

4.1 18/03097/FUL

Date expired 30 November 2018

Proposal:

Erection of detached dwelling with integral garage.

Location:

Land Rear Of 31 Serpentine Road, Sevenoaks TN13 3XR

Ward:

Sevenoaks Eastern

Item for decision

Councillor Purves referred the application to Development Control Committee with regard to the potential impact to neighbouring amenity which may conflict with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

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 development hereby permitted shall be carried out in accordance with the following approved plans: COB/17/861/01A, COB/17/861/02B, JB09/03/cl.

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

3) The proposed materials shall be those stipulated on the approved application form, plan /17/861/02B and those approved under the discharge of condition application 19/00075/DETAIL.

To ensure that the appearance of the development preserves the existing character of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

4) Prior to the occupation of the dwelling full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include:-hard landscaping plans (identifying hard standing proposed to be retained and proposed new hard standing);-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation. The development shall be carried out in accordance with the approved details.

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

5) If within a period of five years from the completion of the development, any

of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

6) The vehicle parking and turning area shown on the approved plan drawing number COB/17/861/02B shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the vehicle parking and turning area.

To ensure a permanent retention of vehicle parking and turning for the property as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7) The first floor windows in the western rear elevation of the approved dwelling, proposed to serve a bathroom and shower room, shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level. The ground floor window along the western rear elevation to serve the shower room shall be obscure glazed at all times. The proposed first floor window on the southern elevation to serve the dressing room shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level. The proposed first floor window along the eastern elevation to serve the games room shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level.

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

8) The finished floor levels and changes to the ground levels shall be carried out in accordance with the approved drawing COB/17/861/01A.

To protect the amenities of the area as supported by EN2 of the Sevenoaks Allocations and Development Management Plan.

9) No extension or external alterations shall be carried out to the dwelling hereby approved, despite the provisions of Schedule 2, Part 1, Classes A, B and C of The Town and Country Planning (General Permitted Development) (England) Order 2015(as amended).

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

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 Erection of detached dwelling with integral garage.
- 2 The proposed dwelling would have an overall height of approximately 6.8m, a width of 22.8m and an overall depth of 12.9m. The dwelling has along linear form and is in the style of a chalet bungalow with gables and dormers. The dwelling would be orientated facing east.
- 3 The proposal is a re-submission of a previously approved application 17/02785/FUL. The scheme is larger in footprint and would include an extended gable along the northern boundary, and would be sited closer to the western boundary by approximately 1m and 2m closer to the southern boundary.

Description of Site

- 4 The application site is located to the east of Serpentine Road and to the rear of 31 Serpentine Road. The site is accessed by an existing driveway along the northern boundary. The northern boundary runs adjacent to the rear boundaries of a number of dwellings along Serpentine Court. The plot previously housed an annexe to the main dwelling, which has been removed. The main dwelling sits within an Area of Archaeological Potential, the location of the proposed dwelling would sit outside of this constraint.

Constraints

- 5 Area of Archaeological Potential - AAP (located across part of the access road and the dwelling 31 Serpentine Road).

Policies

- 6 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:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- Footnote 6 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

7 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SP5 Density of Housing Development
- SP7 Housing size and Type
- LO1 Distribution of Development
- LO2 Development in Sevenoaks Urban Area

8 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- T2 Vehicle Parking
- SC1 Presumption in Favour of Sustainable Development

9 Other

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Sevenoaks Residential Character Area Assessment (SPD)

Planning History

10	09/01132/FUL	Demolition of existing dwelling and erection of a four-bed Chalet style dwelling. Boundary line amended and internal layout of ground floor altered, plans received 30.06.2009.	GRANT	18/09/2009
	10/02793/FUL	Proposed development at land to the rear of 31 Serpentine Road forming new 4 bed detached residential dwelling.	REFUSE	26/04/2012
	12/02378/LDCEX	Implementation of planning application 09/01132/FUL - Demolition of existing annex building and erection of a detached, 2 x storey 4 x bedroom chalet style dwelling with double garage.	GRANT	15/10/2012
	17/02785/FUL	Erection of detached dwelling with integral garage.	GRANT	03/11/2017
	18/03702/DETAIL	Details pursuant to condition 4 (full details of hard and soft landscaping works) of planning permission: 17/02785/FUL.	GRANT	11/01/2019

19/00075/DETAIL Details pursuant to condition 3 GRANT 11/01/2019
(details of the materials to be used in the construction of the external surfaces of the dwelling)
of planning permission:
17/02785/FUL.

Consultations

Sevenoaks Town Council:

- 11 Sevenoaks Town Council recommended approval, subject to the Planning Officer being satisfied that there will be no loss of amenity to neighbouring properties though overlooking, and a condition requiring that all the first floor rear-facing windows are of high obscurity, fixed glazing’.

South East Water:

- 12 No response

Thames Water:

- 13 No response

KCC Highways:

- 14 Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

Representations

- 15 We received 5 letters of objection relating to the following issues:
- Inconsistencies on the landscaping plan roof plan and the submitted drawings - should be clarified,
 - Covering letter submitted minimises the changes and the proposals impacts on the surrounding residents (especially Serpentine Court),
 - Application increases the scale from that of the approved dwelling under application 17/02785/FUL,
 - Application 10/02793/FUL was refused and dismissed at appeal for a larger dwelling in comparison to that approved under application 09/01132/FUL,
 - Proposed dwelling would be located in closer proximity to the boundary to the properties on Serpentine Court,
 - Increase in scale and removal of tree boundary will result in a loss of amenity,
 - Window on the extended gable would increase the opportunity for overlooking and loss of privacy significantly,

- Games room would be a habitable space and could be occupied separately from the main dwelling due to separate staircases,
- No ground level information provided,
- Development fails to comply with the NPPF and Development Management policies in relation to EN1 and EN2,
- Suggested conditions:
 - Withdrawal of permitted development rights, comprehensive landscaping scheme before occupation,
 - Repositioning of driveway,
 - Slab levels to be submitted,
 - Garage should not be sold separately.
- Procedural issues with regard to property consultation,
- Proposed dwelling would be significantly larger due to increased size of windows and platform level,
- Removal of trees along boundary,
- Overbearing nature of the proposed dwelling,
- Loss of privacy and daylight.

Chief Planning Officer's appraisal

16 The main planning considerations are:

- Principle of development
- Impact to the design and character of the area,
- Impact to neighbouring amenity,
- Parking and Highways,
- Other

Principle of development

17 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).

18 Para 122 of the NPPF (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.

19 The principal of residential development has been established under application 17/02785/FUL and other previously granted applications. This application could be implemented as all prior to commencement conditions have been discharged. Since the decision on application 17/02785/FUL, the National Planning Policy Framework (NPPF) has been revised. However, the NPPF still places an emphasis on optimising land for development.

- 20 Policy LO1 and LO2 of the Core Strategy seek to focus development within the confines of existing settlements. Sevenoaks is identified as a location for development of a scale and nature consistent with the needs of the town and surrounding rural area. Policy LO2 specifically seeks to protect the setting and character of the urban area and local environment.
- 21 The proposed unit would be sited in an existing residential area and in close proximity to existing services. The proposal would contribute to the local housing need and would optimise the land use. In addition, the principal as highlighted has already been established.
- 22 Subject to the impact on the character of the area and neighbouring amenity, which will be assessed below, the principle of development on this site is acceptable.

Design and impact on the character of the area

- 23 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 24 The application site is located in the Bayham Road Residential Character Area. The Sevenoaks Residential Character Area Assessment states that when proposing new development in the area the development should:

‘Regular building lines to the street should be respected. The harmonious palette of ragstone, yellow and redbrick or white render and original slate roofs should be respected. The rhythm of repeated gable ends, window and door openings and chimneys prevalent in some streets should be retained’.
- 25 Serpentine Road has a varied character with regard to form, layout and architectural style. The properties do tend to front the road and feature pitched roofs. The materials vary with brick, render, tile hanging and timber detailing.
- 26 The proposed dwelling would be set back from the road in excess of 65m from the street scene, and would not be widely visible from Serpentine Road. The property would be visible from neighbouring dwellings perspective.
- 27 The proposed dwelling would have a simple form and layout with a chalet appearance. The use of gables, pitched roof and dormers reduce the overall scale of the dwelling breaking up the bulk and massing. The use of such features as a pitched roof and gable would be in keeping with other features found along Serpentine Road. The use of render and slate would be similar to a pallet of materials in surrounding area.
- 28 The scale of the dwelling would be larger than that previously approved under application 17/02785/FUL. However, the scale and massing would still be considered appropriate and the form and character of the proposed unit would be maintained and would not harm the visual amenity of the local area.

- 29 In 2010, application 10/02793/FUL was subject to judicial review and the decision was quashed. This was primarily concerned with the assessment of 'previously developed land'. The application was then re-assessed and subsequently refused and this refusal was upheld at appeal. One of the grounds of refusal was in relation to the design, bulk and layout of the proposed dwelling.
- 30 The proposed dwelling differs from the 2010 scheme in design, siting and bulk. The proposed dwelling under the 2010 application was orientated across the depth of the site. In addition, its bulk as a result of the large roof was substantively different from that currently proposed. The proposed dwelling in this instance is more similar to the approved 2009 scheme in design.
- 31 The proposed dwelling would have an acceptable bulk and massing due to its siting and the overall scale of the proposed building. Given the difference between the 2010 scheme and the proposed dwelling, the dismissed appeal is given limited weight in consideration and therefore has limited weight.
- 32 Overall, the development would be found compliant with policy EN1 of the ADMP.

Neighbouring Amenity

- 33 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.

1,2, 3 Serpentine Court:

- 34 The access to the proposed dwelling would run to the rear of 1,2, and 3 Serpentine Court. The proposal is for a single unit and the access already exists. As the access can be used, the proposal is for a single unit and the area is already associated with residential accesses the number of vehicle movements would not be so significant as to cause undue noise, vibration or odour to these dwellings.
- 35 The proposed unit would be at a sufficient distance and orientation that it would not result in a significant loss of light, outlook or privacy.

5 Serpentine Court:

- 36 5 Serpentine Court is located to the north of the site and is a detached dwelling. The proposed unit's northern side elevation would face towards 5 Serpentine Court. No windows or openings would be located in the northern elevation facing directly towards 5 Serpentine Court.
- 37 A 45° outlook test was conducted on the windows to serve the games room and shower room. The test indicated that the proposed windows would not overlook 5 Serpentine Court. The orientation of these windows would prevent any extensive view to this dwelling and its rear private amenity space due to the very oblique angle. Therefore no loss of privacy would occur.

- 38 The rear of 5 Serpentine Court faces south and receives sunlight throughout the day to the southern elevation. The proposed dwelling would be located 13.4m from 5 Serpentine Court. Due to the distance and scale of the proposed unit, no loss of sunlight or daylight would occur to habitable rooms of 5 Serpentine Road or its private amenity space.
- 39 The proposed unit would be located at a sufficient distance that a significant visual intrusion to neighbouring outlook would not occur. The proposed unit would increase in width by approximately 2.8m along the northern elevation in comparison with that previously approved application 17/02785/FUL. However, the overall height of the proposal would be the same as previously approved. 5 Serpentine Court has a number of openings along its elevations and therefore would not be considered to suffer a significant loss to outlook.

4 Serpentine Court:

- 40 4 Serpentine Court is located to the north east of the site and is a detached two-storey dwelling. The proposed dwelling would not directly align with 4 Serpentine Court. Due to the proposed orientation between the dwellings and the distance, that would spare the proposed unit with 4 Serpentine Court a significant loss of background and sun light or outlook would not occur.
- 41 The proposed development would include an altered gable along the northern flank of the proposed in comparison with the application previously approved under 17/02785/FUL. This has allowed a larger window to serve a games room at first floor. A 45° outlook test was conducted and would clip the north eastern corner of the 5m rear amenity space of 4 Serpentine Court. The distance between the proposed northern gable and the 4 Serpentine Court elevation is approx. 17m. Given this window would have a view of the private amenity space and would serve a non-habitable room it would be reasonable to impose a condition to obscure glaze and fix shut this window. As such, subject to condition the proposal would not result in a significant loss of privacy.

76 - 79 Kennedy Gardens:

- 42 76 - 79 Kennedy Gardens are located to the west of the site, the rear gardens of these properties adjoin the rear of the site.
- 43 The proposed windows located along the ground floor would serve a kitchen, shower room and bedroom. The proposed ground floor
- 44 At first floor, the proposed windows would serve a bathroom and shower room and would have a view to the rear gardens of the properties in Kennedy Gardens. As these windows would serve non-habitable spaces, they could be obscure glazed and fixed shut above 1.7m from finished floor level. The proposal would therefore not result in a significant loss of privacy, subject to condition.
- 45 The proposed dwelling would be located closer to the western boundary in comparison with the previously approved application under 17/02785/FUL.

However, an approximate distance of between 17 - 19m would still be maintained between these dwellings and therefore would not result in a significant loss of outlook.

- 46 The side elevation and side gardens of the dwellings along Kennedy Gardens receive light in the morning from the east and during the afternoon from the south. The rear gardens may receive some shadowing. However given the distance between the proposed unit and the dwellings a significant loss of light would not occur.

Proposed dwelling:

- 47 The proposed dwelling would have sufficient openings for outlook and for light admittance into the dwelling. The property would have sufficient amenity space for a family size dwelling.
- 48 Other dwellings are located at a sufficient distance that a significant loss of amenity would not occur. The proposed development is considered to comply with policy EN2 of the ADMP.

Parking and Highways Impact

- 49 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 4 or more bedrooms require 2 parking spaces.
- 50 The site would have sufficient parking space for 2 vehicles and a turning area to allow vehicle to exit the site in forward gear. The site would also have space for the storage of refuse.
- 51 The development would utilise the existing access on Serpentine Road, which currently exists and could be utilise in connection with the approved application 17/02785/FUL.
- 52 The proposed parking and access arrangements would be considered acceptable. The proposal would be considered to comply with policy T2 and EN1 of the ADMP.

Trees and Landscaping

- 53 The landscaping plan submitted does demonstrate the previously approved roofline. The drawing would not form one of the approved plans of the application. However, this landscaping plan was approved for the application 17/02785/FUL and was subject to review by the SDC Tree Officer. Third party comments have highlighted some trees on site have been removed. A further landscaping plan would be requested by condition to ensure sufficient planting, given the scale of the building has been increased.

Other

Procedural matters:

- 54 As part of the initial consultation, a number of neighbouring dwellings where selected for notification of the proposal. Unfortunately, while the letters were printed they were not dispatched. After notification from neighbours that they had not received letters, new letters where printed with a revised (extended) consultation deadline date. A sit notice was not required as the site is not within a Conservation Area and is not within the curtilage of a Listed Building, and neighbouring properties have been formally notified by letter.

Separation of dwelling into two units:

- 55 Should at any point the dwelling be subdivided into two separate planning units it would require planning permission in its own right. A condition would be applied to ensure that the games room is ancillary to the main accommodation.

Slab Levels:

- 56 Third party comments have raised concerns with regard to the slab level and thus the high of the dwelling. The applicant has provided land levels, finish floor levels and ridge height. The finish floor level would be 55.51 and the ridge height 60.85. This is the same as that previously approved under application 17/02785/FUL.
- 57 The proposed ground levels surround the dwelling would be 54.54, whilst the existing ground levels vary from 54.63 - 54.30. The proposed levels are the same as previously approved under application 17/02785/FUL. In addition, the proposed height of the dwelling would be approximately the same as that approved under the 2009 application, 09/01132/FUL and the 2017, 17/02785/FUL.

Conclusion

- 58 The proposed dwelling would be acceptable with regard to design, siting and scale. Subject to condition, the proposed development would not result in a significant loss of amenity to neighbouring properties. The proposal would have sufficient access and parking provision. The proposal would be policy compliant.

Recommendation

- 59 It is therefore recommended that this application is granted.

Background Papers

Site and Block Plan

Contact Officer:

Emma Gore Extension: 7206

Richard Morris

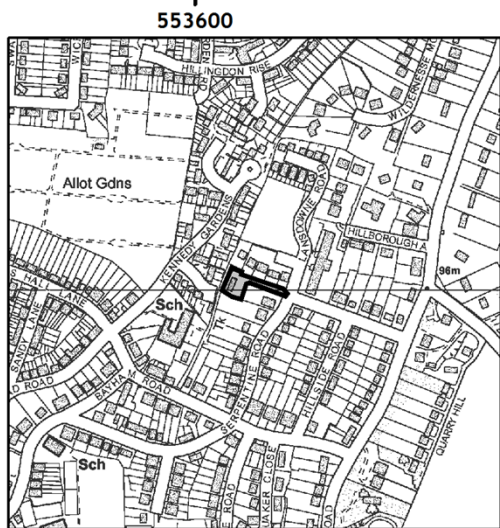
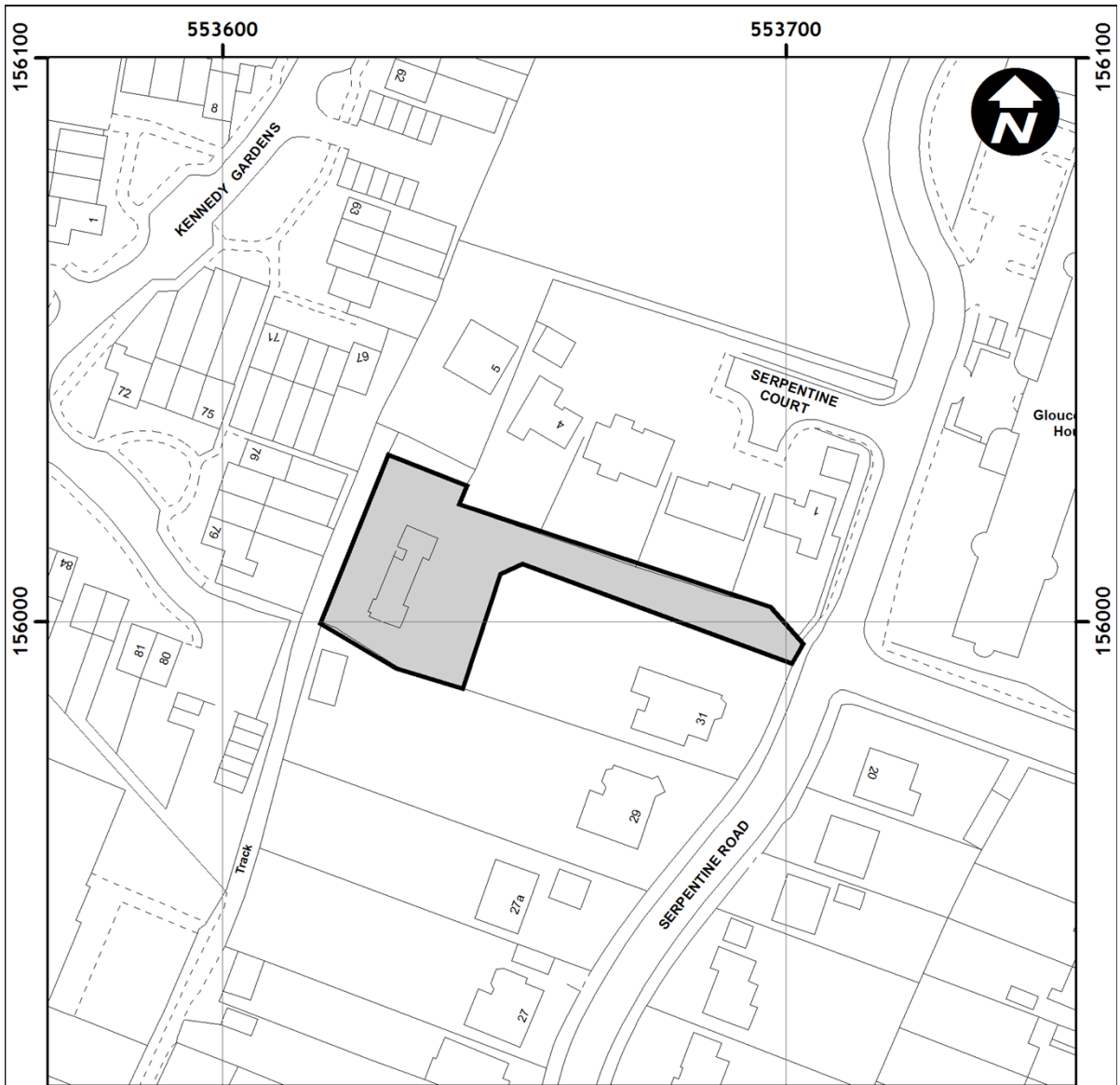
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PG4EW9BK0L000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PG4EW9BK0L000>



<h1>Site Plan</h1>	
Scale	1:1,250
Date	22/01/2019
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