
Appeal Decision

Site visit made on 19 September 2016

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 20 October 2016

Appeal Ref: APP/G2245/W/16/3149204

11 Stafford Way, Sevenoaks, Kent TN13 1QR

- 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 Michael Ayres against the decision of Sevenoaks District Council.
 - The application Ref SE/15/00658/FUL, dated 3 March 2015, was refused by notice dated 10 November 2015.
 - The development proposed is a new residential dwelling – a four bedroom family house with a garden, parking and refuse store.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. As part of the appeal, a revised plan has been submitted which seeks to demonstrate that the access drive could be widened to allow vehicles to pass pedestrians and to incorporate a turning and bin storage area, all within land controlled by the appellant. However, the Council have not had an opportunity to consult the highway authority or local residents on these important details to confirm whether or not they would be effective. It would not therefore be fair on these parties to take the revised plan into account.
3. The Council's fourth reason for refusal was that the proposal failed to make a financial contribution towards affordable housing in the district in conflict with Policy SP3 of the Sevenoaks Core Strategy 2011 (the Core Strategy). However, Government policy as expressed in the Written Ministerial Statement dated 28 November 2014 is that contributions of this nature should not be sought in the case of sites for 10 units or less. In the light of this material consideration, the Council has withdrawn this objection to the scheme.

Main Issues

4. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of Nos 11, 18 and 20 Stafford Way in relation to noise and disturbance;
 - whether the proposed access and car parking arrangements would be acceptable in relation to highway safety; and
 - the effect of the proposal on trees.

Reasons

Living conditions

5. The proposal is for an individually designed, four bedroom detached house in the furthest section of the L shaped rear garden behind No 11 Stafford Way. Access would be via an existing private drive which runs diagonally across the front and then along the flank of No 11 to a garage currently on the appeal site. The private drive also runs diagonally across the front of Nos 18/20, two flats which face No 11 at right angles with only a narrow gap between.
6. Due to the unusual orientation of these properties and their proximity to the private drive, the additional vehicle movements generated by the new house would pass very close to the front windows of Nos 11 and 18 and immediately below the front window of the first floor flat No 20. In each case the additional movements would be within a few metres of these main living room windows, causing vehicle noise and disturbance from headlights at night. There is no screening across the frontage of No 11 to mitigate these adverse effects and if introduced it would reduce the outlook from the property and make using the driveway more difficult. No screening is possible to prevent noise and disturbance to the occupants of No 20 and the existing close boarded fence across the front of No 18 would not fully mitigate the extra movements.
7. Vehicle speeds would be low but the number of two-way movements would potentially double, an increase of about 12 a day. Given the close proximity of the additional movements to the living room windows concerned even this level of increase would cause a material increase in noise and disturbance.
8. For these reasons the proposal would significantly harm the living conditions of the occupiers of Nos 11, 18 and 20 Stafford Way in relation to noise and disturbance. This would conflict with Policies T1 and EN2 of the Sevenoaks Allocations and Development Management Plan 2015 (the SADMP) which require development to mitigate any adverse travel impacts such as noise and impact on amenity and ensure that occupants of nearby properties are not subject to excessive noise, vibration, activity or vehicle movements.

Access and car parking

9. The driveway running between Nos 11 and 18/20 is narrow, about 3.5m wide, and makes an awkward turn around the front corner of No 11. Due to its limited width and the poor visibility around the corner there would be conflict between vehicles accessing the parking spaces for No 11 and the new property and pedestrians accessing both the new property and the entrance to No 20 which is located off the private drive. Further down, the drive varies in width between 2m and 3m, which is insufficient for a vehicle and pedestrian to pass, again resulting in conflict.
10. The new dwelling would be provided with two car parking spaces immediately in front of the property and No 11 would have two spaces alongside. This would be sufficient to meet the Council's standards, but no visitor spaces would be provided and no provision for vehicles to turn to leave the site in forward gear. The limited on-street parking in the area is already under pressure, with any additional parked vehicles likely to block the turning head at the end of Stafford Way or the footway. The inconvenient access and parking layout would therefore be likely to exacerbate these problems leading to increased

highway safety concerns in the area. In addition, the highway authority have unresolved concerns over the lack of roadside refuse facilities and the inability of delivery vehicles or a fire engine to access the dwelling.

11. For these reasons the proposed access and car parking arrangements would be unsatisfactory, leading to increased highway safety risks for both vehicles and pedestrians. This would be contrary to Policies T1 and EN1 of the SADMP which require development to mitigate any adverse travel impacts including their impact on safety and to ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking and refuse facilities.

Trees

12. There are a number of trees and shrubs on or near the site boundaries, which although not protected, are important to the character of the area and should be retained for that reason and to screen the new dwelling from nearby residents. The 'existing trees plan' submitted with the application gives an indication of their species, position and crown spread, but falls short of a full arboricultural assessment in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction – recommendations'. The appeal statement maintains that there would be no unacceptable incursion into the root protection zone of the nearest tree, but this is based on an estimated tree diameter with no detailed plans provided. The other trees and shrubs are not assessed and no details are provided of any tree protection measures.
13. Whilst it is quite possible that these trees and shrubs can be protected during development this has not been adequately demonstrated to date. As such, the proposal conflicts with Policy EN1 of the SADMP which requires the layout of development to respect the topography and character of the site and to sensitively incorporate natural features such as trees and hedges.

Conclusion

14. It is not clear from the appeal statements whether the Council can demonstrate a five year supply of deliverable housing sites against an agreed development plan provision figure. In any event, the proposal would provide a much needed new dwelling with economic and social benefits in a sustainable location outside the Green Belt. This would be an important advantage of the scheme. However, this factor is significantly and demonstrably outweighed by the objections to the proposal outlined above. These concerns mean it cannot be regarded as a fully sustainable development and consequently the presumption in favour of such development does not apply in this case.
15. The appeal should therefore be dismissed.

David Reed

INSPECTOR