

4.1 21/01366/HOUSE Revised expiry date 23 July 2021

Proposal: Erection of the shed and playhouse in the garden.

Location: 29 - 31 High Street, Chipstead, KENT TN13 2RW

Ward(s): Brasted, Chevening And Sundridge

**Item for decision** - The application has been referred to Development Control Committee by Councillor London because of the negative impact on the character of the Conservation Area and the setting of the listed building in Stairfoot Lane.

**RECOMMENDATION:** That planning permission be GRANTED subject to the following conditions:

1) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 2210/01C, 2201/10, 2201/11

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

2) Within six months of the date of this planning permission, the proposed landscape planting shall be carried out in accordance with the approved detailed layout plan 2201 / 11. If within a period five years from the date of this permission any of the plants and hedging that forms part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To conserve the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and 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 application site currently comprises of a detached dwelling located within Chipstead High Street and borders Stairfoot Lane. There are neighbouring properties surrounding the application site, with the site being located within the parish of Chevening.

## Description of proposal

- 2 This is a retrospective application for the erection of the shed, whilst the playhouse has not been erected yet. Both structures are to be sited in the rear garden.

## Relevant planning history

- 3 15/03440/HOUSE - Removal of existing timber outbuilding, conversion of the existing garage/workshop into a kitchen/lounge area. Conversion of the existing kitchen into a games room and boots/side entrance. New roofs, 4 rooflights and new flue. New garden shed and new electrically operated gate - GRANT - 31/05/2016
- 4 20/01485/LBCALT - Erection of the shed and playhouse in the garden and landscaping-WDN

## Policies

- 5 National Planning Policy Framework (NPPF)
- 6 Paragraph 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.
- 7 Paragraph 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 proposed 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

## 8 Core Strategy (CS)

- L01 Distribution of Development
- SP1 Design of New Development and Conservation
- L08 The Countryside and Rural Economy

## 9 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape

## 10 Other:

- Development in the Green Belt Supplementary Planning Document (SPD)

## Constraints

### 11 The following constraints apply:

- Conservation Area
- Area of Outstanding Natural Beauty
- Listed Building (main dwelling and boundary wall bordering Stairfoot Lane)

## Consultation Responses

- 12 Chevening Parish Council- support: if the shed were to be built where originally planned the neighbours view would be negatively compromised.
- 13 Conservation Officer: the site is a secluded, softly landscaped private garden within the Chipstead conservation area and a number of Grade II listed buildings and structures exist in close proximity. Paragraphs 193 & 194 of the NPPF require great weight to be given to the conservation of designated heritage assets and note that significance can be harmed or lost through unsympathetic development within their settings. Two diminutive, timber clad out-buildings are to be discretely located well to the rear of the site, where they will be largely screened by perimeter shrubbery. While the small structures may feature minimally in private views from the listed building immediately to the south, their modest presence neither intrudes into any significant elevational views of the neighbouring listed buildings, not does it diminish the distinctive qualities of any conservation area views. From the conservation perspective, diminutive timber outbuildings of this kind are considered temporary and their modest presence raises no harm to the significance of any potentially affected designated heritage assets in the vicinity. There is no objection to the proposal in terms of Policy EN4.

- 14 KCC Public Right of Way: Public Right of Way Footpath runs from the High Street in a north-westerly direction directly beside this site. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information. It is unfortunate that the mature planting which shielded these buildings has been removed and they now loom over the public right of way. I would request that hedging be planted of native species, to mitigate the adverse visual impact of the buildings on users of the public footpath.

## **Representations**

- 15 One letter of support and one letter of objection has been received and raises the following points:
- Impact on the Conservation Area
  - Impact on the setting of the listed building
  - Impact due to the site levels
  - Inaccurate boundary
  - Requests a landscaping condition
  - The Laurel planting when matured will obscure the proposal
  - The previous application location would be more harmful

## **Chief Planning Officer's appraisal**

- 16 The main planning considerations are:
- Impact on the Conservation Area
  - Impact on Listed Building
  - Impact on AONB and Character of the area
  - Impact on residential amenity

## **Within or adjacent to a Conservation Area:**

- 17 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.
- 18 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.
- 19 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.

- 20 The application site is located within the Chipstead Conservation Area. The Conservation Area Appraisal emphasises the importance of the character of the street and the effect of the dwellings on this along with the importance of the materials. It also states how the character and scale of dwellings vary within the High Street. Stairfoot Lane is also directly referred to in which it is described as a sense of enclosure and has quiet charm, with the importance of the paving and the ragstone wall, which currently exceeds on the site. The development does not alter the character of the main dwelling or the character of the street scene as the outbuildings are located within the rear garden of the site. The outbuildings are slightly visible from Stairfoot Lane, however it would not alter the paving or the ragstone wall in this location. The character is also varied and therefore would not be out of keeping. There is also a level of proposed landscaping to be positioned close to the ragstone boundary wall and would assist in slightly shielding the proposal from Stairfoot Lane.
- 21 Therefore, as the proposal would not detrimentally harm the character of the street scene or the Conservation Area and complies with Policy EN4 of the ADMP.

### **Impact on the Listed Building**

- 22 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development to Listed Buildings, to pay special attention to the conserving the setting of Listed Buildings.
- 23 Interpretation of the 1990 Act in law has concluded that preserving the setting of a setting of a Listed Building cannot only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 24 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. The dwelling itself is a Listed Building and ragstone boundary wall, which borders Stairfoot Lane is also listed.
- 25 The outbuildings would be located within the rear garden area of the listed building and are close proximity to the listed ragstone wall. The Conservation Officer was consulted on the application and confirms that the outbuildings do not be harm the setting of the listed building or listed wall as the proposal are small structures, which would be discretely located, diminutive timber outbuildings and modest to the application site.
- 26 Therefore, the outbuildings do not harm the listed aspects of the site and complies with Policy EN4 of the ADMP.

## Impact on the Area of Outstanding Natural Beauty and the Character of the Area

- 27 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.
- 28 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.
- 29 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.
- 30 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.
- 31 The outbuildings are located in the rear garden of the dwelling and therefore would not be directly visible from the front elevation of the dwelling and therefore would not significantly harm the character of the street scene. The outbuildings are slightly visible from Stairfoot Lane, however due to the varied street scene and the existing boundary wall and proposed soft landscaping to be located close to the outbuildings and the existing boundary wall, the outbuildings would not be out of keeping.
- 32 The outbuildings would be set behind the front building line of the dwelling and in relation to the scale of the development, they would clearly be ancillary to the main dwelling. The spacing on the site would also be retained on the site, as the outbuildings would be located at least approximately 1.5m from the boundary of the site with Stairfoot Lane. The outbuildings would be modest in both scale and height and are expected on a residential site, with outbuildings also being present on both the application site and neighbouring sites within the locality of the area. The site levels do differ on the application site and Stairfoot Lane, however due to the modest scale and height of the outbuildings, they would not be a detrimental addition.
- 33 The outbuildings would respect the varied materials within the area, and use materials, which are common to ancillary outbuildings. The addition of soft landscaping along the boundary would also be a positive addition to the site, which would conserve and enhance the AONB.

34 The outbuildings comply with Policies EN1 and EN5 of the ADMP.

### **Impact on residential amenity**

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

36 There are neighbouring properties surrounding the application site. The neighbours located opposite the application site, on the opposite side of the High Street would be minimally impacted by the proposal due to the outbuildings being located in the rear garden of the application site and at a considerable distance from these neighbours. Neighbouring property no. 33-35 would also be minimally impacted due to the distance between this neighbour and the outbuildings and the positioning of the neighbour in relation to 29-31 High Street.

37 The outbuildings could potentially impact upon the neighbouring properties no. 1, 5 & 7, however due to the modest scale of the proposed outbuildings, the distance between the outbuildings and these neighbours and the boundary treatment the outbuildings do not detrimentally harm the residential amenity of these neighbours.

38 Therefore, the outbuildings would comply with Policy EN2 of the ADMP.

### **Other Issues**

39 There is a Public Right of Way located down Stairfoot Lane, in which the proposal would be visible from. KCC Public Right of Way raise no objection to the scheme subject to the inclusion of a landscaping condition on the decision if permission granted. A landscaping condition will be imposed to secure the laurel planting.

40 A concern has been raised in relation to the boundary and the inaccuracy of this. This has been re-assessed and amended by the agent and the amended boundary is reflected on the plan number 2201/01 C.

41 The proposed layout plan refers to an existing approved shed, in which the proposed would alter the location of the proposed shed slightly. This shed was approved under application 15/03440/HOUSE.

### **Community Infrastructure Levy (CIL)**

42 The proposal is not CIL liable.

### **Conclusion**

43 The proposal complies with the relevant national and local policies.

**Background papers**

Site and block plan

Contact Officer(s):

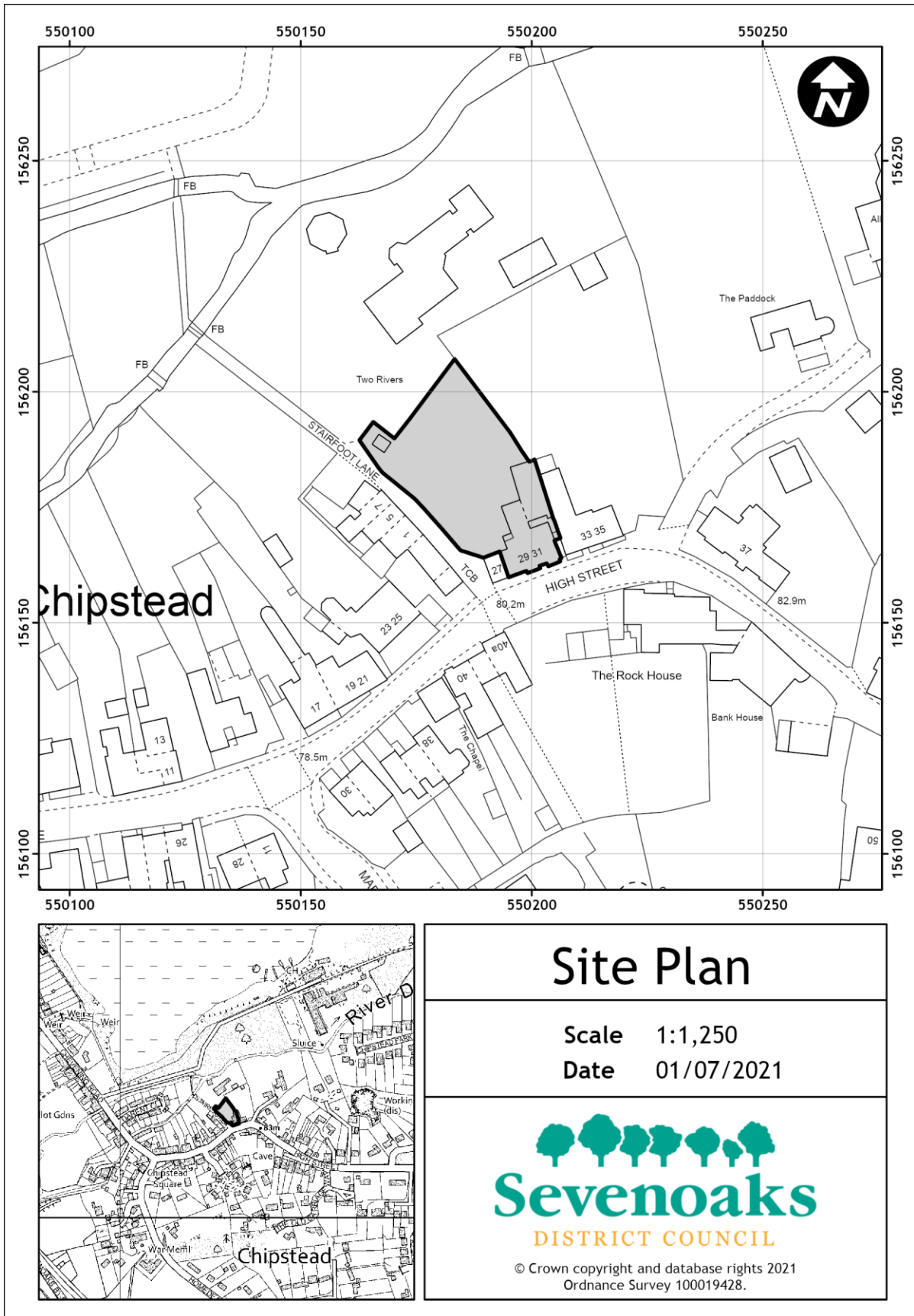
Louise Cane: 01732 227000

**Richard Morris**  
**Chief Planning Officer**

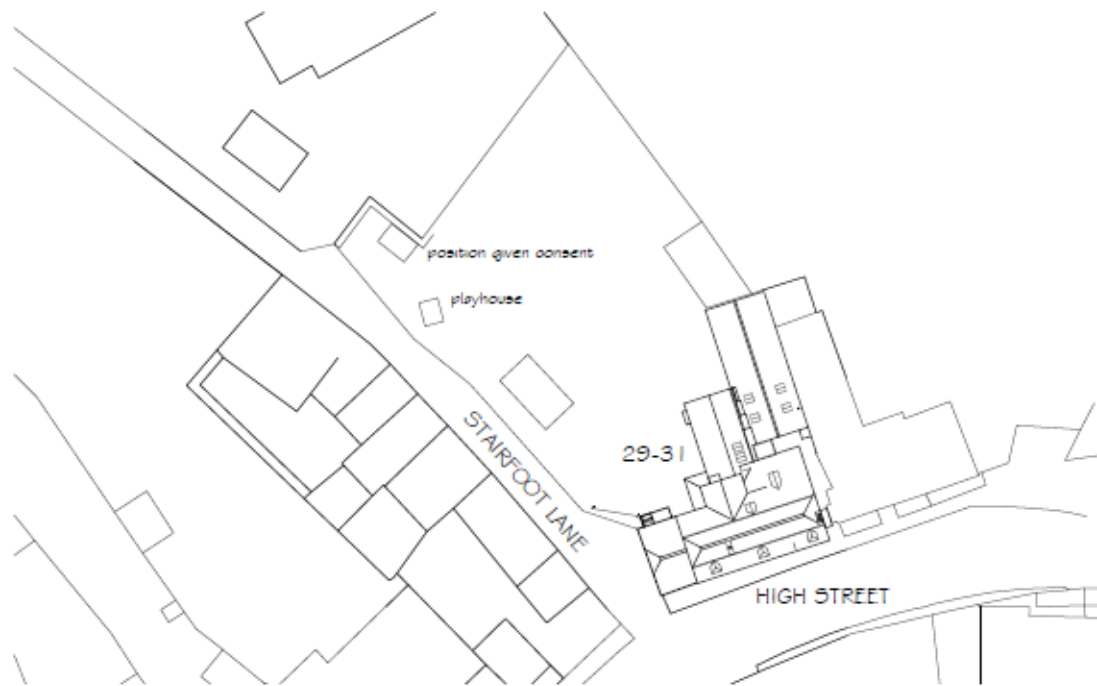
[Link to application details:](#)

[Link to associated documents:](#)





BLOCK PLAN



AS CONSENT BLOCK PLAN - 1:500



AS BUILT BLOCK PLAN - 1:500