

5) No external lighting shall be installed on the dwelling or within the grounds of the dwelling, unless in accordance with a lighting design strategy which has first been submitted to and approved by the local planning authority. The strategy shall include details of the location, height, type and direction of light sources, means of controlling light spillage and intensity of illumination. The lighting shall be designed to preserve neighbour amenity in accordance with policy EN2 of the Allocations and Development Management Plan.

To preserve amenity in accordance with policy EN2 of the Allocations and Development Management Plan.

6) Prior to the commencement of development, details of existing and proposed finished site levels, and finished floor and ridge levels of the building to be erected, showing the relationship of levels to the neighbouring properties, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

To ensure that the appearance of the development preserves the character and appearance of the area and to preserve neighbouring amenity as supported by Policies EN1 & EN2 of the Sevenoaks Allocations and Development Management Plan.

7) Prior to development reaching damp proof course, a soft landscaping scheme to enhance the appearance and biodiversity of the site, with native only species planting, shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

To ensure the proposed landscaping preserves the character of the area and enhances biodiversity in accordance with policies EN1 of the Allocations and Development Management Plan and SP11 of the Core Strategy.

8) The new dwelling shall not be occupied until the electrical charging point shown on the approved drawing reference 8603-PD-01 has been installed in the location shown. The charging point 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.

9) Notwithstanding the approved drawings, the first floor windows in the side (north west and south east) elevations 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 windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

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

National Planning Policy Framework

In dealing with this application, we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service as appropriate updating

applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The application site comprises garden land and part of the driveway to the south-east of Dunollie. The site is located on the north-east side of Church Road in Halstead, between the detached properties of Dunollie and Avebury.
- 2 This part of Church Road is located outside of the defined settlement confines of Halstead, although within a row of houses that line Church Road. It is within the Green Belt. The site is enveloped by the Halstead Conservation Area which wraps around Dunollie and the application site on three sides. Neither Dunollie or the application site are within the Conservation Area.
- 3 Dunollie has two access points to the highway, one of which would serve the proposed dwelling.

Description of proposal

- 4 Permission is sought for the erection of a two storey five-bedroom detached dwelling, with some accommodation in the roof space. It would be a timber framed house, with a forward gable projection, integral garage and single storey rear projection.

Relevant planning history

- 5 There is no history of decision on the application site itself (comprising the garden space to Dunollie); there is some history of extensions and alterations to Dunollie itself and for new dwellings in the vicinity.

Policies

- 6 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
 - application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs (National Landscapes), designated heritage assets and locations at risk of flooding.

- 7 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
 - LO1 Distribution of Development
 - LO8 The Countryside and Rural Economy

8 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Electric Vehicle Charging

9 Other

- Development in the Green Belt SPD (2015)
- Sevenoaks Landscape Character Assessment (2017)
- Halstead Conservation Area Appraisal (2003)

Constraints

10 The following constraints apply:

- Metropolitan Green Belt
- Setting of Halstead Conservation Area.

Consultations

11 Halstead Parish Council:

Halstead Parish Council object to this application. It is felt to be inappropriate development in Green Belt as per NPPF Para 152 by definition, harmful to the Green Belt, which should not be approved except in very special circumstances. No special circumstances have been given.

12 SDC Environmental Health:

"There is no objection to this application. The following is recommended:

13 Demolition and Construction Environmental Plan

A Demolition and Construction Environmental Management Plan is recommended due to the proximity of neighbouring dwellings. The CEMP should include measures to deal with noise, dust, site working hours, deliveries and waste. Other teams such as Highways may wish additional matters to be included. There should be no burning whatsoever on site.

14 External Lighting

Any external lighting must be designed to ensure that lighting overspill beyond the boundary of the site and upward/sky glow is minimised. External lighting should be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light."

15 SDC Conservation:

Significance

The application site is edged on three sides by the Halstead conservation area, although the site itself is excluded.

16 Impact on Significance

In scale, form, architectural treatment and materials, the proposed infill building references the dwellings to either side. Although intensifying the level of development in the immediate context, the new built form respects the front building line and generally sits comfortably on the site. It is compatible with the built form enclosing the northeastern side of Church Road and neither assumes undue dominance in the street scene, nor obstructs any distinctive conservation area views.

17 Policy Context

Paragraphs 205 & 206 of the NPPF require great weight to be given to the conservation of designated heritage assets and note that significance can be harmed or lost through unsympathetic development within their settings.

