

In this instance the applicant/agent:

- 1) Was encouraged to seek professional advice.
- 2) Was updated on the progress of the planning application.

Description of Proposal

- 1 Planning permission is sought for the erection of a new three bay detached garage incorporating a lowering of land levels to accommodate the building. The garage will be 60.63m² in floor area and will be 2.3 metres high to eaves and 3.2 metres high to roof pitch. The southern flank of the garage will be 0.94 metres lower than the existing ground level.

Description of Site

- 2 The site is situated within the urban confines of Sevenoaks, within the Sevenoaks Kippington Ward. Farnaby Drive is a cul-de-sac which is accessed off Kippington Road and consists of large detached properties.
- 3 The site consists of a two storey dwelling with an attached garage. The property is set back from the road and benefits from the off-road parking.

Constraints

- 4 Tree Preservation Orders - (Reference: TPO/69/09/SU)
(Reference: TPO/13/05/SDC)

Please note that TPO Reference TPO/13/05/SDC is currently pending. The applicant has objected to the TPO being served and therefore will also be considered as an Agenda Item at this Development Control Committee.

Policies

Sevenoaks District Local Plan (SDLP)

- 5 Policies - EN1, H6B

Sevenoaks District Core Strategy

- 6 Policy - SP1

Other

- 7 National Planning Policy Framework (NPPF)
- 8 Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- 9 Sevenoaks Residential Character Area Assessment SPD

Planning History

- 10 SE/13/00241/HOUSE - Demolition of existing garage; proposed two storey front, side and rear extensions; open portico to the front; open covered dining terrace to the rear; single storey extension to the rear; internal remodel and alterations to fenestration and associated hard landscaping and driveway works (granted 15 March 2013).
- 11 SE/12/02546/WTPO - Various work to trees (TPO) (refused 26 October 2012).

Consultations

Sevenoaks Town Council

- 12 Recommended approval.

Local Members

- 13 Councillor Hunter: I agree with your decision. Oaks should be protected so the application should be refused.
- 14 Councillor Eyre: Thank you for the background and I agree with your recommendation to refuse the application.

SDC Tree Officer

- 15 I can inform you that the proposed garage would result in the loss of a semi-mature oak tree of high amenity value. This tree was subject to an application to remove it and a subsequent appeal following our refusal to the application. The appeal was dismissed by the inspector. The Arboricultural Consultant has established that this tree is not protected as it is younger than the TPO (an old area order) and claims that this tree could therefore be removed. In view of this, a new TPO (05 of 2013) is being prepared in order to protect this tree. I recommend that consent be denied in order to retain this tree.

The consultation response was received on 12 July 2013. Subsequently a Tree Preservation Order was served for the tree on the 12 July 2013.

Representations

- 16 No formal comments were received by the Council during the consultation period. However, the applicant provided comments from neighbours which were sent before he submitted the application. These were supplied on 2 August 2013 (dates of the emails are also specified):
 - We have no objection to the alterations of the main house. If you proceed with a planning application for a garage we are supportive with the following conditions:
 - The garage is single storey with the lowest pitch to the roof as possible;
 - The foundations do not damage any of the roofs to the surrounding trees on your or my property;

- The structure is appropriately screened with shrubs / trees such that from completion the brickworks and roof structure cannot be viewed from my property;

(Sent 21 January 2013).

- I am very supportive of your desire to cut down that Oak tree to enable you to build your planned garage (13 June 2013).
- The garage as planned probably has the most visual impact from my property but I am quite happy with the design and have no objections to it going forward (sent 13 June 2013).

17 Due to some of the dates of the emails it is unclear whether the neighbours were commenting on plans which reflect what is being considered under this planning application.

Chief Planning Officer's Appraisal

Principal Issues

Design, Scale and Bulk – Impact on the Street Scene

- 18 Policy SP1 of the Sevenoaks District 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 SDLP 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 the adjoining buildings. In addition Policy H6B of the SDLP states that the extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling.
- 19 The Residential Extensions SPD states that garages should be subservient in scale and position to the original dwelling and not impact detrimentally on the space surrounding buildings or the street scene by virtue of their scale, form or location. Garages set in front of the building line will not normally be allowed.
- 20 Finally, the Sevenoaks Residential Character Area Assessment SPD states that in proposing new development within the Middling's Area Character Area the SPD states:
- Individual buildings should be of a high standard of intrinsic design quality;
 - The setting of Kippington Conservation Area should be protected or enhanced;
- 21 The garage will be 60.63m² in floor area and will incorporate three bays. The height of the garage will be 2.3 metres to eaves and 3.2 metres to roof pitch. However the southern flank of the garage will be 0.94 metres lower than the existing ground level.
- 22 The position of the garage will be directly opposite of the main dwelling, approximately 19.5 metres to the east. It will be situated approximately 9 metres from the public highway and will be well screened by landscaping which front the road, notably a mature willow tree. The proposed garage will replace the
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existing garage which will be demolished under planning consent SE/13/00241/HOUSE, which is located directly in front of the house.

- 23 It is considered that whilst large in foot print, the proposed garage has been sensitively designed and positioned to ensure that the garage will appear subservient in the street scene. The height and proposed ground level further reduces its impact on the surrounding area.
- 24 There are a number of examples within the immediate vicinity where garages are situated in front of the main dwelling. It is also recognised that the existing garage is positioned in front of the dwelling.
- 25 For the above reasons it is considered that the proposal is in accordance with Policy SP1 of the Sevenoaks District Core Strategy, Policies EN1 and H6B of the SDLP, the Residential Extensions SPD and the Sevenoaks District Residential Character Area Assessment SPD.

Trees

Background

- 26 Works were sought to fell the oak tree (which is proposed to be removed under this application) (now referred to as 'the oak tree') which was originally considered to be covered by TPO 69/09/SU under planning reference SE/12/02546/WTPO. This was refused by the Council and appealed by the applicant. The appeal was dismissed by the Inspector under reference APP/TPO/G2245/2950 with the conclusion stating:
- 27 *"The appeal tree contributes to the landscape amenity of the area, although I accept that, currently, its crown shape is unbalanced. I consider that its removal would degrade local visual amenity and biodiversity potential. I saw nothing to indicate that the removal of a nearby tree has rendered the appeal tree unstable. The tree is likely to form a more balanced crown shape in time. For these reasons, I dismiss the appeal".*
- 28 However, since this decision the applicant has undertaken an Arboricultural Report (submitted with this application) with Section 5 claiming that the oak tree was in fact younger than TPO/69/SU. The argument put forward therefore is that it is considered acceptable by the applicant to remove the oak tree as it is not covered by the TPO served in 1969.

Appraisal - Trees

- 29 Policy EN1 of the SDLP states that the layout of the proposed development should respect the topography of the site, retain important features including trees, hedgerows and shrubs, and enhance any established water courses or ponds.
- 30 In addition Section I11 of the Sevenoaks Residential Character Area Assessment SPD states that:
- 31 "Mature trees and hedges which contribute to the character of the area should be retained".
- 32 Finally the following Paragraphs of the Sevenoaks Residential Extensions SPD Document state:

- 33 Para 6.11 – In a District of high landscape value both within urban areas and the countryside, proposals should ensure that important existing site features including trees, hedgerows and shrubs are retained and, ideally, enhanced. The need to extend must therefore be balanced with the need to maintain the landscape character of the area.
- 34 Para 6.12 – The layout of any extension should be designed to avoid direct loss or damage to important landscape features. Trees with Tree Preservation Orders and trees in Conservation Areas are statutorily protected. Even if the layout may not directly affect trees or hedges at the construction stage, it should not place pressure for future removal or excessive pruning.
- 35 The consultation response by the SDC Tree Officer continues to identify the importance of the oak tree in terms of high amenity value. This is a view which was supported by the Appeal Inspector.
- 36 Given the importance of the tree, and the subsequent identification that it may not be covered by the TPO/69/09/SU, the SDC Tree Officer has served a new TPO (TPO/13/05/SDC) on the oak tree to ensure its continued protection. The acceptability of this TPO will be assessed at this Committee. It is important to note that the SDC Tree Officer continues to consider that the tree is worthy of protection.
- 37 Therefore in light of the comments of the SDC Tree Officer and Appeal Inspector, it is considered that felling the tree will result in the direct loss of an important landscape feature which will impact on the landscape character of the area. The landscape amenity of the tree contributes to the character of the area and it is agreed that it should be retained. It is therefore considered that the proposal is not in accordance with Policy EN1 of the SDLP, the Residential Extensions SPD and the Sevenoaks Residential Character Area Assessment SPD.

Other Issues

Residential Amenity

- 38 Policy EN1 of the SDLP states that proposed development should not have an adverse impact on the privacy and amenities of a locality by of form, scale, height or outlook.
- 39 The only two properties which may be affected by the proposal are Numbers 14 and 15 Farnaby Drive which are to the north of the garage.
- 40 However, due to the single storey nature of the building, the fact that the garage will be situated behind mature landscaping and that it will be 15 metres from both properties, it is not considered that the proposal will cause a detrimental impact on residential amenity.

Conclusion

- 41 It is therefore considered that as the proposal involves the removal of a tree which is considered to be worthy of protection that planning permission is refused as the proposal is contrary to policy.

Background Papers Site and Block Plans

Contact Officer(s): Neal Thompson Extension: 7463

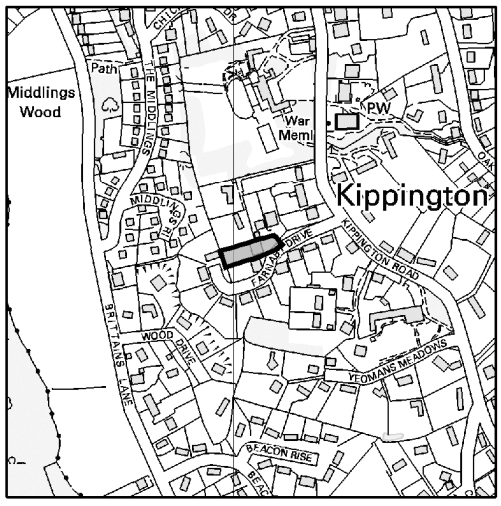
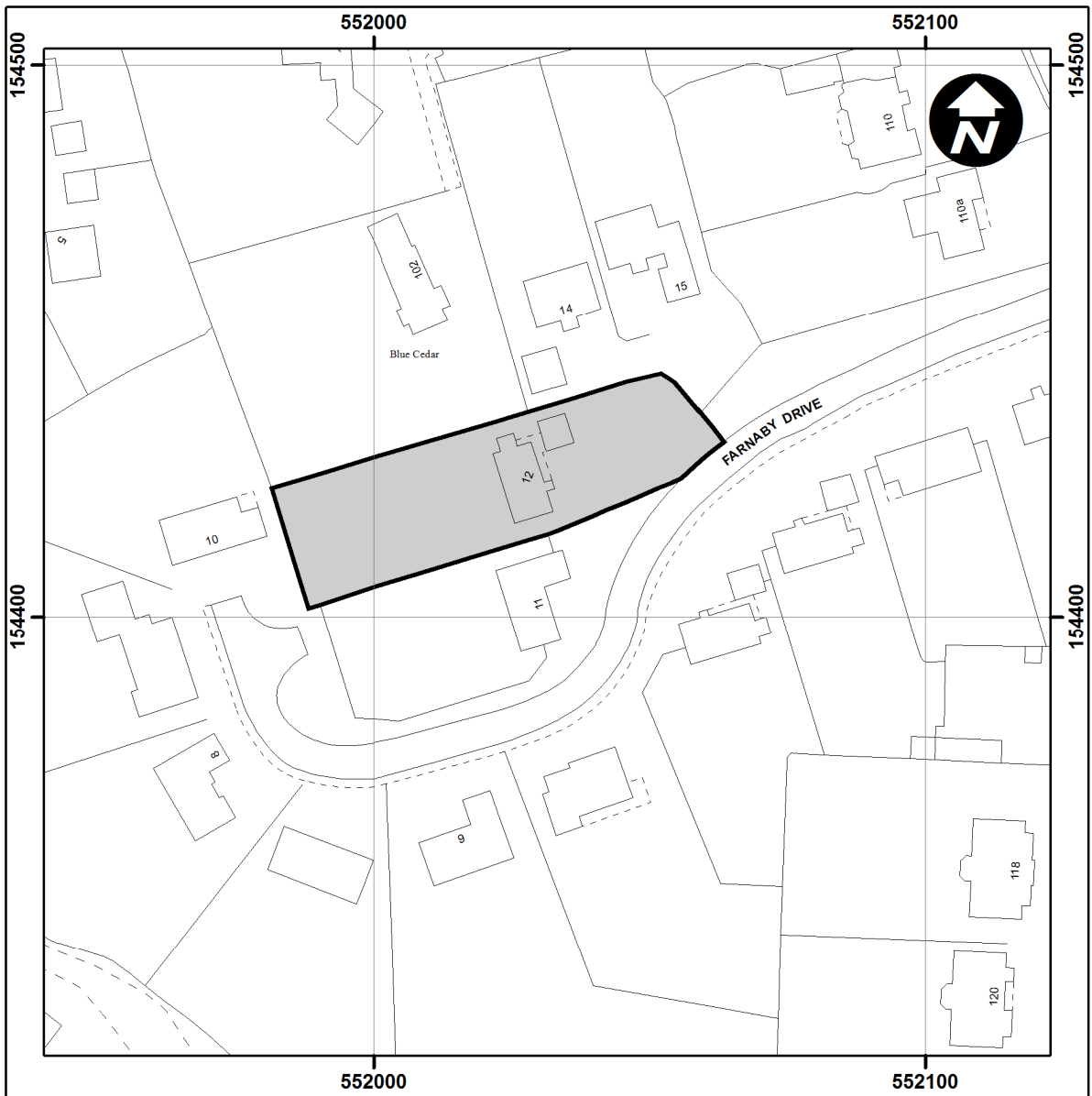
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MOMOT7BK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MOMOT7BK8V000>



Site Plan

Scale 1:1,250
 Date 21/08/2013



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BLOCK PLAN

