
Appeal Decision

Site visit made on 13 January 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Ref: APP/G2245/W/19/3239803

40 Greenacre Close, Swanley, Kent BR8 8HT

- 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 Miss Rebecca Akinyosoye against the decision of Sevenoaks District Council.
 - The application Ref 18/03734/FUL, dated 4 December 2018, was refused by notice dated 24 April 2019.
 - The development proposed is described as a one bedroom new build bungalow with amenity space and garage for one parking space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the development on:
 - the character and appearance of the area;
 - the living conditions of existing occupiers, with particular regard to overlooking, and the living conditions of future occupiers with particular regard to outlook, sunlight and daylight.
 - parking and highway safety.

Reasons

Character and appearance

3. The appeal site is located in a quiet residential area characterised by detached and semi-detached two storey dwellings, organised along a relatively short, secluded Close. The open and harmonious feel of the area is due to the dwellings general alignment and set back position from the road, with gardens and driveways to the front. The proportion of developed land in relation to the size of the plot is also consistent across most of the area, contributing positively to its character and appearance.
4. The proposal is for the erection of a single storey residential building, with a pitched roof, off-street car parking and amenity space. Currently, the appeal site is occupied partly by a private garage, located to the back of No. 41 and 42 Greenacre Close and in close proximity to a number of parking spaces to the rear of properties facing Greenacre Close.

5. The site, being narrow and long in shape, is severely constricted by its location. To the South, the site is adjacent to the rear garden fences of No. 28 Azalea Drive and to the North, the site faces the rear garden fences of No. 41 and No. 42 Greenacre Close. These constraints result in the development being either adjacent, or in close proximity to, a boundary on three of its four elevations.
6. As such, by reason of its bulk, design and location, the development proposal would constitute an incongruous and overbearing form of development, creating a cramped appearance which would not be in line with the character and appearance of the area.
7. If allowed, the development could potentially provide a more efficient use of the land. Nevertheless, as it is designed and proposed, it would not successfully integrate with the predominant urban fabric of the area and would therefore have an adverse effect on the character and appearance of the area.
8. Consequently, in that regard, it would be contrary to policy EN1 of the Allocations and Development Management Plan (2015) and SP1 of the Core Strategy (2011) which promote high quality design.

Living Conditions

9. No windows are proposed to the rear elevation of the development, which faces South, as it abuts the rear garden fences of properties located in Azalea Drive. The front elevation of the development, to the North, faces the rear garden fences of No. 42 and No. 41 Greenacre Close. Sets of large glazed doors are proposed to the front elevation, alongside a window serving the proposed bedroom of the house. Three skylights are proposed, at the back of the property.
10. Considering the height of the development and of the existing fences for No. 42 and No. 41 Greenacre Close, together with the distance to existing dwelling's windows, the current proposal is unlikely to cause significant overlooking and, consequently, not cause harmful loss of privacy to nearby properties.
11. Nevertheless, internally, considering the development's relative proximity to tall fencing and also that the majority of the windows of the site face North, the development is unlikely to secure the provision of adequate levels of exposure to sunlight and daylight on all habitable rooms, particularly the bedroom. Furthermore, there would also be little or no outlook as windows would be relatively close to and facing a tall fence.
12. Consequently, the proposed development would provide inadequate living conditions for future occupiers particularly in terms of outlook, sunlight and daylight and, in that regard, be contrary to policy EN2 of the Allocations and Development Management Plan (2015) which seeks to guarantee the provision of adequate residential amenities.

Parking and highway safety

13. It is noted that some properties within this particular section of Greenacre Close do not benefit from off-street parking, although, in the main, the properties in the area do have off-street parking in the form of driveways or garages. Greenacre Close does have some parking restrictions.

14. Although it has been suggested that the development could cause the displacement of parking spaces, by providing an internal garage measuring only 4.5 metres internally and by impacting on the accessibility of nearby parking spaces, no substantive evidence or comments have been provided to suggest that the displacement caused would have a significant effect on the free flow of traffic or general highway safety in the area.
15. As such I conclude that the proposal would not have an unacceptable adverse impact upon other users of Greenacre Close or the surrounding highways as a result of creating additional on-street parking.
16. Taking the above matters into consideration, the development would not have an adverse effect on parking or highway safety. It would not, therefore, be contrary to Policy EN1, which promotes good design, and Policy T2, which seeks to mitigate adverse travel impacts of new developments, of the Allocations and Development Management Plan (2015).

Other Matters

17. The Council accepts that it is unable to demonstrate an up-to-date five year land supply of deliverable housing sites. As such, the tilted balance is therefore engaged.
18. I acknowledge there would be social and economic benefits through the provision of additional housing both during construction and during subsequent occupation. Furthermore, the proposed development would make a small contribution to the Council's housing supply in a highly sustainable location and on an existing developed site making effective use of the land, in accordance with the National Planning Policy Framework (the Framework). However, only one additional dwelling would be provided, and the adverse impacts identified above would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Conclusion

19. Although the proposal would be unlikely to cause harmful loss of privacy to nearby properties or have an unacceptable adverse impact on parking and highway safety, it would cause harm to the character and appearance of the area and fail to provide adequate standards of amenity for future occupiers of the development. For the reasons given above, I conclude that the appeal should be dismissed.

Andre Pinto

INSPECTOR