

4.3 – SE/14/01868/FUL Date expired 18 August 2014

PROPOSAL: Construction of two bedroom bungalow with provision of two off street parking spaces.

LOCATION: Land South East Of Alandene, Till Avenue, Farningham, Dartford DA4 0BH

WARD(S): Farningham, Horton Kirby & South Darent

ITEM FOR DECISION

This application is called to Development Control Committee at the request of Councillor McGarvey on the grounds that the proposed dwelling is too large and would have a harmful impact on the street scene; and the proposal would erode the neighbour's amenity area and result in insufficient amenity space for future occupiers of the proposed dwelling.

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: 004 Rev P1, 005 Rev P1 and 008 Rev P1 date stamped received 13.06.14, and 006 Rev P2 and 007 Rev P2 date stamped received 12.08.14.

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 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 and maintenance. The soft landscaping scheme shall be planted within the first available planting season following completion of the scheme or in accordance with the programme agreed with the Local Planning Authority.

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

5) No development shall take place until the applicant, or their agents or successors

in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

To ensure that features of archaeological interest are properly examined and recorded in accordance with policy EN25A of the Local Plan emerging policy EN4 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

6) 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 character and appearance of the area and amenities of existing and future occupiers in accordance with policy EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

7) The area shown on the approved plan as car parking space shall be provided before the premises are occupied and shall be kept available for such use at all times, and no permanent development shall be carried out in such a position as to preclude vehicular access to these parking spaces.

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

8) Prior to the commencement of development on site, details shall be submitted in writing to and be approved by the Local Planning Authority of wheel-washing 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.

9) The 1.8 metre high close boarded boundary fence identified on approved drawing number 004 Rev P1 and 005 Rev P1 shall be provided prior to the occupation of the dwelling hereby approved. The boundary treatment shall thereafter be retained and maintained.

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

10) 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 Core Strategy and National Planning Policy Framework.

11) Prior to the first occupation of the dwelling hereby approved, the storage area for refuse and recycling shall be provided in accordance with approved plans numbered 004 Rev P1, 005 Rev P1 and 008 Rev P1. The storage area shall thereafter be retained and maintained.

In the interests of the visual amenity of the area as supported by EN1 of the Sevenoaks District Local Plan.

Informatives

1) The applicant's attention is drawn to comments received by Kent Highways Services 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 applicant's attention is drawn to comments received by Thames Water which the applicant should consider.

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 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) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
- 2) Was updated on the progress of the planning application.

Description of Proposal

- 1 The application seeks permission for the erection of a detached 2 bedroom bungalow with provision for two off street parking spaces.
- 2 For clarification, the scheme as it were originally submitted incorporated two dormer windows located in the side facing roof slopes. Following a conversation with the applicant in which concern was raised regarding the impact of these windows on the privacy of the occupants of Alandene and Laburnums the scheme has been amended to remove the dormer windows and replace them with roof lights located 1.7 metres above the internal finished floor level.

Description of Site

- 3 The site the subject of this application currently forms part of the residential curtilage of Alandene and is located in the settlement boundary as defined on the proposal map to the Sevenoaks District Local Plan.
- 4 Alandene is a detached bungalow.
- 5 The site is located in an Area of Archaeological Potential.

Constraints

- 6 Area of Archaeological Potential
- 7 Area of Outstanding Natural Beauty (AONB)

Policies

Sevenoaks Core Strategy

- 8 Policies - SP1, SP2, SP3, SP5, SP7, SP11, L08

Sevenoaks District Local Plan:

- 9 Policies - EN1, EN25A,

Allocations and Development Management Plan (ADMP) (Submission Draft)

- 10 Policies - EN1, EN2, EN4, T2

Others

- 11 National Planning Policy Framework
- 12 Planning Practice Guidance

13 Affordable Housing Supplementary Planning Document 2009

Planning History

14 83/01265/HIST- Extension to dwelling incorporating an additional garage. Grant 17.10.1983.

97/01656/HIST - Dwelling as granny annexe. Refuse: 21.12.1998.

12/00701/FUL - Erection of a detached 2 bedroom bungalow to include creation of a new access: Refuse: 11.07.2012.

13/00135/FUL - Erection of a detached 2 bedroom bungalow. Provision of two off-street parking spaces and a refuse storage area: Refuse: 17.06.2013.

Consultations

Parish Council

15 Farningham Parish Council continues to object to this proposal on the following grounds:

1. The bulk is still too great.
2. The height exceeds nearby Alandene.
3. The front wall is not in line with Alandene and Marjon
4. The triangle of land belonging to neighbours at number 6 is wrongly annexed in the diagrams and creates an impression of garden space that will not exist.
5. The infill will create a noise nuisance for all the surrounding properties and remains an unneighbourly development.

16 If SDC are minded to allow this, a condition should specify that no work commences until the triangle of land referred to above is in the same ownership as the rest of the site.

Kent Highway Services

17 *As per the previous similar planning proposals for a new dwelling at this location, there are no KCC Highways & Transportation objections subject to an appropriate wheel washing facility being secured on site through condition throughout the duration of construction works.*

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.

Southern Water

- 18 *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.*

Thames Water

Waste Comments

- 19 *Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk*

Surface Water Drainage

- 20 *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.*
- 21 *Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.*

Water Comments

- 22 *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.*
- 23 *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 Thames Waters' pipes. The developer should take account of this minimum pressure in the design of the proposed development.*

County Archaeology

- 24 *The site of the application lies within an area of high archaeological potential for Roman archaeology. Roman buildings have been found in the surrounding area, including part of Roman bath house in the grounds of 36 Oliver Crescent, with*

Roman enclosure and features to the north of South Hall Close. Roman remains may survive within the area of the proposed bungalow and I recommend the following condition is placed on any forthcoming consent:

- 25 AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Representations

- 26 8 Letters have been received objecting to the proposal on the following grounds:

- Overlooking and loss of privacy;
- Dominating Impact;
- Overdevelopment;
- Roof line too bulky and high and not in keeping with neighbouring properties which are bungalows;
- Unacceptable increase in traffic noise;
- Increase traffic and highway safety;
- Unsuitable means of access not capable of accommodating deliveries; and
- Land ownership

- 27 The Local Ward Member has requested that all of the neighbours objections made in respect of the previous application reference SE/13/00135/FUL which are materially relevant be included. For information, the following objections were raised in respect of the previous application:

- The width of the access track;
- The condition of the access track;
- Safety of the access track;
- Condition of the access track in adverse weather conditions;
- The access track is too narrow to accommodate emergency vehicles.
- Reduced garden to Alandene;
- Density;
- Land ownership;
- Loss of views;

- Overlooking;
- Whilst there is a need to provide affordable housing it must not be built at the expense of future owners/families that want a garden.

Chief Planning Officer's Appraisal

Background

- 28 Permission was refused by notice dated 21 December 1998 for an extension to be used as granny annexe.
- 29 This application proposed an extension which was of sufficient size to be considered as a separate residence rather than an annexe. One reason for refusal was given as follows.
- 'The site, by reason of its size and shape, would not satisfactorily accommodate the proposed extension which is tantamount to a new dwelling and would therefore result in an unduly cramped and un-neighbourly form of development out of character with the established pattern of development in the locality.'*
- 30 On 4 July 2012, a further planning permission reference SE/12/00702/FUL was refused for the erection of a detached 2 bedroom bungalow to include creation of a new access.
- 31 Following the refusal of application SE/12/00702/FUL a further application was submitted reference SE/13/00135/FUL which sought to address the previous grounds of refusal. This application was also refused. The application was refused by the Development Control Committee and a decision issued dated 17 June 2013. Three reasons for refusal were given as follows:
1. *The proposal would result in an overdevelopment of the site by virtue of its, size, bulk and roof height and would appear a cramped form of development, out of character with the established pattern of development in the locality. The proposal would therefore be contrary to policy EN1 of the Sevenoaks District Plan and SP1 of the Sevenoaks Core Strategy.*
 2. *The proposal would not ensure a satisfactory environment for future occupants in terms of amenity space contrary to policy EN1 of the Sevenoaks District Plan and SP1 of the Sevenoaks Core Strategy.*
 3. *As a result of the application proposal, the neighbouring property Alandene would appear as a cramped form of development within an insufficient plot and would not benefit from a satisfactory environment for future occupants in terms of amenity space. It would therefore be out of keeping with the established pattern of development in the locality contrary to policy EN1 of the Sevenoaks District Plan and SP1 of the Sevenoaks Core Strategy.*
- 32 An appeal was subsequently lodged against the Council's refusal, and this appeal was dismissed by The Planning Inspectorate on 17 October 2013. A copy of the appeal decision is attached to this report for information (Appendix A).

- 33 In summary, the Inspector's principle concern with the scheme related to the form of the proposed roof which he considered was disproportionate in relation to the dwelling itself and would thus result in a top heavy appearance which would appear unduly bulky. The Inspector considered that this would result in poor design which would be harmful to the character and appearance of the area contrary to the wider policy requirement of SP7 of the Core Strategy and contrary to policy SP1 of the Core Strategy and EN1 of the Local Plan.
- 34 The Inspector indicated that whilst the resultant density was acceptable the proposed dwelling constituted poor design relative to its surroundings and, moreover, the dwelling's bulk would give it a cramped appearance in its contextual setting contrary to the wider policy requirements of SP7.
- 35 It is important to note that the Inspector did not uphold the Council's remaining grounds of refusal relating to the impact of the proposal on the living conditions of future and existing occupiers neither did the Inspector make any reference to Alandene appearing cramped in a way which would be harmful to the character and appearance of the area.

Principal Issues

- 36 The site is located in the AONB, as such, in accordance with Section 85 of The Countryside and Rights of Way Act 2000 in performing any function affecting land in an AONB the Local Planning Authority has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of that area.
- 37 Remaining issues to consider in the determination of this application are:
- Principle of development;
 - The visual impact of the proposal including impact on the AONB;
 - The impact upon residential amenity;
 - Highway Implications;
 - Sustainability;
 - Biodiversity;
 - Archaeology;
 - Affordable housing; and
 - Whether the Inspector's grounds for dismissing the appeal have been overcome.
 - *Principle of Development*
- 38 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 LO7, 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.

- 39 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”. Annexe 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’.
- 40 The site falls within the built confines of Farningham and currently forms part of the amenity area to the side of the existing dwelling. Since the proposed site of the house comprises part of the private residential garden I consider that the site falls outside the category of previously developed land for the purposes of an assessment against the wording of the NPPF.
- 41 However, notwithstanding the above, policy LO1 of the Sevenoaks Core Strategy states that *"development will be focussed within the built confines of existing settlements"*. As stated above, the site the subject of this application is located within the built confines of an existing settlement, 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.
- 42 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

- 43 For information, the density of development remains the same as that proposed under the previous scheme reference SE/13/00135/FUL. Furthermore, as detailed in the ‘background’ it should be noted that the Planning Inspector indicated that the density of the scheme was acceptable.
- 44 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 Farningham, the Council seeks a net density of 30 dwellings per hectare (dph).
- 45 It is stated that the site area which the proposed dwelling will occupy is approximately 0.028ha. The proposed development of the site to provide 1 dwelling would result in an overall density of approximately 35dph, which is above the density guidelines set out in policy SP7. The remaining site area to be occupied by the existing property Alandene as shown on the submitted 1:200 scale plan, will be approximately 0.039ha, resulting in a density of development of approximately 29dph below the density guidelines set out in SP7.
- 46 Whilst the proposal would be inconsistent with the prescribed density levels, as stated above, the overriding 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 this plot to accommodate an additional dwelling would result in density levels which are broadly consistent and comparable with the mixed density of development in the area immediately surrounding the application site which, as a guide ranges from approximately 17dph (Laburnums) to 55dph (Marion Cottage).

- 47 As such, it is considered that the proposal would reflect the established spatial character, and that the general principle of the redevelopment of the site in this manner is acceptable.

Visual Impact

- 48 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)
- 49 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.
- 50 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.
- 51 Policy L08 of the Sevenoaks Core Strategy states that *“The countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced”*.
- 52 In assessing the visual impact of the previous proposal the Planning Inspectors principle concern relates to the form of the roof. In his decision the Inspector states:
- “Whilst the dwelling's eaves are shown to reach only 2.5m, its ridge height would climb to approximately 6m, which would involve a disproportionate sized roof in relation to the dwelling itself. Indeed, the dwelling's flank elevations, due to the depth and expanse of roof scape would give the building a top-heavy appearance and it would appear unduly bulky in views from the lane and directly from neighbouring properties, including Laburnums, Woodside and Alandene itself”*.
- 53 The Inspector considered that the dwelling would therefore constitute poor design and that the dwelling's bulk would give it a cramped appearance in its contextual setting.

- 54 In order to address the Inspectors grounds for dismissing the appeal the applicant has omitted the bay window to further reduce the bulk and overall depth resulting in the building line retreating further away from the front boundary. In addition to this, the form of the proposed roof has been amended. Due to the reduction in area at ground floor level accommodation is now proposed to be provided in the amended roof.
- 55 As set out in the applicants accompanying statement, the height of the ridge has been reduced by approximately 0.6m. The form of the roof has been amended to incorporate a 35 degree pitched hipped design up to 1 meter above first floor level, where it then reverts into traditional pitched roof with gable ends. This solution reduces the depth of the roof to 7.3 meters as opposed to 9.3 metres in comparison to the previous scheme reference SE/13/00135/FUL. Together with the reduction in overall height, I consider that the resultant dwelling would have a far more proportionate and less bulky roof form which would incorporate features which take cues from common themes of design existing in nearby neighbouring properties. Overall, I consider that the new roof helps to alleviate the dwellings overall scale and mass and consequently, in my view, the dwelling would no longer appear cramped in its contextual setting and instead would appear compatible with the locality and appropriate to the character of the area.
- 56 The materials to be used in the construction of the external surfaces of the development which comprise stock brick, white weather boarding and a black slate roof, would be sympathetic to materials predominating locally in type.
- 57 As stated in the preceding paragraphs, the principle and density of development is considered to be acceptable which is consistent with the Planning Inspectors decision.
- 58 Notwithstanding that no objection was raised to the principle of the development and/or density, the current application shows a further reduction in the footprint of the building in comparison to the previous scheme, which is achieved by removing the bay window formerly proposed under application reference SE/13/00135/FUL. Consequently, it is officers view that the ratio of built form to amenity area on the site is acceptable and would be broadly comparable with other neighbouring properties including for example, Marion Cottage, Linden Lea, 19a and 20a Oliver Crescent. Overall, the further reduction in the size of the bungalow since the first submission reference SE/12/00702/FUL and consequent increase in amenity space on the site would ensure that the plot is more in keeping with the general pattern of development in the area as demonstrated in the table set out below.

Address	Plot Size (m²)	Building Footprint (m²)	Garden Area (m²)	% Amenity Space	Distance of Building from Boundaries (m)
Marion Cottage	185	69	116	63	0.25 (SE), 2-6.5 (NW) 2.4 (Front), 2.5 (Rear)
19a Oliver Crescent	135	51	84	62	0 (SE), 1 (NW) 4 (Front), 12 (Rear)
20a Oliver Crescent	171	47	124	72	Mid Terrace 2.5 (Front), 18 (Rear)

Linden Lea	269	74	195	72	0 (SE), 6.5-9 (NW) 3 (Front), 3 (Rear)
Alandene (as proposed)	400	103 (+50 garage)	247	62	2.9 (SE), 0.3 (NW) 3.8 (Front), 4.642 (Rear)
Bungalow Proposed 12/00702/FUL	280	93 (Approx)	187 (Approx)	66	1.0 (SE), 1.0 (NW) 3.5 (Front), 3.3-7.2 (Rear)
Bungalow Proposed 13/00135/FUL	280	82	198	71	1.91 (SE), 5.4 (NW) 1-2.5 (Front), 5.4-8.7 (Rear)
Proposed New Bungalow	280	78.2 (excluding the open sided porch)	201.8	72	1.91 (SE), 5.4 (NW) 1.5-2.5 (Front), 5.4-8.7 (Rear)

- 59 The table above and the information submitted, serves to demonstrate that the plot size and footprint of the proposed dwelling and the amenity space to both the proposed new dwelling and to Alandene would be broadly comparable with other neighbouring properties.
- 60 Attention is drawn to the previous paragraph of the report which indicates that the Inspector did not uphold the Councils grounds of refusal relating to the impact of the proposal on the living conditions of future and existing occupiers and neither did the Inspector make any reference to Alandene appearing cramped in its reduced plot in a way which would be harmful to the character and appearance of the area.
- 61 Overall, in my opinion the revisions proposed are considered to be sufficient to address the Inspectors grounds for dismissing the appeal, and would ensure that the proposed new dwelling would no longer appear cramped.
- 62 For the reasons set out above, the proposal is considered to be sufficiently sympathetic in a way which would ensure it would not have a negative impact upon the character of area and would reflect the surrounding pattern of development and layout. As such, the proposal would not adversely impact upon the quality, character, appearance or visual amenity of the locality and is not therefore harmful to the appearance of the street scene or the character and appearance of the AONB.
- 63 In my view, whilst I consider the current proposal to be acceptable, any enlargement of the current proposal would be unacceptable and would instantly impact negatively on the above considerations. As such, it is suggested that a condition is imposed removing all permitted development rights in accordance with Planning Practice Guidance.
- 64 Details of a refuse and recycling store have been submitted, which show a modest timber enclosure to the front of the property adjacent to the boundary which is not considered to harm the appearance of the street scene.

Impact on Neighbouring Amenity

- 65 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.
- 66 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.
- 67 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.
- 68 Alandene is the closest neighbour to the proposed dwelling. Having regard to the impact on Alandene. There are no windows in the side elevation of Alandene directly facing the site which would be affected by the proposal and the proposed new dwelling maintains a distance of approximately 8.3 metres from Alandene itself. As such sufficient distance is maintained to prevent any adverse impact on the occupiers of Alandene by reason of form, scale height and outlook. Furthermore, these distances would ensure that the proposal would not result in any loss of light or overshadowing to the host property.
- 69 With the exception of Alandene, the nearest neighbouring residential properties are located in excess of 20 metres from the proposed new property. This distance is sufficient to ensure that the proposal would not adversely impact upon the amenities of neighbouring residents by reason of form, scale height and outlook. Furthermore, the proposal would not impact upon light entering these properties or increase overshadowing to a harmful degree.
- 70 Having regard to privacy, 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 a property.
- 71 It is proposed to erect a 1.8 metre high closed boarded fence to the boundaries of the application site which will prevent any overlooking from ground floor windows. There are four windows proposed to serve the accommodation in the roof. The first is in the rear elevation serving the bedroom; this window would overlook the far rear end of the gardens located in Till Avenue which is in excess of 5 metres from the back of the properties which as stated previously would not constitute private amenity space as defined by the Council. The second window would be located in the front elevation overlooking the access and would serve non habitable space being the staircase and shower room. The third and fourth windows are roof lights in the side facing roof slopes which replace the dormer windows previously proposed. The cill to these roof lights would be positioned 1.7 metres above the internal finished floor level in order to avoid any unacceptable overlooking. In conclusion, I do not consider that the amended proposal would result in any unacceptable loss of privacy to neighbouring occupants.

72 For the reasons set out above, it is not considered that the proposal would cause any significant harm to the amenity of neighbouring residents.

Highways

73 Concern remains about the access and parking arrangements.

74 Kent Highway Services have raised no objection previously to these matters. Notwithstanding this an informative was attached to the previous decision notice reference SE/13/00135/FUL relaying the concerns of the Development Control Committee and Local Members and it should be noted that this was not upheld by the Planning Inspector who raised no concern regarding access and parking arrangements.

75 Kent Highway Services continue to raise no objection to the proposal.

76 The proposal would benefit from sufficient allocated off street parking in accordance with KCC Residential Parking Standards set out in Interim Guidance Note 3.

77 In the event of an approval KCC Highways have requested the imposition of an appropriately worded condition to secure wheel washing facility on site during construction which will prevent loose material from being deposited onto the highway.

78 As the Inspector did not uphold the previous concerns raised by Local Members and the Development Control Committee and KCC have raised no objection, it is therefore my view that there remain no justifiable grounds on which to refuse the application in respect of highway matters.

Sustainability

79 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).

80 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.

81 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.

- 82 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.
- 83 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.

Biodiversity

- 84 Having followed Natural England's Standing Advice there is no specific criteria applying to the present condition of the site which indicates the need for the Local Planning Authority to request an Ecological Survey, or which indicates that any protected species/habitat are affected by the proposal.
- 85 Notwithstanding this, 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;....."*
- 86 In addition, 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"*.
- 87 Given that the application site does not comprise any of the features in Natural England's standing advice and that it is currently a garden maintained for residential purpose, it is unlikely that any protected species would be affected by the proposal.
- 88 However, given the aforementioned National and Local policies I consider it reasonable in accordance with Planning Practice Guidance 'Use of Conditions' to impose a condition requiring biodiversity enhancements.

Affordable Housing

- 89 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.
- 90 The proposal would result in a net gain of 1 residential unit.
- 91 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 submitted a draft Section 106 agreement to reflect this. Confirmation has since been received from Legal Services that a legal agreement has been completed and a financial contribution secured in accordance with policy SP3 and the Affordable Housing Supplementary Planning Document.

Other Matters

Archaeology

- 92 The County Archaeology's comments are set out in the consultation responses above.
- 93 It should be noted that due to the possible presence of Roman remains some of which have been found within the vicinity of the application site, County have recommended that a condition is imposed to any grant of planning permission requiring a programme of archaeological works. In the interest of recording any items of interest, I consider this condition to be reasonable in accordance with planning practice guidance.

Land Ownership

- 94 Representations have been received disputing the applicant's ownership of the land within the application site.
- 95 To clarify, the red line boundary identifies the site area to which the proposal relates. As I understand it, during the processing of refused application reference SE/12/00702/FUL a triangular piece of land within the curtilage of number 6 Till Avenue, adjoin the application site and included within the red line boundary was found not to be under the ownership of the applicant.
- 96 This land was subsequently removed from within the red line boundary.
- 97 This remains the case with the current application, the triangular piece of land within the curtilage of number 6 Till Avenue is not included in the red line boundary as indicated on drawing numbers 01 Rev P1, 04 Rev P1 and 05 Rev P1.
- 98 In addition, the applicants agent has been contacted and asked to clarify their clients position regarding the piece of land in question and has clarified in writing by email that the land is within the ownership of the applicant.
- 99 West Kent Housing has also been contacted following receipt of their representation. The following comment has been received in response:
- Having looked over the plans supplied I think that there is an element of possible confusion caused by the fact that although the relevant plans submitted indicate the red line is now in the correct position, the area to the rear of 6 Till Avenue is still coloured green on the subsequent plans which shows the landscaping element. We would much prefer to see all the relevant plans without WKHA's land coloured in green.*
- 100 I am satisfied from the comments received from West Kent Housing that none of the land to which the application relates is within the ownership of West Kent Housing. I have advised the applicant of West Kent Housings comments and they may choose to amend the colour of the plans submitted to avoid any further confusion. However, it is important to note that I am unable to insist that they amend the colour of the plans as this does not affect the validity of the application.
- 101 Ultimately, it should be noted that ownership certificates signed by the applicants are taken in good faith and that 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 part involved. To clarify, a grant of planning permission does not confer any right of access or any right to develop land found not to be within the ownership of the applicant.

- 102 It has also been brought to my attention by a local resident and the Local Member that there is a restrictive covenant on the land which appears to prevent any buildings from being erected on the site. Similarly to the matter of land ownership the existence of covenants is not a material planning consideration and would not prevent planning permission from being granted. The existence of any covenants which may affect the proposed development is a legal matter and not a material planning consideration which will need to be considered by the applicant.

Conclusion

- 103 An application for a new dwelling was previously dismissed at appeal by the Planning Inspector in October 2013. In summary, the Inspectors principle concern with the scheme related to the form of the proposed roof which he considered was disproportionate in relation to the dwelling itself and would thus result in a top heavy appearance which would appear unduly bulky. The Inspector considered that this would result in poor design which would be harmful to the character and appearance of the area contrary to the wider policy requirement of SP7 of the Core Strategy and contrary to policy SP1 of the Core Strategy and EN1 of the Local Plan. The Inspector did not raise any objection to the following:

- Principle of development;
- Density;
- Impact on the of the proposal on the living conditions of future and existing occupiers;
- Alandene appearing cramped in a way which would be harmful to the character and appearance of the area;
- Access and parking arrangements.

- 104 The application seeks permission for the erection of a detached 2 bedroom bungalow with provision for two off street parking spaces and a refuse storage area. The application has been revised to incorporate a new form of roof with accommodation within.

- 105 Overall, taking into consideration the Planning Inspectors decision and the revisions proposed it is my view that for the reasons set out in the preceding paragraphs, the proposed new dwelling would not appear cramped and is sufficiently sympathetic in a way which would ensure it would not have a negative impact upon the character of area and would reflect the surrounding pattern of development and layout. As such, the proposal would not adversely impact upon the quality, character, appearance or visual amenity of the locality and is not therefore harmful to the appearance of the street scene or the character and appearance of the AONB.

- 106 The proposal is not considered to cause any significant harm to the amenity of neighbouring residents.

- 107 Kent Highways Services have raised no objection to the proposal.

- 108 An affordable housing contribution has been offered.
- 109 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

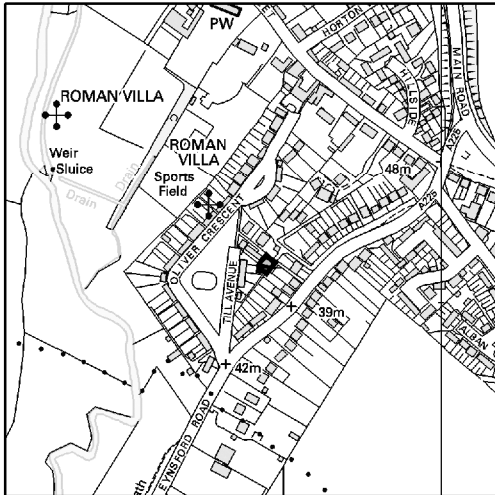
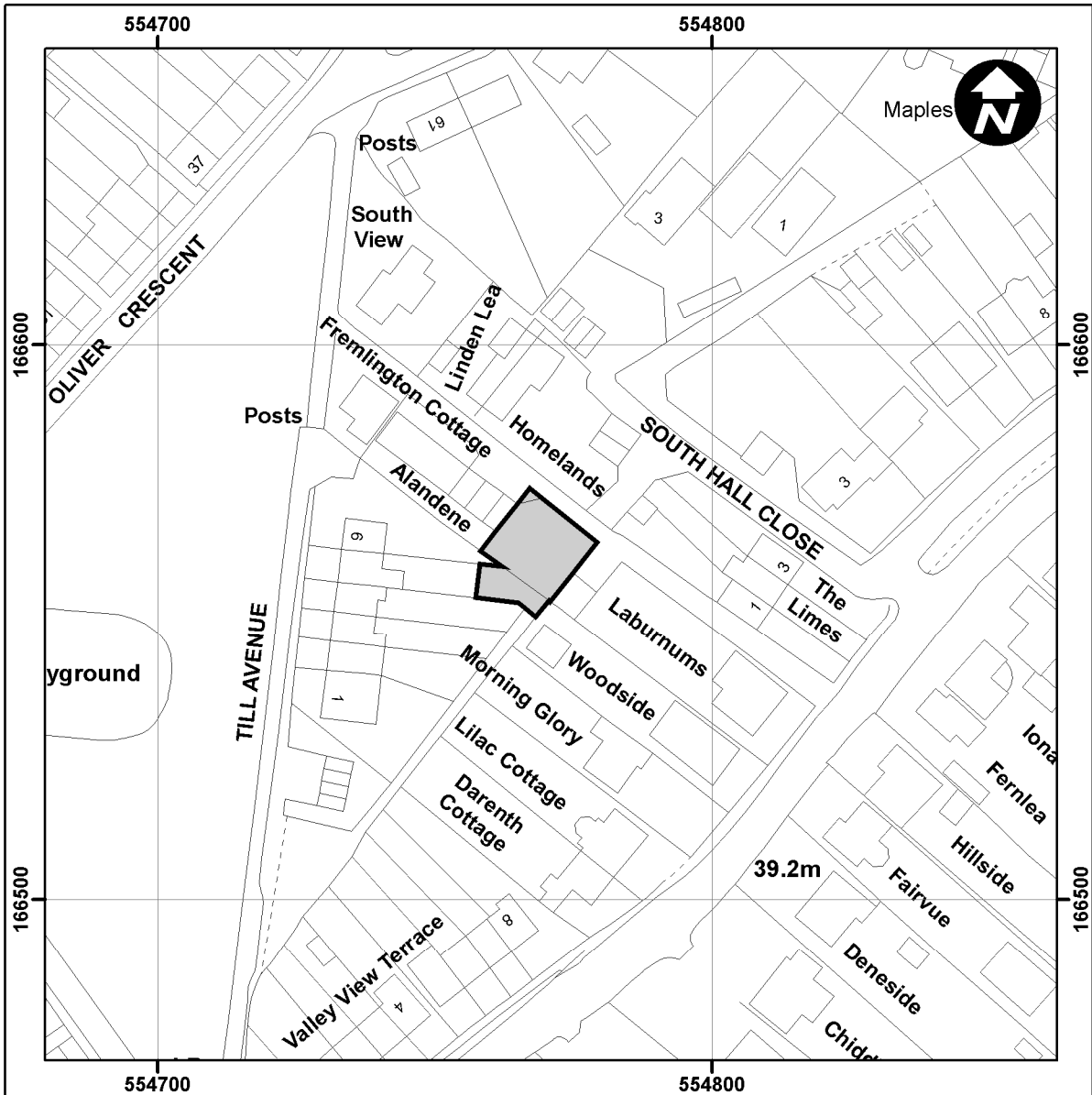
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N73IFHBKG6F00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N73IFHBKG6F00>



Site Plan

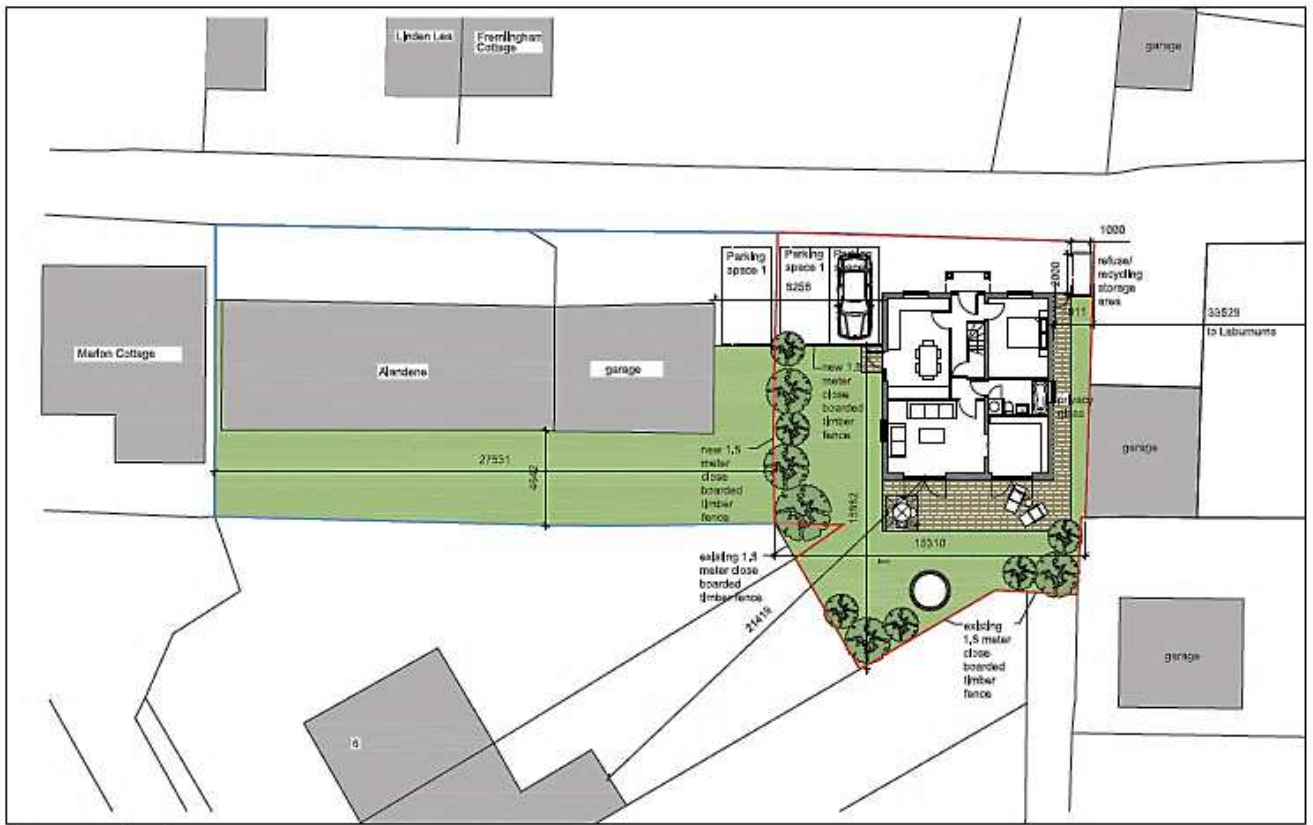
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Date 09/09/2014

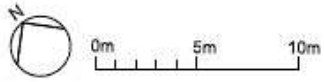


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Sevenoaks District Council, 100019428, 2013.

Block Plan



Proposed site plan





Appeal Decision

Site visit made on 17 October 2013

by **Timothy C King BA(Hons) MRTPI**

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

Decision date: 14 January 2014

Appeal Ref: APP/G2245/A/13/2201254

Alandene, Till Avenue, Farningham, Dartford, DA4 0BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Bonen against the decision of Sevenoaks District Council.
 - The application Ref SE/13/00135/FUL, dated 16 January 2013, was refused by notice dated 17 June 2013.
 - The development proposed is 'Construction of a two bedroomed bungalow on the land to the side of Alandene, Till Avenue, Farningham, Kent, DA4 0BH including provision for two off street parking spaces and a refuse storage area.'
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The dwelling immediately to the north west of Alandene is referred to in the appeal papers as both Marion Cottage and Marjon Cottage. Taken with the Council's documents the consensus appears to lie with 'Marjon' and I will refer to this property, accordingly.

Main Issues

3. The main issues in this case are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on living conditions for existing occupiers of Alandene, with particular regard to the reduction of available garden space; and
 - iii) whether the proposed dwelling would provide a satisfactory standard of living conditions for any future occupiers, with particular regard to garden space provision.

Reasons

Character and appearance

4. The appeal site comprises what is currently side garden land relating to Alandene, a bungalow fronting the narrow un-made lane between Till Avenue and the A225, Eynsford Road. In proximity, also fronting the lane, are Marjon
-

Cottage, adjacent to Alandene, and opposite, Linden Lea and Fremlingham Cottage. The proposal would involve Alandene ceding a large part of its garden to allow for the erection of a new two-bed bungalow fronting the lane.

5. The proposed dwelling would have a frontage of some 8.5m and, save for a projecting bay window feature, would be set just slightly forward of the front building line of Alandene and its adjoining triple garage. Whilst the dwelling's eaves are shown to reach only 2.5m, its ridge height would climb to approximately 6m, which would involve a disproportionate sized roof in relation to the dwelling itself. Indeed, the dwelling's flank elevations, due to the depth and expanse of roofscape would give the building a top-heavy appearance and it would appear unduly bulky in views from the lane and directly from neighbouring properties, including Laburnums, Woodside and Alandene itself.
6. The dwellings in the immediate vicinity are of varying age, style and density. In the main, those fronting Till Avenue and Eynsford Road have defined front and rear gardens whilst Linden Lea, Fremlingham Cottage and Alandene have side curtilage space used as garden area. Whilst the density of the proposed dwelling relative to its surrounding curtilage is within the general range of those existing nearby I note that Policy SP7 of the Sevenoaks Core Strategy (SCS) requires that all new housing should be developed at a density that is consistent with achieving good design and without compromising the distinctive character of the area in which it is situated. In this instance I do not consider that the proposed dwelling constitutes good design relative to its surroundings and, moreover, the dwelling's bulk would give it a cramped appearance in its contextual setting. Whilst, therefore, the resultant density itself may be acceptable the wider policy requirement would not be met.
7. Policy EN1 of the Sevenoaks District Plan (SDP) and Policy SCS Policy SP1 both require that new development should respond to, and be compatible with, local character and appearance. I conclude that the dwelling, due to the depth and extent of its roof planes and the consequent bulk, would appear cramped in its setting causing material visual detriment to passers by and neighbouring residents alike. I therefore find on the first issue that the proposal would be harmful to the character and appearance of the area and contrary to the requirements of SDP Policy EN1 and SCS Policy SP1.

Living Conditions – existing occupiers

8. Alandene currently enjoys a generous side garden which opens out from the strip of land set between the bungalow, its adjoining domestic garage and the boundary fence with No 6 Till Avenue. The sub-division of its plot would, however, leave Alandene with only a limited L shaped garden remaining, comprising of the said strip and also an area of limited significance between the garage's flank wall and the proposed fence that would demarcate Alandene from the new dwelling.
9. At my site visit I noted, not only the length of the main strip, but also its apparent narrowness. Whilst it would not be overlooked by neighbours I disagree with the appellant's view that the garden area remaining would represent "great quality private amenity space" and its form would clearly affect its usability. Nonetheless, it is south west facing and reflects the arrangement behind its immediate neighbour, Marjon Cottage.

10. Although Alandene's curtilage would thereby be much reduced and its new setting somewhat cramped relative to the current situation I conclude, on balance, that a sufficient and usable area of garden space would remain so as not to unduly compromise the living conditions of its occupiers. On this issue, therefore, the requirements of SDP Policy EN1 and SCS Policy SP1 would be met.

Living conditions – proposed occupiers

11. I have expressed concerns regarding the proposed building's design which would result in a dwelling appearing too bulky in its setting and out of character with its surroundings. Notwithstanding this, areas of usable garden space, shown laid to lawn, would be available for the dwelling's future occupiers to its side and rear. In addition, a terrace is also shown surrounding the bungalow. The garden would be orientated largely southwards and would enjoy suitable privacy.

12. I therefore conclude that the proposal would provide future occupiers with an adequate amount of usable garden space and allow for a satisfactory standard of living conditions. Accordingly, the requirements of SDP Policy EN1 and SCS Policy SP1 would be met in this respect.

Other matters

13. The appellant has referred to the Council's committee report whereby it was indicated that the proposal would be acceptable in its context and recommended that planning permission be granted. I understand that the appeal proposal followed on from a previous unsuccessful application for a bungalow and revisions had been made in an attempt to overcome the Council's concerns. Comparisons with the previous scheme were thereby drawn. However, I can only determine this appeal on the merits of the scheme before me.

Conclusion

14. I have found the proposal to be acceptable on two of the three issues but this does not outweigh the harm I have identified on the first issue which is compelling. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Timothy C King

INSPECTOR