

4.2 20/03289/HOUSE Revised expiry date 12 March 2021

Proposal: Erection of an annexe. Demolition of existing garage.

Location: Riftwood, Oak Avenue, Sevenoaks KENT TN13 1PR

Ward(s): Sevenoaks Kippington

Item for decision

Councillor Hunter has referred the application to Development Control Committee on the grounds of residential amenity, over intensification and the effect on both Locally and Nationally Listed buildings, in relation to policies EN1, EN2, EN4 and the Residential Extensions SPD.

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 and details: Site Location Plan, MR/P.01/A, MR/P.02/A, MR/P.03/A, MR/P.04.

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 MR/P.03/A.

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.

4) The two roof light window(s) in the rear south facing elevation(s) shall be obscure glazed at all times.

To safeguard the amenity of neighbours and future occupants of the annex.

5) The annex shall be used solely as ancillary living accommodation in connection with the existing dwelling unit, Riftwood, and shall not be used as a separate self-contained unit independent of the main dwelling.

To prevent the over-intensification of the site and prevent the annex being used as a separate self-contained unit independent of the main dwelling.

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 comprises a semi-detached property located to the east of Oak Avenue within the urban confines of Sevenoaks. The property is one half of a previously substantial house that was subdivided in the 1950s and both Riftwood & Ashley now comprise a locally listed building, which is a non-designated heritage asset.

Description of proposal

- 2 The application seeks permission for the demolition of the existing detached garage and the construction of an annex. The annex would have a pitched roof with hipped ends, with a maximum height of 5.6m and an eaves height of 2.8m. It would project 11.7m in width and have a depth of 5.7m. The existing garage measures 5.6m in height with a width of 6.7m and a depth of 6.7m.

Relevant planning history

- 3 06/01541/FUL Single storey extension to rear and side. GRANT 21/07/2006
- 4 19/02945/HOUSE Demolition of garage. Erection on an annex. WITHDRAWN 16/12/2019

Policies

- 5 National Planning Policy Framework (NPPF)
- 6 Core Strategy (CS)
 - LO1 Distribution of Development
 - SP1 Design of New Development and Conservation
- 7 Allocations and Development Management Plan (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN4 Heritage Assets
 - T2 Vehicle Parking

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8 Other

- Sevenoaks Residential Extensions SPD

Constraints

9 The following constraints apply;

- Locally Listed Building

Consultations

10 Sevenoaks Town Council -

“Sevenoaks Town Council recommended refusal unless:

- The planning officer is satisfied that there is no overlooking of the front door and windows of Ashley
- The 2 dormer windows at the front of the bungalow are obscurely glazed up to 1.7m
- There are appropriate plans to protect the vegetation, particularly the mature trees, along Oak Avenue, particularly during construction.”

11 Conservation Officer -

“A substantial house originally built as one and now subdivided into two, Riftwood and Ashley. Riftwood has an unusual bay window with conical roof. It is on the Sevenoaks Local List.

12 There is no objection to the proposal as it is not considered to harm the significance of the locally listed building. The proposed garage and annexe block will be detached and reads as ancillary. It will not obscure the principal elevation from the road nor change the architecture of the building.”

Representations

13 Twenty representations have been received objecting to the scheme raising the following concerns:

- Use as an independent dwelling house due to size, scale and detached nature
- Impact on the street scene and visual amenity of Oak Avenue
- Impact on the rural character of the area
- Impact on neighbouring amenity - loss of outlook, privacy, light, overlooking, overbearing impact, overshadowing
- Loss of trees and vegetation on site
- Impact on the locally listed building

- Impact on listed building - Northdown
- Impact on parking and highways safety
- Design of annex
- Overdevelopment of the site
- Concerns regarding council tax

Chief Planning Officer's appraisal

14 The main planning consideration are:

- Design and impact on the character and appearance of the area
- Impact on neighbouring amenity
- Impact on Designated and Non-Designated Heritage Assets
- Impact on highways safety and parking provision

Design and impact on the character and appearance of the area

- 15 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.
- 16 The dwellings along Oak Avenue are predominantly large detached properties that vary in design and style, with a staggered build line and varied pattern of development. Riftwood is one of a subdivided property located on the corner plot at the entrance of Oak Avenue.
- 17 The proposed annex would be replacing the built form of the existing garage currently located to the front of the property. The annex would be the same 5.6m height as the existing garage and would project a further 5m in width into the site towards the main dwelling. The annex would be set further back within the site than the existing garage, located up to 4m from the front site boundary. This means the annex would be set further back from the street scene than the garage is as existing. Whilst the annex would be visible from the street scene, it would not be considered to appear intrusive or prominent to the street scene to an increased degree when compared against the siting of the existing garage.
- 18 Additionally, when considering the wider pattern of development along Oak Avenue, there are number other examples of substantial built form sited forward of the principle elevations of dwellings. To the south of the site, the property known as Holmoak benefits from a substantial extension over the existing garage forwards of the principle elevation, approved under application reference 02/01755/FUL. Measuring from the approved plans the extension, as was granted, measured some 5.7m in height and 10.4m in width. Moreover, the property to the west of the site, known as Lorne House, also benefits from substantial built form forwards of the principle elevation of the main property, approved under application reference 13/00364/FUL. From measuring off the approved plans, this built form measures some 7.5m in height and 12m in projection from the front elevation of the property.

- 19 Considering the existing grain of built form and precedent set by other developments similar in height, width and scale, the proposed annex would not be considered as harmful to the wider character and appearance of Oak Avenue. Other dwellings within the immediate vicinity of the site benefit from substantial built form forwards of the principle elevations and the proposed annex would not be considered as prominent or intrusive to the street scene when considering the positioning of the existing garage.
- 20 The annex has been designed to reflect the existing garage with the hipped roof design and the materials to match the existing. The annex would be positioned further within the site and would be set back from the public realm. Whilst it would be visible it would not be considered to appear intrusive or prominent when considering the current garage and the wider pattern of development along Oak Avenue.
- 21 Whilst the annex would be detached from the main dwelling, it would share the access, parking and garden space with the host property, therefore demonstrating a degree of reliance on the main dwelling. The annex, whilst substantial, would appear ancillary in design when considering the proportions and scale of the main property. The proposed annex would be within the existing curtilage of the dwelling and would not be considered to form an independent planning unit. Therefore, the proposal would be considered ancillary to the host property, demonstrating a degree of reliance, and is not considered a self-contained or independent dwelling house, separate from the existing property. The annex will be conditioned to remain ancillary to the property and not to be cordoned off as an independent or self-contained planning unit. The fact the annex is detached does not form a reason for refusal and is not considered to alter the ancillary function and design of the proposal. The applicant was previously advised by Officers to make the annex detached to preserve the Locally Listed Building, considered later in the report.
- 22 Overall, the proposal is not considered as harmful to the character and appearance of the area and is considered to accord with policies SP1 of the Core Strategy and EN1 of the ADMP.

Impact on neighbouring amenity

- 23 Policy EN2 of the ADMP requires proposals to safeguard the amenities of existing and future occupants of nearby properties.
- 24 The proposed annex would be sited some 2m from the shared boundary with the neighbouring property known as Holmoak to the south of the site and some 13m from the shared boundary with the other neighbouring property known as Ashley to the north.
- 25 Due to the positioning, separation distances and the orientation of the proposed annex it would not be considered to pose a harmful loss of light or overshadowing to the neighbouring properties Holmoak and Ashley.
- 26 The rear roof lights on the annex would serve non-habitable spaces and are shown on the plans to be obscurely glazed which can be secured through condition. The front facing dormers are shown to be clearly glazed and as

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they would only overlook the front driveway and garden of Riftwood and Ashley, this would not be considered as harmful to neighbouring amenity. The Council does not have policies which seek to protect the front of properties from overlooking.

- 27 With regards to the issue of overlooking, the annex would be sited some 13m from the neighbouring boundary shared with Ashley. Whilst the dormer windows would face this neighbour's front garden, as stated above, we do not have policies which seek to protect the front of properties from overlooking. The Residential Extensions SPD defines private amenity space in section 5.2 as the first 5m of the rear garden. The front door and front garden are not given substantial weight when considering the issue of overlooking, as often with the design of streets the frontage of properties are naturally overlooked by surrounding dwellings and users of the highway. The frontage of a property including the front door and front garden would not be considered to be habitable or private amenity spaces that can be protected from overlooking. As such, the annex would not be considered to pose a degree of overlooking that would be considered harmful enough to warrant a reason for refusal. The annex would be 13m from this neighbouring boundary, would be no higher than the existing garage and would only offer oblique views of the front garden of the neighbouring property.
- 28 As such, the proposal is considered to be adequately separated from neighbouring properties and would not be considered as harmful to a degree that would warrant a reason for refusal, in accordance with policy EN2 of the ADMP.

Impact on Designated and Non-Designated Heritage Assets

- 29 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.
- 30 The application site comprises a locally listed building and is therefore considered as a non-designated heritage asset. There is also a Grade II Listed Building located some 45m opposite the site known as Northdown, a designated heritage asset.
- 31 The Conservation Officer has raised no objections to the proposals, stating that the annex would not be considered to harm the significance of the locally listed building. The proposed annex would be replacing the existing built form of the garage and would remain detached from the property, reading as ancillary in size, scale and design to the host dwelling. The detached nature of the annex means the Locally Listed Building is preserved in terms of fabric, architecture, setting and significance, and is seen as a benefit in Conservation terms. The annex would not be considered to obscure the principal elevation of Riftwood from the road or alter the architecture of the building.
- 32 Moreover, regarding the nearby Listed Building, Northdown, the annex would be sited some 32m from this heritage asset and therefore would not be considered to restrict views of the Listed Building. Due to the significant

separation distance, the annex would not be considered to harm the setting, character or significance of this Listed Building.

- 33 Overall, the proposal would not be considered to substantially harm the setting, significance or appearance of the locally listed building and the character and appearance of the non-designated heritage asset would be preserved, in accordance with policy EN4 of the ADMP.

Impact on highways safety and parking provision

- 34 Annex 2 of the Core Strategy provides guidance on parking provisions for new development. It states that for larger dwellings (4+ bedrooms) in a suburban location a provision of x2 parking spaces should be provided.
- 35 Riftwood benefits from a large forecourt and driveway area and therefore is considered to meet the recommended provision as outlined in Annex 2. The existing access and onsite parking provision would be retained despite the loss of the garage and the site is considered to be capable of providing a sufficient level of parking, even considering the positioning and scale of the proposed annex.
- 36 The annex would be set 4m back from the front site boundary and would be the same height as the current garage, therefore it would not be considered to impede the visibility of the highway or impact upon highway safety.
- 37 The annex would share the existing access and onsite parking and, due to the spacious nature of the forecourt, the proposal is considered acceptable with regards to highways safety and parking provision.

Other Issues:

- 38 Landscaping
- 39 With regards to the Town Council comment and the public comments received on the existing vegetation and landscaping, the trees and vegetation on the site are not subject to a Tree Preservation Order or a blanket protection due to a Conservation Area designation. Therefore, any works to the trees on site would be outside of the Council's control. Moreover, the trees along Oak Avenue are outside of the red outline so do not form part of the considerations of the application. It would be unreasonable to condition something that falls beyond the site boundary and outside the red outline. The plans show areas to be landscaped around the proposed annex and this is considered to be sufficient.
- 40 Public comments
- 41 Twenty neighbouring objections have been received on the amended scheme. Whilst these comments and objections have been thoroughly read and considered, the scheme is considered to comply with planning policy and the annex would not be considered as harmful to the character and appearance of the area, neighbouring amenity, highways and parking, nor the designated and non-designated heritage assets.

- 42 Many of the public comments received raise concerns that the proposal is for a new dwelling. The Council has to consider an application as it is submitted. In this case the application is for a proposed annex and has to be considered as such.
- 43 Whilst the annex would be detached from the main house, there is no planning policy that states that an annexe must be physically attached to a dwelling. The annex would be within the curtilage of the main dwelling and would share the garden space, parking and access with the main house, demonstrating a degree of reliance on the host property and would appear ancillary in design and proportions. Overall, the proposal would not be considered to be an independent dwelling and would demonstrate an adequate degree of reliance on the main property. The proposal will be tied to the main dwelling through a planning condition to prevent an independent use separate from the main planning unit.
- 44 The issue of Council tax raised in some of the public comments is not a material consideration that forms part of the planning assessment.
- 45 The Council has to consider every application on its own merits and whilst the annex would be detached from the main property, it would be considered as reliant on the host dwelling with access, parking and amenity space shared. The annex would be the same height as the existing garage and would project a further 5m in width. The annex would be set further back within the site to allow a greater degree of separation from the street scene than the existing garage. Overall, whilst the concerns and objections received are acknowledged and thoroughly considered, the proposal is considered to be policy compliant.

Conclusion

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

Background papers

Site and block plan

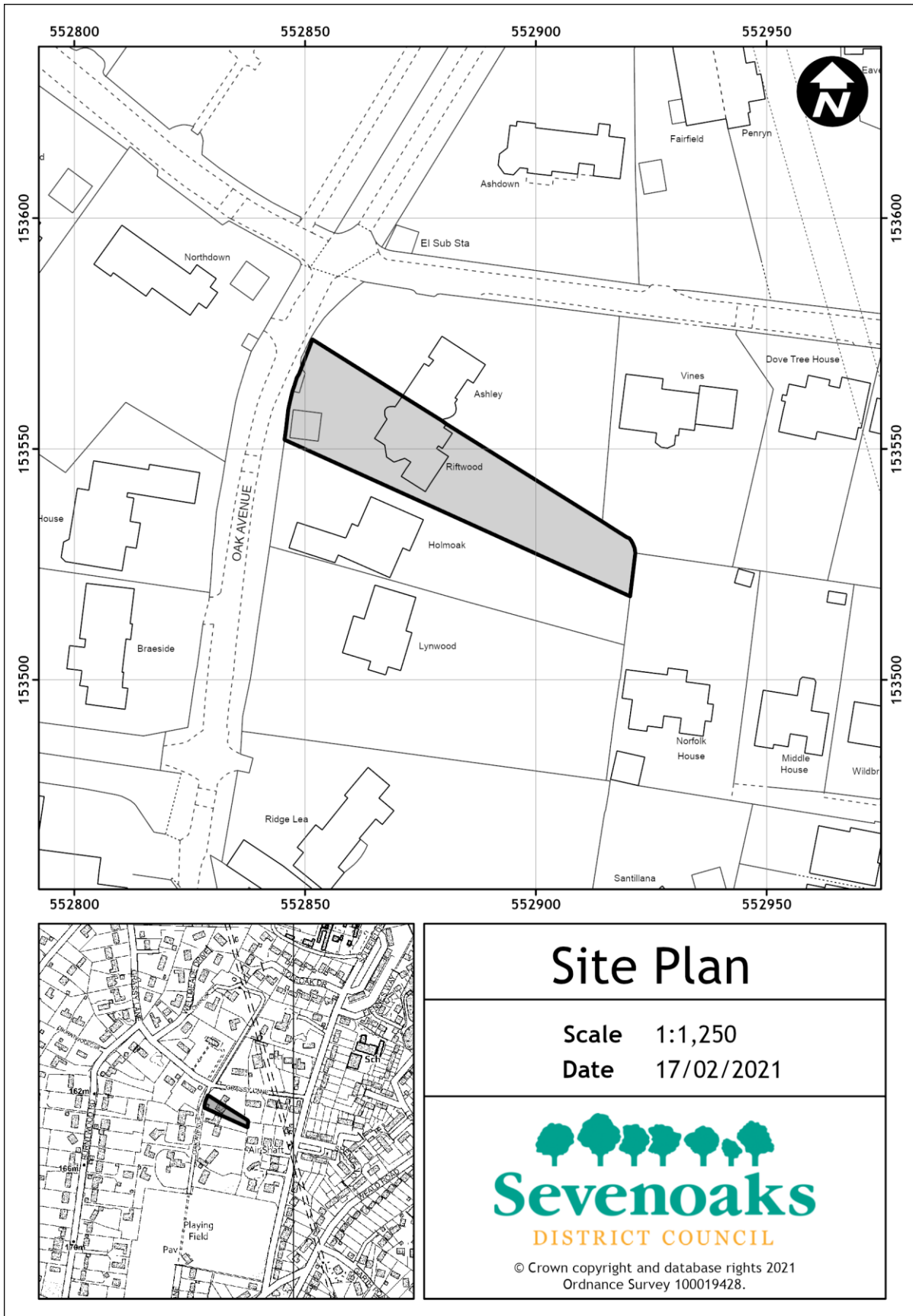
Contact Officer(s): Anna Horn

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[Link to application details](#)

[Link to associated documents](#)



Site Plan

Scale 1:1,250
 Date 17/02/2021



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 Ordnance Survey 100019428.

BLOCK PLAN

