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## Appeal Decision

Site visit made on 25<sup>th</sup> January 2023

**by P J Staddon BSc, Dip, MBA (Distinction), MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>th</sup> February 2023**

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**Appeal Ref: APP/G2245/W/22/3296483**

**34 and 36 Wildernesse Mount, SEVENOAKS TN13 3QS**

- 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 S Blake of Portman Homes (WM) Ltd against the decision of Sevenoaks District Council.
  - The application Ref 21/04244/FUL, dated 23 December 2021, was refused by notice dated 25 March 2022.
  - The development proposed is 'demolition of 34 and 36 Wildernesse Mount and erection of four dwellings, together with access and parking'.
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### Decision

1. The appeal is dismissed.

### Main issues

2. The main issues are:
  - The effect of the proposal on the character and appearance of the area.
  - The effect of the proposal on the living conditions of No 32 Lansdowne Road with regard to its physical impact.

### Reasons

#### *Character and appearance*

3. Wildernesse Mount is a private residential road within the north-eastern part of the Sevenoaks built-up area. The road is about 250 metres in length and runs roughly southwards along its main length from Hillingdon Avenue, and then turns west for a shorter length where the cul-de-sac terminates at its highest point. The appeal site is located in this higher part, adjacent to the south-west of the head of the cul-de-sac.
4. The site is roughly rectangular and the application form states that its area is 0.32 hectares. It comprises the combined plots of an existing pair of semi-detached chalet style bungalows. The dwellings are sited well back from the road and within the rear half of their respective plots. As a result, there is a substantial swathe of front garden area containing trees and vegetation to the front (east) of the dwellings. To the north of the appeal properties there is a 1.5 storey dwelling, No 32 (*The Summit*), set a similar distance back from the cul-de-sac head on a deep plot, and beyond that, are 2-storey dwellings Nos

- 30, 28 and 26 which are all similarly sited well back on their deep plots, and forming a broadly circular arc around the cul-de-sac head.
5. To the east of the appeal site, there is a 2-storey brick-built dwelling (No 38) sited in the front (north-west) part of a large, roughly square shaped, plot. At the time of my inspection, there was a construction site to the north of this property (on the other side of the road) where 2 dwellings are being erected on the site of the former No 24.
  6. It is a mature suburban location characterised by low density housing, most of the properties being detached and set within generous plots with trees, hedges and planting giving an attractive and verdant character.
  7. The appeal proposal would redevelop the site by demolishing the pair of semi-detached chalet bungalows and erecting 4 detached dwellings. The proposed houses would be arranged such that 2 of the units (plots 3 and 4) would occupy roughly similar positions to the existing bungalows, and the other 2 (plots 1 and 2) would occupy the front garden area, with all 4 plots gaining vehicular access via driveways connecting to the cul-de-sac head. The proposed dwellings would be of traditional 2-storey designs, faced in brickwork with clay roof tiles covering pitched and hipped roofs; 3 of the houses would be 5-bedroom units and would include accommodation in the roofspace, whilst the fourth would be a 4-bedroom unit with no accommodation in the roofspace.
  8. The existing dwellings on the appeal site are of no particular architectural merit and I see no objection, in principle, to their demolition and redevelopment of the site for a greater number of new homes. Indeed, it is apparent that there have been a number of other infill, replacement dwelling and redevelopment schemes in the locality.
  9. Sevenoaks District Council (the Council) has the Sevenoaks Residential Character Area Assessment as a Supplementary Planning Document (SPD). Most of Wildernesse Mount falls within character area F03, which is noted to comprise development laid out from the 1930s onwards, with detached and semi-detached building types being mainly 2 storeys. The SPD identifies the area characteristics as 'individually designed detached houses are set back from Wildernesse Mount on a slightly irregular building line. Groups of buildings are visible above walled, hedged and treed front boundaries. The formal layout is created by the wide road with footway on the western side and a relatively regular building line and spacing between buildings.'
  10. On my site inspection, I noted that this formality is most apparent along the main straight stretch of Wildernesse Mount running south from Hillingdon Avenue, although the eastern side layout is a little more informal and varied than the west side of the road. However, there is a subtle but distinct change in character as the road turns westwards and terminates in the cul-de-sac head adjacent to the appeal site. Here, the variety of plot sizes and shapes increases and the layout is less formal and more spacious, but a common characteristic is that most dwellings are set further back on their plots in a broad curvature. This means that the front gardens, notably of Nos 26 – 36 (evens), are important features, as they combine to create an open spacious, and verdant swathe at this highest part of Wildernesse Mount. This contributes positively to the character and appearance of the area and the streetscene.

11. The layout, siting and scale of the 4 proposed dwellings would be uncharacteristic with its immediate context, which is quite distinctive. In particular, the forward siting of the dwellings on the relatively smaller plots 1 and 2 would jar and appear incongruent, disrupting the spacious and verdant character, and would be at odds with the established curvature of dwelling sitings in the immediate vicinity.
12. The small front gardens to all 4 dwellings and the extent of hard surfaced driveways and front parking areas would also be uncharacteristic features, given that most of the existing properties have deeper and larger gardens, the openness of which, and planting and trees within, make an important contribution to the attractive character of the area.
13. These harmful effects would be exacerbated by the size, spacing and height of the proposed dwellings. All 4 units would be of a quite substantial size, relatively close to each other, and having proposed roof ridge heights notably higher than their neighbours at No 32 and No 38, such that the development would appear strident and imposing.
14. I have noted and considered the appellant's submissions concerning a 2012 appeal decision<sup>1</sup> relating to the redevelopment of *Finchcocks* for 2 new houses, including the comparison of building heights to those proposed on the appeal site. However, this was some distance from the appeal site, and on the main stretch of the road where the site context is different, including an original house siting being close to the road, whereas the appeal site is within the higher part of the road, where neighbouring dwellings are set much further back on their plots. The circumstances are therefore not the same.
15. I have also taken into account the dismissed appeal decision<sup>2</sup>, and the subsequently approved 2 house development permitted on the site of No 24, but, again, the circumstances are different, including that each of the dwellings, currently under construction, would have wide road frontages and be set back on their plots a similar distance to the siting of the original house.
16. I have further considered the 2 dwelling 2015 permission granted at *Jade Cottage*<sup>3</sup> and the 2017 appeal decision<sup>4</sup> for a single dwelling on a subdivided part of the adjacent *Cleve* site. Whilst nearby, these cases are not directly comparable, as the site context is different, and these sites fall within a different SPD character area. I have also noted and considered a number of other developments cited by interested parties. In any event, each case must be assessed on its individual merits.
17. On this main issue, I conclude that the proposal would have a harmful effect on the character and appearance of the area. This would conflict with policy SP1 of the Sevenoaks Core Strategy (adopted February 2011), policy EN1 of the Sevenoaks Allocations and Development Management Plan (adopted February 2015) (SADMP) and the SPD which, amongst other matters, requires new development to be of a high quality design that responds to distinctive local character and context. It would also conflict with paragraph 130 of the National Planning Policy Framework, which, similarly, requires new developments to add to the overall quality of the area and be sympathetic to local character.

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<sup>1</sup> APP/G2245/A/11/2166676

<sup>2</sup> APP/G2245/W/19/3220248

<sup>3</sup> Sevenoaks District Council planning reference 15/02759/FUL

<sup>4</sup> APP/G2245/W/16/3166016

*Living conditions – No 32 Lansdowne Road*

18. The Council's second reason for refusal relates to its concern that the positioning of the proposed house on plot 3 would lead to an 'oppressive, overbearing, intrusive and unacceptable relationship' with regard to No 32 Lansdowne Road.
19. Lansdowne Road is a relatively modern residential development which includes a row of detached 2-storey houses on its north side, which have modest rear gardens. No 32 is in the middle of that row and the proposed plot 3 house would be just beyond its rear garden boundary. The appeal proposal would undoubtedly alter the outlook from the rear windows of No 32 and views from its garden, as the flank wall of the plot 3 house would be closer, higher and more bulky than the existing chalet bungalow.
20. However, in my assessment, the effect would not be unusual or unacceptable in this suburban context for a number of reasons. First, the plot 3 house would not be built on the boundary and would be set back by a short distance, such that its closest point is shown as being 11.5 metres from the rear wall of No 32. Second, the nearest part of the dwelling would essentially be single storey, and, whilst there would be a dormer window in the roof plane above, this would serve a shower room and would be obscure glazed and such glazing could be secured by a planning condition to ensure that privacy was protected. Third, there is a substantial screen of Lawson cypress trees along this boundary which will soften any impact; these trees are to be retained and this could be secured by a planning condition.
21. On this main issue, I conclude that the appeal proposal would not cause unacceptable harm to the living conditions of No 32 Lansdowne Road. I find no conflict with policy EN2 of the SADMP which requires new development to provide adequate residential amenities for existing and future occupants of nearby properties.

**Other matters**

22. I have noted the appellant's submissions concerning the Council's absence of a 5-year housing land supply. However, I assess that the adverse impacts I have identified above in terms of harm to the local character and appearance of the area would be significant and demonstrable, and would outweigh the limited benefits of the proposal.
23. I have also noted and taken into account a wide range of matters raised by interested parties.

**Conclusion**

24. Whilst I have found that the appeal proposal would not cause unacceptable harm to the living conditions of occupants of No 32 Lansdowne Road, I assess that it would cause serious and demonstrable harm to the character and appearance of the area. Accordingly, for the reasons set out above, the appeal is dismissed.

*P. Staddon*

INSPECTOR