
Appeal Decision

Site visit made on 29 October 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2019

Appeal Ref: APP/G2245/D/19/3235455
61 The Moor Road, Sevenoaks TN14 5ED

- 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 & Mrs Silcox against the decision of Sevenoaks District Council.
 - The application Ref 19/00853/HOUSE, dated 20 March 2019, was refused by notice dated 26 July 2019.
 - The development proposed is demolition of existing rear extension at ground floor; proposed new rear extension at ground floor with rooflight; proposed first floor rear extension; proposed garage conversion and rear ground floor extension with rooflight.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing rear extension at ground floor; proposed new rear extension at ground floor with rooflight; proposed first floor rear extension; proposed garage conversion and rear ground floor extension with rooflight at 61 The Moor Road, Sevenoaks TN14 5ED in accordance with the terms of the application, Ref 19/00853/HOUSE, dated 20 March 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The address given on the application form is abbreviated. I have used the full road name for clarity.
3. An amended proposal has been submitted with the appeal reducing the garage footprint, to address third party concerns about overdevelopment of the site. However, the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the local planning authority, and on which interested people's views were sought. The amended scheme would deprive those who should have been consulted on the changed development of the opportunity of such consultation. Therefore, I have determined the appeal on the basis of the refused scheme.

Main Issues

4. The main issues are the effect of the proposed extension on the:
 - (a) character and appearance of the area; and
 - (b) living conditions of the occupants of Nos 59 and 63 The Moor Road, with particular regard to the overbearing effect of the development.

Reasons

Character and appearance

5. The appeal site is a two-storey, end of terrace dwelling, of brick construction with tiled roof, located within a residential area characterised by the uniformity of the dwellings to the street frontage. A private road serves the rear of this part of The Moor Road, which is more varied in character, with a wide range of single-storey extensions, garages, fences, and outbuildings.
6. The proposal would result in a two-storey extension to the rear of the dwelling, and an extended outbuilding. Whilst extensions at first floor level beyond the rear building line are not prevalent within the area, the proposal would be of a form and design that takes its architectural cues from the existing dwellings in the locality. Whilst the depth of the extension would exceed existing, the stepped forms and the use of windows in the side elevation would visually minimise the bulk of the proposal. The materials are suggested to match existing, and this can be secured by condition. The alterations and extensions to the garage are of limited scale and impact, particularly given the existence of more prominent garages nearby.
7. As such, the proposal responds positively to the context of the varied features and character of the rear private road. From The Moor Road the proposal would only be glimpsed obliquely down the narrow pedestrian path between the appeal site and No 63, such that no harm is caused to that more uniform street frontage. I conclude that the proposed development would not have any significant adverse effect on the character and appearance of the area. It would not conflict with policy EN1 of the Sevenoaks Allocations and Development Management Plan (2015) and the Sevenoaks District Council Residential Extensions Supplementary Planning Document (2009), which together require that proposals create high quality design of a form that responds to the area.

Living conditions

8. The concern about overbearing impact arises from the scale, bulk and form of the proposed extension. However, from No 59 the extension would be seen as stepped, and set back at first floor level. From No 63, whilst the outlook from the kitchen would be changed, the depth and height of the proposed side elevation would be broken-up by the proposed windows. Furthermore, the separation distance between the proposed extension and the garden of No 63 would, from my observations on site, offset and minimise any overbearing effect, such that no harm would be caused.
9. I therefore conclude that the proposal would not have a significant adverse effect on the living conditions of the occupants of Nos 59 and 63 The Moor Road, with particular regard to the overbearing effect of the development. The proposal accords with policy EN2 of the Sevenoaks Allocations and Development Management Plan (2015) which requires development to safeguard the amenities of existing and future occupants of nearby properties.

Other matters

10. Concerns have been raised relating to loss of light, privacy and overlooking. However, the extension is to the north of No 63 such that light would not be affected, and no evidence has been presented to indicate that the 45-degree test has not been met. The obscuring and fixing of windows would protect

privacy and prevent overlooking. I also note that the Council raise no objection on these grounds, and there are no submissions before me that would cause me to reach a different conclusion.

11. Whilst reference is made to other two-storey extensions in the locality, and an earlier proposal at the appeal site, I do not have full details of the circumstances of these and, in any case, I must determine the appeal on its own merits. Similarly, notwithstanding that officers and members of the Council reached different conclusions on the proposal, my decision is based on the evidence before me. Any encroachment into easements would be a civil matter and is not within my jurisdiction.

Conclusion

12. For certainty I have imposed conditions detailing the approved plans and materials. A condition requiring fixed and obscured windows is necessary to protect residential amenity of neighbouring properties. Another condition clarifying use of the outbuilding is necessary to protect the residential character of the locality. I do not find clear justification why it is necessary to restrict national permitted development rights by condition, which would not in any case prevent those rights being exercised before commencement.
13. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Patrick Hanna

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: Site Location Plan (1:1250); Block Plan (1:200 rev A); Existing Plans and Elevations (drawing no. SP1225-19-PL01 rev A); and Proposed Plans and Elevations (drawing no. SP1225-19-PL02 rev C).
- 3) The external surfaces of the development hereby permitted shall be constructed in materials to match existing and as described on the application form.
- 4) The extension hereby permitted shall not be occupied until the four identified windows on the side elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed. Once installed the obscured glazing shall be retained thereafter.
- 5) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as 61 The Moor Road.

End of Schedule