



**Late Observations Sheet
DEVELOPMENT CONTROL COMMITTEE
28 April 2022 at 7.00 pm**

Late Observations

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DEVELOPMENT CONTROL COMMITTEE

Thursday 28 April 2022

LATE OBSERVATION SHEET

4.1 21/03663/FUL - Land North West Of Canada Farm, Canada Farm Road, South Darenth, KENT DA4 9LA

No Late Observations

4.2 22/00140/HOUSE - 11 Ridge Way, Edenbridge, Kent TN8 6AU

One letter of objection received, raising a number of concerns with the Officer's report. The neighbour comments are in italics and the paragraphs relating to the Officer's report are in bold.

Paragraph 38: I dispute that this is an independent review of the planning history because it was submitted by the applicant on 28 February. The applicant's covering letter for the assessment is on the planning portal. I agree that third parties were given the opportunity to comment on the assessment. In our comments we pointed out the errors that were biased towards promoting the application. With so many errors should this document have been validated and referenced in the report?

The report provides a link to the applicant submitted review but it does not provide a link to the document that points out the errors.

The review does not compare the sizes of the extensions built on the backs of houses similar to 11 Ridge Way. The proposed rear extension for 11 Ridge Way is the largest by far and consequently has the biggest impact on its neighbours.

Planning Officer Response:

The Planning Officer has acknowledged that third parties questioned the accuracy of the applicant's information on neighbouring developments and has undertaken an independent assessment accordingly. The independent review of development across the area refers to the assessment undertaken by the Planning Officer. It does not refer to the review undertaken by the applicant.

Whilst all documents submitted by the applicant have been included within the Papers listed for the Committee Item, the review of neighbouring development submitted by the applicant is not given weight and the Planning Officer has independently assessed this matter within paragraph 36 onwards of the Committee report.

Additional information provided by third parties to question the applicants submission is not part of the applicant submission and is therefore not listed in the

Supplementary Information

papers, however all third party representations were reviewed by the Planning Officer and are referred to within paragraphs 20-22 of the Committee report.

Paragraph 66: I have calculated this distance as 1.3m. This distance is also used in further points e.g. point 75 mentioned below. I provide the calculation method below.

The planning application proposed floor plans show the back wall of 11 Ridge Way is extended by 4275mm. I measured the distance between 11 Ridge Way existing back wall and 9 Ridge Way back wall as 2960mm. So the back wall of the proposed extension at 11 Ridge way is (4275-2960) mm, which is 1315mm from the rear wall of the neighbouring house.

Planning Officer Response:

The figure of 1.1m referred to in the Committee Report is based on measuring the depth of the two-storey extension proposed, in relation to the rear wall of No.9 Ridge Way. This measurement is taken from the proposed Block Plan submitted.

I understand based on the measurements taken on-site by the neighbour at no.9, the Council's figures slightly vary with that of the neighbour by approximately 215mm. Taking account of this difference, a 1.315m projection from the rear wall of number 9 would not alter the assessment performed.

The proposed extensions would continue to pass the daylight test at both plan and elevation views and there would be no material loss of daylight nor sunlight to habitable rooms of neighbours. There would also be no material loss of sunlight to the external rear amenity space of neighbours, as referenced in the Committee Report.

Paragraph 74: The light assessment and plot plans show that the back gardens face North North East. This error in the report under plays the reduction that the proposed extension has on the sunlight reaching the patio in the back garden of 9, Ridge Way. Instead of there being no impact after mid-day, I see that there is no impact after 1:45pm BST. At this time the sun is directly overhead 9, Ridge Way and the house shadows run perpendicular to the house. Overall the proposed extension produces shadows on the patio for 55% of the time between sunrise and sunset.

Planning Officer Response:

The Officer is in agreement that the rear gardens face north to north-east and we are happy for the report to be corrected to state north-east-facing garden.

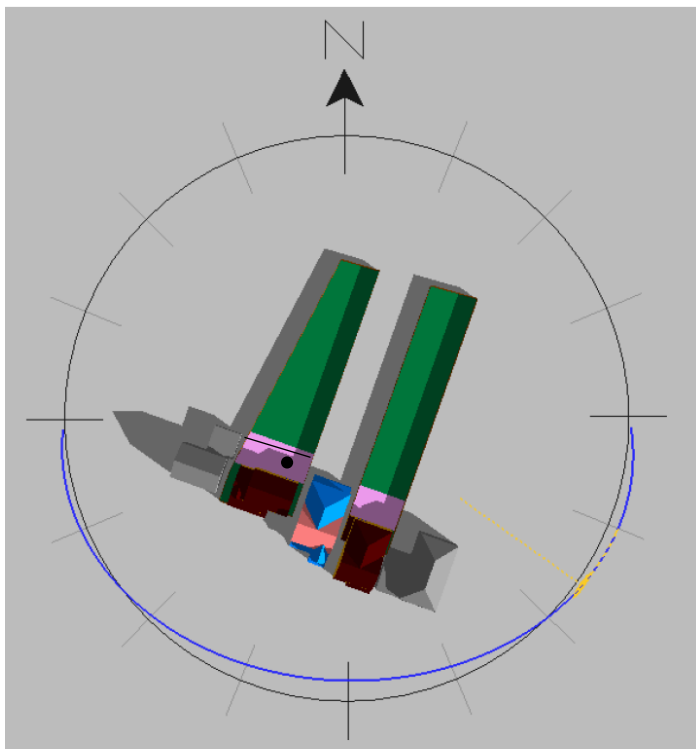
The sunlight assessment is based on assessing impacts to the rear gardens based on this orientation of the gardens and the sun's path. The figures stated in the report remain accurate, considering the north-east orientation of the garden and the differences between Greenwich Meantime and British Summer Time, which vary year-on-year. Based on noon March 21st 2022 the sun is approximately due south of the dwellings and the shadow cast would be due north. Therefore at this time, the extension would not overshadow the private rear amenity space of neighbouring dwellings and would instead overshadow the applicants own garden area, which is

an existing situation caused by the dwellings being located to the south of their own north-east facing gardens.

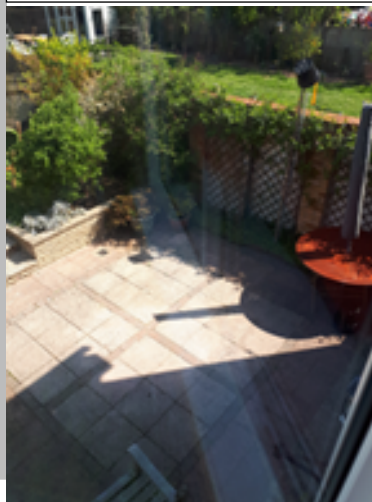
It is the Council's assessment that the loss of sunlight caused to approximately 1.1m of the 5 metres of rear amenity space (or 1.3m accepting the measurements of the neighbour) for a limited period in morning hours, would not constitute a material loss of sunlight, and that sufficient sunlight levels would remain to the 5 metres of rear amenity space, compared to the existing situation.

Paragraph 75: To the west of the development, some sunlight received in the early morning period to part of the neighbouring rear amenity space would be reduced as a result of the two-storey rear extension, however by midmorning the shadow cast by the extension would have moved beyond the rear amenity space of the dwelling. Importantly, as the depth of the two storey rear extension would be limited in scale, extending 1.1m beyond the rear wall of this neighbouring dwelling, the majority of the 5 metres rear amenity space would remain safeguarded throughout the morning period, and would remain unaffected by the siting of the development. As mentioned earlier the extension protrudes by 1.315m not 1.1m.

Your statement in red above does not match with the drawing shown in the sunlight assessment report. See below. The garden faces North North East. The drawing shows a 6m deep area behind the house in pink. Sevenoaks works to a 5m long area and our patio is just short of 5m. I have drawn on a line in black for 5m distance and a circle for the patio table. The patio and table are completely in shade at 10am BST. The patio table will continue to be in shade for the morning and part of the afternoon. On your site visit you probably saw the shape and usage of the rest of the patio. It is not possible to relocate the patio area without substantial earthworks. On the area left of the 5m amenity area it is not possible to accommodate the patio table and chairs. (So the amenity is not protected)



Picture taken at 11:41 BST on 21 April 2022.
Shadow still on patio



To check on the effect of the shadowing of the patio I erected a post next to the wall on the patio at 9 Ridge Way. The post with the plant pot on it was roughly in the position of the back wall of the proposed extension. I still saw this post creating shadows over the patio at 12:30 pm, which is long after mid-morning. This leads me to dispute the statement above in red. To clarify this situation, are you able to provide the Planning officers sunlight assessment for each hour of the day from 9am BST to 2pm BST.

Planning Officer Response:

The assessment is performed as a benchmark in March and the shadow cast would vary throughout the year, as evidenced in the photograph shown (which has been taken in April).

The Council undertakes an independent sunlight test as referenced in the Committee Report, which is in line with the Building Research Establishment light assessments, which uses 21 March as its baseline. Paragraph 75 is based on this independent assessment, and is not based on the assessment undertaken by the applicant, nor third parties in April where the sun's trajectory and shadow differs from March.

Paragraph 76: *I believe the distance stated is incorrect for 9, it would be 1.315 metres. If the house were 13, it should be 4.99m for the ground floor and 3.875 for the first floor. Are you able to correct the sentence?*

Planning Officer Response:

Apologies for the confusion, yes the distance referred to is from no.9 Ridge Way, not no.13 Ridge Way and this late observations accepts and corrects this error.

Officer summary

The Sevenoaks Residential Extensions SPD sets out within paragraph 5.7 how the Council should assess matters relating to potential loss of light:

“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 (including lounge, dining room, kitchen/diner and bedrooms) in neighbouring properties or private amenity space”.

The proposed extension will not cut out sunlight to any habitable rooms at 9 Ridge Way.

The proposed extension will result in the loss of some sunlight to a proportion of the private amenity space of 9 Ridge Way during the morning, before the neighbours own property then prevents sunlight reaching private amenity space. The proposal will not cut out sunlight to the whole of the neighbouring properties private amenity area for a significant part of the day.

Therefore the proposal complies with policy EN2 of the ADMP and the Sevenoaks Residential extensions SPD.

Recommendation Remains Unchanged

4.3 21/02775/HOUSE - Reed Beds, Church Street, Shoreham, Kent TN14 7SW

No Late Observations

4.4 22/00152/HOUSE - Greenacre, Castle Hill, Hartley, Longfield Kent DA3 7BL

One additional letter of objection has been received. The objections relates to the impact on the listed building adjacent, and that the proposed amendments do not resolve the original issue of the impact on the listed building. The extension would also be harmful to the setting of the area and street scene. The letter also raises concerns with the size of the extension.

The comments raised within the report are covered within the officer’s report and within paragraphs relating to the impact on the listed building (Para 15-21), and that within the impact on the character of the area (Para 22-30). The comments relating to size are covered within Para 28.

Recommendation remains unchanged

4.5 22/00072/HOUSE - 43 The Drive, Sevenoaks, Kent TN13 3AD

Please note paragraph 36 of this report should refer to section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 which covers conservation areas, rather than section 66 of the Act which covers Listed Buildings.

Recommendation Remains Unchanged

5.1 TPO 09 of 2021 - Land Adjacent To 40 Westerham Road, Bessels Green

No Late Observations

5.2 TPO 01 of 2022 - Land To The South Of 1 Westfield Cottages, Fawkham Road, West Kingsdown.

No Late Observations