
Appeal Decisions

Site visit made on 3 May, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 14th June, 2017

Appeal A Ref: APP/G2245/W/16/3166183

South View, Till Avenue, Farningham, Kent, DA4 0BH

- 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 P Jackman against the decision of Sevenoaks District Council.
 - The application Ref: SE/16/00455 dated 16 February, 2016 was refused by notice dated 24 June, 2016.
 - The development proposed is construction of a new detached house on land to rear of South View, plus alterations to the existing house.
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Appeal B Ref: APP/G2245/W/16/3166873

South View, Till Avenue, Farningham, Kent, DA4 0BH

- 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 P Jackman against the decision of Sevenoaks District Council.
 - The application Ref: SE/16/02964/FUL dated 28 September, 2016 was refused by notice dated 8 December, 2016.
 - The development proposed is construction of a new detached house on land to rear of South View, plus alterations to the existing house.
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Decision

1. Appeal A is allowed and planning permission is granted for construction of a new detached house on land to rear of South View, plus alterations to the existing house at South View, Till Avenue, Farningham, Kent, DA4 0BH in accordance with the terms of the application Ref: SE/16/00455 dated 16 February, 2016 and the plans submitted with it, subject to the conditions set out in Schedule A to this decision.
2. Appeal B is allowed and planning permission is granted for construction of a new detached house on land to rear of South View, plus alterations to the existing house at South View, Till Avenue, Farningham, Kent, DA4 0BH in accordance with the terms of the application Ref: SE/16/02964/FUL dated 28 September, 2016 and the plans submitted with it, subject to the conditions set out in Schedule B to this decision.

Preliminary Matter

3. In respect of Appeal A, the description in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed, but, nevertheless, a different wording has been entered. Neither of the main parties has provided
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written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

4. From the representations submitted, I find that the main issue in both appeals is the effect of the proposed development on the character and appearance of the area.

Reasons

5. Oliver Crescent and Till Avenue are lined by short terraces of brick-built workers cottages, with small front gardens and set around a large triangular open space. As a pocket of development in a rural setting, the spaces between houses allow glimpses of mature trees and the open countryside beyond. The character of the area is as a result an open and green one.
6. South View sits at the northern corner of the open space and is part of a small group of detached and semi-detached houses running east from Till Avenue. It is visible in views north and west across the green, and because of its unusual white, weather boarded surface finish, is conspicuous in these views.
7. The appeal proposals are for the demolition of existing rear extensions to the host dwelling, and creation of a part two-, part three-story detached house to its north east. In the case of Appeal A the house would have a flat sedum roof to part of the first floor and an asymmetrical pitched roof to the second floor, set back to the rear of the dwelling. The proposal relating to Appeal B would have smaller second floor, with flat sedum roofs on both first and second floors.
8. The proposed house in both appeal cases would be set back some distance from the Till Avenue frontage and largely behind South View, and so would be glimpsed only obliquely in views along Oliver Crescent and from the open green. It would also be partially screened in these views by mature trees at the north end of the green and set behind mature vegetation surrounding the site. It would not therefore intrude into long views across the green and would not form an unduly prominent element in the street scene.
9. South View has a relatively steep pitched roof and as a result, while the appeal dwelling in both appeal cases would have three storeys, both the proposed pitched and flat roofs would not be taller than the existing ridge line. The proposed dwelling would also be set back some distance behind No 61 Till Avenue and not particularly close to it. It would not therefore have an especially prominent presence in relation to that dwelling or the small close in which it sits, nor would it harm the character of that part of the area.
10. While there is a strong and consistent character in the terraces facing the Green along Oliver Crescent and the southern part of Till Avenue, the houses around the appeal site are more diverse in age and appearance. Appeal A includes a mix of pitched and flat roofs, and this is a juxtaposition seen in the host dwelling where a flat roofed extension adjoins the pitched and gabled main building. I consider therefore that neither appeal proposal would appear particularly incongruous set in this area of more mixed character.
11. While there would be some modern elements, such as solar roof tiles to the design of Appeal A, both proposed dwellings would include traditional facing

materials; in the case of Appeal A render and timber weather boarding and slate, and in the case of Appeal B, red stock brick, weather boarding and slate hanging. In that respect, therefore, I consider that both proposals would complement the character of the area.

12. The appeal dwelling in both cases would be set back behind a generous front garden, with a garden to the rear, and would therefore have a moderately open setting which would not be out of character with the rest of the area and would not, it appears to me, give rise to a cramped appearance. The prevalence of the very modest properties along Oliver Crescent and Till Avenue, contrasting with the more lofty proportions of South View itself, suggest that in this context the proposed dwellings would not appear particularly cramped, either, in terms of floor heights.
13. I conclude therefore that neither appeal proposal would harm the character and appearance of the area, and that neither would therefore conflict with policy EN1 of the Sevenoaks Allocations and Development Management Plan 2015, which seeks development which respects the character of the surrounding area, nor in the case of Appeal B with policy SP1 of the Sevenoaks Core Strategy 2011 (the CS) which requires development to respond to the distinctive local character of the area, nor with policy LO7 of the CS, which states that priority will be given to protecting the rural character of the District, including the Areas of Outstanding Natural Beauty.

Other Matters

14. Neighbouring occupiers have expressed concerns about potential loss of light, and overshadowing. As the proposed house would in both cases replace a two story extension, and as it would be set at a reasonably large separation distance from adjacent properties, I conclude that harmful effects are not likely to arise. The protection of private views is not a matter for the planning system.
15. Due to the separation from other dwellings, and to the fact that the flat roofed elements of proposal B would not be accessible from the upper floors, and could not therefore be used as terraces, I consider that fears of loss of privacy are not well founded.
16. Parking spaces for other dwellings are accessed from the unadopted access road, and turning spaces for the proposed parking areas have not been raised by the Council as a reason for refusal. It appears to me, therefore, that the proposed parking arrangements would be adequate in that respect. The additional traffic movements generated by a single dwelling are unlikely to give rise to sufficiently great levels of traffic or noise and disturbance to be harmful to the living conditions of neighbouring occupiers.
17. Both the host dwelling and the proposed dwelling in both appeal cases would have reasonably generous outdoor amenity space to front and rear. I consider therefore that these would be adequate for the needs of future occupiers. Retention of trees and screening vegetation is a matter which would be capable of being secured by condition.

Conditions

18. The Council has provided suggested conditions which the appellant has had an opportunity to comment on, and which I have taken into account. In the interests of clarity a condition is applied requiring that the proposals are implemented in accordance with the approved plans.
19. Details of any changes of level are reserved by condition in the interests of protecting the living conditions of neighbouring occupiers, and are necessary to be addressed prior to the start of development.
20. I have applied a condition requiring details of hard and soft landscaping works, and an implementation programme, in the interests of protecting the character and appearance of the area and the living conditions of the occupiers of adjacent dwellings. However, I consider it is not reasonable to require future occupiers of the appeal dwelling to maintain or replace trees or shrubs, as this is not required of other householders, and I have not therefore added a condition requiring them to do so.
21. I have applied a condition requiring details or samples of external facing materials, in the interests of protecting the character and appearance of the area.
22. As the site is in an area of high archaeological potential relating to Roman activity, I have attached a condition requiring archaeological field evaluation works, which would be necessary prior to any ground disturbance associated with development.
23. A condition is attached requiring the provision and retention of car parking areas to ensure that the development makes adequate provision for parking.
24. Non-opening windows below 1.7m above floor level on the north and east elevations at first floor levels are required in the interests of protecting the living conditions of the neighbouring occupiers.
25. The National Planning Policy Framework is clear at Paragraph 200 that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification for doing so. No such justification has been put before me, and I have not, therefore, applied such a condition.

Conclusion

26. For the reasons given above, therefore, and taking into account all other matters raised, I conclude that the appeals should be allowed.

S J Buckingham

INSPECTOR

Schedule A of Conditions: APP/G2245/W/16/3166183

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15-129 001 P2; 15-129 002 P1; and 15-129 003 P2.
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) trees and shrubs to be retained;
 - ii) soft planting proposals including grassed and herbaceous areas, trees, shrubs including location, species and size;
 - iii) hard surfacing materials;
 - iv) means of enclosure and retaining structures;
 - v) boundary treatments;
 - vi) any other landscaping features forming part of the scheme.
 - vii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 5) No development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 6) No development shall take place on the site until the applicant, their agents or successors in title has secured the implementation of
 - i) a programme of field evaluation works in accordance with a written specification and timetable which has been submitted to and approved in writing by the local planning authority; and
 - ii) following on from evaluation, any safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a written specification and timetable which has been submitted to and approved in writing by the local planning authority.
- 7) The approved dwelling shall not be occupied until space has been laid out within the site in accordance with the approved drawings for two cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 8) No part of any window on the first floor in the north and east elevations that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened.

Schedule B of Conditions: APP/G2245/W/16/3166873

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15-129a 001 P1; 15-129a 002 P1 and 15-129a 003 P1.
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) trees and shrubs to be retained;
 - ii) soft planting proposals including grassed and herbaceous areas, trees, shrubs including location, species and size;
 - iii) hard surfacing materials;
 - iv) means of enclosure and retaining structures;
 - v) boundary treatments;
 - vi) any other landscaping features forming part of the scheme.
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 - i) a programme of field evaluation works in accordance with a written specification and timetable which has been submitted to and approved in writing by the local planning authority; and
 - ii) following on from evaluation, any safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a written specification and timetable which has been submitted to and approved in writing by the local planning authority.
- 7) The approved dwelling shall not be occupied until space has been laid out within the site in accordance with the approved drawings for two cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 8) No part of any window on the first floor in the north and east elevations that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened.