

4.2 20/03248/HOUSE

Revised expiry date 19 February 2021

Proposal: Alteration to porch. Erection of a rear double storey.
Alterations to fenestration.

Location: 47 The Drive, Sevenoaks, KENT TN13 3AD

Ward(s): Sevenoaks Town & St Johns

Item for decision

This application has been called to the Development Control Committee by Councillor Fleming to protect the residential amenity of the current and future residents of 47 The Drive and that of the neighbouring property.

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: Application form, 2020 Rev D, 1020 Rev D, 2010 Rev D, 1010 Rev D, 401 Rev A, 402 Rev A, 701, 702

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: 2020 Rev D, 1020 Rev D, 2010 Rev D, 1010 Rev D, 401 Rev A, 402 Rev A, 701, 702, 104 Rev C, 301 Rev A, 190320-SURV-06

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

4) The proposed new window to the south west facing elevation, located at first floor level which is shown to be obscure-glazed and non-openable up to a height of 1.7 metres on drawing number 2020 Rev D, shall remain obscure-glazed and non-openable up to a height of 1.7 metres above the internal finished floor level and maintained as such thereafter.

To protect neighbouring amenity in accordance with Policy EN2 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 subject property is an 'L'-shaped detached two-storey dwelling constructed in brick with a pitched roof, gabled front projection and hung tile decoration at first floor level. The property benefits from a rear garden and paved front driveway. The property is located in a residential area within the urban confines of Sevenoaks.

Description of proposal

- 2 The development proposal relates to the re-roofing of an existing single-storey entrance porch and to the erection of a part single-storey and part two-storey side and rear extension. On the ground floor, the proposed extension will provide a new open-plan kitchen/dining/family room, and a WC, utility room and entrance hallway within the existing reconfigured floorspace. At first floor level, the proposed extension will provide an additional bedroom and will allow space to reconfigure and enlarge the existing bedrooms and family bathroom. The proposal also allows for an extension to the depth of the gable roof feature to the rear at first floor level (by approximately 1 metre), for alterations to the fenestration, for new front steps and for a footpath leading to the utility room.

Relevant planning history

- 3 01/02181/FUL - Single storey extension to side and two storey extension to rear, as amended by letter dated 27/02/02 and enclosed plan - REFUSED
- 4 02/00894/FUL - Single storey extension to side and two storey extension to rear. As amplified by amended drawings received 14.06.02 - GRANTED
- 5 06/00040/FUL - Single storey extension to side and two storey extension to rear. (Amendment to previous planning permission SE/02/00894/FUL) - GRANTED

Policies

- 6 National Planning Policy Framework 2019 (NPPF)
- 7 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.
- 8 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.
- 9 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
 - L01 Distribution of Development
 - L02 Development in the Sevenoaks Urban Area
- 10 Allocations and Development Management (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
 - SC1 Presumption in Favour of Sustainable Development
 - T2 Vehicle Parking
- 11 Other
 - Sevenoaks Residential Character Area Assessment (SPD)
 - Sevenoaks Residential Extensions SPD

Constraints

- 12 The following constraints apply
 - Sevenoaks The Vine Conservation Area
 - Locally Listed Building
 - Urban Confines
 - Source Protection Zone

Consultations

13 Sevenoaks Town Council - Object to the proposal:

‘Sevenoaks Town Council recommend refusal unless the Planning Officer is satisfied that:

- The proposed changes to the 1st floor windows appropriately addresses the potential to create overlooking and loss of privacy and amenity for the neighbouring property (No 45), and*
- There are no issues of overshadowing of neighbouring properties.’*

14 Sevenoaks District Council Conservation Officer - No objection

15 Kent County Council Public Rights of Way Officer - No objection. The two-storey extension will overshadow the public footpath, but as it is in an area of urban development this is not unusual. All down pipes must be directed into soakaways and not allowed to drain onto the public footpath.

Representations

16 Three representations have been received. Two of the representations received neither object nor support the proposal.

17 One representation objects to the proposal on the following grounds:

- Concerns as to the potential for loss of light/overshadowing
- Concerns as to the potential for overlooking/a loss of privacy
- Concerns as to the pressure of future enforcement action on Council resources

Chief Planning Officer’s appraisal

18 The main planning considerations are:

- Impact on the Design and Character of the area
- Impact on Neighbouring Amenity
- Impact on Locally Listed Building
- Impact on Conservation Area
- Impact on Parking/Highways

Impact on the design and character of the area

19 Policy L02 of the Core Strategy and Policy EN1 of the ADMP state that any new development should be designed to a high quality and should respond to and respect the distinctive character of the area in which it is situated.

20 With regards to the potential impact of the proposed development upon the character and appearance of the streetscene, the properties located along The Drive are typically individually designed detached or semi-detached properties which are set back from the road along a regular building line.

Owing to the topography, the properties are built on a steep gradient and some properties may be sited at a higher level than those on neighbouring plots. In the case of the current proposal, the proposed extension to the property is to be located at the rear and it will not be widely visible from the road so its impact upon the streetscene will be limited. Similarly, the proposed changes to a section of the roof to the rear will not be widely visible from the road. The proposed extension will not widen the property and the property will remain set back from the neighbouring boundaries so the spacing pattern between buildings will remain the same. The proposed re-roofing of the porch will alter the appearance of a small section of the property frontage. However, the proposed change to the roof design is considered to be more sympathetic to the design and form of the original building.

- 21 With regards to the form and scale of the proposal, the proposed addition is considered to be proportionate to the size of the plot. The design of the proposed extension and the form of the roof will follow the design of an existing addition and so the proposed extension is considered to respond to the form of the existing building.
- 22 The proposed construction materials allow for the use of red face brickwork and hung tiles to match with the existing and clay, Wienerberger Alban hand crafted plain roof tiles. Any new proposed windows will be white framed to match with the existing and the proposed new bi-fold doors at ground floor level will be aluminium. The proposed materials are considered to be appropriate and in keeping with the design and appearance of the main house.
- 23 Some comments have been made as to the quality of the standard of living for the future occupiers of an existing bedroom to the rear if the window is moved and obscure-glazed up to a height of 1.7 metres. However, the bedroom already exists and is in use, albeit the existing window is currently located to the side of the building. Therefore, the applicant is not introducing new accommodation which could be subject to this assessment. In addition, the obscure-glazed window will only be partly obscured to protect the privacy of the neighbouring property. The upper part of the window will remain clear-glazed and openable above a height of 1.7 metres in order to meet building regulations. On this basis, the room will still benefit from adequate light and ventilation.
- 24 In light of the above, the proposal is considered to meet the requirements of Policy EN1 of the ADMP.

Impact on Neighbouring Amenity

- 25 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.

- 26 With regards to the potential impact of the proposed development upon neighbouring access to daylight, the proposal is considered to meet the requirements of the 45-degree test for daylight. Owing to the detached nature of the dwelling and the fact the location of the two-storey extension in relation to the neighbouring boundaries, and the existing public footpath which lies between 47 The Drive and 49 The Drive, the proposal is unlikely to result in significant overshadowing. The proposed elongation of a section of the roof by 1 metre on the south-eastern side of the building is also unlikely to result in significant overshadowing as the roof ridgeline of the main house exceeds the height of this section of the roof. The new mono-pitched roof to the porch is also unlikely to overshadow neighbouring properties to an unreasonable extent.
- 27 With regards to the potential for the proposed works to result in a significant loss of sunlight, owing to the site orientation, the detached nature of the dwelling and the sun's trajectory, a significant loss of sunlight is unlikely to occur. 49 The Drive may experience partial overshadowing in the morning along one side of the property. However, the proposed development is sufficiently set back from the neighbouring boundary that it will not result in a loss of sunlight over a significant proportion of the day.
- 28 With regards to concerns raised as to the potential for a loss of privacy, the design of the proposed development allows for the addition of a new rooflight and door along the front elevation, four new rooflights along the side (western) elevation, two new windows and two sets of glazed doors along the rear elevation, and a new rooflight along the side (eastern) elevation.
- 29 With regards to the new proposed glazing along the front elevation, the new proposed glazing will face directly on to the road and it will not impact any neighbouring private amenity space.
- 30 The proposed rooflights proposed along the side (eastern and western) elevations, will be set into the roof plane at a high level, so they will not afford any significant views to neighbouring private amenity space.
- 31 The new proposed glazing along the rear elevation, all of the new proposed glazing will face directly on to the rear garden of the subject property. At ground floor level, any potential oblique views towards the neighbouring gardens will be largely obscured owing to the existing boundary treatments which are in place (high level boundary fencing).
- 32 The proposed new windows at first floor level, the window proposed which is to be nearest to 45 The Drive, has the potential to afford significant views to the neighbouring patio as a result of the orientation of the buildings and a difference in the land-levels. However, as the window will be obscure-glazed and non-openable to a height of 1.7 metres, it is considered that the potential harm to neighbouring amenity can be mitigated and the window will be conditioned to ensure that it remains obscure-glazed and non-openable up to a height of 1.7 metres thereafter. Although it is acknowledged that the second new window at first floor level may afford oblique views to the neighbouring garden at 49 The Drive, there is a public footpath running between 47 and 49 The Drive which affords a degree of

separation between the two properties, such that the views afforded are not considered to be overly harmful in an urban location such as this. In light of the above, a loss of privacy is unlikely to occur.

- 33 With regards to the potential impact upon neighbouring outlook, the nature of the proposal and the detached nature of the property are such that the proposed extensions are unlikely to result in visual intrusion.
- 34 On this basis, subject to condition, the proposal is considered to meet the requirements of Policy EN2 of the ADMP.

Impact on locally listed building

- 35 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.
- 36 The NPPF also states that great weight should be given to the conservation of heritage assets (para.193).
- 37 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.
- 38 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.
- 39 The subject property is locally listed Edwardian house and is considered to be of historic significance owing to the quality of its design. It is one of a group of properties in the road which has retained a number of original external features that make a contribution to the character of the Vine Conservation Area. The local list makes specific reference to the unusual turreted window to the front of the property, which is distinctive architectural feature.
- 40 The proposed two-storey rear extension will infill the space between the existing two-storey rear projection and the rear elevation of the original house. Whilst the proposed extension to the building will increase the bulk and scale of the property to the rear, the property frontage will remain largely similar in its appearance and the building will retain its proportions, and the high quality architectural features for which it is considered to be historically significant.
- 41 The Conservation Officer has raised no objection to the proposed extensions to the building on the basis that the proposed works will not detract from the building's character and appearance.

- 42 The proposal is therefore considered to conserve the qualities of the non-designated heritage asset, in accordance with Policy EN4 of the ADMP.

Impact on Conservation Area

- 43 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.
- 44 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.
- 45 Further to the above, Policy EN4 of the ADMP also applies.
- 46 The property is located within the The Vine Conservation Area and considered to make a positive contribution to the Conservation Area. Whilst the proposed amendments to the design and form of the building will increase the size of the property to the rear, the proposed additions will not be widely visible from the front of the property and the appearance of the property frontage is conserved. The re-roofing of the porch is considered to be sympathetic to the design and form of the original building and it will not increase in its bulk and scale. As a consequence, the property should not appear overly dominant in the context of the streetscene.
- 47 The proposed development is unlikely to overwhelm the general appearance of the building in a way that might have a negative impact upon the Conservation Area setting and will not result in any harm to the important views within the Conservation Area.
- 48 On this basis, the proposal is considered to meet the requirements of Policy EN4 of the ADMP.

Impact on Parking/Highways

- 49 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that parking provision should be in accordance with KCC guidance and KCC guidance states that dwellings in this location and of this size require a minimum of 2 parking spaces.
- 50 The existing property benefits from a front driveway with enough parking for two vehicles. The parking area will remain unaffected by the proposed works and therefore the current parking requirements are met.

Other issues

- 51 Public Right of Way - A public right of way runs between the boundaries of 47 and 49 The Drive. KCC Public Rights of Way Officer has been consulted on the application and has confirmed that, though the public right of way may be overshadowed by the proposed extension, the extent of overshadowing is
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not unreasonable in an urban location such as this. As such, no objection has been raised.

- 52 Enforcement - The representation received has raised the issue of the Council not having sufficient resources to enforce any future breaches of planning. However, potential future planning breaches cannot be considered, as they are speculative.

Community Infrastructure Levy (CIL)

- 53 The proposal is not CIL liable.

Conclusion

- 54 The development proposal is considered to meet the requirements of the local plan policies, subject to condition. On this basis, the proposal is in accordance with the development plan for the District.

- 55 It is therefore recommended that this application is APPROVED.

Background papers

Site and block plan

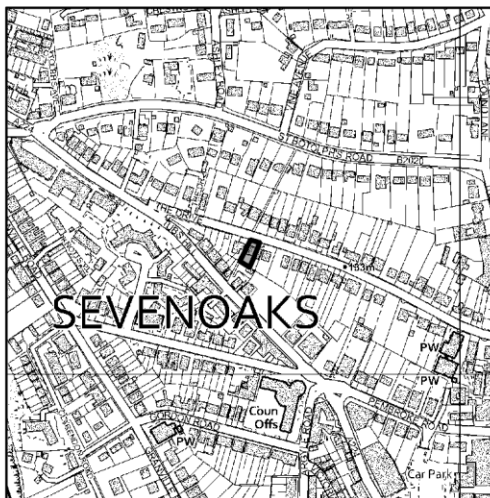
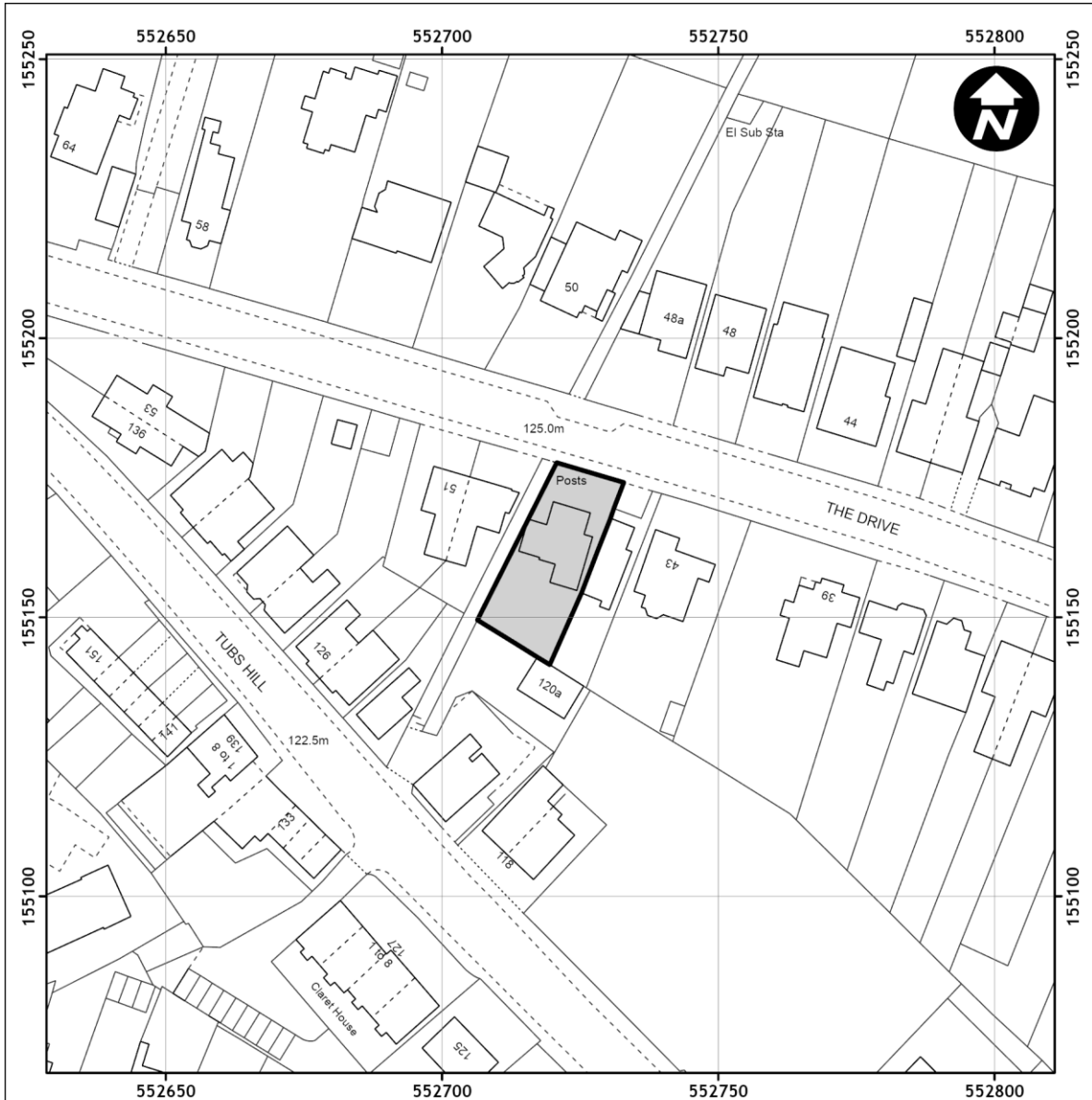
Contact Officer(s):

Alexis Stanyer: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250

Date 29/01/2021



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Ordnance Survey 100019428.

BLOCK PLAN

