4.1 - 23/02002/FUL Date expired 22 December 2023

Proposal: Demolish existing single-storey dwelling to provide new

residential dwelling, with relocation of dropped kerb

Location: 112A Chipstead Lane, Riverhead, Sevenoaks Kent TN13 2AQ

Ward(s): Dunton Green & Riverhead

Item for decision

This application has been referred to the Development Management Committee by Councillor Clack because of concerns that the proposed works constitute overdevelopment, will cause overshadowing, will cause a severe impact on highways and parking and that the proposal lacks information to ensure the proposal conserves the character of the conservation area.

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: Proposed Elevations (1 July 2023), Proposed Floor Plans (25 July 2023), Proposed Roof and Parking Plan (23rd November 2023) and Proposed Block Plan (received by email dated 23rd November 2023)

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan Proposed Elevations (1 July 2023) and application form.

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

4) Within three months of the work commencing full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include but not limited to: planting plans (identifying existing planting, plants to be retained and new planting); a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); details of hard landscaping and boundary treatments and a programme of implementation including any necessary tree protection measures during construction. The works shall be carried out in accordance with the approved details, prior to occupation or in the first planting season following the completion of the development hereby granted, whichever is sooner.

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

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

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

6) Prior to the first occupation of the development hereby approved, details of secure, covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be implemented in accordance with the approved details, prior to the first occupation of the dwelling, and shall be permanently retained as such.

In accordance with policy T2 of the Sevenoaks Allocations and Development Management Plan 2015

7) Prior to the first occupation of the dwelling hereby approved, three vehicle parking shall be provided in accordance with the approved details. These spaces shall be made of a permeable, bound surface. These spaces shall be permanently retained as such.

In the interest of highway safety and in accordance with policy T2 of the Sevenoaks Allocations and Development Management Plan 2015.

8) Prior to first use of the site commencing, 2 metres x 2 metres pedestrian visibility splays, behind the footway on both sides of the access with no obstructions over 0.6m above footway level, shall be provided and maintained thereafter.

In the interest of highway safety.

9) Notwithstanding the provisions the Town and Country (General Permitted Development Order) (England) 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), no gates shall be provided unless they open away from the highway and are set back a minimum of 5.5 metres from the edge of the carriageway.

In the interest of highway safety.

10) The dwelling shall be provided within an Electric Vehicle Charging Point for the safe charging of electric vehicles prior to its occupation, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

To provide opportunities for low carbon sources of transport, in accordance with Policy T3 of the Sevenoaks Allocations and Development Management Plan.

Informatives

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

www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Where the developer proposes to discharge surface water to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-nearour-pipes

2) All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list

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

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

The site lies to the north of Chipstead Lane and consists of a single-storey bungalow dwelling constructed in brick with a pitched roof. The property is adjoined to the neighbouring property in part at the rear and benefits from a front garden and paved front driveway. The dwelling is located directly opposite Chipstead Common, adjacent to the Chipstead Common Conservation Area.

Description of proposal

Permission is sought for the demolition of the existing bungalow, and its replacement with a new residential dwelling. The works would also include the relocation and extension of the existing dropped kerb. This application follows the refusal of previous applications on the site for two new dwellings, which have been refused and dismissed at appeal.

Relevant planning history

- 3 75/00717/HIST Use of existing dwelling and annexe as two self-contained bungalows and formation of vehicular access to Chipstead Lane GRANTED
- 4 20/02656/FUL Demolition of existing single storey dwelling to provide 2 new semidetached residential units REFUSED

- 5 20/03736/FUL Demolition of existing single storey dwelling to provide 2 new semidetached residential units - REFUSED - Dismissed at appeal.
- 6 22/01865/FUL Demolition of existing single storey dwelling to provide 2 new semidetached residential units with basements. Associated landscaping including steps and creation of parking and new access to highway. REFUSED - Dismissed at appeal.
- 7 23/00867/FUL Demolish existing single-storey dwelling to provide new residential dwelling, with relocation of dropped kerb - WITHDRAWN

Policies

8 National Planning Policy Framework (NPPF)

> Paragraph 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-todate development plan should be approved without delay.

> Paragraph 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development 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 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding
- 9 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
- 10 Allocations and Development Management Plan (ADMP)
 - **EN1** Design Principles
 - EN2 Residential Amenity
 - EN4 Heritage Assets
 - T2 Vehicle Parking
 - T3 Provision of Electric Vehicle Charging Points

11 Other:

- Sevenoaks Residential Extensions Supplementary Planning Document (Residential Extensions SPD)
- Chipstead Common Conservation Area Appraisal

Constraints

- 12 The following constraints apply:
 - Chipstead Common Conservation Area (adjacent)
 - Urban confines: Sevenoaks

Consultations

- 13 Riverhead Parish Council objects for following reason -
- "At this height proposed it will still overshadow nearby buildings. The addition of extra parking space will still not alleviate the already congested and hazardous lane. It will be detrimental to the views from Chipstead Common. There will potentially be more than three vehicles owned by residents of this proposed new build. The parish council are still of the view that this amended application will not fit into the landscape which is adjacent to a Conservation Area.
- The increased length of the dropped kerb further exacerbates the already problematic issue of residents parking. This lane is one of the main routes to both Riverhead and Amherst Schools. Reversing out of this property is extremely dangerous because of the visual splay leaving the property."
- 16 Chevening Parish Council (adjacent Parish) objects for the following reason:
- 17 "The volume of traffic utilising Chipstead Lane, Bullfinch Lane and Witches Lane at present is already a huge concern for residents and this development will make it substantially worse.
- The addition of the number of cars this development will bring onto the surrounding roads would be unsustainable.
- The removal of a bungalow from the housing stock means there are less opportunities for those wishing to downsize to do so and remain local building bigger and bigger houses simply makes the situation worse by driving older local people out or forcing them to stay in larger houses as there is nowhere for them to downsize to."
- 20 KCC Highways raises no objection subject to conditions -
- The application proposes the relocation of the existing dropped kerb to serve a new residential property following the demolition of the existing property. I note that in material terms the proposals do not differ materially from those presented under the previous planning application, reference SE/23/00867/FUL, which was considered acceptable by us.
- I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-
 - Provision and permanent retention of two vehicle parking spaces prior to the use of the site commencing.

- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
- Provision and permanent retention of electrical charging facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.
- 23 SDC Conservation Officer -No comment
- 24 Thames Water No objection raised subject to informative.
- 25 South East Water No objection raised
- 26 KCC Archaeology No comment

Representations

- 27 29 objection comments received. The main issues raised are summarised below:
 - Size of the development/overdevelopment of the site
 - Height of the proposal and its location on higher ground level compared to existing/different land levels
 - Overbearing and over dominating to neighbouring properties
 - Impact on the views towards the North Downs, especially from Chipstead Common (which is in a Conservation Area)
 - The proposal is harmful/does not enhance the conservation area
 - Appearance is not in keeping with the surrounding properties or area
 - The impact on parking by extending the drop kerb (comments that this will be made even worse by providing 3 spaces)
 - Impact on parking by the cars from the proposed development (objection comments estimate to be 8-12 additional cars)
 - Impact on road safety, positioning near the crossroads (and near local schools)
 - Increase in road traffic
 - No turning for the car parking spaces, so cars may have to reverse
 - Potential to be used as HMO or further subdivided
 - Concerns regarding overshadowing to neighbouring properties
 - Concerns about privacy (even with frosted glass)
 - Loss of mature trees
 - Small garden area
 - Feel that the only development should be a bungalow
 - Loss of bungalow from the housing stock

- Modern and bland appearance
- Lack of material details
- Concerns about the site notice display
- Roof line higher than 2 and 4 Bullfinch Lane
- Overlooking into neighbouring gardens
- Not in keeping with either the terraces or the bungalows
- Reduction in outlook
- There is value in the existing spatial layout (especially in terms of light and privacy)
- No electric vehicle charging for the street parked vehicles.
- Does not alleviate concerns by previous proposals or Inspector Decisions.

Chief Planning Officer's appraisal

- The main planning considerations are:
 - Design and impact on character of the area
 - Impact on the adjacent Conservation Area
 - Impact on neighbouring and future occupier amenity

Design and impact on the character and appearance of the area

- 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.
- 30 The proposed dwelling will be a moderate scale and will appear as a chalet bungalow (1.5 storey) from the street scene, with the use of dormers on both the rear and front elevations. The lower ground floor level will be more visible from the rear. The proposed dwelling will be approx. 65cm higher than the existing bungalow, although will be positioned closer to the road which is on a higher ground level. The eaves of this proposal have been much reduced from previous schemes, and now are only at 4.1m (on front elevation). The ground does slope to the rear, and therefore the dwelling, like its neighbours to the East appear taller as you progress through the site. The roof level of the proposed dwelling will be lower than the neighbour at 112 Chipstead Lane, and as such will not detract, overbear or compete with the terrace. There will be a gap of approx. 9.6m between the proposed property and the bungalows in Bullfinch Lane, which will provide sufficient distance so that the dwelling will not appear overbearing to the 2 Bullfinch Lane, and the height difference will create a distinctness between the properties. The appearance of the rooflines will be stepped as you look west at street scene level and this is considered appropriate.
- The appearance of the dwelling will be distinct from the terrace and the bungalow, but features such as the window detailing and materials will help to assimilate its appearance. A crown roof is proposed and is hipped on all sides and would incorporate roof dormers, to which other examples of dormers of the front elevation of dwellings can be found within the street. As such the design and impact on the street scene is considered acceptable.
- The materials of the proposal will be conditioned to ensure that they are in keeping with the character of the surrounding area. A landscaping condition will be attached to the decision, to ensure that trees are retained/implemented in accordance with the character of the area.

Overall, the proposal is considered complaint with policies SP1 of the Core Strategy and EN1 of the ADMP.

Impact on Adjacent Conservation Area

- Policy EN4 of the ADMP requires proposals to conserve or enhance heritage assets.
- The application site sits adjacent to Chipstead Common Conservation Area.

 Numerous public comments have raised concerns about the impact the proposal will have on the Conservation Area, especially the view out from Chipstead Common towards the North Downs.
- The increase in height of the proposal, and its positioning on higher ground (compared to the existing bungalow) has caused concerns that the views towards the North Downs will be completely lost. However, the low-level eaves and the demolition of the existing bungalow will mean that some views towards the North Downs will still be appreciable from various vantage points. The existing view from the Common is somewhat limited with existing built form interrupting the views, and as such the current proposal is considered to have a neutral impact on this view.
- Whilst the proposal is considered a more modern design, it will not detract from the traditional terrace next to the property. The use of materials will be conditioned to ensure that they are appropriate and do not detract from views in towards the Conservation Area from the west. The proposed dwelling will be of a lower ridge height than the terrace, and this will ensure that it is not competing from prominence within the street scene. The design of the proposal is considered appropriate to the adjacent setting of the conservation area.
- The proposal is considered to conserve the character and appearance of the conservation area and therefore complies with EN4 of the ADMP.

Impact on Residential Amenity

- Policy EN2 of the ADMP requires proposals to safeguard the amenities of existing and future occupants of nearby properties.
- 40 Neighbouring Amenity
- 41 Concerns have been raised in the public comments about the impact of the proposal on the neighbouring properties, particularly 112 Chipstead Lane, 2 Bullfinch Lane and the properties to the rear. Whilst previous schemes have been refused in part, for their impact on neighbouring amenity, the positioning and scale of this proposal has been altered and as such is no longer having a detrimental impact on neighbouring amenity in terms of light, privacy or visual intrusion.
- The proposal passes the 45-degree daylight assessment in terms of 2 Bullfinch Lane and therefore is not considered to have a detrimental impact on the amount of daylight they will receive to their habitable rooms. In terms of 112 Chipstead Lane, a small number of side windows may be impacted, by these would only be at lower ground floor and ground floor levels. Previous planning and estate agents plans show that the windows on the lower ground floor that may be impacted already have light blocked by the existing boundary wall, and the rooms they serve have other sources of daylight that will not be impacted by the proposal, including a light well at the front of the property. On the ground floor, the side window appears to be obscure glazed and the plans suggest that this windows serves a hallway, which is a non-habitable

- room. As such, the proposal is not considered to have a significantly harmful impact of the daylight levels of the neighbouring properties. Given the orientation of the neighbouring buildings, and the new positioning of this proposal, the scheme will not have any significant impact on the sunlight levels on the neighbouring properties.
- 43 Concerns have been raised in the public comments about the privacy of the properties to the rear, even with the obscure glass. The windows to the rear at first floor level are proposed to be obscure glazed and would be conditioned so that they remain so in perpetuity (and remain non-opening under 1.7m). These obscure windows would be required to meet a Pilkington Level 3 in obscurity to protect the privacy of properties to the rear. The floor plans indicate that these windows would serve dressing rooms and en-suite bathrooms, which are non-habitable rooms and as such there is unlikely to be sustained periods of time where the occupant is looking out of these windows. Given the orientation of 2 Bullfinch Lane, only oblique views from the rear of the property would be visible. In terms of 4 Bullfinch Lane, the proposed site is approx. 20m from their nearest wall, which is usually considered sufficient distance (regardless of the obscure glazing) to maintain privacy levels. The bedroom skylights facing west, can also be conditioned to be obscure glazed so as to not impact the privacy levels of 2 Bullfinch Lane, as they are not the primary light or outlook source. The skylight will not face the private amenity or first floor windows of 112 Chipstead Lane and as such the rooflights in the east elevation are not considered necessary to obscure. There are ground floor windows in rear projection that will face towards 2 Bullfinch Lane, but given the orientation of 2 Bullfinch Lane, this is will only be at oblique angles. The windows will only be at ground floor level and such their impact will be limited. Furthermore, the hard and soft landscaping, including boundary treatments will be proposed to ensure that the privacy between these properties remains.
- The proposed dwelling has been set back further from the boundary of 2 Bullfinch Lane than under previous schemes, and now sits at least 9.6m (approx.) from the boundary at its' closest point. The dwelling has also been reduced in height to 1.5 storeys and as such, whilst taller than the existing dwellings, should not be significantly enclosing. The soft landscaping and boundary treatments will also help to soften the appearance of the proposed dwelling. In terms of the 112 Chipstead Lane, the proposed dwelling, does not extend as far back as this neighbouring property and therefore will have no impact on the private amenity space of their property.
- 45 Future Occupancy
- The proposed dwelling exceeds the national space standards and therefore is considered to be of a size that is acceptable to protect the future amenity of the occupiers. It is acknowledged that two bedrooms are proposed at lower ground level and this does limit the amount of outlook and light available to these rooms, but light wells and patio doors are proposed which should help maximise light and outlook for these bedrooms and is considered acceptable. Public comments have raised concerns about the size of the garden available. A modest rear garden area is proposed and Chipstead Common is opposite the site, and as such, the proposal is considered acceptable in terms of future occupier amenity.
- The proposal is considered to comply with EN2 of the ADMP, subject to conditions.

Impact on Parking and Highway Safety

Policy T2 of the ADMP requires proposals to provide vehicle/cycle parking in accordance with the KCC Vehicle Standards and states the Local Planning Authority

- may depart from the maximum or minimum standards in order to take into account of specific local circumstances. Policy T3 of the ADMP requires all new homes with vehicular access to have the facilities for the safe charging of electric vehicles.
- The application proposes to relocate and extend of the dropped kerb, which will help to facilitate three car parking spaces on-site, as well as the provision of the cycle storage. It is acknowledged that there is limited on-street car parking within Chipstead Lane and that proposed re-location of the dropped kerb does move it closer to the crossroads, with Chipstead Lane, Bullfinch Lane and Witches Lane, however the proposed scheme is not considered to cause 'severe' harm to the highways in terms of safety or impact on car parking.
- KCC Highways has raised no objections to the scheme, as long as two parking spaces on-site are provided and retained, as well as cycle storage and EV charging points. According to policy T2 the number of spaces required for a property of this site is a minimum of 2 independent spaces. The scheme offers more than the minimum car parking spaces required by policy T2 and therefore the impact of the proposal on parking arrangements within Chipstead Lane should be more limited. Conditions would be added to any approval, which would ensure that the parking spaces on-site are retained, secure cycle provision is provided in accordance with policy T2, and that electric vehicle parking would be accommodated within site. The Local Planning Authority has no control over the number or availability of on street electric vehicle parking spaces, and the proposal could be conditioned to comply with policy T3 of the ADMP.
- KCC Highways on previous schemes have raised concerns about reversing out of the proposed parking spaces onto Chipstead Lane. This has been raised by some of the public comments on this application, however the parking layout/positioning is different under this scheme. KCC have not raised any concerns about the need to reverse out of the parking spaces on this application, and as such it is not considered to be unacceptable in terms of highways safety.
- The existing dropped kerb is proposed to be extended by approx. 4.5m in length which is less than a parking space. Paragraph 115 of the NPPF states that an application should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Effectively, the increase in the dropped kerb, means that approximately one on-street parking space is lost on street. Many of the public comments have suggested that the proposed dwelling will generate the need for 8-12 parking spaces, but there is no evidence of this. The proposal will replace an existing 2-bedroom property, with a 4-bedroom property. The impact of this on parking or traffic movements is not considered is not considered to be severe. Furthermore, KCC Highways have found the scheme acceptable and have not raised any concerns about safety.
- In addition to the above, in the most recent appeal decision dated 06 December 2023 (APP/G2245/W/23/3319751), whilst noting that they visited the site outside of school hours, the Inspector found no substantive evidence that a small increase in onstreet car parking would be harmful. Whilst it is inevitable that Chipstead Lane experiences more traffic during school drop-off and collection times, the increased size of the proposed dwelling is not considered to have an unacceptable impact on highway safety.

Overall, subject to the conditions requested by KCC Highways, the proposal is considered acceptable in terms of parking and impact on highways. As such the proposal is compliant with policies T2 and T3 of the ADMP.

Other Issues

- 55 Public Comments
- The majority of the public comments received related to issues that have been addressed in the above sections. The following points relate to the comments that have yet to be addressed.
 - Site Notice During the course of assessment for this application, the application was made invalid on a technical issue and then revalidated. The site notice comments, came during the first round of consultation before the application was invalidated. The case officer herself put a site notice during this period to ensure it had been displayed correctly. When the site notice was required following the revalidation of the application, we received confirmation from the applicant that the site notice had been displayed as per our requirements. It is not possible for the Council to check each application at regular intervals to ensure that the site notice remains present. Furthermore, neighbour letters were sent as per normal Council consultation policy and an advert was placed in the paper to ensure that the scheme was fully advertised.
 - House in Multiple Occupation (HMO) We have received numerous comments
 that the application site will be used for a HMO or further subdivided. We have
 no evidence that this is the intention for this scheme, and it would be
 unreasonable and prejudicial to refuse an application on this basis.
 - Housing Stock Several concerns were raised that the removal of the bungalow from housing stock means that there are fewer places for people to downsize to and may force them out of the district. The removal of one bungalow from the housing stock is not considered to have a significant enough impact to warrant a refusal.
 - Many feel that only a bungalow is suitable for this plot, but the height of this scheme and amenity of this scheme has been assessed in the sections above. The local planning authority can only assess scheme, as submitted.
 - Many comments have made reference to the previous schemes that have been refused. It is considered that this proposal overcomes the concerns of the previous schemes as addressed above.

Community Infrastructure Levy (CIL)

57 The application is CIL Liable. No exemption has been applied for.

Conclusion

The principle of the development of the site is considered to be acceptable in land use terms. The development would be appropriate in terms of height, scale, location and design and would respect the character and appearance of the area. It would not be harmful to neighbour amenity and would provide for adequate parking. There are no other issues that could not be addressed by appropriate condition. As such, in

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

Recommendation

59 It is therefore recommended that this application is GRANTED subject to conditions.

Background papers

60 Site and block plan

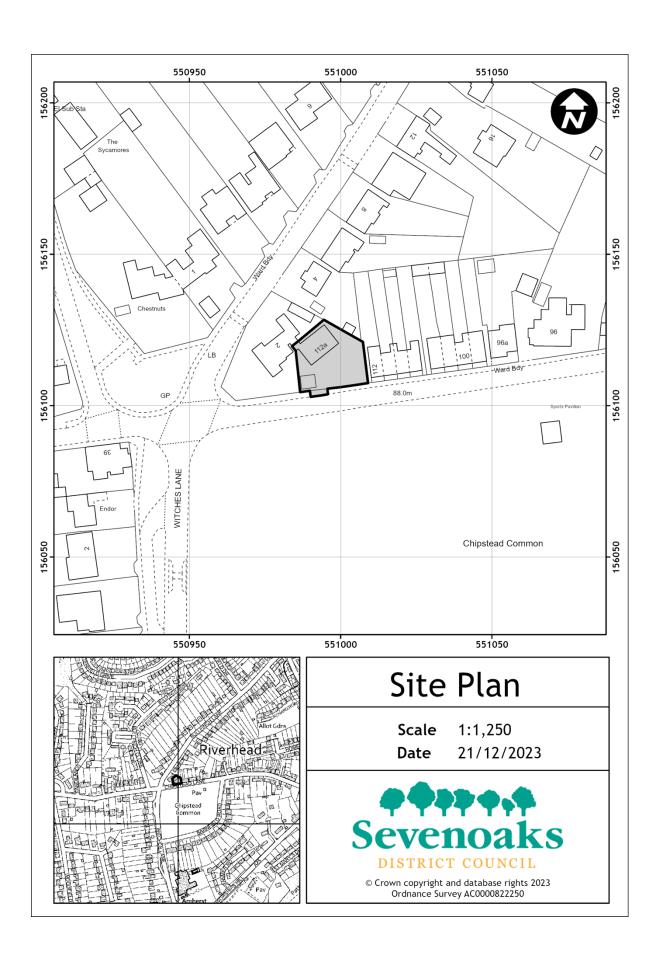
Contact Officer(s):

Abbey Aslett: 01732 227000

Richard Morris Chief Planning Officer

Link to application details:

Link to associated documents:



PROPOSED BLOCK PLAN

