



Appeal Decision

Site visit made on 16 May 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2023

Appeal Ref: APP/G2245/W/22/3308863

37 Clarks Lane, Halstead, Kent TN14 7DG

- 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 Robert Moseley against the decision of Sevenoaks District Council.
 - The application Ref 22/00751/FUL, dated 13 March 2022, was refused by notice dated 9 May 2022.
 - The development proposed is described as the erection of a new three-bedroom dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a new three-bedroom dwelling at 37 Clarks Lane, Halstead, Kent TN14 7DG in accordance with the terms of the application, Ref 22/00751/FUL, dated 13 March 2022, and the plans submitted with it subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the development upon the living conditions of the occupiers of neighbouring dwellings with regard to outlook, privacy and light.

Reasons

3. 37 Clarks Lane occupies a corner plot within a residential area. The proposed development would involve the sub-division of the rear garden of no. 37 to provide a two-storey detached dwelling. The proposed dwelling would be located on land currently occupied by a detached double garage.
4. The proposed dwelling would be sited in the west part of the appeal site. In respect of the relationship with no. 37 a boundary fence would be installed to subdivide the gardens of each property. The first-floor bedroom window to the side elevation of the proposed dwelling would be positioned sufficiently far away so as to not result in any material loss of privacy, by way of overlooking, to the occupiers of the existing dwelling. It would also not materially reduce sunlight, daylight or outlook for the occupiers of this dwelling due to the intervening space between the buildings.
5. The adjacent dwelling to the west is a two-storey property set off substantially from the adjoining boundary and has no first-floor windows to the side elevation facing the appeal site. Substantial boundary treatments screen any ground floor windows to this dwelling. No windows, at either ground or first

floor, are proposed to the side (western) elevation of the proposed dwelling. Accordingly, the proposed dwelling would not unacceptably harm the outlook from, or the privacy at, this neighbouring property. The distance between the neighbouring dwelling and the proposal is such that it would also not materially reduce sunlight or daylight to this property.

6. The rear garden of another neighbouring property runs parallel to the southern boundary of the site. Closest to where the proposed dwelling would be positioned is a shed and greenhouse. No overlooking of this garden would arise from the ground floor windows of the proposed dwelling due to the presence of boundary treatments. To the first floor of the rear elevation of the proposed dwelling would be a bathroom window and so would most likely be obscurely glazed and serves a room the occupiers would unlikely spend much time in. The main useable garden area for this neighbouring dwelling is positioned directly to the rear of the dwelling and this area is sufficiently far away from the proposed dwelling that the future occupiers of the dwelling would not experience significant overlooking from the proposed development. Also given the separation distances achieved between this property and the proposed dwelling there would not be a significant reduction in outlook for the occupiers of this property.
7. I have considered the effect of the proposal on other neighbouring properties. However, for similar reasons to those stated above, I do not concur with the view that the proposed development would have an over-bearing or dominant impact upon the occupiers of other adjacent properties. I therefore do not find that there would be an incongruous relationship between the proposed development and neighbouring properties.
8. In their statement the Council refers to a distance of 18m being required, however, no further explanation of this figure is provided, and the policies referred to by the Council are not explicit on this requirement.
9. Taking all of the above into account, I conclude that the dwelling would not harm the living conditions of the occupiers of neighbouring dwellings with regard to outlook, privacy and light. Consequently, I find no conflict with Policy EN2 of the Sevenoaks Allocations and Development Management Plan (ADMP) which seeks to protect the occupiers of nearby properties from an unacceptable loss of privacy or light. I find no conflict with the principles of the National Planning Policy Framework (the Framework) which seek to ensure all developments are compatible with adjoining uses and protect the living conditions of neighbouring occupiers.

Other Matters

10. The site lies outside, but adjacent to, the Halstead Conservation Area (CA). The CA derives its significance from a collection of historic buildings, but also residential properties many of which are constructed with flint and, amongst others, include quoins and chamfered architectural detailing. The appeal site sits behind a dwelling which lies at the periphery of the CA and is viewed in the context of the more recent suburban housing. As such, although it contributes to the residential setting of the CA, it has a neutral impact on the significance of the CA. The proposed dwelling, being two-storey in height, would have a greater visual impact in the streetscene than the existing single storey garage it would replace. However, the scale and design of the proposed dwelling would be in-keeping with the existing residential development in the vicinity of the

site. The Council did not include a reason for refusal based on the appearance of the proposed development within the streetscene or its impact upon the setting of the CA. Based on the plans before me, and as observed at my site visit, I do not consider the proposal would have an adverse impact upon the character and appearance of the area or the setting of the CA.

11. The Highway Authority had no concerns regarding the access and parking arrangements for the proposed development. Based on the plans and evidence before me I have no reason to disagree with this view.
12. The proposed development would result in the removal of some trees, shrubs and hedge; however, the Council's Tree Officer considered them to be of low amenity value and did not object to their removal, subject to the submission of a landscaping scheme. Based on the evidence before me, and as observed at my site visit, I have no reason to disagree with this view. I shall therefore include a condition requiring a scheme of hard and soft landscaping to be submitted for approval.
13. Any disturbance during demolition and construction would be for a temporary period only. Given the limited scale of development I do not consider it reasonable or necessary to include a condition for the submission of a construction management plan.

Conditions

14. The Council has provided a list of conditions which I have assessed regarding the advice provided in the Framework and the Planning Practice Guidance (PPG).
15. To meet legislative requirements, I have imposed a standard condition relating to the commencement of development and it is necessary to require compliance with the submitted plans.
16. As the planning application form does not specify the external finishes of the dwelling, I will impose a condition requiring details of the external materials to be submitted to and approved by the Council. I consider this condition is reasonable and necessary in the interests of preserving the character and appearance of the area.
17. In the interests of the visual appearance of the development, and for ecological benefits, a condition is included regarding landscaping.
18. I shall impose a condition for the provision of an electric vehicle charging point to promote sustainable travel and improve air quality.
19. The Council has suggested a condition for the removal of rights to extend or alter the property under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO). The PPG states that planning conditions should not be used to restrict national permitted development rights granted by the GDPO unless there is clear justification to do so. In this circumstance I do not consider conditions further limiting these rights to be necessary for the development permitted.

Conclusion

20. For the reasons given above, and having regard to all other matters, I conclude that the development would comply with the Framework and the development plan as a whole. The appeal is therefore allowed.

R Gee

INSPECTOR

Schedule of 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 accordance with the following approved plans: 1254-P100, 1254-P101, 1254-P103, 1254-P104.
- 3) No development shall commence until details and samples of the materials and finishes to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 4) No development shall commence until details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include an implementation programme. The approved scheme shall be carried out in accordance with the approved details before the dwelling is first occupied.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) Prior to first occupation of the proposed development, details of an electrical vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The development shall be conducted in accordance with the approved details and maintained on site at all times.

*****End of Schedule*****