



Appeal Decision

Site visit made on 11 July 2022

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2022

Appeal Ref: APP/G2245/W/22/3292329

86 Archer Way, Swanley BR8 7XP

- 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 & Mrs Cottle against the decision of Sevenoaks District Council.
 - The application Ref 21/03991/FUL, dated 1 December 2021, was refused by notice dated 28 January 2022.
 - The development proposed is a new end of terrace 2 bedroom two storey house beside existing property, with associated garden and parking to the rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are the effect of the proposal on:
 - The character and appearance of the local area; and
 - parking provision and the effective operation of the public highway.

Reasons

Character and appearance

3. The appeal site is part of the garden of 86 Archer Way (No.86), a gable ended two storey semi-detached house located on a cul-de-sac. The existing garden wraps around the flank wall of No.86 with part of the side and rear garden enclosed by a tall timber fence. The garden borders the highway to the front and flank of No.86. To the rear of the property is a single detached garage, accessed independently of the garden on a drive shared with a garage for a neighbouring property.
4. The local area is made up of similar scaled semi-detached, terraced and small detached properties. These all have front and rear gardens, and occasionally side gardens where they occupy a corner location like No.86. This wrap around garden is a feature of what is a relatively densely developed estate.
5. The proposal is for a 2 storey, 2 bedroom dwelling that would adjoin to the flank of No.86 in the form of a gable ended end of terrace house. The proposal would be deeper than the existing house and its semi detached pair extending slightly further to the rear at ground level. The width of the proposal would

result in an extensive gable end sitting directly on the boundary with the footway to the public highway. The existing front and rear gardens would be subdivided to create front and rear gardens to both existing and proposed dwellings. The proposal would utilise the driveway area to the existing garage to provide a single off-street parking space for the proposed dwelling. The garage would be repurposed for general storage for No86. The proposal is for 2 replacement off-street parking spaces for No.86 to be provided on the remaining garden at the front of the existing house.

6. Whilst the scale and architectural expression of the proposal would generally reflect that of other properties in the area, it would be built on an area of garden that currently reflects the spatial characteristics of the wider area. This is characterised by modest 2 storey houses set back from the street behind gardens, including to the side. The side garden to No.86 would provide the location for the proposed dwelling. This would result in constraining the openness of the existing streetscape, and the proposal would, therefore, have an unduly prominent and dominating presence in local views within the context of the other dwellings set back from the highway.
7. Further, the gable end of the proposal would have a direct, unrelenting and hard appearance, which given its proximity to the boundary of the public highway, it would not be feasible to soften through adding planting or screening. This would result in the proposal having an overbearing presence when experienced by users of the footway adjacent.
8. The appellant has drawn my attention to examples of developments for housing extensions and new dwellings in the local area. Whilst all these examples demonstrate very different individual layouts, they all appear to respect the spatial characteristic of the local area and allow for a less constrained relationship between the development and the public highway. These would have been considered on their own individual merits, and I have done likewise in my consideration of the proposal. I have, therefore, afforded the appellants examples only limited weight in my considerations.
9. The proposal would detract from the existing spatial characteristics of the area that I have identified above and would have an incongruous appearance within the context of the local area and would detract from its local streetscene.

Parking provision and the effective operation of the public highway

10. The existing house has 2 parking spaces, comprising 1 in the detached garage and 1 on the driveway access to it. It is proposed that a single parking space would be provided for the proposed dwelling, utilising the existing drive to the garage. It is proposed that 2 Replacement parking spaces for No.86 would be provided at the front of this existing dwelling on its reduced front garden.
11. From my site visit it was not apparent that the proposal would accommodate 2 off-street parking spaces, and the appellant has not provided me with material that would indicate layout, access arrangements or visibility or safety considerations in relation to vehicle movements.
12. As such, I am unable to conclude that 2 parking spaces could be accommodated on the remaining area of garden space to the front of No.86, and I find that the proposal would not meet the parking standards identified in Appendix 2 of the Sevenoaks Allocations and Development Management Plan

(2015) (SADMP). The proposal would, therefore, result in an increase in on-street parking in an area where, from my site visit, it was clear that the cul-de-sac layout of the local area and requirements of vehicle crossover and visibility splays result in limited existing street parking provision. The proposal would not, therefore, provide for the required off-street parking provision and allow for the effective operation of the public highway.

13. The submission of details via a condition on an approval requiring details of visibility and safety considerations would not, therefore, be in line with paragraphs 55 and 56 of the National Planning Policy Framework (the Framework), which sets out that they should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
14. For the reasons given above I find that the proposal would result in significant harm to the character and appearance of the local area and would fail to provide the required off-street parking provision that would result in moderate harm to the effective operation of the public highway. This would conflict with policy EN1 and T2 of the SADMP and policy SP1 of the Sevenoaks Core Strategy (2011) (Core Strategy). These seek to ensure that development creates high design quality, responds to the distinctive local character of the area and be in accordance with the adopted parking standards.

Planning Balance and Conclusion

15. Paragraph 11d, footnote 8 of the Framework states that where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the LPA cannot demonstrate a 5 year supply of deliverable housing sites), 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.
16. When this is the case, and as this appeal relates to the provision of housing, the need for the proposal to be considered against paragraph 11d is triggered. However, although the proposal must be determined within the context of paragraph 11d, I consider the Local Plan policies to be a material consideration within this decision, which carry full weight in so far as they conform to the Framework. The policies EN1 and T2 of the SADMP and policy SP1 of the Core Strategy that are the most relevant to this appeal, are consistent with Sections 9 and 12 of the Framework and specifically paragraphs 110 and 130, which seek well-designed places and safe and suitable parking and access.
17. According to the Government's Housing Delivery Test: 2021, Sevenoaks District Council (the Council) has a significant projected housing shortfall on that required.
18. As I have identified above, the appellant has not submitted material that would justify the significant harm to the character and appearance of the local area and moderate harm to the effective operation of the public highway, contrary to policies EN1 and T2 of the SADMP and policy SP1 of the Core Strategy. In light of the Council's housing land supply position, paragraph 219 of the Framework makes it clear that weight should be given to existing development policies according to their degree of consistency with the Framework. Section 9 paragraph 110 of the Framework recognises that safe and suitable access to

the site be achieved for all uses and Section 12, paragraph 130 of the Framework recognises that development should be sympathetic to local character, accommodate and sustain an appropriate amount of development on its site and add to the overall quality of the area.

19. Even taking account of the objective of significantly boosting the supply of homes and the Council's supply position, the conflict between the proposal and the relevant parts of policies EN1 and T2 of the SADMP and policy SP1 of the Core Strategy should be given significant weight in this appeal.
20. Set against the harm identified there would be social and economic benefits associated with the development. The appeal site is small in terms of its ability to provide housing, and the proposal would provide a single 2 bedroom dwelling. Although a small contribution to the overall housing target within the Council area, small housing schemes do collectively make a significant contribution to the number of new residential units, and I have given this significant weight in my considerations. The proposal would also generate employment opportunities during its construction and through the employment of local services for its upkeep and maintenance when occupied. In connection with the single additional dwelling proposed, these benefits attract modest weight in favour of the proposed development.
21. Consequently, I conclude that the harm to the character and appearance of the local area and moderate harm to the effective operation of the public highway that I have identified, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
22. The proposal would conflict with the development plan as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR