
Appeal Decision

Site visit made on 29 November 2017

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2018

Appeal Ref: APP/G2245/W/17/3181319

**Cox & Gill Ltd, Fawkham Road, West Kingsdown, Sevenoaks, Kent
TN15 6JP**

- 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 Colin Bickel against the decision of Sevenoaks District Council.
 - The application Ref SE/16/03873/FUL, dated 15 December 2016, was refused by notice dated 23 March 2017.
 - The development proposed is demolition of existing offices and outbuilding and replacement with 4no. new build three bedroom dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing offices and outbuilding and replacement with 4no. new build three bedroom dwellings at Cox & Gill Ltd, Fawkham Road, West Kingsdown, Sevenoaks, Kent TN15 6JP, in accordance with the terms of the application, Ref SE/16/03873/FUL, dated 15 December 2016, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The rear part of the site including a large storage building is located within the Green Belt. The proposal involves the removal of all buildings within the Green Belt and no construction of new buildings in the Green Belt. Accordingly, the question of inappropriate development in the Green Belt does not arise and this is therefore not a main issue.

Main Issues

3. The main issues are the adequacy of the off-street parking provision and the effect of the development on highway safety.

Reasons

4. The site comprises a two storey detached office building located on the site's frontage with parking to the front and rear of this. The proposal is to redevelop the site by the provision of a terrace of four houses, each having 3 bedrooms. The terrace would be set slightly behind the front line of the present frontage building. Each house would have one parking space on its forecourt set at right angles to the road so that a car would have to either reverse into the space or reverse out from it on to Fawkham Road.

5. Policy T2 of the Sevenoaks District Council Allocations and Development Management Plan (2015) (ADMP) requires vehicle parking in new residential development to be made in accordance with Kent County Council's parking standards (set out in Appendix 2). The standards specify for 3 bedroom houses in village and rural settings that 2 independently accessible spaces should be provided for each dwelling. On site provision of one space for each dwelling would therefore fall short of this standard. However, policy T2 states that the Council may depart from established maxima or minima standards in order to *"take account of specific local circumstances that may require a higher or lower level of parking provision, including as a result of the site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems"*. The adequacy of the proposed on site parking provision would thereby depend on examination of local circumstances.
6. The appellant has commissioned a report into these issues in the context of the appeal site (the "Gta report"). This includes a parking stress survey undertaken overnight in June 2017 to provide an indication of local residential parking demand. This showed a low stress level of 30% for the survey area as a whole and a lower level of 13% for Fawkham Road alone. There was ample on street parking available in the vicinity of the site at the time of the survey indicating that any parking overspill from the development could be readily absorbed. Fawkham Road has a carriageway width of around 5m with footways to both sides for most of its length in the immediate vicinity, although there is no footway to the appeal site itself. The road is subject to a 30mph speed limit. Given these circumstances any small additional on street parking generated by the development would be unlikely to so restrict the carriageway width to compromise highway safety.
7. The Parish Council and some local residents have objected to the proposal pointing to periods of on street parking congestion close to the site given the site's proximity to shops and a school. However, any on street parking generated by the proposal would be likely to be at a minimum during school drop off and pick up times and when the shops are busy. Some residents have called for a traffic survey pointing to times of peak traffic flows along the road, but the traffic generated by the proposal is likely to be less than that associated with the present office use of the site.
8. The "Gta report" has also examined the site's accessibility and sustainability. The site is located close to the centre of West Kingsdown with several facilities within walking distance including convenience stores, pre-school, primary school, churches, a medical centre and various eating establishments. There are also several bus stops nearby providing links to other centres and to the rail network. The availability and proximity of these facilities to residents of the development is an indication of a relatively good level of sustainability for a rural location; the paucity of access to such facilities is unlikely to be a factor promoting higher levels of car ownership and therefore parking demand.
9. The proposed parking spaces would be set at right angles to the road so that a car would have to either reverse into the space or reverse out from it on to Fawkham Road. This is similar to the current arrangements for parking spaces on the forecourt to the present office building and not dissimilar to some other access points along Fawkham Road. One objector points to the recent development of 6 flats at Neal Court, directly opposite the appeal site, emphasising the large forecourt here enabling vehicles to be driven in and out

in forward gear. However, the Highway Authority has not objected to the proposed access arrangements subject to provision of visibility splays at each end of the crossover. At my site visit, I noted that there is good visibility along Fawkham Road in both directions from the appeal site. In my opinion, the access arrangements at the site would not be likely to compromise highway safety.

10. The flexibility built into policy T2 of the ADMP to allow less than the specified parking standard depending on local circumstances could reasonably be exercised in relation to the appeal proposal. Any on street parking generated by the development should be capable of being absorbed without a material impact on highway safety. Accordingly, there would be no conflict with policy T2 and the proposal would also comply with policy EN1 of the ADMP on general design principles, which amongst other matters requires that a proposal would ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking.

Other Matters

11. The Baptist Church adjacent to the appeal site would prefer any building to be set farther from their boundary to facilitate maintenance of their own building; whilst there may have been an agreement for maintenance of the church from the site in the past, this is not sufficient a planning reason to oppose the proposed siting of the terrace.
12. The proposal would result in other benefits. It would contribute to the general need for additional housing in an appropriate location and the replacement building would be a suitable feature in the mixed character of the street scene. The removal of the existing storage building at the rear of the site and the provision of just a frontage building would have a positive impact on the openness of the Green Belt.

Conditions

13. The Council has suggested several conditions that I have considered against the advice in Planning Practice Guidance. In addition to the standard 3 year time limitation condition, I have attached a condition requiring the development to be carried out in accordance with the submitted plans. A condition requiring the removal of the large storage building is appropriate to ensure the provision of adequate garden areas and to enhance the openness of the Green Belt.
14. Conditions to secure implementation in accordance with specified materials and approval of details for landscaping, biodiversity and refuse disposal are necessary in the interests of amenity and the character of the area. Highway conditions in relation to retention of the parking spaces and visibility splays and the provision of electric charging points and bicycle storage are necessary to ensure highway and pedestrian safety and to promote more sustainable forms of transport.
15. To safeguard the privacy of the occupiers of 4 Fawkham Road a condition is needed to control side windows. Finally a condition to secure a construction management plan is necessary to ensure that there are no significant adverse impacts upon the living conditions of local residents or upon the highway.

Conclusion

16. For the reasons given, and having regard to all matters raised, I conclude that the proposal would provide adequate off-street parking provision and would not have an adverse effect on highway safety. The appeal is therefore allowed.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 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 COX-&-GILL-01/C; 04/A; 05/A.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. COX-&-GILL-05/A.
- 4) Prior to the commencement of development the existing 'STORES' as shown on the hereby approved drawing COX-&-GILL-01/C shall be demolished in their entirety and resultant materials removed from the site.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of biodiversity and landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No dwelling shall be occupied until space has been laid out within the site for 4 cars to be parked in accordance with drawing COX-&-GILL-01/C and these spaces shall thereafter be kept available at all times for the parking of vehicles.
- 7) There shall be no obstructions to visibility from any of the off-street parking spaces above a height of 0.9m for a distance of at least 2.0m back from the carriageway edge for a distance along the carriageway of 2m in both directions.
- 8) No dwelling shall be occupied until details of a scheme to facilitate the safe charging of electric vehicles and provision of bicycles has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved prior to the first occupation of the dwellings hereby approved.
- 9) All windows in the south (side) elevation of the hereby approved development shall be obscure glazed and fixed shut below 1700mm from finished floor level and retained and maintained as such thereafter.

- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials and the timing for these activities;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.