



Appeal Decision

Site visit made on 13 December 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2021

Appeal Ref: APP/G2245/W/21/3275862

36 Crescent Gardens, Swanley BR8 7HF

- 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 Cloke against the decision of Sevenoaks District Council.
 - The application Ref 21/00312/FUL, dated 7 February 2021, was refused by notice dated 13 April 2021.
 - The development proposed is first floor extension and rebuild garage.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension and rebuild of garage at 36 Crescent Gardens, Swanley BR8 7HF in accordance with the terms of the application, Ref 21/00312/FUL, dated 7 February 2021, subject to the following 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: 075/08; 075/004A, 075/005, 075/006, 075/007.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building.

Main Issues

2. The main issues are:
 - The effect upon the character and appearance of the host dwelling and surrounding area; and
 - The effect upon the living conditions of neighbouring occupiers at Pinewood, having particular regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal property is a first floor flat that comprises part of a two-storey building. It is served by a single garage and associated driveway to the side and by a private garden space to the rear. The building sits between a further pair of similarly designed flats to the southwest and a large, detached dwelling (Pinewood) to the northeast.

4. Notwithstanding the composition of built form at the appeal site, Crescent Gardens is generally typified by pairs of regularly positioned semi-detached houses. These tend to be set upon generously sized plots, whilst observable gaps (of variable extents) between neighbouring properties are commonplace. Thus, despite the existence of a range of differing side extensions, a somewhat formal and spacious residential character and appearance is identifiable along Crescent Gardens.
5. The Residential Extensions Supplementary Planning Document (May 2009) (the SPD) indicates that, with respect to side extensions, the pattern of gaps in a streetscene should be maintained and that a minimum 1m gap between the side wall of a two-storey extension and the adjoining property (for the full height of the extension) should normally be achieved. This is in the interests of guarding against a terraced or cramped appearance materialising. It is also set out in the SPD that any side extension should not dominate the original building, which can be helped by setting an extension back from the front elevation and introducing a lower roof height.
6. In this instance, whilst the extension's roof would not be set down in height when compared to the property's main roof, the front building line would be stepped back. This is an important factor that would assist in tempering the proposed extension's prominence in the streetscene. This is particularly so when noting that other properties upon Crescent Gardens tend to have higher ridge heights when compared to the appeal building. Whilst the submitted plans indicate a flat-roofed element at eaves level, this would be of limited expanse and discreetly located towards the rear of the property. When also noting that the property's existing ground and first floor rear building lines would be respected, I do not consider that the extension would over-dominate or appear as an incongruous addition.
7. Only towards the rear of the proposed extension would a gap of at least 1m to the adjoining property not be achieved. Furthermore, a garage (serving Pinewood) of considerable width, low height and flat-roofed design occupies the space that abuts the site's edge. Thus, generous separation to neighbouring two-storey built form and views between the appeal property and Pinewood would continue to avail post-development. This would guard against any potentially harmful terracing effect occurring and would ensure that an unduly cramped form of development would not materialise.
8. For the above reasons, the proposal would not cause harm to the character and appearance of the host dwelling and surrounding area. The scheme accords with Policy EN1 of the Sevenoaks Allocations and Development Management Plan (February 2015) (the ADMP) in so far as this policy requires proposed development to respond to the scale, height, materials and site coverage of the area.

Living conditions

9. Pinewood is orientated such that its rear elevation, which contains various window openings serving habitable rooms, faces the appeal property. The Council has acknowledged that the proposal does not involve the creation of new window openings to face Pinewood. Indeed, neighbouring standards of privacy would not be materially impacted upon.

10. The proposed extension would be readily visible from internal areas of Pinewood, most particularly from the upper floor levels of this property. Nevertheless, the additions would be experienced against the immediate backdrop of the existing building. Whilst built development above ground floor level would be brought closer to the site's north-eastern boundary, it would remain setback a not insignificant distance from Pinewood's facing window openings. Indeed, an extension of modest width is intended, and an overbearing relationship would be avoided.
11. For the above reasons, the proposal would not cause harm to the living conditions of neighbouring occupiers at Pinewood having particular regard to outlook and privacy. The scheme accords with Policy EN2 of the ADMP in so far as it sets out that proposals will be permitted that would safeguard the amenities of existing and future occupiers of nearby properties.
12. The proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

13. In the interests of certainty, a condition setting out the approved plans is required. In the interests of protecting the character and appearance of the area, a condition to ensure that the external materials to be utilised would match existing is reasonable and necessary to impose.

Conclusion

14. For the above reasons, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR