



Appeal Decision

Site visit made on 4 September 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th September 2023

Appeal Ref: APP/G2245/W/22/3312102

Druids Oak, Milton Avenue, Badgers Mount, Kent TN14 7AU

- 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 & Mrs A Pitt against the decision of Sevenoaks District Council.
 - The application Ref 22/01485/FUL, dated 25 May 2022, was refused by notice dated 18 August 2022.
 - The development proposed is the demolition of existing dwelling and construction of new detached 4 bedroom dwelling with basement. Formation of new driveway entrance and 'In & Out' drive.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 5 September 2023. The amendments to the Framework do not have any bearing on the matters in dispute in this appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the local area; and
 - the effect of the development on highway safety on Milton Avenue.

Reasons

Character and appearance

4. The site is located in the urban confines of Badgers Mount, which is within the Kent Downs Area of Outstanding Natural Beauty (the AONB). This part of Badgers Mount is distinctly urban, albeit with a verdant feel. It is largely separate in character to the wider AONB landscape, notwithstanding the designation washes over the settlement. The land rises from Milton Avenue towards the rear boundary of the site.
5. Druids Oak is a twentieth century chalet-style dwelling. The property is a mirror of its immediate neighbour High View. Whilst the paired appearance is visually pleasing, symmetry is not a defining feature of Milton Avenue and Badgers Road. These streets are characterised by detached dwellings in large plots, with a variety of scale, form and architecture.

6. The architecture of the proposed dwelling has sought to incorporate some features of surrounding development, including the use of brickwork, vertical tiling and render with a plain tile hipped roof. However, the building would be substantially larger and bulkier than the property it would be replacing, and this would make it appear imposing within the street scene. The scale of the development would be emphasised by its elevated position above the street and the juxtaposition of the new dwelling with its more modestly scaled neighbour at High View.
7. The size of the dwelling, partly a factor of its height and width, would be accentuated by the deep flank walls, which would be appreciable in views from Badgers Road as well as Milton Avenue. The retained mature tree to the front would not be sufficient to disguise the disproportionate scale and bulk.
8. The appellant has drawn my attention to the extensions permitted at Copperbeech, which lies directly opposite the site, and to a replacement dwelling at Kloof near the junction with Highland Road. I have taken account of both planning permissions, which have resulted in substantial increases in scale relative to the original dwellings. However, they do not persuade me that the excessive bulk of the appeal scheme is acceptable.
9. Given its location within the built-up area, the proposed development would not harm the landscape and scenic beauty of the wider AONB. Consequently, there is no conflict with policy EN5 of the Allocations and Development Management Plan (2015) (the ADMP). However, proposal would cause material harm to the character and appearance of the local area. I therefore find conflict with policy EN1 of the ADMP, which require proposals to respond to and respect the character of the surrounding area.

Highway safety

10. Milton Avenue is a private, single track road leading from Badgers Road to Highlands Road. The road to the front of the site is particularly narrow and there is a sharp bend beyond the site with accesses to dwellings on the opposite side of the road.
11. The proposal includes the formation of a new vehicular access to create an 'In and Out' arrangement. The new access would be afforded good visibility towards Badgers Road. Although the visibility in the opposite direction would be more restricted, even with the removal of vegetation as suggested by the appellant, the proposal would be unlikely to generate a significant number of additional vehicle movements. Milton Avenue is a narrow, private road with low vehicle speeds and on this basis I consider that the proposal would be unlikely to give rise to an unacceptable significant risk of collision.
12. I conclude that the proposal would provide safe and suitable access to the site and it would not have an unacceptable effect on highway safety. As a result, the scheme complies with policy EN1 of the ADMP, and paragraph 110 of the Framework.

Conclusion

13. Notwithstanding my findings in relation to highway safety and the AONB, the proposal would conflict with the development plan when considered as a whole in relation to its adverse impact on the character and appearance of the local

area. There are no other considerations that outweigh this finding. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR