

5.07 - SE/12/00610/FUL Date expired 3 May 2012

PROPOSAL: Proposed construction of 2 new apartments with a link to the existing building. (resubmission of previous application ref SE/11/02774/FUL)

LOCATION: 46 South Park, Sevenoaks TN13 1EJ

WARD(S): Sevenoaks Town & St Johns

#### ITEM FOR DECISION

This application has been referred to Development Control Committee as the Officer's recommendation varies from that of Sevenoaks Town Council and at the request of Councillor Raikes who raises concern regarding 'over development of the site' and the impact of the development in terms of the neighbouring property.

**RECOMMENDATION A:** That planning permission be GRANTED subject to the following conditions and the receipt of an acceptable legal agreement, within 28 days of the date of this Committee, to provide a financial contribution towards off-site affordable housing provision:

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.

The application fails to make an appropriate provision for affordable housing contrary to the requirements of Policy SP3 of the Sevenoaks Core Strategy 2011.

2) No development shall be carried out on the land until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development enhances the character and appearance of the Conservation Area as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

3) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting and trees, plants and trees to be retained and new planting);-a schedule of new plants and trees (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation. Soft landscaping works shall be carried out in complete accordance with the approved details prior to the first occupation of any of the additional apartments hereby permitted or otherwise in accordance with the agreed programme of implementation. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in

the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by EN1 and EN23 of the Sevenoaks District Local Plan.

4) Prior to the commencement of the development, details of a scheme for the allocation of parking spaces, including details of marking up of the spaces as such, shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall be completed and marked out in accordance with the approved details prior to the first occupation of any of the additional residential units hereby permitted and shall thereafter be maintained as such.

In the interests of highways safety and convenience in accordance with EN1 of the Sevenoaks Local Plan

5) Prior to the commencement of the development, details of secure bicycle storage for residents in the form of scaled plans and product information (as appropriate), shall be submitted to and approved in writing by the Local Planning Authority. Bicycle storage shall be made available prior to the first occupation of any of the additional residential units hereby approved and shall thereafter remain available for such use.

In the interests of sustainability in accordance with EN1 of the Sevenoaks Local Plan, SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

6) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Prior to the first occupation of any of the additional residential units hereby approved, evidence shall be provided to the Local Authority Prior that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

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

7) Prior to the commencement of the development, details in the form of scaled plans and elevations shall be provided to show the appearance of the proposed bin store (shown on drawing no.1114 P06B). The bin store shall be provided in accordance with the approved details prior to the first occupation of any of the additional residential units hereby approved.

To ensure that the appearance of the development enhances the character and appearance of the Conservation Area as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

8) The ground floor bathroom window shown on the south-east elevation of the extension hereby approved shall be obscure glazed and non-opening, with the exception of any high level lights (above 1.7m above internal floor area).

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

9) No window(s), other than those shown on the approved plan(s), shall be installed in south-east facing flank elevation(s) of the development hereby approved, despite the provisions of any Development Order.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks

District Local Plan.

10) The development hereby permitted shall be carried out in accordance with the following approved plans: 1114 P101, P102, P103, P104B, P105B, P106B and P107B

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

11) No part(s) of the roof, other than the area marked 'BALC' on drawing no. P104B, shall be used as a balcony or terrace nor shall any access be formed to it, despite the provisions of any Development Order.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies SP1, CC6, BE6, LF1, H3, H4, H5  
Sevenoaks District Local Plan - Policies EN1, EN23

Sevenoaks District Core Strategy 2011 - Policies LO2, SP1, SP2, SP3, SP5, SP7

The following is a summary of the main reasons for the decision:

Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by way of the conditions imposed.

The development would preserve the special character and appearance of the Conservation Area.

**RECOMMENDATION B:** In the event that the applicant does not enter into a Section 106 legal agreement within 28 days of the date of this Committee, that planning permission be REFUSED for the following reason:-

1) The application fails to make an appropriate provision for affordable housing contrary to the requirement of Policy SP3 of the Sevenoaks Core Strategy.

### Description of Proposal

- 1 Planning permission is sought for the extension of no.46 South Park to its side / rear to infill the gap between no.46 and no.44. No.46 is currently in occupation as four self-contained flats and the extension would result in two additional self-contained flats.
- 2 The extension would constitute a main roughly rectangular section, approximately 6.2m wide at its frontage onto South Park and 12m deep, and a set back link element to attach the main section to the rear elevation of the existing building. The extension would have accommodation on the ground and first floor. The extension has been designed in a Victorian style to reflect the character of the original building with a gable element facing onto South Park to reflect those facing onto the junction. The overall height of the extended part (as shown on the amended plans received) is approximately 8.5m above ground level.

- 3 The plans provided show that a formal parking area, using the existing access, would be laid out in front of the extension providing parking for four cars. The remaining open area to the rear of the extension would be laid out as a shared amenity space with a privacy area to the rear of Flat 4.

#### Description of Site

- 4 The site incorporates a large Victorian building, originally constructed as a single dwelling in yellow brick with red brick detailing and finished with a double gabled slate roof with decorative barge boards to the front elevation. The building is in occupation as four self-contained flats. The building is set on a corner plot to the south-eastern corner of junction of South Park and Argyle Road and the main façade of the dwelling faces towards the junction. Land to the south and east of the site is laid out for parking and as garden areas for the existing residents of the flats.
- 5 The site is inside the southern edge of the Granville Road/Eardley Road Conservation Area. The prevailing character, particularly to the north of the site, is of large Italianate villas (many divided into flats) set on a planned layout. The predominant style is Victorian with some Arts and Crafts elements. To the south of the site, outside of the conservation area, there is a mixed character created by the adjacent row of three detached dwellings of a later date and different character and from the nearby apartment building and primary school.

#### Constraints

- 6 The application site is located within the urban area of Sevenoaks and within the Granville Road/Eardley Road Conservation Area. The south-eastern boundary of the site with no.44 and the short section of boundary with the Auction Rooms on Argyle Road for the southern extent of the conservation area.

#### Policies

##### *Sevenoaks District Local Plan 2000*

- 7 Policies - EN1, EN23

##### *Sevenoaks Core Strategy 2011*

- 8 Policies - L02, SP1, SP2, SP3, SP5, SP7

##### *South-East Plan 2009*

- 9 Policies - SP1, CC6, BE6, LF1, H3, H4, H5

##### *Other*

- 10 Sevenoaks Affordable Housing Supplementary Planning Document 2011
- 11 National Planning Policy Framework

#### Planning History

- 12 SE/11/02774/FUL - Proposed construction of 3 new apartments with a link to the existing building – Refused

09/00086/WTCA - Fell 3 Thuja, 1 Lawson and 1 Sycamore tree. – No objection Lodged

06/00730/WTCA - Removal of Sycamore tree – No objection lodged

04/00747/FUL - Canopy over cellar steps and cellar door. Provision of off road parking for three cars – Granted

04/00310/FUL - Retention of replacement gates and fencing. – Granted

03/01542/FUL - Erection of Pergola and retention of Garden Fencing and Porch. – Granted

### Consultations

#### *Sevenoaks Town Council*

13 Sevenoaks Town Council recommended refusal on the following grounds:

- Over development of the site;
- Loss of amenity to neighbouring properties;
- The design is out of keeping with the existing building;
- The proposal would have a detrimental effect on the street scene.

#### *SDC Conservation Officer*

14 This property is within the Granville Road and Eardley Road Conservation Area, is identified as 'contributing to character' in the CA Appraisal and is in a pivotal location at the junction of South Park and Argyle Road. An earlier application under SE/11/02774/FUL which proposed a similar side addition but of a different style, was refused, This submission is for an extension imitating the existing building in style and detailing and closely linked to the existing structure. This would need to be carefully executed and controlled by conditions, otherwise the result could be disappointing. The area is mixed in terms of buildings of different sizes and types, with a row of modern houses immediately adjoining to the south east (outside the CA) The spacing between the properties would be similar to that of other buildings in the vicinity, with this addition a minor element in the context of the scale of no. 46 as is. This addition would also effectively screen from view the rather undistinguished backs of several properties in Argyle Road. Para 137 of NPPF states that LPAs should look for opportunities for new development within CAs for enhancement. I consider that this proposal has the potential to do that.

#### *SDC Tree and Landscape Officer*

15 Comments made on application SE/11/02774) –

There are trees upon this site, but they are upon the other side of the building. There are no trees of significance within the immediate area shown to be developed. I do not therefore have any objections to offer on this proposal.

#### *KCC Highways Officer*

- 16 I now feel more comfortable with a reduced number of additional flats and I confirm that I would not wish to object to this proposal on Highway grounds.

### Representations

- 17 None received.

### **Group Manager - Planning Appraisal**

- 18 Planning application SE/11/02774/FUL for the erection of an extension to the building in a similar position for three flats was refused in February 2012 for the following reasons:

1) *The extension, by virtue of its scale and appearance and the number of additional units proposed, would constitute overdevelopment of the site at a density that is not consistent with achieving good design. As a result, the development would not be in keeping with the character and appearance of the current building, would not preserve or enhance the character and appearance of the conservation area, would restrict the scope for additional parking and would result in an overbearing impact upon the neighbouring property no.44. To permit the development would therefore be contrary to Policies SP1 and SP7 of the Sevenoaks Core Strategy, Policies EN1 and EN23 of the Sevenoaks Local Plan and guidance contained within Planning Policy Statement 5: Planning and the Historic Environment.*

2) *The application fails to make an appropriate provision for affordable housing contrary to the requirement of Policy SP3 of the Sevenoaks Core Strategy.*

- 19 The proposal has now been revised since the refusal of SE/11/02774/FUL in an attempt to overcome the previous concerns. The following amendments to the proposal are significant and should be noted:

- The number of proposed flats has been reduced to two (one 2 bed and one 1 bed) with accommodation now only on ground and first floors. Three (two bedroom) flats were previously proposed.
- The design approach has changed significantly so that the scheme is now of a Victorian style to match the existing building. The extension is characterised by its front facing gable element and the use of a set down hipped roof.
- The gap between the flank of the extension and no.44 has been increased from 1.7m to 2.2m. The extension has been reduced in rearward extent by 1.5m overall and 2.5m at the first floor.
- The applicant has indicated a S.106 will be provided with an affordable housing contribution in accordance with the Council's Affordable Housing Supplementary Planning Document.

- 20 The main consideration in this case is whether this proposal now overcomes the previous reasons for refusal of SE/11/02774/FUL and whether the proposal is now in accordance with the relevant policies of the Development Plan. The main issues in this regard are whether the proposal would now achieve good design in

keeping the character and appearance of the Conservation Area, whether there is adequate parking for the scheme, whether the proposal has an overbearing impact upon the neighbouring property and whether adequate provision has been made for affordable housing. I deal with each of these issues in turn below under the relevant headings.

- 21 Since the determination of SE/11/02774/FUL, the government has published its National Planning Policy Framework and the implications of this are considered throughout this report. Relevant policies of the Development Plan and the National Planning Policy Framework continue to place an emphasis on providing a high quality design of development which responds to its context.
- 22 Paragraph 53 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 23 The NPPF also states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value (para. 111).
- 24 Annex 2 of the NPPF provides a definition for previously developed land stating that it is land 'which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.' This definition excludes 'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments'.
- 25 The area that is proposed to be developed is currently the shared and private garden areas of the existing flats within the building. With this in mind it is my view that the site falls within the exclusion in the NPPF and should not be considered previously developed land. Nonetheless, this conclusion does not affect my conclusion below on the acceptability of the development of the site for residential purposes as a matter of principle and a consideration of the appropriateness of the development in all other aspects follows below.

*The design and appearance of the development and its impact on the character and appearance of the Conservation Area*

- 26 The Granville Road / Eardley Road Conservation Area covers a predominantly residential area between the station and the town centre (to the east of the railway line). This area was largely developed with Italianate villas and large town houses as a commuter suburb of the market town after the arrival of the railway in the 19<sup>th</sup> Century.
- 27 No.46 itself is a large detached villa located on the inside edge of the southern extent of the Conservation Area. The building is identified as 'contributing to character' in the Conservation Area Appraisal. The dwelling is located at the junction of South Park with Argyle Road and is orientated with the main façade facing towards this junction in a westerly direction. This orientation leaves its south facing flank open to view from South Park. This elevation is characterised by a lesser amount of elaboration than the main façade with mostly unrelieved brick elevations facing the street.

- 28 The dwellings to the south-east of the site follow a common building line and consist of early 20<sup>th</sup> Century detached dwellings characterised by their front projection tile hung gables and timber and render style finishing. This area is effectively a gap between the Granville Road / Eardley Road Conservation Area and the Town Centre Conservation Area to the south. These buildings to the south result in the appearance of a mix of building styles and materials on the South Park street scene.
- 29 The previous reason for refusal indicated that the proposed development was out of keeping with the character and appearance of the Conservation Area.
- 30 As previously proposed, this extension would infill a noticeable gap in the existing street scene at the point where the flank of no.46 is open to view. The dwellings to the south of the site have a much closer spacing with one another, with gaps of approximately 1.5 – 3.5m between flank elevations. The proposed extension would continue to respect the front building line of nos. 40 – 44 and the spacing between the extension and the flank of no. has now been increased in comparison to the previously refused scheme to allow for a greater visual spacing between the buildings. A gap of 2.2m is now to be maintained between the facing flank elevations of the resultant building and no.44. This spacing is slightly in excess of the minimum recommended spacing to prevent a ‘terracing effect’ as set out in the Council’s Residential Extensions Supplementary Planning Document. The use of a hipped roof to the south east flank further enhances the spacing and visual separation between the extension and no.44.
- 31 The proposed extension would maintain a degree of visual separation from the existing dwelling through the use of a link element that is set well back from the main façade of the proposed element. The use of this link allows a continuation of the style of the dwelling, with a continuous roof link and matching materials, whilst maintaining some separation between the new and old parts of the building. The accommodation at second floor level has now been omitted to allow for the ridge line to be fully set down below that of the main building. The result is to ensure that the extension is subservient to the original building.
- 32 The style of the extension has now been amended so that the extension is architecturally of a Victorian appearance, rather than the contemporary approach previously considered unacceptable. Interest is brought to the extension with the use of the two storey front projecting gable element which reflects the appearance and finish of the two front facing gables of the dwelling. This approach would allow the extension to ‘tie in’ with the existing building, provided that appropriate control is exercised over the finishing materials and details (so that the appearance of a ‘pastiche’ approach is avoided).
- 33 The Conservation Officer identifies that the area is mixed in terms of building sizes and types and that the resultant spacing is similar to that of other buildings within the vicinity. The Conservation Officer concludes that the development has the potential to enhance the character of the Conservation Area in accordance with para.137 of the National Planning Policy Framework.

#### *Parking*

- 34 The reason for refusal of SE/11/02774/FUL refers to the effect of the development in restricting the scope of additional parking on the site.



- 35 Clearly, the reduction from the three (two bedroom) flats previously proposed to two (1 x two bed and 1 x one bed) flats now proposed would significantly reduce the demand for parking both on the site and within the local area. Whilst the same amount of parking is proposed, the reduction allows for two of the spaces to be retained for the existing Flat 2. Flat 2 is the only flat to currently benefit from off-road parking on the site. One space each is allocated to the two additional flats.
- 36 The Highways Authority's Interim Parking Guidance document recommends that a maximum of one allocated space be provided for one and two bedroom flats. The application is clearly within this figure as an allocated space is provided for each of the new flats.
- 37 The proposal would effectively result therefore in the following resultant parking arrangement (flats numbered as shown on the drawings submitted):

Flat No	Existing Parking	Resultant Parking	Meets maximum standard?
1	nil	nil	No change
1a	nil	nil	No change
2	2 / 3 spaces not marked out (currently exceeds standard)	Two spaces marked out.	Yes
3	nil	nil	No change
4	-	One space – marked out	Yes
5	-	One space – marked out	Yes

- 38 It is evident therefore that the scheme would place no greater pressure on on-street parking than is currently the case, particularly now that the proposal has been reduced to two units. A condition should be applied to require the marking out and allocation of the on-site spaces to ensure that an appropriate provision is maintained.
- 39 As previously raised by the Highways Officer, the use of cycles should be encouraged and I note that a secure cycle storage facility is proposed to the front of the site. A condition should be applied to ensure that this is provided and that its appearance is acceptable in the conservation area.

### *Impact on the Neighbouring Property*

- 40 The previous reasons for refusal of SE/11/02774/FUL referred to an 'overbearing impact upon the neighbouring property'. It is explained above why the extension no longer has a visually overbearing impact in terms of the street scene and the character of the dwellings.
- 41 As noted above, the distance between the flank elevations of the dwellings has now been increased to 2.2m (the previous application showed a spacing of 1.7m). The rearward projection has also been decreased by approximately 1.5m overall and 2.5m at the nearest part of the first floor.
- 42 The result of this reduction in rearward extent is that the ground floor of the extension does not project as far to the rear as the single storey ground floor element to the rear of no.44 and that the main part of the rear elevation of the first floor is in line with that of no.44. The flank of the extension approximately matches the extent of the facing flank of no.44 in height and extent.
- 43 As previously noted, No. 44 has recently been extended with a two storey extension to this facing flank elevation (SE/06/00525/FUL). Two obscure glazed windows in its facing flank elevation face towards the application site. The first floor window is an obscure glazed window to the landing area and the ground floor window in a glass block window that serves as a secondary window to the kitchen / dining area; two non-obscure glazed windows to this roof face rearwards into the garden and would not be significantly affected by these proposals. Whilst there will be some additional loss of light to these windows, the additional spacing between the extension and the reduction in its rearward extent marks an improvement over the previous application and it should also be noted that the windows either serve non-habitable rooms or, in the case of the ground floor window, are secondary to the main rear facing windows.
- 44 With regards to the rear facing windows of no.44, the extension continues to be compliant with the recommended '45 degree' rule as marked on drawing 1114 P104B and set out in the Council's Residential Extensions Supplementary Planning Document. The reduction in the rearward extent of the proposed extension would mean that there would be no significant view of the development from the rear facing habitable rooms and that the extension would not be overbearing upon the rear garden area of no.44.
- 45 Conditions should be applied to ensure that the ground floor window in the facing flank elevation is obscure glazed, that no further windows are installed in this elevation and that the flat roof element to the rear of flat 5 is not used as a balcony area.
- 46 No.45 Argyle Road, attached to the buildings, is a Department for Transport driving test centre. The building to the north-east of the site is the Ibbett Moseley auction rooms.
- 47 The building to the opposite side of the street, no.5 South Park, is approximately 31m from the front of the proposed extension. Whilst there are two small balcony areas to the first and second floors of the extension at the front, this distance is considered to be significant enough as to avoid any significantly harmful impact.

### *Affordable Housing*

- 48 The second reason for refusal of SE/11/02774 referred to the lack of an affordable housing contribution. At the time of the decision a figure had been agreed, but a signed S.106 had not been provided to secure the figure.
- 49 The previous affordable housing contribution suggested by the applicant was reduced on the grounds on the grounds of viability and was supported by a financial viability report submitted with the application. This was tested independently and the reduced contribution was agreed in principle.
- 50 Despite the reduction in the number of proposed units and proposed floor space, the applicant has agreed to an increased affordable housing contribution based on the formula set out in the Affordable Housing Supplementary Planning Document. The applicant proposes a figure of £16,281. This calculation has been based upon the previously verified value per square metre figures for the ground floor and first floor flats and takes into account the loss of floorspace and impact upon two of the four existing. This approach is reasonable in my view and results in a greater contribution than previously agreed to for the previous proposal for three flats (£7,339). The proposed contribution meets the requirements of Policy SP3.

At the time of writing this report, however, a signed S.106 has not yet been received to secure this contribution.

- 51 For this reason, the Officer's recommendation is (at this stage) for delegated powers to approve the application subject to the receipt of an acceptable S.106 undertaking within 4 weeks of the committee date. If an acceptable S.106 is not received before the expiration of this period, the application should be refused as failing to comply with SP3 of the Sevenoaks Core Strategy.
- 52 The Committee will be updated on any changes in this regard prior to 24 May 2011.

### *Other Matters*

- 53 In terms of the living environment of future occupants, all of the resultant flats are well proportioned and allow for a good internal living environment. All benefit from an acceptable outlook and access to light. The extension has been arranged so that none of the habitable rooms of the flats look directly towards one another so that each is given an acceptable level of privacy. Combined with the open landscaping around the front of the dwelling, this would allow for an adequate outdoor space and landscaped area. No minimum quantum of amenity area is required by this policy.
- 54 Policy SP2 of the Core Strategy requires that new dwellings achieve Code for Sustainable Homes Level 3. The applicant has supplied a Code for Sustainable Homes Pre-Assessment that demonstrates the development will achieve Level 3 as required. A condition could be imposed to ensure that this level is achieved and a certificate is provided to assess the finished code level prior to the first occupation of the development.
- 55 A bin store is shown adjacent to the proposed parking area on the proposed site plan. A condition could be imposed to ensure that this is appropriately designed and that it preserves the character of the Conservation Area.

## Conclusion

56 With reference to the above, it is the Officer's view that the application overcomes the first reason for refusal of the previous application SE/11/02774/FUL and is acceptable in terms of the character and appearance of the conservation area, the impact of the development upon neighbouring properties and the availability of parking. At this stage, however, the proposal does not adequately provide for an affordable housing contribution as required by Policy SP3 of the Sevenoaks Core Strategy 2011. It is recommended that a period of four weeks from the date of the committee be given to allow for the receipt of an acceptable S.106 undertaking, otherwise the application be refused with delegated powers as it does not comply with SP3.

## Background Papers

Site and Block Plans

Contact Officer(s): Patrick Reedman Extension: 7451

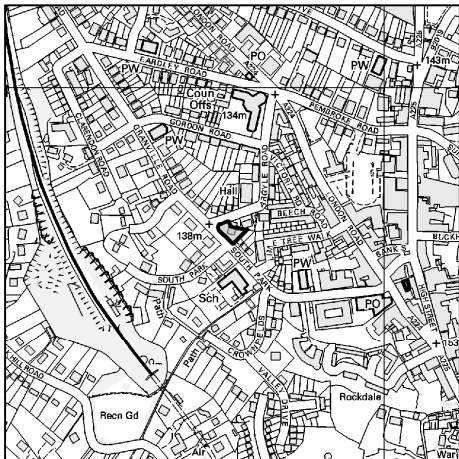
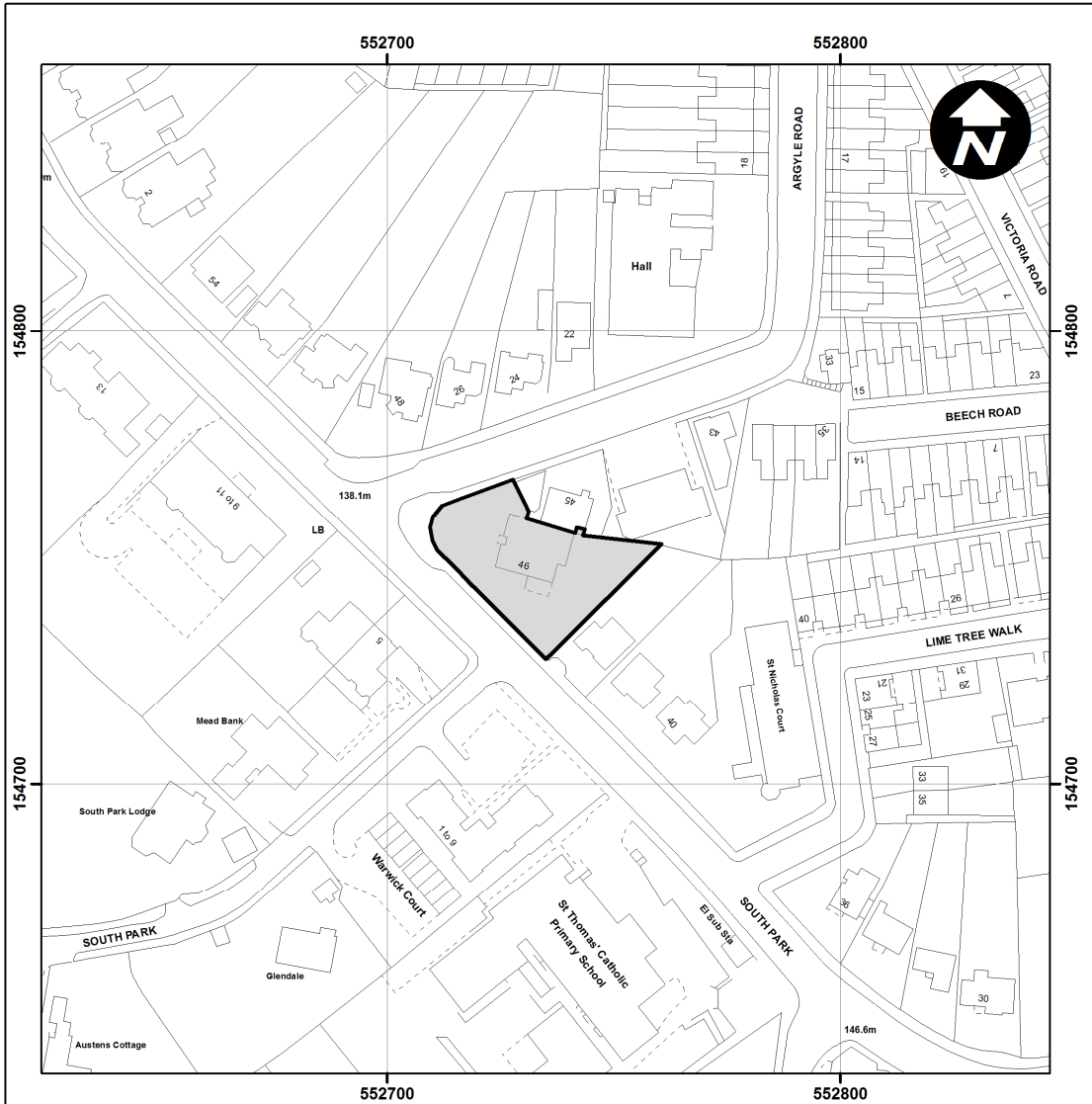
Kristen Paterson  
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M0K3MNBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M0K3MNBK8V000>

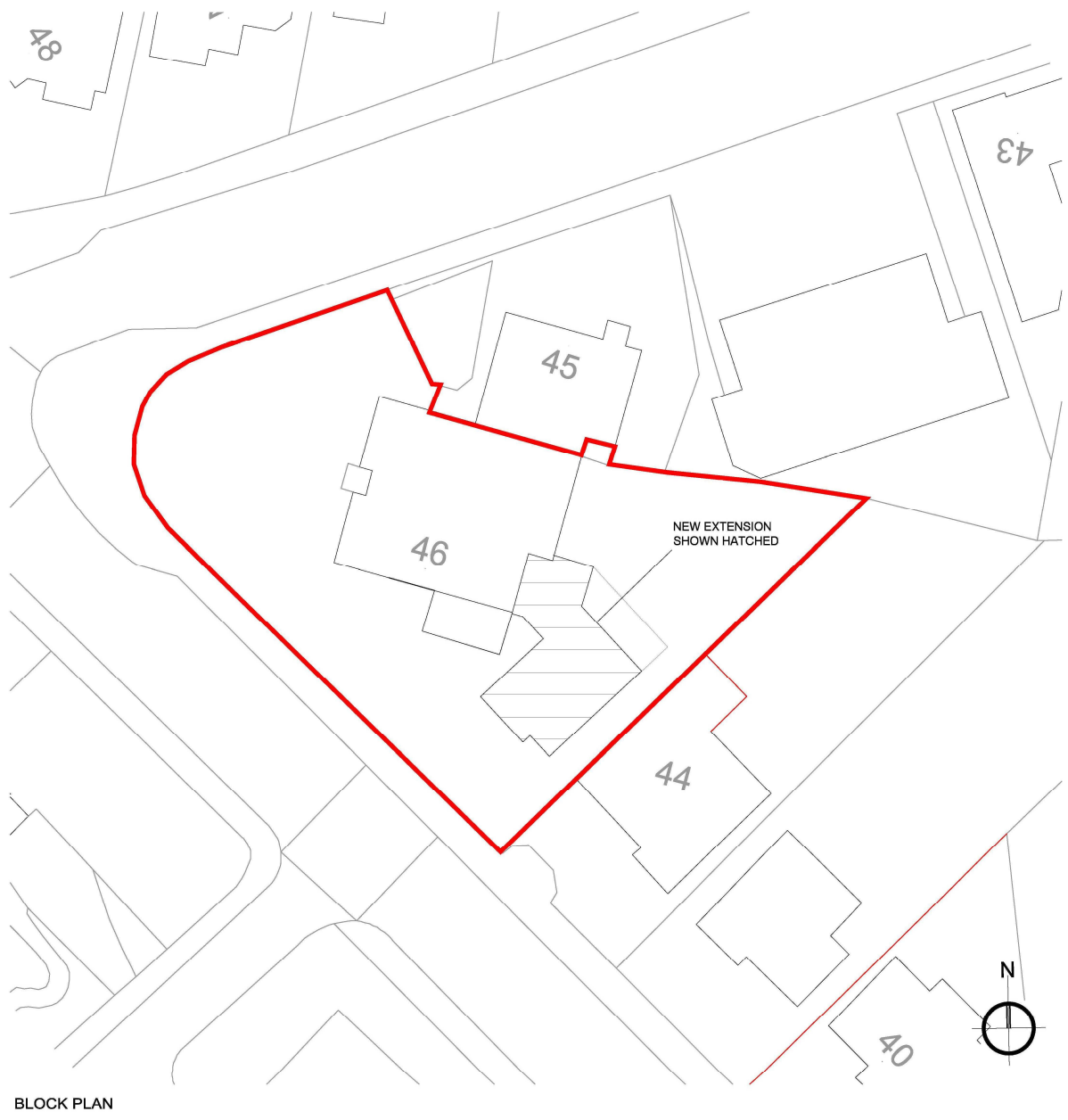


# Site Plan

Scale 1:1,250  
Date 25.04.2012



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