

4.3 – SE/14/02526/FUL Date expired 8 December 2014

PROPOSAL: Demolition of existing garage to facilitate erection of a 2 storey end of terrace 2 bedroom dwelling with ancillary parking.

LOCATION: 16 Egerton Avenue, Hextable BR8 7LQ

WARD(S): Hextable

#### **ITEM FOR DECISION**

Councillor Mrs Ayres referred this application to Development Control Committee so that the impact of the proposed development on the streetscene and amenity could be considered.

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: 3842-PD-12 and 3842-PD-12

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

3) The development hereby approved shall achieve a minimum of Code for Sustainable Homes Level 3. Evidence shall be provided to the Local Planning Authority:  
i) Prior to the commencement of development, of how it is intended the development will achieve a minimum of Code for Sustainable Homes Level 3 or alternative as agreed in writing by the Local Planning Authority; and  
ii) Prior to the first occupation of the development, that the development has achieved a minimum of Code for Sustainable Homes 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 in accordance with policy SP2 of the Core Strategy (2011).

4) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:  
a) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible) and size;  
b) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;  
c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces; and  
d) any other landscaping feature(s) forming part of the scheme.  
All landscaping in accordance with the approved scheme shall be completed / planted

during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. To preserve and enhance the visual appearance of the area as supported by policy EN1

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

To ensure that the appearance of the development enhances the character and appearance of the adjacent conservation area as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

To safeguard the visual amenity of the area and the amenities of the occupiers of surrounding properties; as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) No development shall take place until details of the two parking spaces materials and surfacing have been submitted and approved in writing to the Local Planning Authority. The parking spaces shall be formed in accordance with the approved details and made available for use before the first occupation of the dwelling hereby approved.

In the interest of Highways Safety

### **Informatives**

1) 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.

2) 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.

3) New footway vehicular crossing to KCC specification to be agreed and constructed prior to parking area in front of existing property off Egerton Avenue is brought into use. The applicant will need to apply to KCC for permission to construct this crossover. In the

interest of highways safety.

### **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](http://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) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **Description of Proposal**

- 1 Planning permission is sought for the erection of a new dwelling adjoining onto number 16 and 14 Egerton Avenue, a pair of semi detached dwellings. The proposed dwelling would be two storey with a hipped roof measuring 7.5m to the ridge and 4.7m to the eaves. The dwelling would have a bay window at ground floor level to the side and canopy porch over the front door. It would have a depth of 7.6m and width (excluding the bay window) of 4.2m. The proposal seeks to provide a rear and side garden and vehicular access with parking for one car.

### **Description of Site**

- 2 The site lies to the south of Hextable Village within a residential area. The application site is set on a corner plot where New Road meets Egerton Avenue. To the north of the site lies a neighbouring dwelling number 2 New Road, to the east the adjoining neighbour number 16 Egerton Avenue which forms a pair of semi detached dwellings. To the west of the site across New Road lies number 18 Egerton Avenue. The site lies in an area with no land constraints.

## Constraints

- 3 No land constraints

## Policies

### *Sevenoaks Local Plan:*

- 4 Policies - EN1, H6B, Appendix 4 Residential Extensions

### *Sevenoaks Core Strategy:*

- 5 Policies - SP1, LO1, LO7, SP2 and SP3

### *Allocations and Development Management Plan, Draft submission (Nov 2013)*

- 6 Policies - SC1, EN1, EN2 and T2

## *Other*

- 7 National Planning Policy Framework (NPPF) and associated technical guidance
- 8 National Planning Practice Guidance (2013 – BETA)

## Planning History

- 9 12/02487/HOUSE - The erection of two storey side extension REFUSE  
15/11/2012  
  
13/02622/HOUSE - The erection of two storey side extension. GRANT  
24/10/2013

## Consultations

### *Parish/Town Council*

- 10 Hextable Parish Council – Object. Overdevelopment, loss of amenity space and change of street scene

### *Thames Water*

- 11 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.
- 12 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.
- 13 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.

- 14 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](http://www.thameswater.co.uk)
- 15 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 16 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.

#### *KCC Highways Authority*

- 18 I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-
- 19 1 new footway vehicular crossing to KCC specification to be agreed and constructed prior to parking area in front of existing property off Egerton Avenue is brought into use. The applicant will need to apply to KCC for permission to construct this crossover. And recommend an informative (5.11.2014).

#### Representations

- 20 No comments received.

#### **Chief Planning Officer's Appraisal**

##### Principle of development

- 21 One of the core principles within the NPPF is achieving sustainable development and encouraging high quality design. Emerging policy SC1 (presumption in favour of sustainable development) seeks to ensure that there is a presumption in favour of sustainable development. Similarly, policy SP1 of the Core Strategy supports in principle new development subject to a number of requirements being met including design and ensuring that new development does not have any undue harm to neighbouring properties.
- 22 The remaining issues to consider in the determination of this application are:
- The principle of a new dwelling within the area;
  - Visual Impact on the character of the area/streetscene;
  - The impact upon amenity of neighbouring occupiers
  - Highways; and
  - Affordable housing.

### *Principle of a new dwelling*

- 23 The NPPF Paragraph 53 states that Local Planning Authorities plans should resist inappropriate development of residential gardens where it could harm the local area. In addition Sevenoaks Core Strategy Policy requires development to be set mainly within the built confines of existing settlements including service village such as Hextable subject to the development complying with the provisions of other policies. Policy LO7 continues to state that small scale infilling maybe appropriate if untaken in an acceptable manner taking into account the limited range of facilities and services available.
- 24 In this case, as the proposal is for one single dwelling set within the built up confines of Hextable would be acceptable in principle subject to complying with the provisions of the policies and other policies assessed below.

### *Visual Impact on the character of the area/streetscene*

- 25 The NPPF attaches great importance to and encourages good design due to its indivisible link with sustainability. Paragraph 56 seeks for development to 'contribute positively to making places better for people' through the implementation of high quality and inclusive designs. Policy SP1 of the Sevenoaks Core Strategy also seeks to ensure that all new development is designed to a high quality and reflect the character of the area in which it is located.
- 26 Saved Local Plan policy EN1 states that *'the form of the proposed development ... should be compatible in terms of scale height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard'* to receive support. This policy broadly conforms with the NPPF and therefore can be afforded weight in this assessment. Emerging policy EN1 (Design Principles) of the ADMP will in part replace adopted policy EN1 (Development Control: General Principles) of the Local Plan this policy also requires high quality design.
- 27 The character of the streetscene is relatively mixed along Egerton Avenue with a number of detached and semi detached dwellings varying in size and design. New Road is more regular with semi detached dwellings similar in size and design to number 14 and 16 Egerton Avenue, these properties line New Road with uniform spaces between dwellings.
- 29 It is noted that a new dwelling has recently been granted planning permission in 2013 for a detached dwelling in the garden land of number 12 Egerton Avenue which is also modest in scale.
- 30 Planning permission was also granted for a two storey extension to number 16 Egerton Avenue (13/02622/HOUSE) which had a similar design, form and size to the proposed new dwelling. This extension was not considered to have an adverse impact on the character of the area or streetscene when assessed at this time.
- 31 The proposed new dwelling is set on a corner plot and has been positioned to retain the existing open character of the streetscene within the corner plot due to its size and position. With regards to the design, there are a mixture of rooflines and materials within the streetscene, as such it is not considered that the proposal would have an adverse impact on the character of the area. To ensure a satisfactory appearance of the property a condition relating to hard and soft landscaping is considered to be appropriate.

- 32 In light of the above, the proposed dwelling by reason of its design, size and position is not considered to have an adverse impact on the character of the area or streetscene.

#### *Impact on Neighbouring Amenity*

- 33 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.
- 34 Saved Policies EN1 and H6B of the Sevenoaks District Local Plan require that proposals do not have an adverse impact on the amenity of the neighbouring properties and that new development ensures that a satisfactory environment of the original dwelling is maintained for future occupants. Both policies confirm in broad with the NPPF and therefore can be afforded some weight in the assessment of the proposal. Emerging policy EN2 seeks to safeguard the amenities of existing and future occupants of nearby properties, including from excessive noise, activity or vehicle movements and can be given moderate weight in this assessment.
- 35 As the proposed new dwelling would be set in the existing residential garden of 16 Egerton Avenue a division of the land and alterations to both sites is proposed. As such, the applicant has demonstrated that both dwellings would have a private rear amenity space and adequate parking spaces in line with KCC guidance. The proposal therefore demonstrates that an amenity space for each dwelling can be achieved as part of the proposal. A condition will be applied to ensure that each are provided prior to first occupation of the property.
- 36 With regards to overbearing or loss of light due to the siting, size (with a height of 7.5m to the ridge and 4.7m to the eaves) and relationship of the proposed dwelling in relation to the neighbouring properties (attached to the flank wall of number 16 Egerton Avenue and set 7.8m away from 2 New Road's side wall) it is not considered that the proposed dwelling would introduce an adverse impact to these properties. With regards to overlooking to the rear of number 16 Egerton Avenue and number 2 New Road a current level of overlooking across the rear gardens of the properties already exists. The introduction of the windows proposed on the new dwelling are, therefore, not considered to significantly exacerbate the existing overlooking between the properties to introduce a detrimental overlooking impact. The proposed dwelling is located close to neighbouring properties, as such it considered reasonable to remove permitted development rights on the property to protect the amenity of the neighbouring properties.
- 37 As such, the proposal complies with the above policies.

#### *Highways*

- 38 The NPPF seeks to ensure that developments provide 'safe and suitable access to the site' and encourages sustainable transport. Saved Local Plan policy EN1 seeks to ensure that that development has safe and satisfactory means of access and parking. Emerging T2 (Vehicle Parking) seeks to ensure that parking provision are in accordance with the Kent County Council.

- 39 The applicant has demonstrated that one off street parking space can be provided for the new dwelling and two parking spaces for number 16 Egerton Avenue. KCC highways authority has been consulted on the development and has no objection subject to an appropriate condition and informative being added on to any subsequent planning permission. As such, I am satisfied that there would be adequate parking provision on both sites and that the proposal would not have a detrimental impact on highways safety.

#### *Affordable housing*

- 40 The applicant has submitted a S106 unilateral undertaking to make a financial contribution of £11,000 towards the provision of off-site affordable housing. Notwithstanding this, on 28 November 2014 the Government amended the National Planning Practice Guidance (NPPG) to restrict the circumstances where contributions for affordable housing should be sought. Under the new guidance, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. As a result Policy SP3 of the Core Strategy and the Affordable Housing SPD are no longer consistent with the NPPG in relation to developments below the new NPPG size threshold and are not likely to be supported on appeal.
- 41 This proposal is for a development below the NPPG threshold and a contribution to affordable housing cannot therefore be sought.

#### *Sustainable Development*

- 42 The Core Strategy Policy SP2 seeks to ensure that all new dwellings achieve a minimum of Code for Sustainable Homes Level 3. As such, it is considered to apply a condition to ensure this level is achieved for the dwelling proposed.

#### Other matters

- 43 With regards to water and sewage an informative has been added as recommended by the comments received from Thames Water.

#### CIL

- 44 The proposal is CIL liable the applicant has submitted CIL forms to accompany the application.

#### **Conclusion**

- 44 The proposed new dwelling is considered to be acceptable in principal. The proposed new dwelling is not considered to have a significant adverse impact on the character or appearance of the streetscene due to the mixture of dwellings within the road. In addition the proposed dwelling is not considered to introduce an unacceptable level of amenity to the neighbouring properties or within the proposed dwelling and site itself. Subject to an informative and condition the dwelling does not raise any highways objections. In addition sustainable homes code level three can be secured by condition and CIL and affordable housing have also been addressed. As such, the proposal is considered to comply with the above policies and the recommendation is therefore for approval.



Contact Officer(s):

Erin Weatherstone Extension: 7290

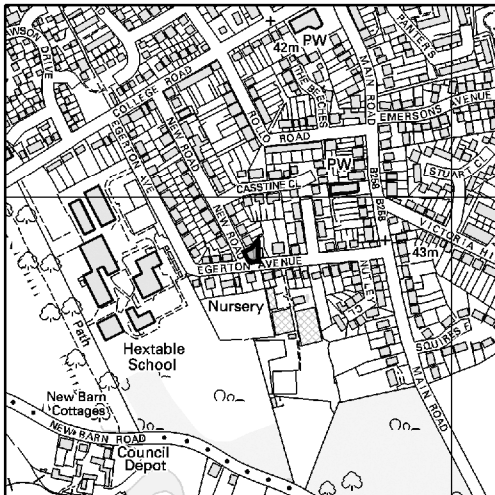
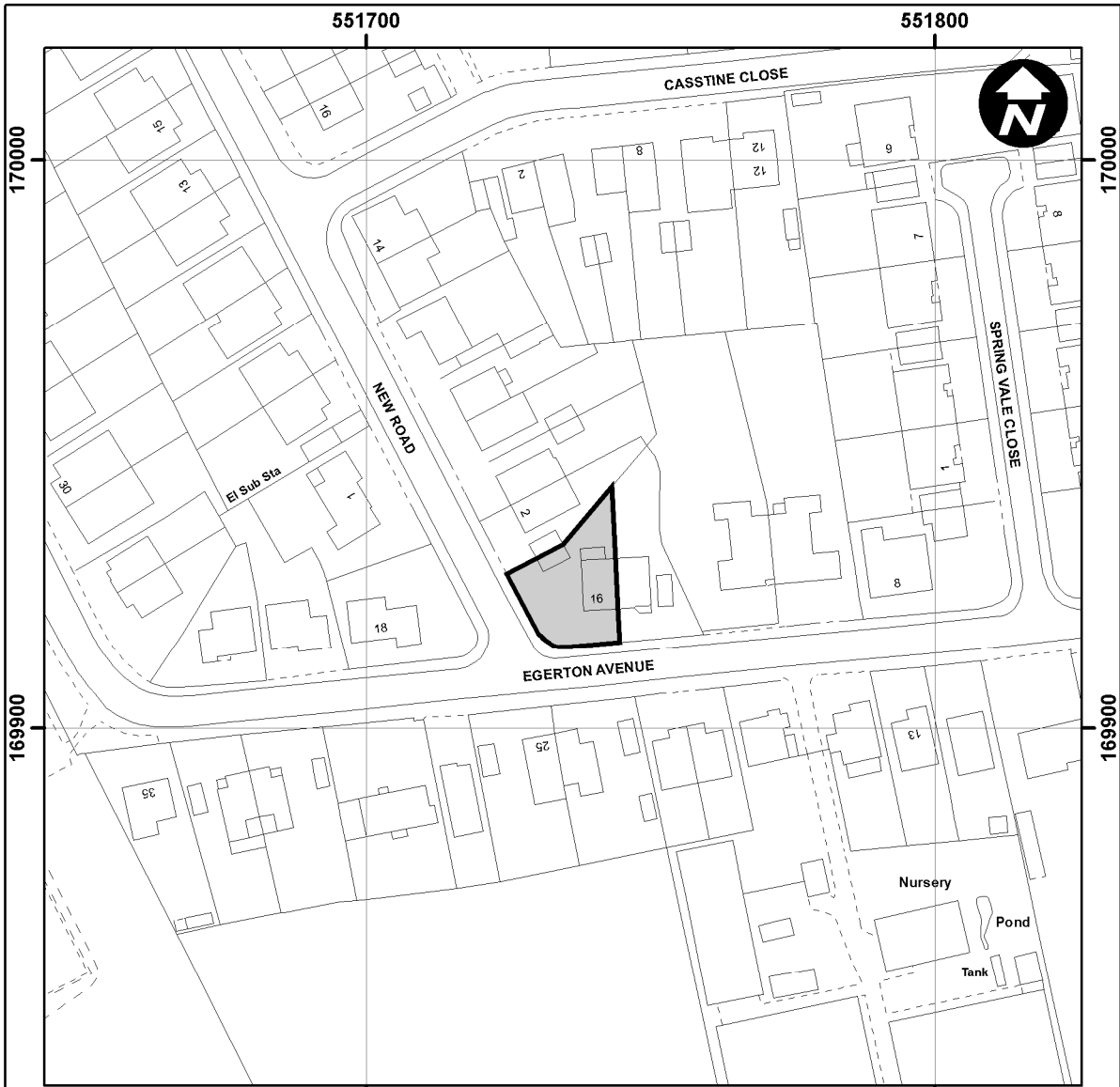
**Richard Morris**  
**Chief Planning Officer**

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N9SL6WBKOL200>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N9SL6WBKOL200>



# Site Plan

Scale 1:1,250

Date 02/12/2014



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Ordnance Survey 100019428.

**Block Plan**

