



Appeal Decision

Site visit made on 25 January 2023

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

an Inspector appointed by the Secretary of State

Decision date: 28th February 2023

Appeal Ref: APP/G2245/W/22/3295529

Summerhill, Seal Hollow Road, SEVENOAKS TN13 3SH

- 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 Brentfield Homes Limited against the decision of Sevenoaks District Council.
 - The application Ref 21/04174, dated 18 December 2021, was refused by notice dated 11 March 2022.
 - The development proposed is the 'erection of replacement detached dwelling with integral garage and associated works as revision to dwelling on plot 1 of approved scheme under reference 20/01075/FUL.'
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Decision

1. The appeal is allowed and planning permission is granted for the 'erection of replacement detached dwelling with integral garage and associated works as revision to dwelling on plot 1 of approved scheme under reference 20/01075/FUL' at Summerhill, Seal Hollow Road, SEVENOAKS TN13 3SH in accordance with the terms of the application, Ref 21/04174, dated 18 December 2021, and the plans submitted with it, subject to the following 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 and details: PL 552 101 G, PL 552 102 D, PL 552 103 D, PL 552 104 D, PL 552 108 E, PL 552 115 C.
 - 3) The hard and soft landscaping shall be carried out wholly in accordance with that indicated on drawing PL/552/108 Rev E within the first planting season of occupation of the hereby approved dwellings.
 - 4) Prior to occupation of the dwelling hereby approved, the proposed foul and surface water drainage systems as detailed on Drawing PL/552/108 Rev E shall be installed and retained as such thereafter.
 - 5) Prior to occupation of the dwelling, electric vehicle charging facilities shall be installed and retained in perpetuity thereafter.
 - 6) The windows in the first and second floor side elevations of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

Application for costs

2. An application for costs was made by Brentfield Homes Ltd against Sevenoaks District Council (the Council). This application is the subject of a separate Decision.

Main issues

3. The main issues are:
 - The effect of the proposal on the living conditions of occupants of *Levenhurst* and *Dawning House* with particular regard to outlook.
 - Whether the development is of a suitable standard of design.

Reasons

Background

4. *Summerhill* was a detached dwelling sitting within a large roughly square shaped plot on the western side of Seal Hollow Road. The house has recently been demolished. The plot is situated behind, and at a somewhat higher level, than the dwellings that front Seal Hollow Road and it is accessed by a drive which runs between 2 frontage dwellings. There are other dwellings and their gardens surrounding the plot. The locality is an attractive and mature suburban part of Sevenoaks, characterised by mostly detached dwellings set within mature garden plots.
5. There is a complex planning history relating to the *Summerhill* site involving numerous planning applications and several planning appeals. However, of most relevance to this appeal is a permission for the demolition of the house and the erection of 2 detached dwellings granted by the Council in July 2020¹. The house has been demolished and the permission is extant and represents a fallback development should this appeal fail.

Living conditions – outlook

6. The appeal proposal relates solely to plot 1, which is the eastern part of the original *Summerhill* curtilage, with its east side boundary formed with the rear garden boundaries of *Levenhurst* and *Dawning House*.
7. The proposal seeks permission to revise the approved dwelling by adding accommodation to its east side, where the extant scheme included a single attached garage. The appeal proposal would extend the (unbuilt) house on this side, with an addition spanning most of the depth of the side elevation, and accommodating an integral garage and extended kitchen at the ground floor level and a number of bathrooms and a dressing area at first floor level. The eaves level of the addition would be lower than that of the approved main house structure, and its pitched and hipped roof form would be over a metre lower than the main house roof ridge.
8. The eastern side elevation would face towards the rear garden and rear elevations of *Dawning House* and *Levenhurst*. These properties are set at a lower level, and there is a substantial conifer hedge along the eastern plot boundary and within the appeal site, currently some 3 to 4 metres high, which

¹ Sevenoaks District Council planning application reference 20/01075/FUL

is to be retained. When viewed from the rear garden of *Levenhurst*, this conifer hedge is seen above a brick retaining wall and a landscaped bank, which includes some planting and birch trees.

9. Occupants in rooms at *Dawning House* and *Levenhurst* and their gardens, will be able to see parts of the proposed side wall, and there will be greater views at the first-floor bedroom and dormer roof window levels. However, the wall would not be on the boundary and would be set well into plot 1, the drawing² showing a 6.3 metre inset distance at the front, tapering to a slightly shorter distance at the rear corner.
10. Moreover, whilst acknowledging the level difference, the separating distances between the side wall of the proposal and rear elevations of *Dawning House* and *Levenhurst* would be significant, the drawing notating a 28.9 distance from the rear north-west corner of *Levenhurst* to the proposed side. Whilst the distance to *Dawning House* is a few metres less, the separation distance is still significant and, in my assessment, not unusual or unreasonable in suburban locations. I am also mindful that the proposal would, in most direct views from these properties, be seen against the backdrop of the larger and taller approved dwelling behind.
11. I have noted the appellant's photomontage images and comparisons with other schemes, although I have attached limited weight to those images showing a taller boundary hedge than currently exists. Even if such a very tall hedge were in place, it would not, in itself, provide the basis for allowing development that was not otherwise acceptable in planning terms.
12. Drawing these threads together, I conclude that whilst the appeal proposal would involve more building mass on the east side of the plot 1 dwelling, and parts of that would be visible from *Dawning House* and *Levenhurst*, the relationship between the proposed and existing houses would be acceptable. There would be no undue harm caused to the living conditions of occupants of those properties with regard to outlook. I therefore find no conflict with policy EN2 of the Sevenoaks Allocations and Development Management Plan (adopted 2015) (SADMP), which requires proposals to safeguard the amenities of existing and future occupants of nearby properties.

Design

13. The proposal would mean that the plot 1 house would have a larger footprint, and be somewhat bulkier, than the approved design on plot 2. The Council is concerned that this will lead to an uncomfortable relationship between the 2 dwellings and an incoherent design and relationship within the area. I disagree with that view for a number of reasons. First, there is a wide variety of dwelling sizes and designs in the area and different properties often sit side by side. Second, each of the dwellings would sit within its own plot with space on all sides, reflecting the character of the area. Third, whilst the plot 1 house is yet to be completed, the appeal proposal would follow good design principles for a domestic extension, including being subservient to the host property and responding to local character through detailing and materials.
14. On this main issue, I conclude that the design of the appeal proposal is acceptable and meets the high quality design requirements of policy EN1 of the

² Drawing No PL/552/108

SADMP and paragraph 130 of the National Planning Policy Framework (the Framework).

Conditions

15. Having regard to the Framework, and in particular paragraphs 55 and 56, I have considered the conditions suggested by the Council.
16. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. A condition requiring the implementation of landscaping works is required in the interests of ensuring the satisfactory visual appearance of the development and a condition to require drainage works is necessary to ensure that appropriate arrangements are put in place to manage surface water and foul drainage.
17. A condition requiring the fitting of an electric vehicle charging point is justified to comply with SADMP policy EN1³ and a final condition requiring obscure glazing of side facing windows above ground floor level is necessary to protect the privacy of occupants of neighbouring properties.

Conclusion

18. For the reasons stated above, the appeal is allowed and permission is granted subject to the conditions set out in paragraph 1 of this decision.

P. Staddon

INSPECTOR

³ The Council has suggested that SADMP policy T3 also justifies the condition requiring EV charging facilities. However, policy appears to relate only to 'major non-residential proposals'.