

4.4 21/03404/FUL

Revised expiry date 31 January 2022

Proposal: Demolition of existing dwelling, erection of 2 detached 5 bed dwellings with associated outbuildings, access and landscaping (phased development).

Location: Appleby, 3 Greenhill Road, Otford KENT TN14 5RR

Ward(s): Otford & Shoreham

Item for decision

This application has been called to the Committee by Councillor Roy due to concerns about the impact on the street scene, the Area of Outstanding Natural Beauty and residential amenities

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

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Drawing No. 21013-E-100, 21013-E-200, 21013-P-200, 21013-P-201, 21013-P-301, 21013-P-302, 21013-P-400, 21013-P-500 and 21013-P-800.

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

3) Prior to the commencement of development above the damp proof course of the new houses hereby approved, details including samples of the external materials and finishes of the new houses shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

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 the first occupation of the new dwellings, full details of both hard and soft landscaping, including details of any hard surfacing and boundary fencing, shall be submitted to and approved in writing by the local planning authority. The approved hard landscaping scheme shall be implemented prior to the occupation of the development hereby approved and the soft landscaping shall be implemented not later than the first planting season following the first occupation of the dwelling. If within a period of 5 years from the completion of development, any of the trees or plants that form 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 a similar size and species.

To ensure the provision of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan

5) The first floor windows on the flank elevations of the new dwellings shall be fixed shut and obscure glazed at all times, unless above 1.7m measured from the internal floor level, and shall be maintained as such thereafter.

To safeguard the privacy of residents as supported by policy EN2 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to the commencement of works associated within the construction of the new dwellings hereby approved, details of a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details: the routing of construction and delivery vehicles to and from the site; parking and turning areas for construction and delivery vehicles, and; details of how vehicles will be appropriately managed to minimise disruption on the highway and to preserve pedestrian safety. The development shall be carried out only in accordance with the approved details.

To preserve highway and pedestrian safety, to comply with policy EN1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

7) No development shall commence until a scheme for the control of noise, vibration and dust during the construction period has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be carried out in accordance with the approved details.

To protect the amenities of nearby residential properties and to comply with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

8) Prior to first occupation of the dwellings hereby approved, the parking spaces shown on the proposed site plan hereby approved shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the parking spaces.

To ensure a permanent retention of vehicle parking for the dwellings as supported by policy T2 of the Sevenoaks Allocations and Development Management Plan.

9) Prior to first occupation of the new dwellings, details of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The charging points shall be installed prior to the first occupation of the development and shall be maintained thereafter.

To encourage the use of low emission vehicles in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

10) From the commencement of works (including site clearance), all protection measures for trees will be undertaken in accordance with the details contained within the Arboricultural Impact Assessment Survey and Report (Brindle and Green, August 2021).

To prevent damage to trees, in accordance with policy SP11 of the Sevenoaks Core Strategy and policy EN1 of the Sevenoaks Allocations and Development Management Plan.

11) No external lighting shall be installed other than in accordance with an external lighting design plan which shall first have been submitted to the Local Planning Authority and approved in writing. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained as such thereafter.

To ensure the development does not cause harm to protected species, in accordance with policy SP11 of the Sevenoaks Core Strategy

12) Prior to the first occupation of any part of the development, details of an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. This will include a native species-only landscape scheme together with a timetable for implementation. The development shall be carried out in accordance with the approved details and maintained thereafter.

To ensure the development delivers ecological enhancements in accordance with policy SP11 of the Core Strategy.

Informatives

1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

2) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such

works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel> . Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

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 comprises of a single storey detached dwelling set within a large plot on the northern side of Greenhill Road. The site falls within the parish of Otford.

Description of proposal

- 2 Demolition of existing dwelling, erection of 2 detached, 5 bed dwellings with associated outbuildings, access and landscaping (phased development).

Relevant planning history

- 3 None.

Policies

- 4 National Planning Policy Framework (NPPF)
- 5 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.
- 6 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 proposed⁷; 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.
- 7 Core Strategy (CS)
 - L01 Distribution of Development
 - L07 Development in Rural Settlements
 - SP1 Design of New Development and Conservation
 - SP2 Sustainable Development
 - SP5 Housing Size and Type
 - SP11 Biodiversity
- 8 Allocations and Development Management Plan (ADMP)
 - SC1 Presumption in favour of sustainable development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN5 Landscape
 - T2 Parking
 - T3 Provision of Electrical Vehicle Charging Point
- 9 Other:
 - Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
 - Otford Village Design Statement

Constraints

- 10 The following constraints apply:
- Area of Outstanding Natural Beauty
 - Area of Archaeological Potential

Consultations

- 11 Otford Parish Council

“Otford Parish Council objects to the proposed application.

- The addition of the third floor dormers in both properties is contrary to the RESPD and the Otford VDS.
- The proposal is contrary to RN1.
- It will be imposing on the street scene and will not correspond to other in the road due to the subdivision of the plot.
- The size and bulk of the proposal will give a cramped impression with the properties being close to the road.
- The site is located within the AONB which will be harmed due to the increase in the number of houses.
- The proposal will be out of keeping with the character of the road and the street scene.
- The location of the site within the road has added road safety concerns with two additional driveways created at the junction with the A225.”

- 12 SDC Tree Officer

- 13 “I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:

- 14 I can inform you that there are no protected trees located at this property and it is not located within a conservation area. Those tree affected by the proposed development are of low amenity value and would not be considered worthy of protection with a preservation order. I have read through the Arboricultural Implication Assessment (AIA) provided by Brindle & Green Arboriculture, providing the recommendations within the report are followed, I have no objection to the proposal. Should you be of a mind to grant consent, I recommend that landscaping be a condition.”

- 15 KCC Archaeology

“No comment.”

- 16 KCC Highways

- 17 “Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol

arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

18 INFORMATIVE: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.”

19 KCC Ecology

20 “We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided. We are satisfied with the conclusion of the further surveys which found no evidence of roosting bats.

21 If planning permission is granted, we advise that the conditions and informative below are attached.

22 Bats and Lighting

23 Bats were recorded foraging and commuting over and around the site. To mitigate against potential adverse effects on bats, and in accordance with paragraph 180 of the National Planning Policy Framework 2019, we suggest that the Bat Conservation Trust’s ‘Guidance Note 8 Bats and Artificial Lighting’ is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured via an attached condition with any planning permission. Suggested wording:

24 *Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.*

25 Breeding Bird Informative

26 Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented during construction. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged. We suggest the following informative is included with any planning consent:

27 *The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against*

prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

- 28 Biodiversity and Ecological Enhancement
- 29 Under section 40 of the NERC Act (2006), and paragraph 180 of the NPPF (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.
- 30 We highlight concern that because the proposals replace grassland with hardstanding and buildings, the development is not achieving a biodiversity net-gain. We highlight that native species-only landscaping, as well as integrated bird nest bricks, should be provisioned in an attempt to offset this biodiversity loss.
- 31 To secure the implementation of biodiversity loss offsetting/ecological enhancements, we advise that a condition is attached to any granted planning permission.
- 32 Suggested wording:
- 33 *Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape scheme. The approved details will be implemented and thereafter retained.”*
- 34 South East Water
No response received.
- 35 Thames Water
No response received.

Representations

- 36 20 letters of objection have been received relating to the following issues:
- Visual impact
 - Out of character
 - Impact on the AONB
 - Overdevelopment
 - The subdivision and further development would have an impact on the street scene and character of the road
 - Noise, disturbance and dust
 - Loss of light
 - Loss of outlook
 - Overlooking and loss of privacy

- Impact on highways safety
- Increase in traffic
- Disruptions caused by construction vehicles
- Greenhill Road is not wide enough to accommodate the two houses
- Additional access point and driveway would be dangerous
- The majority of properties on the road sit on large plots
- The application fails to meet policy EN1
- Plot size not in keeping
- Scale and bulk out of keeping
- The buildings would cover over 19% of their plot, over double the average and presenting a cramped form of development
- The height of the buildings are not in keeping
- The buildings would dominate the street scene
- Impact on neighbouring amenities
- No subdivision has been allowed
- The application fails to meet the Otford Village Design Statement
- Density not in keeping
- Majority of houses are single storey
- Impact on back plots due to first floor windows and windows in the loft
- 7A not a precedent
- Restrictive covenants
- Biodiversity loss

37 1 letter of comment has been received relating to the following issues

- Condition of planning permission must include a statement that all vehicles attending the site be parked off road, and our land be restored to its present condition when building is complete.

Chief Planning Officer's appraisal

38 The main planning considerations are:

- Principle of development
- Impact on the AONB
- Impact on the character and appearance of the area
- Impact on residential amenity
- Highways and parking
- Trees and landscaping
- Biodiversity

Principle of development

39 Whilst the NPPF places an emphasis on development on previously developed land, it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings. Residential gardens outside built up areas' can be previously developed land. Land in built up

areas such as private residential gardens is excluded from the definition of previously developed land (Annex 2 NPPF).

- 40 Para 124 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.
- 41 Policy LO7 of the Core Strategy states that development of the modest scale will be permitted in Otford.
- 42 The site is not located in the Green Belt and is located in the settlement boundary of Otford. The site is accessible to transport, services and shops. The development would therefore be located in a sustainable location and would make better use of the existing land for the delivery of housing. For these reasons, the principle of development is accepted and supported on this site, subject to other considerations discussed below. The implications of the lack of a 5 year supply of land for housing in the Sevenoaks District is discussed further below, after it has been assessed whether the proposals conflict with the policies in the NPPF relating to protected areas such as the AONB.

Impact on Area of Outstanding Natural Beauty (AONB)

- 43 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.
- 44 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.
- 45 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.
- 46 The Otford Village Design Statement states that proposals for new homes should not compromise the uninterrupted views of the AONB.
- 47 The purpose of the AONB is not to prohibit development but to conserve, enhance and reinforce its distinctiveness. In this case the AONB washes over and includes the built forms of Otford so that it includes not only the open landscape beyond, but also the built villages within it. The site is set well within this distinct boundary between the built form of Otford and the open land beyond and is set amongst an existing cluster of residential

developments. The two dwellings would continue to sit within the existing built envelope and would serve to reinforce the built edge of Otford whilst protecting the open nature of the landscape beyond. This would accord with the Otford Village Design Statement which states that development should not have the effect of extending the village envelope into the surrounding countryside. Furthermore, the design and form of the dwellings, and their palette of materials, would reflect the varied nature of the street scene and the individual character of properties along Greenhill Road.

- 48 In light of the above, it is considered that the development would not erode the character of the wider landscape and would build sympathetically upon the architecture of the area. As such, the proposed development would conserve and enhance the landscape character of this part of the AONB, in accordance with policy EN5 of the ADMP.

Impact on the character of the area

- 49 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.
- 50 The Otford Village Design Statement states that the evolved character of Otford has relied upon a variety of individual house designs. It recognises that there is the opportunity for original design to continue to bring individuality to the housing mix within the village. Repetitious or mirrored designs are not encouraged. Any proposal should respect local building design and materials. The scale, mass and ridge heights of any proposed new dwelling should also be comparable to existing homes.
- 51 The existing site comprises of a single storey dwelling set within a large plot. The building is modest in terms of its appearance and has a low eaves and ridge height. The dwelling is also partially screened from the road by the existing hedgerow along the front boundary of the site.
- 52 The proposal would involve the demolition of the existing dwelling and the erection of two new dwellings. The dwellings would be two storeys with both an eaves and ridge height approximately equal to that of properties on Greenhill Road, such as no. 7a Green Hill Road. Both dwellings would include dormers on the front and rear elevations.
- 53 The existing site is located to the north of Greenhill Road. Within the immediate setting, the existing property is surrounded by a shallow bungalow to the west and a house with second floor accommodation within the existing roof space of the property, to the east. The rest of Greenhill Road and the wider area comprises of large two storey dwellings in substantial plots which are well spaced along the road. There are some instances of properties set within smaller plots such as No.7a to the east of the site and No.2, situated directly opposite.
- 54 The properties along Greenhill Road are individually designed and varied in terms of their form and appearance. Over the years, there have also been a number of applications for both new and replacement dwellings which are varied in their appearance. As such, whilst the proposed dwellings would be

different to the design, form and height of the existing dwelling on site and the immediate neighbouring properties situated either side of the site, the proposed typology of two detached two storey dwellings would not appear out of character with the rest of the street scene.

- 55 It is acknowledged that the development would result in the subdivision of the existing plot, however, this would not have a harmful impact on the character of the locality nor would it result in a cramped appearance or overdevelopment of the site. Planning Policy does not specifically protect “plot sizes” instead it focuses on the character of the area and how a proposed development would impact on that character. The Otford Village Design Statements states that the ratio of building to plot size should be in harmony with other homes in the vicinity without the effect of crowding. In this regard, the dwellings would be well spaced and would maintain the existing pattern of gaps between dwellings along Greenhill Road. For example, there would be a gap of approximately 6 metres between the proposed dwellings. There would also be a gap of 6 metres between the side wall of the proposed dwelling, labelled on the submitted plans as ‘Plot 2’, and the neighbouring property 5 Greenhill Road. A gap of 15 metres between the proposed dwelling, labelled as ‘Plot 1’, and the neighbouring property Streathfield would be maintained also.
- 56 In addition, there would be sufficient space to the front, sides and rear of both of the proposed dwellings. As such, I consider that the scale and siting of the proposed development, and the plot sizes, would still be compatible with the spacious character of the surrounding area and would not appear harmful when viewed in the context of their surroundings, in accordance with the Otford Village Design Statement.
- 57 It is also important to acknowledge that the proposed dwellings would be set back a considerable distance from the front boundary facing towards the road and would sit behind the front building line of no.5 Greenhill Road. For example, plot 1 would be set back approximately 16 metres and plot 2 would be set back approximately 14 metres. This would allow the existing properties of Greenfield Road to remain the visually dominant form of development on the street.
- 58 The design approach of both dwellings, along with their scale, height, bulk and massing, would also adhere to the overall design of properties along Greenhill Road and their individual character, in accordance with the Otford Village Design Statement. Although it is recognised that the architectural features and the form of both dwellings would appear similar, a different palette of materials is proposed for each dwelling to ensure their individuality. Samples of the final materials could be secured by condition if the proposals were otherwise acceptable to ensure that they are of a high quality finish.
- 59 Whilst it is noted that that the development would result in the replacement of a single storey dwelling with two 2 storey dwellings, and that there would be a visual impact on the street scene as a result of this change, as previously mentioned, the height of the dwellings would be comparable to the existing two storey dwellings along Greenhill Road. Furthermore, their scale and size would also be in keeping and as such the

dwellings would not appear overbearing or incongruous when read against the existing built form within the surrounding area. The visual impact of the dwellings would also be alleviated by their set back from the road and the soft landscaping along the front boundaries of both of the plots.

- 60 The Parish Council have raised that the front dormers would be contrary to the Residential Extensions SPD. The SPD states that new dormers will not normally be allowed to front elevations in streets where there are none already. This is supported in the Otford Village Design Statement which states that design proposals which incorporate dormer windows facing the street are not encouraged. However, there are properties with front dormers along Greenhill Road, including the immediate neighbouring property 5 Greenhill Road to the east of the application site.
- 61 The proposed dormers would be modest in terms of their size and appearance and would appear proportionate in scale to the roof plane. Furthermore, they would sit below the main roof of both dwellings and would be set back from the eaves and sides. This would ensure that the roof spaces remain subordinate to the ground and first floors of both dwellings. As such, it is considered that the proposed dormers along the front elevations of both dwellings would not appear incongruous with the street scene and would be in accordance with the guidance set out in the Residential Extensions SPD and the Otford Village Design Statement. The rear dormers of both properties, due to their design, would also accord with such guidance.
- 62 The front of both dwellings would be characterised predominantly by an area of hard surfacing to provide the associated parking and turning areas. A new access would be created for Plot 1 and each access would be served by a horizontal sliding gate. The gates would be low level in terms of their overall height and would enable informal views into the plots. The proposed hard surfacing and access would not appear at odds with the character of Greenhill Road where driveways and accesses to the front of properties are common. Further details of hard surfacing materials could be secured by condition to ensure a high quality finish and adequate drainage. It is also proposed to retain the existing hedgerow along the front boundaries of both plots which, as previously mentioned, would soften views of the dwellings when viewed from the east and west of Greenhill Road.
- 63 The development would also include an outbuilding in the rear garden of Plot 2 as well as other residential paraphernalia such as bin stores. The proposed outbuilding would have a simple form and design and a low eaves height and would not be publically visible in the wider street scene due to being situated in the rear garden area of Plot 2. The bin stores would also be small in size and would not add a significant amount of bulk to the garden areas of both plots.
- 64 In light of all of the above, it is considered that the proposed development would not have a detrimental impact on the character of the surrounding area. The proposal would therefore comply with policy EN1 of the ADMP and the guidance set out in the Residential Extensions SPD and the Otford Village Design Statement.

Residential Amenity

- 65 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 66 The neighbouring properties most likely to be affected by the development are Streathfield, situated immediately to the west of the application site, No.5 Greenhill Road, situated immediately to the east and Nutwood, to the north-west. These are considered in turn below.
- 67 Other neighbouring properties situated to the front of the site would be situated a sufficient distance away from the proposed development and would be separated by a road. These properties also already overlook the existing built form along Greenhill Road. As such, it is considered that the properties to the front of the site would not be adversely affected in regards to light, outlook or privacy.
- 68 Light
- 69 The Sevenoaks Residential Extensions SPD seeks to ensure that a significant loss of daylight should not occur and the 45 degree test is used, whereby a significant loss of light would only occur if the proposal fails in both plan and elevation in line with BRE guidance. In terms of the loss of sunlight, the Residential Extensions SPD seeks to ensure that the proposed will not result the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or private amenity space.
- 70 *Streathfield*
- 71 The proposed development would not result in a harmful loss of light to any habitable windows or private amenity areas of Streathfield. This is due to the distance between the neighbouring property and Plot 1 of the proposed development.
- 72 *5 Greenhill Road*
- 73 The western flank elevation of the neighbouring property, 5 Greenhill Road, contains three ground floor windows which would appear to serve a drawing room and a study. Plot 2 of the proposed development would be situated adjacent to the western flank elevation of 5 Greenhill Road. In this case, it is therefore appropriate to carry out the 25 degree test as the windows on the western elevation of the neighbouring property would face the proposed dwelling within Plot 2.
- 74 The proposed dwelling within plot 2 would pass the 25 degree test because no part of the dwelling would fall above the 25 degree line when measured from the centre of the ground floor side windows of 5 Greenhill Road. This is because of the distance between the proposed dwelling and the neighbouring property and the fact that the built form of plot 2, situated closest to the neighbouring property (i.e. the garage) would be single storey. As such, the proposal would not result in a harmful loss of sunlight or daylight to the neighbouring property's habitable windows.

- 75 For the same reasons described above, the development would also pass the light test in relation to the neighbouring property's rear patio area. In this respect, the overall living conditions of the neighbouring property would be preserved.
- 76 It is noted that earlier this year, planning permission was granted for a single storey rear extension, two storey side extension and front and side dormers at 5 Greenhill Road. However, it was established whilst undertaking a site visit during the course of this application that the development has not been built out.
- 77 *Nutwood*
- 78 The neighbouring property Nutwood and its rear garden would be situated to the north of the proposed development. However, due to the distance of the proposed dwellings, and the proposed outbuilding situated within plot 2, the development would not result in a harmful loss of sunlight or daylight to the habitable windows of this neighbouring property or its private amenity area (defined by the Sevenoaks Residential Extensions SPD as a depth of 5 metres from the back of the property).
- 79 Privacy
- 80 *Streathfield*
- 81 The proposed development would not result in a harmful loss of privacy for Streathfield. The first floor windows on the western flank elevation of the proposed dwelling within Plot 1 are shown on the submitted plans to be obscure glazed. A condition can be imposed upon any grant of planning permission to secure this and to ensure that the development would not directly overlook the main windows or private amenity areas of Streathfield. It is noted that there would be ground floor windows along the western flank elevation of the Plot 1 dwelling which would not be obscure glazed. However, any views from these windows towards Streathfield would be restricted by the proposed landscaping and fencing along the western boundary of the site. The Sevenoaks Residential Extensions SPD states that at ground level, the use of fences or vegetation can provide adequate privacy. Therefore, such screening is considered sufficient to protect the privacy of Streathfield.
- 82 The roof slopes of the plot 1 dwelling would contain roof lights. However, there would be no downwards views towards Streathfield.
- 83 *5 Greenhill Road*
- 84 Similar to the above, the first floor windows on the eastern flank elevation of the proposed dwelling within Plot 2 are shown on the submitted plans to be obscure glazed and can be conditioned as such to protect the privacy of 5 Greenhill Road. Views from the ground floor windows along the eastern flank elevation of the proposed dwelling would be obscured by the existing hedgerow and trees along the eastern boundary of the site which are shown on the submitted plans to be retained. The roof lights on the eastern roof slope of the proposed dwelling also would not result in any downwards views

towards 5 Greenhill Road. As such, it is considered that the development would not result in a harmful loss of privacy for current and future occupiers of 5 Greenhill Road.

85 *Nutwood*

86 Concern has been raised from the neighbouring property to the rear of the site, Nutwood, which fronts the A225 in regards to loss of privacy due to windows along the rear elevations of the dwelling and the proposed rear dormer. The neighbouring property is not located directly to the rear of the site but to the north west. In this regard, at their closest point, the proposed dwellings would be located approximately 36 metres away from the rear windows of this neighbouring property and its private amenity area. This is a sufficient distance to ensure that no direct overlooking would occur from the rear windows and dormers of the proposed dwellings, as a result of the development. The proposed dwellings would face towards their own rear gardens rather than directly towards this neighbouring property. Whilst it is acknowledged that there may be some views towards the far end of Nutwood's rear garden, at their closest point, the proposed dwellings would be located approximately 22 metres away. Therefore, I do not consider that the development would result in an uncomfortably close relationship between the site and Nutwood and the proposed dwellings would not directly overlook this part of the neighbour's garden. As such, the proposal would not result in a harmful loss of privacy for this neighbouring property.

87 Visual Intrusion

88 *Streathfield*

89 The neighbouring property, Streathfield, fronts the A225. Subsequently, the rear ground floor windows of this property face towards the application site and there would be views of the flank elevation of plot 1 as a result of the proposed development.

90 In this regard, there would be a change in outlook for Streathfield due to the change in built form on the application site from a single storey to two 2 storey dwellings. However, this is not considered to be harmful to the living conditions of current and future occupiers of Streathfield. The neighbouring property would be located approximately 18 metres away from the flank elevation of Plot 1. Furthermore, the siting of the neighbouring property is such that views of the flank elevation of the Plot 1 dwelling would not be directly in line with the rear windows of Streathfield. Instead, views would be obliquely off to the east.

91 Additionally, it is noted that there is currently no boundary fencing or landscaping along the shared boundary to screen the existing built form within the application site from Streathfield. In this regard, the proposed boundary fencing and soft landscaping along this boundary, as part of this application, would aid towards improving the relationship between the site and the neighbouring property and would also help to soften any oblique views of the plot 1 dwelling.

92 *5 Greenhill Road*

- 93 In regards to the neighbouring property 5 Greenhill Road, any views from the ground floor windows located on the west elevation of this property facing towards the plot 2 dwelling would be obscured by the existing boundary landscaping along the western boundary of the application site.
- 94 For the same reason described above, it is also considered that the plot 2 dwelling would not appear unduly dominant or visually intrusive from the neighbouring property's rear garden as any views would be softened by the hedgerow and trees along the western boundary. The two storey element of the plot 2 dwelling would also be set back approximately 7 metres from the western boundary and therefore would not appear as an overbearing form of development.
- 95 *Nutwood*
- 96 The proposed dwellings would be visible from ground floor and first floor windows along the rear elevation of this neighbouring property as well as their private amenity area. However, it is considered that this would not result in a harmful change in outlook that would be detrimental to the living conditions of current and future occupiers of Nutwood. The direction of the rear windows of the neighbouring property are such that they face directly towards the neighbour's own rear garden rather than directly towards the application site. As such, whilst the proposed dwellings would be visible, the neighbouring property's rear windows would continue to provide an open view of the neighbour's rear garden. As such, a good level of outlook would be maintained.
- 97 Notwithstanding the above, it is important to note that, as per the Sevenoaks Residential Extensions SPD, the planning process cannot protect a view from a private property.
- 98 Proposed development
- 99 Policy EN2 also requires that the occupants of future development benefit from good standards of amenity.
- 100 The proposed internal layout and room sizes would be acceptable. The proposed dwellings would provide satisfactory natural light from sunlight and daylight and good levels of privacy with private outdoor amenity spaces.
- 101 Additional concerns
- 102 In addition to the impacts of the proposed development once complete, concern has been raised from public consultation in relation to the impacts of the construction process on the living conditions of nearby properties. Legislation exists outside the planning system to help enforce against issues relating to unacceptable noise and disturbance from construction should it occur, in particular Environmental Health legislation. The Government, in their Planning Practice Guidance, are clear that conditions should not be imposed requiring compliance with other regulatory regimes. However, given the proximity to residential properties in this case, details of a construction management plan which incorporates measures to reduce

noise, disturbance, and dust to neighbouring buildings, could reasonably be secured by condition. Construction traffic is discussed further below.

- 103 Overall, the development would safeguard the amenities of existing and future occupants of nearby properties, subject to condition, and would provide adequate residential amenities for existing and future occupiers of the new dwellings, in compliance with policy EN2 of the ADMP.

Parking and Highways Impact

- 104 The NPPF at paragraph 111 states: “Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 105 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 states that new developments will be required to mitigate any adverse travel impacts. Furthermore, policy T2 of the ADMP states that dwellings in this location require 2 parking spaces.

- 106 Parking

- 107 The proposed dwellings would each have three independently accessible parking spaces, which would be in accordance with policy T2 of the ADMP. Electric charging points would also be provided for both dwellings and can be secured by a condition.

- 108 Highways

- 109 The submitted plans show that a new access point would be created to serve Plot 1. The Highways Authority have not provided detailed comments on the acceptability of the proposals. However, they have provided informal advice to Officers in the form of their adopted guidance.

- 110 KCC Highways guidance states that the location of vehicular crossings should not be closer than 10 metres from a road junction. The vehicular access should also be wide enough for a single width access serving one dwelling (approx. 2.4 metres) and there should be adequate visibility splays, both vertically and horizontally, for pedestrians and vehicles.

- 111 According to the KCC Guidance Note on Visibility, for an access onto a road with a speed limit of 20 mph, vehicle visibility splays of 33m from the access in each direction (measured at a point set back 2.4m from the kerb) are required.
The KCC Guidance Note on visibility also states that pedestrians walking on a footway should not be hidden from the view of drivers emerging onto the street. Consequently, a visibility splay of 2 metres by 2 metres in either direction is also required.

- 112 Based on the submitted plans, the spacing between the new access and the adjacent junction onto the A225 would be acceptable. The development would also maintain the visibility splays required for the vehicles to emerge

onto the street safely and for pedestrians not to be hidden from the view of drivers. The width of the new access would also be suitable.

- 113 It is noted that the entrances to both plots would also include a low, horizontal, sliding gate. KCC Highways Guidance states that gates should be set back at least 5m from the edge of the road so that vehicles do not need to stop on the carriageway whilst gates are opened or closed. Both gates would be set back approximately 6.6 metres from the road edge and therefore would not have a harmful impact on highways safety.
- 114 It is not considered that the additional access would have an adverse impact on traffic nor would the provision of two new houses. The access would be considered a minor access where the frequency of use is low. As previously mentioned, the proposed driveways would provide sufficient off street parking so that occupiers do not have to park on the road.
- 115 Construction traffic
- 116 Notwithstanding the impacts of the proposed development once complete, concern has been raised through public consultation in regards to the traffic and distribution caused during the construction process by construction vehicles.
- 117 The proposal would not constitute major development and the site benefits from an existing driveway and a large garden area, which could be used for the parking and turning of vehicles as well as the delivery and storage of materials. However, a condition is recommended to secure details of a construction traffic management plan. This would help ensure, for example, that the number of vehicles accessing the site at any time is appropriately managed to prevent harm to highway safety.
- 118 In light of all of the above, the proposal would comply with policy EN1 and T2 of the ADMP and the NPPF subject to conditions.

Trees and Landscaping

- 119 The development would result in the loss of 9 fruit trees to the centre of the site as well as four boundary trees. None of these trees are protected by a Tree Preservation Order and they are considered to have low amenity value. As such, the Tree Officer raises no objection to their removal.
- 120 Larger boundary trees would be retained. The submitted Arboricultural Impact Assessment Survey and Report sets out measures to protect these trees during the construction process which the Tree Officer also raises no objection to. These measures can be secured by a condition to ensure that the development does not result in any damage to the trees.
- 121 The proposal would also include the provision of additional tree planting of 14 specimen trees, alongside the retention of the existing mature front boundary hedgerow, reinforced with new hedgerows between the plots and to the western boundary with Streathfield.

- 122 Based on the submitted plans, close-boarded fencing is also proposed. The plans also show hard landscaping within each plots.
- 123 Full details of both hard and soft landscaping could be secured by a condition upon any grant of planning permission to ensure that they preserve the character and appearance of the surrounding area.

Ecology and Biodiversity

- 124 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 125 The applicant has submitted a Preliminary Ecological Appraisal and Bat Presence and Absence Surveys. KCC Ecology are satisfied that no further surveys are required in relation to bats.
- 126 To ensure that the development does not result in a loss of biodiversity and does not have an adverse impact on bats, KCC Ecology have requested details of a lighting design strategy and ecological enhancements. These can be secured by a condition. A breeding bird informative can also be included upon any grant of permission.
- 127 In light of the above, it is considered that the proposed development would comply with policy SP11 of the Core Strategy subject to conditions.

Other issues

- 128 Area of Archaeological Potential
- 129 The site is located in an Area of Archaeological Potential. KCC Archaeology raise no objection to the proposed development. On the basis that there is existing built form on site and the land has already been displaced, the proposal should not have an impact.
- 130 Other issues raised within public comments, but not discussed above include the following:
- 131 Restrictive covenants
- 132 Covenants are a private legal matter and are not a material planning consideration. Therefore, the application could be determined despite these restrictions.
- 133 Policy H10A
- 134 A reference is made to this policy which is not a current policy in the Core Strategy or the Allocations and Development Management Plan. The policy formed part of a previous Sevenoaks District Local Plan which has been superseded.
- 135 Proposals for new residential dwellings must be considered in relation to the most up to date policies, as set out above. Past appeal decisions, relying on

local and national planning policies that have been superseded will be of very limited weight.

Community Infrastructure Levy (CIL)

136 This proposal is CIL liable.

Planning balance and Conclusion

137 As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is relevant. For the reasons discussed above, the proposal would not be in conflict with the NPPF's policies for protected areas, such as the AONB, and so a presumption in favour of granting the development exists, adding additional weight in favour of granting planning permission.

138 proposal would provide housing within the confines of an existing settlement in the District, which is supported by the Council's policies. The proposal would also make a welcome contribution to the District's Housing Stock.

139 Other issues within consultation responses can be dealt with by planning conditions. This is compliant with the aims of the Government's Planning Practice Guidance. It states "...conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects."

140 proposal would be an acceptable form of development and would comply with local and national policies, subject to the conditions recommended.

141 It is therefore recommended that this application is GRANTED.

Background papers

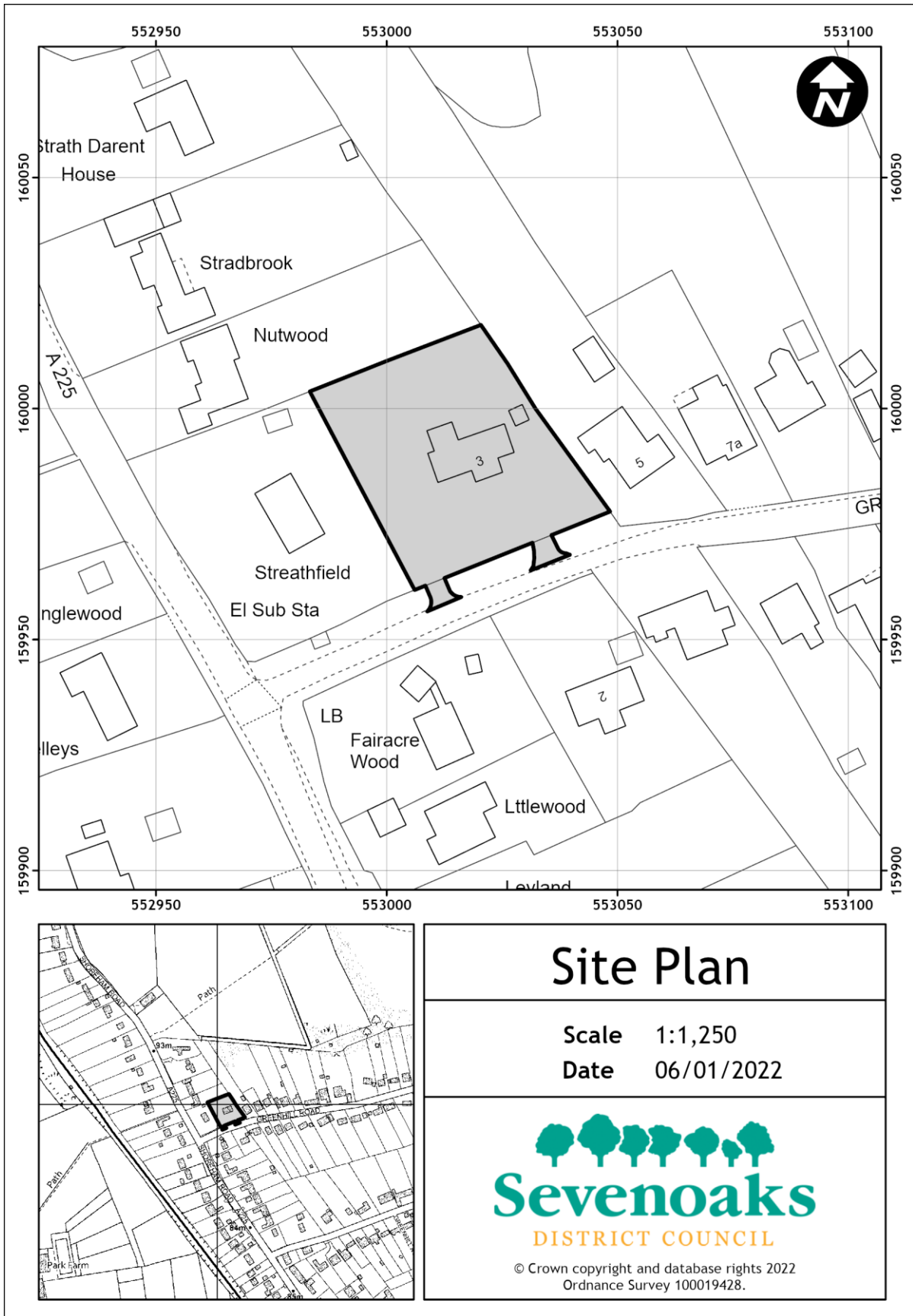
Site and block plan

Contact Officer(s): Hayley Nixon 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN

