

4.1 20/02270/FUL

Revised expiry date 23 October 2020

Proposal: Demolition of existing dwelling house and garage and replacement with new dwelling house and garage and associated landscaping.

Location: Little Wood, Woodland Rise, Sevenoaks KENT TN15 0HZ

Ward(s): Seal & Weald

Item for decision

This application has been called to the Development Control Committee by Councillor Thornton due to the impact to the character and appearance of the Conservation Area.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:

The development proposal would result in the wholesale loss of the non-designated heritage asset resulting in harm to significance of the non-designated heritage asset within the Conservation Area. The proposal would result in less than substantial harm to the designated heritage asset, the Conservation Area. The proposal would be contrary to the policy requirements of Policies EN3 and EN4 of the Sevenoaks District Council Allocation and Development Management Plan and would fail to comply with the aims and objectives of the National Planning Policy Framework.

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 Little Wood is a detached two storey dwelling located to the northern side of Woodland Rise. The dwelling is set back from the street scene and is partially screened by vegetation along the boundary. The dwelling sits towards the front of the plot with a long narrow garden extending to the rear.

- 2 The dwelling is located within the Wildernesse Conservation Area, and is identified within the Conservation Area Appraisal as a building which contributes to the character of the Conservation Area. The site is located within the urban confines of Sevenoaks and is sited within a widely residential area.

Description of proposal

- 3 Demolition of existing dwelling house and garage and replacement with new dwelling house and garage and associated landscaping.

Relevant planning history

- 4 18/00694/HOUSE - Demolition of existing garages, front porch and single storey side extension. Extension to basement. Erection of two storey front and side extensions, single storey and part two storey side extensions, single storey rear to include terrace at first floor. Alteration to fenestration and new chimney. Erection of a double garage and associated landscaping - GRANTED

Policies

- 5 National Planning Policy Framework (NPPF)
- 6 Core Strategy (CS)
- LO1 Distribution of Development
 - LO2 Development in Sevenoaks Urban Area
 - SP1 Design of New Development and Conservation
 - SP11 Biodiversity
- 7 Allocations and Development Management Plan (ADMP)
- SC1 Presumption in Favour of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN3 Demolition in Conservation Areas
 - EN4 Heritage Assets
 - T2 Vehicle Parking
 - T3 Provision of Electrical Vehicle Charging Points
- 8 Other:
- Wildernesse Conservation Area Appraisal and Management Plan

Constraints

- 9 The site lies within the following constraints
- Wildernesse Conservation Area

- Building which contributes to the character of the Conservation Area

Consultations

- 10 Sevenoaks Town Council - Sevenoaks Town Council recommend approval.
- 11 Sevenoaks District Council Conservation Officer -

“Significance

- 12 Littlewood is a detached two-storey house dating from the inter-war period. The building is within the Wildernesse Conservation Area which comprises the Wildernesse Estate, an area of detached houses on large plots laid out from the mid-1920s to the mid-1930s. The Conservation Area Appraisal highlights that the original Estate was laid out and developed to the individual designs of some of the most eminent and most respected Arts and Crafts architects of their time. A documentary source identifies the architect J.E. Henderson RIBA, about whom not much is known, as responsible for the design of Littlewood in 1925. Woodland Rise was developed between the mid-1920s and the Second World War with some 34 houses, with another four post-war.
- 13 Page 28 of the *Wildernesse Estate Conservation Area Appraisal and Management Plan* explains that, ‘A further contributing factor to the area’s character is the generous size of plots on which many of the houses are placed and the relatively modest height and bulk of the original designs. The overall impression is thus of the trees and greenery of the gardens, with the buildings nestling in amongst them, subservient to the landscape.’ As a group, the historic houses within the conservation area illustrate the development of the Wildernesse Estate.
- 14 Littlewood is one of the original houses to the Estate (with later additions), built in an English Domestic style with Arts and Crafts influences. It is highlighted within the Wildernesse Conservation Area Appraisal as a building making a positive contribution to the character and appearance to the conservation area. Littlewood is identified as having a degree of heritage significance and is considered a non-designated heritage asset.
- 15 Littlewood’s positive contribution to the character and appearance of the conservation area can be summarised in it being:
- One of the original houses of the Wildernesse Estate, contributing to the historic interest;
 - One of the early modest sized houses on the Estate;
 - Designed in a simple English Domestic style which, in spite of later alterations made to the house, is clearly legible in the front elevation through the external appearance, materials and detailing;
 - A dwelling of traditional form and appearance; and Sited within a large verdant plot, set back from the front boundary. Large pockets of green

space are visible between the houses, reflecting the planned built response to the local landscape.

- 16 The existing 1970s garage is acknowledged to detract from the character and appearance of the conservation area, due to its low quality materials and design, and being sited directly in front of the driveway onto Woodland Rise.
- 17 Impact Assessment
- 18 It is proposed to demolish the existing building and replace it with a new two-storey dwelling. The Design and Access Statement points out the Arts and Crafts precedents for the new design
- 19 Buildings that make a positive contribution to the character and appearance of the conservation area should be conserved (Policy EN3).
- 20 The Wildernesse Conservation Area Appraisal and Management Plan articulates that a factor contributing to the character of the conservation area is 'the relatively modest height and bulk of the original designs'. The proposed dwelling is not modest in its bulk and not considered to be in keeping with the character of the conservation area.
- 21 Conclusion
- 22 The loss of one of the modestly-sized original houses of the Estate would diminish both the architectural and historic interest of the conservation area. In my opinion, the proposed design is such that the net effect would be that the proposal would fail to sustain the special interest of the conservation area. In this case, I consider the loss of a building which makes a positive contribution to the significance of a conservation area as less than substantial harm (NPPF para 201 and 196)."
- 23 Sevenoaks District Council Tree Officer -
- "I have no objections to the proposal to demolish and rebuild as shown. I can also confirm that I have no objections to the proposed pruning works as proposed within the A.I.S. by Broad Oak Tree Consultants. The protection measures as laid out within the aforementioned should be adhered to."

Representations

- 24 We received 16 letters of support relating to the following issues:
- The new dwelling would better meet modern family needs,
 - The new design would support the use of building and prevent dwellings standing empty and deteriorating,
 - The existing property is not in a good state of repair and has little in the way of architectural or visual advantages,
 - The movement of the garage from east to west would see the garage situated in the sight line of the neighbouring property,
 - The new dwelling would be high quality with modern design features it would add merit to the character of the Conservation Area,

- The new dwelling would be well proportioned,
- Other dwelling which are considered to contribute to the character of the Conservation Area have been demolished including; Broomwood, Blackhall Barns, Briar Wood. The current dwelling is of no greater value than these and its loss is acceptable,
- The new house would add to the character of the street scene,
- The existing dwelling is extremely ugly and in need of demolition,
- The new dwelling is a significant improvement to the character of the area,
- The plot is sufficiently large enough to support the scale of the new dwelling,
- The dwelling would add value to the local environment and would support sustainability aims of the Conservation Area Management Plan,
- Existing property is ugly, ill positioned and does not fit into the character of the area or neighbourhood,
- The contribution of Littlewood is considered to be represented by the properties setting and acaridan nature of the site the loss of the building would not remove this contribution,
- Proposal is modest in bulk and size in relation to its plot,
- The proposed scheme maintains the consistency of traditional style of Wilderness Estate and would not appear pastiche,
- Proposal takes appropriate hues from the arts and craft style of the estate,
- Great weight should be given to the positive design features proposed,
- Just because a building is old does not mean its preservation is request is the building is of no architectural merit,
- The new design would be a better fit in the street scene with thoughtful traditional detailing,
- A number of dwellings have been established in the Conservation Area Appraisal as contributing to the character of the area. The buildings do not all contribute and previous documents only included a smaller degree. Details of its contribution are not included,
- Proposed dwelling an improvement to the 2018 extension scheme.

25 We received 3 letters of objection relating to the following issues, (1 of the letter states object but comments appear in support):

- The proposal will result in the loss of one of the original houses in the Conservation Area,
- As a building which contributes to the character of the Conservation Area there is a presumption in favour of refusal,
- The property should be extended, Craigower and Summerhill have been extended in a sympathetic manner which retains the character of the original style,
- Little Wood formally Bernina, was first listed in Sevenoaks Directory for Woodland Rise in 1927 having been designed by JE Henderson in 1925, presumed to have been built in 1925 or 1926.
- The Conservation Management Plan recognises the individual character of many buildings of importance and not just the woodland setting of the estate,

- Little Wood is one of the few pre-war variety built area and is one of few left,
- New property would be 2m higher than the existing building.

26 We received 2 letters, neither objecting to, nor supporting the application relating to the following issues:

- The proposed tree works would involve works to silver birch tree between properties in neighbours' ownership. The tree is an important screen between the dwellings,
- Several birds nest in the trees,
- Do not want to see the removal of braches which would make new dwelling more visible,
- Removal of garage should not damage the hedge,
- Cutting back of the hedge G4 should not damage the barrier between dwellings.

Deputy Chief Executive and Chief Officer - Planning & Regulatory Services' Appraisal

27 The main planning consideration are:

- Principle of the development
- Impact to the character and appearance of the Conservation Area and character of the area
- Impact to neighbouring amenity
- Parking and Highways
- Trees and Landscaping
- Other

Principle of the development:

28 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.

29 Policy LO1 of the Core Strategy seeks to retain development in existing settlements. The policy provides a hierarchy of settlements for which development will be situated with Sevenoaks Urban Area being a primary location for development. Policy LO2 also supports development in the urban area of Sevenoaks, for which the site is located.

30 The proposal would seek to replace an existing residential unit. The proposal would retain the degree of residential housing in this location and is located in a sustainable area. The proposal is considered principally acceptable. The other material planning considerations will be assessed below.

Impact to the character and appearance of the Conservation Area and character of the area:

- 31 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.
- 32 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 33 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 34 Policy EN3 of the ADMP states that proposals involved in the demolition of non-listed building in the Conservation Areas will be assessed against the contribution to the architectural or historic interest of the area made by that building.
- 35 The policy continues to state that buildings that make a positive contribution to the character and appearance of the Conservation Area should be conserved. Where a building makes no significant contribution to the area, consent for demolition will be given subject to submission and approval of a detailed plan for redevelopment or after use of the site.
- 37 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 38 Little Wood is located within the Wildernesse Conservation Area, which is comprised of the Wildernesse Estate. The property is located to the north of Woodland Rise within the estate. The property is a two storey detached dwelling from the inter-war period. The dwelling is identified by the Wildernesse Conservation Area Appraisal as a building which contributes to the character and appearance of the area.
- 39 The Wildernesse Estate was laid out in the 1920s to mid-1930s. The Conservation Area Appraisal highlights that the original estate was laid out and developed with individual designs by some of the most eminent and respected Arts and Crafts architects.
- 40 Previous assessments as part of the 2018 planning application and other sources identify the architect of Little Wood as J.E. Henderson RIBA, about whom little is known. The original design of the property is considered to

have occurred in 1925 and the Conservation Officer has considered Little Wood to be one of the original houses to the estate.

- 41 The specific date and architect of Little Wood is disputed by the Design and Access Statement, Planning Heritage Statement and rebuttals from the agent regarding Conservation Officers commentary. However, it seems undisputed that the dwelling was built prior to 1938. Regardless of the architect of the individual dwelling, the dwelling is built in an Arts and Craft style and as the Conservation Officer identifies the building has an English Domestic Style. These design types clearly were part of the original design intent of the wider estate.
- 42 The identification of Little Wood in historic maps in an around 1938 is indicative of its presence in the original estate. If this was 1925 or 1938 the building remains part of the original conception, being built in the inter war period. The dwelling does not represent a replacement dwelling or a dwelling built in the latter half of the 20th century. While additions to the property have been made the original form and character of the building can still be observed.
- 43 The Conservation Area Appraisal identifies that:
- 44 ‘The Wildernesse Estate was conceived as a coordinated development. Its architectural manner, materials and quality derive predominately from the English Arts and Crafts movement. Many of the 1920s and 1930s houses were designed in this comfortable, well-proportioned but simple manner exemplified by the works of the architect H M Baillie Scott and others of the same school. Baillie Scott’s early involvement probably attracted other Arts and Crafts figures to the area’.
- 45 Little Wood is subject to some extension, inducing the garage additions. The demolition of the garages is acceptable as they add little value to the character of the Conservation Area. However, the general form of the original building is still divisible. The buildings construction in either the 1920s or 1930s on the estate would have been part of the original coordinated development concept. The comfortable, simple manner of the building is still evident in the existing property and forms part of its character.
- 46 The Conservation Area Appraisal goes on to state that the Arts and Crafts style is still a dominate characteristic in the area. It is also stated that:
- 47 ‘A further contributing factor to the area’s character is the generous size of plots on which many of the houses are placed and the relatively modest height and bulk of the original designs. The overall impression is thus of the trees and greenery of the gardens, with the buildings nestling in amongst them, subservient to the landscape’.
- 48 As such, the use of modest proportions and bulk and massing is identified as a key component of the original designs present on the estate. The modesty of these dwellings is not to say they are small buildings but they sit in an unobtrusive manner in the plot subservient to the landscape. It is not the case that the size of a garden alone can justify an increased scale to the

building, but that the scale of the building was part of the original design concept.

49 The dwelling as it exists is one of the more modestly portioned buildings in the Conservation Area. The dwellings construction as part of the original estate makes it one of the few examples of this manner remaining in the Conservation Area. Weight is afforded to the Conservation Area Appraisal as an adopted Supplementary Planning Document.

50 As Policy EN3 of the ADMP states:

‘Proposals involved in the demolition of non-listed building in the Conservation Areas will be assessed against the contribution to the architectural or historic interest of the area made by that building’.

51 Conservation Areas are not just designated for their visual aesthetic. The history of the Conservation Area, including its original planning and conception contribute to the understanding of the original design intentions of the area. The historical interest is as much a part of the consideration as the architectural features and visual assessment. The concept of the ‘attractiveness’ of a building is not the only guide as to its contribution, as this can be a subjective matter. Indeed, brutalist architecture may not be considered by some ‘attractive’, however its conception notes a movement of architecture and a physical illustration of historic thought.

52 In this instance the building is considered to be a non-designated heritage asset which contributes to the character of the Conservation Area. The identification of this is due to the building forming one of the original dwellings, which was part of the coordinated development of the estate in the 1920s and 1930s. Further, its modest height, bulk and visual appearance demarcate the Arts and Craft and English Domestic architecture, which formed part of the design intentions of the original estate.

53 The Design and Access Statement and Planning Heritage Statement identify ‘fall-back positions’ in justifying the demolition of Little Wood. Firstly, it is argued that the building benefits from permitted development rights and therefore extensions, without planning permission, could occur to the dwelling. This is argued to result in loss of features, interrupt the proportions and alter the materiality of the dwelling weakening its status.

54 However, the dwellings materiality is not the only factor in contributing to its value to the Conservation Area or as a non-designated heritage asset as stated above. The applicant could potentially utilise permitted development rights. However, such rights are limited in Conservation Areas. Further, any updates to the materials under these rights would have to be similar to the existing fabric. This would retain its appearance to a degree and would not significantly interfere with the form, bulk and massing.

55 As permitted development rights are more limited in Conservation Areas and extensions cannot not exceed the existing height of the dwelling, or exceed its principle elevation, the works would likely retain a subservient appearance to the original dwelling. Further, no lawful development certificates proposed have been submitted, if such submissions were made

the principle façade of the original dwelling and its height would be retained.

- 56 In order to attribute weight to fall-back positions there has to be a clear intension that such works would be carried out. No certificates have been applied for and the agent's submission is to demolish the dwelling to create a more cohesive dwelling. The use of permitted development rights can create awkward development. Limited weight is therefore given to the utilisation of permitted development rights as a fall-back position in justifying the demolition of the dwelling.
- 57 The 2018 planning permission '18/00694/HOUSE' does increase the footprint and scale of the property. However, the extensions retain the original principle façade, do not increase the overall ridge height and result in set-back gable extensions. The permission was subject to lengthy discussions and iterations to arrive at a solution that the Conservation Officer considered a more sympathetic design approach, including an accompanying demolition plan.
- 58 The proposed extensions would retain the original proportions of the dwelling. As such, it is not considered the proposed development under the 2018 permission, were it to be built out, would result in harm to the non-designated heritage asset. The construction of the extensions would not significantly reduce the status of the building and its overall contribution to the Conservation Area.
- 59 The historic importance of the dwelling and its contribution to the designated heritage asset, i.e. the Conservation Area, would be retained with the design and proportions of the householder extensions. These matters are therefore given limited weight in justifying the demolition of a building that contributes to the character of the Conservation Area.
- 60 Third party comments and the combined heritage assessments submitted by the applicant point to other dwellings that have been identified as contributing to the character of the Conservation Area, that have been demolished and replaced. Each planning application has to be judged on its own context and in regard to its individual merits. The units have been subject to different planning histories, design and previous works. As such, these do not provide a significant precedent of demolition in the Conservation Area.
- 61 The demolition of Little Wood is therefore considered harmful to the character and appearance of the Conservation Area. The dwelling reflects the original design intention of the estate and positively contributes to the historical understanding of the Conservation Area. Its loss cannot be supported and the proposal is considered to fail against policy EN3 of the ADMP.
- 62 In considering development of this nature, and in accord with case law such as the Lakeland Case and Bohm judgements it is important to consider the whole of the proposal. The judgements identify that the 'statutorily desirable object of preserving the character or appearance of an area is achieved either by a positive contribution to preservation or by

development which leaves character or appearance unharmed, that is to say preserved'. The Bohm judgement clarified that it is necessary to consider the proposal as a whole, which is the demolition of the non-designated heritage asset within a Conservation Area and the proposed replacement building.

- 63 A loss and harm to the Conservation Area has been identified above. In considering the replacement dwelling it is noted it possesses some qualities of Arts and Craft architecture, such as the cat-slide roof and gables. Further, the bulk and mass does taper to the sides of the proposed dwelling.
- 64 However, the proposal would see an increase to the overall height of the dwelling. The bulk and massing of the dwelling would increase and would see less break up than the existing two tired gabled dwelling. This increase in height, width and perceived depth creates a dwelling of greater visual dominance.
- 65 The dominance is further emphasised by the degree of glazing and more contemporary proportions of the unit. While the creation of a family unit to meet modern standards is recognised, the existing dwelling and 2018 consented scheme would provide a home which can accommodate a family unit. The original design concept sees a dwelling subservient to the landscape and the house is nestled into the plot. The dominance of the proportions of the replacement dwelling would not sit subserviently to the plot, but result in a degree of assertiveness that detracts from the character of the Conservation Area.
- 66 The proposed replacement dwelling would not preserve the characteristics of the Conservation Area. The use of sustainable improvements is of course to the credit of the development and meets with aims of local planning policy. However, these matters do not overcome the statutory duty to preserve or enhance the character of the Conservation Area.
- 67 The proposed development would be considered to result in less than substantial harm to the character of the designated heritage asset, the Wilderness Conservation Area. The harm would be identified as the erosion of the Conservation Areas significance, in incremental steps, through the loss of an original building to the estate which illustrates the original design concept of the Wildernesse Estate and its contribution to the Arts and Crafts movement.
- 68 The proposal would also result in the loss of and as a result harm to the non-designated heritage asset, Little Wood.
- 69 The proposal would fail to comply with policies, EN1, EN3, EN4 and the aims and objectives of the National Planning Policy Framework.

Impact to neighbouring amenity:

- 70 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.

- 71 The site is located between two residential units Tara (to the west) and Summerhill (to the east). The site already has an existing residential use and while the plot sizes in the locality are spacious there is an existing residential relationship between units.
- 72 To the west and east elevations of the proposed dwelling, several openings would be present at ground floor. The ground floor windows would not be elevated and face toward well vegetated boundaries. Regardless of the treatments, the spacing between units and the existing relationship would ensure privacy at this level would be retained.
- 73 At first floor, the proposal would contain side roof lights to the west and east elevations. To the west these would serve a store room, which is non-habitable space, and provide light admittance, these could be obscure glazed via condition. To the east the roof lights would serve a dressing room, again non habitable accommodation. The roof lights could once again be obscure glazed via condition.
- 74 The first floor would have bay windows and rear and front openings. The opening would have oblique views of neighbouring properties. Such views are common in such residential areas and do not offer expansive direct views of private amenity space.
- 75 Openings within the attic space would be located on the front and rear elevations. Similarly these only offer oblique views and would not be considered to result in intrusive overlooking. The garage would have roof lights facing to the west at first floor and dormers facing east. The roof lights could be obscure glazed to preserve privacy as they adjoin the boundary. Sufficient distance would exist between the dormers and eastern boundary that they would not result in significant overlooking. The proposed dwelling is considered to preserve neighbouring privacy.
- 76 The proposed dwelling would see an increase in the proposed ridge height, bulk and massing. The siting of the dwelling would mirror the existing dwellings location within the plot. Both neighbouring units to the east and west have opening along the rear and front elevation which provide wide outlook.
- 77 The proposed dwelling introduces cat slide roofs to the east elevation and lower hipped gables to the west. The result means a tempering of bulk and mass to the side boundaries. The spacing around the dwelling and the boundaries would mean significant visual intrusion would not occur.
- 78 The proposed garage would be sited along the western boundary and would have two storeys. While the garage maybe in the line of sight of the neighbouring property, its oblique relationship would not significantly impair outlook from the dwellings windows. A view is not protected under planning legislation.
- 79 Due to the trajectory of the sun the neighbouring units would retain sunlight through the day to the front elevations which face south. Further, the side elevations would retain daylight in the morning and evening. The proposed dwelling has been designed such that the roof slopes and tappers either

side. The separation of the proposed dwellings to neighbours would mean a significant loss of daylight would not occur.

- 80 The proposed dwelling would have dual outlook with multiple openings. The benefit of this would be to secure outlook and natural light to filter into the dwelling. The proposal would provide spacious living accommodation for a family unit. A large degree of private amenity space would be retained for the unit.
- 81 The proposal would retain neighbouring amenity and ensure good quality accommodation for future occupiers. The proposal would be considered to comply with policy EN2 of the ADMP.

Parking and Highways:

- 82 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location with 4 or more bedrooms require 2 parking spaces.
- 83 The site already has an existing access along Woodland Rise. The proposal would not see a net gain in the number of housing units. The access is therefore considered sufficient in accommodating a single dwelling given the residential nature of the road.
- 84 The proposed dwelling would contain more than 4 bedrooms. The site would see an expansion to the hardstanding on site to the front of the property. The extended hard surfacing would provide accommodation for two vehicles to park (excluding the garage) and manoeuvre on site to leave in a forward gear.
- 85 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. A vehicle charging unit would be secured by condition upon any grant of planning permission.
- 86 The proposal is considered complaint with policy T2 of the ADMP and highways policy.

Trees and Landscaping:

- 87 The proposal is located within a Conservation Area and as such the trees on the site do benefit from protection, due to the visual amenity they contribute to the character of the area. However, this protection is a blanket protection and as such not the trees within the area do contribute to the overall setting of the Wildernesse Conservation Area.
- 88 The application was accompanied by an Arboricultural Impact Assessment. The proposal would see the loss of some fruit trees, a Laburnum, Cypress and Cherry Laurel. Other works to the trees and vegetation on site would also occur. The tree protection fencing would extend around the front elevation and the side boundaries in and around the area for development.

- 89 The Tree Officer has no objections to the proposal or the pruning works indicated as part of the Impact Assessment. The officer has requested that the tree protection measures are carried out in accord with the A.I.S. The proposal if approved would be conditioned as such.
- 90 Third party comments have concerns with potential thinning out of the hedgerow and works to a Silver Birch tree to the eastern boundary. The local planning authority does not have control of works to hedgerows directly, however the tree protection fencing appears to extend partially round the hedge and ground protection measures would also be installed.
- 91 In regard to the tree works to tree which overhang boundaries can be carried out by neighbours if the branches are returned. Amenity considerations are discussed above and view of development are not planning considerations in determining proposals. An informative could be added to any approval in regard to breeding bird legislation and party wall agreements.
- 92 The proposal, subject to condition, is considered to retain vegetation along the street scene which contributes to the character of the area. The proposal is considered policy compliant with regard to trees and landscaping.

Other issues

- 93 Allocation of buildings contributing to the character and appearance of the area:
- 94 Third party comments raised concerns with the number of dwellings identified as buildings that contribute to the character and appearance of the Conservation Area and the allocation process. The Conservation Area Appraisal is an adopted supplementary planning document. Each application is judged on its own merits. The dwelling in question is considered not just a dwelling which contributes but also a non-designated heritage asset.

Community Infrastructure Levy (CIL):

- 95 This proposal is CIL liable and there is an application for exemption.

Conclusion

- 96 The proposal would be considered to result in harm to a non-designated heritage asset through the loss of the original building. The proposal would also see harm to the designated heritage asset, Wildernesse Conservation Area, through firstly the loss of a building which contributes to the character and appearance of the Conservation Area. Secondly, through the construction of a replacement dwelling which would fail to assimilate to the setting of the Conservation Area in creating a dominant built form which would not appear subservient to the landscaped setting.
- 97 The proposal is not considered policy compliant.
- 98 It is therefore recommended that this application is REFUSED.

Background papers

Site and block plan

Contact Officer(s): Emma Gore: 01732 227000

Richard Morris
Deputy Chief Executive and Chief Officer - Planning & 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=QEUIZMBKJDS00>

BLOCK PLAN

