

5.3 SE/12/00307/FUL Date expired 4 April 2012

PROPOSAL: Demolition of existing dwelling and associated development, and erection of replacement 1 x 2 storey detached dwelling with parking facilities and associated works.

LOCATION: Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH

WARD(S): Sevenoaks Eastern

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Town Council and at the request of Councillor Purves who has concerns that the proposal could potentially have a detrimental impact upon neighbouring amenity and overdevelopment of the site.

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 materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be those included on the materials schedule submitted on 07.03.12.

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) Notwithstanding the details submitted no development shall be carried out on the land until full details of 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);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

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

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

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

5) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the

next planting season with others of similar size and species.

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

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

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

7) The first floor windows in the northern and southern flank elevations of the dwelling shall be obscure glazed and non openable, apart from any top hung lights, at all times.

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

8) No extension or external alterations shall be carried out to the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

9) No building, enclosure or swimming pool, other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

10) Notwithstanding the information submitted no development shall take place until details of all 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 amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

11) No development shall be carried out on the land until details relating to an intrusive investigation of the garden area to the rear of the property carried out by a suitably qualified environmental specialist has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with any recommended remediation that should be undertaken prior to the occupation of the dwelling.

To avoid pollution as supported by The National Planning Policy Framework.

12) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and ii) Prior to the occupation of the development, that

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

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

13) The development hereby permitted shall be carried out in accordance with the following approved plans: SEALC/1B, 2B, 3B, 4B, 5, 6, 7, 8, 9 and F1.

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 CC1, CC4, CC6, H4, H5, T4 and LF1

Sevenoaks District Local Plan - Policies EN1 and VP1

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

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

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

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

Informatives

1) The applicant should be aware that it may be necessary for the entrance of the new dwelling to have a ramp installed up to it to comply with Building Regulations. If this is the case the applicant is encouraged to contact the planning department at the Council to check whether planning permission is required for the ramp.

Description of Proposal

- 1 The application seeks the approval of the demolition of the existing bungalow and the erection of a two storey detached dwelling. The proposed house would be sited in a similar position to that of the existing bungalow but would be re-orientated to face more onto the plot frontage, whereas the bungalow currently faces a more south-easterly direction. The dwelling would be set about 14m back from the back edge of the highway.
- 2 The proposed house would be mainly square shaped in design with single storey and two storey front projections, and a two storey rear projection. The main house would have a pitched roof, hipped to the flanks, rising up to a flat roof section. The front projections would have gable ends, as would a dormer feature to the centre of the building at first floor level.

- 3 The dwelling would have a height of 7.7m, a maximum width of about 15m and a maximum depth of about 16.5m.
- 4 The application proposes to use the existing access onto the site, which also serves Salterns, Dawning House and Summerhill to the north and west of the application site.
- 5 The application follows the grant of consent for a replacement dwelling approved in 2011, SE/11/00776/FUL. This application has been amended from the previous scheme in that the design of the frontage of the approved house has been altered, with a second two storey projection now proposed, and the rear section of the property has also be altered in that a larger two storey rear projection is now proposed. The height of the proposed dwelling has also increased by 0.7m as has the width of the building, however the depth of the building is similar to the house approved.

Description of Site

- 6 The site currently comprises a detached bungalow set a minimum of 10.5m back from the plot frontage. The site is located just to the north of the junction with Blackhall Lane and is one of a row of sites which faces those which define the edge of the Wildernesse Estate.
- 7 The bungalow is set within a plot similar in size and shape to that of Thornwood, the adjacent plot to the south, and other properties along Hillborough Avenue and Seal Hollow Road to the south. The majority of properties to the north of the site are accessed from Wildernesse Mount and front onto this street scene context rather than Seal Hollow Road. There is a mature and established tree and vegetation screen to Seal Hollow Road and the land generally rises up beyond this to meet Wildernesse Mount. Opposite these houses are much larger properties defining the western edge of the Wildernesse Estate. The level of landscaping is lessened with the majority of properties being clearly visible within the street scene context and generally follow an established building line set back from Seal Hollow Road.
- 8 There is a shared driveway access which runs between the application site and Dawning House, which also serves Salterns and Summerhill to the rear. Hillborough Avenue further to the south serves a range of properties to the west of the application site which visually step up the rising topography. The network of roadways of Hillborough Avenue, Wildernesse Mount and Seal Hollow Road provide a varying character of plot shapes, sizes and orientation surrounding Sealcot, many properties appear to sit in a tandem relationship to each other. There is variety in the size of property from single storey and split level properties at Sealcot and Thornwood, to more imposing three storey traditional properties of Hill House and Salterns.
- 9 The immediate neighbour to the south is Thornwood, which is a split level dwelling with a two storey central section and large single storey front and rear projections. This property has a flat roof with a height of about 6m and is sited approximately 2m from the shared boundary. To the north of Sealcot is Dawning House, a large two storey detached property which is divided from the application site by the shared access track and approximately 38m separation to the boundary of the application site. To the west of the plot is Salterns, a large three storey semi-

detached dwelling, which shares a boundary with the site treated with mature screening of trees.

- 10 The levels of the area are such that both Sealcot and Thornwood are slightly higher than the highway to the front, Sealcot is set slightly higher than Thornwood, and both Salterns and Dawning House are higher than Sealcot.

Constraints

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

Policies

South East Plan

- 12 Policies - CC1, CC4, CC6, H4, H5, T4 and LF1

Sevenoaks District Core Strategy

- 13 Policies - LO2, SP1, SP2, SP5 and SP7

Sevenoaks District Local Plan

- 14 Policies - EN1 and VP1

Other

- 15 The National Planning Policy Framework (NPPF)
- 16 Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD)

Planning History

- 17 SE/12/00308 - Erection of a new detached single car garage. Granted 18.04.12
- SE/11/00776 - Demolition of existing dwelling and associated development, erection of replacement 1 - 2 storey detached dwelling, with garaging and parking facilities; associated works. Granted 01.07.11

Consultations

Parish / Town Council – 01.03.12

- 18 ‘*Sevenoaks Town Council* noted that this proposal is higher and larger than the approved plan 11/00776 for which the Town Council recommended refusal.
- 19 *Sevenoaks Town Council* recommended refusal as the larger dwelling will have a dominating effect on Thornwood to the south, which has living room windows affected by the profile of the south elevation.’

Highways Engineer – 09.03.12

- 20 ‘I confirm I have no objection. I am aware of neighbouring proposals and the requirements for an improved drive and access in association with these

(Summerhill and Dawning House - SE/10/02625/OUT). It would be preferable to approve this application subject to those enhancements or request that access is taken onto the shared drive, rather than utilising the existing oblique entrance immediately off Seal Hollow Road. It is understood however, that the proposal essentially comprises in terms of accommodation, an increase of one bedroom. It is not considered therefore that these preferences could be made a requirement of this application.'

Environmental Health Officer - 11.06.12

- 21 'As a substantial area of the back rear garden was used for numerous bonfires for several weeks I have a concern that this may have caused significant ground contamination. I therefore suggest that the application be conditioned to require the applicant to engage a suitably qualified environmental specialist to undertake an intrusive investigation of the garden area to the rear of the property and if contamination is found undertake any recommended remediation prior to the construction of the property. An alternative would be for the condition requiring the applicant to make a submission detailing how the potential remediation can be undertaken. If this is agreed by the district council then the works must be undertaken before the property can be occupied.'

Representations

- 22 Eleven letters of representation have been received, two in support of the application and nine raising objections to the proposal on the following grounds:
- Over development;
 - Removal of trees;
 - Impact on the character of the area;
 - Loss of light;
 - Loss of amenity;
 - Access;
 - Loss of privacy;
 - Overlooking;
 - Misrepresentation of neighbouring property; and
 - Enjoyment of neighbouring rear amenity area.

