



Appeal Decision

Site visit made on 7 January 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2020

Appeal Ref: APP/G2245/W/19/3239490

Land to rear 82 Brattle Wood, Sevenoaks, TN13 1QT

- 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 Bourne against the decision of Sevenoaks District Council.
 - The application Ref: 18/01007/FUL dated 26 March 2018, was refused by notice dated 7 June 2019.
 - The development proposed is erection of contemporary 4-bed detached house in land to the rear of 82 Brattle Wood including work to existing side access track.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is an existing access to the appeal site from Beechmont Road across common land. The status and use of this access is in dispute. Given this, I have not taken its use into account in assessing the appeal proposal before me.

Main Issues

3. The main issues are the effect of the proposed development on:
 - highway safety; and
 - the character and appearance of the area.

Reasons

Highway safety

4. The appeal site forms part of the rear garden of 82 Brattle Wood (No. 82). The proposed development would be accessed off an existing narrow, unmade track off Beechmont Road, a short distance downhill and west of its junction with Brattle Wood. Beechmont Road is a lit rural lane, largely enclosed by woodland, with no footway and subject to a speed limit of 30mph. Opposite the access to the appeal site, there is a pedestrian entrance to Sevenoaks Common.
5. It is proposed that the existing access would be improved through the provision of a bound surface 5 metres back from the highway and the visibility splay would be enhanced by removing saplings and lifting the canopy of trees. The

appellants have indicated that this would allow a 2 metre x 43 metre visibility splay to the east and a 2 metre x 27 metre visibility splay to the west.

6. To the east of the existing access, the verge is formed of a raised earth bank covered with trees and vegetation. Whilst Beechmont Road slopes downhill from its junction with Brattle Wood, from my own observations on site, I found that the height of the earth bank, in combination with the vegetation and the curve of the road, prevents drivers emerging from the access from gaining a sufficient view of vehicles approaching from this direction. In the other direction, the ground is flatter but similarly heavily vegetated. This, together with the position of the access on the inside of the bend in the road, also restricts visibility to the west, albeit to a lesser extent, for vehicles emerging from the access. This visibility would be further restricted when the trees are in leaf during the summer months. The proposed removal of vegetation and lifting of the canopy of trees would not overcome the limitations on visibility arising from the bank and the bend in the road.
7. The evidence indicates that most traffic along Beechmont Road travels within the speed limit although higher speeds in excess of the speed limit have been observed. It also demonstrates that overall traffic volumes are not high. However, there are peak periods in the morning and afternoon when traffic volumes are much higher than other times. In addition, Beechmont Road is used by pedestrians accessing Sevenoaks Common via its entrance opposite the appeal site access. These pedestrians would be on the carriageway as there are no footways. These factors in combination with the position of the access within the bend of the road and its more intensive use associated with a separate dwelling, would increase the risk of conflict between road users. In these circumstances, I am not persuaded that a reduced standard of visibility splay to that set out in the Manual for Streets (MfS) would be appropriate.
8. The proposed enhancements to the access would require works and maintenance to vegetation on land not within the appellants' ownership. Even if these enhancements were to provide the standard of visibility required, there would be an ongoing requirement to maintain the area clear of vegetation. I acknowledge that the Council, in the event that the appeal is allowed, has suggested a condition requiring the ongoing maintenance of the visibility splays. However, as this is Common Land and land outside the appellants' control, I do not consider such a condition would be enforceable and as such it would not meet the tests set out in paragraph 55 of the National Planning Policy Framework (the Framework).
9. I acknowledge that this is an existing access. However, it provides access to a garden and summerhouse. The introduction of an entirely separate dwelling would fundamentally change the way in which the access would be used. A residential use would have regular comings and goings throughout the day including vehicle and pedestrian movements and deliveries. With the change in nature and intensity of the use of the access, the lack of an appropriate visibility splay would significantly increase the risk of conflict between highway users.
10. The appellants obtained a Lawful Development Certificate¹ (LDC) for a new garden building including a double garage utilising this access. However, it seems to me that the use of the garage in association with the existing house,

¹ Council Ref: 18/03029/LDCPR

which has alternative and more convenient parking in its front garage and driveway, would be unlikely to be as intensive as that from an entirely separate dwelling.

11. I am aware that there have not been any recorded accidents in the vicinity of the existing access. I also accept the proposed visibility improvement and surface treatment of the access would remove debris and mud from the highway which would provide a benefit in the context of the existing use of the access. However, I have found the proposed improvement to the access would not provide adequate visibility for the vehicle and pedestrian movements associated with a 4-bedroom dwelling. Neither the lack of accidents nor the fact that this access exists would therefore justify the use of the access for the proposed development.
12. I therefore conclude that the proposed development would significantly intensify the use of an access which has restricted visibility consequently increasing the risk of collisions between users of the highway. Thus, the proposal would harm highway safety and conflict with Policy EN1 of the Sevenoaks Allocations and Development Management Plan 2015 (SADMP) which requires proposals to provide satisfactory means of access for vehicles and pedestrians. It would also not accord with the Framework objectives for achieving safe and suitable access for all users. It would also not comply with the design guidance for visibility splays in the MfS.

Character and appearance

13. Beechmont Road, whilst within the urban area of Sevenoaks, has the characteristics of a rural lane running through an area of woodland. The appeal site itself is secluded due to its position beyond the woodland on the northern side of Beechmont Road. The existing track is delineated by logs, leading through woodland to the gated entrance to the appeal site. The trees themselves, whilst not of particular arboricultural merit, in combination provide enclosure and an attractive setting to this section of the road and contribute to the verdant, sylvan and tranquil character of the area. Whilst adjacent roads, including Brattle Wood, are suburban in character with detached linear residential development, Beechmont Road, with its lack of built development and enclosure by woodland, by contrast has a distinctly rural character.
14. The proposed improvements to the access would require some clearance and canopy lifting of vegetation as well as surfacing of part of the track. Although the appellants have not indicated that they would modify the bank to the east of the access, the Council considers this would be required.
15. The existing track, due to its narrow entrance and the surrounding trees, is unobtrusive. The required improvements to the access would significantly open up the area of vegetation either side of the track which would make both the access and the proposed house beyond, much more prominent. The reduction in trees and vegetation would reduce the enclosure provided by the existing trees and lessen the sense of intimacy and tranquillity arising from the woodland setting.
16. The introduction of a bound surface such as resin bound gravel or stone setts for the first 5 metres of the access back from the highway, even if designed to appear as a forestry access, would nevertheless introduce an urban form of

development within the woodland. As such it would be out of keeping and harmful to the undeveloped, rural character of the area.

17. I conclude that the proposed development would significantly harm the character and appearance of the area. It would therefore conflict with Policy EN1 of the SADMP and Policy SP1 of the Sevenoaks Local Development Framework Core Strategy 2011. These policies, together and amongst other things, seek high quality development that respects local character and creates attractive environments. It would also not accord with the design objectives of the Framework.

Planning Balance and Conclusion

18. The Council accepts that it is not able to demonstrate a 5-year supply of deliverable housing sites. This represents a housing shortfall. In such circumstances, paragraph 11 of the Framework indicates that housing policies should be regarded as out of date and that there is a 'tilted balance' in favour of granting permission. I acknowledge that the provision of a detached dwelling contributes to the supply of housing. However, that contribution in this case is very modest and my finding is that the harm to highway safety and the character and appearance of the area would significantly and demonstrably outweigh the tilted balance in favour of granting permission.
19. For this reason, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR