

4.3 – SE/13/03085/FUL Date expired 12 December 2013

PROPOSAL: Demolition of the existing dwelling, and erection of two detached dwellings. Relocation of existing access drive further to the west, and creation of second access drive. Landscaping to the front and rear of the site, to include removal of the existing hedge and construction of a new 0.6m high garden wall with box hedge. Erection of new party fence and permeable paving to accommodate parking at the front.

LOCATION: Oak Tree Cottage , Powder Mill Lane, Leigh, Tonbridge
TN11 8QD

WARD(S): Leigh & Chiddingstone Causeway

ITEM FOR DECISION

This application has been reported to Development Control Committee at the request of Councillor Cook who objects to the scheme on the grounds of the bulk, overdevelopment and the diminishing street scene as a result of the development.

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) The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing Number 4662-PD-12 Revision B, dated October 2013, stamped 11 December 2013;
- Drawing Number 4662-PD-13, dated October 2013, stamped 17 October 2013;
- Drawing Number 4662-PD-14, dated October 2013, stamped 17 October 2013;

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

3) 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 two dwellings 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.

4) The first floor windows in the rear and flank elevation of the dwellings hereby approved, at all times, shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks

District Local Plan.

5) The maintenance of 2 metre x 45 metre vehicular visibility splays east and west from the driveway at all times (substantially as indicated on the application drawing 4662-PD-12 Revision B) so that there are no obstructions higher than 1 metre within the splays. The visibility splays to be measured 45m along the kerbline and 2m back from the kerbline at the driveway. The outer limit of the splay may be up to 0.5m into the road from the kerbline if necessary.

In the interests of highway safety.

6) The maintenance of 2 metre x 2 metre pedestrian visibility splays on either side of the exit with no obstructions higher than 0.6 metres within the splays. The visibility splays to be measured 2m along the back of the footway and 2m back from the back of the footway.

In the interests of highway safety

7) 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 Policy SP2 of the Sevenoaks Core Strategy.

8) No development shall be carried out on the land until full details of soft and hard landscape works and associated screening / boundary treatment 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;-details of proposed screening / boundary treatment;

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policies EN1 and EN23 of the Sevenoaks District Local Plan.

9) 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 ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policies EN1 and EN23 of the Sevenoaks District Local Plan.

10) No development shall commence until the drainage details of the SUDS scheme have been submitted and approved in writing by the Local Planning Authority. The

details shall:

- Specify the responsibilities of each party for the implementation of the SUDS scheme;
 - Specify a timetable for implementation;
 - Provide a management and maintenance plan for the lifetime of the development;
- This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme shall be implemented in full.

In the interests of flood prevention and to ensure adequate drainage on the site.

11) No development shall be carried out on the land until full details of external surface of hardstanding area (bound surface) have been submitted to and approved in writing by the Council. The approved details shall be implemented in full.

In the interest of highway safety and to preserve the visual appearance of the area.

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

To prevent overdevelopment of the plots.

Informatives

1) The above comments do not convey any approval for construction of the new / changed vehicle crossovers (i.e. dropped kerb) or any other works in the highway or affecting it. A licence would be required for these works. The Applicant should contact Kent County Council Highways and Transportation (web: http://www.kent.gov.uk/roads_and_transport/highway_improvements/parking/dropped_kerbs.aspx telephone: 08458 247800) in order to obtain the necessary Application Pack. Please allow at least eight weeks notice

2) In regards to water supply and sewerage the applicant is reminded of the following:

- The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised;

- No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works;

- No new soakaways should be located within 5 metres of a public sewer;

Furthermore due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688).

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO239EH (Tel 01962 858688), or www.southernwater.co.uk".

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.

Description of Proposal

- 1 Planning consent is sought for the following development:

“Demolition of the existing dwelling, and erection of two detached dwellings. Relocation of existing access drive further to the west, and creation of second access drive. Landscaping to the front and rear of the site, to include removal of the existing hedge and construction of a new 0.6m high garden wall with box hedge. Erection of new party fence and permeable paving to accommodate parking at the front.”

- 2 This planning application is a revised proposal following the withdrawal of planning application SE/13/02107/FUL. The main amendments to the proposal from this one are:
- Removal of dormer window on front elevations of the two proposed dwellings;
 - Amendment of design of two dwellings, including reduction of width from 10.4 metres to 8.8 metres and revised roof design;
 - Increase in gap between two properties from 1.6 metres to 3 metres;
 - Distance to adjoining properties increased (from 1.5 metres to 2.2 metres to The Hawthorns and from 1 metre to 1.8 metres with The Beeches);
 - Removal of habitable room windows on the first floor to avoid overlooking to properties in Garden Cottages;
- 3 Following the first round of consultation (22 October 2013 – 12 November 2013) some concern was raised by Kent County Council Highways in regards to parking. Amended plans were submitted (11 December 2013) to address these concerns and a second round of consultations was undertaken (12 December 2013 – 2 January 2014). The amendments were:
- Repositioning of dwelling on Plot 2. The building has been moved back from the highway by 0.6 metres;
 - Shared access drive to dwellings, allowing two independently accessible car parking spaces for each property;
 - Removal of 0.6 metre front boundary wall and replacement with 0.6 metre garden fence and hedge;

All other elements of the scheme remained the same.

Description of Site

- 4 The site is situated within the rural settlement confines of Leigh, within the Leigh and Chiddingstone Causeway Ward. The site is positioned on the southern side of Powder Mill Lane, opposite the entrance of the cul-de-sac The Forstall. The site lies approximately 140 metres to the east of the village green.
- 5 The existing site consists of one two storey detached dwelling which is situated to the east of the plot. This leaves space to the west of the existing dwelling, which currently provides the amenity space of the property. The site is bordered by dwellings on the eastern, southern and western boundaries.

Constraints

- 6 No significant planning constraints. Leigh Conservation Area abuts the north-west corner of the site.

Policies

Sevenoaks District Local Plan (SDLP)

- 7 Policies - EN1 and EN23

Sevenoaks District Core Strategy

8 Policies - L07, SP1, SP2, SP3, SP7

Other

9 National Planning Policy Framework (NPPF)

10 Leigh Village Design Statement (VDS)

Planning History

11 SE/13/02107/FUL - Demolition of the existing dwelling, with the erection of two new detached dwellings and a new vehicle access point. Landscaping to the front of the site to include removal of the existing hedge and erection of a new 0.6m high garden wall (withdrawn 9 September 2013).

Consultations

12 Two consultations were undertaken during the consideration of this scheme as outlined in the *Description of Proposal* section. Responses from Consultees for both consultations are outlined below for completeness (most recent first):

Leigh Parish Council

13 Response received 30 December 2013

1. While the Parish Council welcomes the replacement of the planned wall and box hedge on the front of the plots by a fence and hedge and the improvements to the access and parking arrangements, the issue of the mass and bulk of the proposed new houses has not been addressed. Further, the effect on the neighbouring property, The Beeches, has been made worse.

2 The design gives the impression of squeezing in the proposed two properties giving a density per hectare much greater than the 25 dwellings per hectare agreed for the land to the south of Garden Cottages, just beyond Oak Tree Cottage, and applied to the site of the Glaxo Smith Klein research establishment at the Powdermills, Leigh. Although the proposed houses are shown as having four bedrooms, on the first floor of each plan is shown a snug which we would undoubtedly expect to be used as a fifth bedroom. The ground floor accommodation comprises a large kitchen cum dining room, a living room, a utility space, cloakroom, study and hall. So it can be seen that these are intended to be substantial houses hence the Parish Council's view that the mass and bulk of the proposed dwellings are too great for the site and will dominate the local scene.

3 It is considered that the site plan on drawing 4662-PD-12 can mislead. Adjacent to plot 2 is shown part of the outline of The Beeches. The rectangle on the right adjacent to plot 2 is a single storey extension. The southern end of this extension is 3.8 metres beyond the southern end of the main house. This is not shown on the plan. By our assessment from the plans we estimate that the original application showed the house on plot 2 extending 0.4 m beyond the single storey extension and the amended position is a further 0.6 m resulting in the southern side of the proposed house on plot 2 being 4.8 metres beyond the back of the main bulk of The Beeches. Hence the effect on the neighbours is significant.

4 The effect of the mass and bulk and the effect on The Beeches are not helped by the gap of 3 metres between plots 1 and 2. We consider either a single dwelling or a pair of semidetached houses would be more appropriate if Oak Tree Cottage is to be replaced. A pair of semi-detached houses would be in keeping with the semi-detached house to the west of this site and in The Forstall opposite. Just beyond the site to the east are detached houses so a suitable detached house would not be out of keeping with the area. A well designed extension to Oak Tree Cottage maintaining the arts and craft design would also be preferable to its demolition.

5 For the guidance of the developer who submitted Bracketts' valuation for each of the proposed houses of £400,000, a local estate agent and valuer thinks that a single detached five bedroomed house would fetch about £850,000 while a semi-detached house in the village which has been extended to four bedrooms was recently valued at £515,000. Hence from a developer's perspective there is no need to jam in two detached houses.

With the exception of the change from a wall and box hedge, the Parish Council maintains its previous objections in particular:-

- i) The 3rd floor is out of keeping with other houses in the area.
- ii) The existing house is of arts and crafts design and therefore we think the new development should be in keeping with this.
- iii) Large area of hard standing and lack of front garden is out of keeping with the area and is 'urbanisation'.
- iv) The proposed development is not in line with the Village Design Statement.

For the above reasons, Leigh Parish Council continues to strongly object to this proposed development.

14 Response received 11 November 2013

Wishes to strongly object to this application as members do not feel that the current proposal satisfies our concerns and objections made to the first application. This second application again shows two dwellings, this time marginally smaller, and our comments on this proposal are as follows:

Powder Mill Lane, within the village confines, consists of modest detached and semi-detached houses well-spaced out, with front gardens and front hedges or low wooden picket fences. Further on there are some large houses well set back from the road. Oak Tree Cottage, The Beeches and The Cottage are a trio of houses forming the entrance and border to Garden Cottages, a close of semi-detached houses round a small green. These three houses and the close are a good example of the Arts and Craft movement.

This application for the two new dwellings does not fit in with the above and so Leigh Parish Council strongly objects to this application on the following grounds:

- a. The construction of two dwellings on this site would give a density of about 40 dwellings per hectare, in excess of 30 dwellings per hectare set out in the Sevenoaks District Council's Core Strategy and well in excess of the 25 dwellings per hectare given in the Sevenoaks District Council's Local

Development Framework which was applied to the development to the rear of Garden Cottages and covers the site of the former GSK site at the Powder Mills;

- b. The replacement of one dwelling with two dwellings does not meet the requirements of limited infilling;
- c. The proposed size and scale of the proposed dwellings are unacceptable. The external foot print of the existing dwelling is 71 sq.m. including its detached garage while the proposed two new dwellings are planned to be 81.35 and 80.5 sq.m., do not have garages so are significantly more than double the existing size;
- d. The proposed small gap between the two dwellings, together with the block one building being only set back slightly from the block two building, will give the impression of one large block. Further, the block one building is much nearer the road than the Hawthorns and this will only emphasise the impression that the two buildings are one mass;
- e. The third floors are out of keeping with the surrounding properties;
- f. The design and scale of the proposed dwellings do not meet the points in paragraph 21 of the Village Design Statement;
- g. As mentioned above, there are no garages included in the proposal. Houses of this size would mean that that there could be three vehicles regularly parking at each dwelling, plus of course additional vehicles for visitors. Only two can park on each site so the third and any others would have to park on Powder Mill Lane. This is just not acceptable as there is parking congestion on the lane already, and more vehicles would be detrimental to the street scene;
- h. The proposed removal of the hedge to the front of the property, and its replacement with a small wall and a box hedge are out of keeping with the surrounding area and constitute urbanisation;
- i. The large area of hard standing and the lack of a front garden are unacceptable and out of character in this village location, and would cause urbanisation. Members believe this large amount of hard-standing, although permeable, would cause problems with water run-off;
- j. The proposed dwellings would have a negative impact on The Hawthorns, The Beeches and no. 22 Garden Cottages;
- k. The existing dwelling was built with the Arts & Crafts style as is the case with other buildings in the immediate area, including of course Garden Cottages and The Beeches. Members feel that the design of the new proposal should reflect this style;
- l. Overall, the proposal does not enhance the area, in fact it would have a detrimental effect, and we reiterate our strong objection to the application.

Local Member

- 15 Councillor Cook: - Objects to the scheme on the grounds of the bulk, overdevelopment and the diminishing street scene as a result of the development. Requested that the application be reported to committee if the Officer is minded to approve.

SDC Tree Officer

16 Two responses received both stating:

No objection to this proposal but I do suggest that a landscaping condition be attached to any consent provided.

Kent County Council Highways

17 Response received 30 December 2013

Thank you for securing revised plans. Presumably the deeds of the properties need to specify the limits of the shared driveway to allow sufficient room for cars to turn around. I have no objection to the proposals but would recommend the following conditions should apply to any permission granted:

1. The maintenance of 2 metre x 45 metre vehicular visibility splays east and west from the driveway at all times (substantially as indicated on the application drawing) so that there are no obstructions higher than 1 metre within the splays. The visibility splays to be measured 45m along the kerb line and 2m back from the kerb line at the driveway. The outer limit of the splay may be up to 0.5m into the road from the kerb line if necessary.

Reason: highway safety.

2. The maintenance of 2 metre x 2 metre pedestrian visibility splays on either side of the exit with no obstructions higher than 0.6 metres within the splays. The visibility splays to be measured 2m along the back of the footway and 2m back from the back of the footway.

Reason: highway safety.

3. Bound surface for the shared driveway.

Informative: The above comments do not convey any approval for construction of the new / changed vehicle crossovers (i.e. dropped kerbs) or any other works in the highway or affecting it. A licence would be required for these works. The Applicant should contact Kent County Council Highways and Transportation (web: http://www.kent.gov.uk/roads_and_transport/highway_improvements/parking/dropped_kerbs.aspx telephone: 03000 418181) in order to obtain the necessary Application Pack. Please allow at least eight weeks notice

18 Response received 12 November 2013 (superseded)

This appears to be a somewhat cramped development, with not enough room for two parking spaces that would be easily and independently accessible. The size of the forecourt in plot 2 is smaller than that planned in the previous application 13/02107, and although it would be possible for two cars to park here it would appear that in practice the second car to arrive could prevent the first one from leaving. The proposals do not therefore fully meet the requirements of Kent's Interim Guidance Note 3 on residential parking.

Nevertheless I do not intend to raise an objection on any highway grounds as the above shortcomings would not justify a refusal under the National Planning Policy Framework.

19 Two responses received both stating:

Please find attached a plan of the sewer records showing the approximate position of a public foul sewer within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.
- No new soakaways should be located within 5 metres of a public sewer.

Furthermore due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688).

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO239EH (Tel 01962 858688), or www.southernwater.co.uk".

There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

-Specify the responsibilities of each party for the implementation of the SUDS scheme

-Specify a timetable for implementation

-Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Representations

20 5 (No.) Letters of objections

A summary of the main points are outlined below:

- There is little change to the previous application in scale, density and proximity to neighbours;
- The proximity of Plot 2 to The Beeches reduces light to the side and to the rear garden giving a feeling of being overshadowed and very enclosed;
- The side extension to The Beeches is still missing on the street scene and therefore gives a false impression of space between The Beeches and plot 2;
- The ridge height of the proposed two dwellings is still above that of The Beeches and the existing Oak Tree Cottage and is out of keeping with the surrounding houses which are not three storey;
- An extended or one new detached property (instead of two detached dwellings) would enhance the plot, street scene and surrounding areas;
- The amendment, has not just failed to address concerns regarding loss of light, it has further increased the loss of light to adjoining properties;
- Leigh is typified in having three unspoilt tree lined approach roads: Powder Mill Lane, Hildenborough Road and Penshurst Road. The overall scale, design and size of buildings are unsuitable;
- Parking concerns;

Chief Planning Officer Appraisal

Principal Issues

Principle of Development

21 Policy LO7 of the Sevenoaks District Core Strategy states within the settlement confines of Leigh, infilling and redevelopment on a small scale only will be permitted taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available. The Policy further states that within all the settlements covered by this policy new development should be of a scale and nature appropriate to the village concerned (Leigh) and should respond to the distinctive local characteristics of the area in which it is situated.

- 22 The NPPF places an emphasis on the development of previously developed land. However, 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. 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 SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.
- 23 Therefore, given the above policies, it is considered that the proposal, as a principle would not conflict with the aims of the advice under the NPPF. The proposed development acceptability in terms of its scale, density and nature will be addressed in the subsequent sections.

Design, Scale and Bulk – Impact on the Street Scene

- 24 Policy SP1 of the Sevenoaks District Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 25 Policy EN1 of the SDLP states that proposed development, including extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality.
- 26 Leigh VDS provides specific design advice under paragraph 21 (New Buildings):
- a. These should be designed in a style which harmonises with their immediate neighbours in form, size and materials;
 - b. Standard estate designs should be avoided, and a mixture of designs adopted to provide a range of house sizes with adequate off street parking;
 - c. Careful consideration must be given to the siting of each new building to ensure that it has adequate space, does not appear cramped when viewed in conjunction with its neighbours, and does not breach any existing building line;
 - d. Design should embody similar brick colouring and sufficient features from neighbouring properties to give the effect of continuity;
 - e. These use of local red brick with blue brick patterning is traditional in the village both for house and boundary walls. White painted, wooden clapboarding, clay tile hanging and unpainted wood shingle cladding are also traditional. These materials / treatments should therefore be used where possible;
- 27 Permission is sought to demolish the existing dwelling on site. The dwelling exhibits a large front gable and is situated to the western side of the plot. The materials of the dwelling do not particularly reflect those in the immediate vicinity, although it is recognised that the character of the properties along the southern side of Powder Mill Lane is mixed. The site itself is situated in the position where semi-detached dwellings in the western end of Powder Mill Lane meet detached properties at the eastern end. Leigh Parish Council has described the dwelling as exhibiting an ‘Arts and Crafts’ design. However, although the dwelling displays a

simple form and design, given the materials used on the property one could not describe the house as of any particular architectural merit.

- 28 The two proposed dwellings reflect broadly similar designs, with the dwelling on Plot 2 being marginally larger. The gable design reflects the adjoining property at The Beeches (although it is recognised that this is west facing as opposed to north facing).
- 29 The proposed materials (as outlined on the submitted drawings) reflect those set within the Leigh VDS, with brick and tile hanging. The chimneys situated on the front of the property add interest and assist in reducing the bulk of the two dwellings.
- 30 It is recognised that the dwelling on Plot 2 does not exceed the front building line of the existing property on the site, which ensures that it is not situated in front of The Beeches. The dwelling on Plot 1 is situated 0.4 metres behind the dwelling on Plot 2 which staggers the buildings from the street scene and reducing the scale of the two properties when viewed from the public highway.
- 31 Concern has been raised in regards to the fact that the dwellings are three storey dwellings. However it must be recognised that from the front the dwellings are two storeys in appearance with any roof windows concealed on the rear and flank of the properties. It is considered that the heights, scale and massing reflect that of the neighbouring properties and the design essentially just utilises the roof space. The actual bulk, scale and appearance of the dwellings is considered to be more visually important than just whether it is two or three storeys.
- 32 Although there is an increase in built form on the site, it is recognised that a gap of 3 metres will be provided between the two new dwellings with distances of 2.2 metres and 1.8 metres retained to the side boundaries with The Hawthorns and The Beeches respectively. This is comparable for example to the adjacent property The Beeches where the width of the built form extends across the site (0.9 metres to the western boundary and 1.8 metres to the eastern boundary). It is therefore not considered that the dwellings will appear cramped or overdeveloped on site.
- 33 It is considered the height of the buildings match the ridge line of The Hawthorns and due to the roof design, creates a stepped appearance along the street scene to the Beeches. This also reduces the bulk of the dwellings.
- 34 The original proposal sought a boundary wall and box hedge at the front of the site. This was amended and replaced with a 0.6 metre fence and hedge. It is recognised that there is a mix of boundary treatments in this area of Powder Mill Lane, ranging from picket fencing to hedges. It is considered that the revised front boundary treatment will reflect the design criteria of Leigh VDS. The provision of the flank boundary hedging will reduce the 'urbanisation' of the hard landscaping at the front of the site further.
- 35 There are a number of examples of hard standing along this section of Powder Mill Lane, notably The Hawthorns and The Beeches. A condition will be attached to ensure appropriate hard surfacing is used to reflect the character of the area.
- 36 In terms of Policy relating to the Conservation Area, Policy EN23 of the SDLP states that proposals for development or redevelopment within or affecting

Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and its setting.

- 37 The site abuts the Leigh Conservation Area. As documented above it is considered that the proposal reflects the design and materials of adjoining properties, including those in the Conservation Area (e.g. Old School House). It is therefore not considered that the proposal will have a detrimental impact on the setting of the Conservation Area.

Density

- 38 Policy SP7 of the Sevenoaks District Core Strategy states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration:

In other settlements not listed above (in this case Leigh) new residential development will be expected to achieve a density of 30 dwellings per hectare (dph).

- 39 The figure outlined above in Policy SP7 is not a maximum figure (expected to achieve) and development above 30dph can be acceptable where it does not harm the distinctive character of the area. The site area of the site is 0.053 hectares and would have a density of 37 dph. This is above the expected level but as discussed in the *Design, Scale and Bulk – Impact on the Street Scene* section, the development can be carried out without harm to the local character of the area. It should be noted that the density of Garden Cottages (south of the site) is 33.3 dph.
- 40 The density of the site is therefore considered to be accordance with Policy SP7 of the Sevenoaks District Core Strategy.

Residential Amenity

- 41 Policy EN1 of the SDLP states that proposed development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height and outlook. In addition, Policy H6B of the SDLP states that proposals should not result in a 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 or the street scene.

Daylight / Sunlight

- 42 With regards to daylight, as the proposed development is to the north of the properties in Garden Cottages, it is not considered that the proposal will harm the amount of daylight received to these dwellings.
- 43 The dwelling on Plot 1 will be positioned 2.2 metres from the boundary with The Hawthorns. The Hawthorns has no flank elevation windows facing the site and is itself 2.3 metres from the shared boundary. Due to the position of the windows and distance between the two properties, it is not considered that the proposal will reduce the amount of daylight received to The Hawthorns.

- 44 The dwelling on Plot 2 will be situated 1.8 metres from the boundary with The Beeches. The Beeches itself is situated approximately 1 metre from the shared boundary. There are two flank elevation windows which will face the proposed dwelling on Plot 2 on the first floor. One is a bathroom and one is a bedroom. It is considered that due to the position of the bedroom the proposal will not harm the amount of daylight received to this room. The non-habitable status of the bathroom means that any loss of light received in this room would not constitute sufficient reason for refusal. Although the revised plans (as received on 11 December 2013) have moved the dwelling on Plot 2 back from the highway by 0.6 metres, the proposal will not cut out daylight to the ground floor bedroom / study on the rear elevation. The only other room close to the development is an ensuite on the ground floor front elevation which is a non-habitable room. These daylight assessment take into account the single storey extension along the boundary at The Beeches, following concerns raised by the Parish Council and occupiers of The Beeches that information was missing on the site plan (Drawing Number - 4662-PD-12)..
- 45 In terms of sunlight, it is noted that the orientation of the plot means that the dwellings along Powder Mill Lane benefit from south facing gardens. As a result, the dwellings in Garden Cottages will not be affected in terms of sunlight as these are to the south of the proposed development. It is also considered that The Hawthorns will be unaffected due to its position (to the west of the development).
- 46 Concern has been raised by the occupiers of The Beeches in regards to loss of sunlight, Whilst it is recognised that the replacement dwelling on Plot 2 will be situated 0.9 metres closer to the boundary and will exceed the existing rear building line by 2.2 metres, any loss of sunlight will only be for a very small part of the end of the day and it is considered that any loss of sunlight would not be significant given the southern orientation of the garden.

Privacy

- 47 The previous application on the site SE/13/02107/FUL was withdrawn on the grounds that the first floor windows would overlook the properties in Garden Cottages.
- 48 In terms of the dwelling on Plot 1 there are now no first floor flank or rear elevation windows which are habitable rooms which would face onto the dwelling on Plot 2, The Hawthorns or the properties in Garden Cottages. The first floor windows on the rear elevation will be conditioned on any approved consent to be obscure glazed and non-opening unless the opening is 1.7 metres above floor level. Although a roof window will serve a bedroom on the second floor, due to the windows being high level and being 1.7 metres above floor level it is not considered that this opening will significantly overlook the dwellings in Garden Cottages.
- 49 It is therefore not considered that the proposed dwelling on Plot 1 will overlook and cause a loss of privacy to the adjoining dwellings.
- 50 In terms of the dwelling on Plot 2 there are no habitable room windows on the first floor rear elevation. This ensures that there will not be any significant overlooking on the properties in Garden Cottages (although a large hedge does partly conceal the dwelling from the view of Garden Cottages).

- 51 There will be a snug on the first floor which will be served by a obscured glazed window (as identified on the submitted plans). The room is technically a habitable room, but due to its position on the flank it will look directly onto the flank elevation of the dwelling on Plot 1 (where there are no windows). Although the situation is unusual it is considered in this circumstance to be acceptable due to the status of the room.
- 52 Although a roof window will serve a bedroom on the second floor, due to the windows height above floor level it is not considered that this opening will significantly overlook the dwellings in Garden Cottages.

Outlook

- 53 No windows at 22 Garden Cottages look directly onto the proposed development. In addition, the proposed dwellings will be situated 9 metres from the private amenity space. It is therefore considered that the development will not harm outlook from this property or be overbearing or oppressive to the occupiers of this dwelling.
- 54 In addition, the dwelling on Plot 1 will be situated some distance from the property at The Hawthorns. No windows directly look onto the proposal and the private amenity space is situated behind the proposed dwelling. No loss of outlook will therefore occur for the occupiers of The Hawthorns.
- 55 Finally, in terms of The Beeches it is recognised that one bedroom window on the first floor flank elevation will look onto the proposed dwelling on Plot 2. However, this window already looks out onto the built form of Oak Tree Cottage and although the new dwelling will be closer (by 0.9 metres). It is not considered that the development will materially change the outlook from this window. In addition the dwelling on Plot 2 will only exceed the rear building line of The Beeches (single storey flank projection) by 0.9 metres as well as removing the built form of the single storey garage. It is therefore not considered that the dwelling on Plot 2 will be overbearing or oppressive when viewed from the rear garden in The Beeches.

Other Issues

Parking / Highways

- 56 The proposed dwellings will provide room for parking at the front of the development. Following the receipt of amended plans on 11 December 2013, the dwellings are now served by a shared driveway, and will be able to accommodate two independently accessible car parking spaces.
- 57 Kent Design Guide Review (Interim Guidance Note 3, 20 November 2008 – Residential Parking) states that four bedroom (+) properties should provide two independently accessible car parking spaces. It is therefore considered that the proposal is in accordance with this guidance and will not create a detrimental impact on highways safety or convenience on the surrounding road network. The shared access drive would also allow visitors to park on the site (although whilst blocking the two parked cars).
- 58 In terms of visibility for vehicles and pedestrians, Kent County Council has recommended two conditions to ensure highways safety. These will be attached to any approved consent.

Affordable Housing

- 59 Policy SP3 of the Sevenoaks District Core Strategy states that in order to meet the needs of people who are not able to compete in the general housing market, the Council will expect the provision of affordable housing in all types of residential development including specialised housing.
- 60 Further, the policy states that in 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.
- 61 Two independent valuation figures for the property have been undertaken and a 10% off-site affordable housing contribution has been agreed amounting to £19,186.00 via a Section 106 agreement. Leigh Parish Council has indicated that valuations for the additional dwelling could be higher although no exact source is outlined.
- 62 It is therefore considered that the proposal is in accordance with Policy SP3 of the Sevenoaks District Core Strategy.

Code for Sustainable Homes

- 63 Policy SP2 of the Sevenoaks District Core Strategy states that the District will contribute to reducing the causes and effects of climate change by promoting best practice in sustainable design and construction to improve the energy and water efficiency of all new development and contribute to the goal of achieving zero carbon development as soon as possible. In particular the policy states that:
1. New homes will be required to achieve at least Level 3 of the Code for Sustainable Homes, progressing to Level 4 from 2013 and will be encouraged to achieve Level 6 by 2016.
- 64 It therefore is considered reasonable to attach a condition to any approved planning consent to ensure that the proposed dwelling achieves at least Level 3 of the Code for Sustainable Homes.

Trees

- 65 Policy EN1 of the SDLP states that development should incorporate landscaping of a high standard.
- 66 The SDC Tree Officer has been consulted on the scheme and has raised no objection. However given the amendments to the site (in terms of the additional dwelling) it is considered reasonable to attach a condition requesting further information on hard and soft landscaping for the site.

Drainage / Water Supply / Sewerage

- 67 Southern Water have been consulted on the scheme in regards to water supply and the proximity of public sewers which are located on or near the site.
- 68 A number of informatives have been recommended by Southern Water in terms of connection which would advise the applicant of relevant legislation if planning consent is approved. With this in mind, it is viewed that the planning process need

not duplicate legal requirements elsewhere which deal with water supply / sewerage and it is the responsibility of the Applicant to ensure compliance with such legislation which may apply in this instance.

- 69 However, the planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Based on this assertion it is considered reasonable to attach a condition on any approved consent requiring further information as set out within Southern Water's consultation response.

Conclusion

- 70 It is considered that the proposal is in accordance with the Development Plan and there are no other material considerations to justify refusing permission. It is therefore recommended that planning permission be granted.

Background Papers

Site and Block Plans

Contact Officer(s): Neal Thompson Extension: 7463

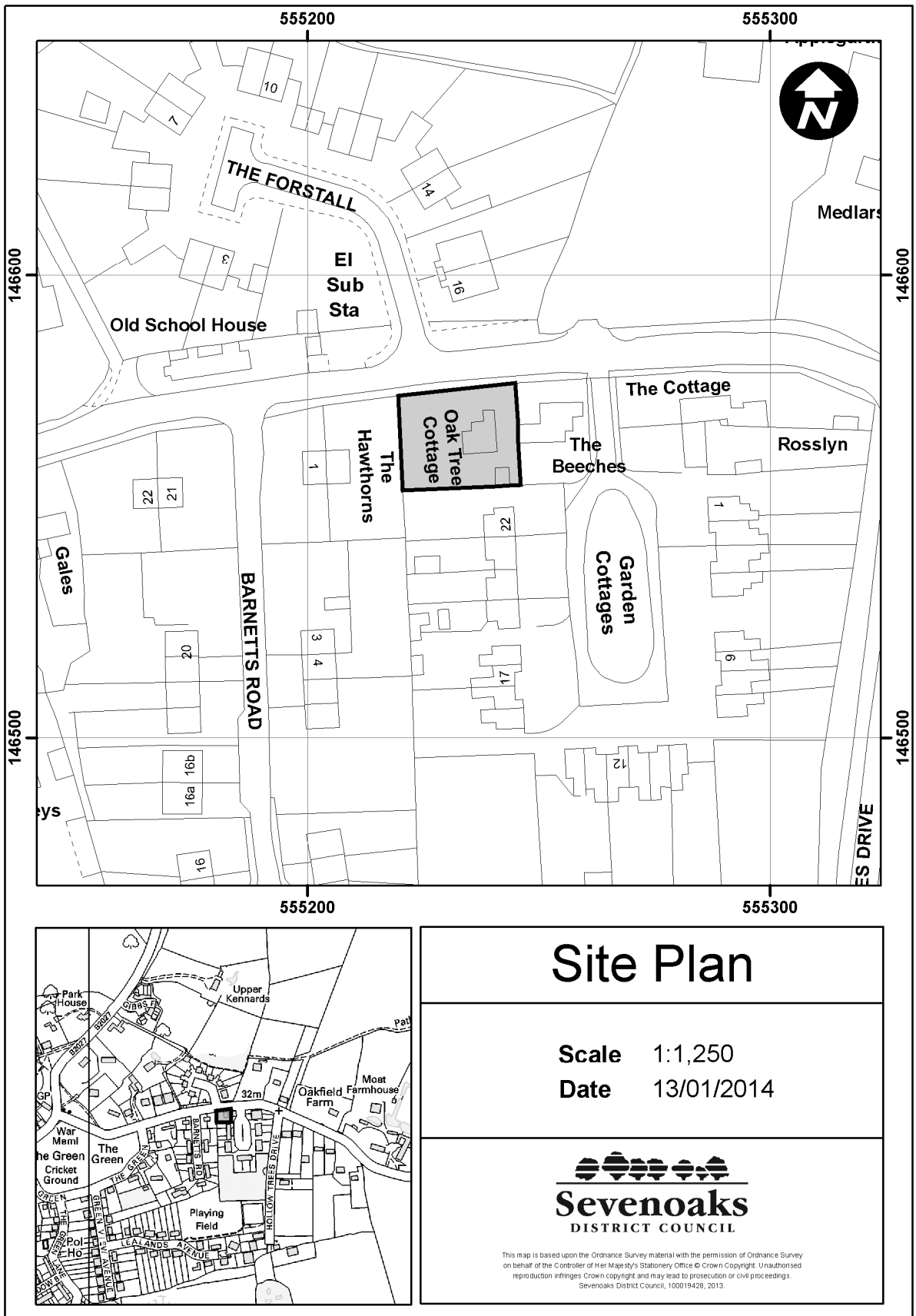
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MUSWSPBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MUSWSPBK8V000>



Site Plan

Scale 1:1,250
 Date 13/01/2014



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 Sevenoaks District Council, 100019426, 2013.

Block Plan



Landscape Key:

	Existing trees to be retained
	Trees to be removed
	Existing parking
	New surface parking
	Grass lawn area
	Paved hardstanding
	Permeable driveway
	Tree Protection Fencing
	Demolished landscaping / buildings
	Rubbish and recycling bins
	Colours file
	Compost bin
	Garden shed with secure cycle storage