

4.3 20/02646/MMA

Date expired 18 November 2020

Proposal:

Minor material amendment to 19/00116/FUL.

Location:

95 Dartford Road, Sevenoaks, KENT TN13 3TF

Ward(s):

Sevenoaks Town & St Johns

Item for decision

This application has been called to committee by Councillor Fleming on the grounds that the change is significant, not in keeping with the main roofline and has a harmful impact on the character of the area.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:

1) The development hereby permitted shall be begun before the expiration of the time limit imposed on planning permission 19/00116/FUL.

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 and details: 110 REV P1 Proposed Elevations, 001 Site Location Plan, P-150 REV P, P-200 REV P4, P-150 REV P5.

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

3) Notwithstanding the approved plans, the external materials for the new dwellings shall be constructed wholly in accordance with the approved application reference 20/02602/DETAIL.

To maintain the integrity and character of the area and Locally Listed Building as supported by EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan.

4) Notwithstanding the approved plans, the hard and soft landscaping of the development hereby permitted shall be constructed wholly in accordance with the approved application reference 20/02648/DETAIL. The landscaping works shall be implemented prior to occupation of the dwellings and retained thereafter, unless otherwise agreed in writing by the local planning authority. 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 protect the visual appearance of the area as supported by Policy EN1 of the ADMP.

5) The electric vehicle charging points for the development hereby approved shall be installed wholly in accordance with the approved application reference 20/02649/DETAIL. The charging point shall be installed in accordance with the approved details prior to first occupation of the development.

To ensure the sustainability of the site in accordance with policy T3 of the Allocations and Development Management Plan.

6) The construction works associated with the development hereby approved shall be carried out wholly in accordance with the Construction Management Plan approved under application reference 20/02355/DETAIL.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

7) Prior to the use of the site commencing provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level shall be implemented and retained as such thereafter.

In the interests of pedestrian and highway safety.

8) The layout and construction of areas for the parking of cars and means of access shall be implemented wholly in accordance with the approved application reference 20/02416/DETAIL. The parking areas approved under application reference 20/02416/DETAIL shall be provided and kept available for parking in connection with the use hereby permitted at all times.

To ensure a permanent retention of vehicle parking for the property as supported by Policy EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

9) The boundary treatment to the north west boundary of the application site shall be implemented wholly in accordance with the approved application reference 20/02650/DETAIL. The boundary treatment shall be implemented and retained as such thereafter.

To protect the visual appearance of the area as supported by Policy EN1 of the ADMP.

10) The refuse and recycling storage facilities shall be implemented wholly in accordance with the approved application reference 20/02651/DETAIL and retained as such thereafter

To ensure satisfactory provision of refuse and recycling facilities and to safeguard residential amenity in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

Informatives

- 1) The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.
- 2) Any discharge to a public sewer, requires prior approval from Thames Water Developer Services. Should you require further information please refer to Thames Water's website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>.
- 3) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

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 site is within an area of mixed character with Dartford Road to the south and St. Johns Hill to the north.
- 2 The area to the north and south predominantly consists of larger scale development of a greater height and mass with buildings in residential and commercial use. To the west is the smaller scale development of Bradbourne Road which consists of predominantly 2 storey residential properties. The site is located within the St John's Road Residential Character Area. This area historically forms the beginning of Sevenoaks as a commuter town and comprises a Victorian dormitory suburb.
- 3 The existing building at 95 is a two-storey detached house built 'built before 1840 and thought to date back as far as 1750. The building is painted render under a hipped slate roof. There is a canopied entrance door on Dartford road with sash windows above. The Bradbourne Road frontage has three

sash windows to each floor with margin glazing bars, small brackets under cills, shallow moulded window heads to ground floor windows. The windows appear to be later replacements.

- 4 The existing house is one of the oldest houses in this part of the road which has rarity value and retains original features. There is strong supporting evidence for a link with the former military barracks in Sevenoaks, hence the name Barrack Corner. The building is an example of a style of building unique to the local area. It adds significantly to the street scene and appearance of the area. The building is Locally Listed.
- 5 The two new dwellings would face Bradbourne Road. The Site is located within the St John's Road Residential Character Area. It is not within a designated Conservation Area but is adjacent to the Hartsland Conservation Area.

Description of proposal

- 6 The proposal is for a minor material amendment to the approved planning permission reference 19/00116/FUL. The amendment proposed seeks to alter the 'approved plans' referenced in condition 2 of 19/00116/FUL by way of substituting drawing P450 Rev P3 with a new drawing reference 110 P1.
- 7 The amended drawing proposes changes to the roof design of the recessed two storey side 'wings' of the approved dwellings to increase the proposed pitched roof on both dwellings at each side to include a tiled ridge roof in lieu of previously approved flat roof areas.
- 8 The proposed dwellings would still be set back from Bradbourne Road and would accommodate two three bedroom residential properties. Each property would benefit from its own pedestrian access from Bradbourne Road with private amenity space to the rear. Brick elevations are proposed with stone headers and cill surrounds. Timber sash windows are proposed and the roof would be finished in slate.
- 9 The parking and footprint of the dwellings would remain as previously approved under application reference 19/00116/FUL.

Relevant planning history

- 10 17/01267/FUL Demolition of existing dwelling and outbuildings and erection of six two bedroom dwellings, landscaping and associated parking. REFUSED 23/06/2017. APPEAL DISMISSED 09/05/2018.
- 11 19/00116/FUL Erection of a pair of semi-detached dwellings with parking and gardens and extending drop kerb. Demolition of outbuildings. GRANTED 07/06/2019.
- 12 20/02377/NMA Non-material amendment to 19/00116/FUL. REFUSED 15/09/2020
- 13 20/02416/DETAIL Details pursuant to 9 (Layout and construction of areas for the parking of cars and means of access) subject to 19/00116/FUL. GRANTED 12/10/2020

- 14 20/02355/DETAIL Details pursuant to 6 (Construction Management Plan) subject to 19/00116/FUL GRANTED 30/10/2020
- 15 20/02602/DETAIL Details pursuant to condition 3 (materials) of 19/00116/FUL. GRANTED 02/11/2020
- 16 20/02648/DETAIL Details pursuant to condition 4 (hard and soft landscaping) of 19/0116/FUL. GRANTED 09/11/2020.
- 17 20/02611/CONVAR Removal of condition 8 (tree protection measure) of 19/00116/FUL. GRANTED 13.11.2020
- 18 20/02649/DETAIL Details pursuant to condition 5 (electrical vehicle charging points) of 19/0116/FUL. GRANTED 06/11/2020.
- 19 20/02650/DETAIL Details pursuant to condition 10 (boundary treatment) of 19/0116/FUL. Pending consideration.
- 20 20/02651/DETAIL Details pursuant to condition 11 (refuse and recycling storage facilities) of 19/0116/FUL. Pending consideration.
- 21 20/02823/FUL Erection of a pair of semi-detached dwellings with associated parking and gardens and alterations to dropped kerb. Pending consideration.

Policies

- 22 National Planning Policy Framework (NPPF)
- 23 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.
- 24 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.
- 25 Core Strategy (CS):
 - L01 Distribution of Development
 - L02 Development in Sevenoaks Urban Area
 - SP1 Design of New Development and Conservation
 - SP2 Sustainable Development

- SP5 Housing Size and Type
- SP7 Density of Housing Development

26 Allocations and Development Management Plan (ADMP):

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

27 Other

- Sevenoaks Residential Character Area Supplementary Planning Guidance - St Johns Road Area
- Local List Supplementary Planning Document September 2017.

Constraints

28 The following constraints apply

- The built urban confines of Sevenoaks
- Sevenoaks Residential Character Area - St Johns Road Area
- Adjacent to Hartslands Conservation Area
- 95 Dartford Road is a Locally Listed Building

Consultations

19 Sevenoaks Town Council recommends refusal - increase in bulk is not in keeping with the street scene and causes a loss of amenity to the neighbouring locally listed building.

20 Kent County Council Transport and Highways:

” There are no highways implications associated with the proposals”.

21 Sevenoaks District Council Conservation Officer:

No objections.

22 Sevenoaks District Council Arboricultural & Landscape Officer:

No comments.

Representations

23 Two letters of objection have been received relating to the following issues:

- Adverse impact upon the street scene

- Loss of light and overshadowing
- Design and appearance not in keeping with Bradbourne Road
- Deprives the existing house at 95 both of a private garden of size appropriate to a 4-bedroom house and also of light and view
- Intrusive and results in overlooking.

Chief Planning Officer's appraisal

24 The main planning considerations are:

- Principle of development
- Impact on character and appearance
- Impact on setting of Locally Listed Building
- Impact on neighbouring amenity
- Parking and Highways impact
- Trees and landscaping
- Sustainable development
- Other issues
- Community Infrastructure Levy (CIL)

Principle of development

25 This report considers only the acceptability of the proposed change to condition 2 and the subsequent acceptability of the amended drawings. The Officer's Report for the original application (ref 19/00116/FUL) remains publically available and describes the reasons why the development was considered acceptable.

26 That report, and the extant planning permission, establish the acceptability of the principle of the development in this location.

Impact on character and appearance

27 The NPPF states at para 127 that planning policies and decisions should ensure developments function well and add to the overall quality of an area and optimise the potential of a site to accommodate and sustain an appropriate mix and amount of development. Policies SP1 of the Core Strategy and Policy EN1 of the Allocations and Development Management Plan (ADMP) indicates that "*all new development should be designed to a high quality and respond to the distinctive local character of the area in which it is situated.....*" and that '*the form of the proposed development ... should be compatible in terms of scale height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard*'.

28 Policy EN1 of the ADMP requires high quality design and lists a number of criteria against which proposed development will be considered, including requiring the layout of proposed development to respect the topography and

- character of the site and the surrounding area and requirement for appropriate landscaping.
- 29 With regards to the design and appearance of the proposed dwellings, the elevations are detailed, with references to the local architectural character.
- 30 The site is located within the St Johns Road Residential Character Area. Appropriate landscaping and materials are proposed which reflect the existing character and appearance of the location. The proposed dwellings would not project forward of the existing building line of 95 Dartford Road and would be set back from the building line of the short terrace to the north west (1-5 Bradbourne Road). This siting allows the provision of a landscaped frontage and enables 1-5 Bradbourne Road to remain visible in views from Dartford Road.
- 31 The maximum height of the dwellings would not exceed those of the adjacent terrace along Bradbourne Road but would still sit above 95 Dartford Road by approximately 1.6 metres. This design provides an appropriate height transition between the existing built form of 95 Dartford Road and the properties located towards the north-west.
- 32 The previously approved planning permission included both dwellings incorporating a recessed two storey side 'wing'. This side 'wing' was designed with a shallow pitched roof sloping at a similar angle as the main house. The shallow pitch within the side 'wing' of both dwellings then sloped to form a flat roof area which was set below the main roof of the new dwellings. This amended proposal increases the pitched roof on both side 'wings' of each dwelling to include a tiled ridge roof in lieu of the previously approved flat roof areas. The amendments proposed here would still incorporate a hipped roof design and the two storey side 'wings' of each dwelling would still be significantly set back from the main front elevation of each dwelling. The changes to this part of the development would still ensure that each new dwelling appears subordinate to the main two storey core of the dwellings in terms of their height, width, mass and bulk.
- 33 The hipped roof design of the new dwellings is still maintained and the proposal still relates appropriately to 95 Dartford Road and the properties along Bradbourne Road. A two storey side 'wing' set back from the main front elevation is an element of design which is reflected in properties along Bradbourne Road and reinforces this locally distinctive feature.
- 34 The traditional appearance, pitched roofs, scale and form of the properties still continues to reflect other properties within the locality. The proposed dwellings are not considered harmful to the character or appearance of the area or street scene.
- 35 As such, the changes to the design of the new dwellings are acceptable and it would not be in conflict with, harmful or contrary to Policies EN1 of the ADMP or Policy SP1 of the Core Strategy.

- 36 For these reasons the proposed development will not detract from the character and appearance of the building or the surrounding area and complies with Policy EN1 of the ADMP, Core Strategy Policy SP1 and the Residential Character Area Assessment.

Impact on setting of Locally Listed Building.

- 37 Sevenoaks District contains many historic and modern buildings and structures, which, while not on the statutory list of buildings which are considered to meet strict criteria that afford them statutory protection, are of local architectural and historic interest or make a significant contribution to the character and appearance of our District.

- 38 The Adopted Local List is a Supplementary Planning Document (SPD) dated September 2017 which raises awareness and enhances protection of the many unlisted but interesting and locally notable historic assets which make up the historic environment of Sevenoaks District. The Local List does not require any additional planning permissions to be sought but buildings on the list have the status of heritage assets and their conservation is an objective of the National Planning Policy Framework (NPPF).

- 39 The National Planning Policy Framework (NPPF) provides the national policy context for plan making and decision taking. Paragraphs 184-202 in Section 16 of the NPPF are concerned with conserving and enhancing the historic environment and in particular the importance to be attached to the conservation and enhancement of heritage assets when considering development proposals.

- 40 At the District level, the Core Strategy development plan document adopted in February 2011 contains Strategic Policy SP1- Design of New Development and Conservation. Policy SP1 includes the paragraph:

The District's heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscape and outstanding views will be protected and enhanced.

- 41 The Allocations and Development Management Plan (ADMP) adopted in February 2015 gives further definition to the conservation and enhancement of Heritage Assets. At paragraph 2.12 Locally Listed Buildings are specifically identified as representing a Heritage Asset.

- 42 The first part of Policy EN4 - Heritage Assets states:

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.

- 43 The inclusion of a building or structure on the list is therefore a material consideration the Council will take into account when considering planning applications. This means that when a planning application is made for a property on the Local List, or an application which will affect

the setting of a locally listed building then any proposed alterations or extensions will be looked at with regard to the potential impact of any development on the heritage significance of that property, including its setting.

- 44 The implication of Policy EN4 - Heritage Assets in the ADMP is that planning permission or other relevant consents, when required, will not normally be granted for the demolition of a building identified on the Local List.
- 45 The previously approved development did retain the existing Locally Listed building at 95 Dartford Road and these amendments now proposed do not change this. The property at number 95 has now been sold separately and is under separate ownership and no longer forms part of this application site.
- 46 The existing outbuildings and the frontage wall are not explicitly referred to in the Local List and in accordance with the previously approved application the two storey outbuilding which fronts Bradbourne Road has been demolished and this was the case when the current applicants purchased the site.
- 47 The application site does not lie within a conservation area, but the Hartsland Conservation Area includes land on the opposite side of Dartford Road. Number 95 was included on the Local List on 20 April 2017. On the same day the Local List Supplementary Planning Document (SPD) was published.
- 48 In terms of the impact of the proposed dwellings on the setting of number 95, as before, the proposed dwellings would be located around 5.2 metres away from the existing flank wall of 95. The new dwellings would not project forward from the existing building line along Bradbourne Road and would be set behind the existing building at 95. The existing house at 95 Dartford Road is to be retained. No external alterations to this property are proposed. As such, the local architectural and historic significance of the property and its setting is not harmed. The retained property would still benefit from a garden area and a generous separation distance would still be retained between the side elevation of the property and that of the proposed new dwellings. The property at number 95 would not appear cramped in its setting and its identified significance would not be unduly harmed by the proposed amendments to the approved development.
- 49 With regards to the impact of the proposed alterations to the approved dwellings on the setting of the conservation area, the Hartsland Conservation Area is located further towards the east of number 95. By reason of the siting, height and design of the proposal, it would not interrupt any views into or out of it. The design of the dwellings is responsive to the character of Bradbourne Road. The scale, form and materials proposed are sympathetic to the local character and appearance of the area. The proposed dwellings reflect some of the distinguishing characteristics and features of the existing buildings in the area and are considered to relate appropriately to the prevailing pattern

and character of development in the area. Bradbourne Road is characterised by short terraces or pairs of period properties, the proposed dwellings would be subordinate to the scale and character of those properties located along Dartford Road.

- 50 Given the above, the proposed development would conserve the setting and character of the Locally Listed building at number 95 and the Hartsland Conservation Area and therefore the proposal would not conflict with Policy EN4 of the Allocations and Development Management Plan.
- 51 The Conservation Officer has reviewed the proposals and raised no objection.

Impact on neighbouring amenity

- 52 Policy EN2 of the ADMP requires development to provide adequate amenities for existing and future occupants and to safeguard outlook, privacy, light and visual amenities of neighbouring properties. Of relevance to this is the Supplementary Planning Document entitled Residential Extensions 2009. This provides design guidance on matters such as the need to preclude overlooking and loss of privacy to rear gardens
- 53 The proposed amendment would result in some additional bulk at roof level of the development only. The proposed development would still occupy the same footprint as that previously approved. The distances towards the boundaries of the site in terms of its built footprint would still be as previously approved. The only change to the development is the change to the side elevation of each dwelling. The two storey side 'wings' of the approved dwellings would now incorporate a pitched roof on both dwellings at each side to include a tiled ridge roof in lieu of previously approved flat roof areas. The maximum height of the dwellings would still be as previously approved at approximately 8.6 metres to a pitched roof. Both side 'wings' of the two dwellings would increase in height by approximately 1.6 metres to accommodate the change in design from a flat roof to a new pitched roof design.
- 54 The roof design for both dwellings would slope away from the neighbouring boundaries and an adequate distance from neighbouring properties is still maintained. The distance from the flank walls of the proposed dwellings towards the flank walls of the neighbouring properties is as previously approved.
- 55 Taking into consideration the above, these amendments would not cause any significant loss of sunlight or daylight, nor would they result in any visual intrusion.
- 56 No new windows are proposed and as such there are no additional impacts upon privacy.

Parking and Highways Impact

- 57 Policy T2 of the ADMP state that vehicle parking provision in residential developments should be in accordance with the current KCC vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide.
- 58 No changes are currently proposed as part of this amendment to the previously approved car parking layout or access to the site and the proposals remain acceptable in terms of their parking and access, subject to the imposition of conditions as previously imposed.
- 59 The proposal would continue to provide 1 off street parking space for each of the proposed dwellings. No objections to the access and parking arrangements have been raised by KCC Highways.

Trees and Landscaping

- 60 The proposal only seeks changes to the roof design of the property. Previous details of hard and soft landscaping for the site have been agreed as part of the discharging of planning conditions for the 2019 application. A condition can be imposed on this application to ensure that the landscaping is carried out in accordance with the previously agreed details.

Community Infrastructure Levy (CIL)

- 61 This proposal is CIL liable and there is no application for an exemption.

Conclusion

- 62 The proposed changes to the permission are acceptable and compliant with the relevant development plan policies. The proposed amendments to the roof are not considered to harm the appearance of the surroundings, the setting of the Locally Listed building or have a detrimental impact on the amenity of the neighbouring properties. The proposal therefore accords with the relevant local and national policies.
- 63 It is recommended that condition 2 is varied to reflect the submitted minor material amendment application.

Background papers

110 REV P1 Proposed Elevations

001 Site Location Plan.

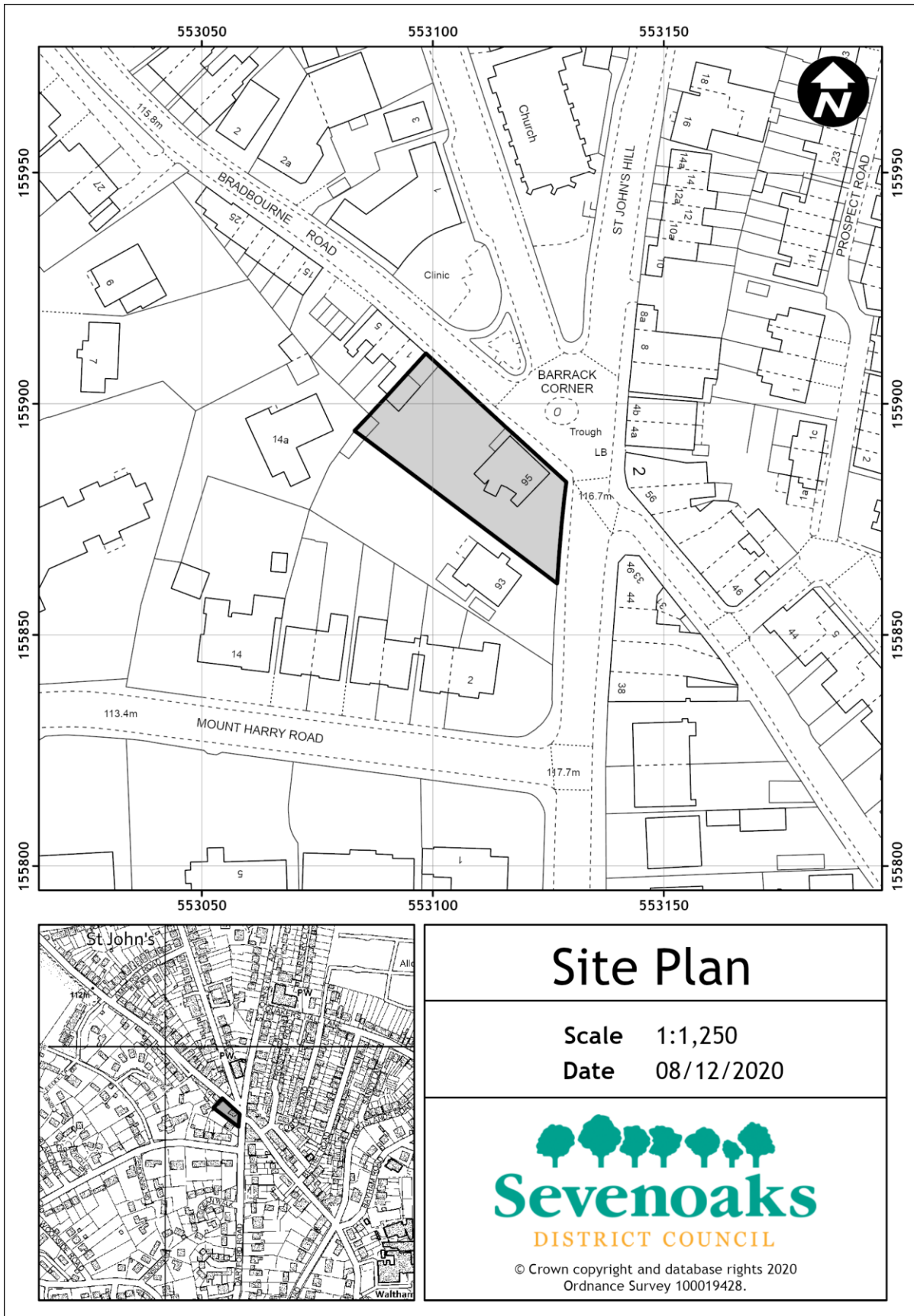
Contact Officer(s):

Mark Mirams 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250
Date 08/12/2020



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Ordnance Survey 100019428.

BLOCK PLAN

