
Appeal Decision

Site visit made on 26 May 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2020

Appeal Ref: APP/G2245/D/20/3246732
6a St Botolphs Road, Sevenoaks TN13 3AQ

- 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 Bernard De Pascalis (Design Realised Kent Ltd) against the decision of Sevenoaks District Council.
 - The application Ref: 19/03354/HOUSE, dated 27 November 2019, was refused by notice dated 24 January 2020.
 - The development proposed is a new double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area; and
 - the effect of the development upon the nearby locally listed railings.

Reasons

Character and appearance

3. The appeal site is in an area characterised by the presence of larger dwellings. These are constructed to traditional designs and are set back from the highway. Boundary treatments at the front of properties are generally a mixture of low-level walls, railings and fences. These are supplemented by landscaping. In consequence, whilst the area features buildings of some variety, the prevailing characteristic within the area is a verdant, open character.
4. The proposed development consists of a garage and would have a notable height and footprint. It would also be located in proximity to the front boundary. In consequence, it would have a prominent position within the site and would be viewable from several different vantage points within the street. The garage would also be located on land that is of a similar level to the street which, as a result, would increase its prominence within the environs of the site.
5. This causes concern as the development would erode the prevailing character of openness that is a feature of the vicinity. Furthermore, the proposed garage

would be in close proximity to the actual front boundary. This means that it would not be possible for an appropriate amount of landscaping, consistent with that utilised on other nearby properties, to be planted. Therefore, it would not be possible to appropriately mitigate the form and massing of the proposed garage.

6. My attention has been drawn to some garages located at other properties within the wider area, including one at 24 St Botolphs Road. I do not have the full information regarding their planning circumstances, which lessens the weight that can be attributed to them. In addition, they occur on an occasional basis only. Therefore, the character of the area is not defined by regularly occurring outbuildings being sited to the front of dwellings.
7. Furthermore, these garages are either located much closer to the associated dwellings so that they are viewed as part of one, larger, built form; or are on land that is of markedly different height to the street and are screened by notable amounts of landscaping, including mature hedges and trees. In consequence, there are a number of significant differences between existing garages and the scheme before me. Therefore, I do not find that their presence allows me to disregard my previous concerns.
8. I therefore conclude that the proposed garage would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would fail to comply with the requirements of Policies SP1 and EN1 of the Sevenoaks Allocations and Development Management Plan (2015) (the Development Management Plan). These policies, amongst other matters, seek to ensure that developments be of a high quality design and respect the topography and character of the site and surrounding area.

Effect on railings

9. The front boundary of the adjoining property is marked by the presence of railings, which contribute to the character of the surrounding area by reasons of their style and age. These are locally listed and are therefore a heritage asset. The land to the rear of the railings slopes significantly upwards. By reason of the siting of the proposed garage, the built form would be in close proximity to these existing railings.
10. I would agree that the railings make a positive contribution to the area's character as they highlight more traditional forms of marking boundaries and contribute to an understanding of the surrounding area's development. However, it is apparent that these railings would not need to be removed in order to construct the proposed garage. In addition, the evidence before me is indicative that should planning permission be granted, the development could be constructed utilising methods that would not harm the foundations of these railings.
11. Had I been minded to allow this appeal, I could have imposed a condition that would have required the submission, agreement and implementation of the construction methodology of the garage within this regard. Such a condition would therefore have provided some certainty that the development would not adversely affect the foundations of the railings.
12. In addition, as the land behind the railings slopes significantly upwards. In consequence, the presence of an additional building nearby would not lead to a

significantly greater enclosing effect on the railings, thereby maintaining their setting.

13. I therefore conclude that the proposed development would not have an adverse effect on the nearby railings, including their setting. The development, in this regard, would comply with the requirements of Policy EN4 of the Development Management Plan. This policy, amongst other matters, seeks to ensure that new developments conserve or enhance the character, appearance and settings of heritage assets.

Planning Balance and Conclusion

14. Whilst I have not identified harm to the locally listed railings that are located on the adjoining property, this does not outweigh the significant harm that would arise from the proposed development to the character and appearance of the surrounding area. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR