The Planning Inspectorate

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/22/3309951
Hawthorndale, Knockholt Road, Halstead, Kent TN14 7ET

- 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 M Ramadan against the decision of Sevenoaks District Council.
- The application Ref.22/01845/HOUSE dated 1 July 2022, was refused by notice dated 7th September 2022.
- The development sought is the demolition of side and rear extensions as well as a conservatory to construct a single storey rear infill extension to square off the property and a hip to gable roof alteration including raising the ridge height by 970mm to incorporate a rear dormer extension.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The development which is the subject of the appeal has already taken place and planning permission is applied for retrospectively. The fact that the development has already taken place does not affect my consideration of the merits of the appeal. It has been determined on its own particular merits.

Main Issues

3. The main issues in the appeal are the effect of the rear dormer development on the character and appearance of the host dwelling and its effect on the living conditions of the occupants of Rivendell with regard to light and outlook.

Reasons

Character and appearance

4. The appeal site is a single storey dwelling with rooms in a rear dormer roof structure. It is situated within the settlement of Halstead in a residential area. It is on the south-eastern side of Knockholt Road. Rivendell is its immediate northerly neighbour and is a single storey bungalow with a conservatory-style extension at the rear. Archfields is a dwelling at the rear of Hawthorndale accessed via a driveway to its south. There is a timber fence on the common boundary with Rivendell.

5. There is a gap between the flank (south) elevation of Rivendell and the timber fence and this elevation has two windows which serve a living room. The

conservatory-style extension also has windows which face the common boundary. Hawthorndale's northern flank elevation also steps away from the common boundary but is orientated at a slightly oblique angle so that the gap narrows towards the rear of Hawthorndale and the two dwellings are closest at this point.

6. The development sought includes a rear dormer structure and an increase in the roof height of about 970mm compared to the pre-existing bungalow.

7. Planning permission dated 19 December 2019 (ref.19/03067/HOUSE) was granted for a scheme which involved the demolition of a conservatory, side and rear extensions and a hip-to-gable roof alteration, an increase in the roof ridge height and a rear dormer structure a 3.5m full width single storey rear extension, side garage and loft conversion. Assuming this planning permission was lawfully implemented, I have borne it in mind as a comparative fallback development, should the appeal be dismissed.

8. Sevenoaks District Council *Residential Extensions* Supplementary Planning Guidance (2009) indicates that loft extensions should not create the appearance of an extra storey. They should not dominate the host dwelling and should be proportionate in scale to the roof plane. The guidance also indicates that disproportionate dormer extensions are not appropriate.

9. The scale of the dormer that has been constructed at the appeal site almost entirely subsumes the rear roof slope. The set down from the roof ridge, the step up from the eaves and steps in from the sides are insufficient to render the dormer subservient to the roof slope. It is very dominant. The overall appearance is that of a box-like additional storey to the bungalow and this is exacerbated by the increase in height of the roof ridge above the pre-existing bungalow and above the fallback development. The character of the host dwelling from the rear is overwhelmed and lost.

10. As noted above, I have taken into account the details and elements of the planning permission granted on 19/12/19 which, amongst other things, permitted some raising of the roof ridge and a rear dormer structure. Nevertheless, the appeal scheme results in material differences to the character and appearance of the host dwelling which result in unacceptable harm over and above the 2019 fallback development.

11. Consequently, on the first issue, I conclude that the rear dormer and loft conversion as built significantly harms the character and appearance of the host dwelling and is in conflict with policy EN1 of the Sevenoaks Allocations and Development Management Plan (adopted 2015) and the Sevenoaks *Residential Extensions* Supplementary Planning Document (2009).

Living conditions of Occupants of Rivendell

12. Rivendell is a single storey bungalow. It has a dining/living room on its southern flank which has two windows facing the appeal site. The room is connected via glass doors through to a conservatory-style addition at the rear of Rivendell. My site visit included a visit to the dining/living room. The construction of the rear dormer and the raising of the roof which has occurred has most likely decreased the daylight and sunlight (albeit limited sunlight) reaching that room. The window most affected is the flank window towards the rear of the main bungalow, owing to the fact that Hawthorndale is orientated

slightly towards Rivendell as it goes deeper into its plot and as a result the loft conversion and dormer structure in particular block light that would otherwise reach that window. Whilst that window is not the only source of light for the living/dining room, the development has resulted in an unacceptable loss of light to that habitable and well-used room in the modestly-sized bungalow.

13. Turning to outlook and sense of enclosure, owing to the resulting height, bulk and proximity of Hawthorndale's redevelopment, the proximity of the dwelling to Rivendell and its orientation, there is an increased sense of enclosure when looking out of the two dining/living room windows. I agree with the Council that the impact is overbearing and the ensuing loss of outlook for the occupants is not acceptable. I have borne in mind the 2019 planning permission as a potential fallback development, however, I consider the impacts of the appeal scheme to be materially worse than the fallback development sufficient to warrant a finding of unacceptable loss of outlook and light for the occupants of Rivendell.

14. Consequently, in relation to the second issue, I conclude that the development has resulted in unacceptable living conditions for the occupants of Rivendell by reason of loss of light and outlook. It is contrary to policy EN2 of the Sevenoaks Allocations and Development Management Plan (adopted 2015) and the Sevenoaks *Residential Extensions* Supplementary Planning Document (2009).

Conclusion

15. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR