

4.3 - SE/12/01529/FUL Date expired 22 August 2012

PROPOSAL: Demolition of the existing dwelling and attached garage and erection of a detached house and garage

LOCATION: Cavendish House, Clenches Farm Road, Sevenoaks  
TN13 2LU

WARD(S): Sevenoaks Kippington

#### ITEM FOR DECISION

Councillor Avril Hunter has referred the application to Development Control Committee as she believes the application is acceptable on the basis that the demolition of the existing property will not harm the character and appearance of the Conservation Area.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The demolition of a designated heritage asset will harm and detract from the character and appearance of the Conservation Area, contrary to the provisions of policies EN1 and EN23 of the Local Plan, SP1 of the Core Strategy and the National Planning Policy Framework.

#### Description of Proposal

- 1 Demolition of the existing dwelling and attached garage and erection of a detached house and garage.

#### Description of Site

- 2 The application site lies within Sevenoaks, within the Kippington Road Conservation Area (the boundary of the Conservation Area runs around the side and rear boundary of the site).
- 3 The existing detached two storey property (and detached garage) is set off Clenches Farm Road in a plot of approximately 0.3ha.

#### Constraints

- 4 Conservation Area

#### Policies

##### *Sevenoaks District Local Plan*

- 5 Policy - EN1

##### *Sevenoaks Core Strategy*

- 6 Policy - SP1

#### *Other*

7 NPPF

### Planning history

8 12/001530/CAC - Demolition of the existing dwelling and attached garage. Currently being considered.

### Consultations

*Conservation Officer (for application 12/001530/CAC)*

9 As the DAS correctly states, the Kippington Road and Oakhill Road CAMP identifies Cavendish House as 'contributing to character'. A presumption against demolition follows from this. It is thus a heritage asset in the terms of NPPF section 12. The style of the house resembles 'Arts and Crafts' and is one of several houses of that era and type in the CA. No significant alterations appear to have been made over the years to detract from that character. There is a mix of house types in the CA and this mix is part of its character. Uniformity of style is thus neither desirable nor necessary. No evidence is submitted to indicate that there is any structural issue with the house or the lack of any essential domestic provision which cannot be provided by means of additions or alterations. Thus I must object to the demolition and recommend refusal. I have not been consulted on the proposed replacement but having studied the drawings, I do not consider that the design is of any special merit. It thus would not 'preserve or enhance' the CA as required by the legislation and related advice and guidance.

10 08/08/2012 I have read the agent's letter of 17/07/2012. This does not offer any information or comment on the physical condition of the house such as to support an argument for demolition. The fact that it is identified in the CAMP as 'contributing to character' makes it 'significant' in the terms of the NPPF. Sections 74-76 of the 1990 Act protects unlisted buildings in CAs from demolition especially where they maintain the character and appearance of the CA. Contrary to statement made by the agent in her letter, it IS the architectural design of the building which is important, otherwise this would be an argument for replacing each and every building in a CA: clearly not a rational argument. I have not changed my opinion and recommendation for refusal.

*Parish/Town Council*

11 Sevenoaks Town Council recommended approval

### Representations

12 Neighbours – three letters of support have been received. Concern is also raised regarding possible disruption during the demolition/building works.

### **Group Manager - Planning Appraisal**

13 The main considerations of this application are:

- impact upon character and appearance of the street scene and wider Conservation Area
- impact upon residential amenity.

*Impact upon the character and appearance of the area and adjacent Conservation Area*

- 14 Policy EN23 (from SDLP) states that *'proposals for development or redevelopment within or affecting Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting.'*
- 15 The supporting text adds *'Planning control is extended to unlisted buildings in Conservation Areas threatened by proposals for partial or total demolition. When considering unlisted buildings, emphasis is placed on group value rather than individual quality. However it is seldom necessary to propose the removal of such buildings, as conversion or renovation is often an acceptable alternative.'*
- 16 Also relevant is policy SP1 from the Sevenoaks Core Strategy which states *'the Districts heritage assets and their settings, including conservation areas, will be protected and enhanced.'*
- 17 Cavendish House is identified in the Kippington Road Conservation Area Appraisal and Management Plan as a building contributing to character.
- 18 The Conservation Officer describes the dwelling as resembling *'Arts and Crafts' and is one of several houses of that era and type in the CA. No significant alterations appear to have been made over the years to detract from that character. There is a mix of house types in the CA and this mix is part of its character. Uniformity of style is thus neither desirable nor necessary.*
- 19 The submitted design and access statement states that the character of the site *'derives from its openness, dominant large house and surrounding garden, with relatively sparse planting'*, and not the design or architecture of the dwelling.
- 20 This is described as containing some Arts and Crafts features but *'lacking the detailing, ornamentation and asymmetrical form which typified this movement.'*
- 21 It is therefore argued that, given the property was not built during the time period for the Arts and Crafts movement; it is the presence of the building rather than the design that contributes to the conservation area rather than the actual quality of the building.
- 22 As stated above, the property is identified as contributing to the character of the Conservation Area. As identified by the Conservation Area appraisal, there is a mix of house types in the vicinity and this, as stated by the Conservation Officer, is part of its character.
- 23 As stated by the supporting text to policy EN23 of the Local Plan, *'when considering unlisted buildings, emphasis is placed on group value rather than individual quality.'*
- 24 It is therefore considered that whilst the property is not an Arts and Crafts dwelling, its individual architectural quality is of a standard and importance which is considered worthy of protection.
- 25 The identification of the dwelling as making a positive contribution to the significance of the Conservation Area means that, in respect of the NPPF:

*'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.'

- 26 As the Conservation Officer states, no argument has been put forward regarding any structural issue or that the dwelling is unfit for purpose.
- 27 Given the siting of the dwelling and the mature front boundary hedging, it is mostly obscured from view from the highway. However it does remain visible, particularly when passing the entrance and therefore it does have an impact on the Conservation Area.
- 28 In conclusion therefore, the property is a designated heritage asset as it is sited within the Conservation Area and actively identified in the local Management Plan as contributing to the character of the Conservation Area, due to the significance of its architecture and design, and the contribution it makes to its setting. As such, its demolition is considered contrary to the above policies, and no overriding justification has been put forward which would meet with the criteria set out in NPPF.
- 29 Turning to the replacement dwelling, NPPF states that 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'
- 30 Policy EN1 (from SDLP) and CC6 from (SEP) state that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard and that the proposed development should not have an adverse impact on the privacy and amenities of a locality.
- 31 Also relevant is policy SP1 from the Sevenoaks Core Strategy which states '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'.
- 32 The replacement dwelling, including the large attached two storey triple garage is clearly much larger in footprint and in height than the existing property.

- 33 The existing property has a ridge height of approx 10m, and the replacement dwelling, sited in a similar location rises to a ridge height of approximately 10.8m.
- 34 The replacement dwelling is also sited slightly nearer to the front boundary than the existing dwelling.
- 35 The proposed dwelling, a Georgian style two storey property with dormers in the front, side and rear, is in keeping, both in scale and design with the other new dwellings in the vicinity. Whilst the Conservation Officer does not consider that the 'design is of any special merit', on balance, it is not considered that the proposed design, scale and location are inappropriate or sufficiently harmful to the character and appearance of the conservation area to warrant a recommendation of refusal in relation to the proposed replacement building.

*Impact upon residential amenity*

- 36 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development does should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 37 As stated above, the replacement dwelling, including the large attached two storey triple garage is clearly much larger in footprint and in height than the existing property.
- 38 The replacement dwelling is sited 4.4m from the northern boundary with No. 130 Kippington Road. The existing main property is sited approximately 12m from this boundary, with the singles storey attached garage extending up to 2.8m from the boundary.
- 39 The massing and bulk along this boundary is therefore considerably increased.
- 40 The boundary has numerous large mature trees adjacent to the dwelling which will be retained. There also remains a distance of approx. 24m to the side elevation of No. 130, and therefore on balance, it is not considered that the proposed replacement dwelling will have an overbearing or overshadowing impact upon this neighbour.
- 41 There remains a distance of approximately 20m to the rear boundary, and 31m approx. to the southern side boundary, and therefore it is not considered that the proposed property, including the attached garage, will have a detrimental impact upon these neighbours, Amity and Martlets.
- 42 Turning to overlooking, again, due to the size of the plot and the separation distances to the rear (20m) and southern side (31m) it is not considered that the fenestration on these elevations of the proposed dwelling, including dormers (and including on the first floor of the attached garage), will have a detrimental impact upon either neighbour.
- 43 The northern side elevation of the property has two first floor windows and a further dormer window. It is considered that, given the proximity of this side elevation to the boundary, these windows should be conditioned as obscure glazed, as they serve either a bathroom or in the case of the dormer window, are a secondary window to a bedroom

- 44 The proposed attached garage has dormer windows facing the northern boundary, however given the 25m approx. separation distance, it is not considered that these require an obscure glazing condition.
- 45 It is considered therefore that there would be little change from the existing situation in terms of amenity impact and the proposed replacement dwelling would comply with policy EN1 of the Local Plan in this regard.

#### Access

- 46 The proposal would utilise the existing access from the Clenches Farm Road and there remains significant off street parking and turning area to the front of the dwelling.

#### Landscaping

- 47 The proposed dwelling will not involve the removal of any existing trees, and three new small trees will be planted, along the front boundary. It is not therefore considered that the proposal will lead to the loss of any important trees or hedging. Given that the screening is considered necessary to protect the amenities of neighbours (No 160) a condition in this regard is considered appropriate.

#### Other matters

- 48 A Conservation Area Consent application for the demolition of the existing dwelling and garage has also been submitted (12/001530/CAC) and forms part of the Committee papers.

#### Conclusion

- 49 In summary, it is considered that the demolition of a designated heritage asset will harm and detract from the character and appearance of the Conservation Area, contrary to the provisions of policies EN1 and E23 of the Local Plan, SP1 of the Core Strategy and National Planning Policy Framework, March 2012.

#### Recommendation

- 50 That planning permission be Refused.

Contact Officer(s): Ben Phillips Extension: 7387

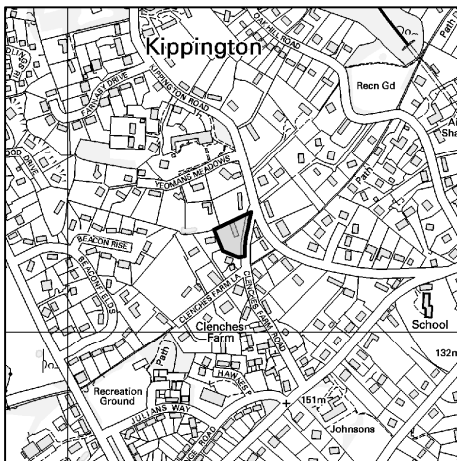
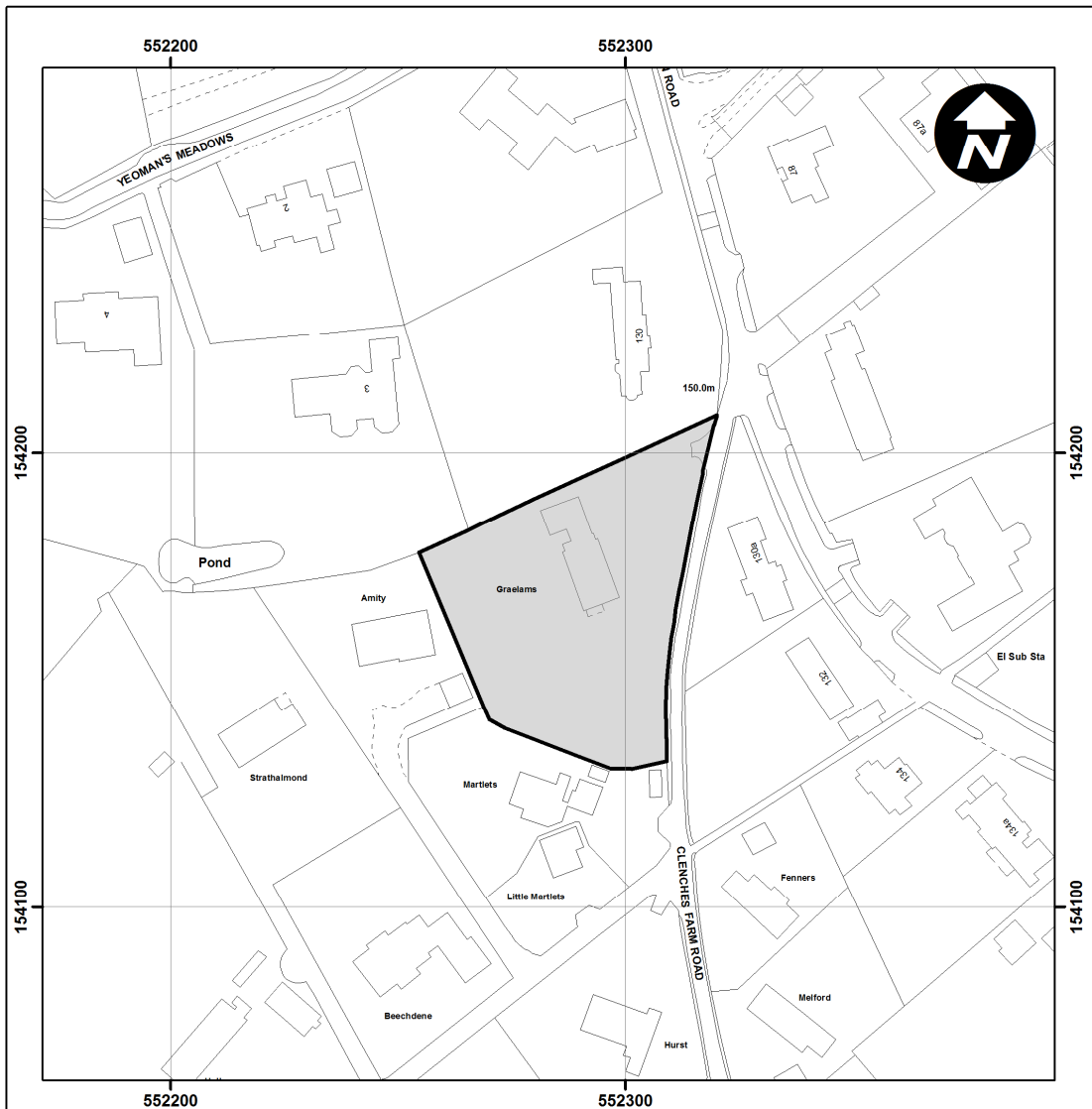
Kristen Paterson  
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M5HSU4BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M5HSU4BK8V000>



# Site Plan

Scale 1:1,250  
Date 29.08.2012



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Sevenoaks District Council, 1000/19428, 2012.

New House

New Garage

Bonded  
Gravel  
Drive

