

4.1 22/02930/FUL

Revised expiry date 24 July 2023

Proposal:

Extend and subdivide existing dwelling into two separate dwellings and erection of 1 dwelling to the rear, with associated landscaping

Location:

Sancta Maria, Manor Drive, Hartley Longfield Kent DA3 8AW

Ward(s):

Hartley & Hodsoll Street

Item for decision

This application has been called to Development Management Committee by Councillor Cole due to concerns relating to: over-development of the site; loss of amenity to immediate and wider neighbourhood, contrary to Policy EN2; and failure to adhere to Policy H3 - residential sub-division into smaller units.

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: GA-01B, GA-02, GA-03, GA-04, GA-05B, LP-01, TPP-01A

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

3) Prior to the commencement of development above the damp proof course, 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.

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

4) 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.

5) 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.

6) 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.

7) Prior to the first occupation of the dwellings hereby approved, the parking spaces shown on Drawing No. GA-01B shall be provided in full 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.

8) Prior to the first occupation of the dwellings hereby approved, the cycle storage shown on the Drawing No. GA-01B and GA-04 shall be provided in full and kept available for such use at all times.

To ensure an adequate provision of cycle storage for the dwellings as supported by policy T2 of the Sevenoaks Allocations and Development Management Plan.

9) Prior to development reaching the damp proof course, details of the location and type of electrical charging points shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of the charging points and the appearance of the charging points. The approved charging points shall be installed prior to first occupation of the development and shall be maintained thereafter.

To encourage the use of low emissions 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 Method Statement (Arbor Cultural Ltd, November 2022) and Drawing No. TPP-01 Rev A.

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) 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.

12) The development shall be carried out in accordance with the submitted Flood Risk Assessment and Surface Water Drainage Strategy (dated May 2023 and produced by Aegaea).

To reduce the risk of surface water flooding on the site and to ensure the development does not increase the risk of flooding elsewhere, in accordance with the National Planning Policy Framework.

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.

3) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
- The duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks' notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

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 detached dwelling located on the south side of Manor Drive, within the parish of Hartley. The existing dwelling is set back a considerable distance from the road by a large front garden. The road is classified as a public right of way.
- 2 There are neighbouring properties either side of the site as well as to the front.

Description of proposal

- 3 The proposed development is for the extension and subdivision of the existing dwelling on site into two separate dwellings and the erection of one dwelling to the rear, with associated landscaping.
- 4 During the course of the application, the application has been amended as follows:
 - A preliminary ecological appraisal was provided;
 - The site plan and landscaping plan were amended to include an additional parking space for the proposed dwelling to the rear of the site; and
 - A flood risk assessment and surface water drainage strategy was provided

Relevant planning history

- 5 75/00169/HIST – Demolition of existing bungalow and erection of new bungalow with detached double garage at rear – GRANTED – 30/06/1975

Policies

- 6 National Planning Policy Framework (NPPF)

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.

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)

- LO1 Distribution of Development
- LO7 Development in Rural Settlements
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP5 Housing Type and Size
- SP7 Density
- SP11 Biodiversity

8 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN7 Noise Pollution
- H3 Residential Subdivision
- T1 Mitigating Travel Impact
- T2 Parking
- T3 Provision of an Electric Vehicle Charging Point

9 Other:

- Residential Extensions Supplementary Planning Document (SPD)

Constraints

10 The following constraints apply:

- Public Right of Way (restricted byway) to front of site
- Adjacent to grounds of listed building (Brickend)
- Tree Preservation Order to front of site

Consultations

11 Hartley Parish Council

12 First response: Objection. "The Parish Council objects to this application for the following reasons; the proposed development does not reflect the established pattern and character of existing development in this location. The proposal would be detrimental to the residential amenities of the local area and would detract from the outlook, privacy and enjoyment of the occupants of the adjoining dwellings. The proposal of using the existing driveway to serve the proposed development would be detrimental to the amenities of adjoining residents and those of the existing dwelling by reason of noise, fumes and general disturbance from vehicles entering and leaving the site. The proposal would also detract from the generally open character of the site when viewed from neighbouring land and properties, including the adjoining Green Belt. In addition, there are also concerns that there is insufficient vehicle provision."

