
Appeal Decision

Site visit made on 14 November 2017

by Rory MacLeod BA MRTPI

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

Decision date: 5th December 2017

Appeal Ref: APP/G2245/D/17/3180746

11 St. Martins Drive, Eynsford, Dartford DA4 0EY

- 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 and Mrs Jonathan Brown against the decision of Sevenoaks District Council.
 - The application Ref SE/17/00877/HOUSE, dated 15 March 2017, was refused by notice dated 24 May 2017.
 - The development proposed is two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey and two storey rear extension with basement; erection of a ground floor patio terrace to the rear and alterations to fenestration at 11 St. Martins Drive, Eynsford, Dartford DA4 0EY, in accordance with the terms of the application, Ref SE/17/00877/HOUSE, dated 15 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 627-01A, 627-02E and 627-03A.
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match those used in the existing building.

Preliminary Matter

2. The description of the development on the Council's decision notice more adequately captures the scope of the proposal than that on the planning application form and so I have adopted it for the purposes of my decision.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of adjacent property.

Reasons

4. The appeal relates to a two storey detached house on a large plot where land levels fall gently to the rear of the site. It is proposed to construct a rear extension across the full width of the house at ground floor level with a

basement below and new patio beyond this. There would be a first floor to form a new bedroom over the northern part of the ground floor extension.

5. The two storey element would align with the rear wall of the adjacent house 13 St Martins Drive, a detached house with a wide frontage and relatively shallow depth and with principal windows to the front and rear elevations. There are two small windows in the first floor flank wall facing no.11. One serves an ensuite bathroom; the other is a secondary window to a bedroom. At ground floor level there is a secondary window to the living room which is screened from the appeal site by a boundary hedge. None of these windows serve as the principal means of outlook from a habitable room and so the proposal would not result in a material loss of outlook for the occupiers of no.13.
6. The two storey extension would be to the south of no.13 but there would remain a separation of about 5m between the dwellings at first floor level. The Council states that the proposal would fail a 25° test, set out in the Sevenoaks Residential Extensions SPD, in relation to the first floor flank windows at no.13 in terms of loss of light or overshadowing. However, the appellant has demonstrated that the 25° line from the centre of these windows does not cross the proposed pitched roof of the extension. I am satisfied that given the separation between these dwellings and the layout of rooms at no.13 that there would be no material effect on the living conditions of the occupiers of this dwelling arising from either loss of light or overshadowing.
7. There is a substantial conifer hedge to the boundary with 9 St Martins Drive that would effectively screen the proposal from this side; there would be no significant effect on the living conditions of the occupiers of this property.
8. The proposal would therefore comply with policy EN2 of the Sevenoaks Allocations and Development Management Plan (2015) and with policy SP1 of the Core Strategy (2011) which amongst other matters promote high quality design and seek to safeguard the living conditions of occupiers of nearby properties from unacceptable loss of privacy, loss of light and visual intrusion.

Conclusion

9. For the reasons set out above the appeal is allowed subject to conditions that are necessary to limit the duration of the permission, to list the plan numbers for the avoidance of doubt and to ensure a satisfactory appearance to the development.

Rory MacLeod

INSPECTOR