

4.1 SE/14/00642/FUL

Date expired 19 May 2014

PROPOSAL:

Demolition of existing garden building with the retention of its existing facade to facilitate a new dwelling.

LOCATION:

3 Holly Bush Lane, Sevenoaks TN13 3UJ

WARD(S):

Sevenoaks Eastern

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's view is at variance to the response provided by the Town Council and at the request of Councillor Walshe who is concerned about the potential impact on the conservation area. Councillor Mrs Purves wished for it to be noted that she has had no involvement in the process of considering the application since she is an adjoining neighbour to the site.

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: 2015 L1, 2015 L2A, 2015 L3A, 2015 L5 and 2015 S03.

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

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

To ensure that the appearance of the development 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 landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

5) Soft landscape works shall be carried out before first occupation of the dwelling hereby approved. The landscape works shall be carried out in accordance with the

approved details.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

6) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

7) No development shall be carried out on the land until details of the foundation design within the root protection area of the retained Oak tree and details of the proposed utility routes through the site have been submitted to and approved in writing by the Council. The development shall be carried out using the approved details and fully in accordance with the tree protection methods included in section 8 of the Arboricultural Survey, dated 7th July 2014.

To secure the retention of the proposed retained mature trees on the site and to safeguard their long-term health as supported by the National Planning Policy Framework.

8) The ground floor windows in the southern elevation of approved house in the windows approved to be inserted into the side elevations of the first floor element of the existing outbuilding shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level.

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

9) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority:
i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and
ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

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

10) The vehicle parking spaces shown on the approved drawing number 2015 L2A shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the vehicle parking spaces.

To ensure a permanent retention of vehicle parking for the property as supported by policy EN1 of the Sevenoaks District Local Plan.

11) No extension or external alterations shall be carried out to the dwelling hereby

approved, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

Informatives

1) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

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 the opportunity to submit amendments which led to improvements to the acceptability of the proposal.

RECOMMENDATION B: In the event that the legal agreement is not completed within 28 days of the decision of the Development Control Committee, the application be 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 Council Core Strategy.

Note to Applicant

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- 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) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

Description of Proposal

- 1 The application seeks the approval of the erection of a detached dwelling to the rear of the existing house. The new house would be built around an existing two storey high outbuilding in the rear garden of the existing property, which stands on the shared boundaries with 1 Holly Bush Lane and Nos.2 & 4 Park Lane. The flat roof building would be altered so that the roof would be mono-pitched dropping in height into the site, with the front of the building being built up to meet the new roof.
- 2 The remainder of the proposed house would be single storey in design, curving around the southern and western boundaries of the site. A small projection above the roof would be created at the western end of the house, with a mono-pitched roof, to provide high level windows that would face into the site. The building would have a modern appearance, with an untreated zinc standing seam mono-pitched roof and a mixture of brickwork and white render sections for the walls.
- 3 Access to the property would be provided through the underpass of the existing house and parking would be provided directly to the rear of the existing dwelling.

- 4 The applicant indicates as part of their submission that the existing house would be used as ancillary accommodation to the proposed house. However, no legal agreement has been submitted tying the use of the two properties and conditions imposed are not considered to be sufficient as the property has all the facilities to be a dwelling in its own right. It is therefore the case that the application has been assessed on the basis that the new house would be constructed in addition to the existing dwelling.

Description of Site

- 5 The application site comprises a two storey detached dwelling, which fronts Holly Bush Lane, and a large split level outbuilding. The property is positioned on the western side of the road directly adjacent to the highway. Vehicular access into the site is via an undercroft access which leads into a forecourt behind the house. The dwelling is served by a very substantial rear garden that is much larger than those which surround the application site.
- 6 The existing rear garden is currently laid to lawn and also includes the outbuilding that is located adjacent to the site's southern boundary.

Constraints

- 7 The application site is within the built urban confines of Sevenoaks and the Vine Conservation Area. The site is adjacent to the Vine Court Conservation Area and a listed building at 2 Park Lane.

Policies

Sevenoaks District Core Strategy

- 8 Policies – L01, L02, SP1, SP2, SP3, SP5 and SP7

Sevenoaks District Allocations and Development Management Plan (ADMP)

- 9 Policies – SC1, EN1, EN2, EN3, EN4 (moderate weight) and T2 (significant weight replacing policy VP1 of the Local Plan)

Sevenoaks District Local Plan

- 10 Policies – EN1 and EN23

Other

- 11 The National Planning Policy Framework (NPPF)
- 12 Affordable Housing Supplementary Planning Document (SPD)
- 13 The Vine and Vine Court Conservation Area Appraisals

Planning History

- 14 None relevant to this planning application.

Consultations

Sevenoaks Town Council – 06.08.14

- 15 'Sevenoaks Town Council recommended refusal on the following grounds:
1. The proposal would fail to protect the setting of the adjacent Grade II listed building and would fail to either preserve or enhance the appearance of the Vine Conservation Area in which the site is situated
 2. The proposal would impose an unacceptable impact on the residential amenities of neighbouring properties, especially no.2 and no.4 Park Lane by reason of the obtrusive roofline, as well as privacy, noise, and light pollution.
 3. The proposal would constitute overdevelopment of the plot, reducing its open character and thus be contrary to the distinctive grain and pattern of the area.
 4. The proposal to fell one of two important trees on the site would detract from the character of the Conservation Area.
- 16 The proposal would therefore be contrary to saved policies EN1 and EN23 of the Sevenoaks District Local Plan, Policy SP1 of the adopted Sevenoaks District Core Strategy as well as creating an inappropriate building in terms of the NPPF.'

Conservation Officer – 16.05.14

- 17 'The site is within the Vine conservation area and there is no objection in terms of paras. 131 and 138 of the NPPF, as the proposal fully accords with the preceding pre-application advice (PA/13/01018). The subject site is also within close proximity to a Grade II listed building. However, the new building will sit comfortably in the local context and not have an unduly dominant presence. In consequence, it will have little impact on the visual quality of the setting of the neighbouring listed building and there is also no objection in terms of para.137 of the NPPF.'

Tree Officer – 13.08.14

- 18 'I offer no objections to this proposal and accept the tree protection methods as stated. I suggest that any consent should condition the foundation design within the RPA of the retained Oak tree (T4). I also suggest that any utility routes should be designed outside of the aforementioned T4.'

Representations

- 19 Forty-three letters of representation have been received, with many of these comprising more than one letter received from the same neighbour. Ten letters have been written in support of the application and the remaining thirty-three raise objections to the scheme on the following grounds:
- Loss of trees;
 - Overdevelopment of the site;
 - Impact on the conservation areas;
 - Comparisons with the scheme at 1 Holly Bush Lane and Lyndhurst Cottage both dismissed at appeal;

- Light pollution;
- Loss of privacy;
- Loss of visual amenities;
- Noise disturbance;
- Creation of two separate dwellings;
- Density of the development;
- Overbearing effect;
- Overlooking;
- Outlook;
- Inappropriate development of a garden and garden grabbing;
- Impact on listed building;
- Highways safety;
- Size of the proposed house;
- Loss of green space;
- Parking provision;
- Use of the existing house;
- Biodiversity;
- Loss of amenity; and
- Pollution.

Chief Planning Officer's Appraisal

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

Main Issues

Principle of the development

21 The site falls within the built confines of Sevenoaks and so policy LO2 of the Core Strategy applies. This policy seeks to protect the setting of the urban area and the distinctive character of the local environment. In my view, the site is suitable for residential development, given that it currently has a residential use and is located close to the services offered within Sevenoaks town centre. The question of whether the development would protect the setting of the urban area and the distinctive character of the local environment will be addressed below.

22 The NPPF excludes land in built-up areas, such as private residential gardens from the definition of previously developed land. Paragraph 53 of the document advises that local planning authorities should consider the case for setting out

policies to resist inappropriate development of residential gardens, for example, where development would cause harm to the local area.

- 23 Annex 2 of the NPPF provides a definition for previously developed land stating that it is land 'which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.' This definition excludes, amongst other categories, 'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments'.
- 24 However, the Framework does not preclude development on garden land as a matter of principle. The Local Plan and Core Strategy both contain policies to protect the character of local areas, but neither document sets out any express aim to resist inappropriate development of residential gardens. Policy LO1 of the Core Strategy advises that development will be focused within the built confines of existing settlements, with Sevenoaks being a location for development of a scale and nature consistent with the needs of the town and the surrounding rural area.
- 25 The site currently provides a detached dwelling, detached outbuilding and the associated amenity land surrounding the property. Since the area of the site to be developed comprises the rear garden area of the house, I consider that the site falls outside the category of previously developed land for the purposes of an assessment against the NPPF.
- 26 Policy SP7 of the 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. In conjunction with the delivery of high quality design and in order to make good use of available land and encourage more sustainable patterns of development and services, higher housing densities are encouraged in the urban area of Sevenoaks, with an overall target of 40 dwellings per hectare. This development would result in an overall density of 14 dwellings per hectare (increasing from 7), which is less than policy requirements but this is not an area where high density development would be compatible with the prevailing character of the area.
- 27 Given the policy presumption in favour of the re-use of appropriately sited land within urban areas, which have good access to a range of services (in this instance Sevenoaks Town Centre), there is no objection to the principle of re-development of the site for a more efficient housing use provided the development complies with all other relevant planning policies.

Impact on the character and appearance of the area

- 28 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a Local Planning Authority, in considering development in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 29 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132). Paragraph 131 of the NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new

development making a positive contribution to local character and distinctiveness in determining planning applications.

- 30 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 31 The NPPF also states that the Government 'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' (para. 56)
- 32 Policy SP1 of the 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.
- 33 Policy EN1 of the ADMP, which can currently be afforded moderate weight, states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.
- 34 Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 35 I therefore consider that these policies are broadly consistent with the NPPF.
- 36 The Conservation Area Appraisal for the area describes the predominant impression within the conservation area as being one of openness with interesting views across and beyond the cricket pitch. The generous spacing between the properties highlights their own individual characters framed by the trees and the wide expanse of sky above. In addition, the existing house on the site is identified as one that contributes to the character of the area.
- 37 This part of the conservation area, and the site itself, possesses an open feeling, with the rear garden area providing an open space in amongst the rear gardens of a number of adjoining properties. Views out of the site and across the site are limited to short distant views due to the number of houses that surround the site. Some visual permeability exists between properties but this is limited.
- 38 The proposed house would have a maximum height of 6.8m, dropping down to 5.5m for the small roof projection at the western end of the proposed house and about 4.5m for the main roof. The proposed dwelling would be built up against the southern and western boundaries of the site. Given the height of the building it would project up above existing boundary treatment but not by a significant height. In the context of the large surrounding properties the building would therefore have a low-key appearance.
- 39 I appreciate that private views into the site would be altered by the presence of the new building. However, the low-key design and appearance of the building would continue to allow views through the site towards other surrounding

properties and through to the views available in between surrounding properties to the conservation area beyond.

- 40 The house would provide generous spacing to neighbouring properties, including the existing house, and an appropriate landscaping scheme, including the replacement of the Spruce tree proposed to be removed, would retain the framing of the site by trees. The retained spacing would also ensure that the development did not result in an overdevelopment of the site.
- 41 I am of the view that in accordance with the NPPF the design and appearance of the new dwelling would therefore make a positive contribution to the local character of the area and distinctiveness, and as such would sustain the significance of the heritage asset. It follows that I believe that the development would not have a significant harm to the occupiers of neighbouring properties who would continue to be provided with views into the site.
- 42 The Conservation Officer has provided her view and considers that the new building would sit comfortably in the local context and not have an unduly dominant presence. As such the Conservation Officer has raised no objection the proposed development.
- 43 Finally, comparisons are drawn between this application, for a new dwelling to the rear of the existing property where public vantage points are limited, and two recent dismissed appeals at 1 Holly Bush Lane, for a new dwelling in a prominent location on the junction with Holly Bush Lane and Park Lane, and Lyndhurst Cottage to the north of the site on Holly Bush Lane, for alterations to enlarge an existing outbuilding to the front of the plot in a prominent location on the street. Given the fact that the application 1 Holly Bush Lane was for a new dwelling, and stands in the same conservation area as No.3, I can appreciate why comparison have been drawn here. However, as explained above, the house proposed for No.3 would be significantly less prominent than that proposed at No.1 and so I would argue that the conclusions drawn by the Inspector do not apply in full here.
- 44 Overall, I am of the opinion that the proposed dwelling would preserve the significance of the conservation area and the character and appearance of the area generally.

Impact on neighbouring amenity

- 45 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.
- 46 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 47 Policy EN2 of the ADMP, which can currently be afforded moderate weight, states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties.
- 48 I therefore consider that these policies are broadly consistent with the NPPF.

- 49 Due to the mainly low-key nature of the proposed development and distance of separation to most neighbouring properties the development would potentially most affect the occupiers of 1 Holly Bush Lane, and Nos.2 & 4 Park Lane. Properties on Avenue Road, Vine Court Road and other houses on Park Lane would be sited a minimum of 35m away from the proposed dwelling and as such would not experience a detrimental loss of amenity.
- 50 1 Holly Bush Lane shares its northern boundary with No.3. This boundary possesses a significant amount of mature trees and hedging, which is mainly in the ownership of No.1, and so the occupiers of No.1 have a restricted outlook towards No.3. Notwithstanding the natural boundary screen, outlook would not change significantly following the erection of the house since the structure to the east of the existing outbuilding would be single storey, set at a lower level to No.3. This arrangement and a distance of separation of over 15m would mean that no loss of daylight or sunlight would occur and the new building would not be overbearing. The rear facing window would be at a high level but could be controlled to prevent a perception of overlooking towards No.1 by way of condition.
- 51 2 Park Lane currently shares a boundary with the rear of the existing split level outbuilding, with the structure being two storeys in height on the shared boundary. There would be an appreciation of the new mainly single storey element to the house from No.2. However, this would project either side of the rear boundary and is therefore unlikely to exert a detrimental impact on the occupiers of No.2 in terms of outlook, overbearing effect, loss of light or a loss of privacy.
- 52 4 Park Lane faces the most potential impact since the rear boundary of this neighbouring property would be adjacent to the largest section of the new part of the house. However, with the application site being a slightly lower level than No.4 and the new build being single storey in height I believe that an outlook from No.4 would continue to be enjoyed and the dwelling would not be overbearing. The height of the new element of the proposed dwelling would also ensure that loss of daylight was minimum and the fact that No.4 is to the south of No.3 means that no loss of sunlight would be experienced. Some windows would project up above the existing shared boundary treatment but, again, it would be possible to control these to avoid a perception of overlooking.
- 53 I do not believe that an intensity of the use of the site, with a new dwelling introduced to the site and both dwellings being served by the same access and parking area, would cause undue disturbance to the occupiers of these three adjoining houses. This is because the arrangement of the access and parking provision would remain unchanged from the existing and the new dwelling would screen any disturbances that may occur from the use of the house itself. Control of windows facing onto the adjoining properties to the south would also limit light pollution.
- 54 The proposed dwelling would be a sufficient distance from the existing house at No.3 not to cause a detrimental impact upon the occupiers of the existing property and the shared use of the underpass would come with an element of buyer beware to anyone considering occupying the property. The development would also provide an acceptable level of amenity to the occupiers of the future occupiers of the new house.

55 Overall, I am satisfied that the development would not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants. The development therefore accords with the NPPF, policy EN1 of the Local Plan and policy EN2 of the ADMP.

Impact on adjacent listed building –

56 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a Local Planning Authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

57 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132).

58 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.

59 The rear wall of the existing outbuilding forms the rear boundary wall of 2 Park Lane, the adjacent listed building. The new dwelling is proposed to be built off the existing outbuilding, projecting mainly to the west away from No.2, with only minor projections of the essentially single storey building rising above the existing boundary treatment.

60 The Conservation Officer is of the view that the new building would sit comfortably in the local context and not have an unduly dominant presence. As a consequence, the Conservation Officer states that the dwelling would have little impact on the visual quality of the setting of the neighbouring listed building.

61 I would agree with this opinion and consider that the proposed development would therefore conserve the significance of the adjacent heritage asset in accordance with the NPPF and policy EN4 of the ADMP.

Impact on trees –

62 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).

63 No trees on the site are covered by a tree preservation order but since the site lies within a conservation area where mature trees are provided with some protection. The development would result in the loss of a mature Spruce tree on the southern boundary of the site.

64 The Tree Officer has offered no objections to the proposal and accepts the tree protection methods as stated. A condition is suggested relating to the foundation design within the root protection area of the retained Oak tree and the Tree Officer suggests that any utility routes should be designed outside of the Oak tree, which can also be controlled by way of condition.

- 65 Finally, a suitable planting scheme can be requested by way of condition to seek an appropriate replacement for the mature Spruce tree.
- 66 The proposal would therefore not result in the unacceptable loss of mature trees on the site in accordance with the NPPF.

Other Issues

Affordable housing provision –

- 67 Policy SP3 of the Core Strategy requires that proposals involving the provision of new housing should also make provision for affordable housing. In the case of residential development 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.
- 68 At the time of writing this report, the applicant has indicated that they are willing to provide a completed legal agreement setting out a financial contribution in line with the requirements of policy SP3 in relation to the new unit proposed to be erected in the rear garden of the building existing house. Discussions are currently ongoing in terms of the level of the contribution required and so a split recommendation has been suggested to reflect this.
- 69 The proposal is therefore wholly acceptable in terms of the requirements of policy SP3 of the Core Strategy.

The Code for Sustainable Homes

- 70 Policy SP2 of the Core Strategy states that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes.
- 71 This is a matter that has been acknowledged by the applicant but no formal Code for Sustainable Homes assessment has been submitted. This can be required by way of condition to ensure that the development complies with policy SP2 of the Core Strategy.

Parking provision and highways safety

- 72 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.
- 73 The continued use of the existing vehicular access provided to the site would be entirely acceptable. In addition, the development would provide sufficient parking space for the two dwellings.
- 74 The proposed development would ensure the satisfactory means of access for vehicles and would provide parking facilities in accordance with the Council's approved standards. The proposal would therefore comply with policy EN1 of the Local Plan.

The Community Infrastructure Levy

- 75 The proposal comprises the creation of a new dwelling within the rear garden of the existing house, which is to be retained. As such the development is CIL liable, in full, for the new house to be erected.

- 76 A self build exemption is available to anyone who builds or commissions their own home for their own occupation providing the relevant criteria are met as set out in Sections 54A, 54B, 54C and 54D of The Community Infrastructure Levy Regulations 2010 (as amended).
- 77 The applicant has submitted the relevant forms to apply for a self build exemption and Members will be updated by way of the late observations presented to them whether officers believe that the applicant qualifies for an exemption in this instance.

Sustainable development

- 78 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
 - specific policies in this framework indicate development should be restricted; or
 - material considerations indicate otherwise.
- 79 In my opinion, the proposed scheme fully accords with the development plan, and I have explained this in detail above. It follows that the development is appropriate and there would be no adverse impact in granting planning permission for the development.

Conclusion

- 80 I consider that the proposed dwelling would preserve the character and appearance of the area and neighbouring amenity, would ensure a satisfactory environment for future occupants, would conserve the setting of the adjacent listed building and would not result in the unacceptable loss of mature trees. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block plans

Contact Officer(s): Mr M Holmes Extension: 7406

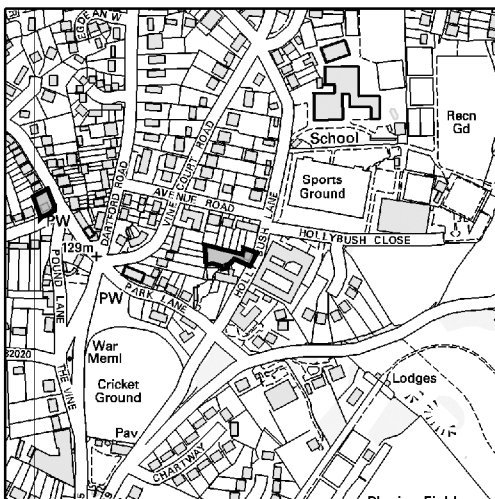
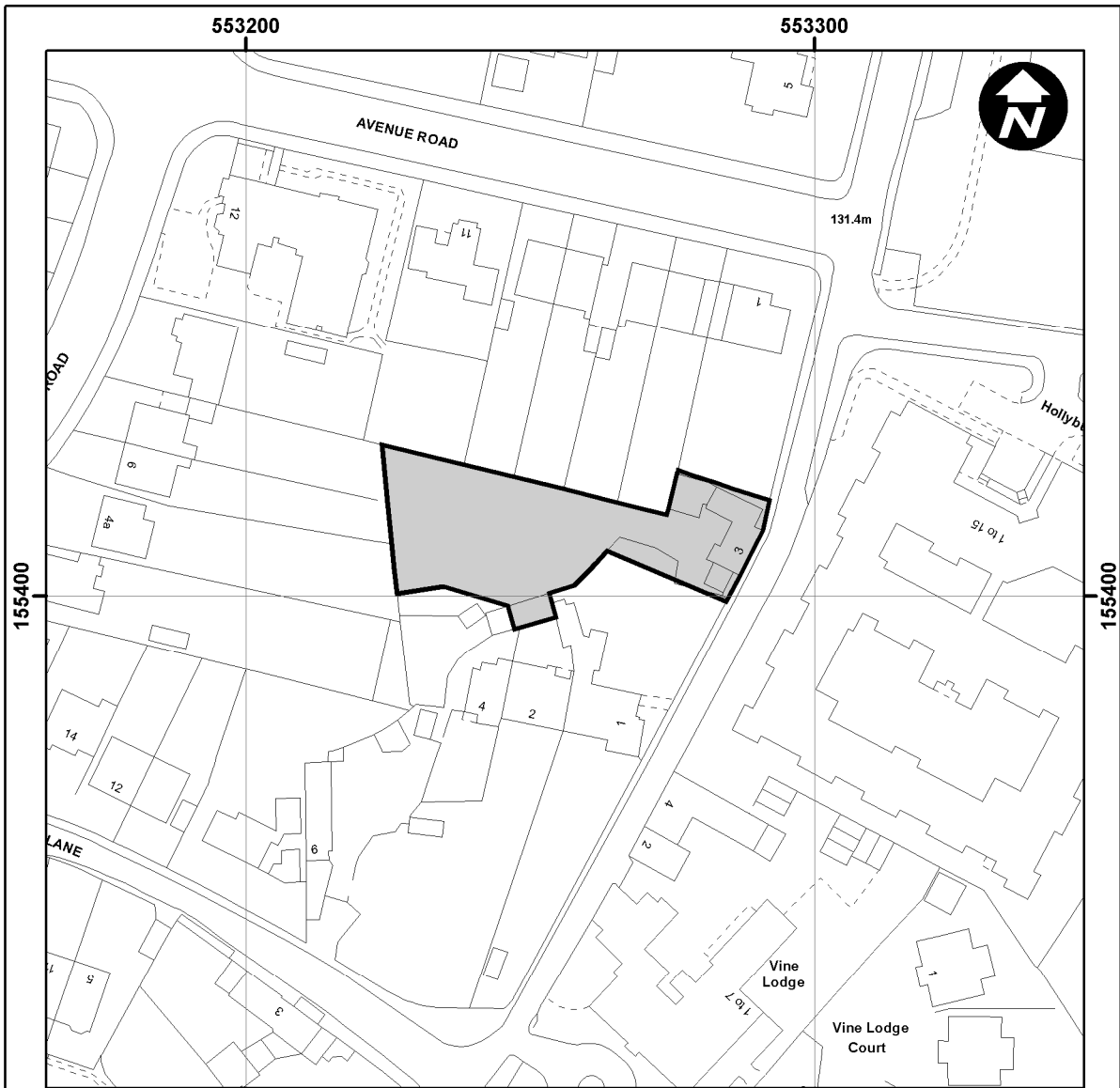
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N1UYUNBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N1UYUNBK0L000>



Site Plan

Scale 1:1,250

Date 21/08/2014



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Sevenoaks District Council, 100019428, 2013.

