

3.1- SE/14/01679/FUL Date expired 25 July 2014

PROPOSAL: Erection of 2 storey house with garage and associated parking, and access from Bond Close.

LOCATION: Land South Of Roxburgh, Pound Lane, Knockholt TN14 7NA

WARD(S): Halstead, Knockholt & Badgers Mount

ITEM FOR DECISION

The application has been referred to Development Control Committee at the request of Councillor Williamson to consider the impact of the proposal on the character and appearance of the area in relation to policy EN1 of the Sevenoaks Local Plan.

RECOMMENDATION A: That subject to receipt of a signed and valid S106 Obligation to secure the off site affordable housing contribution within 28 days of the decision of the Development Control Committee, that authority be delegated to the Chief Planning Officer to GRANT planning permission 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: 79815/1 and 79815/2A date stamped received 30.05.14

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 development 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 enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) No development shall be carried out on the land until full details of soft and hard landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing trees, hedgerow and plants to be retained and any new planting);-a schedule of new planting (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation and maintenance. The soft landscaping scheme shall be planted within the first available planting season following completion of the scheme or in accordance with a programme agreed with the Local Planning Authority. The soft landscaping scheme shall be provided and maintained in accordance with the approved details.

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, policy SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

5) Throughout the course of the development methods for tree protection to those

trees proposed to be retained shall be carried out and implemented in accordance with the details contained within the 'Arboricultural Report' dated 16.05.14 unless otherwise agreed in writing by the Local Planning Authority.

To prevent any unnecessary damage to the trees in the interest of the trees and visual amenity of the area in accordance with policy EN1 of the Sevenoaks Local Plan.

6) If within a period of two years from the completion of the development, any of the trees, hedgerow or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased another tree, hedgerow or plant of the same species and size as that originally planted shall be planted at the same place, in the next available planting season unless the Local Planning Authority gives written consent to any variation.

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, policy SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to the occupation of the new dwelling or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

In the interests of visual amenity and the amenity of residents in accordance with policies EN1 of the Sevenoaks District Local Plan, SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

8) The area shown on the approved plan as garage and parking space and access thereto shall be kept available for parking at all times, and no permanent development shall be carried out in such a position as to preclude vehicular access to these spaces.

To ensure a permanent retention of vehicle parking for the property as supported by VP1 of the Sevenoaks District Local Plan.

9) Prior to the commencement of development on site, details shall be submitted in writing to and be approved by the Local Planning Authority of wheelwashing facilities. The scheme shall be implemented in accordance with the approved details and shall be permanently retained during the construction of the development.

To prevent the deposit of loose material on the highway in the interest of highway safety.

10) Prior to commencement of development including any site clearance works a Construction Management Plan shall be submitted to the District Planning Authority for approval in writing. Such plan shall include details of parking facilities for construction traffic, and details of areas designated for unloading, loading and storage arrangements for materials. The agreed measures shall be implemented prior to commencement of works and shall be retained on site until completion of the development.

In order to ensure the unimpeded use of the adjacent highway and to prevent the storage of materials on the highway in the interest of highway safety.

11) No development shall take place until full details of the proposed foul and surface water drainage systems have been submitted to and approved in writing by the Council.

Any approved scheme shall be completed to the written satisfaction of the Council prior to the occupation; of the development.

To ensure that the foul and surface water discharge from the site will not overload the existing network.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting those Orders) no development falling within Classes A, B, C and E of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority

To safeguard the appearance of the area and the amenities of neighbouring residents as supported by policy EN1 of the Sevenoaks District Local Plan policy SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

13) The first floor window in the north west elevation identified as serving a bedroom shall be obscure glazed and fixed shut up to 1.7 metres above the internal finished floor level as identified on drawing number 79815/2A. These windows shall be retained in this condition at all times.

To minimise overlooking onto adjoining properties and maintain privacy in accordance with policy EN1 of the Sevenoaks District Local Plan.

14) 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 and the National Planning Policy Framework.

15) During construction, the hours of working, including deliveries and collections to and from the site, shall be restricted to: 08:00 - 17:00 Monday to Friday; 08:00 - 13:00 Saturday; and not at all on Sundays or Public Holidays.

To safeguard the amenities of neighbouring occupiers in accordance with policy EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

16) No development shall take place until full details of a scheme of biodiversity enhancement have been submitted to and approved by the local planning authority. These details shall cover as appropriate: Proposed locations and types of enhancement to be implemented. The approved details shall be implemented in full prior to the first occupation of the dwelling hereby approved 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.

Informatives

1) The applicants attention is drawn to comments received by the Kent Highway Authority which state:

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2) The applicants attention is drawn to comments received from Thames Water which state:

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves their pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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 and in light of the advice amended the application to address the issues.
- 2) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the

application.

And /

RECOMMENDATION B: In the event that the legal agreement is not completed within 28 days of the decision of the Development Control Committee and a resolution to grant permission, the application by REFUSED for the following reason:

The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to Policy SP3 of the Sevenoaks District Core Strategy.

Description of Proposal

- 1 The application seeks planning permission for the erection of a two storey detached dwelling house with an attached single storey garage and associated parking, and access from Bond Close.
- 2 In the interest of clarity, it should be noted that part of the existing plot of land would be severed and incorporated into the residential curtilage of number 8 Bond Close, presumably to increase the size of the amenity area to number 8 which is relatively modest at present in comparison to the size of the dwelling it serves. This part of the land is identified on the block plan on drawing number 79815/1 by a broken dotted line. To clarify, this modest parcel of land does not form part of the application site and the Council has no control over the existing or proposed ownership of this land.

Description of Site

- 3 The site the subject of this application is located to the rear of Roxburgh a property fronting Pound Lane, Knockholt and adjoins the boundary with properties located in Bond Close.
- 4 The site is a predominately residential area. Properties in Pound Lane vary in age design and architectural style, in comparison to properties in Bond Close which form part of a small estate of properties of a similar scale and appearance. In almost every instance, properties benefit from off street parking provision.
- 5 At the time of my site visit, it would be fair to say that the site is currently scrubland occupied by a combination of established hedgerow and trees to the boundaries. Two willow trees are located towards the rear of the site. The remainder of various shrubs which have been cleared exist at low level throughout the application site.
- 6 There is a visible solid and well maintained close boarded fence along the common boundary with Santon and along the rear boundary where the site backs onto 9 Elmtree Cottages. In both instances the fencing stands at a height of approximately 1.8 - 2 metres. There is evidence of fencing along the common boundary between the application site and number 8 Bond Close however, for the most part this is in a relatively poor state of repair. A clearing in the boundary treatment exists at the approximate location of the proposed access onto Bond Close.

- 7 The site is located within the settlement of Knockholt as defined on the proposals map to the Sevenoaks Local Plan. There are no site specific constraints relating to the application site. However, it is noted that Bond Close adjoins the boundary with the Green Belt to the West some 90 metres away from the application site.

Policies

Sevenoaks Core Strategy

- 8 Policies - L01, L07, SP1, SP2, SP3, SP5, SP11

Sevenoaks District Local Plan

- 9 Policies - EN1, VP1

Others

- 10 Affordable Housing Supplementary Planning Document
 11 Allocations & Development Management Plan (Draft)

Following the recent examination of the emerging Allocations and Development Management Plan (ADMP), policies contained within the ADMP are in the final stages of preparation and can now be attributed some weight in decision taking. The relevance of these policies to the proposals and the degree of weight to be attributed to them are considered below. Limited weight is given to policies which may be subject of main modifications. Moderate weight can be given to those policies where there are objections but no main modifications are proposed. Significant weight is given to policies where there are no objections and no modifications are proposed.

Emerging policies EN1, EN2 and T2 of the ADMP are relevant to the assessment of this planning application. The table below identifies the weight to be given to each of these policies in the assessment of the planning application.

| ADMP Policy | Policy Title | Weight |
|--------------------|---------------------|---------------|
| EN1 | Design Principles | Moderate |
| EN2 | Amenity Protection | Moderate |
| T2 | Vehicle Parking | Significant |

Emerging policy EN1 of the ADMP will in part replace adopted policy EN1 (Development Control: General Principles) of the Local Plan. Emerging policy EN1 requires high quality design and lists a number of criteria against which proposed development will be considered, including requiring the layout of proposed development to respect the topography and character of the site and the surrounding area and requirement for landscaping and good levels of accessibility.

Emerging policy EN2 of the ADMP will also in part replace adopted policy EN1 of the Local Plan. Emerging policy EN2 seeks to safeguard the amenities of existing and future occupants of nearby properties, including from excessive noise, activity or vehicle movements.

Emerging policy T2 (Vehicle Parking) of the ADMP will in part replace policy VP1 of the Local Plan. Emerging policy T2 requires vehicle parking provision, including cycle parking, in new residential development to be provided in accordance with the current KCC vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide. It is considered that the proposed development can comply with this requirement and therefore this policy does not alter the existing recommendation.

12 National Policy Framework (NPPF)

13 Planning Practice Guidance

Planning History

14 11/00283/FUL Demolition of existing garage. Erection of front extension, roof extension including loft conversion with dormers to front and rear elevations. Refuse 14/04.2011

11/01020/FUL Front extension and new hipped roof extension with dormers to form bedroom and bathrooms within roof space. Grant 17/06/2011.

11/01791/DETAIL Details pursuant to condition 2 (materials) of planning permission SE/11/01020/FUL. Grant 21/07/2011.

Representations

15 At the time of writing the report 29 letters had been received objecting to the application on the following grounds:

- Loss of on street parking
- Highway safety
- Increased traffic
- Loss of turning facility
- Inappropriate development harmful to the character and appearance of the area
- Overlooking and loss of privacy
- Loss of landscaping
- Loss of outlook and loss of views
- Garden grabbing
- Loss of wildlife/habitat
- Harmful to protected species
- Creation of an unacceptable precedent
- Over intensive form of development
- Density
- Detrimental impact on visual amenity
- Inappropriate choice of design, unacceptable appearance and materials
- Layout
- Disturbance during construction
- Inaccurate drawings

16 2 Letters have been received supporting the application on the following grounds:

- Provision of much needed moderate sized family homes.

- This type of development will encourage new families to the area.

- 17 One letter has been received in response to comments made by local residents which makes reference to the applicant's personal circumstances and seeks to correct what the author considers to be factual inaccuracies relating to the condition of the site. It is stated that whilst historically the site may have been a small holding and/or used to house chickens, the site has been overgrown for approximately 14 years. Only two fruit trees existed one of which (a plum tree) was in a state of collapse. It is stated that remnants of chicken runs existed when the applicants acquired the property but that these were in a state of decay.
- 18 A further letter has been received from the applicant in response to comments received from local residents correcting what the applicant considers to be factual inaccuracies regarding the condition of the application site and addressing points relating to parking, wildlife, the scale of development proposed and confirming correspondence with immediate neighbours prior to submitting the application.

Consultations

Parish Council

- 19 The Parish Council object to the proposal stating:
- "The proposal is a large construction close to other properties on an area that is too small for a development of this size. There will be a loss of trees and what was a view for neighbouring residents of a relatively rural outlook will be lost. Furthermore, the increased vehicular traffic associated with the development is negative."

Kent Highways Services

- 20 The KCC Vehicle Parking Standards for residential development recommends a minimum off-street provision of 2no spaces. This is calculated in addition to any garage spaces which do not count toward the minimum provision. As such, it is strongly recommended that the applicant be required to demonstrate the availability of 2no parking bays with minimum dimensions of 2.4m width x 4.8m depth within the frontage of the site in addition to the proposed garage space.
- 21 Subject to resolution of the above issue and inclusion of conditions to reflect the following, there are no further principle highway objections:
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
 - Provision of a vehicle crossover to the requirements of KCC to suit the full width of the required frontage hardstanding/parking bays.
 - Provision of a construction management plan prior to the commencement of any works on site.
- 22 Note should also be made that a highway objection cannot be justified on the basis of a resulting loss of casual on-street parking unless there is a clear resulting adverse highway safety impact which there is not in this case. Furthermore, the traffic generation associated with a single residential unit even in a village locality such as this would typically be no more than 8 movements per

day when compared to surveyed trip rates taken from the TRICS database for residential development in similar context. Such movements do not generate any highway capacity issues locally and represent only a very small percentage increase when compared to the movements associated with existing residential units in Bond Close.

- 23 INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

SDC Tree Officer

- 24 No objection

Thames Water

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 groundwater. 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 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

- 27 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves their pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 28 On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Southern Water

- 29 The development site is not located within Southern Water's statutory area for water supply, drainage and wastewater services. Please contact, the relevant statutory undertaker to provide water supply, drainage and wastewater services to this development.

Chief Planning Officer's Appraisal

Principal Issues

- 30 The principle issues to consider in the determination of this application are:
- Principle of development and density;
 - The visual impact of the proposal;
 - Impact upon existing residential amenity;
 - Highway Implications;
 - Sustainability;
 - Affordable Housing; and
 - Landscaping and Biodiversity.

Principle of Development

- 31 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*". At a local level this is broadly consistent with policies L07, SP1 and SP7 of the Core Strategy which permit small scale development that sympathises with the scale and nature of the village provided it does not compromise or harm the distinctive character of an area.
- 32 The NPPF encourages the delivery of homes of a high quality design and a good standard of amenity for all, whilst "encouraging the effective use of land by reusing land which has been previously developed (brownfield land) provided it is not of high environmental value". Annex 2 of the guidance defines 'Previously Developed Land' as that 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'. As the site appears not to have been maintained and has been left to become effectively scrub for a number of years it is my view that when assessed against the wording of the NPPF the site of the proposed house would not be considered as previously developed by the Council.
- 33 However, notwithstanding the above, policy L01 of the Sevenoaks Core Strategy states that "*development will be focussed within the built confines of existing settlements*". The site the subject of this application is located within the built confines of an existing settlement, in an area where there are no site specific constraints, therefore, on balance; it is my view that there is potential to develop

the site subject to preserving the character of the area. Furthermore, the proposal would provide additional housing for the district in a sustainable location which supports the aspirations of the NPPF.

- 34 Upon considering the above, in my view the principle of residential use/infill of the site is acceptable subject to no adverse impact on the character of the area, the amenities of neighbouring occupiers, impact on highway conditions and an acceptable design, and any other material planning considerations. An assessment of these issues is discussed below.

Density

- 35 Policy SP7 of the Core Strategy sets out the Councils housing density levels, stating that all new housing will be developed at a density which 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, within Knockholt the Council seeks a net density of 30 dwellings per hectare (dph).
- 36 The site area which the proposed dwelling will occupy is approximately 0.046ha resulting in an overall density of approximately 21dph, which is below the density guidelines set out in policy SP7. However, whilst the proposal would result in density levels below those prescribed in the Core Strategy, as stated in the preceding paragraphs, the overriding policy consideration is that housing will be developed at a density which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. In this instance, it is considered that the subdivision of the plot to accommodate an additional dwelling would result in density levels to both the existing and proposed dwelling which are broadly consistent and comparable with the mixed density of development in the area immediately surrounding the application site.
- 37 As such, the proposal is considered to be of an appropriate density.

Visual Impact

- 38 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.' (para. 56)
- 39 Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy state 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.
- 40 The proposed layout of the new dwelling would respect the existing pattern of development in the locality. The proposed dwelling would be located in the north eastern end of the plot and as stated previously, would have an L shape configuration which would result in a continuation of the established built frontage with properties located on the southern side of Bond Close. The dwelling would then turn at 90 degrees to allow its principle elevation to address the street frontage.

