

Appeal Decision

Site visit made on 30 June 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 09 August 2021.

Appeal Reference: APP/G2245/D/21/3266718

11 Sealcroft Cottages, Childsbridge Lane, Seal TN15 0BY

- 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 A Mulder against the decision of Sevenoaks District Council.
 - The application (reference 20/02354/HOUSE, dated 16 August 2020) was refused by notice dated 20 October 2020.
 - The development proposed is described in the application form as follows: *"Installing permeable gravel driveway for two cars in front garden to be accessed over a pavement and a grass verge owned by the council. Precedent seems to exist for doing this on the same street. Dimensions of gravel driveway proposed Width 5.5m Length 5.5m Construction of tarmac access driveway over council owned grass verge. Width 5.5m Length 8m (approx 42 M2)"*.
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Decision

1. The appeal is dismissed.

Preliminary point

2. Notwithstanding the description of the application that was given in the application form, the nature of the proposal can more clearly be expressed, as set out in the Council's notice of refusal and in the appeal form, as the formation of a vehicle access and hardstanding.

Main issues

3. There are two main issues to be determined in this appeal. The first is the effect of the proposed development on the character of the host building and its surroundings, while the second is the effect on highway safety and convenience.

Reasons

4. The appeal site lies to the north of the main part of the village of Seal, in a locality that is largely rural in character, and it is clearly outside the built up limits of the settlement. Childsbridge Lane runs approximately from north to south, towards Seal, and, in the vicinity of the appeal site, the eastern frontage of the road is built up with a ribbon of development, while the land immediately to the west of the road is generally undeveloped.

5. Sealcroft Cottages are located at the northern end of development along Childsbridge Lane and are sited on rising land, above the level of the road. The houses are set back from the road, behind a wide grassy strip of land, and a pedestrian footpath runs alongside their front boundaries. Several of the houses have existing crossovers to enable cars to be parked within their private curtilages but others do not and provision has been made for parking in front of the properties in lay-bys adjacent to the carriage way.
6. The houses have front gardens of varying depths and the short terrace that includes number 11 Sealcroft Cottages has narrower front gardens than the houses to the south. The gardens are important in the streetscene, however, and they contribute to the rural character of the surroundings.
7. It is now proposed to construct a new parking area in front of number 11 Sealcroft Cottages, together with a new crossover, to provide access from Childsbridge Lane.
8. The appeal site lies within the Green Belt but the proposed development would not involve the construction of any buildings and it is not suggested that the proposed vehicle access and hardstanding would be contrary to Green Belt policy in principle. Various more general planning policies apply, nevertheless.
9. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally and the very recent revisions to it do not alter that fundamental aim insofar as it concerns this appeal.
10. Under the broad heading "Promoting sustainable transport", Section 9 of the revised 'National Planning Policy Framework' deals with a number of transport related issues. Among other things, it points out the need to prevent significant impacts on highway safety and convenience.
11. The provisions of the 'National Planning Policy Framework' are reflected in the Development Plan, notably in the 'Local Development Framework Core Strategy Development Plan Document' (adopted in February 2011) and the 'Allocations and Development Management Plan' (adopted in February 2015). In the latter, Policy EN1 identifies some "Design Principles" and Policy EN2 makes clear the intention to achieve good residential standards. In addition, attention has been drawn to Policy T2, which deals with "Vehicle Parking", and to "Appendix 2: Guidance for Residential Parking".
12. The Council's 'Residential Extensions Supplementary Planning Document' (adopted in May 2009) has some relevance, but it does not carry the same weight as the Development Plan.
13. Guidance documents published by Kent County Council are also useful and are material considerations in this appeal. Particular reference has been made to 'Kent Design Guide Review: Interim Guidance Note 3 – Residential Parking' (dated November 2008) and to 'Vehicle Crossing: - Guidance and Self Assessment' (dated October 2018).
14. The proposed driveway across the existing grassy bank would be a "double drive" width, though its width could be reduced, thereby limiting its impact on

the existing lay-by. Even so, it would have an impact on the greenness of the setting. More significantly, the scheme would involve the conversion of virtually the whole of the existing front garden at number 11 Sealcroft Cottages, to create a "permeable gravel driveway for two cars". This would clearly harm the appearance of the cottages and would undermine the attractiveness of the setting, with houses set back behind front gardens that soften the streetscene.

15. Moreover, the depth available for the proposed parking area would be inadequate for a normal car, which would project beyond the garden boundary, over the public footpath, forcing pedestrians to divert. This would both further erode the rural character of this part of Childsbridge Lane and give rise to a degree of highway inconvenience.
16. I accept that it would be desirable for cars to be parked within the curtilage of the house rather than in the lay-by but, nevertheless, I am convinced that the harm that would be done to the appearance of the surroundings and the inconvenience caused to pedestrians outweigh the benefits of the project. Hence, I have concluded that the scheme before me would conflict with the Development Plan and that it ought not to be allowed.
17. I am convinced, therefore, that the appeal must fail and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR