



Appeal Decision

Site visit made on 17 January 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Appeal Ref: APP/G2245/W/22/3294304

Appleby, 3 Greenhill Road, Otford TN14 5RR

- 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 Sunbirth (Otford) Ltd against the decision of Sevenoaks District Council.
 - The application Ref /21/03404/FUL, dated 12 October 2021, was refused by notice dated 28 January 2022.
 - The development proposed is demolition of existing dwelling, erection of 2 detached, 5 bed dwellings with associated outbuildings, access and landscaping (Phased Development).
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling, erection of 2 detached, 5 bed dwellings with associated outbuildings, access and landscaping (Phased Development) at Appleby, 3 Greenhill Road, Otford, TN14 5RR in accordance with the terms of the application, Ref 21/03404/FULL, dated 12 October 2021, and the plans submitted with it, subject to the attached schedule of conditions.

Preliminary Matters

2. As part of this appeal, the appellant has included drawings which removed the dormer windows from the front of both houses. However, as per my reasoning below I am satisfied that the proposal as originally submitted and determined by the Council would not harm the character and appearance of the area. For the avoidance of doubt, I have not determined the appeal on the basis of the amended plans.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The existing site comprises a single storey dwelling set within a plot which is noticeably wider than the immediately neighbouring plots on Greenhill Road. This part of Greenhill Road is residential and characterised by two storey properties and bungalows with dormer windows supplying additional roofspace accommodation.
5. Dwellings are generally well set back from the road with car parking to the front. Further to the west there are increasingly substantial two and three storey dwellings, often within very large plots. The design of properties on the

- road is not uniform and there is variation in the height and widths of dwellings, as well as a mixture of architectural approaches and facing materials.
6. The two houses would be taller than the existing single storey property on site and the neighbouring property, No. 5 Greenhill Road. However, their heights would be comparable to existing two storey dwellings along Greenhill Road, thereby ensuring that they would not appear as visually dominant additions to the street scene. Equally, their scale and architectural form, with gable roof features would help to break up their overall mass. Whilst their architectural features and form would appear similar, a different but complimentary palette of materials is proposed for each house. This would prevent uncharacteristic uniformity.
 7. Interested parties have raised specific concerns about the subdivision of the existing plot which, it is stated, has previously been subdivided. The plots would not be as deep as neighbouring plots and interested parties have also drawn my attention to the extent of the two houses' site coverage. However, both new houses would be set in from their plot boundaries, in a similar manner to the neighbouring properties. The submitted drawings indicate that the size of plots and space between the proposed houses and the neighbouring dwellings would be comparable to the plot widths of nearby dwellings within Greenhill Road. This ensures that a sense of spaciousness between the development and the neighbouring properties would be preserved. Overall, the spacing and layout of the development ensures that the houses would not appear cramped within their plots.
 8. The two houses would also be set back within their plots, following the existing line of buildings on the road. The proposal includes provisions for planting of new trees and additional hedgerows on the site's boundaries. The existing, mature hedgerow on the site's front boundary would also be maintained. Whilst the proposed houses would be visible from public viewpoints along Greenhill Road and Shoreham Road, when seen in the context of the existing and proposed planting (which would be secured through condition), they would not appear as dominant additions within the street scene.
 9. The dormer windows on both houses' front elevations would be modest in size, and would appear as proportionate features within the roof planes. During my site visit I noted that a number of properties on the road have front roof dormers, including at roof level above second storey. Overall, the dormers would not appear as incongruous elements within the street scene.
 10. For the reasons outlined above, I conclude that the proposed houses would not cause harm to the character and appearance of the area. Accordingly, I find no conflict with Sevenoaks Allocations and Development Management Plan (2015) Policy EN1 and Sevenoaks Core Strategy (2011) Policy SP1, which taken together, require that development should be designed to a high quality and respond to the distinctive local character of the area in which it is situated. For similar reasons, the proposal complies with the principles of the Otford Village Design Statement which includes the aim that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

11. Since the appeal site is within an Area of Outstanding Natural Beauty (AONB), great weight should be given to conserving and enhancing landscape and scenic beauty, as set out in National Planning Policy Framework (2021) paragraph 176. The Council was satisfied that the proposed development would conserve and enhance the AONB, taking account of the site's location amongst an existing cluster of dwellings well within the distinct boundary between the built form of Otford and the open land beyond it. Having considered the development and visited the site, I concur with that view and find that the development would conserve and enhance the natural beauty of the AONB.
12. Interested parties have raised concerns about the potential loss of natural light, privacy and outlook for occupiers of neighbouring properties. Given the separation distances, and as the side facing upper floor windows would be obscure glazed and conditioned to remain as such, I do not find harm to the living conditions of neighbouring occupiers. Whilst previous appeals within the area may have been dismissed, in this instance, as I have found that the proposed development would cause no harm to the character and appearance of the area it would not create a precedent for other developments that would cause harmful effects in this regard.
13. Interested parties also state that the proposed development would harm highway safety, with concerns raised about an increase in traffic and the potential for the additional access point and driveway to be dangerous. Concerns in relation to construction traffic and noise have also been raised. Any noise and disturbance associated with construction would be for a temporary period only, and I have imposed a condition requiring the submission of a Construction Traffic Management Plan (CTMP) to manage the highway impacts during construction. The appeal proposal provides two new houses which would result in a limited increase in local traffic. The new vehicular access is located away from the main junction with Shoreham Road, would have sufficient visibility splays, and its gate would be set back in excess of 5 metres from the highway edge to allow cars to safely pull off the highway.
14. In order to prevent a loss of biodiversity, conditions are imposed to require an ecological enhancement plan and to restrict additional external lighting to prevent harm to protected species. The existence of restrictive covenants does not affect the acceptability of the appeal proposal in terms of its planning merits.
15. A number of other matters have been raised by interested parties and I have taken them all into account. Those related to planning include the addition of two large houses having minimal impact on local housing demand and the suggestion that previous infill developments have harmed the character and appearance of the area. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conditions

16. I have had regard to the various planning conditions that have been suggested. I have considered them against the tests in the Framework and the advice in

the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.

17. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty.
18. In order to minimise disruption to surrounding highways and residents it is necessary to approve a CTMP and a scheme for the control of noise, vibration and dust during construction.
19. A condition requiring details and samples of the external materials is necessary in the interests of the character and appearance of the area. Likewise, a condition related to the approval of hard and soft landscaping is necessary in the interests of the character and appearance of the area.
20. A condition requiring an ecological enhancement plan is imposed to deliver local ecological enhancements. I have included the Council's suggested condition to require an external lighting plan and to restrict additional external lighting to prevent harm to protected species. To prevent damage to trees I have included a condition requiring that all protection measures are undertaken as outlined in the submitted Arboricultural Impact Assessment.
21. I have included a condition requiring the provision and retention of off-street parking in the interests of highway safety. I have included a condition requiring the provision of electric vehicle charging points to promote low emission vehicles.
22. I have also included the Council's suggested condition relating to obscure glazing within windows on the houses' side elevations to protect neighbouring occupiers' living conditions.

Conclusion

23. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

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: 21013-E-100 (Site Location Plan), 21013-E-200 Rev A (Existing Site Layout), 21013-P-200 Rev C (Proposed Site Layout), 21013-P-201 Rev A (Proposed Roof Plan), 21013-P-301 Rev A (Plot 1 Layouts), 21013-P-302 Rev C (Plot 2 Layouts), 21013-P-400 Rev B (Proposed Outbuilding), 21013-P-500 Rev A (Proposed Refuse, Cycle Store and Gate Details) and 21013-P-800 (Proposed Street Elevation).

- 3) No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and adhered to throughout the entire construction period. The CTMP shall include the following details:
 - the routing of construction and delivery vehicles to and from the site
 - parking and turning areas for construction and delivery vehicles; and
 - details of how vehicles will be appropriately managed to minimise disruption on the highway and to preserve pedestrian safety.
- 4) No development shall take place until a scheme for the control of noise, vibration and dust during the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to throughout the entire construction period.
- 5) The development shall not progress above the damp proof course of the new houses until details, including samples of the external facing materials and finishes, have been submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved samples and details.
- 6) The development shall not be occupied until full details of both hard and soft landscaping, including details of any hard surfacing and boundary fencing, have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping scheme shall be implemented prior to the occupation of the development and maintained thereafter and the soft landscaping comprised in the approved details shall be implemented in the first planting season following the occupation of the first dwelling. If, within a period of 5 years from the completion of development, any of the trees or plants that form part of the approved details of soft landscaping, die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of a similar size and species.
- 7) The development shall not be occupied until details of electrical vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed prior to the occupation of the development and shall be maintained in an operable condition thereafter.
- 8) The development shall not be occupied until details of an ecological enhancement plan have been submitted to and approved by the Local Planning Authority. This will include a native species-only landscape scheme together with a timetable for implementation. The ecological enhancement measures shall be carried out and completed in accordance with the approved details and timetable and thereafter maintained in accordance with the approved details.
- 9) The development shall not be occupied until an external lighting design plan has been submitted to and approved by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the plan prior to occupation of the development and shall be maintained as such thereafter, and no

additional external lighting shall be installed other than in accordance with the approved details.

- 10) The development shall not be occupied until the parking spaces shown on drawing no. 21013-P-200 Rev C (Proposed Site Layout) have been provided. The parking spaces shall thereafter be kept available for the parking of vehicles.
- 11) The development shall not be occupied until the first floor windows on the side elevations of the new dwellings have been fixed shut and obscure glazed, other than any parts that are above 1.7 metres measured from the internal floor level. Once installed the fixed shut obscured glazing shall be retained thereafter.
- 12) Throughout the entire construction period (including site clearance), all protection measures for trees shall be undertaken in accordance with the details contained within the Arboricultural Impact Assessment Survey and Report (Brindle and Green, August 2021 - BG21.258.2).

END OF SCHEDULE