- 13 Second response following amendment: No response received.
- 14 Third response following amendment: No response received.
- 15 SDC Conservation Officer
- 16 First response: "Sancta Maria is located a considerable distance to the north-east of Brickend, a Grade II listed building of the 17th century or earlier. The designated heritage asset sits in a spacious, softly landscaped setting, with mature trees and shrubbery effectively screening it from the proposed development site.
- 17 Due to distance and the intervening mature trees, the proposed development will cause no harm to the significance of the designated heritage asset through change on the edge of its setting and there is no objection in terms of Policy EN4."
- 18 Second response amendment: As above.
- 19 Third response following amendment: "No further comments in terms of Policy EN4."
- 20 SDC Tree Officer
- 21 First response: "I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:
- 22 I have read the arboricultural report and the arboricultural method statement provided by Arbor Cultural Ltd. Providing the recommendations within the report are followed, I have no objection to the proposed development."
- 23 No further responses received.
- 24 KCC Archaeology
- 25 First response: "I have double checked the schemes but can confirm I have no comments on either application."
- 26 No further responses received.
- 27 KCC Ecology
- 28 First response: "No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise.
- 29 The development will result in works to the existing dwelling and the development of the rear garden (which includes mature trees). Review of aerial photos and the biological records available to us indicate that there is potential for protected/notable species to be present within or adjacent to the development site. The potential for protected species presence must be taken account of in the planning decision. As such, an Ecological Impact Assessment (EclA) should be undertaken by a suitably qualified ecologist¹, in accordance with good practice guidelines
- 30 The EclA will include the following:
- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any additional surveys undertaken; Details of any necessary and achievable ecological mitigation and/or

compensation measures;

- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

- 31 To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EclA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of ODPM 06/2005 which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.
- 32 We recommend that the layout of the proposed development(s) is reviewed following the results of the EclA to enable any notable features to be retained within the proposed development site. This is in alignment with the ‘mitigation hierarchy’ described in British Standard BS 42020:2013, involves the following step-wise process:
- Avoidance – avoiding adverse effects through good design;
 - Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
 - Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm;
 - Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.
- 33 Under section 40 of the NERC Act (2006) and paragraph 174 of the NPPF (2021) biodiversity should be maintained and enhanced through the planning system. As such, we advise that information is submitted with the EclA to demonstrate that features/habitats to benefit biodiversity can be incorporated in to the site.”
- 34 Second response following amendment: “We have reviewed the ecological report and we advise that sufficient information has been provided to determine the planning application.
- 35 The ecological report has detailed that due to the condition of the building and trees there are limited opportunities for roosting bats and it is unlikely that bats will be roosting within the building or trees. The footprint of the additional dwelling is located on short amenity grassland limiting the potential for suitable habitat for protected/notable species to establish.
- 36 The report has detailed there is potential for breeding birds to be present within the site and we recommend that the following breeding bird informative is included if planning permission is granted:
- 37 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 season¹ (1st March to 31st August inclusive) 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.

- 38 This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.
- 39 Measures to benefit biodiversity.
- 40 Under section 40 of the NERC Act (2006) and paragraph 174 of the NPPF (2021) biodiversity should be maintained and enhanced through the planning system. The landscaping plan has confirmed that native trees will be incorporated in to the site and in addition the preliminary ecological appraisal has made a number of recommendations to enhance the site for biodiversity and we recommend that they are implemented if planning permission is granted.
- 41 We recommend the following wording:
- 42 Prior to occupation the ecological enhancement measures detailed within section 5.2 of the Preliminary Ecological Appraisal (Greenlink Ecology; February 2023) must be incorporated in to the buildings and site. A letter must be submitted to the LPA for written approval to the LPA to demonstrate the measures have been implemented.”
- 43 Third response following amendment: No response received.
- 44 KCC Highways:
- 45 First response: “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.
- 46 Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.”
- 47 Second response following amendment: As above.
- 48 Third response following amendment: As above.
- 49 KCC Public Rights of Way
- 50 First response: “Restricted Byway SD320 provides the access route for this application and may be impacted should this application be approved. The route is already used by multiple households as an access route and the additional homes proposed would add to the risk of the pedestrian, cyclist and horse-riding users of the byway with the increased traffic it would bring. On top of this there is the possibility of the surface being impacted by the likes of diggers/lorries etc. used for the purpose of the development.
- 51 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
- The duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks' notice is required to process any applications for temporary closures.

52 This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.”

53 No further responses received.

54 Thames Water

55 First response: “Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted.”

56 Second response following amendment: As above.

57 Third response following amendment: As above.

58 South East Water

59 No responses received.

Representations

60 We have received 61 letters of objection relating to the following issues:

- Traffic generation as a result of three houses and impact on Manor Road which is a private road
- Traffic during construction
- Highways safety
- Overdevelopment
- Out of character with other properties and the surrounding area
- Noise and disturbance
- Removal of trees
- Other applications for development of houses within gardens from 1963 to 2020 were refused on ground relating to overdevelopment
- No precedent
- Contrary to para 71 of the NPPF
- Parking
- Overlooking and loss of privacy
- Loss of light
- Outlook and visual amenity
- Impact on listed building
- Impact on adjacent greenbelt land
- Inaccuracies with information provided with the application
- Flooding
- Manor Drive is mainly detached houses with few large semi-detached dwellings along Church Road

- No visitor parking
- Ecology
- Removal of trees
- Pollution and Air Quality
- Pressure on local infrastructure

Chief Planning Officer's appraisal

61 The main planning considerations are:

- Principle of development
- Impact on the Green Belt
- Design and impact on the character of the area
- Impact on residential amenities
- Parking and highways
- Trees and Landscaping
- Ecology

Principle of development

62 The site falls within the built confines of Hartley. As such, policies LO1 and LO7 of the Core Strategy are relevant.

63 Policy LO7 states that within the settlement confines of Hartley, infilling and redevelopment on a small scale only will be permitted taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available. New development should be of a scale and nature appropriate to the village concerned and should respond to the distinctive local characteristics of the area in which it is situated.

64 SDC's revised 'Settlement Hierarchy' document (July 2022), produced as evidence to the emerging Local Plan, classifies Hartley as a Local Service Village, recognising the role these settlements play in servicing the needs of the local community and surrounding settlements.

65 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 area's prevailing character and setting (including residential gardens) or of promoting regeneration and change.

66 It is considered that the site is suitable for more intensive residential development given the fact that it is an existing residential plot which is of a substantial size and within a residential area, surrounded by existing development. The site is also located in a sustainable location, near services and shops within Hartley village, and would make better and more efficient use of the land for housing.

67 The application proposes the extension and subdivision of the existing dwelling into two dwellings and the erection of a new dwelling to the rear of the site.

68 Policy H3 of the ADMP refers specifically to residential subdivision and gives criteria under which subdivisions of properties into smaller units may be acceptable. These are:

- a) Where the building would be structurally suitable for subdivision;

- b) The proposal, including any extensions, hard standing, enclosure or other ancillary elements would reflect the form, integrity and character and character of the building and its surroundings, and;
- c) Suitable parking and access arrangements could be achieved.

69 Having carried out a site visit during the course of the application, I am satisfied that the existing building on site is of substantial construction and therefore would be suitable for conversion into two dwellings.

70 Whether the proposed subdivision of the existing dwelling would reflect the character of the building and its surroundings, and whether suitable parking and access arrangements could be achieved, will be discussed further below. However, in principle, the proposed subdivision of the existing building into two dwellings would comply with policy H3.

71 The proposal would result in a net increase of two residential units on the site, which would contribute towards the District's housing stock. 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 local and national policies. Subject to other detailed considerations, I consider that the principle of development meets the requirements of national and local policy.

Impact on Listed Buildings and their setting

72 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

73 The NPPF also states that great weight should be given to the conservation of heritage assets (para.199).

74 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.

75 The application site is located approximately 32 metres to the north-east of Brickend which is a Grade II listed building. The Conservation Officer, in their comments, has stated that Brickend sits in a spacious, softly landscaped setting, with mature trees and shrubbery which screen it from the application site.

76 Due to the distance between the listed building and the proposed development and the intervening mature trees, the Conservation Officer considers that the proposals would not harm the setting or significance of the heritage asset.

77 The proposal would therefore comply with policy EN4 of the ADMP and the NPPF.

Design and impact on the character of the area

78 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.

79 Extension and subdivision of the existing dwelling into two separate dwellings:

- 80 The surrounding area comprises of detached bungalows and two storey dwellings, which vary in terms of their architectural design, form, appearance and palette of materials. The properties are set back from the road on an irregular building line by front gardens, which are either open plan or enclosed by hedgerow and trees. The existing property has a modest appearance and sits quietly amongst its surroundings.
- 81 The proposed subdivision of the existing dwelling would involve the construction of an additional storey, as well as front and rear extensions. This would alter the character and appearance of the existing dwelling and its scale and bulk, transforming it from a one storey building to a two storey building.
- 82 Despite this, it is my view that the proposed extensions would not have a harmful impact on the character of the surrounding area, taking into account the varied nature of the street scene and the fact that the existing building sits adjacent to an existing two-storey dwelling (Cheslyne) and is set back a considerable distance from the road. Due to the differences in ground levels, the development also would not substantially exceed the height of the immediate neighbouring dwelling situated to the west of the site, Primrose Cottage.
- 83 The resultant building following the proposed extensions and subdivision would have a cohesive design and would also maintain a sufficient gap between the side boundaries of the site (approximately 3 metres to both the western boundary and southern boundaries). It is therefore considered that the scale and form of the development would fit unobtrusively within its surroundings and would not have an overbearing appearance in the street scene. Furthermore, the development would not have an adverse impact on the nature of space between properties within Manor Drive nor would it create a sense of overdevelopment or result in a cramped appearance. The resultant building would sit comfortably and would not harm or compete with the existing residential development along Manor Drive. There are dwellings of a similar scale within the surrounding area.
- 84 In addition to the above, it is acknowledged that the materials of the proposed extensions would match those of the existing building. The soft landscaping along the side boundaries of the site would be retained and enhanced and additional landscaping is proposed to the front of the site. This would help to integrate the development into its surroundings and soften its visual impact.
- 85 Within the wider area, semi-detached properties are a common housing type. As such, it is my view that the proposed typology of two semi-detached dwellings would not appear incongruous when viewed in the context of residential development within the wider area. As previously mentioned, the site is also suitable for more intensive residential development due to its size.
- 86 There would be a minor increase in the amount of hard surfacing to the front of the site to provide the associated parking and turning areas for the two new dwellings. This would be in keeping with the residential character of Manor Close and would not cause significant visual harm. Details of hard surfacing materials could also be secured by a condition to ensure a high quality finish.
- 87 Erection of 1 dwelling to the rear:
- 88 The application also proposes the erection of a single storey dwelling to the rear of the site. Within the immediate street scene, the adjacent dwelling Cheslyne contains a large single storey building within its rear garden, in the south eastern corner of the site. This building has the appearance of a residential annexe and contains a double

garage. In addition, it is noted that there are other back land developments within the area, including three developments immediately north east of the site along Manor Drive (Orchard House, Forest House and Downlands). As such, it is considered that the location of the proposed dwelling within the substantial rear garden of the application site, in a similar position to the building in the rear garden of Cheslyne and the backland developments to the north east, would not appear out of keeping with the existing pattern of development within the area.

- 89 The proposed dwelling would be of a modest size, scale and bulk. It would have a simple form and design and would be single storey, with a flat roof and low eaves height. It would incorporate a natural palette of materials and a green roof, full details of which could be secured by a condition and would help to blend the dwelling into the site and its surroundings.
- 90 Due to the design of the proposed dwelling and the choice of materials, its appearance would be more akin to a residential outbuilding. For these reasons, it is my view that the building would not appear unduly dominant and would not result in the site having a cramped or overdeveloped appearance. The proposed dwelling, due to its design and size, would also appear subordinate to the rest of the built form on site and would appear proportionate when compared to the size of the site as a whole.
- 91 Additionally, it is acknowledged that the proposed dwelling would be well screened from Manor Drive and the surrounding area by the existing built form on site and the surrounding boundary trees and vegetation. As such, the visual impact of the proposed dwelling on the character and appearance of the area would be limited. The fact that a building of a similar size and scale could be erected without planning permission as permitted development also adds further weight in favour of the application.
- 92 In light of all of the above, it is considered that the proposals would preserve the character and appearance of the surrounding area and would comply with policy SP1 of the Core Strategy and policy EN1 and H3 of the ADMP, subject to conditions.

Residential Amenity

- 93 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.
- 94 Neighbouring properties:
- 95 The neighbouring properties most likely to be affected by the proposals are the immediate neighbouring properties situated either side of the site, Primrose Cottage and Cheslyne. It is considered that other neighbouring properties would be situated a sufficient distance away and therefore should not be adversely affected by the proposed development in regards to light, outlook and privacy.
- 96 Primrose Cottage:
- 97 Light
- 98 This is the neighbouring property situated immediately to the west of the site. The eastern flank windows of this dwelling, which appear to be the primary source of light

to habitable rooms (two bedrooms and a lounge), would be located adjacent to the proposed extensions of the existing building on site. In this case, it is appropriate to carry out the 25 degree light test.

- 99 The proposed first floor extension would pass the 25 degree test as no part of the extension would fall above the 25 degree line when measured from the centre of the ground floor side windows of Primrose Cottage. Therefore, the overall living conditions of the neighbouring property would be preserved as the windows would continue to provide adequate levels of sunlight and daylight to the habitable rooms.
- 100 The proposed front and rear extensions to the existing building, as part of the proposed subdivision, would not go beyond the front or rear building lines of Primrose Cottage and there would be a sufficient gap between the development and the neighbouring property. As such, the front and rear extensions would pass the 45 degree test on both floor plan and elevation and would not result in a harmful loss of light, in accordance with BRE guidance.
- 101 The proposed dwelling within the rear garden of the site would not result in a harmful loss of light due to the distance of separation.
- 102 Privacy
- 103 The proposed extensions to the existing building on site as part of the proposed subdivision would not contain any windows at ground or first floor levels along the western side elevation which would face towards the flank elevation of Primrose Cottage or its main windows.
- 104 The first floor windows along the rear elevation of the subdivided building would not directly overlook the private amenity area of the neighbouring property (when measured at a depth of 5 metres from the rear elevation of the property, as defined in the Residential Extensions SPD). Views from the ground floor would be obscured by the boundary landscaping. As such, it is my view that the proposed extension and subdivision of the existing building would not result in a harmful degree of overlooking or a loss of privacy for Primrose Cottage.
- 105 Views towards Primrose Cottage from the ground floor windows of the proposed dwelling to the rear of the site would also be obscured by the boundary vegetation and fencing.
- 106 Outlook
- 107 Views of the proposed development from the eastern side windows of Primrose Cottage would be softened/obscured by the existing boundary fencing and vegetation along the northern boundary of the site.
- 108 The proposals could be partially visible from the rear garden of this neighbouring property and its rear windows. In this regard, it is acknowledged that the proposed extension and subdivision of the existing building on site, and the erection of a new dwelling, would result in a change in outlook for Primrose Cottage. However, this change in outlook is not considered to be harmful to the living conditions of current and future occupiers of Primrose Cottage.
- 109 Due to the modest scale and design of the proposed dwelling to the rear of the site, any views would largely be softened/obscured by the existing and proposed soft

landscaping along the shared boundary of the site. An open outlook would also be maintained across the neighbouring property's own rear garden.

110 Cheslyne:

111 Light

112 This is the neighbouring property located immediately to the east of the site. This property contains ground floor and first floor windows along its western flank elevation which would be located adjacent to the proposed extensions to the existing building on site.

113 Due to the distance of separation between the buildings, the proposed extensions would pass the 25 degree test when measured from the ground floor and first floor side windows of Cheslyne. As such, these windows would continue to provide adequate levels of sunlight and daylight to the neighbouring property.

114 The proposed rear extension of the building to be subdivided would go beyond the rear elevation of Cheslyne, which contains ground floor and first floor windows. It is therefore necessary to carry out the 45 degree test.

115 The extension would pass the test on its floor plan and on its elevation and therefore, in line with BRE guidance, would not result in a harmful loss of sunlight or daylight to the rear windows of this neighbouring property.

116 The proposed dwelling to the rear of the site would not result in a harmful loss of light due to the distance of separation.

117 Privacy

118 As previously mentioned, Cheslyne contains windows along its western side elevation at both ground and first floor level. In this regard, the proposed extensions to the existing dwelling on site, and its proposed subdivision, would not result in a harmful loss of privacy. There would be no windows along the eastern flank elevation of the resultant building and therefore there would be no direct overlooking towards the side windows of Cheslyne.

119 On the basis that the rear of the building would be situated further back than the rear elevation of the neighbouring property, it is also considered that the rear windows of this property and its rear private amenity areas would not be directly overlooked.

120 With regards to the proposed dwelling to the rear of the site, views from the ground floor windows towards the rear windows of Cheslyne and its rear garden would be obscured by the boundary treatments along the eastern boundary of the site. Any overlooking would also be from a considerable distance. It is therefore considered that the development would not result in a harmful loss of privacy for this neighbouring property.

121 Outlook

122 Views from the ground floor windows along the western elevation of this neighbouring property would be obscured by the boundary landscaping along the western boundary. Having carried out a site visit during the course of the application, it appears that the first floor windows along the western elevation are obscure glazed.

- 123 The proposed extensions to the existing dwelling on site, as part of the proposed subdivision, would be visible from the first floor rear windows of Cheslyne. However, this would be at an oblique angle. An open and direct outlook towards the neighbour's own rear garden would be maintained from these windows. As such, it is considered that the proposed extension and subdivision of the existing dwelling on site would not result in a harmful change in outlook or visual intrusion for Cheslyne.
- 124 There may be views of the proposed dwelling to the rear of the site from the rear windows of Cheslyne and its rear private amenity area; however, this would be at a distance and any views would be softened/obscured by the boundary trees and landscaping. Furthermore, the proposed dwelling is not considered to be an unduly dominant or visually intrusive addition.
- 125 Noise and disturbance:
- 126 Concern has been raised during public consultation regarding potential noise and disturbance from the proposed dwellings and from the use of the proposed driveway which would run along the eastern boundary of the site to access the proposed dwelling to the rear. As the site is located within the confines of Hartley, within an existing residential area, the noise levels generated is unlikely to significantly exceed the prevailing background noise levels. Traffic generation from the property to the rear would be limited.
- 127 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 during the construction phase, could reasonably be secured by condition. Construction traffic is discussed further below.
- 128 It is also the case that separate legislation exists outside the planning system to help enforce against issues relating to unacceptable noise and disturbance, should this arise.
- 129 Proposed development:
- 130 Policy EN2 also requires that the occupants of future development benefit from good standards of amenity.
- 131 The proposed internal layout and room sizes would be acceptable and would comply with national space standards. Each dwelling would provide satisfactory natural light from sunlight and daylight.
- 132 The garden areas would serve the recreational needs of the occupiers of each dwelling and the proposed boundary treatments would ensure good levels of privacy, subject to a condition for full details.
- 133 The separation distance between the semi-detached dwellings and the new dwelling to the rear would be approximately 22 metres. This would be sufficient to ensure that there is not a loss of privacy between habitable rooms or to private amenity areas.
- 134 In light of all of the above, the proposal would safeguard the amenities of existing and future occupants of nearby properties and would provide adequate residential amenities for future occupiers of the proposed development, in accordance with policy EN2 of the ADMP.

Parking and Highways Impact

- 135 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."
- 136 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location with 3 bedrooms require 2 parking spaces and dwellings with 5 bedrooms require 2 parking spaces.
- 137 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.
- 138 Parking:
- 139 The semi-detached dwellings to the front of the site, which would both comprise of 5 bedrooms, would each have two independently accessible car parking spaces, in accordance with the requirements of policy T2 of the ADMP.
- 140 Following the amendment to the application, the 3 bedroom dwelling to the rear of the site would also benefit from two independently accessible parking spaces in accordance with policy T2. Cycle storage is also proposed for each dwelling.
- 141 The provision and permanent retention of the vehicle parking and cycle storage can be secured by conditions. Electric charging points for each dwelling could also be secured by a condition, in accordance with policy T3 of the ADMP.
- 142 Highways:
- 143 The submitted plans show that the development would utilise an existing access from Manor Drive, which would be widened. It is not considered that a net increase of two houses on the site would result in a significant increase in vehicle movements nor would it have a severe impact on traffic or the local road network. As such, a refusal would not be warranted, in accordance with the NPPF.
- 144 The access would continue to be a minor access where the frequency of use would be relatively low. As previously mentioned, the proposed driveways would provide sufficient off street parking so that occupiers do not have to park on the road.
- 145 Public Right of Way:
- 146 Manor Drive, from which direct access to the site is gained, is a Public Right of Way Restricted Byway. The Public Rights of Way Officer at KCC has been consulted on the application and has raised that the proposal would add to the risk of the pedestrian, cyclist and horse-riding users of the byway with the increased traffic it would bring.
- 147 While this concern is acknowledged, it must be noted that the use of byway by vehicles is an existing situation. The proposal would result in a net increase of two dwellings on the site which, as mentioned above, is unlikely to result in a significant increase in vehicle movements. The development would provide sufficient parking and turning within the site so that occupiers do not have to park or wait on the

byway. On this basis, it is considered that the proposal would not result in the obstruction of the byway and would not harm users of the public rights of way.

- 148 The Public Rights of Way Officer has also raised that there is the possibility of the surface of the byway being impacted by the likes of diggers/lorries etc used for the purpose of the development.
- 149 An informative can be included upon any grant of planning permission advising the applicant that the right of way must not be stopped up, diverted, obstructed or the surface disturbed. Furthermore, a condition for a construction management plan is recommended to mitigate the impact during the construction phase to ensure the safety and free flow of the byway.
- 150 Construction traffic:
- 151 Concern has been raised through public consultation in regards to traffic and disturbance during the construction process by construction vehicles.
- 152 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, the recommended condition for a construction management plan 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.
- 153 In light of all of the above, the proposal would comply with policy EN1, T2, T3 and H3 of the ADMP and the NPPF subject to conditions.

