Report To North Area Planning Sub-Committee – List A – Applications For Decision

<table>
<thead>
<tr>
<th>Application No:</th>
<th>2015/3733</th>
<th>Application Type:</th>
<th>VAR73</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Officer:</td>
<td>Tom Scriven</td>
<td>Ward:</td>
<td>Molesey East</td>
</tr>
<tr>
<td>Expiry Date:</td>
<td>17/12/2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td>38A Walton Road East Molesey Surrey KT8 0DQ</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposal:</td>
<td>Variation of Condition 2 (Approved Plans), 3 (Materials) and 4 (Design Materials) of planning permission 2013/4363 (Two storey terraced building to form three flats) to change layout to provide four flats and change the materials</td>
<td></td>
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<tr>
<td>Applicant:</td>
<td>Calatrava Capital</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agent:</td>
<td></td>
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<tr>
<td>Decision Level:</td>
<td>If Permit – Sub-Committee</td>
<td></td>
<td></td>
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<tr>
<td>Recommendation:</td>
<td>If Refuse – Sub-Committee</td>
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</table>

Recommendation: Permit

Representations: Five letters of objection were received in relation to this application the contents of which can be summarised as follows:

- Overdevelopment of the site
- Impact on historic boundary wall
- Noise from new flats
- Loss of privacy
- Parking implications
- Bin storage

Report

Description

1. The application site contains a two-storey building with a ground floor retail and residential accommodation above. It is within the secondary shopping frontage of East Molesey Town Centre and the East Molesey (Old Village) Conservation Area.

Constraints

2. The relevant planning constraints are:

- Classified Road – Walton Road
- Flood zone 2
- District centre
- Secondary Shopping Frontage
- Conservation Area
- Area of High Archaeological Potential
- Air Quality Management Area

Policy

3. In addition to the National Planning Policy Framework, the National Planning Practice Guidance and the Technical housing standards- nationally described space standards the following local policies and guidance are relevant to the determination of this application:

The Planning (Listed Buildings and Conservation Areas) Act 1990 (as Amended)

Core Strategy 2011
4. Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015/2941</td>
<td>Variation of Conditions : 2 (Approved Plans) 3 (Materials) and 4 (Front Elevation Design) of planning permission 2013/4363 (Two storey terraced building) to change flat on ground floor to 2 flats, to change proposed materials and to provide proposed front elevation design</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>2015/2234</td>
<td>Variation of Conditions : 2 (Approved Plans) 3 (Materials) and 4 (Front Elevation Design) of planning permission 2013/4363 (Two storey terraced building) to change flat on ground floor to 2 flats, to change proposed materials and to provide proposed front elevation design</td>
<td>Refused – The proposed development, by reason of the inadequate gross internal area within the two proposed ground floor flats, would represent a cramped form of development and would not provide an appropriate standard of living for future occupiers.</td>
</tr>
<tr>
<td>2015/0883</td>
<td>Attached two storey building with rooms in the roof space, dormer windows and rear balconies to provide 9 flats following demolition of existing buildings</td>
<td>Refused - The proposed development by reason of the inadequate size of the proposed bin stores would represent a cramped form of development which would result in a poor residential environment for future occupiers, detrimental to their amenities.</td>
</tr>
</tbody>
</table>
Proposal

5. This is a s.73 application for a variation of Condition 2 (Approved Plans), 3 (Materials) and 4 (Design Materials) of planning permission 2013/4363 (Two storey terraced building to form three flats) to change layout to provide four flats and change the materials.

Consultations

6. Planning Conservation – The Conservation Officer has not raised any objections to the proposed amendments including the replacement of one of the ground floor windows with a door to facilitate the additional flat. They also note further information has been supplied with regards to detailing on the front elevation including incorporation of patterned brickwork and have no adverse comments with regards to the proposed materials.

7. East Molesey Conservation Area Advisory Committee – Note that this is a variation to planning permission 2013/4363 which they objected to and these comments still stand. In relation to the current application they note there is an outstanding application at the adjoining building No.40. They suggest that render should be used at ground floor level with bricks above and in the interest of coherence between the two applications this should also be used at No.38.

8. Environment Agency – Deem the application to have a low environmental risk and as such the standing advice would apply.

9. Surrey County Council Highways – No highway requirements.

Positive and Proactive Engagement

10. In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of 186-187 of the NPPF by making available pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

11. Formal pre-application advice was sought prior to the submission of this application with the reference PreApp1198984. This considered that the principle of the proposed alterations was acceptable subject to minor alterations to the rear dormers and front detailing proposed. In addition it was noted that the scheme would need to include the submission of a unilateral undertaking in relation to the affordable housing contribution or alternatively be subject to a viability assessment.

Planning Considerations

12. Section 73 provides for the ‘determination of applications to develop land without compliance with conditions previously attached’. It only provides for the variation of conditions attached to an existing planning permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions).

13. As such the main planning considerations in the determination of this application are:

   - The design of the proposal and impact on the character of the area and the streetscene
   - Provision of a suitable residential environment
   - Highway safety and parking issues
   - Financial Considerations
The design of the proposal and impact on the character of the area, including the Conservation Area, and the streetscene

14. The proposal has a similar appearance in the street scene to the previously approved scheme. There are minor alterations to the front dormers and window positions which would not significantly impact upon the appearance of the building. The proposed detailing and materials proposed are considered to be acceptable and would assist in breaking up the appearance of the building when viewed in the street scene. The alterations to the rear include an enlargement of the single storey element of the building and alteration to window sizes and locations. These elements are not visible in the public domain and the overall appearance remains relatively similar to that which has previously been approved. It is noted that the current scheme does include a number of solar panels on the flat roof of the main building. Given their siting towards the rear of the flat roof of the main building any views of these would be limited particularly in the street scene. As such it is considered that given its siting, scale and design the proposal would not result in a significant adverse impact upon the street scene, the character of the area or the Conservation Area.

The impact on neighbouring amenity

15. The proposal includes additional windows in the side elevation which would also be slightly larger and be sited further towards the rear of the building. These windows are secondary windows or serve non-habitable rooms and could afford some views towards the neighbours’ private amenity space. As such it is considered appropriate to recommend a condition requiring these windows to be obscure glazed and fixe shut. In terms of the rear elevation the proposal would introduce juliet balconies including larger windows at both first and second floor level. At first floor level it is unlikely that altering these windows would have any significant impact upon neighbouring amenity. However given the large expanse of flat roof to the rear it is considered appropriate to impose a condition in relation to the use of this flat roof.

16. With regards to the alterations to the dormer windows it is noted that these have a marginally lower sill height than previously approved at approximately 1.4m above the finished floor level. These windows are still small in size and have a relatively high sill height which would assist in reducing overlooking and the perception of overlooking to the neighbours at Matham House to the rear. As such it is considered that given the siting, size and sill height of the proposed rear dormers these would not result in a significant loss of privacy to neighbours.

17. The proposal would result in the single storey element of the proposal projecting further to the rear than the previous approval. However there are existing high boundary walls to the side and rear boundaries of the site. Given the existing situation the proposal is not considered to result in a significant loss of light or overbearing impact upon neighbouring dwellings.

Provision of a suitable residential environment

18. Since the earlier applications the Government has introduced new Technical housing standards in their nationally described space standards. The proposal would now include two 1 bedroom, 1 bedspace unit (Flat A) and one 1 bed, two bedspace unit (Flat B) at ground floor level rather than the previously approved two bed unit. This would include the reduction of the size of the shared rear garden in order to accommodate the enlarged residential floor space. It is noted that Flat B is indicated as having a second bedroom, however this falls below the minimum footprint for a bedroom as set out in the space standards. As such this room is not considered as a bedroom for the purposes of the space standards. In terms of the 1 bed, 1 bedspace unit (Flat A) the minimum floorspace required would be 39sqm whilst the minimum space floorspace required for the 1 bed 2 bedspace unit (Flat B) would be 50 sqm. The proposal would comply with these minimum space standards and as such are considered to be of an acceptable size to provide a suitable residential environment.

19. The two ground floor units would share continue to share a small courtyard garden, however this would now be reduced in size, with the outdoor amenity space in close proximity to the wall to the rear of the site. However due to its location within a town centre, it is not unusual
for flats to have limited or no individual private amenity space. The Council does not prescribe minimum outdoor amenity space standards for flats and as such this is considered to be acceptable for accommodation of this type.

20. It is noted that the proposal would result in a reduced outlook from the ground floor flats given the loss of part of the rear garden space. The rear facing windows would now be sited in close proximity to the high rear boundary wall and therefore would have limited natural light. However the proposal does include large rooflights over the living rooms of both flats. This is considered to provide adequate natural light to these rooms whilst ventilation can be afforded via the windows in the rear elevation.

21. The proposal would provide similar bin storage to the previously approved scheme which indicated space for at least four bins in the service room below the stairs to access the first floor level. Whilst this is somewhat limited given the proposal would have the same number of bedrooms over the entire development as the previous approval in this instance it is considered acceptable.

Highway Safety and parking issues

22. The previous applications considered that zero on-site parking provision would be acceptable as the site is located within Molesey Town Centre which is considered highly sustainable in terms of access to public transport. Furthermore the Council operates maximum parking standards. The proposal would result in one additional unit on site although the number of bedrooms would be the same. As such the proposal is likely to result in a very limited increase in the occupancy of the building in relation to that previously approved. Therefore it is considered that the proposal would not result in a significant increase in parking stress in relation to the previously approved scheme.

Financial Considerations

New Homes Bonus

23. Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have regard to in determining planning applications; as far as they are material for the application. The weight to be attached to these considerations is a matter for the Council.

24. The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes and their use. The New Homes Bonus is paid each year for 6 years. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes.

25. In the 2014-15 allocation, the Council received £2.07m through the New Homes Bonus. The Council’s New Homes Bonus allocation for 2015-16 is £2.45m.

26. Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New Homes Bonus is capable of being a material consideration where relevant. In the current case, the approval of the application would mean that the New Homes Bonus would be payable for the net increase in dwellings from this development.

Affordable Housing

27. Policy CS21: Affordable Housing of the Council’s Core Strategy (2011) requires that development resulting in the net gain of 1-4 residential units should provide a financial contribution equivalent to the cost of 20% of the gross number of dwellings on site as Affordable Housing.
28. It is noted that the previously approved scheme included a viability assessment that satisfactorily demonstrated that the scheme could not support the required affordable housing contribution. Given that the current scheme altered the number of units on the site the proposal a new viability assessment was submitted. Following this assessment it was accepted that the proposal could not support the entire affordable housing contribution in relation to such a scheme. As such a revised contribution of £27,250 was considered to be acceptable in this instance.

29. The applicant has been advised that a Unilateral Undertaking is necessary in relation to this contribution prior to the determination of this application. This is in the process of being prepared by the applicant. An update will be given on this at the planning sub committee meeting.

Community Infrastructure Levy (CIL)

30. The development falls under development which is liable for CIL. It is estimated that the proposal will require a contribution of £17,186.10.

Matters raised in Representations

31. The material planning issues have been fully assessed in the planning considerations above.

32. Some concern was raised with regards to the overdevelopment of the site. Whilst this is a high density scheme, it is considered that this is appropriate in such a location and the principle of the development has already been established through the previous permission on site.

33. It is noted that the proposal is in relatively close proximity to the historic wall to the rear of the site. However it would not directly abut this wall and as such there are no immediate concerns with regards to the impact upon this wall. Any structural implications would be a civil matter between the parties concerned and may be subject to a Party Wall agreement. However this is separate legislation and does not constitute a material planning considerations.

34. Some concern was raised regarding the noise disturbance from the flats. This is a proposal for residential units and as such is not considered that this would result in significant noise implications for neighbours.

Conclusion

35. On the basis of the above, and in light of any other material considerations, the proposal is considered to be in accordance with the development plan. Accordingly, the recommendation is to grant permission.

<table>
<thead>
<tr>
<th>Case Officer Checklist</th>
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<tbody>
<tr>
<td>Neighbour Notifications 05/05/16 TS</td>
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<td>Consultations 05/05/16 TS</td>
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<tr>
<td>Drawings 05/05/16 TS</td>
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<tr>
<td>Site Visit Notes 05/05/16 TS</td>
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</tbody>
</table>

Recommendation: Permit subject to the receipt of a Unilateral Agreement under Section 106 of the Town & Country Planning Act 1990 to secure the required affordable housing contribution by 23/05/2016

Conditions/Reasons

1 TIME LIMIT (FULL APPLICATION)
The development hereby permitted shall be begun before the expiration of three years from the date of the grant of planning permission 2013/4363 which expires on 06 February 2017.
Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

2 LIST OF APPROVED PLANS
The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: A-(10)-002, A-(13)-010, A-(13)-012, A-(13)-013 and A-(14)-011 received on 19 October 2015 and A-(13)-011 Rev A and A-(14)-010 Rev A received on 22 October 2015.

Reason: To ensure that the development is carried out in a satisfactory manner.

3 MATERIALS - APPROVED
The building shall not be erected other than in the materials as stated in the Proposed Materials Drawing No.A-(21)-010 received 19 October 2015 and as indicated on the approved plans or such other materials as have been approved in writing by the borough council. The design details on the front elevation and in particular the proposed brick crosses, lintels, quoins and dentil coursing shall be carried out strictly in accordance with the details as set out in Drawing No.A-(14)-011 unless otherwise first agreed in writing by the council.

Reason: To ensure that a satisfactory external appearance is achieved of the development in accordance with Policy DM2 of the Elmbridge Development Management Plan 2015.

4 FLAT ROOF - NO OTHER USE
The flat roof to the development hereby permitted shall not at any time be altered or adapted to form a balcony, roof garden or similar amenity area without the grant of a further specific permission from the Borough Council.


5 OBSCURE GLAZING
The first and second floor windows on the side elevation of the development hereby permitted shall be glazed with obscure glass and fitted with non-opening principal lights, and subsequently maintained in this form. Such glass shall be sufficiently obscure to prevent loss of privacy. The affixing of an obscure film will not be sufficient.

Reason: To preserve the reasonable privacy of neighbouring residents in accordance with Policy DM2 of the Elmbridge Development Management Plan 2015.

Informatives

1 NO ENCROACHMENT
This permission confers no authority for any part of the development including foundations or guttering to encroach upon the adjoining property.

2 COMMUNITY INFRASTRUCTURE LEVY
The development permitted is subject to a Community Infrastructure Levy (CIL) liability for which a Liability Notice will be issued as soon as practical after the day on which planning permission first permits development.

To avoid breaching the CIL regulations and the potential financial penalties involved, it is essential a prior commencement notice be submitted. A blank commencement notice can be downloaded from http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf. For the avoidance of doubt commencement of demolition of existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of the CIL regulations.
NOTES:

All dimensions in millimetres.

All dimensions and levels are to be checked on site by the main contractor prior to commencing excavation works. Any discrepancy is to be reported back to the designer for instruction.

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SCALE: 1:50 (A1), 1:100 (A3)

DATE: 18-10-2015

SHEET TITLE: PROPOSED ELEVATIONS

CLIENT/PROJECT: 34 Walton Road, East Molesey

TRENCHES:
- 34 Walton Road, East Molesey
- 34 Walton Road, East Molesey
- 34 Walton Road, East Molesey

FOR PLANNING

PROPOSED PROPOSED PROPOSED
PROPOSED FRONT ELEVATION FRONT ELEVATION REAR ELEVATION

1:50 @ A1, 1:100 @ A3

1:50 @ A1, 1:100 @ A3

1:50 @ A1, 1:100 @ A3

SCALE BAR (METRES)
14
A10/A120 @ A3

WEATHERSTRIKING POINTING
FLAT ARCH LINTEL TO DOOR AND WINDOW OPENINGS
LIGHT YELLOW BURRFACING BRICK WILL BE LAYED IN FULLER'S BOND ON FRONT ELEVATION TO MATCH EXISTING
DARK BURRFUSHLACING BRICKS FOR QUOINS AROUND ENTRANCE DOOR OPENING. QUOINS TO ALTERNATE FROM 3 COURSES OF STRETCHER BRICKS TO 5 COURSES OF HEADER BRICKS.

15
A10/A120 @ A3

SPANISH SLATE TILES TO ROOF FACES
LIGHT YELLOW BURRFACING BRICK WILL BE LAYED IN FULLER'S BOND ON FRONT ELEVATION TO MATCH EXISTING
DENTIL DETAIL PRODUCED BY 8MM FROM THE MAIN BRICK AND IN FULLER BRICKS SUPPORTED ON 1/2 STRETCHER ABOVE. INTEGRATED INTO THE FULLER BOND COURSES BELOW. NOT IN CONTENTING BRICKS TO MATCH EXISTING.

16
A10/A120 @ A3

DENTIL COURSING
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DARK BURRFUSHLACING BRICKS FOR QUOINS AROUND ENTRANCE DOOR OPENING. QUOINS TO ALTERNATE FROM 3 COURSES OF STRETCHER BRICKS TO 5 COURSES OF HEADER BRICKS.

PROPOSED FRONT ELEVATION - DETAIL
1:25 @ A1.1:50 @ A3

LEVEL 2
+8.62

LEVEL 1
+6.01

LEVEL 0
+3.66

GREY SLATE TILES TO MAIN DOOR FACE
BLACK STOOP LEAD STONE CALL TO WINDOW

WEATHERSTRIKING POINTING

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