

4.2 18/02964/FUL

Revised expiry date 18 January 2019

Proposal: Removal of existing garden building and the erection of a new detached house including access and relocation of existing garden shed.

Location: 3 Bull Cottages, Church Road, Brasted, Kent TN16 1HY

Ward(s): Brasted, Chevening And Sundridge

Item for decision

This application has been referred to Development Control Committee by Councillor Firth because the proposal:

- Fails to preserve the character and appearance of the Brasted High Street Conservation Area.
- Fails to properly assess the adverse effects of increased parking along that particular stretch of Church Road during evenings and weekends bearing in mind that Church Road is also the emergency access to the M25.

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 development shall be those indicated on the application form.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

3) Prior to occupation of the dwelling, details for the provision of facilities for the safe charging of electric vehicles and an implementation timetable for the installation of the unit shall be submitted to and approved in writing by the local planning authority. The facilities shall be installed in accordance with the details so approved and be retained, maintained thereafter and be available for use at all times.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan.

4) The windows on the north facing and south facing elevations shall be obscure glazed to level 3 and non-opening at all times unless the windows are more than 1.7m above the floor of the room in which the windows are located and shall be retained and maintained thereafter.

To protect the amenities of the neighbouring property Rose Cottage as supported

by policy EN2 of the ADMP.

5) Prior to works commencing the detailed foundation design shall be submitted to and approved in writing to the Local Authority. The foundations shall be carried out in accordance with the approved details.

To ensure protection of the adjacent trees as supported by policy EN1 of the ADMP.

6) The tree protection strategies shall be carried out as set out within the submitted Arboricultural Method Statement dated 10th January 2018.

To ensure protection of the adjacent trees as supported by policy EN1 of the ADMP.

7) Prior to first occupation, the access and parking areas shown on the approved plan BCOT/4A shall be formed and brought into use and shall be retained for this purpose thereafter.

To ensure adequate parking provision is provided as supported by policy EN1 and T2 of the ADMP.

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

To prevent inappropriate development in the Green Belt as supported by Government guidance in the form of the National Planning Policy.

9) No building, enclosure or swimming pool, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt as supported by Government guidance in the form of the National Planning Policy.

10) The development hereby permitted shall be carried out in accordance with the following approved plans and details: BCOT/1A, 2A, 3, 4A

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

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 Proposal

- 1 This application seeks permission for the removal of existing garden building and the erection of a new detached house including access and relocation of existing garden shed.

Description of Site

- 2 3 Bull Cottages is an end of terrace property located on the western side of Brasted village. The site is divided by a boundary treatment which runs north-south across the site. The land in front of the fencing provides off street parking (understood to be used by No.3 Bull Cottages) and the land behind comprises the garden of No.3. The site contains two structures: a timber shed with pitched roof, and a larger barn-style building with timber cladding and hipped tiled roof with barn ends, approved in 2008.

Constraints

- 3 Area of Archaeological Potential
- 4 Area of Outstanding Natural Beauty
- 5 Conservation Area
- 6 Metropolitan Green Belt (rear section of the site)

Policies

- 7 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 8 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SP11 Biodiversity
- LO8 Area of Outstanding Natural Beauty

9 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage
- EN5 Landscape
- T1 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

10 Other

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Brasted High Street Conservation Area Appraisal

Planning History

- 11 16/03708/FUL Removal of existing garden building and the erection of a new detached house including road access and relocation of existing garden building. Refused.

17/00874/FUL Removal of existing garden building and the erection of a new detached house including road access and relocation of existing garden shed.

Consultations

Brasted Parish Council

- 12 “Brasted Parish Council objects to this proposal for the following reasons:

- a. It fails to preserve the character and appearance of the Brasted High Street Conservation Area.
- b. Off street parking provision whilst only marginally short of the requirements in the Guidance Table of the Kent Design Guidance Review, takes no account of increased parking along that particular unrestricted stretch of Church Road during evenings and weekends. Church Road is also the emergency access to the M25.
- c. Notwithstanding any measures taken, possible damage to the trees identified as important by the Inspector is probably quite high during construction.”

KCC Highways

- 13 “As far as the emergency access to the M25 is concerned, KCC Highways would not raise an objection in respect to the impact of the proposal upon this access.

I am sure that should an emergency occur on the M25 and this lane needed to be used (possibly as a last resort?) then the emergency services would be able to clear any parked cars that were causing an obstruction. I would

assume that any cars parked on-street belong to the local residents therefore could be moved if necessary.

As far as parking goes, yes 3 spaces does not truly comply with IGN3 Parking Standards - but only just and they are guidelines after all. Given the inspector's view from the previous appeal, and the fact there are some parking restrictions in Church Road that create passing places, a refusal on highway safety grounds i.e. lack of parking, would not stand up at another appeal and therefore I do not raise any objection to this application on highway grounds."

Highways Agency

- 14 The Highways Agency were informally consulted and they confirmed that they did not have a concern in respect to the impact of the proposal upon the emergency access onto the M25.

SDC Tree Officer

- 15 "I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:

I note that the inspector raised concerns within his report regarding the proximity of the proposed dwelling to the existing Yew tree and the Hornbeam. He believed this would result in the severe pruning of both trees to accommodate the proposed building. Having read the Arboricultural Impact Assessment submitted by PJC Consultancy, they state that 1m clearance between the trees and the proposed building would be required. This is not an excessive amount bearing in mind that both trees have recently undergone crown reduction works. Both trees are of the species that could tolerate this method of crown management.

I also note that the Inspector raised concerns regarding the design of the foundations to be used. The Arboricultural Impact Assessment has highlighted this issue and has recommended that traditional strip foundations or those requiring trenches would not be acceptable in this instance. They are recommending that piled foundations are used, either screwed or concrete. If concrete foundations are to be used, they will have to be sleeved to prevent leakage into the surrounding soil. The detailed foundation design is to be submitted by a structural engineer using details within the report submitted by PJC Consultancy. The foundation slab will have to be located above ground to leave a void to enable rainwater to drain into the surrounding soil and to allow gaseous diffusion into the soil. This has been recommended within the Arboricultural Impact Assessment.

The information provided by the Arboricultural Impact Assessment addresses the concerns raised by the Inspector. All that remains to be provided is confirmation of the foundation design to be used. Providing this is of a design as recommended within the report and the Arboricultural Method Statement is adhered to, I have no objection to the proposal."

Thames Water

- 16 No response received.

Representations

17 No representations have been received.

Chief Planning Officer's Appraisal

Previously developed land - part of residential curtilage:

- 18 Whilst the NPPF places an emphasis on development on previously developed land, it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings. Residential gardens outside 'built up areas' can be previously developed land. Land in 'built up areas' such as private residential gardens is excluded from the definition of previously developed land (Annex 2 NPPF).
- 19 The site lies within the urban confines of Brasted village and the proposal would represent a suitable location for a new dwelling.

Principle of Residential Development

- 20 Core Strategy policy LO7 states that within the settlement confines of Brasted infilling and redevelopment on a small scale only will be permitted taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available. The provision of one additional dwelling is therefore considered acceptable, subject to consideration under other development plan policies discussed below.
- 21 The Design and Access Statement states the site is 330sqm. The development therefore equates to a density of 30.3 dwellings per hectare. This is compliant with policy SP7 and is an acceptable density for this location.

Impact on the Green Belt

- 22 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Paragraph 143 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 23 Paragraph 144 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.
- 24 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if

there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.

- 25 The rear (western) part of the site lies within designated Metropolitan Green Belt. The proposed new house and relocated shed would not be situated on the Green Belt and accordingly the proposal would not impact upon this constraint. However, as outbuildings and extensions could be built under permitted development rights within the Green Belt it is considered appropriate to impose a condition requiring these rights on any granting of permission to protect the Green Belt and Conservation Area.

Impact on the character and appearance of the area, the Conservation Area, the Area of Outstanding Natural Beauty and impact upon trees

- 26 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.
- 27 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.
- 28 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 29 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.
- 30 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.
- 31 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 32 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 states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality.

The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

- 33 The Conservation Area Appraisal identifies the Conservation Area as comprising an essentially linear village which follows the A25 with the majority of development fronting the High Street. Development also generally thins and is less dense away from the High Street and this provides the transition between the village and the open countryside beyond.
- 34 To the south of the application site is the terrace comprising 1- 3 Bull Cottages. These are two-storey, modestly scaled properties with pitched tiled roofs fronting Church Road. To the north of the application site is Rose Cottage set at a 90 degree angle to the street with its principle elevation facing south towards the application site.
- 35 The proposal would demolish an existing outbuilding and erect a detached, two storey dwelling with associated parking. A shed on site would be relocated to the north of its current location.
- 36 Development has recently occurred within the locality with new dwellings on the site of the Bull Public House car park on the junction of Church Road and the High Street to the south of the site and an infill development of a detached dwelling to the north of the site between Rose Cottage and Lavender Cottage.
- 37 The proposed dwelling would be set back on its site with the majority of the first floor located within the roof space. The proposed materials would comprise of wood clad at first floor with lime render below and natural Welsh slate roof which would not be out of keeping with the locality.
- 38 As confirmed by the Planning Inspector, the siting of the proposal between no. 3 Bull Cottages and Rose Cottage to the north, set back from the road would have only a limited detrimental impact upon the sense of space between these two neighbouring properties. In addition, the Inspector noted that the proposal would not result in a cramped site layout or have a harmful impact upon any break in built form between 3 Bull Cottages and Rose Cottage.
- 39 The proposal would result in an appropriately designed property which would be located within the built confines of Brasted village ensuring that it would ensure that the character of the wider landscape is conserved and enhanced.
- 40 This application duplicates the design of the previously refused application 17/00874/FUL, which was subsequently dismissed at appeal. The Inspector refused the proposal solely due to the potential impact of the proposal upon a mature Yew and a mature Hornbeam tree located adjacent to the proposed dwelling and the impact that the loss of these trees would have on the character and appearance of the Conservation Area.
- 41 In respect to the Planning Inspectors concerns regarding the impact of the foundations upon the trees, the current application includes the submission of a new Arboricultural Impact Assessment, Method Statement and Survey

which have been reviewed by SDC's Tree Officer. He confirms that the extent of pruning proposed would not be harm the trees. The proposed impact assessment has noted that a detailed foundation design will be submitted by a structural engineer and a condition can be imposed to require details of the foundation design and for the Arboricultural Method Statement to be adhered to.

- 42 In consequence of the above, the proposal would now protect the trees and ensure that the character of the Conservation Area would be retained.
- 43 If granted a condition could be incorporated to ensure that an electric vehicle charging point is incorporated within the scheme.
- 44 The proposal would incorporate an appropriate design that would conserve and enhance the AONB and would conserve the character of the Conservation Area ensuring that the proposal would meet the requirements of national and local policy and would not have an adverse impact upon the two adjacent trees.

Neighbouring Amenity

- 45 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD provides more detail on the expectations of development in relation to residential amenity.
- 46 The properties likely to be affected by the development are Rose Cottage to the north and 3 Bull Cottages to the south. These are considered in turn.

Rose Cottage

- 47 This is a two-storey property, orientated at 90 degrees to the street with its principle elevation facing the application site. There are four windows facing directly towards the application site. A recent planning application for this property (16/03669) identifies in the existing plans that the ground floor windows serve a dining room and a lounge, and the first floor windows serve two separate bedrooms. In each case these windows are the sole source of light and of outlook to these habitable rooms.
- 48 The proposed development would not be sited directly in-front of Rose Cottage and is set back slightly behind the line of the front windows. The tests for sunlight and daylight contained in the Residential Extensions SPD are useful in assessing the impact of proposed development on sunlight and daylighting. In this case, due to the positioning of the proposed building its distance of 6.5m from Rose Cottage at its closest point, the development would pass the 45 degree and 25 degree tests and would not be likely to result in a harmful loss of sunlight or daylight. While some loss of outlook and loss of light would be experienced, it is not considered that this would cause harm to the overall living conditions of Rose Cottage.
- 49 Three windows are proposed in the ground floor level of the north elevation of the new dwelling. Two serve a living room as secondary windows and the third serves the entrance hall. If the proposals were otherwise acceptable conditions could be used to ensure that they were obscure glazed to protect privacy.

3 Bull Cottages

- 50 This property has its main outlook to the front (east) and rear (west). There are two windows in the northern elevation at the ground floor level. 2002 floorplans suggest the smaller front window serves the entrance hall and the rear window serves the kitchen as a secondary window. While the development would be in close proximity to these windows, and would cause a reduction in daylight, as they are secondary windows they would not cause harm to the overall living conditions of the property.
- 51 The proposed plans show a secondary kitchen and secondary bedroom window in the south elevation facing towards 3 Bull Lane. If the application were otherwise acceptable these could also be conditioned to be obscure glazed given their proximity to no.3. The proposals would result in the private amenity space of 3 Bull Lane being significantly reduced. However the plans suggest an appropriate area of private garden would be retained for this property.
- 52 The development is not considered likely to have an adverse impact on the living conditions of other properties near the site.
- 53 Overall the development would preserve the amenities of the adjacent properties, compliant with EN2. The amenity of other properties was not raised as an issue by the Inspector in the previous appeal.

Parking and Highways Impact

- 54 The NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 55 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location with three bedrooms require two parking spaces.
- 56 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.
- 57 The previous application 17/00874/FUL was refused in part due to the proposal possessing inadequate parking provision for no. 3 Bull Cottages and the proposed dwelling with 3 parking spaces for the two dwellings.
- 58 The Planning Inspector confirmed that the parking standards would require 3.5 parking spaces for the two properties, however on visiting the site the Inspector noted that there were opportunities for parking along Church Road and accordingly felt that the shortfall of 0.5 spaces could be accommodated within the street.
- 59 The Planning Inspector noted that their visit took place during the early morning. Whilst opportunities for parking provision in the evening may be less there are further opportunities for parking within the wider area.

- 60 Accordingly, the Inspector concluded that the proposal would not lead to any detrimental effect on highway safety and would not conflict with the overall aims and objectives of Policy T2 of the ADMP. KCC Highway had no objection in respect to the parking provision provided.
- 61 An authorised access onto the M25 is located to the north of the site, at a distance of approximately 720m leading onto Station Road. Highways England and KCC Highways had no objections to the proposal in respect to the impact upon the emergency access.
- 62 In light of the Inspectors decision, which represents a material consideration in this proposal, it is considered that the parking provision would be adequate to meet the needs of the two properties and in light of the responses from Highways England and KCC Highways the proposal would not have an adverse impact upon the emergency access to the M25.

Affordable Housing

- 63 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.
- 64 Under that guidance, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. In Areas of Outstanding Natural Beauty, contributions should not be sought from developments of 5 units or less.
- 65 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.
- 66 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.

Community Infrastructure Levy (CIL)

- 67 This proposal is CIL liable. There is an application for exemption that will need to be considered if this is approved at Committee.

Conclusion

- 68 The proposal would incorporate an appropriate design which would conserve and enhance the AONB, would conserve the Conservation Area, would not impact detrimentally upon the adjacent trees or adversely impact upon local amenities and would incorporate sufficient parking.

Recommendation

It is therefore recommended that this application is granted.

Background Papers

Site and Block Plan

Contact Officer: Guy Martin Extension: 7351

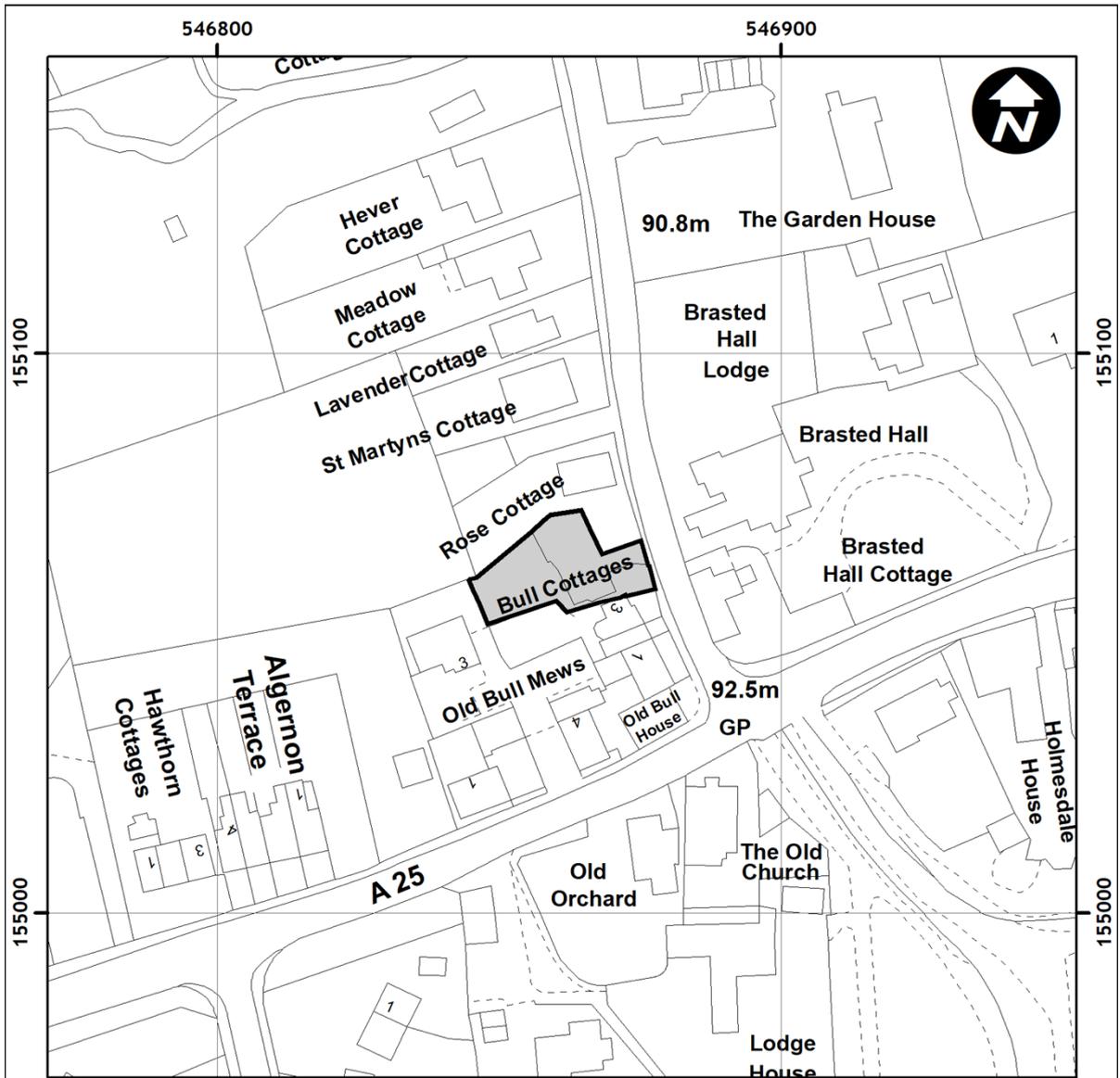
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PFD37DBKKML00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PFD37DBKKML00>



Site Plan

Scale 1:1,250

Date 18/12/2018


Sevenoaks
 DISTRICT COUNCIL

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Block Plan

