



Appeal Decision

Site visit made on 29 February 2023

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/G2245/D/22/3303821

26 Bradbourne Road, Sevenoaks, TN13 3PY

- 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 & Mrs J Frampton against the decision of Sevenoaks District Council.
 - The application Ref 22/00201/HOUSE, dated 24 January 2022, was refused by notice dated 4 May 2022.
 - The development proposed is described as part single storey ground with sedum roof and part first floor extension with roof lights and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 28 Bradbourne Road with particular regard to visual impact, daylight, sunlight and privacy.

Reasons

3. The appeal site comprises a traditional two storey semi-detached house with smooth white rendered walls under a hipped slate roof. The entrance door is located within an enclosed porch to the side of the dwelling and to the rear there is a two-storey projecting wing, with a single storey extension to the side of it. This extension projects to approximately one metre from the side boundary with No.28.
4. With the proposal this single storey extension would be increased to two storeys in height. Its eaves line and roof would be integrated with that of the existing rear two storey projection. A single storey extension with a flat roof would be attached to the front of the existing side extension and a further narrow single storey extension with a shallow mono-pitched roof would run along the north-westerly side of the dwelling and would sit behind the entrance porch.
5. Together and amongst other things Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan (DMP), require new development to be of a high standard of design and to respect the character of the site and its surroundings. It should respond to the distinctive character and add to the quality of the area, whilst optimising the potential of the site.

The Sevenoaks District Council Residential Extensions Supplementary Planning Document (SPD) advises that in the outlook from a main window, extensions should not be large, obtrusive and dominating. They should also not result in significant over-shadowing or loss of daylight and sunlight

6. In relation to the appeal proposal these policies and advice are consistent with paragraph 130 of the National Planning Policy Framework, which seeks a high standard of amenity for existing and future users.
7. Despite having several different elements the proposed extensions would collectively respect the character and appearance of the host dwelling and would appear modest when viewed from the street scene. In these respects, the proposal would comply with DMP Policies EN1 & EN2 and the SPD.
8. However, the appeal dwelling is deeper than the dwelling at No.28 and the proposed first floor rear extension would project to approximately one metre from the boundary with that property. The proposed first floor extension would sit alongside and mid-way along the comparatively modest sized rear garden and a short distance from the rear elevation of the dwelling at No.28. Also, the adjacent dwelling and garden sit at a lower level to the appeal property.
9. For these reasons, the proposed resultant two storey extension would be prominent above the boundary fence in the outlook from No.28. In particular, it would dominate and have an unduly enclosing impact on the outlook from the rear facing ground and first floor windows and the garden of that property.
10. Full details of the daylight and sunlight assessment undertaken on behalf of the appellant have not been submitted with the appeal documents. However, details of the assessment's findings including the impact of the proposal on various windows at No.28 have been submitted. Having regard to the findings of this assessment, together with the orientation and juxtaposition between the two-storey extension and No.28, I am satisfied that the proposal would not result in an unacceptable loss of daylight/sunlight within the dwelling and rear garden at No.28. As such, in-itself this is not a matter that would amount to a reason for dismissing this appeal.
11. Notwithstanding this, the loss of sky light that would be caused by the first-floor extension would exacerbate the overbearing impact the resultant two storey extension would have on the rear facing rooms and garden at No.28. As this could not be satisfactorily addressed without material changes to the design and height of the proposed first floor extension it is not a matter that could be satisfactorily addressed through the imposition of a condition. Further, the harm that would be caused by the first-floor extension would outweigh the benefits for the appellants and their family that would result from the additional living accommodation.
12. Finally, I note that planning permission has been granted for the single storey elements of the appeal proposal and that they were being constructed at the time of the appeal site visit. As indicated in paragraph 7 of this decision I find that the proposal respects the character and appearance of the host dwelling and the street scene. I also find that due to their modest height and juxtaposition with No.28 the proposed single storey elements of the proposal would not have an overbearing visual impact on the living conditions of the occupiers of No.28. Accordingly, had planning permission not already been

granted for these elements of the scheme I would have looked at the possibility of issuing a split decision in this instance.

13. I conclude on the main issue that the proposal would unacceptably harm the living conditions of the occupiers of No.28 due to its overbearing visual impact. Accordingly, it would conflict with DMP Policies EN1 & EN2 and the advice set out in the SPD.

Elizabeth Lawrence

INSPECTOR