



Appeal Decision

Site visit made on 5 December 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2024

Appeal Ref: APP/G2245/D/23/3324572

Haven Manor Cottage, Haven Hill, Hodsoll Street, Kent, TN15 7LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr T Dupont against the decision of Sevenoaks District Council.
 - The application Ref 23/00514/PAE, dated 23 February 2023, was refused by notice dated 31 March 2023.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for a single storey rear extension at Haven Manor Cottage, Haven Hill, Hodsoll Street, Kent, TN15 7LL in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A.4 (2) of the GPDO through application ref: 23/00514/PAE, dated 23 February 2023, subject to the standard conditions laid out at paragraphs A.3 and A.4 of Schedule 2, Part 1 of the GPDO.

Preliminary Matters

2. On the 19 December 2023 the Government published a revised National Planning Policy Framework (the Framework) accompanied by a written ministerial statement (WMS). The revised Framework is a material consideration which should be taken into account from the day of publication. I have familiarised myself with the content of the revised Framework and the accompanying WMS and none of the revisions to the Framework would appear to be material to this appeal. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework
3. It is not disputed that the appeal site known as Haven Manor Cottage (the Cottage) was originally constructed as an ancillary garage block associated with the main property at Haven Manor. Planning permission was granted in 1966¹ to convert the garage to a separate dwelling. From the information before me, this involved minor internal works to the garage and the installation of new windows and doors and the construction of two small dormer windows. The layout of the 'original dwellinghouse' is therefore shown as on the 1966 approved plans.

¹ Sevenoaks District Council Ref: TH/5/66/249

4. The Council issued a Certificate of Lawful Development² in 2018 which established that the former garage had been occupied as a self-contained dwelling for a period in excess of four years. I have not been presented with any information in respect to whether there are any permitted development restrictions to this property.
5. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
6. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the Local Planning Authority may refuse the application where it considers that the proposed development does not comply, or that the appellant has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.

Main Issues

7. The main issues are:
 - Whether the proposed development would comply with the conditions, limitations or restrictions applicable to development permitted, having regard to Class A of Schedule 2, Part 1 of the GPDO; and
 - The impact of the proposed development on the amenity of adjoining premises.

Reasons

Conditions, limitations and restrictions

8. The application form indicates that the proposal seeks to erect a single-storey extension on the north elevation of the Cottage approximately 6.0 metres in length, with a maximum height of 4.0 metres and eaves height of 2.95 metres.
9. The Council contend that the proposed extension, as sited on the north elevation would not be located on the rear wall of the dwelling as referred to within the application form and documents, but rather a side elevation. As such, paragraph A.1(j)(iii) of Part 1 states that where the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of that dwellinghouse and would have a width greater than half of the width of the 'original dwellinghouse', that development would not constitute development permitted under Class A.
10. In order to determine which elevation would constitute the rear of the 'original dwellinghouse', the front elevation of the Cottage must first be established, and the Technical Guidance³ assists in the interpretation of these terms. The Technical Guidance highlights the rear wall or walls of a house will be those which are directly opposite the front of the house. The Technical Guidance also highlights that usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.

² Sevenoaks District Council Ref: 18/03445

³ "Permitted development rights for householders" - Technical Guidance dated September 2019

11. In considering the definition of the principal elevation as contained in the Technical Guidance, the Council found, on the balance of probability, that the eastern elevation would be defined as the principal elevation. In reaching this conclusion the Council considered that the eastern elevation fronted the main highway serving the house and contained the main architectural features. I appreciate that an elevation fronting on to the main highway is often indicative of the principal elevation, however in this instance the eastern elevation lacks any architectural presence, as it only contains three small windows. Thus, with the lack of any substantive architectural features, and in particular an entrance or doorway into the Cottage, I cannot reasonably conclude that the eastern wall would form the principal or front elevation.
12. From the information before me, the principal (or front) elevation of the 'original dwellinghouse' at the Cottage was the south elevation. Whilst sharing a boundary wall and covered walkway, the Cottage was visibly separated from the rear wall of the main property at Haven Manor. The historical plans also highlight that the original south elevation had several architectural features including two entrance doors. These doors provided the entrance into the hallway with the stairs leading directly up to the first floor. This is a traditional layout and is indicative that the doors, despite facing Haven Manor, would have been the principal entrance to the 'original dwellinghouse'. The appellant further highlights that in issuing certificates of lawful development and prior approval notifications⁴ the Council had previously accepted that the south elevation was the front of the Cottage.
13. I would acknowledge that the site has evolved overtime, following extensions and alterations to both Haven Manor and the Cottage. From my site observations currently the south elevation of the Cottage is now linked to the rear wall of Haven Manor, where previously there was a degree of separation. In this regard the south elevation as the principal elevation of the Cottage has been lost given that it no longer contains any entrances or architectural features as it shares the rear wall of Haven Manor, appearing more as an extension to the larger property rather than a separate dwelling. Indeed, from my site observations it was unclear how any occupants could access the property at the Cottage, other than through the garage door on the western elevation.
14. Nevertheless, paragraph A.1(g) of Schedule 2, Part 1 of the GDPO is clear that proposals should extend beyond the rear wall of the 'original dwellinghouse', rather than the dwelling as it currently exists. Whilst it is acknowledged that the principal elevation as originally conceived may now have been lost following the evolution of the site, the rear wall of the 'original dwellinghouse' as designed, remains intact and in the same position, on its northern elevation.
15. Consequently, as the proposal is located on the northern elevation, this would be directly opposite the principal, and in this case, front elevation of the 'original dwellinghouse'. Thus, it follows that the appeal scheme would constitute an extension beyond the rear wall of that original dwelling. It would therefore be permitted development within the terms of Schedule 2, Part 1, Class A of the GPDO.

Impact on amenity

⁴ Sevenoaks District Council Refs: 19/01957/PAE and 19/01972/LDCPR

16. Having reached my conclusion under the first main issue, it is necessary for me to assess the proposed development on the basis of its impact on the amenity of any adjoining premises.
17. Whilst occupying a fairly secluded site, there are other larger dwellinghouses in the vicinity including Haven Manor, Haven Cottage and Campbells Cottage. Given its single-storey nature and the limited relative height of the proposal to the existing dwelling, it would not appear as an overly dominant or overbearing structure to these properties. Any views of the appeal proposal to and from these properties would also be extremely limited given the existing boundary treatments, providing glimpse views only. These factors would also ensure that levels of daylight would not be unduly restricted within these properties or gardens. Furthermore, the proposed openings would not give rise to any unacceptable overlooking impacts, given the locations and height of existing boundary treatments.
18. From all the evidence before me as well as my observations on site, I am satisfied that given the siting of the proposed extension, taken together with its limited scale and the distance to its boundaries, as well as the distance to the nearest surrounding properties, there would be no material harm to the amenity of any adjoining neighbours.

Conditions

19. Any planning permission granted for development under Article 3(1) and Schedule 2, Part 1, Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) of the GPDO is subject to conditions set out in paragraphs A.3 and A.4. Amongst other things, these specify that the materials used in any exterior work must be of a similar appearance to those used in the exterior of the existing dwellinghouse and the development must not include an upper floor window in any wall or roof slope forming a side elevation.

Conclusion

20. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed, and prior approval granted subject to the standard conditions.

Robert Naylor

INSPECTOR