

4.5 20/02205/HOUSE Date expired 28 September 2020

Proposal: Demolition of existing conservatory and construction of part single, part two storey replacement extension, new windows to southern elevation and repair and redecoration of render exterior and shutters and landscaping.

Location: Fern Cottage, 7 Pound Lane, Sevenoaks KENT TN13 3TB

Ward(s): Sevenoaks Town & St Johns

Item for decision

This application has been called to the Development Control Committee by Councillor Raikes, who has expressed concerns that the proposed extension will have a significant impact on the appearance of a locally listed building from the public realm and could undermine the established form, which formed part of the basis for the local listing.

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) The materials to be used in the construction of the development shall be those indicated on the following approved plans and details: 7067-PD-11 Rev A

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 7067-PD-11 Rev A, 7067-PD-10 Rev A

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 subject property is a period-detached house with a hipped roof, sash windows, infill conservatory extension to the front and white rendered exterior. The property benefits from a small courtyard to the side and from a paved front driveway. The property faces onto Sevenoaks Vine Cricket Ground, within the Sevenoaks Vine Conservation Area and within the urban confines of Sevenoaks.

Description of proposal

- 2 The application is a revision to an earlier application, which was refused under application ref: 20/00173/HOUSE.
- 3 In this case, planning permission is sought to demolish the existing conservatory and erect a two-storey front and side extension. The ground floor element of the proposed extension will occupy the same footprint as the existing conservatory and have a green roof. The first floor element of the proposed extension will be set back approximately 1.2 metres from the principal elevation. The proposed extension will provide a new garden room at ground floor level and a new bathroom, walk-in-wardrobe and enlarged study at first floor level.

Relevant planning history

- 4 14/02156/HOUSE - Removal of existing conservatory and replacement with new conservatory - GRANTED
- 5 20/00173/HOUSE - Demolition of existing conservatory and construction of part single, part two-storey replacement extension. New window to southern elevation. Repair and redecoration of render exterior and shutters. Alterations to landscaping - REFUSED

Policies

- 6 National Planning Policy Framework 2019 (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

7 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- L01 Distribution of Development
- L02 Development in Sevenoaks Urban Area

8 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage
- SC1 Presumption in favour of Sustainable Development
- T2 Vehicle Parking

9 Other:

- Sevenoaks The Vine Conservation Area Appraisal
- Sevenoaks Residential Extensions SPD

Constraints

10 The following Constraints apply:

- Sevenoaks The Vine Conservation Area
- Locally listed building
- Urban Confines
- Adjacent to Grade II listed buildings

Consultations

11 Sevenoaks Town Council - Object to the proposal:

‘Sevenoaks Town Council recommend refusal on the following grounds:

- The application does not enhance and preserve the Vine Conservation Area or improve the streetscape
- It has an adverse impact upon a locally listed building’

12 Sevenoaks District Council Conservation Officer - Object to the proposal:

‘Significance:

Fern Cottage is an L-shaped detached house dating from the early 19th century. The building has classical proportions and detailing with stucco and simple hipped slate roof. It has a distinct L-shaped plan form. Fern Cottage is highlighted in The Vine Conservation Area appraisal as a building which makes a positive contribution to the character and appearance to the conservation area. It forms part of an important grouping of buildings, which overlook the Green and the Vine cricket ground and is prominent in views. The building is locally listed as a building built before 1840, original external features still recognisable and as building which contributes to the appearance of the area.

Impact:

It is proposed to demolition the existing conservatory and replace it with a two storey extension. This current scheme has changed the roof form and has omitted the porch from the previous scheme. However we are unable to support the two storey front extension as it infills and harms the legibility of the historic L-shape plan form. The proposed single storey extension for the garden room creates an awkward flat roof arrangement with the parapet banding and green roof appearing incongruous.

Conclusion:

The proposal is considered to harm the significance of the non-designated heritage asset. In line with para. 197 of the NPPF ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’

Representations

13 One representation has been received, objecting to the proposal on the following grounds:

- The original house will not be legible which will be harmful to the locally listed asset
- The ledge of flat roof to the ground floor extension will appear visually incongruous and will be harmful to the townscape, streetscape and appearance of the locally listed building and Conservation Area

Chief Planning Officer's appraisal

- 14 The main planning considerations are:
- Impact on character and appearance of the area
 - Impact on neighbouring amenity
 - Impact on Conservation Area
 - Impact on Locally Listed Building
 - Parking/Highways impact

Impact on the design and the character of the area

- 15 Policies L02 and SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 16 As stated above, the development proposal relates to the demolition of an existing conservatory to facilitate the erection of a part-single storey and part two-storey extension.
- 17 With regards to the principle of demolishing the existing conservatory, the conservatory is not original to the building and it is advised that it is in a poor state of repair. In addition, planning consent was granted for the demolition and replacement of the existing conservatory under application ref: 14/02156/HOUSE in 2014. Consequently, the principle of demolishing the conservatory is already established.
- 18 With regards to the potential impact of the proposed works upon the character and appearance of the street scene, the proposed extension will be visible from the road. However, the proposed extension is considered to be modest in its size and appearance and the first floor element of the extension will be set back by approximately 1.2 metres from the principal elevation so that the original building is still easily distinguishable. The ground floor element of the extension will occupy the footprint of the existing conservatory so the width of the building will remain largely the same and the spacing pattern between the subject property and the surrounding buildings is maintained. The height of the property will also remain the same so it will not appear overly dominant in the context of the street scene.
- 19 With regards to the design of the proposed replacement extension, the scale of the extension is such that the building will remain proportionate to the size of the plot. In addition, the form of the roof remains hipped and set back from the principal elevation. The dual pitch follows the style of the existing roof. Matching construction materials are to be used to ensure that the character and appearance of the building is respected. The new proposed fenestration will be sash windows in line with the existing and they will follow the line of the existing.

- 20 On the basis of the above, the proposal is considered to meet the requirements of Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

Impact on neighbouring Amenity

- 21 Policy EN2 of the ADMP requires proposals to safeguard the residential amenities of existing and future occupants of any properties which are situated in the vicinity. Consequently regard must be had to and excessive noise, odour, overlooking or visual intrusion. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.
- 22 With regards to the potential impact of the proposed scheme upon neighbouring access to daylight, the proposal meets the requirements of the 45-degree test.
- 23 With regards to the potential impact of the proposed works upon neighbouring outlook, the footprint of the extension is sited within the same footprint as the existing conservatory and it is set back from all of the neighbouring boundaries so it will not result in visual intrusion.
- 24 With regards to the potential for the proposal to result in a loss of privacy, the design of the proposed extension allows for the addition of two new windows along the front elevation and two new first floor windows along the side elevation. The new windows along the front elevation will face directly on to the road and on to the Vine Cricket ground. Neither of the windows will afford direct or oblique views to neighbouring private amenity space and accordingly a loss of privacy will not occur. With regards to the two new windows proposed along the side elevation, one of the windows is to be obscure-glazed and will not afford any significant views. The other window will afford direct views to the side courtyard of the subject property and the flank wall of the neighbouring property. However, since the proposed window will not afford any significant views to neighbouring windows, a loss of privacy should not occur.

Impact on Locally Listed Building

- 25 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.
- 26 The NPPF also states that great weight should be given to the conservation of heritage assets (para.193).
- 27 Paragraph 197 of the NPPF further states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that

directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 28 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.
- 29 In this case, the subject property is locally listed. As such, the property is regarded as a non-designated heritage asset within a Conservation Area.
- 30 In the local listing description, the property described as a 'Two-storey "L" shaped house built in first half of 19th century, two windows to each section facing road. Painted stucco with hipped slate roof. Front wing has shouldered parapet and painted shutters to windows. Plastic windows detract.'
- 31 With regards to the potential impact of the proposed scheme upon the local listing status of the building, the importance of the distinctive L-shaped plan form has been highlighted in the listing description. The Conservation Officer has been consulted and has raised concerns to the scheme on the grounds that the proposed extension infills and harms the legibility of the historic L-shape plan form.
- 32 If no previous applications for infill extensions on the site had been entertained or approved previously, I may be minded to agree with the views of the Conservation Officer regarding the importance of the 'L'-shaped plan form.
- 33 However, in this case the principle of infilling the L-shaped plan form is already established as a result of the existing single-storey conservatory so the historic plan form has not been preserved over time. In addition, the existing conservatory is not considered to make a positive contribution to the appearance of the building and so the new extension will improve the overall appearance of the building rather than detract from its appearance. The design of the proposed extension covers the same footprint as the existing conservatory at ground floor level and it has been set back from the principal elevation by approximately 1.2 metres in order to make the original building clearly distinguishable. The applicant has also provided evidence via historic maps which show that the building may have been joined to the neighbouring property as at 1907 and therefore it has been demonstrated that its plan form was not always L-shaped and that it has changed over time.
- 34 The Conservation Officer has also raised concerns in relation to the flat roof element of the design at ground floor level. However, I do not agree with her comments as I consider that the use of another roof form at ground floor level might appear visually incongruous and overly bulky. In addition, with regards to the concerns relating to the planting over the flat roof, the introduction of rooftop vegetation could potentially be implemented without the need for planning permission.

- 35 The new proposed extension is considered to result in a modest addition to the building which does not detract from its appearance and its historic value and its historic value. When compared to the previously refused scheme, the applicant is considered to have taken the negative feedback into account and amended the scheme accordingly. The applicant has also provided evidence to show that the original building was not necessarily L-shaped when it was first erected.
- 36 In light of this, I do not consider rejecting the principle of infilling the L-shaped plan form at first floor level to constitute a balanced judgement where the ground floor element of the extension is the same size and the existing conservatory, the first floor element of the extension is clearly distinguishable from the original building and where it is not possible to extend the building elsewhere on the plot without infilling the only private amenity space afforded to the dwelling.
- 37 In light of the above, on balance I consider the proposed works to be acceptable and to comply with policy EN4 of the ADMP.

Impact upon the Conservation Area

- 38 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.
- 39 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.
- 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 The subject property is located within Sevenoaks The Vine Conservation Area and it has been identified as one of the buildings which is considered to make a positive contribution to the townscape.
- 42 The Conservation Area appraisal states that with regards to the properties located in close proximity to the cricket ground, the 'predominant impression within the Conservation Area is of openness with interesting views across and beyond the cricket pitch. The generous spacing between the properties highlights their own individual characters framed by the trees and the wide expanse of sky above.'
- 43 As mentioned above, owing to the fact that the ground floor element of the proposed extension will occupy the footprint of the existing conservatory, the generous spacing pattern between the subject property and the

surrounding properties is maintained. In addition, the first floor element of the proposed extension will not increase the height of the roof ridgeline or detract from the property's individual character as the property's flank wall and 'L-shape' can be discerned. The open character of the site is also maintained.

- 44 On this basis, the proposed extension is considered to be aligned with the existing character of the plot and its addition will not detract from the sense of place. Therefore the proposal will conserve the character and appearance of the Conservation Area and will comply with policy EN4 of the ADMP.

Parking and Highways Impact

- 45 Policies EN1 and T2 state that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 46 The property benefits from two parking spaces to the front and the proposed amendments to the development proposal will not impact the amount of parking available on the site.

Conclusion

- 47 The proposed development is considered to meet the requirements of the Core Strategy and Local Plan Policies.
- 48 It is therefore recommended that permission is Granted.

Background papers

Site and block plan

Contact Officer(s):

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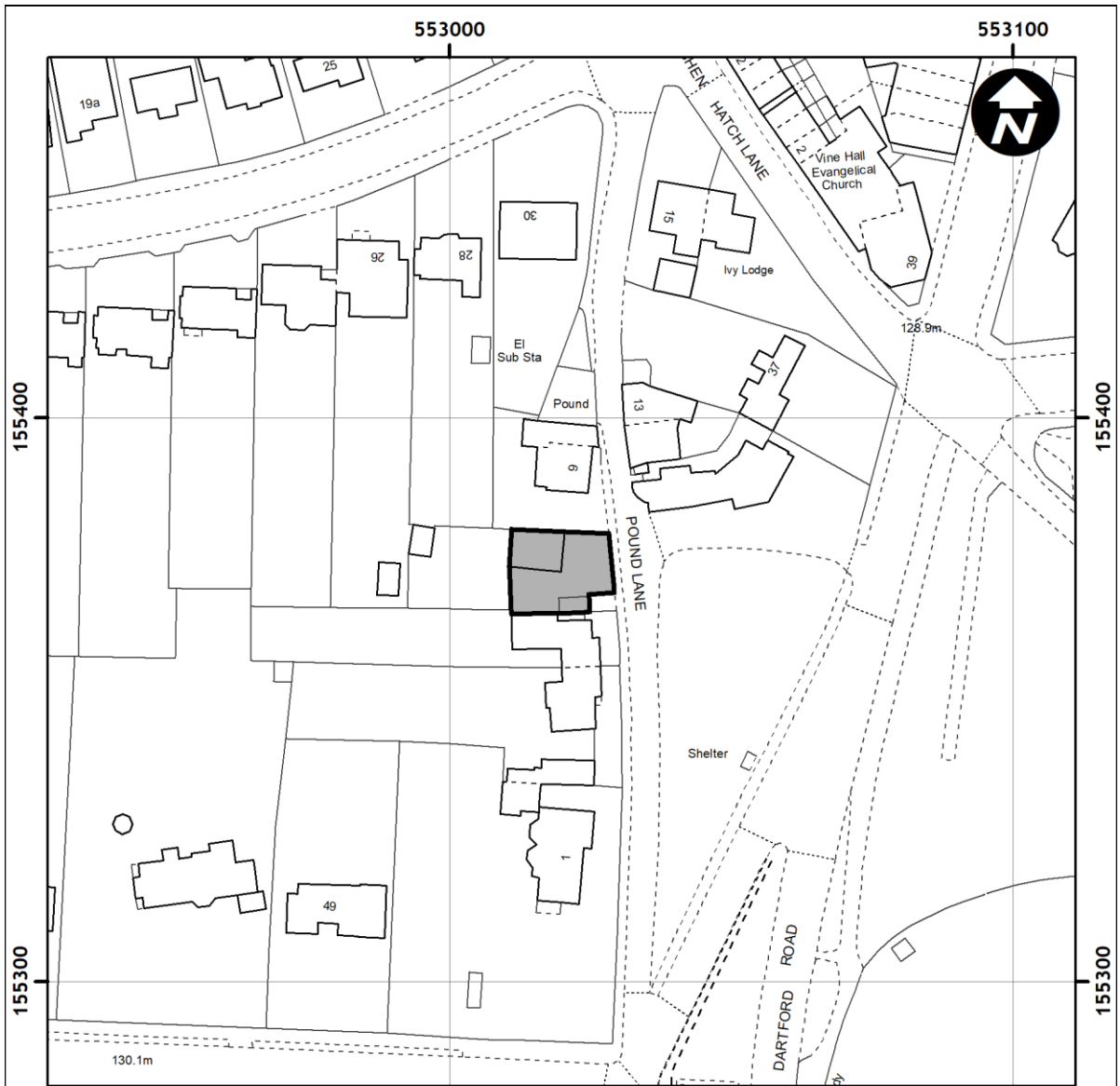
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QEHWAXBKIFI00>



Site Plan

Scale 1:1,250

Date 07/10/2020



DISTRICT COUNCIL

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Ordnance Survey 100019428.

BLOCK PLAN

