

4.1- SE/15/02253/FUL Revised expiry date 30 October 2015

PROPOSAL: Demolition of existing building and erection of 6 new build apartments with undercroft parking and associated landscaping and visitor parking.

LOCATION: Ragstones, 1 The Vine, Sevenoaks TN13 3SY

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

Councillor Fleming has referred the application to the Development Control Committee on the following grounds:

Due to its height and scale contrary to inspectors appeal decision

Out of keeping with the Vine Conservation Area

Impact on the historic Vine Cricket Ground

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of 3 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: P20B, P22B, P30C, P71B, P72B, P73A, P74B, P92A, P93, P901A

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

3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- where appropriate wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

To protect the amenities of the locality

4) Prior to occupation of the development, the landscaping details as shown on

approved plan P20B and P22B shall be implemented, and shall be retained thereafter unless otherwise approved in writing by the local planning authority.

To protect the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

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 protect the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

6) Despite the details shown in the application, no development shall be carried out on the land until further details of the materials to be used in the construction of the external surfaces of the building 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 is in harmony with the existing character of the conservation area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7) No development shall take place until full details of the proposed foul and surface water drainage systems have been submitted to and approved in writing by the Council. Any approved scheme shall be completed to the written satisfaction of the Council prior to the construction of the development. 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.

To avoid overload of any existing drainage systems and to meet sustainability and environmental objectives.

8) Details of cycle storage provision shall be submitted in writing to the local planning authority. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.

In the interests of sustainable transport provision.

9) Details of obscure glazing of the flank windows in the 1st floor of the northern elevation shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to occupation of the building and retained thereafter.

To safeguard the privacy of neighbouring residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

10) Details of all boundary and enclosure treatments of the site including, location, height and materials shall be submitted to and approved by the local planning authority. The approved details shall be implemented prior to occupation of the development and retained thereafter.

To protect the visual appearance of the area as supported by EN1 of the Sevenoaks

Allocations and Development Management Plan.

11) No development shall take place until details of the: existing levels of the land; any proposed slab levels and any changes in levels have been submitted for approval. The development shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice that led to improvements to the acceptability of the proposal.

Description of Proposal

- 1 Demolition of existing dwelling and erection of 6 new build apartments with undercroft parking and associated landscaping and visitor parking.

Description of Site

- 2 The application site consists of a large plot containing a detached two storey dwelling. It has an extensive rear garden and sits within the Vine Conservation Area, and the urban confines of Sevenoaks.

- 3 The site is bounded to the north by Belmont, a detached gable and pitch roof building of 2-3 storeys in yellow brick, and to the south by Pavilion Gardens, a 3 storey, gable clay tile hung block of apartments.
- 4 In front of the site, to the east lies the Vine Cricket Ground which includes the listed Pavilion building.
- 5 The application site is in excess of 33m in length with gardens from The Drive backing onto it.

Constraints

- 6 Vine Conservation Area

Policies

Core Strategy

- 7 Policies – SP1, SP3, SP7, LO1, LO2

ADMP

- 8 Policies – EN1, EN2, EN4

Other

- 9 NPPF
- 10 Supplementary Planning Document – Affordable Housing
- 11 Vine Conservation Area Management Appraisal

Planning History

- 12 14/00680/FUL - Demolition of existing dwelling to provide 5 new residential units with undercroft parking and associated landscaping and visitor parking.
Withdrawn

14/02577/FUL - Demolition of existing dwelling to provide 5 new residential units with undercroft parking and associated landscaping and visitor parking.
Dismissed at appeal

Consultations

Sevenoaks Town Council

- 13 Sevenoaks Town Council recommended approval, subject to:
 - i) The Planning Officer being satisfied that the extension to the rear elevation and increase in car parking would not have an adverse impact on neighbouring properties
 - ii) The Conservation Officer being satisfied that the materials specified would be in keeping with the Conservation Area

- iii) The Arboriculturalist being satisfied with the treatment of the Holm Oak TPO.

Kent Highways

- 14 Kent Highways have advised that they do not raise any objection.

SDC Arboricultural

- 15 SDC Arboricultural Officer has advised that *'further to my previous comments on previous applications for this site. The mature specimen trees to the rear have been assessed and although their losses are unfortunate, I will not be objecting as their amenity value has previously been debated and found to be limited. Therefore no objections to this proposal but strongly suggest that a robust and well thought out landscaping scheme be conditioned as well as tree protection for the trees shown for retention.'*

SDC Conservation

- 16 SDC conservation officer has advised:

'Ragstones is a substantial detached house which sits within the row of properties of The Vine. The property reflects characteristics of the conservation area by having a generous front forecourt, a substantial plot and floor area and follows the established building line. However, is not of distinct individual architectural quality to be identified as contributing towards the character of the conservation area within the character appraisal. Its scale is very much reflective of mid-twentieth century residential development rather than the grander proportions of the more historic properties found in the adjacent plots and the wider conservation area. There is no objection to the loss of this building if the building that replaces it reflects the positive characteristics which the current incumbent has and preserves or enhances the character of the conservation area.

The replacement building follows the established building line and retains the front garden/forecourt area. It reflects the architectural characteristics of the neighbouring 'Belmont' which has been identified as a building contributing to the character of the conservation area. This row from Pavilion Gardens to Uplands has a strong and distinctive gabled roof character which is expressed in the different architectural styles of the buildings. The proposal would incorporate that and this is something that would make a positive contribution by reflecting local distinctiveness. Similarly the materials that are proposed are appropriate to the area but it will be important to condition samples of the brick and the roof covering to ensure that the quality is reflected in the actual build.

The mass of the building is greater than the current building but it is considered that this would not be harmful because in this particular location to increase the mass by the amount proposed would not be out of scale with the surrounding buildings, most importantly Belmont and Uplands. The benefit of the front gables is that it reduces the bulk and mass of roofscapes when viewed from the principle elevation and this is evident here with the views through still clear from the Vine cricket ground'

Representations

- 17 6 representations of objection have been received. They raise the following points:
- The proposal is 3-4 storeys in height contrary to the neighbouring buildings and the Inspectors comments.
 - The proposed building will be much deeper than its neighbours which will be harmful to the amenity of the neighbouring buildings.
 - The proposal would be visually overbearing and overly bulky to the detriment of the conservation area.
 - The raised garden level is unacceptable and would have an unacceptable impact on the amenity of the neighbouring dwellings.
 - There are an unacceptable number of windows facing the side elevations of the neighbouring dwellings. The proposal will result in a loss of privacy of neighbouring occupiers.
 - The proposal is located too close to Pavilion Gardens and the construction will cause damage to the existing building
 - Boundary screening needs to be substantial
 - Concerns about construction impact on neighbouring occupiers.
 - A landscaping scheme should be required
 - Water run off is a problem in the locality
 - The proposal will have an even worse impact on the locality in terms of traffic movements than the last application.
 - Concerns about impact on neighbouring trees.
 - The development is too dense
 - The proposal results in the removal of a protected tree
 - Commercial interests of a developer should not be championed over the retention and enhancement of the conservation area.
 - Concerned that the parcel of land at the end of the site is not included in the application. The proposal should be refused until plans for this area are clear

Chief Planning Officer's Appraisal

- 18 SC1 of ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with policies in the LDF will be approved without delay unless material planning considerations indicate otherwise.
- 19 Paragraph 14 of 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.
- 20 Policy LO1 of the Core Strategy states that development will be focussed within the built confines of existing settlements. Policy LO2 places an emphasis on the Sevenoaks area as the principal focus for development. Policy SP7 states that

within the urban area of Sevenoaks, new residential development will be expected to achieve a density of 40 dwellings per hectare. It also states that new housing development should be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.

- 21 Policy EN2 of the ADMP requires that the amenity of neighbouring occupiers is protected Policy SP3 requires the provision of an affordable housing contribution in any development that results in the net gain of a residential unit.
- 22 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. The districts heritage assets will be protected and enhanced. EN1 of ADMP states that proposals which would create high quality design will be permitted subject to a number of design criteria including that the form of the development should respond to the scale, height, materials and site coverage of the area; the layout of the proposal would respect the topography and character of the site; the proposal would not result in the loss of open spaces that would have an unacceptable impact on the character of the area; the design of new buildings should be permeable and provide connectivity with neighbouring areas; and would create a safe and secure environment.
- 23 Paragraph 57 of the NPPF states that *'it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'*
- 24 Paragraph 60 of the NPPF states that *'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*
- 25 EN4 of ADMP states that proposals which affect a heritage asset or its setting will be permitted where the development conserves or enhances the character, appearance and setting of the asset, Applications will be assessed with reference to the historic and/or architectural significance of the asset, the prominence of its location and setting, and the historic and/or architectural significance of any elements to be lost or replaced. The Planning (Conservation Area and Listed Building) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 26 The Vine Conservation Area Appraisal recognises that:

'Any new development should encourage high quality and innovative design that reflects local identity and distinctiveness and promotes healthy, safe and secure living and working environments. The design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the whole area. The pattern and pedestrian scale of existing local streets and spaces should help determine the character and identity of the new development...

...All development in the conservation area, must respond to its immediate environment and context, in terms of scale, density, form, materials and detailing.

Applicants for planning permission must provide a "Design and Access Statement", to justify the design decisions that have been made as the scheme was developed and to show how proposed alterations relate to their context. Where appropriate long views of and from the site must be taken into account. Proposals which fail to respect the local contextual framework or the scale, height, proportion and materials of the local area will not normally be permitted.'

- 27 Permission is sought for the demolition of the existing dwelling, and the erection of a 6 unit apartment block, 3 storeys high including accommodation within the roof, plus a basement level. The proposal presents a gable on the front street elevation with a lower level pitched roof either side. A level of accommodation is accommodated in the roof level with 3 pitched dormers in the front roof elevation. A bay projects over two storeys on the frontage, providing a roof terrace for one of the units.
- 28 The rear elevation contains one projecting two storey bay and replicates the front elevation with a single gable with a pitched roof to either side. 3 roof dormers are shown along with a central Juliette balcony.
- 29 Materials are shown as multi stock facing brickwork with portland finish stone detailing and grey slate roof tiles. Fenestration is shown as dark grey aluminium windows and conservation rooflights.
- 30 Basement parking is provided, that is accessed to the side of the property via an undercroft. The basement also contains a residential unit that has a private rear garden. The main ground floor rear garden is shown as landscaped with rising levels to the rear boundary of the site to accommodate the basement parking provision. At the rear of the site, the garden is shown as built up behind the existing boundary wall with a planted screen above.
- 31 10 undercroft parking spaces are provided to the rear and 3 visitor spaces to the front.
- 32 The proposed building rises to a maximum height of 13.2m to the top of the central gable, although levels across the site do vary. The proposed building sits 1.3m away from the site boundary with Pavilion Gardens to the South, and 3.1m away from the boundary with Belmont to the North. The development maintains a minimum setback of 11.2m from the front boundary, and still maintains a garden depth of approximately 25m to the rear boundary of the application site.
- 33 The central gable of the proposal sits 4.8m higher than the existing dwelling, whilst the main roof is 1.2m higher than the existing dwelling. At the point where the proposal faces the street it sits on the same northern side boundary line as the existing building, and only 0.4m closer to the south side boundary than the existing building.
- 34 When considered alongside the development to the south of the site, the top of the proposed gable sits a fraction lower than the top gable of the Pavilion Gardens. The top of the pitched roof sits at the same height as the top of the gable to Pavilion Gardens adjacent to the site.
- 35 To the North of the site, the proposed eaves sit at the same level as the eaves height of Belmont. The pitched roof finishes approx. 50cm higher than the pitched roof of Belmont.

Previous planning permission

- 36 Permission was recently refused and upheld at appeal. The proposed development protruded further to the south site boundary by 60cm than the current application. The proposal had a significantly more bulky roof and presented more built form at roof height. The proposal was refused by the Council on the grounds of overdevelopment of the site, overbearing impact on Belmont and a detrimental impact on the streetscene, and failure to preserve or enhance the character or appearance of the conservation area. However all these grounds were not upheld by the Inspector.
- 37 He considered that *'by reason of height and bulk, the proposed scale of development would be detrimental to the character and appearance of the streetscene when compared to the existing situation. In my judgement, and taking into account the existing gaps to neighbouring properties, the height of the proposed development and the relationship to the neighbouring 2-storey elements would fail to respond appropriately to the scale and height of the neighbouring properties. This adverse harm would result in the appeal scheme appearing a cramped form of development rather than contributing positively to the generally spacious character and appearance of the Conservation Area.'*
- 38 He also made some comments of support for the proposal: In his appeal decision the inspector found that the erection of an apartment building *'would be an effective use of land within the urban area as required by ADMP Policy EN1.'* He also commented *'There are some aspects of the appeal scheme's design which would make a positive contribution to the streetscene, including the gable features at roof level and proportions of some of the openings. The appeal scheme would preserve the views towards the North Downs and would not result in an unacceptable terracing effect within the streetscene. Although there would be a change to some of the ground levels, the terracing of the rear garden would not materially affect the verdant and spacious character and appearance of the Conservation Area. It was noted during the site visit that Belmont possesses terraces of a similar scale to those proposed'*
- 39 With regard to its impact on neighbouring occupiers, the Inspector found that *'by reason of siting and relationship to the neighbouring properties, the proposed building would not be an overbearing form of development'*. He also considered *'that the proposed building would not adversely affect the level of daylight and sunlight reaching these neighbouring properties. Further, with the potential erection of privacy screens and obscured glazing, there would be no unacceptable overlooking of the neighbouring properties which would cause the occupiers' privacy to be materially harmed.'*
- 40 With regard to the rear garden terracing and the undercroft parking, the inspector considered that *'the bulk of the proposed terrace's flank walls would not be a sufficient reason for this appeal to fail'* and that *'the manoeuvring and parking of vehicles would be contained within an under-croft area which would mitigate any potential adverse impacts'*
- 41 The appeal decision is a material planning consideration that carries significant weight.

Principle of development

- 42 The site lies within the urban confines of Sevenoaks but outside of the Town Centre. As such, the development of the site is supported by Core Strategy policy which seeks to locate development within the built confines of existing settlements. Sevenoaks is identified as a location where provision will be made for significant housing development where it protects the distinctive character of the local environment.
- 43 The site area is 0.13Ha and the density of the proposed development amounts to 46 Units/Ha. This is marginally greater than the density of 40 dwellings per hectare stated in the Core Strategy but still manages to achieve good design and not compromise the distinctive character of the area in which it is situated. Policy SP7 of the Core Strategy states that in suitable locations close to Sevenoaks Town centre, densities higher than 40 dwellings per hectare will be encouraged. As such, it is considered that the proposal would not result in an overdevelopment of the land.

Design and Appearance

- 44 The bulk of the proposed development would be compatible in terms of scale, height, density and site coverage with other buildings in the locality and within the street scene. Although the proposed dwelling is larger than existing, it would still sit comfortably within the plot.
- 45 The predominant height and roof bulk of the proposal has been reduced considerably when compared with that considered previously by the Inspector. The roof form has been altered so that two storey pitched roof elements sit adjacent to the neighbouring buildings. These side wings of the building are set back from the main 3-storey gable and the third floor is wholly contained within the roof space, with the use of small single casement dormer detailing. The height of the side wings has been reduced by 2.6m in comparison with SE/14/02577/FUL.
- 46 In addition, the main eaves levels and the main ridge levels of the proposed building have been reduced so that they are consistent with both neighbouring buildings on either side.
- 47 This directly deals with the comments made by the Inspector in his appeal decision, relating to the relationship between the neighbouring two storey developments and the application site, and as such addresses the reason that the appeal was dismissed. It therefore now sits within its setting in a congruous manner which reads acceptably within the streetscene and within the wider conservation area.
- 48 The proposal maintains gap of 1.3m to its southern boundary. This is only 40cm closer to the southern boundary than the existing building, and retains a gap of 3.2m between the flank wall of the proposal and that of Pavilion Gardens. This gap between built forms would prevent any appearance of terracing. The appeal proposal protruded 60cm closer to the south site boundary than the current application and was considered to be an acceptable separation distance by the appeal Inspector. As such, the greater distance shown in this application represents an improvement over that which is already considered acceptable.

- 49 A gap of 5.7m would be maintained between the proposed development and the flank wall of Belmont to the North. This spacing is considered appropriate to and reflective of the character of the locality. The degree of spacing between buildings was considered acceptable by the appeal inspector. This application provides a greater degree of spacing than the appeal scheme and is therefore also considered acceptable.
- 50 The proposal extends further back into the plot than the existing. On the southern boundary, it extends 1.7m further back than Pavilion Gardens, and on the northern boundary, it extends 0.8-1.8m further back than the car port at Belmont. This siting of the rear building line of the proposal is very similar to that previously considered. As before and as considered by the inspector previously, the relationship with the neighbouring buildings and the impact on visual amenity is considered acceptable.
- 51 The built up form of the plot is increased throughout the garden which accommodates the basement parking below. This would result in an increased height of the rear garden behind the existing boundary wall. A planted screen of an increasing height up to 1.2m is shown along the boundary. The details of the boundary treatment can be conditioned to ensure an acceptable treatment to the retaining structure and the site boundary above. The previous scheme showed a higher built up garden element (by an additional maximum of 1.3m on the boundary with Belmont). The inspector previously found this element of the proposal, at a higher level to be acceptable. He commented: *'Although there would be a change to some of the ground levels, the terracing of the rear garden would not materially affect the verdant and spacious character and appearance of the Conservation Area. It was noted during the site visit that Belmont possesses terraces of a similar scale to those proposed'*
- 52 The fact that a higher level was considered acceptable by the Inspector and that the proposal is at a lower height, is a material planning consideration which carries significant weight
- 53 The distances between the increased ground level and the neighbouring dwellings to the side and rear, in addition to the gradual increase along the garden, and the fact that it can be screened by way of a hard and soft landscaping condition mean that this element of the proposal, while not ideal, is considered acceptable and would have no impact on neighbouring amenity.
- 54 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132). Para 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.
- 55 The Planning (Conservation Area and Listed Building) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 56 The design of the new building would relate sympathetically to the character of the conservation area. The elevational treatment and revised roofline of the building would harmonise with the architectural style which is found within the locality. An easily identifiable entrance has been created which provides legibility

to the building. The boundary treatments are shown to match in with the neighbouring plots, and would appear coherent within the streetscene.

- 57 The proposal would result in the loss of a building within a conservation area. The existing Ragstones building is of no particular architectural quality or value within the conservation area. It is not identified as a building that contributes to the character of the conservation area.
- 58 The architectural expression of the proposal would make a positive contribution to the character of the conservation area and would reinforce local distinctiveness. The proposal would preserve the character of the conservation area.
- 59 These elements of the proposal were given merit by the Inspector in consideration of the previous application and continue to be relevant in this case.
- 60 It is therefore compliant with paragraph 131 of the NPPF, which requires new development to make a positive contribution to local character and distinctiveness, and para. 60 requiring LPA's to seek to promote or reinforce local distinctiveness. The proposal would enhance the character or appearance of the conservation area in accordance with the requirements of the conservation area appraisal, and would appear as a congruous and harmonious building within the streetscene.
- 61 The site can be viewed from long views across the cricket green. The ability of the proposal to relate to the local distinctiveness of the area would ensure that it would not have a detrimental impact on this designated heritage asset. The Inspector previously considered this to be the case: *'The appeal scheme would preserve the views towards the North Downs and would not result in an unacceptable terracing effect within the streetscene.'* As previously expressed, the proposal would appear as an acceptable feature within the conservation area and as such would not cause harm to the setting of the Vine cricket ground.
- 62 The proposal would result in the removal of a Holm Oak tree on the site. After extensive discussion and examination of the site during the previous application, the Arboricultural Officer has concluded that the amenity afforded by the tree by its limited view was not such that the resistance to its removal could be maintained. The pine trees at the rear of the garden are not shown as being affected and no objection to the proposal on the basis of impact to these has been raised by the Arboricultural Officer
- 63 The proposal includes a substantial landscaping scheme which shows 2 acceptable replacement trees. This can be conditioned to ensure its implementation.

Impact on residential amenity

- 64 In consideration of the previous scheme, the appeal Inspector did not object to the size and scale of the proposal in terms of its impact on neighbouring occupiers. The current scheme is smaller than the appeal scheme and therefore less likely to have an impact.
- 65 Although higher than the existing dwelling, the proposal is predominantly lower in height than the scheme considered at appeal. The extent of garden to the rear of the proposed building along with the oblique angle of development in relation to the properties at the rear – in the Drive and St Botolphs Road – mean that its

increased impact would be mitigated to an acceptable degree. Due to the siting of the proposal in relation to the two neighbouring buildings, their front and rear building lines and the orientation of the building, the proposal would not result in a significant impact on daylight or sunlight and it passes the daylight sunlight test.

- 66 The Inspector found that *'by reason of siting and relationship to the neighbouring properties, the proposed building would not be an overbearing form of development'*. He also considered *'that the proposed building would not adversely affect the level of daylight and sunlight reaching these neighbouring properties. Further, with the potential erection of privacy screens and obscured glazing, there would be no unacceptable overlooking of the neighbouring properties which would cause the occupiers' privacy to be materially harmed.'*
- 67 On the northern elevation, there are only elevational windows in the ground and first floor levels. The ground floor windows would be shielded by the boundary treatment. The first floor windows service a secondary living room window, kitchen and ensuite. Any potential loss of amenity through overlooking to the neighbouring building can be mitigated by the imposition of a condition requiring details of obscure glazing to the first floor side windows. The windows at second floor level on the northern elevation are rooflights which would not impact on the amenity of the neighbouring dwelling as they would be located in the roof and would divert views in an upward direction, rather than towards the neighbouring building.
- 68 Compared to the previously considered scheme, the rear terrace arrangement has been reconfigured to extend from the height of the existing rear patio terrace. The first floor terrace to Unit 3 has been deleted, and the sedum roof adjacent to the boundary with Pavilion Gardens is no longer shown as a roof garden. A sunken garden is provided to Unit 1 at lower ground floor level, with a terrace garden to Unit 2 to the northern side of the plot where it bounds Belmont, which matches existing patio levels. The remaining communal garden terrace is shown as stepped down lower than the existing rear patio heights
- 69 With regard to the rear garden terracing and the undercroft parking, the inspector previously considered that *'the bulk of the proposed terrace's flank walls would not be a sufficient reason for this appeal to fail'*. The current scheme proposes a lower level terrace with similar height screening but with an overall lower bulk in relation to the amenity of Belmont. The Inspectors conclusion carries significant weight. It is considered that the rear garden terracing and undercroft parking would not have an unacceptable impact on the amenity of the adjoining occupiers.
- 70 Consultation responses have raised concern about noise and traffic pollution from the parking provision. This would be enclosed within a building structure and as such, it is considered that it would not be obtrusive to neighbouring occupiers. The Inspector previously agreed with this assessment: *'the manoeuvring and parking of vehicles would be contained within an under-croft area which would mitigate any potential adverse impacts'*
- 71 The raised garden level would work with the sloping level of the land and, while it would introduce additional bulk to the side boundaries of the site, this is not considered intrusive enough to warrant refusal of the scheme. It would not impact on the amenities of the adjoining buildings. The Inspector supported this view in consideration of the previous similar scheme. The development to the South,

Pavilion Gardens, has access and parking adjoining the rear garden of the application site and therefore the raised structure would have no adverse impact on the amenity of this space. The garden to the north of the site – Belmont – is 13.5m wide and is well screened by existing and proposed vegetation. As such, there would not be a significant detrimental impact on the amenity of this space

Affordable Housing

- 72 The application has been submitted without a legal agreement regarding an affordable housing contribution. A viability assessment has been submitted by the Applicant which concludes that implementation of the proposal would result in a financial deficit.
- 73 The viability assessment has been checked by the Council's independent consultant who has produced a report which concludes that the viability assessment submitted with the application is an accurate reflection of the viability of the proposal.
- 74 Therefore, although no affordable housing provision is offered, the proposal does accord with the requirements of policy SP3 of the Core Strategy because it has been demonstrated that the proposal is only viable with a zero contribution in line with the Affordable Housing SPD. The Council's independent viability assessor has concluded that the figure paid for the land is reasonable. Given the constraints of the site – its proximity to neighbouring dwellings, the limit on the scale and height of development that would be acceptable, and its location within the conservation area and adjacent to the Vine cricket ground – there are limited variations on how the site can be developed to achieve a greater return.

Highways and Parking

- 75 The maximum parking requirements for proposal in its location is 1 space per unit plus 1.2 spaces for visitor parking. The scheme makes provision for 10 spaces plus 3 visitor parking spaces. This exceeds the policy maximum requirements. Policy T2 of the ADMP states that the Council may depart from established maximum and minimum standards in order to take account of specific local circumstances. In this instance, Kent Highways have assessed the proposal and raised no objection to the parking provision on site, or to the impact of an increase in traffic movements. Given this, and that the Council, nor the Inspector previously objected to a similar provision this aspect of the scheme is considered to be acceptable. Details of the parking layout and the provision of cycle spaces can be dealt with by condition.

Other matters

- 76 Concerns have been raised that the proposal is located too close to Pavilion Gardens and the construction will cause damage to the existing building. This is not a planning consideration to which any weight can be given. It would be civil matter for agreement between the developer and the neighbour.
- 77 A concern has been raised that the parcel of land at the end of the site is not included in the application and that the proposal should be refused until plans for this area are clear. The piece of land does not fall within the application site. It is currently domestic garden land and would remain as such until a planning application came in for an alternative use. If this happened, then the application

would be considered on its own merits at the time. It is not possible to prejudge what may happen with this land, and its potential use is not a material planning consideration to which any weight can be attached.

- 78 Concerns have been raised previously about surface water runoff and drainage of the site. A condition could be applied so that the applicant must demonstrate a sufficient drainage arrangement to deal with this.
- 79 Implementation and retention of the hard and soft landscaping details submitted can also be secured via condition
- 80 Comments of concern have been raised about construction of the site given its proximity to residential units. This could be dealt with by way of a condition requiring a construction method statement to be submitted and approved prior to commencement of development.
- 81 At the heart of the NPPF is a presumption in favour of sustainable development. This should be seen as a thread running through plan making and decision taking. Paragraph 1 states that development that accords with the development plan should be approved without delay. An assessment of the proposal has found that the proposal is in accordance with the development plan, and therefore it is recommended that planning permission be granted.

CIL

- 82 The application is CIL liable and no exemption has been sought. The CIL contribution payable on the proposal would be £155,550

Conclusion

- 83 That planning permission is granted.

Background Papers

Site and Block Plan

Contact Officer(s): Joanna Russell Extension: 7367

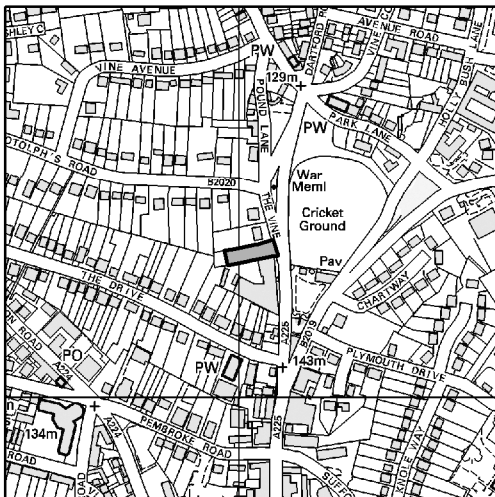
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NRS9D5BKLF800>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NRS9D5BKLF800>



Site Plan

Scale 1:1,250

Date 28/10/2015



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Ordnance Survey 100019428.

Block Plan

