

4.5 SE/15/00240/FUL Date expired 23 March 2015

PROPOSAL: Demolition of the existing garage and the erection of a new detached chalet bungalow on the land adjacent to Ivy Cottage.

LOCATION: Land North Of Ivy Cottage , Stonehouse Road, Halstead  
TN14 7HN

WARD(S): Halstead, Knockholt & Badgers Mount

### **ITEM FOR DECISION**

This item has been referred to Development Control Committee by Councillor Williamson who considers the proposed house would be overbearing on the neighbouring property and result in overlooking and loss of privacy and because the proposals would represent infill development which would encroach upon the adjacent Green Belt.

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) 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 buildings 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 proposed house preserves the appearance of the locality as supported by policy EN1 of the Sevenoaks District Local Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

3) The development shall be carried out in strict accordance with the approved drawings, with particular reference to the ground levels and height of the building indicated on drawing 445-PD-021.

To protect the amenities of the neighbouring occupiers and the amenities of the street scene as supported by policies EN1 of the Sevenoaks District Local Plan.

4) No development shall be carried out on the land until full details of all soft and hard landscape works and all means of enclosure to be maintained or erected have been submitted to and approved in writing by the Council. Those details shall include:-details of materials for all hardsurfaces;-planting plans (identifying existing planting, plants to be retained and new planting, to specifically include details of planting along the northern boundary of the site adjacent to Silverdale (the property to the north); and-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities).The hard and soft landscaping and means of enclosure shall be

carried out in accordance with the approved details prior to occupation of the development or in accordance with an programme of implementation which shall have been agreed in writing prior to commencement of works. The means of enclosure shall be retained as approved thereafter.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

5) If within a period of 5 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 EN1 of the Sevenoaks Allocations and Development Management 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 amenities of the neighbouring occupiers and the visual amenities of the street scene as supported by policy EN1 of the Sevenoaks District Local Plan.

7) Prior to commencement of development a plan indicating the position and type of wheel washing facilities shall be submitted to the District Planning Authority for approval in writing. The approved details shall be implemented on commencement of development and maintained for the duration of the works on site.

In the interests of highway safety as supported by policy EN1 of the Sevenoaks District Local Plan. To ensure that the proposed extension preserves the appearance of the locality as supported by policy EN1 of the Sevenoaks District Local Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

8) The development hereby permitted shall be carried out in accordance with the following approved plans: 4554-PD-021 and 4554-PD-020.

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

#### **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) Did not require any further assistance as the application was acceptable as submitted.

#### INFORMATIVES

- 1) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.
- 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.

#### Background

- 1 Planning permission was granted on 29<sup>th</sup> September 2014 for the demolition of the existing garage on site and the construction of a new detached chalet bungalow on the land adjacent to Ivy Cottage (ref: SE/14/02335/FUL). This permission was subject to a legal agreement to secure a financial contribution of £14, 502.00 towards the provision of affordable housing off-site. This permission has not been commenced.
- 2 The current application is identical to that approved above, but does not offer a contribution towards affordable housing.

#### Description of Proposal

- 3 The current application again seeks permission for the demolition of an existing detached garage and the erection of a 2 storey, 3 bedroom, detached dwelling on an area of existing garden located to the north of Ivy Cottage.

- 4 The proposed dwelling would be sited so that the front elevation would be set very marginally behind the front elevation of Ivy Cottage and thus would be set well behind the front elevation of Silverdale. The rear elevation would project slightly beyond Ivy Cottage, including the 3m deep extension recently permitted.
- 5 The proposed dwelling, which would be roughly "T" shaped, would be approximately 8m in width, 9.3m in depth along the north-east elevation adjacent to the neighbouring bungalow, Silverdale and 12.5m in depth along the south-western elevation, adjacent to Ivy Cottage. The house would be sited 4m from the flank of Ivy Cottage and a minimum 4m from the northern boundary with Silverdale and 7m from the flank of the neighbouring building itself.
- 6 The north elevation facing Silverdale would incorporate a catslide roof rising from 2.25m high, with the main front to rear 2 storey element having an eaves to the front, rear and southern elevation at 4m high rising to 6.2m high ridge.
- 7 Materials would comprise largely rendered elevations under a tiled roof, with timber frame detailing at first floor.

