

5.02 – SE/12/00467/FUL Date expired 16 April 2012

PROPOSAL: Demolition of existing dwelling & construction of two detached dwellings with integral single garages

LOCATION: Finchcocks, 5 Wildernesse Mount, Sevenoaks KENT TN13 3QS

WARD(S): Sevenoaks Eastern

#### ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Elizabeth Purves, who considers the proposal harmful to the character of the road and overdevelopment of the plot.

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

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

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

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

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) The first floor window(s) in the side elevations of both proposed proerties shall be obscure glazed at all times.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) No development shall be carried out on the land until samples of the materials to be used in the construction of the hardstanding (drive way) hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To safeguard the appearance of the area

5) No window(s) or other opening(s) shall be inserted at any time in the first floor side elevation(s) of the dwellings hereby approved, despite the provisions of any Development Order.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

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

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1 and Policy SP2 of the Core Strategy

7) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection for the trees on the eastern boundary shall be undertaken in accordance with details that shall have been submitted to and approved in writing by the Council. Also:

A) The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.

B) Within the protected area:

-No excavation shall take place      -No building or engineering operations shall be carried out

-No fires shall be lit

-No vehicles shall be driven or parked over the area

-No materials, equipment or temporary structures shall be stored or placed.

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

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

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

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

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

-a programme of implementation.

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

9) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are

removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

10) Before the use or occupation of the development hereby permitted, the car parking and turning areas shown on the approved 11201/1 A shall be provided and shall be kept available for the parking of cars at all times.

In the interests of highway safety and visual amenity.

11) No development shall take place until details of the: existing levels of the land; any proposed slab levels and any changes in levels have been submitted for approval. The development shall be carried out in accordance with the approved details.

To safeguard the amenity of the area.

12) The development hereby permitted shall be carried out in accordance with the following approved plans: 120101/10 A, 120101/11 A, 120101/12 A, 12101/13 B, 120101/14 A, 120101 B, 120101/16 A, 6998se-01, 6998-se-02.

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

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

The South East Plan 2009 - Policies CC6

Sevenoaks District Local Plan - Policies EN1, VP1

Sevenoaks District Core Strategy 2011 - Policies SP1, SP2, SP3, L02

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

The development would respect the context of the site and would not have an unacceptable impact on the street scene.

Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by way of the conditions imposed.

**RECOMMENDATION B:** In the event that the applicant does not complete the unilateral undertaking for affordable housing within 28 days, then the planning application be REFUSED for the following reason:

1) The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 Obligation to secure an appropriate level of affordable housing provision or a viability assessment outlining the financial case against the need for a contribution, the development would be contrary to policy SP3 of the Sevenoaks District Council Core Strategy.

## Description of Proposal

- 1 It is proposed to demolish the existing large detached property and replace it with two detached dwellings. Both replacement dwellings will have integral garages.
- 2 The large existing plot will be split down the centre and the two dwellings will be staggered with the first dwelling roughly sited in line with the rear elevation of No 2.
- 3 The two dwellings will be staggered so that plot 2 is set slightly in front of the neighbour at No 7, and plot 1 is set behind this, but in front of the neighbour at No 3.
- 4 Plot one will have a width of 14m and Plot two a width of 15m.
- 5 This application is a resubmission of a recent refused application, again for two dwellings on this site, which was refused for the following reason:

*The proposal would have an adverse impact on the street scene by reason of the excessive scale and extent of built development proposed on the site to the detriment of the distinctive character of the east side of Wilderness Mount. The development would therefore be contrary to Policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Core Strategy.*

- 6 The application has been amended through:
  - The removal of detached front projecting garages (in favour of integral garages);
  - Front dormers omitted in favour of roof lights ;
  - Re-siting of dwellings so that plot 2 is set further forward than plot 1;
  - The space between the dwellings and the side boundaries have been slightly increased (from 2m to 2.3) and the design altered;
  - The addition of basements to both properties.

## Description of Site

- 7 The application site lies along Wildernesse Mount within Sevenoaks.
- 8 Wildernesse Mount has a spacious open character, with a varied design and appearance in terms of dwellings, which are large and detached, save for two semi detached properties at Nos. 6 and 8.
- 9 The existing site is approximately 29m in width and 75m in depth. The site is therefore approximately 0.2175 hectares
- 10 The existing large detached property is sited towards the north hand of the plot, set back some 13m approximately from the highway. The site slopes down towards the rear (east).

### Constraints:

11 None

### Policies

#### *Sevenoaks District Local Plan*

12 Policies - EN1, VP1

#### *Sevenoaks Core Strategy*

12 Policies - SP1 SP2, SP3, L02, SP7

#### *Other*

13 National Planning Policy Framework

### Planning history

14 11/01835/FUL Demolition of existing dwelling & construction of two detached dwellings with double garage. Refused. Currently being appealed.

85/01037/HIST Replacement garage/store, studio extension, first floor. Granted

### Consultations

#### *Sevenoaks Town Council*

15 Sevenoaks Town Council recommended refusal on the following grounds :

- Overdevelopment of the site
- House no.1 is set so far back on the plot that it may cause a loss of amenity no.3 Wildernesse Mount
- Loss of parking and sufficient space for significant trees between house no.2 and no7 Wildernesse Mount; giving the impression of overcrowding in otherwise spacious surroundings.
- Detrimental impact on residential amenities of No. 7
- Loss of trees
- Not in accordance with the Character Area Assessment for this side of Wildernesse Mount.

#### *SDC Tree Officer*

16 In order to accommodate the proposals an amount of existing vegetation will be required to be removed. This is inclusive of a section of the Beech hedging to the front and an amount of smaller insignificant trees within the front portion of the property. There does appear to be adequate room for the proposed new builds with the remaining foliage located within the rear portion of the grounds left as

existing. It is recommended that the vegetation protection as specified should be adhered to. Other than this no obvious concerns.

#### *KCC Highways*

- 17 I confirm I have no objection to this proposal. If approved the applicant will need to formally approach the highway authority with respect to the construction details of the reconfigured highway crossovers.

#### *Thames Water*

##### Waste Comments

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

##### Water Comments

- 20 With regard to water supply, this comes within the area covered by the Mid Kent Water Company. For your information the address to write to is - Mid Kent Water Company PO Box 45, High Street, Snodland, Kent, ME6 5AH. Tel - (01634) 240313

#### Representations

- 21 Neighbours - 14 letters of objection have been received, which are summarised as follows:
- The greatly increased layout and density of the two houses is out of character with Wildernesse Mount.
  - The proposed new development restricts the visual amenity to the houses on the opposite side of the road
  - Due to the fact that the properties are to have basements it is difficult to believe that the beech hedge will survive in its current form.
  - The reduction in the visual gaps between the properties will adversely affect the character of the street.
  - The bulk and mass will dominate the street scene.

- The garden of No 7 will be overlooked.
- The application has not altered sufficiently to overcome the previous reason for refusal.
- The loss of trees on both side boundaries and part of the front beech hedge would be a major detriment to the character of the road.
- The proposed frontage leaves no grassed area which is out of keeping with the street scene.
- The Eastern side of Wildernesse Mount has a distinct character from the Western side. It has a semi-rural feel to which the proposed development is contrary to.
- The proposed development appears big and bulky and will form a combined bulk and continuous development that will destroy the spacious character of the street scene.
- Integral garages and basements are unprecedented in this road.
- The road is already congested and further increased traffic will have further impact.
- The garden infilling is not in line with the Governments policy of trying to protect the environment and save open spaces.
- The revised proposal has made minimal changes to the distances from neighbouring properties.
- We wish to avoid any precedent that would allow more than one house per original plot or any increases in density that would change the desirability of the neighbourhood.

#### Group Manager - Planning Appraisal

22 The main considerations of this application are:

- Principle of development
- Impact upon character and appearance of the area
- Impact on the amenities of adjacent properties
- Affordable Housing Contribution

#### *Principle of development*

23 NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

24 Given the policy presumption in favour of the sustainable development (in this instance new housing within the Sevenoaks town centre), there is no objection to the principle of re-development of the site for a more efficient housing use.

25 The proposed scheme would provide a density of approximately 9 dwellings per hectare. This is less than the policy guidelines for housing redevelopment in urban areas (Core Strategy Policy SP7 recommends 40 dwellings per hectare within urban areas). However, given the character of the locality, which is generally characterised by large properties on plots of varying size, this density is deemed acceptable. The principle of the development is also deemed to be acceptable provided it complies with all other relevant policies.

26 This is also the case with regards to garden development, as NPPF states that:

Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

27 Further consideration to this issue follows below.

*Impact upon the character and appearance of the area*

28 NPPF states that ‘the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’

29 Policy EN1 (from SDLP) and CC6 from (SEP) state that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard and that the proposed development should not have an adverse impact on the privacy and amenities of a locality.

30 Also relevant is policy SP1 from the Sevenoaks Core Strategy which states ‘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’.

31 The existing property is of little architectural merit and does not contribute particularly to the character or appearance of the area in terms of design or appearance.

32 As stated above, there is no specific uniformity in terms of design along Wildernesse Mount although all the dwellings are traditional in appearance and materials, and the current dwelling is sited behind a 2.5m high beech hedge, which will mostly remain (save for a new access).

33 The Sevenoaks Residential Character Area Assessment states that:

*Individually designed detached houses are set back from Wildernesse Mount on a slightly irregular building line.*

*Groups of buildings are visible above walled, hedged and treed front boundaries. The formal layout is created by the wide road with footway on the western side and a relatively regular building line and spacing between buildings.*



*The south eastern side of the road has a different character with buildings generally set back much deeper within the plot and screened behind hedged and treed boundaries and is grouped within the Seal Hollow Road Character Area.*

- 34 The two replacement dwellings are the same scale, 10.5m in width, 15.5m in length (not including porches) and 8.9m in height.
- 35 This compares to the existing dwelling, which is approximately 8.9m in height, 15.8m in width and a total of 11.2m in depth, however given the slight increase in land levels the dwelling in plot 2 will reach a height of approximately 500mm higher.
- 36 The dwellings do have attic space sited within the roof space and are served by roof lights. The properties retain a two storey appearance therefore and the scale of the dwellings are considered appropriate to their setting and will be no higher for example than the existing dwelling or either adjacent neighbour.
- 37 Whilst the two dwellings are similar in scale, footprint and layout and mirror each other in terms of design, the dwelling in plot 2 has a rendered finish rather than the clay tile hanging at first floor for dwelling no1.
- 38 Taken in isolation, it is not considered that either property is out of keeping with the rest of the street scene (or each other) in terms of design or scale.
- 39 Wildernesse Mount is characterised by an open spacious character, with the properties set back considerably from the road. The plot widths on the eastern side are larger than those opposite on the western side.
- 40 The property in plot 2 is set forward of plot 1, however there is no established building line along this side of the road and it is not considered that the dwellings would appear incongruous in this respect.
- 41 Both proposed replacement dwellings will be sited 2.3m (compared to 2m in the previous application) from the side boundaries.
- 42 Whilst the existing property has a large separation distance to the southern boundary with No 7 (approximately 13m), most properties along this part of Wildernesse Mount do generally come close to filling the width of their plots, for example No 1 which is 2.5-3m from both boundaries, No 3, which is 4-5m each side but with two outbuildings within this space, and No 7, which has a gap of less than 1m to the boundary with the application site and approximately 4m to the boundary with No 9.
- 43 The properties on the western side of the road also have are denser in terms of their plot coverage, with plot widths of approximately 11-15m.
- 44 The previous refusal reason makes reference to the character of the eastern side of Wildernesse Mount and specifically mentions the massing and extent of built development of the previously proposed scheme.
- 45 The alteration to the design of the dwellings means that the eaves height adjacent to the side boundaries are approximately 1.3m lower than the previous design.

- 46 Whilst there are dormers sited on the side elevations facing the neighbouring properties, the reduction in eaves height reduces the massing and scale of the properties and particularly the roofs, when viewed from the highway.
- 47 Along with the removal of the front detached garages which were previously applied for, which again reduces the visual built development, it is considered on balance, that this amended scheme has overcome this previous reason for refusal.
- 48 The basements to the rear make use of the existing slope of the gardens and are not visible from the highway.
- 49 The resultant plot widths, 15m approximately for Plot 1 and 14m approximately for Plot 2 are smaller than the existing which is larger than the immediately adjacent plots (approximately 22.5m for No 7 and 21m for No 3), however the properties directly opposite have a plot width of approximately 14-15m, and No 1 on the same side of the road has a plot width of approximately 18m.
- 50 In this context and given the reduction in the visible massing and extent of development when viewed from the highway, the plot widths do not necessarily detract from the open spacious character and appearance of the street scene, particularly given the retained set back from the highway and the retained portion of beech hedging to the front of the plot.
- 51 Other properties along Wildernesse Mount, for example at No 1 and next door at No 7 have considerable amount of hard standing to the front of the dwellings. It is not therefore considered that the proposed hard standing or loss of front garden will detract from the character or appearance of the street scene.
- 52 It is therefore considered that this proposal complies with the above policies and SPD and overcomes the previous reason for refusal.

#### *Impact upon residential amenity*

- 53 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development does should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 54 The previous scheme was found to be acceptable in terms of its impact upon residential amenity.
- 55 As stated above, the design has been amended to reduce the massing on the side elevations facing the side boundaries, and the separation distance between the proposed properties and the existing neighbours have slightly increased (by 300mm).
- 56 The property in plot 1 has been re-sited forward to project 6m approximately in front of No 3. The detached garage of this neighbour sits between the boundary and the house and the proposed new dwelling does not conflict with the 45 degree line when drawn (vertically and horizontally) from the nearest habitable room window of the front elevation of No 3.
- 57 It is not considered therefore that the re-siting of the dwelling in plot 1 has a detrimental overbearing or overshadowing impact upon this neighbour.

58 There are no other significant alterations in this regard to the previous scheme (save for those minor alterations outlined above) and it is therefore considered that the amended proposed dwellings would also not have a detrimental impact upon the residential amenity of the neighbouring properties, subject to conditions relating to the obscure glazing of first floor side elevation (including the new proposed dormers) fenestration.

#### *Impact upon each other*

59 Given the re-siting of property No 1 and the introduction of integral garages, property No 2 no longer conflicts with the 45 degree line when drawn from the nearest habitable room windows of the front elevation of property 1.

60 As stated above, the proposed dwelling at Plot No 1 is set further back than (approximately 6m) the property in Plot No 2.

61 There is a separation distance of 4m between the two dwellings. Whilst the property at plot No 1 conflicts with the 45 degree line when drawn horizontally from the nearest ground floor window of property No2, it does not conflict with a 45 degree vertical line and this window serves a large kitchen area which is also served by large French doors.

62 The nearest first floor window on the rear elevation is more centrally sited and so property No 1 does not conflict with the 45 degree line when drawn horizontally or vertically from this window.

63 Similarly, property No 1 does not conflict with the nearest habitable room window on the rear elevation of No 2.

64 Neither property has ground floor side elevation fenestration facing each other.

65 Both properties have first floor side elevation windows facing each other, and as they serve a bathroom or en-suite, it is considered that they should be conditioned as obscure glazed to prevent unacceptable direct overlooking.

66 The rear elevation fenestration for both properties would only offer oblique overlooking of each others rear amenity areas and therefore again, it is not therefore considered that the proposed dwellings will have an unacceptable overlooking impact upon each other.

67 Therefore this proposal would comply with policy EN1 of the Local Plan in this regard.

#### Access

68 The submitted design & Access statement states that the existing access will be retained to serve plot 1, however the site layout plans show that a new access will also be created for this plot, with the beech hedge re-introduced along the existing access.

69 It is considered that this reintroduction will allow for the majority of the beech hedge to be retained and as such, , it is not considered that this part removal would detract from the character of the street scene, and the new entrances will appear to be in keeping with others along this side of Wildernesse Mount.

- 70 In terms of parking provision, the proposed integral garages will provide one parking space each with casual parking area in front. There will be ample room for turning in the extensive hard standing to the front of the properties. Therefore it is considered there is sufficient off road parking provided.

#### Landscaping.

- 71 Whilst the proposal would lead to the removal of part of the Beech hedge and several trees and shrubs on the southern boundary with No 7, the tree officer states that vegetation at the rear of the site will be retained and as such he has no objection to the proposal.

#### Affordable Housing contribution –

- 72 Policy SP3 of the Core Strategy requires that proposals involving the provision of new housing should also make provision for affordable housing. In the case of residential development of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 73 An affordable housing contribution of £44,620 (based on a current open market value of the 1 additional unit of £1m) has been agreed in principle through a unilateral undertaking.
- 74 It is therefore considered that the above policy is satisfied.

#### Other matters

- 75 The Parish Council object to the proposal. The issues raised, regarding the siting of plot No 1 (which as stated above, is set significantly forward of the previous siting which was found to be acceptable) and the impact upon No 7 and 3 (again, which was found to be acceptable previously) loss of parking and trees (found to be acceptable previously) have been addressed above.
- 76 With regards to the Sevenoaks Character Area Assessment, the majority of the hedging at the front will be retained and, as stated above, it is considered that the amended proposal complies with this guidance.
- 77 Notwithstanding the above, 14 letters of objection have been received, and the material planning considerations have been addressed above.
- 78 In terms of possible precedent set, it is considered that this plot is suitable for 2 dwellings, however elsewhere in Wildernesse Mount, for example at No 24 (11/00859/FUL) it was not considered acceptable given its relationship on a corner. Each proposal is therefore considered on its own merits.
- 79 With regards to overlooking etc., as explained above, the previous scheme was found to be acceptable in this regard and as this scheme has been further improved in this regard (moved away from the boundary for example) it is also considered that the impact upon the amenities of the neighbouring properties is acceptable.
- 80 Finally, it is not considered that one additional dwelling will have an unacceptable impact upon traffic conditions along the road. It should be noted that KCC Highways have not raised any objection. Given the separation distance to the

properties opposite, approximately 36m, it is not considered that the additional dwelling would have an unacceptable overlooking impact upon these properties. A loss of view is not a material planning consideration

## Conclusion

81 In summary, it is considered that, on balance, the proposed replacement dwellings will not detract from the character and appearance of the street scene, or have a detrimental impact upon the amenities of the neighbouring properties. The proposal therefore complies with NPPF, Policy EN1 of the Local Plan and SP1 of the Core Strategy.

82 I recommend that the application be approved.

## Background Papers

### Site and Block Plans

Contact Officer(s): Ben Phillips Extension: 7387

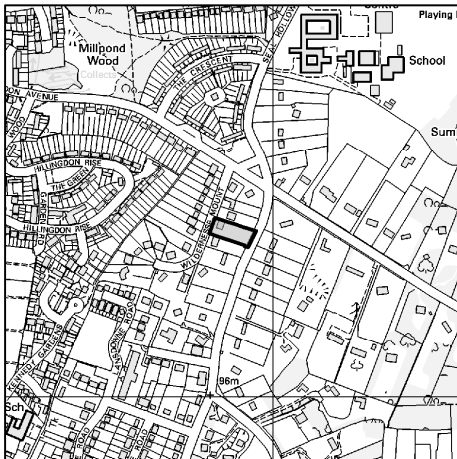
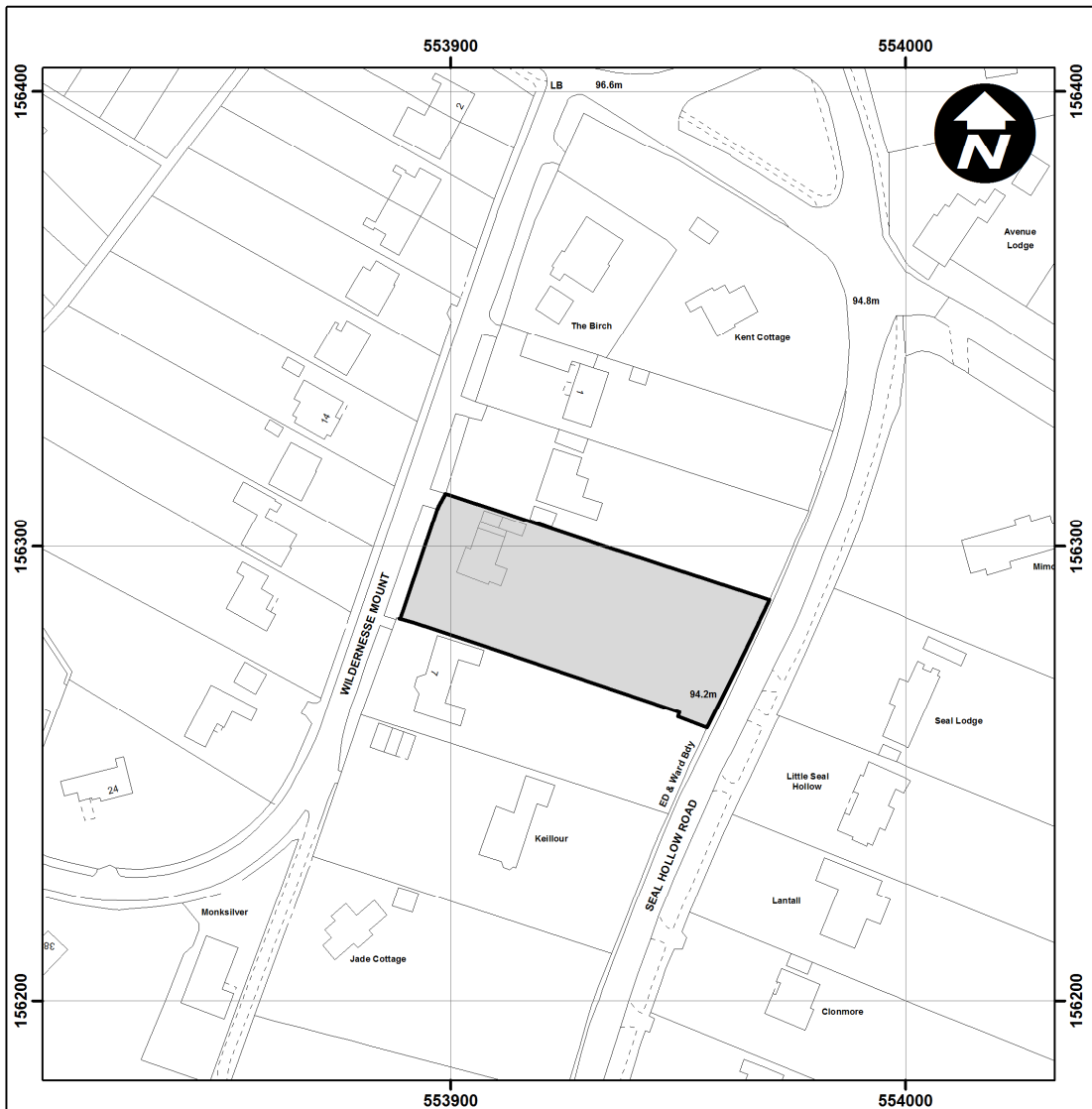
**Kristen Paterson**  
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LZP9E0BK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LZP9E0BK0CR00>



# Site Plan

Scale 1:1,250  
Date 01.05.2012



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