

3.1 – SE/13/03559/HOUSE Date expired 4 February 2014

PROPOSAL: Demolition of garage and erection of part single storey, part two storey side extension. Loft conversion, involving raising the roof height of the property, with skylights at the front and dormer windows at the rear. Replace existing porch with larger porch.

LOCATION: 51A Mount Harry Road, Sevenoaks TN13 3JN

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

This application has been reported to Development Control Committee at the request of Councillor Raikes on the grounds that the extensions will lead to a loss of amenity to neighbouring properties and concerns over the bulk of the proposal.

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 S1212/03 Revision F, dated June 2013, stamped 10 December 2013;- Drawing Number S1212/04 Revision F, dated June 2012, stamped 17 January 2014;;- Drawing Number S1212/05 Revision G, dated June 2012, stamped 17 January 2014;

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 extensions 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 area as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, a tree protection statement and plan for the retained trees at the property shall be submitted to and approved in writing by the Council. Also:

A) The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.

B) Within a retained tree protected area:- Levels shall not be raised or lowered in relation to the existing ground level;- No roots shall be cut, trenches cut, or soil removed;- No buildings, roads, or other engineering operations shall be constructed or carried out;- No fires shall be lit;- No vehicles shall be driven or parked over the area;- No materials or equipment shall be stored;

To secure the retention of the trees at the site and to safeguard their long-term health as supported by Policy EN1 of the Sevenoaks District Local Plan.

5) No extension or external alterations shall be carried out to the building hereby approved, despite the provisions of any Development Order.

To prevent over development of the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

6) No openings, other than those shown on the approved plan(s), shall be installed in the flank elevations or the roof of the dwelling hereby permitted, despite the provisions of any Development Order.

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

7) The first floor window in the eastern elevation, at all times, shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the bathroom.

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

8) No development shall be carried out on the land until full details of soft landscape works 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.

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

9) 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.

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 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) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background

- 1 The dwelling has been sought to be extended three times over the past couple of years (all refused). This recent planning history is outlined in the *planning history and appeal history* sections of this report. The last application (SE/13/00306/HOUSE) was overturned (Officer's recommendation for approval) and refused at Development Control Committee in April 2013. The applicant appealed the decision, which was dismissed. The Inspectors assessment is attached to this report in Appendix 1 for reference.
- 2 Planning application SE/13/00306/HOUSE (the most recent application) was refused on the following grounds:
 - *The proposed extension would appear cramped on this relatively restricted plot. The extended dwelling would form an incongruous feature that would erode the spaciousness of the street scene to the detriment of the character of the area contrary to Sevenoaks District Core Strategy Policy SP1 and Sevenoaks District Local Plan Policy EN1.*
 - *Due to the increase in built form and height as a result of the proposal along the boundary between the two properties (the site and No.49 Mount Harry Road) the proposal is unacceptable as the development would have an overbearing impact on the private amenity space of the neighbouring property (No.49) and is therefore contrary to Policies EN1 and H6B of the Sevenoaks District Local Plan.*
- 3 Relating to refusal point (i) (Character and appearance) the Inspector states in paragraph 7 of her report that "I conclude therefore that the impact of the proposed changes to the appearance of the front elevation of No.51a would not materially harm the existing character and appearance of the street scene along Mount Harry Road". The Inspector therefore did not support point (i) at appeal.
- 4 However the Inspector upheld refusal point (ii) and concludes in paragraph 13 of her report that "the height, bulk and massing of the proposed side extension and its proximity to the boundary and rear elevation of No.49, would have an

unacceptably harmful impact on the living conditions of the occupiers of No.49 with particular regard to outlook and light”.

Description of Proposal

- 5 The applicant has amended the scheme following the dismissal at appeal. Permission is sought for the demolition of an existing garage and erection of part single storey, part two storey side extension, a loft conversion, involving raising the roof height of the property (now referred to as 'loft extension'), with skylights at the front and dormer windows at the rear and the replacement of an existing porch with larger porch.

Amendments from previous scheme (SE/13/00306/HOUSE)

- 6 Specifically, the application has been amended in the following the ways from the previous refusal:
- *Reduction* in depth of the first floor side extension by 2.7 metres. The extension therefore no longer extends beyond the rear elevation of the dwelling (it is set in by 0.5 metres from the existing rear building line);
 - The first floor side extension is set further away from the eastern boundary at first floor level (approximately 1.9 metres, previously 1.32 metres at first floor).
- 7 The following amendments were also sought when the application was first submitted:
- *Amendment to roof profile with first floor side extension increasing in height by 0.6 metres, matching the roof height of the loft extension;*
 - *Addition* of one dormer window, serving loft extension on rear elevation;
- 8 However, these amendments were removed and amended plans were received (and re-consulted) on 17 January 2014. The additional dormer window on the loft extension has been removed (now only three dormers sought), and the height of the side extension reduced by 0.6 metres (to height of existing property).
- 9 The scheme also no longer seeks to widen the driveway at the front of the property.

Description of Site

- 10 The site is situated within the built urban confines of Sevenoaks, within the Sevenoaks Town and St Johns Ward. The property exhibits an attractive villa style design with a low pitched roof (which is reflected on the adjoining property to the east of the site).
- 11 The property is a large detached property which is elevated and set back from the public highway. It has a reasonable size rear garden which backs onto the properties on Hitchen Hatch Lane. There is detached garage to the side of the property. The property to the east of the site Number 49 Mount Harry Road (now referred to as No.49) is positioned approximately 1.4 metres higher than the site.

Constraints

- 12 Tree Preservation Orders (Reference: TPO/72/07/SU)

Policies

Sevenoaks District Local Plan (SDLP)

- 13 Policies - EN1, H6B

Sevenoaks District Core Strategy

- 14 Policy SP1

Other

- 15 National Planning Policy Framework (NPPF)

- 16 Sevenoaks Residential Extensions Supplementary Planning Document (SPD)

- 17 Sevenoaks Residential Character Area Assessment SPD

Planning History

- 18 SE/10/02621/WTPO - Pollard 2 Sweet Chestnut trees (granted 25 October 2010).

SE/12/01619/HOUSE - Demolition of existing double garage. Alterations to dwelling to include raising of roof height, new gable and dormer extensions, alterations to fenestration, erection of a two storey side extension, single storey front extension with extended balcony and widening of driveway entrance (refused 22 August 2012).

SE/12/02400/HOUSE - Demolition of existing garage. Alterations to dwelling to include raising of roof height, four dormer windows on rear elevation and three roof lights on front elevation. Erection of two storey extension and single storey front extension. Alterations to fenestration and widening of driveway (refused 11 November 2012).

SE/13/00306/HOUSE Demolition of garage and erection of two storey side extension. Loft conversion, involving raising the roof height of the property, with skylights at the front, and dormers at rear. Replace existing porch with larger porch, whilst balcony above is retained. Widening of driveway entrance (refused 29 April 2013 and dismissed on appeal 17 September 2013).

Consultations

Sevenoaks Town Council: –

Updated consultation response received on 6 February 2014:

- 19 Sevenoaks Town Council recommended refusal on the following grounds:

1. Loss of amenity as a result of the overbearing nature of the building and overlooking of the neighbouring properties in Hitchen Hatch Lane

2. The proposal increase in ridge height is contrary to guidance set out in the Residential Extensions SPD.

First consultation response received 24 December 2013:

- 20 Recommended refusal as it was unable to verify the measurements of the proposal and was concerned about the loss of amenity as a result of the overbearing nature of the building and overlooking of the neighbouring properties in Hitchen Hatch Lane.

Ward Councillors:

- 21 Councillor Raikes: - This is a new application, and whilst it take account of the Inspectors comments on the previous application there remain concerns about the impact on the neighbours who are likely to be overlooked in Hitchen Hatch Lane and the bulk as a result of what appears to be the increase of roof height of the existing building to accommodate the additional third floor accommodation and resulting dormer windows at the rear.

SDC Tree Officer

- 22 I refer to my previous comments regarding previous applications. In view of the fact that the developer intends to retain the existing access, I have no objections to the proposed development providing those trees situated to the front of the property are adequately protected.
- 23 Details of protective measures to be used should be submitted for comment and should comply with BS5837:2012.

Kent County Council Highways

- 24 The proposals appear to have no adverse impact on the public highway.

Representations

- 25 6 Letters of objection have been submitted by occupiers of 4 adjacent properties:

A summary of the points raised by these objections are outlined below:

- The proposed development would be a serious breach of Policy SP1 of the Sevenoaks District Core Strategy, Section FO4 of the Sevenoaks Residential Character Area Assessment SPD and Policy EN1 of the SDLP;
- Concern of an adverse impact on the privacy of the properties at the rear of 51A, principally The Hawthorns. This is because this property will be overlooked by the introduction of 5 windows in the loft extension, an increase over the previous application where 4 windows were to be installed;
- The sheer bulk of the development, the increase in ridge height and the proliferation of windows at both first and second floor level that add up to a serious overdevelopment of the site;
- The proposal is a very substantial development of the property which will totally change the integrity of the original design. Its existing villa character

will be lost. It will create a building which will appear cramped and “squeezed in”, and far bulkier in form;

- The application not only increases the ridge height of the roof compared with the current roof, but also steepens the pitch, which gives the roof a far more bulky look and contrasts markedly with the existing shallow pitch, typical of villa style properties;
- The effect of the extra storey is therefore not only unsympathetic to the original villa style house design but is also out of character with other two storey properties nearby;
- No mitigation is possible for privacy because of the height and orientation of the dormers;
- The height and type of window the residents of 51A will have views across our entire garden and patio, substantially reducing our privacy when we are in the garden;
- There are numerous additional windows at the rear of the property which will also impact our privacy;
- Because of the close relationship between our two properties, the height, bulk and massing of the extension would be unacceptably dominant.
- The roof of the extension is higher than that proposed in the previous scheme and there are many new first and second floor window that will directly overlook, at a very close distance, our garden and private amenity space;
- The slight change in the width of the extension at first floor level will have no material impact on the bulk and form of what we shall be faced with;
- The height, bulk and massing of the extension would be unacceptably dominant;
- Where there is presently space there will be at very close quarters, brickwork, windows and roof.

26 Following the re-consultation of the amended plans (as received from 17 January 2014), two further letters of objection were received. These did not raise any new points which had not already been submitted.

Chief Planning Officer’s Appraisal

Principal Issues

Design, Scale and Bulk

27 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.

- 28 Policy EN1 of the SDLP states that the form of 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. In addition, Policy H6B of the SDLP 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 outlines the following criteria:
- In general two storey extensions should have pitched roofs to match the existing dwelling;
 - Loft and roof space extensions should not exceed the ridge height of the existing building or create the appearance of an extra storey which would be unsympathetic to the character of the area. Windows in the roof area should therefore be subsidiary in appearance;
 - Extensions which extend to the side boundary of the property which could lead to visual terracing are not acceptable, a minimum distance of 1 metres is normally necessary for two storey extensions and, in some area of spaciousness, this may need to be greater.
- 29 The Residential Extensions SPD outlines a number of criteria in relation to this proposal:
- In relation to side extensions, the pattern of gaps in a street scene should be maintained. There should normally be a minimum gap of 1 metre between the side wall of a two storey side extension and the adjoining property for the full height of the extension. This gap may need to be wider depending on the context;
 - In terms of loft conversions, these should not detract from the characteristic roof profile of a street and should follow the vertical line of existing doors and windows.
- 30 The Sevenoaks Residential Character Area Assessment SPD states that locally distinctive positive features of Character Area F04 (Mount Harry Road) are the individually designed mostly two storey detached houses which are set back from the road along a relatively regular building line with gaps between buildings. Negative features of the area are deemed to be that some of the new development has not respected the building characteristic of being set back from the road or allowed spacing between the buildings. Specific design criteria is:
- Development should be set back from the road and respect the relatively regular building line;
 - Mature trees and hedge boundaries which contribute to the character of the area should be retained.
- 31 The side extension and loft extension currently under consideration are essentially reduced scaled extensions from the previously refused scheme SE/13/00306/HOUSE (which was dismissed at appeal). Importantly, the Inspector, as outlined in the *background* section, did not consider that the proposed changes to the appearance of the front elevation of No.51a would

materially harm the existing character and appearance of the street scene along Mount Harry Road. Given that the bulk and depth of the side extension has been decreased and has been moved further away from the boundary (by a further 0.58 metres), there is little reason to contest this assertion. It is also noted that the height of the side extension, following receipt of amended plans (17 January 2014) has been reduced so that it is the same height as the existing dwelling.

- 32 It is therefore considered that given the dwelling is set back from the road and the mature planting to the front of both the appeal site and No.49; the increased scale of the dwelling, although visible, would not be harmful or dominant in the street scene. In addition, attention is drawn to paragraph 6 of the Inspectors Report (Appendix I) which highlights that the relationship between the two properties (site and No.49) is defined to a greater extent by their stepped appearance than by the gap between them. It is therefore considered that the proposal will not appear cramped on site and that the properties will continue to appear as separate dwellings.
- 33 For the above reasons 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 Residential Extensions SPD and the Sevenoaks Residential Character Area Assessment SPD.

Residential Amenity

- 34 Policy EN1 of the SDLP states proposed development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height and outlook. In addition, Policy H6B of the SDLP states that proposal should not result in a 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 or the street scene. The extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling. The specific criteria outlined in the Residential Extensions SPD are assessed under each amenity consideration below.
- 35 As outlined in the *background* section of this report, Members only sought to refuse the previous planning application (SE/13/00306/HOUSE) on amenity grounds in relation to No.49, not other adjoining occupiers [refusal point (ii)]. Therefore this section of the report will focus mainly on the impact of the amenity of the occupiers of No.49. However, for completeness, given that other adjacent neighbours have again objected to the proposal, it is considered reasonable that these will also be addressed.

Daylight / Sunlight

- 36 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 in neighbouring properties or private amenity space. A useful guideline to measure the likely impact of an extension on a neighbouring property is the 45 degree test. Its purpose is to make sure that development does not take away too much daylight.

- 37 With regards to sunlight, the Residential Extensions SPD states that an extension should not cause the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or private amenity space.
- 38 Due to the position of the extension and the orientation and position of other adjacent properties, it is considered that the only property which may be impacted upon by the proposal in terms of daylight and sunlight is No.49.
- 39 As outlined in the *background* section of this report, the Inspector upheld the Council's decision to refuse the previous application (SE/13/00306/HOUSE) on the grounds of a harmful impact on the living conditions of the occupiers of No.49 "with particular regard to....light".
- 40 It is recognised that the previous application (SE/13/00306/HOUSE), whilst passing the 45 degree elevation plan test, failed the 45 degree floor plan test. Concern was also raised by Members (and subsequently the Inspector) in regards to loss of sunlight.
- 41 To address this, the applicant has reduced the depth of the first floor side extension by 2.7 metres. This now means that the rear building line of the side extension is set back from the existing rear building line of the main dwelling by 0.5 metres. The amended proposal now passes both daylight tests (floor and elevation plan assessments). In addition, as the first floor element of the side extension does not exceed the existing rear elevation of the property any loss of sunlight will not be for a significant part of the day (any sunlight lost will be at the end of the day) particularly when taking into account the bulk of the existing property. The difference in topography, further distance between the first floor extension and the shared boundary, height of the side extension (same as existing property) and the orientation of the gardens (south, south east facing) also assist in supporting this conclusion.
- 42 Therefore the proposal will not result in a loss of light to the neighbouring property and overcomes the previous ground of refusal in relation to light.

Privacy

- 43 The Residential Extensions SPD states that windows in an extension should not directly overlook the windows or private amenity space of any adjoining dwelling where this would result in an unreasonable loss of privacy. In addition the SPD states that the District Council would normally calculate the private amenity area as a depth of 5 metres from the back of the property.
- 44 In terms of No.49, the existing relationship is unusual on the basis that a number of windows look directly onto one another. These include habitable rooms. The proposal will only have one first floor flank elevation window facing No.49 which is already there (serves a bedroom). Given that this window is pre-existing and it will not overlook any habitable rooms or private amenity space, it is not considered this will result in a loss of privacy to the occupiers of No.49. In summary it is considered that the proposal will in fact improve the privacy for the adjoining occupants at No.49 in terms of habitable rooms and the existing private amenity space.
- 45 Concern has also been raised by the occupiers of No.49 that the windows of the loft extension will overlook their private amenity space. However, given that

No.51A is situated behind this property (from the public highway), these windows will not overlook the private amenity space due to the orientation of the two dwellings.

- 46 A number of other adjoining occupants have also claimed that the proposal will result in a loss of privacy to their properties/gardens. Each adjoining property will be addressed in turn.
- 47 The Hawthornes is the property which is positioned to the rear of the proposed development. The Town Council have raised concern that the proposal will overlook this property (The Hawthornes is in Hitchen Hatch Lane). Although there was originally an additional dormer window serving the loft extension (from the previously refused scheme dismissed at appeal) this has now been removed (by amended plans – 17 January 2014) as well as the side extension being moved back by 2.7 metres away from the shared boundary. As a result the impact on the property to the rear is less than the appeal proposal which itself was not refused on grounds of impact on this property. It is therefore considered that the proposed distance (27.1 metres) between the two properties will not result in a significant loss of privacy to the occupiers of The Hawthornes. In addition it is not considered that the proposal will have a material impact on privacy of the ground floor rooms or the private amenity space of The Hawthornes.
- 48 With regards to No.51, concern has been raised in regards to the additional windows on the rear elevation and provision of dormers serving the loft extension. In terms of additional windows on the rear elevation, there are none which are close to the boundary of No.51 only those which are near the boundary with No.49. Given that these are approximately 18 metres away from the shared boundary with No.51 and are situated behind the rear building line of the existing property, it is not considered that these will cause any overlooking to this property. In terms of the dormer windows it is not considered that these will overlook any windows at No.51 due to the layout of this property. In terms of the rear garden, due to the distance, orientation and presence of landscaping along this boundary it is not considered that the dormers will significantly overlook this private amenity space. The impact on No 51 is no greater than that of the appeal proposal which was not refused on grounds of impact on this property.

Outlook

- 49 The Residential Extensions SPD states that the District Council is primarily concerned with the immediate outlook from neighbours' windows, and whether a proposal significantly changes the nature of the normal outlook. In addition Policy H6B states that a proposal should not have a detrimental visual impact or overbearing effect on neighbouring properties.
- 50 In terms of outlook, it is considered that the only property which is likely to be affected by the proposal is the adjoining property No.49. Other properties are considered to either be too far from the proposed extension or will not have habitable room windows looking directly onto the extension.
- 51 As with daylight / sunlight, the Inspector supported the Councils conclusion that the previous application (SE/13/00306/HOUSE) would have a detrimental impact on the outlook of No.49, specifically paragraph 10:

“The height, depth, bulk and massing of the extension, together with its proximity to the common boundary with No.49 would be unacceptably dominant. It would be an overbearing structure, which would materially harm the living conditions of the adjacent occupiers. It would have a detrimental impact on the outlook from the rear garden of No.49, which at only approximately 11 metres deep is relatively modest in size”.

- 52 Helpfully, the Inspector has set out in paragraph 9 of her report the distances in relation of the neighbouring occupiers at No.49:

“No.49 is set about 2 metres from the common boundary and approximately 3 metres forward of No.51a itself. As a result of this relationship the proposed side extension would be only some 3.32 metres from No.49 and would project approximately 6 metres beyond its rear elevation”.

- 53 The applicant has sought to address this and has reduced the depth of the extension by 2.7 metres so that the rear building line of the extension is 0.5 metres behind the main dwelling rear building line. The side extension has also been set away from the side boundary by a further 0.58 metres. There is now 3.9 metres between the No.51a (the site) and the built form of No.49. This has also allowed the provision of a pitched roof on the flank elevation, which breaks up the bulk and massing of the extension.

- 54 It is acknowledged that the side extension was originally submitted to be 0.6 metres higher than the previous scheme (SE/13/00306/HOUSE). However amended plans were received (17 January 2014) which reduced the height of the extension to the height of the previous scheme (SE/13/00306/HOUSE). This means that the roof profile is still stepped. This further reduces the presence and bulk of the side extension when viewed from No.49.

- 55 The depth of the extension (at first floor level) also now only exceeds the rear building line of No.49 by approximately 3.3 metres (taking into account Inspectors measurements) as the extension has been reduced in depth by 2.7 metres. In addition one has to accept that the built form will be seen against the bulk of the existing property (albeit with an increase in height of the proposed loft extension). It is however recognised that the loft extension (i.e. the increase in height to the original dwelling) is situated 5.3 metres from the shared boundary. This is considered to be a significant amendment to the scheme and the depth of the first floor extension in comparison to the rear building line of No.49 is considered acceptable.

- 56 Due to the amendments made by the applicant and given that no. 49 is 1.4 metres higher than the application site, it is considered that the proposal will not have a harmful impact on the living conditions of No.49, principally in this instance, outlook.

- 57 For the above reasons, it is considered that the proposal is in accordance Policies EN1 and H6B of the SDLP and the Residential Extensions SPD. It is therefore considered that the previous ground of refusal has been overcome.

Other Issues

Trees

- 58 Policy EN1 of the SDLP states that the layout of the proposed development should retain important features including trees, hedgerows and shrubs.
- 59 This application, unlike planning applications SE/12/01619/HOUSE, SE/12/02400/HOUSE and SE/13/00306/HOUSE ('previous applications') does not seek to make any amendments to the driveway at the front of site, close to the trees covered by TPO/72/07/SU. Therefore the SDC Tree Officer has raised no objection providing the trees at the site are adequately protected during the construction of the extensions. A condition can be attached on any approved planning consent to achieve this.

Highways / Access / Parking

- 60 Policy EN1 of the SDLP states that proposed development should not create unacceptable traffic conditions on the surrounding road network.
- 61 As with the section, it is highlighted that unlike previous applications, no amendments will be made to the front driveway and as a result, the Highways Officer has not raised objections to the proposal.
- 62 Despite the loss of the garage and increasing the number of bedrooms at the property, it is not considered that the extension will result in any parking issues at the site. The property will still benefit from a spacious driveway which will be able to accommodate at least two independently accessible car parking spaces.

Conclusion

- 63 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

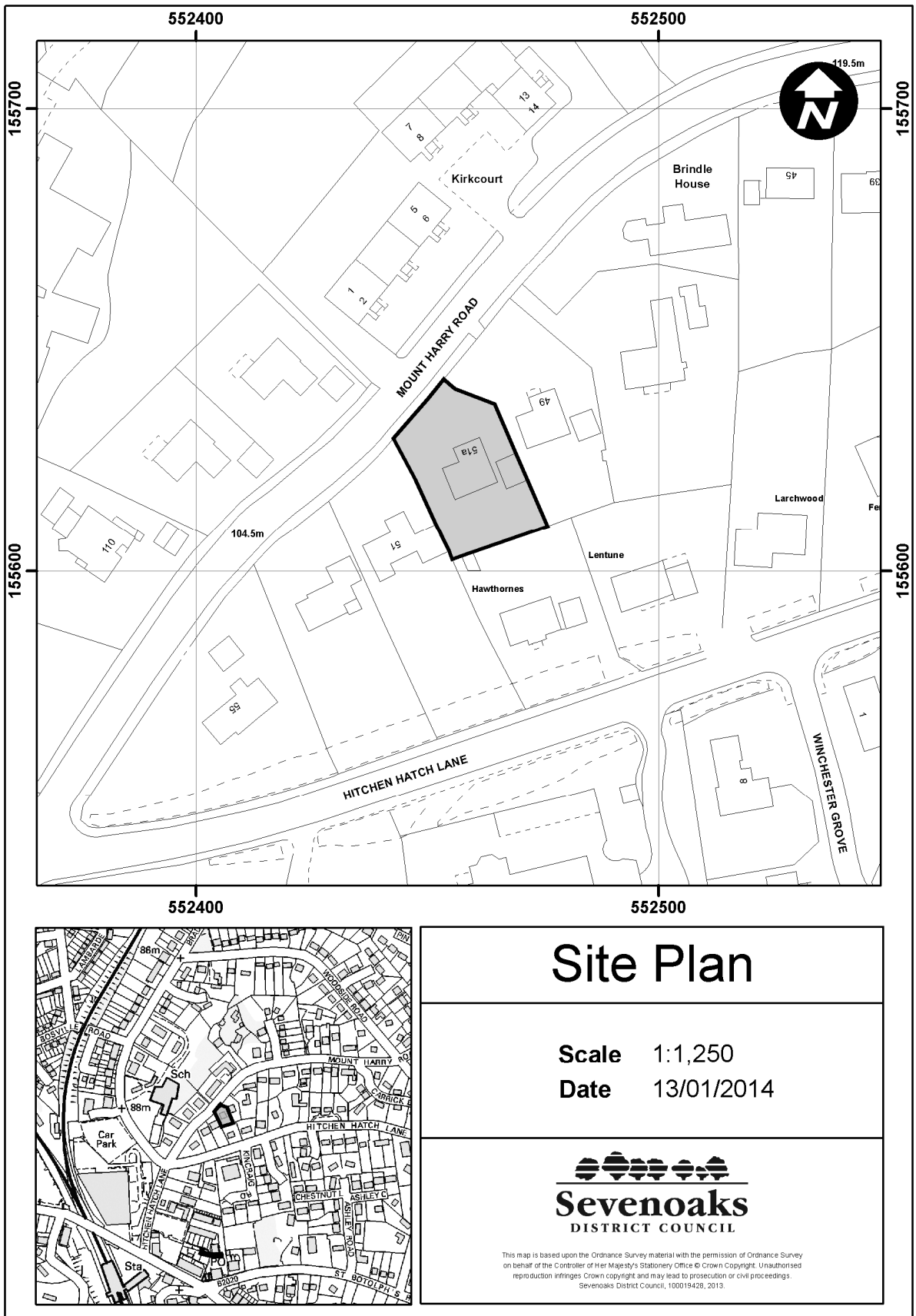
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MX0M9SBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MX0M9SBK8V000>

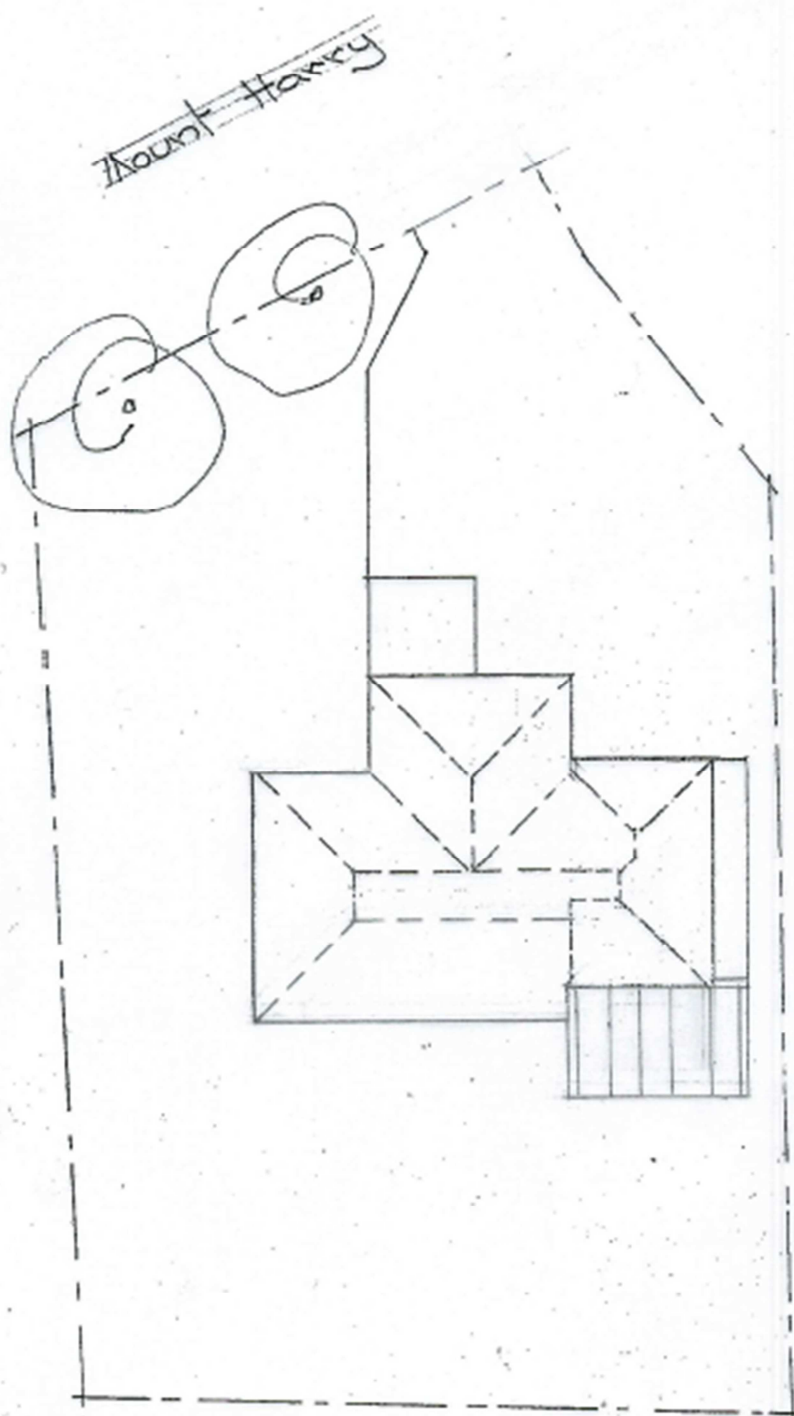


Site Plan

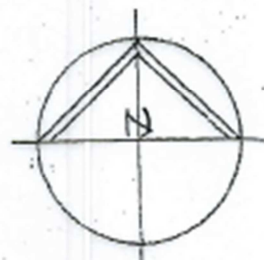
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 Date 13/01/2014



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 Sevenoaks District Council, 100019420, 2013.



BLOCK PLAN





Appeal Decision

Site visit made on 5 August 2013

by Catherine Hughes BA (Hons) MRUP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 September 2013

Appeal Ref: APP/G2245/D/13/2198786

51a Mount Harry Road, SEVENOAKS, Kent, TN13 3JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Sean Edwards against the decision of Sevenoaks District Council.
 - The application Ref SE/13/00306/HOUSE was refused by notice dated 29 April 2013.
 - The development proposed is a two storey side extension, demolish garage, loft conversion involving raising the roof height of the property with skylights at the front and dormers at the rear. Replace existing porch with larger porch whilst balcony above is retained. Widening of driveway entrance.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are the effect of the proposed development on
 - the character and appearance of the street scene;
 - the living conditions of the occupiers of the adjoining property, No. 49 Mount Harry Road, with particular regard to outlook and light.

Reasons

Character and Appearance

3. Properties along this part of Mount Harry Road are predominantly large and detached, and set well back from the road behind extensive planting. No. 51a conforms to this pattern and is positioned on rising ground behind mature trees, including two sweet chestnuts and an oak tree which are subject to a Tree Preservation Order. These trees filter views of the house from the highway, although clear views are possible from the access drive.
4. The appearance of the appeal site is affected by the marked changes in ground levels that occur between it and the properties to either side. In particular, the ground level at No. 49 Mount Harry Road, which is to the east of the appeal site, is some 1.4 metres higher than at No. 51a.
5. The proposed alterations and extensions to No. 51a would include a number of changes to the appearance of the front of the dwelling. The height of the roof would be increased, a more prominent porch would be added to the front

elevation and a two storey side extension erected to the east, including an integral garage, replacing the existing detached garage. The dwelling would therefore inevitably appear larger and the new porch would extend approximately 1.3 metres forward of the existing footprint of the house.

6. In addition, as a result of the two storey side extension the present gap between the main dwellings of No. 51a and No. 49 of around 8 metres would be reduced to approximately 3.3 metres. Given the changes of level between these two properties however, their relationship is defined to a greater extent by their stepped appearance than by the gap between them. I am therefore satisfied that although closer, the properties would continue to appear as separate dwellings.
7. Furthermore, given the setback from the road and the mature planting to the front of both the appeal site and No. 49, the increased scale of the dwelling, although visible, would not be harmfully dominant in the street scene. I conclude therefore that the impact of the proposed changes to the appearance of the front elevation of No. 51a would not materially harm the existing character and appearance of the street scene along Mount Harry Road. For these reasons I conclude that the proposed development would comply with Policies SP1 of the Sevenoaks Core Strategy and EN1 of the Sevenoaks District Local Plan(2000), which require that new development should respond to the distinctive local character of the area in which it is situated.

Living Conditions

Outlook

8. The proposed side extension would have a ridge height of approximately 8 metres, the height of the existing dwelling. It would be two storeys with further accommodation in the roof space. This extension would be situated only approximately 1.02 metres from the boundary with No. 49 at ground floor level and approximately 1.32 metres at first floor level.
9. Notwithstanding that the block plan does not show the footprints of the adjoining properties, there is no reason to doubt the distances explained in the appellant's statement. No 49 is set about 2 metres from the common boundary and approximately 3 metres forward of No. 51a itself. As a result of this relationship the proposed side extension would be only some 3.32 metres from No. 49 and would project approximately 6 metres beyond its rear elevation.
10. Even though No. 49 is built on higher ground, the scale of the proposed extension would nonetheless have an overbearing impact on the adjoining property. The height, depth, bulk and massing of the extension, together with its proximity to the common boundary with No. 49 would be unacceptably dominant. It would be an overbearing structure, which would materially harm the living conditions of the adjacent occupiers. It would have a detrimental impact on the outlook from the rear garden of No. 49, which at only approximately 11 metres deep is relatively modest in size.

Light

11. The Council states that the proposals will result in some loss of sunlight to the adjoining garden, and that the proposed side extension fails the 45 degree floor plan test as set down in the Sevenoaks Residential Standards SPD with regard

to daylight. Notwithstanding the change in levels, I agree with that assessment. These factors give added weight to my conclusion that this would be simply too large an extension so close to the boundary and rear elevation of the adjoining property.

12. I have had regard to the reduction in the number of windows in the eastern elevation of No. 51a that would occur as a result of the proposed development, leading to an end to the inter-looking between windows of No. 49 and No. 51a which exists at present. However, this is not sufficient to outweigh the harm which I have identified to the living conditions of the occupiers of No. 49 from these proposals.
13. For these reasons I conclude that the height, bulk and massing of the proposed side extension and its proximity to the boundary and rear elevation of No. 49, would have an unacceptably harmful impact on the living conditions of the occupiers of No. 49 with particular regard to outlook and light. The proposed development is therefore contrary to Policy H6B and Appendix 4 of the Sevenoaks District Local Plan which requires that development should not result in a 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.

Other matters

14. The appellant has drawn my attention to other large extensions and new buildings that have been approved in the vicinity of the appeal site. I observed these from the street but the circumstances of each differ from those of the appeal site and I have determined this case on its own merits.
15. For the reasons above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Catherine Hughes

INSPECTOR