

4.4 20/02294/HOUSE Revised expiry date 23 November 2020

Proposal: Erection of gates.

Location: Montreal Cottage, Amherst Hill, Riverhead KENT TN13 2EL

Ward(s): Dunton Green & Riverhead

Item for decision

Councillor Brown and Councillor Bayley have called the application to Development Control Committee for the following reason: compliance with the Riverhead Conservation Area Appraisal.

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 development hereby permitted shall be carried out in accordance with the following approved plans: 680.4.TP1 rev B, 680.4.TP2 rev B, 680.4.TP3 rev B and 680.4.TP4 rev B.

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan 680.4.TP4 rev B.

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

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 two storey dwelling and its curtilage on land sited to the east of Amherst Hill in Riverhead. The site is located within the Riverhead Conservation Area and is adjacent to several Grade II Listed Buildings, numbers 6 and 8 Amherst Hill, Amherst Cottage and Barrow Way Cottage.

Description of proposal

- 2 This application seeks permission for the erection of gates on the driveway and principle access to the site. The proposed gates would be sited 5m from the public highway and would be constructed of timber, measuring 1.8m high.

Relevant planning history

- 3 17/01583/HOUSE Erection of garage, drop kerb and widening of the driveway. Re-erection of retaining wall - WITHDRAWN
- 4 18/03188/HOUSE Dropped kerb to an existing vehicular access - GRANTED
- 5 19/01154/HOUSE Demolition of outbuilding to rear. Erection of car port, outbuilding and adjoining courtyard. Demolition of a return wall on northern side of existing driveway. Erection of replacement wall for a wider vehicular access -GRANTED

Policies

- 6 National Planning Policy Framework (NPPF)
- 7 Core Strategy (CS)
 - LO1 Distribution of Development
 - SP1 Design of New Development and Conservation
- 8 Allocations and Development Management Plan (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN4 Heritage Assets
- 9 Other
 - Riverhead Conservation Area Appraisal and Management Plan

Constraints

- 10 The site lies within the following constraints -
 - Riverhead Conservation Area

Consultations

- 11 Riverhead Parish Council -
- 12 “Solid wooden gates will not contribute to the character or appearance of this Conservation Area.
- 13 1. All other gates on driveways on Amherst Hill are made of black metal railings and under 1.8m in height. A new gate should be compatible with and enhance the appearance of Amherst Hill and be consistent with other driveway gates as well as boundary and pavement railings - a characteristic feature in this Conservation Area. Paragraph 2.25 Allocations and Development Management plan - special attention must be paid in all planning decisions to the desirability of conserving or enhancing its character and appearance, as required by Core Strategy Policy SP1 Design of New Development and Conservation.
- 14 2. The application is also not consistent with the character assessment for Amherst Hill detailed in the Conservation Area Appraisal and Management Plan 2010 for Riverhead:
- 15 - Section 3.3 - 1.8m solid wood gates will be too ‘formal’ and block views of this period cottage in the Conservation Area.
- 16 - Section 12.2 - 1.8m solid wooden gates do not respond to the immediate environment and context, in terms of scale, density, form, materials and detailing.
- 17 3. The application refers to ‘existing’ gate posts. However these posts were only recently added without planning permission. Furthermore there is evidence of plans to open these gates electrically rather than manually as specified in the application. The Parish Council is aware that a neighbour has a right of way over this ancient driveway.”
- 18 Conservation Officer
- 19 “Reasons why the presence of the proposed gates causes no harm to the significance of any designated heritage assets.
- 20 Views
- 21 While the new gates will be visible from the street immediately in front of Montreal Cottage, they are well set-back from the front boundary line and will not feature in important longitudinal street scene views, the character of which will remain unchanged.
- 22 Due to site topography, Montreal Cottage is elevated above street level. While the proposed gates may obstruct a short view from the street into the private driveway at the side of the building, significant views of the Cottage will remain unimpeded. The building’s contribution to the special qualities of the conservation area will thus be entirely unchanged.

- 23 Due to their set-back location, the gates will not feature in views of the Grade II listed buildings to the north and west of the site, and thus have no impact on their significance. Due to distance and visual separation, the significance of the Grade II listed Riverhead PH and Barrow Way Cottage will be similarly unaffected by the presence of the gates.
- 24 Compatibility
- 25 The front boundary of Montreal Cottage is tightly enclosed by high masonry walls, comprising red brick to the north of the driveway opening and coursed rubble stone to the south. The walls make a strong contribution to the locally distinctive qualities of the conservation area and installation of the proposed gates causes no harm to the existing masonry.
- 26 The height of the new gates is compatible with that of the high walls into which they are set and they correspond in style and materials to the existing pedestrian gate, thereby lending unity and consistency to the front boundary treatment. Similar well set-back plain, close boarded gates exist to the north of dwelling numbers 6 and 8 (listed buildings), while other plain, close boarded gates occur to the north of Amherst Cottage (a listed Building) on the opposite side of the street.
- 27 Conclusion
- While the proposed gates may not be entirely in accordance with recommendations in the conservation area design guidelines, they integrate well into the immediate context and their presence is far from causing harm to the extent that would justify refusal in terms of paragraph 195 of the NPPF.
- 28 Informative: Ownership and rights of way are not considered in terms of Policy EN4.”

Representations

- 29 Two objections received, raising the following concerns:
- Requirement of Listed Building Consent
 - Historic right of way to Barrow Way
 - Harm to ‘open’ character of Burrow Way and wider Conservation Area
 - Restricting views of Barrow Way
 - Restricting access to Barrow Way
 - Contrary to Conservation Area Appraisal
 - Dissatisfaction with Conservation Officer’s assessment

Deputy Chief Executive and Chief Officer - Planning & Regulatory Services’ appraisal

- 30 The main planning consideration are:
- Design and impact on the character and appearance of the area
 - Impact on the Conservation Area
 - Impact on adjacent Listed Buildings

- Impact on residential amenity
- Historic Right of Way
- Impact on highways safety and parking provision

Design and impact on the character and appearance of the area

- 31 Policy 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.
- 32 The site directly fronts the public highway, with primary access taken from Amherst Hill. The existing boundary treatment along the site frontage consists of a high brick wall. The existing boundary treatment facing the public highway is prominent and distinctive within the street scene.
- 33 The proposed gates would be set back 5m from the public highway and would therefore not appear prominent or overly intrusive to the public realm. When considering the size and scale of the existing brick wall that fronts the public highway, the proposed gates would not be considered at odds with the scale, design and height of the existing boundary treatment.
- 34 The proposed gates would not be of a size, scale or design to be considered to have an increased impact on the street scene than the existing boundary treatment. The gates would be adequately set back from the street scene and are considered acceptable in height, design and materials.
- 35 Overall, the proposed gates are considered to be acceptable in terms of the character and appearance of the area and would not be of a design or scale that would appear visually intrusive or prominent within the street scene. The gates would not harm the character and appearance of the site or the surrounding area and are therefore considered to comply with policy SP1 of the Core Strategy and EN1 of the ADMP.

Impact on the Conservation Area

- 36 The site is located within the Riverhead Conservation Area. Policy EN4 of the ADMP states that proposals that affect heritage assets will be permitted where the development conserves or enhances the character, appearance and setting of the heritage asset.
- 37 As stated above, the proposal would be sited 5m from the street scene and would be constructed of traditional and high quality materials. The Conservation Officer has raised no objections to the proposal. As stated in the Conservation Officer comments, the proposed gates are of good quality and traditional materials, and are locally appropriate in design.
- 38 The front boundary of Montreal Cottage is enclosed by high masonry walls, comprising red brick to the north of the driveway opening and coursed rubble stone to the south. The walls are considered to make a strong contribution to the distinctiveness of the Conservation Area.

- 39 In terms of compatibility, the proposed gates would cause no harm to the existing boundary treatment and the positive contribution it has to the setting of the Conservation Area. The proposed height of the new gates (1.8m) is compatible with the existing high walls and is also compatible in style and materials to the existing pedestrian gate, thereby lending unity and consistency to the front boundary treatment.
- 40 Additionally, wooden gates similar in design, style and height to that of the proposal, are sited on the eastern rear boundary of the site where the historic right of way allows access to Barrow Way. The proposed gates would mirror the existing gates to the rear that mark this historic right of way and would therefore be considered sympathetic and reflective of the existing boundary treatments that characterise and define this part of the Conservation Area.
- 41 In terms of the wider setting of the Conservation Area, while the proposed gates would be visible from the street scene, they are sufficiently set-back from the front boundary line and would not feature in the longitudinal street scene views along Amherst Hill, the character of which will remain unchanged. Moreover, wooden fencing and gates are present and visible along Amherst Hill. North of neighbouring dwellings 6 and 8 Amherst Hill, both Grade II Listed Buildings, are timber close boarded gates that are set back from the highway. Moreover, close boarded wooden gates occur to the north of Amherst Cottage, another Grade II Listed Building, on the opposite side of the highway from the application site.
- 42 The neighbouring objections and the Parish Council objection reference paragraph 3.3 of the Riverhead Conservation Area Appraisal and Management Plan which states that the solid timber gates shown in the photograph are considered too 'formal' and would block views within the Conservation Area. Whilst the proposed gates at Montreal Cottage would be solid wood, they are a different design and style to the gates depicted in the photograph under section 3.3 of the Conservation Area Appraisal. The gates proposed are considered to respect and be compatible with the existing character of the Conservation Area and are considered to enhance the conservation area through high quality design and materials, in accordance with the requirements stated within Section 3.3 of the Conservation Area Appraisal.
- 43 Therefore the presence of the proposed gates, when considering the surrounding character of the Conservation Area and the existing boundary treatment, are not considered to cause harm to the character and appearance of the Conservation Area. The proposal would be considered to integrate well into the immediate context of the site and would even mirror the existing gates present on the site and the boundary treatments in the wider street scene.
- 44 As such, in line with Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990, the proposal is considered to conserve and even enhance the setting, character and appearance of this part of the Conservation Area, in accordance with policy EN4 and the heritage principles of the NPPF.

Impact on adjacent Listed Buildings

- 45 As stated above, the site is located within proximity to multiple Grade II Listed Buildings, numbers 6 and 8 Amherst Hill to the north of the site, Barrow Way to the east and Amherst Cottage to the west. Policy EN4 seeks to protect the historic significance and setting of designated heritage assets.
- 46 It should be noted that Listed Building Consent is not required for the proposed gates as the works would not directly adjoin a Listed Building, the historic fabric of a Listed Building or a curtilage listed asset. The front boundary wall serving Montreal Cottage is not listed nor is it curtilage listed.
- 47 As stated in the Conservation Officer comments, due to the set-back location, the gates would not feature in views of the Grade II Listed Buildings to the north and west of the site, and would therefore not impact on their setting or significance.
- 48 Moreover, due to the distance and visual separation, the significance of the Grade II Barrow Way Cottage will also be unaffected by the presence of the gates. Barrow Way is already largely screened from the public highway along Amherst Hill due to the mature landscaping present. Therefore, the proposed gates would not be considered to restrict the views of this heritage asset to an increased level that would cause harm and warrant a reason for refusal.
- 49 Overall, whilst the proposed gates would be visible from the street scene, they are sufficiently set-back from the front boundary line and would be adequately separated from the Listed Buildings. Due to the siting of the gates in relation to the neighbouring heritage assets, the proposal would not be considered as harmful to the significance or setting of the Listed Buildings, in accordance with policy EN4 of the ADMP and the heritage principles of the NPPF.

Impact on residential amenity

- 50 Policy EN2 of the ADMP requires proposals to safeguard the amenities of existing and future occupants of nearby properties.
- 51 The proposed gates would be adequately separated from neighbouring properties. Due to the design and scale of the proposal, the gates would not be considered to pose any increased impact on neighbouring amenity. The gates would not cause a harmful loss of light, privacy or outlook to neighbouring properties and therefore are considered to accord with policy EN2 of the ADMP.

Impact on highways safety and parking provision

- 52 The existing access and onsite parking provision would be retained and the gates would be sited 5m from the public highway. The proposed gates would not be considered to impact upon the existing parking provisions or access to the site. The proposal therefore complies with the NPPF and policy T2 of the ADMP in this regard.

Other Issues

- 53 The neighbouring objections received raise concerns regarding the historic right of way that exists across the site, allowing access to Barrow Way to the rear of Montreal Cottage.
- 54 The Council does not dispute the siting of the historic right of way, however this does not form a material planning consideration that can be assessed as part of this application.
- 55 The applicants have signed certificate B to state they do not own all the land within the red outline and have served notice on the occupiers of Barrow Way. As such, the Council is satisfied that the correct procedure has been followed. Any legal agreements regarding this right of way would be considered a civil matter that cannot form part of the assessment of this application.

Conclusion

- 56 As highlighted in the report above the proposed development accords with the NPPF and our adopted development plan.
- 57 It is therefore recommended that this application is GRANTED.

Background papers

Site and block plan

Contact Officer(s):

Anna Horn: 01732 227000

Richard Morris

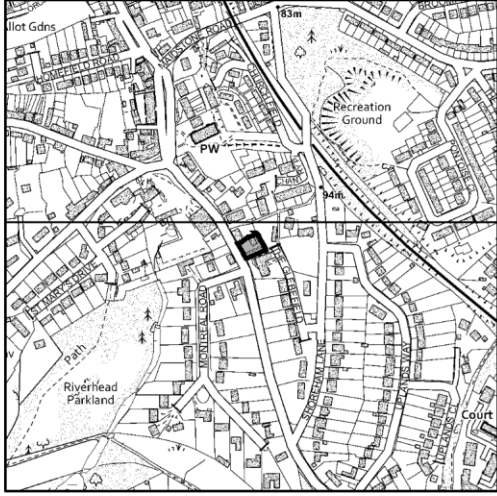
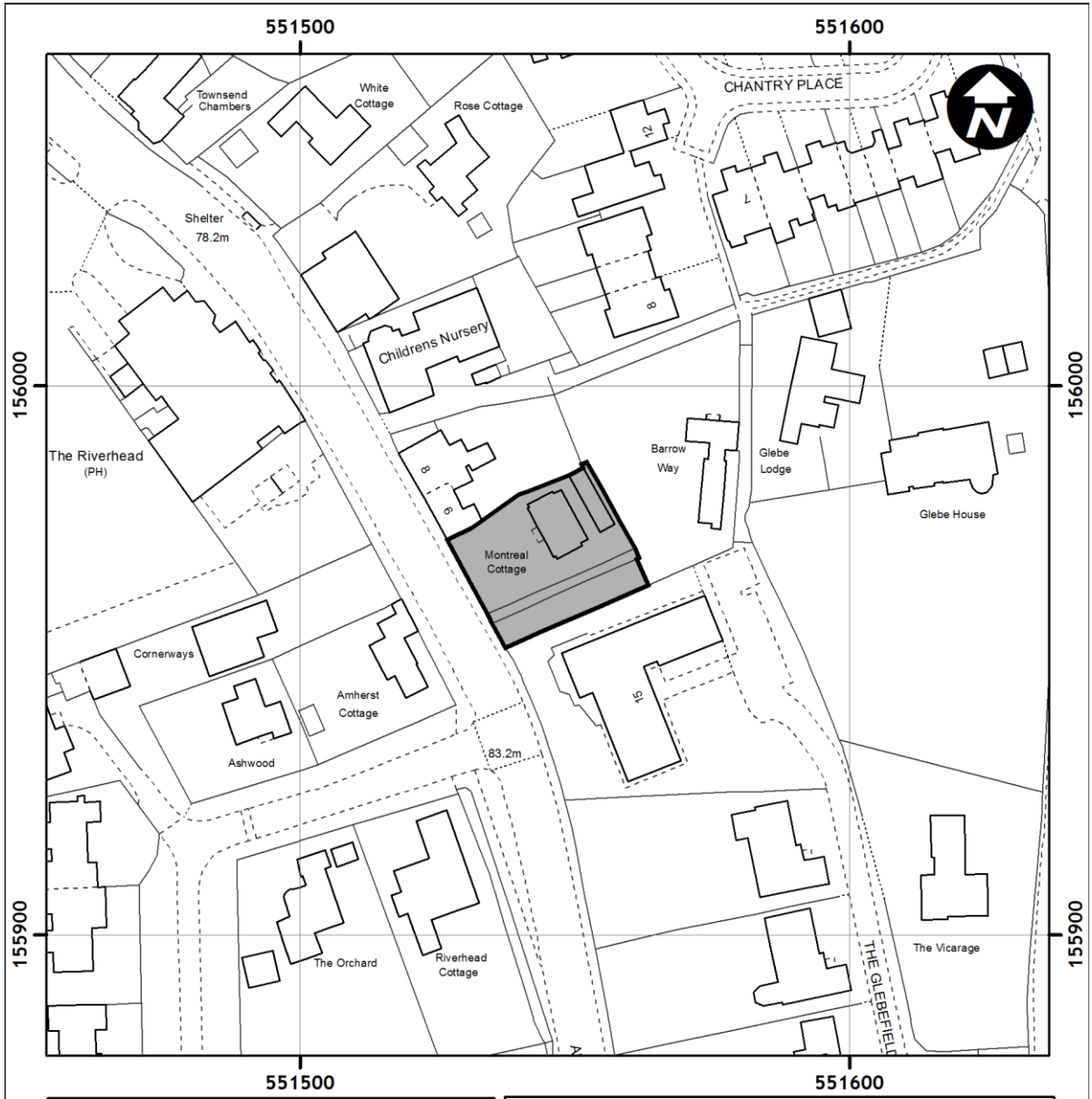
Deputy Chief Executive and Chief Officer - Planning & Regulatory Services

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=QEWPKXBKJK600>



Site Plan

Scale 1:1,250
 Date 24/10/2020



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 Ordnance Survey 100019428.

