

4.3 22/00893/HOUSE

Date expired 3 June 2022

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

Councillor Fleming has referred this application to Development Control Committee as the proposal is no different to the previously refused/dismissed application and that it would harm this part the character and appearance of the High Street Conservation Area.

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 roofing 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) No installation of doors or windows shall take place to the development hereby permitted until further external joinery details including windows (depth of reveal, method of opening, details of heads, cills and lintels), doors frames (architraves, linings, mouldings and beading) and door have been submitted to and approved in writing by the local planning authority. The submitted details of sample elevations shall be at a scale of not less than 1:20, and horizontal/vertical frame sections (including sections through glazing bars) at a scale of not less than 1:10. The works 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.

5) The annex 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.

6) The development hereby permitted shall be carried out in accordance with the following approved plans: EX) 01 Rev.D, PL(01), PL(02), PL(03), PL(04), PL(05) and statement from Daniel Cooper Historic Building Consultants dated March 2022.

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 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 and Background

- 4 Planning permission is sought to convert the outbuildings and courtyard to an annexe to The Old Bakehouse. The site contains two existing single storey outbuildings, with a courtyard space between them. The proposal would incorporate a central pyramidal roof form broadly over the courtyard area, a mono-pitched roof over the outbuilding attached to that at 8 Six Bells Lane and a shallow dual pitched roof over the outbuilding at the other end.
- 5 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.
- 6 The annexe would provide ancillary living space, kitchen and a shower room.
- 7 The application is a revision to an earlier application which was refused and dismissed at appeal under application ref: 21/00703/HOUSE.
- 8 In essence the scheme proposed with this application more or less identical to the previously dismissed scheme with a differing roof profile to the right hand corner juncture to the of the proposed roof to the existing mono-pitch and further information that addresses the following issues:
  - The extent of demolition and rebuilding necessary as part of the proposed works
  - An assessment of nearby potentially historic fabric and its significance.

### Background

- 9 The Planning Inspector dismissed previous application for the following reason under appeal reference APP/G2245/D/21/3280857. Paragraphs 9-12 of the Inspectors decision states:
- 10 “9. The scheme would therefore address the concern raised by the previous Inspector in respect of the single large roof form proposed in the previous appeal scheme (Ref: APP/G2245/D/19/3240094). However, this appeal was also rejected because there was only limited evidence that properly identifies nearby potentially historic fabric and assesses its significance. There was also no firm evidence about the extent of demolition and rebuilding that would be necessary in connection with the proposed development.
- 11 10. Moreover, I consider that these concerns also apply in this case and also acknowledge that interested parties have raised such issues. These matters  
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are particularly important given that the toilet building is attached to a similar structure at no. 8 Six Bells Lane. There are also other nearby potentially historic structures, such as walls, that may well be affected.

- 12 11. I am aware that the requirement of such assessments to support proposals should be proportionate. However, on the evidence before me, I cannot reach the conclusion that the nature and extent of the development would not at least lead to harm that is less than substantial to nearby heritage assets as set out in paragraph 202 of the National Planning Policy Framework (the Framework). Although less than substantial harm would arise, great weight should still be attached to it, as the Framework indicates in relation to the conservation of designated heritage assets.
- 13 12. It would not be appropriate to deal with this matter by means of a condition. This is because of the weight attached to the heritage impact and the need to understand the significance of all potentially affected structures and the potential effect of the proposed development on this which I am unable to understand using the submitted evidence. To allow the development in these circumstances would be to unacceptably risk harming the setting of nearby listed buildings, as well as compromising the character and appearance of the Conservation Area which would not therefore be preserved or enhanced.”
- 14 With further reference to the Inspectors Decision, the Inspector did not find any harmful impact from the proposed development upon the character appearance of the area and that no harm would be caused to the neighbouring amenities of surrounding occupiers - paragraphs 8 and 16, see below:
- 15 “8. The pyramidal roof sloping down to all sides, as well as the fairly modest height of this and the two other relatively shallow sloping roofs, would ensure no undue loss of daylight, sunlight or outlook at the surrounding properties. The position of the windows would ensure no unacceptable loss of privacy.....
- 16 16. The pyramidal roof sloping down to all sides, as well as the fairly modest height of this and the two other relatively shallow sloping roofs, would ensure no undue loss of daylight, sunlight or outlook at the surrounding properties. The position of the windows would ensure no unacceptable loss of privacy.”
- 17 Upon considering the above it clear in case law, namely *North Wiltshire DC v Secretary of State for the Environment (1992) 65 P&CR 137*, the Court of Appeal held that it was indisputable that a previous appeal decision concerning the same application site was a ‘material planning consideration’ in the determination a subsequent application.
- 18 In light of the above, significant weight is afforded to the previous Planning Inspectors Appeal decision it’s in consideration of this scheme.

## Relevant planning history

- 19 17/03684 - Conversion of disused outbuildings (washroom and outdoor WC), and an enclosed courtyard into a one-bedroom dwelling - WITHDRAWN
- 20 18/00577 - Conversion of disused outbuildings (washroom and outdoor WC) and an enclosed courtyard into a one-bedroom annex for the Old Bakehouse - REFUSED - Dismissed at Appeal
- 21 21/00703 - Conversion of disused outbuildings (washroom and outdoor WC) and an enclosed courtyard into a one-bedroom annexe - REFUSED - Dismissed at Appeal

## Policies

- 22 National Planning Policy Framework (NPPF)
- 23 Core Strategy (CS)
- LO1 Distribution of Development
  - LO2 Development in Sevenoaks Urban Area
  - SP1 Design of New Development and Conservation
- 24 Allocations and Development Management Plan (ADMP)
- SC1 Presumption in Favour of Sustainable Development
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN4 Heritage Assets
- 25 Other:
- Sevenoaks High Street Conservation Area Appraisal
  - Residential Extensions Supplementary Planning Document (SPD)

## Constraints

- 26 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

- 27 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 and setting of nearby curtilage/listed and locally listed buildings;

28 SDC Conservation Officer - No objection raised for the following reason:

29 “Significance

30 The site is within the Sevenoaks High Street Conservation Area. The Conservation Area Appraisal and Management Plan identifies the area as including the historic focus of the town. Six Bells Lane is characterised as a picturesque backwater off the High Street, with a footpath leading steeply downhill past a series of cottages, small scale with a distinctively different character from the High Street.

31 It is surrounded by listed buildings on the High Street and Six Bells Lane and so any changes may impact on the surrounding listed buildings through change within their setting.

32 The Old Bakehouse is identified as a Locally Listed Building, by virtue of it being a former bakehouse, thought to date from the early 19th century. It is now a residential property with extensive renovation and alteration, including replacement doors and windows, but original external features still recognisable. It is locally listed as it exhibits important characteristics of design, decoration, craftsmanship or use of materials, has an important association with the history of Sevenoaks's economic development as a rare surviving example in the town of an early 19th century commercial building, and contributes significantly to the townscape, street scene or appearance of the area.

#### Background

33 The design of the current proposal is the same as that submitted under application number 21/00703/HOUSE. The conservation comments provided stated that a small single storey ancillary outbuilding, which reflects the established quality of the site, characterised by small outbuildings, would not be out of keeping. With regard to the proposed design, it was considered that the treatment of the courtyard and outbuilding as three connecting roofs, which retains the legibility of the three elements and break up the bulk and massing, maintains the small scale of the outbuildings, which are subservient to their host buildings. The use of mono-pitched standing seam lead roofs and a central clay tiled pyramidal roof were considered appropriate to the area.

34 The Inspector provided similar comments in his appeal decision on the aforementioned application (Appeal Ref: APP/G2245/D/21/3280857), stating that because of the separate roof forms breaking up the bulk and mass and maintaining the small scale of outbuildings found in the vicinity, the overall expanse would not appear overly large. In consequence, the resultant linked buildings would be subordinate to the host dwelling at the Old Bakehouse. The pyramidal roof form would reflect the variation in roof forms and orientation of outbuildings found in the locality.

- 35 It is therefore considered that the principal of converting the outbuildings and enclosing the courtyard is established in the Inspector's decision, subject to understanding the impact on historic fabric. This is outlined further below.
- 36 The outstanding issue identified by the Inspector is the lack of information that properly identifies nearby potentially historic fabric and assesses its significance. Additionally, there was no firm evidence about the extent of demolition and rebuilding that would be necessary in connection with the proposed development. These matters are particularly important given that the toilet building is attached to a similar structure at no. 8 Six Bells Lane (a grade II listed building). There are also other nearby potentially historic structures, such as walls, that may well be affected.
- 37 Assessment
- 38 The comments below consider whether the applicant has now provided enough information to identify nearby potentially historic fabric and assesses its significance, as well as clearly set out the extent of demolition and rebuilding that would be necessary in connection with the proposed development. Based on this information, it should also be possible to conclude whether the development would lead to harm to nearby heritage assets, either directly through their alteration and/or loss, or through harm to the setting of nearby listed buildings and/or the character and appearance of the Sevenoaks High Street
- 39 Conservation Area.
- 40 The development site contains two existing single storey outbuildings, with a courtyard space between them.
- 41 The outbuildings shown on 19th century maps, but have not been identified as curtilage listed or locally listed. Their significance therefore is primarily in the contribution they make to the character and appearance of the conservation area and the setting of the nearby listed buildings and locally listed buildings.
- 42 The applicant has commissioned a statement to consider the extent of demolition and rebuilding necessary as part of the proposed works; and an assessment of nearby potentially historic fabric and its significance (prepared by Daniel Cooper, Historic Building Consultant, March 2022). The statement identifies the individual structures and walls impacted by the proposals, including an assessment of their age, fabric and significance, as well as how any changes proposed will impact on their significance or the conservation area and the setting of the nearby listed buildings. In summary, the statement concludes that proposals are not harmful to the significance of the historic fabric or the conservation area and the setting of the nearby listed buildings due to the low heritage significance of the walls affected, relatively modest extent of demolition required, and overall preservation of the character and appearance of the walls and outbuildings. I agree with the conclusions drawn.

## Conclusion

- 43 The proposals now address the previous concerns raised by the Inspector and demonstrate that the proposals will not harm the fabric, character or appearance of heritage assets either directly or through change to their setting.
- 44 In conclusion, the proposals are supported from a heritage perspective when assessed against local policy EN4.”

## Representations

- 45 11 letters of objection have been received relating to the following issues:
- No services are present;
  - Overload existing sewage provision;
  - Rainwater run-off from roof into adjacent property/lane;
  - 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;
  - Establish a precedent;
  - Should be described as a studio flat;
  - The building is too small for habitation;
  - Construction management plan is required;
  - Inappropriate siting of site notice/consultation;

## Chief Planning Officer’s appraisal

- 46 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

- 47 The application seeks the approval of the use of the existing building and structure as an annex to the main, adjacent house. The site is within a Town Centre location whereby the principle of development is accepted.
- 48 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.
- 49 In respect to whether an annex 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 annex 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.

- 50 Whilst the extension and conversion of the outbuilding would provide all the facilities for day-to-day living, it would function as an annex 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 annex 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.
- 51 Based upon the evidence, it is considered that the proposal relates to an annex, 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 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.
- 52 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**

- 53 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.
- 54 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.
- 55 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.

- 56 The NPPF also states that great weight should be given to the conservation of heritage assets.
- 57 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.
- 58 8 Six Bells Lane is a grade II listed building and 5, 6 and 8 Six Bells Lane are locally listed.
- 59 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.
- 60 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.
- 61 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.
- 62 Regard has been had to the previous Planning Inspectors decision whereby the proposal and as cited in in the above paragraphs, the previous appeal decision did not find a harmful impact created by the proposed scheme. With this in mind, together with the unchanged character/form of the annexe, as case law dictates and substance weight is given to the previous Inspectors decision, this together with the Conservation Officer comments, it would be unjustified to to object on this ground. 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.
- 63 The development would remain as a subservient outbuilding to the other surrounding built form. The proposal overcomes the previous concerns raised by the Planning Inspector through the submission of additional information 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**

- 64 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.

- 65 The proposed roof would pitch away from the neighbours to the east, meaning it would have minimal impact on amenities.
- 66 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.
- 67 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.
- 68 The proposed extension to the southern elevation of the building would be modest in size and would preserve neighbouring amenity.
- 69 New openings would be to the southern elevation facing on to the Old Bakehouse, a new conservation style rooflight within the western facing roof plane and retained in the eastern elevation. It is considered that that these arrangements would not result in overlooking or a loss of privacy.
- 70 The ancillary residential use of the building would not create an unneighbourly level of noise locally.
- 71 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.
- 72 As with the previous consideration, significant weight is given to the previous Inspectors decision whereby no harm was found to the existing amenities of surrounding neighbouring occupiers. Despite the objections raised by neighbours, this application is not materially different to the previous scheme. In the balance, it is considered that 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**

- 73 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.
- 74 Given the location of the site and the comments raised by 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.

- 75 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.
- 76 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**

- 77 With regard to issues raised by third parties in relation to run-off drainage, further details 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.
- 78 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.
- 79 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.
- 80 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.
- 81 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.

82 It has been noted by Third Party representation regarding consultation. Neighbours 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 is not considered that the local planning authority has failed in its statutory duties.

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

83 The proposal would be CIL liable.

### **Conclusion**

84 For the reasons given above, the scheme would comply with the development plan when considered as a whole. It can be demonstrated that the scheme has overcome the issues raised in the previous appeal decision to which significant weight is attached to, in its consideration. As no harm can be found upon the impact upon the amenities of neighbouring occupiers and that the development would conserve and enhance the character and appearance of High Street Conservation Area, it is therefore recommended that this application is GRANTED.

### **Background papers**

Site and block plan

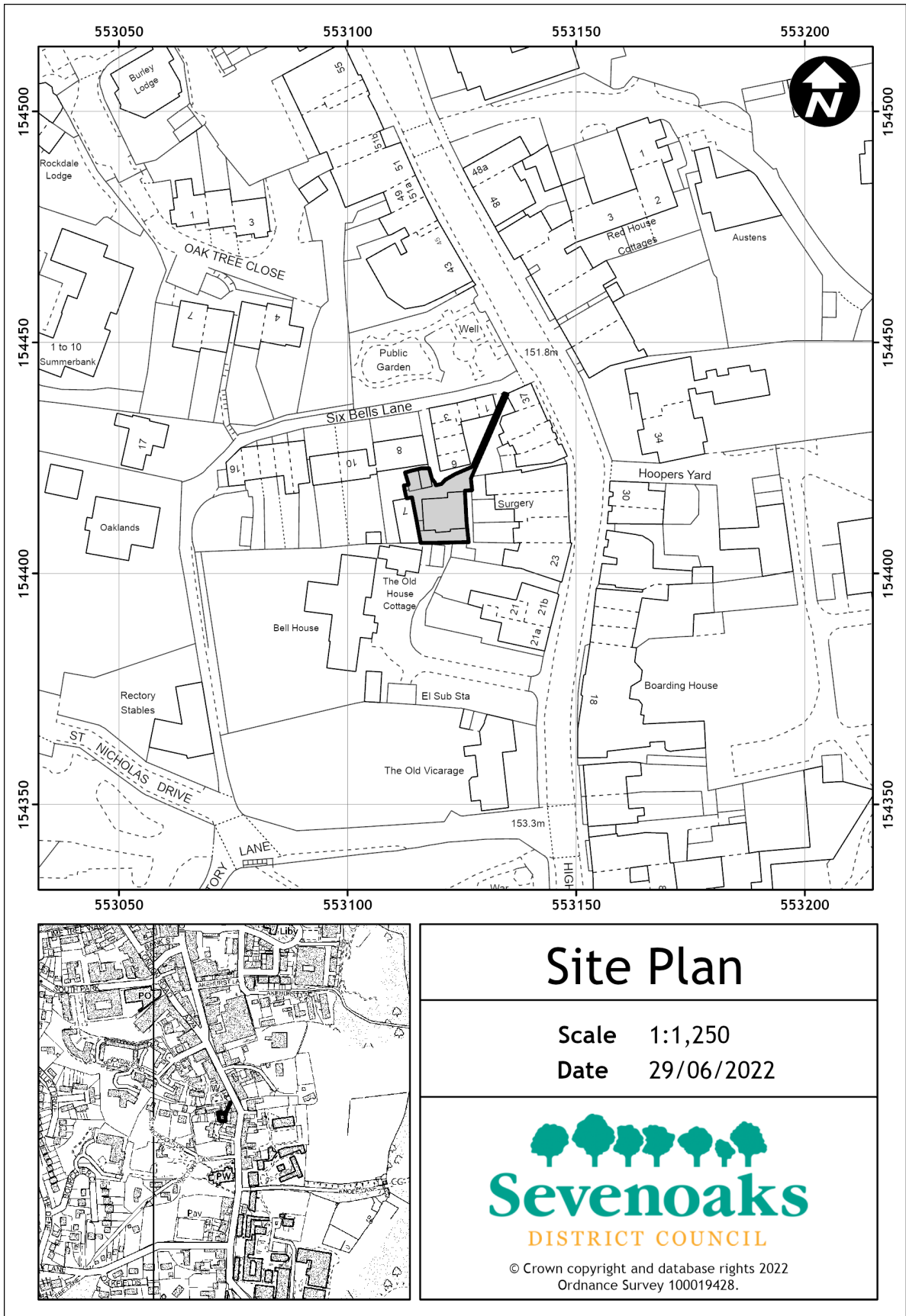
Contact Officer(s):

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

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

Scale 1:1,250  
 Date 29/06/2022



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 Ordnance Survey 100019428.

# PROPOSED BLOCK/FLOOR PLAN

