

4.4 - SE/13/03831/HOUSE Date expired 17 February 2014

PROPOSAL: Demolition of conservatory and detached single garage, erection of a single storey rear extension and two storey side extension.

LOCATION: White Gables, High Street, Farningham, Dartford DA4 ODB

WARD(S): Farningham, Horton Kirby & South Darent

#### **ITEM FOR DECISION**

The application was called to Development Control Committee by Councillor McGarvey due to the concerns that the proposal may result in an overdevelopment of the cramped site. That the proposal may affect the amenities of existing neighbours and future occupants of the site and on the grounds of highway safety should be discussed by the committee.

**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 building as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order (and any Order revoking and re-enacting those Orders) (with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed in the south elevation of the extension hereby permitted.

To safeguard the privacy of the occupants of adjoining dwellings in accordance with policies

4) At the time of development, the proposed first floor window(s) on the rear elevation shall be fitted with obscured glass of a type that is impenetrable to sight and shall be non opening up to a minimum of 1.7 metres above the internal finished floor level and shall be so retained at all times.

To minimise overlooking onto adjoining properties and maintain privacy in accordance with policies EN1 and H6B 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.aspx](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.aspx)),
- 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) Did not require any further assistance as the application was acceptable as submitted.

### **Description of Proposal**

- 1 Demolition of conservatory and detached single garage, erection of a single storey rear extension and two storey side extension
- 2 The proposal is a resubmission of a scheme previously refused at committee contrary to the officer's recommendation (planning reference SE/13/13/00628/HOUSE refers). The application was taken to appeal and the appeal was withdrawn.
- 3 The proposal is the same as the previously refused scheme and has been considered against Section 70A of the Town and Country Planning Act 1990 to establish if there were grounds to refuse to accept the application. It has been found that the Local Authority cannot decline to entertain the application in this instance, as the local authority has to have also refused more than one similar application within a two year period. The officer assessment and recommendation is also the same as previously except that it responds to any new points raised in the consultation replies.

### Description of Site

- 4 The site is a two storey detached property within the village boundary of Farningham. The building is set back from the road, and at a slightly higher level. The majority of the front garden is hard standing although there is some mature planting to the front boundary on either side of the access road.
- 5 To the rear the property has a detached garage and a conservatory. Both of which will be removed as part of the application.

### Constraints

- 6 Conservation Area
- 7 The site is opposite a Grade 2 Listed Building
- 8 Area of Archaeological Potential
- 9 Area of Outstanding Natural Beauty

### Policies

#### *Sevenoaks District Local Plan*

- 10 Policies - EN23, EN1, H6B

#### *Sevenoaks Core Strategy*

- 11 Policies - SP1, L08

#### *Other*

- 12 National Planning Policy Framework
- 13 Farningham Conservation Area Appraisal
- 14 The Sevenoaks District Council Supplementary Planning Document for Household Extensions

### Planning History

- 15 SE/13/00628/HOUSE – Demolition of conservatory and detached single garage, erection of a single storey rear extension and two storey side extension. REFUSED.  
  
SE/97/01000/HIST - Conservatory. GRANTED.

### Consultations

#### *SDC Tree Officer*

- 16 I was unable to gain access to the rear of this property on this occasion, I therefore refer to my previous comments which were as follows;
- 17 The proposed side extension is clear of any vegetation and as such there are no tree issues to address. The proposal for the rear extension is again void of trees

within the immediate area of the garden. There is a neighbouring Pine tree, but due to the existence of the substantial boundary wall between this proposal and the neighbouring tree, I am not concerned with regards to tree root issues.

*Parish / Town Council*

18 Objection and reasons:

It was agreed the Parish Council object to this Planning application. FPC objects to this development at the critical point where traffic enters the Conservation Area, immediately opposite a Listed Building. Currently this house is part of an open and spacious approach to the narrowing High Street. The proposals would reduce the light and open feel of the street scene. The proposal builds two floors up at the extreme edge of the property, overbearing the adjacent garden whose patio and living room windows would suffer effective sunset several hours earlier for much of the year. It would mean a loss of parking spaces to White Gables and the narrow garage that is proposed would likely remain unused by cars as there is no comfortable route from the street and only room for the smallest car to open the car doors once inside. Councillors expressed concern regarding the plastic cladding to be used in the Conservation Area and the difficulty for future owners of White Gables to maintain the walls and guttering if they overhang the neighbouring garden.

Further comments:

19 Councillors request the Building Control Officer checks the plans as it appears as if the single wall skin on the ground floor of the garage has a double cavity wall above.

Representations

20 7 neighbours were consulted.

21 5 responses have been submitted however 2 of these are duplicates. They raise the following concerns.

- The single storey extension and the change in ground level between the two sites would have an oppressive impact on the amenities of Pinehurst. The roof light would have a detrimental impact on the amenities of Pinehurst as it would result in light pollution.
- That the flat roof on the rear extension is unattractive.
- That the garage proposed would not be used for the parking of cars.
- That the application is a resubmission of the previous scheme that has not taken the neighbours concerns into account.
- That the proposal will result in a cramped form of development within the street scene.
- The proposal does not preserve the character of the Farningham Conservation Area.
- The proposal does not have a one metre gap between the flank elevation of the proposal and the boundary.
- The guttering will overhang onto 1 Hillside's property
- The proposal will have an overbearing impact on the residents of 1 Hillside and will overshadow patio

- The garage will have a restrictive access and therefore will not be used and result in an adverse impact on highway safety
- The proposal would have an unacceptable impact on the microclimate of the garden of 1 Hillside.
- That the resident's of 1 Hillside have incurred expense as a result of making further representations.
- The residents of 1 Hillside would like policy H6B included as a reason for refusal.
- The residents of 1 Hillside agree with the Development Control Committee's previous decision (planning reference SE/13/03831/HOUSE refers).

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

22 This proposal was first reported to Development Control Committee in July 2013 with a recommendation for permission. Members resolved to refuse the application for the following reasons:

*By virtue of its size, bulk and position the proposal would result in a cramped form of development within the site which would be detrimental to the character of the street scene and would fail to preserve or enhance the Conservation Area. This is contrary to policies EN1 and EN23 of the Sevenoaks District Local Plan and the National Planning Policy Framework.*

23 There have been no changes to the development proposed. An appeal was lodged against the previous refusal but key information was received too late and the appeal lapsed. This application includes additional information in the Planning Statement relating to the ground of refusal.

24 As this is the report of the Chief Planning Officer, the assessment, conclusions and recommendation are as set out for the previous application, notwithstanding the refusal of the application by Committee.

25 The principal issues in this case are the impact of the proposal on the character of the existing building; the wider street scene, including any impact on the Conservation Area, Area of Outstanding Natural Beauty and the amenities on the neighbouring dwellings in terms of loss of light, outlook or daylight.

#### *Impact on the Conservation Area*

26 The principal issues in this instance are whether the proposal meets the policy criteria set out in Section 12 of the National Planning Policy Framework (NPPF). A heritage asset is defined in the NPPF as a building, monument, site, place area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest and includes Conservation Areas.

27 Paragraph 132 of the NPPF states that 'when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the assets conservation' and 'that any harm or loss should require clear and convincing justification.'

28 Paragraph 128 of the NPPF states that the applicant should describe the significance of the heritage asset including the contribution of its setting. For this

proposal the information submitted is proportionate to the significance of the heritage asset.

- 29 The Planning (Listed Buildings and Conservation Area) Act 1990 states that proposals should protect the historic character and the setting of the listed building. It is also the duty of the Local Planning Authority to ensure that the character of the Conservation Area should be preserved or enhanced. 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.
- 30 Policy EN23 of the Sevenoaks District Local Plan states that,
- Proposals for development or redevelopment within or affecting Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting*
- 31 The application site is situated on the eastern edge of the Farningham Conservation Area and is directly opposite South Hall, a Grade 2 listed building.
- 32 The Farningham Conservation Area Appraisal states the following with regard to the character of the immediate area,
- The Pied Bull, the Village Club and the terraced houses opposite provide a brief sense of an enclosed space until the larger gardens of The Croft and South Hall are reached and the vista widens as the High Street rises to the eastern edge of the conservation area.*
- 33 Although the larger buildings on the opposite side of the road are mentioned the existing gap between White Gables and Hillside is not mentioned as making a specific contribution to the character of the Conservation Area.
- 34 South Hall, the Grade 2 Listed Building, is set back from the road and within a large plot, it is noted above that the gaps surrounding this building contribute to this part of the Conservation Area. White Gables is on the opposite side of the road to South Hall and is partially screened by mature trees on the front boundary which will not be removed as part of the current proposal and can be conditioned to remain. Given this there is felt to be a degree of separation between the two properties and no strong visual relationship. Therefore it is not felt that alterations to White Gables will have a negative impact on the setting of the Listed Building and that the proposal will meet the statutory test set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 35 It has been noted in a neighbour representation that the Conservation Area Appraisal also makes reference to two large buildings which have a detrimental impact,
- 'it is most unfortunate that the two new large houses built at the south east end of the Conservation Area draw attention to themselves by the low level boundary walls and lack of screen planting, in direct contrast to their more attractive and discreet neighbours.'*

- 36 The presumption in the neighbour representation is that one of these large buildings is White Gables, although the statement has not sought to identify the other. However, I would not consider White Gables to be a large house, when compared to the adjacent property, Pinehurst and the large buildings on the opposite side of the road. However it is more modern in appearance than the properties in the immediate area. White Gables is set at a higher level to the street scene and the shortness of the driveway and the lack of pavement does mean that it has a close relationship with the main road. However there is mature screening to either side of the access which will remain, and this does reduce the impact of White Gables on the wider area. The other public points that White Gables can be clearly seen from are outside the Conservation Area, where the side elevation is visible and from Hillside where the top of the roof can be clearly viewed over the garages.
- 37 The side elevation will be bought closer to the shared boundary with 1 Hillside, however as the shape of the roof is not being altered this view will not substantially change. From the rear the views into the Conservation Area are restricted and although the chimneys of South Hall can be seen it is not felt that the proposal will alter the existing situation due to its size, scale and the density of location.
- 38 Accordingly I am satisfied that the proposal would not result in harm to the Conservation Area and would therefore preserve its character and meets the statutory test set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance in the National Planning Policy Framework.

*Size, bulk, design and impact on street scene:*

- 39 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 1 states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Policy H6B of the SDLP states that residential extensions shall be subject to the principles in Appendix 4. Amongst other things, Appendix 4 states that the extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling or adversely affect the street scene.
- 40 The shape of the roof at the front of the property is being maintained. The hips will assist in reducing the bulk of the proposal. The fenestration will also match that of the existing property. The Parish Council has raised concerns regarding the possibility of future owners to maintain these materials. However, this is always a risk with additions to dwelling houses, especially with regards to obtaining bricks that will match those of the existing property. The future maintenance of a property is not a material planning consideration.
- 41 The extension to the rear will span the entire rear elevation of the property. However it is single storey and will appear subservient to the main dwelling and consequently not have a negative impact on its character. This part of the proposal will not be visible from the street scene.
- 42 The proposed two storey side extension will be within one metre of the shared boundary with the neighbouring property, 1 Hillside. Appendix 4 of policy H6B

states that a one metre gap is normally necessary for extensions of this nature. However interpretation of this policy in the Sevenoaks SPD for Householder extensions shows that this policy was put in place to prevent visual terracing,

*'In a street of traditional detached and semi-detached houses, the infilling of the spaces between with two storey extensions could create a terraced and cramped appearance at odd with the regular pattern of development.'*

- 43 Given the different orientations between White Gables and 1 Hillside and the 13 metre gap between the flank elevations of the two dwellings it is felt that the development will not result in visual terracing within the street scene. In addition, although there are gaps between some of the houses in the immediate area these are not a regular characteristic of the street scene.
- 44 The neighbour representation relating to the resulting dwelling being offset within the site is noted, however as there are no regular gaps to be maintained within the street scene this is not a sustainable reason for refusal as it meets the criteria of the Sevenoaks District Council Local Plan

*Impact on residential amenity:*

- 45 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.

- 46 The two properties most likely to be affected are 1 Hillside and Pinehurst.

Daylight/sunlight

- 47 There are a number of habitable rooms at Hillside which will face the proposed development at White Gables including bedrooms, kitchen and dining room. As mentioned above the flank elevation of 1 Hillside will be a distance of 13 metres from the proposed elevation of White Gables. It is also noted that there is a change in ground level between the ground level of 1 Hillside's garden and the application site (approximately 0.75 metres)
- 48 The proposal will pass the 45 degree test for light on both the plans and elevations and therefore there will be no unacceptable loss of daylight as it will meet the criteria set out in policy H6B and the Sevenoaks District Council Supplementary Planning Document for Householder Extensions.
- 49 With regard to sunlight it is not felt that the existing situation on site will be affected. However the proposed two storey element of the extension will not extend to the front or the rear of the existing building on site. Given this the length of the built form of the dwelling which will block potential sunlight to the rear garden of 1 Hillside will not be altered, taking into account the orientation of the sun.
- 50 It is noted that the proposal will result in late afternoon and evening overshadowing in the summer months, however given that there is no right to sunlight enshrined in planning law this is not considered to justify a refusal.



Daylight does not take into account the passage of the sun and is considered as the amount of light that can enter a building.

- 51 The 45 degree test for daylight has also been carried out with regard to Pinehurst and the proposal passes on both the plans and the elevations. With regards to sunlight, the dimensions of the extension will be smaller than those of the existing conservatory on site. The length will be reduced from 4 metres to 3 metres and the height will be reduced from 3 metres to 2.5 metres. Taking into account the fact that the existing conservatory does have a sloping roof and the extension will not, the existing situation will not be significantly altered. The difference in the ground level between these two sites has been taken into account when considering the impact of the proposal.

#### Privacy

- 52 Concerns have been raised with regard to the first floor rear window proposed overlooking the rear garden of 1 Hillside, and affording views into the habitable rooms on their rear elevation. The proposed first floor window will serve an ensuite bathroom.
- 53 It is acknowledged in the SPD that oblique views from first floor rear windows which overlook neighbouring properties can be acceptable. Given the orientation of White Gables to 1 Hillside the first floor window will not result in direct overlooking of the rear garden. In addition, as the en-suite is not considered to be a habitable room the window can be conditioned to be obscure glazed and fixed shut where the window is more than 1.7 metres above the internal floor area of the room.
- 54 Accordingly the proposal would not harm residential amenity and would comply with policies EN1 and H6B of the Sevenoaks District Local Plan.

#### Light pollution

- 55 Concerns have been raised regarding the impact that the light will have at Pinehurst. However the volume of light will still be of a level used in a residential dwelling house and will not be different from the lights currently used in the conservatory.

#### Highways

- 56 Informal comments have been received from Kent Highways which state the following,

*I can appreciate that there is a loss of parking facility at this location when compared to the existing arrangement and that the garage is reduced in size when compared to the existing. However, our adopted parking standards for a property of the proposed size (i.e. 4 + bedrooms in a village location) are for 2 independently accessible spaces which would still be available within the frontage of the proposed site even without counting the garage space and so there could be no justification in raising KCC Highways and Transportation objection to the proposal.*

- 57 Therefore although it is acknowledged that the occupants of White Gables are unlikely to use the proposed garage due to the restricted entrance provided, the proposal will still meet the maximum KCC Highway Standards.

### *Trees*

- 58 No issues with the trees on the site have been raised. There is a neighbouring Pine tree, but due to the existence of the substantial boundary wall between this proposal and the neighbouring tree, there are no concerns with regards to tree root issues.

### *Area of Outstanding Natural Beauty*

- 59 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 60 The proposed design and materials of the extension will reflect those of the existing dwelling meaning that it conserves the existing character of the area in accordance with the statutory test.

### *Archaeology*

- 61 The site is in an Area of Archaeological Potential and Roman remains have been found approximately 100 metres to the south west of the site. However the area proposed for development already appears to have been considerably built up. Given this it is felt that the additional ground works involved do not require a condition in this instance.

### Other issues

- 62 The Parish Council's concerns are noted regarding the overhang of the guttering to 1 Hillside. The elevations and floor plans both show the development will be within the site boundary and therefore I am satisfied there will be no encroachment. With regard to access being required to 1 Hillside in order to construct the proposal consent must be required from the owners of the land prior work commencing. However this is a civil matter that does not fall within the remit of planning law.
- 63 As part of the previous application Building Control were shown the plans for the proposal and stated that the single skin wall of the garage could be reinforced with steel supports which would allow for a double skin wall at first floor level. As before, this would be a matter that would be dealt with by Building Control under the Building Regulations.
- 64 Concerns with regard to the microclimate at 1 Hillside has been noted, however this is not something that would fall within the remit of planning law. Other issues regarding the amenities to this property have been discussed above.

### **Conclusion**

- 65 Given the above discussion the proposal has been found to comply with the relevant policies at local and national level. The proposal is found to preserve the character of the Conservation Area, and would not have an unacceptable impact

on the character and historic setting of the Listed Building. The proposal will not have an unacceptable impact on amenities of the neighbouring properties.

### **Background Papers**

Site and Block plans

Contact Officer(s): Deborah Miles Extension: 7360

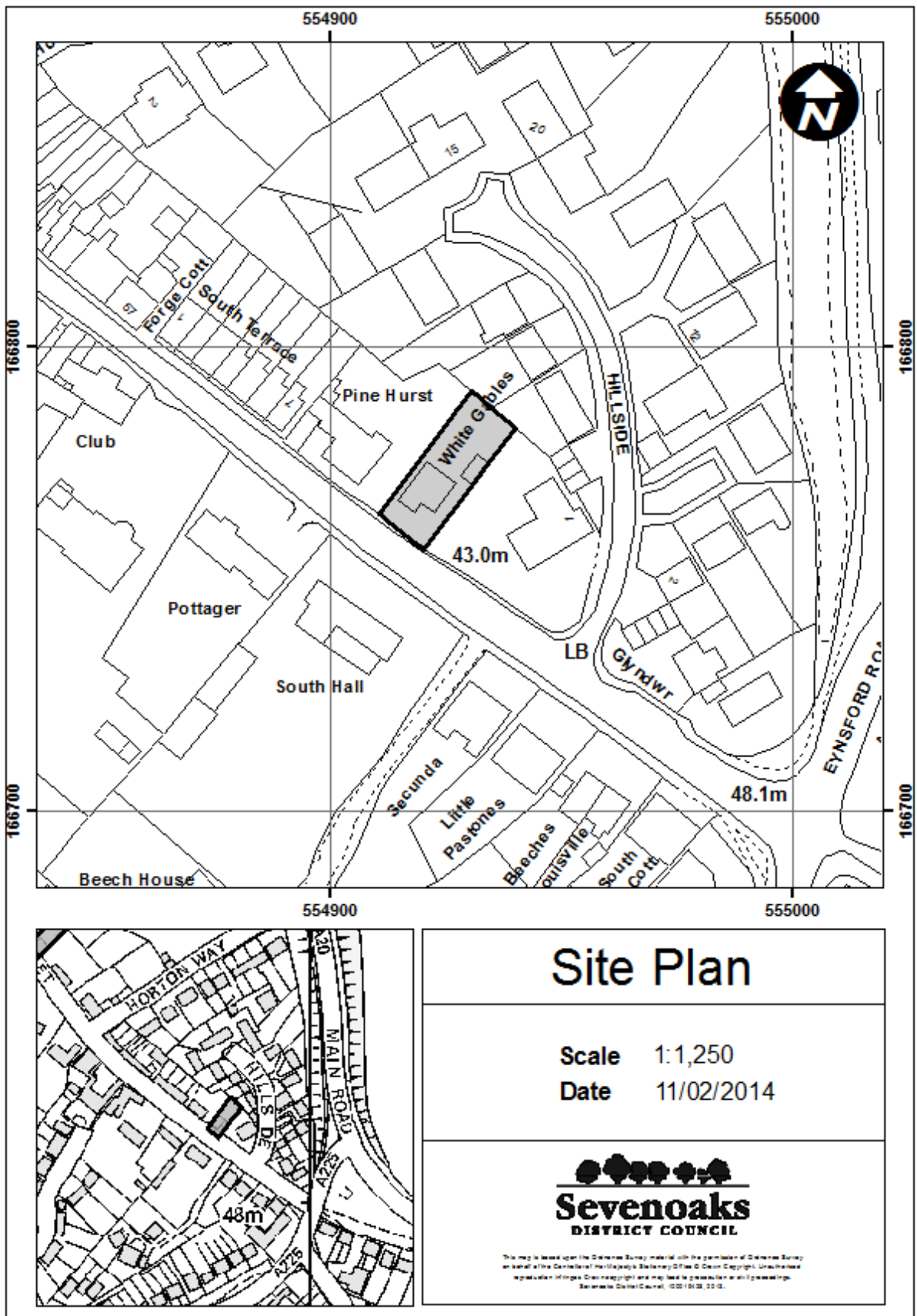
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MY92DABK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MY92DABK8V000>



Block Plan

