

4.2 18/03462/FUL

Revised expiry date 12 February 2019

Proposal: Construction of detached three bedroom dwelling incorporating garage, access and off street parking.

Location: Land Rear Of 2 Uplands Close, Riverhead TN13 3BP

Ward: Dunton Green & Riverhead

Item for decision

The application has been referred to Development Control Committee by Councillor Bayley due to the proposed scale and bulk of the dwelling which would be overbearing and out of keeping with the character of the area and therefore contrary with policy EN1 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 and details: LR/622/BP01, LR/622/01 A, LR/622/SP01.

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

3) Prior to reaching damp proof coursing details of materials to be used in the construction of the dwelling shall be submitted to and approved in writing. The development shall be carried out in accordance with the approved plans.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) No development shall be carried out on the land until full details of both 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 proposed areas of hardstanding and details of finish);- 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 including any necessary protection measures during construction. 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) The proposed window along the rear elevation at second floor serving the en-suite on the north eastern corner of the gable shall be obscure glazed and fixed shut at all times unless the opening parts of the window are above 1.7m from finished floor level.

In the interest of preserving neighbouring amenity in accordance with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

6) 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.

7) Notwithstanding approved plan LR/622/SP01, prior to the occupation of the approved development the vehicular visibility splays of 2.4mx 44.8mx 44.6m at the access shall be provided with no obstructions over 0.9m above carriageway level. The splays shall be maintained thereafter.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

8) Prior to the occupation of the approved development 2.0m x 2.0m pedestrian visibility splays shall be provided and maintained thereafter with no obstructions over 0.6 metres above the footway level within the splays.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

10) No development shall take place until full details of the surface water drainage systems have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

To meet sustainability and environmental objectives and in the interest of highways safety.

11) The parking and turning area shown on plan LR/622/SP01 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 parking and turning area.

To ensure a permanent retention of vehicle parking for the property as supported by Policy T2 of the Sevenoaks Allocations and Development Management Plan

Informatives

1) It appears that the proposal involves works that affect the highway and / or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact Kent Highway Services, Network Operations on 01474 544068.

2) Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you **MUST** submit a **COMMENCEMENT NOTICE** to the Council **BEFORE** starting work on site. Failure to do so will result in the CIL charge becoming payable in full.

3) Please note that within six months of completing the home, the applicant must submit additional supporting evidence to confirm that the project is self build, being:

- * A Self Build Exemption Claim Form - Part 2 (available on the Planning Portal website);
- * The supporting evidence as set out in the form, to confirm that the levy exemption should be upheld.

If the evidence is not submitted to the Council within the 6 month time period, the full levy charge becomes payable.

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.

Background

- 1 A dwelling in this location has been previously approved under applications 16/00981/OUT and 17/04052/FUL, albeit the 16/00981/OUT application was refused at Development Control Committee but subsequently allowed at appeal.

Description of Proposal

- 2 Construction of detached three bedroom dwelling incorporating garage, access and off street parking.

Description of Site

- 3 The application site is located to the rear of Uplands Close but fronts London Road. The land levels slope down from Uplands Way towards Uplands Close to London Road to the southwest. The land has been partially cleared and some earth works have been undertaken.

Constraints

- 4 Source Protection Zone.

Policies

- 5 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.

- 6 Core Strategy (CS)

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

- 7 Allocations and Development Management (ADMP)

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

- T2 Vehicle Parking

8 Other

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

Planning History

- 9 16/00981/OUT - Outline application for the erection of a detached four bedroom dwelling, new access and off street parking with some matters reserved - REFUSED - ALLOWED AT APPEAL.
- 10 17/04052/FUL - Construction of detached four bedroom dwelling incorporating integral garage, new access and off street parking - GRANTED.

Consultations

Riverhead Parish Council:

- 11 '1. There are discrepancies on the vehicle access sight lines between the drawing LR/622/SP01 and drawing 1711068-SK01 (on which previous planning permission granted). This changes the line of sight when exiting the plot.
 2. The proposed changes to the rear will be overbearing, overlooking a number of properties.
 3. First floor - laundry door and en-suite window overlooks adjoining neighbours due to the elevation of this floor.
 4. The changes to the original proposal present a bulkier appearance, higher ridge level at roof height and overall an overbearing size compared to the neighbouring properties'.

Sevenoaks Town Council:

- 12 'Sevenoaks Town Council recommended approval subject to the Planning Officer being satisfied that hard landscaping will be adequately permeable to prevent water run-off. The Council noted that there was a significant amount of hard landscaping proposed'.

SDC Tree Officer:

- 13 'No comment'.

KCC Highways:

- 14 Further to my previous comments dated 28 November 2018, further comments have been requested due to the access to the proposed dwelling being located on the A224 London Road.
- 15 A previous application 16/00981/OUT was refused at Development Control Committee, and subsequently allowed at appeal. As part of this application, an Automatic Traffic Count (ATC) was undertaken along

London Road in June 2016. The 85th percentile speeds were established at 30.9mph eastbound and 30.8mph westbound. As such visibility splays of 2.4 metres x 44.8 metres eastbound, and 2.4 metres x 44.6 metres westbound were demonstrated.

- 16 A subsequent planning application (17/04052/FUL) was very similar to the previous outline application (16/00981/OUT), and as such no objection was raised by KCC HT&W. The application was approved, subject to conditions, including visibility splays.
- 17 The current planning application (18/03462/FUL) has submitted visibility splays shown on plan LR/622/SP01, which are indicated differently to those on plans 1711068-SK01/A as part of the approved scheme (17/04052/FUL).
- 18 Previously approved plans (1711068-SK01/A) were considered acceptable as they comply with the relevant visibility standards of approximately 45 metres in both directions. It is accepted that vehicles travelling to the west are unlikely to travel on the opposite carriageway due to the proximity of the traffic island and pedestrian crossing. The visibility splay in this direction were measured to the centre line and deemed acceptable. The current plans show sight lines measured to the rear of the footway to the west, and towards the middle of the carriageway to the east.
- 19 The 'x' distance of 2.4 metres is usually required as this represents a reasonable maximum distance between the front of the car and the drivers eye. The 'y' distance represents the distance that a driver exiting from the minor arm can see in either direction along the main alignment. This is measured along the nearside kerb line of the main arm.
- 20 The submitted plans do not show sufficient visibility splays due to the incorrect drawing of the 'y' distance. Therefore, while visibility splays have been deemed acceptable in previous applications, I am unable to accept the current plans. The plans are annotated to state 'dotted line denotes sight lines as previously approved', which is incorrect.
- 21 The plans indicate that the building footprint has been amended slightly. No parking is indicated on the supplied plans. However, my scale measuring indicates that there is sufficient parking space for two cars to the east of the entrance, and adequate space for turning to ensure vehicles enter and egress in a forward gear.
- 22 In line with my above comments, I do not object to the proposal on behalf of the local highway authority. Given the previous approvals and minimal changes, I would not be able to uphold any objection. The submitted visibility splay drawings are shown incorrectly. As such, should the LPA be minded to approve the application, I suggest the following conditions:
 - Provision and maintenance of 2.4 metres x 44.8 metres x 44.6 metres visibility splays at the access with no obstructions over 0.9 metres above carriageway level within the splays, prior to use of the site commencing.

- Provision and maintenance of 2.0 metres x 2.0 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
- The area shown on the submitted drawings for parking and turning shall remain unobstructed by other uses.

Representations

23 We received 3 letters of objection relating to the following issues:

- Highways safety implications for future residents,
- Address of property,
- New design and siting significantly more overbearing,
- New angled windows provided enhanced overlooking,
- Ridgeline higher,
- Could be turned into a 5 bedroom dwelling,
- Additional traffic survey should be conducted due to opening of Lidl store,
- The visibility splays are different from those previously submitted,
- Doors and windows should be frosted.

Chief Planning Officer's Appraisal

Principle of development

- 24 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).
- 25 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.
- 26 The principal of development has been established under application 16/00981/OUT and 17/04052/FUL. These applications were granted prior to the revisions to the NPPF in 2018. However, the revised NPPF still places an emphasis on optimising land for development.
- 27 The local policy considerations have not materially changed since the previously approved plans. Policy LO2 of the Core Strategy seeks to protect the setting of the urban area and the distinctive character of the local environment. Policy LO1 of the Core Strategy advises that development will be focused within the built confines of existing settlements, with Sevenoaks a location for development of a scale and nature consistent with the needs of the town and the surrounding rural area.

- 28 The development would be located in an existing residential area connected with good services and transport links. The scheme would optimise the use of land and contribute to the housing need within the district. Subject to other policy considerations to be reviewed later in the report the principle of development on the site to be acceptable.

Design and impact on the character of the area

- 29 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.
- 30 The application site is located to the rear of Uplands Close. The Sevenoaks Residential Character Area assessment identifies Uplands Close as having a: - 'quite, enclosed residential character'. However, due to the sites access arrangement the proposed unit would have a closer relationship with London Road.
- 31 This section of London Road sits within the Montreal Park Area of the Sevenoaks Residential Character Area Assessment. The section of road is described as having grassed areas fronting London Road. The character of the road is verdant in nature but does not have a set characteristic as the dwellings tend to be set back from the roadside.
- 32 The principle of a three-storey dwelling sited in this location has already been established under applications 16/00981/OUT and 17/04052/FUL. The proposed dwelling would have a higher ridge height of 0.6m from that previously approved. The dwelling would not sit directly adjacent to other dwellings and would be located at a lower level to the dwellings along the rear of Uplands Close. The increase in ridge height would not significantly alter the relationship with properties in the surrounding area.
- 33 The proposed dwelling would be sited relatively centrally within the plot. The dwelling would allow sufficient space surrounding the dwelling and provide amenity and parking space. The proposed dwelling would therefore sit comfortably and would not appear overbearing. The proposal would have a similar width to that previously approved and only slight increase in depth as a result of the projecting bay. The proposed bulk, scale and massing would be considered appropriate.
- 34 The proposed dwelling would be sited approximately 2.9m further back and closer to the northern boundary at ground floor than that previously approved under application 17/04052/FUL. At first and second floor the development would be 1.1m closer to the boundary, with the projecting bay located 3m closer to the boundary than previously approved. The dwelling would still have a sufficient separation between the proposed unit and neighbouring properties.
- 35 The proposed dwelling would have a Georgian style frontage. The proposed dwelling would include a projecting bay, pitched roof and a linear form. The proposed unit would have a formal appearance akin to that of a town house. While this differs from the more traditional suburban appearance of the dwellings along Uplands Close, the overall form and design would be

acceptable given its isolated context. The proposed dwelling would still be seen against the context of the existing dwellings to rear along Uplands Close. The proposal would therefore not be out of character with the local area, which has a mix of architectural styles.

- 36 Materials and further details of landscaping could be required via condition, upon any approval, to secure the character and verdant appearance of the area.
- 37 The proposal is considered to comply with policy EN1 of the ADMP.

Neighbouring Amenity

- 38 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 39 The proposed dwelling would be sited approximately 17m from 1 Uplands Close to the north east. The unit would be located approx. 30m from 6 Uplands Close. The rear elevations of the dwellings along Uplands Close receive direct sunlight from the south. Due to the distance and the sun's trajectory no loss of sunlight or background daylight would occur.
- 40 The proposed dwelling would have three stories and would be located at a lower level to that of the dwellings along Uplands Close. Due to the level changes and the distance between the proposed unit and the existing dwelling, no significant visual intrusion to neighbouring occupiers would occur.
- 41 The proposed dwelling would feature openings along the rear elevation of the three-storey dwelling. The proposed unit would be located in an existing residential area with an existing degree of overlooking from dwelling to dwelling. The current proposal would be located slightly closer to the neighbouring dwellings and have a revised floor plan compared to the approved scheme. There are no windows proposed in the side elevation facing towards 1 Uplands Close.
- 42 Due to the separation and land level changes between the proposed unit and the nearest neighbouring dwelling. The proposed ground and first floor openings would not result in any overlooking due to the level changes and separation.
- 43 At second floor, the windows along the rear elevation would serve non-habitable spaces including bathrooms and dressing rooms. Due to the orientation of the proposed unit and 1 Uplands Close the majority of the second floor windows would not directly overlook 1 Uplands Close due to the oblique angle. However, the one of the windows on the bay gable would allow a view across 1 Upland Close. It would be reasonable upon any grant of permission to condition that this window be obscure glazed and fixed shut up to 1.7m.
- 44 Other dwellings are located at a sufficient distance that a significant loss of privacy would not occur. The proposed development would not result in a significant loss of amenity to neighbouring occupiers.

45 The proposal would comply with policy EN2 of the ADMP.

Parking and Highways Impact

46 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 3 bedrooms require 2 parking spaces.

47 The site would have sufficient space for the parking of two vehicles which is required number of spaces even if additional bedrooms were created. The site would also have sufficient refuse storage.

48 The proposal would require the creation of a vehicle access onto London Road which is an A road and a thoroughfare to the town centre. Third parties have provided information regarding traffic speeds exceeding the 30mph speed limit and highway safety. Such concerns have been address as part of the previous application 17/04052/FUL. A single dwelling in this location would not significantly increase traffic associated with London Road.

49 Kent County Council Highways team have commented on the application and confirmed the proposed visibility splays under this application do differ from those submitted under application 17/04052/FUL. The proposed plans are not considered to demonstrate sufficient visibility splays. However, KCC Highways do not object to the access given the previous approvals and the minor changes of this application.

50 The proposed development is considered acceptable, subject to condition and would be compliant with highways policy.

Trees and Landscaping

51 The SDC Tree Officer has responded to the application and has no comments to make. The proposed rear garden would be mainly comprised of levels of patio with some planters. To ensure the verdant nature of the site condition could be imposed to secure landscaping to the front and rear of the site.

Community Infrastructure Levy (CIL)

52 This proposal is CIL liable and there is an application for exemption that is considered below.

ASSESSING CLAIMS FOR SELF BUILD EXEMPTION

A self build exemption is available to anyone who builds or commissions their own home for their own occupation providing the relevant criteria are met as set out in Sections 54A, 54B, 54C and 54D of the Community Infrastructure Levy Regulations 2010 (as amended).

The applicant has submitted a Self Build Exemption Claim Form: Part 1 and has confirmed all the declarations required.

The self build exemption for housing can only be claimed if the person making that claim has in accordance with Section 54B (2) (a) (ii) of the regulations: assumed liability to pay CIL in respect of the new dwelling, whether or not they have also assumed liability to pay CIL in respect of other development.

The applicant is claiming exemption for a self build dwelling within the definition in Regulation 54A. A person is eligible for an exemption from liability to pay CIL in respect of a chargeable development, or part of a chargeable development, if it comprises self-build housing (or self-build communal development.)

Additional criteria for exemption (to clarify information on form)	Yes / No
<p>Has the development commenced?</p> <p><i>If the development has commenced, they cannot claim an exemption. Check building regulations records and CIL Events to confirm if any Commencement Notice received.</i></p>	<p>No</p> <p>(earth works on site have started but not specifically in regard to this application).</p>
<p>Has the claimant for exemption assumed liability to pay CIL for the dwelling subject of the claim for exemption, with the submission of an Assumption of Liability form?</p> <p><i>If there is no Assumption of Liability Form, they cannot claim an exemption. Seek submission of one and if not received, refuse exemption.</i></p> <p><i>If the person assuming liability is not the same as the person making the exemption, refuse exemption.</i></p> <p><i>NOTE: that an exemption is granted for a person - so for forms relating to exemptions and assumption of liability these cannot be signed in the agent's name. (Regulation 54B (2) (a) (ii))</i></p>	<p>Yes</p>
<p>Is more than one person assuming liability to pay CIL?</p> <p><i>Make it clear whether the claim for exemption covers everybody who has assumed liability. Where more than one person has assumed liability to pay CIL in respect of the chargeable development, the person claiming an exemption must clearly identify the part of the development that the claim relates to.</i></p>	<p>No</p>

The applicant has confirmed the declarations for exemption on the form required and the additional criteria referred to in the above table are met. I am therefore satisfied that the applicant, Lisa Groom is exempt from CIL for planning application SE/18/03462/FUL.

Informative -

1. Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you **MUST** submit a **COMMENCEMENT NOTICE** to the Council **BEFORE** starting work on site. Failure to do so will result in the CIL charge becoming payable in full.
2. Please note that within six months of completing the home, the applicant must submit additional supporting evidence to confirm that the project is self build, being:
 - A Self Build Exemption Claim Form - Part 2 (available on the Planning Portal website);
 - The supporting evidence as set out in the form, to confirm that the levy exemption should be upheld.

If the evidence is not submitted to the Council within the 6 month time period, the full levy charge becomes payable.

Recommendation - Grant exemption.

Other issues

Drainage/ Surface water run off:

- 53 The proposed rear garden would be comprised of several levels of terracing. The hard standing on site would therefore be comprehensive. It would be appropriate to condition any granted application to secure adequate drainage.

Address:

Matters relating to the address of a new unit are not a planning consideration.

Conclusion

- 54 The proposed dwelling would be in keeping with the character of the area and would not result in a significant loss of amenity. The proposal would have an adequate access arrangement and sufficient parking. The proposal would be policy compliant.

Recommendation

It is therefore recommended that this application is granted subject to condition.

Background Papers

Site and Block Plan

Contact Officer:

Emma Gore Extension: 7206

Richard Morris

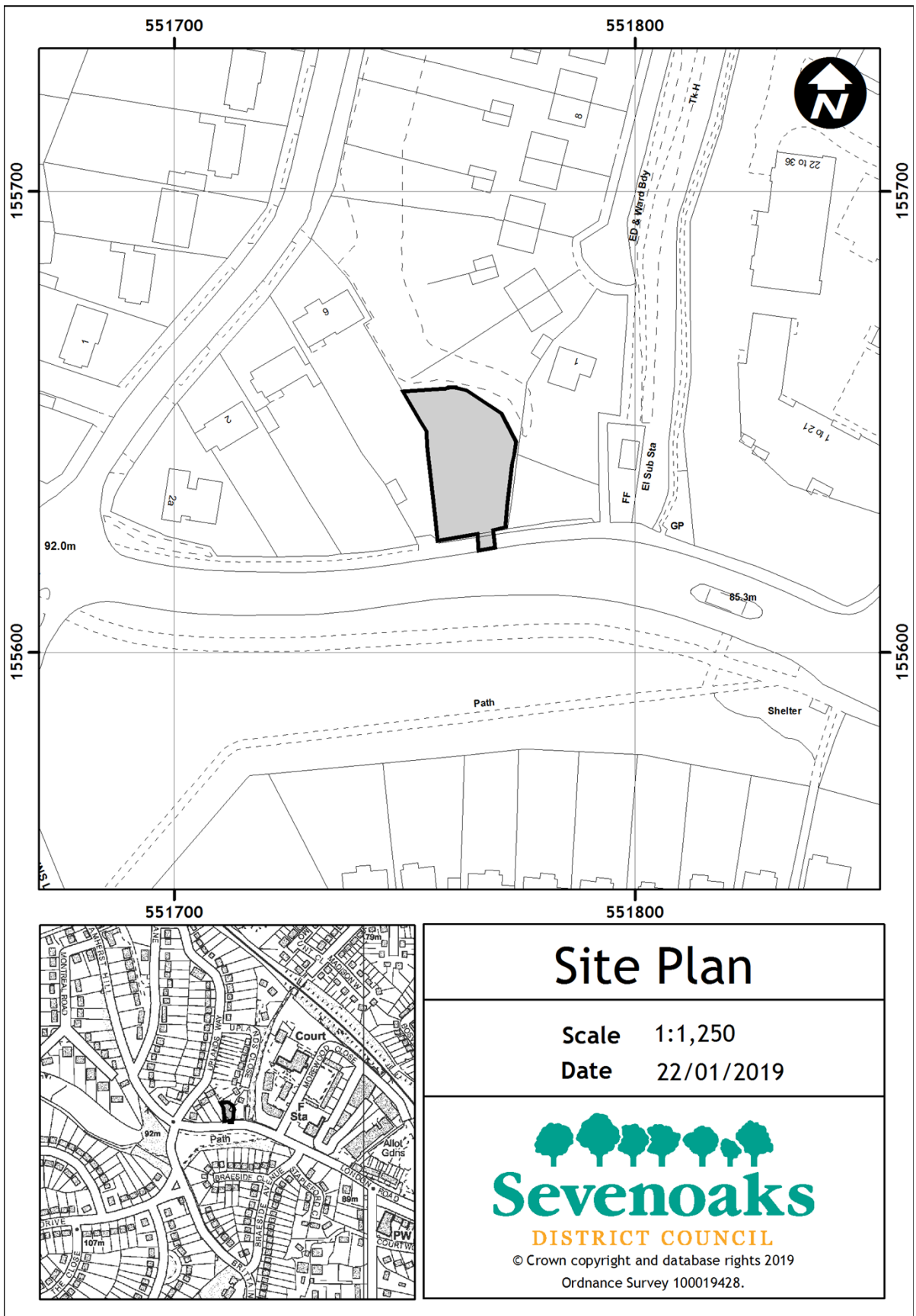
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHVWOCBKMZB00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PHVWOCBKMZB00>



Proposed block plan

