

4.2 – SE/13/01288/FUL Date expired 2 July 2013

PROPOSAL: Demolish existing garage and replace with new dwelling. As amended by plans received 29.08.13 and 10.10.13.

LOCATION: 1 Holly Bush Lane, Sevenoaks TN13 3UJ

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 be detrimental to the conservation area and the setting the nearby listed buildings, potentially represent a cramped overdevelopment of the site and have a detrimental impact upon neighbouring amenity.

**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 details and 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. This should include details of all doors and windows. The development shall be carried out using the approved materials.

To ensure that the appearance of the development preserves the character and appearance of the area and the significance of the nearby listed buildings as supported by the National Planning Policy Framework.

3) The development shall be carried out wholly in accordance with the recommendations contained within the Arboricultural Method Statement of the Arboricultural Report received on 20.05.13.

To ensure the long term retention of mature trees on the site and adjacent to it as supported by the National Planning Policy Framework.

4) 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 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.

5) 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.

6) 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.

7) The first floor and rooflight windows in the eastern side elevation of the dwelling hereby approved shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level.

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

8) 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.

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

9) The two roof lights approved in the east elevation of the dwelling shall be conservation type roof lights and shall be retained as such thereafter.

To ensure that the appearance of the development preserves the character and appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

10) The brickwork either side of the new openings in the wall, which bounds the eastern boundary of the site, shall be made good by re-using bricks removed where necessary and by using mortar to match the existing wall.

To ensure that the appearance of the development preserves the character and appearance of the area as supported by the National Planning Policy Framework.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: 12061-PL-08 Rev.A, 12061-S-02, 12061-P-05 Rev.K, VIN/SEV/2012/010 and SPR/TUN/013/010.

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

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

The site is within the built confines of the settlement where there is no objection to the

principle of the proposed development.

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

The development would preserve the special character and appearance of the Conservation Area.

### **Informatives**

- 1) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
- 2) The applicant should be aware that a separate Conservation Area Consent application is necessary to provide approval for the proposed removal of the two small sections of the eastern boundary wall.
- 3) Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk). With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, 3 Church Road, Haywards Heath, West Sussex. RH16 3NY. Tel: 01444-448200.

### **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 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) Was provided with pre-application advice.
- 2) Was updated on the progress of the planning application.
- 3) The applicant was provided the opportunity to submit amendments to the scheme/address issues.

#### Description of Proposal

- 1 The application seeks the approval of the demolition of the existing detached garage building and the erection of a one and a half storey detached dwelling, with the first floor accommodation being located within the roof space of the building. The house is proposed to be L-shaped with the main part of the house facing onto Park Lane and a large projection, at 90 degrees to this, abutting the boundary with Holly Bush Lane.
- 2 The front part of the house would have a pitched roof, with gable ends orientated in an east-west direction, and a gable ended front projection. First floor windows would break through the eaves of the building forming small dormer projections to the rear. This front section of the dwelling would almost span the width of the site, being cantilevered over the boundary wall running along the eastern boundary of the site.
- 3 The rear projection would have a lower ridge height and a roughly similar footprint to the front part of the house. First floor windows in the west elevation would again break through the eaves of the roof, with roof lights proposed to be inserted along the eastern plane of the roof and a small round window proposed to serve a bathroom. The small overhang of the existing boundary wall would continue along the eastern wall of this part of the building.
- 4 The house is proposed to be finished in render above a brick plinth for the walls and plain clay tiles for the roof. Parking for the dwelling is proposed to be to the front of the property, accessed from the corner of Holly Bush Lane and Park Lane.
- 5 The application follows the refusal of a similar proposal for a new dwelling on this part of the existing site. The application was refused since it was concluded that the proposed development would harm the significance of the adjacent listed buildings, would harm the significance of the conservation area and the character and appearance of the locality, would harm the residential amenities enjoyed by the occupants of the flats at Vine Lodge, would potentially harm mature trees and failed to provide the necessary affordable housing contribution.
- 6 This application seeks to overcome these reasons for refusal and aims to achieve this by reducing down the overall size of the proposed house, relocating the building further into the site, removing several east facing first floor windows, submitting a tree survey and providing a completed legal agreement outlining a financial contribution towards an off-site affordable housing provision.

## Description of Site

- 7 The application site comprises a large end of terrace dwelling and its associated curtilage, which is triangular in shape, reducing in width from north to south. The site is located on the corner of Holly Bush Lane and Park Lane, close to the town centre of Sevenoaks. The site is bounded along the eastern boundary by a brick wall, the site is open to access to the south and is bounded by a mixture of wall and hedging along the north and western boundaries.

## Constraints

- 8 The site lies within the built confines of Sevenoaks, The Vine Conservation Area and adjacent to a Grade II Listed Building.

## Policies

### *Sevenoaks District Local Plan*

- 8 Policies – EN1, EN23 and VP1

### *Sevenoaks District Core Strategy*

- 9 Policies - L01, L02, SP1, SP2, SP3, SP5 and SP7

### *Other*

- 10 The National Planning Policy Framework (NPPF) – paragraphs 14, 17, 53, 56, 111, 118 and 132
- 11 The Vine Conservation Area Appraisal
- 12 Affordable Housing Supplementary Planning Document (SPD)

## Planning History

- 13 SE/79/00723 - Additional garage attached to existing detached domestic garage. Granted 10.07.79
- SE/80/00671 - Erection of domestic garage. Granted 11.07.80
- SE/02/02864 - Conservation Area Consent for the part demolition of boundary wall to improve vehicular access. Granted 31.01.03
- SE/12/02499 - Demolish existing garage and replace with new dwelling. Refused 04.12.12
- SE/12/02500 - Conservation Area Consent for the demolition of the existing garage. Granted 04.12.12
- SE/12/03178 - The erection of single storey extension to the east elevation and the erection of garage, creation of new driveway and highway crossover. Granted 28.03.13
- SE/12/03179 - Conservation Area Consent for the demolition of part of wall for creation of new gate, driveway and highway crossover. Granted 28.03.13

## Consultations

### *Sevenoaks Town Council - 23.05.13*

14 “Sevenoaks Town Council recommended refusal on the following grounds:

- The proposal would intrude into the setting of the "important grouping" in the Conservation Area, which includes the adjacent listed buildings, thus conflicting with saved policy EN23 of the Sevenoaks District Local Plan and the NPPF.
- The proposal would harm the integrity of the Conservation Area and the character and appearance of the locality by reason of the confused design and inappropriate architectural treatment, together with two new gates breaking through the old wall along Holly Bush Lane. This would conflict with saved policies EN1 and EN23 of the Sevenoaks District Local Plan, Policy SP1 of the Sevenoaks Core Strategy, and the NPPF.
- The proposal comprises a cramped development which would represent significant overdevelopment of the site and would lack adequate amenity space for any future residents, thus conflicting with saved Policy EN1 of the Sevenoaks District Local Plan.
- The proposal would constitute an undesirable form of development in that it would harm the residential amenities of nearby residents, especially no.2 Park Lane, and thus be contrary to Saved Policy EN1 of the Sevenoaks District Local Plan.
- This proposal would create a fresh dwelling on land which would amount to "garden grabbing" and thus be contrary to the NPPF.

Informative: Although the impact on trees is mentioned in the Design and Access statement is it not clear which trees will be either lost or threatened by the proposed development, making it impossible to reach an informed judgement on this aspect of the application.”

### *Sevenoaks Town Council - 13.06.13*

15 “Sevenoaks Town Council recommended refusal on the following grounds:

- The proposal would intrude into the setting of the "important grouping" in the Conservation Area, which includes the adjacent listed buildings, thus conflicting with saved policy EN23 of the Sevenoaks District Local Plan and the NPPF.
- The proposal would harm the integrity of the Conservation Area and the character and appearance of the locality by reason of the confused design and inappropriate architectural treatment, together with two new gates breaking through the old wall along Holly Bush Lane. This would conflict with saved policies EN1 and EN23 of the Sevenoaks District Local Plan, Policy SP1 of the Sevenoaks Core Strategy, and the NPPF.
- The proposal comprises a cramped development which would represent significant overdevelopment of the site and would lack adequate amenity space for any future residents, thus conflicting with saved Policy EN1 of the Sevenoaks District Local Plan.

- The proposal would constitute an undesirable form of development in that it would harm the residential amenities of nearby residents, especially no.2 Park Lane, and thus be contrary to Saved Policy EN1 of the Sevenoaks District Local Plan.
- This proposal would create a fresh dwelling on land which would amount to "garden grabbing" and thus be contrary to the NPPF."

*Sevenoaks Town Council – 20.09.13*

- 16 “Sevenoaks Town Council noted the minor change to eaves overhang at the sides of the proposed dwelling but wished to reinforce its objection to the scheme.

The change to the side wall of the house will not change its overall impact on Holly Bush Lane. If built it would be oppressive and loom over the footpath creating a tunnel effect in what is now an attractive part of the conservation area. The side elevations of the plan - partly because of the confined nature of the small site - are flat and massive, and in no way live up to the claims of 'Puginesque' character in the design and access statement.

- 17 The Town Council in addition reiterated its earlier objection and recommendation for refusal on grounds that:

- The proposal would intrude into the setting of the "important grouping" in the Conservation Area, which includes the adjacent listed buildings, thus conflicting with saved policy EN23 of the Sevenoaks District Local Plan and the NPPF.
- The proposal would harm the integrity of the Conservation Area and the character and appearance of the locality by reason of the confused design and inappropriate architectural treatment, together with two new gates breaking through the old wall along Holly Bush Lane. This would conflict with saved policies EN1 and EN23 of the Sevenoaks District Local Plan, Policy SP1 of the Sevenoaks Core Strategy, and the NPPF.
- The proposal comprises a cramped development which would represent significant overdevelopment of the site and would lack adequate amenity space for any future residents, thus conflicting with saved Policy EN1 of the Sevenoaks District Local Plan.
- The proposal would constitute an undesirable form of development in that it would harm the residential amenities of nearby residents, especially no.2 Park Lane, and thus be contrary to Saved Policy EN1 of the Sevenoaks District Local Plan.
- This proposal would create a fresh dwelling on land which would amount to "garden grabbing" and thus be contrary to the NPPF.

*Conservation Officer – 04.07.13*

- 18 “This site is within the designated The Vine Conservation Area and there are several listed buildings nearby. At present there is a garage building with low pitched roof in this location, within the garden to Vine Cottage, which is of no special merit in the CA but is unobtrusive. There is a brick wall along the frontage to Hollybush Lane. Permission has previous been granted for an entrance further north in Holly Bush Lane through the wall and for a new garage to the rear of Vine

Cottage. There are a number of trees within and adjoining the plot, the retention of which is essential in conserving the area and setting.

The relevant legislation and guidance with regard to new development in a CA is detailed, but essentially the requirement is that it should 'preserve or enhance'. New buildings are not ruled out in principle viz the new flats and house on the BMW site on The Vine and the new house approved in Avenue Road. The proposed new dwelling has been designed to be small scale and have the appearance of a lodge, (with first floor accommodation within the roof space) such as might be found as ancillary accommodation to a large house. It would be positioned further back from the junction than the garage in order to give trees here more space. The L shaped plan allows for the house to be built behind the brick wall to Holly Bush Road. Overall the design has been carefully considered to make the best use of the site and avoid any adverse impact on existing nearby buildings. It would be located over 30 metres from any of the listed buildings.

The test under the relevant legislation and guidance as to whether a scheme in a CA is appropriate is whether it 'preserves or enhances'. My view is that this is a good design, in keeping with the area in terms of scale, design concept, detailing and materials, would meet these requirements, provided the tree officer is confident that there would be no loss of trees either during the development or in the future as a result of concerns from residents. Recommend approval subject to conditions re details and materials.”

*Conservation Officer – 05.09.13*

19 “No further comments.”

*Conservation Officer – 10.10.13*

20 The Conservation Officer confirmed that she would not object to the proposed openings in the eastern boundary wall provided the brickwork on either side of the openings is made good.

The Conservation Officer also confirmed that since only small sections of the wall are to be removed, rather than the wall in its entirety, there would be no requirement for the applicant to submit a separate Conservation Area Consent application.

Finally, the Conservation Officer stated it might be appropriate to condition the doors proposed to be inserted into the wall to ensure they were of an acceptable appearance.

*Tree Officer – 03.06.13*

21 “I have read through the Arboricultural Report and have studied the Method Statement. Generally, this is fine and I have few concerns providing the recommendations are adhered to. However, there appears to be a discrepancy regarding the location of the services to the new property. This should be clarified so that recommendation could then be given.

*Tree Officer – 15.08.13*

22 “This (the plan showing the location of the proposed services) appears to be ok to me.”



*Highways Engineer – 28.05.13*

- 23 “I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.”

*Highways Engineer – 04.10.13*

- 24 “I am grateful for the attention that has been given regarding the eave overhang detail on this proposal and confirm that I consider the modified design to be acceptable in highway terms.”

*Thames Water – 15.05.13*

Waste Comments

- 25 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 26 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

Water Comments

- 27 With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, 3 Church Road, Haywards Heath, West Sussex. RH16 3NY. Tel: 01444-448200

Representations

- 28 Nine letters of representation have been received from four neighbours highlighting objections to the proposal on the following grounds –
- Cramped arrangement;
  - Overdevelopment of the site;

- Impact on the conservation area;
- Impact on the setting of listed buildings;
- Impact on the character of the area;
- Impact on mature trees;
- Design of the proposed house;
- Impact on future occupants of the house;
- Overlooking;
- Clarity of the plans;
- Setting of a precedent;
- Loss of privacy;
- Safety of the construction of the cantilevered side wall;
- Proximity to neighbouring properties;
- Loss of the boundary wall;
- Time to consider additional information;
- Garden grabbing;
- Loss of parking;
- Impact on residential amenity; and
- Content of the Design & Access Statement.

### **Chief Planning Officer's Appraisal**

29 The main issues in this case are the principle of the development, the potential impact on the character and appearance of the area, the potential impact on the setting of nearby listed buildings, the potential impact on neighbouring amenity and the potential impact on trees. Other issues include the potential impact on highways safety, parking provision, affordable housing provision, the Code for Sustainable Homes and sustainable development.

#### Main Issues

##### *Principle of the development –*

30 Paragraph 53 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

31 The NPPF also states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value (para. 111).

32 Annex 2 of the NPPF provides a definition for previously developed land stating that it is land 'which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.' This definition excludes, amongst other categories, 'land in built-up areas such as private residential gardens, parks, recreation grounds and

allotments’.

- 33 The site falls within the built confines of Sevenoaks and currently forms part of the amenity area to the rear of the existing dwelling. Currently on the rear area of the plot stands a detached garage building. The proposed house would be sited partly on the footprint of the existing garage and partly on the existing garden of the property. Since the proposed site of the house comprises part of the private residential garden I consider that the site falls outside the category of previously developed land for the purposes of an assessment against the NPPF.
- 34 The site as a whole falls within the Sevenoaks Urban Area as defined by policy LO2 of the Core Strategy. This policy seeks to encourage residential development on a range of sites suitable for residential use within the urban area. In my view, the site continues to be suitable for further residential development, given that it currently has a residential use, the plot is sufficient in size to provide for a new dwelling and is located close to the town centre. The proposal therefore complies with policy LO2 and the principle of the development of the site is one that the Council could potentially accept provided the scheme complies with all other relevant development plan policies.
- 35 In conclusion, the site does not comprise previously developed land and is within the built confines of Sevenoaks where residential development is acceptable but only on the basis that the development would respect the local characteristics. An assessment of this issue is carried out below.

*Impact on the character and appearance of the conservation area and locality –*

- 36 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 37 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (para. 132).
- 38 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)
- 39 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. Therefore, I consider that this policy is broadly consistent with the NPPF.
- 40 The Conservation Area Appraisal for the area describes the predominant impression within the conservation area as being one of openness with interesting views across and beyond the cricket pitch. The generous spacing between the properties highlights their own individual characters framed by the trees and the wide expanse of sky above. In addition, the existing house on the

site is identified as one that contributes to the character of the area and buildings around the site are identified as forming an important grouping.

- 41 This part of the conservation area certainly possesses an open feeling, with the main house set about 50m back from the rear boundary of the site to the north, 1 and 3 Park Lane about 30m away to the south-west and Vine Lodge situated about 20m to the east. The existing garage building is the only structure in close proximity to the corner and this is single storey in height and low key in design. The corner also has a number of mature trees growing within the proximity of it.
- 42 The proposed house would have a height of 6.9m, an overall depth of about 13m and would be set 7m back from the southern boundary of the site. This compares to a maximum height of 7.4m, an overall depth of almost 17m and a set back of 6m from the southern boundary for the house recently refused. The proposed dwelling would be built hard up against the eastern boundary of the site, as the refused house was proposed to do, with the refused dwelling built on top of the existing boundary wall and the proposed house constructed to overhang the wall.
- 43 The proposed building would close off some of the open character of the area. However, the impact on the character of the area is greatly reduced by the significant reduction in size that the proposed house represents over the previously refused property. From the south, the site would be opened up to a greater extent compared with the refused house due to the proposed reduction in height and the increase in the set back from the southern boundary of the site.
- 44 I would accept that the impression given to those travelling along Holly Bush Lane would be of a reduction in the open feel of the area. However, I would argue that this part of the lane is already restricted to open views by the wall along the eastern boundary of the site and the Vine Lodge development to the west of the lane.
- 45 Given the situation of the site no views across and beyond the cricket pitch are available and so the proposed house would not further restrict these views. Three trees would need to be removed to allow the development to take place. However, several mature trees on the site and adjacent to it would not be significantly affected by the erection of the proposed house. It is therefore the case that the individual character of the dwelling would be framed by these mature trees and the wide expanse of sky above.
- 46 The design of the proposed house is significantly more coherent now, has been simplified and is a great improvement compared to the design of the property refused planning permission. The rendered finish to the walls and clay roof tiles would replicate the appearance of other properties in the locality. Detailing, particularly in relation to the roof of the house, would also add architectural interest to the building. The appearance of the rear projection is also more appropriate, being subservient to the front part of the house.
- 47 The Town Council comments and representations received refer to a cramped arrangement of the proposed house and overdevelopment of the site. I do not concur that the proposal represents overdevelopment of the site. The site has an area of almost 0.12 hectare and so the small footprint of the house would only cover a very small percentage of the site. I would acknowledge the thoughts that the development appears cramped. However, as the Conservation Officer points out, the new dwelling has been designed to be small scale and have the

appearance of a lodge such as might be found as ancillary accommodation to a large house. In this instance I would therefore argue that the small scale of the building, sited in the thinnest part of the site is acceptable.

- 48 Reference has also been made by the Town Council to the two small openings proposed in the eastern boundary wall. These openings would only allow for a new entrance door to the new property and a gate to the rear garden area, and as such these minor alterations to the wall would not have a significant impact on the character of the area.
- 49 The Conservation Officer has provided her view and considers that the design of the proposed house has been carefully considered to make the best use of the site and avoid any adverse impact on existing nearby listed buildings. It is also the case that the Conservation Officer deems the development to be a good design that is in keeping with the area in terms of scale, design concept, detailing and materials and would meet the requirements of relevant legislation and guidance. This includes the proposed depth of the eaves as well as the proposed openings in the eastern boundary wall.
- 50 Overall, I am of the opinion that the proposed dwelling would overcome the concerns had with previous application and so would preserve the significance of the conservation area and the character and appearance of the locality.

*Impact on the adjacent listed buildings –*

- 51 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 52 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132).
- 53 The site lies adjacent to and in close proximity to a number of Listed Buildings including 1, 2 and 3 Park Lane to the north and south-west of the plot. As noted above, the Conservation Officer is of the view that the development would represent good design that would be in keeping with the area in terms of scale, design concept, detailing and materials. As such the Conservation Officer concludes that the proposal would meet the requirement of current legislation and guidance.
- 54 I would therefore argue that the proposal has overcome the previous concerns had with the refused scheme. In addition to the view of the Conservation Officer, the location within the site has been altered and the size of the proposed house has been reduced, which has resulted in the house moving further away from each of the nearby listed buildings. The design of the proposed dwelling is also a significant improvement on that previously considered.
- 55 In conclusion, I am of the view that the proposed dwelling would overcome the concerns had with previous application and so would preserve the significance of the nearby listed buildings.

*Impact on neighbouring amenity –*

- 56 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.
- 57 Policies EN1 and H6B of the Sevenoaks District Local Plan require that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 58 The proposed house would be located a minimum of 29m from the existing house, 1 Holly Bush Lane, and 1 & 3 Park Lane, to the south-west of the site. These distances of separation would be sufficient distance to ensure that the proposed dwelling would not significantly impact upon the amenities of these properties.
- 59 The property would also be situated a minimum distance of 29m from 2 Park Lane, the adjacent neighbour to the west. The proposed house would therefore not significantly impact the enjoyment of the neighbouring property itself. The west facing first floor windows of the proposed dwelling would face onto an amenity area at the southern end of the neighbouring plot. However, this is not afforded any protection under the current development plan, in terms of any potential overlooking and loss of privacy.
- 60 To the east of the site is a group of buildings that make up Vine Lodge. On the opposite side of Holly Bush Lane to the location of the proposed house is the largest of the group of buildings, Vine Lodge, which is made up of a number of flats. Windows of Vine Lodge face towards the application site at ground and first floor level, a distance of about 12m from the side wall of the proposed house, and it appears that a small amenity area is also sited in close proximity to the proposed dwelling.
- 61 The proposed house would have three windows facing in an easterly direction towards Vine Lodge and the amenity area of the property. One of these windows would serve a bathroom and so could be obscure glazed and fixed shut. The two roof light windows include a secondary window proposed to serve a bedroom and a window to serve a landing. These both appear to be over 1.7m above the internal floor level. However, it would be possible to control these windows to ensure that the proposed development would not lead to detrimental overlooking and a loss of privacy to the occupiers of Vine Lodge.
- 62 The proposed house is small in size and would be provided with a small amenity area. However, the property would enjoy a reasonable outlook, would receive a good amount of daylight and sunlight and would also enjoy an appropriate level of privacy. I would also conclude that the rear amenity area would be acceptable given the location of the property and the proximity to nearby public open space.
- 63 Overall, I therefore consider that the proposed dwelling would overcome the concerns had with previous application and so would preserve the amenities currently enjoyed by the occupiers of nearby properties and would ensure a satisfactory environment for future occupants.

### *Impact on trees –*

- 64 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).
- 65 The site lies within a conservation area and several mature trees stand within the site and adjacent to it. These trees include a Holm Oak tree, which is also covered by a Tree Preservation Order and is located on the opposite side of Holly Bush Lane.
- 66 The applicant has submitted a tree survey, which identifies the mature trees and indicates three trees that would need to be removed. These include a Cedar and two Leyland Cypress trees. The tree report concludes that the loss of these trees would not impact upon the amenity of the area.
- 67 Following confirmation of the location of services to the proposed house the Tree Officer has confirmed that, provided the recommendations given by the tree survey are adhered to, they would raise no objection to the development.
- 68 As such, I am of the view that the development would not lead to a loss of trees that add to the general amenity of the area.

### Other Issues

#### *Parking and highways safety –*

- 69 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.
- 70 The proposal would make provision for two off-street parking spaces for the new dwelling, which is considered to be sufficient for a two bed unit in an edge of centre location such as this one. Access to the site would continue to be via the existing vehicular access from the corner of Holly Bush Lane and Park Lane. The continued use of the access is therefore wholly acceptable. In addition, the Highways Engineer has raised no objection to the scheme, which includes a small overhang detail over the boundary wall and highway.
- 71 The creation of a new access for the existing dwelling and a parking area has recently been approved (SE/12/03178) and so it is also the case that the existing house would retain sufficient off-street parking.

#### *Affordable housing –*

- 72 Policy SP3 of the Core Strategy requires that residential developments of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 73 The proposal would result in the net gain of one dwelling and so a financial contribution towards off-site affordable housing provision is required. A completed legal agreement setting out a contribution in line with the formula held within the Affordable Housing SPD (£22,310) has been received and accepted by the

Council's legal team. The proposal therefore wholly complies with policy SP3 of the Core Strategy.

*Code for Sustainable Homes –*

- 74 Policy SP2 of the Core Strategy states that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes. The applicant has acknowledged this requirement but no information relating to this has been submitted by the applicant. It is possible, however, for the achievement of Level 3 to be required by way of condition on any approval.

*Clarity of the plans –*

- 75 In carrying out my assessment of the application I have found no issue with the clarity of the plans. Having had the benefit of visiting the site the plans are perfectly clear and leave no doubt in my mind as to what the application is proposing.

*Setting of a precedent –*

- 76 No precedent would be set by any approval of this application. Each planning application is assessed on its own merits and so if a similar application was submitted on any of the nearby sites the Council would have to assess the acceptability of the development given the specific circumstances of the site and the proposal itself.

*Safety of the construction of the cantilevered side wall –*

- 77 This would be a matter to be considered under Building Regulations Consent to ensure that the structural soundness of the wall is acceptable. The matter is therefore not a material consideration that needs to be assessed as part of this planning application.

*Content of the Design & Access Statement –*

- 78 I would acknowledge that a Design & Access Statement is a useful tool in assessing a planning application. However, the decision made on any planning application is based solely on the plans submitted. The content of the Design & Access Statement therefore has no direct bearing on the decision issued.

*Loss of the boundary wall –*

- 79 As noted above, the applicant proposes to erect a cantilevered side wall of the house, adjacent to and slightly overhanging the eastern boundary wall. It is therefore the case that the wall would remain largely untouched by the erection of the proposed house as discussed above.

*Time to consider additional information –*

- 80 It is the case that the applicant submitted the tree survey after the initial submission of the planning application. Both the Town Council and Tree Officer were notified that the tree survey had been submitted but in this instance it was not deemed necessary to also notify neighbours. As is always the case with planning applications, neighbours are asked to provide comments within a 21 day period. However, it is possible to consider any representation submitted prior to



the Council making a decision. The tree survey was uploaded onto the website shortly after being received and so any neighbour who wished to comment on the content of the tree survey has had more than sufficient time to do so.

#### *Sustainable development –*

81 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.

82 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

93 None relating to this application.

#### **Conclusion**

94 It is considered that the proposed dwelling represents sustainable development that would be acceptable in principle, would preserve the significance of the conservation area and the nearby listed buildings, and 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

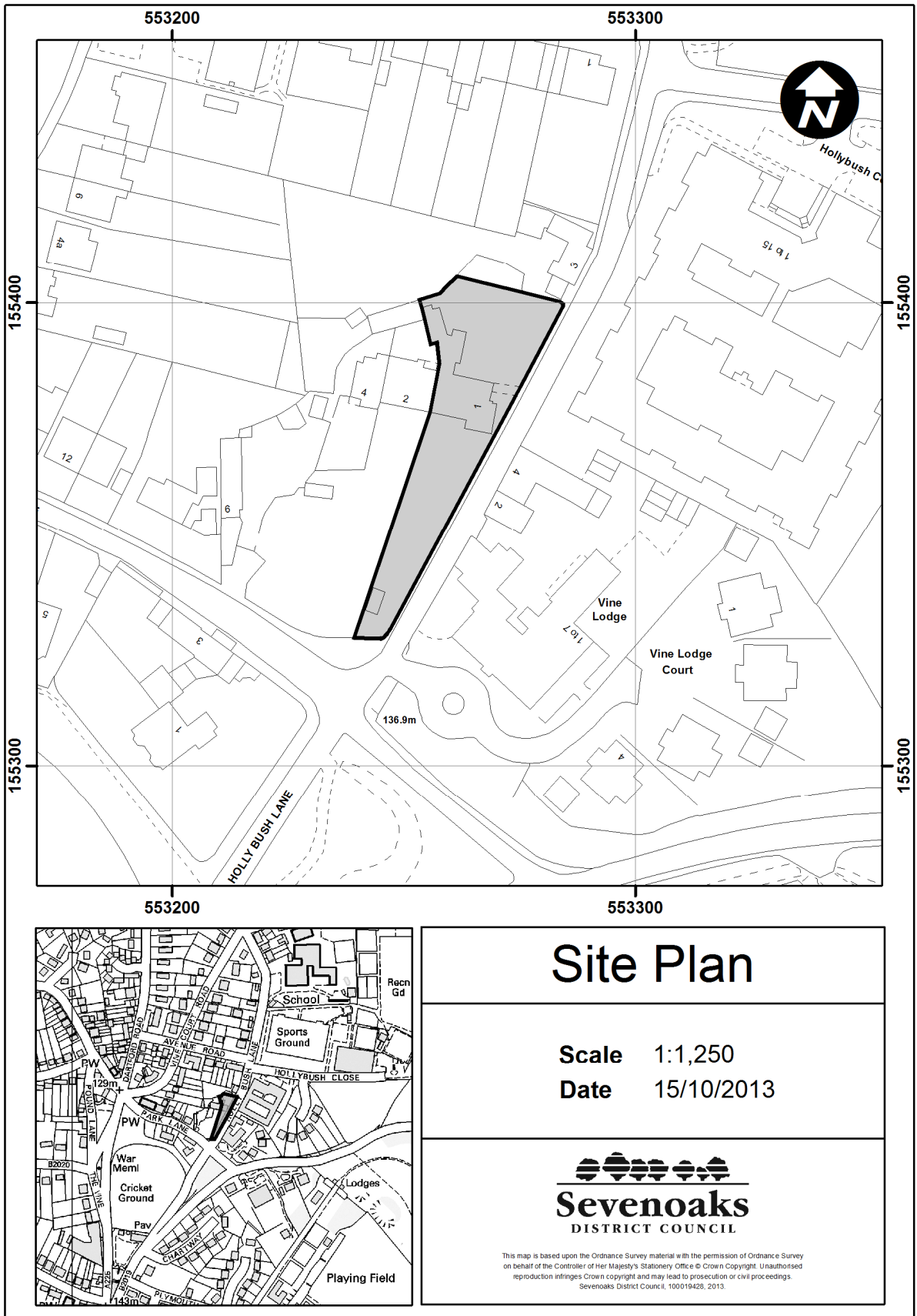
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MM08TOBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MM08TOBK8V000>



# Site Plan

Scale 1:1,250  
 Date 15/10/2013



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**Block Plan**

