



Appeal Decision

Site visit made on 26 October 2023

by R Lawrence MRTPI, BSc (Hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 6 December 2023

Appeal Ref: APP/G2245/W/23/3319751

112A Chipstead Lane, Riverhead, Kent TN13 2AQ

- 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 Ms Joanna Whittaker against the decision of Sevenoaks District Council.
 - The application Ref 22/01865/FUL, dated 30 June 2022, was refused by notice dated 3 October 2022.
 - The development proposed is the demolition of existing single storey dwelling to provide 2 new semi-detached residential units.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, including the effect on the significance of the Chipstead Common Conservation Area as a designated heritage asset;
 - The effect of the proposed development on the living conditions of the occupiers of 2 Bullfinch Lane with regard to outlook and daylight
 - Whether the proposed development would provide a suitable standard of accommodation for future occupiers, within regard to the provision of outdoor amenity space and access;
 - The effect of the proposed development on highway safety

Reasons

Character and appearance

3. The appeal site is outside of, but immediately adjacent to, the Chipstead Common Conservation Area (CA). Although no statutory protection for the setting of a CA is present under the requirements of 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, paragraph 200 of the Framework requires consideration of any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting.
4. The significance of the CA is underpinned by the historic interest of the green open space of Chipstead Common and the far-reaching views of the North Downs, as well as the stretch of two-storey 19th century buildings, some of which are listed buildings, which front Chipstead Lane along its northern

boundary. The Chipstead Common Conservation Area Appraisal March 1999 notes that the gardens of the historic houses on the north side, adjacent to the appeal site, are well kept and planted with a pleasant variety of trees and shrubs.

5. The immediate setting of the CA comprises a mix of residential development that is set back from the routes surrounding the Common by grass verges, front gardens and mature hedgerow boundaries. The variety in age, style, scale and development pattern emphasises the cohesiveness of the development inside the CA, which is an aspect of its overall significance. Furthermore, the spaces between development and local topography, enable views to the North Downs and contributes to the open and verdant character that is of value to the significance of the CA.
6. Close to the corner of Chipstead Lane and Bullfinch Lane development tends to comprise bungalow dwellings that sit within verdant garden plots behind mature hedgerow boundaries. The appeal site currently contains a modest bungalow that, like its neighbour 2 Bullfinch Lane, is orientated at an angle to the road and set back from Chipstead Lane by a low wall and a vegetal boundary. The scale and form of the existing bungalow means it is unassuming against the development within the CA, whilst the high level of spaciousness around it allows for views to trees and long-distance views of the North Downs.
7. The appeal scheme proposes to demolish the existing bungalow and introduce a pair of two storey dwellings, with accommodation below ground level and in the roof. The scale of the roof level dormers would add significant bulk to the roof and cause the proposed new houses to read as 2.5 storeys in height and create a top-heavy appearance. Notwithstanding that there are examples of modern design locally, such as at 1 Witches Lane, the pattern of fenestration combined with the overall proportions and the lack of architectural detail would contribute to a box like and awkward design.
8. The proposed dwellings would result in a significant increase in built form on the appeal site, reducing its openness and detracting from the long-distance views of the North Downs beyond. Whilst the proposed houses would follow a similar building line to the historic houses within the CA, the main entrances would be to the side and a lightwell excavated to the front. Whilst the lower level of accommodation would be largely set below street level, the scale of the two dwellings would be substantial and would fail to respond to the scale of development within the CA or with the nearby bungalows along Bullfinch Lane. Although the proposed dwellings would be set well apart from No. 112 Chipstead Lane, there would be an extremely tight relationship to one side of the plot boundary. Coupled with the scale and orientation of the proposed dwelling, the proposal would create an awkward relationship with No 2 Bullfinch Lane, and contribute to a cramped layout at odds with the area's existing spacious character. Consequently, the proposed new dwellings would visually complete with the development within the CA and would stand out as harmfully out of place.
9. The submitted parking plan shows four staggered parking spaces would be provided between No. 112 Chipstead Lane and the proposed dwellings. Although the proposals do not include any details of soft landscaping, the amount of space given to car parking would leave limited opportunity for any meaningful landscaping within the site. Furthermore, the proximity of the car

parking spaces to the boundary and proximity of the new dwellings to Chipstead Lane would necessitate the loss of an existing mature tree and a hedgerow. As a consequence, the proposals would diminish the soft and verdant characteristics of the appeal site and wider area and cause hard built form to dominate.

10. Having regard to the above findings, overall, I consider that the proposed development would cause harm to the character and appearance of the area. Furthermore, as the proposals would weaken the verdant and spacious characteristics, diminish views to the North Downs, and would compete with the cohesive form and character of development within the CA, the harm within the setting of the CA would cause harm to its significance as a designated heritage asset.
11. Bearing in mind the scale and nature of the proposals, the harm to the significance of the CA as a designated heritage asset would be less than substantial. Paragraph 202 of the Framework indicates that in these circumstances, this harm should be weighed against the public benefits of the proposal. I turn to this in my overall planning and heritage balance.
12. The proposal would therefore conflict with Policy SP1 of the Local Development Framework Core Strategy 2011, policies EN1 and EN4 of the Allocations and Development Management Plan (ADMP) and paragraphs 130 and 134 of the Framework. These policies and guidance within the Framework, taken together and insofar as relevant, seek to ensure development is of a high-quality design which responds to the distinctive local character of the area, and that proposals that affect a Heritage Asset, or its setting, conserve or enhance the character, appearance and setting of the asset.

Living conditions

13. No 2 Bullfinch Lane (No 2) comprises a modest bungalow which is attached to the existing bungalow on the appeal site, which is sited very close to the shared boundary with No 2. Despite the proximity of the dwellings and their respective plot boundaries, the modest scale and orientation of the buildings to each other and relative to their plots affords the occupiers of No 2 a spacious and unencumbered outlook, sense of privacy and a good level of daylight within habitable rooms, especially from habitable rooms that face south east.
14. By comparison, the proposed development would introduce a substantial 2.5 storey building positioned on a different orientation within the appeal site and extremely close to the side boundary with No 2. The increase height of the proposals relative to No 2 would cause the proposal to have a looming, oppressive presence that would increase the sense of enclosure for the occupiers of No 2 to the detriment of their outlook. Owing to the close proximity to the habitable with windows on the south east elevation of the bungalow, and the position of the proposed development within the appeal site, I also judge that there would be a loss of daylight for the occupiers of No 2.
15. The appellant has drawn my attention to a study relating to the effects of the development on the living conditions of neighbouring properties. However, whilst I note this reference, no such evidence is before me to consider. I have made a balanced judgement on the basis of the submitted evidence and an on-site assessment, which leads me to the view that the proposed development

would cause harm to the living conditions of No 2, with particular regard to outlook and daylight.

16. The development therefore conflicts with Policy EN2 of the ADMP which seeks, amongst other matters, to safeguard the amenities of nearby properties, including from overlooking and any unacceptable loss of light.

Amenity space for future occupiers

17. The proposed dwellings would be situated on the western side of the plot, with the majority of the western side given over to car parking. The space that would remain available for external amenity space would therefore be very limited in its scale. The submitted plans do not demark private gardens for each dwelling, although I accept that, had I been minded to allow the appeal, this detail could have been secured through an appropriately worded condition.
18. My attention has not been drawn to any policy or guidance which sets out minimum size requirements for private gardens, or indeed any other particular requirements for amenity space. The proposed dwellings would each provide 4 bedrooms and would therefore be of a size to accommodate families. Subject to an appropriate division of the curtilage for private amenity space, there would be sufficient space for both dwellings for activities such as sitting out, hanging washing and children's play. Therefore, whilst the private gardens would be modest in scale, there is nothing to suggest these would not be capable of meeting the reasonable requirements of future occupiers in terms of outdoor space provision.
19. The front door to the house 1 would be positioned on the side elevation, in very close proximity to the side boundary of the site. This would make access to the property very complicated, if not impossible via the front door. It is likely access would need to be gained via the rear dining room doors and back garden.
20. The appellant has indicated the plotting of the houses is incorrect and that they are positioned too close to the boundary. Nonetheless, I am required to assess the appeal on the basis of the plans before me. Policy EN2 of the ADMP requires that development provides adequate residential amenities for future occupiers. A lack of access to the main door to a proposed dwelling, fails to meet this requirement. Therefore, whilst the development would provide sufficient private amenity space, it would not provide suitable access for future occupants of the appeal scheme, therefore the proposals would fail to accord with Policy EN2 of the ADMP.

Highway safety

21. The appeal scheme would provide 4 car parking spaces, which would be accessed via the existing dropped kerb and vehicular access. There is agreement from both main parties that the number of car parking spaces would be sufficient. The proposal would utilise the existing dropped kerb access, which crosses a footpath.
22. The parking spaces would have a very limited area behind them for manoeuvring, this would make accessing the spaces very difficult. The space appears to be very tight for a vehicle to turn within the site, increasing the likelihood be required to reverse out onto Chipstead Lane. Chipstead Lane is a relatively narrow and straight residential road, where on street car parking

already occurs and vehicle speeds are generally low. In my judgement should drivers be unable to exit the appeal site in a forward gear, it would potentially lead to conflict with users of the pavement that runs alongside it. I also observed that the appeal site entrance is close to where vehicles park along the same side of the road. Not only would the presence of parked cars close to the appeal site reduce the visibility for drivers having to reverse onto Chipstead Lane, they narrow the space along the highway, limiting the space where oncoming vehicles could manoeuvre out of the way. Given the site layout and the potential for the proposals to increase the number of vehicles reversing onto Chipstead Lane, together with the proximity of on-street parking, I consider that the proposal would have an adverse impact on highway safety.

23. The tight layout of the on-site car parking has the potential to deter future residents from parking on site, thereby increasing on street car parking. Although some on street parking already occurs, there appears to be sufficient capacity along Chipstead Lane, and on the other roads around the common, to accommodate a small increase in on street parking. At the time of my site visit, there was no evidence of any significant parking stress. This was an observation made at one specific time, outside of school drop off hours which I note to be of particular concern, and conditions may change at different days and times. Nonetheless, there is no substantive evidence before me that a small increase in on street car parking would be harmful.
24. Having regard to the above considerations, the proposal would fail to accord with Policies EN1 and T2 of the ADMP. These policies seek, amongst other matters, to ensure that developments provide satisfactory means of access for vehicles and pedestrians, including adequate car parking in accordance with the Kent County Council vehicle parking standards.

Other Matters

25. The appellant has drawn my attention to a previous appeal on the site, for a similar scheme - ref APP/G2245/W/21/3270155. The appellant has expressed concern that the Council has introduced new reasons for refusal which were not applied to the previous appeal. Whilst I have some limited details of the previous appeal scheme, this is not sufficient to enable me to determine whether or not there are changes, such to warrant a different conclusion on particular matters. In any event, I have considered the appeal scheme on its own merits and based on the evidence before me.

Planning and Heritage Balance

26. In consideration of public benefits, I recognise the desire of the appellant to provide housing for family members on a street which they grew up on. However, this is a private benefit and whilst noting the desire for family members to live on the road, this would satisfy the personal wishes of the appellant and be of private benefit, not a public one.
27. The Government's objective is to significantly boost the supply of homes and I understand that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The proposal would make a minor but nonetheless beneficial contribution to housing development in the area, and within the Sevenoaks Urban Area, which is the focus for new housing in the district.

28. The construction of the proposed development would deliver temporary economic benefits, through job creation. In addition, the delivery of an additional dwelling would result in an additional household and spending within the area. However, bearing in mind the scale of the development, the wider public benefits including associated with an increase in housing, social and economic benefits would be very small and I attribute them moderate weight in the balance in the scheme's favour.
29. Paragraph 199 of the Framework requires great weight should be given to the conservation of a designated heritage asset. I do not consider the sum of public benefits would be sufficient to outweigh the less than substantial harm to the significance of the CA as a non-designated heritage asset that I have identified. Conflict therefore arises with the historic environment protection policies in the Framework.
30. In situations where the Council cannot demonstrate a 5 year supply of deliverable housing sites and the most important policies for determining the appeal are out of date, paragraph 11d) (i) indicates planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, provides a clear reason for refusing the development proposed. Designated heritage assets are amongst the policies referred to under footnote 7 of the Framework. Therefore, my finding in respect of the less than substantial harm to the significance of a designated heritage asset that is not outweighed by public benefits and provides a clear reason for refusing the development proposed. Even if this had not been the case, I consider the harm identified to living conditions and the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

31. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R Lawrence

INSPECTOR