



Appeal Decision

Site visit made on 16 August 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2024

Appeal Ref: APP/G2245/D/23/3333731

1 Westways, Westerham, Kent TN16 1TT

- 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 Michelle Felstead against the decision of Sevenoaks District Council.
 - The application Ref is 23/02607/HOUSE
 - The development proposed is part double storey side and rear extension with rear dormer extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (Framework) in December 2023, replacing the previous version dating from September 2023. The amendments made did not have any bearing on the issues in this appeal, and it was therefore not necessary to seek comments from the main parties on the updated Framework.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
4. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published in December 2023, and any reference to paragraph numbers are to this version.
5. In November 2023, the National Landscapes Association reported that all designated Areas of Outstanding Natural Beauty (AONBs) had become National Landscapes. However, the Framework continues to refer to them as AONBs. In this decision I have used the term AONB, consistent with the evidence and the Framework. The legal designation and policy status of such areas is unaffected, whichever term is used.

Main Issues

6. The main issues are the effect of the proposal on:

- the character and appearance of the area, including the landscape character of the Kent Downs AONB; and
- the living conditions of the occupiers of 2 Westways, with particular regard to privacy.

Reasons

Character and appearance

7. The appeal property is a two storey semi-detached property with a hipped roof occupying a corner plot. The property is constructed with a rendered front elevation and has a two storey bay with hanging tiles. Properties within this corner of Westways and Croydon Road are generously spaced. This spacing makes a positive contribution to the character of the area.
8. The proposed side extension would be large compared to the original host dwelling, and would add considerable width to the property. Although it would be marginally lower in height than the main roof it would adjoin, given its significant width and minimal set down from the main roof's eaves, the extension's roof form would add considerable bulk to the property. The design of the two-storey extension includes a set back from the main front elevation of the dwelling. However, this set-back would be limited in depth and would not significantly reduce the overall scale and mass of the proposed extension. Consequently, the development, as a whole, would be a visually awkward addition to the property.
9. The proposal would also have limited set back from the site's side boundary. This would reduce the plot's sense of spaciousness and would be particularly notable due to the appeal site's corner location, and its visibility in a range of views along Westways.
10. The adjoining semi, 43 Croydon Road, has a two storey side extension and a rear dormer. However, in comparison to the appeal proposal, the side extension is not as wide, has a lower ridge height and has a much greater set-back from the front elevation. Due to these design differences, I do not find that the proposal would satisfactorily improve the current visual imbalance between the pair of semis.
11. I have had regard to other side projections which exist on Westways and Croydon Road. Whilst the extensions at 17 and 18 Westways are wide, two storey extensions, No. 17 is positioned noticeably further back in its plot than No. 18. For this reason, the extensions do not affect the spacing around the properties in the same manner as the appeal proposal. In relation to the extensions at 31-41 Croydon Road, none of the side projections appeared to be as wide as the appeal proposal, and unlike the appeal property their front elevations are not positioned at an angle to the street. The projection at 45 Croydon Road differs to the appeal proposal in form and scale. The various projections at these properties are therefore not directly comparable. In any event, their existence does not indicate that the proposed development is acceptable.
12. Since the appeal site is within the Kent Downs AONB, great weight should be given to conserving and enhancing landscape and scenic beauty, as set out in paragraph 182 of the Framework. The impacts of the appeal scheme would be limited to near distance views meaning the impact on the wider AONB would be

limited. Nevertheless, the construction of the large extension would result in additional built form, which would reduce the existing open views to the side of the property which positively contribute to the character of the area. The proposal would therefore not conserve and enhance the natural beauty of the AONB as required by Policy EN5 of the Sevenoaks Allocation and Development Management Plan (2015) (DMP).

13. I conclude that due to its dominant and cramped effect, the proposal would cause harm to the character and appearance of the area and would not preserve or enhance the natural beauty of the Kent Downs AONB. It would therefore be contrary to Policy SP1 of the Core Strategy (2011) (CS) and Policies EN1 and EN5 of the DMP. These policies seek to ensure, amongst other aspects, that all new development is of a high standard of design and respects local character.
14. It would also not comply with paragraph 135 of the Framework which requires that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Living conditions

15. The proposal would introduce two storeys of built form with limited set back from the shared boundary with 2 Westways (No. 2). The submitted evidence indicates that one of No. 2's ground floor side windows serves a living room.
16. The proposal's side elevation would have a bedroom window at first floor level. The window would be positioned at an angle to No. 2's side elevation. However, due to its proximity to the shared boundary, the bedroom window would allow views directly towards the neighbouring property's living room window, which would result in a harmful loss of privacy for the neighbouring occupiers.
17. The window in question would be the sole window to the bedroom. A condition requiring obscure glazing to be used for this window would not be appropriate in this instance as it would remove any outlook from the room.
18. Therefore, on this issue, I conclude that the proposal would have a harmful effect on the occupiers of No. 2 with particular regard to privacy. As such, it would conflict with Policy EN2 of the DMP which states that proposals will be permitted where they safeguard the amenities of occupiers of nearby properties.

Other Matters

19. Representations from interested parties have provided support for the proposal and the appellant indicates that she has an elderly mother and two grown up sons and has sought to extend the property to provide adequate accommodation. I have given the appellants' personal circumstances careful consideration. However, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is probable that the proposed extension, which I have identified would be harmful to the character and appearance of the area and living conditions of neighbouring occupiers, would remain long after the appellant's personal circumstances cease to be material. Future use of the dwelling would also not necessarily entail a similar situation.

Conclusion

20. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR