

4.1 17/03508/FUL

Date expired 29 December 2017

Proposal: Change of use of business premises (B1) to residential (C3) and erection of a first floor extension to accommodate 1no. flat.

Location: 3 Webbs Court, Buckhurst Lane, Sevenoaks TN13 1JN

Ward(s): Sevenoaks Town & St Johns

#### **Item for decision**

This application is referred to the Development Control Committee at the request of Councillors Clack and Raikes who have concerns regarding the impact of the development on residential amenity of 41 Buckhurst Avenue.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15\_01A\_01 Revision B, 15\_01A\_09 Revision D, 15\_01A\_10 Revision D, 15\_01A\_11 Revision D, 15\_01A\_12 Revision D and 15\_01A\_13 Revision D.

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

3) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the first floor extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

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

4) No development shall be carried out on the land until a detailed method statement of any works affecting the wall forming the southern boundary of the site have been submitted to and approved in writing by the local planning authority. The method statement should ensure minimal intervention to the wall and should also ensure the long term retention of the wall.

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.

5) The north facing ground floor windows proposed to serve the two bedrooms

of Apartment 1 shall be obscure glazed and fixed shut at all times unless above 1.7m measured from internal floor level.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

6) The existing street sign, found on the west facing gable end of the existing building, shall be retained as part of the west facing elevation of the approved development.

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.

7) No surface water from the development shall be discharged onto the adjacent public right of way.

To ensure that surface water is appropriately drained from the site in accordance with the National Planning Policy Framework.

### **Informatives**

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

2) The applicant should be aware that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should contact Kent County Council before commencing any works that may affect the Public Right of Way.

### **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 Buckhurst Lane area was built in the late Victorian period close to the centre of town to house local workers. The area is characterised by narrow streets, lined with two storey terraced houses sited, on a regular building line to the back edge of pavement or behind shallow front gardens, which give a strong sense of enclosure. Commercial premises are part of the mixed use character of buildings within the area.

- 2      3 Webbs Court is one such commercial premises, which forms a small courtyard around the front entrance to the adjacent commercial properties. The property lies directly adjacent to residential properties to the north.

### **Description of proposal**

- 3      The application seeks the change of use of the existing building from office to a residential unit and the erection of a first floor addition to the building to provide a second residential unit.
- 4      The first floor addition would extend along most of the building, but would stop 2.75m from the eastern end of the building.
- 5      The development would have a modern appearance in terms of its design but would be finished in facing brickwork and a slate roof to match the existing building.

### **Relevant planning history**

- 6      15/02695/PAC - Prior notification for a change of use from offices to a single residential dwelling. This application is made under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior approval not required.
- 17/02271/FUL - Change of Use of Business Premises (B1) to Residential (C3) and First Floor Extension to Accommodate 1no. Flat - Withdrawn.

### **Policies**

- 7      National Planning Policy Framework

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.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

## 8 Core Strategy

- LO1 Distribution of Development
- LO2 Development in Sevenoaks Urban Area
- SP1 Design of New Development and Conservation
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP8 Economic Development and Land for Business

## 9 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EMP5 Non Allocated Employment Sites
- T2 Vehicle Parking

## 10 Other

- Sevenoaks High Street Conservation Area Appraisal
- Sevenoaks Residential Character Area Assessment (SRCAA) Supplementary Planning Document (SPD)

## Constraints

### 11 The site lies within:

- The built urban confines of Sevenoaks
- A Source Protection Zone
- The wall facing on to Akehurst Lane is locally listed and is adjacent to a public right of way.
- The boundary to the High Street Conservation Area lies to the west of the site.

## Consultations

Sevenoaks Town Council - 10.07.18

### 12 “Sevenoaks Town Council recommended refusal as:

The first floor extension would have an overbearing and dominating impact on the garden of 41 Buckhurst Avenue, windows would overlook the garden leading to a loss of privacy

The ground floor windows on the northern boundary would look directly into the garden of 41 Buckhurst Avenue leading to an unacceptable loss of privacy.

Informative: The Town Council may be more sympathetic to an application which did not include ground floor windows looking into the garden of 41 Buckhurst Avenue, and which brought the first floor

extension back in line with 41 Buckhurst Avenue's boundary line."

County Highways Engineer - 08.11.17

- 13 "Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration."

County Public Rights of Way Officer - 14.11.17

- 14 Objection raised due to the impact on the amenities of the users of the public right of way.

Business & Economic Development - 08.11.17

- 15 "I have no comments to make on the application."

### **Representations**

- 16 We received five letters of objection relating to the following issues:

- Overdevelopment of the site
- Impact on the character and appearance of the area
- Overlooking and a loss of privacy
- Loss of daylight and sunlight
- Lack of vehicle or cycle parking
- Accessibility
- Use of the courtyard for residential purposes
- Impact on outlook
- Visual intrusion and
- Loss of architectural features.

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

- 17 The main planning consideration:

- Principle of the development
- Impact on the character and appearance of the area
- Impact on the character and appearance of the adjacent conservation area
- Impact on residential amenity
- Impact on the locally listed wall
- Impact on the public right of way
- Impact on the Source Protection Zone.

### **Principle of the development**

- 18 Para 122 of the NPPF (in part) states that planning policies and

decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.

- 19 Policy LO1 of the Core Strategy advises that development will be focused within the built confines of existing settlements, with Sevenoaks being the principal for development in the district.
- 20 The development would be an efficient use of land and, subject to the proposal maintaining the setting and character of the area, would comply with paragraph 122 of the NPPF and policy LO1 of the Core Strategy.
- 21 The site comprises an unallocated employment site protected by policy SP8 of the Core Strategy and policy EMP5 of the ADMP. However, the applicant has established a fall back position through the submission of a prior notification application (15/02695/PAC). This application established that prior approval was not required for a change of use from the existing offices to a single residential dwelling.
- 22 These works can be completed at any point up until the middle of October this year.
- 23 Given the site can already be converted to a residential use there is a reasonable fall back position that may be implemented and which is a material consideration that is given significant weight.
- 24 The principle of the development is therefore appropriate providing the development complies with all other relevant development plan policies.

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

- 25 The locally distinctive positive features identified by the SRCAA include:
  - Terraced houses set on a regular building line close to the narrow road to the back edge of the pavement or behind shallow front gardens that give a sense of enclosure
  - Repeated designs in small cohesive groups within streets
  - Designs varied by use of bays, gables and use of materials
  - Harmonious range of limited materials.
- 26 In proposing new development within the Buckhurst Avenue Character Area, the SRCAA states that the harmonious palette of yellow and red brick or white render and original slate roofs should be respected, regular building lines to the street should be respected and traditional windows and doors and detailing should be retained or reinstated.
- 27 The development would retain the close building line to the street and the sense of enclosure, and proposes materials that match the existing building. The proposed development would therefore reinforce the established character of the area, with the introduction of an extension

that would tie into the existing building in terms of its design and finish.

- 28 The design approach is acceptable since it is of a bulk, mass and scale that respects the character of the area. The design would ensure that the development would remain subservient to the main element of the building, which fronts on to the corner of Buckhurst Avenue. This is achieved by retaining the modest footprint of the existing building and retaining a ridge height below that of the main part of the commercial building directly to the north of the site.
- 29 The existing building has the appearance in the street scene of an old outbuilding related to one of the attached buildings (1 and 2 Webbs Court). Whilst this proposal would involve a first floor extension, the design would retain this character and subservience. The proposed development would therefore maintain the character of the area and character of spaces between buildings.
- 30 A historic street sign is currently attached to the west facing gable of the building. A condition can be imposed to require its retention.
- 31 The proposal would preserve the character and appearance of the area in accordance with the NPPF, policy SP1 of the Core Strategy, policy EN1 of the ADMP and the Sevenoaks Residential Character Area Assessment SPD.

Impact on the character and appearance of the adjacent conservation area

- 32 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 33 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 34 As outlined above, the proposal would retain a subservient appearance to the properties at Webbs Court and Buckhurst Avenue, and would be finished in appropriate materials. The proposal would conserve the special character and appearance of the adjacent conservation area.
- 35 The proposal is therefore in compliance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policy EN4 of the ADMP.

Impact on residential amenity

- 36 The neighbouring properties potentially most affected by the proposed development would be the adjoining properties - 1 and 2 Webbs Court and 39 and 41 Buckhurst Avenue to the north of the site.
- 37 The properties to the south of the site, 2, 4 and 4A Akehurst Lane front on to the site and there would not be any adverse impacts as they are

approximately a minimum of 18m from this proposal.

- 38 1 and 2 Webbs Court are part of the existing commercial property but do not form part of the application site. 1 Webbs Court possesses a number of windows over three floors that face towards the site, with windows for 2 Webbs Court facing towards the west.
- 39 The location of the site, in relation to 1 and 2 Webbs Court, and the design of the proposed development, means that the use of the site for residential purposes would not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements to the occupiers of these properties.
- 40 For the proposed residential units, windows at ground floor level would face onto the shared courtyard to the front of the site, which is overlooked by the commercial premises, and the windows of 1 Webbs Court. At first floor level a kitchen window and balcony would look onto the same area. The proposed windows and balcony at first floor would be at 90 degrees to 2 Webbs Court and so only oblique views towards this property would be available.
- 41 As a result there would be no harm to 1 and 2 Webbs Court from overlooking or loss of privacy.
- 42 Paragraph 123c of the NPPF states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). In this case Nos.1 and 2 Webbs Court are commercial units and so there would be no concerns relating to daylight and sunlight to these properties since the development proposes to make efficient use of the site.
- 43 39 and 41 Buckhurst Avenue are residential units located to the north-west side of the site, with 41 Buckhurst Avenue backing directly onto the site.
- 44 Ground floor window openings facing directly on to the rear garden of 41 Buckhurst Avenue are proposed to be controlled by condition to prevent overlooking and a loss of privacy. This proposal would represent an improvement to the existing situation where larger windows currently exist facing on to the rear amenity area of 41 Buckhurst Avenue from the existing commercial unit. The proposal would, therefore, not result in overlooking or a loss of privacy to 41 Buckhurst Avenue.
- 45 The impact of the proposed development on the outlook from the rear of 41 Buckhurst Avenue and the rear amenity area of the property is of potential concern. The first floor addition would project partly across the rear boundary of 41 Buckhurst Avenue. However, whilst the outlook from the rear facing kitchen window of 41 Buckhurst Avenue would change the reduction in outlook would not be so significant as to cause significant harm. There would still be a view over part of the ground floor section and to the side of the extended building. There is also a side facing window



that serves the kitchen of 41 Buckhurst Avenue and would not have a direct view of the proposed first floor extension.

- 46 Due to the relationship of the proposal with 39 Buckhurst Avenue in terms of distance and layout of rooms and location of windows, there would be limited harm to this property.
- 47 41 Buckhurst Avenue possesses a number of rear facing windows serving a kitchen at ground floor level, a bathroom at first floor level and a bedroom at second floor level. As noted above, the kitchen is served by a second side facing window and benefits from an open plan layout to the adjacent dining room, which has its own rear facing window set back from the very rear of the property.
- 48 Any harm caused by a loss of daylight to the rear facing kitchen window would be mitigated by the existence of the side facing window that also serves the kitchen and the open plan nature of the kitchen and dining room. At first floor level and second floor level the bathroom and bedroom would be sufficiently elevated not to be impacted by a loss of daylight by the proposed development.
- 49 The development would pass the relevant daylight tests when applied to 39 Buckhurst Avenue. It is therefore the case that no detrimental loss of daylight would occur to 39 and 41 Buckhurst Avenue.
- 50 The first floor addition may lead to a reduction in sunlight received by the rear amenity area to 41 Buckhurst Avenue in the early afternoon. However, the morning period of sunlight would not be affected and as noted above an acceptable level of ambient daylight would continue to be received within the rear amenity area of 41 Buckhurst Avenue. 39 Buckhurst Avenue would also not suffer any detrimental loss of sunlight.
- 51 The proposed development would have some impact on the amenities enjoyed by the occupiers of neighbouring properties but that impact would be limited and not cause significant harm. The development would also provide adequate residential amenities for future occupiers of the development. This is in accordance with the NPPF and policy EN2 of the ADMP.

#### Impact on the locally listed wall

- 52 The proposal would incorporate the existing locally listed wall. These works can be controlled by way of condition to ensure that the method through which the development is created is appropriate to conserve the wall.
- 53 The development would not harm the significance of the locally listed wall in compliance with the NPPF and policy EN4 of the ADMP.

#### Impact on the public right of way

- 54 As highlighted within the SRCAA, the character of the area is defined by a sense of enclosure.
- 55 The proposal would increase the height of the building on one side of

the street but the remainder is open and the character of the Right of Way would be preserved.

#### Impact on the Source Protection Zone

- 56 No groundworks are involved in the development so the Source Protection Zone would not be affected.

#### Impact on highways safety and parking provision

- 57 The site is in a sustainable location, adjacent to the town centre and close to public transport links. No vehicle parking is proposed for the development, which is acceptable in this instance. In addition, future occupants could make arrangements for the storage of bikes within the development.
- 58 Therefore, there are no highway safety implications relating to the proposal.

#### Other issues

- 59 Use of the courtyard for residential purposes
- 60 The use of the courtyard area would be for agreement between the parties involved and is not material to the consideration of this application.

#### CIL

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

#### Conclusion

- 62 I consider that the proposed development would preserve the character and appearance of the area and the conservation area, would not cause significant harm to the amenities enjoyed by the occupiers of neighbouring properties and would not harm the locally listed wall. Consequently the proposal is in accordance with the development plan.

Recommendation - It is therefore recommended that this application is granted.

#### Background papers

Site and block plan

Contact Officer(s): Mr M Holmes Extension: 7406

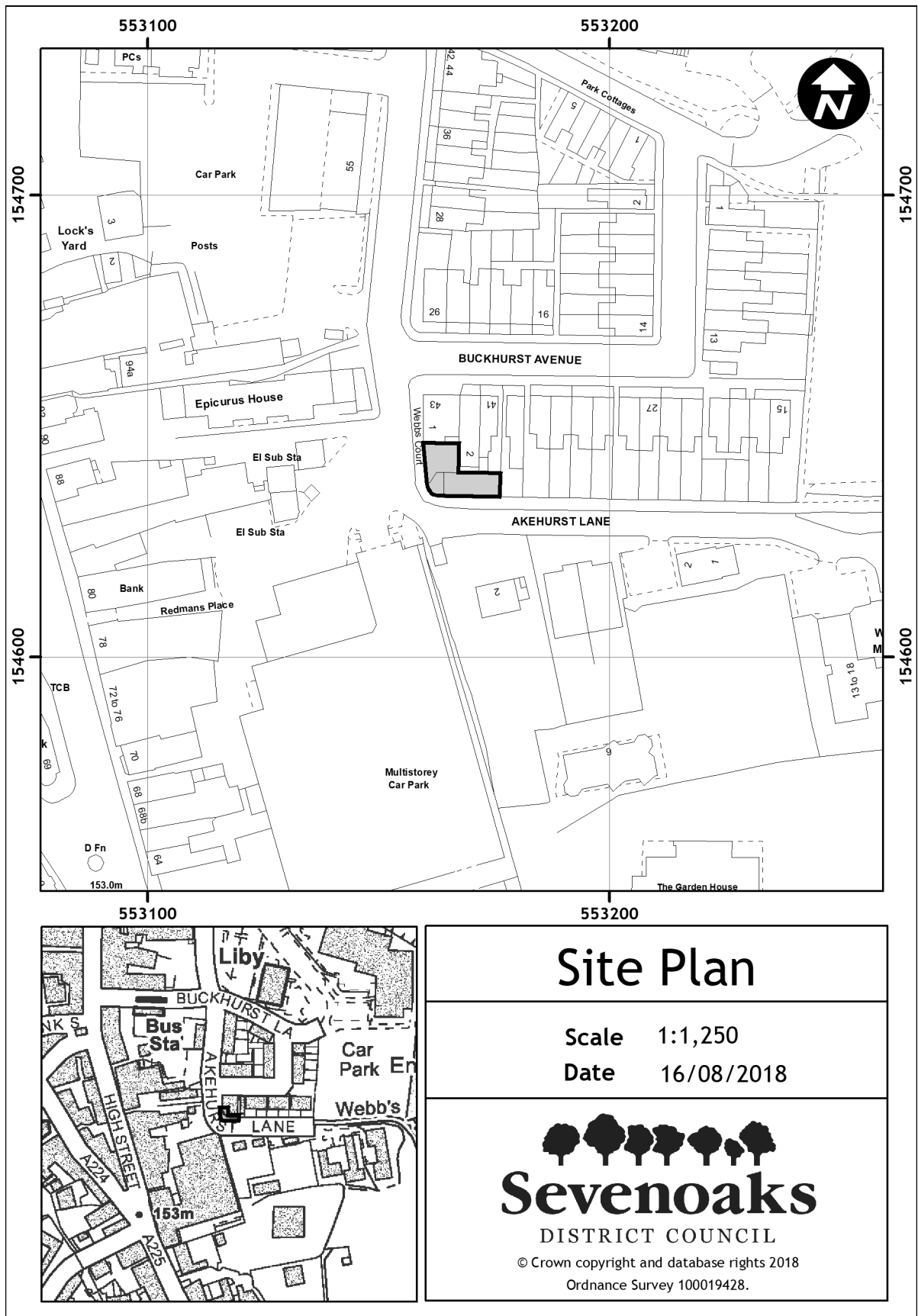
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OYUQ0MBKHHE00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OYUQ0MBKHHE00>



## BLOCK PLAN

