
Appeal Decision

Site visit made on 20 September 2022

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/G2245/W/22/3290131

1C Wickenden Road, Sevenoaks, TN13 3PJ

- 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 Ms Tracy Gee against the decision of Sevenoaks District Council.
 - The application Ref 21/00882, dated 19 March 2021, was refused by notice dated 19 November 2021.
 - The development proposed is a two storey 3 bedroomed dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of No 1 Nursery Close, with particular regard to daylight and sunlight.

Reasons

3. No 1 is a detached dwelling which neighbours the appeal site, occupying a corner plot at the junction of Nursery Close and Wickenden Road. The side elevation of No 1 is close to the appeal site's side boundary, separated only by a narrow garden path. At the ground floor of No 1's side elevation are two windows serving the kitchen/diner and a large window serving the garden room.
4. The proposal would involve the construction of a two-storey dwelling to adjoin No 1c Wickenden Road at a part of the site currently occupied by single-storey side projections. The proposed dwelling's side elevation would be close to and run parallel with the site's side boundary.
5. From my visit to the appeal site and No 1, which I carried out at late morning on a bright and sunny day, it was clear that the side windows of the kitchen/diner provide the main source of daylight to this room. The appellant's statement suggests that No 1's kitchen/diner also benefits from daylight entering at the rear via the garden room. However, the garden room is separated from the kitchen/diner by a solid dividing wall which prevents daylight entering the kitchen/diner from the rear.
6. Due to the sloping topography of the area, the ground level of No 1 is slightly elevated above the appeal site with the top section of the ground floor windows protruding above the height of the appeal site's existing single storey projections. The presence of a two-storey dwelling projecting alongside No 1

would significantly reduce the amount of daylight available to the ground floor windows at the kitchen/diner and garden room and would have an overshadowing effect through obstructing sunlight during the morning period.

7. The proposed development would therefore breach the guidelines relating to overshadowing and loss of light, set out in the Council's adopted Residential Extensions Supplementary Planning Document, 2009 (SPD), which indicate that proposals should not cause any significant loss of daylight or the cutting out of sunlight for a significant part of the day to habitable rooms including kitchen/diners.
8. Consequently, the proposed development would cause substantial harm to the living conditions of the occupiers of No 1 Nursery Close with particular regard to daylight and sunlight. For these reasons, the proposal would conflict with Policy EN2 of the Allocations and Development Management Plan (2015) which indicates that development should not be permitted where the proposal would result in an unacceptable loss of light for occupiers of nearby properties.

Other Matters

9. The Council accepts it is unable to demonstrate a five-year supply of deliverable housing sites and states it has a supply of only 2.9 years. This is a significant shortfall against the housing requirement. In the absence of a five-year land supply, paragraph 11(d)ii. of the National Planning Policy Framework (the Framework) should be applied which states that 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.
10. The proposal would contribute to the area's housing needs through the addition of one dwelling, as supported by paragraph 60 of the Framework. However, this modest increase in the supply of dwellings would make little difference to the overall supply of housing. Conversely, paragraph 130 requires new development to create a high standard of amenity and not undermine quality of life. Consequently, the substantial adverse impacts I have identified in respect of living conditions would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

11. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR