

15 December 2022 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 07.12.22

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Development Control Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Pett
Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, P. Darrington, Edwards-
Winser, Hogarth, Hudson, Layland, McGarvey, Purves, Raikes, Reay, Williams and
Streatfeild

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To approve the minutes of the meeting of the Committee held on 30 November 2022, as a correct record.	To Follow	
2. Declarations of Interest or Predetermination Including any interests not already registered		
3. Declarations of Lobbying		
4. Planning Applications - Chief Planning Officer's Report		
4.1 22/02482/FUL - Lyndhurst Cottage , Holly Bush Lane, Sevenoaks Kent TN13 3UN Demolition of existing dwelling and replacement with 4 no. bedroom dwelling.	(Pages 1 - 18)	Anna Horn Tel: 01732 227000
4.2 22/02677/FUL - Specialist Lift Services, The Quadrant, 5 Victoria Road Sevenoaks Kent TN13 1YD Change of use from commercial offices to 3 new dwellings with rooflight. New roof level to create new storey and external alterations. Partial demolition. Associated	(Pages 19 - 34)	Ashley Bidwell Tel: 01732 227000

works including hard and soft landscaping.
Alterations to fenestration.

- 4.3 **22/02608/MMA - Site Of , 60 Bethel Road, Sevenoaks Kent TN13 3UE** (Pages 35 - 46) Ashley Bidwell
Tel: 01732 227000
Amendment to 18/00313/FUL.

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 12 December 2022.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or

have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

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4.1 22/02482/FUL Date expired 29 November 2022. Extension of time agreed until 16th December 2022.

Proposal: Demolition of existing dwelling and replacement with 4 no. bedroom dwelling.

Location: Lyndhurst Cottage , Holly Bush Lane, Sevenoaks Kent TN13 3UN

Ward(s): Sevenoaks Eastern

Item for decision

The application has been called to Development Control Committee by Councillor Purves and Councillor Clayton to consider whether the bulk, scale, form and design would fail to preserve the Conservation Area, in accordance with policies EN1 and EN4 of the Allocations and Development Management Plan.

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 and details: RF77/15A, RF77/14, RF77/13A, RF77/12A, RF77/11, RF77/10A, RF77/09A, RF77/08A, RF77/07B, RF77/06A, RF77/05, RF77/04, RF77/03, RF77/02, RF77/01 and Undated Material Schedule.

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

3) Prior to the commencement of works to the external walls, specifications (including, where applicable, size, colour, texture, profile, finish, bonding and pointing) and samples of the external surface materials of the development hereby granted consent will 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 the development respects the character and appearance of the area and sits comfortably within the context of the nearby locally listed buildings and the Conservation Area, to comply with policies EN1 and EN4 of the Allocations and Development Management Plan.

4) Prior to the commencement of works at roof level, specifications (including, where applicable, size, colour, texture, profile, finish, flashing and pointing) of

the external roofing materials of the development hereby granted consent will be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To ensure the development respects the character and appearance of the area and sits comfortably within the context of the nearby locally listed buildings and the Conservation Area, to comply with policies EN1 and EN4 of the Allocations and Development Management Plan.

5) Prior to the completion of the development, full details of the hard and soft landscaping, including boundary treatments and a schedule for maintenance of five years, for the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in the first available planting season following its approval. If within a period of 5 years from the approval of the landscaping scheme 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 the development respects the character and appearance of the Conservation Area, to comply with policy EN1 and EN4 of the Allocations and Development Management Plan.

6) Prior to the commencement of works, window details (including architrave, frame, heads, glazing bars and mouldings, reveal, cill, lintel and method of opening) shown in elevation drawings at a scale of 1:10 and horizontal and vertical section at a scale of 1:5, will 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 maintain the integrity and character of the heritage asset as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

7) Prior to the commencement of works, all door details (including architraves, linings, mouldings and beadings) shown in elevation drawing(s) at a scale of 1:10 and horizontal and vertical section at a scale of 1:5, will 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 maintain the integrity and character of the heritage asset as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

8) Prior the commencement of works, specifications, including section drawings, of all rainwater goods (and any external soil or waste pipes) will 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 maintain the integrity and character of the heritage asset as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

9) No external plant or equipment (including air or ground heat pumps) shall be installed to the site unless details including plans and a noise report have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with any documents approved and shall be maintained in accordance with those details at all times.

To preserve the living conditions of neighbouring properties and to preserve the character and appearance of the area, to comply with policies EN1, EN2 and EN4 of the ADMP.

10) Prior to development reaching the damp proof course, details of the location and type of electrical charging points shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of charging point and appearance of charging point. The approved charging points shall be installed prior to first occupation of the development and shall be maintained thereafter.

To encourage the use of low emissions vehicles in accordance with policy T3 of the Sevenoaks Allocations and development Management Plan.

11) Notwithstanding the approved drawings, the window(s) in the first floor north and south side 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 residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

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.

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.

Agenda Item 4.1

Description of site

- 1 The application site lies on the western side of Hollybush Lane within the urban confine of Sevenoaks. The site contains a detached two-storey property constructed in brick with tile hanging at the first floor and a tiled half-hipped roof form. The existing building is set back within the plot, with a building line behind that of its neighbours. A detached double garage sits in front of the property and the front boundary comprises a brick wall with wooden gates.

Description of proposal

- 2 Planning permission is sought for the demolition of the existing dwelling and the detached garage and redevelopment to provide a new two storey detached dwelling with new detached garage. The proposed house and garage would occupy a similar position on the site to the existing house and garage, with the house being set at the back of the plot and the garage at the front.
- 3 The proposed design of the new house is distinctly modern, comprising elevations of larch timber and copper cladding at the first floor which slightly overhang finishing bricks at the ground floor level. The roof form is flat, comprising a green roof and brick chimneys. The replacement garage is also proposed in brick with a flat green roof.
- 4 Permission for the scheme was refused at DC Committee under 21/01058/FUL and was dismissed at Appeal only on the grounds of policy EN2 and harm to neighbouring amenity. This scheme is a resubmission of the previous proposal and has been altered since the appeal decision to address the concerns raised by the Inspector, with the two windows identified as of concern being redesigned and removed from the proposals.

Relevant planning history

- 5 00/01799/FUL and 00/01800/CAC Demolish existing building-erect 4 bedroom dwelling with attached double garage. REFUSE
- 6 00/02798/FUL Demolition of existing dwelling and erection of four bedroom dwelling with detached double garage. GRANT
- 7 01/01263/CONVAR Demolition of existing building and erection of 4 bed house with detached garage (amendment to SE/00/02798/FUL to replace 2 velux windows to front elevation by dormers). REFUSE
- 8 02/01470/FUL Retention of 4 bedroom dwelling with detached double garage as constructed with a porch to the front elevation (Revision to house approved under planning permission SE/00/02798). GRANT

- 9 03/00461/FUL Retention of new dwelling. GRANT
- 10 03/01693/FUL Proposed 225mm brick wall (2m high) on boundary. Amended plan received 4th September 03 reducing the height of the wall to 1.7m high GRANT
- 11 13/02967/HOUSE Extension to existing garage to provide car port, removal of existing roof and raising of garage roof height to facilitate first floor studio accommodation over garage. REFUSE and dismissed at appeal.
- 12 21/01058/FUL Demolition of existing dwelling and garage and replacement with 4 no. bedroom dwelling and garage. REFUSE and dismissed at appeal only on neighbouring amenity grounds of policy EN2.

Policies

13 National Planning Policy Framework (NPPF)

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:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

14 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- LO1 Distribution of Development
- LO2 Development in Sevenoaks Urban Area

15 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN3 Demolition in Conservation Areas

Agenda Item 4.1

- EN4 Heritage Assets
- T2 Vehicle Parking
- T3 Provision of Electric Vehicle Charging Point

16 Other

- Sevenoaks Residential Extensions SPD
- Sevenoaks Vine Court Conservation Area Appraisal

Constraints

17 The following constraints apply:

- Urban Confines of Sevenoaks
- Sevenoaks Vine Court Conservation Area
- Adjacent to Locally Listed Buildings - including The Coach House (to the South), 7A Hollybush Lane (to the north), 18 and 22 Vine Court Road (to the west)

Consultations responses

- 18 Sevenoaks Town Council - Objected to the scheme on the grounds of a dominating effect, overlooking from the Juliet window on the front of the property, overlooking from the Juliet windows on side of the dwelling, the larger garage, loss of trees and the overall bulk and impact upon the Conservation Area.
- 19 Tree Officer - No objections, comments regarding potential impact on mature pine and recommends landscaping condition.
- 20 Conservation Officer - No objections, recommended conditions regarding material samples, window and door details and rainwater goods. Full comments available online, summary: "The proposals are considered to preserve the character and appearance of the conservation area; there is no objection."

Representations

21 Eleven public comments received objecting on the following grounds:

- Impact of design on setting of adjacent locally listed buildings
- Impact of modern design on Conservation Area
- Mass and volume of proposed dwelling
- Loss of sunlight to neighbouring gardens
- Visually intrusive in winter and loss of privacy
- Environmental impacts of demolition and rebuilding
- Noise
- Loss of trees

22 Two comments in support of the application on the grounds of:

- High quality and innovative design
- Appropriate scale and bulk
- Addressing previous concerns with neighbouring amenity
- Enhancing the area

Chief Planning Officer's appraisal

23 The main planning considerations are:

- Principle of development
- Impact on the Conservation Area and Heritage Assets
- Impact to neighbouring amenity and future occupiers
- Impact to highways and parking

Principle of Development:

24 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

25 Policy SC1 of the ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

26 Policies L01 and L02 of the Core Strategy require 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 L02 of the Core Strategy places emphasis that suitable employment sites will be retained and provision will be made for housing within Sevenoaks Urban Area.

27 This site is within the built confines of Sevenoaks Urban Area, and as such there is a presumption in favour of development. The proposed replacement dwelling would be constructed within the urban confines of an existing settlement on the site of an existing house. The access to the site and the layout of the site will remain similar to existing. The location of the development is within an established residential area and is supported by the necessary infrastructure. The site density replicates the existing development pattern.

28 As such, the principle of redevelopment in this location is acceptable and the proposal is compliant with the aims of policies L01 and L02 in this regard, subject to the other material planning considerations detailed below.

Impact on the Conservation Area and Heritage Assets

Policy Context

- 29 Policies L02 and SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 30 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 31 The NPPF, at paragraph 199, states that great weight should be given to the conservation of heritage assets.
- 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 The NPPF, paragraph 134 states that development should reflect local design policies and government guidance on design (contained in the National Design Guide and National Model Design Code). It states that significant weight should be given to:
- a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design codes, and/or;
 - b) Outstanding of innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 35 The Conservation Area Appraisal for this area is also a material consideration. This identifies at paragraph 5.3 that all development in this area must respond to its immediate environment and context, in terms of scale, density, form, materials and detailing.

Principle of Demolition

- 36 With regard to the proposed demolition in the Conservation Area, the existing house and its garage have little architectural merit. This conclusion is shared by the Conservation Officer. The existing house is not one identified by the Conservation Area Appraisal as making a positive contribution to the character of the area, and is not locally listed, unlike those which surround it. On this basis no objection is raised to the removal of the existing buildings on the site. The demolition would comply with policy EN3 of the ADMP.

Background

- 37 The previous scheme, reference 21/01058/FUL, was refused on 30 September 2021 on the basis of harm to the heritage assets, and harm to the residential amenity of neighbouring properties. This decision was appealed by the applicant. The appeal decision was made by the Inspector on the 25 August 2022 under reference APP/G2245/W/22/3292870 whereby the appeal was dismissed.
- 38 The Inspector's decision addressed the design of the scheme and the impact on the locally listed heritage assets, with the Inspector stating the scheme would have a negligible impact upon the setting of 18-22 Vine Court Road and that the proposal would not have a detrimental impact on the setting of The Coach House and no. 7A. Therefore the proposal would preserve the setting of the locally listed buildings.
- 39 Regarding the impact upon Conservation Area, the Inspector stated the proposal constitutes high quality design that would not "overwhelm, dominate, or obscure the key visual and physical elements which denote the significance of the CA, including the locally listed buildings. Consequently, the proposed replacement dwelling would preserve the character and appearance of the Vine Court Conservation Area in compliance with policies EN1 and EN4 of the ADMP and the Framework."
- 40 Whilst the appeal was subsequently dismissed, the Planning Inspector found the design, bulk and scale of the building within the Conservation Area to be acceptable. The appeal as already stated above, was only refused on neighbouring amenity grounds under policy EN2. The Planning Inspector supporting the modern design of the scheme within the Conservation Area. This application is a resubmission of the previous scheme that has sought to address the concerns raised by the Inspector with alterations to the fenestration. The design, bulk and form of the proposal has remained the same, with the only change being to the fenestration.
- 41 The appeal decision and assessment made by the Inspector with regards to the design and the impact upon the identified heritage assets holds significant weight and is a material planning consideration for this

Agenda Item 4.1

determination of this application. A further assessment of the proposal is provided below.

Scale, Form and Design

- 42 Regarding scale, the proposed development will retain the existing layout of the site, with the footprint of the proposed house extending slightly further to the east. The proposed building will be two storeys high and the overall height will be lower than the ridge height of the existing dwelling. The scale of the proposed dwelling is considered to be in keeping with the character of the Conservation Area.
- 43 The proposed garage will retain the eastern building line (facing Hollybush Lane) of the existing garage, with the footprint extended on the west side. The proposed garage will have a flat roof which would stand at the height of the eaves level of the existing garage, reducing its massing and visibility from Hollybush Lane.
- 44 The Conservation Area Appraisal (at page 21) refers to some modern infill development within the Conservation Area. The Appraisal acknowledges that examples of modern infill can provide an interesting contrast. The examples given include the neighbouring house to the north, 7A Hollybush Lane, and it states that this demonstrates an example of 'individual and original design'. The success of this contemporary neighbouring property in the Conservation Area is acknowledged by its designation as a locally listed building.
- 45 The principle of contemporary design in this historic Conservation Area is therefore not opposed and it is acknowledged that the resulting development would not only preserve the character of the Conservation Area, but could enhance it, through high quality design and contemporary architecture.
- 46 The proposed rectilinear form and design is contemporary and not comparable to the historic building stock within the conservation area. Due to the nature of the design, the new dwelling would avoid replicating or being a pastiche of historic architectural styles. Whilst the rectilinear form may add a degree of bulk, this is offset by the reduced height of the dwelling.
- 47 In line with paragraph 134(b), the proposal is considered to be high quality and contemporary design that would not be of a siting, bulk or form to cause harm to the character and appearance of the streetscape or surrounding area, but instead enhance it. The proposals would retain the current ratio of built form to open space within the plot, as well as grain and density of development, which is characteristic of the Conservation Area.
- 48 The contemporary materials are informed by the aesthetics and palette of the Conservation Area. The existing front boundary brick wall and gates are

to be retained. Details of material samples can be secured by condition to ensure the quality of materials is maintained and not diminished in delivery.

- 49 The proposed use of materials would retain the site's more subtle character, helping to make sure that the building does not visually compete with the locally listed buildings around it or appear intrusive within the Conservation Area. The proposed materials are considered to sit harmoniously within this part of the Conservation Area.
- 50 This is consistent with the conclusions of the Inspector, with the appeal decision stating: "the proposal constitutes a comprehensively designed building, with consideration of its setting and proposes the use of contemporary materials informed by the aesthetics and pallet of its surroundings. As such the proposal would constitute a high quality design."
- 51 Overall, the proposal would add architectural variety and interest to the area, using a high quality material pallet and contemporary design principles that work sensitively and effectively within the Conservation Area. This conclusion is consistent with that of the Inspector (paragraphs 17-19 of the appeal decision).

Landscaping and Views

- 52 Regarding the landscaping, all the trees along the boundary of the site will be retained, except for one pine tree. The loss of this pine tree is considered to be acceptable as it makes a limited contribution to the visual amenity of the area. There is no additional loss of trees except this one specimen. This is consistent with the appeal decision (paragraphs 14 and 22).
- 53 The Tree Officer raises no objections but comments on the root protection area of the mature pine tree located adjacent to the garage. The new garage could impact upon on this tree through being within its root protection area, however the location of the garage where it is closest to the tree is the same as the existing, therefore the line of foundations and walls close to the tree would be the same as the existing.
- 54 Moreover, the proposed landscaping plan submitted is indicative only, and it is considered necessary to condition the landscaping for this site to ensure it will add to the local character and distinctiveness of the Conservation Area.
- 55 The existing boundary wall to Hollybush Lane and gates will be retained. The existing wall is in keeping with the character and appearance of the Conservation Area so this is acceptable.
- 56 Regarding the impact of the proposal on views within the Conservation Area, the Inspector stated the following: "There is potential that the upper most part of the proposed dwelling would be partially visible from the road, however as it would be well set back within the appeal site and the upper part clad in wood, I am satisfied it would largely go unseen recessing into the mature and verdant background of trees and soft landscaping. The proposal would, therefore, retain the relationship between the appeal site

Agenda Item 4.1

with, and preserve the character of, and views along Holly Bush Lane.” This conclusion is shared by the Conservation Officer.

- 57 The concerns of the local amenity society are noted, however, for the reasons discussed above, the proposed development is considered to be compatible with the scale of development on Hollybush Lane and has the ability to provide a positive contribution to the character and appearance of the area through high quality architectural design.
- 58 Overall, considering the comments from the Planning Inspector’s decision letter regarding the design, and the support of the Conservation Officer, the proposals are considered to preserve and enhance the character and appearance of the Conservation Area, in accordance with policies SP1 of the Core Strategy and Policies EN1 and EN4 of the Allocations and Development Management Plan. The tests of the Planning (Listed Buildings and Conservation Areas) Act 1990 have also been met.

Impact on neighbouring amenity

- 59 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 60 The Inspector stated in the recent appeal decision that the replacement dwelling would harm the living conditions of the occupants of The Coach House with regard to privacy, with two windows on the southern elevation serving bedrooms 1 and 2 noted as being of concern.
- 61 The Inspector stated: “With reference to the Residential Extensions Supplementary Planning Document, it is noted the Council normally calculate the private amenity area as an area 5m deep from the rear of the property. Reviewing the evidence before me I consider that it is highly probable the proposed bedroom 1 balcony window would overlook this area, which in the case of the Coach House includes a reasonably large amount of glazing at ground floor level. Nevertheless, the occupants of The Coach House state that they also make significant use of the rear part of the garden, which contains a swimming pool, and would also be overlooked by the proposed bedroom 2 Juliet balcony window. Consequently, the replacement dwelling would unacceptably reduce the privacy of the occupants of The Coach House, to the detriment of their living conditions.”
- 62 The applicant has subsequently removed the previous window serving bedroom 1 and has re-designed the window serving bedroom 2 to be angled away from this neighbour. The change in this application is the alteration to these two windows, flagged by the Inspector as being of concern. As such, I am satisfied the concerns raised by the Inspector have been suitable addressed and the proposal would not be considered to pose a loss of privacy or overlooking to the swimming pool of The Coach House.
- 63 There are no additional windows on the elevations in this resubmission, the north and west elevations are identical to the previous scheme. The first floor window on the front eastern elevation is a Juliet balcony. On the previous scheme this was shown as a full length window. Whilst the design

of this one window has altered slightly, it would remain sited where there was a previous full length window proposed and is not considered to have an increased overlooking impact compared to the proposed full length window on the previous scheme.

- 64 As assessed under the Officer's recommendation for 21/01058/FUL and the recent appeal decision, the scheme would not be considered to cause a harmful loss of light, privacy or outlook to neighbouring dwellings. As noted by the Inspector (paragraph 4), the site is located a considerable distance from the properties to the rear.
- 65 Regarding the neighbour to the north, number 7a, the boundary treatment would screen the development at ground floor, with only one obscurely glazed window proposed at first floor on the northern side elevation. As stated in the Inspector's report (paragraph 8) this is considered to be acceptable with regards to the aims of policy EN2. Regarding the Coach House to the south, this resubmission means the only first floor window on the southern side elevation facing the Coach House would serve a bathroom and would be obscurely glazed. The previous concerns have therefore been addressed.
- 66 Regarding noise disturbance, the application documents refer to the potential installation of a ground or air source heat pump. However, no such plant is included in the drawings. It is recommended that a condition is used to ensure that details of any external plant or equipment is submitted for approval before it is installed to ensure the Local Planning Authority can fully assess its visual impact and the potential for noise disturbance.
- 67 Regarding the amenity of future occupiers, the dwelling would benefit from private amenity space and the bedrooms comply with the National Space Standards for double occupancy bedrooms.
- 68 Overall, the proposal is considered acceptable in terms of protecting existing neighbouring amenity and providing an acceptable standard of living for future occupiers. The concerns of the Inspector have been addressed and the proposal is now compliant with policy EN2 of the ADMP.

Parking and Highways Impact

- 69 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 70 The proposals include adequate space on the site to accommodate parking associated with the new house. The point of access and front boundary wall are not proposed to be altered by this application. An electric vehicle charging point can be secured by condition.
- 71 The scheme is considered acceptable in terms of highways and parking considerations.

Agenda Item 4.1

Other Issues

Town Council Comments:

- 72 It should be noted that no additional windows are proposed and no additional bulk or mass is proposed. There is also no further loss of trees, with just the one small pine proposed to be removed, as per the previous scheme. The garage has not increased in bulk or mass and only one window is now shown as a Juliet style window opposed to a full length window.
- 73 The application has removed one window and redesigned another to address the previous concerns regarding overlooking of the swimming pool of the Coach House. The removal of the one window on the southern elevation and redesign of the other would not be considered to create a blank, featureless or overbearing elevation on the southern side as the material detailing, the remaining two windows and the staggered built form break up the appearance of the elevation.

Community Infrastructure Levy (CIL)

- 74 The proposal is CIL liable and no exemption has been applied for.

Conclusion

- 75 The principle of the development of the site is considered to be acceptable. The development would be appropriate in terms of height, scale, siting and design and would be acceptable with regards to the identified heritage assets. The proposal would be considered to preserve and enhance the character and appearance of the Conservation Area through high quality, innovative and contemporary design. It can be demonstrated that the development would not be harmful to neighbouring amenity and would provide for adequate off street parking provision.
- 76 The recent appeal decision and conclusions made by the National Inspector are given significant weight and the proposal is considered to address the concerns regarding neighbouring amenity previously flagged.
- 77 The scheme is therefore considered to accord with the Development Plan and is recommended for approval.

Background papers

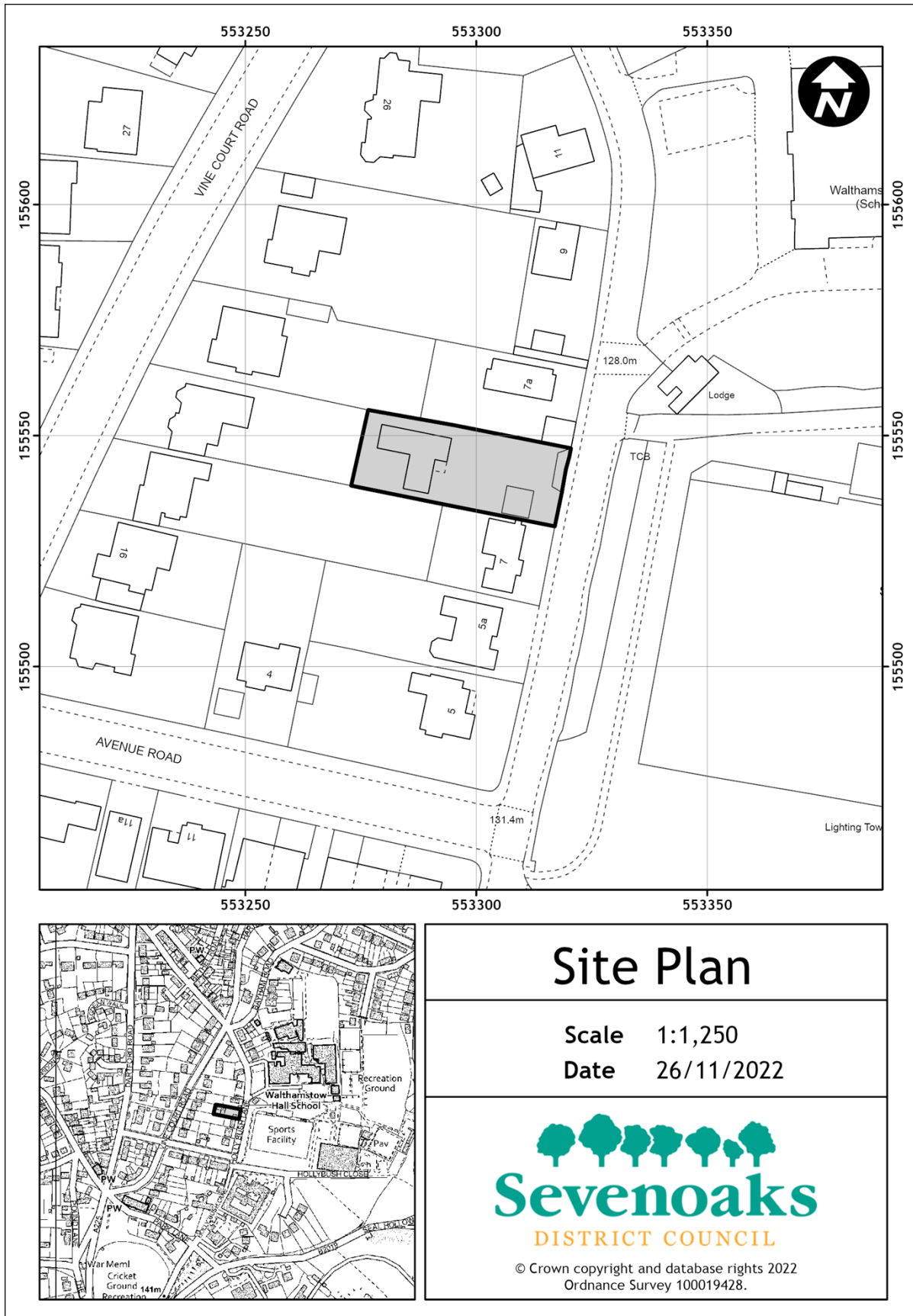
Site and block plan

Contact Officer(s): Anna Horn : 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



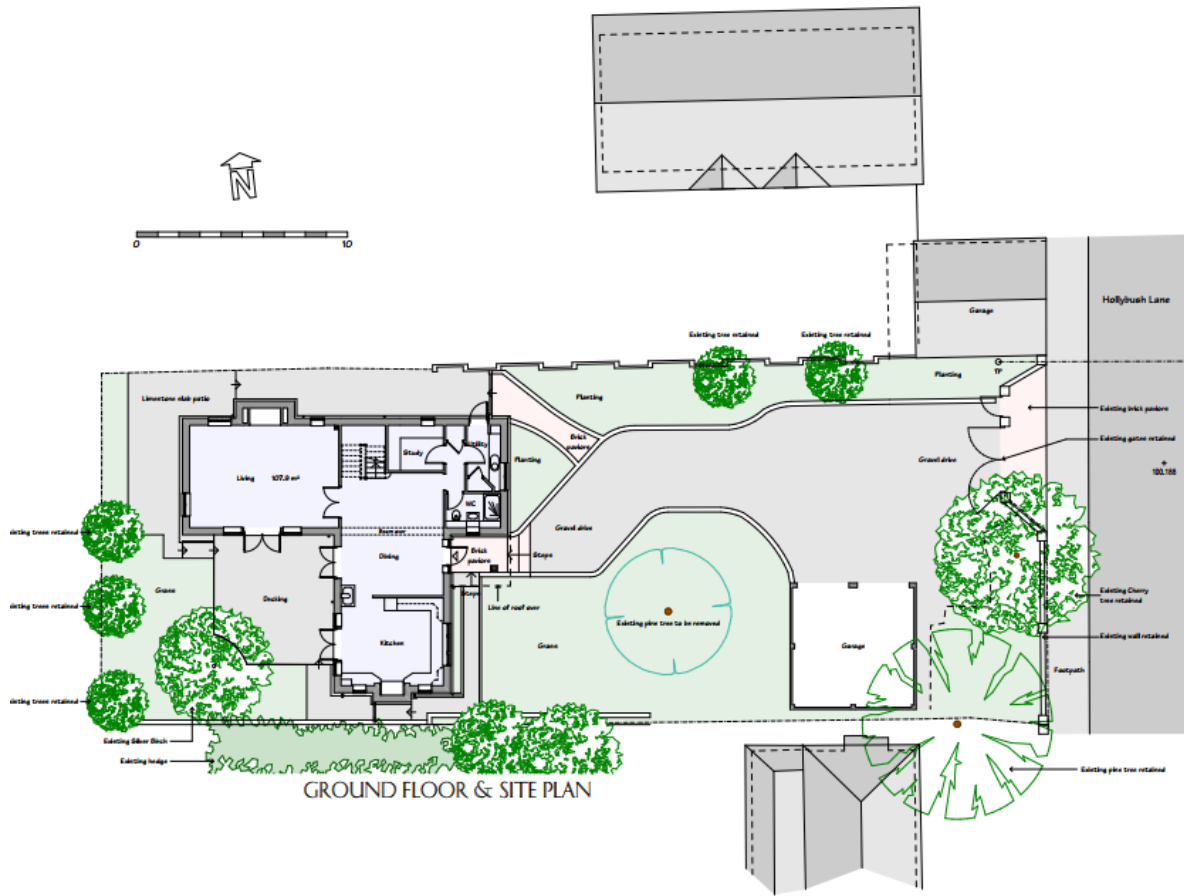
Site Plan

Scale 1:1,250
Date 26/11/2022



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Ordnance Survey 100019428.

