

4.2 - SE/12/01530/CAC Date expired 13 August 2012

PROPOSAL: Demolition of the existing dwelling and attached garage.

LOCATION: Cavendish House, Clenches Farm Road, Sevenoaks
TN13 2LU

WARD(S): Sevenoaks Kippington

ITEM FOR DECISION

Councillor Avril Hunter has referred the application to Development Control Committee as she believes the application is acceptable on the basis that the demolition of the existing property will not harm the character and appearance of the Conservation Area.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The demolition of a designated heritage asset will harm and detract from the character and appearance of the Conservation Area, contrary to the provisions of policies EN1 and EN23 of the Local Plan, SP1 of the Core Strategy and the National Planning Policy Framework.

- 1 The application was deferred at the meeting of the Development Control Committee on 20 September 2012 (see report in Appendix A) in order for the applicants to substantiate the claim that the existing dwelling has structural issues that were not economically viable to repair.
- 2 This applicant has submitted two separate structural surveys, one completed prior to the purchase of the property by the applicants in August 2012 (inspected by Wimshurst & Co Chartered Surveyors on 10 August 2012) and one dated 15 October 2012 by CTP Consulting Engineers.
- 3 The structural survey completed prior to the purchase by the applicants concluded that 'From a structural point of view we can see no reason why this property should not be purchased for residential purposes, provided you take into account items referenced in this report which are largely of a maintenance nature and typical of a property of this age which has not been upgraded.'
- 4 The report goes on to mention that the issues relate to possible underpinning to the detached garage and other outbuildings due to inadequate foundations, that the roof is generally in watertight condition but needing a tile overhaul, the steel central heating header tank needs replacing, the renewal of windows, overhaul of rainwater goods etc and goes on to re affirm in the conclusion that 'Items for your near future attention are typical of a property of this age and largely of a maintenance nature and upgrading requirements.'
- 5 The second structural survey, (or engineers report) provide a list of similar recommendations which include:
 - Re-roof the pitched roof

- Re-render all elevations
- Replace all down pipes
- Take up uneven paved surface and re-lay
- Some internal works such as remove all polystyrene ceiling tiles
- Underpin side wall of garage
- Repair cracks to junctions between utility room and main house/garage
- Obtain specialist damp and timber advice.

Therefore the only main structural works appear to relate to the detached garage, not the house.

- 6 Also submitted is a financial appraisal of the works, as well as independent valuations for the property.
- 7 It is stated by the agent that ‘The structural report highlights the poor condition of the property and makes recommendations for rectifying the structural irregularities and to bring the property up to modern day standards sufficient for occupation by my client`s family. The cost of these works, compared to the two independent valuations, renders the renovation works financially unviable. ‘
- 8 The costs appraisal submitted for the ‘upgrading of Cavendish House’ give a figure of £1,002,000. This figure is for a complete overhaul of the property however, (and includes for instance a £50,000 figure for a ‘high quality fitted kitchen’) not for the works largely of a maintenance nature and upgrading requirements highlighted above in both submitted structural surveys.
- 9 The argument put forward that given the value of the property, given as (Knight Frank) £1.7m - £1.75m in its current condition and £2m once refurbished to a good standard, and (Savills) £1.75m in its current condition and £2m once refurbished (including ‘new kitchens and bathrooms’), that the works are financially unviable.
- 10 It should be noted that both valuations included comments on the fact that the ‘sealed envelope’ bid process resulted in a ‘competitive bid process ‘which drove the eventual price upwards’ resulting in an inflated price paid for the property by the applicants. This basis should not be used to justify the loss of a designated asset.
- 11 NPPF states that with regards to the potential loss of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.'

- 12 The applicants have not submitted any further information to address any of these specific points.
- 13 It is assumed that the argument put forward by the applicants relates to the first or second criteria above, and that the costs of the maintenance and upgrade works prevents all reasonable uses of the site; or no viable use of the heritage asset itself can be found in the medium term (certainly not all of the criteria above applies).
- 14 In this instance it is not considered that all reasonable uses of the site has been lost, nor that it is not possible to viably use the heritage asset itself in the medium term.
- 15 It is not considered that the above criteria allows for the complete loss of a designated heritage asset due to the financial viability of upgrading the living standards of the dwelling, when only maintenance and upgrading works are necessary, typical of the age of the building.
- 16 Therefore it is not considered that the submitted information provides an overriding justification which would meet with the criteria set out in NPPF.
- 17 The recommendation for refusal therefore remains unchanged.

Contact Officer(s): Ben Phillips Extension: 7387

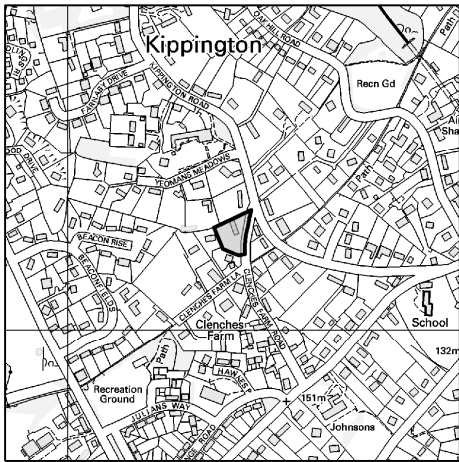
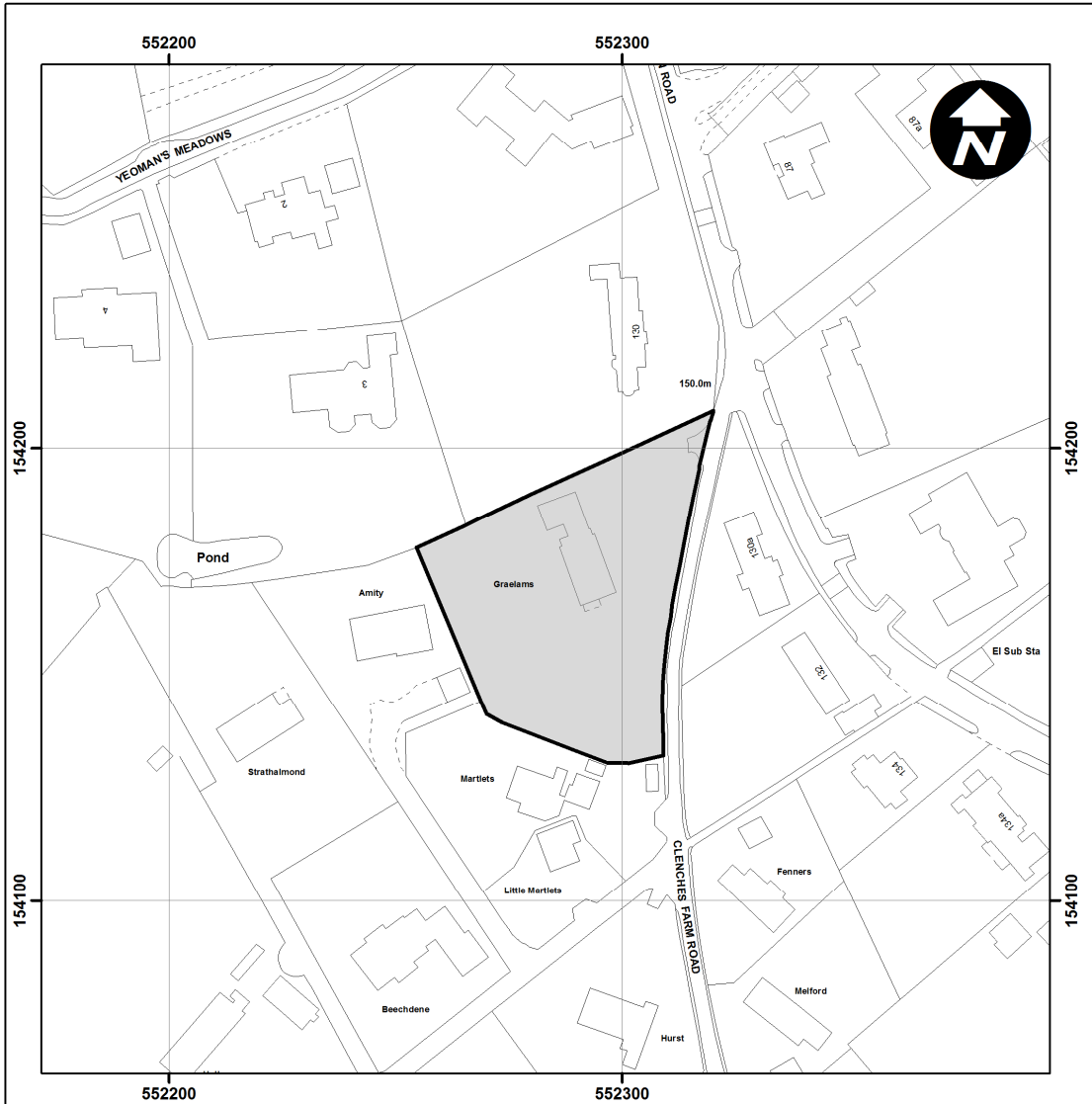
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M5HSU6BK8V001>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M5HSU6BK8V001>



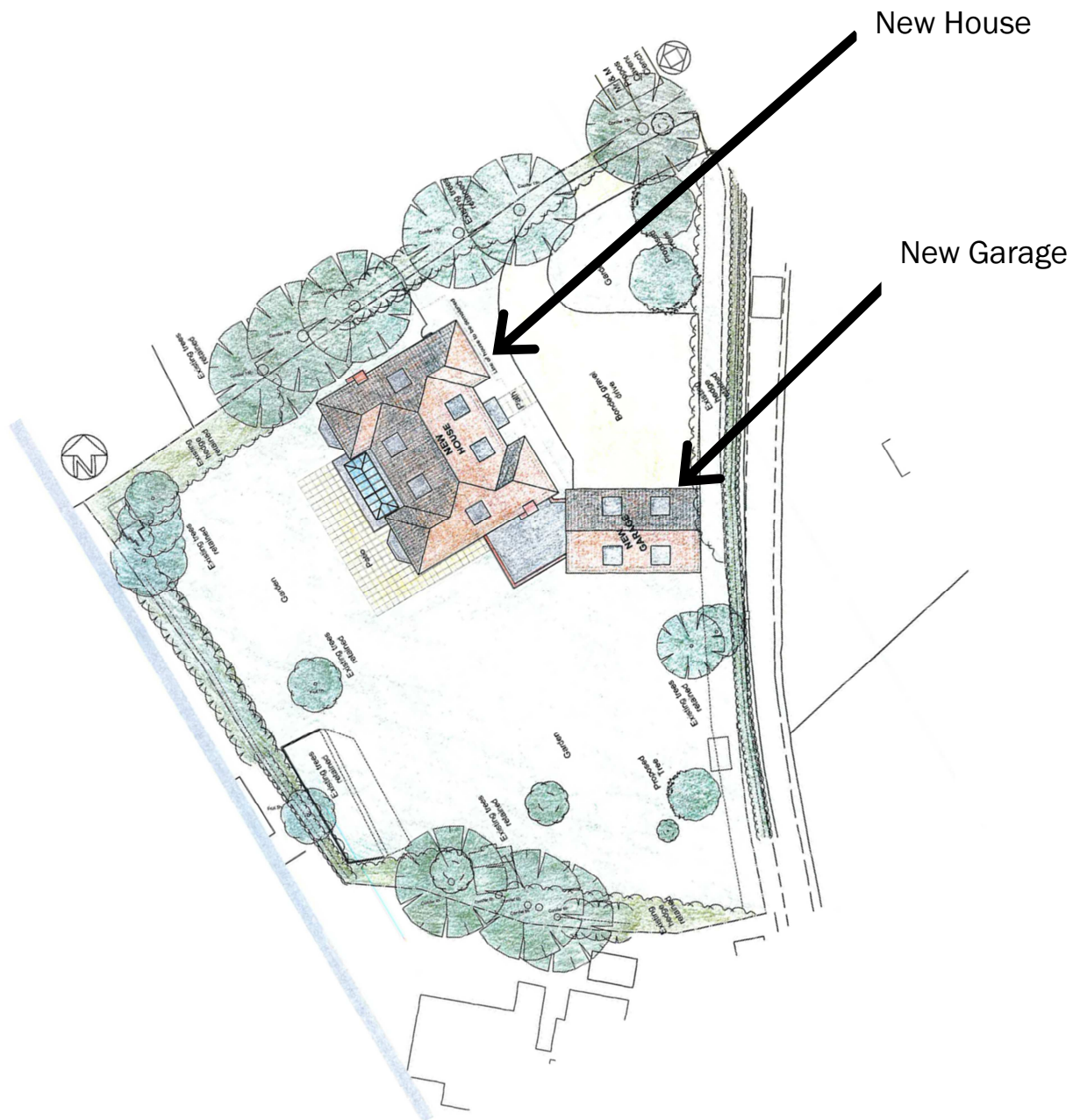
Site Plan

Scale 1:1,250
Date 29.08.2012



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Sevenoaks District Council, 1000/19428, 2012.

BLOCK PLAN



Description of Proposal

- 1 It is proposed to demolish the existing dwelling and attached garage.

Description of Site

- 2 The application site lies within Sevenoaks, within the Kippington Road Conservation Area (the boundary of the Conservation Area runs around the side and rear boundary of the site)
- 3 The existing detached two storey property (and detached garage) is set off Clenches Farm Road in a plot of approximately 0.3ha.

Constraints

- 4 Conservation Area

Policies

Local Plan

- 5 Policy - EN1

Core Strategy

- 6 Policy - SP1

Other

- 7 National Planning Policy Framework (NPPF)

Planning history

- 8 12/001529/FUL Demolition of the existing dwelling and attached garage and erection of a detached house and garage. Currently being considered.

Consultations

Parish Council

- 9 Sevenoaks Town Council recommended approval

Conservation Officer

- 10 As the DAS correctly states, the Kippington Road and Oakhill Road CAMP identifies Cavendish House as 'contributing to character'. A presumption against demolition follows from this. It is thus a heritage asset in the terms of NPPF section 12. The style of the house resembles 'Arts and Crafts' and is one of several houses of that era and type in the CA. No significant alterations appear to have been made over the years to detract from that character. There is a mix of house types in the CA and this mix is part of its character. Uniformity of style is thus neither desirable nor necessary. No evidence is submitted to indicate that

there is any structural issue with the house or the lack of any essential domestic provision which cannot be provided by means of additions or alterations. Thus I must object to the demolition and recommend refusal. I have not been consulted on the proposed replacement but having studied the drawings, I do not consider that the design is of any special merit. It thus would not 'preserve or enhance' the CA as required by the legislation and related advice and guidance.

08/08/2012 I have read the agent's letter of 17/07/2012. This does not offer any information or comment on the physical condition of the house such as to support an argument for demolition. The fact that it is identified in the CAMP as 'contributing to character' makes it 'significant' in the terms of the NPPF. Sections 74-76 of the 1990 Act protects unlisted buildings in CAs from demolition especially where they maintain the character and appearance of the CA. Contrary to statement made by the agent in her letter, it IS the architectural design of the building which is important. otherwise this would be an argument for replacing each and every building in a CA: clearly not a rational argument. I have not changed my opinion and recommendation for refusal.

Representations

- 11 Neighbours – three letters of support have been received. Concern is also raised regarding possible disruption during the demolition/building works.

Group Manager - Planning Services Appraisal

- 12 The main consideration of this application is:
- Impact upon character and appearance of the street scene and wider Conservation Area

Impact upon the character and appearance of the area and adjacent Conservation Area

- 13 Policy EN23 (from SDLP) states that 'proposals for development or redevelopment within or affecting Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting.'
- 14 The supporting text adds 'Planning control is extended to unlisted buildings in Conservation Areas threatened by proposals for partial or total demolition. When considering unlisted buildings, emphasis is placed on group value rather than individual quality. However it is seldom necessary to propose the removal of such buildings, as conversion or renovation is often an acceptable alternative.'
- 15 Also relevant is policy SP1 from the Sevenoaks Core Strategy which states 'the Districts heritage assets and their settings, including conservation areas, will be protected and enhanced.'
- 16 Cavendish House is identified in the Kippington Road Conservation Area Appraisal and Management Plan as a building contributing to character.
- 17 The Conservation Officer describes the dwelling as resembling 'Arts and Crafts' and is one of several houses of that era and type in the CA. No significant alterations appear to have been made over the years to detract from that character. There is a mix of house types in the CA and this mix is part of its character. Uniformity of style is thus neither desirable nor necessary.

- 18 The submitted design and access statement states that the character of the site 'derives from its openness, dominant large house and surrounding garden, with relatively sparse planting', and not the design or architecture of the dwelling.
- 19 This is described as containing some Arts and Crafts features but 'lacking the detailing, ornamentation and asymmetrical form which typified this movement.'
- 20 It is therefore argued that, given the property was not built during the time period for the Arts and Crafts movement; it is the presence of the building rather than the design that contributes to the conservation area rather than the actual quality of the building.
- 21 As stated above, the property is identified as contributing to the character of the Conservation Area. As identified by the Conservation Area appraisal, there is a mix of house types in the vicinity and this, as stated by the Conservation Officer, is part of its character.
- 22 As stated by the supporting text to policy EN23 of the Local Plan, 'when considering unlisted buildings, emphasis is placed on group value rather than individual quality.
- 23 It is therefore considered that whilst the property is not an Arts and Crafts dwelling, its individual architectural quality is of a quality and importance which is considered worthy of protection.
- 24 The identification of the dwelling as making a positive contribution to the significance of the Conservation Area, means that, in respect of the NPPF:
- 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation *by grant-funding or some form of charitable or public ownership* is demonstrably not possible; and
 - the *harm or loss is outweighed by the benefit of bringing the site back into use.*
- 25 As the Conservation Officer states, no argument has been put forward regarding any structural issue or that the dwelling is unfit for purpose.
- 26 Given the siting of the dwelling and the mature front boundary hedging, it is mostly obscured from view from the highway. However it does remain visible, particularly when passing the entrance and therefore it does have an impact on the conservation Area.
- 27 In conclusion therefore, as, by virtue of its design and appearance, the dwelling is designated as contributing to the character of the Conservation Area, its

demolition is considered contrary to the above policies, and no overriding justification has been put forward which would meet with the criteria set out in NPPF.

Other matters

- 28 A full application for the demolition of the existing dwelling and the erection of a replacement dwelling and garage has also been submitted (12/001529/FUL). The merits of the replacement dwelling are considered fully under this application and the following committee papers.

Conclusion

- 29 In summary, it is considered that the demolition of a designated heritage asset will detract from the character and appearance of the Conservation Area, contrary to the provisions of policies EN1 and EN23 of the Local Plan, SP1 of the Core Strategy and the NPPF.
- 30 Recommendation - Refuse.