- 41 The properties located in Bond Close are similar in appearance to one another, in comparison to properties located in Pound Lane which vary considerably in terms of their overall design and architectural style. As the proposed dwelling will address Bond Close it has been designed to reflect the style of dwellings within.
- 42 The floor plans to the new dwelling indicate a relatively basic L shape configuration which allows for traditional roof shapes at a shallow pitch, akin to adjacent properties. The proposed eaves height of approximately 5.3 metre and height to ridge of approximately 7.4 metres is broadly comparable to the highest eaves to the neighbouring property number 8 and as a consequence, when viewed in context the dwelling would not appear excessively prominent. In addition, the articulation in terms of the fenestration and distribution of differing materials such as brickwork to ground floor and tile hanging above, together with the type and combination of traditional materials which have been incorporated into the scheme reflect those commonly found within the locality. Overall, in my view, in terms of how the scheme will be viewed within the context of the street scene, the proposal is of a traditional form and simplistic design and takes cues from the common themes of design. Collectively, these elements contribute to ensuring that the proposed development would preserve the character and appearance of the locality.
- 43 The site coverage of the proposed dwelling and ratio of built form to amenity space would be comparable with other properties in Bond Close, particularly those located on the southern side. With regards to the nearest neighbouring properties and those which adjoin the boundary with the application site, the proposed dwelling would retain 4 metres from the flank of number 8 Bond Close, 16 metres from the front elevation to number 7 Bond Close, in excess of 22 metres from Roxburgh and Santon and in excess of 90 metres from 9 Elmtree Cottages. For the most part the proposed dwelling would retain between 3 to 13 metres from the boundary in comparison to existing properties in Bond Close some of which extend the entire width of their plots. Consequently, the layout would allow sufficient space for parking and garaging, and reasonable circulation space around the footprint of the dwelling to allow further opportunity to enhance the scheme with additional landscaping over and above that proposed to be retained. A good sized garden would also be provided. In this context in my view, the proposed dwelling would not appear cramped or overdevelopment.
- 44 For the reasons set out above, I consider that the proposal is sufficiently sympathetic in a way which would ensure it would not have a negative impact upon the character of area. The proposed dwelling would be well integrated, reflecting the general pattern of development in the area.
- 45 I therefore conclude that the development would preserve the character and appearance of the street scene and therefore complies with the NPPF, policy SP1 of the Core Strategy, policy EN1 of the Local Plan and emerging policy EN1 of the ADMP.

Impact on Residential Amenity

- 46 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.

- 47 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.
- 48 I consider that the only neighbouring properties to be potentially directly affected by the proposed development are 7 and 8 Bond Close, Roxburgh and Santon Pound Lane and number Elmtree Cottages, Main Road. Other surrounding properties are sufficient distance away from the application site for the proposed dwelling not to have a detrimental impact on the amenities of the occupiers of these properties.
- 49 With regards to outlook and overshadowing and loss of light, due to the distances maintained from numbers 7, Roxburgh, Santon and number 9 Elmtree Cottages which are, prescribed in the preceding paragraphs under subheading 'Visual Impact', in my view, the proposed development would not result in any significant overshadowing or loss of light. Furthermore, whilst the proposed development may alter the view from neighbouring windows (which to clarify is not a material planning consideration), in my view there is a sufficient distance between the proposed development and the aforementioned properties windows to ensure that the proposal would not significantly alter the nature of the normal outlook in a way which would result in the proposed development having an unacceptably overbearing impact.
- 50 Number 8 Bond Close is the nearest neighbour to the application site and has an existing first floor window which overlooks the site. However, the Block Plan indicates that the proposed dwelling would be located forward of this window, and consequently, I do not consider that the proposal would result in any significant loss of light or overshadowing of number 8 or adversely impact upon the occupants outlook.
- 51 The Councils RESPD advises that the overlooking of windows of habitable rooms in any adjoining property at a close distance and which would result in an unreasonable loss of privacy is unacceptable. For similar reasons, a window overlooking the private amenity area immediately adjacent to the rear of an adjoining dwelling is also inappropriate. The District Council will normally calculate the private amenity area as a depth of 5 metres from the back of the property.
- 52 With the exception of the side (North West) elevation, overlooking from windows located in the ground floor of the development will, for the most part, be prevented by existing boundary treatments. Where boundary treatment is not indicated, this can be secured by condition to ensure that the treatment is of an appropriate nature and height to prevent overlooking.
- 52 Windows located in front (south west) elevation will overlook the street. First floor windows located in the side (south east) elevation will face towards the far rear end of the garden to Santon and towards Elmtree Cottages. The far rear end of the garden to Santon would not constitute private amenity space as defined by the Council. The distance maintained from the rear windows and private rear amenity space to Elmtree Cottages would be well in excess of 50 metres. There are existing saplings which currently exceed the height of the fence on the common boundary with the application site and Elmtree Cottages which would prevent overlooking, however, these are proposed to be removed as part of the proposal. This will allow clearer views towards these cottages, however, the views are likely to remain partially obscured by the willows proposed to be retained

which according to the Arboricultural report are approximately 6 -7 metres in height. Furthermore, due to the distance of 50 metres prescribed above, in my view any views towards the windows and private amenity areas serving these properties would not be at close enough quarters to justify refusing planning permission. There are no first floor windows proposed in the rear (north east) and front (south west) elevations and so these elevations would not result in any unacceptable loss of privacy to neighbouring occupants. There is one first floor window in the side (North West) elevation facing number 7 which is shown to be obscurely glazed. Given the proximity to number 7 I recommend this is secured by condition. The remaining windows in the side (north west) elevation would not extend forward of the neighbouring property at number 8 which also looks directly towards number 7, and in my view maintain a sufficient distance from number 7 (at least 21 metres) to prevent any inter-looking between windows at close quarters.

- 54 In conclusion, for the reasons set out above, subject to conditions, in my view the proposal would have an acceptable impact on neighbours' amenity in accordance with the NPPF, policy EN1 and H6B of the Local Plan the RESPD and emerging policy EN2 of the ADMP.

Highway Implications

- 55 Following receipt of comments from KCC Highways, the applicants have been asked to provide an amended block plan indicating that the parking of two vehicles can be accommodated within the site. Subject to this being demonstrated, in concurrence with KCC Highways which will be reported in the late observations, I see no justification to refuse the application on highway grounds. In addition, for the reasons contained in the comments received from KCC Highways nor do I consider that the proposed development would be of detriment to vehicular or pedestrian safety.
- 56 Concern has been raised regarding the loss of casual parking within the turning head fronting the application site, however, as stated above, KCC Highways are of the view that the proposed development can be accommodated without any adverse highway impact.
- 57 In addition to the above, in my view, parking in the turning head prevents the use of this space for the purpose it is intended. Consequently, there is an argument, that preventing parking in this location would be of benefit.

Sustainability

- 58 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).
- 59 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.

- 60 In my opinion, the proposed scheme 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.
- 61 The Council is committed to reducing the causes and effects of climate change by promoting best practice in sustainable design and construction as set out in policy SP2 of the Sevenoaks Core Strategy.
- 62 Having regard to this, it would be considered reasonable in the event of permission being granted, in accordance with Planning Practice Guidance 'The use of planning conditions', to require the development to achieve a minimum of Code Level 3 of the Code for Sustainable Homes.

Affordable Housing

- 63 Policy SP3 of the Sevenoaks Core Strategy 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. The formula for calculating the sum of monies required is set out in the Councils Affordable Housing SPD.
- 64 The applicant has indicated that they are willing to provide a financial contribution in line with the formula held within the Affordable Housing SPD and have submitted a draft Section 106 agreement to reflect this. At the time of writing this report the legal agreement necessary to secure the contribution had not been completed. The recommendation reflects this in that if Members resolve to grant approval for the development the applicant will have 28 days in which to complete the legal agreement otherwise the application would be refused.

Landscaping and Biodiversity

- 65 As part of the proposal, it is proposed to remove some of the landscaping from the site and this is detailed in the submitted Arboricultural Report. The proposal also includes the removal of a privet hedge located within the garden of Roxburgh which is not detailed within the Arboricultural Report but of which I am aware and which has been considered.
- 66 It is noted that the removal of this vegetation has raised concern with local residents.
- 67 Firstly, it should be noted that the existing planting on site is not afforded any protection and therefore, could be removed at any stage without the benefit of any form of consent from the Council.
- 68 The Council was recently contacted with regards to the trees and the Tree Officer has assessed the specimens and concluded that the trees are not of high enough amenity value to justify serving a Tree Preservation Order. This concurs with the findings of the Arboricultural Report, which grades the vegetation on site at a C grade, which it is stated is low quality. Consequently, no objection is raised to the proposed loss of a number of trees and hedgerow on site. Furthermore, in my

view it would be unreasonable to do so or suggest a ground of refusal based on this given that the trees are not afforded any form of protection.

- 69 Whilst it is acknowledged that the planting on site does contribute to the character and appearance of the area and that the removal of some of the vegetation on site will alter the view from neighbouring properties, a number of mature specimens are proposed to be retained and these will continue to make a valuable contribution to the amenity of the area. Furthermore, as stated previously, the view from neighbouring windows is not a material planning consideration. Although the removal of the vegetation will further reveal the view of the proposed dwelling for the reasons set above, the dwelling is considered to have an acceptable impact on the character and appearance of the area. However, in the interest of ensuring that the vegetation proposed to be retained continues to contribute to visual amenity, it is recommended that their protection, retention, maintenance and replacement in the short term (should for any reason they need to be removed) is secured by condition imposed on any grant of planning permission.
- 70 Having assessed the proposal against Natural England's standing advice in my view there is no specific criterion applying to the present condition of the site which indicates to me that any protected species/habitat would be affected by the proposal. This concurs with the findings of the Arboricultural Report which refrains from indicating that the existing planting on site has any wildlife/cultural value.
- 71 However, in the unlikely event that any protected species are found to be present, it would be prudent to impose an informative on any permission informing the applicants that they must stop works immediately and only proceed under the guidance of an appropriately experienced and licensed professional.
- 72 The National Planning Policy Framework states at paragraph 118 that:
- “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*
- opportunities to incorporate biodiversity in and around developments should be encouraged;.....”*
- 73 Policy SP11 of the Sevenoaks Core Strategy states that *“the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity”*.
- 74 Therefore, and in light of the vegetation to be lost, I consider it reasonable in accordance with Planning Practice Guidance 'Use of Conditions' to impose a condition requiring biodiversity enhancements.

Other Matters

- 75 Concern has been raised regarding the accuracy of the drawings with particular regard to the plotting of Santon on the submitted site location and block plan and to the annotation of and land ownership to number 7.
- 76 The purpose of the site plan is to identify where the site is located and for the block plan to indicate the relationship between properties. The fact that the footprint of Santon is not correct is not a reason in this instance to invalidate the

application as in my view the impact of the proposal in this instance can be accurately assessed on site, and having carried out a site visit I am satisfied that the relationship of the proposed dwelling to Santon in its current form is acceptable for the reasons set out above.

- 77 With regards to Santon being annotated on the drawings as 'Charlton', ordnance survey data obtained by the applicant may not be up to date. However, again for the reasons set out above, this is not a reason in itself to invalidate the proposal. Address data held by the Council is up to date and indicates that the property has been renamed Santon.
- 78 With regards to concerns raised by the occupants of number 7 Bond Close, upon inspection on site the plans appeared to me to be accurate and in the absence of any evidence to the contrary, for example copies of relevant title deeds there is nothing to substantiate that the drawings have been drawn inaccurately. Furthermore, the ownership certificates signed by the applicants are taken in good faith. To clarify, the Council does not involve itself in land ownership related disputes which are a matter to be resolved between the applicant and any relevant third party involved.
- 79 However, in the interest of clarity, I have brought the relevant comments to the attention of the applicant's agent and any comments received in response will be reported on the next observations.

Conclusion

- 80 I consider that the proposed dwelling would preserve the character and appearance of the street scene, neighbouring amenity and highways safety. Consequently, it is my view that the proposal is in accordance with the NPPF and development plan policies and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block plans

Contact Officer(s): Claire Baldwin Extension: 7367

Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N6DZR9BK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N6DZR9BK0L000>



