

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/21/3270512

Land at 20 Nursery Place, Chipstead TN13 2RH

- 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 Cotonou against the decision of Sevenoaks District Council.
 - The application (reference 20/03023/HOUSE, dated 20 October 2020) was refused by notice dated 15 December 2020.
 - The development proposed is described in the application form as follows: *"The proposal is for the erection of a two-story side extension extending out 2.7 meters to the side and a single-story infill between the house and garage proving an extended lounge and office, new utility room and bathroom on the ground floor and one bedroom and bathroom on the first floor. A porch is also proposed measuring 1.3 meters deep".*
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Decision

1. The appeal is allowed and planning permission is granted for the "erection of a two-story side extension with roof light, single-story infill between the house and garage, new porch and extension to existing driveway", at 20 Nursery Place, Chipstead TN13 2RH, in accordance with the terms of the application (reference 20/03023/HOUSE, dated 20 October 2020), subject to the conditions set out in the attached Schedule of Conditions.

Preliminary points

2. Notwithstanding the description of the application that was given in the application form, the proposed development can more clearly be expressed as set out in the appeal form and the Council's decision notice as the "erection of a two-story side extension with roof light, single-story infill between the house and garage, new porch and extension to existing driveway".

Main issue

3. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings.

Reasons

4. The appeal site lies within a spacious residential area at Chipstead, on the north-west edge of Sevenoaks. The Nursery Lane development dates from the 1970s and is characterised by substantial detached houses on relatively large

- plots, set back from the road frontage behind deep front gardens. These are typically laid to grass and set with trees. They are well-tended and the mature trees create a leafy suburban setting.
5. The existing house at 20 Nursery Place is a detached two-storey dwelling with a deeper front garden than others. It has a simple form but is an attractive building of brickwork at ground floor level, with a tile hung first floor under a pitched, tiled roof. The house is set back from the road, with a double garage sited in front of it. The neighbouring house to the south has a deeper footprint and number 20 is inset from its southern boundary, with a strip of garden land alongside the gable end of the main building, behind a double garage which stands on the side boundary, in front of the house at number 20 but alongside its neighbour.
 6. It is now proposed to extend the two-storey house across the plot, to the southern boundary, and to add a single-storey link between the house and the double garage, with a new porch and extended driveway at the front of the house.
 7. The 'National Planning Policy Framework' (NPPF) 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, which includes providing good standards of accommodation. In respect of the design considerations that are relevant to this appeal, the very recent changes that have been made to the NPPF do not fundamentally alter the approach to be taken.
 8. These planning principles are also set out in the Development Plan, notably at Policy EN1 of the 'Sevenoaks Allocations and Development Management Plan' (adopted in February 2015), and Policy SP1 of the 'Local Development Framework Core Strategy Development Plan Document' (adopted in February 2011), which also lay emphasis on design considerations.
 9. The Council's 'Residential Extensions Supplementary Planning Document' (dating from 2009) is also relevant, though it does not have the same force as Policies in the Development Plan. Similarly, the Council's 'Supplementary Planning Document: Sevenoaks Residential Character Area Assessment' (which was adopted April 2012) is relevant, as it is intended to supplement adopted design policies for the locality, among other things.
 10. The proposed extension would respect the form of the existing dwelling, using materials to match. It would extend to the southern boundary of the plot but the adjoining building is sited forward of number 20 and there would still be some variation in the rhythm of the buildings along the frontage. In this case, I am convinced that the proposed extension does not need to be "subservient" to the original structure, in order to achieve a satisfying finished design. The finished building would be well designed architecturally, while interest would be maintained in the streetscene and the overall harmony of the townscape would be preserved. Although views towards trees at the back would be more limited, this concern does not justify a refusal of planning permission, in my opinion.
 11. In respect of the relationship between the proposed extension and the neighbouring property to the south, I have noted that the new gable elevation

- would be mainly alongside the flank wall of the neighbouring property and, although it would affect some side windows in the neighbouring property, these have a secondary function and I am not persuaded that unacceptable harm would be caused to the neighbours by reason of overshadowing, overlooking or overbearing effect.
12. Evidently, the appeal site lies within an established urban area, which is “sustainable” in planning terms, and the proposed extension would be a useful addition to the accommodation at number 20 Nursery Place. I have concluded that the project would not be in conflict with the Development Plan and that it can properly be permitted, subject to conditions. 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.
 13. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal), subject to modifications necessary, in my opinion, in the interests of clarity and enforceability. In particular, I have concluded that conditions are necessary to define the planning permission and to ensure that quality is maintained.
 14. It has been explained that there is a risk of potential contamination, owing to the former use of the land, and an additional condition is required to ensure that, if contamination is encountered during the works, it will be properly identified and remediated. This is necessary, of course, to protect the health of future occupiers of the site.
 15. It has also been stated that a condition is required to prevent undue and unnecessary disturbance to residents during the course of the works, and I accept that such a constraint would be justified in this case, due to the nature of the site and its surroundings. In order to achieve this, therefore, a further condition has been imposed to limit the hours during which construction works can be undertaken.

Roger C Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number LCM-150-01 P2 (Existing Floor Plans);
 - drawing number LCM-150-02 P1 (Existing Elevations);
 - drawing number LCM-150-03 P2 (Proposed Floor Plans);
 - drawing number LCM-150-04 P1 (Proposed Elevations);
 - drawing number LCM-150-05 P1 (Existing and Proposed Block Plan).
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
4. If during the course of the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved by the Local Planning Authority. The remediation scheme shall be implemented in accordance with the approved details, prior to first occupation of the development hereby permitted, and a verification report provided to the Local Planning Authority within one month of the completion of the remediation works or in accordance with the provisions of the approved remediation scheme (if different).
5. No building or demolition work shall be carried out on the site, and no deliveries or collections of construction materials shall be made to or from the site, outside the hours of 0800-1800 on Mondays to Fridays (inclusive), or 0800-1300 on Saturdays, or at any time on Sundays and Bank Holidays.