



Appeal Decision

Site visit made on 12th April 2023

by Megan Thomas K.C.

an Inspector appointed by the Secretary of State

Decision date: 25 April 2023

Appeal Ref: APP/G2245/D/21/3289269

Four Winds, Orpington Bypass Road, Badgers Mount, TN14 7AQ

- 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 and Mrs Gray against the decision of Sevenoaks District Council.
 - The application Ref.21/03265/HOUSE, dated 1 October 2021, was refused by notice dated 26 November 2021.
 - The development proposed is a "two storey side/rear extensions, single storey side & rear extensions with front porch and alterations to fenestration (revised design following refusal of application 21/00807/HOUSE and including provision of bat report)."
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side/rear extensions, single storey side & rear extensions with front porch and alterations to fenestration (revised design following refusal of application 21/00807/HOUSE and including provision of bat report) at Four Winds, Orpington Bypass Road, Badgers Mount TN 14 7AQ in accordance with the terms of the application, Ref.21/03265/HOUSE, dated 1 October 2021, 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 strict accordance with the following approved plans: 4377-20-PL001 (Revision P10) and 4377-20-PL002 (Revision P10).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) On the north elevation of the dwelling, the windows at ground and first floor level shall be fitted with obscured glazing and shall be fixed shut unless above 1.7m measured from the internal floor level serving the room and shall be retained as such thereafter. On the south elevation of the dwelling, the two windows at first floor level which serve shower rooms shall be fitted with obscured glazing and shall be fixed shut unless above 1.7m measured from the internal floor level serving the rooms and shall be retained as such thereafter.

- 5) Prior to first use of the extension, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the extension and retained as such thereafter.
- 6) Prior to first use of the extension, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the extension and retained as such thereafter.

Main Issue

2. The main issue in the appeal is the effect of the proposed development on the living conditions of the occupants of Talland in relation to light and outlook.

Reasons

3. The appeal site includes a detached two storey dwelling with a mansard-type roof design. It is located on the eastern side of the Orpington Bypass Road in the settlement of Badgers Mount. The existing dwelling is set back from the highway by a driveway and wide grass verge and its rear garden slopes upwards. To its immediate north is Talland which is a single storey dwelling situated on slightly higher land. To the south of the appeal site is Jasper Lodge which is also single storey. At the time of my site visit some works of demolition and construction had taken place.
4. The streetscene comprises a mix of single and two storey dwellings with varied roof forms and building designs.
5. The focus of the appeal is on the proposed relationship between Talland and Four Winds. Near their common boundary, Four Winds has a single storey linked garage with a pitched roof and the pitched roof projects into a utility room/storage area which extends to the rear of the house. Talland has rooms on its flank (south) elevation facing Four Winds. One of these is a bedroom at the front of the property with a flank window facing the common boundary. Talland has a single storey garage with a shallow pitched roof next to the common boundary with Four Winds.
6. The proposed redevelopment scheme includes a part two storey part single storey extension. The resulting house would be deeper on its flank elevation facing Talland including a deeper two storey element. At first floor level on the northern flank it would have a small window serving an ensuite shower room which would have obscured glass. The two chimneys would be removed. At ground floor level the proposed footprint of the flank elevation would not be closer to Talland than the existing flank of Four Wind's garage and towards the rear there would in fact be a step in of built development from the common boundary. At first floor level, the flank wall would step back further from the common boundary.
7. In respect of light reaching Talland's two flank rooms, the built form at first floor level would step away from the common boundary (by about a metre) and the roof design of the first floor element would also pitch away from the

boundary. The chimney would be removed thus removing a small element of overshadowing to Talland. The apex of the existing pitched roof of Four Wind's garage would be removed and there would be a shallow hip to that roof.

8. I have borne in mind that the proposed development would fall above the 25 degree line when measured from the centre of the ground floor flank windows at Talland, however, a mitigating factor is that the pitched roof of the garage at Four Winds intrudes into that 25 degree line and the redevelopment would not reproduce an apex as high.
9. The combination of the above factors and the separation distances involved lead me to conclude that there would not be an unacceptable loss of daylight or sunlight to the south-facing flank rooms of Talland.
10. In respect of sense of enclosure and outlook for the occupants of Talland, the separation distances from the first floor element of the proposal, the remodelled garage roof profile and the proposed main roof profile angled away from Talland lead me to conclude that there would not be an unacceptable feeling of being closed-in by the proposal when in the flank facing rooms of Talland. The outlook would not be unduly oppressive.
11. Consequently, I conclude that that proposed development would not unduly harm the living conditions of the occupants of Talland in respect of loss of daylight, sunlight or outlook. It would not be in conflict with policy EN2 of the Sevenoaks Allocations and Development Management Plan (adopted 2015).

Other Matters

12. The appeal site is situated within a designated Area of Outstanding Natural Beauty and I am mindful of the statutory duty to conserve and enhance the natural beauty of AONBs. The proposed development would take place in part of the AONB which includes the built forms of Badgers Mount as opposed to that part of the AONB which is completely rural and open in nature. I consider that the proposal would appear cohesive when viewed against the existing dwelling and would reflect the varied character of the area. It would not erode the character of the wider landscape and would appear sympathetic to the character of the immediate surrounding area. I consider it would conserve and enhance the natural beauty of the AONB.

Conditions

13. I have considered the imposition of planning conditions in the light of advice in National Planning Practice Guidance. The Council provided some suggested conditions in the event that the appeal was successful. A condition which ties the built development to the approved plans is necessary for the avoidance of doubt. In order to protect the character and appearance of the host dwelling and its surroundings a condition requiring the proposed development to match the existing materials is necessary. A condition specifying which windows should be obscurely glazed and partially fixed shut is necessary for the privacy of neighbours.
14. In order to encourage biodiversity and protect protected species, details of external lighting and details of ecological enhancements need to be approved and implemented prior to occupation of the extension. The Council suggested a condition which would have required an updated bat scoping and emergence survey if works take place on the building after August 2022. However, apart

from being quite vague about the ambit of the word “works”, there is no evidence before me explaining why this is necessary for ecological reasons in relation to the particular building on the appeal site. As such I cannot conclude that it is a necessary planning condition to attach to this planning permission.

Conclusion

15. Having taken into account all representations made, for the reasons given above, I allow the appeal and grant planning permission subject to conditions.

Megan Thomas K.C.

INSPECTOR