

4.2 21/00882/FUL

Date expired 11 August 2021

Proposal:

Sub division of land with demolition of existing garage and storeroom to form new two-storey dwelling and formation of vehicle access to number 1c.

Location:

1C Wickenden Road, Sevenoaks, KENT TN13 3PJ

Ward(s):

Sevenoaks Eastern

Item for decision

Councillor Purves and Councillor Clayton have referred this application to DC Committee for assess the impact of the development upon the character and appearance of the street, impact upon the neighbouring properties and these issues are outweighed by the presumption in favour for the development.

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) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

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

3) Notwithstanding the landscaping details on the approved plans, prior to the completion of the conversion of the building hereby permitted, full details of hard and soft landscaping have been submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Hard landscaped surfaces, Boundary Treatments (including retaining walls), Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and implementation timetables. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development hereby permitted or in accordance with the programme agreed with the Local Planning Authority. 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 consent to any variation.

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.

4) Prior to completion of the development a schedule of biodiversity enhancement that includes a plan showing their locations have been submitted to and approved by the Local Planning Authority and completed in full prior to the occupation of the new dwelling hereby approved. The scheme shall be implemented in accordance with the approved details.

To ensure that the proposed development will enhance biodiversity value of the site, in accordance with Policy SP11 of the Core Strategy and guidance in National Planning Policy Framework.

5) The dwelling hereby permitted shall provide an electrical socket with suitable voltage and wiring for the safe charging of electric vehicles within the residential curtilage prior to its first occupation and 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.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Classes A, A-A, B, C, F of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the local planning authority.

To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development or the amenities of future occupants of the development or the occupiers of adjoining property in accordance with Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

7) The window(s) in the first floor, west facing elevation(s) of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

To safeguard the privacy of the occupants of adjoining properties in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

8) No building shall be occupied until details of permeable surfacing and any surface water drainage provision of the access and parking areas have been submitted to and approved in writing by the local planning authority. All surfacing and any surface water drainage provision shall be carried out in accordance with the approved details and completed prior to the first occupation of the dwelling hereby permitted.

To ensure that the appearance of the development is in harmony with the existing character of the area and mitigate against any surface water runoff as supported

by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9) The development hereby permitted shall be carried out in accordance with the following approved plans: 20.138.11, 20.138.12, 20.138.13, 20.138.14.

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

Informatives

1) There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read Thames Water guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, MEG SAH, Tel: 01444-448200

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

2) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

3) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit www.sevenoaks.gov.uk for further details.

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 is located on the western side of Wickenden Road and consists of a semi-detached 2-storey dwelling within the urban area of Sevenoaks.
- 2 The existing ground levels to the front of the property gradually slope away in a northerly direction. There is a noticeable ground level change between of approximately 400mm between nos. 1 Nursery Close and the site.
- 3 The area is suburban residential in character and has a broadly similar appearance and noticeable that other properties have extensions to them and off-street parking.

Description of proposal

- 4 It is proposed to demolish an existing single storey linked outbuilding to facilitate a two-storey side extension to be used as a new 3 bedroomed dwelling with off-street parking area to the front of the property.

Relevant planning history

- 5 None

Policies

- 6 National Planning Policy Framework
- 7 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.
- 8 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 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 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

9 Core Strategy

- SP1 Design of New Development and Conservation
- SP7 Density of Housing Development
- LO1 Distribution of Development
- LO2 Development in Sevenoaks
- SP11 Biodiversity

10 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- T2 Parking
- T3 Provision of Electric Vehicle Charging Points

11 Other:

- National Planning Policy Guidance;
- CIL Regulations;
- Appendix 2 of the ADMP -Guidance for Residential Parking;;
- Sevenoaks Residential Character Assessment CO8 -Wickenden Rd
- SDC Residential Extensions SPD

Constraints

12 The following constraints apply:

- Built confines of Sevenoaks

Consultations

13 Sevenoaks Town Council - Objects to the application on the following grounds:

- Overdevelopment of the site;
- Result in a longer terrace;
- Loss of light and privacy to No.1 Nursery Close.

14 SDC Tree Officer- No comment

15 KCC Highways - No comment

16 Thames Water - No objection recommend informative

Representations

- 17 9 objections received (this includes 5 representations from No.1 Nursery Close) objecting on the following matters:
- Incorrectly drawn plans;
 - Loss of light and privacy;
 - Loss of visual amenity;
 - Terracing effect upon street scene;
 - Impact upon existing sewer infrastructure that runs through site;
 - Inadequate parking;
 - Downgrading semi-detached property to end-of-terrace;
 - Rights to Light.

Chief Planning Officer's appraisal

- 18 The main planning considerations are:
- The principle of the development;
 - The impact on the character and appearance of the area;
 - The impact on residential amenity;
 - Highways.

Principle of development

- 19 The NPPF has a general presumption in favour of sustainable development, whilst encouraging the delivery of homes of a high quality design and a good standard of amenity for all, and reusing previously developed land.
- 20 Part of the site is clearly previously developed land. However, it should be noted that the definition of Previously Developed land in Annex 2 of the NPPF states that "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed infrastructure. This excludes: ... land in built up areas such as private residential gardens..."
- 21 The National Planning Policy Framework (NPPF) removed gardens from the definition of 'previously developed land', as cited earlier. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude such land from being developed, provided such development is in a suitable location and relates well to its surroundings.
- 22 Policies L01 and L02 of the Core Strategy requires development to be focussed within the built confines of existing settlements. The Sevenoaks urban area will be the principal focus for development in the District. Policy L02 of the Core Strategy places emphasis that suitable employment sites will be retained and provision will be made for housing within Sevenoaks Urban Area.
- 23 This site is within the built confines of Sevenoaks, and as such, there is a presumption in favour of development. The development of this windfall

site would make a welcome, small, contribution to the housing provision within the district; however it is not critical to the delivery of the Core Strategy's current housing targets. The broad location of development is accepted in an established residential suburb within the built confines of Sevenoaks, and supported by the necessary infrastructure.

- 24 The National Planning Policy Framework (NPPF) removed gardens from the definition of 'previously developed land', as cited earlier. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude such land from being developed, provided such development is in a suitable location and relates well to its surroundings.
- 25 This is broadly consistent with Policies LO1, LO2, SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.
- 26 Policy SP7 of the Core Strategy is relevant to density and states that all new housing will be developed at a density consistent with achieving good design and 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 40 dwellings per hectare (dph). Without prejudice to an assessment of the development against relevant design policies the proposal would not represent overdevelopment of the land with an approx. 43 dph being proposed.
- 27 It is recognised that the site is located within the built confines of Sevenoaks 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. No objection is raised to the provision of an additional dwelling within Wickenden Road. The surrounding area is predominantly residential in character and there are other examples of similar scheme evident within the road. The principle of subdivision of the plot and erection of a two-storey side extension to be used as a dwelling would reflect the general pattern of development in the area. This proposal is considered to be acceptable in land use terms provided the scheme complies with all other relevant development plan policies.

Impact upon the character and appearance of the area

- 28 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 of the ADMP state that the form of 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.
- 29 The site falls within the Wickenden Road (C08) of the Residential Character Area Assessment SPD. This states that Wickenden Road comprises 1930-1950's residential development with housing houses set back from the road on a relatively regular building line. Locally distinctive positive features are identified as houses, that are set back from the road along a relatively

regular building line with trees and boundary hedges. Design guidance for the area states that some infill development and redevelopment has occurred in this character area; in proposing new development within Wickenden Road development should be set back from the road and respect the relatively regular building line, use of harmonious materials, mature trees and hedge, or wall and hedge, boundaries which contribute to the character of the area should be retained.

- 30 The architectural styles of houses within the road are of various repeated designs that conform to a regular building line, set back from the road and notable that other properties have been extended, especially to their sides. Several of these additions comprise new dwellings.
- 31 The proposed dwelling would be situated in a similar position to that of the existing host dwelling. The proposed dwelling would match the roof ridge and eaves height to that of its host dwelling. It is recognised that the development would erode the visual gap between the host dwelling and No. 1 Nursery Close, however the gaps between buildings within Wickenden Road are not uniform and do not present a sense of rhythm to the existing building form. Therefore the infilling of this visual gap between host dwelling and No. 1 Nursery Close is accepted. The resultant development would appear as a block of terrace housing, however it's not considered that this would be duly harmful nor a prominent feature within the street scene.
- 32 It is considered that the proposed unit would sit comfortably within the street scene. Its design, reflects the design elements of those houses found elsewhere within the street and that of its host. Overall, the scale and form of the development is well proportioned when compared to the design of the host dwelling as a whole and to the surrounding development.
- 33 Off-street parking would be provided to the front of the plot. Two off-street parking spaces are proposed to serve the proposed dwelling and the existing provision for the host will remain. As a result, the existing low level boundary treatment would be removed, to facilitate the parking spaces. The removal of the boundary treatment is considered not be harmful to the general quality of the surrounding street scene, off-street parking areas to the front of properties are common features within the street.
- 34 Overall, it is considered that the proposed dwelling is of a design and scale that sympathises with the character and appearance of the surrounding area and that of its host. On this basis, this proposal would conform to policy EN1 of the ADMP, policies SP1, LO1 the Core Strategy and guidance as cited by the SDC Residential Character Assessment.

Impact on neighbouring amenity

- 35 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development, while ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties and occupants of future developments.

