
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: 17 October 2022

Appeal Ref: APP/G2245/W/21/3285943

149 to 155 London Road, Dunton Green, Sevenoaks, Kent TN13 2UP

- 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 A Stark of Locksbottom Properties Limited and BBL Property Developments Limited against the decision of Sevenoaks District Council.
 - The application Ref 21/00999/FUL, dated 23 February 2021, was refused by notice dated 13 September 2021.
 - The development proposed is demolition of the existing buildings and erection of 7 flats with associated parking area.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by BBL Property Developments Limited and Locksbottom Properties Limited against Sevenoaks District Council. This application is the subject of a different Decision.

Main Issues

3. The main issues in this appeal are the effects of the proposed development on:
 - the character and appearance of the area; and
 - highway safety.

Reasons

Character and appearance

4. The appeal building consists of two storeys with three vacant shop units at the ground floor. The building's hipped roof with chimneys located at each side contributes a strong sense of symmetry to the building's form.
5. The area surrounding the appeal property includes a mix of building types, including terraced, detached and semi-detached dwellings interspersed by other uses. Buildings are generally tightly packed and building lines abut the pedestrian footway. The simple traditional roof lines shape the area's character and appearance.
6. The proposed development would have an asymmetrical roof line, with a hip at the left side and gable end to the right as viewed facing the front elevation. I find the asymmetrical design of the proposed roof to be out of keeping with the

character and appearance of the area. To justify the asymmetrical roof design, the appellant's statement refers to the site's extant planning consent and lawful development certificate relating to a roof extension. However, the permitted roof extension is materially different from the proposed scheme, with the extension set within the roof slope and set down from the ridge which would appear subordinate to the main section of the building's roof.

7. The proposed development would result in a negligible increase in the overall height relative to the existing building and would be of equal width. However, the three storeys of living accommodation, front gables, higher eaves and altered roof line, would create a massing and form which would appear significantly greater in bulk and scale than the existing building and neighbouring properties. The proposed development would therefore appear dominant and incongruous within the street scene. Whilst the proposal would facilitate the removal of the building's existing shop fronts which are presently in a poor condition, this would not justify the scheme's harm to the street scene through its visual dominance.
8. For the reasons set out above, the proposed development would harm the character and appearance of the area and would be contrary to Policy SP1 of the adopted Core Strategy (2011) and policy EN1 Allocations and Development Management Plan (2015) which require the built form of new development to respond to the distinctive local character of the area in which it is situated.

Highway Safety

9. Vehicle parking for occupants of the proposed flats would be accommodated at the rear of the appeal site. The proposed location of the parking area is not directly accessible from the public highway. To access the rear of the appeal site, vehicles would be required to travel along a private road before turning into an access serving the community hall's car park and past an informal court of garages/lockups. The hall's roadway is relatively narrow, is in poor condition and does not benefit from pedestrian footways. Therefore, there is potential for conflict to arise between pedestrian and vehicle movements to and from the appeal site with other users of the access.
10. The appellant has provided information which demonstrates that the current occupants of the appeal site benefit from existing access rights across land related to the community hall. However, it is unclear if such rights would be extended to occupants of the proposed development or would facilitate the site's intensified use with associated increase in traffic movements of residents, visitors, deliveries, and service vehicles.
11. Even with access rights secured, increased use of the existing poor-quality access by traffic associated with the proposed development would have a harmful effect upon highway safety. The proposal would therefore conflict with Allocations and Development Management Plan (2015) policies EN1 and T1 which require proposals to ensure satisfactory means of access for vehicles and pedestrians and mitigate any adverse travel impacts, including effects upon safety.

Other Matters

Parking provision

12. Drawing on previous planning consents, the appellant's statement suggests that a nil parking provision could be justified thus overcoming highway safety concerns. The extant consents relate to the extension and conversion of the existing building to provide three additional, one-bedroom flats, and therefore even when considered alongside the existing residential units at the site, differs significantly in scale and likely number of occupants from the proposed scheme which includes 6no. 2 bed units and a 1 bed unit. The permitted and proposed schemes would likely have very different effects and requirements in respect of parking.

Housing supply

13. There is agreement between the parties that the Council cannot demonstrate a five-year supply of housing land. Where there is an absence of a five-year land supply, paragraph 11(d)ii. of the National Planning Policy Framework (the Framework) 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.
14. The proposal would involve the demolition of the existing building which includes 3no. existing dwellings and has extant planning consent for a further 3no. units. Through the construction of seven dwellings, a net increase of one unit, the proposal would contribute to the area's housing supply as supported by paragraph 60 of the Framework. However, this modest net increase in the supply of dwellings would make little difference to the overall supply of housing. Conversely, paragraph 130 states that planning decisions should ensure that new development is sympathetic to local character and paragraph 111 indicates that development which would have an unacceptable impact on highway safety should be prevented. Consequently, the adverse impacts I have identified in respect of character and appearance and highway safety which carry considerable weight would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the presumption in favour of sustainable development does not apply.

Conclusion

15. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR