



Appeal Decision

Site Visit made on 13 July 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2021

Appeal Ref: APP/G2245/W/21/3270155

112A Chipstead Lane, Riverhead TN13 2AQ

- 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 Mrs Joanna Whittaker against the decision of Sevenoaks District Council.
 - The application Ref 20/03736/FUL, dated 18 December 2020, was refused by notice dated 1 March 2021.
 - The development proposed is "Demolition of existing single storey dwelling to provide 2 new semi-detached residential units".
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mrs Joanna Whittaker against Sevenoaks District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are: (i) whether the proposed development would provide acceptable living conditions for future residents, with particular regard to outlook; and (ii) the effect of the proposed development on pedestrian and highway safety.

Reasons

Living Conditions

4. It is proposed to demolish the existing bungalow and erect a pair of semi-detached two-storey four-bedroom houses with rooms in the roof space and at basement level, and two off-street parking spaces each.
5. Both dwellings would have two bedrooms ('Bedroom 2' and 'Bedroom 3') at first floor level served by one rear facing window each, which would be obscure glazed and non-openable up to a height of 1.7m. Above 1.7m, those windows would be clear glazed and openable. The windows would be of a custom-made sliding sash design, an example photograph of which has been presented by the appellant. I do not doubt the ability of the appellant to source and install such windows.
6. One of the effects of having windows which are obscure glazed and non-opening up to 1.7m in height as the only windows to Bedroom 2 and Bedroom 3 of each proposed dwelling would be to create habitable space with extremely

poor outlook. The clear glazing and ability to open the windows above 1.7m in height would not sufficiently mitigate the resulting harm to the living conditions of those residents, due to the lack of any other windows that would serve those rooms. I note the appellant's claims that this design of window may be widely used elsewhere, but I do not consider that to be an appropriate reason to allow them to create unacceptable living conditions in this instance.

7. The proposal would therefore fail to provide acceptable living conditions for future residents on account of the extremely poor outlook that would be experienced from Bedroom 2 and Bedroom 3 of each proposed dwelling, in conflict with Policy EN1 of the Council's Local Plan¹ and Paragraph 127 of the Framework². These require development to be of high quality design, providing a high standard of amenity for future occupiers, amongst other things.

Pedestrian and Highway Safety

8. The proposal would result in the replacement of the existing dropped kerb serving the bungalow with two new dropped kerbs either side of the proposed dwellings. The Council claim that in the absence of a survey to demonstrate the usage and demand for parking in the area, the loss of parking spaces on Chipstead Lane resulting from the proposed parking arrangement would result in increased pressure and congestion where on-street parking is already at capacity. The appellant was not requested to undertake a parking survey and no evidence has been presented by the Council to demonstrate on-street parking in the area is at capacity. I note the Highway Authority's comments presented within the Council's Officer Report, which appear to be based on an assumption that on-street parking is an issue, supported by Google Streetview images.
9. The appellant has claimed that the proposal would remove three additional cars from public and unregulated on-street parking by providing four off-street parking spaces, compared to the single off-street parking space serving the existing bungalow, reducing congestion. However, those proposed off-street spaces would be to serve the proposed dwellings. The proposal would not therefore result in a reduction in on-street parking or congestion. The creation of one additional crossover would necessitate the loss of at least one on-street parking space.
10. The appellant has provided a link to an appendix of a survey carried out by the Council concerning the proposed installation of a 'permit holders only' parking area within Chipstead Lane. No information has been provided to confirm the date of that survey or the full extent of its findings, but I can see from the link provided that a public consultation was carried out and it was concluded that there was a lack of public support for the proposed parking restrictions, rather than there being no parking stress or a lack of need for such controls. I note the comments submitted by members of the public in that regard, but none of these appear to be based on any clear evidence or appropriately detailed parking survey.
11. I noted during my site visit that there was a high level of parking stress along Chipstead Lane. This was a general observation at that specific time, and

¹ Sevenoaks District Council Allocations and Development Management Plan (2015)

² National Planning Policy Framework (2019)

conditions may change on different days and at different times, but I have not been provided with any detailed parking survey or highway safety assessment which demonstrates these were not normal conditions for the area. Indeed, submissions made by interested parties appear to suggest a high level of parking stress in the local area. Although the appellant was not requested to provide a detailed survey or assessment as part of the original application, it has not been demonstrated that the loss of at least one on-street parking space would not increase parking pressure and highway congestion.

12. The proposed parking arrangement would result in the loss of at least one on-street parking space in an area which appears to experience high parking stress. Based on the information available, this would likely increase parking stress and highway congestion in the area, harming pedestrian and highway safety, contrary to Policies EN1 and T1 of the Council's Local Plan. These require, amongst other things, development to provide satisfactory means of access for vehicles and to mitigate any adverse travel impacts, including impacts on congestion and safety.

Other Matters

13. The Council is unable to demonstrate the supply of housing sites required by the Framework. In cases such as this, the most important policies are deemed to be out of date and Paragraph 11(d)(ii) of the Framework states that planning permission should be granted for applications involving the provision of housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I have found harm relating to the two main issues of the case. Specifically, this relates to the living conditions of future residents and pedestrian and highway safety. Whilst I may attribute less weight to the most important policies by virtue of them being out of date, harm arising out of the proposed development would not be as affected. This harm would be wide ranging and long lasting and as such I would ascribe substantial weight to it.
14. The main benefits of the proposal would be the provision of two dwellings, contributing towards the district's housing sites, and the creation of employment opportunities during the construction phase. These are modest benefits, to which I attach moderate weight. The Framework explains that for development to be sustainable it should create safe places to live with a high standard of amenity. The adverse impacts of granting planning permission therefore significantly and demonstrably outweigh the benefits, and the appeal scheme would not be sustainable development for which the presumption in favour applies.

Conclusion

15. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

L Douglas

INSPECTOR