



Appeal Decision

Site visit made on 16 October 2024

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2024

Appeal Ref: APP/G2245/W/24/3342796

67 Dynes Road, Kemsing, Kent, TN15 6RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Nick Pattenden (Magham Developments Limited) against the decision of Sevenoaks District Council.
 - The application Ref 23/02442/FUL was approved on 14 November 2023 and planning permission was granted subject to conditions.
 - The development permitted is partial demolition of existing extension, enclosed walkway and garage to 67 Dynes Road, subdivision of land and erection of proposed dwelling with additional parking spaces.
 - The condition in dispute is No 7 which states that: No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme shall be implemented prior to the occupation of the development hereby approved and thereafter retained.
 - The reason given for the condition is: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policies EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the imposition of condition 7 is necessary, reasonable and otherwise in accordance with Paragraph 56 of the National Planning Policy Framework (Framework).

Reasons

3. This is a residential area, characterised by grass verges, front gardens, and greenery which gives the surroundings a degree of verdancy that contributes positively to the character of the area.
4. I note the agreement of boundary fencing under condition 6. This does not negate the appropriateness of also agreeing a scheme of hard and soft landscaping. Regardless of the extent of public visibility, a quality landscaping scheme delivers other benefits such as securing good living conditions for future residents of the development, providing opportunities for natural drainage, and contributing to local biodiversity. As such, condition 7 contributes towards the objectives of the Framework, including fostering well-designed places.

5. The acceptability of the details under the condition remains a matter between the Council and the Appellant in the first instance.
6. For these reasons the imposition of condition 7 is necessary, reasonable and otherwise in accordance with Paragraph 56 of the Framework.

Conclusion

7. For these reasons, and paying regard to all other points raised, the appeal is dismissed.

D R McCreery

INSPECTOR