

4.1 - SE/12/02797/FUL Date expired 5 February 2013

PROPOSAL: Erection of a detached two bedroom dwelling on land adj. 7 and 9 Serpentine Road, including the provision of 2 parking spaces and incorporating the demolition of existing detached garage.

LOCATION: Land To Rear of 7 Serpentine Road, Sevenoaks TN13 3XR

WARD(S): Sevenoaks Eastern

ITEM FOR DECISION

This application has been referred to Development Control Committee at the request of Councillor Purves on the grounds that the proposed dwelling would be detrimental to neighbouring property, Number 9 Serpentine Road; that the plot is of insufficient size for development and the lack of amenity space in the proposed garden.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans:- Drawing Number COB/11/445/01D, dated August 2011, stamped 11 December 2012;- Drawing Number COB/11/445/03B, dated September 2011, stamped 11 December 2012;- Drawing Number COB/11/445/02C, dated September 2011, stamped 11 December 2012;

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

3) 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 proposed 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.

4) The first floor windows in the north elevation of the proposed dwelling (serving the landing and bathroom), at all times, shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level.

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

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

6) 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 privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) 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.

8) No development shall take place until full details of the proposed foul and surface water drainage systems have been submitted to and approved in writing by the Council. Any approved scheme shall be completed to the written satisfaction of the Council prior to the commencement of the development.

To avoid overload of any existing drainage systems and to meet sustainability and environmental objectives.

9) The vehicle parking spaces shown on approved drawing number COB/11/445/01D shall be provided before the building is first occupied and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the vehicle parking spaces.

In the interests of highway safety and convenience.

10) No openings, other than those shown on the approved plan(s), shall be installed in the flank elevations or roof of the dwelling hereby permitted, despite the provisions of any Development Order.

To prevent over development of the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

11) 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 prevent over development of the site as supported by Policy EN1 of the Sevenoaks

District Local Plan.

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

To prevent over development of the site 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 Policy:

Sevenoaks District Core Strategy: Policy SP1

Sevenoaks District Local Plan: Policy EN1

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.

Informatives

1) The applicant is advised to contact South-East Water to provide water supply, drainage and wastewater services to this development.

Description of Proposal

- 1 The proposal is essentially a re-submission of a previously refused planning application (reference: SE/11/02670/FUL) which was dismissed at appeal (reference APP/G2245/A/12/2173717).
- 2 The scheme still seeks permission for a new dwelling and two parking spaces (including demolition of the existing detached garage) but has been amended in the following ways:
 - The height of the dwelling has been reduced by 1.5 metres (thus removing the second floor element of the property);
 - The proposed property is now a two bedroom dwelling (previous proposed dwelling was a three bedroom dwelling);
 - The layout of the garden has been amended, introducing additional landscaping adjacent to the rear boundary with No.9. The position of the patio has also been positioned away from the boundary with No.9 Serpentine Road;
 - The on-site parking proposed for Number 7 Serpentine Road by the previous application has now been removed from the proposal;

Description of Site

- 3 The site is situated within the built urban confines of Sevenoaks, within the Sevenoaks Eastern Ward. The proposal is sited on a plot to the side of an existing dwelling at Number 61 Bayham Road (*now referred to as No.61*) and which runs across the rear boundary of Numbers 7 and 9 Serpentine Road (*now referred to as No.7 and No.9*) with its rear boundary adjacent to Number 11 Serpentine Road (*now referred to as No.11*).

Constraints

- 4 No significant planning constraints associated with the site.

Policies

Sevenoaks District Local Plan (SDLP)

- 5 Policies - EN1

Sevenoaks District Core Strategy

- 6 Policies - SP1

Other

- 7 National Planning Policy Framework (NPPF)
8 Residential Extensions Supplementary Planning Document (SPD)
9 Sevenoaks Residential Character Area Assessment SPD

Planning History

- 10 SE/11/02670/FUL - Erection of dwelling to the rear of 7 and 9 Serpentine Road, including demolition of existing garage & 2 parking spaces (refused 30 December 2011).

SE/07/00705/FUL - Rear extension (granted 13 April 2007);

SE/95/02218/HIST - Rear porch addition (granted 12 January 1996);

SE/92/00385/HIST - Erection of double garage (granted 7 May 1992);

SE/90/02166/HIST - Two storey extension and erection of double garage (granted 5 April 1991);

Appeal History

- 11 Appeal Reference: APP/G2245/A/12/2173717 (relating to refused planning application SE/11/02670/FUL) – Appeal dismissed (12 September 2012).

12 The Inspectors report concluded the following:

In summary, I find that the proposed dwelling would not harm the street scene on Bayham Road. However, the changed parking arrangements for No.7 Serpentine Road would undermine the safety of road users, and the new house would

significantly harm the residential amenities of No.9 Serpentine Road, by reason of an overbearing proximity leading to loss of light and outlook. Those aspects of the proposed development would be contrary to the development plan (notably policy EN1 of the Sevenoaks District Local Plan), and are the reason why the appeal must fail.

I note that the appeal is accompanied by a signed and executed unilateral planning obligation dated 10 July 2012. In accordance with the Council's policies for planning obligations this would provide a sum of £18,963 as a contribution towards the provision of affordable housing in Sevenoaks District. I would meet the 3 tests for obligations set out in paragraph 204 of the National Planning Policy Framework and is therefore a material consideration in the appeal. However, it would not overcome the planning objections to the development stated above.

Consultations

Sevenoaks Town Council

13 Two responses were received from the Town Council (dates 16 November 2012 and 27 December 2012). Both responses received were the same:

- Sevenoaks Town Council noted the addition of scales to the plans. However concerns raised in the previous recommendation for refusal have not been addressed, therefore The Town Council reiterated its recommendation for refusal. The Town Council noted the reduction in height of this application by 1.5 metres compared to its predecessor (refused at appeal) but unanimously recommended refusal due to the plan failing to meet the objections raised by the inspector in paragraph 11 in his decision, that:
- The house would be on higher ground than No.s 7 and 9 Serpentine Road, considerably greater in height bulk and massing than the existing garage - would dominate and have an overbearing proximity to the rear habitable rooms and garden of No. 9 (and of No. 7 itself) - there is a poplar tree on the site which demonstrates exactly how the rear of the proposed building would fill the view from the dining kitchen of No. 7 and enclose it with walls excluding views of the sky
- The development would bring more intensive domestic activity into the (very small) rear garden of the new house, affecting enjoyment and amenity of both No. 7 Serpentine Rd and the neighbouring house in Bayham Rd all of which are contrary to development plan policies The Town Council also considered that the amenity land available to the proposed house will be unreasonably small and out of keeping with the area.
- In addition the Town Council objected to both the loss of off street parking for No. 7 Serpentine Road, and the creation of parking for the new house in the front garden which would require reversing into Bayham Road. Contrary to the evidence given to the inspector representing Bayham Road as a quiet road with little through traffic, 2010 KCC traffic surveys showed high level of through traffic in rush hours, with several thousand vehicles every week breaking the speed limit close to the Bayham Road /

Serpentine Road junction. The Town Council urged the Highway Authority to look carefully at this evidence and especially the conditions in peak hours, when exit from the property is most likely, in assessing safety.

Local Ward Members

14 Councillor Purves: I would like this application to be brought to Development Control for the following reasons:

- Detrimental to neighbouring property, Number 9 Serpentine Road;
- Plot is of insufficient size for development;
- Lack of amenity space in proposed garden;

15 Councillor Walshe: No comments received.

Kent County Council Highways

16 Original consultation response was received on 15 November 2012:

It is noted that the proposal utilises the existing access currently serving a double garage. The forecourt or apron space is compatible with two standard marked out parking bays. I confirm therefore that I have no objection to this proposal.

17 A further consultation comment was received on 3 January 2013:

In addition to my comments of 15 November, I write to confirm that there has been one slight injury crash on Bayham Road since records began in 1994. I consider that the car parking proposals are not materially different to the existing garaging arrangements or other driveways in Bayham Road and I write to confirm that I have no objection to the proposals.

18 Finally, the Case Officer requested clarification on the Highways Departments view on the loss of parking provision at 7 Serpentine Road. Further comments were received on 23 January 2013:

Whilst clearly there is on street parking in this area, neither Bayham Road nor Serpentine Road have parking restrictions and I would not consider that the displaced parking created by this proposal could be grounds for raising highway concerns or objections. If there is any impact from this here I would regard this as an amenity or convenience issue and not one of road safety. I confirm therefore that considering all aspects of this proposal, I would not wish to raise objection and find the application acceptable with respect to highway matters.

Thames Water - Waste Comments

19 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.

- 20 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required.
- 21 Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Thames Water - Water Comments

- 22 With regard to water supply, this comes within the area covered by the South East Water Company.

Representations

- 23 Nine letters of Objection from 7 (No.) Local Residents and 1 (No.) response from the Holly Bush Residents Association.

A summary of the main issues are outlined below:

- The outlook and aspect of those properties opposite, particularly Number 20, 21 and 22 Bayham Road would also be badly affected. These properties currently enjoy panoramic views to the north, from the front windows on upper floors;
- Negative impact on the local street scene, particularly in relation to Bayham Road where the proposals would bring forward the property far closer to the road than the existing garage structure;
- The amenity space for the proposed dwelling would still remain woefully insufficient relative to the size of the building and overall plot;
- Impact on loss of off-street parking at No.7 Serpentine Road cannot be overlooked;
- The space indicated for car parking at the front of the property is extremely tight for two vehicles;
- The visual appearance will be awkward and cramped;
- The site is simply unsuitable for a development of this kind;
- The proposed dwelling will still be far too intrusive upon the privacy and light of both the house and garden of Number 9 Serpentine Road;

- Despite the reduction in the ridge height the proposed development would be nearly 2.5 metres higher than the existing garage and therefore still harm the residential amenities of No.9 Serpentine Road, by reason of its overbearing proximity leading to a loss of light and outlook.
- The proposed development will still result in more intense domestic activity in the existing garden area;
- The Inspectors conclusion that the new dwelling would not itself entail any harm to the safety and free flow of traffic using Bayham Road must be questioned, particularly as the traffic survey conducted a short while ago by the District Council indicated that Bayham Road was suffering from thousands of users each week, many of whom were speeding;
- The property will overlook our garden resulting in decreased privacy;
- The property is out of proportion and character with other properties in the immediate vicinity;
- The density of building would also be out of character for the area;
- We have concerns that this development would set a precedent for building in back gardens in this area, which would be detrimental to the character of the area;
- The new opening (onto the garden) is much closer to No.61 Bayham Road and would therefore diminish No.61's residential amenities. All that has happened here is a shift so that No.61 is now more affected as the dwelling has been positioned closer to No.61 Bayham Road;
- The plot of land in question has a covenant over it and the proposed new build appears to be in breach of the covenant;
- Incorrect information in terms of ridge heights for Number 9 Serpentine Road;
- Have an unduly overbearing proximity when seen from the rear habitable rooms and garden of 9 Serpentine Road;
- Reduce natural light to the garden and rear habitable ground and first floor rooms of 9 Serpentine Road;
- Adversely affect the outlook, private character and use of the rear garden of 9 Serpentine Road;
- The proposed dwelling is also adversely impacts the street scene on Bayham Road given its squat and stubby proportions consequential to its now lowered ridgeline;

Group Manager Planning Services - Appraisal

Principal Issues

Design, Scale and Bulk – Impact on Street Scene

- 24 Policy SP1 of the Sevenoaks District Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 25 Policy EN1 of the SDLP states that the form of proposed development should be compatible in terms of scale, height and density with other buildings in the locality. The Sevenoaks Residential Character Area Assessment SPD states that in proposing new development within the Bayham Road Character Area:
- Regular building lines to the street should be respected;
 - The harmonious palette of ragstone, yellow and red brick or white render and original slate roof should be respected;
 - The rhythm of repeated gable ends, window and door openings should be retained;
 - Where off street parking is proposed within front curtilages, boundaries with neighbouring properties should be retained and enhanced and the maximum length of front boundary retained to help enclose the road space, define the boundary between public and private space and help reinforce the character of an area;
- 26 The Inspector Report (under Appeal Reference APP/G2245/A/12/2173717) concluded that “I find that the proposed dwelling would not harm the street scene on Bayham Road”. In addition the Inspector specifically stated that “despite the small size of its plot, I do not consider that the proposed house would appear as a cramped over development of the site”.
- 27 As stated in the *Description of Proposal* section the only design alteration to the scheme has been to reduce the height of the dwelling by 1.5 metres (thus removing the second floor element of the property). Despite the lower nature of the dwelling it is still considered that the property achieves a harmonious visual transition between No.61 and No.7. It also considered therefore that for this reason, the resulting density of building is acceptable. It is also considered that the proposed height, despite being lower, retains a presence on the street scene which differentiates itself from the adjoining ancillary garage at No.61.
- 28 It is acknowledged that due to the retained frontage width of the proposed property it is considered that the assertions made by the Inspector under Appeal Reference APP/G2245/A/12/2173717 are still valid.
- 29 It is recognised that the design of the building retains the architectural features of the originally proposed dwelling, incorporating a gable end and yellow brickwork with contrasting red brick quoins, both of which follow specific design advice set within the Sevenoaks Residential Character Area Assessment SPD.
- 30 Given the reasons outlined above in relation to the proposed amendments to the scheme (i.e. the height of the dwelling) and recognising the Inspectors conclusion under Appeal Reference APP/G2245/A/12/2173717, it is considered that the proposal is in accordance with Policy SP1 of the Sevenoaks District Core Strategy, Policy EN1 of the SDLP and the Sevenoaks Residential Character Area Assessment SPD.

Residential Amenity

- 31 Policy EN1 of the SDLP states that proposed development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height and outlook.
- 32 Within Paragraph 10 of the Inspector Report, it was asserted that *“during my site visit I took particular care in assessing the effect of the proposed dwelling on No.9, whose owners have submitted detailed objections to it. I am much less concerned about any potential impacts upon No.61 Bayham Road, or upon dwellings further afield”*.
- 33 I therefore do not intend to challenge this view made by the Inspector, and will therefore focus the main attention of this report on the affects of amenity as a result of the proposal on the occupiers of No.7.
- 34 However it must be acknowledged that the amendments to the proposal may also affect the residents of the occupiers of No.7 and No.61 and concerns have been raised as such. Therefore for completeness I will also address the amendments and the potential affects on amenity in relation to No.7 and No.61.

Privacy - Dwelling

- 35 Whilst it is recognised that the proposal is for a new dwelling, the Residential Extensions SPD outlines a number of appropriate assessments in relation to residential amenity which are considered relevant in the determination of the acceptability of this scheme. Therefore the residential amenity section refers to the assessments in the following sections.
- 36 In this respect the Residential Extensions SPD states that in order to safeguard the privacy of neighbours, the introduction of windows in extensions which would overlook windows of habitable rooms in any adjoining property at a close distance and would result in an unreasonable loss of privacy will not be permitted. For similar reasons, a window overlooking the private amenity area immediately adjacent to the rear of an adjoining dwelling is also inappropriate. For reference the District Council normally calculates the private amenity area as a depth of 5 metres from the back of the property.
- 37 The proposed dwelling has been designed to ensure that there are no first floor flank elevation windows proposed which would certainly overlook the adjoining properties at No.7, No.9 and No.61. In addition, the two first floor rear elevation windows are outlined on drawing number COB/11/445/02C as being obscure glazed. However, due to the position of these windows it is considered reasonable to attach a condition on any approved planning consent which would also restrict the opening of these windows unless the opening is 1.7 metres above floor level.
- 38 It is not considered that the proposed ground floor windows will result in overlooking to the adjoining properties due to the proposed boundary treatment (which would be secured on any approved planning consent) and the low level nature of the windows.

Privacy - Intensive use of rear garden

- 39 It is acknowledged that the Town Council has raised concerns with regards to the increase in ‘intensive’ domestic activity in the rear garden as a result of the

proposed dwelling. This was also raised as a concern by the Inspector (in paragraph 11 of the Inspectors report).

- 40 However, it is considered that the amendments to the proposal now address these concerns, as the property is now smaller in size (i.e. two bedrooms and therefore it could be assumed that less people living at the property) and provides a buffer of landscaping (which would be conditioned on any approved planning consent). It is also considered that whilst the rear garden will be used more by the prospective owners of the proposed dwelling than the existing occupants of Number 7 Serpentine Road, one must remember that the existing use of the land is a rear garden and could be reasonably used by the current occupiers for domestic purposes anyway (intensive or otherwise).
- 41 It is also considered that the proposed rear garden is in no way in a closer proximity to the adjoining rear gardens of Numbers 7 and 11 Serpentine Road.
- 42 Despite this, it is recognised that if made smaller, the garden would be unreasonably small in scale. Given this, it seems reasonable to attach a condition which would remove permitted development rights at the property to ensure no further development will occur at the property.
- 43 For the reasons outlined above, it is considered that the proposal addresses previous grounds of concern in relation to 'intensive' domestic activity and will not reduce the private character of adjoining neighbouring gardens.

Daylight / Sunlight

- 44 The Residential Extensions SPD states that an extension should not cause any significant loss of daylight or the cutting out of sunlight for a significant part of the day to habitable rooms or private amenity space. A useful guideline to measure the likely impact of an extension on a neighbouring property is the 45 degree test. As detailed above private amenity space is calculated as a depth of 5 metres from the back of the property.
- 45 It is recognised that there a ground of refusal from the previously refused planning application SE/11/02670/FUL (and following dismissal at appeal) was the reduction in daylight and sunlight to the adjoining properties. I will therefore assess this element of amenity against the three properties most likely to be affected by the proposal as defined above.

Number 7 Serpentine Road

- 46 In terms of daylight, both elevation and floor plan assessment were undertaken. It was determined that the proposal passes both 45 degree tests in relation to habitable rooms and private amenity space. For these reasons, it is not considered that the erection of the dwelling will result in a loss of daylight. With regards to sunlight, it is noted that No.7 benefits from a west facing garden and is situated at the end of Serpentine Road. Given these reasons and given the bulk of the existing dwelling at No.61, it is not considered that the proposal will result in an exacerbated loss of sunlight to either the rear habitable rooms or private amenity space at No.7.

Number 9 Serpentine Road

- 47 Under the previous planning application the proposal was refused on the basis that the development would reduce natural light to the gardens and the properties to an unacceptable degree. This assertion was supported by the Inspector who specifically stated that the proposal “*would reduce natural light to the garden, and albeit to a lesser extent, to certain habitable rooms and garden of No.9*”.
- 48 It has already been established that the height of the proposed dwelling will be reduced by 1.5 metres. As a result, this will reduce the height of the eaves of the proposed dwelling from approximately 5.5 metres to 4.6 metres.
- 49 In terms of daylight, both a floor and elevation plan daylight assessment has been undertaken. It is asserted that the proposal passes both of these assessments and therefore it is considered that the development will not cause a significant loss of daylight to habitable rooms or the private amenity space of No.9.
- 50 With regards to sunlight, it is highlighted that the No.9 benefits from a west facing garden but the proposal is to the west of this. Due to the orientation of the garden, the rear habitable rooms and rear garden currently only receive sunlight once the sun passes round No.7 before its sets behind No.61. Essentially therefore it is considered only appropriate to assess the effect of the dwelling on No.9 for the period of the day in which it will affect. It is also important to note at this stage that the property has been reduced in height by 1.5 metres.
- 51 Having undertaken a sunlight assessment it is considered that the amount of sunlight lost during the day to the rear of the property (i.e. both habitable rooms and private amenity) will not be significant enough to justify a refusal.

61 Bayham Road

- 52 To assess any potential impact on daylight to the occupants of No.61, both an elevation and floor plan 45 degree assessment has been undertaken. It is highlighted that the proposed dwelling passes both elevation and floor plan assessments and therefore does not result in a significant loss of daylight to justify a refusal.
- 53 No.61 is to the west of the proposed development and as such any loss of sunlight will only be experienced during the early part of the day. However, as this property is situated higher topographically than the proposed development and the absence of habitable room windows on ground floor flank elevation of No.61, it is considered that any loss of amenity in relation to sunlight will be within reasonable limits.
- 54 Therefore having undertaken daylight and sunlight assessments in relation to the three properties which may be affected by the proposal, it is not considered that the proposal will result in a significant loss of daylight or sunlight. It is therefore not considered that there is a sufficient ground to refuse the planning application in this regard.

Outlook

- 55 The Residential Extensions SPD states the District Council is primarily concerned with the immediate outlook from neighbours windows, and whether a proposal

significantly changes the nature of the normal outlook. For example it would be unacceptable for the resulting outlook from a main window to be of a large, obtrusive and dominating extension. The Residential Extensions SPD is clear that the planning process is not able to protect a view from a private property.

- 56 As with daylight and sunlight, using the SPD as a guide, I will assess this element of amenity against the three properties most likely to be affected by the proposal as defined above.

7 Serpentine Road

- 57 The proposed dwelling will be positioned directly west from this property and will be approximately 14 metres away. It is accepted that the majority of the rear habitable rooms will look directly onto proposed dwelling and the development will be positioned higher topographically.
- 58 However, this property already looks out onto the detached garage and built form of No.61. It is considered therefore that despite being 2.5 metres higher than the existing garage, it is recognised that the building will still look out onto built form at No.61 (being that this dwelling is 3.5 metres higher still).
- 59 For the reasons outlined above it is considered that the proposal will not significantly change the nature of the normal outlook at No.61.

9 Serpentine Road

- 60 As previously stated within the report, the Inspector under Appeal reference APP/G2245/A/12/2173717 concluded that "*the new house would significantly harm the residential amenities of No.9 Serpentine Road, by reason of an overbearing proximity leading to a loss of light and outlook*".
- 61 It is accepted that the proposed position of the development will be on higher ground than No.9 and is larger in scale than the existing garage.
- 62 However, due to the reduced height of the proposed property (reduction in 1.5 metres), the amended design of the dwelling will now be lower in relation to the dwellings along Serpentine Road.
- 63 It is now considered that due to the reduced height of the development, the majority of the built form of the proposed dwelling is now encompassed by the bulk and built form of Number 61 Bayham Road when viewed from the habitable rooms at Number 9 Serpentine Road. It is also considered material that the proposed dwelling is not actually situated directly behind No.9 and positioned at an oblique angle to the development.
- 64 Therefore on balance, whilst it is accepted that the proposed dwelling is in a closer position than the existing garage, it is not considered that the proposal will not significantly change the outlook from these rear habitable room windows and is therefore in accordance with Policy EN1 of the SDLP and the Residential Extensions Supplementary Planning Document.

61 Bayham Road

- 65 In terms of ground floor windows, No.61 will only have non-habitable rooms facing onto the proposed dwelling. For this reason it is not considered that there will be a loss of outlook from these rooms.
- 66 In addition, whilst there are two first floor room windows looking out onto the proposed development, it is considered that due to the difference in topography the outlook from these rooms will not be significantly altered.
- 67 Therefore having undertaken outlook assessments in relation to the three properties which may be affected by the proposal, it is not considered that the proposal will result in a significant loss of outlook. It is therefore not considered that there is a sufficient ground to refuse the planning application in this regard.

Highways /Parking

- 68 Concern has been raised by both local residents and the Town Council with regards to the proposed parking arrangements for the proposed dwelling. It is important to note that these proposed arrangements for the proposed dwelling are identical to the previous arrangements considered under planning reference SE/11/02670/FUL and Appeal reference APP/G2245/A/12/2173717).
- 69 Specifically, paragraph 12 of the Inspectors Report states that “...*there would be no significant change arising from the development, whether in the access arrangements or in the number of movements generated. Thus the new dwelling would not itself entail any harm to the safety and few flow of traffic using Bayham Road*”.
- 70 No objection has been raised by the Kent County Council Highways department again for the proposal (there was no objection to the previous scheme). Given this, and recognising the Inspectors comments above, it is considered that the proposed parking arrangements for the proposed dwelling will not cause any issues in terms for highway safety.
- 71 In terms of the parking on site at 7 Serpentine Road, as highlighted in the concluding paragraphs of the Inspectors Report (outlined under the *Appeal History* section above), it was considered that the “*the changed parking arrangements for No.7 Serpentine Road would undermine the safety of road users*”.
- 72 The previously proposed off-street parking for 7 Serpentine Road has now been removed from the proposal. In this respect, the development addresses the Inspectors previous grounds of refusal.
- 73 The proposal now however, does result in the loss of off-road parking for the occupiers of 7 Serpentine Road. However, due to the Town Centre location of the development, the fact that there are no on-street parking restrictions on either Serpentine Road or Bayham Road and that there are a number of properties along Serpentine Road without the benefit of off-road parking, I consider that the loss, whilst regrettable, is acceptable in highway terms and would not cause a significant issue in terms of highway safety or convenience. This is assertion is supported by Kent County Council Highways.
- 74 To conclude, it is considered that the proposal will not cause a detrimental impact on highway safety or convenience and is therefore acceptable on highway grounds.

Affordable Housing

- 75 Policy SP3 of the Sevenoaks District Core Strategy states that in order to meet the needs of people who are not able to compete in the general housing market, the Council will expect the provision of affordable housing in all types of residential development including specialised housing.
- 76 Further, the policy states that in residential developments 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.
- 77 An independent valuation figure for the property has been undertaken and a 10% off-site affordable housing contribution has been agreed via a Section 106 agreement.
- 78 It is therefore considered that the proposal is in accordance with Policy SP3 of the Sevenoaks District Core Strategy.

Sustainable Development

- 79 Policy SP2 of the Sevenoaks District Core Strategy states that the District will contribute to reducing the causes and effects of climate change by promoting best practice in sustainable design and construction to improve the energy and water efficiency of all new development and contribute to the goal of achieving zero carbon development as soon as possible. In particular the policy states that:
- 80 New homes will be required to achieve at least Level 3 of the Code for Sustainable Homes, progressing to Level 4 from 2013 and will be encouraged to achieve Level 6 by 2016.
- 81 The Planning Agent has not confirmed whether the development will achieve Code for Sustainable Homes Level 3. It is therefore considered reasonable to attach a condition on any approved consent requesting that the pre-construction and post-construction certificates are submitted to ensure that Code for Sustainable Homes Level 3 (or 4) is reached.

Other Issues

Outstanding Neighbour Comments

- 82 This section will address any outstanding issues raised by neighbour letters for completeness which were not outlined in the *Residential Amenity* section:
- The outlook and aspect of those properties opposite, particularly Number 20, 21 and 22 Bayham Road would also be badly affected. These properties currently enjoy panoramic views to the north, from the front windows on upper floors;
- 83 The planning process is not able to protect a view from a private property. In addition it is considered that these properties are of a sufficient distance from the proposed dwelling (approximately 26 metres) to not have a significant impact on outlook from these properties.

- The amenity space for the proposed dwelling would still remain woefully insufficient relative to the size of the building and overall plot;

84 It is recognised that the proposed rear amenity space will be small in scale in relation to the neighbouring properties. However, it is considered that the size (approximately 56m) is acceptable given the size of the dwelling (two bedroom house) and the town centre location. As stated above permitted development rights will be removed at the proposed dwelling to restrict permitted development in the future.

- The space indicated for car parking at the front of the property is extremely tight for two vehicles;

85 Kent County Council Highways stated on 15 November 2012 that the forecourt or apron space is compatible with two standard marked out parking bays.

86 A condition would be attached to any approved permission requesting plans outlining specific dimensions of the car parking spaces.

- The plot of land in question has a covenant over it and the proposed new build appears to be in breach of the covenant;

87 It is accepted that there is a covenant on the land restricting development such as the proposal under consideration. However, it is noted that such a covenant is not a material planning consideration and is insufficient to justify a refusal.

88 It is therefore considered that remaining issues outlined above are not sufficient to justify a refusal of planning permission.

Water Supply

89 The applicant is advised to contact South-East Water to provide water supply, drainage and wastewater services to this development. This will be attached to any approved consent as an informative.

Conclusion

90 It is considered that the proposal is in accordance with the NPPF, Policies SP1, SP2 and SP3 of the Sevenoaks District Core Strategy, Policy EN1 of the SDLP, the Residential Extensions SPD and the Sevenoaks Residential Character Area Assessment SPD.

Background Papers

Site and Block Plans

Contact Officer(s): Neal Thompson Extension: 7463

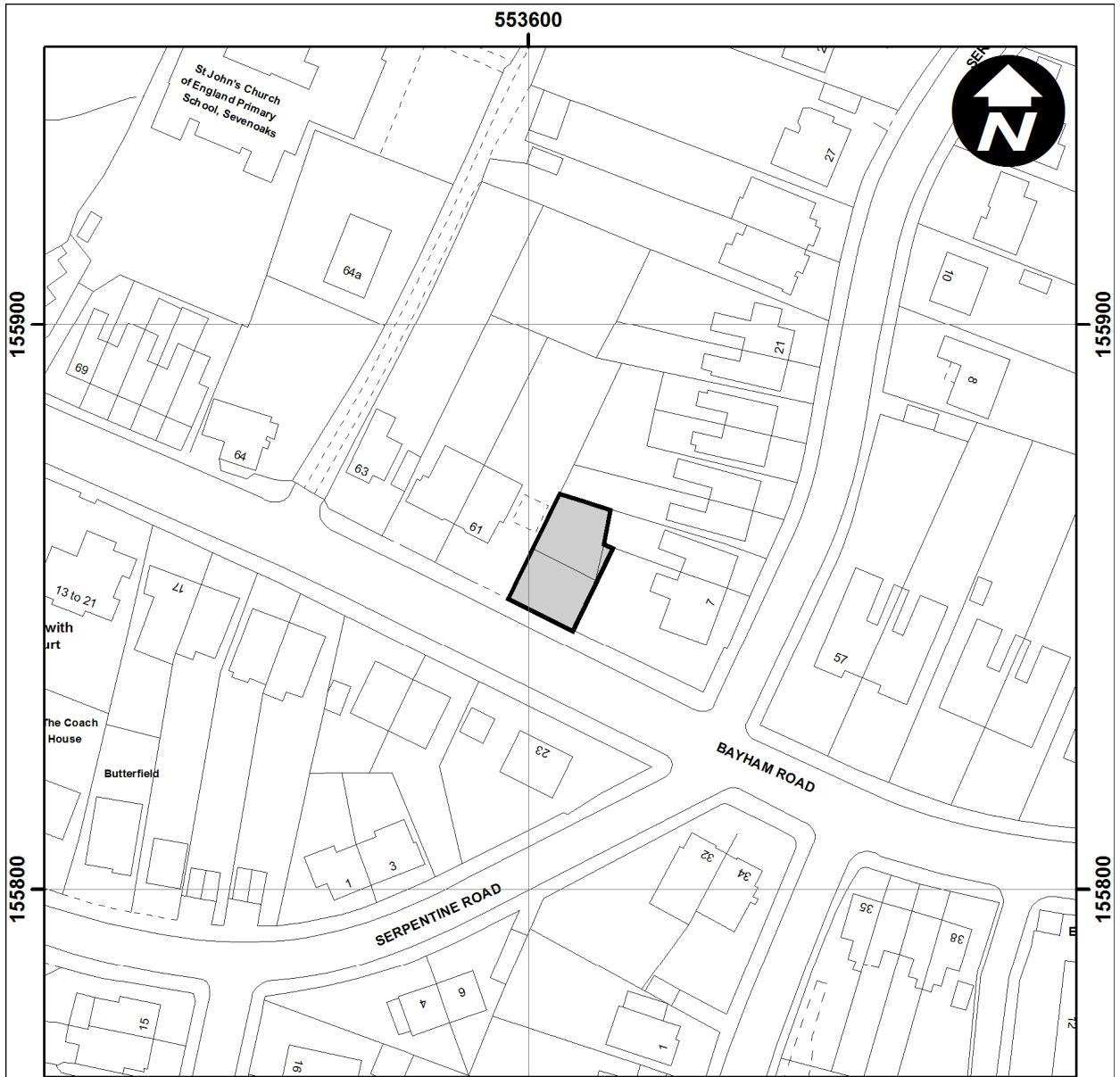
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MCA8Z7BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MCA8Z7BK8V000>



Site Plan

Scale 1:1,250

Date 04/02/2013



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BLOCK PLAN

