



Appeal Decision

Site visit made on 7 February 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Appeal Ref: APP/G2245/W/22/3303115

2 Collet Road, Kemsing, Kent TN15 6SH

- 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 B Best, Parkside (Sevenoaks) Ltd against the decision of Sevenoaks District Council.
 - The application Ref 22/00770/FUL, dated 18 March 2022, was refused by notice dated 17 June 2022.
 - The development proposed is removal of study and sub-division of site to form a new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupiers of 14 Childsbridge Lane, with particular reference to loss of privacy and outlook.

Reasons

Character and appearance

3. The appeal property is a two storey, semi-detached house with a pitched roof and a single storey side projection, in a prominent corner plot location. This part of Collet Road is characterised by pairs of semi-detached houses which are relatively uniform in design. They share the same materials, pitched roofs, pattern of fenestration and all have single storey side projections. The houses are arranged in a discernible building line, set back from the road behind front gardens with modest off-street car parking areas.
4. The semi-detached pairs are generously spaced so that the two storey parts of properties are not constructed close to the site boundaries. This generous spacing allows views from Collet Road between the properties and emphasises the low density and spacious qualities of the surrounding development. At present, the two storey element of the appeal property stands well away from the side boundary with 14 Childsbridge Lane, creating a visual break between the two properties which positively contributes to the character and appearance of the area.

5. The new house would adjoin the appeal property, converting the pair of semis into a new terrace which would disrupt the uniformity of properties within this part of Collet Road. The additional bulk and mass positioned in such proximity to the site's side boundary is not a characteristic of the immediate area, and would erode the visual buffer between residential properties. Due to its position on the corner the proposal would be highly visible from various directions. When viewed from Collett Road the proposed dwelling would appear very close to the side elevation of No. 14, and I find that it would be 'squeezed' onto the site in a manner that would appear cramped.
6. Furthermore, the majority of properties within this stretch of the road retain grassed front gardens with limited hardstanding for car parking. The proposed development would involve the creation of a second vehicle crossover, removal of front boundary hedging and additional hardstanding for two car parking spaces to the front of the appeal property. These combined would have an uncharacteristic and urbanising effect on the front of the appeal site.
7. The proposed large area of glazing on the side elevation would be an incongruous and prominent feature within the streetscene. The appellant suggests that a planning condition could be imposed to require details of an alternatively designed area of glazing. However, as I do not have proposed plans showing the size and shape of the alternative glazing, it is not possible to assess its potential impact on the character and appearance of the area. Consequently, such a condition would not be appropriate in this instance.
8. The appellant has provided details of two storey side extensions on Collet Road and nearby streets, which I visited during my site visit. A number of these extensions have created new attached dwellings, which have formed terraces from pairs of semi-detached properties. However, the majority of the examples relate to extensions to properties which are not in corner locations like the appeal site. As a result, they are not directly comparable to the proposed development.
9. The infill dwellings at 12 Northdown Road and 53 Collet Road, drawn to my attention by the appellant, are infill houses within corner plots, with similar plot sizes and layouts to the appeal proposal. However, these are located a distance from the appeal site, in an area which has a different character and appearance. As a result of the various side extensions and infills in this part of Collet Road and Northdown Road, there is significantly less uniformity and spaciousness around buildings than is found at the appeal site. Consequently, these infill dwellings have a different impact on the character and appearance of the area than that of the appeal proposal.
10. I have had regard to the new dwellings within the former rear garden of 3 Collet Road. However, as these dwellings are located to the rear of No. 3 this development has a different impact on the character and appearance of the area. I have also had regard to the previous planning permission (17/00096/FUL) for the infill dwelling adjoining No. 3. However, the planning permission has not been implemented and unlike the appeal site, No. 3 is not a corner plot. Consequently, this scheme is therefore not directly comparable to the proposed development.
11. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it would conflict with Policy EN1 of the Sevenoaks Allocations and Development

Management Plan (2015) (DMP). Amongst other aspects, this policy seeks to secure development of a high standard of design which positively contributes to the existing character, appearance and context of the area. I also find conflict with the principles of the National Planning Policy Framework (2021) (the Framework) that seek good design that is sympathetic to the local area.

Living Conditions

12. The appeal property's existing first floor rear windows direct views to the rear of its garden, albeit they allow angled views to the rear of neighbouring gardens on Childsbridge Lane. These properties, and in particular No. 14, already experience a degree of mutual overlooking between properties and gardens which is common within a residential area such as this.
13. A single non-obscure glazed window is proposed at first floor level. As with the existing windows within the appeal property, views from this window would be directed to the rear of the appeal property's garden. Given the extent of existing mutual overlooking into the gardens of Childsbridge Lane properties I do not find that the single additional rear first floor window would result in a harmful loss of privacy for neighbouring occupiers within their rear gardens. Had the appeal proposal been acceptable, a planning condition could have been imposed to ensure that the first and second floor rear windows were retained as obscure glazed windows as annotated on the submitted drawings.
14. No. 14 has windows on its rear elevation which serve habitable rooms. However, given the position of No. 14, views from the single first floor window towards the neighbouring properties' windows would be sufficiently oblique to prevent the proposal resulting in a significant loss of privacy due to overlooking.
15. The Council refer to the National Model Design Code (2021) (NMDC) and other unspecified guidance, which suggests separation between the windows of habitable rooms within neighbouring buildings of 10 metres or 18 metres. However, as a result of the site characteristics outlined above, the proposed development would not cause a harmful loss of privacy to the occupiers of No. 14.
16. The footprint of the proposed house features an inset which would set it away from the shared boundary, to reduce its impact on the occupiers of No. 14. It would also be located towards the side of the neighbouring property, rather than being directly to the rear of it. Given this orientation I do not find that it would appear harmfully imposing or overbearing when viewed from within the neighbouring garden or nearest habitable room.
17. Whilst the proposed rear garden would be limited in depth, sufficient garden space for future occupiers would be provided to the side of the new dwelling. The sub-division of the plot would reduce the garden space available to the occupiers of No. 2. However, in the absence of specific amenity space standards for dwellings and given the remaining available area, I find that the size of the garden would not be unreasonably small or impractical for use by the occupiers of No 2.
18. Consequently, the proposed development would not have an unacceptable impact on the living conditions of neighbouring occupiers. Accordingly, I find no conflict with Policy EN2 of the DMP which requires, amongst other aspects, that

new development should safeguard the living conditions of neighbouring occupiers. It would also comply with the principles of the Framework and the NMDC which require development to safeguard and improve the environment and ensure safe and healthy living conditions.

Other Matters

19. The Framework seeks to significantly boost housing supply and indicates that substantial weight should be given to the value of using suitable land within settlements for homes. It also encourages the optimal use of underutilised land. The proposal would be an infill development which would contribute to the local housing supply and would represent a more efficient use of land in an existing built up area.
20. I acknowledge that residential development in this location is acceptable in principle and the proposal may be compliant with various other provisions of the development plan. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
21. Interested parties have raised concerns about the appeal development causing additional noise. However, given my conclusions on the main issues and that the appeal is dismissed, there is no need for me to address this in further detail.

Conclusion and Planning Balance

22. The parties agree that the Council cannot demonstrate a 5 year supply of housing. Therefore paragraph 11(d) of the Framework applies. As the site is not within a protected area or asset of particular importance paragraph 11(d)(i) is not relevant to the appeal. However, the test in paragraph 11(d)(ii) should be applied. This requires an assessment of the proposal against the policies in the Framework taken as a whole.
23. The Framework expects development to be visually attractive as a result of its good layout whilst maintaining a strong sense of place using the arrangement of streets to create attractive, welcoming and distinctive places to live. Policy EN1 of the DMP is therefore consistent with the Framework. Even taking into account the Council's failure to deliver sufficient housing, the conflict between the proposal and the development plan should be afforded great weight or substantial weight.
24. Set against the harm identified there would be limited benefits associated with the proposal, such as its sustainable location. Also, an additional residential unit, whilst beneficial, would make a modest contribution to the overall delivery of housing. Therefore, the adverse impacts on the character and appearance of the area that I have identified would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
25. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR