sites would read well, since they would rise from south to north with the gently rising levels of the plots. The levels indicated for the development would result in a rise in ridge height of just under 2m from the highest part of Thornwood and a further rise of a metre to the current ridge height of Dawning House.

- 39 The proposed siting and layout of the new dwelling would respect the existing pattern of development which fronts Seal Hollow Road, and which generally reflects a ribbon layout of built form. The position of dwellings in relation to the highway varies in this part of the street, but the proposed development would maintain a separation of 14m to the front boundary of the site. The previous bungalow was located a minimum of 10.8m (the integral garage) from the front boundary, with the main part of the building being an average of about 14m from the front boundary. Other examples of distances of separation to front boundaries include about 6m for Thornwood, and about 7m for 109, 111 and 113 Seal Hollow Road to the south of the site, and about 25m for both Dawning House and Cleve to the north.
- 40 The proposed house would also possess a similar overall width and depth to the former bungalow, and would therefore have a similar plot coverage and a similar separation from boundaries of the plot and neighbouring properties. I would acknowledge that the proposed dwelling would be sited closer to the northern side boundary of the plot. However, this is shared with the access drive serving a number of properties in the locality and so a suitable distance between the house and Dawning House to the north would be retained. The two storey element of the proposed house would also retain a minimum gap of 6.2m to Thornwood, which again would be an acceptable distance to the neighbouring property given the character of the area.
- 41 The proposed house would therefore maintain the layout and pattern of development along Seal Hollow Road. As noted earlier there is variety in the pattern of built form around the site resulting from the network of roads to the. Accordingly, I do not concur with comments made by representations received that the replacement dwelling would harm the character and appearance of the area, would be overdevelopment of the site or would impact upon the visual amenities of the area. The area is generally well developed with varying plot sizes, orientation and size of property.
- 42 I would acknowledge that a number of trees have been removed from the site, including those which previously stood on the front and side boundaries of the plot. However, these trees did not benefit from any protection and their removal did not require any consent. Boundaries formed by trees are identified within the Residential Character Area Assessment SPD as contributing to a locally distinctive feature and are referred to within the design guidance for the area. However, the Council could retain control over the suitable replacement of the trees removed to ensure that the character of the area is preserved by way of a condition on any approval of consent.
- 43 In conclusion, I consider that the proposed dwelling would continue to maintain the existing scale, site coverage and density of built form within the surrounding

area and would therefore accord with the requirements of the NPPF, the Core Strategy and the Local Plan.

*Impact on neighbouring amenity –*

- 44 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 45 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 46 Concern has been raised by the Town Council and the occupants of surrounding properties of the impact of the proposed development on their residential amenities, particularly those who live at Thornwood to the south of the site. The issues raised are listed in detail above and include a dominating effect, impact on amenity, loss of privacy, loss of light, right to light, inaccuracies in the plans, overlooking, overshadowing and provision of an amenity area.
- 47 The block plan submitted demonstrates that with the size of house proposed it would be possible to maintain good distances between the proposed house and neighbouring properties. The house directly to the north of the site, Dawning House, would maintain a distance of about 25m to the flank of the proposed house and would be separated by the access drive, which serves Salterns and Summerhill. This distance would be reduced to just under 9m if the new dwellings were built out on the site.
- 48 Given the position of the proposed dwelling, and the distance of separation, the proposed dwelling would not create an overbearing effect, outlook from the existing property on Dawning House and the replacement houses would be preserved and overshadowing and a loss of daylight and sunlight would not occur to a significant level. First floor side facing windows would serve bathrooms or would be secondary windows and so these windows could be required to be obscure glazed to prevent overlooking and a loss of privacy on both neighbouring properties. This could be done by way of condition on any approval of planning permission.
- 49 To the west of the site, Salterns and Hill House, would be situated about 34m from the proposed dwelling. Both neighbouring properties would continue to be situated on a higher level than the proposed property. I believe that the levels, and ultimately the ridge height of the proposed dwelling, are set at such a height to ensure that the potential impact the house would potentially have would be kept to a minimum given the significant distance of separation between the proposed house and the two neighbouring properties to the west.
- 50 It is acknowledged that Thornwood would be the property most affected by the proposed house since the dwelling would stand adjacent to the northern boundary of Thornwood. For this reason officers have visited the property and therefore have the benefit of understanding the potential impacts first-hand. In addition, the errors that were contained within the plans submitted for the previous application, which related to Thornwood, have now been corrected following a survey of the neighbouring property. Windows in the northern side

elevation of Thornwood are now correctly shown and the topographical survey also includes levels measured on the Thornwood side of the shared boundary. Both of these facts allow for a full assessment of the potential impacts that the proposed development represent.

- 51 Thornwood is a split level, part two storey, part single storey property. The majority of the property is situated at a level roughly 0.3m lower than the level proposed for the new dwelling. This would result in a perceived height for the new house of 7.7m when viewed from within Thornwood from the north facing windows along the lower section of the property and the access path along the side of this part of the house. However, this difference in levels is reversed to the rear raised section of Thornwood where this part of the property would be at a level 0.3m above the proposed level of the proposed house. The perceived height of the dwelling from the rear bathroom of Thornwood would therefore be 7.1m. The perceived height from the rear garden area of Thornwood would be reduced again due to the further increase in levels.
- 52 Thornwood has a number of windows along the northern side of the property that face directly onto Sealcot. From the front of the house working backwards these windows include one that serves a utility room, four high level windows that serve an open plan kitchen and dining area, one which serves a separate dining room and one which serves a bathroom. The house also possesses a number of glazed openings that face in a southern direction. These include large glazed doors that serve the dining area adjacent to the kitchen, and large glazed doors that serve the living room, which is directly adjacent to the dining room. A roof lantern also serves the dining area adjacent to the kitchen and the rear bathroom has a west facing window serving it.
- 53 Due to the fact that a minimum distance of separation of 5.5m is proposed between the new dwelling and Thornwood, rising to 7.7m where the new house tapers away from Thornwood, I am of the opinion that the proposed development would not create an overbearing effect on the owners of Thornwood. I would acknowledge that there is proposed to be a slight difference in levels between the two properties. However, the distance of separation would be sufficient to ensure that the proposed house would not be overbearing.
- 54 Given the fact that the north facing windows of the open plan kitchen area to the front of Thornwood are each high level windows, I do not believe that outlook from these windows would be significantly affected. The internal level of the windows means that anyone standing in this part of the house would therefore be drawn to look upwards towards the sky rather than directly out onto the proposed dwelling.
- 55 Beyond the kitchen is a dining room served by a large window. This would potentially have an outlook directly onto the side of the proposed property. The window is situated roughly 2m from the shared boundary with Sealcot. Prior to work starting on site the boundary at this point comprised a 1.7m close boarded fence. Outlook from the dining room window was therefore restricted and it would be possible for a fence up to 2m high being erected on the boundary under permitted development, further restricting outlook. In addition, the two storey element of the proposed house would be positioned 6.8m away from the side of Thornwood. Taking these factors into consideration I do not believe that the outlook from the dining room window would suffer a detrimental impact that would be harmful enough to warrant a refusal of the application.

- 56 Thornwood has a clear glazed bathroom window to the rear of the property, which faces north. This, I would argue, is a secondary window to a west facing window which would continue to enjoy a rear facing aspect. In addition, the situation regarding outlook is similar here to that of the dining room window in relation to the erection of a 2m close boarded fence. The difference here is that the levels of both plots rise and, given its position, anyone stood at the bathroom window could potentially enjoy an outlook beyond the rear of the proposed dwelling. I would therefore conclude again that outlook would not be significantly impacted upon.
- 57 The owners of Thornwood have had a right to light survey carried out, which has concluded that the kitchen could lose more than 50% of light to this room as a result of the development, and the separate dining room could lose 100% of light reduced down to 30% by the window in the adjoining living room. It has not been made clear whether works that the applicant could undertake as permitted development has been considered as part of this assessment. It is also unclear what effect the south facing windows and roof lantern in the dining area adjacent to the kitchen would have on reducing the amount of light received by the kitchen.
- 58 I would acknowledge the findings of this survey. However, the Council can only apply the test relating to a loss of daylight and sunlight that is adopted as part of their Development Plan. The Residential Extensions SPD contains a 45 degree angle test which provides a clear indication as to the potential loss of daylight and sunlight, which can also be applied in this instance.
- 59 In applying the test to the proposed development and Thornwood it is clear to see that the proposed development would not result in a detrimental loss of daylight or sunlight to the seven north facing windows of Thornwood. This is because the proposed house passes the test when applied in both plan and elevation. Applying the test to the plan does indicate that the dining room window would be slightly impinged upon but this would not lead to a significant loss of daylight or sunlight since the window would not be affected by the elevation of the house.
- 60 What also needs to be taken into consideration is that Thornwood has a number of south facing openings which serve several areas of the property and a large roof lantern serves the open plan kitchen area. These openings would continue to receive a generous amount of both daylight and sunlight.
- 61 The proposed house would possess three ground floor south facing windows and two first floor windows. The ground floor windows would be secondary windows to a primary front or rear facing window serving the same room. The insertion of side facing windows would create a relationship between the two properties that would not be unusual in an urban area such as this. In addition, it would be possible for the owners of Thornwood to obscure the glazing of the ground floor bathroom window, preserving their privacy. The first floor windows proposed would serve a bathroom and would be secondary to a bedroom. Both of these windows could therefore be required to be obscure glazed to prevent overlooking and preserve privacy.
- 62 The utility room to the front of the property is not currently a habitable room and I would argue is located sufficient distance away from the proposed house not to be significantly impacted upon. The front and rear facing, first floor windows would be orientated in such a way and would be sufficient distance away from the proposed dwelling, again, not to be significantly impacted upon.

- 63 Finally, in acknowledgement to the potential for future impact on the amenities of the occupier of Thornwood, I believe that it would be appropriate in this instance to remove permitted development rights for both extensions to the approved house and outbuildings within its curtilage. This can be done by way of a condition on any approval of planning permission.
- 64 Given the above, I therefore consider that the proposed development would continue to preserve the amenities of the occupiers of adjoining properties.

#### Other Issues

##### *Parking provision and highways safety –*

- 65 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should provide parking facilities and should ensure satisfactory means of access for vehicles. Policy VP1 of the Sevenoaks District Local Plan requires that vehicle parking provision in new developments should be made in accordance with adopted vehicle parking standards.
- 66 The plans submitted indicate the proposed detached garage that is also currently under consideration (SE/13/00787/HOUSE). However, this consent would provide no approval for this separate proposal and the applicant can be notified of this fact by way of a condition on any decision notice issued. It follows that the assessment for the garage will be carried out in full under the separate application.
- 67 Current parking standards require that a five bedroom property in this area should provide a minimum of two parking spaces. The plans submitted clearly show that the site could accommodate this number of vehicles to the front of the property. Putting the proposed garage aside, I would also argue that the site would retain sufficient space to the front of the plot to provide turning for vehicles to allow them to exit the site in a forward gear.
- 68 The Highways Engineer has confirmed that they wish to raise no objection to the new dwelling. This is subject to the alterations to the entrance of the shared driveway having been carried out. These alterations were agreed as part of a recent consent relating to the Dawning House site and the works have now been completed. These works were carried out following the submission of the application. Hence, why the site survey does not show these works.
- 69 I would therefore conclude that the proposal would provide parking facilities in accordance with current parking standards and would preserve highways safety.

##### *Code for Sustainable Homes –*

- 70 Policy SP2 of the Core Strategy requires that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes. No information relating to this has been submitted by the applicant however it is possible for the achievement of Level 3 to be required by way of condition on any approval.

##### *Impact on trees –*

- 71 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient



woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).

72 As mentioned above, no tree on the site is afforded any protection and so the works that have been carried out to remove several trees from the site is generally acceptable in principle. However, the Council retains control over what future planting takes place on the site and it is also possible to ensure the retention of the planting along the frontage which is key to the character and appearance of the area.

73 I therefore consider that, subject to further details relating to soft planting to take place on the site, the proposal would preserve the character and appearance of the area.

#### *Contamination –*

74 The NPPF states that where a site is affected by contamination ‘responsibility for securing a safe development rests with the developer and/or landowner’ (para. 120).

75 The burning of vegetation that has taken place within the rear garden area of the property has created a small area of land which is now contaminated and requires appropriate remediation works. As far as I am aware these works have not yet taken place. However, a condition can be included on any approval of consent to ensure that the land is appropriately dealt with. This is a view shared by the Environmental Health Officer.

#### *Construction works affecting land outside of the ownership of the applicant –*

76 This is a civil matter to be resolved between the applicant and any adjoining land owner whose land may be affected by works being carried out. This is not, therefore, a matter material to the consideration of this application.

#### *Control of construction traffic –*

77 This is normally a matter dealt with by way of condition on larger developments, where regular vehicle movements are expected, to ensure that highways safety is preserved during the period of construction. Given the fact that development is taking place on the adjacent Dawning House site and that access to the site could become problematic.

78 I believe that a condition requiring details of a construction management plan would be appropriate in this instance to ensure there is no conflict with the traffic movements created by the adjacent development, due to the narrow access and the number of properties served by the access.

#### *Commencement of works prior to the discharge of conditions –*

79 The works on site previously commenced prior to the discharge of the pre-commencement conditions attached to the previous consent. However, work has now ceased on site and the consideration of the conditions is no longer relevant due to the fact that it has been demonstrated that it is not possible to build the approved development.

*The manner in which the application has been submitted –*

- 80 The application was originally submitted as a minor-material amendment application, seeking amendments to the previously approved scheme, SE/12/00307/FUL. This followed advice from officers that this would be an acceptable route to take. However, having taken further legal advice the applicant was informed that this route was not the correct one to take to propose the necessary alterations and instead a full planning application was submitted.

*Consideration of the garage proposal –*

- 81 The assessment of the proposed garage has been carried out as part of the report also put forward to the Committee on this same agenda, application reference number SE/13/00787. This assessment includes consideration of the garage and the new dwelling proposed in this scheme.

*Inaccuracies in the previous officer's report –*

- 82 As with this application, the previous officer's report to Committee was based on the plans submitted. It has been acknowledged that errors existed in the content of the previous submission. However, I am now satisfied that the survey of the site is now correct and as a result a fully informed assessment of the proposal has now been carried out.

*Validity of the previous planning permissions –*

- 83 The previous planning permissions, SE/12/00307/FUL and SE/12/00308/HOUSE, are valid approvals and still stand. However, it is the case that it is not possible to build out the development that these consents gave permission for due to errors that occurred in a previous survey of the plot.

*Sustainable development –*

- 84 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- specific policies in this framework indicate development should be restricted; or
- material considerations indicate otherwise.

- 85 In my opinion, the proposed scheme fully accords with the development plan, and I have explained this in detail above. It follows that the development is appropriate and there would be no adverse impact in granting planning permission for the development.

## Access Issues

- 86 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development provides appropriate facilities for those with disabilities. The front elevation plan shows that the house would be accessed via a step up. The applicant can be notified by way of informative that if Building Regulations require a ramp up to the front door a further planning application may be required for these works.

## Conclusion

- 87 It is considered that the proposed dwelling would preserve the character and appearance of the street scene and neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

## Background Papers

### Site and Block Plans

Contact Officer(s): Mr M Holmes Extension: 7406

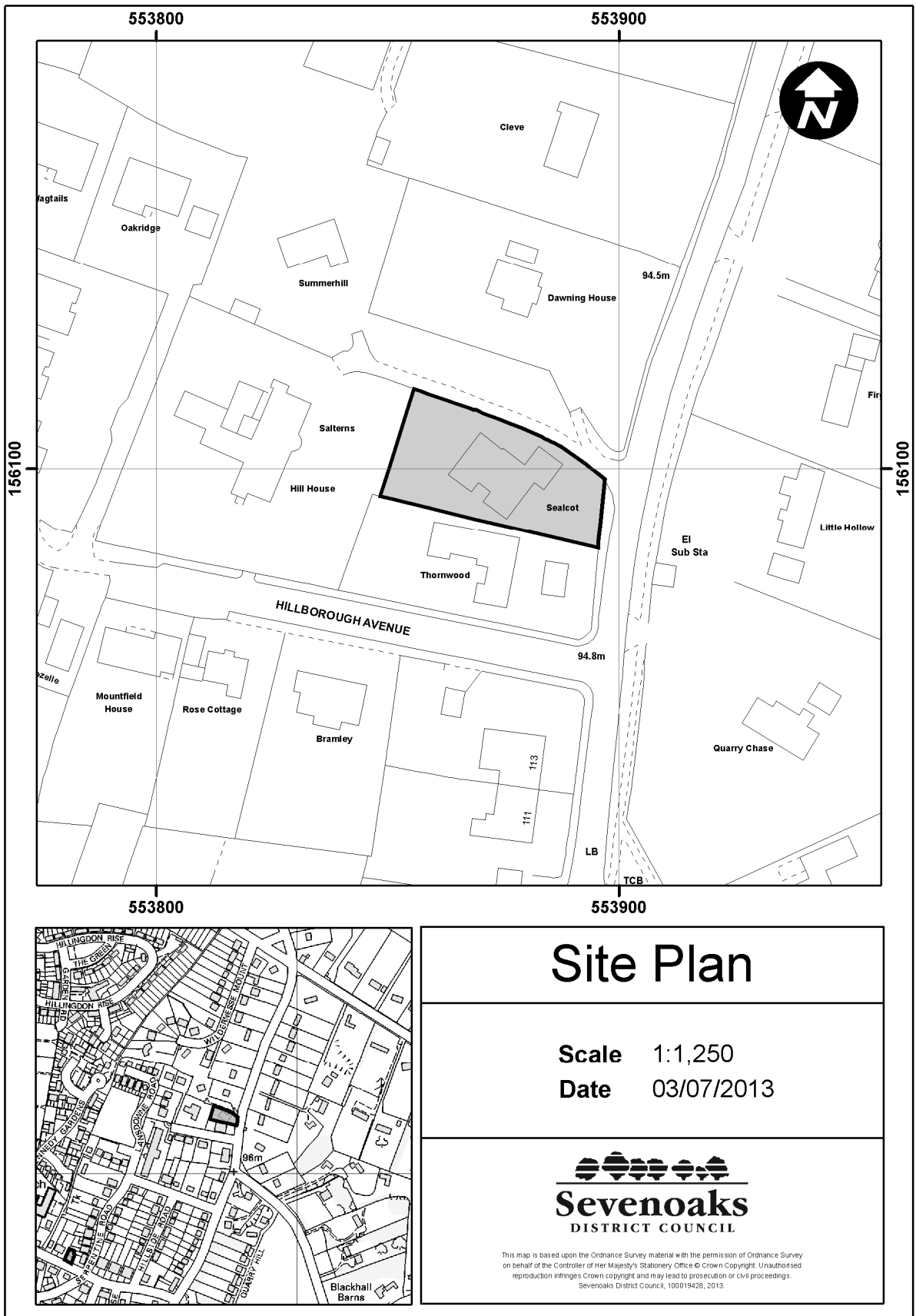
Pav Ramewal  
Chief Executive Designate

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MCA8ZABK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MCA8ZABK8V000>



# BLOCK PLAN

