

Appeal Decision

Site visit made on 20 September 2016

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2016

Appeal Ref: APP/G2245/W/16/3153674

Site Of 21 Bethel Road, Sevenoaks, Kent TN13 3UE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adrian Lane against the decision of Sevenoaks District Council.
 - The application Ref SE/16/00152/FUL, dated 20 January 2016, was refused by notice dated 20 May 2016.
 - The development proposed is the demolition of five garages. Erection of a two storey dwelling with four dormer windows, two roof-lights, one integral garage, a driveway and private garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has put forward two 'Proposed Plans, Elevations & Sections OPTION1' plans, reference 4246-PD-02 Revision C and 4246-PD-02 Revision D. The Council on their decision notice indicate that the scheme was amended on 15/04/16. The appellant has confirmed in his statement that the revision related to Revision D. For the purposes of clarity I have determined this appeal on the basis of the proposals shown on plan reference 4246-PD-02 Revision D.

Main Issue

3. The main issue in this case is the effect upon the living conditions of the adjoining occupiers of Nos 37a-39 Hartslands Road, particularly in respect of outlook.

Reasons

4. The terrace properties to the rear of the appeal site are set deeper into their plots than the surrounding properties. Although the grain of development in the area is close knit and of mixed character, I did not observe such a close relationship between dwellings elsewhere in the locality. The appellant has drawn my attention to other examples of dwellings in close proximity to each other in the local area. However, I do not consider these to be directly comparable to this appeal site.
 5. Even though the adjoining properties, 37a-39 Hartslands Road, have an open aspect to the front, their rear living room and private outdoor amenity space
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have outlook toward the appeal site. The ground level of the rear gardens drops away toward the close boarded boundary fence which adjoins the appeal site. The proposed dwelling would be positioned just beyond the rear boundaries. Whilst the proposed dwelling would be sited at a lower level the appellant accepts that part of the roof would be visible from the adjoining terraced properties.

6. The pitched roof would have an eaves level positioned just below the top of the boundary fence. Although the proposed roof would comprise a low pitch and slope away and be set at a small angle, it would run along the back of the rear boundary fence and would be clearly visible above it in a direct view from the living rooms and the outdoor amenity areas immediately outside these rooms, and from the rear gardens. These properties have particularly small rear amenity areas. The roof would therefore be a prominent feature given its close relationship to them. In addition, the roof would substantially reduce the occupiers' longer views beyond the appeal site which is an important part of the openness to their current outlook. As a result, the proposal would substantially reduce the existing sense of openness to the rear of these properties.
7. Whilst the occupiers of this terrace could erect outbuildings within their rear gardens, whether or not under the provisions of the General Permitted Development Order, there is no evidence before me that would indicate that such development would take place or that residential permitted development would justify the erection of the proposed development.
8. For these reasons, I conclude that the proposal would have a harmful effect on the living conditions of the adjoining occupiers of Nos 37a-39 Hartslands Road, particularly in respect of outlook. The proposal would be contrary to Policy EN2 of the Sevenoaks Allocations and Development Management Plan which seeks proposals to safeguard the amenities of existing occupiers of nearby properties by ensuring that development does not result in, amongst other matters, visual intrusion.

Other Matters

9. The proposal would provide an additional home of sustainable construction within the urban area in a sustainable location. Whilst the proposal would contribute one dwelling to the District's overall housing supply, this benefit would not outweigh the harm identified above.
10. I appreciate that the Conservation Officer is reported to have no objections to the proposal and I note an interested party offers support to the proposal. Notwithstanding the benefits that the proposal may bring about in respect of the streetscape and the character and appearance of the Conservation Area, which would include the removal of the garages, this does not alter my conclusion on the main issue.

Conclusions

11. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR