

4.1 - SE/13/02054/FUL Date expired 17 September 2013

PROPOSAL: Erection of a four bedroom detached chalet bungalow, providing for vehicular access to/from Ash Road. (Resubmission of SE/12/01339/FUL).

LOCATION: Joh San, Ash Road, Hartley DA3 8EY

WARD(S): Hartley & Hodsoll Street

ITEM FOR DECISION

This application has been referred to the Development Control Committee by Councillor Abraham and Councillor Ramsay who are concerned about the impact of the proposed development upon the street scene and the amenities of adjacent residents.

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

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) No development shall take place until full details of both hard and soft landscaping have been submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Proposed finished levels or contours; Hard surfacing materials; Planting plans; Boundary Treatments; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

4) The proposals for landscaping shown on the approved layout shall be implemented prior to the first occupation of the dwelling hereby approved or such other date as may be agreed in writing by the Local Planning Authority. The approved landscaping works shall thereafter be retained in accordance with the approved layout for a period of 5 years. Any trees or plants which, within this 5 year period, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced in the next planting season with others of same species, size and number as originally approved, unless the Local Planning Authority gives written

consent to any variation.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

5) Prior to any permanent closure of the eastern vehicular access and commencement of the use of the western vehicular access as shown on approved plan no. PL/002 Rev. B, full details of the restoration of the land relating to the closure of the eastern vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The restoration of the land shall be implemented in full within three months of the first use of the western vehicular access and maintained in accordance with the approved details.

To safeguard the amenities of the area in accordance with policy EN1 of the Local Plan.

6) The dwelling shall achieve Level three of the Code for Sustainable Homes. No dwelling shall be occupied until evidence shall be provided to the Local Authority showing that a final Code Certificate has been issued for it certifying that Code Level three has been achieved 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 in the National Planning Policy Framework and policy SP2 of the Core Strategy

7) No development shall take place until full details of a scheme of Biodiversity enhancement has been submitted to and approved by the local planning authority. The approved details shall be implemented in full and maintained thereafter.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity, in accordance with Policy SP11 of the Core Strategy and guidance in National Planning Policy Framework 2012.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Classes A, B, C of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

To safeguard the amenities of adjacent residential occupiers supported by Policy EN1 of the Sevenoaks District Local Plan.

9) Demolition or construction works shall not take place outside 0700 hours to 1800 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

To prevent disturbance to nearby residential properties in accordance with Policy EN1 of the Local Plan

10) The development hereby permitted shall be carried out in accordance with the following approved plans: PL/001 Rev. A and PL/002 Rev. B

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

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),
- 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) Was updated of small scale issues which arose during the process of the application and was given time to address it.

Description of Proposal

- 1 The application site forms part of a large garden relating to an existing three bed bungalow that front onto Ash Road. To the western boundary of the site is a small strip of land that fronts onto Chantry Avenue. Between the rear elevation of Joh San and the western boundary of the site, it is proposed to sub-divide the plot and proposed to erect a 4 bed chalet bungalow.
- 2 To facilitate the scheme, it is proposed to demolish part of an existing single storey extension of Joh San and create a new vehicular access from Ash Road. This access has already been established in principle by appeal reference: APP/G2245/A/11/2144345.
- 3 This application is an amended scheme to what had been allowed on appeal under reference SE/10/01686 (see Appendix 1). The main difference with the scheme is the change to the overall design of the dwelling and the formation of a new access to the frontage of Joh San to afford improved visibility splays from a new access onto a classified road and the prospect of a new vehicular access

from Chantry Avenue should the strip of land adjacent the western boundary becomes available.

- 4 The scale of the proposed dwelling has been designed in response to the styles of dwellings within the area, by allowing the insertion of half gables to step the scale up and down in response to the existing built form adjacent the site. In addition, first floor accommodation has been contained within the roof line by lifting the eaves line and inserting roof light windows, the benefit of which has been to allow for no dormer projections retaining the characteristics of a bungalow, similar to the previously approved scheme.

Description of Site

- 5 This application relates to a residential property within Hartley village envelope. Within the site is a detached bungalow set within a modest sized plot that approximately measures 0.167ha. The plot is bounded to the east by Ash Road and to the north west by a cul-de-sac off Chantry Avenue. There is a modest sized area of garden between the dwelling and the cul-de-sac.
- 6 The existing dwelling is set back from the road and benefits from various boundary treatments found along the northern, southern and western boundaries. The site is surrounded by residential development of a mixture of different dwelling types, scale of built form and architectural styles.
- 7 There is an existing access to the property from Ash road onto a hardstanding area to the front that is capable of accommodating up to four or more cars.

Constraints

- 8 Area of Special Advertisement Control

Policies

Sevenoaks District Local Plan

- 9 Policies – EN1, VP1

Sevenoaks Core Strategy

- 10 Policies – SP1, SP2, SP3, SP5, SP7, SP11, L01, L07

Other

- 11 National Planning Policy Framework: 50, 53, 56, 60, 61, 63, 64, 118
- 12 Hartley Village Design Statement 2008

Planning History

- 13 12/01339 - The erection of a four/five bedroom detached dwelling in south end of the garden and creation of new vehicular access to Ash Road - REFUSED

10/01686 - Erection of a detached two bedroom bungalow in rear garden of dwelling – REFUSED (Allowed at Appeal – See Appendix 1)

09/00813 - Erection of a detached two bedroom bungalow in rear garden of dwelling - REFUSED

Consultations

Parish / Town Council

14 Hartley Parish Council –Raises objections on the following grounds:

“1) The proposal conflicts with the conclusions set out in the Planning Inspector's report under appeal reference APP/G2245/A/11/2144345, in particular the height and bulk of the proposed dwelling which would result in an unacceptable effect on the privacy and amenities of neighbouring properties;

2) The proposed dwelling, because of its scale, bulk and design would result in a building out of character with the area because of its prominence, scale and bulk. This conflicts with policy EN1 of the Sevenoaks District Local Plan, Policies SP1, and LO7 of the adopted core strategy

KCC Highways

15 No objection raised.

Representations

16 6 neighbour representations received, objecting on the following grounds:

- Loss of light and privacy;
- Out of character;
- Tandem Development;
- Out of character with rest of the street;
- Inappropriate development to the size of the plot;
- Ransom Strip would not be sold or transferred;
- Additional Highway generation and safety concerns;
- Additional noise generated from site.

Chief Planning Officer's Appraisal

17 The main planning issues in respect of this application relate to:

- Principle of the development;
- Impact upon the character and appearance of the area;
- Impact upon the existing residential amenity;
- Highways;
- Biodiversity;
- Sustainability;
- Other Issues.

Principle of the development

- 18 The NPPF has a general presumption in favour of sustainable development, whilst encouraging the delivery of homes of a high quality design and a good standard of amenity for all, whilst reusing previously developed land. Furthermore the site is within the built confines of Hartley where the principle for new development is acceptable.
- 19 The site forms part of the garden to Joh San. The National Planning Policy Framework (NPPF) does not include gardens in the definition of "previously developed land". Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude other land, such as gardens, from being developed, provided such development is in suitable locations and relates well to its surroundings.
- 20 Paragraph 53 of the NPPF states that local planning authorities should consider setting out policies to resist the inappropriate development of rear gardens where this would cause harm to the local area. This is broadly consistent with Policies L07, SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.
- 21 Currently the site is occupied by a detached bungalow. Core Strategy Policy L07, permits small scale development that is of the appropriate scale and nature of the village.
- 22 Upon considering the above, the principle of residential use of the site is acceptable subject to having an acceptable impact on the character of the area, the amenities of neighbouring occupiers, impact on highway conditions and an acceptable design, amongst other material planning considerations. The principle of a residential development is considered an acceptable and the most appropriate use of this parcel of land.
- 23 In terms of density, Policy SP7 of the Core Strategy sets a density of 30 dwellings per hectare for developments within rural settlements. This plot is approx. 0.167ha which according to the required densities could provide 5 dwellings. This proposal proposes 1 new unit and does not make efficient use of the land. However, due to the spatial/historic pattern of the development, the erection of one dwelling would not adversely impact upon the character and appearance of the area and compliments the prevailing spacious character of the road.

Impact on the landscape character of the area

- 24 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.
- 25 The main visual impression of the development would be of the single-storey bungalow being Joh San when viewed from the front of the site. Slight glimpses of the new dwelling would be seen from this vantage point, however it is not consider that the introduction of an additional built form would cause detriment to the street scene when viewed from Ash Road.

- 26 The new chalet bungalow would be set-back from the adjacent cul-de-sac, forwards of the existing building line of the adjacent bungalows. The proposed dwelling would be sited in the widest part of the plot, which would allow for a generous amount of space around the new dwelling, on all sides, and sufficient space to enhance the scheme with landscaping and provide for a generous private garden area and parking area. In this context the proposal would not appear cramped or overdevelopment.
- 27 The NPPF 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.' (paragraph 56)
- 28 The NPPF also states:
"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."(paragraph 60)
- 29 As previously mentioned, Chantry Avenue is characterised by dwellings of varied age, size and appearance. The building line is also varied and some buildings are more prominent than others are, due to existing topography, siting, scale, and landscaping. However in the main, dwellings do not dominate the street scene due to large plot sizes and surrounding landscaping.
- 30 Hartley Village Design statement has been adopted as supplementary planning guidance that provides information design guidance in a generalised format. Furthermore it makes reference to the potential impact of new development and aims to discourage buildings that are out of scale and character with the rural aspect of the area. The statement promotes the scale and proportions of new developments to be in keeping with their surroundings, to maintain space and landscaping, and to prevent oversized dwellings that are alien to their surroundings, and to promote the use of local materials.
- 31 It is considered that the scale of the building would be compatible with the scale and form of buildings found within the immediate locality, as most housing is of varied design and scale. The design, form and appearance of the proposed dwelling is considered to be appropriate and relates well to the local vernacular style and its proportions articulate well with the built form of the surrounding area. Overall it would not have an adverse impact on the character and appearance of the area to warrant an objection to the proposal on planning grounds.
- 32 It is recognised that the dwelling proposed would be larger in size than the formerly approved bungalow and sited in a different location (more towards Chantry Avenue). Although the frontage width and height of the building would be similar to other properties in the area, both old and new, sufficient gaps have been maintained between the proposed dwelling and the adjacent properties, approximately 3.5m to the common southern boundary and approximately 1m to the northern common boundary. Its layout would respect the existing pattern of development in the locality, where there are other examples nearby of buildings

with sufficient separation gaps between dwellings, unusual layouts and plots that are not uniform in size or shape.

33 The roofscape of the proposed development would sympathise with the general character of the area due to the layout of the plots and the varying heights of the roofs.

34 With regard of the siting of the dwelling, the development would not appear unduly prominent, within the existing cu-de-sac.

35 With regard to the design of the dwellings paragraph 60 of the NPPF states:

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. “

36 The western elevation includes a large glazed area that serves the proposed landing/stairs. Given the variety of architecture found within the road, it is not considered, that this development, in isolation could be deemed to be unacceptable and would not appear out of context.

37 Overall, it is considered that the proposed dwelling has been designed in such a way as to minimise its bulk within its current context. It has been designed to have its own individual appearance, whilst respecting the linear pattern and scale of surrounding development. Details have been provided of the materials to be used in the external finish of the development picking the themes of local materials used within the locality. Their use would reinforce the character and identity of the area whilst maintaining a contemporary appearance. Given the variation in scale and design of houses in the road in general and the size of the plot, it is considered that a dwelling of this proportion can be accommodated without conflict with this policy or without conflict with the Village Design Statement.

38 It is considered that the proposed dwelling is of a design that sympathises with the character and appearance of the surrounding area. On this basis, this proposal would conform to policy EN1 of the Local Plan, policies SP1, LO1, and LO7 of the Core Strategy.

Impact upon existing residential amenity

39 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development should 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.

40 In terms of residential amenity, with regard to loss of light and overshadowing issues, it is considered that the development would not detrimentally affect light into any adjacent property due the orientation and siting of the development in relation to the sun's path. Moreover, the proposed dwelling is sited behind the window line of No. 49 to remove any loss of light perceived to the windows on the flank elevation, however these windows are non-habitable.

- 41 It is recognised that overlooking/loss of privacy could be an issue. After further consideration, due to the oblique views and the distance (more than 21m in places) between principal facing windows, of both Joh San, Galdana, it is considered that an objection on loss of privacy/overlooking grounds cannot be sustained. Furthermore, there are no first floor windows that have been added to the north and southern elevations of the proposed dwelling to detrimentally impact adjacent properties.
- 42 With regard to the impact of the development upon no. 49, due to the separation distance of approximately 6.4m between the proposed and the flank of the adjacent dwelling, it is not considered that the development would have an overbearing impact upon it.
- 43 Consideration has been given to the impact of the side access to the new dwelling however this access remains unchanged from the previously approved scheme that was approved by the Planning Inspectorate. As such the principle of the access is considered to be acceptable.
- 44 Overall, upon considering the third party representations and the comments made above, it is considered that that the development would not impact upon neighbouring amenities to an unacceptable degree. As such, the proposal would not be contrary to Policy EN1 of the Local Plan and Policy SP1 of the Core Strategy.

Biodiversity

- 45 Para. 118 of the NPPF and Policy SP11 of the Core Strategy sets out that new development should maximise opportunities to build in features which are of benefit to biodiversity as part of good design. Proposals do not include a range of features designed to enhance the ecological value of the site, therefore it would be reasonable to request further details by condition to improve the ecological value of the site. By doing so would ensure that the scheme would accord with the advice of policy SP11 of the Core Strategy.

Sustainability

- 46 Policy SP2 of the Core Strategy states the minimum Code for Sustainable Home (CSH) standard a new dwelling should achieve. At present the code standard requires a code 3 standard.
- 47 The (CSH) guidance states how a home can achieve a sustainability rating for one to six depending on the extent to which it has achieved Code standards. No information has been provided to what extent the current proposal would demonstrate the likely CSH level it will achieve. As such it would be reasonable to attach a condition requesting further information to ensure that the development complies with Policy SP2 of the Core Strategy.

Highways

- 48 The proposal shows two vehicular accesses into the site. It is proposed to create a new eastern access to the site should a strip land to adjacent to the western boundary not become available to the occupants. The creation of a new access to the west boundary of the site is the preferred option; however this strip of land is under different ownership. It is clear from the representations made, that this parcel of land would not be available in the foreseeable future. Therefore the

scheme has taken this into account, hence the creation of a new access to the eastern end of the site, to which the principle of such an access has already been established under planning reference SE/10/01686 allowed at appeal. In the event that the western access would become available, it would be reasonable to attach a condition requesting a scheme of restoration of the land to be submitted.

- 49 The proposal will create off-street parking provision for 3-4 cars with a turning area that accords with policy VP1 of the Local Plan.
- 50 KCC Highways Officer raises no objection to this proposal.
- 51 Overall, it is considered that the proposed access and parking scheme would accord to Policies EN1 and VP1 of the Local Plan.

Affordable Housing

- 52 Policy SP3 of the Core Strategy requires a financial contribution to be made towards improving affordable housing provision off-site where residential developments of less than five units would involve a net gain in the number of units. The policy indicates that for residential developments of this size a financial contribution based on the equivalent of 10% affordable housing would be required.
- 53 In a residential development of this size, Policy SP3 expects a financial contribution towards improving affordable housing provision off-site.
- 54 The applicant has submitted an economic viability assessment that states the additional requirement to pay an off-site affordable housing contribution of £18,963 would make the development unviable. This viability statement has been independently verified by Adams Integra who conclude that with the additional burden of cost imposed by the off-site affordable housing contribution, the development would be unviable. Therefore in accordance within the Council's Affordable Housing SPD, as it can be demonstrated that the development would be unviable, a request for an off-site affordable housing contribution would be unreasonable in this instance.

Access issues

- 55 There are no adverse access issues associated with this proposal.

Other issues

- 56 The comments raised by the third parties and Parish Council have been taken into consideration.
- 57 It is noted that the site is within a populated area surrounded by residential properties. Therefore it would be appropriate to impose a condition restricting construction hours to ensure the development would not detrimentally affect the amenities of neighbouring occupiers at unreasonable times from construction activities in accordance with Policy EN1 of the Local Plan.

Conclusion

58 On considering the above, it is recommended that this application should be approved as it conforms to the relevant Development Plan policies and there are no other overriding material considerations to suggest otherwise.

Background Papers

Site and Block plans

Contact Officer(s):

Sean Mitchell Extension: 7349

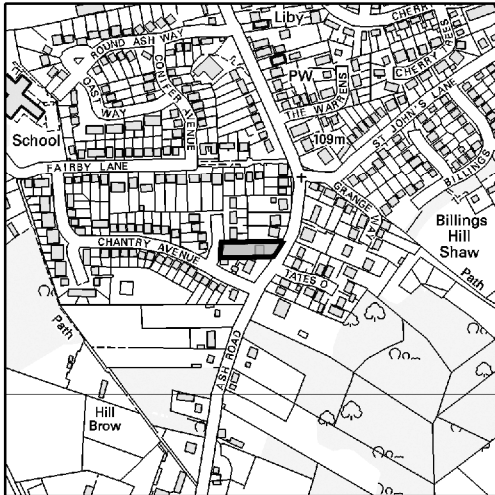
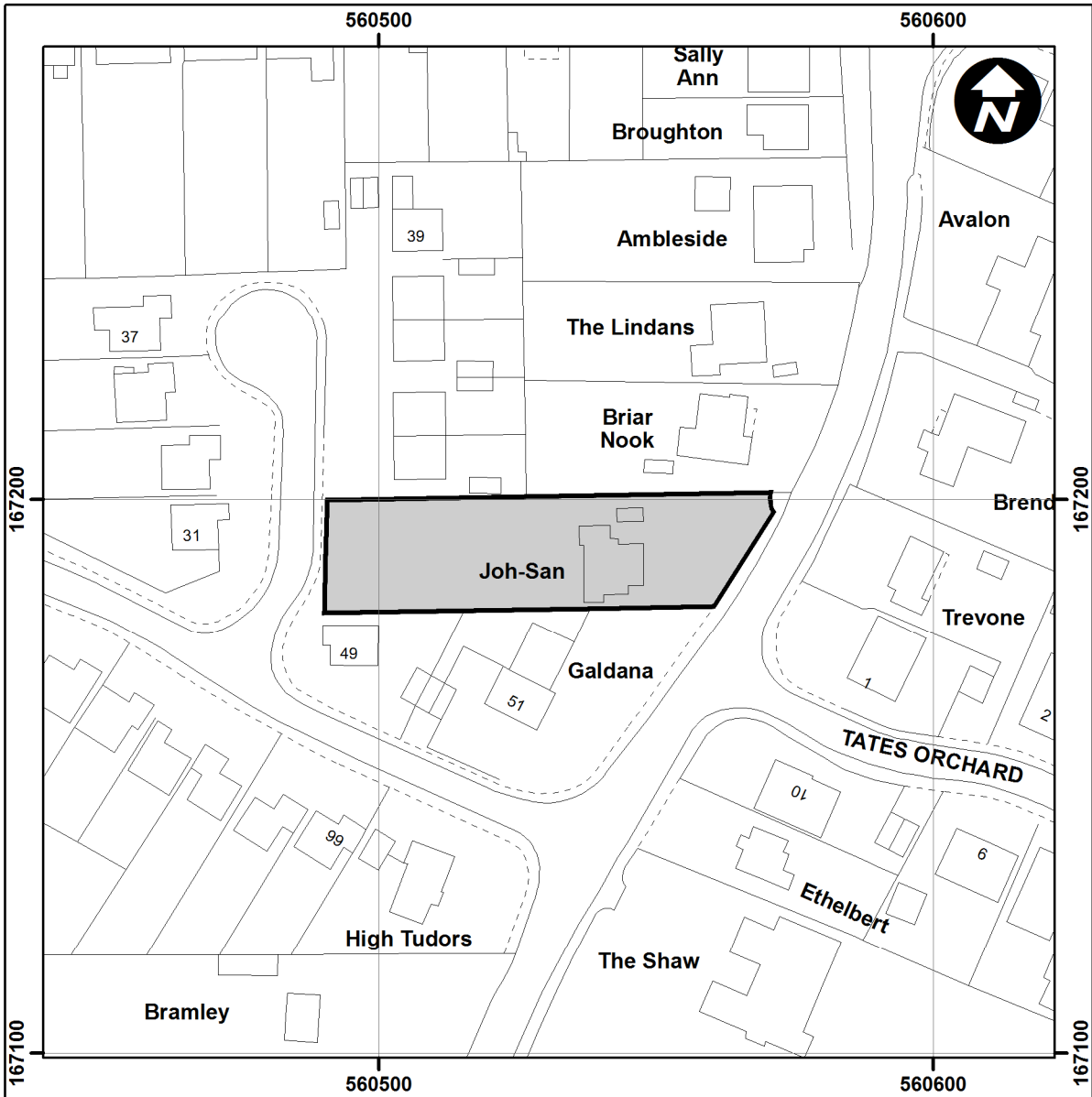
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MPQ5L5BK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MPQ5L5BK0L000>



Site Plan

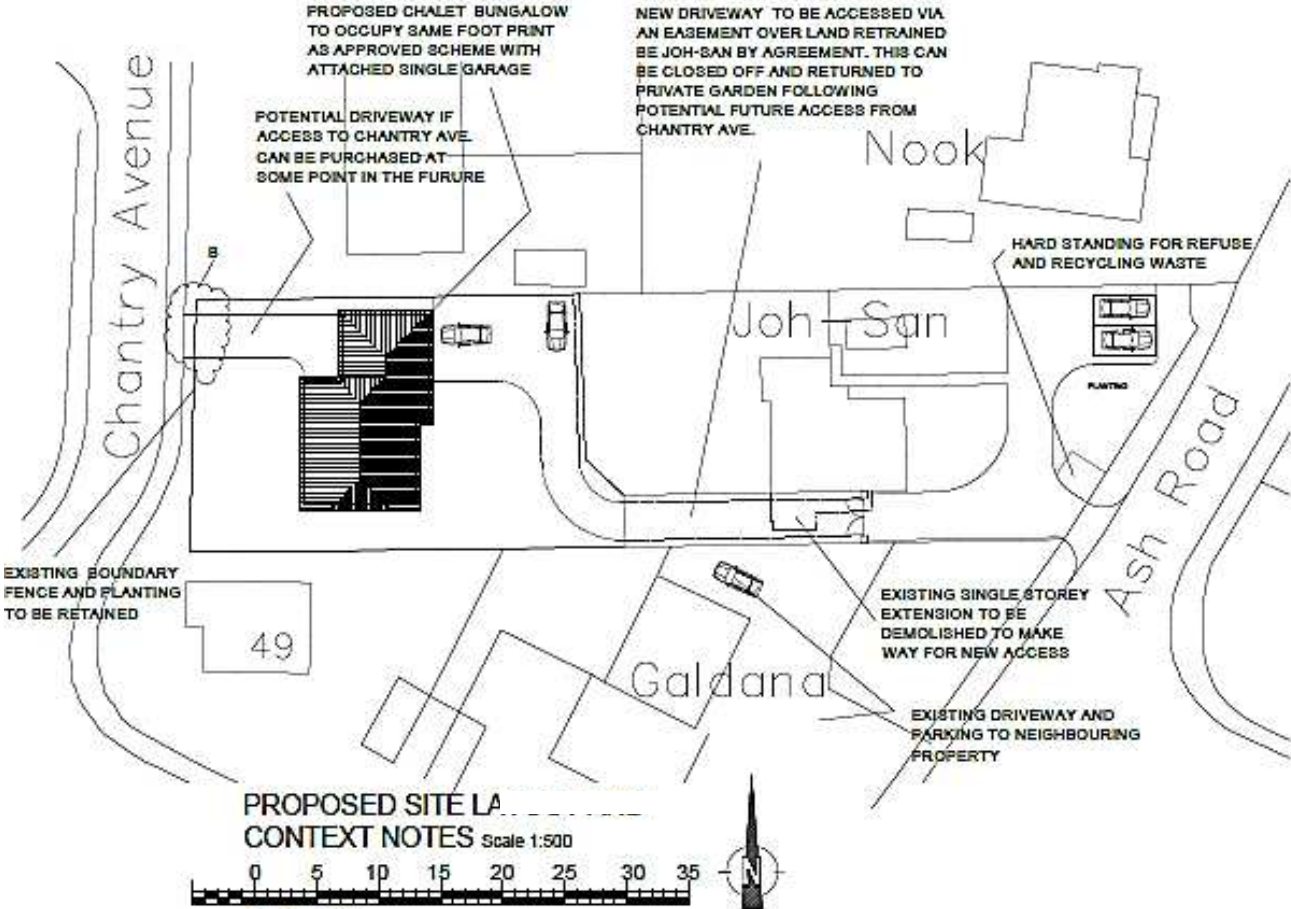
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Date 13/11/2013



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Sevenoaks District Council, 100019428, 2013.

BLOCK PLAN



Appeal Decision

Site visit made on 15 April 2011

by **Simon Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 May 2011

Appeal Ref: APP/G2245/A/11/2144345
Joh San, Ash Road, Hartley, Kent DA3 8EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Dianne Bennet against the decision of Sevenoaks District Council.
 - The application Ref SE/10/01686/FUL, dated 3 June 2010, was refused by notice dated 11 November 2010.
 - The development proposed is the erection of a two bedroom bungalow in the rear garden.
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Decision

1. I allow the appeal and grant planning permission for the erection of a two bedroom bungalow in the rear garden of Joh San, Ash Road, Hartley, Kent DA3 8EY in accordance with the terms of the application, Ref SE/10/01686/FUL, dated 3 June 2010, subject to the conditions in the attached schedule.

Main Issue

2. The main issue in this case is the effect of the proposal on highway safety, with particular regard to visibility on Ash Road.

Reasons

3. The appeal property comprises a detached bungalow with a large rear garden situated in a residential area. It has an area of hard standing within the front garden which has the capacity to accommodate a number of cars. This area is accessed from Ash Road, a local distributor road with a 30mph speed limit, close to the site's northern boundary. Although visibility along Ash Road to the south from this point is satisfactory, to the north is it very poor due to the boundary hedge and a telegraph pole. The proposal would comprise the erection of a detached 2-bedroom bungalow and detached double garage within the rear garden together with the provision of 2 car parking spaces in front of the retained dwelling and the relocation of the vehicular access point to a position close to the southern boundary of the site.
 4. I recognise that the visibility splay to the north of the proposed access point would not accord with the technical guidance provided in Manual for Streets (2007) and Manual for Streets 2 (2010). However, the new vehicular access point would provide significantly better visibility than is currently the case and
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provide access to, and egress from, 2 small dwellings. On balance, I conclude that the effect of the slight increase in traffic movements due to the proposal would be outweighed by the improved visibility. I note that the re-location of the access point is not dependent on the appeal proposal and could be undertaken without the proposed additional dwelling. However I consider that this is unlikely to occur and therefore attribute limited weight to this matter.

5. For these reasons I conclude that the proposal would not have an unacceptable effect on highway safety for pedestrians and vehicle users of Ash Road. The proposal therefore accords with Criterion 10 of Policy EN1 of the Sevenoaks District Council Saved Local Plan Policies Compendium July 2008 (LP), which requires that development does not create unacceptable traffic conditions on the surrounding road network.

Other Matters

6. The Council adopted a Local Development Framework Core Strategy Development Plan Document on 22 February 2011 (CS). CS Policy SP3 states that the Council will expect the provision of affordable housing in all types of residential development. In respect of schemes comprising a net gain of less than 5 units a financial contribution based on the equivalent of 10% affordable housing is sought towards improving affordable housing provision off-site. However, as the Council has not adopted a Supplementary Planning Document to provide guidance on the delivery of this policy, and in particular, the arrangements for financial contributions, I attach limited weight to this matter.
7. As both the dwelling and detached garage would be single-storey with shallow-pitched roofs and no upper level windows I am satisfied that the proposal would not result in unacceptable effects on the privacy of neighbouring residents or daylight reaching their properties. In addition, as the proposal would be to the north of Galdena and 49 Chantry Avenue effects on sunlight reaching these properties would be minimal. Whilst the garage would be close to the boundary with Galdena, I do not consider that cars using the garage would lead to an unacceptable level of noise disturbance to adjoining residents. As both the existing and proposed dwellings would be small I am satisfied that the garden areas provided would be sufficient to meet the needs of future residents.
8. The proposed dwelling would be similar to the neighbouring bungalows to the north in Chantry Avenue in terms of its height, bulk, design, materials, main building lines and site coverage. It would be far smaller than the houses to the south and west and would be largely hidden from view from Ash Road. For the reasons set out above I am satisfied that the proposal would have an acceptable effect on the character and appearance of the surrounding area and on the living conditions of occupiers of nearby properties and future occupants of the development. It therefore complies with criteria 1, 3 and 5 of LP Policy EN1 and Policy CC6 of the South East Plan 2009 which promotes the creation of sustainable and distinctive communities.
9. Neighbouring residents have expressed concern that the proposed development would reduce the value of their properties. The government document, *The Planning System: General Principles*, indicates at paragraph 29 that the planning system does not exist to protect the private interests of one person

against the activities of another. The basic question is not whether owners of neighbouring properties would experience financial loss from a particular development, but whether the proposal would unacceptably affect amenities which ought to be protected in the public interest.

Conditions

10. I have considered the conditions suggested by the Council having regard to the advice in Circular 11/95 *The Use of Conditions in Planning Permissions*. I have adjusted their wording where necessary in the interests of clarity. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. In order to protect the character and appearance of the area conditions requiring the approval of materials and landscaping are imposed. In the interests of highway safety and sustainability conditions are also imposed to ensure that the development provides sufficient parking and achieves Code for Sustainable Homes Level 3.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal succeeds.

Simon Poole

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the drawings SC/211/03/08/03A, SC/211/03/08/04 and SC/211/03/08/05.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until the parking spaces shown on the plans hereby approved have been completed and brought into use. Thereafter the parking spaces shall not be used for any purpose other than the parking of vehicles. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification), no development shall be carried out on the land reserved for parking of vehicles, or in a position which precludes access to that land, without the prior approval in writing of the local planning authority.

- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: proposed finished levels; hard surfacing materials; means of enclosure; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of planting (including species, sizes and numbers/densities); and timetables for implementation.
- 6) All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless otherwise agreed in writing by the local planning authority.
- 7) The dwelling shall achieve Level 3 of the Code for Sustainable Homes and shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.