

4.4 20/01942/FUL Revised expiry date 14 September 2020

Proposal: Erection of a two-storey three-bedroom dwelling.

Location: Timbers, Chevening Road, Chipstead KENT TN13 2SA

Ward(s): Brasted, Chevening And Sundridge

Item for decision

The application is referred to the Development Control Committee by Councillor London on the grounds that it is too much development for a site in greenbelt and AONB in terms of the layout and density of buildings and the design, appearance and materials of the proposed building.

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 development above the damp proof course the details of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted and approved in writing by the local planning authority.

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) The development hereby permitted shall be carried out in accordance with the following approved plans: 0238.1 and 0238.3

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

4) The approved dwelling shall not be first occupied 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: 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; and 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.

5) Prior to the first occupation of the dwelling a universal electric vehicle charging point will be installed for use by the dwelling. It shall be retained and available for use at all times.

To ensure the sustainability of the site in accordance with policy T3 of the Allocations and Development Management Plan.

6) No development shall take place until a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

To protect the trees on to the southern part of the site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7) Prior to development above the damp proof course the details of all biodiversity enhancements to the site shall be submitted and approved in writing by the local planning authority.

To enhance the biodiversity of the site as per Policy SP 11 of the Sevenoaks Core Strategy.

8) The window located in the north west side elevation shown as a bathroom on plan 238.3 of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and be non-opening unless the opening part of the window is located more than 1.7m above the internal floor level if the room within which the window is located. The window shall be so maintained.

To ensure the protection of the neighbouring amenity as per Policy EN2 of the Sevenoaks Allocations & 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 site

- 1 The site forms part of the curtilage of Timbers, which is a large detached dwelling located along Chevening Road, south of the bridge which passes over the A21. The property is located in a street scene where the dwellings are predominantly large detached two storey houses. The wider street scene is a mixture of dwelling types.

Description of proposal

- 2 The application seeks planning permission for the erection of a new dwelling with three bedrooms.
- 3 The proposed dwelling would be located immediately to the south of Timbers, sharing the same front building line, and would comprise two storeys and parking to the front.

Relevant planning history

- 4 94/01345/HIST - Single storey domestic side extension and covered link to garage - GRANTED 27/09/1994
- 5 02/01918/FUL - Two storey side extension to a detached house to accommodate a living room on ground floor & bathroom, bedroom & en-suite shower to first floor - GRANTED 30/09/2002

Policies

- 6 National Planning Policy Framework (NPPF)
- 7 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
 - SP2 Sustainable Development
 - SP5 Housing Size & Type
 - SP11 Biodiversity
 - LO1 Distribution of Development
 - LO7 Development in Rural Settlements
 - LO8 The Countryside and the Rural Economy
- 8 Allocations and Development Management (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN5 Landscape
 - SC1 Presumption in Favour of Sustainable Development

(Item No 4.4)

- T2 Parking
- T3 Provision of Electrical Vehicle Charging Point

9 Other

- Sevenoaks Residential Extensions SPD
- Development in the Green Belt SPD

Constraints

10 The following Constraints apply:

- Metropolitan Green Belt
- Area of Outstanding Natural Beauty

11 The site is located outside the Sevenoaks Urban Area and outside the confines of Chipstead (as defined by the ADMP)

Consultations

12 Chevening Parish Council

Objection: “Too much development for a site in greenbelt and AONB in terms of the layout and density of building and the design, appearance and materials of the proposed building.”

Representations

13 None received

Chief Planning Officer’s appraisal

14 The main planning considerations are:

- Principle of Residential Use
- Density
- Impact on the Green Belt
- Visual Impact on the Street Scene and Impact on the Landscape (AONB)
- Impact on Residential Amenity
- Impact on Parking & Highways
- Other Issues

Principle of Residential Use

15 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.

- 16 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.
- 17 Footnote 6 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 18 Whilst the NPPF places an emphasis on development on previously developed land, it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings.
- 19 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.
- 20 The proposal is located in a sustainable location i.e. near transport networks and local amenities. In addition, the NPPF also encourages making the optimum use of land and local policy supports development in this area.
- 21 Using land efficiently is still a key consideration in planning. Accordingly, when assessing the availability of suitable land for development in any given area and when considering the desirability of using land efficiently, well-designed garden land and infill schemes can still be considered where they are of high quality and they are deemed to be appropriate.
- 22 The Core Strategy and Allocations and Development Management Plan 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.
- 23 Policies L01 and L07 of the Core Strategy requires development to be focussed within the built confines of existing settlements. The development would be sited outside the confines of any existing settlement, but would be located within a cluster of development which lines Chevening Road. The dwelling is located within the Green Belt and is located outside the defined rural settlement of L07, as such Policy L08 is applicable here. Policy L08 seeks to maintain the extent of the Green Belt.
- 24 Paragraph 145 of the National Planning Policy Framework states that:
- ‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt’. However, a list of exceptions are provided,

one of which is for limited infilling. The proposal seeks to construct a new dwelling on land which currently forms part of the garden area of the existing dwelling known as Timbers. The proposed dwelling would infill the existing gap between the neighbouring property known as Greenmount located towards the South. Given its proposed location between two dwellings and the existing built up frontage of the site this could be considered as limited infilling to provide additional housing.

- 25 For clarity the local authority defines infill in paragraph 3.3 and 3.4 within the Development in The Green Belt Supplementary Planning Document as:

‘...the completion of an otherwise substantially built up frontage by the filling of a narrow gap normally capable of taking one or two dwellings only. The District council defines a substantially built up frontage as an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene’.

- 26 Taking the above into consideration, the principle of the development of this site is considered to be acceptable in principle, subject to compliance with other relevant planning policies and guidance.
- 27 The proposals would contribute a new dwelling to the District’s housing stock and this is welcome.

Density

- 28 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.
- 29 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’.*
- 30 The proposed density of the area would be 12.75 dwellings per hectare as such this is considered acceptable for the current density of the area, subject to compliance with other development plan policies.

Impact on the Green Belt

- 31 Paragraph 143 of the NPPF states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 32 Paragraph 144 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the

potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.

33 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as:

e) Limited infilling in villages

34 As explained above, the Council's Green Belt SPD para. 3.3 defines limited infill development as the completion of an otherwise substantially built up frontage by the filling of a narrow gap normally capable of taking one or two dwellings only.

35 Moreover para. 3.5 states for settlements where a Green Belt boundary has been defined, the boundary usually marks the edge of the settlement where there is a break in development or a change in character to more loose-knit development. Where this is the case, infill development beyond a defined settlement boundary would compromise the purposes of the Green Belt and would constitute inappropriate development.

36 The proposal lies within the curtilage land of Timbers, with the property located within the confines of Chipstead Village but outside the defined village boundary. However, as confirmed by a High Court Judgement (Wood v SSCLG (2015) EWCA Civ 195) a defined village boundary in a Development Plan is not conclusive to determining whether a site is within a village or not.

37 In considering whether a frontage is substantially built up, consideration is given to, the size of buildings in relation to the plot size and the gaps between them; the relationship of the buildings to the street, their visibility and closeness to the street; and the extent to which the road appears to be substantially built up when taking into account this criteria. In order to be limited in-filling in villages, the proposal should also protect the openness of the Green Belt.

38 Timbers is a detached property set amongst a ribbon development of properties which extend along Chevening Road which in my view would be located within the northern edge of the village.

39 The proposal would infill the space between Timbers and Greenmount, with the dwelling following the continuous building line to what is currently in situ. Chevening Road is a long stretch of road with significant built up frontages. The dwelling would match the established building line and would be seen as infilling a continuous row of detached dwellings.

40 The proposal would accordingly represent appropriate development that, due to its position between two other dwellings, is not considered to cause harm to the openness of the Green Belt.

41 It should also be noted that a new dwelling was granted permission under application reference 20/00291/FUL at Greenacres located just to the south

of the application site. This approved development now under construction is broadly similar to what is now proposed here. That application was granted planning permission for a new infill dwelling that met the merits of the policies considered within this application, as such it was concluded that it was appropriate infilling within the green belt.

Visual Impact on the Street Scene and Impact on the Landscape (AONB)

- 42 Paragraph 122 (e) of the NPPF states that where considering schemes which constitute the efficient use of land, the importance of securing well-designed, attractive and healthy places should be taken into account.
- 43 The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (para. 124).
- 44 Policies SP1 of the Core Strategy and Policy EN1 of the Allocations and Development Management Plan (ADMP) indicates that “all new development should be designed to a high quality and respond to the distinctive local character of the area in which it is situated.....” And that ‘the form of the proposed development ... should be compatible in terms of scale height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard’.
- 45 Policy EN1 of the ADMP requires high quality design and lists a number of criteria against which proposed development will be considered, including requiring the layout of proposed development to respect the topography and character of the site and the surrounding area and requirement for landscaping and good levels of accessibility.
- 46 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 47 There are therefore two considerations directly related to a site’s AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.
- 48 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.

- 49 The proposal would comprise of a two storey three bedroom property erected between two dwellings. The street scene in this immediate vicinity consists of large detached two storey dwellings with gaps between them. The proposal would consist of a dwelling that is consistent in size and scale to that of the neighbouring dwellings. Due to the gaps between the proposal and the boundary and the gap with Timbers, the proposal would still maintain adequate spacing and gaps that are in situ within the street scene. The proposal would follow the existing building line of the street and general pattern and footprint of development within the immediate area and street scene. The proposed dwelling would fit comfortably within the visual character of the street.
- 50 The proposal would incorporate an appropriately designed dwelling that would match others within the street scene and that of the recently approved application (20/00291/FUL) at Greenacres. The alignment of windows would aid in the dwelling appearing cohesive with that of the neighbours. The size, form and design of the proposed dwelling would be very similar to Timbers with matching eaves height, ridge height and design. The dwelling for these reason as such would be of an acceptable design matching the character of the area.
- 51 The materials proposed would match Timbers, this would aid the proposal appearing cohesive with the surrounding dwellings. The materials are suitable for the location and a condition can secure these.
- 52 The dwelling would have limited visibility within the wider landscape, with the nature of the dwelling and its location meaning it would conserve the visual amenity of the landscape. The proposed landscaping plan details improvements to the site, which although limited would enhance it. The proposal as such would meet the requirements of policy EN5 and would conserve and enhance the special landscape character of the AONB.
- 53 The proposed site has existing foliage and landscaping on site and this would be partly cleared in order to make way for the new dwelling. The existing street scene has a lot of existing landscaping features along with the current dwelling. The proposed plans do not detail any hard or soft landscaping as part of the proposal. A condition can be secured for details of the proposed soft and hard landscaping which will ensure that the site appears more cohesive within the street scene.
- 54 Impact on Trees
- 55 The existing site has a multitude of trees located to the southern area of the site. The trees have a visual impact on the street scene and surrounding area and contribute to the areas character and the street scene. The retention of these trees are important as they provide visual relief and as such a condition is suggested to secure there protection during construction.
- 56 Biodiversity enhancements can also be secured by condition to ensure the development complies with policy SP11.
- 57 The proposal meets the requirement of relevant policies in the NPPF and local policies relating to design and the character of the area.

Impact on Residential Amenity

- 58 Paragraph 127 of the NPPF states that planning decisions should ensure that developments create a high standard of amenity for existing and future users.
- 59 Policy EN2 of the ADMP and the Residential Extensions SPD are relevant in the consideration of impact on amenity. The neighbours most impacted by the proposal would be the existing site of Timbers and the neighbouring dwelling Greenmount.
- 60 The proposal would erect a two storey house between Greenmount and Timbers. Through carrying out the two tests for light as set out within SDC's Residential Extensions SPD the proposal would pass the two tests ensuring that the proposal would not have a detrimental impact upon daylight to the neighbouring dwellings. Due to its orientation and proposed building lines, there would also not be a harmful loss of sunlight.
- 61 The proposal would include various new windows in the development. The windows at both the front and rear elevation would have a limited impact upon the neighbours either side. The window on the side elevation at ground floor level would be screened by fencing and would have a limited impact upon Timbers. The proposal incorporates one window at first floor level serving a bathroom located towards Timbers. A condition to place obscure glazed non-opening windows, unless the window is above 1.7m above the internal floor can be secured by condition.
- 62 Due to the location of the dwelling, the proposed relationship to neighbouring properties means that the outlook from these properties would not be harmfully impacted upon. The proposal would also include satisfactory amenity space for both the proposed dwelling and the existing property of Timbers.
- 63 Therefore, the proposal would not have an adverse impact on amenities and would meet the requirements of the NPPF and policy EN2 of the ADMP.

Impact on Parking on Highways

- 64 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 65 The Allocations & Development Management Plan Policy T2 requires the provision of parking in accordance with set standards. Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. The current standards are set out in Appendix 2 of the Core Strategy. The proposed dwelling would have three bedrooms and the site plan shows that it would provide two off street parking spaces.

- 66 The removal of the garage would reduce the parking available to Timbers, the submitted documentation confirms that two parking spaces would be available for the remaining property meeting the requirements of Policy T2.
- 67 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. Any grant of permission would ensure details of an electrical vehicle charging point are submitted for consideration to ensure the aims of Policy T3 of the ADMP in promoting sustainability.
- 68 The application proposes a new vehicle access, the access would be situated along a road which has existing vehicle accesses situated along it. The development proposed would provide the required 2 independently accessible off street parking spaces for the new dwelling and any additional demand created could be accommodated within part of the driveway. Several other existing access points for driveways are located along the stretch of road concerned. The access is appropriately located along a relatively straight section of road with good visibility in either direction and as such, there are no significant adverse impacts to pedestrian or highways safety.

Community Infrastructure Levy (CIL)

- 69 The proposal is CIL liable and there is no application for an exemption.

Conclusions and Planning Balance

- 70 As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.
- 71 The development provides new housing, is an appropriate infilling development within the Green Belt which also preserves the openness of it. The proposed dwelling is of a design and form which respects the character of the area and protects the neighbouring amenity of the neighbours. The site would also provide adequate off street parking. The proposal when taking all of the above into consideration would be compliant with both the national and local policies in place.
- 72 It is therefore recommended that this application is GRANTED.

