

4.1 20/03567/MMA

Revised expiry date 1 April 2021

Proposal:

Amendment to 17/00872/HOUSE.

Location:

14 The Old Garden, Chipstead, KENT TN13 2RJ

Ward(s):

Brasted, Chevening And Sundridge

### **Item for decision**

The application has been called to the Development Control Committee by Councillor London due to the increase in size of the proposal not representing a minor material amendment and the adverse impact in respect to neighbours amenities in terms of overlooking and loss of light.

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

1) The materials to be used in the construction of the development shall be those indicated on the application form of 17/00872/HOUSE.

To ensure that the appearance of the development is in harmony with the existing character of the dwelling as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 100/01A, 03A, 04,

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 site comprises a two storey detached dwelling located on the western side of The Old Garden, within the confines of Chipstead. The dwelling is sited slightly above the road and has an attached tandem garage which sits forward of the front elevation. The property is set back from its neighbour and features multi-stocked brickwork with white weatherboarding details below the windows.

## Description of proposal

- 2 Minor material amendment to 17/00872/FUL (Conversion of an existing tandem garage into living space. Erection of a single-storey side extension and a single-storey front extension.
- 3 The changes comprise of:
  - the enlargement of the previously granted northern extension 1.75m to the west;
  - a stepped increase in the width of the northern extension and the original northern elevation northward by 1.2m, 2.5m, 2.7m and 3.1m;
  - an additional window on the northern side of the east facing elevation;
  - a two roof lanterns and two roof lights above the amended northern elevation
  - Add four rooflights above the single storey southern elevation;

## Relevant planning history

- 4 17/00872/FUL Conversion of an existing tandem garage into living space. Erection of a single-storey side extension and a single-storey front extension. Granted 29.08.17
- 5 Building control history  
17/02393/GACBN Garage conversion BCO 23/10/2017

## Policies

- 6 National Planning Policy Framework (NPPF)
- 7 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.
- 8 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:
  - application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9 Footnote 6 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

10 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP11 Biodiversity

11 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets

12 Other:

- Sevenoaks Development Extensions Supplementary Planning Document (SPD)
- Sevenoaks Residential Character Area Assessment SPD

### Constraints

13 The following constraints apply

- Adjacent Chipstead Conservation Area (edge of Conservation area on rear western boundary)
- Landfill Site (LANDF/UA/SE04)

### Consultations

14 Chipstead Parish Council

“Object. We object on the grounds that the Parish Council does not believe this could be considered and MMA given the increase in footprint which forms the amendment of the plans.”

### Representations

15 1 response neither supporting or objecting, but requesting changes to the proposed development. 2 responses objecting in respect to:

- the proposal not being a minor material amendment
- that the proposal would represent overdevelopment of the site;
- that the proposal would fail to conserve the character of the adjacent Conservation Area;
- loss of light received by neighbouring gardens;
- adverse impact upon the street scene.

## Chief Planning Officer's appraisal

- 16 The main planning considerations are:
- Background
  - Design and Impact upon the Street Scene;
  - Impact upon amenities;
  - Impact upon the adjacent Conservation Area;
  - Access, parking and highways.

### Background

- 17 Planning permission was granted under 17/00872/FUL for the conversion of an existing tandem garage into living space. Erection of a single-storey side extension and a single-storey front extension. The current application is to make changes to this granted permission as set out above.
- 18 In reviewing SDC's Building Control's records, a completion certificate was issued on the 7 Augusts 2018 for the conversion of the existing tandem garage into living space, reference 17/02393/GACBN. It is accordingly considered that works have started on 17/00872/FUL and the current applicant is extant.
- 19 There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme - an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.
- 20 The proposal results in an increase in the footprint of the approved extensions under 17/00872/FUL however, the nature and description of the permission remains unchanged. Therefore, the proposal can be considered to be a minor material amendment.

### Design and impact on the character of the area

- 21 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.
- 22 Planning application 17/00872/HOUSE comprised of the conversion of the existing garage into living space, the erection of a single storey rear extension to the west of the original garage, the extension of a porch, and an infill to the north western elevation of the property to connect the rear and side lounges.
- 23 The development would not incorporate the porch extension. It would retain the conversion of the garage which has already occurred and retain the rear extension to the west of the original garage.

- 24 On the north western elevation of the house the element connecting the two lounges would be retained however the works would incorporate extensions to the north extending from the east westward by 1.2m, 2.5m, 2.7m and 3.1m, respectively with roof lights above. The works would result in an increase of the floor area of the side extension of 36.11 square metres above that previously granted under 17/00872/FUL.
- 25 Due to the works being located predominantly to the rear of the property with an appropriate design and materials in keeping with the existing dwelling it is not considered that it would have an adverse impact upon the street scene and would represent a minor material change to the original planning permission. Therefore, the development will not result in harm to the visual amenity of the local area and complies with policy EN1 of the ADMP.

### **Neighbouring Amenity**

- 26 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 27 The development would extend the property to the west and north with a single storey rear and side extension. At its closest point the proposal would extend the development 0.85m from the boundary with Sunningdale to the north. The northern boundary comprises of a close boarded fence rising to a height of 1.8m with a trellis above with the two properties to the north Sunningdale and 14c Chipstead Place being set back 18m from the boundary with 14 The Old Garden.
- 28 Through incorporating the tests for light, as set out within SDC's Residential Extensions SPD, the proposal would not result in any loss of sunlight or background daylight to these neighbouring properties or their private amenity space (the 5m directly to the rear of the dwellings).
- 29 The development would not incorporate any side windows facing Sunningdale and 14c Chipstead Place and therefore would not result in any loss of privacy to these properties. The fenestration on the rear elevation would look out into the rear garden with the western boundary comprising of a mature hedge rising to a height of over 3m in height ensuring that the works would overlook the rear garden of The Pump House. The inclusion of rooflights, would have views to the sky, which would ensure these roof openings will not result in any loss of privacy to neighbouring properties.
- 30 Due to the extensions being single storey located within the rear and side gardens of the property with a mix of close boarded fencing and vegetation the development would not have an adverse impact upon the outlook from neighbour's properties.
- 31 In consequence, it is not considered that the development proposal would have an adverse impact upon local amenities meeting the requirements of national and local planning policy EN2 of the ADMP. .

## **Impact upon the adjacent Conservation Area**

- 32 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.
- 33 Applications will be assessed with reference to the following:
- a) the historic and/or architectural significance of the asset;
  - b) the prominence of its location and setting; and
  - c) the historic and/or architectural significance of any elements to be lost or replaced.
- 34 The land to the rear of no. 14, comprising of the rear garden of The Pump House and the land to the west and north of this property lies within a Conservation Area. The development would result in a single storey rear and side extension set back from the boundary with The Pump House rising to a height of 2.8m with roof lights above. The extension would be set back 6.8m from the boundary with The Pump House with the boundary comprising of a mature hedge rising to a height of over 3m. The development would conserve the setting of the Conservation Area and therefore complies with policy EN4 of the ADMP.

## **Parking and Highways Impact**

- 35 Policy SP2 of the Core Strategy states that the district will contribute to reducing the causes and effects of climate change by promoting best practices in sustainable design and seek to improve facilities for cyclists and pedestrians.
- 36 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 37 The site possesses parking for 2 cars which would meet the requirements for a property within this location with three or more bedrooms.

## **Other issues**

- 38 Landfill site

The application site falls within the confines of an old landfill site. However, the extension would be located where the ground has already seen a large degree of disturbance as part of the construction of the dwelling, thus contamination conditions would not be reasonable upon the grant of planning permission in this instance.

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

- 39 This proposal is not CIL liable.

## Conclusion

40 The development would not have an adverse impact upon local amenities, the adjacent conservation area and would incorporate an appropriate design which would represent a minor material amendment.

## Recommendation

41 It is therefore recommended that this application is granted.

## Background papers

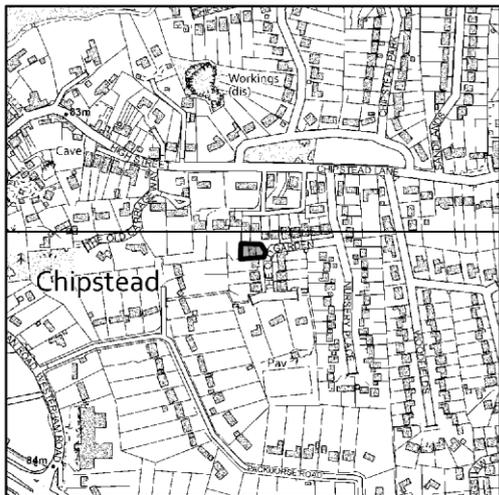
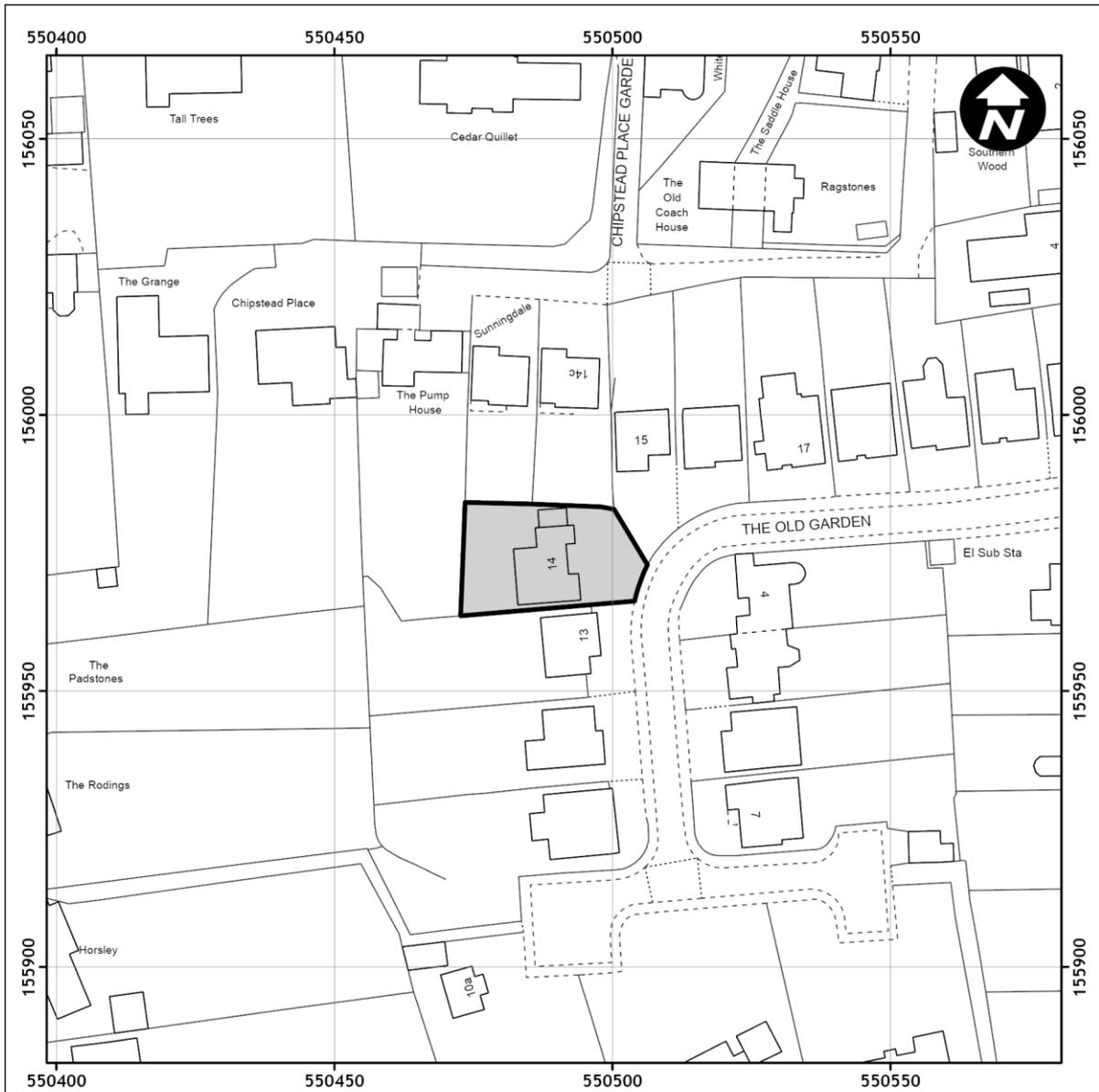
Site and block plan

Contact Officer(s):            Guy Martin                    01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

Scale 1:1,250

Date 17/03/2021



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Ordnance Survey 100019428.

BLOCK PLAN

