

4.5 – SE/13/02654/HOUSE Date expired 30 October 2013

PROPOSAL: Demolition of existing conservatory to facilitate the erection of a two storey rear extension to include rooflight. Redesign the rear elevation to create a double gabled well fenestrated facade. Creation of partial basement, the roof of the basement will be re-laid as a decked terrace to ground floor living/dining area, reinstating the existing terrace. Internal alterations and changes to side elevations fenestration. Re-submission of SE/13/00934/HOUSE.

LOCATION: 3 Hollybush Close, Sevenoaks TN13 3XW

WARD(S): Sevenoaks Eastern

ITEM FOR DECISION

This application has been reported to Development Control Committee at the request of Councillor Purves on the following grounds:

- dominant and overbearing impact on the neighbour at No. 2 Hollybush Close;
- loss of privacy to neighbour at No.2. Hollybush Close; and
- overdevelopment of the site.

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:- Drawing Number P010 Revision A, dated September 2012, stamped 2 October 2013;- Drawing Number P011 Revision E, dated September 2012, stamped 2 October 2013;- Drawing Number P012 Revision A, dated September 2012, stamped 4 September 2013;- Drawing Number P020 Revision D, dated September 2012, stamped 4 September 2013;- Drawing Number P021 Revision D, dated September 2012, stamped 4 September 2013;- Drawing Number P022 Revision E, dated September 2012, stamped 2 October 2013;- Drawing Number P023 Revision E, dated September 2012, stamped 2 October 2013;- Drawing Number P024 Revision C, dated September 2012, stamped 2 October 2013;- Drawing Number P025, dated September 2012, stamped 4 September 2013;

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

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

out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the building as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) No development shall be carried out on the land until full details of soft landscape works and associated screening / boundary treatment have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.-details of proposed screening / boundary treatment/ corner planters for terrace

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

5) Soft landscape works and associated screening / boundary treatment shall be carried out before the occupation of the extension. These landscape and boundary treatment works shall be carried out in accordance with the approved details.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

6) If within a period of five years from the completion of the development, 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 safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) The first floor flank windows on the north-east and south-west elevations shall be obscure glazed at all times and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room.

To safeguard the privacy of the adjoining residents in accordance with Policies EN1 and H6B of the Sevenoaks District Local Plan.

8) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

To ensure that features of archaeological interest are properly examined and recorded.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,

- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line
(www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.

Description of Proposal

- 1 This planning application is a revised proposal following the withdrawal of planning application SE/13/00934/HOUSE. The main amendments to the proposal from this one are:
 - Depth of two storey extension reduced from 4 metres to 3.5 metres;
 - Rear terrace reduced in height by 0.47 metres;
 - Depth of terrace (excluding steps) reduced from 4 metres to 3.5 metres;
 - Privacy planters added to terrace to ensure privacy;
 - Minor amendments to fenestration detail (corner brick detail added to new extension to match existing).
- 2 The proposal involves a number of elements. Permission is sought to demolish an existing conservatory which has a floor area of approximately 7.8m². In its place is a two storey rear extension which will extend 3.5 metres from the existing rear wall. This will create a floor area of 37.8m² on each of the ground and first floors.
- 3 The two storey extension will redesign the rear elevation to create a double gabled fenestrated facade. This will be 1.1 metres lower than the eaves of the main building and 2.5 metres lower than the pitch on the main roof.
- 4 Permission is also sought to create a basement, the roof of which will be laid as a decked terrace to the ground floor living dining area. The basement will create a floor area of approximately 111m² with the land lowered by 0.47m which will be level with the rear garden.

- 5 The decked terrace area will provide a further 43.2m² of outdoor space but sections of this will incorporate steps from the kitchen / living room and corner planters to ensure privacy to adjoining properties.
- 6 The terrace will be 1 metre above the existing ground level but it will be 2.9 metres higher than the proposed ground level (this however is much lower than the existing ground level due to the topography of the site).
- 7 Finally alterations are proposed internally and some minor changes to the side elevations fenestration including the insertion of new windows.

Description of Site

- 8 The site is situated within the built urban confines of Sevenoaks, within the Sevenoaks Eastern Ward.
- 9 Hollybush Close is a cul-de-sac which is located off Hollybush Lane behind Hollybush Court. The site consists of a large detached dwelling which benefits from a large driveway. The dwellings have large gardens but due to the topography of the area are steep in nature and slope downward from north to south.

Constraints

- 10 Area of Archaeological Potential
- 11 The *following constraints are situated at the bottom of the garden:*
 - Tree Preservation Orders TPO/93/25/SDC
 - Conservation Area Sevenoaks - The Vine

Policies

Sevenoaks District Local Plan (SDLP)

- 12 Policies - EN1, H6B

Sevenoaks District Core Strategy

- 13 Policy - SP1

Other

- 14 National Planning Policy Framework (NPPF)
- 15 Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- 16 Sevenoaks Residential Character Area Assessment SPD

Planning History

- 17 SE/90/01459/HIST - Proposed residential development (Class C3) and the provision of public open space (OUTLINE) as amended by plan No. UDT/E/523/23 AB. (granted 14 January 1991).

SE/91/00918/HIST - Residential development (Class C3) and the provision of open space without complying with conditions originally imposed on SE/90/1459 (granted 13 July 1993).

SE/93/01185/HIST - Erection of six detached houses with garages roads and ancillary services. As amended by letter and plans dated 21.9.93 and 24.9.93 (granted 28 October 1993).

SE/94/00292/HIST - Erection of six detached houses with garages, road and ancillary services (amended to that permitted under SE/93/1185) (granted 22 April 1994).

SE/13/00934/HOUSE - Demolition of existing conservatory to facilitate the erection of a two storey rear extension to include rooflight. Redesign the rear elevation to create a double gabled well fenestrated facade. Creation of partial basement, the roof of the basement will be re-laid as a decked terrace to ground floor living/dining area, reinstating the existing terrace. Internal alterations and changes to side elevations fenestration (withdrawn 3 June 2013).

Consultations

Sevenoaks Town Council:

18 Recommended refusal on the following grounds:

- The proposal is un-neighbourly as the gabled rear extension would have an overbearing impact on the residential amenities of the neighbouring property (no.2) this impact would be exacerbated by the relative topography of the two properties;
- The proposal represents overdevelopment of the site;
- The Town Council is concerned that the proposal would have a detrimental impact on the setting of Knole Park AONB.

Local Members

19 Councillor Purves: - Called the application to Development Control Committee for the following reasons:

- Dominant and overbearing impact on the neighbour at No. 2 Hollybush Close;
- Loss of privacy to neighbour at no.2. Hollybush Close;
- Overdevelopment of the site.

20 Councillor Walshe: - No comments received.

Representations

21 2 (No.) Letters of Objection:

1. This constitutes a significant enlargement of the existing structure which will adversely impact on both our light and privacy.

Firstly, the enlarged structure is two storeys and not single as in the case of Number 5 and the conservatory of Number 1. Natural light to our kitchen will be reduced as well as to our family bathroom on the east side.

Secondly, we are concerned that the extended terrace will adversely affect our privacy. We understand from the owners that the existing house will be extended by 3.5 metres and that the terrace will extend by 4 metres from the proposed new extension of the house.

There are some relatively simple remedies which will alleviate our concerns:

- We think that the new structure should be extended by no more than 3 metres from the existing structure (i.e. 0.5 metres less than proposed). We would also prefer the terrace to extend by 3.5 metres and not the 4 metres proposed;
 - The proposed roof of the extension should not be gabled, but hipped so as to reduce the bulk of the new structure and to allow more natural light in. gables have been proposed whilst a superior result could be achieved by having the roof less obtrusive.
 - A new fence should be erected at a height of 2 metres on our side of the property to ensure adequate privacy from the extended terrace;
 - Suitable landscaping should be provided to ensure our privacy;
2. Both No.2 and No.3 are sited on land which slopes steeply from north to south down to the Seal Hollow Road. There is a gentler gradient from west to east across the north to south slope.

No.2 is situated to the east of No.3 and the net effect of these slopes is that No.3 is above and behind the back of our property and already in a dominant position. The proposed rear extension wall does not replicate the present line but has been changed to accommodate two large gables with a very high vertical straight edged wall. The extension will add 4 metres of increased depth at ground level, an increased height of approximately half a floor level and a new higher roof of 7.5 metres in length.

This will result in a bulky, overbearing and oppressive extension with nearly 50% of Number 3 behind the rear elevation of No.2. The north-east elevation facing our property will be a large flat mass only broken up by windows and a drainpipe with very little architectural merit. The proposed extension will have a detrimental impact on the amenity of No.2 in relation to loss of light, through overlooking and loss of amenity.

Chief Planning Officer's Appraisal

Principal Issues

Design, Scale and Bulk – Impact on the Street Scene

- 22 Policy SP1 of the Sevenoaks District Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.

- 23 Policy EN1 of the SDLP states that proposed development, including extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. In addition, Policy H6B (Appendix 4 point 1) states that extensions should relate well in design terms to the original dwelling in respect of bulk, height, materials, windows and detailing. In addition Policy H6B (Appendix 4 point 4) states that in general two storey extensions should have pitched roofs to match the existing dwelling. Finally Policy H6B (Appendix point 5) states that extensions which extend to the side boundary of the property which could lead to visual terracing are not acceptable; a minimum distance of 1 metre is normally necessary for two storey extensions.
- 24 The Sevenoaks Residential Character Area Assessment SPD states that in proposing new development within the Hollybush Close Character Area:
- The harmonious palette of yellow brick with red brick details, half timbering and grey roof tiles should be respected;
 - The setting of the Vine Court Conservation Area should be protected or enhanced.
- 25 The development proposes to substantially increase the size of the dwelling, which is already a large detached house. It is recognised that the works will be occurring to the rear of the property, which conceals the development from the street scene. This is welcomed as the character and appearance of Hollybush Close should be protected.
- 26 The two storey rear extension will retain a distance of 3.8 metres to the boundary with Number 2 Hollybush Close (now referred to as No.2) and 3.6 metres to the boundary with Number 4 Hollybush Close (now referred to as No.4). The edge of the terrace will be 4 metres from the boundary with No.2 and 4.1 metres with No.4.
- 27 As documented in the *description of proposal* section, the two storey extension has been reduced from the previously withdrawn scheme and will extend 3.5 metres from the existing rear wall and will create a floor area of 37.8m² on the ground and first floors. Whilst it is recognised that this is a large scale extension, the bulk of the extension is reduced by the proposed height of the development. It will be 1.1 metres lower than the eaves of the main building and 2.5 metres lower than the pitch on the main roof.
- 28 It is considered that as matching materials will be used on the proposed extensions, it will ensure that the development does not harm the integrity of the original building. It is welcomed that corner brick detail has been added to new extension to match the existing.
- 29 The Town Council and Local Member have raised concern in regards to overdevelopment of the site. Whilst it is recognised that more built form will be erected as part of the proposals, it is acknowledged that the distance to the side boundaries will be retained. In addition, a large part of the rear garden will remain un-developed. It is therefore not considered that the proposal will over develop the site.
- 30 The basement has been designed to ensure that the bulk of the development is concealed from the side of the property and to integrate with the topography of

the site. However, it will be visible from the rear elevation. Nonetheless whilst it will appear more contemporary in comparison to the original dwelling, it is considered that the basement will not detract from the character of the property.

- 31 The terrace will be visible from both the side and rear elevation. However, it will not appear bulky in comparison to the rest of the development.
- 32 It is therefore considered that the proposal is in accordance with Policy SP1 of the Sevenoaks District Core Strategy, Policies EN1 and H6B of the SLDP and the Residential Character Area Assessment SPD.

Residential Amenity

- 33 Policy EN1 of the SDLP states that proposed development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height and outlook. Policy H6B also states that proposals should not result in a material loss of privacy, outlook, daylight or sunlight to habitable or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties or the street scene.

Daylight / Sunlight

- 34 The Residential Extensions SPD states that an extension should not cause any significant loss of daylight or the cutting out of sunlight for a significant part of the day to habitable rooms or private amenity space. A useful guideline to measure the likely impact of an extension on a neighbouring property is the 45 degree test.

No.2 Hollybush Close

- 35 It is noted that the owners of No.2 have had a single storey side extension approved under Building Regulations under reference SE/13/00124/DEX and is currently close to completion. The impact of the extension at the site on this new development at No.2 will also be assessed.
- 36 When undertaking a floor plan assessment on the existing dwelling (at No.2) the proposal fails the test. However, when an elevation plan test is carried out the proposal passes the assessment as the 45 degree line does not pass through the centre of the window (kitchen).
- 37 Once the single storey extension is complete (in accordance with plans submitted under reference SE/13/00124/DEX) the proposal still fails the floor plan test but also still passes the elevation plan assessment.
- 38 Whilst the proposal fails one of the 45 degree tests (floor plans), it can only be considered a significant loss of daylight if it fails both tests (floor and elevation plans). Therefore whilst it is recognised that the proposal fails the floor plan 45 degree test, the proposal will not result in a significant enough loss of daylight to justify a refusal.
- 39 In terms of sunlight, it is recognised that No.2 is situated to the north-east of the development. However, it is recognised that the dwellings benefit from large if steep (in terms of topography), gardens which are south-east facing in orientation. Whilst it is accepted that some sunlight will be lost at the very end of the day as a result of the development (and given the position of the existing dwelling at No.3),

it is considered that any loss of sunlight will not be significant as the amount of sunlight that will be lost will be minimal.

No.4 Hollybush Close

- 40 No.4 Hollybush Close has one ground floor flank habitable room window facing the development (kitchen window) as well as rear elevation habitable room windows.
- 41 When undertaking floor and elevation plan tests it is assessed that the proposed development passes both tests as the 45 degree line does not pass through the centre of the habitable room windows.
- 42 In terms of sunlight due to the proposed position of the development, the south-east nature of the rear gardens and that No.4 is situated to the south of the extension; it is not considered that the proposal will impact the amenity of the occupiers of No.4.

Privacy

No.2 Hollybush Close

- 43 Three new ground floor windows will be inserted on the flank elevation of the dwelling facing No.2. Two windows will serve two non-habitable rooms (boot room and utility room). Due to the nature of these rooms and position behind mature screening it is not considered that these will cause a loss of privacy to the occupiers of No.2. In addition, now that the single storey side extension has been built (under building regulations reference SE/13/00124/DEX) the previous flank kitchen window at No.2 has been removed.
- 44 The other ground floor flank window will serve the open plan kitchen / dining room / living room. This is positioned further down the dwelling and is in line with the private amenity space of No.2. Despite this due to the mature screening between the two properties it is not considered that this window will overlook the adjoining property.
- 45 Having said this, due to the position of these windows, it seems reasonable to attach a condition on any approved planning consent to ensure that adequate screening is retained following completion of works. This will protect the privacy of the occupiers at No.2.
- 46 On the first floor there will be one additional window on the flank elevation facing No.2. This will serve an en-suite bathroom. It is considered reasonable to attach a condition on any approved consent to ensure that this is obscure glazed. The two other first floor existing windows on the flank elevation facing No.2 are already obscure glazed. It is considered that these shall be conditioned to remain so.
- 47 In terms of the rear windows for the extension and proposed balcony, due to the position of the dwelling behind No.2 it is not considered that these will overlook the private amenity space (i.e. 5 metres from the rear elevation).

No.4 Hollybush Close

- 48 There will be two ground floor flank windows facing No.4. An existing window is to be omitted which serves the study. However, due to the mature landscaping

separating the two properties it is not considered that these will overlook the property.

- 49 In terms of first floor flank windows there will be one additional window facing No.4. This will serve an en-suite. This window shall be obscure glazed via condition on any approved planning consent.

Privacy – Terrace / Basement

- 50 It is acknowledged that as part of the proposals, a 4 metre deep terrace is proposed which will span the width of the dwelling and will be situated 'on top' of the proposed basement.
- 51 This terrace has been amended from the previously withdrawn planning application SE/13/00934/HOUSE. Steps have been incorporated which reduces the floor area of the terrace and lowers it by 0.47 metres.
- 52 The terrace will therefore be 1 metre above the existing ground level but it will be 2.9 metres higher than the proposed ground level (this however is much lower than the existing ground level due to the topography of the site). Corner planters have also been introduced to the terrace which adds a soft landscaped boundary screen which will protect the privacy of both adjoining occupiers.
- 53 It is considered that the amendments to the terrace address the previous concerns over lack of privacy under planning reference SE/13/00934/HOUSE. A soft landscaping scheme will be requested on any approved planning consent to ensure that the privacy of the adjoining neighbours is retained, particularly for the corner planters.

Outlook / Overbearing

- 54 The proposals under building regulations reference SE/13/00124/DEX have removed the sole habitable room flank window which looked onto the proposed extension. It is therefore considered that the proposal will not harm outlook in this respect.
- 55 Furthermore, due to the orientation of No.2 (it essentially faces away from the site due to the curvature of the cul-de-sac) it is considered that the windows on the rear elevation will not be impacted by outlook as a result of the proposals.
- 56 With regards to the private amenity space it is welcomed that the extension has been reduced from 4 metres to 3.5 metres. Due to the distance between the two properties, and the sloped topography of the site, it is not considered that the extension will be overbearing or oppressive from the rear garden.
- 57 In terms of No.4 there is only one habitable room window which will look onto the extension which is again the ground floor kitchen window. This benefits from a principal window on the rear elevation so any loss of outlook will not be significant.
- 58 In regards to the windows on the rear elevation, it is acknowledged that the property faces away from the development and that the majority of the extension is situated behind the rear building line of No.4.

- 59 The Town Council and Local Member have raised concerns about the extension and that it will have a dominant and overbearing impact on the occupiers of No.2. However, it is considered that due to the orientation of the properties (as mentioned above) and the distance between the two dwellings, it is not considered that the proposal will lead to a overbearing impact on the occupiers of No.2.

Other Issues

Parking

- 60 Whilst it is recognised that the proposal involves reducing the size of the existing garage, the property benefits from a spacious driveway which can accommodate at least two parked cars.
- 61 It is therefore not considered that the proposal will result in any impact on highway safety or convenience.

Archaeology / Site levels

- 62 It is recognised that the proposal is situated within an area of archaeological potential. In some circumstances, it is considered to attach a condition requesting an archaeological watching brief to ensure that any findings of archaeology are adequately recorded.
- 63 It is accepted that the proposal involves a large amount of excavation to facilitate the basement. However, it is acknowledged that the site was excavated and built on as recently as mid-1990s. Notwithstanding this given the significant excavation works it is considered reasonable to attach an archaeology condition in this instance.
- 64 The applicant has submitted detailed site levels of the existing site as well as the proposed site levels. It is considered that these are acceptable.

View from Knole Park

- 65 Concern has been raised in regards to the impact of the development from view from Knole Park.
- 66 The applicant has provided a photo from Knole Park towards the site. It is recognised that the property is well screened during the summer season. Whilst it is accepted that the development may be visible during the winter months, it must be acknowledged that the two storey extension will not extend to the side and will be seen against the existing bulk of the property.
- 67 The basement extension will be concealed due to the low level nature of the development.
- 68 It is therefore considered that the proposal will not impact on view from Knole Park.

Conclusion

- 69 It is considered that the proposal is in accordance with Policy SP1 of the Sevenoaks District Core Strategy, Policies EN1 and H6B of the SDLP, the

Sevenoaks Residential Character Area Assessment SPD and the Residential Extensions SPD.

Background Papers

Site Plan

Contact Officer(s): Neal Thompson Extension: 7463

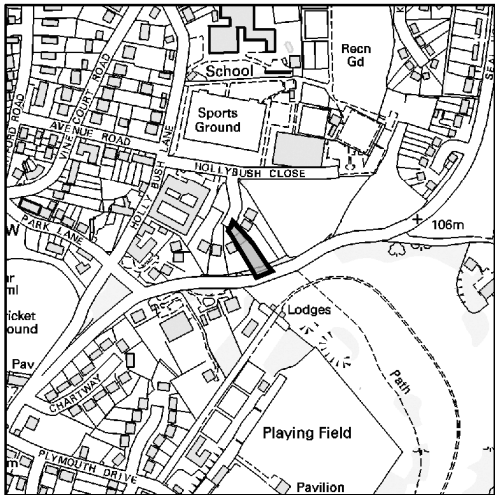
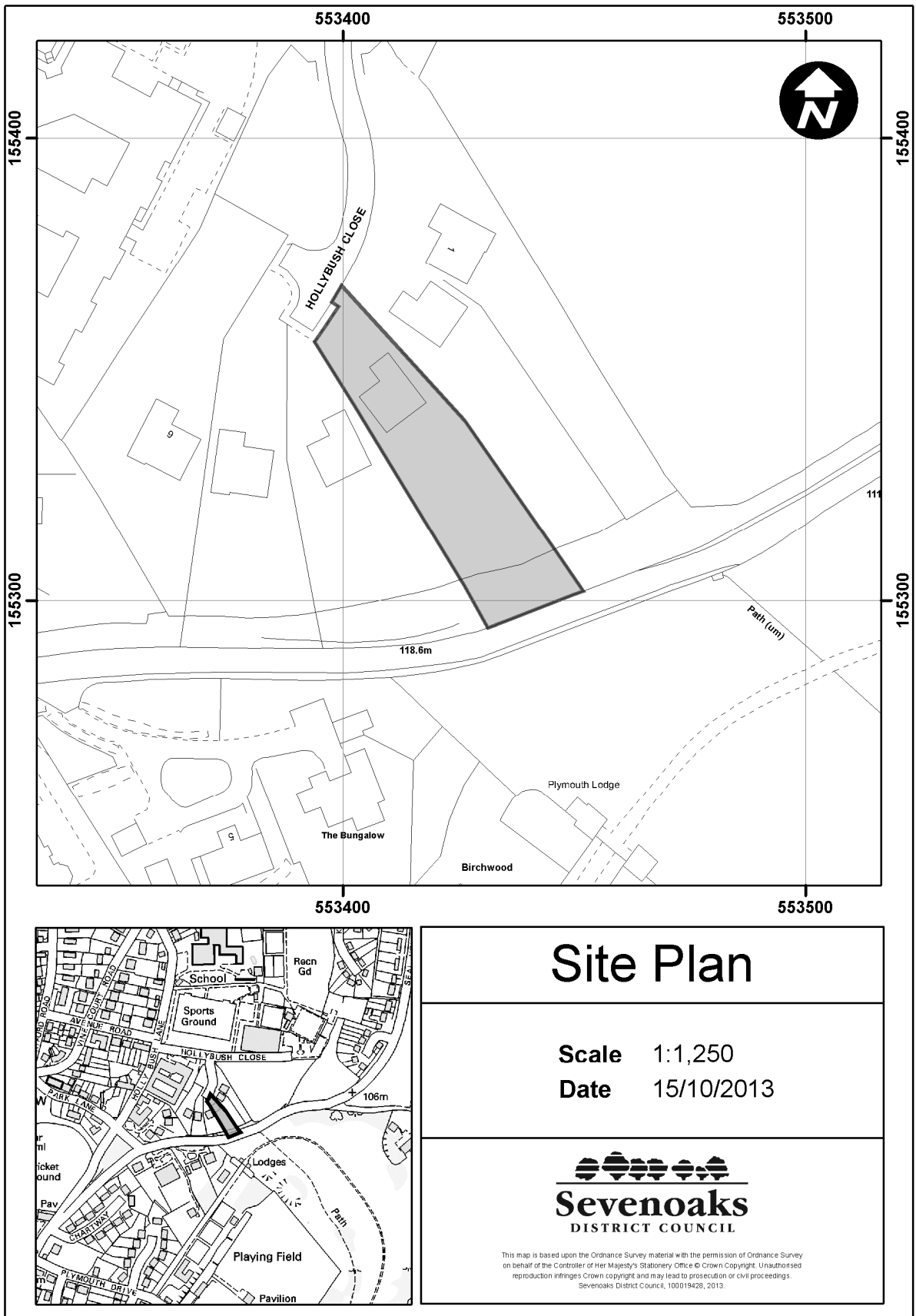
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MSLA5SBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MSLA5SBK8V000>



Site Plan

Scale 1:1,250
Date 15/10/2013



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