
Appeal Decision

Site visit made on 16 October 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/G2245/W/19/3234788

17 Park Lane, Kemsing, Sevenoaks, Kent TN15 6NU

- 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 Liam McCarthy against the decision of Sevenoaks District Council.
 - The application Ref 19/01155/FUL, dated 15 April 2019, was refused by notice dated 18 June 2019.
 - The development proposed is demolition of existing dwelling and redevelopment by erection of 3 three bedroom terraced houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) the impact of the development on the character and appearance of the surrounding area, (b) the impact on living conditions of the occupiers of 15 Park Lane in respect of overlooking and future occupiers of the proposed dwellings in respect of light and aspect and (c) the impact on ecological considerations.

Reasons

Character and appearance

3. The appeal relates to the site of a detached bungalow on a relatively wide plot on the eastern side of Park Lane opposite its junction with Rushymead. The eastern side of the road comprises detached and semi detached bungalows, often with rooms in the roof. Two storey houses predominate on the western side of the road. There is a bend in Park Lane at the appeal site such that there is a significant stagger to the building line on its eastern side.
4. The proposed replacement terraced houses would be staggered to reflect the bend in the road. The upper floor rooms to the front and rear would all be lit by modest sized dormer windows with pitched roofs over. However, these would be set in gambrel roofs, having a shallower slope above a steeper one to both the front and rear with a gable end to the sides. The resultant terrace would have higher ridge lines and bulkier profiles than the bungalows on this side of Park Lane. The profile would be particularly conspicuous when viewed from the north-east due to the set back of 15 Park Lane and the stepping forward of each house, but the contrasting mass would also be evident from other positions in the street and from Rushymead opposite the site.

5. Much of the present front boundary hedge would need to be removed to provide three crossovers, each to lead to a driveway and two parking spaces. The extensive open hard surfacing would contrast with the more verdant character of front gardens in the road and would add to the visibility of the development in the street scene. The appellant has pointed out that the hedge could be removed, and hard surfacing laid under permitted development allowances, but this not sufficient justification for the proposal that would appear as a substantial, incongruous and harmful feature in the street scene and out of keeping with the character of the road.
6. The proposal would thereby be contrary to Policy EN1 of the Sevenoaks District Council Allocations and Development Management Plan (2015) (ADMP) which sets out several design principles including that proposals should respond to the scale, height and site coverage of development in the area and to local character. Although the National Planning Policy Framework (the Framework) encourages the more effective use of land, which the proposal would do, there would be conflict with Paragraph 127 (c) which requires developments to be *"sympathetic to local character and history, including the surrounding built environment and landscape setting"*.

Living conditions

7. The appeal submissions refer to a planning permission for changes to 15 Park Lane, but at the time of my site visit the dwelling had been virtually demolished with just a flank wall remaining and beam connecting this to the ridge with 13 Park Lane with which it is paired. There is uncertainty on the future form of a building at 15 Park Lane, but it is still possible to assess overlooking of the back garden from the upper floor windows at the northernmost house (unit 1) which is the Council's concern.
8. The first floor windows would both be clear glazed and serve bedrooms. They would be set in the roof slope behind the line of the former rear wall to 15 Park Lane. Whilst outlook would be primarily down the house's own back garden, there would be oblique views to the rear part of the garden to 15 Park Lane but not to the rear part adjacent to the former rear wall. The degree of overlooking would not be dissimilar to that commonplace within built up areas and would not result in any undue loss of privacy. There would not be conflict with Policy EN2 of the ADMP which seeks to safeguard the amenities of existing and future occupiers in relation to various issues including an unacceptable loss of privacy.
9. The stagger in the line of the terraced houses would be about 5.5m at both the front and rear walls. The front walls to units 1 and 2 would be set behind that of the units to the south. The two storey gambrel roof profiles would result in some overshadowing and restrictions to outlook from front openings to the units to the north. The most affected openings would be to front entrances and en-suite bathrooms above which are not habitable rooms. The centre point to the kitchen window and bedroom window above would be some 4m from the projecting walls to the south. Although there would still be some impact on natural light to these windows, outlook from the rooms would be satisfactory and potential future occupiers would be aware of the situation prior to a decision to purchase.
10. The rear walls to units 2 and 3 would be set behind the projecting flank walls to the units to the north. The rear facing living/dining room and bedroom windows above to these units would benefit from direct sunlight; the projecting walls

would not result in overshadowing. Outlook would be restricted to some degree, particularly from the smallest bedroom closest to the wall, but would be satisfactory from the wide living/dining room windows. My findings are that the proposal would provide adequate residential amenities for future occupiers (the test in policy EN2) in relation to natural light and outlook. The Council has referenced its Supplementary Planning Document relating to householder extensions, but this relates to impact on existing occupiers and is not strictly relevant to assessment of the adequacy of living conditions to new dwellings.

Ecology

11. The Council's third refusal reason relates to lack of information regarding impacts on biodiversity. The site is adjacent to a stream with mature trees alongside providing opportunities for connectivity and the Council considers that the existing bungalow has the potential for roosting bats, although no evidence of the presence of any protected species has been advanced. Policy SP11 of the ADMP seeks to conserve biodiversity in the District and promotes opportunities for enhancement.
12. The appellant has proposed an ecological survey methodology and Grampian style planning conditions to enable discernment of any protected species at the site and appropriate mitigation in the event any species are found ahead of building works taking place. The site does not benefit from any biodiversity designation. On the information available I consider that the precautionary approach suggested by the appellant would suffice under the circumstances and would be compatible with exhortations of Policy SP11.

Other matters

13. The proposal would result in the benefit of two additional dwellings within a built up area and in a sustainable location within Kemsing. This would make a small but nonetheless important contribution towards local housing need and would be in accordance with the objective of the Framework to significantly boost the supply of homes.
14. The Council does not have a good recent track record on housing delivery. Its housing delivery test measurement for 2018 is 94% with an action plan required consequently. Nonetheless, the Council contends that it is now able to demonstrate a five year housing land supply through submission of a new local plan although accepts that this is an untested position. There is uncertainty on whether the tilted balance at Paragraph 11 of the Framework should apply. But even if I were to consider that it does apply, the harm arising from the impact of the proposal on the character and appearance of the area would significantly and demonstrably outweigh the benefits of two additional homes when assessed against the policies of the Framework taken as whole.

Conclusion

15. For the reasons given and having regard to all other matters raised the appeal is dismissed.

Rory MacLeod

INSPECTOR