

4.2 – SE/14/01056/HOUSE Date expired 18 June 2014

PROPOSAL: Demolition of existing two storey side extension and erection of a new two storey side extension.

LOCATION: Chartmoor, Brasted Chart, Westerham TN16 1LU

WARD(S): Brasted, Chevening And Sundridge

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Firth to consider whether the proposals would result in loss of amenity to the neighbouring occupiers, loss of openness to the Green Belt or harm to the street scene.

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 is in harmony with the existing character of the house as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) No window(s) or other opening(s) shall be inserted at any time in the southern flank elevation(s) of the extension hereby approved, despite the provisions of any Development Order.

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

4) The development hereby permitted shall be carried out in accordance with the following approved plans: P-01, P-02, P-03 A, P-04 B, P-05 and P-06 A.

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

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) Did not require any further assistance as the application was acceptable as submitted.

Description of Site and location

- 1 The application site accommodates a large detached, 2 storey, Victorian dwelling set within large gardens which extend to the front and rear. The house is “L” shaped in form, with a single storey extension running along the southern boundary of the site, in turn attached to a modest 2 storey outbuilding. For planning purposes, much of the building appears to be in “original” form (as appears on 1888-1949 OS map, though outbuilding is detached at that time).
- 2 The white painted brick house, which fronts the main road, is set under a fully hipped slate roof. To the southern flank, the house has been extended (possibly original) by a 1 ½ storey side extension set under a catslide roof terminating on the party boundary with Uplands, where the eaves height is approximately 3.2m. Within the roof to this side extension are 2no. 1st floor bedrooms, though clearly with reduced headroom. Each room is served by a small window in the front/rear elevation, with rooflights above.
- 3 The immediate area is generally characterised by large houses set within spacious and well foliated gardens, with the larger detached houses generally set back from the road frontage with planting along their front boundaries. Nevertheless, glimpses of the buildings can be gained from the street. The gaps around the detached houses are a feature of the street scene, though I would note that both Chartmoor and Uplands are somewhat at odds with this character because they both abut their party boundary.

Description of Proposal

- 4 The present application has been submitted seeking to overcome the reasons for refusal on an earlier submission which was recently dismissed at appeal (SE/13/02997/FUL refers). That submission sought to raise the height of the flank wall to the existing side extension up to the eaves level of the house (5.6m) and add a full hipped roof above to match the existing house.

- 5 The present proposals also relate to the existing side extension to the southern elevation. However, it is now proposed to extend the flank by 1.25m vertically with a new pitched roof above to tuck under the eaves of the existing house. This would raise the height of the flank wall from 3.2m to 4.7m. New full-size windows are proposed to the front and rear elevations in place of the small ones now in situ. Two replacement rooflights are proposed above the extension.

Constraints

- 6 Green Belt and Area of Outstanding Natural Beauty.

Policies

Sevenoaks District Local Plan -

- 7 Policies - EN1, H6B, H14A and VP1.

Sevenoaks Core Strategy:

- 8 Policies - SP1 and L08.

Allocations and Development Management Plan (ADMP) (Draft)

- 9 Policies - EN1, EN2, GB1.

Other

- 10 National Planning Policy Framework (NPPF)

Planning History

- 11 SE/13/02997/FUL: Demolition of existing 2 storey side extension and erection of a new 2 storey side extension. Refused on 13.2.14 on the following:

“The proposed first floor extension, by reason of its siting, size, height and design and proximity to the neighbouring house, would

1) represent an unacceptable form of development which would fundamentally alter the relationship between the application dwelling and the neighbouring house to the detrimental of the spatial character of the area and also the street scene; and

2) seriously detract from the residential amenities presently enjoyed by the occupiers of the neighbouring house.

As such the proposals are contrary to Government advice in the form of the National Planning Policy Framework and policies EN1, H6B and H14A of the Sevenoaks District Local Plan and policies SP1 and L08 of the Sevenoaks District Core Strategy Development Plan Document.”

- 12 Appeal against the above decision was DISMISSED on 25.4.14. A copy of the decision is attached as Appendix A.

Consultations

Brasted Parish Council:

13 Brasted Parish objects to this application because:

1. Not all the buildings are shown on the plan. In particular it does not show that the property is joined to the neighbouring house (Uplands);
2. Although this appears to be an improvement on the previous application it does not fully address our concerns about bulk and spatial character or access to light for the neighbour's kitchen. The eave level still appears to be approximately 1.5 m higher than the existing level.

Representations

14 A letter has been received from the neighbouring resident raising the following objections:

- The drawings fail to indicate the adjoining property to the south.
- The increased height of the wall would erode the gap between the properties.
- Loss of light to kitchen and utility room and indirectly into living room.
- Overlooking from rear window.
- Angle of roof to side extension will not reflect the existing house and will detract from it.

Chief Planning Officer's Appraisal

Principal issues

Green Belt Implications:

- 15 Current Government advice, in the form of the **National Planning Policy Framework**, supports the protection of the Green Belts and seeks to restrict development.
- 16 The advice states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
- 17 Paragraph 79 of the NPPF states that "The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence." Paragraph 89 states that a LPA should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- 18 Policy H14A provides a local interpretation on what is an appropriate extension to dwellings within the Green Belt. It lists a number of criteria with which extensions to dwellings within the Green Belt must comply. This includes the criteria that the "gross floor area" of the existing dwelling plus the "gross floor area" of the extension must not exceed the "gross floor area" of the "original" dwelling by

more than 50%. The design of the extension should also be sympathetic and well articulated.

- 19 In this instance, though some of the outbuildings may not originally have been habitable, it is likely that they were in habitable use since 1948. In any event, for the purposes of policy, I consider all buildings may be counted as “original”. In any event, the present proposals do not result in an increase in floor space as such, but would slightly increase the height of the roof to provide better head-room.
- 20 The key issue therefore, in my view, is the impact on openness. In this regard, I would note that no objection was raised in Green Belt terms to the previous submission at either officer level or by the Inspector in determining the previous appeal, which would have resulted in a greater increase in size and bulk. In the circumstances, I am satisfied that the modest increase in bulk and mass resultant from the proposals would represent a proportionate addition over and above the size of the original building and would therefore represent appropriate development within the Green Belt.

Size, bulk, design and impact on street scene and neighbouring occupiers:

- 21 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.
- 22 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.
- 23 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 24 The key issue in the consideration of the previous application was considered to be the scale of the proposals, particularly the increased height of the flank wall with full hipped roof above, the setting of the house within its plot, the relationship with the neighbouring properties and the setting of the buildings within the street scene, all of which was considered to form part of the wider context within which the existing house is set.
- 25 It was my conclusion previously that the particular relationship between Chartmoor and uplands, most notably the gap at first floor level, was a distinctive feature which helped define the separation and distinctiveness of these 2 individual dwellings. Because of the size of the extension it was considered the

gap between the buildings would be significantly eroded, to the detriment of the street scene. This conclusion was accepted by the Inspector in dismissing the recent appeal.

26 However, the present submission, in my view, proposes a considerably reduced scale and bulk. The boundary wall is still increased in height, however, it would remain well below the eaves level of the existing house. Most importantly, the roof above it would comprise a very low pitch that would also remain below the eaves of the house. In the circumstances, viewed from the street, I do not consider the modest increase in the size of the existing side extension would significantly impact the street scene. In my view, the gap between the 2 dwellings would not be materially eroded. I note that the pitch of the roof would not reflect that of the main house, but do not consider this represent an unduly discordant design and the extension would remain clearly subservient to the existing house. I therefore consider the scale of the proposals and the consequent impact on the amenities of the street scene to be acceptable.

27 The key issue, in my view, is the impact on the neighbouring occupier at Uplands.

29 In considering the recent appeal, the Inspector commented on the impact on Uplands as follows:

“8. I note from the representations that flank windows facing the appeal site at Uplands include a kitchen window, a high-level ground floor lounge secondary window and a first floor bathroom window. In addition, there are velux windows in the covered walkway/utility area. I have not visited Uplands and thus have not been able to assess the accuracy of this information with regard to the internal arrangement of the dwelling. Nevertheless, due to the bulk and siting of the proposed first floor extension, it would unacceptably block the amount of daylight received through these windows. Whilst most of the side windows do not appear to be to habitable rooms, I do consider that the proposed first floor extension would significantly alter the natural light levels within this neighbouring dwelling, to the detriment of occupiers. The cumulative loss of light and consequential overbearing effect of the proposed first floor side extension would have an adverse effect on the living conditions of these neighbours.

9. A larger window would replace an existing small window in the rear elevation. Views of the patio area and part of the rear garden of Uplands are clear from the existing small window. The proposed larger window, due to its position and size, would not significantly increase this level of overlooking. Therefore, I do not consider that the proposed larger window in this position would materially adversely affect the level of privacy for residents at Uplands when using their rear garden.”

30 I have the benefit of having viewed Uplands internally.

Uplands has been extended to its northern flank at ground floor level so that it abuts the party boundary. This single storey element has several rooflights. To the front northern corner there is a small kitchen set slightly away from the boundary. This has a window in the north flank facing the proposals. From these vantage points the extended height of the flank wall would be visible. However, I do not consider the impact would appear seriously overbearing. Furthermore, none of these rooms are habitable and thus the impact on them cannot be accorded the weight that a living room, dining room or bedroom would. I note also that a side

window to the rear living room at Uplands would be affected; however this already faces into their own utility room addition. The main outlook and source of light from this room is towards the rear garden. Furthermore the kitchen has a large front window. I note too that Uplands has a large first floor window facing towards the southern flank of Chartmoor. However, this serves a bathroom, the outlook from which would be over and above the roof to the proposals. I would also note that the Inspector did not consider the larger rear window “would materially affect the level of privacy” of Uplands.

- 31 Bearing in mind the precise siting and relationship between the application property and Uplands, I consider the relatively modest increase in the height of the proposed flank wall and the overall scale of the proposed extension would be acceptable.
- 32 In the circumstances, it is my conclusion that the proposals in their current form to represent a significant improvement over the refused scheme. I do not consider the proposals would appear unduly overbearing or result in significant loss of light such as to warrant refusal on the grounds of adverse impact on residential amenity. To ensure that levels of privacy are maintained, I would propose to attach a condition to prevent the insertion of new windows in the southern flank elevation of the extension.
- 33 There are no other neighbouring properties which would be directly affected by the proposals.

Impact on Area of Outstanding Natural Beauty:

- 34 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.
- 35 Section 85 of that Act requires decision-makers in public bodies, in performing any function affecting land in an Area of Outstanding Natural Beauty, to have regard to the purpose of conserving and enhancing the natural beauty of that area.
- 36 Core strategy L08 refers to the extent of the Green Belt will be maintained. The countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible.
- 37 The Council raised no objection regarding the impact of the previous proposals on the AONB. Neither was an objection raised by the Planning Inspector.
- 38 Bearing in mind the footprint of the building would not be extended, the bulk would not be significantly increased and the extension would be seen in the context of other buildings on the site and nearby, I do not consider the proposals would have a significant impact or harm the natural beauty or the open character of the wider AONB.

Access issues

- 39 Access remains unchanged and there is substantial parking on site.

Conclusion

40 In light of the above, I consider the proposals would not significantly increase the size of the building and would represent a relatively modest and unobtrusive form of development which would preserve the amenities of the street scene and not result in an unduly detrimental impact on the amenities of the neighbouring occupiers. I therefore consider the proposals meet the requirements of the relevant summarised policies above.

