

4.2 19/02078/HOUSE

Revised expiry date 3 October 2019

Applicant: Mr Borrowes

Proposal: Proposed demolition existing garage, proposed ground floor rear extension with rooflight, proposed ground and first floor side extension, proposed new roof, new dormer at the rear along with increase of size and shape of dormers, rooflight at front and new steps of the front of the dwelling.

Location: 7 High Street, Shoreham, KENT TN14 7TB

Ward(s): Otford & Shoreham

#### **ITEM FOR DECISION**

This application has been referred to the Development Control Committee as the applicant is related to a member of staff.

**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 upper floor bathroom window shown on the south side elevation facing number 5 High Street, hereby permitted, shall be obscure glazed to a minimum level 3 and non-opening below 1.7m above the finished floor level

In order to preserve neighbouring privacy as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: SP1242-19-PL02 REV A; Revised Design & Access Statement received 12/08/19

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

#### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the

processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### **Description of Site**

- 1 The application site comprises of a modern detached single storey dwelling with living accommodation within the roof space constructed circa 1965. The property is set back from the highway but prominently located on the high street frontage set above street level on raised topography. There are neighbours located either side of the property.

### **Description of proposal**

- 2 This application seeks permission for the demolition of the existing garage and the construction of a two-storey side and single storey rear extension. The extension would not exceed the existing ridge height and would be located between 1.025m and 1m from the boundary. A roof extension to increase the internal space at the first floor is also proposed including new and, enlargement of existing, dormers. New steps to the front are also proposed.

### **Relevant planning history**

- 3 SW/5/64/522 - Erection of a detached chalet bungalow with integral garage - GRANTED - 13/11/1964
- 4 06/00663/FUL - Demolition of existing single storey garage to side of existing house. Rebuild garage with a small extension to the rear and accommodation over in materials to match existing. Amended plans received 19.05.2006 - Granted 02/06/2006

### **Policies**

- 5 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

## 6 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SP11 Biodiversity

## 7 Allocations and Development Management (ADMP)

- SC1 Presumption In Favour Of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN5 Landscape
- T2 Vehicle Parking

## 8 Other

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Shoreham Conservation Area Appraisal (SPD)
- Sevenoaks Countryside Character Assessment (SPD)
- Kent Downs AONB Management Plan

## 9 Publicity Expires on 9 October 2019

### Constraints

## 10 Shoreham Conservation Area

Kent Downs Area of Outstanding Natural Beauty

Area of Archaeological Potential

## Biodiversity Opportunity Area

### Tree Protection Orders

#### Consultations

##### Shoreham Parish Council

- 11 Object - Shoreham Parish Council applauds the idea of what the applicant is trying to achieve in terms of improving the appearance of the building to fit more in line with its surroundings. It also applauds the applicant's plans for an environmentally sustainable dwelling. However, due to the sheer bulk and scale of the proposed development, the Parish Council has no alternative other than to object to this application. The current dwelling is already large and its size has been noted in the recent Conservation Appraisal carried out by Sevenoaks District Council. The proposed extension would further increase the size and bulk of the house and this, coupled with its elevated position, would have an overbearing impact on neighbouring properties and the street scene. The proposed second storey extension over the garage would also affect the property to the south of the dwelling (5 High Street), resulting in a loss of light. A different roof design such as a catslide roof could mitigate this to a certain degree. Finally, whilst the Parish Council is in favour of cladding the building to be more in keeping with the area, it believes white weatherboarding would blend in better with the row of cottages to the north of the property than the oak material which is being proposed."

Following amendments to the scheme to remove the proposed solar panels on the south flank elevation Shoreham PC submitted the following comments:

"Shoreham Parish Council is disappointed that previous concerns about the development have not been addressed and it therefore continues to object to this application on same grounds as before. It will be making a representation at the Development Control Committee when this application will be discussed."

##### SDC Conservation Officer

- 12 "Verbal comments provided raising concerns about the proposed bulk and massing of the building and the overbearing effect it would have on the neighbouring properties, i.e. 9-13 High Street, and the wider streetscene. External timber-cladding lacks justification and fails to respond to local distinctiveness and would make the building stand out even more within the streetscene."

## Representations

- 13 We received letters of objection from five addresses relating to the following issues:
- Overdevelopment of the site
  - Prominence and overbearing impact within the Conservation Area and to neighbouring properties
  - Visibility of the solar panels and harm to the existing visual amenity of residents
  - Loss of light to numbers 5, 6 & 9 High Street
  - Loss of views to number 9 High Street
  - Visibility of the external flue from the neighbouring skylight window
  - A protected tree would need to be removed and potential subsidence
  - The proposed cladding and flue would prevent neighbouring access
  - Noise from the proposed Air Source Heat Pump
  - Smoke, smells and fire risk from the proposed flue
  - Overlooking and loss of privacy to numbers 9, 5 and 6 High Street
  - Overshadowing to numbers 9 & 5 High Street
  - Cladding would be out of keeping with neighbouring properties and impact to the AONB
  - 'Tunnel' effect to number 5 High Street
  - The dwelling already has a negative impression in the area
  - Proposals contravene the Shoreham Conservation Area Appraisal and Policy EN1 of the Sevenoaks Allocations AND Development Management Plan
  - The proposals would not address or improve the hardstanding to the front of the property which is out of character
- 14 We also received one letter in support of the application relating to the following issues:
- The design would improve the appearance of the dwelling and have a positive impact within the Conservation Area
  - The proposals would improve existing outlook
- 15 Following amendments to the scheme removing the solar panels a further three letters of objection were received on the following grounds:
- The proposals would still fail to fit with the conservation area, would continue to impact neighbouring properties and the applicants should reconsider their design.
  - The proposals would still contravene the Conservation Area Appraisal
  - The proposals would still have an unacceptable increase in bulk
  - The cladding would still be unacceptable and would not fit in with the local area

## Chief Planning Officer's Appraisal

16 The main planning considerations are:

- Impact to the Conservation Area
- Impact to the AONB
- Design and Impact to the existing character of the dwelling and area
- Amenity Protection
- Highways and Parking
- Impact to Trees

### Impact to the Conservation Area

- 17 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 18 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 19 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset. The Shoreham Conservation Area Appraisal identifies the small scale of buildings, primarily in the local Kentish vernacular, as the unifying feature of the Conservation Area which lends to its distinctive rural and historic character. Styles within the Conservation Area are varied, with some modern buildings of varying prominence, however it is the simple building forms, low scale, traditional materials and sense of openness created by individual groupings and gaps between development that integrate the varied styles into a cohesive and sensitive setting according to the supporting text.
- 20 For clarity the purpose of designating a conservation area is not to prohibit development, but to ensure that any new development respects the existing character of the historic environment and leaves it unharmed. For the purpose of Policy EN4 if the development is regarded to conserve the character of the conservation area it will be deemed acceptable. It is not necessary for the proposals to demonstrate an enhancement to the Conservation Area although it is desirable.

- 21 Number 7 High Street is a modern addition to the Conservation Area granted planning permission in 1964. It is located prominently on the High Street frontage to the south of the Conservation Area but is set back from the highway, elevated and in line with number 9 High Street and set behind number 5. The dwelling is single storey in height but from its elevated position is in line with, and in some cases taller, than the surrounding single storey and two storey dwellings.
- 22 Like many dwellings in the area the existing property is simple in design and form. As existing it is considered a detractor to the character of the Conservation Area identified within the Conservation Area Appraisal, however the set back from the road and the relatively low scale allow the dwelling to blend to an extent within the existing views and the surrounding development. The properties within the immediate area include a mix of two storey and single storey dwellings and one commercial property, primarily historic in nature and constructed in the traditional vernacular style, but this also includes a pair of modern semi-detached dwellings of similar materials, simple design and palette to the application site.
- 23 The current application results in a two storey side extension which would be visible within the streetscene. This would include the re-roofing of the dwelling which would result in a change in roof form introducing a new gable end to the front and rear elevations but would not result in an increase of the existing ridge height. The dormers would be enlarged with an increase in height as a result of the new pitched roof and an increase in depth of 1.8m. It is also proposed to clad the dwelling in natural unstained timber in its entirety.
- 24 The side extension, re-roofing and cladding would alter the form and character of the existing dwelling which would change from a tall detached pitched roof bungalow with roof dormers to a two storey dwelling. However it should be noted that the overall ridge height would not change and would therefore not appear fundamentally different in scale. Although the Conservation Area appraisal notes the small scale of development within the area it is clear that within the immediate area there are a mix of differently scaled dwellings including other two storey dwellings which are prevalent within the area and some include gable features similar to this application. The change in roof form on the southern elevation would therefore appear in keeping with the existing character.
- 25 A number of objections were received in regards to the proposed recladding of the building which would change from modern facing brickwork to timber boarding. For clarity the timber boarding would have a median neutral or silver colour rather than dark (as initially proposed) or white (which is most prevalent in the area). The residential extensions SPD regards proposals which would improve an existing dwellings character as favourable and, although the boarding would not match existing cladding in the area, it would be of a similar material as many of the surrounding properties and as such would be an improvement on the existing situation. Should the application be approved it would be possible to secure the quality of the materials via condition.

- 26 In line with SDCs consultation protocol the proposals were informally discussed with SDCs Conservation Team due to the prominence of the existing dwelling and the highly visible impact of the proposals within the Conservation Area. Concerns were raised by SDCs Conservation Officer in regards to the prominence that the alterations would have and their impact to the Conservation Area due to the elevated position of the existing dwelling, raised eaves height and loss of the existing traditional roof form.
- 27 However as above, although it is undeniable that there would be a visible change within the street scene, the proposals would not be unacceptable within the Conservation Area by virtue of the mixed scale of development and use of timber which is prevalent. It is not necessary in terms of planning policy for materials and form to match existing precedents precisely and it should be noted that Conservation Area appraisals, in terms of how planning policy is applied, are afforded less weight than local and national policy. As such proposals need not comply with all recommendations within the appraisal to be acceptable in planning terms.
- 28 It is therefore considered that the proposals would, on balance, conserve the existing character of the conservation area and accord with policy EN4.

### **Impact to the AONB**

- 29 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.
- 30 There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.
- 31 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 32 The application site is situated within the built confines of Shoreham Village and is surrounded by development. As such the proposals would be seen within the wider village context. The single storey rear extension would not be visible within the wider area and would be seen only privately set against the existing built form. The two storey extension would have a greater impact but would include traditional materials, thereby improving the external appearance of the existing dwelling, and although resulting in additional bulk on the southern elevation, would not impact wider views

within the landscape and, as noted above, appear in keeping with the expected character of this area of the AONB.

- 33 The proposals would therefore both conserve and enhance the character of the AONB.

### **Design and Impact to the existing character of the dwelling and area**

- 34 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 35 As noted above the impact of the proposed extension on the traditional form creating a clearly visible two-storey dwelling would appear in keeping with existing development and conserve the character of the Conservation Area and AONB.
- 36 The proposals would increase the gap at single storey level between the dwelling and its neighbouring property at number 5 from 0.5m to 1m. Taking these distances into consideration and the overall footprint of the development proposed the side extension would not result in a substantial increase in footprint nor result in an over development of the site. There would be no projection of the extension beyond the existing principal elevation which would be an improvement on the existing garage which sits forward of it and would regularise the frontage. Moreover the proposals would not appear to dissimilar to a previously approved scheme in 2006 which also proposed a two storey side extension with the only difference being the alteration of roof form on the southern elevation which, in this case, would not be immediately apparent within the street scene. As noted above the introduction of a front gable feature would be in keeping with other properties and would be acceptable.
- 37 The single storey rear extension would be a limited and modest addition. Although the roof detailing joining the existing dwelling above the eaves height is far from ideal, as it would not be visible from a public perspective it would not be considered harmful to warrant refusal on design grounds. Similarly, the irregular alignment of the rear dormers would also not be considered harmful in this case. As the proposed roof light to the front elevation would not likely require planning permission this would also be acceptable.
- 38 The alterations to the steps to the front of the dwelling and minor levelling would not be too dissimilar to the existing situation and are considered acceptable in principle.
- 39 As such the proposals would accord with Policy EN1.

## **Amenity Protection**

- 40 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. Impact upon residential amenities can include excessive noise, vibration, odour, air pollution, activity or vehicle movements. Development should also not result in harmful overlooking, visual intrusion, and unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

## **Loss of light / overshadowing**

- 41 The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to habitable rooms of neighbouring dwellings, based on BRE guidance. For side windows serving habitable rooms a 25 degree test is recommended.
- 42 The two direct neighbouring properties to the application site are numbers 5 & 9 High Street. The light test was undertaken accordingly to ascertain the impact to both properties.
- 43 Due to the gap and orientation between numbers 7 & 5 High Street the proposals would not impact the front or rear windows of this property. The proposals would fail the 25 degree light test to the existing side windows, however due to the substantial change in levels and fencing the light test would fail in the existing situation. Moreover as these windows are all north facing they would not receive direct daylight in any case. With number 5 set south of the application site it would not experience overshadowing as a result of the proposals.
- 44 The two storey side extension would not result in an impact to daylight to number 9 High Street due to its location. The single storey rear extension and dormers would pass the light test to this property.
- 45 Concerns were also raised in regards to the impact to daylight to the front windows of number 6 High Street. This property is located opposite (east) of the application site and set slightly south at a distance of approximately 19m. As such there would not be an adverse impact to daylight nor overshadowing to this property.

## **Overbearing impact / tunnel effect**

- 46 It has been acknowledged that, in design terms, the increase in eaves height on the southern flank elevation would have some impact to the character and appearance of the Conservation Area due to its elevated position. However with regards to amenity protection, it would not be considered to have an overbearing impact to neighbouring properties due to the substantial distance and orientation where number 5 is set forward of the application site.

- 47 It is acknowledged that the visual impact may be uncomfortable due to the substantial raise in eaves height however this would not be sufficient in this case to result in an overbearing 'tunnel' effect harmful to amenity.

### **Overlooking / Loss of Privacy**

- 48 As there is already a nature of overlooking between the front elevations of properties the proposals would not result in a loss of privacy to the properties on the opposite of the High Street. As there are no side windows proposed to the side elevation of the extension which face towards number 9 High Street their privacy would be conserved.
- 49 One upper floor and one ground floor window are proposed to the flank elevation facing number 5 High Street. As unobscured ground floor windows can be installed without requiring planning permission the only window which can be considered potentially harmful would be the upper floor window which would serve an en-suite bathroom. As this serves a bathroom this could be controlled on any approval by an appropriately worded planning condition to restrict any overlooking or loss of privacy.
- 50 The proposals would therefore preserve neighbouring privacy.

### **Outlook / visual amenity**

- 51 For proposals to be considered to adversely impact the outlook of neighbouring properties the proposals would need to result in demonstrable harm i.e. affecting the normal immediate outlook of primary habitable windows. That the proposed works, or elements of the proposed works would be visible does not mean that there would be harm in principle.
- 52 As such the proposals would not be considered to result in harm to the outlook of numbers 9 High Street or the properties opposite. The only property likely to be affected in regards to outlook would be number 5 High Street which has side windows looking towards the application site.
- 53 As noted above there is a substantial distance between the flank elevations of the two properties. With the application site set above the neighbouring property the direct outlook would already be onto the existing boundary treatments and flank wall above. The normal outlook would therefore not be considered adversely affected by the works.

### **Noise / smells**

- 54 It would not be expected that the installation of a single new flue and air source heat pump would result in excessive noise or smells to the detriment to neighbouring amenity. The applicant will otherwise need to ensure that these elements of the proposals comply with relevant Building Regulation standards. Any equipment installed would have to take account of the existing occupiers of neighbouring dwellings and any future complaints

relating to noise and smells would be a matter covered under separate Environmental Health legislation.

55 The proposals would therefore accord with Policy EN2.

### **Highways and Parking**

56 The proposals would add an additional bedroom to the property. Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location with four bedrooms require two parking spaces.

57 The required provision would be the same as the existing situation. The existing garage would be replaced and there is a significant area of hardstanding to the front of the property. The proposals would therefore meet the requirements of Policy T2.

### **Impact to Trees**

58 The site is covered by a blanket Tree Preservation Order. The proposals have been considered by SDC's Tree Officer who has visited site and has no objections.

### **Other Issues**

59 A number of points of objection have been raised in regards to matters which are either not planning related or cannot otherwise be included as a material consideration for these proposals. These include:

- Subsidence
- Fire risk
- Right of access
- Development which should be included within these proposals

60 Proposals need to be assessed as they have been submitted. That other elements of the site have not been included has no bearing on the merits of this application which must be determined on its own merits.

61 Matters regarding subsidence / fire risk would be dealt with at building control stage and are not part of the planning process. Rights of access similarly are a civil matter to be resolved between neighbours.

## **Community Infrastructure Levy (CIL)**

62 This proposal is not CIL liable.

## **Conclusion**

63 The proposals accord with both national and local planning policy

## **Recommendation**

64 It is therefore recommended that this application is approved

## **Background papers**

## **Site and block plan**

Contact Officer: Hannah Donnellan Contact 01732 227000

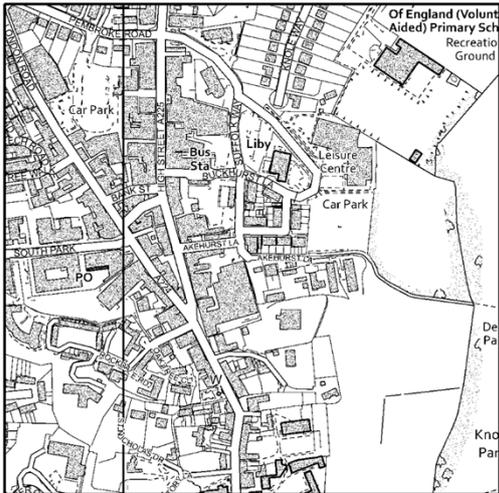
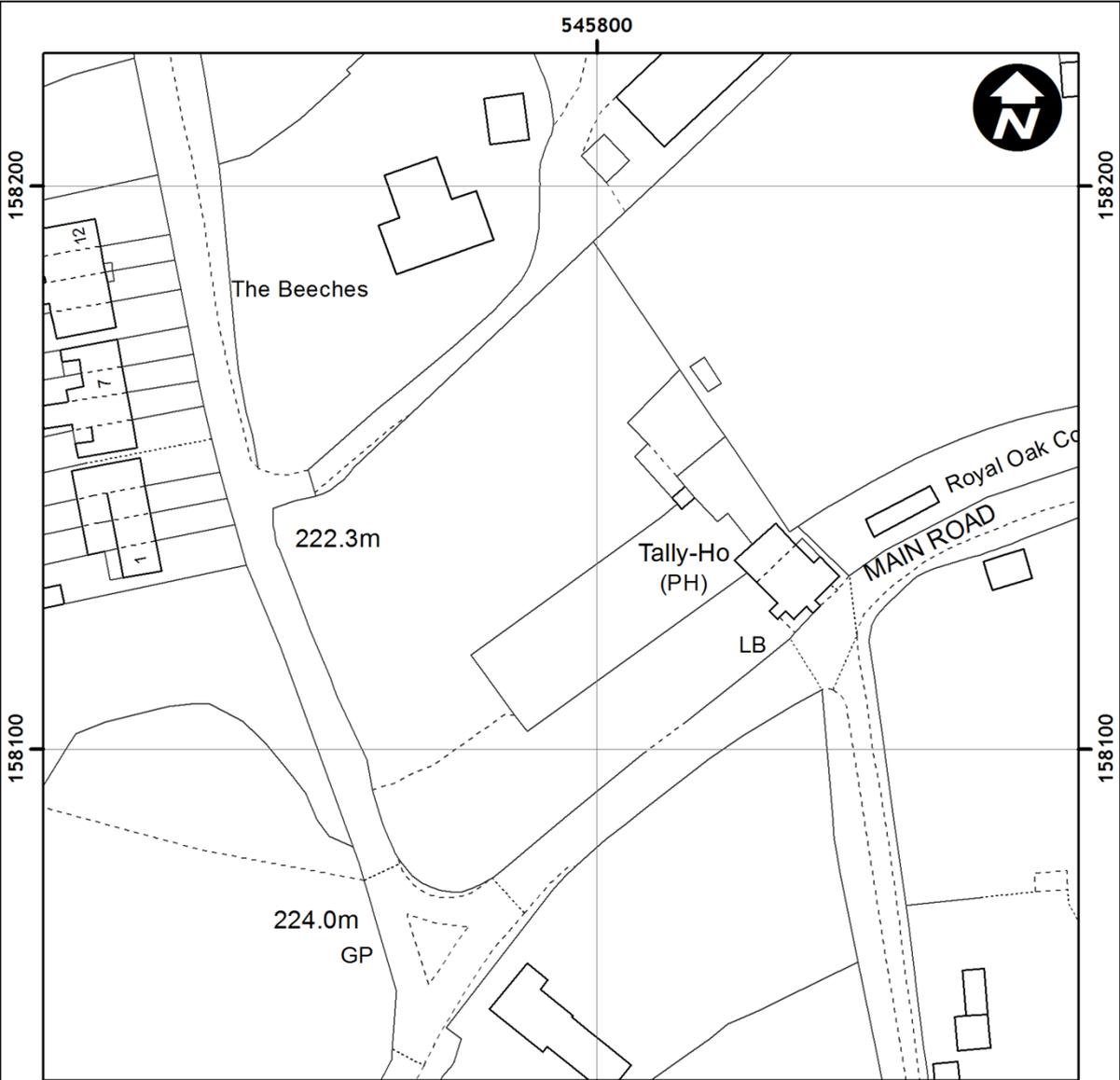
**Richard Morris**  
**Chief Officer Planning & Regulatory Services**

Link to applications details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PUOXLXBKK6R00>



545800

# Site Plan

Scale 1:1,250

Date 17/07/2019



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Ordnance Survey 100019428.

# BLOCK PLAN

BLOCK PLAN (SCALE 1:500)

