

4.2 21/03403/HOUSE

Date expired 7 December 2021

Proposal:

Two-storey side extension and a glazed link to a car port with room in the roof space.

Location:

Edenwood, Swan Lane, Edenbridge KENT TN8 6AT

Ward(s):

Edenbridge North & East

### Item for decision

This application has been called to Committee by Councillor McGregor for the following planning reasons that are broadly in line with the Town Council's reasons for objection:

- 1) The application design does not fit with the Character Area Assessment (March 2021) which refers to maintaining the character of existing properties, and retain or enhance the countryside character.
- 2) The proposal of the application is overbearing and not compatible with the local area. This is in breach of the policies set out in EN1.
- 3) The proximity with its neighbours will infringe of their privacy and is also in breach of policy EN2 - overlooking and visual intrusion to neighbouring properties and if built it would result in an unacceptable loss of privacy to occupiers of nearby properties.
- 4) Drainage issues - there is already problems, and no soakaway. The Plans also show development directly over the current manhole.
- 5) The large proportion of glass is out of character and intrusive to neighbouring properties.
- 6) The existing trees are substantial and there is nothing to mitigate potential root damage or ecological impact.

**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 development shall be those indicated on the approved application form dated 12 October 2021, and materials referred to on page 17 of the Design & Access Statement dated October 2021.

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 approved shall be implemented in accordance with the Arboricultural Recommendations and Method Statement outlined within the Arboricultural Impact Assessment and Method Statement by Canopy Consultancy dated September 2021 and in accordance with drawings SK100 Rev P2 Car Port Foundation Proposals and 21-1239-TPP Tree Protection Plan.

To protect the trees under woodland Tree Preservation Order on site, in the interests of the visual amenity of the area, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) No external lighting shall be installed on the land until such details have been submitted to and approved by the Council. Any proposed lighting shall be designed in accordance with guidelines from the Bat Conservation Trust "Bats and Lighting in the UK". The installation of external lighting shall only be carried out in accordance with the approved details.

In the interests of preserving biodiversity, in accordance with Policy SP11 of the Sevenoaks Core Strategy.

5) The development hereby approved shall be implemented in accordance with the following approved plans: E001 Site Location Plan, P150 Proposed Site Plan , P200 Rev P4 Proposed Floor Plans, P450 Proposed Elevations, SK100 Rev P2 Car Port Foundation Proposals, 21-1239-TPP Tree Protection Plan.

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

### **Informatives**

1) The applicant is advised that this permission in no way purports to grant permission for any other amendments to the house which do not accord with permission 15/03069/FUL and which are not specifically referred to in the description of works to which this application relates. The applicant is advised that any such amendments should be formalised through the submission of a separate application for planning permission, as necessary.

### **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 site is a backland development on a triangular parcel of land along the south side of Swan Lane.
- 2 The site is located within the built confines of Edenbridge, within a residential area, and is bound by residential housing on all sides.
- 3 The site contains a detached three-bedroom house in a chalet-style with a parking area to its front. The house has decking to the rear and a side and rear garden which benefits from mature and semi-mature trees along its side and rear boundaries. The trees on site are under a woodland Tree Preservation Order.
- 4 The site is accessed along the south side of Swan Lane, via a driveway between two neighbouring houses which front Swan Lane, called Edelweiss and Amberwood. The site was historically part of the rear gardens of both these neighbouring sites.

## Description of proposal

- 5 This application seeks permission to erect a two-storey side extension along the east-facing side of the house. The existing rear decking would be extended to link to the side extension.
- 6 It is also proposed to erect a carport to the north east of the house, with first floor habitable space (a bathroom) and two rooflights which traverse the ridgeline of the roof, as well as side facing windows on a catslide dormer.
- 7 A glazed walkway at first floor level would link the first floor of the carport to the first floor of the two-storey side extension. A single-storey store would be sited to the east of the carport.

## Relevant planning history

- 8 Initial permission for a detached house on site and for a single-storey carport was granted in 2013.
- 9 The house was built in a slightly different position to that approved (sitting further forward by 1.2m and further back by 1m) with an orangery to the southeast corner to square off the footprint of the house and slight elevation and glazing differences, including the addition of rear decking. The carport was also proposed to be brought further forward into the site, away from the eastern boundary of the site and further from an oak tree under TPO. These variations to the house were regularised under planning application 15/03069/FUL.
- 10 The carport has not been built out on site but extant permission remains to build out the single-storey carport granted under application 15/03069/FUL and the carport could still be built out as a result.
- 11 The relevant planning history for the site is detailed below.

- 12 04/02556/FUL - Detached house and garage. Refusal and appeal dismissed reference: 05/00006/RFPLN) in 2005.
- 13 13/01437/FUL - Erection of a detached chalet style house, and detached carport with creation of access/driveway. Granted in 2014. Various conditions discharged, partly discharged or refused.
- 14 15/03069/FUL - Erection of a detached chalet style house and detached carport with creation of access/driveway and area of decking to rear (dwelling already built). Granted in 2016. All pre-commencement and prior to occupation conditions were discharged. This included granting further works to trees on site under details application 16/03782/DETAIL and removing a concrete slab which had been incorrectly laid for a carport (16/03776/DETAIL).

### Policies

- 15 National Planning Policy Framework (NPPF)
- 16 Core Strategy (CS)
  - L01 Distribution of Development
  - SP1 Design of Development and Conservation
  - SP11 Biodiversity
- 17 Allocations and Development Management Plan (ADMP)
  - EN1 Design Principles
  - EN2 Amenity Protection
  - T2 Vehicle Parking
- 18 Other:
  - Sevenoaks Residential Extensions Supplementary Planning Document (Residential Extensions SPD)
  - Edenbridge Character Area Assessment SPD (ECAA) - reference code E1.4 Swan Lane and Pit Lane

### Constraints

- 19 The following constraints apply:
  - Urban confines of Edenbridge
  - Swan Lane and Pit Lane Edenbridge Character Area
  - Tree Preservation Order - woodland area comprising mainly oak species
  - Section 106 - Affordable housing contribution related to permission 13/01437/FUL.

## Consultations

20 Edenbridge Town Council - Object

21 Members strongly object to this application as follows:

1. The application design does not fit with the Character Area Assessment (March 2021) which refers to maintaining the character of existing properties, and retain or enhance the countryside character.
2. The proposal of the application is overbearing and not compatible with the local area. This is in breach of the policies set out in EN1.
3. The proximity with its neighbours will infringe of their privacy and is also in breach of policy EN2 - overlooking and visual intrusion to neighbouring properties and if built it would result in an unacceptable loss of privacy to occupiers of nearby properties.
4. Drainage issues - there is already problems, and no soakaway. The Plans also show development directly over the current manhole.
5. The carport was built in wrong location when the original permission was granted.
6. The large proportion of glass is out of character and intrusive to neighbouring properties
7. The existing trees are substantial and there is nothing to mitigate potential root damage or ecological damage

22 Arboriculture and Landscape Officer - No Objection

23 I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations: I can inform you that there are protected trees situated at this site.

24 The whole site is covered by a woodland order (TPO 40 of 2003). It is not situated within a conservation area. I have read the arboricultural report provided by Canopy Consultancy.

25 Providing the recommendations within the report are followed, I have no objection to the proposed development.

## Representations

26 Representations from seven third parties have been received which object to the proposed development on the following grounds:

- Impact on the character of the area
- Impact to neighbouring amenity (outlook/visual intrusion, overlooking/privacy)
- Impact to trees/wildlife
- Sustainable construction
- Site drainage
- Historic planning breaches on site

## Chief Planning Officer's appraisal

- 27 Policy SP1, in line with the paragraph 11 of the National Planning Policy Framework, highlights there is a presumption in favour of Sustainable Development and planning applications which accord with the policies in a Local Plan should be approved without delay, unless material considerations indicate otherwise.
- 28 The material planning consideration in this instance are as follows:
- Impact on the character of the area, including trees under Tree Preservation Order
  - Impact on the amenity of occupants and neighbours of the development

### Impact on the character of the area, including trees under Tree Preservation Order

- 29 The site is located within the built confines of Edenbridge, and Policy LO1 of the Core Strategy directs development to be focused within the built confines of existing settlements. It states that Edenbridge will be a location for development of a scale and nature consistent with the needs of the town.
- 30 Policy SP1 of the local plan 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, informed by local character area assessments.
- 31 Policy EN1 states the form of a development should be compatible with the scale, height, materials and site coverage of an area. The layout of the development should also respect the topography and character of the site and maintain important natural features such as trees.
- 32 Impact on character of the area:
- 33 Concern has been expressed by the Town Council and third parties, that the design of the proposed development does not fit with the character of the area, as highlighted within the Edenbridge Character Area Assessment (ECAA). This is assessed below.
- 34 In identifying the distinctive local character of the area, the site is situated within the Swan Lane and Pit Lane Character Area. This area is described within the Edenbridge Character Area Assessment (ECAA) as being of a varied character with a mixture of housing types, ages and piecemeal development ranging from the 19<sup>th</sup> century to more recent infill and housing located as back developments.
- 35 The site constitutes a back development along Swan Lane and is therefore typical of more recent housing patterns across the area.
- 36 The ECAA further states that the set back of existing buildings and sense of enclosure should be respected across the character area.

- 37 With regards to this - and as acknowledged in historic planning consents for the site - the site occupies a backland plot, with the existing house on site set back some 68 metres from the road frontage and screened in long-range views by existing residential dwellings which front the surrounding roads in a square formation.
- 38 The rear gardens of these frontage dwellings back onto one another, leaving the triangular land plot of the site surrounded by housing on all boundaries so that direct views of the house from the public realm are restricted to a view between two houses which front Swan Lane (Amberwood and Edelweiss), where the site access is provided. As such the existing house maintains a discreet position within the street scene where the majority of built form is screened from public view.
- 39 The two-storey side extension to the house would maintain the same set-back as that of the existing house (some 68 metres from the road) whilst the carport with first floor living space, and single-storey store which sits adjacent to the carport, would also remain at a significant set back from the road (at some 58 metres).
- 40 The carport, store and two-storey extension would be situated on the east side of the land plot and as such would be largely screened by the neighbouring dwelling called Edelweiss, which fronts Swan Lane.
- 41 In addition to the siting of the proposed development, the ridge heights of both the two-storey side extension and carport, would remain set-down from the ridgeline of the main house on site, whilst the siting of the carport would be read against the backdrop of built form from the house. As a result, the proposed development would not appear unduly bulky nor prominent and would maintain a discreet visual change in views from the public realm, respecting the existing form and scale of development visible across the area.
- 42 As such I consider the siting of the development to respect the existing set-back and sense of enclosure afforded to the site, in accordance with the design guidance set out in the ECAA, and to duly conserve the existing street scene and wider public realm.
- 43 Impact on trees and wildlife:
- 44 The sense of enclosure afforded to the site is also assisted by the range of mature and semi-mature trees on site. The ECAA states that mature trees which contribute to the character of the Swan Lane and Pit Lane area should be retained or reinstated. Policy SP11 further seeks to protect the existing biodiversity sites.
- 45 A woodland Tree Preservation Order (TPO) covers the site and the mature trees on site (predominantly oak species) provide an important backdrop to built form across the residential area, softening its appearance.
- 46 Planning history confirms a number of tree applications have been considered by the Council on the site to ensure the retention of the trees

under TPO, or the reinstatement of trees on site where retention has not been possible.

- 47 The applicants have provided an arboricultural impact assessment and method statement, undertaken by Canopy Consultancy, to British Standard (BS) 5837:2012.
- 48 This assessment measured the extent of tree canopy on site as of May 2021 and determined the extent and depth of rooting activity from the adjacent trees via an exploratory trench. Details of the trees surveyed are provided in TPP drawing 21-1239-TPP.
- 49 The arboricultural impact assessment concluded, via an exploratory trench, that no roots were found along the east section of the house and the build out of the two-storey side extension consequently would have no impact on the root activity of nearby trees.
- 50 The carport would be sited further to the east than the previously approved carports on site, in closer proximity to an Oak tree. A method statement has been provided within the report by Canopy Consultancy to confirm that the carport is to be sited on pad foundations with a concrete slab cast on top of the existing ground level to spread the load of the structure and mitigate impacts to nearby tree roots.
- 51 It further concluded one tree group (a Leyland Cypress referred to as G1 tree group/hedge on drawing 21-1239-TPP) is to be removed from the site to the north east of the site. This tree group (hedgerow) is of low maturity and low amenity value and provides informal hedging to the east boundary of the site at present.
- 52 The store is to be cast on top of the existing ground level and requires no excavation. The surrounding oak trees under TPO (trees T1-T5 on drawing 21-1239-TPP) are to be pruned prior to the construction of the development and/or protected via a tree protection barrier which is outlined on drawing 21-1239-TPP.
- 53 The Sevenoaks Arboriculture Officer has reviewed the construction and protection methods outlined within the report and has raised no objection to the proposed works, provided the methods as outlined within the arboricultural impact assessment and method statement, and within the drawing outlining the carport foundation proposals, are followed.
- 54 As such, it is considered that nearby trees of high amenity value can be protected by the development, subject to a planning condition to ensure the means of demolition and construction on site follow the arboricultural methods outlined above. There is no objection to the removal of the Leylandii (Leyland Cypress) which is of low amenity value to the site.
- 55 It is further noted in the planning history for the site that permission has been removed for any external lighting in association with the house and carport to mitigate disturbance to bats with potential to utilise the woodland environment of the site. Pressure to erect lighting may also occur in relation to the proposed development, which incorporates a glazed



walkway to a first floor bathroom above the carport. As such, this lighting restriction can be secured in relation to the current development proposed, to ensure bat populations utilising the site are duly safeguarded, in accordance with Policy SP11 of the Core Strategy.

- 56 Design of the development and impact on site character:
- 57 With regards to the design of the two storey side extension, the Residential Extensions SPD states a side extension should not dominate the original building. To assist this, a side extension should be set back from the front elevation of the original house and introduce a lower roof.
- 58 The proposed side extension is of a lower ridge height than the original house on site and would remain set-back from the front elevation of the house to reduce its massing. In addition to its subservient height, the extension would have both a subservient width and depth to that of the original house and occupy a modest footprint on the site, with a steeply pitched roof profile and gable-end design to respond to the existing form and roof pitches of the house. The proposed glazing and rear dormer of the extension would also be proportionate to the glazing, which already exists on the original house, and materials are stated to match that of the original house.
- 59 As a result, the proposed two-storey side extension would accord with the Residential Extensions SPD and would conserve the character of the existing house and site, as well as remain compatible with the appearance of development across the wider area.
- 60 With regards to the proposed carport and glazed first floor link, the Residential Extensions SPD states that outbuildings should be smaller in scale and clearly ancillary to the property, and should fit unobtrusively with the building and surrounding garden space and street scene.
- 61 A detached single-storey carport was approved in a similar position to the north east of the site under planning permissions 13/01437/FUL and 15/03069 and extant permission remains to build out this structure.
- 62 The design of the present carport is of a smaller footprint than the extant design, but would be of two storeys, remaining an open structure at ground floor level and with an enclosed first floor space. Although of two storeys, both the ridge height and footprint of the carport would remain both subservient and proportionate to the height and footprint of the existing house which is a two-storey three-bedroom dwelling.
- 63 The visual separation of the carport from the house would also reinforce its ancillary nature and the house would remain the dominant built form onsite. As such the carport is not considered to be of a dominant massing nor feature within its setting and would remain subservient to the main house on site.
- 64 The carport is proposed to be constructed in timber with a timber clad first floor level and glazing to present a contemporary addition to the house, whilst utilising materials typically associated with ancillary residential

structures. As a result, the visual appearance of the carport would conserve the existing visual appearance of built form on site and remain responsive to the woodland setting of the site.

- 65 The proposed single-storey store to sit adjacent to the carport would also remain clearly ancillary to the scale and form of the main house on site.
- 66 The Town Council and third party representations have expressed concern over the large proportion of glass proposed within the design of the development. The existing chalet-style house on site utilises large extents of glazing including a sheer panel of glazing to the front-facing gable to the house, which provides the entrance to the house.
- 67 As such, the glazing is considered to be visually in keeping and to directly reference the existing character and appearance of the house on site.
- 68 Conclusions on design considerations
- 69 In summary, the proposal is considered to be of a responsive and subservient scale and form to the main house, sited to retain and protect important trees on site, and detailed to remain of an appearance with responds to the architectural design of the main house, as well as to maintain a discreet bulk and form within the context of the wider Swan Lane and Pit Lane character area and street scene.
- 70 As a result, the proposal is considered to comply with the design guidance outlined in the ECAA and Residential Extensions SPD and to duly respect the existing visual appearance and scale of built form across the area, conserving the visual amenity of the area as a whole. The proposal is therefore considered to remain in accordance with Policy SP1 of the Core Strategy and Policy EN1 of the ADMP.
- 71 This is subject to a condition to ensure the trees on site are protected in line with the arboricultural method statement and tree protection plan provided, and to ensure an external lighting condition is applied to avoid disturbance to bats with potential to utilise the site.

#### **Impact on the amenity of occupants and neighbours of the development**

- 72 Policy EN2 of the ADMP states that development should safeguard the amenities of existing and future occupants of a development and of nearby properties.
- 73 Development should not subject residents to excessive noise, vibration, odour, overlooking (unacceptable loss of privacy), visual intrusion (loss of outlook) nor loss of light.
- 74 The Town Council and third party representations have raised concern that the proposed works would be overbearing and visually intrusive to surrounding neighbours, and result in an unacceptable loss of privacy to neighbouring sites.
- 75 The proposed carport and two-storey side extension to the house would be sited a significant separation distance from the rear of nearby dwellings.

- 76 The closest neighbouring sites are Coppins (30m), Briador (32m) and The Gables (33m) which front Crown Road. Significant separation distances are also maintained between the closet neighbours fronting Swan Lane (Edelweiss at approx. 34m and Amberwood at approx. 35m). All other surrounding neighbours fronting roads to the south of the site (Ridgeway) and to the west of the site (Swan Ridge) maintain distances in excess of 40-60m.
- 77 As a result of these separation distances it is not considered that the proposed development would be of a proximity to result in a material loss of privacy to neighbours, nor be of a distance to result in overbearing development or visual intrusion to neighbouring outlook.
- 78 These separation distances would also preserve all light received (daylight and sunlight) to neighbouring amenity space which can be protected under local policy EN2 (this constitutes habitable rooms and the external space 5m to the rear of a dwelling).
- 79 Development in excess of 21 metres is normally accepted to be a suitable separation distance to protect neighbouring amenity and a degree of overlooking is expected between residential land uses within the built confines of settlements. National design guidance enables closer back-to-back developments within built settlements.
- 80 The proposed development would be sited in excess of 25 metres from the protected 5m to the rear of the nearest neighbouring dwellings (Coppins).
- 81 As such, due regard is given to the NPPF (paragraph 56) which states planning conditions should be kept to a minimum and only imposed where they are necessary and reasonable. In this instance, given the separation distance between the development and neighbours, planning conditions are not deemed necessary nor reasonable to apply and the existing distance is considered to safeguard the existing amenities of neighbours and to remain in accordance with Policy EN2 of the Sevenoaks ADMP.
- 82 In reference to the above, it is noted that third party representations, and the response to these representations by the applicant, has referenced additional privacy afforded from the trees on site. A site visit (undertaken when the deciduous trees have reduced foliage) confirms the crown height and canopy height of trees along the east boundary of the site would provide minimal screening of the development. That being said, it is not considered reasonable nor necessary to secure additional screening as a result of the separation distances considered above.
- 83 For the above reasons, the development is considered to be in accordance with policy EN2 of the ADMP.

#### Other issues

- 84 Parking and highways safety:
- 85 Existing parking provision for two independently accessible vehicles would be safeguarded by the proposal and the siting of the carport and extensions

would safeguard adequate turning for vehicles within the site. As a result the development would not prejudice existing highways safety conditions and would remain in accordance with policies EN1 and T2 of the ADMP.

86 Variation to plans:

87 The current dormers to the house are marginally smaller (shorter and narrower) than those previously approved under 15/03069/FUL. In addition, some of the fenestration has been altered (glazing bars are removed on the rear fenestration and rooflights have increased on the rear roof plane of the house). The rear decking to the house has been extended to the southwest of the house and sites a small shed. A shed also exists in the northeast corner of the site (and is proposed to be removed to site the store within this planning application).

88 These works do not form part of the planning assessment and only the side extension, carport and small store are considered within this planning assessment. This can be raised to the attention of the applicants via an informative on the decision notice for this application.

89 Additional third party representations:

90 In addition to the matters raised by third parties, which have been considered above, a number of objections have also been raised in relation to the following topics:

91 Sustainable construction

92 With regards to sustainable construction, the proposed developments are of an ancillary scale to the main house on site and are not considered to involve constructions methods which are out of the ordinary with the nature of development taking place. The arboricultural report submitted has detailed how the development would ensure the sustainability of the trees on site which are important to the ecology and visual amenity of the area and it is not considered that the construction would harm the local character of the site and wider public realm. The sustainability of the construction is further considered outside of the planning process (via Building Regulations) to ensure development does not result in an unsustainable impact on the natural environment.

93 Site drainage

94 With regards to site drainage, an informative on planning consent 13/01437/FUL alerted the applicant to their duties with regards to liaison with Southern Water for connection to the public sewerage network and to liaise with Building Control officers or the Environment Agency in relation to the provision of a soakaway to dispose of surface water from the proposed development.

95 This matter is a localised drainage issue (not considered within the planning assessment) as suitable safeguards were provided through historic permissions on site to avoid surface water runoff onto the highway and the site is not located within a sensitive flood zone (flood zone 1 and 2). That

being said, the applicants have confirmed that in line with the soakaway referred to in historic consent 18/03956/WTPO, a soakaway was installed on site and is in operation.

- 96 Historic planning breaches on site
- 97 Third party objection has been raised over historic planning breaches on the site. All historic planning breaches have been considered under historic planning assessments to mitigate or resolve harm caused through inappropriate or unlawful development. The variations on site at present (referenced above) do not form part of the consideration of this planning application.

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

- 98 The proposal is not CIL liable.

### **Conclusion**

- 99 The proposal is considered to respect the scale, siting, form and appearance of development, which characterises the Swan Lane and Pit Lane Character Area, and is considered to protect trees under TPO on site which provide an important contribution to the visual amenity of the area, subject to planning condition.
- 100 The significant separation distance of the development from surrounding neighbours is also considered to safeguard acceptable levels of residential amenity. Existing parking would be preserved on site and the ecology of the site would be protected, subject to a lighting condition.
- 101 It is therefore recommended that this application is **GRANTED** planning permission.

### **Background papers**

E001 Site Location Plan

E010 Rev P1 Existing Site Plan and Floor Plans

E011 Existing Elevations

P150 Proposed Site Plan

P200 Rev P4 Proposed Floor Plans

P450 Proposed Elevations

SK100 Rev P2 Car Port Foundation Proposals

Arboricultural Impact Assessment and Method Statement by Canopy Consultancy dated September 2021

21-1239-TPP Tree Protection Plan

Design & Access Statement dated October 2021

Planning Statement dated October 2021

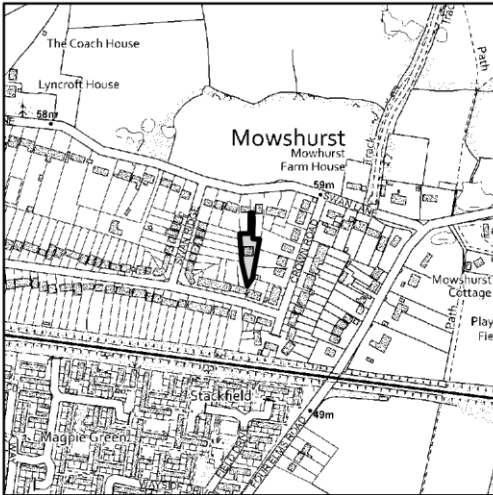
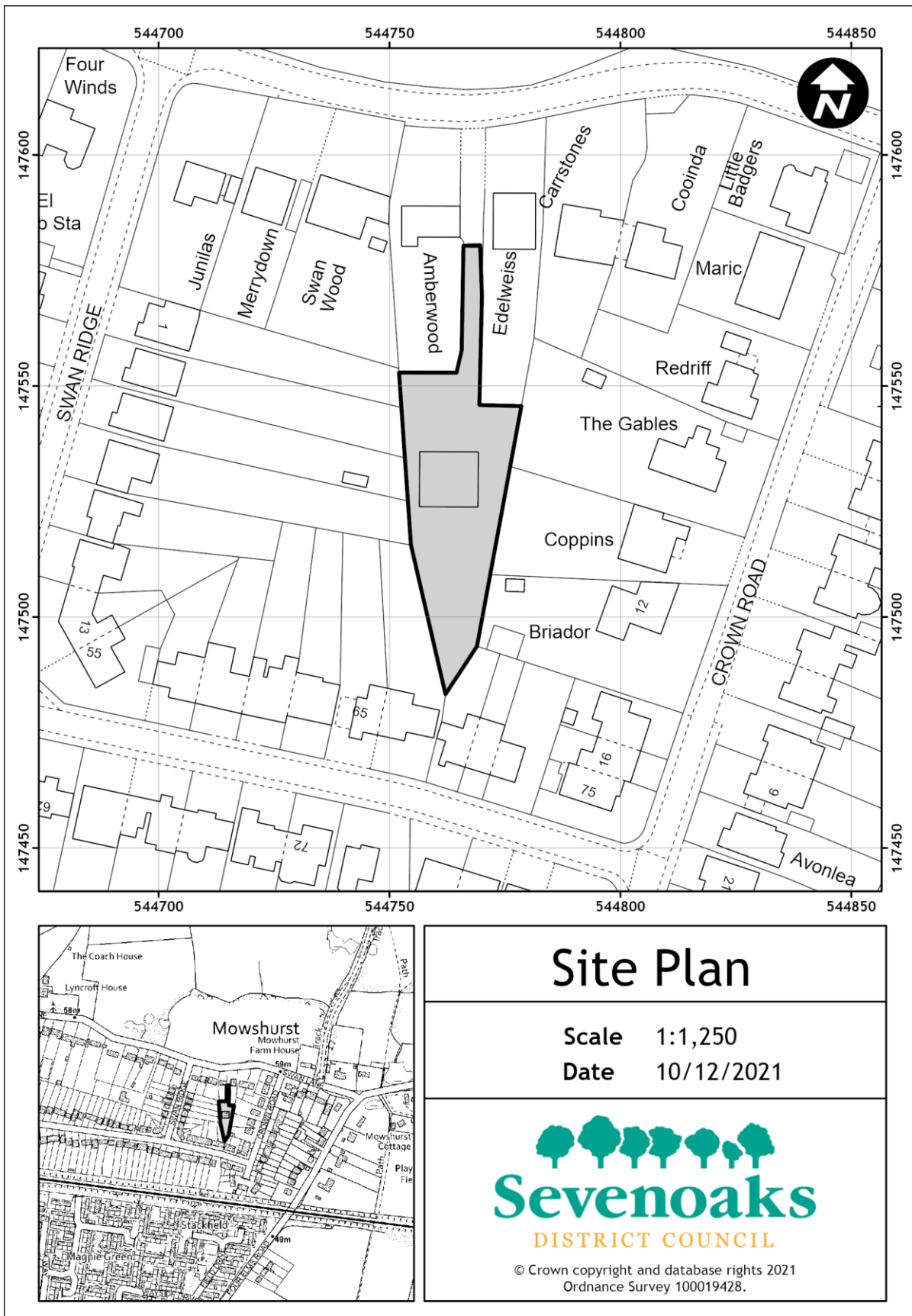
Contact Officer(s):

Samantha Simmons: 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

Scale 1:1,250  
Date 10/12/2021



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Ordnance Survey 100019428.

BLOCK PLAN