Group Manager - Planning Appraisal

Principal Issues

- 23 The main issues in this case are the principle of the development, the potential impact on the character and appearance of the street scene, the potential impact on neighbouring amenity and sustainable development. Other issues include the potential impact on highways safety and parking provision, the Code for Sustainable Homes, impact on trees and contamination.

Principle of development

- 24 The site falls within the Sevenoaks Urban Area as defined by policy LO2 of the Core Strategy. This policy seeks to encourage residential development on a range of sites suitable for residential use within the urban area. Since the site falls within the defined area and the proposal comprises the replacement of an

existing dwelling, the principle of the development is therefore one that the Council could potentially accept provided the proposal complies with all other relevant development plan policies.

Impact on character and appearance of the area –

- 25 The NPPF states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56)
- 26 Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. This policy is therefore considered to be broadly consistent with the NPPF.
- 27 The Sevenoaks Residential Character Area Assessment SPD identifies several locally distinctive positive features for the area including individually designed mostly two storey detached houses, set back from the road with gaps between buildings, along with other features.
- 28 As stated above, the dwelling would have a height of 7.7m, a maximum width of 15m and a maximum depth of 16.5m. This height is comparable to properties in the locality, with Thornwood having a maximum height of about 6m and Dawning House having a height of roughly 7-8m. The ridge heights across the three sites would read well, since they would rise from south to north with the gently rising levels of the plots.
- 29 The proposed siting and layout of the new dwelling would respect the existing pattern of development which fronts Seal Hollow Road, and which generally reflects a ribbon layout of built form. The position to the highway varies in this part of the street, but the proposed development would maintain a separation to the highway greater than that of the existing bungalow. The proposed house would also possess a similar overall width and depth to the existing bungalow, and would therefore have a similar plot coverage and a similar separation from boundaries of the plot and neighbouring properties.
- 30 The proposed house would therefore maintain the layout and pattern of development along Seal Hollow Road. As noted earlier there is variety in the pattern of built form around the site resulting from the network of roads to the. Accordingly, I do not concur with comments made by representations received that the replacement dwelling would harm the character and appearance of the area, would be over development of the site or would impact upon the visual amenities of the area. The area is generally well developed with varying plot sizes, orientation and size of property.
- 31 I consider that the proposed dwelling would continue to maintain the existing scale, site coverage and density of built form within the surrounding area and would accord with the above policy requirements.

Impact on neighbouring amenity –

- 32 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 33 Concern has been raised by the Town Council and the occupants of surrounding properties of the impact of the proposed development on their residential amenities, particularly those who live at Thornwood to the south of the site. The issues raised are loss of light, loss of amenity, loss of privacy, overlooking and enjoyment of the neighbouring rear amenity area.
- 34 The block plan submitted demonstrates that with the size of house proposed it would be possible to maintain good distances between the proposed house and neighbouring properties. The house directly to the north of the site, Dawning House, would maintain a distance of about 25m to the flank of the proposed house and would be separated by the access drive, which serves Salterns and Summerhill. To the west of the site, Salterns, would maintain a distance of about 35m. Both properties would continue to be situated on higher levels than the proposed property. Conditions could be incorporated into any approval of consent to confirm slab levels and a soft landscaping scheme to ensure that the potential impact of the house would be kept to a minimum.
- 35 It is acknowledged that Thornwood would be the property most affected by the proposed house since the dwelling would stand adjacent to the northern boundary of Thornwood. It is also acknowledged that the plan showing the internal layout of Thornwood is slightly inaccurate since it was taken from plans submitted to the Council in 2001. Since this time alterations have been carried out to Thornwood which means that the openings along the northern flank of the property are incorrect.
- 36 The kitchen now possesses two high level windows, one of which is likely to be partially affected by a overshadowing from the proposed house. However, the second window would be mainly unaffected and these high level windows are north facing and therefore provide the kitchen with a limited amount of light currently. In addition to this, the family room possesses a large roof lantern which provides a significant amount of light to this open plan part of the house and would continue to do so.
- 37 The majority of ground floor habitable rooms within Thornwood have a southern aspect, as well as a northern aspect, out of the windows which exist in the property. The exception to this are the kitchen and dining area, which possess windows that only face in a northerly direction towards Sealcot. However, the windows in the kitchen are high level and so the only view is upwards. As well as this, the proposed house would be sited roughly 5m from the flank of Thornwood which would provide sufficient separation for the dwelling not to be overbearing or impact outlook from the northern windows in Thornwood.
- 38 Finally, the proposed house would possess a number of ground floor south facing secondary windows and one first floor window that would serve an en-suite bathroom. The ground floor arrangement is not an unusual relationship between adjoining properties. Thornwood may possess some primary windows that serve habitable rooms which face onto Sealcot. However, the flank windows in the proposed house would be secondary to those primary windows that face to the front and rear of the house. The bathroom window at first floor level could be

conditioned as part of any approval of consent requiring them to be obscure glazed and fixed shut to ensure that no overlooking or loss of privacy occurs.

- 39 Given the above, it is therefore considered that the proposed development would continue to preserve the amenities of the occupiers of adjoining properties.

Other Issues

Parking provision and highways safety –

- 40 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should provide parking facilities and should ensure satisfactory means of access for vehicles. Policy VP1 of the Sevenoaks District Local Plan requires that vehicle parking provision in new developments should be made in accordance with adopted vehicle parking standards.
- 41 The proposed layout of the development would continue to provide sufficient space for a number of vehicles to be parked to the front of the property. This would continue to be the case if the approved detached garage building was also built out. The proposal to provide a minimum of two on site parking spaces would therefore comply with current parking standards.
- 42 The proposal would also utilise the existing access onto Seal Hollow Road, the continued use of which would be entirely appropriate. Sufficient space would also be retained on site to provide turning to allow vehicles to exit the site in a forward gear.
- 43 It is therefore considered that the proposed scheme provides sufficient parking and would preserve highways safety.

Code for Sustainable Homes –

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

Impact on trees –

- 45 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).
- 46 Several representations received highlight a concern regarding the amount of clearance of the site that has recently taken place. No tree on the site is protected in any way and so these works are generally acceptable in principle. However, the Council retains control over what future planting takes place on the site and it is also possible to ensure the retention of the planting along the frontage which is key to the character and appearance of the area.
- 47 It is therefore considered that, subject to further details relating to soft planting to take place on the site, the proposal would preserve the character and appearance of the area.

Contamination –

- 48 The NPPF states that where a site is affected by contamination ‘responsibility for securing a safe development rests with the developer and/or landowner’ (para. 120).
- 49 As confirmed by the Environmental Health Officer a substantial area of the back rear garden was used for numerous bonfires for several weeks and as such he has a concern that this may have caused significant ground contamination.
- 50 It is therefore suggested that the application be conditioned to require either an investigation of the affected garden area or remediation works to remove the affected soil and replacement with a suitable material.
- 51 Subject to the inclusion of such a condition it is considered that the proposal would not result in contamination of the site to the detriment of health of the occupants of the proposed house.

Access Issues

- 52 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development provides appropriate facilities for those with disabilities. The front elevation plan shows that the house would be accessed via a step up. The applicant can be notified by way of informative that if Building Regulations require a ramp up to the front door a further planning application may be required for these works.

Conclusion

- 53 It is considered that the proposed replacement house would continue to preserve the character and appearance of the area and neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore the Officer’s recommendation is to approve.

Background Papers

Site and Block plans

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

Kristen Paterson

Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LYYP8UBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LYYP8UBK8V000>

