
Appeal Decision

Site visit made on 2 May 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2019

Appeal Ref: APP/G2245/W/19/3221098

Land rear of 49 Ridge Way, Edenbridge TN8 6AU

- 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 Mrs Tina Agate against the decision of Sevenoaks District Council.
 - The application Ref SE/18/00745/FUL, dated 18 February 2018, was refused by notice dated 25 July 2018.
 - The development proposed is the erection of a single 2 bedroomed property.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the occupants of neighbouring properties with regard to noise and disturbance, and the living conditions of the occupants of the proposed dwelling in respect of outlook, light and provision of amenity space.

Reasons

Character and appearance

3. The appeal site is located on the northern side of Ridge Way and relates to the end of the garden of No.49. The proposed dwelling would be accessed via a gap between the semi-detached houses at the front following demolition of the single garage. The proposal is for a detached dwelling with a double detached garage and amenity area.
4. The prevailing pattern of built form surrounding the site is of detached and semi-detached rows of properties that face Ridge Way and Swan Ridge. The appeal property and detached garage would only be partly visible from the public highway along the access drive and in glimpses between gaps in the surrounding dwellings. As such they would not be visually prominent in the Ridge Way and Swan Ridge street scenes due to their backland position and the alignment of properties facing those roads.

5. However, the dwelling and garage would be prominent features when viewed from the rear elevations of local houses. From those perspectives, they would disrupt the existing sense of space between the properties. Consequently, the resultant scale and massing of built form arising from the introduction of the dwelling and garage would cause significant harm to the character and appearance of the area. Taking account of the comparatively small scale of the plot, the proposals would also be viewed as a cramped form of development. The harm overall would not be resolved by the smaller scale of the dwelling in relation to those in the surrounds or the use of complementary materials.
6. The Council considers that the scheme would result in the loss of trees which, although not protected by Tree Preservation Orders, make a positive contribution to the area. Their loss would be harmful as the layout and scale of the proposals would allow for only minimal provision for replacement landscaping and therefore I share this concern. My decision does not turn on this matter but it adds weight to my conclusions.
7. I therefore conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policy EN1 of the Sevenoaks Allocations and Development Management Plan February 2015 (DMP) and Policy SP1 of the Sevenoaks Core Strategy February 2011 (CS). These policies relate to good quality design, requiring protection of the character of the district and seek to achieve attractive living environments, to maintain and enhance the character of residential areas and to secure good relationships with existing development and the efficient and effective use of land.

Living Conditions

8. The location of the existing garage means that vehicles do not currently run alongside the side boundary with the adjacent dwelling at No.47. Following the removal of the garage the proposal would extend the existing driveway along this side boundary. The access would achieve the necessary width requirements and the amount of parking proposed would be sufficient.
9. The use of the extended access into the site, however, would result in vehicle movements along the length of the rear garden of No.47. The adjacent garden area, like most within Ridge Way and Swan Ridge, is relatively narrow and as such it would be difficult for users of the garden to avoid the noise and disturbance arising from vehicle movements to a new dwelling in this location. In addition, the parking and turning areas would effectively surround the remaining garden for the existing dwelling, No. 49, and abut the rear amenity area of the adjoining semi-detached house at No.51, which would also result in noise and disturbance to a harmful level.
10. The development would give rise to additional noise from vehicles manoeuvring on the site, which I do not consider could be mitigated through the surfacing of the hardstanding and boundary treatments. Although the development proposes only one dwelling, its location in proximity to the rear gardens of a number of dwellings is likely to result in significant harm to the enjoyment of these gardens and therefore on the living conditions of the occupiers.
11. The outdoor amenity space serving the development would essentially comprise of strips around the dwelling and the turning area. Internally, the windows to the north facing, ground floor living room in particular would be some 2.4 metres from the rear boundary. I note that the Council has no set

internal accommodation requirements or external space standards, and therefore the assessment of the provision of each is a matter of judgement.

12. I consider that the small size, layout and location of the amenity strips around the building and adjacent to the side boundaries and the detached garage would not provide for a pleasant outlook from the internal rooms at ground floor level and they would experience an adverse sense of enclosure. The windows to the living room would also suffer from very limited natural light due to their north-facing orientation. Externally, the narrow amenity strips have the hallmarks of being an afterthought rather than a carefully designed, usable and well integrated garden area. Overall, the scheme would result in an oppressive environment and outlook for future occupants and have a significantly limiting effect on the usability and function of the property.
13. I note that there is open countryside nearby, however I do not consider this would offset the inadequate provision of appropriate outdoor amenity space in proximity to the dwelling. Moreover, the countryside is still a short walk away and would not be used in the same way as incidental amenity space on site.
14. I therefore conclude that the proposed development would materially affect the living conditions of the neighbouring properties by reason of noise and disturbance and fail to provide adequate living conditions for future occupants of the proposed building with particular reference to outlook, light and the provision of outdoor amenity space. The proposal is contrary to Policy EN2 of the DMP which requires development to safeguard the amenities of existing and future occupants of properties. It would also conflict with policy SP1 of the CS, which I consider is relevant to the amenity aspects of the proposal and seeks to ensure that new development should create safe, inclusive and attractive environments that meet the needs of users.

Other Matters

15. I note that the proposal would represent additional housing with economic and social benefits in an accessible location, in close proximity to local facilities and infrastructure. Although the proposal would accord with the aim of the Framework to boost the supply of housing, the Framework also requires new proposals to add to the overall quality of the area and to be sympathetic to local character (paragraph 127). For the reasons given above, the scheme fails to achieve this.
16. The Council also states that the current proposal could set a precedent for other similar developments nearby. However, the appeal is being dismissed based on the circumstances of the case; other proposals would fall to be considered on their merits in accordance with the Framework and the policies in the Development Plan.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

C Hall

INSPECTOR