

20 May 2021 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 12.05.21

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## Development Control Committee

### Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Reay  
Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Hogarth, Hudson, Hunter, Layland, McGarvey, Osborne-Jackson, Pett, Purves, Raikes and Roy

### Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 29 April 2021, as a correct record.	(Pages 1 - 4)	
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered		
3. <b>Declarations of Lobbying</b>		
4. <b>Planning Applications - Chief Planning Officer's Report</b>		
a) <b>21/00703/HOUSE - The Old Bakehouse, Six Bells Lane, Sevenoaks, KENT, TN13 1JE</b> Conversion of disused outbuildings (washroom and outdoor WC), and an enclosed courtyard into a one bedroom annexe	(Pages 5 - 18)	Sean Mitchell
b) <b>20/03779/FUL - Land East of The Coach House, St Julians Road, Underriver, KENT TN15 0RX</b> Erection of two stables, tack room and hay store for personal use	(Pages 19 - 30)	Anna Horn

- c) **21/00199/HOUSE - Pettings Court, Hodsoil Street, KENT TN15 7LH** (Pages 31 - 42) Louise Cane

Demolition of existing outbuildings and the erection of a two storey side extension, extension to the basement, associated landscaping, new porch and alterations to fenestration.

- d) **20/03735/FUL - Bower House, Bower Lane, Eynsford, KENT DA4 0AJ** (Pages 43 - 60) Louise Cane

Erection of 2 No. new dwellings with allocated parking in the rear premises of Bower House with demolition of the existing garage and shed.

#### EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday 17 May 2021.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

Site inspections can only be held outdoors and will be considered on a case by case basis. Please note that due to health and safety reasons, a site inspection cannot be guaranteed.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk).

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**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 29 April 2021 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman,  
P. Darrington, Hudson, Hunter, Layland, McGarvey, Osborne-Jackson,  
Pett, Purves, Raikes, and Roy

Cllrs. Grint and Thornton were also present.

172. Minutes

Resolved: That the Minutes of the Development Control Committee meeting held on 31 March be approved and signed by the Chairman as a correct record.

173. Declarations of Interest or Predetermination

Councillor Coleman declared for Minute 176 - 20/01834/FUL - Newtyehurst Farm, Cowden Pound Road to Truggers Lane, Mark Beech Kent TN8 7DA that she had referred the item to committee following strong objection from the Parish Council, but remained open minded.

174. Declarations of Lobbying

Councillors Ball, Barnett, Cheeseman and Coleman declared they had been lobbied in respect of Minute 176 - 21/00081/FUL - Newtyehurst Farm, Cowden Pound Road To Truggers Lane, Mark Beech Kent TN8 7DA.

All Councillors except for Cllrs Hudson and Perry Cole declared they had been lobbied in respect of Minute 177 - 21/0081/FUL - Land West of Yearling Coppice Farm, Otford Lane, Halstead Kent TN14 7EQ.

UNRESERVED PLANNING APPLICATIONS

There were no public speakers against the following item and no Member reserved the item for debate, therefore, in accordance with Part 7.3(e) of the constitution the following matter was considered without debate:

175. 21/00635/NMA - White Oak Leisure Centre, Hilda May Avenue, Swanley KENT BR8 7BT

The proposal sought planning permission for the non-material amendment to 19/02951/HYB. The application had been referred to the Committee because Sevenoaks District Council was the applicant.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

The motion was put to the vote and it was

Resolved: That the alterations be treated as a non-material amendment to the approved scheme and no further planning permission be required in this instance.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

176. 20/01834/FUL - Newtyehurst Farm, Cowden Pound Road To Truggers Lane, Mark Beech KENT TN8 7DA

The proposal sought planning permission for the proposed conversion of agricultural barns into 12 residential units including the demolition of 2 no. existing residential units and the construction of 2 replacement dwellings. The application had been referred to the Committee by Councillor Coleman on the grounds of concern with regard to the provided marketing details and affordable housing provision provider.

Members' attention was brought to the main agenda papers and late observation sheet, which did not propose any amendments to the recommendation.

The Committee was addressed by the following speakers:

Against the Application: John Hawkridge

For the Application: -

Parish Representative: Cllr Mitzi Quirk

Local Members: -

Members asked questions of clarification from the speakers and officer.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application giving consideration to the sustainability of the site due to its location and the timings of the marketing for re-use in employment, and the loss of the employment site. Members also discussed the S106.

The motion was put to the vote and it was lost.

It was moved by Cllr Pett and duly seconded that planning permission be refused on the grounds of the loss of an employment site and the marketing strategy used, lack of a S106 agreement, transport and design in relation to policy EN1.

The motion was put to the vote and it was

Resolved: That planning permission be refused on the following grounds:

1. Insufficient information had been provided to adequately justify the loss of a non-allocated employment site. The proposal would fail to comply with the National Planning Policy Framework and policy EMP5 of the Sevenoaks District Council Allocation and Development Management Plan.
2. The proposed development would be located in an unsustainable location contrary to the National Planning Policy Framework and policy EN1 of the Sevenoaks District Council Allocation and Development Management Plan.
3. The proposed development would be considered to represent an inappropriate design, which would be out of character of the local area contrary to the National Planning Policy Framework and policy EN1 of the Sevenoaks District Council Allocation and Development Management Plan.
4. The applicant had failed to provide a completed section 106 agreement, for the provision of on-site affordable housing, contrary to the National Planning Policy Framework and policy SP3 of the Sevenoaks District Council Core Strategy.

176. 21/00081/FUL - Land West Of Yearling Coppice Farm, Otford Lane, Halstead KENT TN14 7EQ

The proposal sought planning permission for Land West of Yearling Coppice Farm, Otford Lane, Halstead Kent TN14 7Eq. The application had been referred to the Committee by Councillor Grint who was of the opinion that the proposal does not conserve or enhance the Area of Outstanding Natural Beauty (AONB).

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: -

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### Development Control Committee - 29 April 2021

For the Application: Tony Kernon  
Parish Representative: Cllr Jean Peel  
Local Members: Cllr Grint

Members asked questions of clarification from the speakers and officer. Questions centred on uses of the track, materials and conditions.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application, and gave consideration to the hardstanding and the chalk base. Concerns were expressed that the hardstanding would not conserve or enhance the character and appearance of the area.

The motion was put to the vote and it was lost.

It was moved by the Chairman and duly seconded that the planning permission be refused on the grounds of the visual impact on the character of the AONB, and the hardstanding would be inappropriate development which did not conserve or enhance the openness of the land within the green belt, which was contrary to the NPPF.

Resolved: That planning permission be refused on the following grounds:

1. The land lies within an Area of Outstanding Natural Beauty. The incongruous nature of the development would fail to conserve or enhance the character and appearance of that area. This conflicts with the National Planning Policy Framework, policy SP1 of the Sevenoaks Core Strategy and policies EN1 and EN5 of the Sevenoaks Allocation and Development Management Plan.
2. The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. The Council does not consider that any material considerations exist in this case that are sufficient to justify overriding the National Planning Policy Framework and policy L01 of the Sevenoaks Core Strategy.

THE MEETING WAS CONCLUDED AT 8.36 PM

CHAIRMAN



4.1 21/00703/HOUSE Date expired 10 May 2021

Proposal: Conversion of disused outbuildings (washroom and outdoor WC), and an enclosed courtyard into a one bedroom annexe.

Location: The Old Bakehouse, Six Bells Lane, Sevenoaks KENT TN13 1JE

Ward(s): Sevenoaks Town & St Johns

**Item for decision**

The Chief Planning Officer has referred this application to Development Control Committee due to the sensitive nature of the proposal because of its background and planning history.

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) Prior to the commencement of works to the external walls of the development hereby approved, specifications (including, where applicable, size, colour, texture, profile, finish, bonding and pointing) and samples of the external surface materials and a scaled plan (at a scale of 1:100) showing the location of the rain water goods shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To ensure that the appearance of the development is in harmony with the existing character of the conservation area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include:(a) parking for vehicles of site personnel, operatives and visitors (b) loading and unloading of plant and materials(c) storage of plant and materials used in constructing the development (d) programme of works (including measures of protection of the existing Public Right of Way SU35) (e) hours of operation/construction.

To ensure that the development does not prejudice conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) The annexe accommodation hereby permitted shall not be occupied any time other than for purposes ancillary to the residential use of the dwelling known as The Old Bakehouse, and shall not be used as a separate unit of accommodation.

Any other use of the annexe could be harmful to the character of the area and neighbouring amenity and to use a single unit of occupation as a dwelling would be undesirable due to insufficient internal and lack of amenity space provided contrary to Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) The development hereby permitted shall be carried out in accordance with the following approved plans:(EX) 01 Rev.D, PL(01) Rev.D, PL(02) Rev.D, PL(03) Rev.D, PL(04) Rev.D

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

#### **Informatives**

1) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

2) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt, the applicant should be advised to contact Kent County Council Public Rights of Way & Access Service before commencing any works that may affect the Public Right of Way.

This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

3) Given that the proposed works will be undertaken on or close to a boundary with the neighbouring properties, the applicant is reminded of the requirements of The Party Wall Act 1996 which amongst other things requires adjoining owners to be notified of the proposals, and their agreement sought to the proposed works.

#### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### Description of site

- 1 The application site comprises a detached dwelling and two small single storey outbuildings and an open walled courtyard that links the two buildings, located opposite the house and adjacent to a number of properties on Six Bells Lane.
- 2 The outbuildings and courtyard previously served as an outdoor toilet, wash yard and washroom associated to The Old Bakehouse. More recently the outbuildings have been used for storage purposes.
- 3 The site is accessed via footpaths from the High Street and Six Bells Lane.

### Description of proposal

- 4 The application is a revision to an earlier application which was refused and dismissed at appeal under application ref: 18/00577/HOUSE.
- 5 In this case, planning permission is sought to convert the outbuildings and courtyard to an annexe to The Old Bakehouse. This would be achieved by constructing a low pitched roof over the existing structures, which would raise the height of the structure by approximately 1.35m from the lowest lying section of external wall.
- 6 A door opening and three window openings are proposed in the front, south facing, elevation of the altered building, the existing east facing window would be retained and a conservation styled roof light window would be installed in the western facing plane of the roof.
- 7 The annexe would provide ancillary living space, kitchen and a shower room.

### Relevant planning history

- 8 17/03684 - Conversion of disused outbuildings (washroom and outdoor WC), and an enclosed courtyard into a one-bedroom dwelling - WITHDRAWN
- 9 18/00577 - Conversion of disused outbuildings (washroom and outdoor WC) and an enclosed courtyard into a one-bedroom annexe for the Old Bakehouse - REFUSED - Dismissed at Appeal

### Policies

- 10 National Planning Policy Framework (NPPF)
- 11 Core Strategy (CS)
  - LO1 Distribution of Development
  - LO2 Development in Sevenoaks Urban Area
  - SP1 Design of New Development and Conservation

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- 12 Allocations and Development Management Plan (ADMP)
- SC1 Presumption in Favour of Sustainable Development
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN4 Heritage Assets

- 13 Other:

Sevenoaks High Street Conservation Area Appraisal  
Residential Extensions Supplementary Planning Document (SPD)

### Constraints

- 14 The following constraints apply:
- Built urban confines of Sevenoaks;
  - Sevenoaks High Street Conservation Area:
  - Area of Archaeological Potential
  - Adjacent listed building and locally listed buildings.

### Consultations

- 15 Sevenoaks Town Council - Recommends refusal on the following grounds -
- The failure to preserve or enhance the character and appearance of the Sevenoaks High St Conservation Area;
  - The negative impact on nearby listed and locally listed buildings;
  - Harm caused to the adjoining curtilage of listed property No 8, Six Bells Lane and other local heritage assets.
- 16 SDC Conservation Officer -
- 17 "Significance:
- 18 Accessed via a footpath from Sevenoaks High Street, Six Bells Lane has a distinctively different character with its cottages, outbuildings, tight confines and cobbled courtyards. It sits in the Sevenoaks High Street Conservation Area with a number of listed buildings and locally listed heritage assets. The area has a more functional and residential character which is reflected in the provision of outbuildings and hierarchy of development.
- 19 Assessment:
- 20 It is proposed to convert disused outbuildings and an enclosed courtyard to create a one bedroom annexe to The Old Bakehouse. It would appear on historic map layers that there were previously outbuildings in this location and a number of small outbuildings to The Old Bakehouse and surrounding

properties survive which contribute to the character of the area and the setting of the listed and locally listed buildings. A small single storey ancillary outbuilding, which reflects the established quality of the site, would not be out of keeping.

- 21 The previously refused scheme (18/00577/HOUSE) created a single pitched roof spanning the courtyard and both outbuildings with a gable facing towards the courtyard. The new proposal treats the courtyard and outbuilding as three connecting roofs, which retains the legibility of the three elements as well as helps break up the bulk and massing. It maintains the small scale of the outbuildings, which are subservient to their host buildings. The flat topped pyramidal roof form over the courtyard responds to the degree of variety in roof forms and orientations found in the area. The mono-pitched roofs would be covered in lead standing seam and the central roof in clay tiles, both traditional building materials appropriate to the area. From the elevation drawings it appears that the guttering to the central clay tile roof element is behind a parapet wall, although this detail is omitted from the roof plan. This detail does not impact on the assessment of this building but should be resolved via condition.
- 22 Conclusion:
- 23 Assessed against the National Planning Policy Framework, the proposed development is not considered to cause harm to the character and appearance of the Sevenoaks High Street Conservation Area and its setting, and the setting of neighbouring listed buildings.”
- 24 KCC Public Rights of Way Officer -
- 25 “The only access to this site is on foot via the cobbled, steeply sloping Six Bells Lane which is Public Right of Way Footpath SU35. This is not a public vehicular highway. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.
- 26 Due to the constraints on access I would request a condition requiring a Construction Management Plan to be submitted, to ensure the footpath is used appropriately, with details of how materials will be moved into the site, how the disposal of excavated earth and subsoil will be dealt with and how roof trusses will be brought onto the site? I am concerned about any adverse effect on the cobbled footpath surface from these movements. A survey including photographs needs to be submitted to the Public Rights of Way and Access Service, prior to any works taking place, should the application receive consent. Any damage must be repaired at the applicant’s expense as soon as it is recognised to ensure the safe passage of pedestrians along Six Bells Lane.
- 27 Alternatively, a Risk and Method Statement (RAMS) could be required by condition to ensure that there is no damage or disturbance to the cobbled surface of the footpath. The developer should seek specialist advice before using any motorised vehicle on the footpath. They will also need to seek permission of the landowner as without lawful authority it is an offence to drive a mechanically propelled vehicle on a public footpath.”

### Representations

28 14 letters of objection have been received relating to the following issues:

- The building is too small for habitation;
- No services are present;
- Overload existing sewage provision;
- Rainwater run-off from roof into adjacent property;
- Walls as currently neglected, and have no foundations;
- Disruption caused by construction works;
- Insufficient detail, submitted i.e. materials, party walls not shown;
- Impact upon privacy;
- Loss of light and overshadowing;
- Affect parking availability;
- Establish a precedent;
- Should be described as a studio flat;
- Construction management plan is required;
- Inappropriate siting of site notice;
- Decrease property values and rental income.

### Chief Planning Officer's appraisal

29 The main planning consideration are:

- The principle of the development;
- The impact on the character and appearance of the area and to the setting of listed buildings, locally listed buildings and Conservation Area;
- The impact on residential amenity;
- The impact on highway safety.

### The principle of the development

30 The application seeks the approval of the use of the existing building and structure as an annexe to the main, adjacent house. The site is within a Town Centre location whereby the principle of development is accepted.

31 The proposal includes accommodation that comprises a shower room, living area, and kitchen area. Within the applicant's submission it is also evident that the use of the annexe would be ancillary to the main house.

32 In respect to whether an annexe is ancillary or not a leading case is *Uttlesford DC v SSE & White [1992] PLR76* which determined that, even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling - instead it would be a matter of fact and degree. In that case the accommodation gave the occupant the facilities of a self-contained unit although it was intended to function as an annexe with the occupant sharing their living activity in company with the family in the main dwelling. There

was no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling.

- 33 Whilst the extension and conversion of the outbuilding would provide all the facilities for day-to-day living, it would function as an annexe with the primary occupants sharing living space and socialising with the rest of their family in the main dwelling. There is a paved footpath between the annexe and the main house allowing easy access between the two. As such, the outbuilding conversion would remain part of the same planning unit as the main dwelling.
- 34 Based upon the evidence, it is considered that the proposal relates to an annexe, despite the concerns raised by third parties claiming it's a self-contained dwelling. Although it is agreed that the proposal, as a new dwelling, would not provide a sufficient level of internal floor space, the lack of internal floor space for a dwelling that would not be linked to The Old Bakehouse, together with the fact that the proposal is for an ancillary annexe, provides the reasonable and necessary justification for a condition to control its use. By doing so, would ensure the certainty as to what has been approved and to prevent the sub-division of the planning unit in the future. If the building is not used as proposed, or if there is a material change of use to create a separate dwelling, then a separate grant of permission would be required. Any unauthorised use of the building would be at risk of enforcement action.
- 35 As such upon considering the above, the principle of the development is accepted subject to further considerations below.

**The impact on the character and appearance of the area and to the setting of listed buildings, locally listed buildings and Conservation Area**

- 36 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 37 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 38 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 39 The NPPF also states that great weight should be given to the conservation of heritage assets.
- 40 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset,

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or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.

- 41 8 Six Bells Lane is a grade II listed building and 5, 6 and 8 Six Bells Lane are locally listed.
- 42 The proposal comprises alterations to the existing building and structure that include the creation of a new pitched roof, a small extension to the south-west corner of the building and new door and window openings.
- 43 With its small scale cottages, tight confines and sequence of cobbled courtyards, Six Bells Lane has a distinctively different character from the bustle of the High Street. It is a sensitive historic site located in the Sevenoaks High Street Conservation Area with a high concentration of listed buildings and locally listed heritage assets. It is highlighted in the Conservation Area Appraisal as an important grouping of buildings contributing to character. The area has a more functional quality due to the provision of simple outbuildings and reflects a hierarchy of development.
- 44 It is proposed to convert a disused outbuilding and enclosed courtyard to create a one bedroom annexe to The Old Bakehouse. It is not known whether the enclosed courtyard was historically covered as only the walls have survived.
- 45 The application has been amended from the previously refused/dismissed scheme. Regard has been had to the previous Planning Inspectors decision whereby the proposal was primarily been dismissed on the grounds that the scale and appearance of the roof of the proposed development would bring a uniformity and prominence to the appearance of the outbuildings and concluded that the proposal would fail to preserve and character and appearance of the Conservation Area and harm the setting of nearby setting of nearby listed buildings. With this in mind the proposal has been amended and introduces a smaller pyramidal roof form cladded in clay tiles, with various mono-pitched roofs cladded in lead seam. By doing this, visually breaks up the massing of the building and responds to the variety in roof forms and orientations found in the area and retains is subservient appearance, as noted by the Council's Conservation Officer.
- 46 In light of the revised proposal it is considered that the proposed development would not harm the character and appearance of Sevenoaks Conservation Area nor that of the setting and the significance of the nearby locally or statutory listed buildings, as the proposed scheme would remain as a subservient outbuilding to the other surrounding built form. The proposal overcomes the previous concerns raised by the Planning Inspector and would conserve the character and appearance of Sevenoaks High Street Conservation Area in compliance with Policy EN4 of the ADMP and NPPF.



### **The impact on residential amenity**

- 47 The existing development is in close proximity to a number of neighbouring properties and so currently has some bearing on the residential amenity enjoyed by the occupiers of these houses.
- 48 It is acknowledged that the height of the building is being raised by a maximum of approx.1.35m (from the lowest section of wall to the ridge of the proposed roof) this increase in height would be acceptable.
- 49 The roof would pitch away from the neighbours to the east, meaning it would have minimal impact on amenities.
- 50 The roof would rise up in height adjacent to 8 Six Bells Lane to the north. No.8 possesses some window openings to the south of the property, one being a roof light steeply angled away from the site and an obscure glazed window, both serving non-habitable rooms. In terms of overshadowing, there is a small courtyard area that serves No.8 that adjacent to the boundary of the site. Some overshadowing may occur, however it is not consider sufficient to justify a reason to object. Given the proposed relationship of the development, it is considered that all amenities of this property would be preserved.
- 51 7 Six Bells Lane to the west of the site is off-set from the building and so, again, all amenities would be preserved for this property.
- 52 The proposed extension to the southern elevation of the building would be modest in size and would preserve neighbouring amenity.
- 53 New openings would be to the southern elevation facing on to The Old Bakehouse, a new conservation style roof light within the western facing roof plane and retention of a small window in the eastern elevation. It is considered that that these arrangements would not result in overlooking or a loss of privacy.
- 54 The ancillary residential use of the building would not create an unneighbourly level of noise locally.
- 55 In terms of outlook or right to a view, planning legislation and policy cannot protect views from neighbouring properties despite the objections raised by third parties.
- 56 The development would therefore provide adequate residential amenities for future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties in compliance with Policy EN2 of the ADMP.

### **The impact on highway safety**

- 57 The proposed use would be ancillary to the main house and so would not have any detrimental impact upon highways safety. The use of the outbuilding to an annexe would not necessarily imply that further parking provision is required. The site is within Sevenoaks Town Centre whereby adequate car parking facilities and access to good transportation links are

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available. It is not considered necessary to seek for further car parking provision.

- 58 Given the location of the site and the comments raised by KCC Public Right of Way Officer and several third parties, it is considered to be appropriate and necessary to require a construction management plan to ensure that highway pedestrian safety is preserved, the existing public right of way is appropriately used and that the amenities and private ways of the immediate area are preserved, if planning permission were to succeed.
- 59 Consideration has been given to the request for condition to be imposed relating to the protection of the existing Public Right of Way SU35, the cobbled walkway of Six Bells Lane. It is not anticipated that large machinery would be used, as the size of the access is very restricted. Furthermore, it not considered appropriate for surveys to be undertaken with regard to the condition of the footpath, as any damage to it is covered by other Highways legislation and therefore such condition would not met the test of necessity as cited by the National Planning Policy Guidance.
- 60 With the inclusion of the above construction management condition the proposal, it is considered that the development would preserve highway safety in compliance with Policy EN1 of the ADMP.

### Other issues

- 61 Comments have been received with regards to the lack of detail on the plans. The plans are drawn to scale and having visited the site the plans and details deposited with the application allow full consideration of the proposed scheme.
- 62 With regard to issues raised by third parties in relation to run-off drainage from the roof, further details of rain water goods can be secured by condition. Furthermore, the lack of services to the site does not necessarily imply that development cannot proceed. The services and utilities to the site can be sought from the relevant statutory providers.
- 63 A number of third party comments and reports have been received regarding the accuracy of the plans, land ownership and party wall issues. The site plan submitted with the application does not show the development encroaching onto neighbouring boundaries, however relevant Certificate B notices have been served on relevant landowners. Notwithstanding this, party wall/boundary issues are not a material planning considerations but a private legal matter between the interested parties as planning legislation cannot determine land ownership.
- 64 The application has been submitted on the basis that the proposed development would be ancillary to The Old Bakehouse. Any potential future development, which requires permission, would need to be considered under a fresh planning application submission. This includes a change of use to a separate residential dwelling.

- 65 If the development were to be granted it would not necessarily create a precedent for other landowners in the locality to follow. Each application should be judged on its own merits.
- 66 Third party comments in relation to the de-valuation of property prices and expected rental incomes, is not a valid material planning consideration.
- 67 A third party cited the need for a listed building consent application, as the development would maybe affect a curtilage listed building. Whilst it is normal practice for a listed building and planning application to be submitted at the same time for consideration, there is no statutory requirement set out in legislation that requires joint submission or indeed determination at the same stage.
- 68 Numerous residents in the locality have been notified in writing and the application was publicly advertised and a site notice placed on Six Bells Lane. This far exceeds the statutory requirement to consult on this particular application and it's not considered that the local planning authority has failed in its statutory duties.

#### **Community Infrastructure Levy (CIL)**

- 69 The proposal would be CIL liable

#### **Conclusion**

- 70 For the reasons given above, the scheme would comply with the development plan when considered as a whole and other material considerations do not indicate that a decision should be made other than in accordance with the development plan.
- 71 It is therefore recommended that this application is GRANTED

#### **Background papers**

Site and block plan

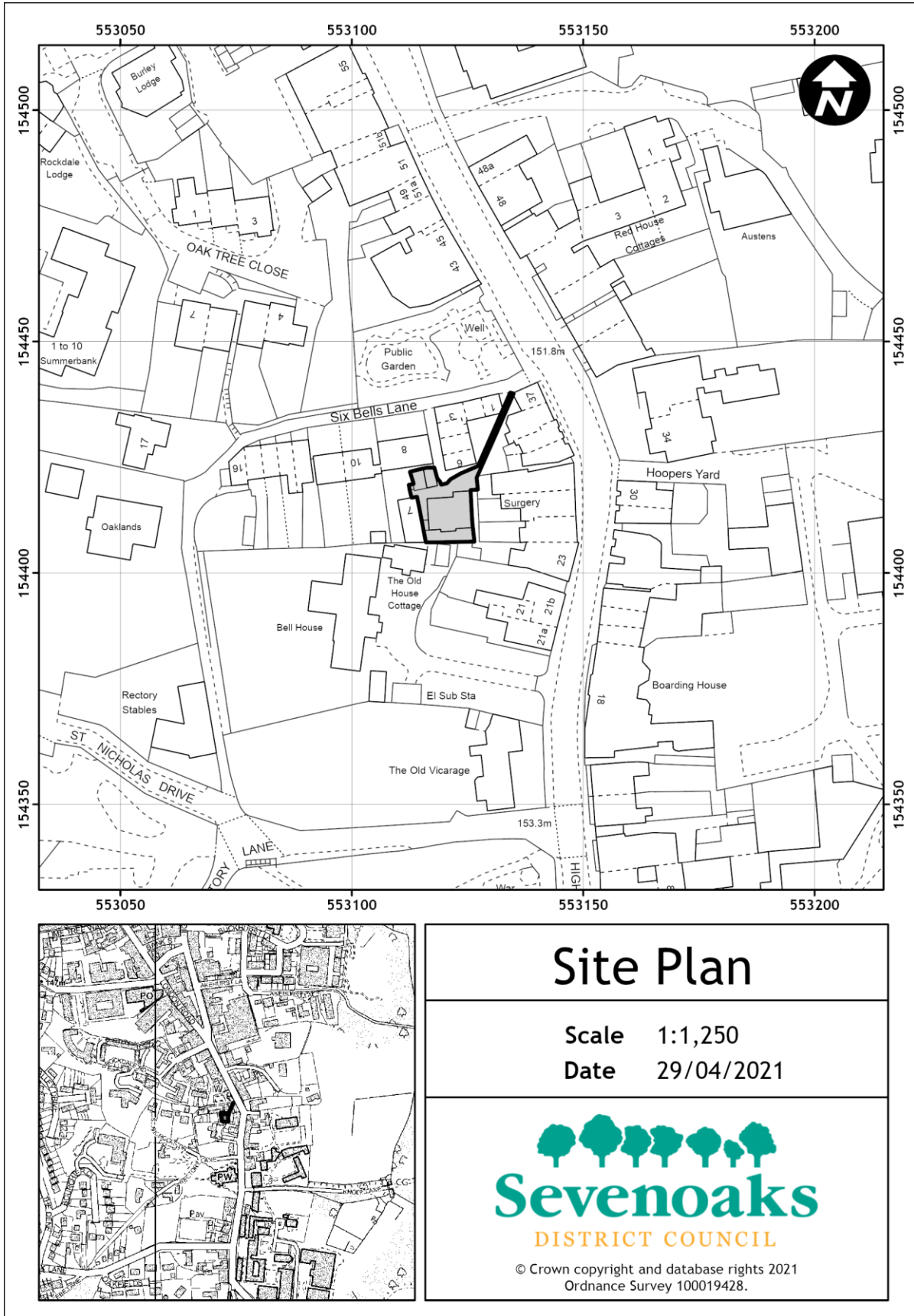
Contact Officer(s):

Sean Mitchell: 01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



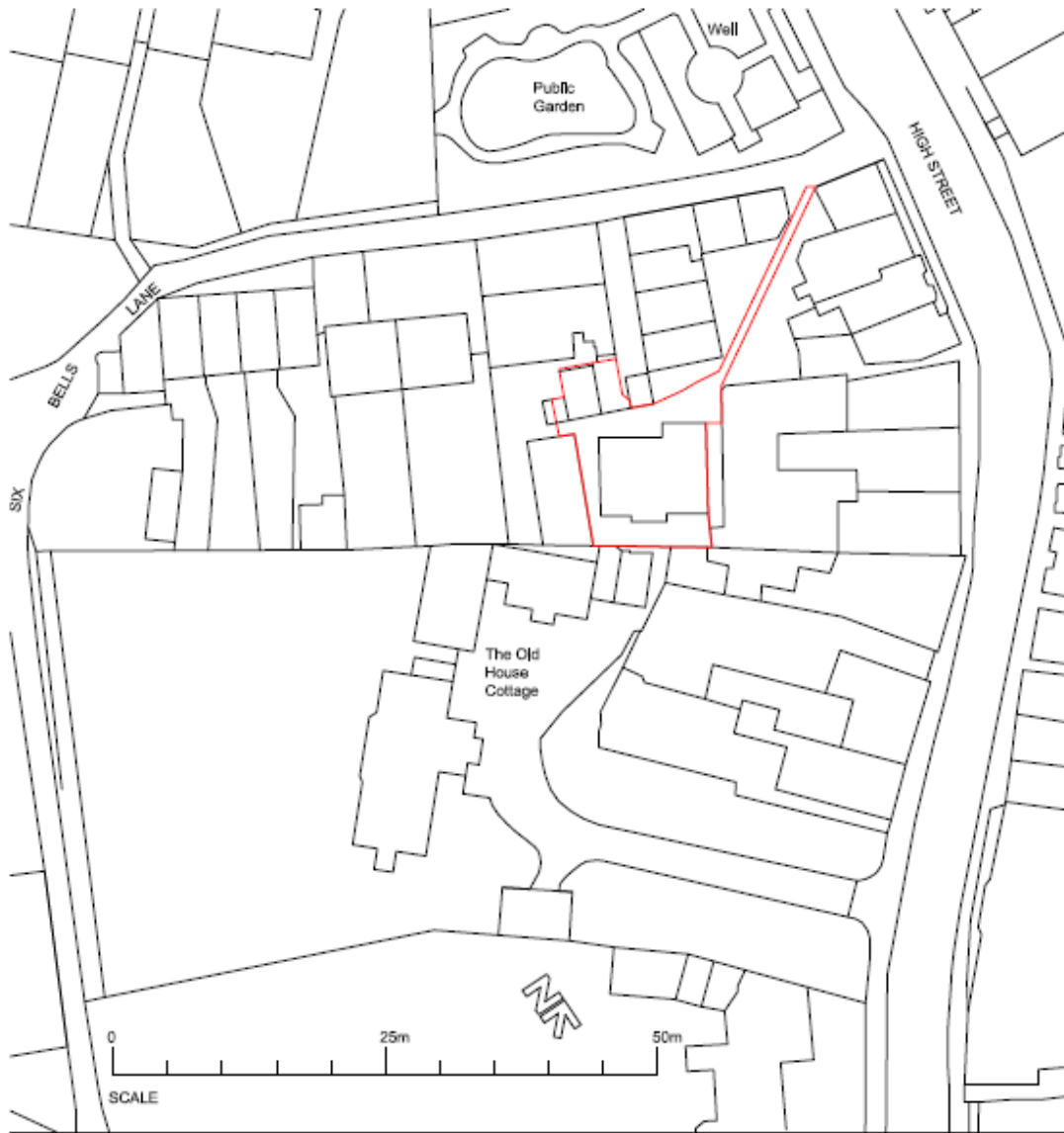
# Site Plan

Scale 1:1,250  
Date 29/04/2021



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Ordnance Survey 100019428.

BLOCK KPLAN



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4.2 20/03779/FUL Revised expiry date 5 April 2021

Proposal: Erection of two stables, tack room and hay store for personal use

Location: Land East Of The Coach House, St Julians Road, Underriver KENT TN15 0RX

Ward(s): Seal & Weald

**Item for decision**

Councillor Thornton has referred the application to Development Control Committee on the grounds of loss of openness, inappropriate development within the Green Belt, harm to the AONB and impact on the public right of way, contrary to the NPPF paragraphs 79, 143 and 144, policy LO8 of the Core Strategy, policy LT2 of the ADMP and policies R7 & R8 of the Underriver Village Design Statement SPD.

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 and details: 4277-20-PLS201-P4 and 4277-20-PLS202-P5.

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan 4277-20-PLS201-P4.

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 Allocations and Development Management Plan.

4) The stables hereby permitted shall not be used for any commercial purposes.

To protect the amenity of the area and nearby residents as supported by policy EN2 of the Sevenoaks Allocations and Development Management Plan.

## Agenda Item 4.2

5) No external lighting shall be installed on the land until such details have been submitted to and approved by the Council. The installation of external lighting shall only be carried out in accordance with the approved details.

To protect the amenity of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

6) If within a period of five years from the completion of the development, any of the trees or plants that form the front hedge, indicated as being retained, 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 maintain the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### **Description of site**

- 1 The application site comprises a parcel of land sited to the east of the property known as The Coach House in the parish of Underriver. The site is accessed by an unclassified byway off St Julians Road, with access to the site taken from this byway along the southern site boundary. The site is currently open and green land and extends northwards, with residential properties located to the south east and North West.
- 2 The site is located within the Green Belt and the Kent Downs Area of Outstanding Natural Beauty, with a public right of way running along the byway to the south of the site.

### **Description of proposal**

- 3 The application proposes the siting of a stable block adjacent to the southern boundary of the site which would provide two stables, a store area and a feed and tack room for domestic and recreational use for the occupiers of The Coach House. The proposal also involves relocating the existing access a few metres to the east. The proposal has been amended and reduced in size and scale, as well as alterations made to the proposed site layout including relocating the access, relocating the proposed manure storage and reducing the area of hardstanding proposed.



### Relevant planning history

- 4 No previous planning history on the site identified.

### Policies

- 5 National Planning Policy Framework (NPPF)

- 6 Core Strategy (CS)

- LO1 Distribution of Development
- LO8 The Countryside and the Rural Economy
- SP1 Design of New Development and Conservation

- 7 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- LT2 Equestrian Development

- 8 Other

- Development in the Green Belt Supplementary Planning Document (SPD)
- Countryside Character Assessment Supplementary Planning Document (SPD)

### Constraints

- 9 The site lies within the following constraints -

- Metropolitan Green Belt
- Kent Downs Area of Outstanding Natural Beauty (AONB)
- Proximity to public right of way

### Consultations

- 10 Seal Parish Council -

- 11 “The Parish Council notes that revised plans have been submitted which propose a reduced floor area for the stables and a location for the manure store a greater distance from the restricted byway. However, the orientation and location of the stables and the associated ground works would still result in significant building alongside the byway at a point where there is presently open land. Accordingly, we agree with the further views of the PROW Unit.”

- 12 Public Right of Way Officer

- 13 Comments dated 17/03/2021:

## Agenda Item 4.2

- 14 “Whilst I note that the size of the proposed stables has been further reduced, it will still result in a building of 11.8 metres, as opposed to the previously requested length of 15.7 metres, alongside what is presently an open view to the north from the restricted byway SR286. The comments made in my letter of 13th January, apart from the proximity of the manure store to the restricted byway, and online comments made on 5th March still apply.”
- 15 Comments dated 05/03/2021:
- 16 Thank you for the letter of 5th March advising me of the amended consultation on this application. Whilst I note that the size of the proposed stables has been reduced, it will still result in a building of 13 metres, as opposed to the previously requested length of 15.7 metres, alongside what is presently an open view to the north from the restricted byway SR286.
- 17 I note that the 'Allocations and Development Management (adopted in 2015) Chapter 8. Leisure and Tourism: Equestrian Development states that development of equestrian facilities may be approved where a) buildings would be appropriate in scale to their setting and would be closely related to existing farm buildings or other groups of buildings that are well screened from public view;. These stables will be in direct view of the public and could be better situated within the field rather than this seemingly ribbon-type development along the public right of way. The development may also impact on the openness of the Green Belt and thus be contrary to the statement that, 'Proposals for equestrian development in the Green Belt will be permitted where the scale of the development is appropriate to a Green Belt setting, and where the cumulative impact of other buildings, does not harm the openness of the Green Belt.'
- 18 I am pleased to note that the manure store has been moved 11.6m back from the edge of the public right of way.”
- 19 Comments dated 13/01/2021 on previous scheme:
- 20 “Public Right of Way Restricted byway SR286 runs along the southern side of the application site. I attach an extract of the Public Rights of Way Definitive map showing the line of this path for your information. I am concerned about the adverse visual impact on walkers’ views by the introduction of a new 15.7m long building beside the path.
- 21 This should also be considered alongside the application SE/20/03778/HOUSE for the erection of a single car port of pitched roof design which will also bring forward more built form closer to the edge of the path, reducing the distance from the path to 895mm and putting a building on the area needed for a visibility splay, where any vehicle drivers will need to be able to look to see if anything is approaching along the restricted byway from the west when exiting the stables.
- 22 I also have concerns about the manure store which is sited close to the public highway and could produce noxious smells in the summer.”

- 23 Tree Officer
- 24 “I assume that the banking as shown to the immediate north of the proposed build will be constructed to partially hide the stable building which is preferable. Should any of the existing hedgerow die or be removed, I suggest that it is replaced with new planting.”

### **Representations**

- 25 Three public objections were received in response to the original scheme and two objections in response to the amended scheme reiterating their original concerns, summarised as follows:
- Size, scale and positioning of stable
  - Changing land levels within the site
  - Provision of parking for stables as inappropriate
  - Lack of turning space for horse boxes
  - Overbearing impact
  - Harm to AONB
  - Harm to Green Belt

### **Chief Planning Officer’s appraisal**

- 26 The main planning considerations are:
- Principle of Development
  - Impact on the Green Belt
  - Impact on the AONB
  - Design and impact on the character and appearance of the area
  - Impact on residential amenity
  - Compliance with Policy LT2
  - Impact on highways safety and parking provision
  - Impact on the Public Right of Way

### **Principle of development:**

- 27 The proposal is located within the Green Belt. There is a general presumption against development within the Green Belt, but there are exceptions including, for example, that which potentially allows for the provision of appropriate facilities for outdoor sport and outdoor recreation.
- 28 At local level policy L08 of the Core Strategy seeks to maintain the Green Belt and conserve the countryside. Policy LT2 of the ADMP permits proposals for equestrian buildings and facilities if certain criteria are met.
- 29 In light of the above, the provision of stables in connection with a recreational use of the land can potentially be acceptable in principle. The policy implications are to be considered further below.

## Agenda Item 4.2

### Impact on the Green Belt

- 30 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development, there are some exceptions. Paragraph 143 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances. Paragraph 144 of the NPPF advises substantial weight should be given to any harm to the Green Belt.
- 31 Policy LO8 of the Core Strategy seeks to preserve the extent of the Green Belt.
- 32 Paragraph 145(b) states that the provision of appropriate facilities for outdoor sport and outdoor recreation is not considered to constitute inappropriate development within the Green Belt, as long as the facilities preserve the openness and do not conflict with the purposes for including land within the Green Belt.
- 33 Openness is an essential characteristic of the Green Belt. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.
- 34 Due to the equestrian nature of the application, local policy LT2 is relevant. LT2 states that proposals for equestrian development within the Green Belt will be permitted where the scale of the development is appropriate to a Green Belt setting and where the cumulative impact does not harm the openness of the Green Belt. Such buildings can be considered to safeguard the countryside from encroachment.
- 35 The stables have been reduced in size and scale and are now considered to be acceptable in terms of height, bulk and mass. Moreover, equestrian development is considered to be characteristic of a rural countryside setting. Therefore, the siting of a stable block on the site would not be considered to conflict with the purposes of the Green Belt as outlined in paragraph 134 and would not be considered to constitute inappropriate development within the Green Belt.
- 36 The stable block would be sited along the southern site boundary and would be located behind the existing mature hedgerow, which would be retained and would partially screen the stable block from the track. Due to the sloping land levels on the site, the stables would be dug into the land as it slopes up eastwards. A retaining wall is proposed with a banked grass verge, which will also help screen the stable and reduce some of the visual bulk of built form.
- 37 In accordance with policy LT2, the stable block would be appropriate to the rural and agricultural setting. In conclusion, the stables are considered occupy a suitable siting and be of an appropriate scale to serve their function. Thus, in my view, the stable block would not materially harm the openness of the Green Belt. Therefore I consider the proposals represent appropriate development within the Green Belt.

- 38 Considering the above, the proposal complies with policy LT2 and LO8 in terms of preserving the extent of the Green Belt, as well as complying with the Green Belt policies and purposes outlined in the NPPF.

**Impact on the character of the area and the AONB**

- 39 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 40 Policy EN5 of the ADMP states that the Kent Downs Area of Outstanding Natural Beauty and its setting will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape.
- 41 The site is located within the open countryside and has a verdant and rural character. The works consist of a stable block providing two stable spaces, a store area and a feed and tack room for personal domestic and recreational use.
- 42 As stated above, equestrian development is considered characteristic of a rural area. The site is located within the open countryside and therefore the siting of a modestly sized stable building would not be considered to conflict with the rural and agricultural character of the wider landscape area.
- 43 The existing mature hedge is proposed to be retained which will soften and screen the appearance of the stables and the stables will be dug into the land with a banked grass verge proposed to aid in screening the stables within the wider landscape setting.
- 44 Much of the site would remain open and undeveloped, with the rural, green and verdant character of the site being maintained. The stables would be set some 5m into the site and a degree of openness will be retained along the southern site boundary. The stables have been sited to mirror the build line of The Coach House and the associated outbuildings to the west of the site which front the byway and are considered an acceptable continuation of the existing pattern of development within the landscape area.
- 45 The stable block would be partly screened from the street scene due to the existing mature landscaping. Because of its relatively modest scale and height and use of traditional materials, I do not consider it would appear as an unduly prominent feature which would be harmful to the wider landscape character.
- 46 The partial visibility of the stables is not considered to equate to harm, with much of the southern site boundary that adjoins the street scene remaining open and as existing. When considering the size, scale, bulk and nature of the scheme, the development would not be considered to significantly alter the existing character of the area or cause a harmful encroachment into the open countryside.

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- 47 Overall, the proposed works not be considered to harm or detract from the landscape setting or the intrinsic beauty of the area and would therefore conserve and enhance the rural setting of the AONB, in accordance with policies SP1, EN1 and EN5.

### Impact on residential amenity

- 48 Policy EN2 of the ADMP requires proposals to safeguard the amenities of existing and future occupants of nearby properties.
- 49 Due to the siting and location of the stable block, the development would be adequately separated from nearby neighbouring properties and would not be considered to cause a harmful loss of light, privacy or outlook to neighbouring residential amenity. The stables would be in excess of 50m from the dwelling to the south east of the site, Vineyard Cottage, and would be in excess of 85m from the dwelling to the North West of the site, Rumshott Manor. The works would not be considered of a size, mass or bulk to cause harm to neighbouring amenity.
- 50 The use of the stables is for domestic and recreational purposes. Therefore, due to the scale and nature of the works, the stable block and equestrian use of the site would not be considered to cause a level of noise or disturbance that would harm neighbouring amenity and warrant a reason for refusal of the scheme. The development would not be considered to cause a harmful intensification of the site.
- 51 Considering the above, the proposal is therefore considered to comply with policy EN2 of the ADMP.

### Compliance with Policy LT2

- 52 Policy LT2 sets various criteria which should be met relating to the scale and impact of the proposals, which have been discussed above in detail.
- 53 Regarding the criteria of policy LT2, the stable block and associated works are considered to be appropriate in scale to their setting. The stables have been reduced in size, scale, bulk and mass and the amended scheme is not considered to appear prominent within the site and would not be visible to a degree that would cause harm from the track and the right of way. Due to the change in land levels, relocating the stables back further within the site could potentially make them more prominent within the landscape setting in terms of long distance views.
- 54 The stable and grazing land meet the recommended standards as outlined by the British Horse Society and would enable the safe and confined keeping of the horses. The keeping of horses on the site would not be considered as harmful to neighbouring amenity. Details regarding the site drainage and manure storage have been provided and are considered to be acceptable to ensure the safeguarding of residential amenity. The works would not be considered of a size, scale, mass or bulk that would harm the character of the landscape or the ecological value of the area. The stable would include the provision of x2 bat boxes and x2 insect boxes which would be considered an ecological enhancement and benefit of the scheme.

- 55 The materials proposed for the stable block are black timber cladding with a grey felt shingle roof and are considered to be appropriate and in keeping with the rural character of the site and the surrounding area. The stable would not have a degree of permanence that would be considered harmful or contrary to this criteria.
- 56 In summary, the proposals are considered to represent appropriate development within the Green Belt. The scale of the stables are considered appropriate to their setting and the site would provide sufficient area for the grazing of the horses. The proposals would protect the amenity of neighbouring residents, the character of the area and would include ecological enhancements. Overall, the scheme is considered in accordance with Policy LT2.

#### **Impact on highways safety and parking provision**

- 57 Policies EN1 and T2 state that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 58 The site has an existing access onto the byway which is proposed to be moved a few metres to the east to allow better access onto the site for the use of the stables. The stables involve an area of hardstanding for vehicular turning and parking. Whilst the stables are proposed for domestic and personal use it is still considered necessary and acceptable to allow some on-site parking provision for the use of the stables, with the level of hardstanding being kept to a minimum.
- 59 The access track is not a classified road and is considered a byway, as such, the new access would be considered to be acceptable considering the positioning and location of the existing access.
- 60 The development on the site is for the keeping of horses for recreational use and not for commercial use. Therefore, the development would not be considered to cause a harmful intensification of the site that would generate an increase in traffic or vehicular movements above the current levels. Overall, the scheme is considered acceptable on highway grounds.

#### **Impact on the Public Right of Way**

- 61 There is a Public Right of Way that runs along the southern boundary of the site.
- 62 The stables would be partially visible from this right of way. However, the stables have been reduced in scale and would now only extend some 11.8m in total length along the southern boundary. In addition, they would be sited some 5m back from the edge of the right of way. They would be set behind the existing mature hedgerow which is to be retained. The stables are also proposed to be set into the ground on the eastern side with a banked grass verge proposed to soften the impact of the built form.
- 63 In the circumstances, whilst the Public Right of Way Officer raises concerns, for the above reasons I do not consider the stable building would appear

## Agenda Item 4.2

overly prominent or visually intrusive when viewed from the adjacent right of way.

- 64 It is my conclusion that the stables would not be unduly harmful to the visual amenities to users of the adjacent right of way.

### **Community Infrastructure Levy (CIL)**

- 65 The proposal is not CIL liable.

### **Conclusion**

- 66 As highlighted in the report above the proposed development is considered to accord with the NPPF and our adopted development plan.

- 67 It is therefore recommended that this application is GRANTED.

### **Background papers**

Site and block plan

Contact Officer(s):

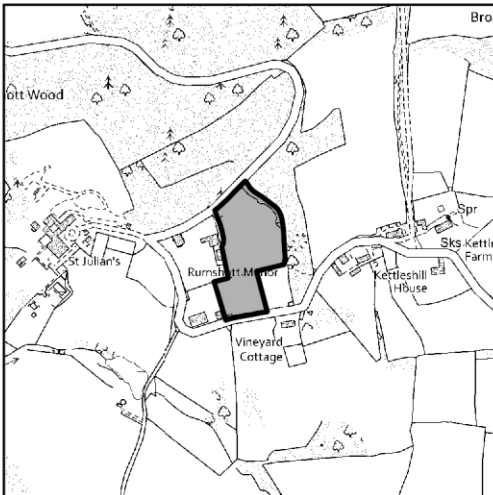
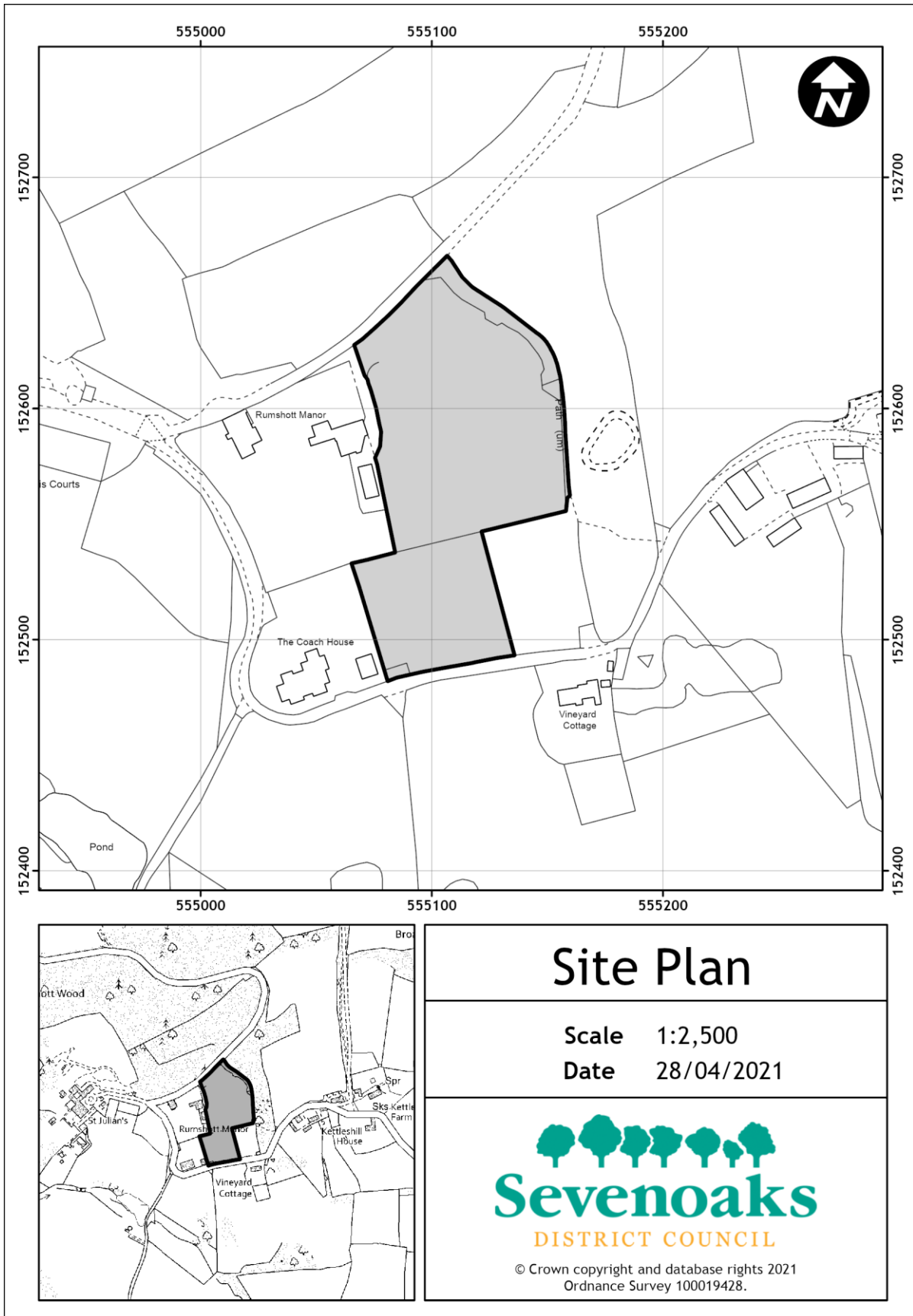
Anna Horn: 01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



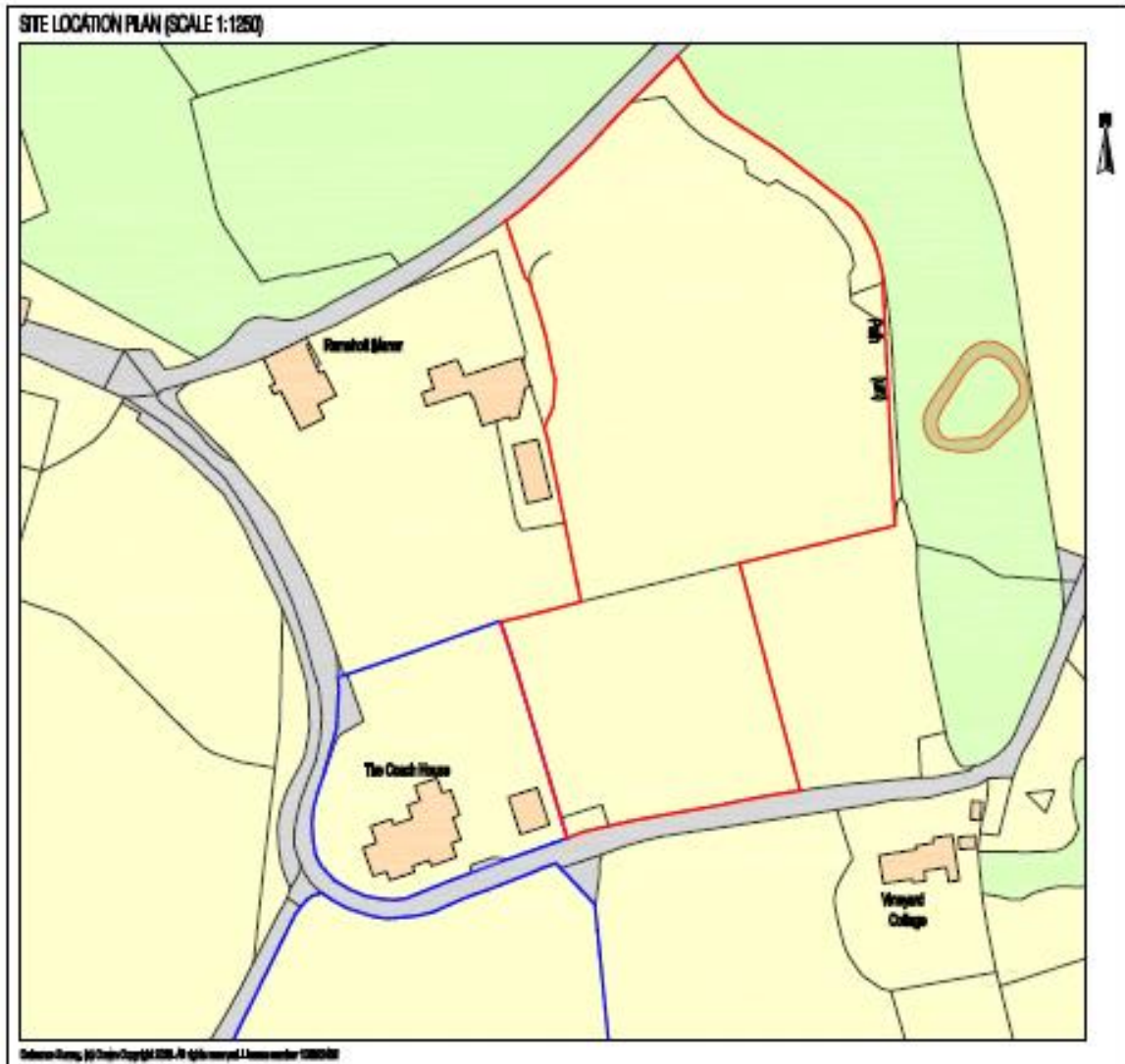


# Site Plan

Scale 1:2,500  
Date 28/04/2021



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Ordnance Survey 100019428.



4.3 21/00199/HOUSE Revised expiry date 21 May 2021

Proposal: Demolition of existing outbuildings and the erection of a two storey side extension, extension to basement, associated landscaping, new porch and alterations to fenestration.

Location: Pettings Court, Hodsoll Street, KENT TN15 7LH

Ward(s): Hartley & Hodsoll Street

**Item for decision**

The application has been referred to Development Control Committee by Councillor Cole on the grounds that the planning application may extend above the 50% requirement for the Green Belt and due to concerns regarding the visual impact created by the addition of the basement to the main extension and associated terracing, contrary to policy EN1/ EN2 and GB2.

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

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

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

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

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 Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: E001, P150 P3, P200 P3, P201 P3, P202 P2, P450 P4, P451 P3, the Tree Protection Plan (ref: 19-956-TPP) and Arboricultural Impact Assessment and Method Statement and Open Architecture Design and Access Statement.

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

4) Within three months of the proposed works commencing, a detailed ecological enhancement plan must be submitted and approved in writing by the local planning authority. The plan must be implemented six months after completion and must remain on site at all times.

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To enhance the biodiversity on the application site, as supported by Policy SP11 of the Sevenoaks Core Strategy.

### **Informatives**

1) The proposed lighting to the application site shall follow the recommendations within the Bats and Artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.

2) No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. This means that the Public Rights of Way must not be stopped up, diverted, obstructed or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on and across Public Rights of Way without consent.

### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### **Description of the Site**

- 1 The application site currently comprises a detached dwelling with associated outbuildings, located within Hodsoll Street. There are neighbouring properties to the north of the site. The site is located within the parish of Ash-Cum-Ridley.

### **Description of Proposal**

- 2 Demolition of existing outbuildings and the erection of a two storey side extension, extension to basement, associated landscaping, new porch and alterations to fenestration.

### **Relevant Planning History**

- 3 20/00943/HOUSE - Demolition of existing outbuildings and removal of existing swimming pool and the erection of a two storey side extension, single storey side extension, extension to basement, swimming pool and associated landscaping - WITHDRAWN
- 4 20/03225/HOUSE - Demolition of existing outbuildings and removal of existing swimming pool and the erection of a two storey side extension, single storey side extension, extension to basement, swimming pool and associated landscaping - WITHDRAWN
- 5 20/01371/HOUSE - Demolition of existing stables and erection of a single storey granny annexe with basement level - GRANT - 07/10/2020
- 6 20/02126/LDCPR - Use of the land for the stationing of a mobile home for ancillary family accommodation - GRANT - 16/07/2020
- 7 20/02633/LDCEX - Mobile home in the grounds of an existing dwelling - GRANT - 11/11/2020

#### Policies

- 8 National Planning Policy Framework (NPPF)
- 9 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 10 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
  - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
  - Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 11 Core Strategy (CS)
  - SP1 Design of New Development and Conservation
- 12 Allocations and Development Management (ADMP)

## Agenda Item 4.3

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- GB1 Limited Extensions in the Green Belt

### 13 Others:

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Development in the Green Belt Supplementary Planning Document (SPD)

### Constraints

#### 14 The following constraints apply:

- Metropolitan Green Belt

### Consultations

#### 15 Ash-Cum-Ridley Parish Council-objection:

16 The Parish Council objects to the proposed application on the basis of its harm to the Green Belt. It is appreciated that the applicant has slightly reduced the area of the proposed development compared with previous application SE/20/03225. The claimed area increase is now 42% based on only the ground floor area of granted application SE/20/01371 being taken into account. However, SDP Policy GB2 states that this is only permitted where the basement area is no greater than the original building it is replacing. The applicant's own calculations show this not to be the case and therefore the entire permitted annexe must be included leading to an area increase of 61% well over the 50% stated in Sevenoaks Green Belt policy. The house is on a very sensitive site in the Green Belt as it can be seen from a great distance along the north west-south east valley in which it lies. The visual impact of the proposed works would therefore be greater than implied by the area calculation as the south and west elevations would still be dominated by the terracing despite their reduction in area compared with SE/20/03225. Therefore, the bulk of the proposed works would have a major impact on the Green Belt.

17 Should the application be granted, we request the removal of permitted development rights to prevent further intensification of development on the site. In addition, we request a long-term landscaping plan to include trees to break up the impact of the building on the landscape.

#### 18 Tree Officer:

19 I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations: I have read the Arboricultural impact assessment and Arboricultural method statement

prepared by Canopy Consultancy. Providing those trees on site are adequately protected, I have no objection to the proposed development.

- 20 KCC Ecology:
- 21 Taking on board the information submitted with both this application and application 20/00337/HOUSE, no further information is required prior to determination. There is no objection to the scheme subject to the inclusion of conditions on the decision notice.
- 22 KCC Public Right of Way:
- 23 No objection subject to the inclusion of an informative on the decision notice.

### **Representations**

- 24 No representations received.

### **Chief Planning Officer's appraisal**

- 25 The main planning considerations are:
- Impact on the Metropolitan Green Belt
  - Impact on the Character of the Area
  - Impact on Residential Amenity

### **Impact on Metropolitan Green Belt**

- 26 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as “c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”.
- 27 Paragraph 143 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 28 Paragraph 144 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.
- 29 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is

## Agenda Item 4.3

absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.

- 30 Policy GB1 of the ADMP provides the local policy on extensions to houses within the Green Belt. In this instance, the proposed basement also falls to be assessed under Policy GB1 as it is visible from ground level.
- 31 The annexe approved under a recent permission is not be included within the 50% calculation, as this has not yet been built on the site. In any event, even if built, the annexe would be sited further than 5 metres from the house and has been considered on its own merits under separate policy. For the purposes of GB1, the calculations for the original dwelling for the purposes this application is based on what is currently on the site.
- 32 Policy GB1 of the ADMP refers to whether the existing dwelling is lawful and permanent. It is confirmed by assessing both the aerial photography and historic maps of the site than the existing dwelling is lawful and permanent.
- 33 The existing house is substantial in size. Notwithstanding the relatively large scale of the extension, it would be well designed, sympathetic to the existing building and proportionate in scale. The extension would create a symmetrical appearance to the front elevation of the property and the demolition of the existing outbuildings would reduce the spread of development on the application site. Whilst the basement level would not be contained entirely underneath the house and would to a degree add to the visual bulk of the building, it would be set at a lower ground level and this would limit the visual impact. Thus, the impact on the openness of the Green Belt is considered to be acceptable.
- 34 The proposed development would also not exceed 50% of the original dwelling, as shown in the below table.
- 35 There is no planning history available in relation to the original dwelling. Aerial photography dated 1900-1949 confirms that the dwelling as it stands and the outbuildings located within 5 metres from the dwelling are original for planning purposes.
- 36 As such, the floor space calculations are as set out below.

Original dwelling	616.5m <sup>2</sup>
50% limit	308.3m <sup>2</sup>
Proposed extensions	378m <sup>2</sup>
Demolition	110.1m <sup>2</sup>



Proposed development (original, proposed and demolition)	884.4m2
% increase	43.5%

- 37 The proposal would include the addition of terracing to the application site. However, the majority of this would be located in a location which is already extensively hard surfaced. The additional terracing would involve relatively modest ground works on this extensive site in close proximity to the established built envelope and is not considered to have a harmful impact on the openness of the Green Belt.
- 38 In light of the above, the proposals are considered to represent appropriate development within the Green Belt and would be policy compliant.

**Impact on the Character of the Area**

- 39 The relevant policies relating to design and the character of the area are SP1 of the Core Strategy and EN1 of the ADMP. The Residential Extensions SPD is also applicable.
- 40 The proposal would be visible from the highway, due to the site being located on a corner plot. However due to the varied character of the dwellings within the area, the proposal would not be out of keeping. As the basement would be set at lower ground level, it would have only a limited visual impact outside the confines of the site.
- 41 The proposal would represent a relatively modest addition to the existing dwelling. The extension would create a symmetrical appearance to the front elevation and would not extend any further than the current front building line on the site. The proposal would sit comfortably on the site and would not result in an overdevelopment.
- 42 The proposed materials would match the existing and therefore would respect the character of the site. The fenestration would also be proportionate to the dwelling and the landscaping would be a positive addition to the site.
- 43 The proposal complies with Policy EN1 of the ADMP.

**Impact on neighbouring amenity**

- 44 Policy EN2 of the ADMP and our Residential Extensions SPD are relevant in the consideration of this application.

## Agenda Item 4.3

- 45 There are neighbouring properties located north of the site. Due to the considerable distance between the development and the neighbours, the proposal would have only a very modest impact their residential amenity.
- 46 The proposal complies with Policy EN2 of the ADMP.

### **Parking and Highways Impact**

- 47 The parking would be unaltered by the proposed development.

### **Trees and Landscaping**

- 48 The proposal includes landscaping to the site. The Tree Officer was consulted on the scheme and raised no objection in relation to the information submitted with the scheme.

### **Biodiversity**

- 49 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 50 KCC Ecology were consulted on the application and raised no objection to the scheme, subject to the inclusion of conditions in the event permission is to be granted.

### **Other Issues**

- 51 The Parish Council have referred to the Permitted Development Rights and for these to be removed if permission is granted. As the development complies with the relevant policies, it is not considered reasonable to remove these.

### **Community Infrastructure Levy (CIL)**

- 52 This proposal is CIL liable and there is no application for an exemption.

### **Conclusion**

- 53 In light of the above, the proposals represent appropriate development within the Green Belt, which would preserve the visual amenities of the area and the amenities of neighbouring occupiers. The proposals comply with the relevant local plan policies.
- 54 It is therefore recommended that this application is GRANTED.

**Background papers**

Site and block plan

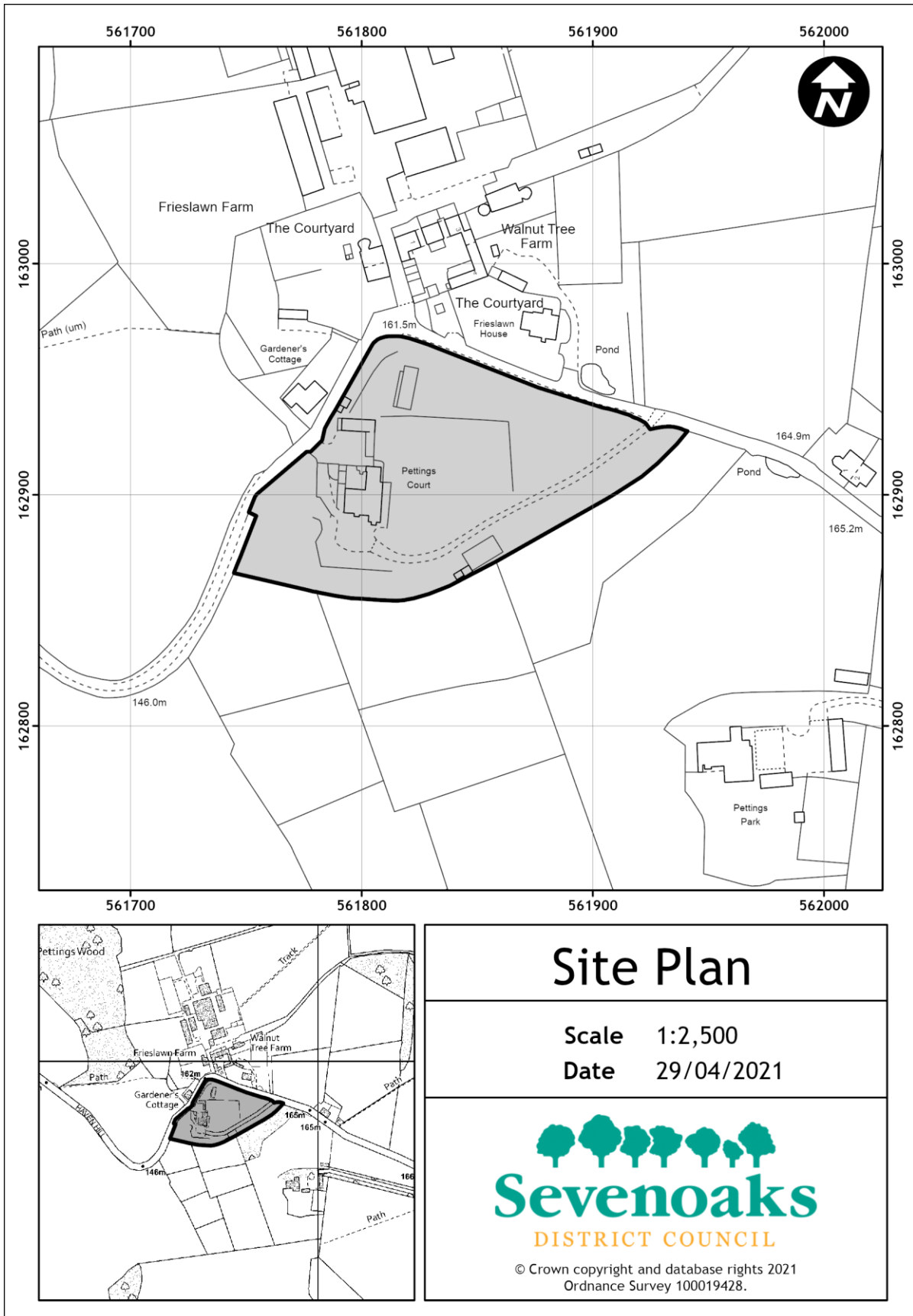
Contact Officer(s):

Louise Cane: 01732 227000

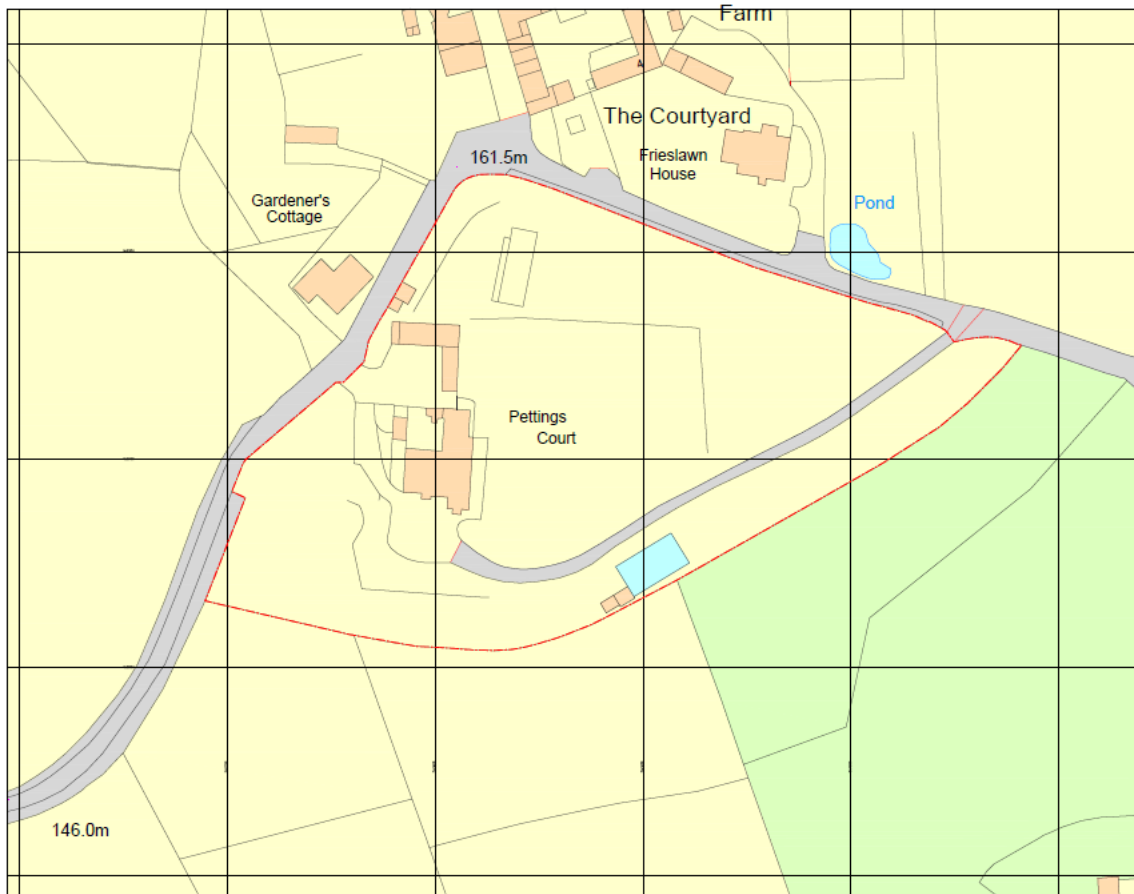
**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN



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4.4 20/03735/FUL Revised expiry date 21 May 2021

Proposal: Erection of 2 No. new dwellings with allocated parking in the rear premises of Bower House with demolition of the existing garage and shed.

Location: Bower House, Bower Lane, Eynsford KENT DA4 0AJ

Ward(s): Eynsford

**Item for decision**

The application has been referred to Development Control Committee by Councillor Cheeseman on the grounds that the scale and height of the development may have a significant, detrimental impact on neighbouring properties and the views from the historic Eynsford High Street.

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

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

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

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those stated on the application form.

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 Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: The location plan, 1 of 1, 19-26-21B, 19-26-22B, 19-26-23A, 19-26-24A, 19-26-25A, 19-26-26A.

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

4) No development shall take place until an archaeological field evaluation works in accordance with a specification and written timetable has been submitted and approved in writing by the local planning authority and further archaeological investigation recording and reporting determined by the results of the evaluation in accordance with a specification and timetable has to be submitted to and

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approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To ensure the features of archaeological interest are properly examined and recorded as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to first occupation of the dwellings, a lighting design plan to protect the biodiversity of the site shall be submitted to and approved in writing by the local planning authority. The plan should include the location of external lighting, demonstration that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specification and location set out in the plan and shall be maintained as approved thereafter. No further external lighting shall be installed on site other than in accordance with details which shall first have been submitted to the Local Planning Authority for approval in writing.

To protect the biodiversity on the application site as supported by Policy SP11 of the Sevenoaks Core Strategy.

6) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to and approved in writing by the local planning authority. This will include details as recommended in section 4.4 of the Preliminary Ecological Appraisal (Corylus Ecology December 2019). The approved details will be implemented and thereafter retained.

To promote ecology on the application site as supported by Policy SP11 of the Sevenoaks Core Strategy.

7) The windows at first floor level on the north west elevation shall not be installed other than to be obscure glazed and fixed shut below 1.7 metres above the relevant internal floor level. The windows shall be retained as approved thereafter.

To protect the privacy of neighbouring properties as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

8) No equipment, machinery or materials shall be brought onto the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees as shown on the submitted plans, beyond the outer edge of the overhang of their branches in accordance with British Standard 5837:2012: Trees in Relation to Construction (or later revision), has been submitted to and approved in writing by the local planning authority, and the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.



To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained. Any trees which die or are damaged within a period of five years must be replaced.

To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

10) No development shall take place until details of all boundary treatment located along the north-west and south-east boundaries of the application site have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

11) The proposed parking and vehicle charging points shown on plan number 19-26-21 B must be provided and retained on site at all times.

To ensure a sustainable form of development, as supported by Policies T2 and T3 of the Sevenoaks Allocations and Development Management Plan.

12) No development shall take place until details of existing and proposed finished site levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

In order to safeguard the visual amenities of the area in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, AA, B, C, D or E of that Order.

To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development or the amenities of future occupants of the development or the occupiers of adjoining property in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

### **Informatives**

1) The applicant is reminded that under the Wildlife and Countryside Act 1981, as amended Section 1 it is an offence to remove damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contained nesting birds between 1st March and 31st August unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

2) Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season mitigation measures need to be implemented during construction. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.

### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### **Description of site**

- 1 The application site currently comprises a detached dwelling with a detached garage. There are neighbouring properties located to the north, south and west of the site and a recreation ground to the southeast. The site is located within the parish of Eynsford.

### Description of proposal

- 2 Erection of two no new dwellings with allocated parking in the rear premises of Bower House with demolition of the existing garage and shed.
- 3 The proposal would include the erection of two large 3-bedroom dwellings in the existing rear garden of Bower House. The dwellings would be two storey, however the majority of the first floor level would be contained partly within the roof form. Materials are indicated as white weatherboarding above a red stock brick plinth under clay tile roof, with oak framed porch entrances.
- 4 The proposals would include demolition of an existing garage and shed to Bower House to enable the extension of the existing driveway into the rear of the site to serve the new dwellings. The proposed houses would each have two parking spaces and electric vehicle charging points.

### Relevant planning history

- 5 20/00646/FUL - Demolish existing garage, conservatory and shed and erection 3 new dwellings with allocated parking, new double garage for Bower House and landscaping - Withdrawn prior to determination.

### Policies

- 6 National Planning Policy Framework (NPPF)
- 7 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 8 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
  - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
  - Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 9 Core Strategy (CS)
  - LO1 Distribution of Development

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- SP1 Design of New Development and Conservation
- L07 Development in Rural Settlements
- SP5 Housing Size and type
- SP7 Density of Housing Development
- SP11 Biodiversity

### 10 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN5 Landscape
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Point

### Constraints

#### 11 The following constraints apply:

- Within the urban confines of Eynsford Village
- Area of Outstanding Natural Beauty
- Conservation Area
- Biodiversity Opportunity Area
- Area of Archaeological Potential

### Consultation responses

#### 12 Eynsford Parish Council:

#### 13 Objection-

14 Councillors object to the application for the following reasons: the height of the new dwellings and their raised position relative to the properties on the High Street will have an unacceptable overbearing aspect. The height of the development will harm the visual aspect when viewed from the adjoining Green Belt land. The council considers the proposal as an overdevelopment of a sensitive area of the village and Conservation Area.

#### 15 KCC Highways:

16 This proposal utilises the existing access off Bower Lane and I do not consider the additional traffic generation from the two new 3-bed dwelling to be significant and to be detrimental to the highway. The two new dwellings have two car parking spaces each which accords with the requirements of Kent Residential Parking Standards. However, it is unclear from the submitted drawings if the existing Bower House is proposed to have 2 car parking spaces (in addition to a visitor space). If this is not the case

then an additional parking space should be sought. Otherwise I raise no objection to the application on highway grounds.

17 KCC Archaeology

18 Bower House may have been the local workhouse in the 19th century. Remains associated with its use as a workhouse may survive in the area of proposed development. Eynsford is considered to be a medieval settlement if not earlier. A Roman coin was found nearby and associated remains may survive in the development site. In view of the archaeological potential, I recommend the following is placed on any forthcoming consent:

19 Prior to the commencement of development, the applicant, or their agents or successors in title will secure and implement:

20 i) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority and

21 ii) Further archaeological investigation recording and reporting determined by the results of the evaluation in accordance with a specification and timetable, which has been submitted to and approved by the local planning authority.

22 Reason: to ensure the features of archaeological interest are properly examined and recorded.

23 KCC Ecology:

24 Further information has been submitted relating to the potential impact on bats. In light of the additional information, KCC Ecology raise no objection, subject to the inclusion of conditions relating to lighting and biodiversity enhancements, which are included on the decision notice.

25 Urban Design and Conservation Officer:

26 Bower House is a historic detached two storey dwelling, which lies in the historic village envelop and is located within the Eynsford Conservation Area. The House is identified in the Conservation Area Appraisal is making a positive contribution to the character of the Conservation Area. To the direct west of Bower House sits an important grouping of listed buildings. To the east is the Harrow Meadow recreation ground with views looking towards the Kent Downs AONB, the view towards the North Downs is highlighted in the Conservation Area Appraisal under setting of the area and spatial relationships. A previous scheme submitted under application 20/00646/FUL was withdrawn which we provided comments for. Many of the concerns that were raised in the previous application have been addressed. There is no objection to this scheme.

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- 27 Conservation Area:
- 28 Eynsford Village has a variety of listed buildings that line the street and form part of the historical character of the village. The architecture in most part is typical of the Kentish vernacular. Alongside the traditional architecture, Eynsford village sits in a valley and is surrounded by countryside. There are far reaching views of the landscaping along the River Darent, the hills of the North Downs and across wide open spaces such as the Recreation Grounds. The architecture and rural setting both contribute to the character of the Conservation Area.
- 29 The proposed scheme sits in the rear garden of Bower House. The garage and shed are proposed to be demolished to accommodate access and the new dwelling. The height, scale and massing of the proposed built form has been reduced from the previous scheme (20/00646) and now sits more comfortably within the plot. The reduction in amount of development results in the building being set back by approximately 32m from Bower House, which reduces the prominence of the new development. The set back of the proposed building maintains some of the glimpses from the High Street of the longer open views to the east, which contribute to the character of the Conservation Area. Assessing against the NPPF the proposed development does not cause to the significance of the Conservation Area.
- 30 Design approach:
- 31 As per Policy SP1, all new development should be designed to a high quality and should respond to the distinctive local character of the area. Further to this, as part of Policy L07, new development should be of a scale and nature appropriate to the village and respond to the distinctive local characteristics of the area in which it is situated. The proposed scheme proposes a pair of semi-detached dwellings. The applicant has made revisions from the previous scheme in order to address some of the concerns raised, including the scale, height, massing, layout and how the development responds to the local character through its architectural approach. The proposed development sits more comfortably within the plot while providing the required space for parking, electric charging points and bin storage. The scheme has a clearer architectural approach and is of a scale and nature which is more appropriate to the village setting of Eynsford. The material palette responds more closely to the Elizabeth Cottages found on the high street through the use of red stock brickwork, white weatherboarding and clay roof tiles. We would request that all external materials are conditioned (as per policy SP1 to ensure all new development should be designed to a high quality).
- 32 Kent Downs Area of Outstanding Natural Beauty (AONB):
- 33 This scheme is located within the Kent Downs Area of Outstanding Beauty (AONB) as per policy EN5 proposals are required in conserve and enhance the character of the landscape and have regard to the relevant management plans. The reduction in roof height from the previous scheme with the

increase in height located away from the landscape. As stated above we request that materials are conditioned. The proposed site plan indicates the removal of some fruit and cypress trees. We request that the landscaping is conditioned and it is made clear what trees are being removed and what trees are proposed to be planted and the location of these. Further to this, a landscaping plan should include details on the hard and soft landscaping as well as proposed boundary treatments (as per policy EN5 and SP1). As discussed, we request that landscaping and materials are conditioned.

34 Tree Officer:

35 I can inform you that this property is located within the Eynsford Conservation Area. Several trees are situated at this property. Those trees present are well screened by the boundary vegetation when viewed from the recreation ground or from the front of the property. The majority of those trees present are of a low amenity value with a few exceptions. These being the large Western Cedar and the Beech Tree. According to the plan provided, drawing no 19-26-21 Revision B, the Western Red Cedar is to be removed to accommodate the proposed parking area, whilst the Beech Tree is to be retained. The loss of Western Red Cedar will be noted but it could be replaced as part of an approved landscaping scheme. Providing those trees to be retained are adequately protected, I have no objection to the proposed development. Details of the protective measures to be used should be submitted for comment and should comply with BS5837:2012. I also recommend that landscaping become a condition of consent should you be of mind to grant consent for the proposal.

36 Natural England:

37 No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

38 Protected Landscapes- Kent Downs AONB- the proposed development is for a site within or close to nationally designated landscape namely Kent Downs AONB. Natural England advises that the planning authority uses national and local policies together with local landscape expertise and information to determine the proposal.

## Representations

39 We received four letters of objections relating to the following issues:

- Impact on wider views
- Unbalanced design
- Scale of development
- Highway and access concerns
- Parking concerns
- Location of proposal
- Residential amenity concerns

## Agenda Item 4.4

- Character of the dwellings
- Trees

### Chief Planning Officer's appraisal

40 The main planning considerations are:

- Principle of development
- Impact on street scene and Area of Outstanding Natural Beauty
- Impact on Conservation Area
- Impact on Residential Amenity
- Highway Safety

### Principle of Development

41 The site lies within the built confines of Eynsford.

42 Both Government policy in the form of the NPPF and local plan policies seek to focus development within existing built up areas.

43 Specific to Eynsford, Policy L07 infilling and redevelopment should be on a small scale only taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available. New development should be of a scale and nature appropriate to the village.

44 Subject to this and the considerations bullet pointed above, the proposal to re-develop the site for some form of residential development could be acceptable in principle.

### Impact on street scene and Area of Outstanding Natural Beauty

45 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.

46 There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement.

47 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and



design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.

- 48 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 49 The application site currently comprises a single detached dwelling located on a large plot. Whilst the proposals would result in the sub-division of the plot, there is considerable diversity in both building and plot sizes in the immediate area and the resultant plots would not be at odds with the character of the area.
- 50 The proposed dwellings would be set back significantly from the highway, towards the rear of the plot and would be accessible with vehicular access to the south of Bower House. Due to the set-back and relatively modest height of the proposed dwellings, they would not appear unduly prominent within the street scene and viewed from Bower Lane, Bower House would remain the dominant feature on the site.
- 51 The proposed dwellings would sit comfortably on the site with sufficient space for access, parking, space to manoeuvre and landscaping to all boundaries, which would help soften the impact of the proposals. Thus, I do not consider the proposals would appear cramped.
- 52 With regard to design, the houses would differ in style to the immediate neighbouring properties, however due to the varied design in the locality and use appropriate materials for the proposed houses, I consider they would reflect the character of the area.
- 53 The proposal would include the addition of soft landscaping on the site, with the trees to the front of the site being retained. Existing trees to the rear of the site are being removed, however replacement planting is proposed.
- 54 The development would be located on the existing rear garden of Bower House with fields to the rear and south east of the application site. The site is located close to existing residential properties and would be positioned within the built envelope of Eynsford. There is a distinctive separation between the residential built development of Eynsford and the open rural countryside, which extends beyond it.
- 55 Whilst it is acknowledged that there are longer distance views from the southeast, from such views the site is clearly seen within the built context of the village. The proposals would be set within the village confines and, in my view, would help create a distinct urban edge, reinforcing the boundary between the village and the open, rural countryside beyond. I consider this would be beneficial to the character of this part of the AONB.

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56 The proposal therefore complies with Policies EN1 and EN5 of the ADMP.

### Impact on Conservation Area:

57 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

58 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

59 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.

60 The application site is located within the Eynsford Conservation Area. The character of the Conservation Area has been summarised briefly in the conservation comments above, to which reference should be made. The importance of Bower House is noted within the Conservation Area Appraisal as making a positive contribution within the Conservation Area. It is not considered that the proposals would erode this contribution as the proposed dwellings would be set back a significant distance behind the existing dwelling. Thus, they would appear subservient within the plot and would not, in my view, appear unduly prominent within the wider street scene, including views from the High Street. Because of the siting of the proposed houses and the spacing around them, I consider longer distance glimpses of the countryside from the High Street would be maintained.

61 The scale of the proposed dwellings are considered to be appropriate within their context and to sit comfortably within the site. The proposed design and materials are considered to reflect the traditional Kentish vernacular of the High Street.

62 In conclusion, I consider the proposals would conserve the character and appearance of the Conservation Area. Therefore, the proposal complies with Policy EN4 of the ADMP.

### Neighbouring Amenity

63 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.

64 There are neighbouring properties located to the north-west and south-west of the application site.

- 65 The neighbours located to the south-west of the site, including Bower House would not be significantly impacted by the proposals as these neighbours would be located at a distance of over 30 metres from the proposed dwellings, with mature trees between the two, which would soften and screen the visual impact on the proposed building.
- 66 The proposals would be visible to the neighbouring properties located to the north-west.
- 67 Between the north-west neighbours and the proposal, there would be a considerable distance between the two. The proposed are designed with a relatively low eaves and ridge level, with the majority of the first floor level of the dwellings being located partly within the roof form. Consequently, I do not consider the proposed building would appear as an unduly overbearing or dominant feature, detrimental to the amenities of the neighbouring occupiers. The level of proposed landscaping along the north-west boundary would also assist in softening the visual impact of the development from these neighbours.
- 68 Due to the distance to the neighbouring properties and relatively modest height of the building there would not be any significant loss of light to neighbouring occupiers.
- 69 The proposal would include windows on the north-west elevation at both ground and first floor. The ground floor windows would not detrimentally affect these neighbours as they would be screened by the proposed boundary treatment. The windows at first floor could be conditioned to be obscure glazed and fixed shut below 1.7 metres. These windows would also mostly overlook the Public House garden, and therefore would not significantly impact on residential amenity.
- 70 In conclusion, as a consequence of the siting, relatively modest height of the building, separation distance to the neighbouring properties and retention/provision of soft landscaping along the party boundary, I am satisfied that the impact on the amenities of the neighbouring occupiers would not be a significant one.
- 71 Therefore, the proposal would comply with Policy EN2 of the ADMP.

#### **Parking and Highways Impact**

- 72 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that each dwelling including the existing should provide two independently assessable parking spaces each. The proposed site plan indicate that each dwelling would provide this level of parking along with a visitor's parking space. Therefore, sufficient parking has been proposed and complies with Policy T2 of the ADMP.

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- 73 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change. The proposed site plan indicates an electrical vehicle charging point per dwelling, including the existing and therefore complies with Policy T3 of the ADMP.
- 74 The proposal includes an extension to the existing driveway in order to accommodate an access route to the proposed dwellings. KCC Highways were consulted on the scheme and raise no objections. It is considered that the additional traffic generated by the proposal would not be detrimental. A query was raised in relation to whether parking spaces have been proposed for the existing dwelling. The site plan confirms that parking has been provided to the rear of Bower House.
- 75 Therefore, this highway and parking implications of the proposals are considered to be policy compliant.

### Trees and Landscaping

- 76 The proposal includes the removal of some trees and the addition of soft landscaping to the site. The Tree Officer was consulted on the scheme and confirms that the trees being removed would be noticeable however, the addition of replacement soft landscaping would help address this. It is advised that a condition is included to protect the existing trees to be retained. This can be subject to condition.

### Biodiversity

- 77 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 78 The application site is located within a Biodiversity Opportunity Area. KCC Ecology were consulted on the scheme and originally raised concerns in relation to bats. However, further information has addressed these concerns. No objections are raised, subject to the inclusion of conditions as recommended above.

### Other issues

- 79 The application site is located within an Area of Archaeological Potential. KCC Archaeology were consulted on the scheme and raised no objection subject to the inclusion of a condition relating to an archaeological field evaluation and recording of any finds.

### Community Infrastructure Levy (CIL)

- 80 This proposal is CIL liable and there is no application for an exemption.

**Conclusion**

81 In light of the above, I consider the proposals represent an acceptable form of development, which would preserve the character and appearance of the Conservation Area, the amenities of neighbouring occupiers and highway conditions and conserve and enhance this part of the AONB.

82 I therefore consider the proposals to be policy compliant.

83 It is therefore recommended that this application is GRANTED.

**Background papers**

Site and block plan

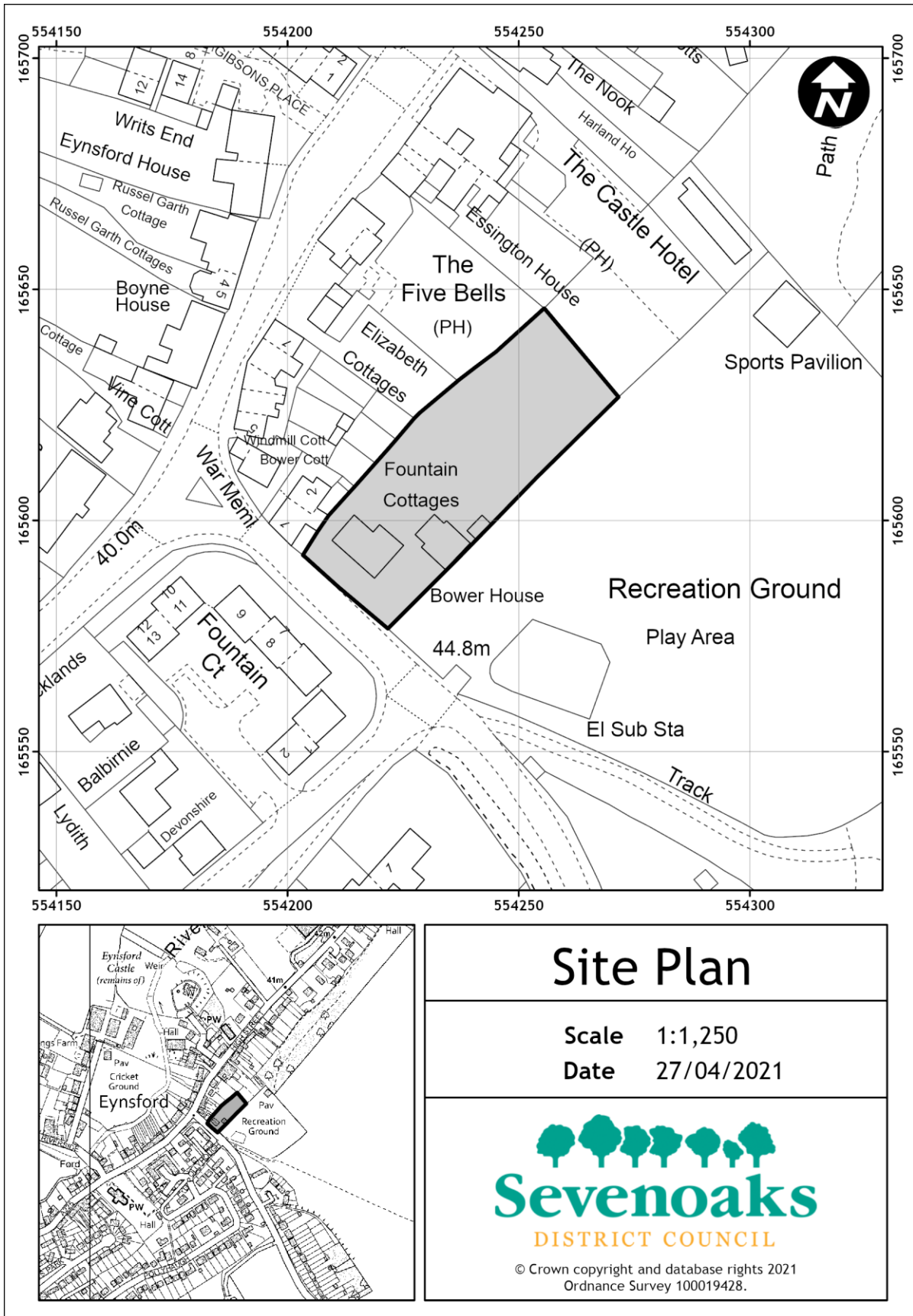
Contact Officer(s): Louise Cane: 01732 227000

**Richard Morris**  
**Chief Planning Officer**

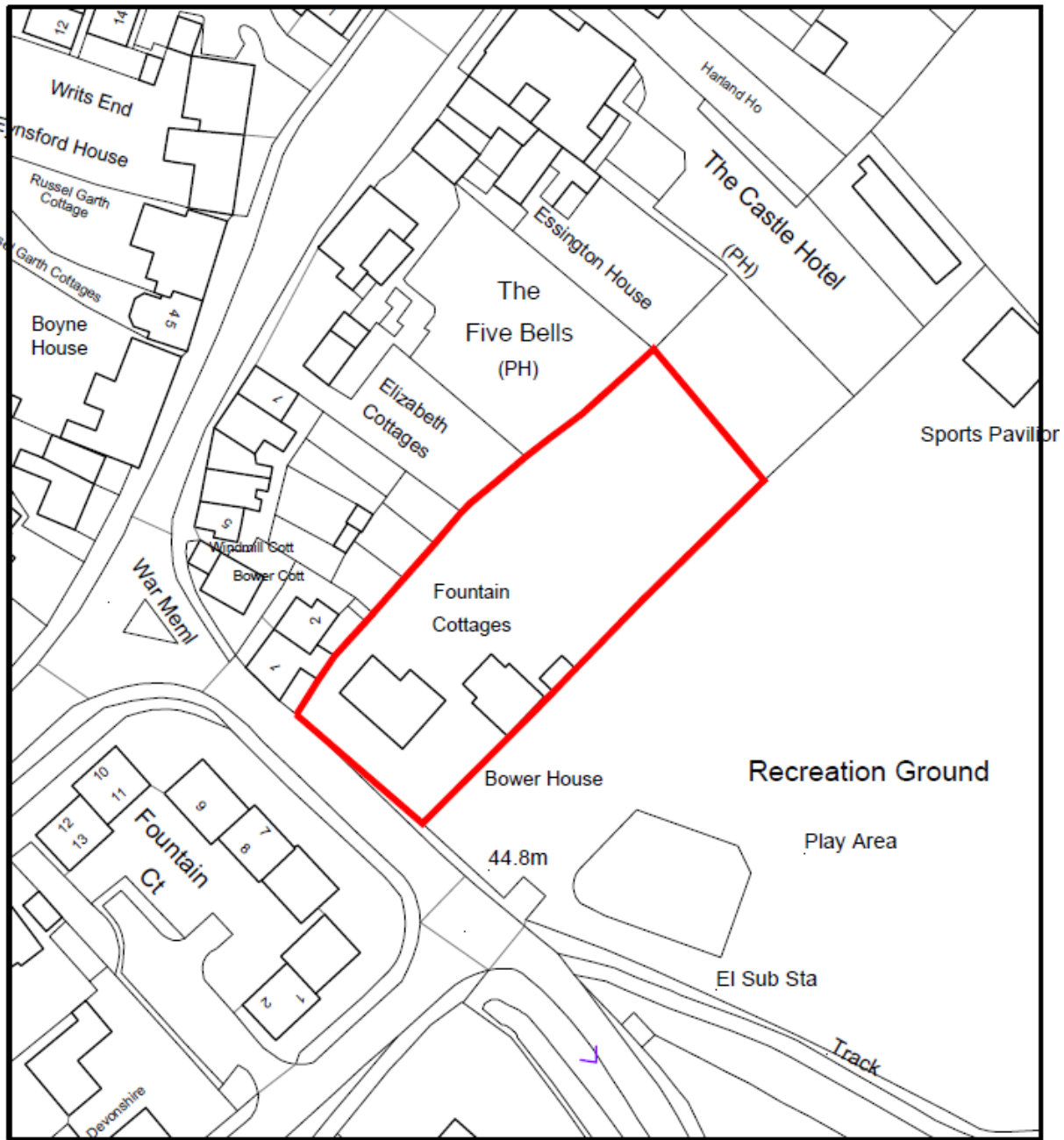
[Link to application details:](#)

[Link to associated documents:](#)

Agenda Item 4.4



BLOCK PLAN



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