



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: 18th December 2023

Appeal Ref: APP/G2245/W/23/3322158

Site formerly known as Sevenoaks Open Air School, Oakhill Road, Sevenoaks, Kent TN13 1NT

- 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 Luca De Pascallis against the decision of Sevenoaks District Council.
 - The application Ref 23/00237/FUL, dated 27 January 2023, was refused by notice dated 9 May 2023.
 - The development proposed is the knock down of existing open air school building and garage and construction of one single storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the knock down of existing open air school building and garage and construction of one single storey dwelling at Site formerly known as Sevenoaks Open Air School, Oakhill Road, Sevenoaks, Kent TN13 1NT in accordance with the terms of the application, Ref 23/00237/FUL, dated 27 January 2023, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is:
 - the effect of the proposed development on the character and appearance of the area, with particular regard to whether the character or appearance of the Kippington and Oakhill Road Conservation Area would be preserved or enhanced.

Reasons

3. The appeal site is located within the Sevenoaks Kippington and Oakhill Road Conservation Area (KCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
4. The significance of the KCA is contributed to by the many important houses within it, its impressive topography and attractive scenery which provide a strong sense of enclosure. This sense of enclosure, which roadside trees also contribute to, is particularly prevalent on the upper stretch of Oakhill Road, close to the appeal site. The appeal site is a narrow plot within a number of disused school buildings within it.

5. The proposed dwelling would cover a high proportion of the site, built form would extend up to the side boundaries for the majority of the length of the site. The siting and depth of the dwelling would also see built form in much closer proximity to the road than the neighbouring properties. However, the site is unique in terms of its modest size, its narrow width and the former school buildings. The proposed dwelling would be in keeping with the residential character of the road. It is noted that the existing front building on the site also sits in close proximity to the road. As such, the proposed dwelling which would also be single storey in form, would be comparable in this respect.
6. Neighbouring buildings, on the same side of the road, are generally set further back within the site, although there is variety in terms of the degree of set back. The proposed dwelling would be of a very different scale to its neighbours, being single storey in form and significantly narrower, compared with the substantial two storey buildings elsewhere. Given the modest height and width of the dwelling, together with the existing built form on site, the dwelling would appear in keeping with its surroundings. It would remain a unique building within the street scene, however, this is no different to the existing position.
7. It is noted that existing trees along the site's boundaries, adjacent to the frontage, would be retained. There would not be space within the site for any other significant areas of soft landscaping, outdoor amenity space would be limited to a courtyard area within the centre of the site. Nonetheless, this reflects the unique size and shape of the appeal site and would be comparable to the existing position, with the existing site occupied by the former school buildings and associated external school space. Some vegetation and tree clearance would be required within the central parts of the site, however, this soft landscaping is of a modest scale and does not contribute to the attractive landscaping which characterises the area. The proposed green roof would complement the attractive soft landscaping within the wider street scene.
8. Having regard to the above factors, the proposal represents an appropriate solution to a unique site. The site would continue to contribute to the sense of enclosure within the road, which is a key part of the character of the Conservation Area.
9. Drawing all of the above together, I consider that the proposal would be in keeping with the local area and the character and appearance of the KCA would be preserved. The proposal would therefore accord with Policies EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan 2015. These policies, taken together and insofar as relevant, require development to be of a high-quality design which respects the character and topography of the site and which would conserve or enhance the character and appearance of any heritage asset.

Other Matters

10. I have taken into account representations from third parties about ecology, the residential amenity of future occupiers and the privacy of neighbouring occupiers, as well as matters relating to character and appearance which are addressed above. There is no substantive evidence to indicate any material harm in terms of ecology, the design of the dwelling, including through the use of a green roof, would provide sufficient opportunity to protect and enhance ecological interests on the site.

11. In terms of the amenities for future occupiers, the amenity space would be modest. However, there is nothing before me to indicate that the size of space provided would conflict with any requirements set out in the development plan. Rather I note that the modest spaces available would be sufficient for activities such as hanging out washing and sitting out. As such, there is no justification to depart from the Council's position, who found the proposed amenity space acceptable.
12. The siting of windows on the dwelling would be primarily rear/front facing, with limited side windows proposed. Given this, together with the form of the dwelling primarily being single storey, together with the location of the site in a residential area, I find that the proposal would preserve the privacy, and the amenities more generally, of neighbouring occupiers.

Conditions

13. The Council has suggested a number of conditions in the event of my allowing the appeal, I have considered these in accordance with the Planning Practice Guidance and the National Planning Policy Framework. I have edited some of the suggested conditions for clarity and enforceability.
14. A plan numbers condition together with a condition to limit the timeframe for implementation are required in the interests of certainty. The plan numbers condition would also provide sufficient control over the proposed materials, which are clearly labelled on the submitted plans. As such a separate condition in respect of materials is not necessary.
15. A landscaping scheme is required in order to ensure the development reflects the attractive verdant character of the area. However, I find that the details pursuant to this condition are not required prior to the commencement of development, rather prior to the first occupation would be more appropriate.
16. A condition removing all permitted development rights has been suggested. Paragraph 54 of the National Planning Policy Framework states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. In this case, where the scope for further development on the site would be significantly restricted by the size and shape of the site, there does not appear to be such justification.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed subject to conditions.

R Lawrence

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not 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: 8153-PD2-02 and 8153-PD2-03.
- 3) No development shall commence until a scheme showing the exact position of protective fencing to enclose all retained trees as shown on the submitted plans, in accordance with British Standard 5837:2012: Trees in Relation to Construction (or later revision), and full details of the screw piles for the foundations, has been submitted to and approved in writing by the Local Planning Authority. The protected fencing shall be erected in accordance with the approved details prior to the commencement of development and thereafter maintained for the duration of the construction period and until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until the implementation of a watching brief to be undertaken by an archaeologist has been secured, submitted to and approved in writing by the Local Planning Authority. The details shall ensure that the excavation is observed, and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.
- 5) Prior to first use 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 details shall include a specification of the charging point and a site plan indicating its proposed positioning on the site. The development shall be carried out in accordance with the approved details, implemented on site prior to the first occupation of the proposed development and retained thereafter.
- 6) The parking spaces indicated on plan number 8153-PD2-02 shall be implemented on the application site prior to the first use of the proposed development and retained on site thereafter.
- 7) The development hereby approved shall not be first occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include a schedule of landscape maintenance for a minimum period of 5 years. 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.

The approved soft landscaping works shall be carried out in accordance with the approved details and in the first planting and seeding seasons following the first occupation of the development or the completion of the development, whichever is the sooner.

All approved hard landscaping shall also be carried out in accordance with the approved details prior to the first occupation of the development or the completion of the development, whichever is the sooner.

END OF SCHEDULE