BLOCK PLAN



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4.2 22/02677/FUL

Date expired 22 November 2022

Proposal:

Change of use from commercial offices to 3 new dwellings with rooflight. New roof level to create new storey and external alterations. Partial demolition. Associated works including hard and soft landscaping. Alterations to fenestration.

Location:

Specialist Lift Services, The Quadrant, 5 Victoria Road Sevenoaks Kent TN13 1YD

Ward(s):

Sevenoaks Town & St Johns

Item for decision

Councillor Fleming has referred the application to Development Control Committee on grounds of impact to neighbour amenity and parking.

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 and details: 21-15 P01, P02A, P03A, P04A, P05, P06, P07A, P08A, P09, P10, P11A, P12A, and the Design and Access Statement.

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

3) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the development 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. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan.

4) Notwithstanding drawing number P08 RevA, the first floor window in the south elevation 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 amenities of the occupiers of properties Lime Tree Walk as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

5) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include:(a) parking for vehicles of site personnel, operatives and visitors;(b) loading and unloading of plant and materials;(c) storage of plant and materials used in constructing the development;(d) programme of works (including measures for traffic management);(e) measures to control the emissions of dust and dirt during construction;(f) a scheme for the recycling/disposing of waste resulting from demolition and construction works;(g) hours of operation.

To preserve neighbour amenity and highway safety in accordance with policy EN2 and T1 of the Sevenoaks Allocations and Development Management Plan.

6) 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 development 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 enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7) Details of how the boundary wall is make good post demolition of the rear element of the building shall be submitted to and approved in writing by the local planning authority prior to first occupation. The works shall be carried out in accordance with the approved details.

To preserve the existing boundary wall in the interest of public safety and amenity.

Informatives

1) Where a new development/or property changes use within or on the boundaries of a residential parking scheme, the inclusion of the new properties within the permit scheme cannot be taken for granted, and often would not be possible. Unless there is equal opportunity for existing permit holders of the highway to park in the area applying to join the scheme, permits should not be issued to the residents of the development or property that has changed.

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 application site comprises a two storey building on the corner of Victoria Road and Beech Road in Sevenoaks Town. The building has a curved frontage and a flat roof, the building features grey brick and UPVC windows. The previous use of the site is commercial (offices), the site resides in a mixed use area with residential to the north, south and west and commercial uses to the east. The town centre high street is situated to the east of the site.
- 2 The application site is located opposite the Sevenoaks High Street Conservation Area and to the north of a row of Grade II Listed dwellings along Lime Tree Walk.

Description of proposal

- 3 Permission is sought to redevelop the building into three flats, two four-bed units and one three-bed unit. Each flat is spread over three floors, with a mansard roof proposed to create the second (top) floor. The proposal also sees a redevelopment of the external elevations, with a rendering of the main facades and alteration to the fenestrations both in terms of materials and positioning.
- 4 No vehicle parking is proposed, instead inset entrances for each flat are proposed, creating areas for bicycle and bin storage.

Relevant planning history

- 5 06/00833/FUL - Alterations and replacement of front windows as part of internal refurbishment works. Granted.
- 6 22/01118/PAC - Prior notification for a change of use from Office (class E) to dwellings (class C3). This application is made under Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015. Prior Approval Granted.
- 7 22/01593/FUL - Change of use from Commercial Offices to 3 new dwellings, new roof level and external alterations. Associated works. Withdrawn.
- 8 Adjoining building:
- 9 05/01654/FUL - Change of use from office to residential to form 2no. two bedroom apartments. Granted.

Agenda Item 4.2

Policies

10 National Planning Policy Framework (NPPF)

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:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

11 Core Strategy (CS)

- LO1 Distribution of Development
- LO2 Development in the Sevenoaks Urban Area
- SP1 Design of New Development and Conservation

12 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- T1 Mitigating Travel Impact
- T2 Vehicle Parking

13 Other

- Sevenoaks High Street Conservation Area Appraisal
- Sevenoaks Residential Character Area Assessment - Victorian/Edwardian Character Areas - Area A13 - Victoria Road Area.

Constraints

14 The following constraints apply:

- Sevenoaks Urban Area.
- Sevenoaks High Street Conservation Area
- Setting of Grade II Listed buildings (Lime Tree Walk).

Consultations

15 Sevenoaks Town Council:

Recommend approval, subject to the Planning Officer being satisfied as to the materials being used and that any overlooking or privacy issues have been adequately addressed

16 KCC Highways:

Development does not meet the criteria to warrant involvement from the LHA.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

17 Lead Local Flood Authority (KCC):

The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

18 SDC Planning Policy - No Comment

19 SDC Conservation:

20 Significance

The proposal site is just outside the boundary of the High Street conservation area and a number of Grade II listed buildings and locally listed buildings exist in close proximity.

The existing building is a utilitarian structure that makes no contribution to the settings of the adjacent designated heritage assets. The commercial building has a neutral presence in views to and from the neighbouring locally listed buildings, and a similarly neutral presence in minor views to and from the conservation area at this point. Due to street layout, there is minimal visual relationship between the proposal site and the Grade II listed buildings to the south.

21 Impact on Significance

The intended conversion to residential use is considered appropriate to the local context from the conservation perspective. Although significant alteration is proposed to the existing roofscape, careful attention has been given to minimising the visual presence of the new second floor to the greatest extent possible. The remodelled building will be perceived as being of two stories with mansard roof accommodation, and while assuming a somewhat more assertive presence in the street scene, it will continue to sit reasonably comfortably in the local context. The remodelled built form will not diminish the present quality of views to and from the neighbouring locally

Agenda Item 4.2

listed buildings, nor will it harm the special qualities of minor views to and from the conservation area at this point.

22 Policy Context

Paragraphs 199 & 200 of the NPPF require great weight to be given to the conservation of designated heritage assets and note that significance can be harmed or lost through unsympathetic development within their settings. The proposed development causes no harm the significance of the designated heritage assets in the vicinity and there is no objection in terms of Policy EN4.

Representations

23 6 letters of objection have been received relating to the following issues:

- Construction work disturbance
- Demolition may compromise boundary wall between Beech Road and Lime Tree Walk
- Obscured windows could be changed by future occupier
- Modern design does not fit with the character of the area
- Loss of light to properties on opposite side of Beech Road
- No other three storey buildings in the area, development not in keeping
- Light act of 1959 allows for owner to take legal action
- Development destroys the uniformity of the area
- Conservation Area Appraisal statement and conservation officer conclusion that the building does not contribute to the character of area is opinion, the commercial design has its own character and is part of the area.
- Lack of parking, no possible parking provision
- Area already under stress from on road parking

Chief Officer's appraisal

24 The main planning considerations are:

- Principle of development;
- Impact upon the character of the area;
- Impact on the significance of the heritage assets;
- Impact upon residential amenity;
- Highways and parking.

Principle of development

25 The proposal is for the redevelopment of a commercial building into three flats. Policy LO1 of the Core Strategy seeks to direct development to urban settlements, with the Sevenoaks Urban Area being the primary focus of development. The site is located within the urban area. Policy LO2 states that, 'emphasis in this area will be on:

- Housing development at locations throughout the town suitable for housing development and with particular emphasis on locations within the town centre, or within easy walking distance of the town centre or main line railway stations.
- Employment development in existing employment areas; and
- Protection of the setting of the urban area and the distinctive character of the local environment and also respecting the physical and community identity of the adjoining settlements, and prevention of further coalescence’.

26 The application site is located within a mixed-use area, with residential to the north, west and south and commercial/other uses to the east. Further east still is the High Street. The application site is not therefore within a predominantly commercial/employment area and thus the proposed residential development is acceptable in principle.

27 An assessment as to whether the proposal would protect the distinctive character of the local environment is carried out later in the report, using the design criteria of policy EN1 of the Allocations and Development Management Plan. However, provided that the scheme complies with all other relevant development plan policies, the proposal complies with policy LO2 of the Core Strategy.

Loss of employment site

28 The site is an unallocated employment site under policy EMP5 of the ADMP. The building was previously used as offices and has been vacant since 1 December 2021, ie, over a year now. The site also has a prior approval for the change of use to residential use, which was granted in June 2022.

29 Policy EMP5 of the ADMP requires schemes that would result in the loss of a non allocated employment site to demonstrate that the premises has been marketed unsuccessfully for six months under policy EMP5 of the ADMP.

30 However given that an extant consent for residential use already exists and that we are now presumption authority for residential development in urban areas, I am satisfied that the need for such a marketing is not necessary in this particular case. Therefore the overriding need for residential units outweighs the loss of the offices on this site.

Impact upon the character and appearance of the area

31 Policy SP1 of the Core Strategy and EN1 of the Allocations and Development Management Plan outline 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 also states 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.

Agenda Item 4.2

- 32 The application site is located within area A13 (Victoria Road) of the Sevenoaks Residential Character Area Assessment (SRCAA). This area was built in the late Victorian period close to the centre of town to house local workers. In designing new development in the Victoria Road area:
- the harmonious palette of yellow and red brick or white/ pastel render and original slate roofs should be respected;
 - Regular building lines to the street should be respected;
 - Traditional windows and doors and detailing should be retained or reinstated;
 - The mixed use character of the area should be retained;
 - The view of the North Downs should be protected;
 - The setting of the Granville and Eardley Road Conservation Area should be protected.
- 33 It is proposed to convert the application site into three flats, the building will be subdivided into three sections to facilitate this and each unit will have its own access and staircase. A new mansard roof is proposed to create the second floor. The proposal includes alterations to the fenestrations, the façade - through a rendering of the building - and the removal of part of a rear two-storey projection. The entrances to the flats are proposed to be inset with 'small garden' areas to store cycles and bins under the overhangs of the building. No vehicle parking is proposed and one area of outdoor amenity space is proposed which is accessible to flat no.1.
- 34 The prevailing character of the area in which the application site resides is of modest two storey dwellings, particularly along Victoria and Beech Roads, whereas Lime Tree Walk features some taller three-storey dwellings. The existing building is comparable in height to the surrounding dwellings in part due to the parapet wall. Otherwise, as a result of the flat roof the overall height is less than the neighbouring pitches roof properties. The addition of a second floor to create a three-storey property, which increases the height of the building by 1.2m from approximately 7.24m (not including parapet) to 8.4m, which creates a larger and bulkier building. However, the overall height and scale is still sympathetic to the existing built development in the area. The ridge height is only marginally taller than the immediate neighbour. Notwithstanding this, the increased height and roof bulk would, due to the somewhat tight arrangement courtesy of the smaller distances between opposing properties, have a greater impact and create more of a sense of enclosure than an otherwise more spacious streetscape.
- 35 Design wise, the existing building does not contribute to the character of the area, equally it is not a detracting feature. It is typical of a mid-20th century building. The rendering of the building will alter the appearance and character, however the design guidance of the Sevenoaks Residential Character Area Assessment for this location points out that render is featured in the area. The fenestration, in conjunction with the mansard roof, would result in a more contemporary design, however it is considered to be an enhancement on the design of the existing building. Timber windows would be preferable, though as the existing windows are UPVC and therefore

detracting themselves their replacement with good quality metal windows would be beneficial to the design of the building and by extension the character of the area.

- 36 In light of the aforementioned scale and bulk increase it is considered that there is very minor harm to the character of the area from the proposal. However, the slight enclosing effect is part of the nature of sustainable development in existing urban centres and is considered necessary to reduce the extent of development undertaken and/or proposed in the districts Green Belt.
- 37 Furthermore, the Council does not have an update to Local Plan for housing provision in terms of the requirements of the NPPF. The Council is also unable to demonstrate a five-year housing supply, and is classed as a presumption authority under the Housing Delivery Test. Therefore, under paragraph 11 of the NPPF, there is the potential for the tilted balance to be engaged. Due to the sustainable location of the development and in accordance with paragraph 11(d) of the NPPF, the very minor harm to the character of the area identified does not outweigh the presumption in favour of sustainable development and therefore the proposal is acceptable.

Impact on the significance of the heritage assets

- 38 Policy EN4 of the Allocations and Development Management Plan states “Proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset”.
- 39 The High Street Conservation Area is situated to the east and south of the application site. The High Street Conservation Area appraisal outlines that contains over 100 listed buildings, most of the properties that front the High Street and London Road are commercial premises though there are a significant number of residential properties to the southern end of the area and in Lime Tree Walk to the west.
- 40 The Lime Tree Walk area, which the application site sits just north of, is a row of Grade II Listed properties along Lime Tree Walk. Numbers 2-40 Lime Tree Walk are described in the Historic England listing as:

‘built in 1878-82 as a housing experiment for working class people in a high class residential area. 2 storeys and attic. Ground floor red brick, above stuccoed. Overhanging eaves stepped up in sections. Tiled roofs. Dormer windows. Casements below. Central shaped Dutch gable to the coffee-house (part of No 22) with a bay window on the ground floor’.
- 41 The Conservation Officer highlights that there is a minimal inter relationship between the proposal and listed buildings to the south. Therefore, the proposal would conserve the setting of the nearby listed buildings.
- 42 The Conservation Area Appraisal does not highlight the application site as either contributing or detracting from the setting and character of the

conservation area. It is therefore considered there is a reasonable amount of scope to redevelop the site without having a negative effect on the conservation area or listed buildings and their setting. The proposed alterations to the façade and fenestration will have a negligible impact on the character, setting and significance of the heritage assets. The proposed roof is at odds with the materials and design ethos of the conservation area and listed buildings, however the impact upon the setting is less than substantial and there is no impact on the significance of the conservation area. It should also be noted that the Conservation Officer raises no objection to the scheme and finds that the proposal will conserve the character and appearance of the Conservation Area in accordance with section 72 of the planning act 1990. For the same reasons as above, any minor harm is not considered to outweigh the presumption in favour of sustainable development.

Residential amenity

- 43 Policy EN2 of the Allocations and Development Management Plan 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.
- 44 The proposal is to redevelop the site into three flats, this involves the addition of a second floor through the construction of a zinc mansard roof. The proposal seeks to remove the two-storey flat roof section to the rear which runs alongside 3 Victoria Road.
- 45 The application site is surrounded by other residential properties and therefore any change of use has the potential to impact the amenities of neighbouring residents.
- 46 Lime Tree Walk (Nos. 8-12)
- 47 To the rear of the application site resides 8 to 12 Lime Tree Walk, with a narrow alleyway between the site and the gardens of these properties. At present the site runs right up to the alleyway at two-storey height, it is proposed to increase this to three storeys with a mansard roof but crucially alongside pulling the rear of building back by around 3m. This brings the rear of the building in line with the single storey rear extension of 1 Beech Road, though further projecting than the two-storey rear extension at this neighbour.
- 48 The pulling back of the building to the rear (south) of the site is welcomed, however it coincides with the introduction of a second floor and a larger window at first floor level. However, the mansard roof has been pulled back from the rear edge of the building, meaning a lot of the overlooking potential is blocked by the roof of the building. Then at first floor level, whilst the window is taller it is proposed to use obscured glazing and this will be secured

through a condition to protect the privacy for the residents of Lime Tree Walk.

- 49 In terms of separation distances, the first floor window to window distance from the proposed development towards 10 Lime Tree Walk is between 11.7m. This is short of the minimum outlined in the National Model Design Code. However, this window will be obscured glazed, which removes the possibility of overlooking and would actually be less than the existing overlooking from the commercial use that extends up to the boundary with a window to window distance of 8.8m. Moreover, it is reflective of the densely built environment here and should be expected in urban centre environments. The issues identified in the previous application of overlooking private amenity space - the first 5m outside the rear of the property as defined in the Residential Extensions SPD - are also overcome with the use of obscured glazing and the pulling of the second floor making such overlooking angles unfeasible. The development is considered to accord with policy EN2 of the Allocations and Development Management Plan in relation to the Lime Tree Walk neighbours.
- 50 It is also noted that the prior approval application (22/01118/PAC) was granted for the conversion of the building as existing - i.e. no removal of the two-storey rear projection - and that would have resulted in worse separation distances than the current proposal. Class MA of the General Permitted Development Order (which the application was applied under) is only able to assess the acceptability in terms of contamination, flooding, transport and amenity for the intended occupiers. Consequently, the assessment as to whether prior approval is acceptable is unable to review the impact upon neighbouring amenity, meaning the potential impact from that development being implemented would be greater than the current scheme. This is considered to hold significant weight.
- 51 1 Beech Road
- 52 The proposed mansard roof will also impact the amenity of 1 Beech Road to the immediate west of the site.
- 53 The proposed development increases the height of the building by over 2m at the rear. However, the increase is in line with the two storey rear extension of 1 Beech Road and would have no greater impact upon the daylight and sunlight of this neighbour. Additionally, the removal of part of the building to the rear will increase the amount of daylight and sunlight from the east and southeast.
- 54 Other Beech Road properties
- 55 Concerns have been raised regarding the impact upon light amenity for properties on the opposite side of Beech Road, in particular number 12. The application site is approximately 10 metres away from the nearest corner and further to the windows. In terms of overlooking the proposed window arrangement would pose no greater overlooking than the existing windows, the window that faces directly towards no.12 at first floor level is a bathroom

Agenda Item 4.2

and thus would have limited outlook and would likely feature obscured glazing for the privacy of the proposed occupiers.

- 56 As for light loss, the mansard roof will result in the building being comparable in height to the immediate attached neighbour. This increased height would therefore pose no greater impact than the existing arrangement of built development in the area.
- 57 Overall the proposal is considered to preserve the amenity for surrounding neighbours in accordance with policy EN2 of the ADMP.
- 58 As for the amenity of the future occupiers, all three units meet the minimum space standards of the Nationally Described Space standards. As for natural light, all primary living spaces i.e. bedrooms and living rooms are served by natural daylight.

Impact on highway safety and parking provision

- 59 Policy EN1 of the Allocations and Development Management Plan states that proposals that would ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking and refuse facilities will be permitted. Policy T2 of the ADMP states that vehicle parking provision in residential developments should be in accordance with the current KCC vehicle parking standards (appendix 2 of the ADMP).
- 60 The NPPF states that development should only be refused or prevented on transport grounds if the impacts are severe. The development is in a sustainable location and is effective use of an existing building, it is easily walkable to shops and services and is close to the train station and bus stops. Cycle storage facilities are proposed and are sited to the entrances of the units and thus would be more encouraging to use than ones tucked to the rear of building for example.
- 61 The existing office development is not provided with any off street parking spaces. The proposed dwellings will not benefit from off street vehicle parking either. The parking required for the offices on this site is 8 parking spaces, whilst for the three residential units the parking requirement is 3 parking spaces. Therefore, there is a highway betterment, in that less parking spaces are technically required for the residential scheme compared to the former office use. Therefore, the proposal will not result in any harm to highway conditions and complies with policies EN1 & T1 of the ADMP and the NPPF.

Other

- 62 It is noted that the proposed development meets the social, environmental and economic objectives of the NPPF as it sites residential development near services, makes use of an existing building rather than demolishing and releasing the embodied carbon.

Community Infrastructure Levy (CIL)

- 63 The proposed development is CIL liable, a liability notice will be issued with any grant of permission.

Conclusion

- 64 The proposed development is located in a sustainable location and is acceptable in principle, the design, scale and materials will preserve the character of the area and the setting of the designated heritage assets. The proposal will also preserve neighbour amenity and highway safety. The proposed development therefore accords with policies LO1 and LO2 of the Core Strategy, EN1, EN2, EN4 and T1 of the Allocations and Development Management Plan, the Council's Supplementary Guidance and the National Planning Policy Framework.

Background papers

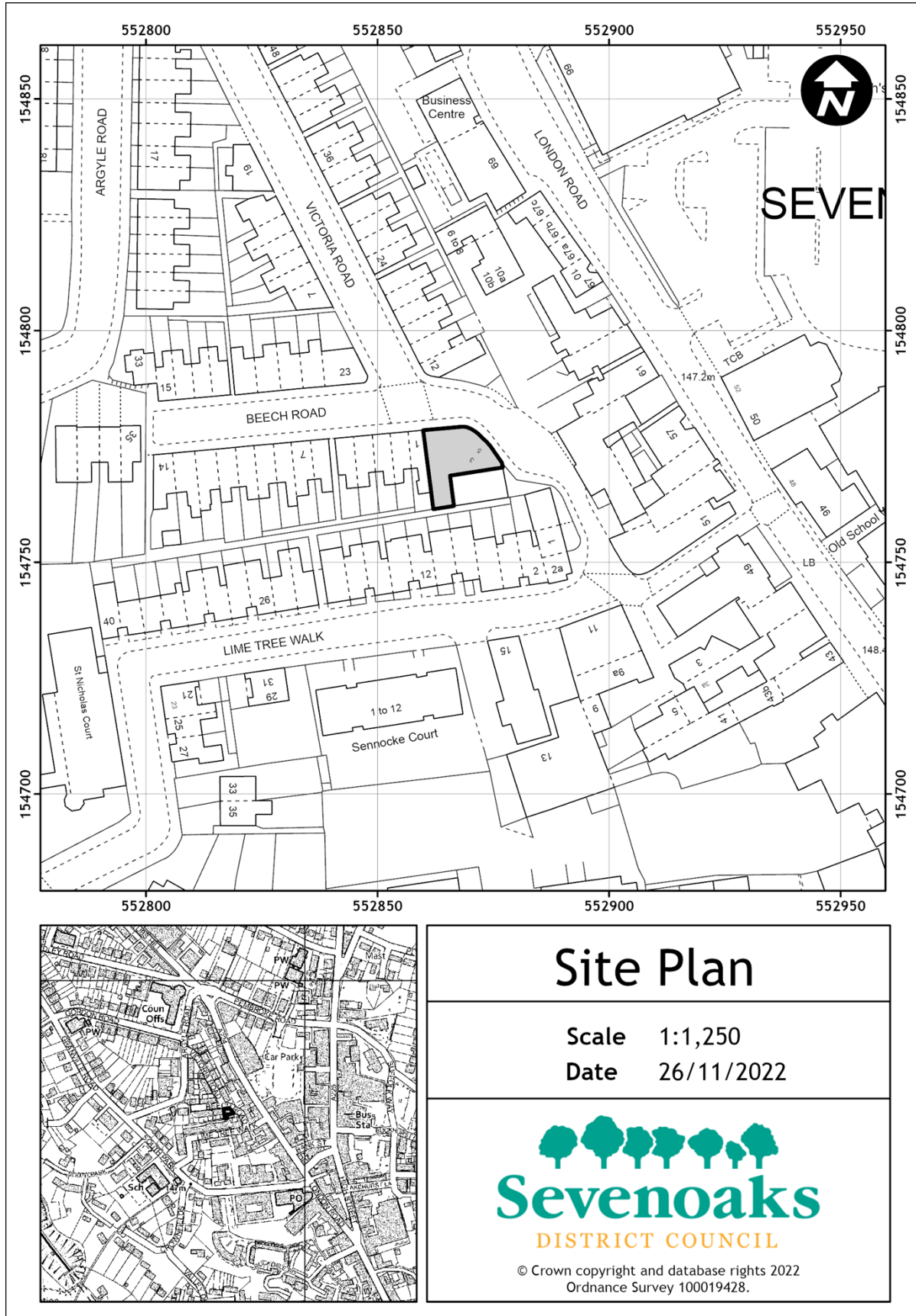
Site and block plan

Contact Officer(s): Ashley Bidwell: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN



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4.3 22/02608/MMA Revised expiry date 16 December 2022

Proposal: Amendment to 18/00313/FUL.

Location: Site Of , 60 Bethel Road, Sevenoaks Kent TN13 3UE

Ward(s): Sevenoaks Eastern

Item for decision

Councillor Clayton and Councillor Purves have referred the application to Development Control Committee on grounds of impact on the conservation area and neighbour amenity.

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

1) The development shall be constructed in accordance with the external materials approved in application 20/02533/DETAIL.

To ensure that the appearance of the development enhances the character and appearance of the street and Conservation Area as supported by Policy EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: A2358/201C, A2358/202E, A2358/203F, A2358/204C

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

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, B, C and D of that Order.

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 Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

4) Notwithstanding the approved drawings, the outer windows in the rear dormer 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 preserve the amenity of the neighbouring residents in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

Informatives

1) Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 application site contains semi-detached dwellings to the west side of Bethel Road, which are currently under construction. The application site is located towards the northeast of the Sevenoaks Urban Area and within the Hartslands Conservation Area. The site previously comprised of a single storey dwelling which has now been demolished and the construction works are now up to the first floor of the has been constructed. The finishing materials, windows, roof and more are yet to be completed.
- 2 The application site is situated in a predominantly residential area, the area comprises linear street patterns from Cobden Road to Sandy Lane running parallel to one another. Bethel Road mostly comprises of terraced blocks of small to medium sized dwellings, most of which have eaves fronted design creating a sense of uniformity and cohesion. The material palette of the area largely consists of brick with a scattering of stone or pebbledash finishes.

Description of proposal

- 3 The application is for a Minor Material Amendment to 18/00313/FUL which was for the 'Demolition of existing bungalow and erection of 2 semi-detached 2 bedroom houses'. The amended condition in question is condition 3 (plans) and the changes are follows:
 - Increase ridge height by 0.3m (one foot);
 - Addition of dormer window(s) to the rear of the dwellings;
 - Alteration of patio areas/terraces to the rear of the dwellings.

Relevant planning history

- 4 16/01693/FUL - Demolition of existing bungalow and the erection of 2. no 2 bedroom houses. Refused.
- 5 18/00313/FUL - Demolition of existing bungalow and erection of 2 semi-detached 2 bedroom houses. Granted.
- 6 22/01333/MMA - Minor material amendment to 18/00313/FUL. Refused

Policies

- 7 National Planning Policy Framework (NPPF)
- 8 Core Strategy (CS)
 - LO1 Distribution of Development
 - LO2 Development in the Sevenoaks Urban Area
 - SP1 Design of New Development and Conservation
 - SP11 Biodiversity
- 9 Allocations and Development Management Plan (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN4 Heritage Assets
 - T1 Mitigating Travel Impact
- 10 Other:
 - Hartslands Conservation Area Appraisal and Management Plan SPD

Constraints

- 11 The following constraints apply:
 - Hartsland Conservation Area
 - Sevenoaks Urban Confines

Consultations

- 12 Sevenoaks Town Council:

Recommended refusal on the following grounds:

- The proposed increased ridge height - irrespective of whether this is required to facilitate internal head heights and to ensure the front and rear elevations correspond/align
- Removes the decreasing roof height along Bethel Road. This is considered to diminish the quality of the approved scheme and will impact the character of the area. It is noted that the development has been substantially built, however this is not a material consideration, and harm

(Item No 4.3) 3

Agenda Item 4.3

to the character of the street scene and conservation area is not outweighed by the construction works already commencing.

- Because of the width and mass of the building, adding dormers to the roof will be dominating to neighbours, and those proposed are at ridge height, which goes against the design principles of the Conservation Area
- Development would partially block protected views across the Conservation Area, and the increased height of the building is even more damaging to windows in neighbour's habitable rooms.
- The increased height of the building would increase overlooking and loss of amenity to neighbours.

13 KCC Highways 1st and 2nd consultation (in summary):

The development does not meet the criteria for involvement from the Local Highway Authority.

Request for informative regarding works the highway.

14 SDC Arboriculture: No comment

Representations

15 5 letters of objection have been received relating to the following issues:

- Amendments made to the approved development are only due to 'errors' on the original plans.
- Proposed changes would have a detrimental impact on Hartslands Conservation Area and neighbours.
- Impact compounded by development on opposite side of the road.
- Loss of stepped roof along Bethel Road.
- Amendments to dormer windows at the back to not overcome previous reasons for refusal.
- The proposed changes exacerbate the existing impact of the proposed dwellings.
- Possible inclusion of disabled access will reduce parking space out front on busy narrow road.
- Overlooking from patio area to the rear of the properties.
- Length of patio at 1m is not reduced enough from last application.
- Loss of privacy from outer windows of the proposed box dormer.
- Recess between dormers for each dwelling is not sufficient.
- *Officer note - amended plans have sought to address this.*
- Loss of light from increased height and large dormer.

Chief Planning Officer's appraisal

16 The main planning consideration are:

- Context and background
- Impact upon the character and appearance of the Conservation Area and local area

- Residential amenity
- Highway safety and parking.

Context and background

- 17 Minor-Material Amendment process
- 18 Government advice on the use of Minor Material Amendments states that local planning authorities should, in making their decisions, focus their attention on national or local policies or other material considerations which may have changed since the original grant of permission, as well as the changes sought. Planning permission 18/00313/FUL was granted for the construction of two semi-detached dwellings.
- 19 This minor material amendment seeks to:
- Increase ridge height by 30cm;
 - Addition of dormer window(s) to the rear of the dwellings;
 - Alteration of patio areas/terraces to the rear of the dwellings.
- 20 This Minor Material Amendment application seeks to make a number of changes to the approved development from 2018 for two semi-detached dwellings. The fundamental reasoning/background for the changes is due to a combination of errors on the approved plans. These are as follows:
- Section drawing showing a ridge height of 8.1m;
 - Rear elevation showing a ridge height of 7.6m;
 - Front elevation showing a ridge height of 7.4m.
- 21 Consequently, the measurements do not align and the building works commenced in line with rear elevation measurements of 7.6m ground floor to ridge. This has resulted in the building being taller from the front by approximately 30cm. The building also appears to be set higher than the approved drawings from 2018 as the height of the rear patio doors is one step taller than previously approved. It appears as though the foundations have been laid thicker than the 2018 drawings which in addition to the building to the rear elevation heights has added to the increased height, resulting in the aforementioned 30cm increase.
- 22 In addition to the above, a rear dormer window for each dwelling is proposed, this will increase the size of the second floor bedroom for each unit and allow for better internal head height throughout the room. The design of the dwellings are otherwise the same as previously approved.
- 23 This minor amendment follows a previous MMA application 22/01333/MMA for similar works, which was refused on the following grounds
- 24 Design and impact upon the character of the area due to the scale and design of the dormer windows, partially in conjunction with the increased roof height impact. The design was also considered contrary to paragraph 135 of

Agenda Item 4.3

the NPPF which seeks to ensure design is not diminished between applications.

- 25 1) The proposal was also considered to result in a loss of neighbour amenity from the increased terrace/platform length at the rear of the units.
- 26 The current MMA application before Members differs from the refused scheme as follows:
- The dormer windows to the rear have been separated and reduced in size and pulled away from the sides of the roof.
 - The patio/terraces to the rear have been reduced in length.

Impact upon the character and appearance of the Conservation Area and local area

- 27 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.
- 28 Policy SP1 of the Core Strategy and Policy EN1 of the Allocations and Development Management Plan state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 29 Paragraph 135 of the National Planning Policy Framework states “Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme”.
- 30 The application site is located in the Hartslands Conservation Area, policy EN4 of the Allocations and Development Management Plan states “Proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset”.
- 31 The Hartslands area was developed heavily in the Victorian Era, with the Conservation Area Appraisal describing the architectural character of the area as one that is dominated by small blocks of terraced housing in linear streets. The residential properties in the area are small to medium sized and are mostly eaves fronted in style, there is however more variation in the materials. With regard to Bethel Road itself, there is a steadily declining roof height along the road which the previous application preserved.
- 32 The two design amendments proposed that could have a bearing upon the character of the area are the increased height and the addition of the box dormers to the rear. These are assessed below.
- 33 Increased ridge height
- 34 As highlighted in the consultation responses received the proposed development would interrupt the gradual decrease in roof height moving north along Bethel Road in line with the decreasing land levels. The

conservation area highlights how the land lowers towards to the north with the building heights naturally appearing lower as a result. This land level characteristic/topography allows for far reaching views of the North Downs right from the southern end of Bethel Road, consequently an important view here is identified in conservation area appraisal map. However, there is no specific reference to building ridge heights decreasing along Bethel Road. In fact, whilst the compact layout of the road is referenced and is considered important, the roof forms are varied as a result of varying building scales, inconsistent presence of front dormer windows, varying pitches and varying property setbacks.

- 35 In addition to the above the conservation area appraisal specifically outlines how the immediate neighbouring properties of the application site are detractors to the character of the conservation area. Therefore, the design of the replacement dwellings subject to this application (the principle of which has already been established) can stand alone/separate to the immediate context providing the overall design and character is suitable to the area.
- 36 Part of the character of the Hartslands Conservation Area is also the westerly views across the conservation area. Attention has been raised regarding the views of St Johns Church in the distance, however the conservation area appraisal does not specifically refer to the church as contributing to the view, instead it relates to far reaching views due to the high vantage point from Sandy Lane. The majority of the views in the area are also in a northerly direction towards the North Downs, or across areas of identified open space. The proposal to replace the single storey bungalow with the two dwellings would have altered the view to a minor degree. However, this was considered acceptable in 2018 and the 30cm height increase will have an imperceptible difference to the view.
- 37 In light of the above, the approximately 30cm increase in height is not considered detrimental to the character of the area or the conservation area.
- 38 Dormer windows
- 39 Whilst section 5 of the Conservation Area Appraisal outlines how dormers are not generally appropriate, numerous rear dormer windows have been added to properties since the adoption of the appraisal in 2011, and there are also some front dormer windows and projecting box windows on properties to the northern end of Bethel Road. Consequently, it is considered the management guidance for the conservation is out of date in this respect and holds limited weight. Moreover, now the dormers have been separated they may constitute permitted development under Class B of the General Permitted Development Order.
- 40 The previous application (22/01333/MMA) concluded that the cumulative impact of the dormer design and roof height increase meant the amendments to the original design from 2018 were not acceptable. Now, the amendments to the size and design of the dormer windows having been reduced during the course of this application and since application 22/01333/MMA have alleviated the cumulative impact on the character of the area.

Agenda Item 4.3

- 41 In conclusion, it is therefore considered that the proposed dwelling is sympathetic to the design and character of the conservation area and that the design has not been significantly diminished between applications in accordance with paragraph 135 of the NPPF. The proposed development will preserve the identified key views and the significance of the locally listed buildings. The proposal would therefore accord with policy EN4 of the Allocations and Development Management Plan, the guidance of the Hartslands Conservation Area Appraisal and paragraphs 135 and 199 to 203 of the National Planning Policy Framework.
- 42 Assessment of patio/decked area from a visual impact
- 43 The patio area to the rear has been revised back to approximately 1m in depth, the previous refused application sought 3m deep patios. The patios are not visible from the public realm and thus have no impact, though the change to 1m depth is welcomed from a neighbour amenity perspective.

Residential amenity

- 44 Policy EN2 of the Allocations and Development Management Plan 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.
- 45 The impact of the proposal for two dwellings upon residential amenity was assessed in 2018 and concluded acceptable. The proposed amendments have the potential to alter the impact and are assessed below in turn.
- 46 Ridge height increase
- 47 Representations have been received regarding the increased ridge height having a detrimental impact upon the amenity of neighbouring residents. The proposal results in a height increase of approximately 30cm and aligns to the height of 62 Bethel Road. The impact this change on light levels of neighbouring properties would be imperceptible, and is not considered significant compared to the addition of an entire storey for comparison. The proposed changes would pass the sunlight and background daylight tests.
- 48 Dormer windows
- 49 The approved development of 18/00313/FUL included a second bedroom in the roof space of both dwellings, externally roof lights were proposed to the rear. It is now proposed to add a box dormer to the rear of each property with the design amended since the previous Minor Material Amendment application of 22/01333/MMA to separate them. Initially just a recess was proposed, though this has now been amended.
- 50 Concerns have been raised regarding the dormer windows allowing for greater overlooking of the immediate neighbouring properties 62 and 59 Bethel Road - particularly from the outer windows. The neighbouring properties are in line with the proposed dwellings save for rear single storey projections, which in

the case of number 62 contain an open plan kitchen and dining room. The proposed amendment will not alter the daylight and sunlight levels of the approved scheme due to the negligible height increase.

- 51 As for privacy and overlooking, the single storey projections of the neighbours are served by rooflights, which have a view of the development and a view of the proposed dormer, albeit at a tight angle. It is considered the development will pose more of a perception of overlooking rather than a genuine loss of privacy. This is due to the combination of an oblique angle due to the close proximity of the dwellings, the depth of the window-sill, the height of the dormer in relation to the neighbouring building and the height of the window. These factors would make direct looking physically difficult and no worse than any inter visibility between the approved first floor windows and the neighbours.
- 52 Notwithstanding the above, a condition has been implemented to include obscure glazing to the outer windows to further reduce the potential of overlooking and invading privacy.
- 53 Rear terraces and fencing
- 54 The final matter relates to the terraces at the rear of the proposed dwellings, the alterations to the foundations and/or finished floor levels have resulted in the rear doors being approx. five steps above the ground. This could pose a loss of privacy through allowing for views into the neighbouring window either 62 or 59 Bethel Road. The previous refused design extended to proposed terraces to approx. 3m in depth and therefore extended the height difference between the properties and the neighbours. This has been scaled back to a level similar to the approved scheme from 2018 and the fence panels increased in height only as far as the terrace to ensure a balance between obscuring the patio door and terrace from the neighbouring side windows and minimising light loss from a fence in close proximity to said window(s).

Impact on highway safety and parking provision

- 55 Policy EN1 of the Allocations and Development Management Plan states that proposals that would ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking and refuse facilities will be permitted. Policy T2 of the ADMP states that vehicle parking provision in residential developments should be in accordance with the current KCC vehicle parking standards (appendix 2 of the ADMP). For a 3-bedroom house in the town centre, or even edge of town, one parking space is the requirement.
- 56 The NPPF states that development should only be refused or prevented on transport grounds if the impacts are severe. The proposed amendments do not alter the parking consented in the 2018 application and whilst the parking pressures of the street are noted the development is in accordance with the extant permission from 2018 in regards to parking measures/provision.

Community Infrastructure Levy (CIL)

- 57 The proposed development is CIL liable and no exemption has been sought.

Agenda Item 4.3

Conclusion

- 58 The proposed Minor Material Amendments are considered acceptable as they preserve the character of the area and the significance of the conservation area. Subject to conditions the development will also preserve neighbour amenity.
- 59 It is therefore recommended that this Minor Material Amendment Application is GRANTED.

Background papers

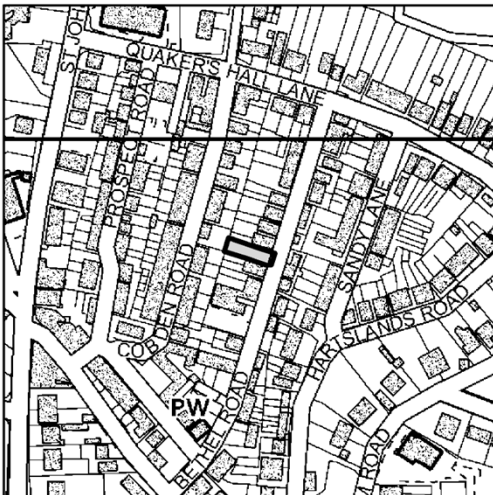
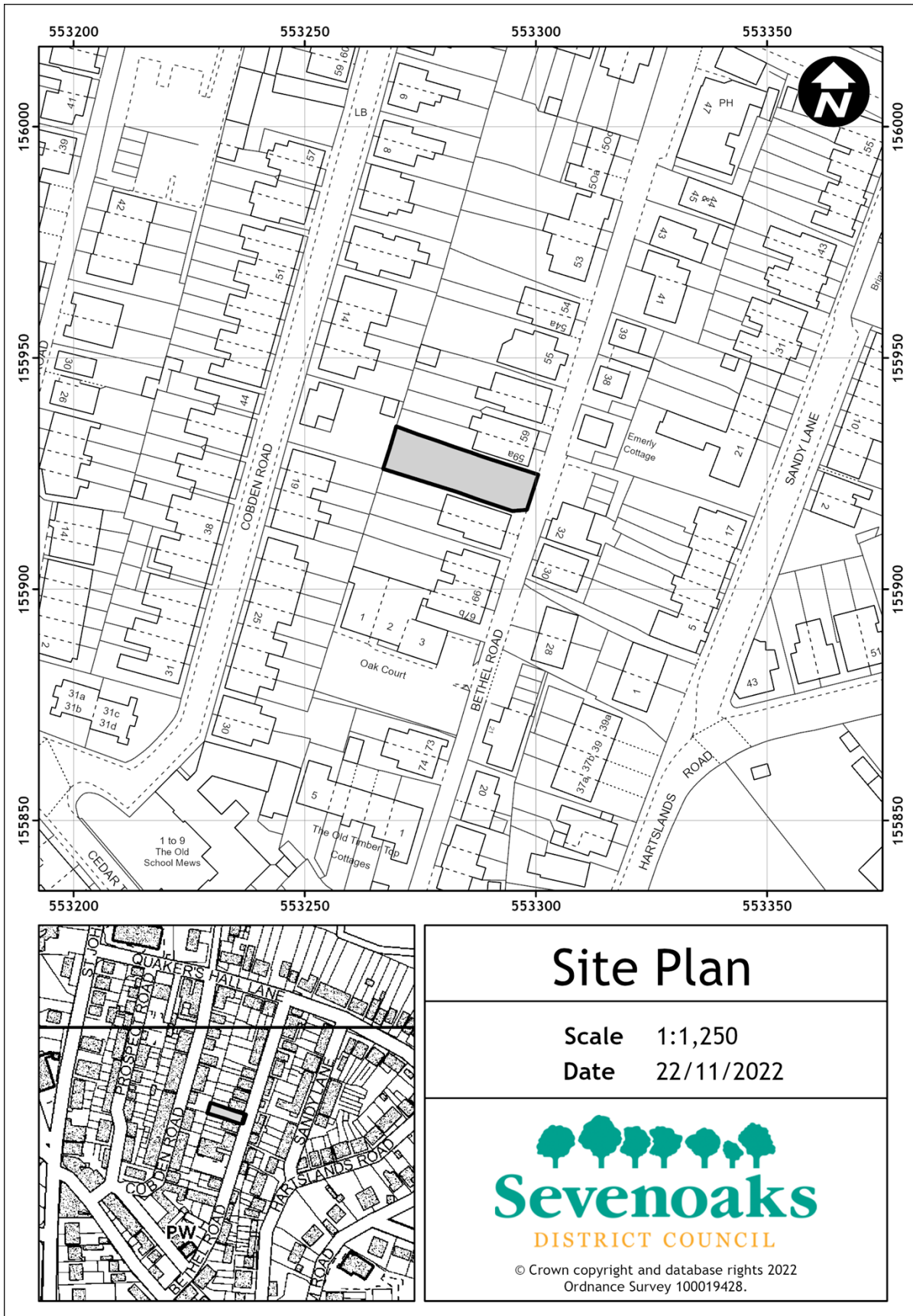
Site and block plan

Contact Officer(s): Ashley Bidwell 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)

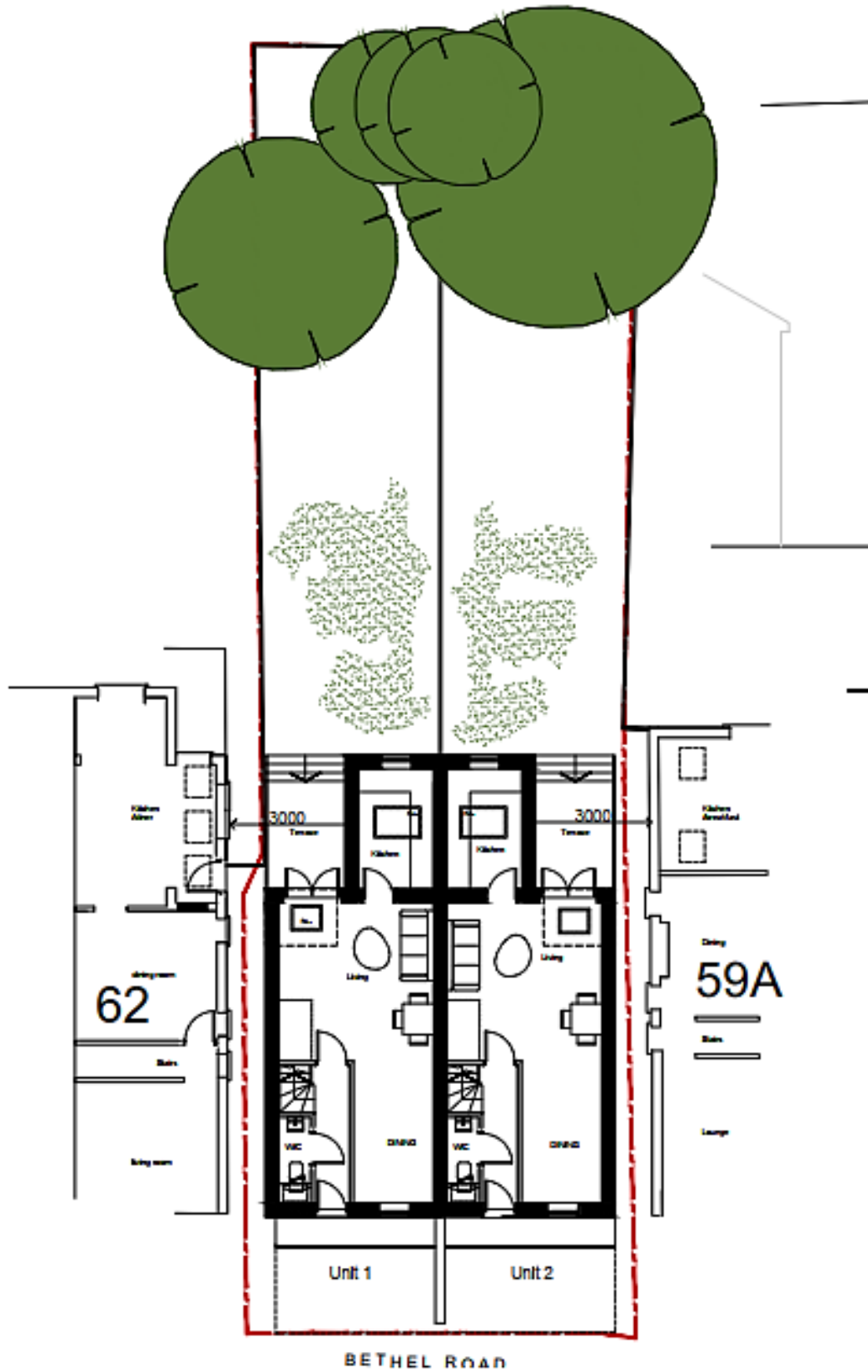


Site Plan

Scale 1:1,250
Date 22/11/2022



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Ordnance Survey 100019428.



Planning Application Information on Public Access - for applications coming to
DC Committee on Thursday 15 December 2022

4.1 - 22/02482/FUL - Lyndhurst Cottage, Holly Bush Lane, Sevenoaks, Kent TN13 3UN

[Link to application details:](#)

[Link to associated documents:](#)

4.2 22/02677/FUL - Specialist Lift Services, The Quadrant, 5 Victoria Lane, Sevenoaks, Kent TN13 1YD

[Link to application details:](#)

[Link to associated documents:](#)

4.3 22/02608/MMA - Site of 60 Bethel Road, Sevenoaks, Kent TN13 3UE

[Link to application details:](#)

[Link to associated documents:](#)

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