



Appeal Decision

Site visit made on 12th April 2023

by Megan Thomas K.C.

an Inspector appointed by the Secretary of State

Decision date: 26 April 2023

Appeal Ref: APP/G2245/D/22/3308527

3 Old Mill Close, Eynsford, Kent DA4 0BN

- 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 Mrs D Sykes against the decision of Sevenoaks District Council.
 - The application Ref.22/01571/HOUSE, dated 6 June 2022, was refused by notice dated 12 August 2022.
 - The development proposed is a rear dormer loft conversion with obscure glazed ensuite window to side elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a rear dormer loft conversion with obscure glazed ensuite window to side elevation at 3 Old Mill Close, Eynsford, Kent DA4 0BN in accordance with the terms of the application, Ref.22/01571/HOUSE, dated 6 June 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: HD/DA4 0BN/SITE; HD/DA4 0BN/EXT-ELEVATION; HD/DA4 0BN/EXT-FIRST; HD/DA4 0BN/EXT-GROUND; HD/DA4 0BN/EXT-ROOF; LOCATION PLAN; HD/DA4 0BN/PROP-ELEVATION (showing flank window obscured glass); HD/DA4 0BN/PROP-FIRST; HD/DA4 0BN/PROP-GROUND; HD/DA4 0BN/PROP-ROOF; HD/DA4 0BN/PROP-SECOND & HD/DA4 0BN/SECTION.
 - 3) The materials to be used in the construction of the external surfaces of the dormer structure hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the living conditions of the occupants of 8 and 9 Mill Lane in relation to privacy when in their rear gardens.

Reasons

3. The appeal site is located within the Kent Downs Area of Outstanding Natural Beauty. It is a two storey mid-terrace house on a south-eastern side of Old Mill Close. It is part of a reasonably densely developed housing development in the

village of Eynsford. Mill Lane is accessed off the A225 and Old Mill Close is connected to Mill Lane. Nos 8 and 9 Mill Lane are neighbouring terraced properties, with narrow rear gardens. The appeal site has a small rear garden and this backs onto the side wall of the rear garden to no.9 Mill Lane.

4. Planning permission is sought for the construction of a dormer structure in the rear roof slope of the appeal site and the insertion of a window in the side elevation of the main house which would face southwest and be located on the Old Mill Close side of the property. There would be two windows in the dormer which would face in a south easterly direction.
5. Direct views from the proposed dormer could look down towards those parts of the rear gardens of no's 8 and 9 Mill Lane which are immediately outside the rear doors of their dwellings. On my site visit, I was able to have access to, amongst other things, the rear gardens of both no's 8 and 9, and to see the nature and heights of boundary treatments.
6. The dwellings in this housing enclave off the A225 have been constructed in reasonably close proximity to one another. There is a significant level of existing mutual overlooking between dwellings not only between dwellings on Old Mill Close and Mill Lane but also from the rear of Alton Cottages which face the A225. Generally, parts of rear gardens can be seen from surrounding properties given the high numbers of dwellings and the layout which has been adopted.
7. In respect of no.8 Mill Lane, I consider that the area immediately outside the rear elevation would remain relatively private given the separation distance from the proposed dormer windows and given the height of the fence in place. Any overlooking of the remainder of the garden from the proposal would be oblique and would not in my view be worse than existing views from first floor rear windows of no's 4 and 5 Old Mill Close and some of the cottages known as Alton Cottages.
8. In respect of no.9 Mill Lane, whilst there would be the ability to overlook part of the immediate area outside the rear elevation, the boundary treatment would continue to provide an area of privacy as it is particularly high. Views of the remainder of the garden would not be materially more extensive than existing views from first floor rear windows in 4, 5 and 6 Old Mill Close or more distantly from some of the cottages known as Alton Cottages. I consider therefore that any loss of privacy to the occupants of no.9 Mill Lane would not be to an unacceptable level.
9. I conclude that the proposed development would not unacceptably harm the living conditions of the occupants of either no.8 or no.9 Mill Lane by reason of loss of privacy. The proposal would not be in breach of policy EN2 of the Sevenoaks Allocations and Development Management Plan (adopted 2015).

Other Matters

10. With the statutory duty in mind to seek to conserve the natural beauty of the Kent Downs Area of Outstanding Natural Duty, I consider that the proposed dormer would appear subservient to the host dwelling and would be set entirely against the roof plane of the existing dwelling. Being located within Old Mill Close which is surrounded by residential development wider views to and from the existing landscape would be preserved. There is a planning condition

attached which requires the dormer structure to be made of facing materials which match those of the existing dwelling. Overall, I consider that the natural beauty of the Area of Outstanding Natural Beauty would be conserved.

Conditions

11. I have considered the imposition of planning conditions in the light of advice in National Planning Practice Guidance. A condition which strictly 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, its surroundings and the wider landscape a condition requiring the dormer extension to match the existing materials is necessary.

Conclusion

12. 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