



**Late Observations Sheet  
DEVELOPMENT CONTROL COMMITTEE  
19 November 2020 at 7.00 pm**

**Late Observations**

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DEVELOPMENT CONTROL COMMITTEE

Thursday 19 November 2020

LATE OBSERVATION SHEET

Item 4.1 - 20/02270/FUL Little Wood, Woodland Rise, Sevenoaks Kent TN15  
OHZ

Heritage Assets:

1. The National Planning Practice Guidance Paragraph 039 Reference ID:18a-039-20190723 defines non-heritage assets as:

*‘Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets’.*

2. The National Planning Policy Framework defines Heritage Assets as:

*‘A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)’.*

3. As defined by both the NPPG and the NPPF buildings can be identified as heritage assets if they have a degree of heritage significance. Individual buildings will have different degrees of heritage significance. As such there are a number of ways of identifying these buildings.
4. Sevenoaks District Council’s local policy recognises designated heritage assets such as Listed Buildings and Conservation Areas. Further, buildings have been identified within adopted Conservation Area Management Plans as buildings which contribute to the character of the Conservation Area.
5. Sevenoaks District Council has created a local list of Locally Listed Buildings. Due to the huge wealth of heritage buildings the district holds the criteria for local listing is extremely strict. Little Wood is not a locally listed building. However, this does not de-value it as a heritage asset as the NPPF and NPPG recognise that a building requires a degree of heritage significance.
6. Little Wood is considered one of the original buildings in the estate and is a good example of an arts and crafts dwelling, which was one of the original design intentions of the creation of the estate.

7. As a result, heritage significance is attributed to the building and as such it is considered a heritage asset in accord with the NPPF and the NPPG definition as a non-designated heritage asset. The building contributes to the character of the designated heritage asset the Wildernesse Conservation Area. The loss of buildings which contribute to its character would erode part of the justification for designating the Conservation Area. The area is not designated simply for its landscaping, trees and hedging.

### **Less than substantial harm:**

8. For clarity the phrasing 'Less than substantial harm' is taken from paragraph 193 of the NPPF which states:

*'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*

9. Paragraph 201 of the NPPF also clarifies that:

*'Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole'.*

10. As such the phrasing 'Less than substantial harm' still means that harm is occurring and can be applied in this instance in accord with paragraph 201 of the NPPF. To identify substantial harm, the test is extremely high. As the loss of Little Wood would harm the designated heritage asset (i.e. the conservation area), that harm to the conservation area has been identified as 'Less than substantial'. Paragraph 196 of the NPPF states that:

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.*

11. In this instance there is no perceivable public benefit arising from the proposal. The 2018 permission allowed appropriate extensions to meet family

needs whilst retaining a building which contributes to the character of the Conservation Area. The loss of buildings that are identified as contributing to the character and appearance of the conservation area would gradually erode the very reason for designating the estate as a Conservation Area.

**Previously demolished:**

12. When considering planning application each case is considered on its own merit. As identified above, heritage buildings all have individual degrees of historic significance. Each application is therefore considered on its own merits and the loss of one building does not automatically justify the loss of another.
13. In regard to some of the buildings approved for demolition Tanglewood is not one of the original buildings of the estate and was not considered to have significant features of architectural quality. The demolition of Little Winsford/Winsford was agreed in 2011 pre the NPPF and the 2014 permission was an amendment. Further, the building used to be semi-detached which was considered un-characteristic of the estate.

Recommendation:

That planning permission be refused, as per the main papers and late observations.

**Item 4.2 - 20/02296/FUL - Westwood Car and Commercial, Hartley Garage, Ash Road, Hartley KENT DA3 8EL**

No Late Obs

**Item 4.3 - 20/01809/HOUSE - 27 Truggers Cottages, Truggers Lane, Chiddingstone Hoath, Kent TN8 7BP**

The Site Plan shown on page 58 of the Development Control Committee Papers pack has been drawn incorrectly. This Site Plan has been corrected to reflect the red line boundary shown on the Block Plan on page 59.

This Site Plan is for information only and does not form part of the plans submitted under the application. All plans submitted under this planning application remain correct.

Recommendation:

That permission be granted, as per the main papers and late observations.

**4.4 - 20/02294/HOUSE Montreal Cottage, Amherst Hill, Riverhead Kent TN13  
2EL**

Amendment to paragraph 2 of the report. It should read:

This application seeks permission for the erection of gates on the driveway and principal access to the site. The proposed gates would be sited 5m from the public highway and would be constructed of timber, measuring 1.8m high.

Further representation

An additional representation has been received from the occupiers of Barrow Way Cottage raising the following concerns and points:

- That the historic right of way that runs over the site is a curtilage listed structure, questioning whether the development requires Listed Building Consent;
- The assessment of the significance of the adjacent Listed Buildings;
- The application of the NPPF and the relevant tests;
- The compliance of the proposal with policy EN4 of the ADMP;
- The assessment of the application on the views of the adjacent Listed Buildings.

Listed Building Consent

The Council recognises the historic right of way that runs across the application site, however, it does not deem this right of way as having a 'curtilage' listed status. As outlined in the Committee report, the gates are not considered to directly adjoin a Listed Building, the historic fabric of a Listed Building or a curtilage listed asset and therefore Listed Building Consent is not required.

Having sought advice from the Council's Solicitor, the historic right of way has only ever been a benefit to Barrow Way Cottage and never been in the ownership of Barrow Way Cottage so could never have been listed as part of the building or its curtilage. Therefore, Listed Building Consent is not required.

Assessment of the Significance of the Listed Buildings

The representation indicates the Council have not assessed the significance of the adjacent Listed Buildings. Further comments from Conservation are below:

Significance

The site sits within the Riverhead Conservation Area, and Montreal Cottage is identified as contributing to the character of the conservation area. Riverhead Conservation Area has a variety of buildings from different periods in its history, and there is little continuity of architectural style. The earliest timber framed buildings (including the core of the Harvester Public House) date from the 16th Century and many have plaster or render infill to the first floor and painted brickwork below. In addition to tile hanging the predominant material is brick.

The use of coursed local ragstone is also popular, as exemplified by Decimus Burton's Parish Church and the remains of the Montreal Estate walls on Amherst Hill.

Entering the Conservation Area from the south via the main road from Sevenoaks the view down the hill is spectacular. The visual impact of trees and hedges is distinct. The long stone wall that marks the former boundary to Montreal Park is the first indication of the historic approach to the village centre. The older properties situated along Amherst Hill mark the entrance of the historic heart of the village.

The Riverhead Conservation Area Appraisal and Management Plan (2010) advises that original boundary treatments should be retained wherever possible. The design of replacement boundary treatments should take into account the character of the property and the surrounding area.

The site is also within the setting of several listed buildings. It sits in front of Barrow Way Cottages, adjacent to 6 Amherst Hill and 8 Amherst Hill, and opposite Amherst Cottage; all are listed at Grade II.

Barrow Way Cottages are a pair of small 16th-century framed cottages. The ground floor is timber framed with brick filling and the first floor is tile hung. The building is situated behind Montreal Cottage, some way behind the main road. The special interest in the cottages lies in the historic fabric, the Kentish vernacular design and traditional materials.

No 6 Amherst Hill is a two-storey house possibly dating from the 17th century. It has painted brick walls with a painted stone plinth, and a tiled roof that features two gables connected by a ridge. No 8 Amherst Hill is a 17th-century or earlier two-storey house. The ground floor is painted brick and stone, and the first floor is painted plaster with tile hang to the right-hand gable. These two houses share a brick chimney stack. Both buildings front the street. The special interest of these two houses lies in the historic fabric, vernacular design and materials; the gables and tall brick chimney stack are particularly characteristic within the streetscene.

On the opposite side of the main road to the site is the Amherst Cottage. This is mid-late 19th-century Tudor-Gothic house, with roughly coursed galletted rubble masonry walls with freestone quoins and dressings, under a steeply pitched tiled roof. The chimney stack features three tall diagonal shafts. The house is set back from the street, behind a ragstone wall and iron railing. The special interest of this building lies in the characterful Tudor-Gothic architectural design, its architectural details and use of traditional materials.

### Assessment of application against paragraphs 195 & 196 of the NPPF

There are two types of harm, substantial harm which is addressed under paragraph 195 of the NPPF and less than substantial harm, addressed under paragraph 196 of the NPPF. The representation received states that all development is likely to cause some harm, however, this view is not shared by the Council.

## Supplementary Information

The Conservation Officer comments are considered to properly assess the impact of the gates on the character and appearance of and views within the Conservation Area and the setting of adjacent Listed Buildings.

The representation states that the wrong test has been applied, however, the Conservation Officer did not identify any substantial or less than substantial harm on either the Conservation Area or the adjacent Listed Buildings.

The proposed gates would mirror those that are already on site serving the historic right of way on the eastern boundary and would not be considered to cause harm to the setting or significance of Barrow Way Cottage or Riverhead Conservation Area.

Even if the Conservation Officer did identify less than substantial harm, this would be considered to be outweighed by the public benefits of high quality and sensitive design that reflects the existing character of the site and the wider Conservation Area, in accordance with paragraph 196 of the NPPF.

### Compliance with Policy EN4 of ADMP

The representation states that no reason has been given by the Conservation Officer as to how the development conserves or enhances the Conservation Area. However, the Conservation Officer has clearly assessed the proposal and the impact the gates would have on the setting and significance of the Conservation Area, in line with policy EN4.

The proposal will not entail the removal of any elements that contribute to the character and appearance of the conservation area. The gates have been sympathetically designed to be in keeping with the character and appearance of the Conservation Area. Therefore, the scheme does comply with policy EN4, in accordance with the detailed Conservation comments received and as outlined within the report.

### Impact on the views of adjacent Listed Buildings

Whilst the gates would be visible in some views of the adjacent Listed Buildings, this does not equate to harm. Due to the reasons outlined within the Conservation Officer comments and in the Committee report, the gates are not considered to be harmful to the setting of the adjacent heritage assets. It is incorrect to equate visibility to harm.

The Conservation Officer did not identify harm from the proposal on the significance of the Conservation Area or the nearby Listed Buildings.

The separation distance from the proposed gates to the eastern boundary with Barrow Way is considered to be sufficient to prevent any harmful restriction of views of this Listed Building. The views of Barrow Way from this part of Amherst Hill are already somewhat limited due to the gates that serve the historic right of way leading to Barrow Way Cottage and the existing mature landscaping on the eastern boundary. The presence of the proposed gates would therefore not be



considered to impede this already oblique and restricted view of this heritage asset.

Due to the siting, scale, design and the separation distance of the gates from the adjacent listed buildings, in particular Barrow Way Cottage and Amherst Cottage, the gates would not be considered to harmfully impede views of these heritage assets.

The application has not been assessed against Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 as the proposal does not involve development to a Listed Building.

Therefore, it is considered that the recommendation as put forwards in the Committee report satisfies the requirements of Section 16 of the NPPF, Sections 69 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and complies with policy EN4 of the Allocations and Development Management Plan.

#### Permitted development

Having assessed the proposal against the Town and Country General Permitted Development (England) Order 2015 as amended, the proposed gates would constitute as permitted development under Schedule 2, Part 2, Class A as they are adequately set back from the public highway and are not within the curtilage of a Listed Building. This is a 'fallback' position and a relevant material consideration to which significant weight should be given in the determination of this application.

#### Recommendation

That permission be granted, as per the main papers and late observations.

#### **4.5 - 20/02439/HOUSE 23 Eardley Road, Sevenoaks KENT TN13 1XX**

A further representation has been received.

It has been highlighted that paragraph 34 of the report makes claim that neighbouring properties at No.29 and No.27 Eardley Road feature first floor rear extensions to the dwellings. Upon further analysis it would appear as though there are no historical records of rear first floor extensions for either of these properties, rather they are existing projections of the bulk form of the original dwellings. Upon considering the above, it is recommended that paragraph 34 as cited in the report is amended to read as follows:

***“It is noted, that rear first floor extensions are featured on the adjacent dwellings at No.21 and No.19 Eardley Road, providing precedent to first floor rear extensions being an acceptable form of development within this Conservation Area. Similarly, ground and first floor projections of the original buildings can be found on both dwellings at No.29 and No.27, and whilst they do not represent extensions that have occurred at a later point in time, they do provide***

*further indications that the resulting built form to the dwellings along Eardley Road (from first floor extensions to the rear) would not be of a design that is out-of-keeping within the vicinity. Some weight is attributed to this, however it is not a determinative factor.”*

The representation also raises a point over the lack of reference in the report to the Sevenoaks Residential Extensions Supplementary Planning Document (SPD) during the determination of the proposed scheme. Upon consideration of this matter, it is recommended that paragraph 33 of the report be expanded upon and amended to read as follows:

“The proposed works would all be contained within the footprint of the existing dwelling, and would not be seen to lead to an over-development of the site nor would it appear overly prominent. The proposal is also seen to adhere to the guidance outlined with the Sevenoaks Residential Extensions SPD related to the design considerations of the extension’s siting, scale and form as it respects the character of the existing building and sits unobtrusively with the building and its setting. Paragraph 4.14 of the SPD advocates that rear extensions of semi-detached dwellings should not normally project more than 3 metres from the rear elevation, and whilst the proposed extension would extend approximately 3.65 metres from the rear elevation, the almost 2 metre distance of the extension from the neighbouring boundary at No.25 would ensure that this slight increase in projection would not result in an overbearing appearance of the dwelling overall.”

#### Amendment to Condition 3

It is recommended that condition 3 as cited in the report is amended to read as follows:

“Notwithstanding the glazing shown on the approved plans, the second floor window in the proposed east facing elevation of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.”

**Reason:** To safeguard the privacy of neighbouring residents in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

#### Recommendation

That planning permission be granted, as per the main papers and late observations.

**Item 4.6 - 20/01569/HOUSE - Melsetter, Woodland Rise, Sevenoaks Kent TN15 OHY**

Amendment to paragraph 116 of the report. It should now read:

Correspondence has been received to confirm an exemption has been sought for the Community Infrastructure Levy (CIL). This exemption documentation has been reviewed and the applicants have confirmed the declarations for exemption on the form required. It is further confirmed that the applicants have a material interest in land to which the development relates and have claimed for a development which meets the CIL definitions of an annex or extension. The development has not commenced on site.

The Council is therefore satisfied that the applicants Mr and Mrs Jones are exempt from CIL for planning application 20/01569/HOUSE.

**Recommendation:**

That planning permission be refused, as per the main papers and late observations.

**Item 4.7 - 20/02399/HOUSE - Somerset Lodge, 12 Westerham Road, Bessels Green, Kent, TN13 2PU**

No Late Obs

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