Background papers

Site and block plan

Contact Officer(s): Scott Fisher : 01732 227000

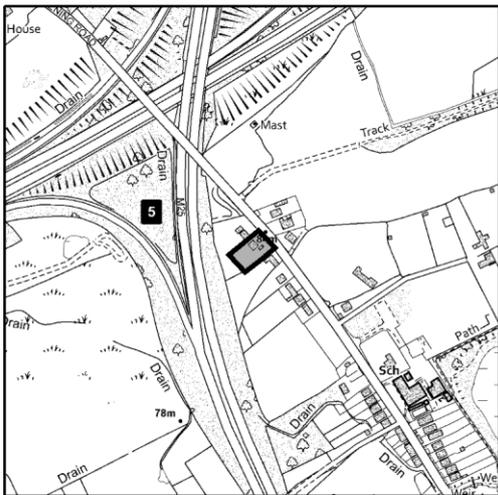
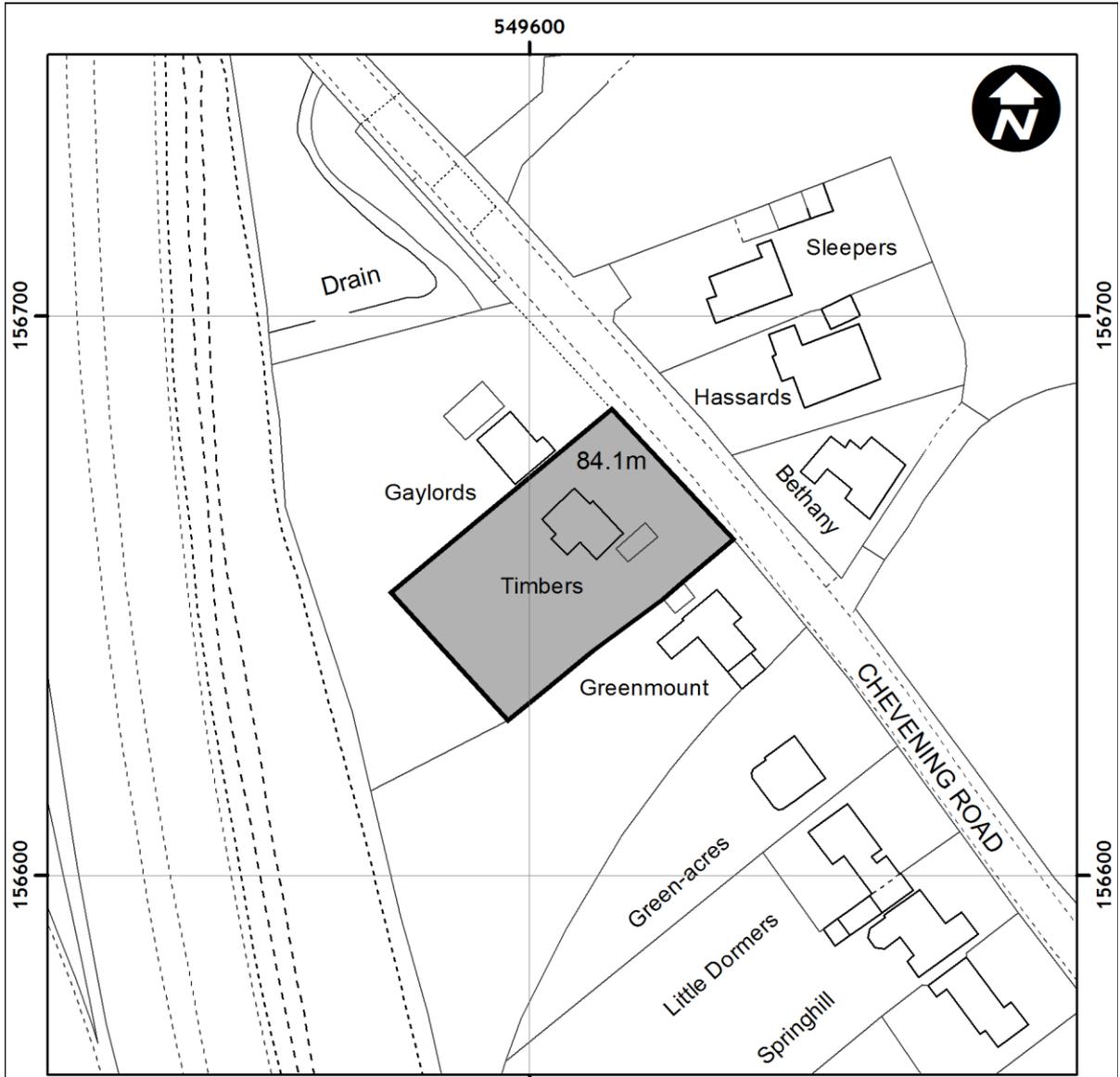
Richard Morris
Chief Planning Officer

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=QD7LMLBKFOS00>



Site Plan

Scale 1:1,250

Date 19/08/2020



DISTRICT COUNCIL

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Ordnance Survey 100019428.

BLOCK PLAN