Trees and Landscaping

- 154 The site itself is not covered by a Tree Preservation Order. However, the site contains a number of trees along its side boundaries which contribute positively to the character of the area. The proposed development would result in the removal of five trees which would be within the footprint of the proposed dwelling. Other trees would be retained.
- 155 The submitted Arboricultural Report and associated plans sets out measures to protect the retained trees during the construction period, which the Tree Officer raises no objection to. These measures can be secured by a condition.
- 156 The proposal would also include the provision of significant additional tree planting within the site and along its boundaries, along with additional hard surfacing and boundary fencing.
- 157 Full details of both hard and soft landscaping could be secured by a condition to ensure that they preserve the character and appearance of the surrounding area.

Biodiversity

- 158 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.
- 159 The application is accompanied by a preliminary ecological appraisal, which KCC Ecology have reviewed. They are satisfied that sufficient information has been provided and have advised that the condition of the existing building and trees on site

have limited opportunities for protected species such as bats. The area to the rear of the site, where the proposed dwelling would be located, also has limited potential for suitable habitat for protected/notable species to establish.

160 The application proposes ecological enhancements. As per KCC Ecology's comments, these can be secured by a condition to ensure that the development delivers benefits to biodiversity. An informative can also be included in regards to breeding birds on the basis that there are habitats on and around the site which provided opportunities for breeding birds.

161 The proposal would therefore comply with policy SP11 of the Core Strategy, subject to condition.

Flooding

162 Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

163 Paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

164 Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

165 Paragraph 168 states that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55.

166 Footnote 55 advises that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use

167 While the site is not located in Flood Zone 2 or 3, so is in an area with a low probability of flood risk from fluvial sources, the Council's surface water flooding maps indicate that a small section of the rear of the site (largely along the eastern

boundary) is at high risk of flooding from surface water. Paragraphs 167 and 168 of the NPPF, and footnote 55 of the NPPF, therefore apply.

- 168 The applicant has provided a site specific flood risk assessment and a surface water drainage strategy. In summary, the assessment finds that the site in its entirety is at low risk from surface water flooding; however, the east side and south corner of the site are partially affected during 1 in 100 and 1 in 1000 events and the surrounding area to the east of the site are at high risk. Of note, the built development largely sits outside the areas at risk of surface water flooding.
- 169 The assessment advises that with the proposed implementation of the surface water drainage strategy, there would be an acceptable level of flood risk to the site and the development would not increase the risk of flooding off the site or within the wider area as the development would not increase surface water run off to its surroundings. The proposed surface water drainage strategy includes: all runoff on the access road and plot 3 parking catchment area to drain into the proposed permeable paving; runoff from roof areas to be routed via pipework to the permeable paving sub base.
- 170 To limit the risk of flooding and to prevent flooding elsewhere, a condition is recommended to ensure that the development is carried out in accordance with the flood risk assessment and the proposed surface water drainage strategy.
- 171 In light of all of the above, it is considered that the proposal would be appropriately flood resistant and resilient and any residual risk could be safely managed. Furthermore, the proposal would not increase the risk of flood elsewhere.
- 172 The proposal would therefore comply with the NPPF, subject to condition.

Other issues

- 173 Other issues raised within public comments which have not already been addressed within this report are discussed below:
- 174 Overdevelopment and other applications for development of houses within gardens from 1963 to 2020 were refused on grounds relating to overdevelopment:
- 175 Planning Policy does not specifically seek to protect “plot sizes” nor does it define or specifically refer to the potential for overdevelopment. Instead, it focuses on the character of the area and how a proposed development would impact on that character. The Council is also required to assess an application on its own merits.
- 176 Impact on adjacent Green Belt land:
- The site is not located in the Green Belt and therefore it would not be appropriate to apply Green Belt policies in this instance.
- 177 Inaccuracies with information provided with the application:
- The submitted plans and drawings are considered to be correct for the purposes of determining the application.
- 178 No visitor parking:
- As per Appendix 2 of the ADMP, the provision of visitor parking within the site is not required for the proposed development.

179 Pollution, Air Quality and Pressure on local infrastructure:

The proposal would not constitute major development and it is not considered that the provision of two additional dwellings on site would put significant pressure on local infrastructure or result in a significant increase in pollution levels. Furthermore, it is not considered that two additional dwellings would have a severe impact on air quality. The site and surrounding area are not located in an Air Quality Management Area where air quality is considered to be poor.

Community Infrastructure Levy (CIL)

180 This proposal is CIL liable and there is no application for an exemption.

Planning balance and Conclusion

181 As the Council cannot demonstrate a 5 year housing supply at this time, the 'tilted balance' of NPPF paragraph 11d) is engaged. This means, in this instance, that planning permission should be granted unless there adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

182 The 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.

183 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."

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

185 It is therefore recommended that this application is granted.

Background papers

186 Site and block plan

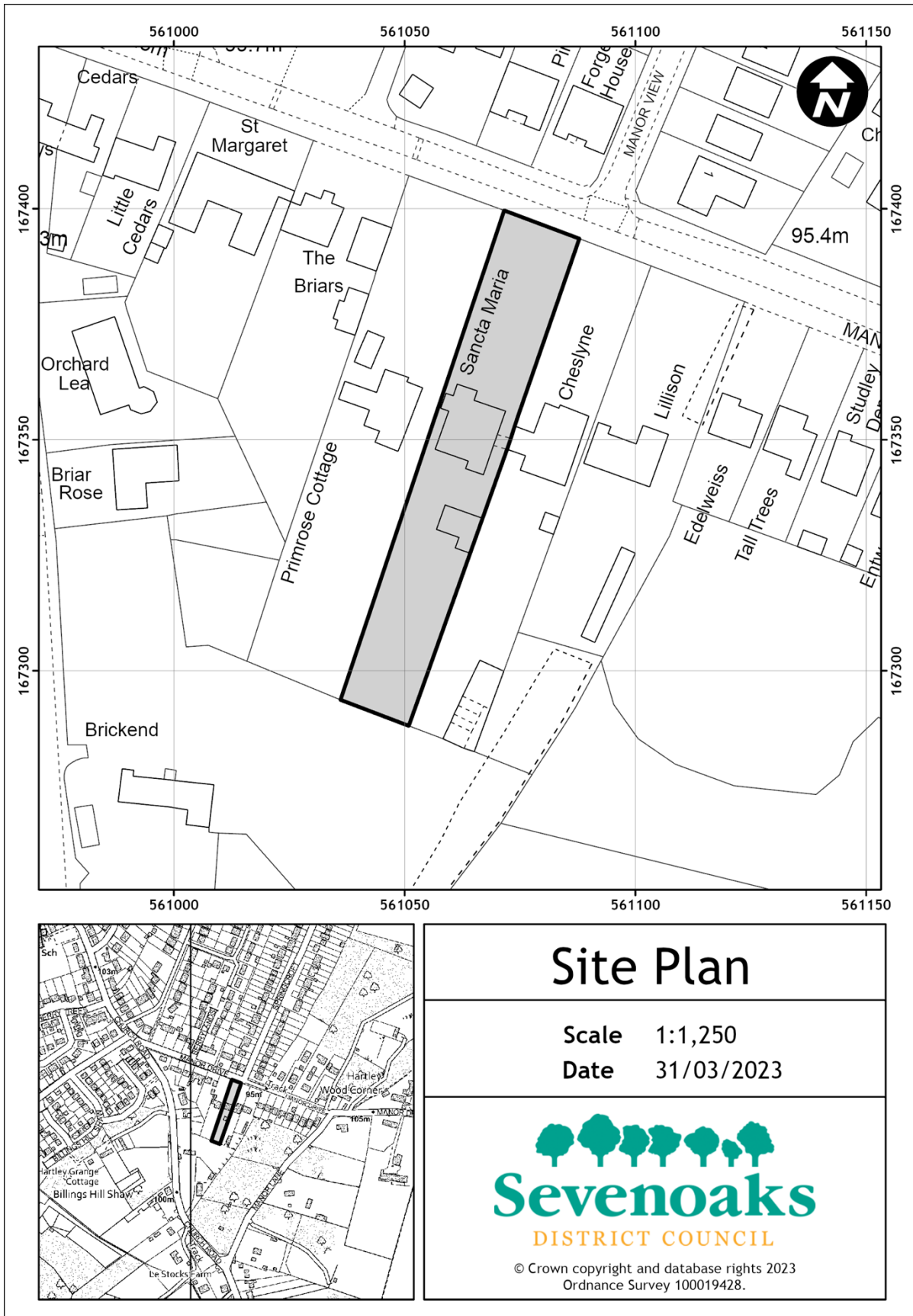
Contact Officer(s): Hayley Nixon

01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN

