

4.3 – SE/13/03560/FUL Date expired 24 January 2014

**PROPOSAL:** Planning Application re-submission for proposed external alterations to an existing single storey chapel to include the construction of 3 no. new roof dormers, infill portion of kitchen, remodelling of the entrance lobby with a new front single storey extension, new high level window to the main frontage and new perimeter fencing.

**LOCATION:** The Old Chapel, 185 London Road, Dunton Green, Sevenoaks TN13 2TB

**WARD(S):** Dunton Green & Riverhead

### **ITEM FOR DECISION**

The application has been called to Development Control Committee by Councillor Cameron Brown to consider the impact of the proposal on the street scene and on 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development enhances the character and appearance of the existing building as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) The development shall be carried out in accordance with the following plans, 13051 109 P1 (proposed only), 13051 110 P1 (proposed only), 13051 110 P1, 13051 107 P1 (proposed only), 13051 108 P1 (proposed only) 13051 106 P1 (proposed only), 13051 105 P1 (proposed only) and Design and Access Statement Issue P1 November 2013.

For the avoidance of doubt and in the interests of proper planning in accordance with policy EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

4) No internal mezzanine floor or other form of development which may provide additional floor space shall be carried out without the prior consent in writing of the Local Planning Authority.

In order that any other proposal may be the subject of a separate application to be determined on its individual merits having regard to the interests of Highway Safety

5) The use hereby permitted shall only be carried out between the hours of 0800hrs

and 1730hrs Monday to Fridays and not at all on Saturdays, Sundays and Bank/Public Holidays.

To safeguard the amenity of the area and the amenities of 187 London Road as supported by Policy EN1 of the Sevenoaks District Local Plan.

### **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](http://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 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 re-submission for proposed external alterations to an existing single storey chapel to include the construction of 3 no. new roof dormers, infill portion of kitchen, remodelling of the entrance lobby with a new front single storey extension, new high level window to the main frontage and new perimeter fencing.
- 2 The existing use of the building is as a church. It is proposed to use the building as a day nursery but the application does not include a change of use as both of these uses fall within Class D1 of the Use Class Order. Therefore this change of occupier can be carried out without the need for planning permission.

### **Description of Site**

- 3 The site is a detached building on a corner plot with London Road and Donnington Road. Although currently vacant the property has been previously used as church,

which would fall within Class D1. The site faces a busy main road through Dunton Green.

- 4 The character of the area is residential although there is a parade of shops to the south of the site. There is a grassed area to the north of the building which is currently overgrown. It is proposed to enclose this area of land for use as an outdoor play area.
- 5 The land to the rear of the Old Chapel is not included in the application site.

#### Constraints

- 6 Airfield Safeguarding Zone
- 7 Air Quality Management Area
- 8 Landfill Site

#### Policies

##### *Sevenoaks District Local Plan:*

- 9 Policies - EN1, VP1

##### *Sevenoaks Core Strategy*

- 10 Policy - SP1

##### *Other*

- 11 National Planning Policy Framework
- 12 Sevenoaks Residential Character Area Assessment.

#### Planning History

- 13 SE/ 13/02074/FUL - External alterations to an existing single storey chapel to include partial demolitions and the construction of a new single storey front and side extension, alterations to fenestration, construction of 3 no. new roof dormers, new mezzanine floor level, new perimeter fencing and new outdoor play area. REFUSED.
- 14 This application was refused as it was felt that although the site could be used as a nursery without the modifications proposed the changes would increase the floor area and potentially the number of future staff/children and therefore the traffic at the site.
- 15 In addition there were concerns that the proposed side extension would have an unacceptable impact on the amenities of the neighbouring property at 187 London Road.

## Consultations

### *Parish / Town Council*

- 16 The concerns that were raised with regard to the original application (SE/13/02074/FUL) and as a result its original objections are still valid.
- 17 As a reminder, Dunton Green Parish Council objects to this application on a number of grounds:
- 18 **Traffic impact:** there is no information about the impact of additional traffic and parking requirements. There are no details about the number of staff and any staff that park in the area will negatively impact on what is already an oversubscribed area in terms of parking demand. There is no room in Donnington Road for additional parking and the impact on London Road will be significant. In addition, there is no detail with regard to the impact of additional demand for parking for the drop off and collection of children to and from the nursery. Again, the Parish Council is concerned about the impact on residents and other organisations in the immediate locality and the fact that the increased volume of cars at peak times will create a significant traffic hazard.
- 19 **Street Scene:** the Old Chapel is one of the oldest buildings in Dunton Green. The proposed changes to what is the current entrance door and the fenestration change the look of the building and have a detrimental impact on the street scene. Is it not possible to create an alternative entrance whilst maintaining the look of a door on the front elevation? The building will no longer have the look of an old chapel and that heritage should be preserved in relation to the aesthetics of the building. The Parish Council is also concerned about the size of the dormers which seem to be excessive in size and out of proportion with the size of the chapel. Again, there is a detrimental impact on the street scene.
- 20 **Impact on neighbours:** the Parish Council is concerned about the negative impact there will be on the immediate neighbouring property. The curtain wall of the new building is immediately adjacent to the window of the neighbouring property. Similarly, there appears to be use of a pathway intended to access the rear of the terraced houses to the north of the chapel.
- 21 **Air quality:** the provision of a children's play area of limited size and its proximity to the main road is of concern given that London Road is a major commuter road and is affected by low air quality. The Parish Council also now queries why it is necessary to include dormer windows now that the internal mezzanine floor is not to be part of the proposal and when they are stated as being included to provide clerestory daylight to the existing main hall. Would velux-style windows flush to the roof not provide this daylight?

#### Further Comments:

- 22 Whilst the Parish Council welcomes the prospect of the chapel being utilised any alterations should be sympathetic to the heritage.

### *KCC Highways*

- 23 The application data states that this application is for various changes to the Chapel in connection with proposed use as a children's nursery. Number of staff, pupils and hours of opening not specified. As I stressed in my response to

13/02074, this is an unsuitable location for a nursery due to lack of available places to park, and this results in highway safety concerns. I visited the site at approximately 8am on a weekday morning at which time there were few places to park nearby, specifically one free space on the nearside of the road, one space in the layby almost opposite, and three spaces in Donnington Road. Clearly the availability of parking places will vary from day to day and according to the hour.

24 As can be seen at another nursery less than a mile away, some parents park their cars inappropriately (e.g. on the verge, even on a traffic island) when delivering their children to their nursery. It is likely that, due to lack of obvious places to park, the proposals will result in parents parking on the double yellow lines flanking the junction with Donnington Road, thereby reducing visibility and causing a safety hazard. Pictures of the site on Google Streetview show two instances of cars apparently parked on the double yellow lines at this junction.

25 However, unfortunately planning legislation allows the use of the Chapel as a nursery without planning permission, so there appears to be no viable highways basis for objecting to the present proposals.

### Representations

26 12 neighbours have been consulted and one neighbour representation has been received and raises the following concerns;

- The proposal will have a detrimental impact on parking in the area
- There will be an unacceptable impact on the amenities of neighbouring properties including disturbance due to noise and loss of privacy

### **Chief Planning Officer's Appraisal**

27 The principal issues in this case are as follows;

- Impact of the proposal on the character of the existing building;
- Impact of the proposal on the character of the street scene
- Highway Safety
- Impact on the amenities of the neighbouring residential dwellings

28 The Parish Council have also raised the issue of the existing air quality on the site.

### *Impact on the Existing Building and the Street Scene*

29 Paragraph 60 of the National Planning Framework states that planning decisions should not attempt to impose architectural styles through unsubstantiated requirements to conform to certain development forms or styles.

30 Policy EN1 of the Local Plan states that new development should be in harmony with the adjoining buildings and incorporate buildings and landscaping of a high standard. Policy SP1 of the Core Strategy supports this.

31 The Sevenoaks Character Area Assessment includes a section on the Donnington Road/London Road Area, and lists both distinctive positive features in the area and design guidance for future development.

- 32 The existing building is single storey with a pitched roof. It has a lower ridge height than the surrounding dwellings which is a mix of styles. There are also prominent side dormers on 2 and 5 Donnington Road which are visible from London Road.
- 33 When viewed from the front of the property the proposed dormers do look more prominent than when they are viewed from the side. They are, however, set well below the ridge height and back slightly from the eaves which makes them subservient to the main building. The proposed dormers are modest in scale, and designed to provide additional light, rather than as large roof extensions to provide additional floorspace.
- 34 With regard to the alterations proposed to the entrance way, this part of the proposal will also be subservient to the main building.
- 35 The alterations to the side extension involves the change of the sloping roof to a flat roof and an increase in the footprint. However the extension will be set back well behind the front building line and the overall height of the structure will not be increased. The proposed fence will enclose the site to a greater degree and result in a loss of greenery to the street scene. However the street scene is already urban in character and although there are no similar fences in the immediate area it is not felt that this form of development would be out of place.
- 36 The Parish have raised concerns regarding the character of the building referring to it as one of the oldest in Dunton Green. The Sevenoaks Residential Character Area Assessment does refer to the area as a residential area with some business use and the buildings being early 1890's to 1900s. The Old Chapel is not picked out individually in the Assessment, but it does make a valuable contribution to the character of the area
- 37 Although the proposals will alter the appearance of the building to some extent they will not be an incongruous feature or so harmful to the character of the building and the wider area as to be detrimental to the street scene. Nor would be the dormers harm the contribution the building makes to the street scene.
- 38 Given the above it is felt that the proposal will not have an unacceptable impact on the character of the existing building or the wider area and would comply with local and national policies.

*Impact on residential amenity:*

- 39 Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Appendix 4 to H6B also states that proposals should not result in material loss of privacy, outlook, daylight or sunlight to habitable rooms or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties.
- 40 The proposal most likely to be affected by the proposal is 187 London Road, immediately adjacent to the site. Concerns were raised with regard to the amenities of this property as part of the previous officer' report (planning reference SE/13/02074/FUL refers).

- 41 There are a number of windows on the facing elevation of 187 London Road, two at ground floor level, three at first floor level and one in the roof. None of these windows are obscure glazed and it is likely that they serve habitable rooms.
- 42 In terms of outlook and loss of daylight/sunlight the windows in the upper storeys are unlikely to be affected.
- 43 The windows on the ground floor already look on to the existing single storey extension to the building. As part of the current scheme the existing side projection on the chapel will not be altered and therefore in terms of daylight and outlook the existing situation on site will not be altered.
- 44 The flank elevation of this property is 1 metre from the boundary with the Old Chapel. The two buildings are separated by an access path which appears to be in the curtilage of 187 London Road and lead to their rear amenity area. Due to the close proximity of the two properties I do still have some concerns regarding the noise from the play area that will be immediately adjacent to this access track. As previously mentioned however, permission is not required to use this area as a play area and therefore it would be unreasonable to refuse the application on these grounds. However it would not be unreasonable to limit the time when the play area can be in use to ensure that the amenities of the neighbouring property are protected in the early morning and evening and at weekends, when it would be expected that the residents are at home.
- 45 A fence is proposed around this area which would be 1.8 metres in height. I am concerned that the fence will add to the feeling of enclosure that already exists by virtue of the existing extensions being in such close proximity to the windows of 187 London Road. However, as the fence will be seen against the backdrop of the existing extensions on the site it is not felt that the outlook from these windows will be significantly altered.
- 46 There is no policy in the Local Plan which relates to assessing the impact of proposals that are directly opposite neighbour's windows. However The BRE (Building Research Establishment) do set out a 25 degree test that can be useful in assessing the impact of daylight. A 25 degree line is drawn from the centre of the window likely to be affected. If an obstructing building creates an angle of greater than 25 degrees from the horizontal, measured from the centre of the lowest window, then a more detailed check is required.
- 47 In this case the 25 degree line is obstructed by the existing building on site; however the 25 degree line will pass over the top of the proposed fence. Therefore, the existing situation on site will not be altered and there will be no further loss of light as a result of this proposal.
- 48 A first floor dormer window is also proposed on the elevation facing 187. However, this has been significantly reduced in size compared to the previous scheme. Given this and the distance between the two flank elevations it is not felt that this will result in an unacceptable loss of privacy. In addition this window will be more than 1.7 metres above the internal floor area and therefore would not provide an opportunity to overlook the neighbouring property.

## *Highway Safety*

- 49 Kent Highways have raised concerns regarding the impact of the proposal on highway safety, however they conclude by saying that these concerns are related to the use and not the development proposed. As permission is not required for the change of use it would be unreasonable to refuse the application on these grounds.

## Other issues

- 50 The Parish Council have raised concerns with regard to the Air Quality and the impact of a play area so close to a main road. Paragraph 109 of the National Planning Policy Framework states that new and existing development should not be put at an unacceptable risk from air pollution. Environmental Health was not a required consultee on either application although they have provided informal views. Environmental Health have raised no objections as the amount of time children are likely to be exposed to poor air quality is limited. Based on this view it is considered that a refusal on Air Quality grounds would not be justified.
- 51 Concerns has also been raised about why the dormer windows are still required if the internal mezzanine floor has been removed from the scheme. The mezzanine floor is an internal alteration that can be done without the need for planning permission. In a previous application (planning reference SE/13/ 02074/FUL) the agent stated that the mezzanine floor was proposed only for a better use of the building's in internal space, and that the number of staff (5) and children (15) proposed could be accommodated in the existing space of the building. No information has been submitted pertaining to this as part of the current application. However, it is acknowledged that the inclusion of a mezzanine floor could facilitate an increase in staff and children in the future. Given the concerns regarding parking and highway safety a condition can be placed on any permission granted restricting internal alterations to the proposal. As part of the previous application it was considered whether or not a condition could be put in place which restricted the number of places at the nursery. Such a condition would be both unreasonable an unenforceable and would not comply with the provisions of circular 11/95.
- 52 The Parish Council have raised concerns regarding this part of the proposal, and although utilising the existing entrance may be the preferred scheme, the design characteristics of the original building are being maintained in the revised scheme and therefore this part of the proposal is thought to be acceptable.

## **Conclusion**

- 53 The proposal would not have an unacceptable impact on the street scene or the amenities of the neighbouring properties.
- 54 The concerns with regards to highways have been noted however as the building can be currently used as a nursery without planning permission it would be unreasonable to refuse the application on the grounds of highway safety.
- 55 Given this I recommend the application for approval.

## **Background Papers**

Site and Block plans



Contact Officer(s):

Deborah Miles Extension: 7360

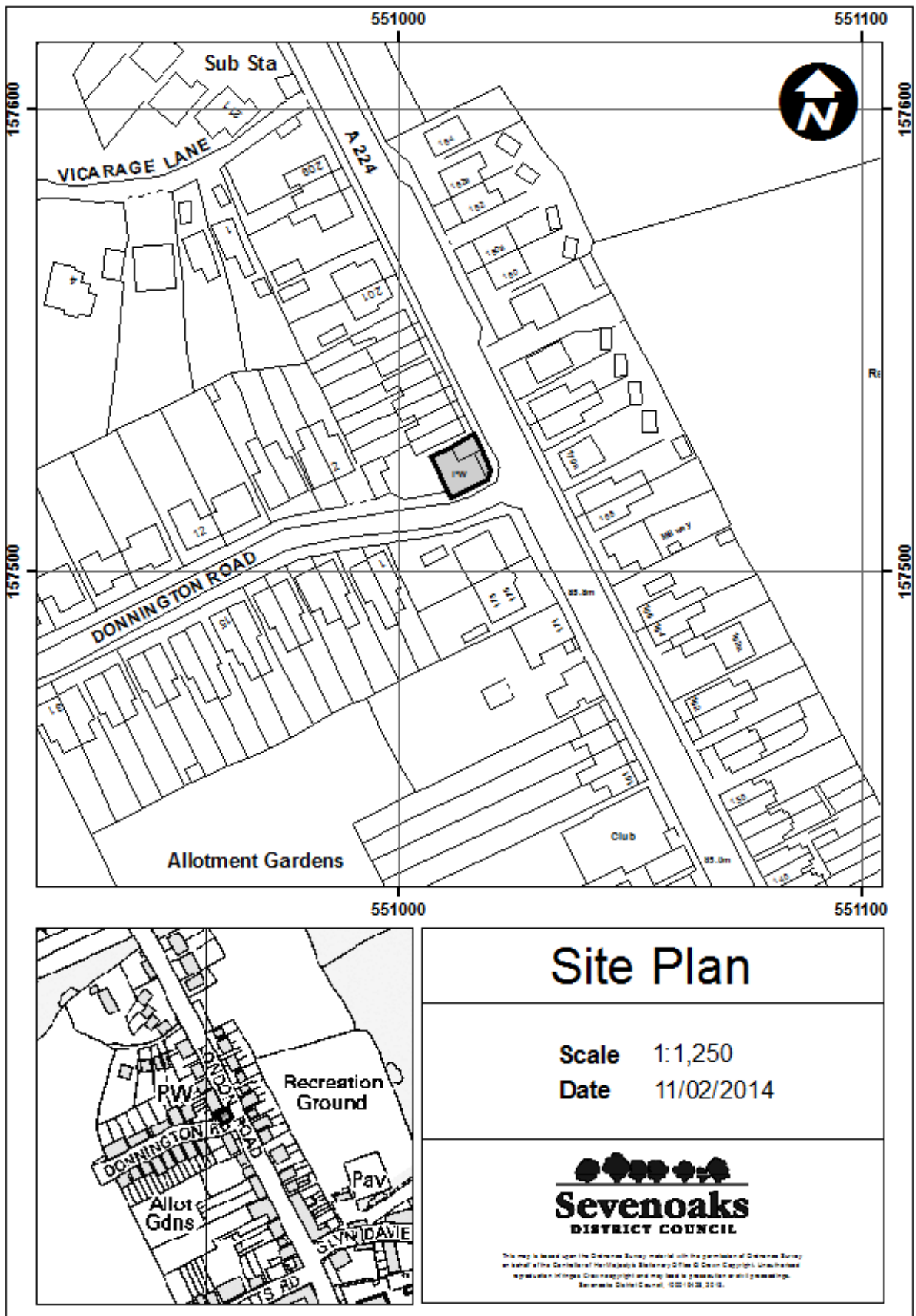
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MX0M9YBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MX0M9YBK8V000>



## Block Plan

