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# Appeal Decision

Site visit made on 30 May 2023

**by Michael Evans BA MA MPhil DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 June 2023**

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**Appeal Ref: APP/G2245/D/23/3317464**

**9 Childsbridge Way, Seal TN15 0DG**

- 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 J Charamsa against the decision of Sevenoaks District Council.
  - The application Ref 22/03380/HOUSE, dated 5 December 2022, was refused by notice dated 30 January 2023.
  - The development proposed is described on the application form as "Amendments to previously approved 2 storey side extension, first floor rear extension, accommodation within roof space, side facing dormer and roof windows approved under application reference 22/00985/HOUSE dated 27th May 2022 to incorporate the replacement of the existing pitched roof and attic accommodation with a contemporary flat roof extension incorporating home office and bathroom together with elevational changes to the external appearance of dwelling to provide a contemporary style to the extended and refurbished dwelling".
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## Preliminary matter

1. In the decision below I have used the description of development given on the Council's decision notice. This is because it is a more accurate description of the proposal than that given on the application form which includes matters that do not comprise an act of development.

## Decision

2. The appeal is allowed and planning permission is granted for a two storey side extension, first floor rear extension, new roof and internal alterations, conversion of loft to habitable space with flat roof and rooflights and alterations to fenestration, at 9 Childsbridge Way, Seal TN15 0DG, in accordance with the terms of the application, Ref 22/03380/HOUSE, dated 5 December 2022, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CW/370/BP50, CW/370/PD 50, CW/370/PD 51 and an un-numbered site location plan at a scale of 1:1250.
  - 3) The external surfaces of the development hereby permitted shall be constructed entirely of the materials specified on drawing CW/370/PD 51.
  - 4) Prior to occupation of the development hereby permitted, the windows at first floor and attic floor level in the side elevation facing towards 10

Childsbridge Way shall be installed with obscured glass and with any opening being at a minimum height of 1.7m above internal floor level. The windows shall thereafter be retained in accordance with these details.

- 5) The roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

### **Main issue**

3. The main issue in this appeal is the effect on the streetscene and the character and appearance of the host dwelling and locality.

### **Reasons**

4. The appeal concerns a two storey detached dwelling. The roofs of properties in the street tend to have either hipped or gabled elements. However, there are significant differences despite this and the roofscape does not have a unified appearance. Both the height of ridges and the eaves levels of main roofs differ considerably. Some properties have only a single storey below eaves level and even those with two storeys show noticeable variation in these matters. There are roof ridges that are parallel to the street and others perpendicular, while their lengths also vary.
5. Both the bulk and size of roofs vary appreciably. For example, those at the adjacent pair of semis to the north are significantly taller and larger than those at the appeal site and other nearby dwellings to the south. The roof over no. 10 also has a particularly unusual form, with the ridge projecting to the side above the flank wall of a dormer addition located on part of the hip below.
6. The street has a range of front and side additions and includes two storey projections, while there are also examples of mansard roofs such as at the host dwelling. There are some noticeable differences in roof materials with slates and smaller tiles. Although the tiles tend to be brown, because of the effect of different ages and weathering their colour also differs appreciably. The tiles are largely flat but there are several examples with a curving profile.
7. The enlarged dwelling would comprise two main parts. The upper flat roofed section, containing the attic floor would be set-back from the sides, front and rear, creating a flat roof area around most of the perimeter on top of the two storeys below. This would serve to significantly limit the perceived bulk of the property. The perimeter flat roof area would only be fairly modestly higher than the eaves levels of the dwellings to either side. The overall top of the enlarged house would be above that of the dwelling to the south but just below that of no. 10, to the north. In these circumstances, the extended dwelling would respect and be compatible with the range of heights found in the street and not appear overly dominant.
8. The first floor of the dwelling would be faced with timber cladding, with the wall below being rendered at the front, as with the set-back upper wall at attic floor level. This would reflect those dwellings in the street that have contrasting ground and first floor materials such as brick and tile hanging. In any event, although I saw no other cases of timber cladding, there are appreciable differences, with, for example, rough and smooth texture renders painted different colours, bricks of different colours and hanging tiles.

9. The character of the street derives to a significant degree from the considerable diversity of appearance, with the houses largely of an individual design and clearly of varying ages with some extensions and additions. In all the above circumstances, the flat roof form and materials proposed would add to the attractive diversity and visual interest of the street. Just because there are no other examples of timber cladding or flat roofs does not mean that they are necessarily harmful. In this context, the contemporary appearance of the resultant building would not give rise to an unduly prominent and visually jarring development. It would not form an unacceptable contrast with other dwellings in respect of matters such as appearance, form and proportions.
10. The development would introduce a high quality and attractive modern design that appropriately increases the diversity of the street, while remaining compatible with the surrounding built environment. Due to these factors, the streetscene and the character and appearance of the host dwelling and locality would be enhanced.
11. There would be compliance with Core Strategy 2011, Policy SP 1 and Allocations and Development Management Plan 2015, Policy EN1, which, taken together and among other things, intend that proposals should create a high quality of design responding to the scale, height, materials and distinctive local character of the area.
12. The Council's Supplementary Planning Document, Residential Extensions 2009, indicates that flat roofs are unacceptable unless they are already a characteristic of the locality. However, in the above circumstances and given the absence of any detrimental impact, in this instance the guidance should not be followed.
13. I also consider that the scheme is superior in terms of the quality of design, compared to that most recently approved at the appeal site, which would provide a noticeably lesser degree of visual interest. In consequence, there would be no conflict with Paragraph 135 of the National Planning Policy Framework. Moreover, there would be compliance with Paragraph 130 with regard to the intentions that development should add to the overall quality of the area, as well as being visually attractive and sympathetic to local character.
14. This is a case where there would be no harmful impact and the scheme would comply with the development plan. As a result and taking account of all other matters raised, the appeal is successful. In reaching this decision, I have taken account of the views of Seal Parish Council.
15. A condition specifying the approved plans is needed to provide certainty. Another requiring the facing materials to accord with those specified in the approved drawings is justified to protect the appearance of the locality. To safeguard the privacy of the adjacent occupiers the upper floor windows in the side facing no. 10 Childsbridge Way should be glazed with obscured glass and have a restricted opening. For the same reason the resultant flat roof areas should not be used as a terrace.

*M Evans*

INSPECTOR