41 I would therefore recommend approval be granted.

Background Papers

Site and Block plans

Contact Officer(s): Mr J Sperryn Extension: 7179

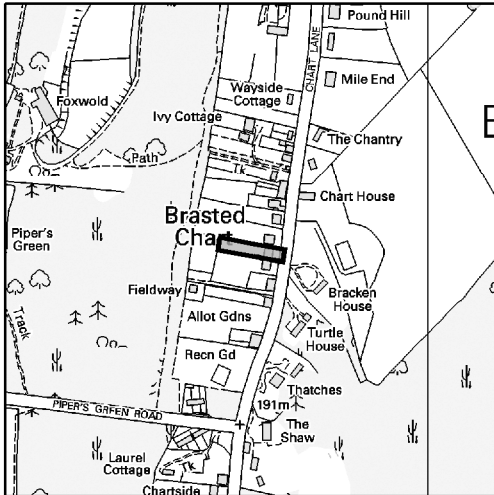
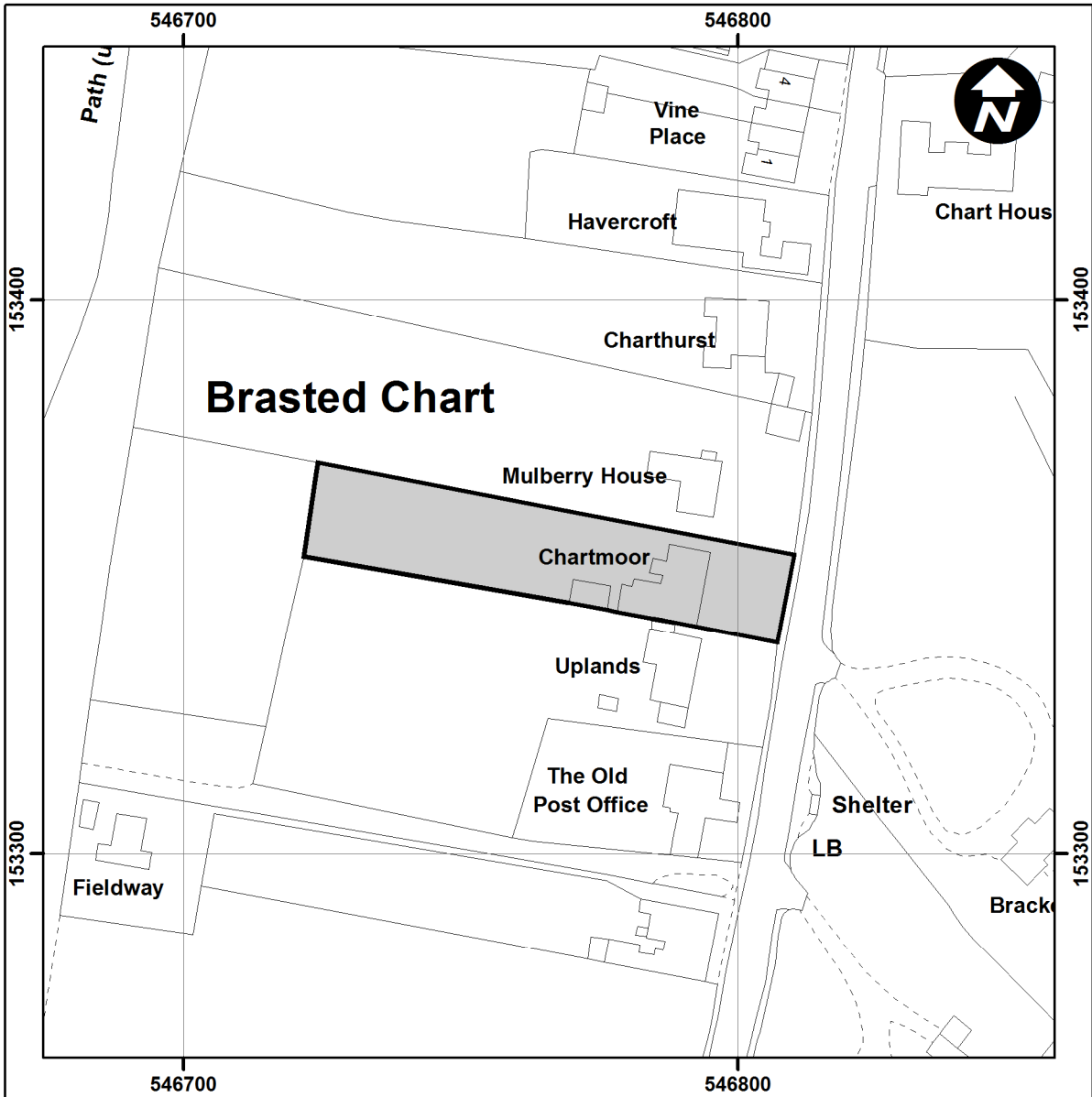
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N3PBJABKFGF00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N3PBJABKFGF00>



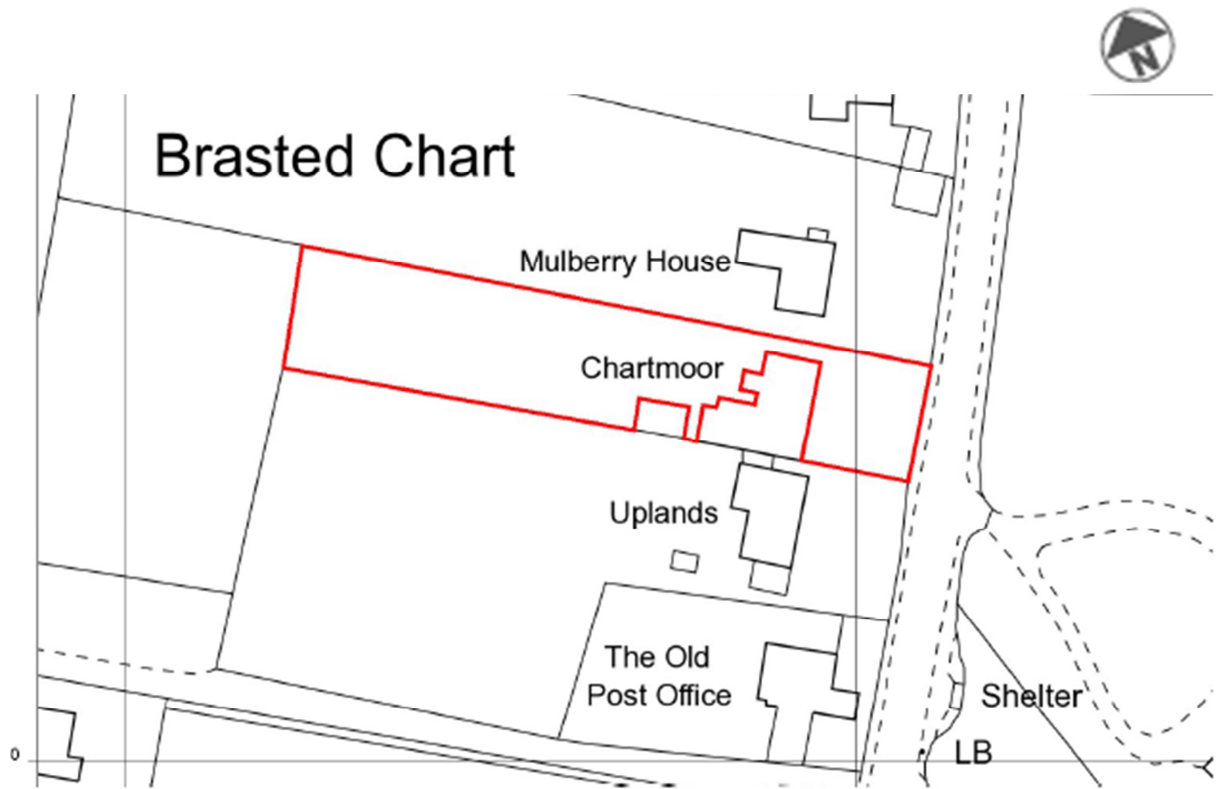
Site Plan

Scale 1:1,250

Date 18/06/2014



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Ordnance Survey 100019428.



Appeal Decision

Site visit made on 24 April 2014

by **J L Cheesley BA(Hons) DIPTP MRTPI**

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

Decision date: 25 April 2014

Appeal Ref: APP/G2245/D/14/2215809

Chartmoor, Brasted Chart, Westerham, Kent TN16 1LU

- 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 Philip Manuel against the decision of Sevenoaks District Council.
 - The application Ref SE/13/02997/HOUSE was refused by notice dated 13 February 2014.
 - The development proposed is to replace the existing two-storey side extension with a new two-storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council made its decision, the Planning Practice Guidance has been published. I have considered the content of the guidance, but in the light of the facts in this case, the Planning Practice Guidance does not alter my conclusion.

Main Issues

3. I consider the main issues to be:

the effect of the proposal on the spatial character of the area and the surrounding streetscene; and

the effect of the proposal on the living conditions of occupiers of Uplands, with particular reference to visual impact, daylight and privacy.

Reasons

4. The appeal site lies within the Green Belt. It is necessary to consider whether the proposal would amount to inappropriate development in the Green Belt. The proposal includes increasing the height of the flank wall by 2.4m, from 3.2m to 5.6m, to tie in with the eaves of the main house and extend the main roof of the house across the side extension, at a slightly lower level. The Council has stated that the proposed increase in bulk and mass would represent a relatively modest and proportionate addition over and above the size of the original building. From my observations, I concur with this view. Therefore, the proposal would not constitute inappropriate development in the Green Belt.

5. The appeal site lies within the Kent Downs Area of Outstanding Natural Beauty (AONB). The modest increase in bulk and height of the dwelling, viewed in association with surrounding buildings, would not have a significant impact on the open character of the wider AONB.
6. The appeal site lies within a group of dwellings of various designs and sizes, situated in a semi-rural area with a mature landscaped setting. The sporadic development has a sense of spaciousness, which I consider defines the spatial character of the area.
7. The appeal dwelling is attached to the neighbouring dwelling Uplands via the adjoining garage at the appeal property and the covered walkway/utility at Uplands. Nevertheless, there is some appearance of separation at first floor level when viewed from the highway through the mature frontage vegetation. The proposed flank wall would abut the party boundary. This would have the visual effect of significantly closing the separation gap, to the detriment of the spatial character of the surrounding area and streetscene.
8. I note from the representations that flank windows facing the appeal site at Uplands include a kitchen window, a high-level ground floor lounge secondary window and a first floor bathroom window. In addition, there are velux windows in the covered walkway/utility area. I have not visited Uplands and thus have not been able to assess the accuracy of this information with regard to the internal arrangement of the dwelling. Nevertheless, due to the bulk and siting of the proposed first floor extension, it would unacceptably block the amount of daylight received through these windows. Whilst most of the side windows do not appear to be to habitable rooms, I do consider that the proposed first floor extension would significantly alter the natural light levels within this neighbouring dwelling, to the detriment of occupiers. The cumulative loss of light and consequential overbearing effect of the proposed first floor side extension would have an adverse effect on the living conditions of these neighbours.
9. A larger window would replace an existing small window in the rear elevation. Views of the patio area and part of the rear garden of Uplands are clear from the existing small window. The proposed larger window, due to its position and size, would not significantly increase this level of overlooking. Therefore, I do not consider that the proposed larger window in this position would materially adversely affect the level of privacy for residents at Uplands when using their rear garden.

Conclusion

10. In reaching my conclusion, I have had regard to all matters raised. I have found that the proposal would not constitute inappropriate development in the Green Belt, would not have an adverse effect on the wider AONB and would not have an adverse effect on neighbours with regard to privacy. However, I have found that the proposal would have an adverse effect on the spatial character of the area and the surrounding streetscene and the living conditions of neighbours, with regard to visual impact and daylight. These are sufficient to dismiss the appeal.
11. For the above reasons, the proposal would be contrary to saved Policies EN1, H6B and H14A in the Sevenoaks District Council Saved Local Plan Policies Compendium (2008) and Policies SP1 and LO8 in the Council's Core Strategy

(2011). The proposal would be contrary to the particular parts of these policies where they seek a high quality of design, the protection of distinctive local character and protection of residential amenity. I consider that these policies are broadly in accordance with the National Planning Policy Framework where they meet the Framework's core principles; particularly that planning should be taking account of the different roles and character of an area; should be seeking to ensure high quality design and seeking a good standard of amenity for all existing occupants of land and buildings.

J L Cheesley

INSPECTOR