

4.1- SE/13/00290/HOUSE Date expired 10 April 2013

PROPOSAL: Retrospective extensions and alterations to original dwellinghouse including erection of single storey rear extension and balcony, first floor extension to north and south elevations, removal of chimney, and formation of new chimney, alterations to fenestration and formation of patio terrace and associated works to rear.

LOCATION: Amberley , Packhorse Road, Sevenoaks TN13 2QP

WARD(S): Brasted, Chevening and Sundridge

#### **ITEM FOR DECISION**

This application has been referred to Development Control Committee by Councillor London for the following reasons: Concerns about the impact on the neighbouring properties and the character of the area and the overdevelopment of the site.

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

1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1038-P-02(J), 1038-P-02(N), Proposed Building Elevations (As Built), Existing Garden Pond Elevations, Topographic Survey

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

2) Within six weeks of the date of this permission details shall be submitted showing:

A) A plan showing the location of all existing trees on the land which have a stem with a diameter exceeding 75mm when measured over the bark at a point 1.5m above ground level. In paragraphs B, C & D below references to a 'retained tree' mean those trees as identified on the plan.

B) Details of the species, diameters (measured in accordance with paragraph (A) above, the approximate height and an assessment of the general state of health and stability of each retained tree,

C) No retained tree shall be cut down, uprooted or destroyed nor shall any retained tree be lopped.

D) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Council.

To ensure the retention of the trees and to safeguard their long-term health as supported by policy EN1 of the Sevenoaks District Local Plan

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

Sevenoaks District Local Plan - Policies EN1, H6B

Sevenoaks District Core Strategy 2011 - Policies SP1

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

The development would respect the context of the site and would not have an unacceptable impact on the street scene.

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

**Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by:

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line  
([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Description of Proposal

- 1 This application is for the retention of development that has already been carried out, being:
- 2 Retrospective extensions and alterations to original dwellinghouse including erection of single storey rear extension and balcony, first floor extension to north and south elevations, removal of chimney, and formation of new chimney, alterations to fenestration and formation of patio terrace and associated works to rear.

- 3 The single storey rear extension and first floor terrace above extend from the dwelling for a distance of 3.6m rising to a maximum height of 5.75m (including height of privacy screen). The ground floor extension possesses two sets of folding/sliding doors and above this the terrace possesses a glass panelled guard on its rear elevation and rendered screens on the north and south elevations. At the first floor, the existing windows have been changed with the addition of three sets of floor to ceiling glazed doors and the addition of an additional window. An external staircase has been added on the southern side of the rear of the dwelling enabling access from the garden to the first floor balcony.
- 4 To the north of the house a first floor extension has been built above the existing single storey side extension rising to a height of 5.8m with a window set within the rear elevation. Two ground floor side windows have been added on the northern elevation of the existing house.
- 5 On the southern elevation of the dwelling a first floor extension has been built above an existing single storey side extension. The first floor extension matches the height of the existing house and with the addition of a new chimney increases the width of the house by an additional 0.6m. The new chimney replaces the two previous chimneys on the dwelling. A new window has been inserted on the rear elevation of this side extension.
- 6 On the front elevation two additional windows have been placed within the new southern first floor side extension. One existing first floor window has been removed and another has been relocated on the front profile. On the front elevation at ground level one window has been reduced in size, one has been enlarged and the garage door has been removed, bricked in with a window inserted.
- 7 Attached to the rear extension is a patio to a depth of 4.95m and raised 1m above ground level when measured in the centre of the site, although the ground level at the rear is not even and in parts is higher. Adjacent to the northern boundary of the rear garden is located a garden pond and waterfall extending 6.2m by 2.7 and a rendered block filtration housing for the adjacent Koi pond extending 2.7m by 2.1m. These garden structures are included in the plans without prejudice to any consideration about whether these works are lawful.
- 8 For clarity, please note that the garage in the front garden is not part of this application. It is not lawful and is the subject of an enforcement notice which is referred to later in this report.

#### Description of Site

- 9 Amberley is a detached dwelling house located on the western side of a residential road. The property as viewed from Packhorse Road is largely screened by mature conifer trees on the southern and eastern boundary rising to a height of approximately 8m.
- 10 The extensions and works described above that are part of this application have been built.
- 11 The northern boundary is bordered by a mature beech hedge rising to a height of approximately 2.5m. The rear garden is bordered by mature conifer trees rising to a height of approximately 8m high. As stated within Sevenoaks Residential

Character Area Assessment Supplementary Planning Document, Packhorse Road is characterised by individually designed detached houses set back behind hedged and treed front gardens. The houses are generally well screened by narrow entrances and hedged boundaries and have a minimal impact on the street scene.

### Constraints

12 Area of Archaeological Potential

13 Urban Confines of Sevenoaks

### Policies

#### *Sevenoaks District Council Local Plan*

14 Policy EN1 - Development Control – General Principles

15 Policy H6B Appendix 4 Residential Extensions

#### *Sevenoaks District Core Strategy*

16 Policy SP1 - Design of New Development and Conservation

#### *Other*

17 National Planning Policy Framework

18 Residential Extension Supplementary Planning Document

19 Sevenoaks Residential Character Area Assessment Supplementary Planning Document

### Planning History

20	98/01575/HIST	Proposed single storey utility side extension. GRANT 09/09/1998
	10/02828/FUL	Erection of single storey rear extension, and balcony, first floor extensions to north and south elevation. Removal of two chimneys. Change of fenestration. Erection of double garage. GRANT 16/12/2010
	11/00718/CONVAR	Application to vary condition 4 (The development hereby permitted shall be carried out in accordance with the following approved plans 1038-P-01(B), -P-02(B) -SUR-01) of SE/10/02828/FUL. To allow the creation of an artists studio within the roof space over double garage. GRANT 06/06/2011
	11/00732/DETAIL	Details pursuant to condition 3 (privacy guard) of planning permission SE/10/02828/FUL REFUSE 17/05/2011

- 11/01549/DETAIL Details pursuant to condition 3 (privacy guard) of planning permission SE/10/02828/FUL GRANT 30/06/2011
- 11/01743/CONVAR Removal/Vary of condition 4 (alteration of balustrade detail to glass and insert window for additional ventilation) of planning permission SE/10/02828/FUL GRANT 01/09/2011
- 12/00250/HOUSE Retention of single storey rear extension, balcony & first floor extensions to north & south elevations. Change of fenestration. Retention of double garage with room above, dormer windows, external staircase & air source heat pumps. Corrected plans received 02/04/12 REFUSE 09/07/2012

21 Reason for the refusal of this latest application was that:

'The proposal represents an over development of the site, detrimental to the street scene, particularly due to the large two storey garage at the front of the site. The development also results in an unacceptable loss of privacy to the adjoining property, The Beeches. As a result the proposal is contrary to Policy EN1 of the Sevenoaks District Local Plan, relevant provisions of the Sevenoaks Residential Character Area Assessment and the design policies of the National Planning Policy Framework, notably paragraph 64.'

22 Two Enforcement Notices were served on 15.10.12 under delegated powers, with the agreement of the Local Members:

The first notice related to the erection of a detached garage that was not in accordance with the permission granted.

Reason: The operational development has taken place in the last four years and it is expedient to take enforcement action because the garage as built is an over development of the site, is detrimental to the street scene being at the front of the site. The development also results in an unacceptable loss of privacy to the adjoining property, The Beeches due to views from the stairs and first floor. As a result the development is contrary to Policy EN1 of the Sevenoaks District Local Plan, relevant provisions of the Sevenoaks Residential Character Area Assessment and the design policies of the National Planning Policy Framework, notably paragraph 64.

23 The steps to comply are:

- To demolish the garage and remove the materials permanently from the site.
- The period for compliance is six months.

24 An appeal was lodged against the enforcement notice for the garage. The appeal was dismissed and the enforcement notice upheld, on 30 April 2013. Thus the enforcement notice should be complied with, six months from this date.

25 The second notice related to a privacy screen that had not been built in accordance with details approved for application SE/11/00732.

Reason: To protect the amenities of the adjacent property, Linden Lea. This is contrary to policy EN1 of the Sevenoaks District Local Plan.

26 The steps to comply are:

- To erect the privacy screen in accordance with the details approved for application SE/11/01549;
- Period for compliance is 3 months.

27 The works to the privacy screen have now been carried out in compliance with the enforcement notice.

28 The enforcement report identified that the chimney stack was an additional breach of planning control but did not recommend that an enforcement notice was served relating to this. Instead it was recommended that:

For the erection of the chimney:

- Invite a planning application.

Reason: To protect the visual amenities of the adjacent property, The Beeches. This is contrary to policy EN1 of the Sevenoaks District Local Plan.

29 An application was submitted for retention of the chimney, but this application was invalid and then superseded by the current application.

30 Following the service of the enforcement notice and the submission of the application for retention of the chimney, Officers identified that there were a number of discrepancies in the plans, across the various applications which did not correctly illustrate the works that had taken place on site.

31 Later in this report a table sets out some of the differences between what was approved and what has now been built.

32 Officers concluded that cumulatively the changes to the extensions as built compared to the plans that were approved, were extensive enough to mean that in law, all of the existing works are unlawful, and that planning permission would be required to retain the extensions and alterations that were thought to have previously been granted by planning permission SE/10/02828/FUL.

33 The applicant agreed to submit new plans (the site was re-surveyed) and this has led to the current planning application. Officers checked the accuracy of these plans on their site visit.

34 As planning permission was granted for extensions and alterations that are similar to the plans now being considered, this is a material consideration for the current application. A comparison between the current proposal and previous permission will be set out later in this report.

35 Concerns have been raised about the accuracy of the information submitted for this application. Circular 02/2008 gives advice on validation and the Council's role in checking the information supplied to us when an application is submitted. It states at paragraphs 26 and 27:

“The process of validating planning applications should essentially be an administrative process. Local planning authorities are encouraged to adopt a straightforward approach to validation, whereby they should check that the correct information and fee (where applicable) have been submitted with the application.”

“The quality of the information submitted should have no bearing on the validity of the planning application during the validation process but should be assessed against the determination process.”

This approach was reinforced by further guidance in 2010 entitled ‘Guidance on Information Requirements and Validation.’

36 The Good Practice Guide on Enforcing Planning Control paragraph 3.7 states that:

‘Whenever it is appropriate, the usual alternative to taking formal enforcement action is to invite a retrospective application. In approaching this possibility, the LPA should consider the merits of granting planning permission for unauthorised development in the same way as they would approach a planning application for proposed development. The fact that the development has already taken place should make no difference to the LPA’s consideration of its merits.’

## Consultations

### *Chevening Parish Council*

37 ‘Objection: The Parish Council has considered the retrospective application and wishes to strongly object to the retention of the development.

The applicant acknowledges that what has been built differs from the original approved application and alleges that no harm has been caused. The Parish Council does not agree with this view and considers that the development results in harm, both to the appearance of the original house and in terms of the impact on the amenities of the adjoining occupiers.

It is noted that the chimney has been built externally rather than internally as shown on the original plans. By doing this, there is an unacceptable impact on the neighbouring property The Beeches. The external chimney is not shown on the block plan so there remains doubt about the overall accuracy of the drawings. In fact, the rear steps extend closer to the boundary than the external chimney but are now shown on the elevations.

The rear steps to the veranda would have overlooked The Beeches. During construction the side wall has been made higher so there is now effectively a two storey extension within one metre of the boundary, contrary to Policy H6. The effect of this is that when maintenance is required, scaffolding will be needed and this will overhang The Beeches and/or access will be needed from The Beeches. It would be very poor planning to permit building which requires access from the neighbouring property for maintenance.

The bulk and form of the extension adjacent to The Beeches is excessive and has a negative impact as it is of poor design and not in keeping with the character of the road. The design is utilitarian resulting in an ugly appearance and during construction of this extension, screening has been removed which results in further adverse impact on the amenities of The Beeches. It is not considered that

screening can be conditioned to overcome this as it would not protect the amenities of The Beeches in the long-term.

Assessment as it states that 'The scale, height and mass of new development should fit unobtrusively within its setting and should not appear cramped on the site or out of context with the character of the street. A side extension should not completely infill the space between properties or dominate the original building'. The development does not meet these criteria.

The Parish Council considers this retrospective application to be overdevelopment of the site, detrimental to the street scene and causing loss of amenity to neighbouring properties contrary to a number of planning policies. Had the application been submitted before it had been built, it would surely have been refused. There can be no justification for approving it now it has been built. The external chimney and the rear steps should be removed and the Parish Council urges the District Council to refuse the application.

Finally, the Parish Council notes that development at 10 Springshaw Close (SE/12/02478/HOUSE) was stopped by the SDC Enforcement officer as it was not being built according to plan. Could you therefore please explain why the developer at Amberley was able to build so much which varied from the original permission yet no stop notice was issued?'

### Representations

38 Twenty three letters received objecting to the application in respect of:

- That the external staircase is built within 1m of the boundary;
- That the external chimney has an unacceptable impact upon the neighbouring property;
- Loss of privacy of neighbouring properties;
- Out of character with the house and road;
- Overdevelopment of the site;
- Poor design;
- Overbearing of neighbouring properties and the street;
- Harms the integrity of the original dwelling;
- Detrimental impact upon the amenities of neighbouring properties;
- No material changes since last application was refused in July;
- The application is invalid;
- The application does not include a Design and Access Statement.
- Maintenance of the development would require scaffolding to overhang neighbouring properties;
- Noise of the air source heat pump on the garage.
- Objections to the garage.
- That the possibility of a garage within the front garden is a material consideration that should be taken into account with this application;
- If allowed Sevenoaks District Council would be condoning works carried out in breach of conditions;
- That as Tree Preservation Orders cannot be imposed in respect of Leylandi trees the boundary trees cannot be retained;
- Should not allow multiple applications to be submitted;
  - That the height and finish of the patio terrace and storage cupboard have a negative impact upon The Beeches;



## Chief Planning Officer's Appraisal

### Principal Issues

39 The principal issues are:

- The differences between the extensions granted planning permission and the current proposal.
- Impact on the character of the area and the street scene;
- Impact on residential amenity;

*The differences between the extensions granted planning permission and the current proposal.*

40 Application SE/10/02828 granted planning permission for extensions similar to those now applied for excluding the patio and associated works.. Works began on site based on this planning permission. This is the planning permission on which the comparison with the current application, as set out below, will be made. To make the tables clear, the first one compares measurements based on the house that was on site before the 2010 permission was granted and works began on site. These measurements can be taken from the 2013 plans even though they also include the extensions as built. The second table compares the proposed plans from 2010 with the 2013 plans that were based on a survey of what has been built, to highlight the differences between what was granted planning permission and what exists on site. All measurements are in metres. Measurements to the boundary are measured along the line of the house. For example, to measure the distance from the front corner to the boundary, the measurement is taking by aligning the ruler with the line of the front elevation.

41

<b>Measurements of <u>existing</u> dwelling based on submitted plans.</b>	<b>SE/10/02828</b>	<b>SE/13/00290</b>
Length of rear elevation of dwelling (excluding utility etc)	16.69m	16.13m
Length of front elevation of dwelling in total	16.67m	16.13m
Length of side elevation adj The Beeches	7.15m	6.82m
Length of side elevation adj Linden Lea	9.53m	9.2m
Distance between side elevation of existing single storey extension and the boundary adj The Beeches (front corner)	3m	2.8m
Distance between side elevation of existing single storey extension and the boundary adj The Beeches (rear corner)	1.5m	1.4m
Distance between side elevation and the boundary adj Linden Lea (front corner)	2.0m	2.0m

Distance between side elevation and the boundary adj Linden Lea (rear corner) (excluding utility etc)	4.0m	4.0m
Height from ground level to highest point of roof measured on front elevation.	7.5m	8.15m

42 As is demonstrated from the table above, there are discrepancies in the plans submitted for the dwelling that existed prior to the 2010 application of which these are an example. Officers have checked key measurements on site and are satisfied that the plans submitted for the 2013 application are more accurate than those submitted in 2010 and are correct.

43	<b>Measurements of <u>proposed</u> extension based on submitted plans.</b>	<b>SE/10/02828</b>	<b>SE/13/00290</b>
	Depth of rear extension from rear elevation of existing dwelling (max dimension as it is staggered.)	3m	3.6m
	Width of rear extension (along rear wall of house.)	16.7m	16.13m
	Distance between side elevation and the boundary adj The Beeches (front corner) -existing ground floor extn with new first floor extn over.	3m	2.8m
	Distance between side elevation and the boundary adj The Beeches (rear corner of first floor side extension) -existing ground floor extn with new first floor extn over.	1.5m	1.4m
	Distance between side elevation and the boundary adj The Beeches (rear corner at closest point of external stairs to the boundary)	0.8m calculated from floor plan & block plan	0.6m
	Depth of chimney from side elevation.	N/A - internal	0.6m
	Height of chimney from ground level excl pots.	8.2m	9.23m
	For side adj to The Beeches - height of privacy screen and stairs (as originally agreed by a condition on the 2010 permission) from ground level.	2.35m to 5.15m	2.65m to 5.05m
	For side adj to Linden Lea - height of side elevation of rear extension including the privacy screen (as originally agreed by a condition on the 2010 permission) from ground level.	3.85m to 5.15m	4.85m to 5.75m

44 In addition to the above the 2010 application showed that the ground on which the existing house sits and all surrounding land was flat, with no alterations in the levels. The 2013 plans indicate that the ground falls away gently to the rear of the dwelling particularly on the side adjacent to Linden Lea. A raised patio has now been formed at the rear of the extension. This patio is 1 metre above ground level

measured in the centre but is level in height to the ground level around the side elevation adjacent to The Beeches. The patio is 400mm higher than the ground level adjacent to the rear door of the utility / laundry room that is near to the Linden Lea boundary. The patio extends 4.95m from the rear elevation of the rear extension.

- 45 The terrace on top of the rear extension now includes a glass balustrade. An amendment to include a glass balustrade was approved as an amendment to the original permission in 2010. As the majority of the works to extend the property were undertaken prior to the approval and implementation of this amendment, it is considered appropriate to base the comparisons above on the 2010 permission.

*Impact on the character of the area and the street scene*

- 46 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 1 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. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Policy H6B of the SDLP states that residential extensions shall be subject to the principles of Appendix 4. Amongst other things, Appendix 4 states that the extension should not be of such a size or proportion that it harms the integrity of the design of the original dwelling or adversely affects the street scene. The extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling. In addition Appendix 4 also states that a minimal distance of 1m is normally necessary for two storey extensions where extensions which extend to the side boundary of the property could lead to visual terracing.
- 47 Policy SP1 of the Sevenoaks District Council Core Strategy states 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. Account should be taken of guidance adopted by the Council in the form of Kent Design and local Character Area Assessments.
- 48 The Sevenoaks Residential Character Area Assessment SPD, which was adopted in April 2012, states that for Packhorse Road there is a need to ensure that development does not appear cramped on the site or within the street scene by virtue of its scale, mass and location. Buildings should be well screened and set back from the front boundary to avoid a significant impact on the rural character of the road. The scale, height and mass of new development should fit unobtrusively within its setting and should not appear cramped on the site or out of context with the character of the street, a side extension should not completely infill the space between properties or dominate the original building
- 49 In reviewing the development, it is material to note that planning permission has previously been granted for the erection of a single storey rear extension and balcony, first floor extension to north and south elevations, removal of chimneys and formation of new chimney and changes to the fenestration. Since this application was granted the Sevenoaks Residential Character Assessment was adopted in April 2012 and this document is therefore a material factor in the consideration of this application.

- 50 Amberley is set back from Packhorse Road at a distance of approximately 17m with a row of conifer trees on the front and southern boundaries. The northern boundary of the dwelling is screened by a beech hedge rising to a height of approximately 3m. Due to the conifer trees the development to the front of the house is mainly visible through the entrance drive although there are views afforded from in front of the neighbouring property to the north Linden Lea.
- 51 The first storey side extension on the southern elevation of the house would have a minimal impact upon the street scene due to the existing house being set back on the plot, with the conifer trees on the boundary. These trees are not protected but a landscaping condition could be imposed seeking their protection. Even if the trees were not retained, the impact of the first floor extension on the street scene would not be discordant. Accordingly other than the chimney rising above the tree line or parts of the side of the rear extension being visible as viewed at an oblique angle from in front of The Beeches, the development would not be visible from the street scene. Accordingly whilst the stairway lies within 1m of the boundary with The Beeches, in this instance the development as viewed from the street would have a minimal impact upon the local distinctive character of the area when viewed in this wider context and would be unobtrusive. All other parts of the extension lie at a distance of 1.4m or greater from the boundary and are as originally approved by the 2010 permission. Other than the external staircase and chimney the development does not increase the width of the original dwelling.
- 52 Within Packhorse Road whilst some properties are located with equal spacing to the boundaries it is not unusual for some properties to be built closer to one boundary.
- 53 The extension as viewed from the front of the property is tile hung at first floor with white painted render at ground floor in keeping with the existing dwelling. As viewed from the road in front of Linden Lea the first floor extension on the northern side of the property is visible. However as this extension is clad with roof tiles matching those of the existing house its impact in my view is minimal.
- 54 To the rear of the house the extension created has an enlarged dining/family/kitchen and sitting room extending from the rear of the house by a maximum of 3.6m. Above this single storey extension is a terrace with a glass parapet running the width of the house with an external staircase on the southern aspect of the extension. The extension is rendered and painted white render with black framed windows. Privacy screens are located on the northern and southern elevations of the terrace rising to a maximum height of 5.75m and 5.05m respectively above ground level. On the northern elevation adjacent to Linden Lea the height is greater than approved in 2010 which may be due to the ground level falling away on this side of the site whilst on the southern elevation adjacent to The Beeches it is a similar height to the 2010 approval. Within the rear garden adjacent to the border with Linden Leas a pond with a waterfall and housing for a fish filtration system has been built which is considered to be permitted development.
- 55 The rear garden which extends to the west for a distance of approximately 70m is screened at the rear by mature conifer trees which obscure any views to the care home, Sunrise, 95m beyond.

- 56 The rear extension, patio and associated works compliment the design of the existing house and incorporate materials in keeping with the original property and it has minimal impact on the wider street scene.
- 57 The proposal as submitted is similar in character and impact to the proposal granted permission in 2010. The changes between the two schemes are not so great as to cause harm to the character of the area and the street scene. For all of the above reasons the proposed complies with Policies EN1 and H6B of the Sevenoaks District Local Policy and Sevenoaks Residential Character Area Assessment Supplementary Planning Document.

*Impact on residential amenity*

- 58 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 3 of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Appendix 4 to H6B also states that proposals should not result in material loss of privacy, outlook, daylight or sunlight to habitable rooms or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties. Sevenoaks District Councils Residential Extensions Supplementary Planning Document states that an extension should not cause any significant loss of daylight for a significant part of the day to habitable rooms in neighbouring properties.
- 59 The development would impact most upon the two adjacent dwellings, the Beeches to the south and Linden Lea to the north. The Beeches which is set slightly forward on its plot from Amberley possesses three first storey windows on its northern facing side elevation which are all obscure glazed and two ground storey windows of which the window closest to Packhorse Road is obscure glazed. The other ground storey window serving a utility room is clear glazed however the lower two thirds of the window directly faces the 1.8m close boarded fence on the boundary between the two properties with only the upper third of the window providing views of the extension. The application incorporates an external chimney extending from the side of the house by 0.6m however this is set back from the clear glazed window and accordingly this window provides only oblique views of the chimney which would not in my view have a detrimental impact upon views from the utility room.
- 60 The original property possessed two windows directly overlooking the north elevation of the Beeches. The development as built possesses no windows on Amberley's southern elevation and accordingly the proposal under consideration reduces overlooking.
- 61 The external staircase on the southern side of the rear extension is located at an angle to the border with The Beeches with its closest point being 0.6m from the boundary. The height of the screening for this external staircase ensures that there are no views from the staircase or the first floor terrace into the rear garden of The Beeches. As viewed from the Beeches the external staircase appears as a two storey rendered wall with a close boarded fence lying between the two properties. Due to the utility room not representing a habitable room as defined by Sevenoaks Residential Extensions Supplementary Planning Document and the rooms above all possessing obscure glazed windows overlooking Amberley the

impact of the external stairway upon residential amenities is minimal. Whilst the staircase sits somewhat uncomfortably, due to its angle with the house as viewed from the Beeches and its height and proximity, it is not so incongruous that it would harm the amenities of this property to warrant a refusal. Whilst the external staircase lies within 1m of the boundary it is not visible from the street. It would not result in visual terracing, even if the conifer screen were to be removed.

- 62 The only changes made from the 2010 approval that bring development closer to The Beeches are the chimney and the external staircase. The staircase as built is 200mm closer to the boundary than was proposed in the 2010 permission. For the reasons outlined above, this shorter distance is not considered to cause any greater harm to the amenity of the Beeches when compared to the impact from the 2010 permission.
- 63 The border between Amberley and Linden Lea, to the north, comprises a close boarded fence rising to a height of 1.5m with a side passage to the house. The first storey extension above the existing single storey side elevation does not change the distance with the border and the two ground storey windows on the northern elevation would have a minimal impact upon the amenities of Linden Lea due to the height of the fence.
- 64 The screening on the northern side of the terrace now complies with the requirements of the enforcement notice. The privacy screen is angled, to minimise its bulk and the impact on the adjacent property. This protects the adjacent residents from overlooking. As the current plans show the accurate ground levels around the site, the actual measurements for the height of the privacy screens from ground level as built on site differ from the 2010 permission. However, the differences are not so great as to cause any additional harm to the neighbouring properties.
- 65 Whilst there are additional windows placed on the rear of the dwelling, Amberley possesses a rear garden measuring approximately 70m in length which is screened on its northern, southern and rear borders by mature conifers. Accordingly this part of the proposal would not create any additional harm.
- 66 The proposal now includes a raised patio at the rear. There would be no loss or privacy or overlooking to neighbouring properties from this patio due to the existing boundary screening.
- 67 The proposal as submitted is similar in character and impact to the proposal granted permission in 2010. There are changes between the approved scheme and the scheme as built, but those changes do not in my view cause additional harm to the amenity of residents, albeit that the impact of those changes would be noticeable. For all of the above reasons the proposal complies with policies EN1 and H6B of the Sevenoaks District Local Plan and Sevenoaks Residential Character Area Assessment Supplementary Planning Document.

#### *Impact upon Trees*

- 67 Mature conifers are located on the north and south boundaries of the property which on the southern boundary lie adjacent to the external staircase. This application is retrospective and in carrying out a site visit, these trees were not seen as having been negatively impacted by the development that has occurred on site.

## *Archaeology*

- 68 It is noted that the extensions proposed are limited in size and in the immediate vicinity of the house. For these reasons, further archaeological investigation is not considered to be necessary and no objection is raised to the application.

## Other issues

- 69 The representations refer to a number of other issues which are commented on below.
- 70 A Design and Access Statement is not a statutory requirement for a householder application, and thus one was not submitted for this application and it is valid.
- 71 It is suggested that maintenance of the development would require scaffolding to overhang neighbouring properties. Arrangements for maintenance of completed developments are a private matter and not a planning consideration.
- 72 The garage and air source heat pump are not part of this planning application. Therefore, objections related to noise of the air source heat pump, and objections to the garage itself, are not relevant to the consideration of this application.
- 73 The Parish Council is concerned that the external chimney is not shown on the block plan. The external chimney is clearly shown on the 1:200 block plan drawing number TOPO\_03.DWG. This illustrates the correct relationship of the chimney and external staircase to the boundary with the Beeches.
- 74 There is concern that if this proposal is allowed Sevenoaks District Council would be condoning works carried out in breach of conditions. In response, Government guidance is clear that the LPA should consider the merits of granting planning permission for unauthorised development in the same way as they would approach a planning application for proposed development. The fact that the development has already taken place should make no difference to the LPA's consideration of its merits.
- 75 It is argued that as Tree Preservation Orders cannot be imposed in respect of Leylandi trees the boundary trees cannot be retained. A landscaping condition could be imposed to protect these trees or require replacement of existing landscaping.
- 76 There is concern that the Council should not allow multiple applications to be submitted. There are some provisions for Councils to refuse the submission of a limited number of applications. It is not considered that those provisions would have been appropriate to apply in this case, due to the unusual circumstances relating to the original plans for the site.
- 77 There appeared to be errors in the original plans that were submitted seeking planning permission, and the development had not been carried out in accordance with any approved plans. If the Council had declined to determine the application, the Council would have removed the ability of the applicant to submit a planning application to seek permission for retention of the unauthorised works. As the unauthorised works were similar to previous permissions, there was a possibility that the planning permission may have been granted. It was reasonable to conclude that it was not appropriate to decline to entertain the

application. This approach is also supported by Government advice on enforcing planning control.

## **Conclusion**

- 78 It is unfortunate that this development has not been carried out in accordance with approved plans. However, a breach of planning control is not in itself justification for refusing permission for retention of the completed development and the application has to be considered on its merits.
- 79 The proposal protects the character and appearance of the street scene and the amenity of residents. The development complies with policies EN1 and H6B of the Sevenoaks District Local Plan and Sevenoaks Residential Character Area Assessment Supplementary Planning Document.

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

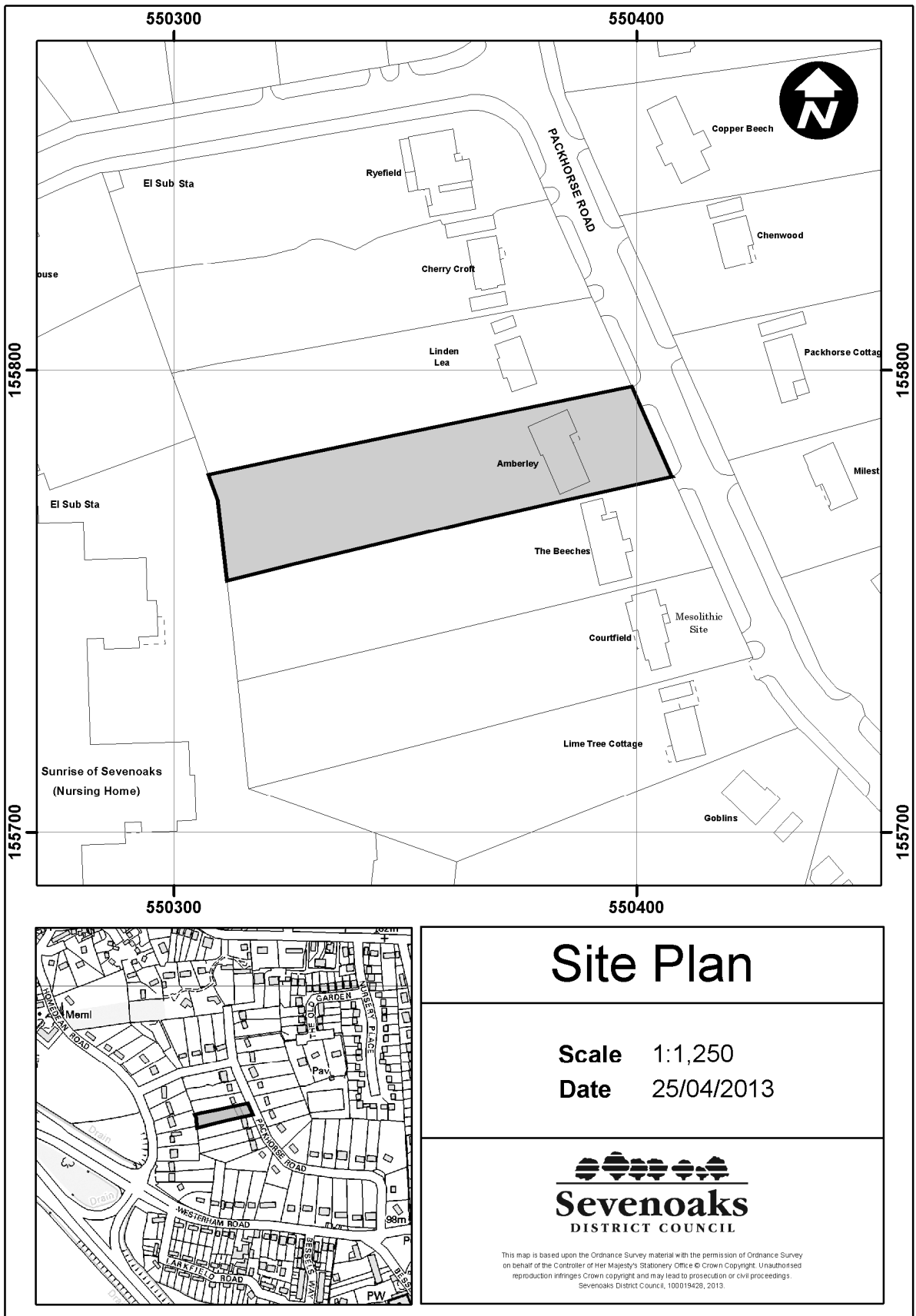
Link to application details:

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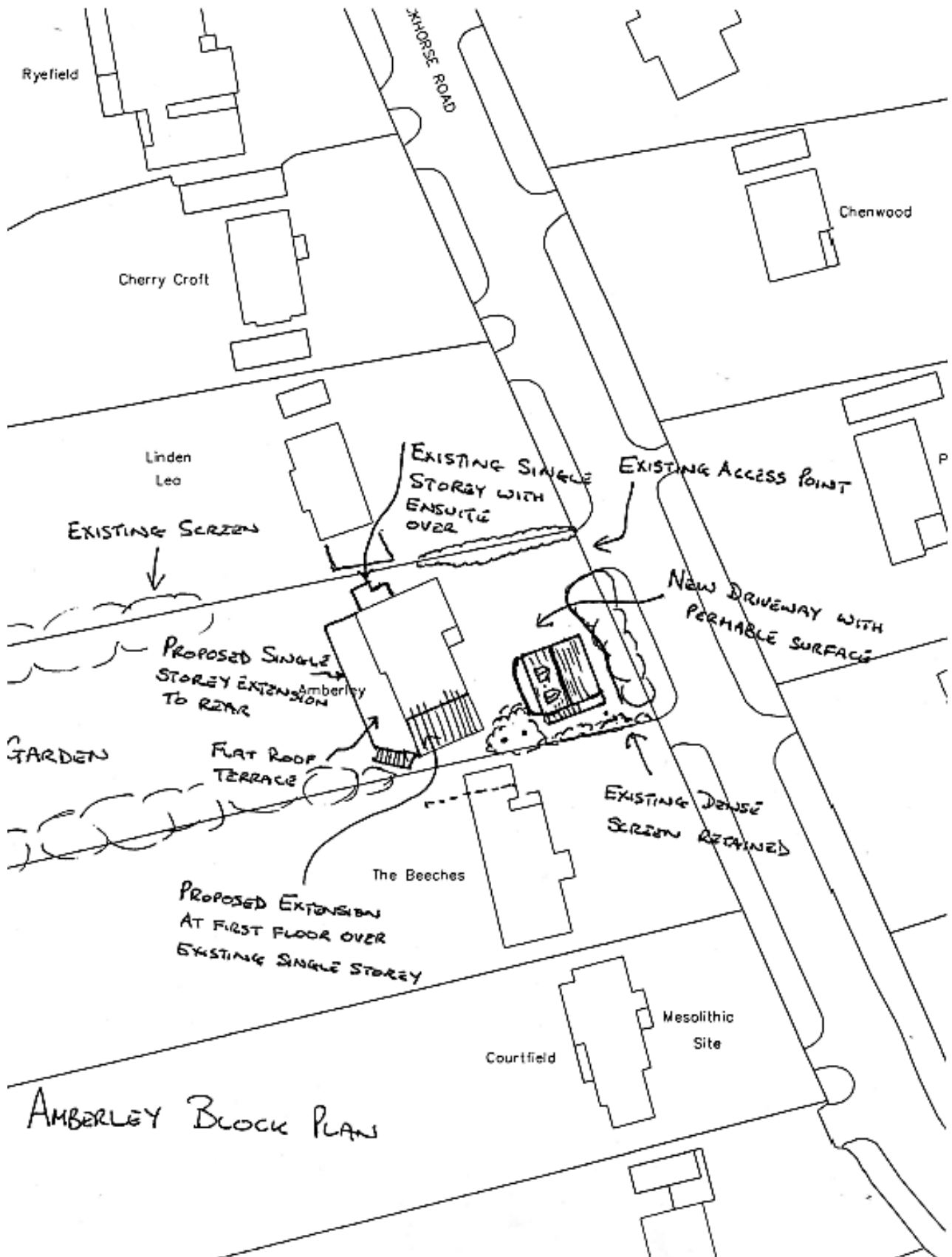
Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MHHD03BK8V000>





**BLOCK PLAN 1**



# BLOCK PLAN 2