Subject to submission and approval of external materials samples, the proposal causes no harm to the significance of the Halstead Conservation Area and there is no objection in terms of Policy EN4.”

18 KCC Highways and Transportation:

Confirms that the development does not meet the criteria to warrant involvement from the Highway Authority in accordance with current consultation protocol arrangements.

Representations

19 2 letters of objection have been received in response to the application, raising the following issues:

- Loss of light to side windows.
- Overshadowing due to scale of the building.
- Loss of privacy.
- Risk of damage due to construction works adjacent to neighbouring property.
- Site line/building line is not in keeping with the street.
- Inappropriate development in the Green Belt.
- Overdevelopment of the site.

20 3 letters of support have been received, raising the following issues:

- The design is supported.
- The development will deliver new housing without impacting green, open spaces.
- Housing in this location is better than alternative large-scale development.
- Ad hoc developments/additions to the village will create a better result for all.

Chief Planning Officer's appraisal

21 The main planning considerations are:

- Principle of development, including development in the Green Belt.
- Impact on the character of the area and heritage impact.
- Residential amenity.
- Highway safety and parking.

Principle of development, including development in the Green Belt

22 Legislation states that applications must be determined in accordance with the local authority's development plan unless material considerations indicate otherwise. The Council's Development Plan includes the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP) 2015.

23 Policy LO1 of the Sevenoaks Core Strategy 2011 defines the Council's strategy for the distribution of development in the District, stating that: "development will be focussed within the built confines of existing settlements". Policy LO1 goes on to state that "in other locations priority will be given to protecting the rural character of the District. Development will only take place where it is compatible with policies for protecting the Green Belt...".

24 Policy LO7 refers to development within rural settlements, including Halstead, and states that these will be locations for small scale development. The site lies within a short distance from the defined boundary of Halstead; however, the policy is clear that it relates to development "within the settlement confines", which this site is not.

25 Policy LO8 of the Core Strategy, which addresses matters relating to the countryside and rural economy, states that the extent of the Green Belt will be maintained, and the countryside will be conserved. The application site, like the majority of Church Road, is outside the settlement confines of Halstead and within the Green Belt.

26 While the above locational policies are considered to align with the NPPF's emphasis on sustainable development, and protection of the Green Belt, they can only be considered partially in date as the policies have not to date facilitated the delivery of sufficient housing in the District in accordance with national policy.

27 The proposed dwelling would be a small-scale development of a nature acceptable within the settlement of Halstead. It would be on garden land set amid a row of existing dwellings that are closely linked to Halstead. The proposed development would provide an additional dwelling. In this way, the development would contribute towards the District's housing stock in the context of a shortfall of housing supply within an adopted local plan and a long-term undersupply of housing to meet needs.

28 Overall, therefore, the principle of development may be considered acceptable subject to whether the proposal conflicts with the policies in the NPPF relating to protected areas, in particular, the Green Belt. This is considered further below.

29 Whether the development is appropriate in the Green Belt

30 Paragraph 153 of the NPPF advises that local planning authorities should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Therefore, the harm in

principle to the Green Belt remains even if there is no further harm to openness because of the development.

- 31 As set out in paragraph 154 of the NPPF, the construction of new buildings in the Green Belt should be regarded as inappropriate development, subject to a number of defined exceptions including:

“154. (e) limited infilling in villages;”

- 32 The NPPF does not define ‘limited infilling in villages and case law has established that a judgment must be made in each case based on the circumstances of the site. Section 3 of the Development in the Green Belt SPD (2015), however, provides further guidance in this respect.

- 33 Paragraph 3.3 of the SPD states:

“The District Council defines limited infill development as the completion of an otherwise substantially built-up frontage by the filling of a narrow gap normally capable of taking one or two dwellings only”.

- 34 Paragraph 3.4 further provides a definition of a substantially built-up frontage “as an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene”. This section of the SPD also provides an illustration.

- 35 Whereas the SPD states that the defined settlement boundaries usually marks the edge of the settlement for the purposes of considering limited infill, there may be circumstances where infill development is appropriate in the Green Belt where a change in character between the settlement and adjoining development is not apparent (paras. 3.5 - 3.6). Regard must be given to the situation on the ground.

- 36 A recent appeal in West Kingsdown (APP/G2245/W/23/3336039) tested the strength and weight of the guidance provided by the SPD in respect of the more recent policy of the NPPF. Taking into account a number of appeal decisions, the Inspector found that “the SPD is broadly consistent with the approach to infilling in the Green Belt set out in the Framework. As such, ..., it should be accorded considerable weight in determining the appeal proposal”. [my emphasis]

- 37 The proposal is for the erection of one dwelling in a modest gap between Dunollie and Avebury, which form part of a row of several dwellings in a consistent building line/frontage. The site is of sufficient size to accommodate one dwelling as per the Green Belt SPD definition.

- 38 Moreover, whilst not within the defined settlement confines of Halstead, case law has established that such boundaries are not always conclusive of whether a site lies within the village. From my assessment, Church Road is well connected and part of the Village.

- 39 As the development is found to accord with the limited infilling exception of the NPPF, it can be considered as appropriate development in the Green Belt. No further assessment of impact on openness of the Green Belt is required.

Impact on the character of the area and heritage impact

- 40 Policy SP1 of the Core Strategy and EN1 of the Allocations and Development Management Plan outline that all new development should be designed to a high

quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 also states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

- 41 Policy EN4 of the Allocations and Development Management Plan states “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”.
- 42 The application site is located adjacent to the Halstead Conservation Area, within its setting. The site is not within the setting of any listed buildings.
- 43 It is proposed to construct a two-storey dwelling, with a footprint of 185sqm (excluding porch) and a maximum height of 8.66m. As shown on the submitted Street Section, the height would be the same as Dunollie and less than 1m taller than Avebury; it is in keeping with the bulk, scale and massing of the two immediate neighbours. A condition securing details of finished floor levels and heights would ensure that these levels are maintained.
- 44 The proposed dwelling design features a two-storey forward projection, in keeping with the neighbouring properties. This projection aligns with the building line of Dunollie, while the main building line is broadly consistent with that of Avebury. There would be a single storey rear projection proposed creating a footprint comparable to that of Dunollie and a first floor ‘footprint’ comparable to Avebury.
- 45 The Halstead Conservation Area Appraisal notes that the Conservation Area contains mainly large, detached buildings of the 18th and early 19th Century, with “splendid examples of early 19th century cottages”. Brick is identified as the most popular building material, with some timber framing also evident locally, including Kent Acre on Church Road.
- 46 The appraisal goes on to highlight that “three examples of vernacular housing design with their own unique features are Avebury, Holly Cottage and Tudor Cottage”, and that these properties “have plain clay tiled hipped roofs and first floor decorative timber framing reflecting Kentish vernacular design”.
- 47 The design of the proposed dwelling reflects that of the vernacular identified as a positive feature of the Halstead Conservation Area. It is proposed to be finished in brick at ground floor, with a mock Tudor style to the first floor, featuring a timber frame and render infill panels. Further details of materials can be secured by condition. The design of the building is considered to be in keeping with the character of the area and Conservation Area and includes sympathetic materials and features.
- 48 Representations received express concerns that the dwelling does not fit with the established building line. As demonstrated on the Proposed Site Plan (8603-PD-01), the front projection is in line with the front elevation of Dunollie to the northwest, while the elevation step backs towards Avebury to the southeast. Overall, the new building would align and sit comfortably with the wider building line of Church Road. As illustrated by the submitted Proposed Street Scene, the dwelling would not appear out of place, too large for the site, or overly dominant in the street scene, with consistent spacing maintained between the dwellings.
- 49 The Conservation Officer has also commented that the proposed dwelling respects the front building line and generally sits comfortably on the site.

- 50 The site benefits from an existing laurel hedge, bushes and trees to the street front, in addition to an existing access. The proposals do not include any alteration of the street frontage. An existing hedgerow further into the site dividing the driveway from the rear garden would be removed, along with a small section of hedgerow to the northeast of the proposed dwelling. This would have a negligible impact on the street scene and further details, including for any proposed landscaping, can be secured by condition.
- 51 To the rear of the proposed dwelling the site would be divided from the garden of Dunollie by a new hedgerow. There are no other outbuildings or changes to the rear garden proposed; the existing outbuilding and shed of Dunollie would be located within the garden of the proposed dwelling.
- 52 Overall, the proposed development is considered to preserve the character of the area and the setting and significance of the Halstead Conservation Area through its sympathetic design, scale and bulk. The proposed development would comply with policies EN1 and EN4 of the Allocations and Development Management Plan.

Residential amenity

- 53 Policy EN2 of the Allocations and Development Management Plan requires proposals to provide adequate residential amenities for existing and future occupiers of the development and to safeguard the amenities of neighbouring occupants.
- 54 The proposal would sit within a gap between Dunollie and Avebury and, although creating a relatively close relationship, this would not be atypical of the street and wider area. It would replicate the layout and separation distances of Avebury, Holly Cottage and Tudor Cottage.
- 55 The impact of the development is, nonetheless, assessed below.
- 56 Focussing first on Avebury, a review of the planning history (applications 05/00084/FUL and 06/00852/FUL) shows the side elevation facing the application site comprises windows serving a kitchen and living room at ground floor and bedrooms 2 & 4 at first floor, in addition to a bathroom. This arrangement has been confirmed through a site visit.
- 57 Starting with the ground floor, a kitchen is not a primary habitable living space as per the definition in the Residential Extensions SPD. Therefore, a modest loss of light would not result in an unacceptable loss of amenity. This room is already subject to limited light due to its proximity to the boundary hedge, the proposed development would not exacerbate the existing levels of daylight light to an unacceptable degree compared to the current arrangement.
- 58 The living room is dual aspect and so would also not see an unacceptable loss of light as it is served by windows other than that facing the new development. The living room is also be situated in line with the single storey element of the proposed dwelling, thus there would not be a materially greater impact than the existing boundary hedging. The living room of Avebury is also situated further from the boundary and would be less susceptible to a loss of light.
- 59 Moving to the first floor, loss of light to the bathroom is not contrary to policy as it is not a primary habitable space. As for Bedroom 3 at the rear, this benefits from a secondary window at the rear and would continue to maintain acceptable levels of

light. Similarly, Bedroom 4 to the front (used as an office) also benefits from a front window, negating/mitigating the loss of light.

- 60 With regard to outlook, it is noted that the proposed dwelling would reduce the separation distance to other built development Avebury currently benefits from on its northwestern side. However, the separation distance of 2.77m at the narrowest point is not atypical of separation distances between properties in the vicinity. For example, the separation distances between Avebury, Holly Cottage and Tudor Cottage range from 2.5m to 3m. The development accords with the guidance within the Residential Extensions SPD and the National Model Design Code and would not result in adverse living conditions through a significant reduction in outlook, noting the availability of other windows serving affected rooms.
- 61 Turning to the impact upon Dunollie, the facing windows at ground floor level serve a bathroom/toilet and open plan living area (within the single storey element of the building). Bathrooms and toilets are not primary living spaces, and the living area has ample light and outlook through numerous other windows. As for the first-floor side windows, these serve bedrooms. However, they are small secondary/additional windows with the main sources of light & outlook through the front and rear windows. For the same reasons as Avebury, the proposed development would preserve amenity for the current and future residents of Dunollie.
- 62 In terms of privacy impacts, the small upper floor side facing windows of the proposed dwelling would serve bathrooms. In this respect, it would be reasonable to include a condition that requires that these windows are obscure glazed. In terms of the front and rear facing windows, these would create a normal relationship with adjoining properties and would not be considered to have an unacceptable impact on privacy.
- 63 The proposed development is considered to accord with Policy EN2 of the Allocations and Development Management Plan.

Highway safety and parking

- 64 Policy EN1 of the Allocations and Development Management Plan states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 65 The application site benefits from an existing access off Church Road, with entrance gates sufficiently setback from the road to allow for good visibility. As for parking, the driveway is sufficiently large enough for at least 2 vehicles in accordance with policy T2 of the Allocations and Development Management Plan.
- 66 An electric vehicle charging point would be provided to the front of the house, in accordance with Policy T3 of the Allocations and Development Management Plan, which can be secured by condition.
- 67 The development would accord with Policy in this regard.

Other issues

- 68 A case of very special circumstances is not required as the development is considered appropriate in the Green Belt under the terms of the NPPF.

69 Concerns have been raised regarding the construction works in close proximity to the neighbouring dwelling. This is typical of development within an existing residential area and, as advised by the Environmental Protection Officer, should be managed through a Construction Environmental Management Plan which can be secured by condition.

70 In terms of biodiversity, opportunities for biodiversity enhancement can be secured through an appropriate landscape condition.

Community Infrastructure Levy (CIL)

71 The development is CIL Liable, and a liability notice will be issued separately.

Conclusion

72 The proposal would comprise limited infill development, which is considered appropriate development in the Green Belt under the terms of the National Planning Policy Framework and in line with the Development in the Green Belt SPD. The development would preserve the character of the area and the setting of the Conservation Area. Further, I have found that there would be no unacceptable loss of amenity for the neighbouring residents. The development would accord with the Development Plan and the NPPF.

73 The development would deliver one additional dwelling and, as I have found that the development would accord with the NPPF's policy for protection of the Green Belt, the presumption in favour of granting planning permission must apply, as set out within paragraph 11(d) of the NPPF. As I have not found any adverse harms that would significantly and demonstrably outweigh the benefits of the delivery of the dwelling, the NPPF states that planning permission should be approved.

74 It is therefore recommended that this application is granted.

Background papers

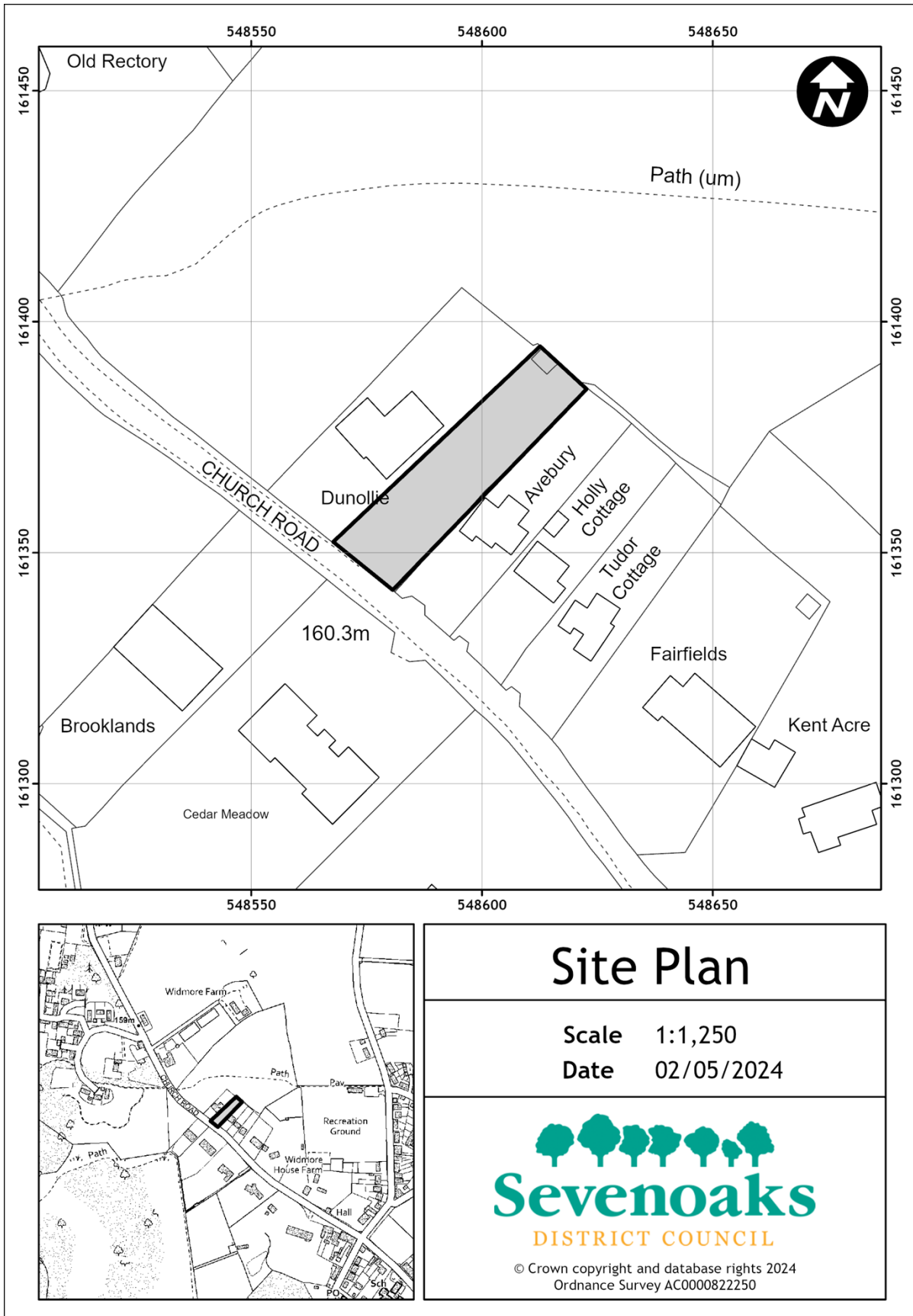
75 Site and block plan

Contact Officer(s): Ashley Bidwell 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250

Date 02/05/2024



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Ordnance Survey AC0000822250

PROPOSED BLOCK PLAN

