

4.2 20/01707/FUL

Revised expiry date 20 November 2020

Proposal:

Demolition of existing family dwelling and erection of a replacement five bedroom family dwelling with integral garage, replacement entrance gate and landscaping alterations.

Location:

Worsley, Badgers Road, Badgers Mount KENT TN14 7AZ

Ward(s):

Halstead, Knockholt & Badgers Mount

Item for decision

The application was referred to Development Control Committee by Councillor Grint for the impact on the character of the area and the impact to residential amenity.

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: PD-01, PD-02

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

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, B, C, D or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the local planning authority.

To maintain and protect the Metropolitan Green Belt as supported by Policies EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan

5) Prior to occupation, a full mitigation strategy as detailed in paragraph 5.4 to 5.8 of a bat survey report. Greengage, May 2020 shall be undertaken in accordance with the specifications set out in the strategy. The strategy will identify those

areas/features on site that are particularly important for bats show how and where external lighting will be installed in accordance with guidance note 8 bats and artificial lighting (bat conservation trust and institute of lighting professionals). Specifications shall be maintained thereafter in accordance with the strategy.

To promote biodiversity as supported by Policy SP11 of the Core Strategy.

6) Prior to the occupation of the development hereby approved, an updated site and landscape plan detailing what ecological enhancements will be incorporated in to the site as well as amended location of bird boxes shall be submitted and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

To promote biodiversity as supported by Policy SP11 of the Core Strategy.

7) No development shall take place on the land until full details of the existing and proposed site levels have been submitted to and approved in writing by the local planning authority. The scheme shall be built wholly in accordance with the approved details.

To maintain the character of the area and the residential amenity of neighbouring properties as supported by Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

8) No development shall take place on the land until full details of boundary treatment have been submitted to and approved in writing by the local planning authority. The scheme shall be built wholly in accordance with the approved details.

To maintain the residential amenity of neighbouring properties as supported by Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

9) The first and second floor windows on the side (west) elevation shall remain obscure glazed and fixed shut below 1.7m at all times.

To protect the residential amenity of neighbouring properties as supported by Policy EN2 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 currently comprises of a detached bungalow located within Badgers Road. There are neighbouring properties located either side of the site, to the rear and opposite. Badgers Road consists of both larger detached two storey dwellings and bungalows, which have also been replaced and extended over time. The site is located within the parish of Badgers Mount. The site is located within the urban confines of Badgers Mount.

Description of Proposal

- 2 Demolition of existing family dwelling and erection of a replacement five bedroom family dwelling with integral garage, replacement entrance gate and landscaping alterations. The proposal would include the demolition of an existing detached bungalow and the erection of a two storey dwelling with rooms in the roof. The dwelling would be located within Badgers Road.

Relevant Planning History

- 3 19/03286/FUL - Demolition of existing family dwelling and erection of a replacement five bedroom family dwelling with integral garage and replacement entrance gate. Landscaping alterations - REFUSE.-The above application was refused on biodiversity grounds and the lack of information provided.

Policies

- 4 National Planning Policy Framework

Paragraph 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposal that accord with an up-to-date development plan should be approved without delay.

Paragraph 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 protects area of assets of particular importance provides a clear reason for refusing the development proposed, or
- Any adverse impacts of doing so would significantly and demonstrate outweigh the benefits, when assessed against the policies in the Framework 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.

- 5 Core Strategy (CS)

- L01 Distribution of Development

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

6 Allocations and Development Management Plan (ADMP)

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

Constraints

7 The following constraints apply:

- Area of Outstanding Natural Beauty
- Public Right of Way

Consultations

8 Badgers Mount Parish Council:

Objection: The new building will be much larger and higher, with significantly increased bulk to the rear, compared with the existing dwelling resulting in loss of light and overshadowing of adjacent properties, and overlooking of their private spaces. The new building is excessively large for the small size of the plot. The garage is in front of the general building line of properties in Badgers Road. There is no mention that windows which would result in overlooking and loss of privacy of the adjacent properties to be obscure glazed and non-openable below 1.7m. Please include such a condition if you approve the application. If you approve the application, please include a condition that a construction management plan must be provided and approved due to the site location at the junction of Badgers Road and Johnsons Avenue. Could we please be consulted on this? The scale shown for the site plan suggests that the plot and building are much larger than shown on the more detailed drawings. In response to this comment for the previous application, the applicant stated that the scale was 1:500 but the drawing forming part of this application shows 1:100.

9 KCC Ecology:

We have reviewed the information which has been submitted and we advise that sufficient ecological information has been provided for the determination of the planning application. We require no additional ecological information to be submitted prior to determination of the

planning application but the detailed mitigation/enhancement requirements must be submitted/implemented as a condition of planning permission if granted.

Bats: we are satisfied with the conclusions of the ecological report which state that no bats were seen emerging from the building during the emergence survey and that low level of commuting and foraging activity were recorded on site. We advise that wildlife friendly planting and roost opportunities are include within the proposed development to minimise any impacts upon foraging and commuting bats. Lighting can be detrimental to roosting, foraging and commuting bats. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's guidance Not 8 bats and artificial lighting in the UK is adhered to in the lighting design for the works undertaken and the new dwellings built-suggested condition wording at the end of this report.

Ecological Enhancements: One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity". The proposed two bird boxes drawn on the site plan appear to be set up quite low on fences. We advise that the locations are changed to ensure that they provide better benefit for birds. Bird boxes should be located on the north and east facing aspects of the building/trees. Please amend the site plan accordingly. As a reminder, we advise that ecological enhancements measures need to be over and above any mitigation measures. As such, any suggested bat boxes enhancements have to be in addition of any bat boxes suggested in the bat mitigation strategy-suggested condition wording at the end of this report.

Conditions:

Bats: The full mitigation strategy as detailed in paragraph 5.4 to 5.8 of a bat survey report. Greengage, May 2020 shall be undertaken in accordance with the specifications set out in the strategy. The strategy will identify those areas/features on site that are particularly important for bats show how and where external lighting will be installed in accordance with guidance note 8 bats and artificial lighting (bat conservation trust and institute of lighting professionals). Specifications shall be maintained thereafter in accordance with the strategy.

Ecological enhancements: prior to the occupation of the development hereby approved, an updated site and landscape plan detailing what ecological enhancements will be incorporated in to the site as well as amended location of bird boxes will be approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

10 Tree Officer:

This is relatively small plot with some mature planting inclusive of a privet hedge to the frontage, none of which I would or could consider for formal protection. I have no objections to the proposal.

Representations

11 We have received four letters of representation comment relating to the following issues

The objections are:

- Validity of report of previous application
- Visibility of solar panels
- Overlooking/privacy
- Overbearing
- Potential site level condition
- Scale of development

Those in support raised the following points:

- In keeping
- Energy efficient
- Parking
- Improvement to the character
- Not overbearing

Chief Planning Officer's Appraisal

12 The main planning considerations are:

- Principle of the development
- Impact on Residential amenity
- Impact on Area of Outstanding Natural Beauty
- Impact on the character of the area
- Highway safety and parking
- Ecology

Principle of the Development

13 Land within built up areas, such as residential gardens are excluded from the definition of previously developed land. Whilst there is a focus on utilising previously developed land within the NPPF, Policy L01 of the Core Strategy states that new development should be focused within existing settlements.

- 14 The site lies within the urban confines of Badgers Mount and as such, forms part of the existing residential settlement with the potential to provide additional housing for the district in a sustainable location. In addition to this, it would represent a development which makes effective use of land, which could support the aspirations of the NPPF.
- 15 The proposal would be a replacement dwelling and would therefore not result in any loss of residential units on the site
- 16 Policy L07 states that in settlements such as Badgers Mount, development should be of a scale and nature appropriate in the settlement, responding to the characteristics of the area, subject to this and the consideration bullet pointed above, the replacement dwelling on this site could be acceptable in principle.

Impact on Residential Amenity

- 17 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 18 There are neighbouring properties surrounding the application to the north, east, south and west.
- 19 Balcarres is located to the west of Worsley and fronts Milton Avenue, with its rear elevation located along the boundary between Balcarres and Worsley.
- 20 When conducting a site visit for Balcarres, it was confirmed that on the rear east elevation of this property it consists of a non-glazed access door to the garage, a north facing bedroom window, a utility room projection, high-level living room window and French doors serving a dining room.
- 21 When assessing the impact to the bedroom window and one of the doors to the utility room it can be confirmed that there would be an impact to the level of light as the proposed development would fail the 45 degree test on floor plan. However, it would pass the 45 degree test of elevation. Therefore, even though there would be a level of harm to this window and door, it would not be detrimental and be sufficient to justify a refusal. The 45 degree test would also pass on the roof of the utility room and also raises minimal harm to the level of light through this roof into the kitchen.
- 22 Due to the position of the high level window and the French doors in relation to the position of the proposed dwelling, the proposal would pass the 45 degree test on both floor plan and elevation and therefore would raise minimal concerns. These rooms are also served by other windows, which provide the light into these rooms.
- 23 In addition to the above, due to the orientation of the sun and the internal layout of the neighbouring property, the development would not detrimentally affect the sunlight received to Balcarres.

- 24 In terms of outlook, as the bedroom window would not be directly facing the development, their outlook would not be significantly harmed. There would be a presence of the single storey garage from the bedroom window. However, the outlook would not be detrimentally harmed to justify a refusal.
- 25 The utility room includes two doors. Due to the relationship between the utility room and the application site, outlook from here would not be any different to the existing situation.
- 26 The proposed relationship between the high level window and the new house would be such that a good level of outlook would still be enjoyed. In addition to this, because of the distance between the French doors and the two storey element of the proposed house, a reasonable outlook would still be retained and would continue to look out onto the existing boundary fence. A condition could be included for further details of the boundary treatment, to ensure that this level of treatment is being retained.
- 27 On the side elevation of the proposed dwelling facing this neighbour, there would be two ground floor windows, two rooflights at first floor level and two rooflights at second floor level. There are currently two windows at ground floor level facing towards this neighbour, and therefore the two ground floor windows on the proposed dwelling would result in no additional impact to their privacy than the existing windows. In terms of the first floor rooflights, they would directly face this neighbouring property and have the potential to result in loss of privacy. Therefore, in order to preserve this neighbour's privacy, these can be conditioned to be obscured glaze. In regard to the second floor rooflights, they would also face this neighbour directly, however the view from these would be impeded from the proposed roof form and therefore would not affect this neighbour's privacy.
- 28 The neighbouring property to the east of the site is Lyndhurst. The proposed dwelling would include two windows at ground floor level, one window at first floor and rooflights within the second floor. The ground floor windows would not result in any loss of privacy as the existing bungalow already has windows facing this neighbour at ground floor level. The proposal would result in the addition of a window at first floor and the rooflights at second floor, however this can be conditioned to be obscure glazed and fixed shut, to ensure that it does not detrimentally affect this neighbour's privacy.
- 29 In relation to outlook, Lyndhurst has windows at ground floor level and a window at first floor facing towards the application site. Two of the windows at ground floor are high level and therefore provide no outlook already. In addition to this, one of the high level windows accommodate a garage, which is not classed as a habitable room. Another window would directly face towards the proposed dwelling and therefore would be impacted. However, due to the site levels, the outlook from the window is currently of the boundary fence and the existing dwelling and this outlook would remain the same. Therefore, this would not result in any additional detrimental concerns. In relation to the first floor window, this accommodates a landing and the outlook from this window would be affected by the proposed development. However, as a landing is not classed

as a habitable room, the impact to this window's outlook is not significantly impacted.

- 30 The loss of light to this dwelling has been assessed through the 45 degree test. The windows at ground floor level would be affected due to the increase in height on the proposed development. The windows however, which accommodate the garage and landing would be not habitable rooms and therefore no harm would occur. The other windows at ground floor level do accommodate habitable rooms, however as there are also windows located on the rear elevation accommodating these rooms, an acceptable level of light would be retained to these rooms.
- 31 Due to orientation of the sun and the location and use of the windows on this neighbouring property, their sunlight would also not be detrimentally affected.
- 32 Neighbouring property High View is located to the rear of the application site, with this neighbour's front elevation facing Milton Avenue. This property processes three windows facing onto the application site. Two windows at ground floor, with one being high level and one window at first floor window, which is obscured glaze.
- 33 The proposed dwelling would include windows at ground and first floor level on the rear elevation. The ground floor level windows in the proposed house would not result in any additional privacy concerns than the existing, as windows already exist at ground floor level on the property. The first floor windows would present an elevated outlook onto the flank of High View at a distance of approximately 17 metres. In this instance, this is an acceptable relationship because of the side elevation of High View has two ground floor windows clearly served by other front and rear facing windows and the first floor window being obscure glazed there would therefore be no detrimental loss of privacy or overlooking. The views provided from the proposed first floor windows over the rear garden of High View would be no different to those already provided to Lyndhurst to the east. At the proposed distance of separation the impact on outlook and light would also not be detrimental.
- 34 Overall, the proposed development would not result in a detrimental impact to the residential amenity of the neighbouring properties and therefore complies with Policy EN2 of the ADMP.

Impact on the Area of Outstanding Natural Beauty

- 35 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.
- 36 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. A failure to achieve both of these points will result in a conflict with the requirements of the Act.

- 37 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.
- 38 The application site is located within the Kent Downs Area of Outstanding Natural Beauty. The site currently comprises of a detached bungalow. The scheme proposes a replacement two storey dwelling in a similar location to the existing. The character and design of the dwellings within Badgers Road is already varied, and consist of large properties of a similar scale and therefore the proposal would conserve and enhance for the above reason. The proposed materials would also respect the material finish within the area and the proposed landscaping would benefit the landscape and appearance of the site, and therefore would also conserve and enhance. The dwelling would be located within an existing residential area, with the existing spacing between the properties retained.
- 39 The proposal would therefore conserve and enhance the AONB and complies with Policy EN5 of the ADMP.

Impact on the character of the area

- 40 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.
- 41 Development within Badgers Road currently consists of residential dwellings, which vary in character, style and finish. The dwellings include large detached two storey properties.
- 42 The application site currently comprises of a detached bungalow, which covers a large area of the application site, and is surrounded by neighbouring dwellings, which all vary in design and character.
- 43 The proposal includes the replacement of the existing bungalow for a two storey detached dwelling with rooms in the roof. The front elevation of the dwelling would be in line with the existing front elevation of the bungalow, with the exception of the proposed garage addition, which would sit in front of this building line. Overall, the garage would exceed this set building line of Worsley and the neighbouring properties East of Badgers Road. However, it would be in line with neighbouring property Balcarres, and therefore would not be completely out of keeping with the overall layout within the area. There is also a grass verge in front of the application site and Badgers Road, which would be retained and would protect the visual amenity of the street.

- 44 In terms of design, the overall height of the proposed dwelling would exceed the height of the existing bungalow. The existing bungalow is 7.1m in height, with the greatest height of the new dwelling would be 8.6m. This would be 1.1 metres higher than the ridge of the existing house. However, the greater proportion of the roof of the new house would have a similar height to the existing bungalow.
- 45 The dwelling would be greater in height than neighbouring property Balcarres, however the eaves height along the eastern flank of the proposed property would only be minimally higher than the existing.
- 46 The aspect of the proposed dwelling, which would increase most notably from the existing bungalow is closer to neighbouring property Lyndhurst. Not only is the height increasing, the site levels are also being altered, so that the proposed dwelling is at a lower level than the existing. However, due to the varied site levels already present within Badgers Road, this would still remain in keeping. A condition would be included in regard to further information for the proposed site levels. The existing spacing would also be retained. The proposed dwelling would be increasing along this elevation in regard to massing and height, however due to the spacing between the two properties, it would not result in an uncomfortable relationship. However the massing and height adjacent to Lyndhurst is increasing, but not to an extent that it would be harmful to the visual amenity of the streetscene, as properties vary in height along this road, with no uniform pattern.
- 47 The proposed roof materials would consist of tiles, which would match the existing. The proposed walls would be brickwork, timber and render. This would be similar to the existing however would differ in colour. The proposed hardstanding and windows would also differ to the existing. However due to the varied material finish within the area, the proposal would not be out of keeping.
- 48 The proposed dwelling would be greater in bulk and height to the existing, however, would still remain in keeping with the bulk and scale of neighbouring properties in the local area. The dwelling would cover a larger area of the plot, however plot sizes do vary already within Badgers Road and would therefore not be out of keeping and would still sit comfortably on the site. The larger footprint of the proposal would not be dissimilar to the neighbouring properties and the roof lights and dormers on the proposed front elevation is already a common feature within the street scene.
- 49 In order to maintain the character of the street scene and the AONB, permitted development rights would be removed.
- 50 The proposal complies with Policy EN1 of the ADMP.

Parking and Highways impact

- 51 The proposed dwelling would consist of five bedrooms. Policy T2 of the ADMP states that a property of this size requires two independently assessable parking spaces. The proposed site plan confirms this.

52 The site plan also confirms that an electrical vehicle charging point would be included on the application site, and would be located within the proposed parking area, which is a suitable location.

53 The proposal therefore complies with Policies T2 and T3 of the ADMP.

Biodiversity

54 Policy SP11 of the Core Strategy states that biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.

55 KCC Ecology were consulted on the application and confirmed that they raised no objection to the proposed scheme, subject to the inclusion of conditions.

Other Issues

56 A concern has been raised by a neighbour in relation to the previous application and inaccuracies. This was in relation to the information included within the Design and Access Statement. I am confident that the submitted plans accurately show the proposed development and any inaccuracies that occurred previously have not occurred within this submission.

Community Infrastructure Levy (CIL)

57 This proposal is CIL liable and the exemption claim will be considered separately.

Conclusion

58 The proposal complies with the relevant policies of the ADMP and the Core Strategy and it is therefore recommended that planning permission is granted.

Background papers

Site and block plan

Contact Officer(s): Louise Cane 01732 227000

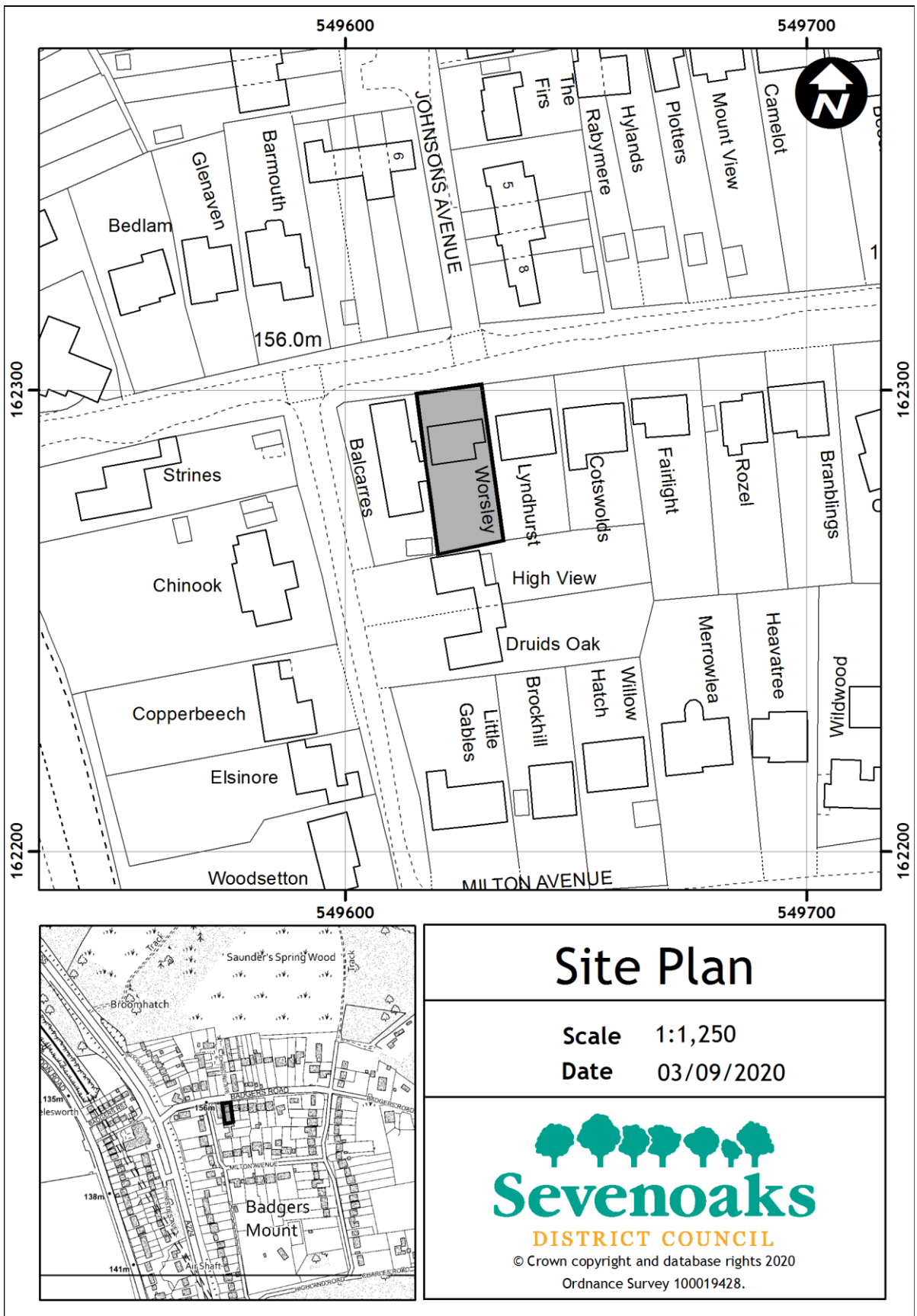
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QC6KB6BKM3200>



BLOCK PLAN

