

4.1 21/01126/FUL

Date expired 15 June 2021

Proposal:

Erection of a pair of semi-detached dwellings of two-storey design with associated parking, amenity space, bicycle and bin storage.

Location:

Rear Of 49 And 51 Wickenden Road, Sevenoaks, KENT TN13 3PL

Ward(s):

Sevenoaks Eastern

#### Item for decision

Cllr Clayton and Cllr Purves have referred this application to DC Committee to assess whether the proposal is overdevelopment of the site, its impact upon the character and appearance of the street neighbouring amenities, wildlife and sets a precedent.

**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) No development shall be carried out above damp proof course level of the development hereby approved until details of the external finish materials including rainwater goods to be used for the development shall be 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 area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) A hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any works above damp proof course level. The landscaping scheme shall include the following details: a) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible) and size; b) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges; c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps, driveway and if applicable synthetic surfaces; and d) any other landscaping feature(s) forming part of the scheme. All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved or in accordance with a programme agreed with the Local

Planning Authority. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To 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) Prior to completion of the development a schedule of biodiversity enhancements that includes a plan showing their locations have been submitted to and approved by the Local Planning Authority and completed in full prior to the occupation of the new dwelling hereby approved. The scheme shall be implemented in accordance with the approved details.

To ensure that the proposed development will enhance biodiversity value of the site, in accordance with Policy SP11 of the Core Strategy and guidance in National Planning Policy Framework.

5) No external lighting within the site until details of any form of external lighting has been submitted to and approved in writing by the local planning authority. Such details shall include location, height, type and direction of light sources, means of controlling light spillage and intensity of illumination. Any lighting, which is so installed, shall thereafter be maintained and operated in accordance with the approved details and shall not be altered other than for routine maintenance.

To maintain the integrity and character of the area as supported by Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

6) The dwellings hereby permitted shall provide an electrical socket with suitable voltage and wiring for the safe charging of electric vehicles within the residential curtilage prior to its first occupation and maintained thereafter.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan.

7) 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 Classes A, A-A, B, C, F 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 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 Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

8) The windows in the first floor, east facing elevation(s) of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level

3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

To safeguard the privacy of the occupants of adjoining properties in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

9) No building shall be occupied until details of permeable surfacing and any surface water drainage provision of the access and parking areas have been submitted to and approved in writing by the local planning authority. All surfacing and any surface water drainage provision shall be carried out in accordance with the approved details and completed prior to the first occupation of the dwelling hereby permitted.

To ensure that the appearance of the development is in harmony with the existing character of the area and mitigate against any surface water runoff as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

10) The development hereby permitted shall be carried out in accordance with the following approved plans: 593/A1/01 Rev. A, 593/A1/02 Rev. B, 593/A1/03 Rev. B, 593/A1/04 Rev. B, 593/A1/06 Rev. A.

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) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) for further details.

3) The applicant should note that under the terms of The Conservation of Habitats and Species Regulations 2010, Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats which are also European Protected Species.

You should note that the work hereby granted consent does not override the statutory protection afforded to these and other protected species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. Please note that a European Protected Species Licence will be required to allow the proposed development to proceed lawfully. Further details can be found at:

<https://www.gov.uk/environmental-management/wildlife-habitat-conservation>

### **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 section of Wickenden Road nearest the appeal site is a straight residential street characterised by 2-storey semi-detached dwellings typical of the mid- 20th century. The street has a sense of rhythm and uniformity arising from the strong building line, the symmetry of the dwellings with their hipped roofs, and the modest front and spacious rear gardens. By contrast Littlewood is a short cul-de-sac which was originally provided to give access to blocks of garages. It is now enclosed on one side by the rear boundaries of Nos 49-55 Wickenden Road and a series of parking spaces separated by small areas of landscaping on the other. The gardens of terraced properties in Hillingdon Rise back onto these parking spaces. The only property to have frontage onto Littlewood is a building facing the turning head at the end which comprises 4 flats but is similar in scale to a pair of semis. This apartment block is largely disconnected in townscape terms from the surrounding development.
- 2 The area is suburban residential in character and has a broadly similar appearance and noticeable that other properties have extensions to them and associated off-street parking provision.

### **Description of proposal**

- 3 The site relates to the rear gardens of Nos 49 and 51, a pair of semis. On each site, it is proposed to provide a small detached dwelling with rear garden and two parking spaces in a tandem arrangement to the side.

### **Relevant planning history**

- 4 20/01055 - Erection of linked two storey addition to side of existing dwelling to provide a 2 bedroom dwelling with associated parking, bin, cycle storage and private rear garden and provision of single storey rear extension to serve existing dwelling at No. 51 - GRANTED
- 5 20/01056 - Erection of detached two bedroom dwelling with associated parking, secure bin and cycle storage and amenity space on land to rear of 51 Wickenden Road with access achieved from rear (Littlewood) - REFUSED - APPEAL DISMISSED
- 6 20/01627 - Erection of detached two bedroom dwelling with associated parking, secure bin and cycle storage and amenity space on land to rear of 49 Wickenden Road with access achieved from rear (Littlewood) - REFUSED - APPEAL DISMISSED

## Policies

- 7 National Planning Policy Framework (NPPF)
- 8 Core Strategy (CS)
  - SP1 Design of New Development and Conservation
  - SP4 Provision of Affordable Housing
  - SP7 Density of Housing Development
  - SP11 Biodiversity
  - LO1 Distribution of Development
  - LO2 Development in Sevenoaks
- 9 Allocations and Development Management Plan (ADMP)
  - EN1 Design Principles
  - EN2 Amenity Protection
  - T2 Parking
  - T3 Electrical vehicle charging point
- 10 Other:
- 11 National Planning Policy Guidance;
  - CIL Regulations;
  - Appendix 2 of the ADMP -Guidance for Residential Parking;
  - Sevenoaks Residential Character Assessment CO8 -Wickenden Rd
  - SDC Residential Extensions SPD

## Constraints

- 12 The following constraints apply:
  - Built confines of Sevenoaks

## Consultations

- 15 **Sevenoaks Town Council** - Objects to the proposal on the following grounds:

“The new plan is higher and of greater bulk than the plan for 'semi-bungalows' refused by SDC as intrusive impact on neighbours in Wickenden Road, due to height, bulk and enclosure, would be more intrusive than the earlier plan refused by the Planning Inspector at appeal”
- 16 **Kent County Council Highways** - No comment
- 17 **Thames Water** - No objection raised
- 18 **South East Water** - No comment received

## Representations

19 19 representations have been received, objecting to the proposal on the following grounds:

- Unauthorised work, being subdivision of rear garden/clearance;
- Building within a back garden;
- Overdevelopment;
- Sets a precedent;
- Diminishes a green space;
- Affects wildlife;
- Compromises highway safety;
- Loss of privacy;
- Overshadowing;
- Additional noise generated.

## Chief Planning Officer's appraisal

20 The main planning consideration are:

- The principle of the development;
- The impact on the character and appearance of the area;
- The impact on residential amenity;
- Highways.

## Principle of development

21 The NPPF has a general presumption in favour of sustainable development, whilst encouraging the delivery of homes of a high quality design and a good standard of amenity for all, and reusing previously developed land.

22 Part of the site is clearly previously developed land. However, it should be noted that the definition of Previously Developed land in Annex 2 of the NPPF states that "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed infrastructure. This excludes: ... land in built up areas such as private residential gardens..."

23 The National Planning Policy Framework (NPPF) removed gardens from the definition of 'previously developed land', as cited earlier. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude such land from being developed, provided such development is in a suitable location and relates well to its surroundings.

24 Policies L01 and L02 of the Core Strategy requires development to be focussed within the built confines of existing settlements. The Sevenoaks urban area will be the principal focus for development in the District. Policy

LO2 of the Core Strategy places emphasis that suitable employment sites will be retained and provision will be made for housing within Sevenoaks Urban Area.

- 25 This site is within the built confines of Sevenoaks, and as such, there is a presumption in favour of development. The development of this windfall site would make a welcome, small, contribution to the housing provision within the district; however it is not critical to the delivery of the Core Strategy's current housing targets. The broad location of development is accepted in an established residential suburb within the built confines of Sevenoaks, and supported by the necessary infrastructure.
- 26 The National Planning Policy Framework (NPPF) removed gardens from the definition of 'previously developed land', as cited earlier. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude such land from being developed, provided such development is in a suitable location and relates well to its surroundings.
- 27 This is broadly consistent with Policies LO1, LO2, SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.
- 28 Policy SP7 of the Core Strategy is relevant to density and states that all new housing will be developed at a density consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration new residential development will be expected to achieve a density of 40 dwellings per hectare (dph). Without prejudice to an assessment of the development against relevant design policies the proposal would not represent overdevelopment of the land with an approx. 50dph being proposed. This would represent the efficient use of land as cited in paragraph 124 of the NPPF.
- 29 It is recognised that the site is located within the built confines of Sevenoaks and it is clear that development plan policies seek to maximise the potential of such sites. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt. However, the Council does not have a policy which resists the development of residential gardens. Instead, it is considered sufficient to rely on an assessment of development on the basis of its location - within the built confines - and its context - whether it accords with the criteria in other policies relating to appearance and impact.

#### **Impact on the character and appearance of the area**

- 30 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 of the ADMP state that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

- 31 The site falls within the Wickenden Road (C08) of the Residential Character Area Assessment SPD. This states that Wickenden Road comprises 1930-1950's residential development with housing houses set back from the road on a relatively regular building line. Locally distinctive positive features are identified as houses that are set back from the road along a relatively regular building line with trees and boundary hedges. Design guidance for the area states that some infill development and redevelopment has occurred in this character area; in proposing new development within Wickenden Road development should be set back from the road and respect the relatively regular building line, use of harmonious materials, mature trees and hedge, or wall and hedge, boundaries which contribute to the character of the area should be retained.
- 32 The architectural styles of houses within the road are of various repeated designs that conform to a regular building line, set back from the road and notable that other properties have been extended, especially to their sides. Several of these additions comprise new dwellings.
- 33 The site forms part a row of dwellings that front onto the eastern side of Wickenden Road that occupy modest sized plots with generous front and rear gardens, with many properties having being extended at their sides, either enlarging the property or the creation of a new dwelling. The general pattern of development is close-knit, with dwellings fronting the highway and in particular, the development to the eastern side conforming to a regular building line.
- 34 It should be noted that in the previous dismissed planning appeal the Planning Inspector stated:
- “The appeal sites are sections of the rear gardens of Nos 49 and 51, a pair of semis. On each site it is proposed to provide a small detached dwelling with a rear garden and two parking spaces in a tandem arrangement to the side. Although the houses would not have front gardens, they would introduce an active street frontage to Littlewood. There would be some loss of spaciousness at the rear of the Nos 49 and 51, but this would not be visually apparent from anywhere other than the immediate surroundings. As the parking area on the opposite side of Littlewood is open, the introduction of the dwellings would not result in the cul-de-sac feeling unduly enclosed. I consider that, if considered together, these aspects of the schemes would be acceptable.”***
- 35 In light of the above, the Planning Inspector accepts the principle of the development and its spatial visual impact. Significant weight has to be given to this in its consideration.
- 36 This proposal has now addressed the principle concerns of the Inspector whereby the design of the dwellings has been addressed. The overall appearance of the pair of semi, appear more proportionate in scale and with the surrounding development being semi-detached and short terraced dwellings being the predominant building form within the surrounding area.
- 37 Despite the objections raised by third parties and Town Council, weight is given to the previous Inspectors findings in relation to the impact of the



development upon the surrounding area and as now the design has been amended to reflect the built form of the surrounding area, the development would accord with Policy EN1 of the ADMP.

### Impact upon residential amenity

- 38 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development, while ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties and occupants of future developments.
- 39 In terms of loss of privacy to surrounding properties, the first floor windows to the rear elevation of the dwellings are proposed to be obscure glazed and that they only serve non habitable spaces being a landing areas and bathrooms of each property. As such, by securing the obscure glazing to these windows, this would ensure that the privacy of the neighbouring properties to the rear of the site is protected. As such a reason to object on this basis is unjustified despite the objections raised.
- 40 In respect to the other properties surrounding the development, the windows from development would have oblique views into the rear and at times would be partially obscured by existing/retained boundary treatments for properties on Hillingdon Rise and Little Wood. Again, the impact upon these properties would not be significant to justify a reason for refusal.
- 41 In terms of loss of light and overshadowing, the development would not cause a loss of light to the rear windows of 49 - 51 Wickenden Road due to the separation distance involved (being greater than 20 metres) and that the rear of those properties are east facing. It is acknowledged that overshadowing would occur into the part of the rear gardens of those properties, but harm caused by this would is not significant to sustain a reason to object.
- 42 In respect to the outlook, from the properties to the rear of the site that front onto Wickenden Road, the proposed development would be sited greater than 20m from the rear of the those properties and as it's a suburban location, normally views of other built form is expected. In addition to this, the separation distances between dwellings would be in accordance with National Design Guidance.
- 43 The use of the land for residential purposes would not cause significant levels of noise and disturbance to adjoining properties, due to the separation distances involved and the parking areas that serve to the new dwelling are location to their flanks.
- 44 Overall, it is considered that the proposed new dwellings would not affect the amenities of other properties despite the concerns raised by third parties, no loss of light or adverse overshadowing, overlooking issues would occur. Upon considering the above, the development would not harm the amenities of adjacent neighbouring properties in accordance with Policy EN2 of the ADMP.

## Highways

- 45 The Policy T2 of the ADMP requires parking to be provided for residential developments in accordance with KCC parking standards. This is contained in Appendix 2 of the ADMP. It states that a two bedroom unit located in a suburban location should provide 2 independently accessible spaces per unit. Policy T2 states the Local Planning Authority may depart from the maximum or minimum standards in order to take into account of specific local circumstances.
- 46 This proposed development would provide 2 parking accessible off street parking spaces for each of the proposed dwelling in a tandem arrangement. The required amount of off-street parking offered on site for a two bedroom property in this urban location, close to a range of good public transport provision and access to services and would therefore meet the vehicle parking provision standards and conforms to policy T2 of the ADMP.
- 47 The development would likely to generate at addition of 6-8 vehicle movements per dwelling, this alone would not be sufficient to justify a reason to object.
- 48 Policy T3 seeks to ensure provision of new charging facilities to be provided within new residential development for electric cars. This can be secured by imposing an appropriate condition.

## Other issues

- 49 The Town Council wishes the application to be refused and have been considered as part of the determination of this application and where appropriate, have been addressed in the above paragraphs, where relevant.
- 50 The site is not subject to any statutory nature conservation designations, nor does it contain any priority habitats. One representation has commented on that slowworms can be found in the vicinity of the site and that rear of the site is used as a 'green corridor'. Evidence has been brought forward to suggest that there is, however the rear of No.49 is well manicured garden with limited planting to the rear of the site, it is more than probable that slow worms are not present within this part of the site. Furthermore, the existing scrub/small trees have once stood to the rear of nos. 49-51 have been removed and the damaged to any existing habitat has already been done. That said, slow worms are also subject to legal protection such that, in the event that they were discovered within the site, works would cease and it would be necessary to obtain a licence from Natural England. This process would secure any further mitigation which may be required. Overall, it is not considered that the proposal would result in significant harm to biodiversity as the rear of the site has already been cleared. Even though this is disappointing, further biodiversity enhancements and landscaping can be secured by a condition to ensure that the value of the site is enhanced in accordance with Policy SP11 of the Core Strategy.
- 51 To protect the existing amenities of adjacent dwellings, it would be reasonable and necessary to remove certain permitted development rights from the new properties should planning permission be forthcoming.

- 52 A third party representation has raised a concern that the development would set a precedent for further development, however it's the Councils statutory duty to consider each proposal on its own individual merits taking account of the particular circumstances of each case.

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

- 53 This proposal is not CIL liable.

### **Conclusion**

- 54 It is recognised that the Council is unable to demonstrate a 5-year supply of deliverable housing sites as at present the Council has a supply of only 2.9 years. Consequently, paragraph 11 d) of the National Planning Policy Framework is engaged.
- 55 Regard has been given as to whether this proposal would constitute as sustainable development and there is a presumption in favour of it. The development proposed would provide good access to national rail links; achieve the re-use of previously developed land within the settlement boundary; make a contribution towards the support for windfall sites and responds to the fact that that a high proportion of the council's area is covered by Area of Outstanding Natural Beauty or the Green Belt. There would also be some limited economic benefit in providing an extra housing units and some, during its construction. The dwellings would also provide a small but valuable contribution to the supply of housing in Sevenoaks District.
- 56 Taking everything into account, it is considered that some identified harm would be caused by granting permission, would not significantly and demonstrably outweigh the benefits. As a result paragraph 11(d) of the NPPF indicates that planning permission should be granted.

### **Recommendation**

- 57 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:](#)



BLOCK PLAN

