

4.1 - 17/03763/FUL

Date expired 15 February 2018

Proposal: Formation of access and driveway and associated works.

Location: Bluebell Bank And 4 Saddlers Park, Station Road, Eynsford, Kent DA4 0ER

Ward(s): Eynsford

#### **ITEM FOR DECISION**

Councillor Horwood has referred this application to Development Control Committee as he is of the opinion that the proposal is not detrimental to the character of the Conservation Area, in accordance with EN4 of the ADMP, and that there is a local parking shortage.

The application is returned to the Development Control Committee in accordance with the deferral of the application by members on 22nd February 2018 in order to review amended plans and re-consult with the Highways Authority.

**RECOMMENDATION:** That planning permission be REFUSED for the following reasons:-

The proposal would fail to conserve or enhance the Conservation Area, and the proposal does not include a public benefit which would outweigh the harm to the Conservation Area, and is not in accordance with EN4 of the Sevenoaks Allocations and Development Management Plan.

The proposal would have a detrimental impact on the character of the street and would not be in accordance with EN1 of the Sevenoaks Allocations and Development Management Plan.

The proposal would fail to conserve and enhance the Kent Downs Area of Outstanding Natural Beauty, by virtue of its detrimental impact upon the character of the village, and is not in accordance with EN5 of the Sevenoaks Allocations and Development Management Plan.

The proposal would be detrimental to the safety of pedestrians and vehicle users on the highway as a result of vehicles reversing onto the classified A-road, and is not in accordance with T1 and 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](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) Was provided with pre-application advice.

## Introduction

- 1 This application was deferred from the committee of 22<sup>nd</sup> February 2018 so that Kent County Council Highways could be re-consulted on an amended plan which had been received shortly before the last committee.
- 2 The amended plan clarifies the position of the proposed new retaining wall, and demonstrates that there would be sufficient pedestrian and vehicle visibility splays for a forward facing vehicle leaving the proposed new driveway.
- 3 Kent County Council Highways responded to the amended plans, and details are included within the report. Kent County Council raised no objection subject to conditions.
- 4 Neighbours have also been re-consulted and no further comments have been received.
- 5 The principle issues to be considered in the assessment of this application remain those laid out within the body of the report.
- 6 The recommendation of this report remains unchanged, in that it is recommended the application be refused on grounds set out within the report.
- 7 The conclusions remain unchanged, that the proposal would fail to preserve or enhance the character or appearance of the conservation area. It would cause less than substantial harm to the heritage asset which is not outweighed by the public benefits of the proposal. The proposal would cause detriment to the street and fail to conserve and enhance the AONB.

- 8 It is still recommended that the application be refused on highways safety grounds, as the proposal would likely result in vehicles reversing onto the classified road, which would be of detriment to the safety of road users and pedestrians, and is not in accordance with EN1 and T1 of the ADMP’.

### **Description of proposal**

- 9 The proposal includes the creation of a shared access and parking area to the front of Bluebell Bank and 1 Saddlers Park from Station Road, Eynsford.
- 10 The properties are on the eastern side of the road.
- 11 It is proposed that the kerb be dropped, part of a retaining wall to the front of the site partially demolished, and land to the rear excavated. The width of the proposed opening within the wall is 7.5m.

### **Description of site**

- 12 The application site is located close to the centre of Eynsford village and within the Eynsford Village Conservation Area and Area of Outstanding Natural Beauty.
- 13 The site contains two dwellings, each set back from the road by between 13.5m and 15m. No changes to the dwellings are proposed as part of this application.
- 14 At the front (road side) of the site is a 1.4m retaining wall, after which the land banks and rises to approximately 2.75m in height, the level at which the houses are situated.

### **Constraints**

- 15 Urban Confines - Eynsford
- 16 Conservation Area - Eynsford
- 17 Area of Outstanding Natural Beauty (AONB) - Kent Downs
- 18 Area of Archaeological Potential
- 19 Biodiversity Opportunity Area
- 20 Public Right of Way along the northern boundary, outside the site
- 21 Opposite two Listed Buildings - Avenue Cottage and Flinters Cottage

### **Policies**

#### *Allocations and Development Management (ADMP):*

- 22 Policies:
- EN1 - Design Principles
  - EN2 - Amenity Protection
  - EN4 - Heritage Assets

EN5 - Landscape  
T2 - Vehicle Parking

*Core Strategy (CS):*

23 Policy:

SP1 - Design of New Development and Conservation

*Other:*

23 Eynsford Conservation Area Appraisal

24 National Planning Policy (NPPF)

**Relevant planning history**

25 17/03080/HOUSE - Formation of access and driveway and associated works.  
- Withdrawn - 21.11.17

**Consultations**

*Parish Council*

26 Support - Councillors support this application as it would take the pressure off on-road parking.

*Conservation Officer*

27 Objection - 'The greenery of the combined front gardens to this pair of semi-detached properties and the sense of enclosure provided by the traditional brick front boundary positively contribute to the streetscene and character of this part of the conservation area. It is for this reason that the boundary of the Conservation Area includes the front gardens of these properties but not the houses themselves.

28 The proposal involves a substantial intervention into the existing topography of the area, comprising the excavation of much of the front garden and demolition of a significant part of the front boundary. For visibility reasons an eight meter wide access would be created towards the street from which the large extent of hard standing and car parking area would be fully visible. This would have an urbanising effect on this part of the conservation area and further erode the village character of the main street which has already suffered from the loss of front gardens to off-street parking. For these reasons I have no choice but to raise an objection from the Conservation point to this proposal.'

*Kent Highways -*

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

30 If permission is granted the following should be secured by condition:

- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the
- duration of construction.
- Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the
- highway boundary and no steeper than 1 in 8 thereafter.
- Provision and maintenance of the pedestrian and vehicular visibility splays as shown on the submitted plan 17/0718/SK02 Rev A, prior to the use of the site commencing.

## Representations

- 31 14x Supporting comments, which can be summarised as concerning: concern over vehicles parked over kerbs, lack of parking/ high volume of cars on Station Road and Saddlers Park, and lack of harm to the Conservation Area.

## Chief Planning Officer's Appraisal

### Principal issues

- 32 The main issues for consideration are:
- Impact on highways and parking
  - Impact on the Conservation Area
  - Impact on local character and the street scene
  - Impact on the setting of neighbouring Listed Buildings
  - Impact on the Area of Outstanding Natural Beauty
  - Impact on neighbouring amenity

- 33 Of particular relevant to this application is the following guidance:

#### *Presumption in favour of sustainable development*

Para 14 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)

Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

## Appraisal

### *Parking and highways*

- 34 The properties front onto the eastern side of Station Road, where parking is both heavily restricted and impractical. There is limited parking in the form of two lay-bys within close proximity. To the south, some residents have driveways - typically on the western side of the road, where these driveways are typically at or below the level of the road.
- 35 Neighbouring respondents to the application and the applicant have suggested that the existing parking arrangements increase parking pressures on Saddlers Park to the rear of the site. As such, the property does currently benefit from an uncontrolled parking arrangement on the street.
- 36 There has also been suggestion that parking on the pavement and over the kerb provides pedestrian hazards, and that the vehicles leaving the exiting lay-by are a hazard.
- 37 The proposal includes a parking area to the front of the property. Submitted illustrations show three vehicles parked and a turning area. Notwithstanding that there is no guarantee that the turning area will remain free, it is also highly impractical to use should more than two vehicles be utilising the parking area. One likely result is that vehicles will reverse from the proposed parking area onto the road, presenting a hazard to both pedestrians and vehicles.
- 38 There is an acknowledged public benefit to be gained through this small relief to existing parking pressures on the road side and Saddlers Park. However, the proposal to include new parking for two dwellings will not alter the overarching pressures faced; the layby will remain, as will the parking pressures.
- 39 Reference is made the recommended conditions from Kent County Council Highways.
- 40 Given that it is likely the occupiers of the dwellings would ultimately revert to reversing out of the parking area onto the highway, it is recommend that the proposal be refused on highways safety grounds, in accordance with T1 and EN1 of the ADMP.

### *Impact on the Conservation Area, Area of Outstanding Natural Beauty and local street scene.*

- 41 The NPPF states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56).
- 42 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 43 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 44 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.
- 45 Policy EN1 of the ADMP states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.
- 46 The application site is located on an exposed corner of the road, at the southern entrance to the historic village centre of Eynsford. The corner forms a key entrance to the core of the Conservation Area from the south. When viewed from the south, the site is on the right hand side, with the high boundary wall forming part of the context of the gateway to the history village centre, along with the Listed cottages on the left.
- 47 From the north, within the historic village centre, the bend on the road exposes the boundary wall, which forms part of the visual enclosure of the wider space.
- 48 The Conservation Area Appraisal makes reference to the walls along the road at Eynsford. The walls form a key part of the village's 'Kentish vernacular'. The boundary walls create a 'strong sense of visual enclosure', along with the historic dwellings in close proximity/ directly abutting the road. The Conservation Area Appraisal refers to the walls as a 'prominent feature in the village'.
- 49 The close proximity of development to the road, or the creation of walls and retaining structures, is a key part of the Conservation Area on the eastern side of the road, where the western side has a significantly more open character.
- 50 There are no examples on the eastern side of the road within the Conservation Area of cuttings being made into the landscape, or through a retaining wall, in order to provide access to parking to the front of dwellings. Any cuttings provide pedestrian access. The first example to the south of parking to the front of properties (Dariens Peak) are outside of the Conservation Area and do not significantly alter land levels. Where parking to the front of dwellings occurs on the eastern side of the road within the Conservation Area, it is at existing ground level. There is a surface level, gravel parking area for one vehicle to the side of 'The old school' to the north of the site, and one to the front of a house next to the 'Malt Shovel' pub, where no earth works were required to provide space. The next example to the north on the eastern side of the road is outside of the Conservation Area at 'Dene House'.

- 51 The applicant refers to the existing, approximately 5m wide access and parking to the rear of Elliots House and Summer House, which are also located on the southern side of the Conservation Area.
- 52 This access and parking arrangement appears to have existed for a significant period of time, most likely originating from the construction of the 1950's style buildings either side. The visual impact of this access is different to that proposed insofar as the access is narrower and there is no excavation of the land to the front of the dwellings to provide the parking area. The cutting is parallel to the road, with no curved walls or setback points. The cutting is largely screened from the street users view when travelling north by the existing cottages at 1-4 Elm Cottages, Station Road, until the user is in close proximity. The cutting is unassuming from the north (travelling south) until the street user is in close proximity. It is also relevant that this access would be unlikely to comply with current highway standards in relation to visibility splays. For these reasons the two developments are not comparable and do not justify the harm that would arise to the conservation area and to highway safety from this development.
- 53 Given the above, there is no local justification for the removal of 7.5 metres of wall, which form one of the key elements of the Conservation area, in order to provide car parking where this does not form part of the local characteristic and would be harmful to the overall character of the street and the setting of the historic village centre.
- 54 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 55 There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.
- 56 Human settlements form a key part of the character of an Area of Outstanding Natural Beauty and aid in creating the sense of place. Within the Kent Downs, traditional Kentish vernacular villages form a key part of this setting. Notwithstanding the Conservation Area allocation for the centre of Eynsford, the village centre's traditional appearance forms a key part of the user's experience of the AONB.
- 57 The removal of a part of the historic wall within the Conservation Area fails to conserve it and detracts from the visual amenity of the area. The proposal results in the degradation of the historic street scene, where this is little public benefit to outweigh the harm. A small reduction in the parking pressure upon the street and within a lay-by is not a significant public benefit; rather, a few people will benefit to a small degree, although the proposal is not likely to reduce pressures and parking within the lay-by will continue.

- 58 Notwithstanding the loss of the wall, the removal of a large amount of the land to the rear of the wall, towards the house, will give further prominence to the two dwellings which themselves are not within the Conservation Area and do not contribute to its amenity.
- 59 Whilst the wall is the key feature, the existing soft landscaping between the wall and the dwellings assists in softening the impact of the relatively new dwellings upon the street. The additional prominence of these buildings within the Conservation Area would be of detriment to its value, where at present the eye is more drawn towards the more characteristic Listed Buildings on the inside of the corner (left hand side from the south).
- 60 The proposal includes the addition of a large hardstanding area in place of the existing soft landscaping. The loss of the soft landscaping would be of detriment to local character where it aids of creating a softer environment.
- 61 Given the above, the proposal would fail to conserve and enhance the Area of Outstanding Natural Beauty in accordance with EN5 of the ADMP.
- 62 Overall, the proposal is of detriment to local street character, the entrance to and setting of the Conservation Area, and the Area of Outstanding Natural Beauty, and is not in accordance with EN1, EN4 and EN5 respectively.

#### *Amenity*

- 63 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.
- 64 Policy EN2 of the Allocations and Development Management Plan outlines that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development, and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the build form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.
- 65 The proposal would result in a new access directly opposite cottages which directly front the road. As such, there is potential that on occasion lights from vehicles exiting the proposed parking area will face the windows on the cottages. Whilst this may be noticeable, it is not so harmful as to reduce the amenity of the neighbours, given their existing context within close proximity to the road.
- 66 The proposal is in accordance with EN2 of the ADMP.

## Conclusion

- 67 Undertaking a balancing act, the limited private benefits to be gained through the provision of additional parking space close to the dwelling do not outweigh the wider harm to the Conservation Area, local street character and the AONB and the public benefit these afford. As such, the proposal is recommended that it is considered the proposal is not in accordance with EN1, EN4 and EN5 of the ADMP.
- 68 It is recommended that the application be refused on highways safety grounds, as the proposal would likely result in vehicles reversing onto the classified road, which would be of detriment to the safety of road users and pedestrians, and is no in accordance with EN1 and T1 of the ADMP.

## Background Papers

Site and block plans.

Contact Officer(s): Claire Shearing Extension: 7367

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

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P06VD5BKFVF00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P06VD5BKFVF00>