#### Description of Site

- 8 The application site accommodates a modest 2 storey house set in large grounds. The existing house is sited on the southern half of the plot, with the northern half towards the boundary with Silverdale (formally Tankerton) presently open, other than for a detached single storey garage.

#### Constraints

- 9 Within the built confines of Halstead. The Green Belt boundary is located to the north-east of the site, a minimum 50m away from the site separated by gardens to other properties.

#### Policies

##### *ADMP*

- 10 Policies – EN1, EN2, TN2

##### *Sevenoaks Core Strategy*

- 11 Policies – SP1

##### *Other*

- 12 National Planning Policy Framework

#### Planning History

- 13 SE/13/00984/FUL: Demolition of existing garage to facilitate a new 4 bedroom property with integral garage and erection of part two storey and part single storey rear and side extensions and refurbishment to Ivy Cottage to create a 4 bedroom property with integral garage. New dormer and window to front elevation and installation of six solar panels to rear elevation. Refused 23.5.13.

- 14 SE/13/01964/FUL: Demolition of existing garage to facilitate a rear and side extensions, installation of two roof lights to side extension and solar panel, in addition to the refurbishment of Ivy Cottage to create a 4 bedroom property with integral garage and subdivision of the plot to create a new 4 bedroom property with integral garage with installation of solar panel and roof light. Refused 28.8.13.
- 15 The latter application sought a relatively modest reduction in size (including height), but this was not considered to address the Council's original objections.
- 16 An appeal against both applications was DISMISSED at appeal on 4<sup>th</sup> February 2014 (split decision) in regards to the new house. No objection was raised by the Inspector to the extension of the existing house, Ivy Cottage, which was approved (Appeal decision at **Appendix A**).
- 17 14/01124/FUL: Demolition of the existing garage on site and the construction of a new detached chalet bungalow. Refused 26<sup>th</sup> June 2014.
- 18 SE/14/02335/FUL: The demolition of the existing garage on site and the construction of a new detached chalet bungalow on the land adjacent to Ivy Cottage. Approved 29.9.14

### Consultations

#### *Halstead Parish Council:*

- 19 Objection and reasons:

Halstead Parish Council objects to this planning application.

1. Council acknowledges that this application is smaller than the previous applications but, by the size, scale and design, will still be overbearing on the neighbouring properties and will contravene Policy EN1 and L07 of the Core Strategy.
2. The windows will over-look the neighbouring properties resulting in a loss of privacy.
3. This development would equate to 'infill' which is not supported by the NPPF.
4. This land is not in the Green Belt but this development will encroach upon it.

- 20 Further comments:

The Parish Council has received a copy of the response made by Mr & Mrs Evans of Silverdale, they are particularly distressed by this proposed development.

The Parish Council believes that if this application is granted the Section 106 payment should be used towards rectifying the awful condition of Stonehouse Road.

### *Other Consultees*

#### *Arboricultural Officer:*

21 No comment.

#### *Highway Authority:*

22 I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

An informative is recommended.

#### *Thames Water:*

23 Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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

### Representations

25 Have been received from a local resident raising the following objections:

- The proposed infill development would spoil the character of the road and adversely impact the neighbouring bungalow.
- Proposed dwelling close to Ivy Cottage, contrary to Inspector's comments in recent appeal decision.
- Proposals would appear cramped and dominate the neighbouring property to the north (Silverdale).
- At odds with spatial character of the area.
- Overlooking.

26 Concern has also been raised to the inaccuracy of the site location plan as far as it relates to the boundary between Silverdale and Hazelcroft, the property to the north.

## Chief Planning Officer's Appraisal

### Principal issues

- Principle of development.
- Siting, scale and design.
- Impact on residential amenity.
- Affordable housing.
- Community infrastructure Levy

### *Principle of development:*

- 27 The principle of constructing the new dwelling on the site was established through the grant of permission just of 6 months ago (ref: SE/14/02335/FUL). The current application is identical to that approved above, but does not offer a contribution towards affordable housing.
- 28 This permission is a material consideration of considerable weight in the determination of the current application.
- 29 It is key to note that during the determination of the previous application whilst significant weight was given to emerging policies within the Allocations and Development Management Plan (ADMP), the ADMP has now been formally adopted and the Sevenoaks District Local Plan has now been superseded. Furthermore, Central Government has changed its approach to affordable housing and has issued new guidance to be taken into consideration during the determination of planning applications.

### *Green Belt issues:*

- 30 I note the comments of the Parish Council relating to infill development and the Green Belt. The site is not within the Green Belt.
- 31 The site is separated from the Green Belt by a distance of approximately 58m, with the intervening land comprising extensive open gardens to other houses. Whilst these neighbouring sites could be considered to form part of the setting and context of the adjacent Green Belt, the site itself is clearly set within a more urban context and whilst the proposals would represent a form of infill development, this would be within a built frontage within the built confines.
- 32 Thus I do not consider the proposals would encroach upon the Green Belt and consider the key issues to be those considered in detail below.

### *Siting, scale and design:*

- 33 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. Policy EN1 of the ADMP states that the form of 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.
- 34 No objection was raised to the detailed design approach taken.

- 35 The key issues were considered to be that of the siting, size and bulk. These issues were carefully considered by the Planning Inspector in determining the earlier appeals. In this regard he commented as follows:
- “10. Concerning Appeal A, the proposed dwelling would be sited close to both its boundaries. The new boundary for Ivy Cottage would be close to that property. The introduction of this plot, with a building that leaves little space on either side, would appear incongruous and out of keeping with the established character. This would be harmful to the character of the area.
11. The proposed dwelling has been designed to make the transition between the two-storey Ivy Cottage and Silverdale, a bungalow that has been cut into the slope. However, due to a combination of the scale of the dwelling and its proximity to both side boundaries, the development would appear as being relatively cramped. The fact that the dwelling would be sited forward of both its neighbours would exacerbate the impression that too much development is being proposed for this site. The proposals would be harmful to one of the distinctive characteristics of the area, contrary to Policies LO7 and SP1. The development would not be compatible with other building in the locality, contrary to saved Policy EN1 of the *Sevenoaks District Local Plan*.”
- 36 The Inspector did not consider the amended scheme (concurrent considered as Scheme B) overcame his concerns.
- 37 It is perhaps worth reiterating the reduction in scale compared to the more modest of the appeal proposals. In summary, the width has been reduced by almost 4m and depth by 2.5m (largely by setting the front elevation considerably further back). The height has also been reduced by well over 1m.
- 38 As a consequence of the changes, the proposed dwelling would be set roughly 5m from the northern boundary and some 7m from the flank of Silverdale at the closest point. This increases to just over 8m to the rear because of the siting of the house relative to the northern boundary. This represents an increased distance of approximately 2.4m compared to the later scheme dismissed at appeal, which also proposed a considerably larger building overall. It would also be set 0.8m further from the flank of Ivy Cottage. This would result in a 4m separation from the flank of the existing Ivy Cottage.
- 39 During the number of applications submitted on this site, the scale of the proposed dwelling has been progressively reduced. Rather than the large 2 storey dwelling with roof above originally sought, the current proposal reduces the height of the house with the result that 1<sup>st</sup> floor accommodation would be contained within the roof area. The introduction of a catslide roof also considerably reduces the bulk of the building, particularly adjacent to Silverdale, the property to the north. The reduction in width also results in a clear increase in the gap between the dwellings either side; 4m to the flank of Ivy Cottage to the south and between 7 to 8.3m to Silverdale to the north. Thus in my view, the proposed dwelling would now sit comfortably within its plot, surrounded by its own amenity space. I consider it would represent an appropriate scale of development which would respect the spatial character of the area and preserve the visual amenities of the street scene.



*Impact on residential amenity:*

- 40 Policy EN2 of the ADMP relates to amenity protection and seeks to protect the amenities of nearby properties.
- 41 The only neighbouring property likely to be directly affected is Silverdale to the north. This property has been extended to the front to provide a large living room with large picture windows facing north, west and south directly towards the site. The property also has a glazed conservatory/porch immediately adjacent to the boundary with Ivy Cottage, which contains a seating area. Of more significance, Silverdale has 3 habitable rooms (study & 2 bedrooms) with main windows directly facing south towards the north flank of the proposed house (the rear bedroom has other windows).
- 42 In considering the previous appeals, the Inspector concluded that due to a combination of the siting, height and width of the proposed dwelling(s) (both schemes), they would be unacceptably visually intrusive and would have an overbearing impact on the occupiers of Silverdale.
- 43 In comparison to the dismissed scheme, the north-east elevation of the proposed house has been reduced in overall depth by about 3.5m and set back from the boundary by a further 2.4m. Thus the closest part of the flank would be set 5m from the boundary with Silverdale and 7m from the front corner of the neighbouring bungalow. These distances increase further into the site as the proposed house is set at an angle to the boundary.
- 44 I consider the gap to the northern boundary would potentially allow for a planting scheme that could considerably soften the appearance of the development. Furthermore, the increased distance between the properties and the reduced height of the proposed house would address any concerns regarding loss of light in my view. The key remaining issue is whether the profile of the new house would appear unacceptably dominant. In determining the previous application, it was my conclusion that the proposals would not have an unacceptable impact on the amenities presently enjoyed by the occupiers of Silverdale and this remains the case.
- 45 In terms of overlooking, the only windows in the north elevation above ground floor are rooflights which are high level to avoid overlooking.

Other issues:

- 46 There are no highway objections to the proposals – there would be satisfactory vehicular access and more than adequate forecourt parking. I do not consider noise and disturbance from residential vehicles using the site would warrant refusal.
- 47 The building plot is developed and there would be no impact on ecological interests.

Affordable Housing:

- 48 As mentioned above, the previous planning permission included a financial contribution towards the off-site provision of affordable housing. The current application offers no such contribution.

- 49 However, 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, 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.
- 50 These thresholds apply with immediate effect.
- 51 Notwithstanding the fact that policy SP3 of the Core Strategy requires the provision of a financial contribution towards the provision of affordable housing off-site, this policy can only be given weight in as far as it is consistent with current central Government guidance, which it clearly no longer is.
- 52 In the circumstances, whilst I consider it extremely unfortunate that the Council are not in a position to require an affordable housing contribution on this new application for a single dwelling, refusing the application on such grounds would be at odds with current Government advice and would thus be extremely unlikely to be sustainable at appeal and would undoubtedly expose the Council to costs.

#### Community Infrastructure Levy:

- 53 The new dwelling is CIL liable and the applicant has submitted the relevant CIL forms. No exemption is sought.

#### **Conclusion**

- 54 In light of the above, I consider the proposed dwelling, by reason of the siting, size and design, represents an acceptable balance between the need to make efficient and effective use of urban land for new housing whilst preserving the spatial character of the area.
- 55 Furthermore, I consider the reduced scale of the dwelling together with the increased gap between the proposed house and Silverdale is sufficient to ensure that there would not be an unacceptable impact on the amenities of the neighbouring occupiers.
- 56 The requirement for an affordable housing contribution is not consistent with Government guidance which advises that Local Planning Authorities should not seek affordable housing contributions on the development of a single house.
- 57 Because of the clear degree of separation, the proposals are not considered to encroach upon the Green Belt.
- 58 I do not consider there to be any other substantive objections to the proposals.

#### **Background Papers**

Site and Block Plan

Contact Officer(s):

Mr J Sperryn Extension: 7179

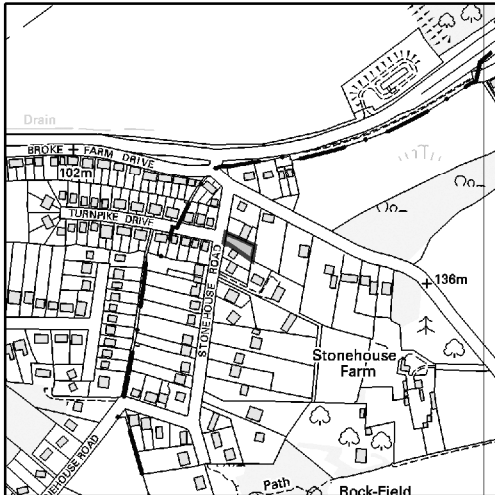
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NISNCLBKIFW00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NISNCLBKIFW00>



# Site Plan

Scale 1:1,250

Date 08/05/2015



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Sevenoaks District Council, 100019428, 2013.



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## Appeal Decisions

Site visit made on 28 January 2014

**by Clive Hughes BA (Hons) MA DMS MRTPI**

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

**Decision date: 4 February 2014**

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### **Appeal A: APP/G2245/A/13/2200625**

**Ivy Cottage, Stonehouse Road, Halstead, Sevenoaks, Kent TN14 7HN**

- 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 TJK Contracts Ltd against the decision of Sevenoaks District Council.
  - The application Ref SE/13/00984/FUL, dated 28 March 2013, was refused by notice dated 23 May 2013.
  - The development proposed is rear and side extensions and refurbishment to Ivy Cottage to create a 4 bed property and integral garage and subdivision of plot to create a new 4 bed property with integral garage with demolition of existing garage.
- 

### **Appeal B: APP/G2245/A/13/2205249**

**Ivy Cottage, Stonehouse Road, Halstead, Sevenoaks, Kent TN14 7HN**

- 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 TJK Contracts Ltd against the decision of Sevenoaks District Council.
  - The application Ref SE/13/01964/FUL, dated 1 July 2013, was refused by notice dated 28 August 2013.
  - The development proposed is rear and side extensions in addition to refurbishment of Ivy Cottage to create a 4 bedroom property with integral garage and the demolition of the existing garage and sub division of the plot to create a new 4 bedroom property with integral garage.
- 

## **Decisions**

### **Appeal A: APP/G2245/A/13/2200625**

1. The appeal is dismissed insofar as it relates to demolition of existing garage to facilitate a new 4 bedroom property with integral garage. The appeal is allowed insofar as it relates to the extensions to and refurbishment of Ivy Cottage and planning permission is granted for erection of part two storey and part single storey rear and side extensions and refurbishment to Ivy Cottage to create a 4 bedroom property with integral garage; new dormer and window to front elevation and installation of six solar panels to rear elevation at Ivy Cottage, Stonehouse Road, Halstead, Sevenoaks, Kent TN14 7HN in accordance with the terms of the application, Ref SE/13/00984/FUL, dated 28 March 2013 and subject to the following conditions:
    1. The development hereby permitted shall begin not later than three years from the date of this decision.
    2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
-

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings No 4554-PD-001, 002, 003, and JB13\_02\_001TJK insofar as they are relevant to that part of the development hereby permitted.

**Appeal B: APP/G2245/A/13/2205249**

2. The appeal is dismissed insofar as it relates to demolition of existing garage to facilitate a new 4 bedroom property with integral garage. The appeal is allowed insofar as it relates to the extensions to and refurbishment of Ivy Cottage and planning permission is granted for erection of part two storey and part single storey rear and side extensions and refurbishment to Ivy Cottage to create a 4 bedroom property with integral garage. New dormer and window to front elevation and installation of six solar panels to rear elevation at Ivy Cottage, Stonehouse Road, Halstead, Sevenoaks, Kent TN14 7HN in accordance with the terms of the application, Ref SE/13/01964/FUL, dated 1 July 2023 and subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
  3. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings No 4554-PD-001, 002 Rev B, 003 and JB13\_02\_001TJK insofar as they are relevant to that part of the development hereby permitted.

**Procedural matters**

3. The Council has described the Appeal A scheme as "Demolition of existing garage to facilitate a new 4 bedroom property with integral garage. And erection of part two storey and part single storey rear and side extensions and refurbishment to Ivy Cottage to create a 4 bedroom property with integral garage. New dormer and window to front elevation and installation of six solar panels to rear elevation." The Council has used a slightly different description for the Appeal B scheme.
4. In respect of the alterations and extensions to Ivy Cottage, both the schemes are identical. The new dwelling proposed in the Appeal B scheme differs from the Appeal A scheme in that the siting, scale and layout has been revised in an attempt to overcome the Council's objections to the original scheme. I have used the Council's description of the Appeal A scheme for both appeals as it accurately describes the developments proposed.
5. The Council has confirmed that the appellants have submitted completed Unilateral Undertakings (UU) in respect of both appeals. This overcomes the Council's second reason for refusal (Appeals A & B). The Council has further confirmed that the UUs are considered to be acceptable and so it has withdrawn the second reason for refusal in respect of both appeals.
6. In respect of both appeals, the reasons for refusal relate solely to the proposed new house. The Council has raised no objections to the extensions and alterations to Ivy Cottage.

### Main Issues (Appeals A&B)

7. The main issues in respect of both appeals are the effect of the proposed development on
  - The character and appearance of the area; and
  - The living conditions of the occupiers of Silverdale, with particular regard to the effect on outlook.

### Reasons

#### *Character and appearance*

8. The Council has stated that the principle of the development is acceptable as the site lies within the built confines and adopted policies seek to maximise the use of such sites. The Council considers the plot to be of sufficient size to accommodate a dwelling.
9. Policy LO7 of the Council's *Local Development Framework Core Strategy*, which refers to development within settlements such as Halstead, requires new development to respond to the distinctive local characteristics of the area in which it is situated. One of the distinctive characteristics of this part of Stonehouse Road is the space between and around buildings. While the development on the western side of the road is more tightly knit, on this eastern side the generous spacing is a key part of the character. Policy SP1 requires all development to be designed to a high quality and to respond to the distinctive local character.
10. Concerning **Appeal A**, the proposed dwelling would be sited close to both its boundaries. The new boundary for Ivy Cottage would be close to that property. The introduction of this plot, with a building that leaves little space on either side, would appear incongruous and out of keeping with the established character. This would be harmful to the character of the area.
11. The proposed dwelling has been designed to make the transition between the two-storey Ivy Cottage and Silverdale, a bungalow that has been cut into the slope. However, due to a combination of the scale of the dwelling and its proximity to both side boundaries, the development would appear as being relatively cramped. The fact that the dwelling would be sited forward of both its neighbours would exacerbate the impression that too much development is being proposed for this site. The proposals would be harmful to one of the distinctive characteristics of the area, contrary to Policies LO7 and SP1. The development would not be compatible with other building in the locality, contrary to saved Policy EN1 of the *Sevenoaks District Local Plan*.
12. The **Appeal B** scheme involves minor adjustments to the siting of the dwelling. The front elevation would be set slightly deeper into its plot with a consequent reduction in the depth of the dwelling. There would be alterations to the northern part of the dwelling with the garage set further back and a reduction in height and the mass of the building along this northern boundary. The front corner of the dwelling would be slightly further from the boundary with Silverdale.
13. I do not consider that these changes are sufficient to overcome the concerns raised in respect of the Appeal A scheme. The development would still fail to respect or reflect the spacious character of the area and it would still appear as



a relatively cramped form of development. This would be harmful to the character and the appearance of the area, contrary to Policies LO7, SP1 and EN1.

#### *Living conditions*

14. The only property whose occupiers would be significantly affected by the proposed development is Silverdale. This is a detached bungalow sited towards the back of its plot which lies immediately to the north of the appeal site. Ivy Cottage is set forward of Silverdale; in respect of both appeals the proposed dwelling would be sited on a building line more or less in line with these two dwellings.
15. Silverdale is sited close to the common boundary and at a lower level than the appeal site. It is cut into the gentle slope; the conservatory at the front is above the prevailing ground level while at the rear it is cut into the slope. The bungalow has windows facing the appeal site. The living room, which is within a front projection sited well away from the boundary, has windows on three sides with a single window facing the site. The conservatory has main windows facing forward and additional windows facing the site. The main bedroom has a large window facing the site and a second window facing down its garden.
16. Bedrooms 2 and 3, the latter in use as a study, have their windows facing the appeal site. While the study has additional, smaller, windows facing into the conservatory, its main window faces the appeal site. Bedroom 2 has its only window facing the site. There is only a low fence along the boundary although there is some taller planting inside the appeal site between the properties. Silverdale is sited parallel with the boundary and is set back about 2.4m from the boundary.
17. In respect of the **Appeal A** scheme, the new dwelling would extend both forward of and to the rear of Silverdale. It would not be sited parallel with the boundary; at the front the gap to the boundary would be about 2m widening to nearly 4m at the rear. The new house would also be significantly taller than Silverdale. Although the new house would be a full two storeys with a pitched roof on its southern side, towards Silverdale the roof would slope down to a little over single storey in height. While there would be accommodation in this roofspace, these rooms would all have restricted headroom. Nonetheless, the northern elevation would have an eaves level of around 3.5m, although the impact of this would be reduced by some excavation into the slope. The building would have a depth of around 12m.
18. Due to a combination of its siting, height and width, the proposed dwelling would be unacceptably visually intrusive when seen from Silverdale. It would appear as an overly dominant building that would have an overbearing impact on the living conditions of the occupiers of Silverdale. This would be contrary to the provisions of Local Plan Policy EN1.
19. The **Appeal B** scheme would set much of the northern flank of the proposed house further from the common boundary with Silverdale. Only the garage would be retained on the previous building line. There would be a reduction in the depth of the house. The height of the eaves and the roof would be reduced with no accommodation in the roofspace over the garage and the rooflights facing Silverdale would be omitted.

20. I do not consider that these relatively minor alterations to the proposed dwelling are sufficient to overcome the harm identified above in respect of the Appeal A scheme. Due to the scale and siting of the dwelling, with the two-storey element of the house still within about 5m of the common boundary and in the direct line of sight of habitable room windows, the proposed dwelling would still appear as unacceptably dominant and overbearing. I consider that this would be harmful to the living conditions of the occupiers of Silverdale and contrary to the provisions of Local Plan Policy EN1.

*Conditions (Appeals A & B)*

21. In respect of the extensions and alterations to Ivy Cottage I have imposed a condition in respect of the external materials to be used in the interests of the visual amenity of the area. I have identified the approved plans, insofar as they are relevant to the extensions and alterations to Ivy Cottage, for the avoidance of doubt and in the interests of the proper planning of the area.

*Conclusions*

22. The Council has raised no objections to the alterations or the extensions to Ivy Cottage. The alterations at the front are relatively minor and the extensions can be comfortably accommodated within the plot. The adjoining house to the south, La Casa, is set well to the rear of the front of Ivy Cottage and the development would have little impact on the living conditions of its occupiers. The removal of the enclosed balcony would represent an improvement in the privacy for that property. I have therefore approved this part of the development in respect of both Appeals.
23. The *National Planning Policy Framework* (the Framework) seeks to boost significantly the supply of housing. I have taken into account the fact that both schemes would result in the provision of a new dwelling within the built up area, which weighs in favour of the development. I have also taken account of the UU which includes a contribution towards the provision of affordable housing.
24. However, both schemes result in harm to the distinctive characteristics of the area and harm to the living conditions of the occupiers of Silverdale due to their overbearing appearance and the resultant loss of outlook. Neither of the developments would result in high quality design and they would both fail to secure a good standard of amenity for the occupiers of Silverdale. This would be contrary to one of the core planning principles set out in the Framework. The identified harm results in both proposals being contrary to the development plan and the Framework. This harm outweighs the benefits of the proposals and so the appeals are both dismissed.

*Clive Hughes*

Inspector