

Appeal Decision

Site visit made on 13 December 2016

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 22nd December 2016

Appeal Ref: APP/G2245/W/16/3157585

Dunton Green Free Church, Station Road, Dunton Green TN13 2XD

- 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 Ian Powell against the decision of Sevenoaks District Council.
 - The application Ref SE/16/00979/FUL, dated 31 March 2016, was refused by notice dated 15 June 2016.
 - The development proposed is demolition of existing disused D1 church building on site and erection of 4nos. C3 semi-detached houses and 1no C3 detached house with 5 secure and covered cycle stores, 5 secure and covered refuse storage and 8 parking bays with electric charging points along a mews – to be named 'Church Mews'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the:
 - a) character and appearance of the area;
 - b) living conditions of occupants of No 2 Station Road in relation to privacy, outlook and noise and disturbance.

Reasons

3. The Dunton Green Free Church previously occupied a site fronting Station Road. The site lies to the rear of residential development in London Road and adjacent to an area occupied by an associated block of garages. To the east are two substantial detached houses set in long, well-proportioned plots. In addition to the church building, the rear of the site was occupied by several single storey outbuildings. I have limited information about these buildings, although some photographs were included in the design and access statement. At the time of my site visit all of them had been demolished.
 4. Station Road is characterised by residential development, which appears to date from different eras but is predominantly traditionally designed, two-storey dwellings. The area around the appeal site has an open appearance as development in the immediate vicinity is all set well back from the street. The position of the church building on the site would have reinforced this sense of openness. Its main front elevation was even further back from the street behind an area used as a car park and approximately in line with the rear of No 2 Station Road.
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5. The proposed development would include a detached house nearest to the Station Road frontage, behind which would be two pairs of semi-detached houses served by an access road that would run alongside the site's eastern boundary. The density of the proposal would be approximately 55 dwellings per hectare, which is comparable with other developments in the area. However, density is not a measure of the design quality of the scheme and is only one factor to be considered in relation to its acceptability. The key consideration is the ability of the site to accommodate development of the scale and quantity proposed, without compromising the quality of the local environment.
6. The proposal would introduce a series of tall and bulky buildings on almost the full depth of the site. The pairs of semis would be at right angles to the road without direct street frontage. The depth of each plot would be highly restricted with the shared access at the front and rear gardens that would be less than 3m deep. In my view this layout would be cramped and out of character with the more spacious layout of the adjacent properties. It would also be at odds with the layout of dwellings opposite the site and within Crescent Cottages.
7. In coming to this view I have, nevertheless, had regard to the mixed character and style of development in Station Road, and the description of the area in the Supplementary Planning Document: *Sevenoaks Residential Character Area Assessment*. In particular I note that Nos 6-14b, is a group of two-storey dwellings constructed at right angles the street. However, these houses, which are accessed via a narrow private driveway, occupy an area of land that is significantly wider than the appeal site. They also mark a transition between the more spacious development pattern at the western end of Station Road and that further east, which is characterised by modest pairs of semis with small front gardens. Whilst it is not a development pattern that is comparable with the appeal proposal, it underlines the mixed nature of development in the area.
8. The building line along the southern section of Station Road is staggered with No 6 being closest to the street, No 4 set further back and No 2 set back further still. The church building was sited even further back on the plot, all of which reinforced the sense of openness in this area. The alignment of Station Road approaching the roundabout also provides a visual separation between the flank wall of the block of flats that faces London Road and the building line of Station Road. The front of the proposed detached dwelling, Unit 1, would be aligned with that of No 2, bringing the built form further forward on the site and closer to the street, rather than respecting this staggered building line. This would adversely affect the openness of this part of Station Road, especially when travelling eastwards from the roundabout.
9. Unlike No 2, which has a pitched roof and a large, distinctive and prominent front gable projection, the proposed dwelling would have a flat front elevation that would present a gable end to the street. The expanse of brick wall above the first floor windows and a shallow pitched roof would make it appear to be a three storey building. Moreover, the lack of articulation would give this elevation a bland and uninteresting appearance that would fail to respect the features of any of the surrounding properties.
10. The western elevation of the detached dwelling would be visible from Station Road, notwithstanding the presence of vegetation along the boundary with the driveway serving the garages. The height, mass and bulk of the proposal would be prominent, giving the appearance of a three storey building with an almost flat roof. The large areas of brick work would present a featureless and unattractive elevation at first floor level and above. This, combined with its square shape

would, in my view, represent a poor standard of design that would fail to relate effectively to any of the surrounding streetscape.

11. The pairs of semis that would be sited on the remainder of the site would repeat these design features. Although screened by the existing development to the east of the site, their western elevations would be visible above the garages. The previously visible, steeply-pitched roofslope of the church and its small tower would be replaced by large sections of brick wall and shallow pitched roofs. I consider their height, bulk and appearance would be out of keeping with the surrounding area, notwithstanding the especially mixed style and design of dwellings in the locality. This would be the case even though the ridge height of Units 1, 2 and 3 would be only marginally taller than those of the nearest neighbouring properties.
12. In addition, the site as a whole would be dominated by buildings and hard surfacing with little space available for soft landscaping and limited gaps between the buildings. This would also be out of character with the open and verdant appearance of the area. I consider this to be the case even though the landscaping previously surrounding the church was limited by use of much of the area in front of the building as a car park.
13. Taking all these factors into account, I conclude that the proposal would be harmful to the character and appearance of the area, contrary to Policies SP1 and SP7 of the Council's Core Strategy¹ and Policy EN1 of the Council's Allocations and Development Management Plan (ADMP)². These policies, amongst other things, require new development to be high quality design and to respect the distinctive character of the site and the surrounding area.

Living conditions

14. The living room at the rear of No 2 Station Road has a bay window which looks over the garden and also towards the appeal site. This bay window is in a rear projection of the house that is in close proximity to the boundary with the appeal site. I appreciate that the windows at first floor level of Units 2-6 have been designed to prevent overlooking of No 2's habitable rooms. This would be achieved by the use of obscure glazing in the bathrooms and the triangular projection in which to provide bedroom windows.
15. Nevertheless, the front elevations of two pairs of semi-detached dwellings with their associated fenestration would be less than 6m from the shared boundary with No 2. Even with the windows angled towards the rear of No 2's garden there would be oblique views that would permit overlooking of its full length from four new homes. Whilst this would be most harmful nearest to the house, I consider that the occupants of No 2 would feel that they had lost privacy throughout the whole of their garden, making it a much less pleasant place to be. This sense of being overlooked would be compounded by the proximity of the windows to the garden. The proposal would therefore represent a significant and harmful change when compared with the previous situation where the predominant feature facing No 2 was the church's steeply sloping roof. The windows in its eastern elevation were at high level in order to provide light for the internal meeting room. They did not, therefore, give rise to overlooking of either the house or garden.
16. There is a bedroom window on the first floor of No 2 that looks directly towards the appeal site. Overlooking of this bedroom would be prevented by the use of

¹ Sevenoaks District Council Local Development Framework - Core Strategy, Development Plan Document, adopted February 2011

² Sevenoaks District Council Local Plan – Allocations and Development Management Plan, adopted February 2015

obscure glazing in the window serving the staircase of the detached dwelling, Unit 1. However, the separation distance between this window and the proposed dwelling would be less than 9m. Units 2 and 3 would also be highly visible from this window. In my view the height, bulk and proximity of the new dwellings to No 2 would adversely affect the outlook from this bedroom and introduce an unacceptable level of enclosure.

17. I appreciate that the front of the church building was previously approximately in line with the rear elevation of No 2. Its bulk, height and depth would therefore have caused the part of the garden nearest the house to feel somewhat enclosed. However, only a small section of the building was at full ridge height. The eaves were much lower and there was an extensive section of steeply pitched roof that faced No 2. By contrast the proposal would introduce a bulkier building in approximately the same place on the site. However, this would be combined with a second pair of semis of similar proportions alongside the first, in the area previously occupied by single-storey wooden huts. The volume and bulk of the development as whole would significantly increase the sense of enclosure for the occupants of No 2. It would do so along almost the full depth of their garden, from where the buildings would appear visually dominant and overbearing.
18. The shared access driveway would be very close to the boundary with No 2. Movements of vehicles and people along the access to and from four dwellings would be disturbing to anyone in the living room, particularly with its bay window. These activities would also be noticeable in the garden. This would be very different from visits to and from the church when the parking took place in front of the building. I therefore consider the proposal would give rise to unacceptable noise and disturbance for the occupants of No 2.
19. The appellant has included provision of a 2m high acoustic fence along this boundary as a means of mitigation. Whilst this could address the issues of noise and disturbance, it could increase the sense of enclosure for the occupants of No 2. In particular it would result in a small loss of outlook and sunlight from the two smaller secondary windows in the ground floor living rooms of No 2. It would also be an alien feature in the street scene, particularly between the road and the front elevation of No 2. In this regard I note that the highway authority raised concerns about its height where it could affect visibility. I am therefore not persuaded that it would be an acceptable means of mitigation in this case.
20. Taking all these factors into consideration, I conclude that the proposal would be harmful to the living conditions of No 2 arising from loss of privacy, visual intrusion and noise and disturbance. It would therefore be contrary to Policy EN2 of the ADMP, which seeks to protect existing residents from overlooking, visual intrusion and excessive noise and disturbance arising from development proposals.

Conclusion

21. For the reasons set out above, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR