



Appeal Decision

Site visit made on 29 September 2022

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2022

Appeal Ref: APP/G2245/D/21/3286548

Yewhurst House, Badgers Road, Badgers Mount, Sevenoaks TN14 7AT

- 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 D Brown against the decision of Sevenoaks District Council.
 - The application Ref 21/01864/HOUSE, dated 11 June 2021, was refused by notice dated 19 August 2021.
 - The development proposed is new electric entrance gates on new gate piers and front low wall with railing over between pillars and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. At the time of my visit the gate piers, wall and pillars had been constructed but the project had not been completed in that the gates, railings and lighting had yet to be installed. I have determined the appeal on the basis of the information on the submitted plans.
3. The appellant considers that the proposal would constitute permitted development. It is not within my remit to make a formal determination on that matter in the context of this s78 appeal. If a person wishes to ascertain whether a development is, or would be, lawful they may make an application under s191 or s192 of the Act (as appropriate). I shall consider the evidence submitted on this point but my conclusions are purely for the purposes of this appeal and are made without prejudice to any such applications that may be made in the future.
4. Whilst I have noted the appeal decision referred to by the appellant¹, the wall, railings and gates in that case were agreed to be below 2m in height. In this case, the notes on the plans state that the pillar adjacent to the driveway of Hengist would be 2.4m in height. Moreover, although Badgers Road is a private road, it is not gated (unlike the road in the appeal decision cited) and there is no hindrance to drivers of vehicles wishing to pass or repass along it. As a matter of fact and degree, I consider that it is likely to be a highway for the purposes of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). In the context of Badgers Road, which is characterised by grass verges, the proposal would appear to be adjacent to the highway, such that any means of enclosure over 1m would not be permitted development. For the purposes of this appeal, I consider that planning permission is likely to be required. I therefore attach limited weight to the

¹ APP/G5180/C/08/2076403

suggestion that the appeal proposal should be regarded as permitted development.

Main issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. Badgers Road is part of a residential area which lies within an Area of Outstanding Natural Beauty (AONB). The houses are mainly detached, in relatively large plots. The area is characterised by variety in the design of the houses and their relationship to the road. Boundary treatments are also varied, including hedges, low walls, post and rail fencing and various combinations of those elements. These features, combined with an abundance of trees and other vegetation, broad grass verges and the absence of formal footways, give the street scene a distinctive semi-rural character.
7. The height and materials of the brick pillars, combined with their proximity to the edge of the road, would result in a prominent feature that would dominate views along the road. Whilst the railings would allow some permeability in views from directly in front of the property, in oblique views along the road the pillars would tend to merge to create a solid looking structure.
8. I note that the wall and pillars would use materials to match an existing garage, which is sited in front of the house. I also take account of the fact that a nearby property (Rose Mount) has a garage, the corner of which is sited similarly close to the road. However, Rose Mount is untypical in this respect.
9. To my mind, the proposed pillars with stone caps and lighting, supporting high railings, would have an urban quality that would be out of keeping with the distinctive semi-rural character of Badgers Road.
10. I conclude that the proposal would be harmful to the character and appearance of the area. It would conflict with Policy SP1 of the Council's Core Strategy, which seeks to ensure that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. It would conflict with Policy EN1 of the Allocations and Development Management Plan, which also promotes high quality design, and with Policy EN5 of that plan which seeks to protect the landscape and character of the AONB. It would conflict with advice in the Council's Supplementary Planning Document on Residential Extensions which states that local context should influence the design of any new or replacement boundary.

Other matters

11. The Public Rights of Way officer has raised a concern that the siting of the gates could cause vehicles waiting to enter to obstruct traffic on Badgers Road. However, I saw that visibility up and down the road is good and I do not think that the proposed layout would be unduly hazardous in this lightly trafficked environment.

Conclusion

12. For the reasons given above, the appeal should be dismissed.

David Prentis

Inspector