



Appeal Decision

Site visit made on 24 May 2017

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 29 June 2017

Appeal Ref: APP/G2245/W/17/3166595

Letitia, Botsom Lane, West Kingsdown, TN15 6BL

- 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 Alexander Opitz against the decision of Sevenoaks District Council.
 - The application Ref SE/16/02780/FUL, dated 8 September 2016, was refused by notice dated 14 November 2016.
 - The development proposed is the demolition of the existing detached garage and the erection of an additional detached 4 bedroom dwelling with a detached double garage and including ancillary works adjoining the existing dwelling known as "Letitia".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There are two appeals in relation to the appeal site, this appeal relates to the provision of an additional dwelling and double garage, whilst the other is for a double garage to serve the existing dwelling. They are separate proposals and could be implemented independently of each other. I have therefore considered each appeal on its merits.

Main Issue

3. I consider the main issue to be the effect of the proposal on the character and appearance of Botsom Lane.

Reasons

4. The appeal property is a detached bungalow, situated on a fairly wide plot on the northern side of Botsom Lane, a narrow winding road with passing places. It is located close to a bend in the road. There is a mobile home park on the opposite side of the road. The proposal for an additional dwelling which would be located between Letitia and the neighbouring property, Vimes House. The proposal also includes a double garage to the front of the proposed dwelling and a shared access with Letitia.
5. The proposed dwelling would occupy much of the width of the plot. The front elevation would be set behind that of Letitia and forwards of Vimes House. It would be two storeys high with the upper floor partially contained in the roof in

- a similar manner to neighbouring properties. It is intended that the ground floor of the dwelling would be set partially below the existing ground level.
6. The appeal property would occupy a much narrower plot than most other properties in Botsom Lane. The immediately adjoining property at Vimes House occupies a similarly narrow plot, moreover, I understand that the Council permitted a dwelling of the equivalent width and depth in 2009.¹
 7. Due to the manner in which the ground floor would be located below the existing ground level, the ridge height would be much lower than either of the neighbouring dwellings. Although the lower height would limit the impact of the proposal on the living conditions of the occupants of the adjoining properties, the proposed dwelling would not relate to the height of either of the neighbouring dwellings and would appear as a discordant feature within the street scene.
 8. The proposed garage would occupy almost half the width of the plot. Due to its position it would dominate the appearance of the appeal site and would obscure views of the entrance to the property. Taken together with the narrowness of the plot and the height of the proposed dwelling, it would combine to give a cramped appearance that would be at variance with the existing character of Botsom Lane. It would conflict with Policy EN1 of the Allocations and Development Management Plan (adopted 2015) which seeks a high standard of design and amongst other matters requires proposals to respond to the scale, height, materials and site coverage of the area in which it is located.
 9. The appellant drew my attention to Yalken and Yakomoz which are located to the west of the appeal site. Whilst these dwellings have integral garages which project forward of the main front elevation, they do so only to a limited extent. Moreover, they form part of the overall architectural composition of these properties and are separated from the highway to a much greater extent than the appeal scheme. He also referred to Torestin where there is a detached garage set forward of the dwelling. However, this is separated from the highway to a greater extent than the appeal proposal and unlike the appeal proposal the garage does not dominate the site or views of the property. Therefore these other garages within Botsom are not comparable with the appeal proposal.
 10. The appeal site is situated opposite Clearways, a mobile home park. Clearways forms a separate residential enclave with its own distinctive character and has a much denser layout by comparison with the residential properties on the opposite side of Botsom Lane. Whilst several of the mobile homes are situated close to the highway they front the roads within Clearways rather than Botsom Lane. I do however acknowledge that these mobile homes do not reflect the more spacious character of other properties in Botsom Lane their visual prominence is reduced by the trees to the boundary. For these reasons I do not consider that the mobile homes at Clearway is set a desirable precedent for other development or justify the harm that would arise from the appeal proposal.
 11. I have had regard to the previous permission for a dwelling on the appeal site. Although this permission is no longer extant, the Council acknowledge that it is

¹ SE/09/01828/OUT

a material consideration and it does not object to the principle of development. However, details of the previous scheme have not been submitted, and although the Council consider the principle of development to be acceptable, for the reasons given above, the appeal proposal would harm the character and appearance of Botsom Lane.

12. I conclude that the proposal would significantly harm the character and appearance of Botsom Lane and would fail to comply with policy EN1 and policy SP1 of the Local Development Framework Core Strategy (adopted 2011) which has a similar intent.

Other Matters

13. The appeal site is separated from Paladin by the existing dwelling, Letitia. Having regard to the distance of the proposed dwelling from Paladin I do not consider that it would adversely affect the living conditions of the occupants of that property. The proposed dwelling would be separated from the side elevation of Vimes House by a distance of about 4 metres. Due to its lower height and pitched roof it would not give rise to a significant loss of light to the occupants of Vimes House.
14. The appellant states that the Council did not negotiate with him during the course of the application and failed to take a pro-active approach to the determination of the appeal proposal in accordance with paragraph 187 of the National Planning Policy Framework. The Council states that it provides feedback by way of pre-application advice and would not normally generally accept amendments to a scheme unless it is clear that they will solve an issue and there is time available to deal with the amendments. Whilst I appreciate the appellant's dissatisfaction with this approach, I am required to determine the appeal on the basis of the submitted appeal scheme.

Conclusion

15. The proposal would fail to comply with the development plan as a whole, and for the reasons given above, I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR