

4.1 18/00918/FUL

Date expired 21 May 2018

Proposal: Demolition of existing garage and single storey lean/to side extension to facilitate the introduction of two bedroom linked two storey dwelling to north of 43 Wickenden Road with associated parking, bin and cycle storage, private rear garden and associated landscaping. Erection of single storey 3 metre rear extension to serve existing dwelling at No. 43.

Location: 43 Wickenden Road, Sevenoaks, Kent TN13 3PL

Ward(s): Sevenoaks Eastern

Item for decision

Councillor Purves has referred this application to Development Control Committee so members can assess whether the application would negatively affect the street scene and lead to loss of privacy to the neighbour.

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

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) The first floor windows in the facing north elevation of new dwelling hereby permitted as shown on approved plan no. 540/A1/03 Rev.B shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room and retained thereafter.

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

4) Details of proposed boundary treatments shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the approved prior to the first occupation of the dwelling hereby permitted.

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

5) The off-street parking area as shown on dwg no. 540/A1/03 Rev.B shall be formed of a permeable surface prior to the first occupation of the new dwelling

hereby permitted and shall remain thereafter.

To ensure satisfactory development of the land in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the dwelling hereby approved. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be carried out in accordance with the approved details and maintained thereafter and no further lighting shall be introduced into the site without the prior approval of the local planning authority.

To mitigate the impact of development on nature conservation and to preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 as amended, no development shall be carried out within Classes A, B, C, D of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

To safeguard the privacy and amenities of neighbouring residents as supported by Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

8) Demolition or construction works shall not take place outside 0730 hours to 1800 hours Mondays to Fridays and 0730 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

To prevent disturbance to nearby residential properties in accordance with Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

9) The development hereby permitted shall be carried out in accordance with the following approved plans: 540/A1/01 Rev.A, 540/A1/03 Rev.B.

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

Informatives

1) 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.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners.

Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

2) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Building Control team on 01732 227376 or visit www.sevenoaks.gov.uk for further details.

3) 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.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The application site is located on the western side of Wickenden Road and consists of a semi-detached 2 storey dwelling within the urban area of Sevenoaks.
- 2 The existing ground levels to the front of the property gradually slope away in a northerly direction. There is a noticeable ground level change between of approximately 500mm between nos. 43 - 45 Wickenden Road.
- 3 The area is suburban residential in character and has a broadly similar appearance and noticeable that other properties have extensions to them and off-street parking.

Description of proposal

- 4 It is proposed to demolish an existing single storey linked outbuilding to facilitate a two-storey side extension to be used as a new dwelling and a rear single storey extension to No. 43 with off-street parking areas to the front of the properties.

Relevant planning history

- 5 18/00865/LDCPR - Erection of single storey rear extension projecting 3 metres to the rear of the original dwelling to be used as a dining room - GRANTED

Constraints

- 6 Built confines of Sevenoaks

Policies

- 7 National Planning Policy Framework

Paragraph 11 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.

- 8 Core Strategy

- SP1 Design of New Development and Conservation
- SP2 Sustainable Construction
- SP4 Provision of Affordable Housing
- SP7 Density of Housing Development
- LO1 Distribution of Development
- LO2 Development in Sevenoaks

- 9 Allocations and Development Management Plan (ADMP)

- SC1 Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- T2 Parking

- 10 Other: (national policies, etc)

- National Planning Policy Guidance;
- CIL Regulations;
- Appendix 2 of the ADMP - Interim Guidance Note 3 - Residential Parking;
- Sevenoaks Residential Character Assessment CO8 -Wickenden Rd
- SDC Residential Extensions SPD

Consultations

Sevenoaks Town Council -

- 11 Objects to the application on the following grounds:

- Overlooking into the side windows of neighbour
- Loss of amenity and privacy
- Loss of light
- Loss of the front boundary hedge contrary to Residential Character Assessment

KCC Highways

- 12 No comment.

Representations

13 12 objections received objecting on the following matters:

Sets a precedence:

- Surface water flooding/drainage;
- Size of rear extension
- Poor design - incorporation of a side entrance;
- Ecological survey required - possibility of bats
- Not clear on boundary treatment to No. 45;
- Loss of privacy and overlooking
- Overshadowing and loss of light
- Inadequate infrastructure - increase in traffic movements

Chief Planning Officer's appraisal

14 The main planning consideration are:

- Principle of development;
- Impact upon the character and appearance of the area;
- Impact upon residential amenity;
- Highways;
- Sustainable Construction;
- Affordable Housing;
- CIL

Principle of development

- 15 The NPPF has a general presumption in favour of sustainable development, whilst encouraging the delivery of homes of a high quality design and a good standard of amenity for all, and reusing previously developed land.
- 16 Part of the site is clearly previously developed land. However, it should be noted that the definition of Previously Developed land in Annex 2 of the NPPF states that "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed infrastructure. This excludes: ... land in built up areas such as private residential gardens..."
- 17 The National Planning Policy Framework (NPPF) removed gardens from the definition of 'previously developed land', as cited earlier. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude such land from being developed, provided such development is in a suitable location and relates well to its surroundings.
- 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.
- 19 Policies L01 and L02 of the Core Strategy requires development to be focussed within the built confines of existing settlements. The Sevenoaks

urban area will be the principal focus for development in the District. Policy LO2 of the Core Strategy places emphasis that suitable employment sites will be retained and provision will be made for housing within Sevenoaks Urban Area.

- 20 This site is within the built confines of Sevenoaks, and as such, there is a presumption in favour of development. The development of this windfall site would make a welcome, small, contribution to the housing provision within the district; however it is not critical to the delivery of the Core Strategy's current housing targets. The broad location of development is accepted in an established residential suburb within the built confines of Sevenoaks, and supported by the necessary infrastructure.
- 21 The National Planning Policy Framework (NPPF) removed gardens from the definition of 'previously developed land', as cited earlier. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude such land from being developed, provided such development is in a suitable location and relates well to its surroundings.
- 22 Paragraph 70 of the NPPF states that local planning authorities should consider setting out policies to resist the inappropriate development of rear gardens where this would cause harm to the local area.
- 23 This is broadly consistent with Policies LO1, LO2, SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.
- 24 Policy SP7 of the Core Strategy is relevant to density and states that all new housing will be developed at a density consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration new residential development will be expected to achieve a density of 40 dwellings per hectare(dph). Without prejudice to an assessment of the development against relevant design policies the proposal would not represent overdevelopment of the land with an approx. 40dph being proposed.
- 25 It is recognised that the site is located within the built confines of Sevenoaks and it is clear that development plan policies seek to maximise the potential of such sites. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt. No objection is raised to the provision of an additional dwelling within Wickenden Road. The surrounding area is predominantly residential in character and there are other examples of similar scheme evident within the road. The principle of subdivision of the plot and erection of a two-storey side extension to be used as a dwelling would reflect the general pattern of development in the area. This proposal is considered to be acceptable in land use terms provided the scheme complies with all other relevant development plan policies.

Impact upon the character and appearance of the area

- 25 Paragraph 124 of 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'. 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. Policy EN1 of the ADMP state 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.

- 27 The site falls within the Wickenden Road (C08) of the Residential Character Area Assessment SPD. This states that Wickenden Road comprises 1930-1950's residential development with housing houses set back from the road on a relatively regular building line. Locally distinctive positive features are identified as houses that are set back from the road along a relatively regular building line with trees and boundary hedges. Design guidance for the area states that some infill development and redevelopment has occurred in this character area; in proposing new development within Wickenden Road development should be set back from the road and respect the relatively regular building line, use of harmonious materials, mature trees and hedge, or wall and hedge, boundaries which contribute to the character of the area should be retained.
- 28 The architectural styles of houses within the road are of various repeated designs that conform to a regular building line, set back from the road and notable that other properties have been extended, especially to their sides. Several of these additions comprise new dwellings.
- 29 The proposed dwelling would be situated in a similar position to that of the existing host dwelling and set back approximately 300mm from the main building line. The proposed dwelling would have a lower roof ridge and eaves height to that of its host adjacent dwelling. This visually appears as an appropriate transition between the height of building Nos. 43 and 45 Wickenden Road. Its ridge height would not have an overbearing impact nor would it dominate the existing street scene. It would erode the visual gap between Nos. 43 and 45 however, the gaps between buildings within Wickenden Road are not uniform, they do not present a sense of rhythm to the existing building form. Therefore the infilling of this visual gap between nos. 43 and 45 is accepted and that a terracing effect would not be created in this instance.
- 30 Given the stepped nature of the proposed development within this part of the street and the relative heights of adjacent dwellings, it's considered that the height of the proposed unit would sit comfortably within the street scene. Its design reflects the design elements of those houses found elsewhere within the street and that of its host. The roof form is of a traditional roof pitch and subservient to its host. Overall, the scale and form of the development is well proportioned when compared to the design of the host dwelling as a whole and to the surrounding development.
- 31 The principle of the proposed rear ground floor extension proposed to No.43 has already been accepted by planning reference 18/00865/LDCPR. This element of the proposal remains unchanged and therefore if would be

difficult to object to this element of the proposal especially when it has been confirmed that it would constitute a lawfully permitted operation.

- 32 Off-street parking would be provided to the front of the plot. Two off-street parking spaces are proposed to serve both properties. As a result, the existing low level boundary treatment would be removed, to facilitate the parking spaces. The removal of the boundary treatment is considered not be harmful to the general quality of the surrounding street scene, off-street parking areas to the front of properties are common features within the street.
- 33 Overall, it is considered that the proposed dwelling is of a design and scale that sympathises with the character and appearance of the surrounding area and that of its host. On this basis, this proposal would conform to policy EN1 of the ADMP, policies SP1, LO1 the Core Strategy and guidance as cited by the SDC Residential Character Assessment.

Impact on neighbouring amenity

- 34 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development, while ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties and occupants of future developments.
- 35 The proposed house would be positioned approximately 1m from the northern common boundary of its adjacent neighbour. It would be effectively two storey in height and above the level of the neighbour's two storey side extension at No.45 (eaves being approximately 500mm higher). Whilst it would to some degree give a further sense of confinement to this occupier due to its proximity, its severity is not so great to warrant a reason for refusal.
- 36 A loss of light assessment has been undertaken using the 45° degree methodology as cited in the adopted SDC Residential Extensions SPD.
- 37 Analysis shows that the ground floor side facing window of No. 45 would be partially affected by the development. There maybe some occurrence of loss of light by overshadowing to this south facing window, but this window is a secondary one that serves dining/family room. Other ground floor windows that serve this room are found to the east facing elevation of that property. In addition, the applicant has submitted a loss of sunlight and daylight assessment that accords with BRE Planning for Sunlight and Daylight methodology. The conclusion of this assessment states that no adjacent property would be affected by this development and demonstrates that the living conditions of adjacent properties would not be unduly harmed by this proposal, in terms of overshadowing and loss of light.
- 38 Objection has been raised in in terms of loss of privacy and overlooking. As previously mentioned, there are two ground floor flank windows in the south facing elevation of No.45 and the ground level of the site is approx. 500mm

higher than the ground level of no.45. One serves a utility room, which is a non-habitable room and the other serves the dining/family room.

- 39 Objection has been raised in terms of the siting of the side entrance door and that the ground floor windows side windows would have the ability to overlook into the side of No.45. This may be the case, in terms of the existing window that serves a utility room of No.45, which is a non-habitable room. However, in terms of being overlooked from the side windows of the kitchen/dining room of the dwelling, there is an indicative boundary treatment shown on the northern common boundary. With this in place, which could be up to 2m high as permitted development allows, this would obscure direct views into the adjacent ground floor habitable windows. Therefore the harm caused by the use of the main entrance into the new dwelling and from the ground floor window is not significant to justify a reason to object. Furthermore, further details of the boundary treatment to the northern common boundary can be secured by condition, as limited detail has been submitted in this instance.
- 40 In terms of the proposed first floor side north facing windows of the new dwelling, as shown of the plans, these will be obscured glazed. As such, no overlooking would occur if these windows are fixed shut. This can be secured by condition. As such, it is considered that the adjacent properties would not be adversely affected in terms of loss of privacy or overlooking issues.
- 41 The development would result in the introduction of additional built form on the site and this would be noticeable to the occupiers of buildings directly opposite. These dwellings are sited to the opposite side of the road and would be in excess of 20m from the proposed dwelling across the road. The development would retain gaps between the buildings and boundaries and the separation in relation to the street would be sufficient to ensure the development would not result in a loss of daylight or privacy or be unduly overbearing/prominent.
- 42 Upon considering the above, the development would not harm the amenities of adjacent neighbouring properties in accordance with Policy EN2 of the ADMP.

Highways

- 43 Policy T2 requires parking to be provided for residential developments in accordance with KCC parking standards. This is contained in Appendix 2 of the ADMP. It states that a five bedroom unit located in a suburban location should provide 2 independently accessible spaces per unit. Policy T2 states the Local Planning Authority may depart from the maximum or minimum standards in order to take into account of specific local circumstances.
- 44 This proposed development would provide 2 independently accessible off street parking spaces for the proposed and host dwelling. The required amount of off-street parking offered on site for a three bedroom property in this urban location, close to a range of good public transport provision and access to services and would therefore meet the interim vehicle parking provision standards and conforms to policy T2 of the ADMP.

- 45 The comments made by third parties have been considered in relation to increase in congestion and impact upon the existing parking restrictions. The development would likely to generate an addition of 6-8 vehicle movements, this alone would not be sufficient to justify a reason to object.

Sustainable Construction

- 46 Policy SP2 of the Core Strategy states the minimum Code for Sustainable Home (CSH) standard a new dwelling should achieve. At present the code standard requires a code 3 standard.
- 47 Section 1(1)(c) of the Planning and Energy Act 2008 gives local planning authorities in England and Wales the power to include, in their development plan documents, policies that require development in their areas to comply with energy efficiency standards that are more stringent than those under the Building Regulations.
- 49 Section 43 of the Deregulation Act will stop section 1(1)(c) of the Planning and Energy Act 2008, applying to construction of or any other work on dwellings in England. As yet section 43 of the Deregulation Act is not in force and will be commenced by a commencement order at some future time or not. When the section is in force the development plan will no longer be able to require energy efficiency standards to application on dwellings - new or adaptations.
- 50 For the time being Policy SP2 is still backed by legislation in the Planning and Energy Act 2008. Until section 43 of the Deregulation Act is in force it must be considered where relevant.
- 51 However, a material consideration is the November 2015 ministerial statement. Therefore, whilst the application has been considered against the development plan in this respect, material considerations dictate that in this instance the required conditions should not be imposed.

Affordable Housing

- 52 In relation to affordable housing, on 28 November 2014 the Government issued a Written Ministerial Statement that amended National Planning Practice Guidance (PPG) to restrict the circumstances where contributions for affordable housing should be sought. Under that guidance, sites within designated rural areas, such as this site, contributions should not be sought from developments of 5 units or less.
- 53 This is a material consideration that should be taken into account when determining planning applications and must be weighed against Policy SP3 of the Core Strategy. It is noteworthy that the material consideration post-dates the Core Strategy and was confirmed by the Court of Appeal in 2015 and thus afforded weight. Since the development size is below the threshold introduced in the Written Ministerial Statement a strict adherence to the edicts of Policy SP3 is unlikely to be substantiated at appeal as such a contribution to affordable housing would not therefore be sought on a development of this size.

CIL

54 This proposal is CIL liable and no exemptions have been applied for.

Other issues

- 55 Representation has been made with reference to commuting/roosting bats within the site. Bats are protected species by statute. This site is within the urban area of Sevenoaks. At the site visit, there appeared to be no evidence of bat roosts within the site i.e. no loose roof tiles etc. Under Natural England statutory guidance, an ecological survey is not required due to the location of the site. However, this does not imply that there are bats present. Bats are protected species and it would be illegal to wilfully destroy or disturb bat roosts without the appropriate licences issued by Natural England. As such, bats are protected and therefore due diligence is required by the developer in this instance. Furthermore, a condition can be used to control the use of external lighting as this may affect commuting/feeding bats if present.
- 56 In terms representation of surface water flooding, it is noted that the proposed parking area is to be paved, however no details have been submitted. A condition can be used to ensure that the paved area to the front of the properties, are formed of a permeable surface to mitigate this issue. In addition, further drainage details to serve the new dwelling would be secured by building regulations.
- 57 Representations have been made that the development would set a precedent. In accordance with planning legislation, each application is to be determined on its own merits. By the granting of this permission does not necessarily imply that other properties can follow due to differing set of material considerations and site constraints.
- 58 Objection has been raised in relation to the de-valuation of property values because of permitting this development. It is clear within national planning guidance that the negative effect of a planning permission on the value of properties is not a material consideration.

Conclusion

- 59 The principle of the development of the site is considered to be acceptable in land use terms. The development would be appropriate in terms of height, scale, location and design and would respect the character and appearance of the area. As the development would be set within the context of built form within Sevenoaks, the development would preserve and enhance the character and appearance of the area. It can be demonstrated that the development would not be harmful to neighbour amenity and would provide for adequate off street parking provision. There are no other issues that could not be addressed by appropriate condition.

Background papers

Site and block plan

Contact Officer:

Sean Mitchell Extension: 7349

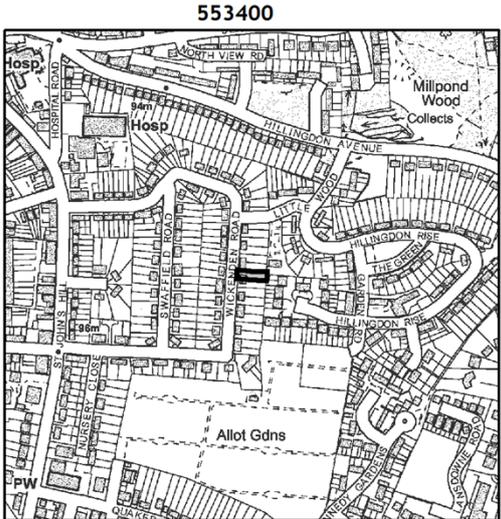
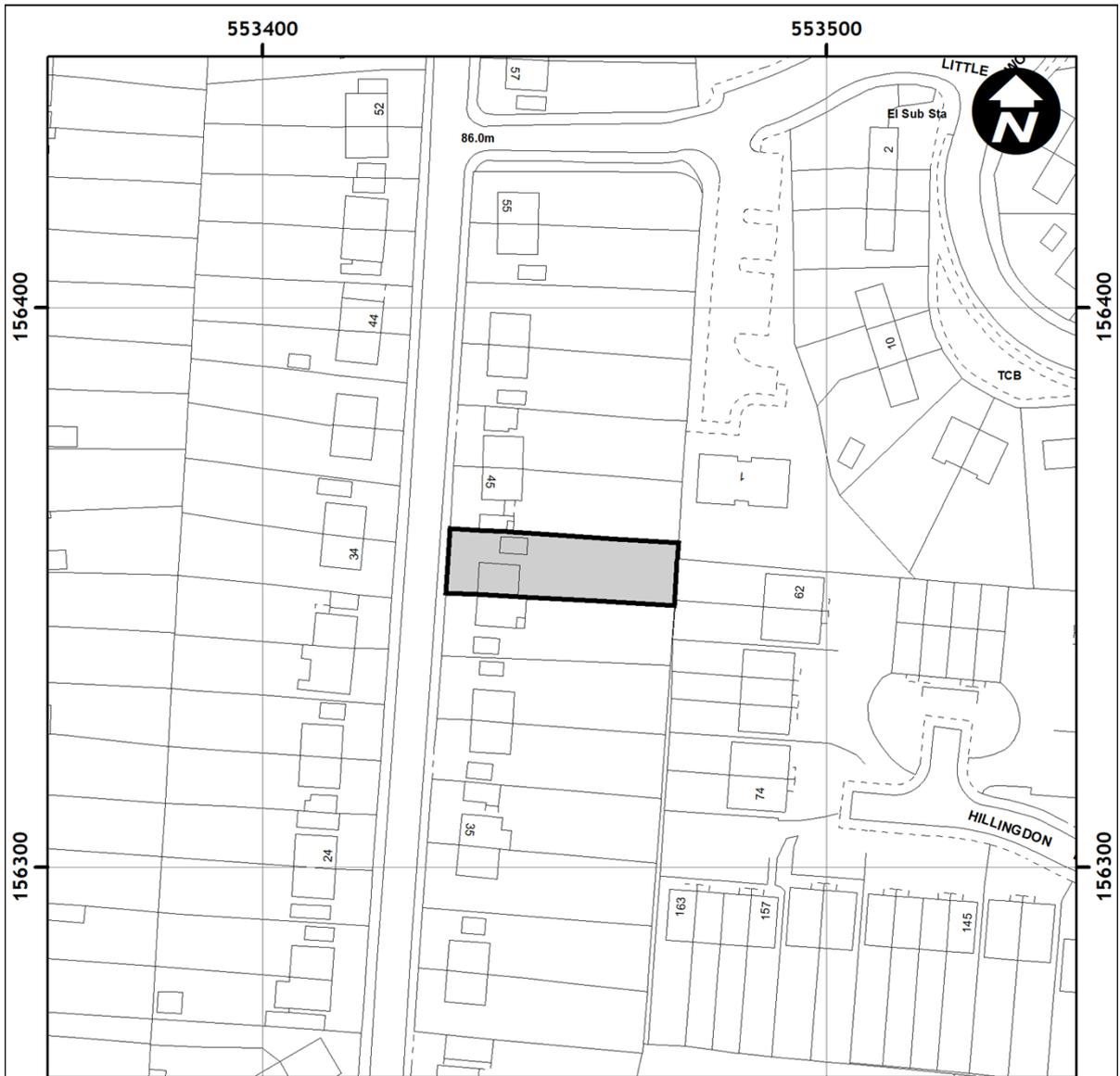
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P5WFBOBKHZI00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P5WFBOBKHZI00>



Site Plan

Scale 1:1,250

Date 01/10/2018


Sevenoaks

DISTRICT COUNCIL

© Crown copyright and database rights 2018

Ordnance Survey 100019428.

Block Plan

