The Planning Inspectorate

# Appeal Decision

Site visit made on 27 February 2017

**by C Jack BSc(Hons) MA MA(TP) MRTPI**

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

**Decision date: 7th March 2017**

**Appeal Ref: APP/G2245/W/16/3163698**
**7 Hale Lane, Otford TN14 5NP**

- 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 Mark Leader of West Kent Housing Association against the decision of Sevenoaks District Council.
- The application Ref SE/16/01141/FUL, dated 14 April 2016, was refused by notice dated 28 June 2016.
- The development proposed is the construction of an infill 3-bedroom house on land to the west of 7 Hale Lane.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area and ii) the living conditions of neighbouring occupiers, with particular regard to outlook.

## Reasons

3. The appeal site consists of an area of land adjacent to the rear garden of 7 Hale Lane (No 7), and part of the existing rear garden of 5 Hale Lane. Here is a hedge between the site and Hale Lane and no existing formal access from the road. The area is predominantly residential in character, comprising mainly of two-storey semi-detached and terraced properties of simple design.

4. It is proposed to construct a two-storey detached house on the site with on-site parking, taking access from Hale Lane. The site lies within the settlement of Otford, where the Council and appellant agree that development on a modest scale is acceptable in principle, as set out in Policy LO7 of the adopted Sevenoaks District Council Core Strategy 2011 (the CS).

*Character and appearance*

5. Houses in Hale Lane are principally laid out in semi-detached pairs and are of similar appearnce to each other. There is a generally spacious character, with notable gaps between pairs of dwellings and the side boundaries, and good-sized rear gardens. The proposal would occupy part of the gap between 9 Hale Lane (No 9) and No 7.

6. The plot size would be significantly smaller than the norm in Hale Lane and the site coverage of the proposed house would be relatively large, making it incongruous with the general size and form of development nearby. It would

also be positioned adjacent to the common boundary with No 9, at odds with the prevailing degree of separation of built form from the side boundaries.

7. While the simple design and the proposed materials would not be out of character with properties nearby, the size and detached nature of the new house would be inconsistent in an area where there are very few examples of detached properties. In particular, the new house would be set down in its plot and appear diminutive in height compared to No 9. I note that ridge levels generally fall along with the gentle slope in the road however this would be exacerbated in the proposed development. While the ridge height of the new house has been proposed in order to be approximately 20cm greater than that at No 7, the result would be an uncomfortable visual relationship between the new building and No 9, which would be clearly visible in the wider street scene.

8. For these reasons, I conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with adopted Policies SP1 and LO7 of the CS, which among other things seek to ensure that development responds to, and is consistent with, the local character of the area in which it is situated. It would also conflict with adopted Policy EN1 of the Sevenoaks District Council Allocations and Development Management Plan 2015 (ADMP), which sets out design principles including that the form of development should respond to the scale, height, materials and site coverage of the area.

*Living conditions*

9. The outlook from the rear of No 7 is currently towards the side elevation of No 9. This outlook is currently partly restricted by the garages and boundary fences at both properties that lie between them. The new house would bring built form closer to the rear of No 7, where there are two first floor windows that appear to serve bedrooms, and its rear garden. As a result, the outlook from the rear of No 7 would be foreshortened.

10. While the new house wold be set down in relation to No 9, and its ridge height would be significantly lower, the proximity of additional built form would unduly increase the sense of enclosure at the rear of No 7. For these reasons, I consider that the proposal would have a modest but significant adverse impact on the outlook from No 7.

11. I conclude that the proposed development would be detrimental to the living conditions of neighbouring occupiers, with particular regard to outlook. It would therefore conflict with adopted Policy EN2 of the ADMP, which among other things seeks to ensure that development does not result in visual intrusion to the occupiers of nearby properties.

12. The Council has also made reference to its adopted Supplementary Planning Document: Residential Extension 2009 (SPD), which relates specifically to proposals for home extensions. It is therefore not directly relevant in this case, which does not relate to an extension as defined in the SPD. While I have had regard to it, it has not been determinative in my considerations.

**Other Matters**

13. I have considered the various benefits that the development would bring, including the social and economic benefits associated with the provision of one additional dwelling, and that the appellant seeks to use the profits from the

proposal to fund affordable housing development in the locality. It would also make productive use of a small area of 'wasteland', and I have afforded these benefits some weight in favour of the appeal. However, this is insufficient to outweigh the harms identified in relation to the main issues above.

14. The appellant has provided a draft, unsigned S106 obligation relating to off-site affordable housing contributions. Even if the unilateral undertaking had been completed, the Written Ministerial Statement of 28 November 2014 and the Planning Practice Guidance set out that such a contribution is not to be sought from small scale development.

15. I note that the appellant is of the view that infill dwellings tend to be detached by nature. While this may often be the case, it does not justify the proposed development, which I have found to conflict with the development plan for the reasons set out above.

16. The Council has compared the proposal to another appeal[1] in which the Inspector was concerned about the proposed siting of a building close to the road where others were set back. It seems to me that the circumstances of that case differed significantly from the case before me, where the proposed house would be set only marginally forward of No 9. I have therefore afforded no significant weight to that decision and I have determined the case before me on its merits.

**Conclusion**

17. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Catherine Jack*

INSPECTOR

[1] APP/G2245/W/16/3151158