

5.1 SE/12/00444/FUL Date expired 26 April 2012

PROPOSAL: The erection of a detached dwelling and double garage to the front of Woodland Chase to include new access to existing dwelling, as amended by revised plans received on 24/04/12.

LOCATION: Woodland Chase, Blackhall Lane, Sevenoaks TN15 0HU

WARD(S): Seal & Weald

ITEM FOR DECISION

This application was deferred at the May meeting of the Development Control Committee, following rejection of the recommendation to grant permission. Since the meeting the applicants have lodged an appeal on the grounds of non-determination. The Council still needs to decide how it would have determined the application so that it can respond to the appeal. The recommendation has been amended to reflect this appeal being lodged.

RECOMMENDATION: That had the Council been able to determine the application planning permission would have been 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 samples of the materials to be used in the construction of the external surfaces of the buildings 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 and Policy SP1 of the Sevenoaks Core Strategy.

3) No development shall take place until the tree protection measures specified in Section 10 of the Sylvanarb Arboricultural Report submitted with the application and dated 5th December 2011 have been fully implemented. All tree and general protection measures as specified in Sections 10.2 and 10.3 of the report shall be maintained for the duration of the development, unless agreed otherwise in writing by the Local Planning Authority.

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy.

4) Notwithstanding the submitted plans and the Sylvanarb Arboricultural Report submitted with the application, a scheme for the retention and protection of the Scots

Pine tree identified as T10 as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

To allow for the retention of a tree subject to a Tree Preservation Order, in the interest of the visual amenities of the area, in accordance with Policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. This shall include - details of fencing, gates or other boundary treatment, - planting plans, including trees and plants to be retained and details of new landscaping (including plant specifications and schedules). The plans shall include details of new planting on land to be retained with the existing dwelling at Woodland Chase, planting along the access point to be closed, planting up any gaps on the boundary with Godwins, and a detailed scheme of landscaping to be undertaken on land surrounding the new access drive - details of all hard surfacing. 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. The development shall be undertaken in accordance with the approved details prior to first occupation of the dwelling hereby permitted, or in accordance with a scheme of implementation agreed in writing by the Local Planning Authority.

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy.

6) No development shall take place until a revised plan showing visibility splays to take into account the tangent of the road has been submitted to and approved in writing by the Local Planning Authority. The amended visibility splays shall be provided prior to first use of the access and maintained thereafter at all times.

In the interest of highway safety as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) The pedestrian and vehicular accesses shown on the approved drawings shall be laid out and constructed concurrently with the carrying out of the development to which it relates and brought into use before the first occupation or use of the development.

In the interest of highway safety as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (As amended), no walls, gates or other means of enclosure shall be erected on the site frontage with Blackhall Lane, other than as may be approved under condition 5 of this permission.

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.

9) The development hereby permitted shall be carried out in accordance with the following approved plans: 110704/01A, 110704/02B, 110704/03B, 110704/04C,

110704/05C, 110704/06, 1959so01, 1959so02 and unnumbered site location plan received on 06/03/12

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

10) 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 by Policy SP2 of the Sevenoaks Core Strategy

11) The existing vehicle access shall be closed upon first use of the new vehicle access hereby permitted.

In the interest of highway safety as supported by Policy EN1 of the Sevenoaks District Local Plan.

12) Prior to the commencement of development, measures to enhance biodiversity on the site shall be submitted to and approved in writing by the local planning authority. Such measures should include the use of bat bricks and tiles within the new buildings and/or bat boxes within the site. The approved details shall be installed prior to first occupation of the units and maintained as such thereafter

To provide opportunities to conserve and enhance biodiversity on the site, in accordance with Policy SP11 of the Sevenoaks Core Strategy.

13) The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds. The developer shall inform the County Archaeologist of the start date of construction works on site not less than two weeks before the commencement of such works.

To ensure that features of archaeological interest are properly examined and recorded.

14) The side (north west) facing window to bedroom 2 shall be installed as a high level window with a minimum cill height of 1.7 metres above floor level, and shall be maintained as such thereafter.

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

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

The South East Plan 2009 - Policies H4, BE4, BE6

Sevenoaks District Local Plan - Policies EN1, EN23

Sevenoaks District Core Strategy 2011 - Policies LO1, LO2, SP1, SP2, SP3, SP5, SP7, SP11

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

The development would preserve the setting of the special character and appearance of the Conservation Area.

The site is within the built confines of the settlement where there is no objection to the principle of the proposed development.

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

The scale, location and design of the development would preserve the character and appearance of the Area of Outstanding Natural Beauty.

Description of Proposal

- 1 This application seeks planning permission to erect a detached dwelling and garage within the existing front garden to Woodland Chase.
- 2 The new dwelling would be sited approximately 20 metres from the front boundary of the site. The dwelling would be arranged over three floors, with the top floor contained within the roofspace. The overall height of the dwelling is proposed at 8.75 metres. The footprint would measure approximately 19 metres in length and 7.3 metres in depth.
- 3 The dwelling would be sited approximately 8 metres from the side boundary with the neighbouring property at Godwins and approximately 19 metres from the flank wall of Godwins as recently extended. A minimum distance of 20 metres would be maintained between the proposed dwelling and the existing dwelling at Woodland Chase, and the proposed dwelling has been orientated to avoid direct overlooking towards this property.
- 4 The proposal also includes a detached double garage which would be 5.5 metres in height and sited between the proposed house and road frontage.
- 5 Access to the new dwelling would be via a new single entrance point from Blackhall Lane serving the existing dwelling, as well as a further new dwelling already approved to the rear of the site. The existing access point would be closed off.

Description of Site

- 6 Woodland Chase is a large 20th Century dwelling set within substantial landscaped grounds. It forms one of three residential properties, all of similar scale and plot size on the southern side of Blackhall Lane. The dwellings and their

immediate gardens all fall within the built confines of Sevenoaks, but a large part of the rear gardens are designated as Green Belt.

- 7 The property is sited adjacent to the Wildernesse Conservation Area, the boundary of which lies on the north side of Blackhall Lane.
- 8 The site also falls within the boundaries of the Kent Downs Area of Outstanding Natural Beauty. A number of trees on site are individually protected by a tree preservation order.
- 9 Whilst the site is currently occupied by one dwelling, planning permission exists (SE/11/01002) for a new dwelling to be erected to the rear of the existing dwelling.

Constraints

- 10 Area of Archaeological Potential
- 11 Area of Outstanding Natural Beauty
- 12 TPOs on individual trees within the site
- 13 The rear garden of Woodland Chase is partially within the Green Belt
- 14 Adjacent to Wildernesse Conservation Area

Policies

South East Plan

- 15 Policies – H4, BE4, BE6

Sevenoaks District Local Plan

- 16 Policies – EN1, EN23

Sevenoaks Core Strategy

- 17 Policies – LO1, LO2, SP1, SP2, SP3, SP5, SP7, SP11

Other

- 18 The National Planning Policy Framework

Planning History

- 19 SE/11/01002 – Erection of a detached dwelling to the rear of the existing dwelling at Woodland Chase - Approved

SE/10/02080 – Erection of a two storey extension to rear and two storey extension to side of house and connecting passage to garage – Approved

SE/06/01442 – Erection of five new dwellings & alterations to garaging to the three dwellings (Godwins, Brackens and Woodland Chase) that will remain on the site – Refused. Allowed on appeal. (Attached Appendix 1)

SE/05/02635 - Two storey extension to rear & side of house utilisation of existing loft space and single storey link to garage - Approved

(Neighbouring Property) SE/10/02490 - Demolition of existing single storey building and erection of a part two storey and part single storey extension to Godwins and a triple garage. Erection of a detached dwelling and garage within the grounds of Godwins.

Consultations

Sevenoaks Town Council

- 20 Sevenoaks Town Council noted the Inspector's comments in allowing the appeal in 2007. Nonetheless the Town Council is concerned that the siting of the proposed dwelling is not in keeping with the surrounding area and would therefore recommend refusal.

SDC Tree Officer

- 21 This proposal shows the losses of a number of trees to accommodate the new build. Only one of these trees is protected under TPO 17 of 2004, which is the Pine tree currently located immediately north east of the existing garage. I cannot see a reason why this should be removed and suggest that it could be integrated into the proposed scheme. I was unable to take measurements from this tree due to the amount of Ivy upon its trunk. I suspect however that it will be within what should be the root protection zone of this tree. I therefore suggest that tree protection details should be provided. This should be applied to all trees shown to be retained as part of this scheme.
- 22 No details of landscaping have been supplied. I suggest that a detailed landscaping scheme is conditioned as part of any consent provided.

KCC Highways

- 23 It appears that there is a succession of applications here involving an evolution of replacement access details, namely with respect to visibility splays, access width and local widening at the access mouth to prevent backing up onto the highway. I confirm I have no objection to the proposal. Please advise the applicant however that closing the existing access and providing the new access proposals, will be subject to a Section 278 agreement with the highway authority.
- 24 It is considered that location of the speed limit and local street lighting may also require some adjustment with these proposals.

Thames Water

25 No objection

Representations

- 26 9 letters of objection received (including a number of letters/responses from the occupants of the neighbouring property)
- The previous appeal decision has now expired. It is not valid to use this appeal decision to allow a new dwelling
 - The current scheme bears no relation to the appeal scheme
 - The addition of a third property on the site would be out of keeping with the area
 - The plot is too small
 - The plot is surrounded by Green Belt, AONB and conservation area restrictions
 - The proposal is likely to devalue properties in the area
 - Loss of trees
 - The relationship between the proposed dwelling and Godwins is too close
 - The block plan does not include the extension built to Godwins
 - The proposal would affect the setting of Godwins as a local heritage asset
 - Loss of privacy to Godwins
 - Potential loss of boundary screening between the site and Godwins
 - The dwelling would be too close to the road and out of character
 - The consultation period should be extended
 - The proposal would represent overdevelopment of the plot
- 27 Councillor Hogarth has referred the application to committee on the following grounds - overdevelopment of the site (in view of the application to the rear as well), impact on the spacious, wooded residential character of the area, impact on the street scene (in view of the additional driveway).

Group Manager - Planning Appraisal

Principle of development

- 28 The site lies within the built confines of Sevenoaks and policies LO1 and LO2 of the Core Strategy seek to direct housing development to locations within the area suitable for housing development.
- 29 The site forms part of the garden to Woodland Chase and previous amendments to PPS3, which has now been superseded by the National Planning Policy Framework (NPPF) removed gardens from the definition of “previously developed land”. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude other land, such as gardens, from being developed, provided such development is in suitable locations and relates well to its surroundings. Paragraph 53 of the NPPF states that local planning authorities should consider setting out policies to resist the inappropriate development of rear gardens where this would cause harm to the local area. This is broadly consistent with Policies SP1 and SP7 of the Core Strategy which include criteria

that development should not compromise or harm the distinctive character of an area. On this basis, the development of this site should not conflict with the aims of the NPPF provided that the development is not harmful to the character of the surrounding area.

Impact upon the character and appearance of the area, including the adjacent conservation area

- 30 Woodland Chase is a substantial residential plot, measuring around 65 metres in width and 270 metres in length. It is one of the larger residential plots in the surrounding area. The plot also benefits from significant tree and landscape cover, typical of residential plots in the local area. The effect of this is that the dwelling at Woodland Chase is only really visible from the access to the property in a glimpsed view from the road, as are many of the surrounding dwellings. This is a key component of the character of this part of Blackhall Lane, although properties further along the lane are more visually exposed.
- 31 As reported earlier, the site already benefits from planning permission for the erection of a dwelling to the rear of the existing dwelling. This dwelling would be set some 80 metres from the road frontage and accessed via a curved drive with intervening vegetation to screen the development. The permission for this scheme has not, to date, been implemented.
- 32 The new dwelling would be sited within the front garden of the existing property and is of slightly smaller proportions, height and scale than the existing dwelling. Much of the existing boundary vegetation would remain, with further new planting proposed to the front boundary where the existing access point will be closed. Whilst the dwelling would be sited much closer to Blackhall Lane than the existing property, a set back of some 20 metres would still be maintained and the new dwelling would follow a similar building line to the property at Godwins next door. Likewise, gaps in the region of 20 metres would be maintained to the existing dwelling at Woodland Chase and Godwins respectively.
- 33 Whilst the proposal would result in a degree of change, it is important to consider whether such change would be harmful to the established character of the area. The proposed dwelling would occupy a site of good proportions for modern housing development, with a density in the region of 7 dwellings per hectare, which is very low in comparison to the 40 dph target under Policy SP7 of the Core Strategy. Much of the existing landscaping on the boundary of the site would be retained. The development would, in my opinion, still portray a spacious and secluded character typical of the existing road.
- 34 In forming this opinion I have given significant weight to an appeal decision of 2007 for the erection of 5 additional dwellings on this site and the two neighbouring properties (Godwins and Brackens). A copy of the appeal decision and a site plan of the scheme is attached as an appendix to this report. Members will note the comments made by the Inspector in paragraphs 13-18 and the specific reference to the erection of a dwelling in the same location as now proposed (this site is referred to as plot 1 in the appeal decision). Whilst the appeal scheme was not implemented, the analysis made by the Inspector should still hold weight. The scale and proportions of the dwelling proposed on plot 1 were very similar to the current proposal.

- 35 It is accepted that the current scheme does differ to the appeal scheme insofar that it is an application for a single dwelling, and does not include the provision of an access road between the site and the dwelling at Woodland Chase. However the position of the access and the impact of the proposal from Blackhall Lane would remain very similar to the appeal scheme. It is also recognised that the dwelling at Godwins has been extended, although I consider the gap of 19 metres that would be maintained between these properties to be generous.
- 36 The tree officer has commented that one tree shown for removal is subject to a Tree Preservation Order. The tree in question is a Scots Pine and the tree officer is of the opinion that it could be retained as part of the scheme. This can be secured by condition. Otherwise, no objection is raised to the removal of selected (and unprotected) trees on the site.
- 37 The Wildernesse Conservation area boundary runs along Blackhall Lane, and regard should be given to the impact on the setting of this conservation area. Taking into account the position of the dwelling at 20 metres from the roadside, and the winding, vegetation-lined character of the road, I do not consider that it would adversely affect views of or the setting of the adjacent conservation area.
- 38 It is also noted that an application was made to English Heritage around 18 months ago to list the neighbouring dwelling at Godwins. English Heritage did not consider the building to be of such merit to warrant listing, but did consider that it had local interest. The NPPF allows for the impact of a development proposal on an “undesigned heritage asset” to be taken into account as part of a planning application. However given the distance maintained between the proposal and Godwins, together with the benefit of boundary screening, I do not consider that the proposal would have any harmful impact on the setting of Godwins.
- 39 The properties on the south side of Blackhall Lane (including the application site) fall within the Kent Downs Area of Outstanding Natural Beauty. However the site would be developed at a low density and would maintain a landscaped character through the retention of most existing landscaping and the addition of new trees. Taking this into account, I do not consider that the erection of an additional dwelling in this location would harm the wider landscape. This was also the view of the previous appeal inspector.
- 40 Taking the above factors into account, I consider that the low-density development as proposed would accord with Policy SP7 of the Core Strategy, as whilst it would not meet the standard 40dph policy target, it would not compromise the distinctive character of the surrounding area, which is the overriding consideration under this policy. The siting, scale and design of the proposal would relate well to the surrounding area, would not harm the setting of the adjacent conservation area and would not conflict with Policies EN1 or EN23 of the Local Plan, nor Policy SP1 of the Core Strategy. The proposal would not cause harm to the wider landscape setting of the AONB and as such would not conflict with Policy LO8 of the Core Strategy.

Impact upon neighbouring amenities

- 41 The closest properties to the proposed development would be the existing dwelling at Woodland Chase and the dwelling at Godwins.

- 42 The flank wall of the proposed house would face towards the flank wall of Godwins, with a good degree of screening on the boundary. At a distance of 19 metres, I consider this separation between the flank walls to be significant, and sufficient to ensure that the proposed dwelling would not lead to any undue loss of light or outlook to the occupants of Godwins.
- 43 The existing occupants of Godwins have raised concern over the existence of a bedroom window in the side elevation facing their property. Whilst I consider that this would be screened by the boundary vegetation, the applicant has agreed to amend this window to a high level one, and to provide a further window in the front elevation of the building to serve this bedroom. In my opinion, whilst the proposed dwelling would bring residential development closer to the occupants of Godwins, the separation and screening between these properties would still be significant and well in excess of normal amenity standards.
- 44 The proposed dwelling has been sited to avoid directly facing the existing dwelling at Woodland Chase. Due to their orientation, a minimum distance of 20 metres would be maintained at the closest point between the two dwellings, although most of the proposed dwelling would be sited in excess of 21 metres from Woodland Chase. The layout of the proposed dwelling has been designed to avoid overlooking towards Woodland Chase, and the first floor windows proposed in the rear elevation are either secondary windows or non-habitable. The existing garage at Woodland Chase also limits any potential overlooking to a degree. New planting is proposed between the two dwellings and the scheme has clearly been designed with the support of the occupants of Woodland Chase, who own the application site. This relationship is almost identical to the one allowed on appeal and I consider this to be acceptable.
- 45 Policy EN1(3) of the local plan seeks to ensure that developments do not have an unacceptable impact upon neighbouring properties. For the reasons given above I consider that the proposal would accord with this policy criteria.

Impact upon highways safety

- 46 The new access has already been approved as part of the consent for the new dwelling to the rear of Woodland Chase. The proposal would result in further use of this access point by an additional dwelling. Kent Highways raise no objection to the additional traffic generated, nor to the capability of the access on highways safety grounds. As such, I consider that the proposal would not cause any highways safety issues, and would accord with Policy EN1(6) of the local plan.

Affordable Housing

- 47 Under Policy SP3 of the local plan, there is a requirement for all new housing development to contribute towards affordable housing provision within the District. In this instance, a financial contribution is required under the policy. The required contribution towards affordable housing has been calculated at £66,930, and the applicant has agreed to pay this figure. At the time of writing, the S106 agreement has not been completed although I should be in a position to update Members at Committee.

Other matters

- 48 Local residents have raised a number of issues regarding this application, most of which are covered earlier in the report. In response to the outstanding queries –
- The possible loss in value of neighbouring properties cannot be taken into consideration as part of the planning assessment.
 - A further neighbour consultation exercise has been undertaken to clarify some confusion over the notification process originally carried out.

Conclusion

- 49 For the reasons given above, I would conclude that the proposal would accord with development plan policies and as such I recommend that planning permission be granted, subject to completion of a S106 agreement to secure the required Affordable Housing contribution.

Background Papers

Site and Block Plans, Appeal Decision and relating plan

Contact Officer(s): Mr A Byrne Extension: 7225

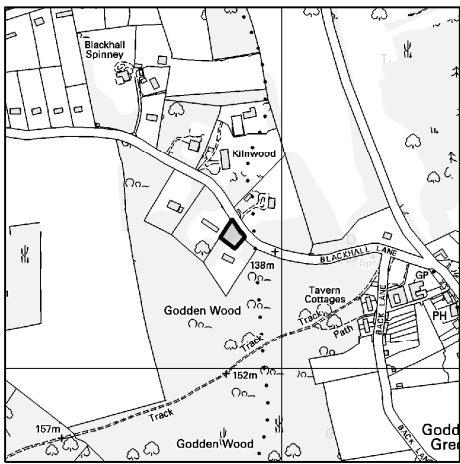
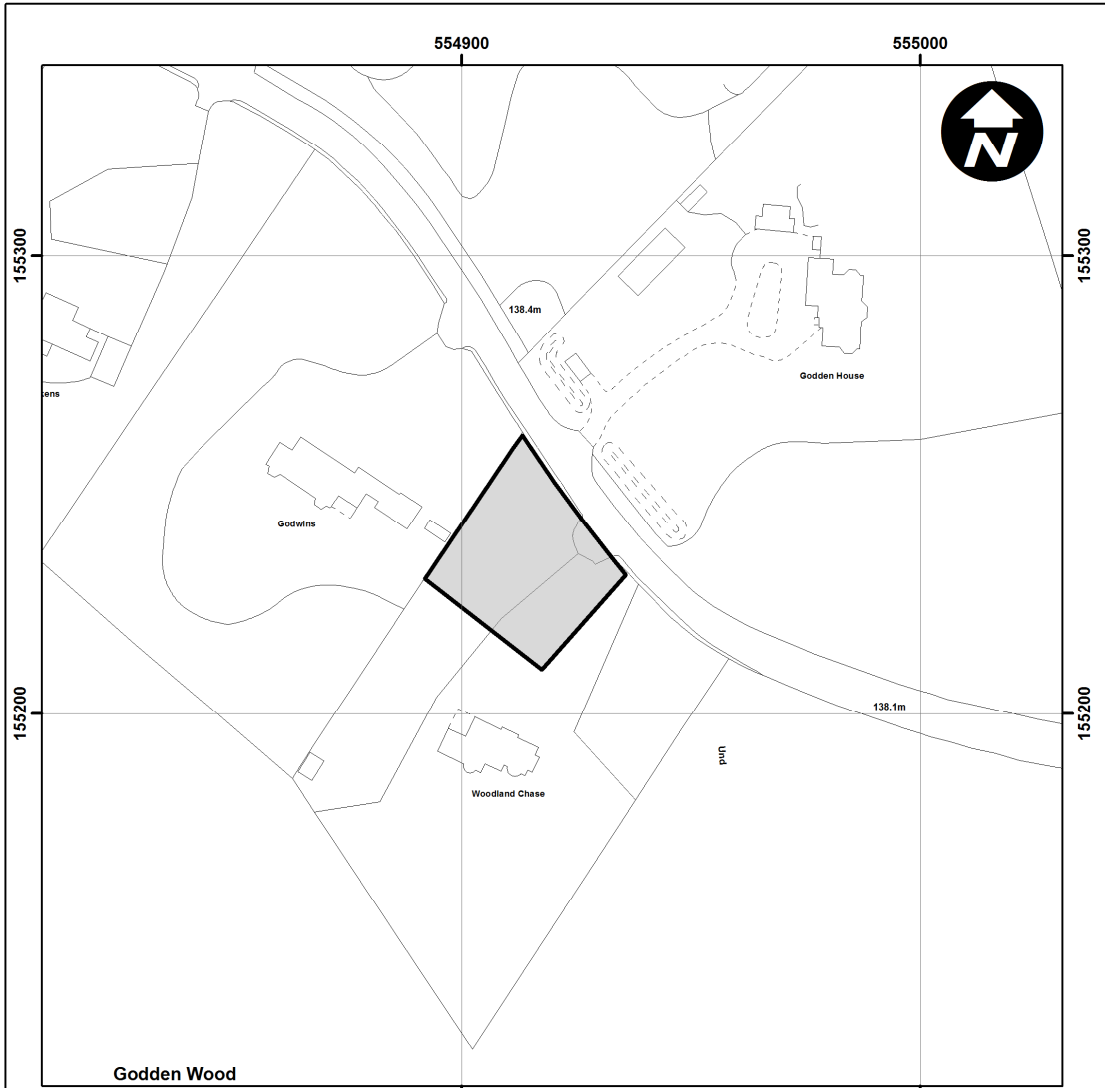
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LZJCL9BK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LZJCL9BK0CR00>



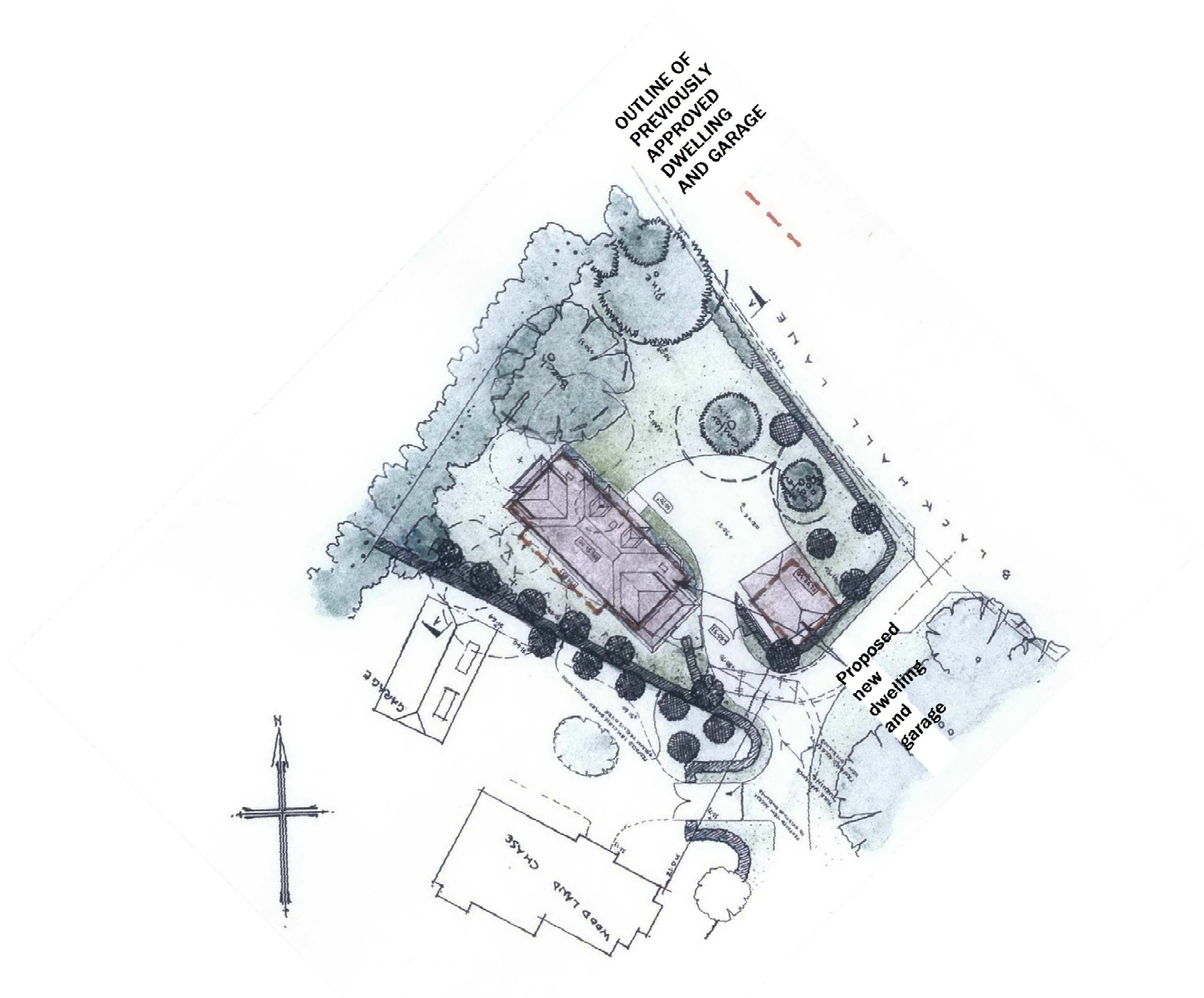
Site Plan

Scale 1:1,250
 Date 08.05.2012



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 Sevenoaks District Council, 1000/19428, 2012.

PROPOSED PLAN





Appeal Decision

Inquiry held on 30 and 31 October 2007

Site visit made on 30 October 2007

by **M F Aldous** B.A (Hons), MRTPI, Dip Mgt

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
29 November 2007

Appeal Ref: APP/G2245/A/06/2027674

'Brackens, 'Godwins' and 'Woodlands Chase' Blackhall Lane, Sevenoaks, Kent TN15 0HU.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Kentmere Homes Ltd against the decision of Sevenoaks District Council.
- The application Ref SE/06/01442/FUL, dated 1 June 2006, was refused by notice dated 11 August 2006.
- The development proposed is five new dwellings and alterations to garaging to the three dwellings that will remain on the site.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matter

1. The supplementary proof of evidence submitted by Mr Robinson included details of those local plan policies for which the Secretary of State had issued a 'saving' direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. I have noted the status of these policies in my consideration of this appeal.

Main issue

2. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding area including the nearby conservation area, the open qualities of the Green Belt and the visual qualities of the Area of Outstanding Natural Beauty and Special Landscape Area.

Reasons

3. The appeal site consists of the curtilage of three substantial detached properties standing within extensive residential grounds on the southern side of Blackhall Lane. The site is mostly within the defined town area for planning policy purposes, but the location is semi-rural in nature. The site is also partly within the Metropolitan Green Belt, and is within an Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area (SLA).
4. The site adjoins the extensive 'Wilderness Conservation Area' which is characterised in this area by large detached properties within substantial, well landscaped plots (although there is considerable variety in terms of both dwelling design and plot size).

5. The proposal before me seeks to retain the existing three dwellings, but to subdivide their curtilages in order to accommodate five additional detached properties. The three existing vehicular access points from Blackhall Lane would be replaced by two entrances, the one at the western end of the site would serve two dwellings, with the eastern access serving the other six houses.
6. The site contains protected trees and adjoins ancient woodland (TPO 17 of 2004). However, most if not all (there were dissenting views) of the protected trees would be retained under the proposal, and these would be supplemented by additional planting, including the blocking up of previous access points by new landscaping. There is no objection to the proposal by the Council in terms of tree loss.
7. The wealth and quality of the existing, mostly deciduous, tree cover is a special feature of the appeal site and its immediate surroundings. It plays a major part in contributing to the high visual qualities of the area. I am content from all that has been placed before me and as examined at the inquiry, that this quality would not be impaired by tree loss. Indeed, I consider that the scheme has been carefully designed to avoid such impact and to retain the many fine specimens which are a feature of the site.
8. In addition, I view the proposal as providing an opportunity for benefit via the positive and active management of the woodland to the south and west of the site, as proposed under the unilateral undertaking provided by the Appellant. Accordingly, I find no reason to resist the proposal in terms of impact on trees.
9. It is not disputed that the site represents previously developed land, mostly within the defined town boundary, where some form of residential redevelopment is broadly acceptable in planning policy terms. At the inquiry there was also widespread understanding of the need, expressed in national planning guidance, to accommodate much of our future housing needs by recycling previously developed land at a higher density, providing that such work is not undertaken in a visually harmful manner to the detriment of existing character and appearance.
10. It was also acknowledged that within Sevenoaks district, which is heavily constrained by the Green Belt, there is a particular emphasis for its future housing requirements to mostly emerge through the redevelopment of previously developed sites in order to avoid incursion into the high quality countryside which surrounds the urban areas.
11. My attention was drawn to a previous proposal for the redevelopment of the site by nine detached dwellings following the demolition of the existing properties (SE/04/00926). This application was refused, but my attention was drawn to the officers report which recommended approval of the proposal.
12. Whilst this previously dismissed proposal is, of course, a material consideration, I note that it differs very significantly from the proposal before me in many respects. I have considered the current proposal on its own merits which is the appropriate approach.
13. In terms of the character and appearance of the surrounding area including the adjacent conservation area, I accept that five additional dwellings at this

location would have an impact and would result in change. However change need not be harmful and should not be resisted for its own sake. In my view the proposed houses could be accommodated in the manner proposed quite discreetly given the amount of land available and the high degree of concealment provided by the extensive landscape setting. This would apply strikingly during summer months, and whilst there would be more opportunity to see the new dwellings during winter months when leaf cover reduces, the net result would still, in my view, be one of glimpses of parts of dwellings within a very well landscaped setting.

14. Whilst the resultant plot sizes to the existing houses would inevitably be reduced, the resultant curtilages would still be very generous by modern standards and not untypical of those found elsewhere in the vicinity, including parts of the adjacent conservation area.
15. In addition there is no substantive objection to the design of the proposed five additional houses. This has clearly drawn on local architectural influences and references and reflects the variety already apparent in the individual nature of other substantial family homes in the area. Neither would the scale or volume of the new houses be noticeably different from existing dwellings. Proposed ridge heights would also accord with those found in existing properties.
16. Most criticism in this context relates to the impact of the proposed dwellings on plots 1 and 7. These, and their associated garages, would be set further forward within the site, substantially closer to the road frontage than are the existing houses. However, they would be generally smaller than the other houses further into the site, well contained by landscaping and not readily visible from the proposed curving access roads which would limit views from Blackhall Lane.
17. In addition, I noted from my site visit that their proposed degree of set back from the road would be similar, or not appreciably different from, existing dwellings fronting Blackhall Lane a short distance to the west.
18. Indeed, their positioning reflects covenants on this theme which relate to properties within the conservation area, although there is of course no reason for this to represent an obligation applying to the appeal site. There is considerable variation in the positioning of houses in relation to the road frontage in the immediate area, and for the reasons outlined I do not accept that resistance to the proposal in these terms can be sustained.
19. Taking all these factors into consideration, I therefore conclude that in terms of impact upon the general character and appearance of the area the proposal is acceptable. It would also preserve the character and appearance of the adjacent conservation area. As such the proposal is consistent in these objectives with the content of national planning policy guidance, saved policy EN1 of the Sevenoaks Local Plan and policies QL1 and QL7 of the adopted Kent and Medway Structure Plan of 2006.
20. I turn my attention now to Green Belt considerations. As indicated above, part of the appeal site is within the Green Belt. However this relates to the rear portion of the back gardens to 'Brackens', 'Godwins' and 'Woodlands Chase' only. I noted from my site visit that the 'boundary line' between the Green

Belt and the town settlement area is an arbitrary one, and does not relate to any firm feature visible on the ground.

21. Notwithstanding this, the Council maintains that the proposal would impact harmfully upon the openness of the Green Belt. Openness is perhaps the prime quality of Green Belts and it right that the proposal be examined for harm in this context.
22. I accept that the rear elevations of proposed plots 3-5 would be quite close to the Green Belt boundary. However there would be no physical development within the designated area, and the use of this part of the site would remain unchanged i.e. as private garden space. Furthermore, this is a completely private area with no views from points within the public realm.
23. Any assessment of visual impact as required by PPG2 would therefore be entirely related to the view of these properties from their attendant private amenity space. As such I do not consider that the development could be adjudged to be either conspicuous from the Green Belt or visually detrimental by harming its openness. As such I have identified no contradiction of the requirements of PPG2.
24. The appeal site and the area to the south, west and east is included within an AONB and SLA. The fine landscape quality of this area cannot be denied and is worthy of protection. The appeal sites contribution to this local quality is in the form of large, low density houses glimpsed within a very mature landscaped setting containing mostly, but not exclusively, deciduous trees of individual and collective visual merit.
25. As indicated above, I have found that the proposed development can be accommodated comfortably and discreetly within the existing domestic land curtilage, without any tree loss. Indeed the proposal would be accompanied by additional selective planting and this can be controlled by condition. In addition, the proposal also introduces the notion of active landscape management as contained within the undertaking placed before me. This would, in particular benefit the ancient woodland surrounding the site on two sides. Woodland requires management if its visual and natural history value is to be maintained and safeguarded.
26. The new dwellings would have a limited visual impact from outside the site and would only be glimpsed from nearby public rights of way within their well treed setting, much as is currently the case. I do not consider that the higher residential density (although still very low by modern standards, and well below the normal range sought for residential development), would manifest itself by being visually prominent or changing the character of the site unduly.
27. I therefore conclude that the proposal would not prejudice the visual qualities of the AONB or SLA. As such I consider the proposal to be in accordance with the requirements of saved policies EN6 and EN7 of the local plan and policies EN4 and EN5 of the structure plan.

Other Matters

28. Several local residents objected to the proposal in terms of traffic generation and highway safety. It is clear that the proposal would increase traffic flow

along Blackhall Lane, but not appreciably so. There is no objection to the proposal in these terms by either the Council or the Highway Authority. These are telling considerations.

29. There is no evidence before me to substantiate the claim that the proposal would compromise highway safety. Whilst I have of course taken full account of local concerns on this theme, I note that the proposal would result in three existing vehicular access points being reduced to two, and also the repositioning of these two points to provide better forward visibility for motorists. The proposed reorganisation of vehicular access arrangements could therefore be argued to represent a highway improvement and I believe the Council shares this view.
30. This factor clearly balances any additional traffic flow generated by the development. Overall, there is no substantive justification for resistance to the proposal in these terms.

Conditions

31. I have considered possible planning conditions, as set out in the Statement of Common Ground and discussed at the inquiry, in the light of the requirements contained within Circular 11/95. Given the visual sensitivity of the appeal site and its surroundings, conditions relating to the materials of external construction, landscaping, tree protection (including via drainage arrangements) and the early provision of improved vehicular sight lines are desirable.
32. In addition, for similar reasons, other suggested conditions relating to the withdrawal of certain permitted development rights relating to the road frontage treatment and a restriction on any buildings or enclosures within the Green Belt part of the site will also be employed.
33. A condition relating to woodland management is unnecessary as this is effectively covered by the unilateral undertaking described above, which becomes active at the granting of planning permission.

Formal Decision

34. I allow the appeal, and grant planning permission for five new dwellings and alterations to garaging to the three dwellings that will remain on the site at 'Brackens', 'Godwins' and 'Woodlands Chase', Blackhall Lane, Sevenoaks, Kent TN15 0HU in accordance with the terms of the application, Ref SE/06/01442/FUL, dated 1 June 2006, and the plans submitted with it, subject to the following conditions:
- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with the approved details.

- 3) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. This shall include details of fencing or other boundary treatment, planting plans, plant specifications and schedules, hard surfacing, an implementation programme and details of arrangements for the replacement of any tree or other plants which within five years of the completion of site works die, are removed or become seriously damaged or diseased. Development shall be undertaken in accordance with the approved details.
- 4) No development shall take place until a scheme for the protection of all trees and shrubs to be retained has been submitted to and approved in writing by the local planning authority. No development works shall commence until the protection measures have been put into effect and these shall be maintained for the duration of the development process in accordance with the approved details.
- 5) No development shall take place until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the local planning authority. The scheme shall show the routes of drainage runs in relation to retained trees and identify any special construction arrangements to avoid damage to such trees. Development shall be undertaken in accordance with the approved details.
- 6) No development shall take place until the sight lines shown on drawing no 1095/10 revision A have been provided. Thereafter such sight lines shall be retained and maintained at all times.
- 7) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 Article 3 and Schedule 2 Part 1 Class E, no building or enclosure shall be erected within the area of Green Belt notated on drawing no 1095/10 revision A, without the prior written approval of the local planning authority.
- 8) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 Article 3 and Schedule 2 Part 2 Class A, no walls, fences, gates or other means of enclosure shall be erected on the site frontage with Blackhall Lane without the prior written approval of the local planning authority.

Michael Aldous
INSPECTOR

APPENDIX 2 - PLAN RELATING TO APPEAL DECISION

