



Appeal Decision

Site visit made on 25 February 2020

by Edward Cousins BA, BL, LLM, Barrister

an Inspector appointed by the Secretary of State

Decision date: 2 June 2020

Appeal Ref: APP/G2245/W/19/3241452

83 Hever Avenue, West Kingsdown, Sevenoaks TN15 6HQ

- 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 S Porter against the decision of Sevenoaks District Council
 - The application 19/02155/FUL, dated 23 July 2019, was refused on 18 October 2019.
 - The development proposed is described as: Proposed demolition of existing dwelling and construction of 4 new-build residential dwellings and associated parking/landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The dwellings in Hever Avenue are characterised by a mixture of predominantly detached and semi-detached residential properties. All are single dwellings situated in their own grounds and are, in the main, bungalows or occasional two-storey houses. They have a neat ordered arrangement each with a similar layout to the appeal site.
4. Although there is no uniformity of building lines or architectural styles along Hever Avenue, and many dwellings have been the subject of various additions and alterations, the original pattern and rhythm of development remains broadly similar throughout the area, and the building heights in Hever Avenue are generally in conformity with each other. Further, some infilling has occurred in the area, but there are no apparent examples of any non-frontage backland development.
5. The appeal site is located on the west side of Hever Avenue and close to the junction with Hever Road. The dwelling on the appeal site is sited centrally upon a long rectangular plot and is typical of the development in the surrounding area. It currently comprises a detached residential bungalow with a pitched roof and an adjoining garage to its right-hand side. The existing construction is positioned in line with the building line created along the western side of Hever Avenue. The properties lying adjacent to the north and south of the site are both bungalows.

6. The proposed development involves the demolition of the existing bungalow and the sub-division of the existing plot (part of which is a backland site) whereby four semi-detached two-storey dwellings would be constructed in two blocks, one sited behind the other. Vehicular and pedestrian access to the rear block would be gained from Hever Avenue by means of a roadway situated on the northern the side of the appeal site for the use of pedestrians and vehicles.
7. Rather than complementing or enhancing the established scale and pattern of the development of Hever Avenue the construction of two blocks of housing, one behind the other, would appear awkward, harmfully disrupting the balance and rhythm of the surrounding pattern of development of the area.
8. For these reasons, therefore, the proposed development would be harmful to the character and appearance of the area. Consequently, in that regard, it would conflict with Policy EN1 (Design Principles) of the Sevenoaks District Council Allocations and Development Management Plan and with the National Planning Policy Framework.

Other Matters

9. I have also taken into account the potential benefits of the appeal development and acknowledge that they would meet some of the aspects of sustainable development, as set out in the National Planning Policy Framework (the Framework). An example of this is through the delivery of new homes within an established urban area with access to local services and facilities. It would also contribute to sustainable development during the construction phase as well as through additional spending associated with the residents of the houses.
10. Nonetheless, good design is a key aspect of sustainable development as recognised by the Framework. Accordingly, given my findings outlined above concerning the harm to the character and appearance of the area, the proposed development would fail to meet the environmental dimension of the Framework. The harm arising would be significant and would outweigh the positive aspects of the proposal as identified by the appellant, given the modest scale of the proposed development. Consequently, the appeal scheme is not the sustainable development for which there is a presumption in favour.
11. I note the appellant's comments regarding the Council's conduct during the planning application process, including the pre-application advice given by officers and the recommendation to the Council's Committee that planning permission should be granted for the appeal scheme. However, Council Members act as an independent decision making process and not bound to follow their officer's recommendations. In any event, these matters are of no relevance to the determination of this appeal such that they have had no bearing on my decision.

Conclusion

12. Therefore, for the reasons set out above the appeal should be dismissed.

Edward Cousins

INSPECTOR