



Appeal Decision

Site Visit made on 14 September 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/G2245/W/21/3268092

**Land to the South of Trotts Cottage, Trotts Lane, Westerham,
Kent TN16 1SD**

- 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 Stephen Best against the decision of Sevenoaks District Council.
 - The application Ref 20/02733/FUL, dated 22 September 2020, was refused by notice dated 19 November 2020.
 - The development proposed was described as 'erection of 1no. 2 bedroom bungalow with access, parking, associated infrastructure and landscaping'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development description in the banner heading above is taken from the planning application form. However, the Council revised the description to 'erection of 1no. 2 bedroom, 2 storey house with access, parking, associated infrastructure and landscaping', and consulted interested parties accordingly. This description has also been entered by the appellant on the appeal form, and I have dealt with the appeal on the basis of this revised description.
3. Since the submission of the appeal, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties have had the opportunity to submit comments on the relevance of the Framework to this appeal, and I have had regard to the representations made.

Main Issues

4. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) the effect of the proposal on the living conditions of the occupiers of 50 Black Eagle Close in respect of outlook.

Reasons

Character and Appearance

5. The appeal relates to a parcel of open land at the head of Trotts Lane, a residential street which is predominantly characterised by two-storey detached dwellings of varying form and appearance. A few semi-detached properties add further diversity, but dwellings are generally set back from the street on fairly large plots providing for generous settings to the buildings, and there is an attractive spacious character to the area overall.

6. The scale of the proposed dwelling would be in keeping with others on Trotts Lane, but the appeal site is much smaller than the plots that are typical to these neighbours. The dwelling would be positioned very close to the boundaries of the site with Moreton Lodge and properties to the rear, and while it would have a garden to one side, the building would occupy an uncharacteristically large proportion of the site. In addition, the provision of parking would further increase the extent of built form on the site, and would reduce scope for soft landscaping to provide a setting to the dwelling. Given these factors, I find that the development would contrast strikingly with the more generous spacing afforded to other dwellings on Trotts Lane, and that the dwelling would appear excessive on its plot.
7. I note that planning permission has previously been granted for a bungalow on the site which would have a similar footprint to the appeal proposal, and which would extend closer to some sections of the boundaries. However, the two-storey height of the dwelling now proposed would result in a structure of significantly larger bulk and massing. When seen against the greater overall scale of the appeal dwelling, the comparatively limited spacing around the building and its close relationship with the boundaries would be much more pronounced, exacerbating the disproportionate appearance of the development on the site and the visual impact of the proposal.
8. There is no compelling evidence before me that the previously permitted bungalow would be incompatible with the mixed street scene of Trotts Lane. While the scale and massing of the dwelling now proposed may be more in keeping with other properties nearby, I am not therefore persuaded that this fact would offer an overall enhancement so as to outweigh the discordant lack of spaciousness.
9. For these reasons, I find that the development would appear incongruously cramped and 'squeezed on' to its plot, detracting from the distinctive spacious quality of the Trotts Lane street scene. I therefore conclude on this main issue that the proposal would cause unacceptable harm to the character and appearance of the area. It would accordingly conflict with Policy SP1 of the Core Strategy 2011 (CS) and Policy EN1 of the Allocations and Development Management Plan 2015 (ADMP) which, amongst other things, broadly require development that responds to and respects local character.

Living Conditions

10. The dwelling would extend across a significant proportion of the width of the site at two-storey level, with the design of the pitched roof including part gables adding significant bulk to the upper part of the building. Even at the greatest point, separation between the dwelling and the boundary of the appeal site with 50 Black Eagle Close would be very limited, and despite some screening by vegetation, it would be readily visible from the rear windows and garden of this neighbour. When seen at such close range, I find that the height and overall scale of the development would be dominant, and would result in a marked sense of enclosure to the rear of No 50 which would notably restrict outlook for occupiers of this dwelling.
11. For these reasons, I conclude on this main issue that the proposal would be overbearing and that it would cause unacceptable harm to the living conditions of the occupiers of 50 Black Eagle Close through a loss of outlook. Accordingly, it would conflict with Policy EN2 of the ADMP which includes a requirement that

development safeguards the amenities of the occupiers of neighbouring properties.

Other Matters

12. Given the location of the site within a built up area and the nature of the proposal, I agree with the Council that there would not be detriment to the Kent Downs Area of Outstanding Natural Beauty which washes over Westerham, and I am satisfied that its natural beauty would be conserved. However, the absence of harm weighs neither for nor against the proposal.
13. While I have had regard to representations made by interested parties, ownership issues are a private matter between the relevant parties and not within my jurisdiction, and none of the matters raised alter my conclusions on the main issues.

Planning Balance

14. The Council is unable to demonstrate a 5 year housing land supply, and while it has not provided further detail on the position, I note the appellant's suggestion of a current housing supply of around 1.52 years as well as a significant deficit in past delivery of housing against requirements. The presumption in favour of sustainable development test set out in paragraph 11(d) of the Framework is therefore engaged. This provides that planning permission should be granted 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.
15. The Framework refers to boosting significantly the supply of housing, and gives strong support to the need to make effective use of land and to the development of suitable sites within existing settlements for homes. In light of these objectives and the housing undersupply position, the provision of an additional dwelling within an existing residential area would be an important benefit attracting great weight. Future occupiers would also have access to local shops and services in Westerham, and I note the inclusion of a study would support home-working. However, the contribution to housing supply would be limited by the modest scale of the proposal. Moreover, the previous permission would also deliver an additional dwelling on the site, and there is no substantive evidence before me that the development now proposed would better meet identified needs for housing. Given these factors, I consider the benefit of the additional dwelling to be limited. There would additionally be some economic and social benefits associated with construction and occupation of the development, but these would also be restricted by its small scale and I afford them limited weight.
16. Against these benefits, there would be significant harm to the character and appearance of the area and to the living conditions of neighbouring occupiers. These aspects weigh against the proposal, and are contrary to requirements in the Framework for development that responds to local character and that provides a high standard of amenity for existing and future users. The proposal would also conflict with Policy SP1 of the CS and Policies EN1 and EN2 of the ADMP, and insofar as these seek development that is sympathetic to local character and which protects residential amenity, they are consistent with the expectations of the Framework. I therefore give full weight to the conflict with these policies.

17. In the context of paragraph 11(d) of the Framework, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development within the Framework.
18. Although it would comply with a number of provisions, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations including the Framework do not indicate that a decision contrary to the development plan should be reached.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR