
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/16/3158285

6 St Botolphs Road, Sevenoaks, Kent TN13 3AQ

- 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 Mrs Olivia Maddison against the decision of Sevenoaks District Council.
 - The application Ref SE/15/03774/FUL, dated 24 November 2015, was refused by notice dated 14 March 2016.
 - The development proposed is sub-division of plot, demolition of existing garage and the erection of a 4 bed detached dwelling with basement and 10 solar panels on roof.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. One of the reasons the Council gave for refusing the application related to the lack of a planning obligation to secure a contribution towards affordable housing. This was required for the development to comply with Policy SP3 of the Sevenoaks District Council Core Strategy (Core Strategy).
3. However, since this application was determined the Court of Appeal gave legal effect to the policy set out in the Written Ministerial Statement (WMS) of 28 November 2014 which stated that contributions should not be sought for affordable housing from developments of 10 units or less. While I acknowledge the weight of Policy SP3, I also attach considerable weight to the WMS and therefore the lack of a planning obligation would not be a sufficient reason to reject the appeal proposal. In any event, as part of its written statement in relation to the appeal, the Council has confirmed that it no longer seeks to defend this reason for refusal.

Main Issue

4. The main issue is therefore the effect of the proposed dwelling on the character and appearance of the area.

Reasons

5. St Botolphs Road a predominantly residential road whose character is enhanced by the width of the carriageway, the wide grass verges and an abundance of mature trees which form a canopy over much of the road. The buildings are large, individually designed properties and are well spaced along the road. As
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they are screened by the plentiful vegetation, most have a minimal impact on the street scene. However, although they vary in design and age, most were erected in the 1920s and 1930s style. Where houses date from the latter part of the 20th century, or more recently, they have still adopted a traditional approach to their design.

6. The southern side of St Botolphs Road in the vicinity of No 6 exhibits a more intense pattern of development with less substantial plots and smaller gaps between the properties. Some redevelopment has resulted in buildings becoming more prominent in the street scene due to their height, mass and more open frontages.
7. No 6 Botolphs Road is a substantial, detached house set to one side of a well-proportioned and spacious plot. Its access is adjacent to the eastern boundary of the site. The remainder of the frontage is enclosed by mature vegetation and trees which largely obscure any view of the house from the street. The proposal is to sub-divide the plot and replace the existing detached garage with a two storey dwelling of contemporary design.
8. The existing plot of No 6 is not square. Its sub-division would result in No 6 being on a plot that would be narrower at its rear boundary than at the front of the house. The orientation of the house would be towards the boundary with the proposed dwelling. At the front of the buildings the gap between the existing proposed dwelling would be about 3.7m. However, according to the plans at the back the distance between the rear corner of No 6 and the flank wall of the proposed dwelling would be only just over 2.3m.
9. The proposed dwelling would be parallel with No 8 and a separation distance of just over 3.5m would be retained between the two buildings throughout their depth. However, the boundary is at a different angle, so whereas the distance between the front corner of the proposed dwelling and the boundary would be about 2.5m, at the rear it would only be just over 1.1m. In my view these factors demonstrate that the proposal would appear squeezed between the two existing dwellings and appear cramped.
10. The front elevation of the proposed dwelling would align with that of No 6 and would be slightly staggered. However, it would project in excess of 2m beyond the front elevation of No 8. Whilst the rear of the dwelling would align with No 8 it would project significantly beyond the rear of No 6. This would appear particularly awkward given the orientation of No 6 towards the proposed dwelling. It seems to me that these factors reinforce the cramped nature of the development on this site, which I do not consider to be directly comparable with the existing gap between Nos 12 and 14.
11. I note that Section 4 of the design and access statement (DAS) refers to the need for a separate application to provide an area of off-road parking for two cars to the front of the existing house. However, this does not form part of the proposal before me, although the DAS included a drawing showing a possible layout. I am not aware that the highway authority has commented about the provision of parking for No 6 in relation to the application. However, a neighbour has raised concerns about the adequacy of the parking arrangements. The submitted site plan, Drawing No 1102.03.A01, shows that a new pedestrian access would be provided to No 6, but there would be no replacement parking. The parking area and car port in front of the proposed dwelling do not appear to be part of a shared arrangement with No 6. I am

therefore concerned about the lack of parking for No 6, particularly as the creation of any new access would result in additional and harmful loss of vegetation along the frontage.

12. The proposed dwelling would be a contemporary design. It would be visible from the street through the gap in the vegetation at the existing access, which it is proposed would be slightly enlarged. I acknowledge that existing development in the vicinity of the appeal site varies in style and age. However, traditional approaches to design predominate throughout the street. In my view the introduction of a contemporary style in this locality would appear incongruous and alien in a setting that is dominated by development styles that date from the 1920s and 1930s.
13. In particular the varied pitches of the two roofs, the proposed fenestration and use of traditional materials, including brick cladding and tiles, would appear awkward alongside the adjacent properties. The proposal would not be a positive response to the features or design characteristics that are distinctive to buildings elsewhere in St Botolphs Road. It would therefore fail to integrate effectively into the surrounding street scene, notwithstanding the ability of frontage vegetation to provide some screening.
14. Taking all these factors into consideration, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore fail to comply with Policies SP1 of the Core Strategy and Policy EN1 of the Allocations and Development Management Plan. These policies require, amongst other things, that new development respects its setting. It would also be contrary to the design guidance of the Council's Supplementary Planning Document: *Sevenoaks Residential Character Area Assessment*, which requires new development to fit unobtrusively within its setting. In order to do this it should not appear cramped on the site or out of context with the character of the area.

Conclusion

15. The Government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. The appeal site is within the urban area of Sevenoaks and close to a wide range of facilities, including the railway station. There is therefore no objection in principle to a residential development on this site, provided this can be achieved without compromising the quality of the local environment.
16. The proposal would not be harmful to living conditions of adjacent occupiers and would provide satisfactory accommodation for future occupiers. However, these positive aspects of the scheme would be outweighed by the harm to the character and appearance of the area.
17. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR