



Appeal Decision

Site visit made on 25 April 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2023

Appeal Ref: APP/G2245/W/22/3294335

Land north of High Point, Coombe Road, Otford, Kent TN14 5RJ

- 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 Kay Drake against the decision of Sevenoaks District Council.
 - The application Ref 21/02741/FULL, dated 17 August 2021, was refused by notice dated 11 October 2021.
 - The development proposed is demolition of existing garage and shed and erection of 1no. dwelling with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the site address is not set out in full within the relevant section on the application form, I have taken the address from the decision notice, as this appears to accurately reflect the location and corresponds with that shown on the site location plan. I have also omitted reference to the site address from the proposal description.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the North Downs Area of Outstanding Natural Beauty (AONB) and the footpath.

Reasons

4. The appeal site lies within the settlement boundary for Otford and has good access to shops, services and public transport links. The proposed dwelling would be sited to the rear of a large, detached dwelling, which fronts onto Coombe Road. The appeal site consists of a small parcel of steeply sloping land, which contains a double garage and shed. The North Downs Way, which is a Public Right of Way (PROW) adjoins the boundary of the appeal site and provides a direct route into the countryside. There is a post and rail fence along the boundary with the PROW.
5. The National Planning Policy Framework (the Framework) requires that great weight is given to conserving and enhancing the landscape and scenic beauty of AONBs. This part of the AONB is characterised by small villages nestled within a rolling landscape. The appeal site lies in an elevated position with long-distance views of the surrounding picturesque countryside. The area is

- characterised by large, detached dwellings, which lie within spacious, well-landscaped plots. The existing soft landscaping and steeply sloping topography make a positive contribution to the character and appearance of the AONB.
6. Whilst existing dwellings are visible from the PROW and some are of a greater height than the proposal, the existing dwellings are sited further away from the PROW than the appeal scheme and set within well-landscaped gardens. I acknowledge that there are single storey outbuildings and various domestic boundary treatments adjacent to the PROW, but these are not overly prominent. Domestic influences lessen as one ascends the route and this part of the footpath is far less domesticated than the lower section. The PROW generally has a green and tranquil quality and provides an appropriate transition from the settlement to the countryside beyond.
 7. Soft landscaping within the appeal site is visible from the footpath and contributes to its green character. I acknowledge that the landscaping is somewhat overgrown, but this is more a matter of maintenance. The existing garage is visible from the PROW. Although it is in a poor condition, it is modest in size and is of a similar scale to other outbuildings adjacent to the PROW and nothing more than a slight detractor in landscape terms. The shed is small and partially screened from the PROW by existing vegetation and is not a prominent feature.
 8. The proposed development would be cut into the landscape and appear single storey from the front and 2 storeys in height from the rear. The proposed dwelling would be of a greater height, depth and width than the existing garage and would be sited closer to the PROW. Only a small gap would remain between the proposed dwelling and PROW boundary, which would provide a side access for the property. Consequently, there would be limited space for any planting to help soften its visual impact. Given the small size of the appeal site; the proposed site coverage by development; and the siting and scale of the proposal, it would appear unduly cramped in relation to its plot. As a result, the proposal would appear incongruous with existing development in the locality, which consists of large, detached dwellings in sizeable plots.
 9. The modern roof design, with steeply sloping monopitch element that projects above the height of the rear gable would also appear out of keeping with other dwellings in the locality. Although the proposed dwelling would have a lower eaves height adjacent to the PROW, its overall height, steeply sloping roof form and siting in relationship to its boundaries, would make it appear unduly prominent and visually intrusive when viewed from the PROW.
 10. The proposed development in combination with the removal of the existing trees along the boundary with the PROW would have an urbanising effect on the locality. The retention of the hedge along the rear boundary and the fact that the proposal would only be visible from a relatively short section of this long distance footpath does not alleviate my concerns.
 11. The scale of development is not significant in relation to the AONB as a whole and there would be no encroachment into the open countryside. Whilst I acknowledge the view of the Inspector for appeal ref: 2187060, I do not have full details of the considerations before this Inspector. In any event, I am required to determine this appeal on its own merits and find that the proposal would not respect the locally distinctive character of this attractive settlement

and would cause significant harm to the character and appearance of the locality, including the AONB and the footpath.

12. Overall, I conclude that the proposed development would be harmful to the character and appearance of the area and the PROW. It would also fail to conserve or enhance the landscape and scenic beauty of the AONB. The proposal would be contrary to Policy SP1 of the Council's Local Development Framework Core Strategy Development Plan Document dated February 2011 and Policies EN1 and EN5 of the Allocations and Development Management Plan February 2015. These policies amongst other matters require that developments conserve and enhance the character and appearance of the AONB and respond to the local distinctive character of the area.
13. The proposal would also be contrary to the Otford Village Design Statement 2 dated 2015. This Supplementary Planning Document (SPD) requires amongst other things that the ratio of buildings to plot sizes is in harmony with other homes in the vicinity and that new development respects local distinctiveness. The SPD also seeks to protect the integrity of the North Downs Way. Furthermore, the proposal would be contrary to the Framework, which seeks to conserve and enhance the landscape and scenic beauty of AONBs.

Planning Balance

14. The Council is unable to demonstrate a 5 years supply of deliverable housing sites. The latest published data indicates a 2.89 year supply, with the Council delivering 62% of its required housing need. This amounts to a substantial shortfall. In such circumstances, paragraph 11d of the Framework advises that the most important policies for determining the appeal are deemed to be out-of-date and planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
15. The proposal would align with the objectives of the Framework, which seek to significantly boost housing supply, make efficient use of land and provide housing within locations that have good accessibility to services/facilities. The provision of one new dwelling would make a small contribution towards the Council's housing land supply, which I give moderate weight. Whilst the proposal would provide some surveillance of the PROW, there is limited evidence before me that crime or anti-social behaviour is a particular issue in this area, and I therefore give this limited weight. Although the dwelling would be smaller than others in the locality, there is insufficient information before me to demonstrate that the dwelling would be affordable to those on lower incomes, and I give this limited weight. Overall, I give the social benefits moderate weight.
16. There would be economic investment from the construction of the development and future residents would help to support local services and facilities. However, given that the proposal relates to just one dwelling, the weight in favour of these matters is limited. There is the potential for environmental benefits, including new planting and biodiversity net gain; however, as full details of the environmental benefits are not before me, I give them limited weight. Overall, the social, economic and environmental benefits of the scheme carry moderate weight in favour of the development.

17. However, against these benefits, there would be harm to the character and appearance of the area and PROW and the proposal would fail to conserve or enhance the landscape and scenic beauty of the AONB, which I give significant weight.
18. The site is located within a protected area for the purposes of footnote 7 of paragraph 11 of the Framework. The proposal would fail to conserve or enhance the landscape and scenic beauty of the AONB, in which I am required to give great weight. The benefits of the scheme would not outweigh the harm I have identified. Consequently, the application of policies in the Framework that protect the AONB provide a clear reason for refusing the proposed development in accordance with paragraph 11d(i). As such, the tilted balance within paragraph 11d(ii) is not engaged and the presumption in favour of sustainable development does not apply.
19. Even if I had found paragraph 11d(ii) did apply to this appeal, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

20. For the reasons given above, having regard to the development plan as a whole, the Framework and all other relevant material considerations, I conclude that the appeal should be dismissed.

A James

INSPECTOR