

4.1 21/00703/HOUSE

Date expired 10 May 2021

Proposal:

Conversion of disused outbuildings (washroom and outdoor WC), and an enclosed courtyard into a one bedroom annexe.

Location:

The Old Bakehouse, Six Bells Lane, Sevenoaks KENT
TN13 1JE

Ward(s):

Sevenoaks Town & St Johns

Item for decision

The Chief Planning Officer has referred this application to Development Control Committee due to the sensitive nature of the proposal because of its background and planning history.

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) Prior to the commencement of works to the external walls of the development hereby approved, specifications (including, where applicable, size, colour, texture, profile, finish, bonding and pointing) and samples of the external surface materials and a scaled plan (at a scale of 1:100) showing the location of the rain water goods shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

3) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include:(a) parking for vehicles of site personnel, operatives and visitors (b) loading and unloading of plant and materials(c) storage of plant and materials used in constructing the development (d) programme of works (including measures of protection of the existing Public Right of Way SU35) (e) hours of operation/construction.

To ensure that the development does not prejudice conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) The annexe accommodation hereby permitted shall not be occupied any time other than for purposes ancillary to the residential use of the dwelling known as The Old Bakehouse, and shall not be used as a separate unit of accommodation.

Any other use of the annexe could be harmful to the character of the area and neighbouring amenity and to use a single unit of occupation as a dwelling would be undesirable due to insufficient internal and lack of amenity space provided contrary to Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) The development hereby permitted shall be carried out in accordance with the following approved plans:(EX) 01 Rev.D, PL(01) Rev.D, PL(02) Rev.D, PL(03) Rev.D, PL(04) Rev.D

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

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.

2) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt, the applicant should be advised to contact Kent County Council Public Rights of Way & Access Service before commencing any works that may affect the Public Right of Way.

This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

3) Given that the proposed works will be undertaken on or close to a boundary with the neighbouring properties, the applicant is reminded of the requirements of The Party Wall Act 1996 which amongst other things requires adjoining owners to be notified of the proposals, and their agreement sought to the proposed works.

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 a detached dwelling and two small single storey outbuildings and an open walled courtyard that links the two buildings, located opposite the house and adjacent to a number of properties on Six Bells Lane.
- 2 The outbuildings and courtyard previously served as an outdoor toilet, wash yard and washroom associated to The Old Bakehouse. More recently the outbuildings have been used for storage purposes.
- 3 The site is accessed via footpaths from the High Street and Six Bells Lane.

Description of proposal

- 4 The application is a revision to an earlier application which was refused and dismissed at appeal under application ref: 18/00577/HOUSE.
- 5 In this case, planning permission is sought to convert the outbuildings and courtyard to an annexe to The Old Bakehouse. This would be achieved by constructing a low pitched roof over the existing structures, which would raise the height of the structure by approximately 1.35m from the lowest lying section of external wall.
- 6 A door opening and three window openings are proposed in the front, south facing, elevation of the altered building, the existing east facing window would be retained and a conservation styled roof light window would be installed in the western facing plane of the roof.
- 7 The annexe would provide ancillary living space, kitchen and a shower room.

Relevant planning history

- 8 17/03684 - Conversion of disused outbuildings (washroom and outdoor WC), and an enclosed courtyard into a one-bedroom dwelling - WITHDRAWN
- 9 18/00577 - Conversion of disused outbuildings (washroom and outdoor WC) and an enclosed courtyard into a one-bedroom annexe for the Old Bakehouse - REFUSED - Dismissed at Appeal

Policies

- 10 National Planning Policy Framework (NPPF)
- 11 Core Strategy (CS)
 - LO1 Distribution of Development
 - LO2 Development in Sevenoaks Urban Area
 - SP1 Design of New Development and Conservation

- 12 Allocations and Development Management Plan (ADMP)
- SC1 Presumption in Favour of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN4 Heritage Assets

13 Other:

Sevenoaks High Street Conservation Area Appraisal
Residential Extensions Supplementary Planning Document (SPD)

Constraints

14 The following constraints apply:

- Built urban confines of Sevenoaks;
- Sevenoaks High Street Conservation Area:
- Area of Archaeological Potential
- Adjacent listed building and locally listed buildings.

Consultations

15 Sevenoaks Town Council - Recommends refusal on the following grounds -

- The failure to preserve or enhance the character and appearance of the Sevenoaks High St Conservation Area;
- The negative impact on nearby listed and locally listed buildings;
- Harm caused to the adjoining curtilage of listed property No 8, Six Bells Lane and other local heritage assets.

16 SDC Conservation Officer -

17 "Significance:

18 Accessed via a footpath from Sevenoaks High Street, Six Bells Lane has a distinctively different character with its cottages, outbuildings, tight confines and cobbled courtyards. It sits in the Sevenoaks High Street Conservation Area with a number of listed buildings and locally listed heritage assets. The area has a more functional and residential character which is reflected in the provision of outbuildings and hierarchy of development.

19 Assessment:

20 It is proposed to convert disused outbuildings and an enclosed courtyard to create a one bedroom annexe to The Old Bakehouse. It would appear on historic map layers that there were previously outbuildings in this location and a number of small outbuildings to The Old Bakehouse and surrounding

properties survive which contribute to the character of the area and the setting of the listed and locally listed buildings. A small single storey ancillary outbuilding, which reflects the established quality of the site, would not be out of keeping.

- 21 The previously refused scheme (18/00577/HOUSE) created a single pitched roof spanning the courtyard and both outbuildings with a gable facing towards the courtyard. The new proposal treats the courtyard and outbuilding as three connecting roofs, which retains the legibility of the three elements as well as helps break up the bulk and massing. It maintains the small scale of the outbuildings, which are subservient to their host buildings. The flat topped pyramidal roof form over the courtyard responds to the degree of variety in roof forms and orientations found in the area. The mono-pitched roofs would be covered in lead standing seam and the central roof in clay tiles, both traditional building materials appropriate to the area. From the elevation drawings it appears that the guttering to the central clay tile roof element is behind a parapet wall, although this detail is omitted from the roof plan. This detail does not impact on the assessment of this building but should be resolved via condition.
- 22 Conclusion:
- 23 Assessed against the National Planning Policy Framework, the proposed development is not considered to cause harm to the character and appearance of the Sevenoaks High Street Conservation Area and its setting, and the setting of neighbouring listed buildings.”
- 24 KCC Public Rights of Way Officer -
- 25 “The only access to this site is on foot via the cobbled, steeply sloping Six Bells Lane which is Public Right of Way Footpath SU35. This is not a public vehicular highway. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.
- 26 Due to the constraints on access I would request a condition requiring a Construction Management Plan to be submitted, to ensure the footpath is used appropriately, with details of how materials will be moved into the site, how the disposal of excavated earth and subsoil will be dealt with and how roof trusses will be brought onto the site? I am concerned about any adverse effect on the cobbled footpath surface from these movements. A survey including photographs needs to be submitted to the Public Rights of Way and Access Service, prior to any works taking place, should the application receive consent. Any damage must be repaired at the applicant’s expense as soon as it is recognised to ensure the safe passage of pedestrians along Six Bells Lane.
- 27 Alternatively, a Risk and Method Statement (RAMS) could be required by condition to ensure that there is no damage or disturbance to the cobbled surface of the footpath. The developer should seek specialist advice before using any motorised vehicle on the footpath. They will also need to seek permission of the landowner as without lawful authority it is an offence to drive a mechanically propelled vehicle on a public footpath.”

Representations

28 14 letters of objection have been received relating to the following issues:

- The building is too small for habitation;
- No services are present;
- Overload existing sewage provision;
- Rainwater run-off from roof into adjacent property;
- Walls as currently neglected, and have no foundations;
- Disruption caused by construction works;
- Insufficient detail, submitted i.e. materials, party walls not shown;
- Impact upon privacy;
- Loss of light and overshadowing;
- Affect parking availability;
- Establish a precedent;
- Should be described as a studio flat;
- Construction management plan is required;
- Inappropriate siting of site notice;
- Decrease property values and rental income.

Chief Planning Officer's appraisal

29 The main planning consideration are:

- The principle of the development;
- The impact on the character and appearance of the area and to the setting of listed buildings, locally listed buildings and Conservation Area;
- The impact on residential amenity;
- The impact on highway safety.

The principle of the development

30 The application seeks the approval of the use of the existing building and structure as an annexe to the main, adjacent house. The site is within a Town Centre location whereby the principle of development is accepted.

31 The proposal includes accommodation that comprises a shower room, living area, and kitchen area. Within the applicant's submission it is also evident that the use of the annexe would be ancillary to the main house.

32 In respect to whether an annexe is ancillary or not a leading case is *Uttlesford DC v SSE & White* [1992] PLR76 which determined that, even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling - instead it would be a matter of fact and degree. In that case the accommodation gave the occupant the facilities of a self-contained unit although it was intended to function as an annexe with the occupant sharing their living activity in company with the family in the main dwelling. There

was no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling.

- 33 Whilst the extension and conversion of the outbuilding would provide all the facilities for day-to-day living, it would function as an annexe with the primary occupants sharing living space and socialising with the rest of their family in the main dwelling. There is a paved footpath between the annexe and the main house allowing easy access between the two. As such, the outbuilding conversion would remain part of the same planning unit as the main dwelling.
- 34 Based upon the evidence, it is considered that the proposal relates to an annexe, despite the concerns raised by third parties claiming it's a self-contained dwelling. Although it is agreed that the proposal, as a new dwelling, would not provide a sufficient level of internal floor space, the lack of internal floor space for a dwelling that would not be linked to The Old Bakehouse, together with the fact that the proposal is for an ancillary annexe, provides the reasonable and necessary justification for a condition to control its use. By doing so, would ensure the certainty as to what has been approved and to prevent the sub-division of the planning unit in the future. If the building is not used as proposed, or if there is a material change of use to create a separate dwelling, then a separate grant of permission would be required. Any unauthorised use of the building would be at risk of enforcement action.
- 35 As such upon considering the above, the principle of the development is accepted subject to further considerations below.

The impact on the character and appearance of the area and to the setting of listed buildings, locally listed buildings and Conservation Area

- 36 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 37 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.
- 38 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.
- 39 The NPPF also states that great weight should be given to the conservation of heritage assets.
- 40 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.

- 41 8 Six Bells Lane is a grade II listed building and 5, 6 and 8 Six Bells Lane are locally listed.
- 42 The proposal comprises alterations to the existing building and structure that include the creation of a new pitched roof, a small extension to the south-west corner of the building and new door and window openings.
- 43 With its small scale cottages, tight confines and sequence of cobbled courtyards, Six Bells Lane has a distinctively different character from the bustle of the High Street. It is a sensitive historic site located in the Sevenoaks High Street Conservation Area with a high concentration of listed buildings and locally listed heritage assets. It is highlighted in the Conservation Area Appraisal as an important grouping of buildings contributing to character. The area has a more functional quality due to the provision of simple outbuildings and reflects a hierarchy of development.
- 44 It is proposed to convert a disused outbuilding and enclosed courtyard to create a one bedroom annexe to The Old Bakehouse. It is not known whether the enclosed courtyard was historically covered as only the walls have survived.
- 45 The application has been amended from the previously refused/dismissed scheme. Regard has been had to the previous Planning Inspectors decision whereby the proposal was primarily been dismissed on the grounds that the scale and appearance of the roof of the proposed development would bring a uniformity and prominence to the appearance of the outbuildings and concluded that the proposal would fail to preserve and character and appearance of the Conservation Area and harm the setting of nearby setting of nearby listed buildings. With this in mind the proposal has been amended and introduces a smaller pyramidal roof form cladded in clay tiles, with various mono-pitched roofs cladded in lead seam. By doing this, visually breaks up the massing of the building and responds to the variety in roof forms and orientations found in the area and retains is subservient appearance, as noted by the Council's Conservation Officer.
- 46 In light of the revised proposal it is considered that the proposed development would not harm the character and appearance of Sevenoaks Conservation Area nor that of the setting and the significance of the nearby locally or statutory listed buildings, as the proposed scheme would remain as a subservient outbuilding to the other surrounding built form. The proposal overcomes the previous concerns raised by the Planning Inspector and would conserve the character and appearance of Sevenoaks High Street Conservation Area in compliance with Policy EN4 of the ADMP and NPPF.

The impact on residential amenity

- 47 The existing development is in close proximity to a number of neighbouring properties and so currently has some bearing on the residential amenity enjoyed by the occupiers of these houses.
- 48 It is acknowledged that the height of the building is being raised by a maximum of approx.1.35m (from the lowest section of wall to the ridge of the proposed roof) this increase in height would be acceptable.
- 49 The roof would pitch away from the neighbours to the east, meaning it would have minimal impact on amenities.
- 50 The roof would rise up in height adjacent to 8 Six Bells Lane to the north. No.8 possesses some window openings to the south of the property, one being a roof light steeply angled away from the site and an obscure glazed window, both serving non-habitable rooms. In terms of overshadowing, there is a small courtyard area that serves No.8 that adjacent to the boundary of the site. Some overshadowing may occur, however it is not consider sufficient to justify a reason to object. Given the proposed relationship of the development, it is considered that all amenities of this property would be preserved.
- 51 7 Six Bells Lane to the west of the site is off-set from the building and so, again, all amenities would be preserved for this property.
- 52 The proposed extension to the southern elevation of the building would be modest in size and would preserve neighbouring amenity.
- 53 New openings would be to the southern elevation facing on to The Old Bakehouse, a new conservation style roof light within the western facing roof plane and retention of a small window in the eastern elevation. It is considered that that these arrangements would not result in overlooking or a loss of privacy.
- 54 The ancillary residential use of the building would not create an unneighbourly level of noise locally.
- 55 In terms of outlook or right to a view, planning legislation and policy cannot protect views from neighbouring properties despite the objections raised by third parties.
- 56 The development would therefore provide adequate residential amenities for future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties in compliance with Policy EN2 of the ADMP.

The impact on highway safety

- 57 The proposed use would be ancillary to the main house and so would not have any detrimental impact upon highways safety. The use of the outbuilding to an annexe would not necessarily imply that further parking provision is required. The site is within Sevenoaks Town Centre whereby adequate car parking facilities and access to good transportation links are

available. It is not considered necessary to seek for further car parking provision.

- 58 Given the location of the site and the comments raised by KCC Public Right of Way Officer and several third parties, it is considered to be appropriate and necessary to require a construction management plan to ensure that highway pedestrian safety is preserved, the existing public right of way is appropriately used and that the amenities and private ways of the immediate area are preserved, if planning permission were to succeed.
- 59 Consideration has been given to the request for condition to be imposed relating to the protection of the existing Public Right of Way SU35, the cobbled walkway of Six Bells Lane. It is not anticipated that large machinery would be used, as the size of the access is very restricted. Furthermore, it not considered appropriate for surveys to be undertaken with regard to the condition of the footpath, as any damage to it is covered by other Highways legislation and therefore such condition would not met the test of necessity as cited by the National Planning Policy Guidance.
- 60 With the inclusion of the above construction management condition the proposal, it is considered that the development would preserve highway safety in compliance with Policy EN1 of the ADMP.

Other issues

- 61 Comments have been received with regards to the lack of detail on the plans. The plans are drawn to scale and having visited the site the plans and details deposited with the application allow full consideration of the proposed scheme.
- 62 With regard to issues raised by third parties in relation to run-off drainage from the roof, further details of rain water goods can be secured by condition. Furthermore, the lack of services to the site does not necessarily imply that development cannot proceed. The services and utilities to the site can be sought from the relevant statutory providers.
- 63 A number of third party comments and reports have been received regarding the accuracy of the plans, land ownership and party wall issues. The site plan submitted with the application does not show the development encroaching onto neighbouring boundaries, however relevant Certificate B notices have been served on relevant landowners. Notwithstanding this, party wall/boundary issues are not a material planning considerations but a private legal matter between the interested parties as planning legislation cannot determine land ownership.
- 64 The application has been submitted on the basis that the proposed development would be ancillary to The Old Bakehouse. Any potential future development, which requires permission, would need to be considered under a fresh planning application submission. This includes a change of use to a separate residential dwelling.

- 65 If the development were to be granted it would not necessarily create a precedent for other landowners in the locality to follow. Each application should be judged on its own merits.
- 66 Third party comments in relation to the de-valuation of property prices and expected rental incomes, is not a valid material planning consideration.
- 67 A third party cited the need for a listed building consent application, as the development would maybe affect a curtilage listed building. Whilst it is normal practice for a listed building and planning application to be submitted at the same time for consideration, there is no statutory requirement set out in legislation that requires joint submission or indeed determination at the same stage.
- 68 Numerous residents in the locality have been notified in writing and the application was publicly advertised and a site notice placed on Six Bells Lane. This far exceeds the statutory requirement to consult on this particular application and it's not considered that the local planning authority has failed in its statutory duties.

Community Infrastructure Levy (CIL)

- 69 The proposal would be CIL liable

Conclusion

- 70 For the reasons given above, the scheme would comply with the development plan when considered as a whole and other material considerations do not indicate that a decision should be made other than in accordance with the development plan.
- 71 It is therefore recommended that this application is GRANTED

Background papers

Site and block plan

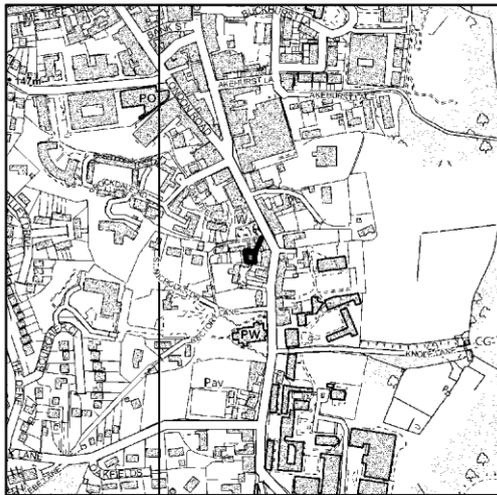
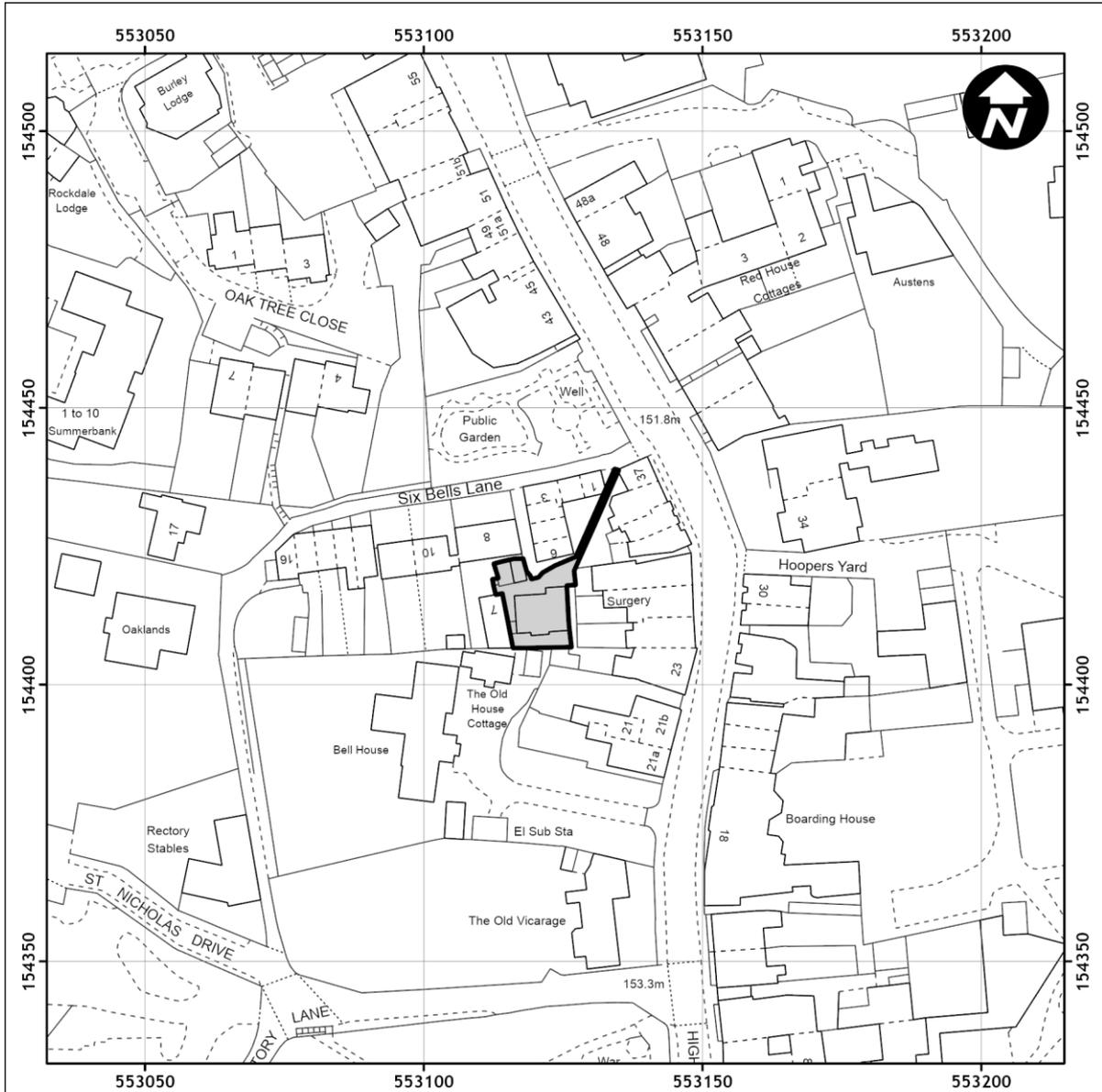
Contact Officer(s):

Sean Mitchell: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250
 Date 29/04/2021



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 Ordnance Survey 100019428.

BLOCK KPLAN