- 36 The proposed dwelling would be positioned approximately 1.2m from the western common boundary of its adjacent neighbour. It would be effectively two storey in height and would have an eaves and roof ridge height lower than No. 1. Whilst it would to some degree give a further sense of confinement to the occupier of No.1 due to its proximity, its severity is not so great to warrant a reason for refusal.
- 37 A loss of light assessment has been undertaken using the 45° degree methodology as cited in the adopted SDC Residential Extensions SPD.
- 38 Analysis shows that the ground floor side, southeast facing windows of No.1 would be partially affected by the development. There may be some occurrence of loss of light by overshadowing to the southeast facing window that serves a kitchen/ diner and also to their garden room. However, however it's understood that the garden room is served by another window so the impact is not so great, but still the kitchen/dining room window would be impacted by the development. As such, there would be some harm caused to this window by the development, by overshadowing.
- 39 It is noted that a third party has expressed their rights to light. This is a private and civil matter relating to the protection of purely private interests and as such, the loss of private rights to light is not a material planning consideration.
- 40 Objection has been raised in in terms of loss of privacy and overlooking. There is a proposed first floor window to be sited in the flank wall of the property. This can be obscured glazed to mitigate against any loss of privacy to the adjacent property. The proposed property would only have oblique views of the rear garden area of no.1 to which would be partially obscured by their existing rear extension, this would be no different to the existing situation. Furthermore, no windows of the neighbouring property would be directly overlooked.
- 41 The proposed dwelling would be sited approx. 16m from the southern common boundary of No.2 Nursery Close. The rear garden area of No.2 would be overlooked from the proposed development, however it would be no greater than what is currently experienced. In addition, this development is within an urban area to which there is an expectation of degree of overlooking. As such, it not considered the degree of harm of overlooking by the development is not so great to sustain a reason to object despite the concerns raised by third parties.
- 42 The development would result in the introduction of additional built form on the site and this would be noticeable to the occupiers of buildings directly opposite. These dwellings are sited to the opposite side of the road and would be in excess of 20m from the proposed dwelling across the road. The development would retain gaps between the buildings and boundaries and the separation, in relation to the street would be sufficient to ensure the development would not result in a loss of daylight or privacy or be unduly overbearing/prominent.

- 43 Upon considering the above, the development some harm has been identified that would cause some harm to a window of No.1 Nursery Close contrary to Policy EN2 of the ADMP and SDC Residential Extensions SPD.

Highways

- 44 Policy T2 requires parking to be provided for residential developments in accordance with KCC parking standards. This is contained in Appendix 2 of the ADMP. It states that a three bedroom unit located in a suburban location should provide 2 independently accessible spaces per unit. Policy T2 states the Local Planning Authority may depart from the maximum or minimum standards in order to take into account of specific local circumstances.
- 45 This proposed development would provide 2 independently accessible off street parking spaces for the proposed and its host dwelling. The required amount of off-street parking offered on site for a three bedroom property in this urban location, close to a range of good public transport provision and access to services and would therefore meet the vehicle parking provision standards and conforms to policy T2 of the ADMP despite the objections raised by third parties.
- 46 Policy T3 seeks to ensure provision of new charging facilities to be provided within new residential development for electric cars. This can be secured by imposing an appropriate condition.
- 47 There are no highway or off street parking concerns relating to this proposal as it conforms to Policy T2 of the ADMP.

Other issues

- 48 In accordance with policy SP11 of the Core Strategy, to increase the biodiversity value of the site, this can be secured by a planning condition.
- 49 To protect the existing amenities of adjacent dwellings, it would be reasonable and necessary to remove certain permitted development rights from the new properties should planning permission be forthcoming.
- 50 Representations have been made that the development would set a precedent. In accordance with planning legislation, each application is to be determined on its own merits. By the granting of this permission does not necessarily imply that other properties can follow due to differing set of material considerations and site constraints.
- 51 Objection has been raised in relation to the de-valuation of property values because of permitting this development. It is clear within national planning guidance that the negative effect of a planning permission on the value of properties is not a material consideration.
- 52 It is noted that there is water infrastructure that runs through the site, however, this is not a planning matter and that appropriate consents would be required from the appropriate water authority should the development affect it.

Community Infrastructure Levy (CIL)

53 This proposal is CIL liable and no exemptions have been applied for.

Conclusion

54 In accordance with section 38(6) of the 2004 Act, this application has to be determined in accordance with the development plan, unless material considerations (which include the NPPF), indicate otherwise.

55 It is recognised that the Council is unable to demonstrate a 5-year supply of deliverable housing sites as at present the Council has a supply of only 2.9 years. Consequently, paragraph 11 d) of the National Planning Policy Framework is engaged.

56 Regard has been given as to whether this proposal would constitute as sustainable development and there is a presumption in favour of it. The development proposed would provide good access to national rail links; achieve the re-use of previously developed land within the settlement boundary; make a contribution towards the support for windfall sites and responds to the fact that that a high proportion of the council's area is covered by Area of Outstanding Natural Beauty or the Green Belt. There would also be some limited economic benefit in providing an extra housing unit and some, during its construction. The dwelling would also provide a small but valuable contribution to the supply of housing in Sevenoaks District.

57 Taking everything into account, it is considered that some identified harm would be caused by granting permission to No.1 Nursery Close, however in the planning balance it is considered that the identified harm would not significantly and demonstrably outweigh the benefits. As a result paragraph 11(d) of the NPPF indicates that planning permission should be granted.

Recommendation

58 It is therefore recommended that this application is GRANTED.

Background papers

Site and block plan

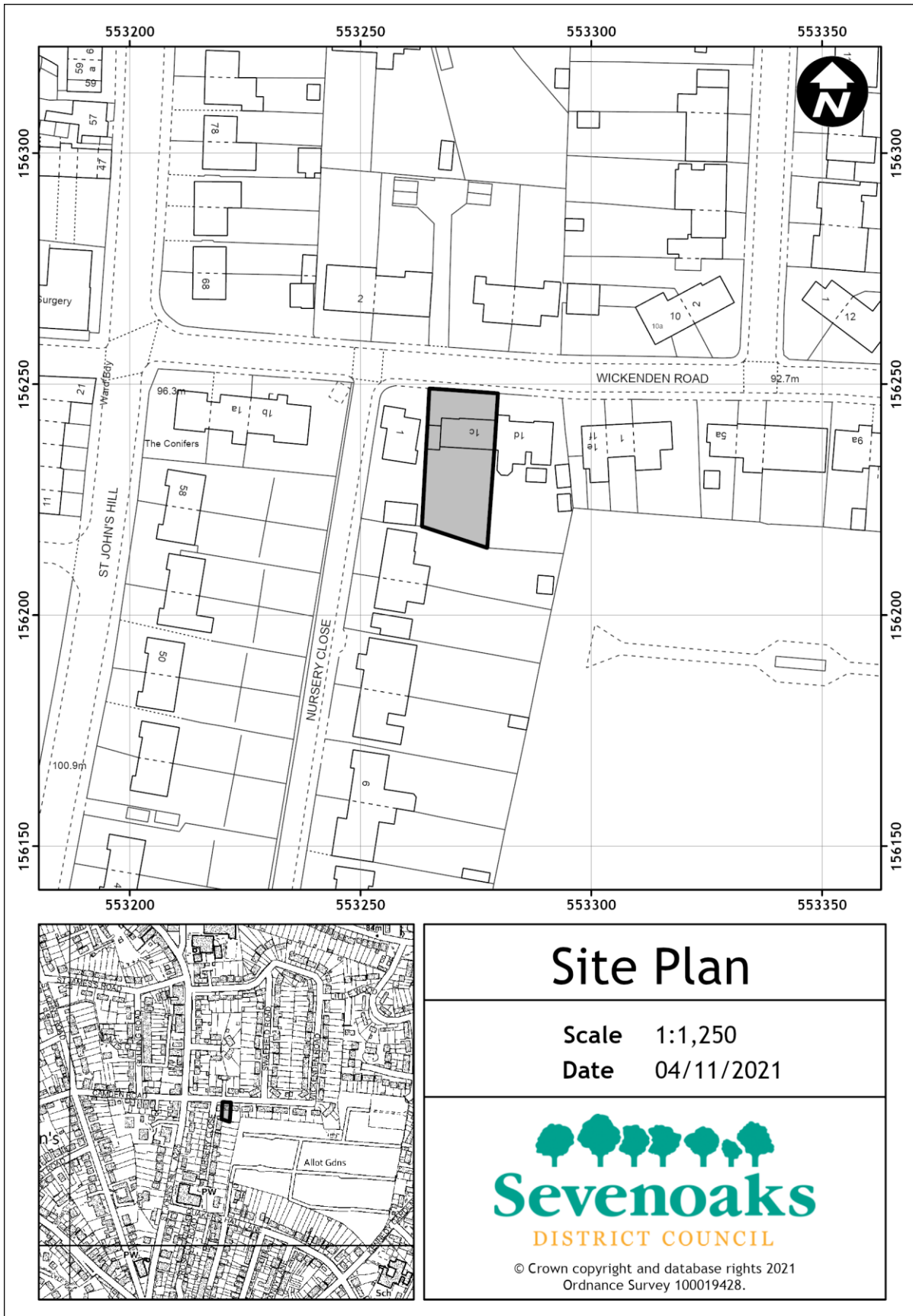
Contact Officer(s):

Sean Mitchell: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN

