

5.01 – SE/10/02793/FUL Date expired 22 December 2010

PROPOSAL: Proposed development at land to the rear of 31 Serpentine Road forming new 4 bed detached residential dwelling.

LOCATION: 31 Serpentine Road, Sevenoaks TN13 3XR

WARD(S): Sevenoaks Eastern

#### ITEM FOR DECISION

This application has been referred to the Development Control Committee since the item was previously heard by the Development Control Committee in February 2011 but following a Judicial Review of the application the High Court has quashed the planning permission and the application has been returned to the Council for re-determination.

**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) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

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 District Local Plan.

3) No development shall be carried out on the land until full details of both hard and soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:

-plans showing revised parking and turning areas,

-planting plans (identifying existing planting, plants to be retained and new planting),

-written specifications (including cultivation and other operations associated with plant and grass establishment),

-schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate), and

-a programme of implementation.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

4) Hard and soft landscape works shall be carried out before occupation of the dwelling. The landscape works shall be carried out in accordance with the approved details.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

5) If within a period of five years from the completion of the 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 similar size and species.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

6) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

7) The garage and vehicle parking area 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 garage and vehicle parking area.

To ensure a permanent retention of vehicle parking for the property as supported by policy EN1 of the Sevenoaks District Local Plan.

8) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority. Achievement of the Code levels and BREEAM standards must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

In the interests of environmental sustainability and reducing the risk of climate change as supported by the National Planning Policy Framework, policies CC2 & CC4 of the South East Regional Plan and policy SP2 of the Sevenoaks District Core Strategy.

9) The development hereby permitted shall be carried out in accordance with the following approved plans: 10/165/1, 2 and 3

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

**In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:**

South East Plan 2009 - Policies CC1, CC2, CC4, CC6, H4, H5, T4 and NRM10

Sevenoaks District Local Plan - Policies EN1 and VP1

Sevenoaks District Core Strategy 2011 - Policies LO1, LO2, SP1, SP2, SP3, SP5 and SP7

The following is a summary of the main reasons for the decision:

The site is within the built confines of the settlement where there is no objection to the principle of the proposed development.

The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

#### **Informatives**

1) 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, 3 Church Road, Haywards Heath, West Sussex. RH16 3NY. Tel: 01444-448200.

2) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

#### Description of Proposal

- 1 The application seeks the approval of the replacement of the previously demolished annexe building, positioned to the rear of the main house, and the erection of a new dwelling. The proposed house would be orientated so that its front elevation faces in a northerly direction. The dwelling would be L-shaped, with an integral garage projecting to the front of the property. Access to the new house would continue to be from the entrance to the site, adjacent to 31 Serpentine Road, and along a driveway that runs along the northern boundary to the site of the new dwelling.
- 2 The proposed dwelling would stand at roughly 7m in height, the main two storey part of the would be 18.4m in width (increasing to 21.2m with the integral garage) and 9.7m in depth (increasing to 19.9m with the single storey rear projection and the garage). The proposed dwelling would possess a mansard roof finished with slate tiles and have a painted rendered finish to the walls of the property. A basement is also proposed underneath the proposed footprint of the house that

would be served by two windows dug into the eastern flank of the dwelling and a staircase and door to the western flank.

- 3 The mansard roof would have several dormer windows built into it, including three to the front, three to the rear and one in both flanks. To the front the windows would serve a bathroom, a gallery over the hallway and a bedroom. To the rear the proposed windows would two bedrooms and a landing. The eastern flank window would serve a shower room and the western flank window would be a secondary window to a bedroom. A balcony is also proposed to the rear elevation at the south-west corner of the proposed dwelling.
- 4 This application follows an approved application for a new house on the site, which was decided by the Committee in September 2009. This scheme differs from the approved application in that the siting and orientation of the approved house has been altered, as has the design of the approved dwelling. The approved house was a Chalet style bungalow, with a brick work finish and tiled roof, positioned on the western boundary of the site so that it faced towards the rear of 31 Serpentine Road.
- 5 For reference I have included a table below to show the comparison between the original building, the approved house and the proposed house.
- 6 Whilst I have included the overall floor area of each level of the different buildings in the table I do not regard this as a particular helpful parameter in judging the impact of the development. It is the proposed development's external dimensions that are of greater significance in this regard.

	Demolished building	Approved house for SE/09/01132/FUL	Current proposed house
Height	6.15m	6.7m	7.2m
Width of the main element of building (Maximum width)	18.25m	15.3m (21.5m)	18.4m (21.2m)
Depth of the main element of building (Maximum depth)	6.45m	8.4m (12.8m)	9.7m (19.89m)
Minimum distance to neighbouring houses on Serpentine Court	22m	23m	23m
Floor area	174.2m <sup>2</sup>	264.4m <sup>2</sup>	452.2m <sup>2</sup> (317.4m <sup>2</sup> not including basement)

- 7 In addition, the approved house had a first floor window facing in a northerly direction that was 32m from the neighbouring houses on Serpentine Court, which compares with first floor windows in the proposed house that are 23m from these neighbouring properties.
- 8 Members will be aware that this application was determined by the Development Control Committee on 17 February 2011 when it resolved to grant planning

permission. That decision was subject to an application for judicial review on four grounds. Three of the grounds related to the handling of the application at the committee meeting itself. The court held that these were unarguable. Permission was granted in relation to the remaining ground which alleged that the officer's report had not addressed the question posed by the new definition of previously developed land in the revised PPS3 and did not give consideration to whether the site comprised residential garden land.

- 9 In the end, the matter was not considered by the court as the Council reached a settlement with the claimant and consented to judgment on this issue. As a result the planning permission was quashed and this report has been prepared for the re-determination of the application.
- 10 On 27 March 2012 the Government published the National Planning Policy Framework (NPPF). Annex 3 of the NPPF makes it clear that PPS3 is replaced by this document. As a result the definition of previously developed land in the NPPF has now been addressed in full as part of the main body of my report so that the Members of the Committee can consider it in detail.

#### Description of Site

- 11 The application site comprises a piece of land to the rear of 31 Serpentine Road, accessed via an existing driveway along the northern boundary of the site, adjacent to the rear boundaries of several properties along Serpentine Court. The plot is currently empty but previously possessed an annexe to the main house, which was recently removed from the site. The ancillary building was single storey in design but possessed accommodation in its roof. The site is relatively level but sits roughly a metre above the neighbouring houses on Serpentine Court.

#### Constraints

- 12 The site lies within the built confines of Sevenoaks.

#### Policies

##### *South East Plan*

- 13 Policies- CC1, CC2, CC4, CC6, H4, H5, T4 and NRM10

##### *Sevenoaks District Local Plan*

- 14 Policies - EN1 and VP1

##### *Sevenoaks District Core Strategy*

- 15 Policies -LO1, L02, SP1, SP2, SP3, SP5 and SP7

#### *Others*

- 16 National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies and replaces previous Planning Policy Statements and Guidance. It is a material consideration in decisions on planning applications from the date of its publication (27 March 2012). The NPPF states that for 12 months from the date of publication decision

takers can continue to give full weight to relevant policies adopted since 2004 (this includes the Core Strategy policies) and that in other cases due weight should be given to relevant policies in existing plans according to their consistency with the NPPF (this includes the Local Plan policies).

- 17 Draft Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD)

#### Planning History

- 18 SE/09/01132 - Demolition of existing dwelling and erection of a four bed Chalet style dwelling. Boundary line amended and internal layout of ground floor altered, plans received 30.06.2009. Granted 18.09.09

SE/91/01217 - Lawful Development Certificate for use of first floor of Coach House for ancillary residential purposes. Granted 01.11.91

SE/90/00362 - Use of coach house as studio/office for consulting engineer. Refused 16.05.90

SE/89/01445 - Use of coach house as studio/office for consulting engineer. Refused 03.11.89

#### Consultation

- 19 Members will note that two sets of responses have been received. This is due to the fact that the original consultation process was held when the application was initially received. This process commenced on 2 November 2010 and expired on 23 November 2010. Following the application being returned to the Council a further period of consultation has taken place starting on 3 February 2012 and which expired on 24 February 2012.

#### Original Consultation Responses

##### *Parish / Town Council*

- 20 Comments received on- 22.11.10

Sevenoaks Town Council recommends refusal of this application.

Sevenoaks Town Council notes that the present proposal is a substantially long building that was granted under application SE/09/01132/FUL.

This earliest proposal is for a building with a floor area twice that of the previous permission.

Sevenoaks Town Council note that the new building would have a substantially large first floor, thus introducing a detrimental impact on the amenities of neighbouring properties in Serpentine Court, contrary to Policy EN1

The proposal is designed in a style totally at odds with the surrounding properties, contrary to Policy EN1.

Sevenoaks Town Council draws attention to the changed PPS3 which no longer presumes that a garden is a 'brownfield site' and thus suitable for development.

The overbearing size of this proposal is out of keeping and inappropriate in the garden of this Edwardian property.

Sevenoaks Town Council reserve the right to add additional comments following our meeting on 29th November 2010.'

*Further comments – 02.12.10*

- 21 'The Town Council noted that the present proposal is a substantially larger building than that granted under application SE/09/01132. This latest proposal is for a building with floor area twice that of the previous permission. Sevenoaks Town Council noted that the new building would have this is substantially larger first floor that introducing a detrimental impact on the amenities of neighbouring properties in Serpentine Court contrary to policy EN1.

The proposal is designed in a style totally at odds with the surrounding properties, contrary to policy EN1, of the Sevenoaks district local plan.

Sevenoaks town Council draws attention to the changed PPS3 which no longer presumes that garden is a brown field site and thus suitable for development.

The overbearing size of this proposal is out of keeping and inappropriate in the garden of this Edwardian property.

*Thames Water – 05.11.10*

- 22 'No objection subject to imposition of informatives.'

Original Representations

- 23 Seven letters of representation have been received that have highlighted the following concerns:

- over-development of the site;
- excessive scale, mass, size and floor area;
- loss of privacy;
- loss of neighbouring amenity;
- over-bearing effect;
- loss of light;
- overlooking;
- lack of soft landscaping;
- inaccuracies in the Design and Access Statement;
- the revised PPS3;
- impact of the use of the existing driveway;
- impact on character and appearance of the area;
- increase in traffic movements;
- impact on outlook;

- impact on reasonable enjoyment of rear garden area; and
- potential damage to fencing.

Further Consultation responses following Judicial Review process

*Parish / Town Council*

24 Comments received on– 01.03.12

‘Sevenoaks Town Council recommended refusal.

The Town Council noted that the proposed new building is substantially larger than the application granted under app ref: SE/09/01132/FUL. This latest proposal is for a building with a floor area twice that of the previous permission.

The Town Council noted that the proposed new building would have a substantially larger first floor and would be situated unacceptably close to the boundary of neighbouring properties in Serpentine Court thus introducing a detrimental impact on the amenities of those properties, contrary to policy EN1.

The proposal is designed in a style totally at odds with the surrounding properties, contrary to policy EN1, and the Draft Residential Character Area Assessment SPD.

The Town Council drew attention to the changed PPS3 which no longer presumes that a garden is a "brownfield" site, and thus suitable for development.

The overbearing size of the building proposed is out of keeping and inappropriate in the garden of this Edwardian property.’

*Kent Highways Engineer*

25 Comments received on– 15.02.12

‘I confirm I have no objection to this proposal subject to the conditions previously specified, namely:-

The garage and vehicle parking area 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 garage and vehicle parking area.

Reason: To ensure a permanent retention of vehicle parking for the property.’

*Thames Water*

26 Comments received on– 06.02.12

Thames Water raised no objection to the proposal subject to imposition of informatives – for full comments see file note.

Further Representations received following judicial review process

27 Seven letters of representation have been received, two of which are the same letter, that have highlighted the following concerns:



- overlooking;
- loss of privacy;
- impact on visual amenity;
- overshadowing;
- design, appearance and materials not in keeping with neighbouring properties;
- excessive floor area;
- impact on neighbouring amenity;
- overbearing effect;
- inadequate space for soft landscaping to mitigate any impacts;
- inaccuracies in the Design and Access Statement;
- over-development of the site;
- the revised PPS3;
- the National Planning Policy Framework;
- noise created by the increase in traffic movements;
- potential damage to fencing;
- loss of light;
- loss of trees;
- large scale and mass of the proposed house; and
- inadequate vehicular access.

## Head of Development Services Appraisal

### Principal Issues

28 The main issues in this case are the principle of the development, under which heading I consider the question of previously developed land, the potential impact on the character and appearance of the area, and the potential impact on neighbouring amenity. Other issues include sustainable development, the provision for affordable housing and inaccuracies in the submission.

### *Principle of development*

29 The principle of a residential development on the site is one that was accepted as part of the previous approval, SE/09/01132/FUL, which remains extant until 17 September 2012. For the reason that this development could still be carried out the principle of the development is one that the Council would continue to accept.

30 Paragraph 53 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. There is no local policy specifically ruling out development on gardens in built up areas.

- 31 The NPPF also states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value (para. 111).
- 32 Annex 2 of the NPPF provides a definition for previously developed land stating that it is 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 surface infrastructure.' This definition excludes 'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments'.
- 33 It is evident that the site used to form part of the private residential garden of 31 Serpentine Road. It had a building on it that was used for residential purposes. The fact that there was a building on it is not inconsistent with the exclusion from the definition of previously developed land in the NPPF. In my judgment, the better view is that the site falls within the exclusion in the NPPF and should not be considered previously developed land.
- 34 However, this conclusion does not affect my conclusion on the acceptability of the development of the site for residential purposes as a matter of principle.

*Impact on character and appearance of the area*

- 35 Local Plan policy EN1, which is considered to be broadly consistent with the NPPF, states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 36 The NPPF states that the Government 'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' (para. 56)
- 37 The character and appearance of the area is mixed due to the varying size and appearance of properties that are sited on Serpentine Road, Serpentine Court and the surrounding area. This section of Serpentine Road possesses both detached and semi detached properties, some larger than others, on plots of varying size. Serpentine Court possesses a handful of modest sized properties on modest sized plots. The properties on Kennedy Gardens, to the rear of the site, have less of an impact on the character and appearance of the area due to their location in relation to Serpentine Road.
- 38 The draft Sevenoaks Residential Character Area Assessment SPD highlights locally distinctive contextual features. These include building heights being generally two storeys some with basements and attic rooms, predominant building materials are Ragstone with some yellow or red brick, render with original slate or red tiles (or replacement concrete) roofs, predominant boundary treatments are Ragstone walls (some topped by railings), hedges, and areas of open space/vegetation are identified as being trees and planting to front, side or rear gardens, hedging enclosing side/rear gardens abutting the footway.
- 39 The proposed dwelling would be set back approximately 60m from the frontage of

- 31 Serpentine Road. Since it would be sited in behind the existing house the property would not be easily viewed from outside of the site itself. Views of the roof line of the proposed house may be available between 29 and 27A Serpentine Road to the south-east and from Kennedy Gardens to the west, and of the integral garage along the access drive. However, these would remain fleeting views and so would have minimal impact on the character and appearance of the area.
- 40 It is acknowledged that the design of the building is not wholly in keeping with other properties in the immediate locality. However, an example of the use of a mansard roof and a painted render finish to walls exists at 56 and 57 Bayham Road, a large semi-detached dwelling located on the corner between Bayham Road and Serpentine Road, which lies approximately 100m to the south of the application site.
- 41 In addition, the design of the building would utilise several locally distinctive contextual features. These include the height of the house, being two storey in design with a basement and the finishing materials of the dwelling are proposed to be render with slate roof tiles. Conditions controlling boundary treatments and landscaping would ensure that the appearance of the site would also sit comfortably within the prevailing character of the area.
- 42 The Town Council and several representations received have made reference to the increase in floor area that the proposed house represents over the approved scheme. This increase is acknowledged, as is the increase in the dimensions of the proposed dwelling. However, the scale and height of the approved house and the current scheme are roughly comparable (see table above). The proposed dwelling would have a height 0.5m greater than that of the approved dwelling, a width just over 3m greater than the approved property and depth 1.3m greater than the approved house.
- 43 The most significant difference lies within the fact that the proposed scheme now includes a basement, which would add no visible bulk and scale to the house. Therefore, I do not view this as an issue that would be sufficient to warrant a refusal.
- 44 The issue of overdevelopment has also been raised. Looking at sites in the locality it is not unusual for properties to almost span the width of their plots, something that the proposed house would also do. The amount of amenity area each property in the locality possesses also varies greatly and so again the amount of development on the plot compared to the size of the plot replicates the situation with existing plots in the area. In addition, the proposed integral garage for the house would be located a similar distance from the shared boundary with 5 Serpentine Court than the integral garage for the approved house, that is about 4m. I would therefore not agree that the proposal represents overdevelopment of the site.
- 45 For the above reasons, and the fact that the proposed dwelling would add to the mixed character of the area, it is considered that the proposed dwelling would preserve the character and appearance of the area, and would preserve the visual amenities of the area.

### *Impact on neighbouring amenity*

- 46 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 47 The site is bounded on all sides by adjoining neighbouring properties. 31 Serpentine Road, to the east of the site, would retain a distance of over 30m to the flank wall of the proposed house. 29 Serpentine Road, to the south of No.31, would be almost 40m from the proposed dwelling. To the west lies a terrace of four properties on Kennedy Gardens, which would remain roughly 20m from the flank wall of the proposed house. These distances of separation are considered to be sufficient enough not to cause any harm to neighbouring amenity.
- 48 This can be enhanced by way of a soft landscaping scheme that would assist in softening the shared boundaries between the properties. The applicant has demonstrated that sufficient space could be retained on all boundaries, particularly the northern boundary, to provide for any soft landscaping proposed. This is a part of the development that can be required by way of condition on any approval of planning permission.
- 49 Turning to the north and the houses along Serpentine Court, Nos.1–3 are considered to be sufficient distance away from the proposed dwelling not to be significantly harmed in terms of neighbouring amenity. No.3 would be the closest of these three properties at about 25m away. The proposed house would front directly onto the rear boundary of both 4 and 5 Serpentine Court, and a minimum distance of 8m would be retained between the front of the proposed house and the shared boundary. The distance of separation between the front of the proposed house and the rear of No.4 would be roughly 23m to the single storey rear projection of No.4 and about 25m to the main two storey element of the house. The distance of separation to the rear of No.5 would be about 26m.
- 50 These distances of separation are, again, deemed sufficient not to cause significant harm to the residential amenity of the occupiers of Nos. 4 and 5 Serpentine Court. This is the case even though there is a change in levels between the sites, with Nos.4 and 5 being lower than the application site. It is not felt, given these distances of separation, that the change in levels would increase the perceived harm in any way. In addition, a soft landscaping scheme would assist the softening of this shared boundary.
- 51 It is acknowledged that three first floor windows would face towards Nos.4 and 5 Serpentine Court. However, one window would serve a bathroom, one would serve a gallery area over the hallway of the property and one window would serve a bedroom. Given the distance of separation and fact that only one window would serve a habitable room it is considered that the harm these windows would exert on the amenities of the occupiers of Nos.4 and 5 would not be detrimental.
- 52 The issue of the use of the driveway and access to the proposed house has been raised by several representations received. The principle of the use of the driveway is one that was agreed as part of the approval for the previous scheme since it was not considered that the use of the driveway would be detrimental to neighbouring amenity. In addition, a condition can be applied to any approval of planning permission requiring details of hard landscaping to ensure there is sufficient space on site to allow a turning area. This would prevent damage to the

fencing running along the northern boundary of the site, which the applicant has said they would replace if it is damaged.

- 53 Given the distances of separation between the adjacent properties it is considered that the proposed dwelling would preserve the amenities currently enjoyed by the occupants of those adjoining properties including loss of privacy, overlooking, loss of light, over shadowing, over-bearing effect and loss of outlook.

#### *Sustainable development*

- 54 The NPPF states that 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.' (para. 14) For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

- 55 In my opinion, the proposed scheme accords with the development plan, and I have explained this in detail above, there would be no adverse impacts in granting planning permission for the development and there are no specific policies within the NPPF which indicate that development should be restricted.

#### Other Issues

##### *Code for Sustainable Homes*

- 56 Policy SP2 of the Core Strategy requires that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes. No information relating to this has been submitted by the applicant. However, it is possible for the achievement of Level 3 to be required by way of condition on any approval.

##### *Affordable housing contributions*

- 57 Policy SP3 of the Core Strategy requires that residential developments of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 58 Since the site possesses an extant permission for the erection of a dwelling, that could be commenced immediately with no requirement to pay a contribution, and allowing for the fact that the Core Strategy policy had not been adopted at the time the application was previously considered by the Committee, the decision has been taken that the affordable housing contribution will not be required in this instance.

### *Inaccuracies in the Design and Access Statement*

- 59 Representations received have highlighted inaccuracies in the Design and Access Statement submitted with the application. This document, although a useful tool in understanding details of the application, does not form any part of the assessment of the proposal and ultimately the recommendation made. Therefore, if inaccuracies exist within the document they have not affected my recommendation, as the scale and bulk of the buildings are the tests of the acceptability of a building in an urban area not its resultant floor space.

### *Parking provision and highways safety*

- 60 The Highways Engineer has assessed the proposal in terms of parking provision and highways safety relating to the vehicular access to the site. In their view the proposal is acceptable subject to the inclusion of a condition attached to any approval of consent.

### *Loss of trees*

- 61 It is noted that a number of trees have been removed from the site. However, the Council would retain control over the future soft landscaping of the site in the form of a condition relating to soft landscaping to ensure that the visual amenities of the area are preserved.

### Access Issues

- 62 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development provides appropriate facilities for those with disabilities. The entrance to the proposed house would be accessed via a step up to it. The applicant can be notified by way of informative that a planning application may be required for any ramp necessary for the proposed dwelling to comply with Building Regulations consent.

### **Conclusion**

- 62 It is considered that the principle of the development is one that is wholly acceptable. In addition, the proposed house would preserve the character and appearance of the area, and neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

### **Background Papers**

#### **Site & Block Plans**

Contact Officer(s): Mr M Holmes Extension: 7406

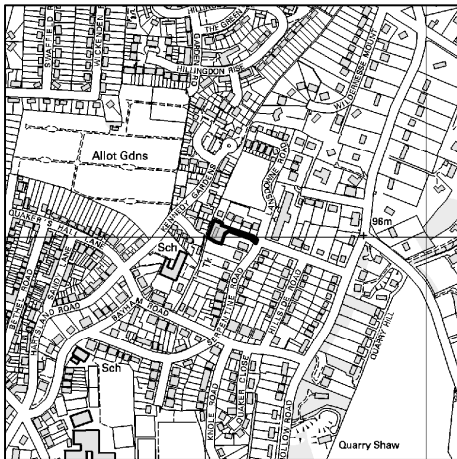
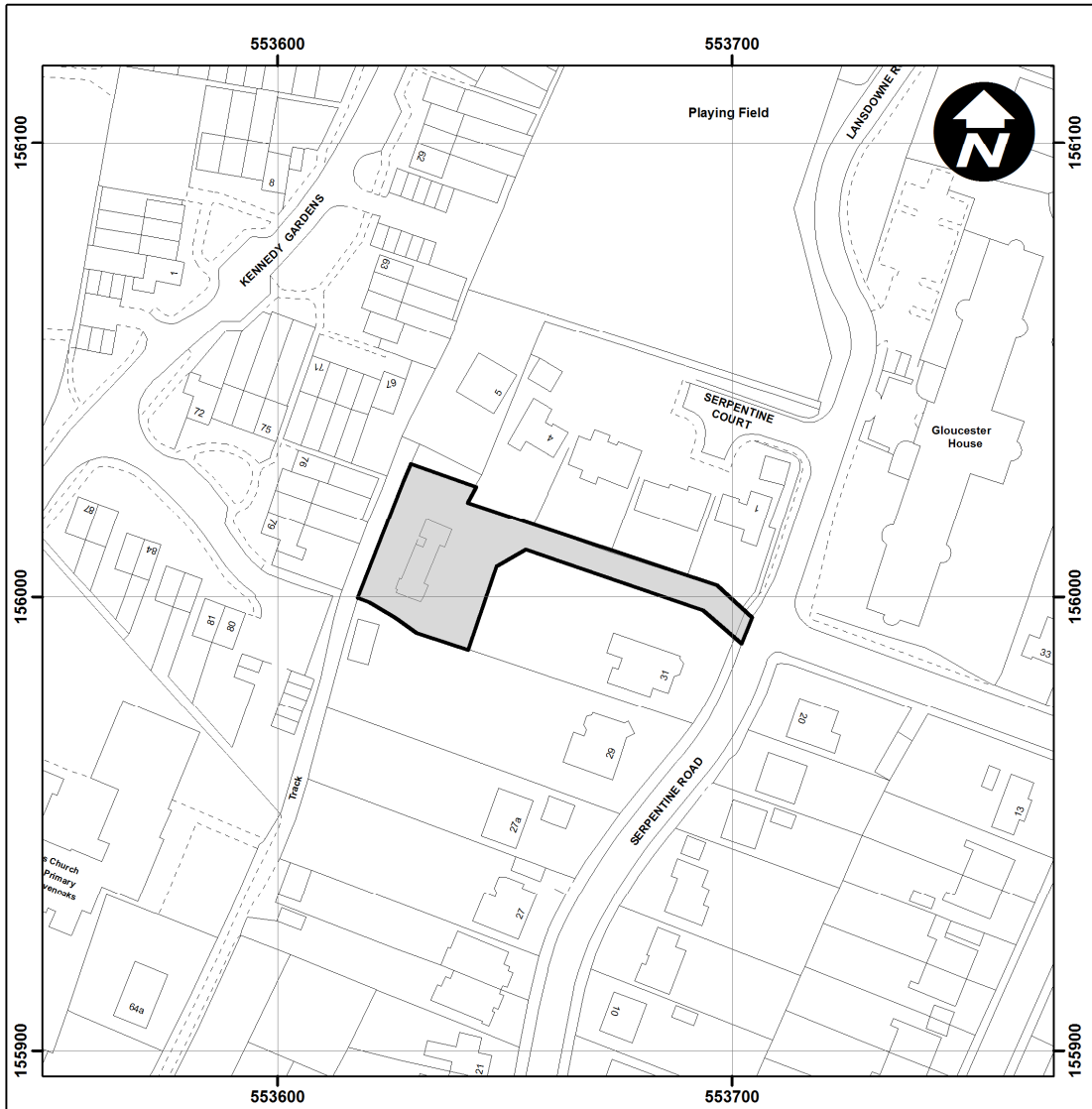
**Kristen Paterson**  
**Community and Planning Services Director**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do;jsessionid=D66D4C57B7CC3EED8144B4BB719A8C8F?action=firstPage>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LA464HBK8V0>



# Site Plan

Scale 1:1,250  
 Date 22.02.2012



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BLOCK PLAN

