

4.4 – SE/14/02434/FUL Date expired 25 March 2015

PROPOSAL: Demolition of existing garage, lean to shed and greenhouse, to facilitate a two storey rear extension single storey front extension and alterations to fenestration to the former garage and mews cottage at the rear of 10 The Drive into a small three bedroom house.

LOCATION: 10 The Drive, Sevenoaks TN13 3AE

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

Councillor Fleming has referred the application to Development Control Committee on the basis of overdevelopment, impact upon the Conservation Area and the change in use class.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of 3 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: PL.01A, PL.02A, PL.03A, PL.04A, PL.10B, PL.11B, PL.12B, PL.20, D.01, DIAG.01, S.03, SLP.01A

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 dwelling 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 enhances the character and appearance of the locality as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) Prior to occupation of the dwelling, the first floor bathroom window in the south elevation shall be obscurely glazed and shall be retained as such thereafter.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

5) The development shall achieve a BREEAM minimum rating of very good. Evidence shall be provided to the Local Authority –

i) Prior to the commencement of development, of how it is intended the development will achieve a BREEAM Design Certificate minimum level very good or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a BREEAM post construction certificate minimum level very good or alternative as agreed in writing by the Local Planning Authority.

In the interests of sustainability and in accordance with SP2 of the Core Strategy.

6) No development shall take place until full details of the proposed foul and surface water drainage, and sewerage systems have been submitted to and approved in writing by the Council. Any approved scheme shall be completed to the written satisfaction of the Council prior to the occupation of the development.

To ensure the development site and other land does not suffer an unacceptable or increased risk of flooding and/or pollution and to ensure that sustainability and environmental objectives are met.

7) 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. The landscaping shall be implemented in accordance with the approved details and retained thereafter

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

8) If within a period of 5 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 Allocations and Development Management Plan.

Informatives

1) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

Note to Applicant

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

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all

consultees comments on line
(www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),

- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.
- 2) Was updated of any issues after the initial site visit.

Description of Proposal

- 1 Demolition of existing garage, lean to shed and greenhouse. The erection of a two storey rear extension single storey flat green roof and front extension, and alterations to fenestration to the existing building at the rear of 10 The Drive to facilitate its conversion into a 3 bed dwelling.
- 2 The proposed development would be a two storey detached three bedroom family home. A new basement floor would provide a utility, family room and WC. The extended ground floor would comprise the living room, kitchen and dining room, one bedroom, office/study and bathroom. The existing second floor would provide two double bedrooms and a bathroom.

Description of Site

- 3 The site is located at the rear of 10 The Drive, close to Sevenoaks town centre and located in The Vine Conservation Area. To the west is No. 12 the adjoining semi-detached house to 10 The Drive and to the east is No. 8 a large detached house. The site backs onto an apartment block at the rear of the former Stormont Garage site.
- 4 The out building was built c1900 at the same time as the main house. (Both visible on the 1909 map) The building, over the years, has been used as a builder's workshop and yard, general storage and lawn mover repair workshop. There is already existing access to the site as well as permission to park two cars on the site. Council records show that the building might have originally functioned as a coach house although its most recent use has been in connection with the use of the site for the repairing and servicing of lawn mowers.

Constraints

- 5 Conservation area.

Policies

Core Strategy

6 Policies – LO1, SP1, SP2,

ADMP

7 Policies – EN1, EN2, EN4, SC1

Other

8 The Vine Conservation Area Appraisal and Management Plan

Relevant Planning History

- 9 83/01268/HIST - alterations extension conversion and use of existing stable/garage as separate residential unit. Refuse
- 87/00268/HIST - conversion of existing coach house to unit of residential accommodation. refused
- 02/01781/FUL - erection of a pre-cast concrete garage. Granted
- 04/01005/FUL - demolition of existing building to rear and construction of 2 bed one and a half storey dwelling. Refuse and dismissed at appeal

Consultations

Sevenoaks Town Council

10 Sevenoaks Town Council have advised:

‘Sevenoaks Town Council recommended approval subject to the local district member requesting that the application is considered by the Development Control Committee.’

Kent Highways

11 Kent Highways have advised:

- ‘1. I would recommend a turning area to be provided, so that cars do have to reverse out onto The Drive;*
- 2. The geometry of the proposed parking area appears to be quite tight.*
- 3. There do not appear to be any significant issues that could justify an objection on highways grounds.’*

12 Kent highways have clarified that they do not consider that the application could be refused on highway grounds.

SDC Arboricultural Officer

13 SDC Arboricultural officer has advised:

'No objection to this proposal. I suggest a landscaping condition be applied to specify the details of the stated tree and hedge planting.'

Representations

14 10 notifications of objection have been received. They raise the following points:

- There have been refusal at appeal on this site before and there is no change in circumstance to support this application.
- The proposal does not preserve or enhance the character or appearance of the conservation area.
- The use of the site for residential is inappropriate.
- There would be a loss of privacy
- It would have a detrimental impact on amenity in terms of noise and disturbance.
- The proposal represents backland development
- The proposal would be an overdevelopment of the site.
- The proposal would set an unwelcome precedent.
- The use of the building is for light commercial use and would represent a change of use.
- Any windows to the rear should be obscurely glazed.
- It is unclear how sewerage or drainage will be dealt with.

Chief Planning Officer's Appraisal

15 The main issues for consideration are:

- Principle of development
- Appearance and impact on the conservation area.
- Impact on neighbouring amenity
- Other matters
- CIL

Principle of Development

16 Policy LO1 of the Core Strategy states that development will be focussed within the built confines of existing settlements. Sevenoaks urban area is identified as one of the principal areas for focus for development in the District. As such, the location is an acceptable site in principle for residential development.

17 Policy SC1 of ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of

sustainable development contained in the NPPF. The Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with policies in the LDF will be approved without delay unless material planning considerations indicate otherwise.

- 18 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 19 Paragraph 53 of the NPPF states that '*Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.*'
- 20 Council records show that the most recent use of the land was for commercial purposes – in connection with a mower repair and servicing business. As such, the land is not within residential use and cannot be assessed as garden development, but classed as previously developed land. Subject to an assessment and compliance with other planning policies relating to appearance and impact, the presumption should be in favour of this development due to the sustainable location within the urban confines of Sevenoaks.
- 21 The applicant has highlighted that the layout of 10 The Drive is an exception within the area with the existing building to the rear as built c.1900 clearly showing the vehicular access as an integral part of the original and existing building. The application building was built at the rear of No.10, with its own vehicular access. The historic map (dated 1909) shows a curtilage for this rear building that divides the land to the rear of the property, as it does today.
- 22 In their submission, the applicant has provided significant detail about the building that is proposed for conversion – that it was constructed at the same time as the main dwelling at the front of the site and that it has historically been used for residential purposes, although has more recently been used for light industrial / workshop purposes. In this respect, this application differs significantly to other back land / outbuilding development, particularly in a conservation area. There are no Council records to show that the building was ever used for residential purposes but given the historic associations of the building and the adverse impact that its commercial use could have on the amenity of neighbouring occupiers, this application is considered to carry merit where other 'backland development' may not.
- 23 Permissions have been refused previously for the redevelopment of this site – in 1983, 1987 and 2004. Since consideration of these applications, the direction of planning policy has changed considerably as detailed above. In consideration of planning applications, presumption must now be in favour of sustainable development. This is a golden thread which runs through to local policy – in the emerging ADMP which carried significant weight - and should be applied in decision making. As such, although these previous decisions are material planning considerations, they carry limited weight due to the shift in the focus of national and emerging local planning policy.

- 24 Another change that has occurred since the previous refusals of permission is that the plot directly to the rear of the application site has been developed. The plot was previously occupied by a car showroom and workshop. This has since been replaced with Sackville place – a residential development of greater proportions than the existing buildings on the site with the exception of the application site, the character of the area is now entirely residential. As such, the commercial use of the application plot is now out of keeping with the character of the area and the proposed change of use of the site to residential would make it harmonise with the pattern of uses in the immediate locality.
- 25 The proposal will result in the loss of a small industrial unit, (approximately 110m² and its replacement with a residential use. Policy EMP5 of the ADMP deals with such changes where non-allocated employment sites will be lost. However, it does not appear that the previous industrial use has operated for any considerable amount of time. In addition, the site is now surrounded on all sides by housing development and would not be a suitable location for an employment site. Therefore, there is no reasonable prospect of the unit restarting as an employment site and the change to residential is acceptable.

Appearance and Impact on the Conservation Area

- 26 Policy SP1 of 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. In areas where the local environment lacks positive features, new development should contribute to an improvement in the quality of the environment. The Districts heritage assets and their settings will be protected and enhanced.
- 27 Policy EN1 of ADMP states that proposals which would create high quality design will be permitted subject to a number of design criteria including that the form of the development should respond to the scale, height, materials and site coverage of the area; the layout of the proposal would respect the topography and character of the site; the proposal would not result in the loss of open spaces that would have an unacceptable impact on the character of the area; the design of new buildings should be permeable and provide connectivity with neighbouring areas; and would create a safe and secure environment.
- 28 EN4 of ADMP states that proposals which affect a heritage asset or its setting will be permitted where the development conserves or enhances the character, appearance and setting of the asset, Applications will be assessed with reference to the historic and/or architectural significance of the asset, the prominence of its location and setting, and the historic and/or architectural significance of any elements to be lost or replaced.
- 29 Paragraph 57 of the NPPF states that *'it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'*
- 30 Paragraph 60 of the NPPF states that *'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*

- 31 Paragraph 63 states that *'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'*
- 32 The Planning (Conservation Area and Listed Building) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 33 It states that:
- 'Any new development should encourage high quality and innovative design that reflect local identity and distinctiveness and promotes healthy, safe and secure living and working environments. The design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the whole area. The pattern and pedestrian scale of existing local streets and spaces should help determine the character and identity of the new development...*
- ...All development in the conservation area, must respond to its immediate environment and context, in terms of scale, density, form, materials and detailing. Applicants for planning permission must provide a "Design and Access Statement", to justify the design decisions that have been made as the scheme was developed and to show how proposed alterations relate to their context. Where appropriate long views of and from the site must be taken into account. Proposals which fail to respect the local contextual framework or the scale, height, proportion and materials of the local area will not normally be permitted.'*
- 34 The development involves the change of use of an existing building which has a strong historic association with the development of the conservation area because it and the main dwelling were constructed at the same time. The proposal differs significantly from the conversion of a more recent outbuilding or the insertion of a new building. The existing building at the rear of the site is an original feature of the pattern of development in the locality and the conservation area. In the same way, the use of the rear of the site separate from the dwelling at the front, and the subdivision of the garden is unusual within the area, but regardless is a historic feature of this plot. In this respect, the conversion of the building and its use for residential purposes would, unusually respect the historic pattern of development on the plot and utilise an original building within the conservation area.
- 35 Due to its location, at the rear of the site away from the road frontage, the proposal would be barely visible from the street scene. The access driveway is already in use to access the existing building at the rear. Therefore, its continued use would have no additional impact. The roofs of the extensions, and the roof over the basement are shown as planted areas which would soften their appearance within the stretch of rear gardens. The use of materials, including horizontal timber cladding and brick would ensure that the development harmonised with the existing buildings at the front of the site, and also the natural appearance of the gardens. The extensions, as single storey and of simple clean lines, would respect the local distinctiveness of the existing building.
- 36 The removal of the more recent additions to the site – the lean to, greenhouse and garage would be of positive benefit to the appearance of the locality.

- 37 The most recent refusal of planning permission in 2004 was for the demolition of the existing building and the construction of a bland house of non-descript appearance. In his appeal decision, the Inspector considered that the design and scale of the proposal would be incompatible with the existing style of houses in the locality. This application overcomes this objection through the retention of the existing original building, the addition of sensitively designed, minimal extensions and the use of high quality materials. In addition the extent of development is not excessive and involves the removal of a number of existing buildings on the site. The footprint of the development only increases by 11.3m² which is very minor and will not result in overdevelopment of the plot.
- 38 The proposal would be a high quality individual development which respects local distinctiveness. It would respect and protect the character of the area and the setting of the site. Through its limited visibility at the rear of the site, the use of materials and the addition of minimal, low level extensions, it would harmonise with the locality and preserve the character and appearance of the conservation area.

Impact on neighbouring amenity

- 39 Policy EN2 of ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that the development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 40 The previously refused 2004 application was a detached two storey new build dwelling that contained two first floor and two ground floor windows facing towards the rear of the existing dwellings on The Drive. The inspector considered that the use of the driveway by future occupants of the development would not cause harm through noise and disturbance, but he did find that there would be a loss of privacy between the occupants of the proposal and the occupants of the apartments within No.s 8, 10 and 12 The Drive.
- 41 This application has addressed this issue through the addition of only new ground floor windows. No new first floor windows have been proposed which face towards the existing dwellings.. The only first floor window that will face towards the existing buildings is contained within the existing building, and would serve a bathroom. As such, it could be required to be obscurely glazed. Regardless, the distance between this window and the rear elevation of the existing dwelling is 26.6 which is a sufficient distance to ensure that there would be no loss of amenity.
- 42 No windows are proposed in the rear north elevation.
- 43 The other remaining windows which would face towards the existing buildings would be at ground floor or basement level and screened behind the soft landscaping that is proposed as a boundary in between the site and the rear of the existing dwelling. This would not cause any overlooking between the dwellings.

- 44 The site is well screened to its side boundaries and this would prevent any loss of amenity from the proposed ground floor openings which would face onto the end of the rear garden at number 12.
- 45 The existing building contains a small window at first floor level in each of the side elevations. The window on the boundary with No. 8 is an existing window and as such, there would be no increased impact from it. The window shown on the boundary with No. 12 is a new window. Views from it would be obscured by the boundary planting between the plots. Regardless, it looks out onto the end of an amenity space rather than into habitable space. As such, its impact is considered to be acceptable.
- 46 This proposal would have a minimal impact on neighbouring amenity that is considered acceptable.

Other matters

Sustainable construction

- 47 Policy SP2 of the Core Strategy states that the District will contribute to reducing the causes and effects of climate change by promoting best practice in sustainable design and construction to improve the energy and water efficiency of all new development. Conversions would be required to achieve at least a 'very good' BREEAM rating. This can be dealt with by condition.

Construction works

- 48 Given the location of the site, adjacent to residential dwellings, it would be reasonable to impose a condition to require a development method statement to ensure adequate parking, hours of operation and storage of materials during the construction period.

Highway Impact

- 49 Kent Highways have raised concerns about the lack of a turning area and that the proposed parking area is tight. However they have concluded that these would not justify a refusal of the proposal on highway grounds.

Drainage and sewerage

- 50 Concerns have been raised about the provision for sewerage and water run off. These matters can be conditioned.

Community Infrastructure Levy (CIL)

- 51 The Council adopted the Community Infrastructure Levy on 18 February 2014 and began charging on applications approved from the 4th August.
- 52 A self build exemption is available to anyone who builds or commissions their own home for their own occupation providing the relevant criteria are met as set out in Sections 54A, 54B, 54C and 54D of The Community Infrastructure Levy Regulations 2010 (as amended).

53 The applicant has submitted a Self Build Exemption Claim Form: Part 1 and has confirmed all the declarations required. However, no CIL Liability form has been submitted and therefore the development is still currently CIL liable.

Conclusion

54 That conditional permission is granted for the proposal.

Background Papers

Site and Block plans

Contact Officer(s): Joanna Russell Extension: 7367

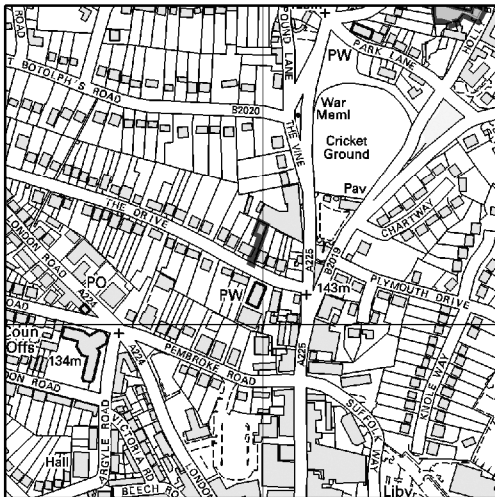
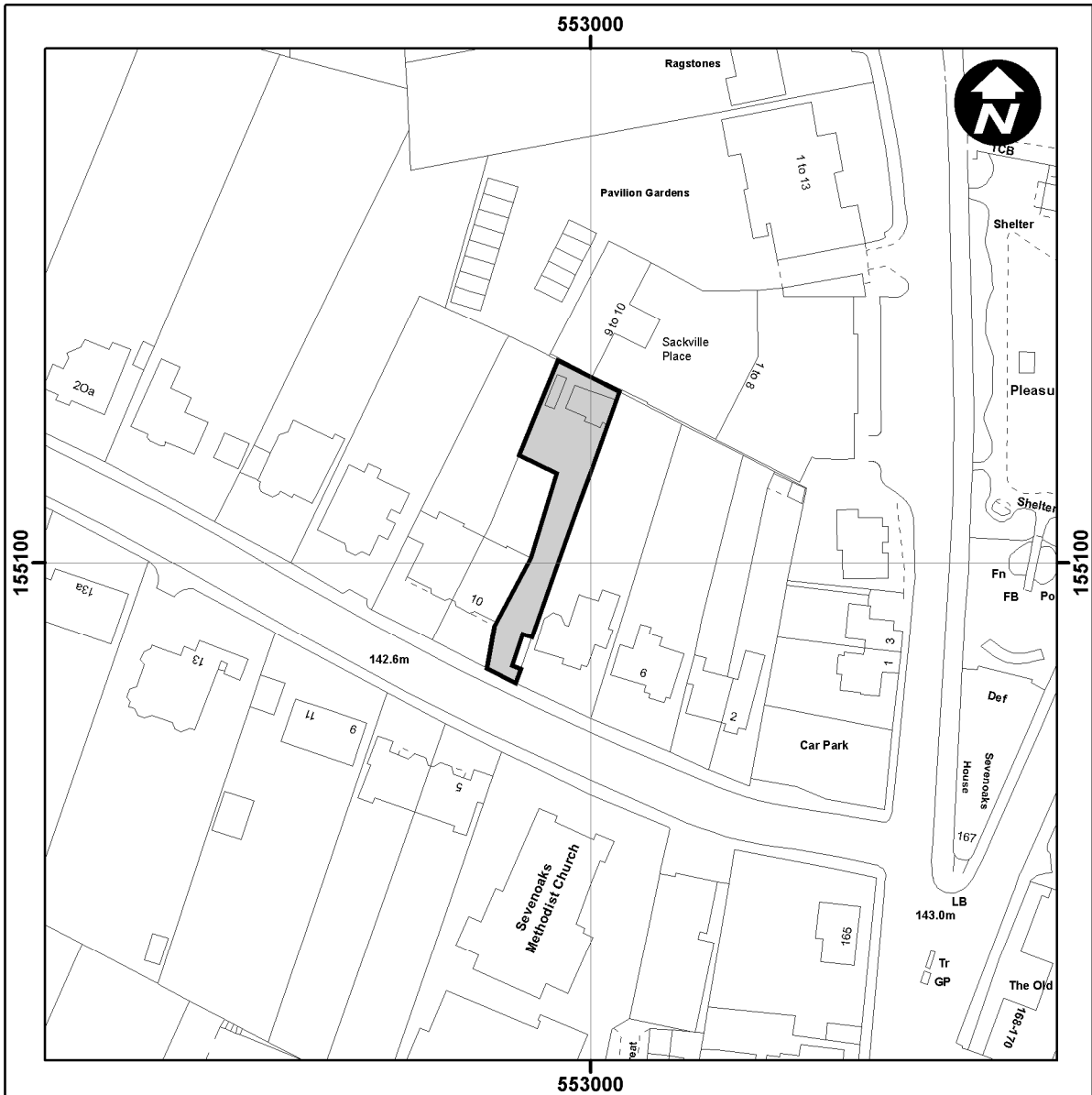
Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N9EU81BKGNQ00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N9EU81BKGNQ00>



Site Plan

Scale 1:1,250

Date 16/04/2015



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