



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: 16 August 2022

Appeal Ref: APP/G2245/W/21/3288779

1 New Road, Hextable BR8 7LS

- 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 Webb against the decision of Sevenoaks District Council.
 - The application Ref 21/02104/FUL, dated 28 June 2021, was refused by notice dated 8 September 2021.
 - The development proposed is the construction of a detached one-bedroom single storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached one-bedroom single storey dwelling at 1 New Road, Hextable BR8 7LS in accordance with the terms of the application, 21/02104/FUL, dated 28 June 2021, and the plans submitted with it subject to the conditions in the attached schedule.

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
 - the living conditions of neighbouring residential occupiers and potential occupiers of the proposed dwelling, with reference to privacy.

Reasons

Character and Appearance

3. The appeal plot is adjacent to 1 New Road (No.1) which is a detached house on a street of detached and semi-detached 2 storey houses, in an area of similar properties with the occasional smaller 2 storey detached and single storey dwellings. The defining character of the area is established by the single or two storey scale of dwellings being set behind mature front gardens where no one form of building or architectural expression dominates. The variety of housing types and the incremental extensions and alterations to properties in the local area lend it a typical suburban residential character. It would appear that the appeal plot formed part of the gardens to 1 New Road and was previously

partly occupied by a side extension to No.1, prior to a recent refurbishment of this property.

4. The proposal follows earlier refused applications for a detached two storey three bedroom dwelling on the appeal plot. The proposal is for a single storey detached 1 bedroom dwelling that would face onto New Road, with a side entrance accessed from a pathway located between the proposed dwelling and No.1 and a single off-street parking space. The proposal would be a windfall housing scheme and would be a small but useful contribution to the housing stock of the Sevenoaks District Council (the Council) area. It would provide a small dwelling of a type that reflects the demand for such properties for smaller households.
5. Following the shape of the appeal plot, the proposed dwelling would narrow in width to the rear, resulting in an asymmetric pitched roof and gable end facing the street. The proposed dwelling would have vertical timber cladding and a slate roof. Whilst only a single storey amongst two storey buildings that neighbour the appeal plot, it would follow the established building line of the street and I have noted that there are other examples of single storey dwellings evident in the very local area.
6. The many outbuildings and detached garages in the area of the appeal site are of a variety of scales, appearance and age and contribute to the area's character and appearance. The small scale and simple single storey form and relatively shallow mono-pitched roof of the proposed dwelling reflects the simplicity of these ancillary structures. Whilst the proposed timber cladding would not reflect the main materials used for the larger brick built buildings in the local area it would reflect the materials used for these more recessive and unassertive buildings and structures.
7. The small scale of the proposed dwelling is proportionate to the size of the appeal plot and there would be garden areas to the front side and rear of the property. This would reflect the spatial characteristics and separating distances between residential properties in the local area, particularly the arrangement and intersection of properties on corner locations.
8. For these reasons I find that the proposed scale and appearance of the development would be in keeping with the overall character and grain of the area and would not result in the appearance of a cramped form of development harmful to the character and appearance of the streetscene.

Living Conditions

9. As the proposal is for a single storey dwelling the proposal would have no overlooking of neighbouring dwellings or their garden areas from first floor windows. The appeal plot is also set at a lower ground level than the properties on Egerton Avenue that adjoin with it.
10. The proposal would have a small window in the side elevation facing the rear of 18 Egerton Avenue (No.18). However, given the distance to the rear of this neighbouring dwelling and the boundary fence between the two plots, the degree of overlooking would be of a level to be expected in a developed residential area of this type.
11. The rear of the proposal would have folding doors that would open the main living space of the proposal onto a rear garden area. This would face on to a

boundary fence that sits between the appeal site and the side of the garden to 20 Egerton Avenue (No.20). Given the boundary fence, the oblique angle of view and the separating distances involved I do not find that the proposal would result in any intrusive overlooking that would lead to an unacceptable loss of privacy.

12. As the proposal sits in relationship with No.1 as a detached property reflecting the existing arrangement of the other properties in the street, I find that any overlooking would result in less overlooking of neighbouring properties than that generally pertaining in the local area and would not, therefore, result in any harmful overlooking of No.1.
13. Whilst there would be overlooking of the side and rear of the proposed dwelling from the rear of No.'s 18 and 20, including from the upper floors, the appeal dwelling only has a small side window to a kitchen area that would face towards No.18, and the overlooking from the rear of No.20 would be at an oblique angle. The degree of overlooking of the proposed garden spaces on the appeal site would, therefore, reflect that to be found at the intersection of properties on corner locations in the local area. For these reasons the proposal would not result in a degree of overlooking that would be experienced by potential occupiers as intrusive or result in an unacceptable lack of privacy.

Other Matters

14. Both parties have raised the issue of 'windfall' housing and the Council failing to meet its housing delivery targets. However, as I find that the proposal accords with the development plan in all respects, I have no need to carry out a planning balancing exercise as required by Paragraph 11 of the National Planning Policy Framework (2021).

Conditions

15. I have had regard to the conditions suggested by the Council in the event of the appeal being allowed and I have consulted with both parties to this appeal on draft conditions. The Council have expressed a wish for a condition that would remove permitted development rights as set out in the GPDO¹. As the proposed dwelling would, however, be a dwelling of a type and in circumstances replicating those of many existing dwellings that benefit from this right, I do not find that there are exceptional reasons that would require the restriction of these rights. Likewise, I do not find that there are exceptional reasons that would require a pre-commencement condition requiring submission and approval of details of materials that would duplicate that provided on the plans submitted with the application. I also find that it would not be necessary for other proposed conditions to restrict submission and approval to pre-commencement.
16. Given the scale of the development as a single dwelling and that screening for privacy with planting etc would not be required, I do not find that the submission and approval of a landscaping scheme along with a 5 year maintenance schedule for soft landscaping, would be necessary for a domestic garden of the scale proposed. As privacy would not be affected by the window opening in the side of the proposal, a condition requiring obscured glazing

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015

would not be necessary to that room and would only be necessary for the bathroom window to the front of the property.

17. In the interests of the effective operation of the public highway I have attached a condition requiring the provision of the proposed off-street parking space to be provided prior to first occupation. To provide certainty I have added a condition to ensure that the development is carried out in accordance with the approved plans along with the standard condition relating to the timing of implementation.

Conclusion

18. The appeal is allowed

Victor Callister

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: 139 PD-01, 139 PD-02.
3. The ground-floor bathroom window in the front elevation shall at all times/be glazed with obscured glass and no part of that window that is less than 1.7 Metres above the floor of the room in which it is installed shall be capable of being opened.
4. The building hereby permitted shall not be occupied until the parking for the occupants of the development hereby approved shall be fully implemented and made available for use and shall thereafter be retained for use at all times.

END OF SCHEDULE