



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: 14 August 2023

Appeal Ref: APP/G2245/W/22/3310609

Shamrock, Pound Lane, Knockholt, Kent TN14 7NA

- 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 Miss Danielle Slater against the decision of Sevenoaks District Council.
 - The application Ref 22/01782/FUL, dated 27 June 2022, was refused by notice dated 30 August 2022.
 - The development proposed is described as "Demolition of the existing property and erection of a new replacement property, with associated landscaping works and parking".
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the existing property and erection of a new replacement property, with associated landscaping works and parking including electric vehicle charging point. Removal of fence and replacement with brick wall at Shamrock, Pound Lane, Knockholt, Kent TN14 7NA in accordance with the terms of the application, Ref 22/01782/FUL, dated 27 June 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Section E of the appeal form confirms that the description of the development has changed from that stated on the application form. In allowing this appeal I have used this revised description as it more accurately describes the proposed development.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. Shamrock is a detached two-storey dwelling located on the western side of Pound Lane. The property is set back and elevated above the highway with a front garden and driveway.
5. The appeal site lies within the village confines of Knockholt within a predominantly residential area. It sits between two existing detached dwellings of similar siting, scale, and character. Along Pound Lane, and within the village, there are a variety of dwelling types and styles. Pound Lane is a narrow lane, extending from the village centre into the countryside and vegetation is present

to the frontages of many dwellings, giving it a verdant appearance. The appeal site is within the village and is surrounded by built development.

6. The proposed dwelling would extend forward of its existing position; however, it would not project further forward than the existing garage and would be positioned on a similar alignment to the front elevation of neighbouring dwellings. It would be set back from the highway retaining a driveway and landscaped garden in the intervening space. Although brick walls would extend forward of the dwelling these would be perpendicular to Pound Lane and would not be overly prominent. Consequently, the open aspect to the front of the appeal site would remain, and the siting of the dwelling and that of the front walls would not appear unduly conspicuous within the street scene.
7. The eaves and the full height of the dwelling would be similar to neighbouring properties. However, the three above ground storeys of the proposal would be notable on the front gable elevation and the form of the building would tend to emphasise the vertical aspect of the elevation. In addition, the scale and mass of the proposed dwelling would be larger than the existing house. Even so, having regard to the immediate context of the appeal site wherein dwellings are set back from the street and relatively close together on similar alignments, much of the bulk of the proposed building would have limited visibility from the street.
8. From the front of the appeal site the proposed roof structure would appear largely as a typical hipped pitched roof comparable to its neighbours. Whilst there would be some glimpses of the flat-topped nature of the crown roof in the gaps between the dwellings, such views would be limited and would not be inconsistent with the surrounding context which includes a variety of roof forms. Further, the contemporary window detailing would not be dissimilar to the adjacent dwelling Delichon and would not appear incongruous with existing development.
9. Neighbouring properties are constructed predominantly from red multi brick and clay tiled roofs. Directly opposite the appeal site properties have vertically hung cladding, and white render is prevalent in both older and more recently constructed properties in the locality. Brick, cladding, and render are proposed for the external construction of the dwelling. This palette of materials would be reflective of those used locally and the mixed palette of materials would visually break up the mass of the front elevation.
10. Overall, I conclude that the proposed dwelling would not be harmful to the character and appearance of the area and would accord with Policy SP1 of the Sevenoaks District Council Local Development Framework Core Strategy: Development Plan Document and Policy EN1 of the Sevenoaks District Council Allocations and Development Management Plan. Collectively these policies seek to promote good design. It would also accord with the National Design Guide and the National Planning Policy Framework (the Framework) which require developments to be sympathetic to local character while not preventing or discouraging innovation or change.

Other Matters

11. Local residents and the Parish Council have expressed a wide range of concerns including, but not limited to the following: light pollution, the size of the kitchen and that a business may operate from the property, increase in vehicle

movements, harm to shrubs and plants of neighbouring properties, loss of outlook, views, privacy and loss of daylight and sunlight. However, I note that these matters were considered by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of local residents, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. I have considered this appeal proposal on its own merits and concluded that it would not cause harm for the reasons set out above.

12. Reference is made to the natural flow of water, foundations of the proposed dwelling and the possibility of subsidence to existing properties as a result of the construction proposed, in particular the new basement. However, these are building control matters, outside the remit of the planning process.
13. Pound Cottage, positioned opposite the appeal site, is said to be the oldest property in the village. Nevertheless, I have concluded that the proposed dwelling would not detract from the street scene, the age and siting of Pound Cottage does not alter this conclusion.
14. The swimming pool is indoors and for domestic use. There is no evidence that its use would be a source of noise that would cause disturbance to the living conditions of neighbouring residents.
15. The Parish Council raises concerns that the increase in footprint of the dwelling would lead to a loss of carbon capture, air cooling and water retention. An Energy and Sustainability Report was submitted which sets out the measures for insulation and efficient heating and lighting systems, concluding that the proposed dwelling would be more energy efficient and sustainable than the existing dwelling. There is no substantive contrary evidence in this regard.

Conditions

16. The Council has suggested several conditions. I have included those which meet the six tests set out in the Framework and the Planning Practice Guide (PPG), reworded, where necessary, for clarity. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the submitted plans in the interests of clarity.
17. I will impose a condition requiring compliance with the submitted materials schedule in the interests of preserving the character and appearance of the area.
18. Whilst any disturbance during demolition and construction would be for a temporary period only, given the proximity of existing built development to the appeal site, a full construction method statement would be reasonable and necessary to manage the impacts of development upon the living conditions of existing residents.
19. A condition for hard and soft landscaping is required to assimilate the development into its surroundings. I shall include a condition for the proposed driveway to be constructed of a porous material and for the installation of a drainage channel to aid surface water run-off.

20. A condition regarding a scheme for biodiversity enhancements is necessary to accord with the policies of the development plan and the objective of the Framework to conserve and enhance biodiversity. I shall also impose a condition for the provision of an electric vehicle charging point to promote sustainable travel and improve air quality.
21. It is not necessary for the rooflights to be obscure glazed or fixed shut due to their position within the roof slope. The en-suite window to the northern elevation is shown on the plans to be obscure glazed and does not need to be fixed shut given its limited size and position on the building. Further, it is unnecessary for the elongated stairwell window to be obscure glazed, as it is not a habitable room. Whilst I agree the bedroom window to the southern elevation should be obscure glazed, requiring this window to be non-openable is not reasonable or necessary to mitigate privacy impacts, given its distance from the join boundary. Accordingly, a condition to obscure glaze the bedroom window on the southern side is required, to protect the living conditions of the adjacent occupier.

Conclusion

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

R. Gee

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: DLA 2021 - 151.01.01, 10, 11, 12, 13, 14 and 15.
3. The dwelling hereby approved shall be constructed in accordance with the External Material Schedule (De Linde Architects Ltd).
4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
5. The first-floor window on the southern elevation serving bedroom 2 shall be fitted with obscure glazing in accordance with details which have first been

submitted to and approved in writing by the local planning authority. The agreed details shall be implemented in full before any part of the development is first occupied and maintained as such thereafter.

6. No development shall be carried out above the damp proof course of the dwelling hereby approved until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall be carried out in accordance with the approved details before any part of the development 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.

7. The driveway shall be constructed of a porous material with a drainage channel installed prior to the occupation of the dwelling hereby approved. Once installed the porous materials and drainage channel shall be maintained and retained thereafter.
8. Prior to the first occupation of the development hereby approved, details of measures to enhance biodiversity and a time scale for its implementation shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timescale and thereafter retained.
9. An electric vehicle charging point shall be installed in accordance with a scheme to be approved by the local planning authority. The vehicle charging point shall be provided in accordance with the approved details prior to first occupation of the dwelling and shall be retained so that it is operational for the lifetime of the development.

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