

Householder planning application					
Application reference	20/03389/FUL	Officer	Charlotte Van De Wydeven	Report date	25.01.2021
Application site	Land East Of Pinewood, London Road, Swanley, Kent, BR8 7HA				
Description of proposal:					
Erection of a new dwelling with a parking space provided adjacent to Pinewood.					
Description of site:					
<p>The site is a rectangular plot approximately 200sqm in size and is located in a residential area within the northwest of the town of Swanley. The plot is bordered by Pinewood to the north-west, 34-36 Crescent Gardens to the southwest, 6 Lawn Close to the southeast, and London Road (B2173).</p> <p>The site perimeter boundary is demarked by a timber fence on all four sides. In terms of gradient, the site slopes down from its north-eastern boundary against London road, to the rear of the site by approx. 1.5 meters.</p>					
Relevant planning history:					
None					
Constraints:					
Source Protection Zone 3 Urban Confines of Swanley					
Policies:					
National Planning Policy Framework (NPPF)	<p>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.</p> <p>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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:</p> <ul style="list-style-type: none"> the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; 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. 				

Core Strategy	SP1 Design of New Development and Conservation L01 Distribution of Development SP1 Design of New Development and Conservation SP7 Density of New Housing L04 Development in Swanley
Allocations and Development Management Plan (ADMP)	EN1 Design Principles EN2 Amenity Protection T2 Vehicle Parking T3 Provision of Electrical Vehicle Charging Points
Other	<ul style="list-style-type: none"> • NPPF • Supplementary Planning Guidance - Residential Extensions

Representations		
	No.	Issues raised
Support		
Object	8	<ul style="list-style-type: none"> • Impact on highway safety • Insufficient parking • Siting and form of the proposed dwelling • Destruction of protected habitat • Overdevelopment of site • Loss of privacy • Loss of light • Overlooking • Noise
No comments received		

Consultations (x):							
Town/Parish Council	Support		Object	x	No Comment	x	Delegated Powers

'It is not acceptable that parking for this development should be within the boundary of another property'.

Other consultee	<p><u>KCC Highways and Transportation</u> No objection provided the following requirements are secured by condition or planning obligation:</p> <ul style="list-style-type: none"> • Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing. • All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). • Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved charge point model list:
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<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

- *Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing.*

Environmental Health

Comments and Observations as per the below;

- *Due to high levels of road traffic on London Road, we would suggest the applicant submits an assessment to demonstrate that noise is mitigated using guidance contained within BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.*
- *Due to the proximity of residential properties surrounding the proposed site the site working hours should be controlled to protect residential amenity. During the enabling, demolition and construction phase, the hours of working, including deliveries and collections to and from site, shall be restricted to:
Monday to Friday 08:00 - 18:00
Saturday 08:00 - 13:00
No work on Sundays or Public Holidays.*
- *There shall be no burning of waste materials on site during the demolition and construction period.*
- *In order to offset any air quality impacts associated with the development, the applicant should the provision of electrical vehicle charging infrastructure is to be incorporated into the development.*

Principal issues:

- **Principle of the development**
- **Impact on the character of the area**
- **Impact on neighbouring amenity**

Principle of the Development

The NPPF places an emphasis on development on previously developed land and it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings. Residential gardens outside built up areas' can be previously developed land. Land in built up areas such as private residential gardens is excluded from the definition of previously developed land (Annex 2 NPPF).

While the site forms part of the residential garden of Pinewood, this would not be considered previously developed land in accordance with the above guidance, Policy LO1 of the Core Strategy states that development will be focused within the built confines of existing settlements, with Swanley forming the secondary focus for development (Policy LO4 of the ADMP).

The proposals would provide for one new unit of accommodation in a sustainable location in Swanley. The provision of housing within the confines of Swanley is supported by policies LO1 and LO4 of the Core Strategy and the unit would contribute to the District's housing stock

which is welcome.

Therefore, as the site lies within the urban confines of Swanley, a sustainable location outside the Green Belt, it is considered that there may be potential to develop the site subject to preserving the character of the area and other material planning considerations as set out below.

Impact on the character of the area

The relevant policies relating to design and the character of the area are SP1 of the Core Strategy and EN1, T2, T3 of the ADMP. The Residential Extensions SPD is also applicable.

Issue	Complies(Y/N)	Reason
Street scene	Y	<p>The proposed dwelling would have an immediate impact on the street scene due to its location adjacent the London Road and that the development introduces built form on to a current vacant site.</p> <p>However, the dwelling would be sufficiently stepped back from the road ensuring the impact in limited.</p> <p>Due to the design and form of the proposed dwelling, there would also remain views (albeit limited) through the street scene and between the proposed dwelling and the existing adjacent built form. As such the relationship between existing built form and the street scene would not be detrimentally eroded as a result of the development.</p> <p>It is noted that the current view of the site from London Road is of fencing and concern would be raised if the site was opened up to views from this road. Accordingly, the fencing is proposed to be retained along this boundary.</p> <p>Notwithstanding concerns for the detailed design, the bulk and height of the proposal would not appear unduly prominent in the street scene.</p>
Design, form and proportions	N	<p>The proposed dwelling would not reflect the character of the immediate area, nor would respect the constraints of the site.</p> <p>The design and form of the proposed dwelling overwhelms the proposed plot. Whilst surrounding buildings are set comfortably within modest sized plots, the proposed dwelling sits</p>

		<p>close to the boundaries, especially to the north west, and south east. As such, the proposed dwelling appears cramped and results in overdevelopment of the site.</p> <p>This is supported further by Policy SP7 of the Core Strategy which focuses on the density of housing development. Within the urban area of Swanley, new residential development is expected to achieve a density of 40 dwellings per hectare. This scheme proposes a density above this, at 50, further compromising the overall character of the area.</p> <p>Taking into account all of the above, the proposal would fail to respect the local vernacular and relationships between existing built form, and as such, would detrimentally harm the character of the area, inconsistent with Policy SP1 and SP7 of the Core Strategy and Policy EN1 of the ADMP.</p>
Materials	Y	The proposed materials respond to the character of the area.
Parking/ refuse	N	<p>Policy T2 of the ADMP states that vehicle parking provision should be made in accordance with the current Kent County Council (KCC) vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide. The proposal requires 1 space, plus another 2 spaces (minimum) for the existing 5 - bedroom dwelling at Pinewood.</p> <p>Whilst the scheme meets the provisions in terms of number of spaces, it is not considered that the proposal provides for adequate parking provision that is enforceable or practical for future occupiers of the new development. The vehicle parking space for the new dwelling is to be provided on the driveway of the main dwelling known as Pinewood, reducing available parking for this property. In addition, it also precludes vehicle access to the existing garage of this property.</p> <p>In reality given the distance of the proposed parking space from the new dwelling and its location in front of the garage of a different property, this is unlikely to be practical for future occupiers of both dwellings. It is more</p>

		<p>likely that occupants of the new dwelling will park elsewhere on the highway. The applicant has not provided any reassurances about how this arrangement would work. The proposals are therefore likely to cause increased pressure for on street parking, contrary to EN1 and T2.</p> <p>Furthermore, the proposal does not provide for refuse facilities, also failing to meet EN1 of the ADMP, however this could be conditioned if the application were otherwise acceptable</p> <p>Policy T3 of the ADMP requires the provision of electric vehicle charging infrastructure. The provision of electrical vehicle charging infrastructure could be secured by appropriate condition.</p> <p>The proposal is not considered to be in line with Policy EN1, T2 of the ADMP.</p>
Other/ conclusion		In consequence, the proposal would fail to meet the requirements of Policies EN1, T2 of the ADMP.

Impact to neighbouring amenity		
Policy EN2 of the ADMP and our Residential Extensions SPD are relevant in the consideration of this application.		
Issue	Complies(Y/N)	Reason
Light	Y	The single storey nature of the dwelling and the distance between the properties would prevent any significant overbearing or overshadowing impacts to neighbouring properties or the host dwellings.
Privacy	N	<p>In reviewing the plans submitted the proposed dwelling would be located just over 10m from Pinewood. Due to the proposed dwelling comprising of a single storey flat roofed property it is unlikely that there would be an adverse impact in respect to overlooking or outlook upon Pinewood, or other neighbouring properties.</p> <p>Concern is raised in respect to overlooking from Pinewood and 34/36 Crescent Gardens of the proposed property and its rear private amenity space. It is not considered that the separation distance is unusual given the suburban character, where expectations of complete</p>

		<p>privacy are lower. It is also considered that this is a matter of personal choice for future occupiers as to whether this relationship affords sufficient privacy for their needs. However, due to the form and orientation, the proposed built form would not provide effective screening for the rear garden where expectations of privacy would be higher.</p> <p>As such, the relationship between the proposed dwelling and neighbouring, two storey dwellings, gives rise to significant overlooking and loss of privacy concerns to the future occupiers of the proposed dwelling.</p>
Amenity of occupiers	N	<p>In terms of the size of the proposed dwelling and the standard of accommodation provided, the Council does not have minimum room sizes for new developments. However, it is not considered that appropriate provision is made for outdoor private amenity space (proportionate to the size of the dwelling it would serve). Future occupants would not experience a good standard of amenity and the proposal would, on balance, fail to provide an acceptable environment for future occupants.</p>
Other/ conclusion		<p>In consequence, the proposal would meet the requirements of Policy EN2 of the ADMP.</p>

Other Issues			
Other issues?	No	Yes	<p><u>Biodiversity</u> The site appears to have been cleared and offers limited ecological value presently.</p> <p><u>Construction Noise</u> This is not a matter material to the consideration of planning permission but is controlled by other legislation. However, given the size of the site and its proximity to a number of residential properties I believe that it would be appropriate to require the submission of a construction management plan prior to the commencement of development. This would ensure that the developer takes into account all aspects of the works that have to potential to impact upon the occupants of neighbouring properties and would deal with each aspect appropriately. Further conditions were recommended by Environmental Health that could be applied to any granting of permission.</p>

				<u>Tilted Balance</u> As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. However, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assess against the national and local policies.
CIL liable(x)	No	Yes	x	No exemption has been sought.
Conclusion:				
<p>The proposal would not be an acceptable form of development and it would have a detrimental impact on the character of both the immediate, and surrounding area. Furthermore, the impact on residential amenity has been fully assessed and is, in these circumstances, considered to be detrimental to the amenity of the future occupiers of the dwelling. The scheme also fails to provide for adequate parking and refuse facilities. As a result, the proposal fails to comply with the relevant policies.</p> <p>As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. However, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the national and local policies.</p>				
Recommendation (x):				
Grant		Refuse	x	Reason for refusal:
Case Officer	Charlotte van de Wydeven		Date	25.01.2021
Manager/Principal	C Shearing		Date	25.01.2021