

4.3 19/02155/FUL

Revised expiry date 18 October 2019

Proposal: Proposed demolition of existing dwelling and construction of 4 no. new-build residential dwellings and associated parking/landscaping

Location: 83 Hever Avenue, West Kingsdown, KENT TN15 6HQ

Ward(s): Fawkham & West Kingsdown

Item for decision

This application has been called to Development Control Committee by Councillor Harrison as she considers that the proposal represents over development of the site that would be out of keeping with the street scene and would have an adverse impact upon local amenities.

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) No development shall be carried out above the damp proof course of the hereby approved dwelling until details of the materials to be used in the construction of the external surfaces of the extensions hereby granted consent have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using the approved materials.

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

3) No development shall be carried out above the damp proof course level of the hereby approved dwelling until full details of both hard and soft landscaping have been 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; Boundary Treatments; 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.

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) The first floor southern facing window of Unit 1 and the southern panel of the first floor window on the rear elevation of Unit 1 shall be obscure glazed and non-opening unless the window is set higher than 1.7m above the internal floor level of the room within which the window is located.

In order to safeguard the character of the area and protect residential amenities as supported by the NPPF and policies EN1 and EN2 of the Allocations and Development Management Plan.

5) No development shall be carried out above the damp proof course level of the hereby approved development until a scheme to promote ecological enhancement has been submitted to and approved in writing by the local planning authority with a scheme of implementation. The development shall be carried out in accordance with the approved details and shall be maintained thereafter.

To enhance biodiversity as supported by Policy SP11 of Sevenoaks District Councils Core Strategy.

6) The electric vehicle charging points as shown on plan04356_NB03F shall be installed prior to occupation of the dwellings and shall be maintained thereafter.

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

7) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 04356_NB02E, NB03F, NB04D, NB05B, NB06E

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 site

- 1 The application site comprises a detached bungalow sited on a long rectangular plot on the western side of Hever Avenue, south of the junction with Hever Road.
- 2 The bungalow is set back from the plot frontage, generally in line with the building line created along this side of the street and spans much of the width of the plot.

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- 3 The frontage of the plot is open in appearance, with the front boundary formed by a low brick wall. A close boarded fence and lock up garages form the northern boundary of the site, shared with a large car park area.

Description of proposal

- 4 Proposed demolition of existing dwelling and construction of 4no.new-build residential dwellings and associated parking/landscaping.

Relevant planning history

- 5 19/00111/FUL - Proposed demolition of existing dwelling and construction of 4no. New-build residential dwellings and associated parking/landscaping - REFUSED - 17/07/2019

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 and Conservation
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP11 Biodiversity

- 8 Allocations and Development Management Plan (ADMP)
- SC1 Presumption in Favour of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN7 Noise Pollution
 - T2 Vehicle Parking
 - T3 Provision of Electrical Vehicle Charging Points

Constraints

- 9 Built urban confines of West Kingsdown

Consultations

West Kingsdown Parish Council

- 10 “Objection - 1. The proposal would be seen as an overdevelopment of the site due to the bulk of the dwellings compared with the amenity space left and the height of the neighbouring bungalow. Properties 3 & 4 rear lawn measures 6m x 6m and 4.5m x 8m. Properties 1 & 2 are 5.5m x 7.5m and 4m x 7.5m.
- 11 2. The proposed dwellings at the rear would constitute a tandem development and an undesirable form of back land development likely to prove difficult for service/emergency vehicles. The distance to the refuse storage at the front of the buildings is excessive at some 36m. This would be contrary to Policy EN1 of the Saved Policies of the SDC Local Plan.
- 12 3. Dwellings 3 and 4 (at the back) would need to be accessed by the service road adjacent to the front building No2, and the bedroom above No2 would be subject to noise of vehicles/pedestrians using this facility.
- 13 4. The space between the proposed properties is limited and this would result in restricted manoeuvrability for vehicles. This again would be likely to add to any air/noise pollution problems.
- 14 5. The proposal would be out of keeping with other properties in the vicinity and would thereby be detrimental to the street scene.”

Further comments:

- 15 1. The plan shows the adjacent car park as the belonging to the adjacent Day Nursery. This is not the case. It is open to the public 24/7 for the shops and flat dwellers as well as the nursery. This could cause discomfort to people living in the rear dwellings Nos 3 and 4
- 16 2. The Ridge height of the neighbouring bungalow appears to be 13ft 8. This proposal dwarfs that to 27ft. The rear dwellings are of a similar height

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which would be overbearing on the rear garden of the neighbouring property.

- 17 3. It is noted that there is limited natural light to the living area and light is gained by “stolen” from the dining room, similar to the bedrooms above and buildings 1 and 2 (front) .”

KCC Highways

- 18 “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.”

SDC Tree Officer

- 19 “I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:
- 20 Although this site is well stocked with vegetation, the majority are situated within the rear garden and are of low amenity value. They would not be considered worthy of protection with a TPO. Several trees would be lost to make way for the proposed development but could be replaced as part of an approved landscaping scheme. In view of these comments, I have no objection to the proposed development.”

South East Water

- 21 No response received

Thames Water

- 22 No response received

Representations

- 23 We received 2 letters of objection relating to the following issues -
- Overdevelopment of the site
 - Impact on the character and appearance of the area
 - Overlooking and a loss of privacy
 - Loss of light and overshadowing
 - Devalue neighbouring properties
 - Creates of precedent of back land development
 - impinges upon neighbours land (no. 81)

Chief Officer Planning and Regulatory Services' appraisal

24 The main planning considerations are:

- Principle of the development
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highways safety and parking
- Trees and landscaping
- Biodiversity

Principle of the development

- 25 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).
- 26 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.
- 27 An assessment as to whether the proposed dwellings would protect the setting of the urban area and the distinctive character of the local environment is carried out in detail below however provided that the scheme complies with all other relevant development plan policies, the proposal complies with Policy
- 28 The Local Plan and Core Strategy both contain policies to protect the character of local areas, but neither document sets out any express aim to resist inappropriate development of residential gardens. Policy LO1 of the Core Strategy advises that development will be focused within the built confines of existing settlements, with Sevenoaks being a location for development of a scale and nature consistent with the needs of the surrounding rural area.
- 29 Policy SP7 of the Core Strategy relates to density and states that all new housing will be developed at a density consistent with achieving good design and that does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration new residential development will be expected to achieve a density of 30 dwellings per hectare.

- 30 Policy L07 states that in settlements such as West Kingsdown development should be of a scale and nature appropriate to the settlement, responding to the local characteristics of the area. Subject to this and the considerations bullet pointed above, the proposal to re-develop the site for some form of residential development could be acceptable in principle.
- 31 The proposal would result in a density of 40 dwellings per hectare which would not be out of character with other development within the urban confines of West Kingsdown and provides much needed small scale development within this locality.
- 32 It is recognised that the site is located within the built confines of West Kingsdown and it is clear that development plan policies seek to maximise the potential of such sites. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt. Hever Road and the surrounding area is predominantly residential in character comprising a mixture of dwellings. With this in mind, the principle of plot subdivision would reflect the general pattern of development in the area and is considered to be acceptable in land use terms provided the scheme complies with all other relevant development plan policies.
- 33 With this in mind, the development is acceptable in principle. It would therefore comply with policies LO1, L02 and SP7 of the Core Strategy and the NPPF. Design and impact on the character and appearance of the area 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.
- 34 The site lies within the built confines of West Kingsdown and lies close to the centre of the settlement. The dwellings in this area have a fairly consistent building line, although it is noted that there has been some infilling to rear gardens and disruption to the linear character in places.
- 35 The site comprises a modest sized bungalow, spreading across the width of the plot. The bungalow stands on a generously sized plot benefiting from a large rear garden. Surrounding the site to the east and west are residential properties, predominately detached and semi-detached houses, which comprise a mix of bungalows and two storey properties. To the north lies a row of commercial properties with residential units over with a row of garages and a car park between the shops and the northern garden boundary.
- 36 The proposal comprises of the erection of two sets of semi-detached properties one set behind the other. The houses would be two storeys in height. Vehicular access to the rear properties is provided from Hever Avenue. This also provides access for three parking spaces located centrally within the site adjacent to the northern boundary. Two spaces would serve units 3 and 4 and one space would be utilised by unit 2. Unit 1 would have a separate vehicle access and 1 parking space to the front of Hever Avenue.
- 37 The proposal would make and efficient use of the land which would not be out of character with other developments within the wider area.

- 38 The two sets of properties would be set back from the boundary by at least 1m which would ensure that the proposal would not result in visual terracing and would be in character with other dwellings within the locality with soft landscaping proposed at the front of the site.
- 39 The proposed dwellings rise to a height of 8.1m and 6.7m respectively. The dwellings to the south, nos. 79 and 81 Hever Avenue rise to a height of 6m. Whilst units 1 and 2 will be higher than this adjacent property the proposal would not be out of character with other properties within the locality such as 78 and 80 Hever Road on the eastern side of the street.
- 40 The area is characterised by a variety of styles and a condition could be imposed to ensure that the materials would be in keeping with the locality. Refuse stores are located adjacent to the front of each property and each property would incorporate private amenity space.
- 41 Overall, the proposal would respect the character of the street scene with a high quality design for the site. As such, the proposal would meet the NPPF policy SP1 of the Core Strategy and policy EN1 of the ADMP.

Impact on residential amenity

- 42 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. Policy EN7 of the ADMP requires development not have an unacceptable impact when considered against the indoor and outdoor acoustic environment.
- 43 The neighbouring property most affected by the development would be the one directly adjacent to the site, namely 81 Hever Avenue to the south of the site.
- 44 All other neighbouring properties, including those on the opposite side of the street to the east, those above the commercial properties to the north and those to the west on Hever Road and Multon Road, would be a sufficient distance away to ensure that the amenity enjoyed by the existing and future occupants would be safeguarded.
- 45 81 Hever Avenue is a chalet style bungalow with mainly front and rear aspect. However, the property does possess a kitchen and bathroom window at ground floor level and first floor bathroom window to the side elevation of the property. The kitchen is also served by a rear opening into a rear conservatory.
- 46 The occupants of No.81 would not experience excessive noise, vibration, odour, air pollution, activity or vehicle movements due to the proposed layout of the development and the layout of No.81 itself, with a detached outbuilding being located adjacent to the shared boundary to the application site.
- 47 Unit 1, adjacent to the shared boundary to No.81, would possess an upper floor side facing window serving a bathroom to which a condition could be incorporated to ensure that the window is obscure glazed and non-opening unless the window is set 1.7m above the internal floor level of the room

within which it is located. A rear facing bedroom window lies adjacent to the shared boundary however this would only provide oblique views of part of the rear 5m of this neighbours garden.

- 48 This type of arrangement is one which is to be expected within a suburban environment such as this location. A condition could be imposed to ensure that the panel closest to this neighbour is conditioned to protect the amenities of the neighbour.
- 49 Unit 2 lies adjacent to the access drive serving the proposed units nos. 3 and 4, however due to their only being three parking spaces to the rear of this property it is not considered that the movement of vehicles/pedestrians would have an adverse impact upon the amenities of unit 2.
- 50 Unit 3 to the rear of the site and adjacent to the shared boundary would be more than 21m away from the rear of No.81. These relationships would ensure that no overlooking or loss of privacy would occur.
- 51 The windows serving No.81 and the proposed dwellings would be positioned to prevent an impact on the outlook or cause visual intrusion on the occupiers of No.81.
- 52 The development would pass the 45 degree tests as set out within the Councils Residential Extensions SPD and would be positioned to the north of No.81. As such, the proposed built form would not result in an unacceptable loss of daylight or sunlight to the occupiers of No.81.
- 53 The proposed layout of the development and the relationship to adjoining and nearby properties is considered acceptable. The proposal would provide adequate residential amenities for the future occupiers of the development and would therefore be in accordance with the NPPF and policy EN2 of the ADMP.

Impact on highways safety and parking

- 54 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 two bedrooms require one parking space.
- 55 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.
- 56 The proposal comprises the addition of two new accesses to the site, which would not cause a severe impact to highways safety given the nature of the street and the speed limit along it.
- 57 The proposal would also comprise four parking spaces, which meets the number required by current standards. The parking spaces meet the size requirements as set out by KCC Highways with sufficient space at the rear of the site for vehicles to manoeuvrability. The proposed vehicle access has

suitable visibility splays with adequate room for vehicles to enter and exit the site satisfactorily.

- 58 As shown on the submitted plans the proposal incorporates three electric vehicle charging points to mitigate climate change.
- 59 In consequence the proposal would not have an adverse impact upon highway safety and would provide adequate parking provision meeting the requirements of national and local planning policy.

Trees and landscaping

- 60 The site currently possesses no trees of importance and so none would be lost. The development provides an opportunity to significantly improve on the current situation with regards the landscaping of the site. Details of this can be secured by way of condition. This view was supported by SDC's Tree Officer.

Biodiversity

- 61 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 62 Again, the site possesses little in the way of biodiversity but the development provides an opportunity to significantly improve this situation, which could be secured by condition.

Community Infrastructure Levy (CIL)

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

Other issues

- 64 The accessibility of the proposed dwelling for emergency services is a building control issue and accordingly is considered under other legislation which means it cannot be considered as part of a planning application.
- 65 The design of the proposed dwellings and the amount of natural light received by residential rooms is a building control issue and is not a matter that can be considered through a planning application.

Conclusion

- 66 The proposal would incorporate an appropriate design that would not have an adverse impact upon local amenities and would provide adequate parking provision. Conditions can be imposed in respect to soft and hard landscaping and biodiversity enhancement.

Recommendation

It is therefore recommended that this application be granted.

Background papers

Site and block plan

Contact Officer(s): Guy Martin Contact 01732 227000

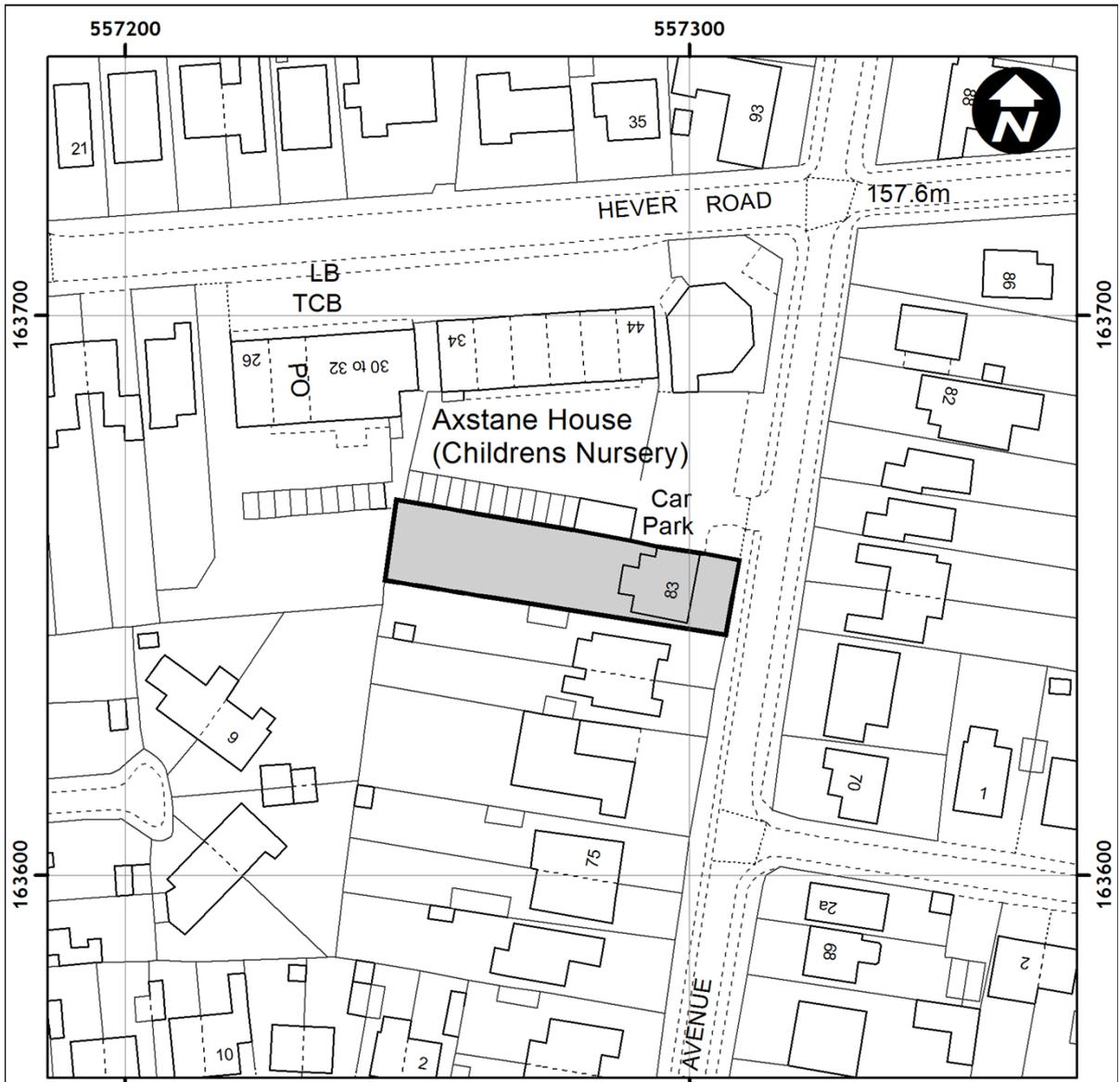
Richard Morris
Chief Officer Planning and Regulatory Services

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PV3QX2BKM0900>



Site Plan

Scale 1:1,250
Date 19/09/2019



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