
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/16/3158551

Land adjacent to 83-107 Bradbourne Road, Sevenoaks, Kent TN13 3QE

- 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 Wakefield against the decision of Sevenoaks District Council.
 - The application Ref SE/15/00819/FUL, dated 11 March 2015, was refused by notice dated 15 March 2016.
 - The development proposed is erection of 6 lock-up garages and creation of turning area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed garages on:
 - a) the character and appearance of the area;
 - b) the living conditions of adjacent occupants in relation to noise and disturbance;
 - c) highway safety.

Reasons

Character and appearance

3. The appeal site is a narrow area of land that acts as a landscape strip between the private road serving Nos 99a-107 Bradbourne Road and the railway, which runs to the north-west. This part of Bradbourne Road is a cul-de-sac, and only the section between its junction with the main road and No 99c has a metalled surface. A block of seven garages occupies the area one side of the private road, opposite the fence that encloses Nos 95/97. These were approved in 2010¹ and replaced others that previously occupied that area.
4. The appeal site is not prominent in public views. Nevertheless, it is an undeveloped area of land that contributes to its character and helps to screen the railway from its surroundings. In this context, the six additional garages would significantly reduce the amount of vegetation and introduce additional areas of hard-surfacing that would appear at odds with the pattern of development in the immediate locality. The houses that front onto this part of Bradbourne Lane all

¹ Sevenoaks District Council Ref: SE/10/00805

have good-sized front gardens and areas in which to park vehicles. Some have garages. The proposed garages would therefore be visually separate from the existing dwellings and have no apparent functional connection with them. Consequently, they would appear alien and isolated in this setting. Whilst I appreciate that the proposal includes areas of landscaping to soften the appearance of the buildings, in my view, this would not compensate for the loss of the wider area of greenery that currently screens the railway.

5. The appellant suggested that the current proposal is seeking to replace garages that were demolished when Nos 99b and 99c were built. It would appear that there were originally thirteen garages in that area, only seven of which were replaced by the scheme approved in 2010. However, I have no details of that development or when it was implemented. I therefore consider it to be of limited relevance to the current proposal and not a justification for now introducing garages that were not replaced at that time, on a completely different site. Furthermore, the relationship between the replacement garages approved in 2010 and the adjacent properties is fundamentally different from that proposed within the appeal scheme. The existing garages are sited on one side of the access road which is otherwise enclosed by a substantial fence. There are no other entrances to dwellings in that vicinity. This is in contrast to the arrangement where the proposed garages would be sited between the accesses to Nos 99-103.
6. I therefore conclude that the proposal would be harmful to the character and appearance of the area, contrary to Policies SP1 of the Sevenoaks Core Strategy and Policy EN1 of the Sevenoaks Allocations and Development Management Plan (ADMP). These policies, amongst other things, require development to respect its setting.

Living conditions

7. The erection of six additional garages would bring some extra movements of people and vehicles into this quiet cul-de-sac. However, the proposed garages would not have power, heating or water. This would limit their use to one of personal storage. In my view the occasional, or possibly daily, visits to six domestic garages would be unlikely to generate significant noise or disturbance that could adversely affect the living conditions of the occupants of the houses in this part of Bradbourne Road. In any event, any such movements would be taking place in the area where there are already comings and goings from the existing houses. The proposal would not result in any noise or disturbance to the rear private amenity spaces of these properties, which are the areas that residents can expect to be quieter.
8. I note that the Council did not consider it would be appropriate to control the use of the proposed garages by means of a condition. However, it seems to me that a condition restricting their use to that of storage of private motor vehicles and incidental domestic storage would be enforceable. If any commercial activities took place, I have no doubt that it would be brought to the attention of the local planning authority and could be dealt with accordingly. However, as I have found the development to be harmful for other reasons, there is no need for me to consider this matter further.
9. I conclude that the proposed garages would not be harmful to the living conditions of the occupants of Nos 99-107 as a consequence of unacceptable noise and disturbance. In this respect the proposal would comply with Policies EN2 and EN7 of the ADMP, which seek to protect local residents from the adverse effects of development on their living conditions, including harm caused by unacceptable levels of noise disturbance.

Highway safety

10. The section of Bradbourne Road serving the appeal site is privately maintained cul-de-sac serving eight houses and seven garages. There is no footway, but vehicles are unlikely to be travelling at speed due to the unmade nature of much of its length. Where the private road joins the public highway the pedestrian visibility splay is somewhat limited by the garden wall of the adjacent property. Nevertheless, the highway authority is satisfied that the visibility splays are broadly compatible with its minimum requirements.
11. From what I have read, it is apparent that there is concern in the local community that additional vehicles using the junction between the cul-de-sac and the main part of Bradbourne Road would increase the dangers for children going to and from Sevenoaks Primary School. The highway authority's officer visit to the site in December 2015 provided evidence that this footway is well-used by children and adults, including some with pushchairs. During his visit he also saw three vehicles exit the private road, one of which did so in reverse gear.
12. I accept that this junction is also close to a busy junction between Bradbourne Road and the A25, Bradbourne Vale Road. I therefore share the concerns of the highway authority and local people about the dangers of vehicles reversing onto Bradbourne Road. However, there is already adequate space near No 99b within the private road for vehicles to turn around and emerge in a forward gear. The proposal has also addressed this issue by ensuring that there would be space for vehicles to turn around at the end of the cul-de-sac near No 105. Consequently, there is no necessity for vehicles to reverse onto Bradbourne Road. The number of additional movements that would occur as a result of the appeal proposal is likely to be small and spread throughout the day. On this basis the highway authority was satisfied that the proposal would not significantly increase hazards on the public highway and I see no reason to come to a different view.
13. I conclude that the proposal would not be prejudicial to highway safety and in this respect would comply with Policy EN1 of the ADMP. This policy, amongst other things, requires development to provide a satisfactory means of access for vehicles and pedestrians. I do not consider there would be a conflict with Policy T2 of the ADMP, since this policy is primarily concerned with the provision of parking spaces for new residential and non-residential development in accordance with appropriate adopted standards. It is therefore not directly relevant to the appeal proposal.

Conclusion

14. I have found that the proposal for six garages would not be harmful to the living conditions of occupants of adjacent properties; neither would it be prejudicial to highway safety. However, these positive aspects of the scheme would be outweighed by the harm I have found to the character and appearance of the area.
15. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR