
Appeal Decision

Site visit made on 3 September 2019

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/G2245/D/19/3232951

Lannacombe, 1 Harrow Road, Knockholt TN14 7JT

- 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 Langford Rae against the decision of Sevenoaks District Council.
 - The application Ref 19/00802/HOUSE, dated 15 March 2019, was refused by notice dated 7 June 2019.
 - The development proposed is demolition of existing garage and workshop. Erection of part single part two storey extension with basement. New front porch and alterations to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and workshop, erection of part single part two storey extension with basement, new front porch and alterations to fenestration at Lannacombe, 1 Harrow Road, Knockholt TN14 7JT in accordance with the terms of the application Ref 19/00802/HOUSE, dated 15 March 2019, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Langford Rae against the decision of Sevenoaks District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring property at Antique House with particular regard to outlook.

Reasons

4. The appeal property at No. 1 Harrow Road (No. 1) is a two storey detached dwelling with a single storey garage/workshop attached at the side. The property, which has been extensively extended and altered, is located on a large spacious landscaped plot, set back from the road behind a front garden and linked by its garage to a similar property to the west.
5. To the east lies Antique House, a two storey property, set further forward with a small triangular tapering rear garden running alongside the common shared boundary and close to the two storey side elevation of No. 1. At the time of my

site visit, Antique House was extensively fire damaged, appeared unoccupied and in poor condition.

6. The proposal would entail the demolition of the existing garage/workshop and the construction of a single storey side/rear extension with games room and patio at basement level, front porch and alterations to fenestrations of the house. The proposed development would be similar to the previously unimplemented scheme granted planning permission in July 2016¹, but with the exception of a new first floor rear extension that would project out 3m beyond the rear elevation of the dwelling.
7. The proposed first floor extension would be set back and set in from the flank elevation facing Antique House and would be separated from the adjacent property by a high close boarded fence and mature vegetation running along the common shared boundary. Plan A from the appellant's submitted Planning Statement illustrates that views of the first floor extension would be limited to views from the rear of the garden at Antique House.
8. Whilst I accept that there would be some impact from the proposal, given the design and layout of the proposed first floor extension, set back and set in, together with the staggered building line, boundary treatment and the separation distance between the properties, I consider that the overall proposal would not dominate the views to cause an overbearing effect and an unacceptable sense of enclosure from the windows and garden at the rear of Antique House. The current proposal, in my view, would address the concerns of the previous Inspector regarding the overbearing impacts of the first floor extension on the outlook from Antique House and its rear garden².
9. Consequently, I conclude that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of the neighbouring property at Antique House with particular regard to outlook. The proposal would accord with the overall amenity aims of Policy EN2 of the Sevenoaks Allocations and Development Management Plan 2015 and the Sevenoaks Residential Extensions Supplementary Planning Document 2009, which seeks, amongst other things, to protect occupiers of nearby properties from visual intrusion. It would also accord with the National Planning Policy Framework 2019 (the Framework) that development should seek to create places with a high standard of amenity for existing and future users (paragraph 127).

Other Matters

10. I have noted the objections from the Knockholt Parish Council and a third party to the proposal. These include the impact on the amenities and character of the area, protected trees, parking, highway safety, drainage and setting a precedent for similar developments in the area.
11. However, I have addressed the matters relating to the living conditions of the occupiers of the neighbouring property in the main issue above. The Council's Tree Officer has raised no objections to the proposal subject to appropriate conditions being attached to protect the existing trees and the other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal

¹ 16/01112/HOUSE

² APP/G2245/D/15/3135744

of the appeal and can be dealt with by planning conditions where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

12. Having regard to the Framework, and in particular paragraph 55 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, I have considered the conditions suggested by the Council. I have amended some wording where necessary and in the interests of clarity.
13. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. In order to protect the character and appearance of the area, I have imposed a condition requiring that the external surfaces of the development match those of the existing property. A condition relating to the submission of details relating to the existing trees, existing and proposed ground levels, tree protection measures and the storage of materials, plant, machinery and ancillary structures are necessary prior to the commencement of any external works on the site, in order to prevent damage to the existing trees during the construction works and to protect the visual amenity of the trees.
14. The Council have suggested the removal of permitted development rights. However, in light of my findings, it is not considered necessary, given that the proposal is acceptable on its own merits. There are no exceptional circumstances that would justify the removal of permitted development rights that are reasonable and necessary to make the development acceptable.

Conclusion

15. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

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 approved plans and drawing numbers 79737/1B and 79737/8.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.
- 4) Prior to commencement of the external works hereby permitted, the following details shall be submitted to the Local Planning Authority and approved in writing:
 - A) Plan showing the location of, all existing trees on the land which have a stem with a diameter exceeding 75mm when measured over the bark at a point 1.5m above ground level. The plan shall identify those trees which are to be retained and the crown spread of each retained tree. In paragraphs 'b' to 'e' below references to a "retained tree" mean an existing tree which is to be retained in accordance with this plan.
 - B) Details of the species, diameter (measured in accordance with paragraph A) above), the approximate height, and an assessment of the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (C) and (D) below apply.
 - C) Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.
 - D) Details of any proposed alterations in existing ground levels and of the position of any proposed excavations or other engineering operations. These details shall be illustrated by a series of cross-sections showing existing and proposed levels with details of how the excavated soil will be dealt with.
 - E) Details of the specification and position of fencing or other measures to create a 'retained tree protected area' for the protection of any retained tree from damage before or during the course of development.
 - F) Details of the location and extent of any area on the land to be used during the construction period for storage (including materials, excavated soil, plant and machinery) and/or for siting any temporary ancillary structures, such as a site office.