



Appeal Decision

Site Visit made on 27 September 2021

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021.

Appeal Ref: APP/G2245/D/21/3275133

Riftwood, Oak Avenue, Sevenoaks TN13 1PR

- 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 M Rudd against the decision of Sevenoaks District Council.
 - The application Ref 20/03289/HOUSE, dated 16 November 2020, was refused by notice dated 12 March 2021.
 - The development proposed is erection of an annex.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an annex and demolition of existing garage at Riftwood, Oak Avenue, Sevenoaks TN13 1PR, in accordance with the application Ref: 20/03289/HOUSE, dated 16 November 2020, subject to the conditions in the attached schedule.

Procedural Matter

2. The application form described the development as erection of an annex. However, the Council's decision notice and the appeal form included reference to the demolition of the existing garage. As this is a more accurate description of the totality of the development, I have used it in my formal decision.
3. The application was made in the name of Mr M Rudd. The appeal was submitted in the name of John Rudd. However, it has been confirmed in writing that this is one and the same person.

Main Issues

4. The main issues are the effects of the annexe on:
 - a) the character and appearance of the area, including its effect on the host property, a locally listed building;
 - b) the living conditions of the occupants of Ashley in relation to privacy.

Reasons

Character and appearance

5. Riftwood and Ashley comprise a substantial property and locally listed building near the corner of Oak Avenue and Grassy Lane. It has been sub-divided into 2 dwellings both of which have generously proportioned front and rear gardens. Riftwood has an existing double garage with a pitched roof and hipped ends located close to the roadside boundary. The proposal seeks to demolish this and replace it with an annex which would include a single garage combined with living accommodation on the ground floor and in the roof space.

6. Oak Avenue is characterised by large, detached dwellings set well back from the road. Mature trees and boundary hedges screen the buildings from the street. Consequently, the existing garage is not prominent in the street scene. Although the proposed annex would have a larger footprint, it would be the same height and set further back on the site. It would therefore not appear intrusive in the street scene. The annex, although larger than the existing garage, would appear subservient and ancillary when seen in the context of the substantial proportions and scale of the main building.
7. The Council's Supplementary Planning Document: Residential Extensions advises that garages and outbuildings should not generally be sited in front of the building line. However, several other properties in Oak Avenue already have large garages and annexes in their front gardens. Although these are attached to the host properties, they are of a similar scale to the proposal and include accommodation at first floor level served by dormer windows. In these respects, the proposal would not be out of keeping with the pattern of development elsewhere in Oak Avenue.
8. The significance of the locally listed building is derived from its architectural features, particularly its unusual bay window with a conical roof. The proportions of the annex and its siting to the side of the front garden would ensure that it would not obscure views of the front elevation of Riftwood or its bay window. As the annex would be detached, it would not disrupt or disturb any of the host property's existing features. Consequently, neither the setting nor the significance of the locally listed building would be adversely affected by the proposal. This would not be the case if the proposal had been linked to the host property in the way that annexes at Holmoak and Lorne House relate to those properties.
9. For all these reasons I conclude that the proposal would not harm the character and appearance of the area, or the significance of the locally listed building. It would comply with Policy SP1 of the Sevenoaks Core Strategy 2011 (Core Strategy) and Policies EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan 2015 (SADMP). These policies require development to respect local distinctiveness and protect heritage assets.

Living conditions

10. The windows serving the upper floor of the annex would look towards Ashley. The oblique angle of view would prevent any direct views into habitable rooms within this adjoining property which look out on the driveway. However, it would be possible to view Ashley's front door and observe comings and goings from within the driveway. I appreciate that the neighbour considers that this would give rise to overlooking and loss of privacy in these areas. However, these areas are not habitable or private amenity spaces which planning policies seek to protect. Neither are they areas on which Ashley's occupants rely for privacy as the house has a substantial and enclosed rear garden. In any event, the separation distance between the annex and the shared boundary of 13m would reduce any potentially harmful effects of occasional overlooking from bedrooms in the roof space.
11. Having regard to the proposed siting and orientation of the annex, I am also satisfied that it would not appear overbearing from either of the neighbouring dwellings.

12. I therefore conclude that the proposal would not unduly harm the living conditions of the occupants of Ashley, arising from an unacceptable loss of privacy. The proposal would comply with Policy EN2 of the SADMP which permits development where it would safeguard existing occupants from unacceptable overlooking and loss of privacy.

Other Matters

13. I appreciate the concerns of neighbours that the annex could be used as an independent dwelling bringing more families and vehicles into the area. However, there is no suggestion or evidence that the plot would be sub-divided. The access, parking area and garden space at Riftwood would be shared, demonstrating a functional link with the main property. The highway authority was satisfied that the existing parking area would be sufficient for the dwelling and annex. Furthermore, the use of the building can be controlled by the imposition of an appropriate condition to ensure that it remains ancillary to the main dwelling.
14. The existing garage is close to a mature tree within the grass verge on Oak Avenue. The annex would be further away from it so would be unlikely to cause the tree any significant harm. Some vegetation within the front garden would be lost with the construction of the annex. However, this could be removed without the need for planning permission and is therefore not a reason for the scheme to fail.

Conditions

15. The Council has suggested conditions in the event that the appeal was allowed. I have considered these in the light of the tests set out in paragraph 56 of the National Planning Policy Framework (July 2021) and amended them where necessary for the sake of clarity and precision.
16. In addition to the standard time limit, conditions specifying the plans and the materials to be used are required to provide certainty and secure a satisfactory appearance to the development. Obscure glazing in the south-facing rooflights is justified to protect the living conditions of the occupants of Holmoak. A condition restricting the use of the building as ancillary accommodation to the main dwelling is essential to prevent the creation of a separate dwelling independent of the host property.

Conclusion

17. I have found that the proposal complies with the development plan and other material considerations, including the representations made by neighbours, do not indicate that the appeal should be determined otherwise.
18. For this reason, the appeal is allowed, subject to conditions.

Sheila Holden

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, MR/P.01/A, MR/P.02/A, MR/P.03/A and MR/P.04.
- 3) The materials to be used in the construction of the development hereby permitted shall be those indicated on the approved plan MR/P.03/A.
- 4) The building hereby permitted shall not be occupied until the rooflights in the southern elevation have been fitted with obscured glazing, and no part of those rooflights that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the rooflights are installed and once installed the obscured glazing shall be retained thereafter.
- 5) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Riftwood.