

4.4 18/03395/FUL

Revised expiry date 13 February 2019

Proposal: Demolition of existing detached garage and outbuilding. Erection of two three-bedroomed, two-storey, semi-detached houses with new vehicular access to Ash Road. Creation of replacement vehicular access to the existing house.

Location: North Lodge, Ash Road, Ash TN15 7HR

Ward(s): Ash And New Ash Green

Item for decision

This application has been referred to Development Control Committee by Councillor Cameron-Clark on the grounds that the scale, width, bulk and design would result in a cramped overdevelopment on this site and that the design would adversely affect the appearance and character of the street scene.

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) Prior to completion of the development, a detailed site plan, including the incorporation of biodiversity enhancement recommendations in sections 4.5.3, 4.5.4, 4.5.5 and 4.5.6 of the Preliminary Ecological Appraisal (Corylus Ecology January 2019) will be submitted to the local planning authority for approval. Once approved, the enhancements will be implemented and retained thereafter."

To promote biodiversity as supported by Policy EN1 of the ADMP and SP11 of Sevenoaks District Council's Core Strategy.

3) No development shall be carried out above the damp proof course of the hereby approved dwelling until full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall cover as appropriate: Proposed finished levels or contours; Hard surfacing materials; Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate. Implementation timetables.

Development shall then be carried out in accordance with the approved details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

4) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection of the hedges located on the boundary of West Yorke Road and James Lance Cottages in accordance with BS5837 : 2012 Trees in Relation to Construction are to be submitted and approved in writing by the Local Planning Authority and the land so enclosed shall be kept clear of all contractors materials and machinery. The existing soil levels around the boles of the trees shall not be altered. The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.

To prevent damage to the hedges during the construction period as supported by Policy EN1 of the Sevenoaks District Councils Allocation and Development Management Plan.

5) The materials to be used in the construction of the development shall be those indicated on the approved plan 02, 305, 306, 308,.

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.

6) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 302, 303, 304, 305, 306, 307, 308,

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

Informatives

1) Breeding Birds

Vegetation on-site, which offers nesting potential for breeding birds (protected under the Wildlife and Countryside Act 1981), is due to be removed. As such, any work to vegetation which may provide suitable nesting habitats should be undertaken outside of the bird breeding season (between March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. To secure this, we advise an informative is included with any planning permission. Suggested wording:

"The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present."

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 North Lodge is a detached property located between Ash Road and West York Road with the 1960s built New Ash Green village to the east, north and west.

Description of proposal

- 2 Demolition of existing detached garage and outbuilding. Erection of two three-bedroomed, two-storey, semi-detached houses with new vehicular access to Ash Road. Creation of replacement vehicular access to the existing house.
- 3 There have previously been two refusals for similar applications at this site. The initial proposal was significantly larger in respect to height and footprint. The current proposal results in amendments to the design of the proposal.

Relevant planning history

- | | | | | |
|---|--------------|--|--------|------------|
| 4 | 18/00622/FUL | Demolition of existing detached garage, outbuilding and fence. Erection of a 2 x 4 bed semi-detached dwellings, new accesses, fences and landscaping works. | REFUSE | 03/05/2018 |
| | 18/01810/FUL | Demolition of existing detached garage and outbuilding. Erection of two three-bedroomed, two-storey, semi-detached houses with new vehicular access to Ash Road. Creation of replacement vehicular access to the existing house. | REFUSE | 27/09/2018 |

Constraints

- 5 Within the settlement confines of New Ash Green

Policies

- 6 National Planning Policy Framework

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.

7 Core Strategy (CS):

- LO1 Distribution of Development
- LO7 Development in Rural Settlements
- SP1 Design of New Development
- SP6 Housing Size and Type
- SP7 Density of Housing Development
- SP11 Biodiversity

8 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- T2 Vehicle Parking
- T3 Provision of Electrical Parking Charging Points

9 Other

- KCC Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards 2006

Consultees

Ash-cum-Ridley Parish Council

- 10 “Object: The Parish Council objects to this application as the scale, width, bulk and design would result in a cramped overdevelopment on this site. The design would adversely affect the appearance and character of the street scene. Opposite the proposed site, there is a green strip between Punch Croft and Ash Road which gives the sense of a rural road.”

KCC Ecology

- 11 Support subject to a condition relating to the inclusion of ecological enhancements on site and an informative that works should not take place outside of the bird breeding season (March to August) unless mitigation measures are implemented to protect breeding birds.

SDC Arboriculture

- 12 “In order to carry out this proposal numerous Conifer trees of varying varieties and sizes will need to be removed. None of the aforementioned are of the quality that I would expect to see in order to warrant the serving of a new TPO. Some of these Conifers are located internally to the grounds and are not therefore readily visible from the road. Others are larger and readily visible. It is also an unknown factor at this stage what affects the sight lines for a new egress will have on the roadside vegetation. This project will clearly alter the frontage highway vegetation. It would be prudent to ensure that a soft landscaping scheme is conditioned should consent be given for this proposal.”

South East Water

- 13 No response received

Thames Water

- 14 No response received

Representations

- 15 Two objections received in respect to:
- over development of the site;
 - loss of light;
 - overshadowing;
 - overlooking of neighbouring properties;
 - loss of privacy;
 - insufficient parking;
 - highway safety due to the additional access;
 - impact on amenities through additional noise;
 - detrimental impact upon the street scene due to the close proximity to the almshouses.

Chief Planning Officer’s appraisal

- 16 The main planning consideration are:
- Principle of Development
 - Density
 - Design and impact on the character and appearance of the area
 - Impact upon neighbouring amenities;
 - Highway considerations
 - Impact on ecology

Principle of the 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 The NPPF excludes land in built-up areas, such as private residential gardens, from the definition of previously developed land; however it does not preclude development on garden land as a matter of principle. The Core Strategy and ADMP both contain policies to protect the character of local areas but neither sets out any express aim to resist inappropriate development of residential gardens.
- 19 Local policies L01 and L07 of the Core Strategy restrict the location and form of development within the district through an assessment of the suitability of sites for development.
- 20 Policy L07 'Development in rural settlements' includes New Ash Green within its definition of 'rural settlement' and states that within New Ash Green amongst others, development on a modest scale will be permitted where it can take place in an acceptable manner consistent with local character.
- 21 Given the above, the proposed works are acceptable in principle with regards to policy L01 and L07, in that the works are of a small scale, and represent a suitable geographical location for infill development in a suitable location within the village.

Density

- 22 Policy SP5 of the Core Strategy reads that all new housing developments should be at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Development that fails to make efficient use of land for housing, having regards to the character and location of the area, may be refused.
- 23 Policy SP7 states that 'All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated'. The policy goes on to state that in development outside Sevenoaks and Swanley, development will be expected to achieve a density of 30 dwellings per hectare. *'development proposals that fail to make efficient use of land for housing, having regard to the character and location of the area, may be refused permission'*.
- 24 In this instance the proposal would represent a density of 36 dwellings per hectare which would not be out of character with the wider area.

Design, impact on the character and appearance of the area

- 25 The relevant policies relating to design and the character of the area are SP1 of the Core Strategy and EN1 of the ADMP. The Residential Extensions SPD is also applicable in respect to guidance
- 26 North Lodge is a detached property, which with the two cottages to the north and the dwelling to the south has been largely surrounded by the

1960s neighbourhoods that created New Ash Green village. North Lodge is set within a good sized plot with a detached garage to the north of the plot. The site is bordered by Ash Road to the east and West York Road to the west and other than views through the access the site is predominantly screened from the adjacent roads by close boarded fencing with mature trees set behind.

- 27 The proposed development would demolish the existing garage and add two semi-detached properties rising to a height of 7m with clay hung tiled gables, red multi facing brickwork, white upvc fenestration and grey composite front doors that would be in keeping with the materials used on North Lodge. The two properties would mirror each other's design. The two properties would have a combined width of 13.5m and a depth of 12m with a cat-slide roof as viewed from Ash Road.
- 28 The proposal would incorporate an appropriate design, for a semi-detached property, with materials in keeping with other properties in the locality. Three bat boxes to enhance biodiversity on site.
- 29 The proposed dwellings would be set back from Ash Road at a distance of between 8-12m and set back from West York Road at a distance of between 7-12m. The plots width would measure 20m wide with hard standing to provide parking in front of the houses set behind an extent of soft landscaping. Two new accesses would be created to replace the existing access. One access would serve the new dwellings and one would serve North Lodge. New hard surfacing with parking for two cars would be created in front of North Lodge to accommodate for the loss of its garage.
- 30 Two previous applications were refused due to the design resulting in a cramped over development of the scheme impacting adversely upon the character of the street scene. The proposal through changing the design of the dwelling is considered to have overcome these earlier concerns.
- 31 As viewed from the street the two new dwellings would be set back from the two Alms Houses at a distance of 7m and set back from North Lodge by 2m. Whilst the wider areas character comprises of the New Ash Green estate the proposal through infilling between North Lodge and the two Alms Houses would not be out of character with the higher densities of development within the adjacent estate.
- 32 Conditions could be imposed in respect to landscaping and in respect to tree protection strategies to ensure the protection of the trees during the construction process.
- 33 In consequence, the proposal would incorporate with an appropriate design meeting the requirements of national and local policy.

Impact on neighbouring amenity

- 34 Policy EN2 of the ADMP and our Residential Extensions SPD are relevant in the consideration of this application.

- 35 The proposed dwellings would be located on the north western part of the site with the two dwelling located between North Lodge and nos. 1 and 2 James Lance Cottages which would be located approximately 8m from the northern most house.
- 36 The two semi-detached Alms-houses, nos. 1 and 2 James Lance Cottages, are each L shaped with kitchen windows facing south-west towards the site. The boundary comprises of a line of trees rising to a height of approximately 6m with the kitchen windows set 10m from the proposed dwelling. Obscure glazed bathroom windows are located within the cottages facing towards the road closer to the boundary with North Lodge.
- 37 Through incorporating the tests for light as set out within SDC's Residential Extensions SPD the proposal would not impact detrimentally upon the light of the two Alms houses to the north-east of the proposed development.
- 38 North Lodge to the south-west incorporates secondary windows at ground floor and a first floor bedroom, which would be impacted upon in respect to light, but through there being other windows or the rooms being non-habitable (porch) the proposed impact would not be so detrimental as to warrant a refusal. The first floor bedroom window would result in an uncomfortable outlook from the window however, due to it being a secondary window its impact would not be so harmful as to warrant a refusal.
- 39 The proposal would incorporate two ground floor side windows serving a dining area however through the boundaries comprising of a 1.8m close boarded fence and the existing trees the ground floor windows would be screened from the neighbouring properties.
- 40 The proposal would add first floor windows within the rear elevation of the property however due to the mature trees along the rear boundary and through separation distance of the properties to the north-west being nearly 50m away the proposal would not have an adverse impact upon these properties amenities.
- 41 The proposal would not have an adverse impact upon local amenities and meet the requirements of the NPPF, policy EN2 of the ADMP and SDC's Residential Extensions SPD.

Highway considerations

- 42 The proposal would result in two semi-detached four-bedroom properties for which two parking spaces are provided per house, which would meet the requirements of Appendix 2 of the ADMP. The proposal would also provide two parking spaces for North Lodge. As set out within KCC Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards 2006, 6m between bays is sufficient where parking bays lie opposite each other, which the proposed development would meet.
- 43 The proposal would result in two new accesses replacing the existing access to serve North Lodge and the two new properties respectively. A 0.6m high wall would be erected to separate the new properties access from the

parking spaces with new plantings adjacent to Ash Road. Both properties would have bound gravel drives and there would be new planting erected along the boundary of North Lodge. The existing trees to the south and east of North Lodge will be retained.

- 44 Ash Road approaching North Lodge from the north and south is a straight stretch of road and the proposed development would have acceptable sightlines for the two new accesses however a landscaping condition could be imposed to ensure that the new plantings adjacent to the access grow no higher than 0.6m.
- 45 In consequence, the proposal would not have an adverse impact upon highway safety.

Impact upon Ecology

- 46 A preliminary ecological appraisal was submitted which KCC Ecology reviewed which confirmed that the site was not suitable for roosting bats. KCC Ecology had no objections subject to an informative in respect to nesting birds and a condition in respect to ecological enhancements.

CIL

- 47 This proposal is CIL liable and there is no application for an exemption.

Conclusion

- 48 The proposal would result in an appropriate design that would not have an adverse impact upon the character and appearance of the area, residential amenities, highway safety or ecology.

Recommendation

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

Background papers

Site and block plan

Contact Officer: Guy Martin Extension: 7351

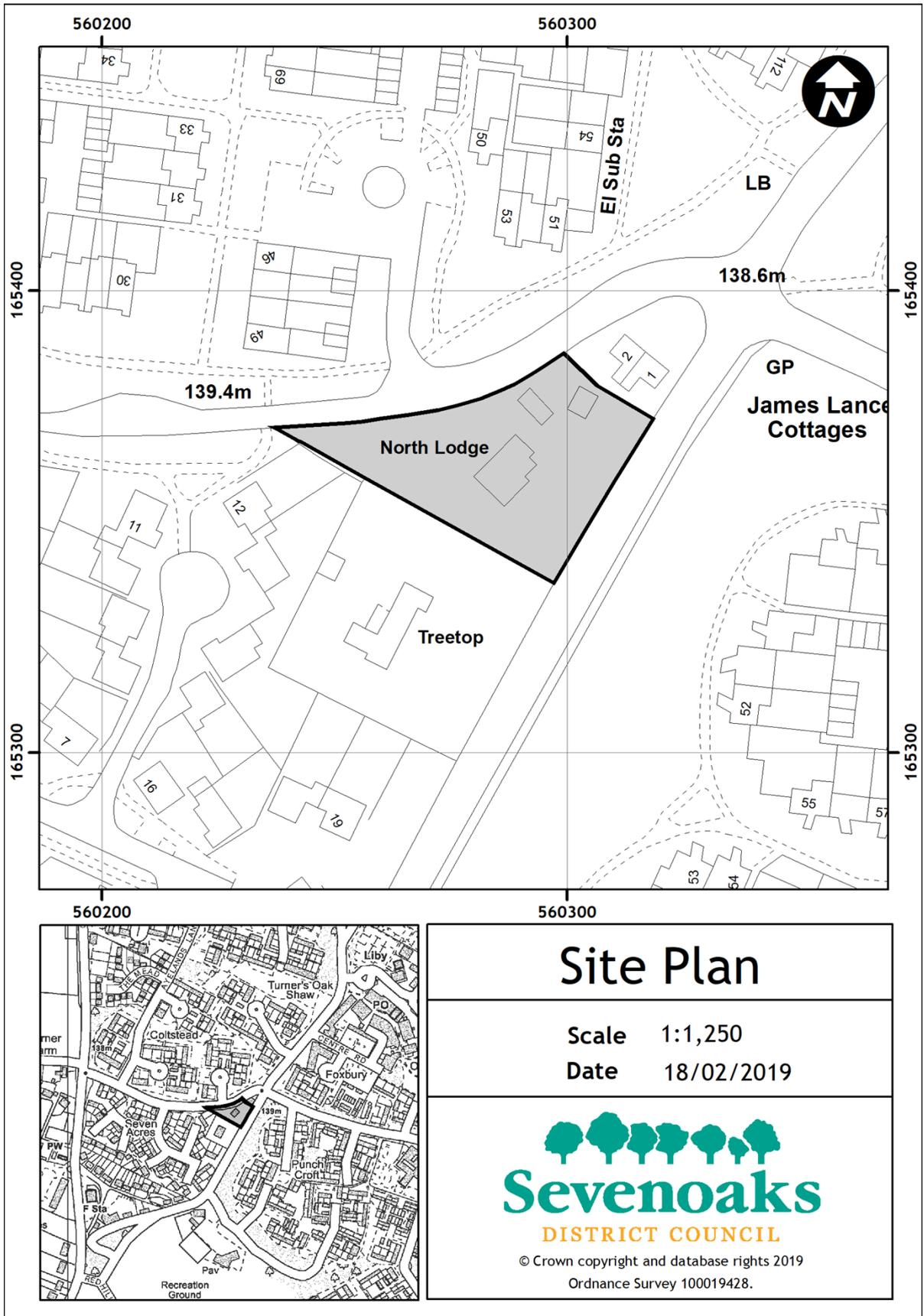
Richard Morris
Chief Planning Officer

Link to application details:

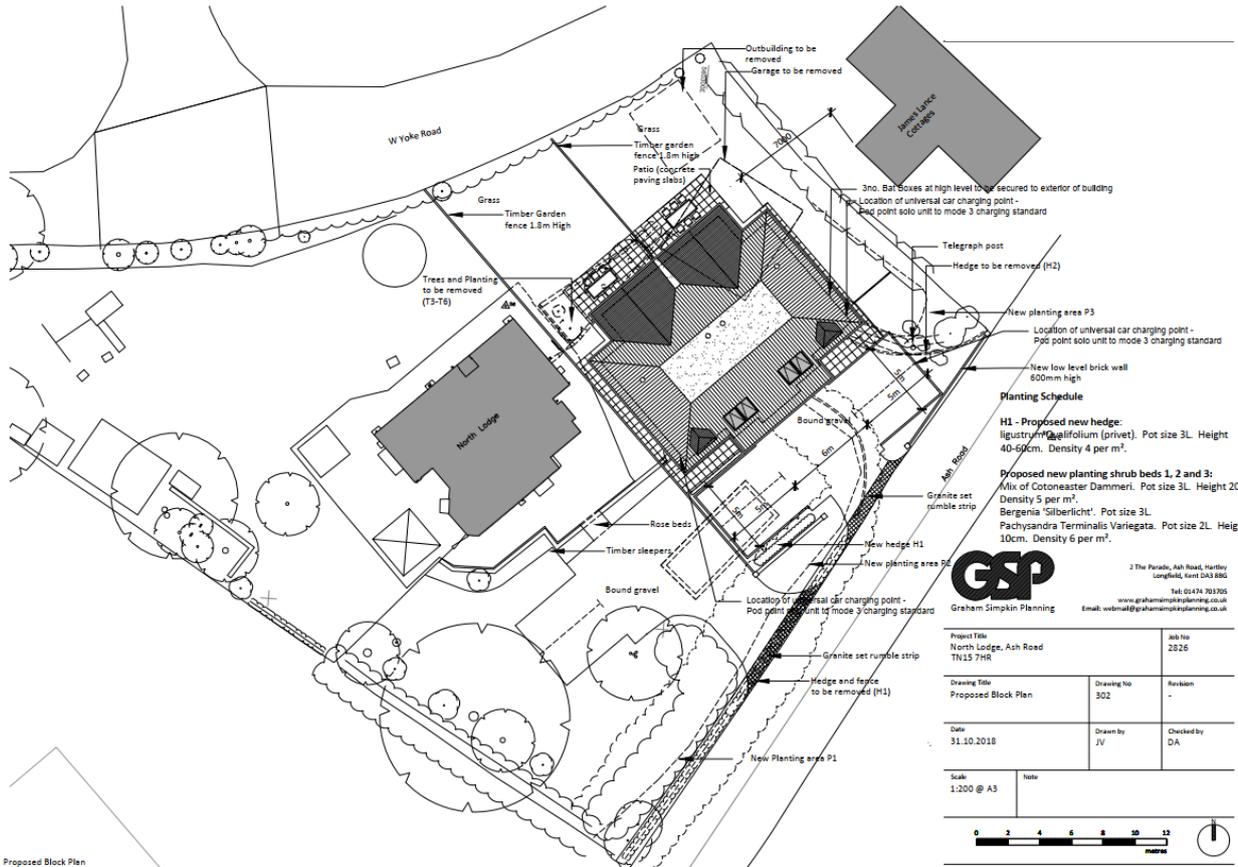
<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHK6T0BK0L000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PHK6T0BK0L000>



Proposed Block Plan



Planting Schedule

H1 - Proposed new hedge:
 Ligustrum ovalifolium (privet). Pot size 3L. Height 40-50cm. Density 4 per m².

Proposed new planting shrub beds 1, 2 and 3:
 Ailix of Cotoneaster Dammeri. Pot size 3L. Height 20cm. Density 5 per m².
 Bergenia 'Siberlicht'. Pot size 3L.
 Pachysandra Terminalis Variegata. Pot size 2L. Height 10cm. Density 6 per m².

GSP
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Project Title North Lodge, Ash Road TN15 7JH		Job No 2826
Drawing Title Proposed Block Plan	Drawing No 302	Revision ..
Date 31.10.2018	Drawn by JV	Checked by DA
Scale 1:200 @ A3	Note	



Proposed Block Plan