



Appeal Decision

Site visit made on 04 December 2024

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/G2245/D/24/3352843

Little Gables, Milton Avenue, Badgers Mount, Kent TN14 7AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Colin Bickel against the decision of Sevenoaks District Council.
 - The application Ref is 24/01252/HOUSE.
 - The development proposed is a new floor to existing bungalow with feature bays, entrance canopy to front and new pitched roof over existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for a new floor to existing bungalow with feature bays, entrance canopy to front and new pitched roof over existing garage at Little Gables, Milton Avenue, Badgers Mount, Kent TN14 7AU in accordance with the terms of the application, Ref 24/01252/HOUSE, subject to the following conditions: -
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: - 03 Revision A, 04 Revision A and 56844.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to the completion of the development hereby permitted the first floor window on the eastern elevation shall be fitted with obscure glass and thereafter this window shall be maintained fitted with obscure glass to a minimum of Pilkington privacy Level 3.

Preliminary Matters

2. I have taken the description of the proposed development from the planning application form although I note it is expressed differently in other documents.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

4. The main issues raised by this appeal are the effect of the proposed development on the character and appearance of the area and the national landscape of the Area of Outstanding Natural Beauty (the AONB).

Reasons

5. The dwellings to this side of Milton Road are sited slightly above road level with both the highway and the dwellings sloping upwards from west to east. There is variety to the heights and styles of properties along this side of Milton Road and within the wider area. The adjacent dwelling, Brockhill, is a chalet bungalow hosting a number of first floor front dormer projections. Past that is Willow Hatch, a bungalow. Further along there are two storey dwellings with larger dwellings further east.
6. The properties to the west of the site are lower in height and set at a lower land level. However, the highway provides a gap between the appeal site and those neighbouring properties. There is also a hedge along the boundary of the appeal property.
7. The resulting development would be one of the appearance of a two storey house as opposed to a chalet bungalow. This, along with the proposed frontage projecting bays, would increase the size and depth of the property.
8. The appeal property is located on a corner site. The ridge of the extended dwelling would rise to be slightly taller than that of its immediate neighbour, Brockhill. Brockhill itself is taller than its neighbouring property Willow Hatch, although I note there has in the past been a planning permission that would have allowed for the increase in height of Willow Hatch. There is clear variation in heights of properties along this side of Milton Road. As such, there is no clear pattern to the topography of the street scene with regard to height and size of dwellings.
9. Giving these variations, alongside the mix of types, sizes and designs of the properties within this street scene, I do not consider the proposal would appear overly dominant or excessively prominent such that would be significantly out of keeping despite its location on a corner site.
10. The property is located within the Kent Downs AONB. The setting of AONBs are given the highest states of protection in relation to landscape and scenic beauty. Policy EN5 of the Allocations and Development Management Plan 2015 recognises this. However, this policy also states that "*Proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape ...*".
11. The officer's report states "*As the application location is within the built-up area, the proposed development would not harm the landscape and scenic beauty of the wider AONB but would not enhance it, due to the design of the proposal.*" The proposal property forms part of an existing residential estate and is centrally located within it. The development would be seen within the context of this existing built up area. I have found the design, form and scale of the proposed development to be acceptable. Whist the estate is washed

over by the AONB designation the proposal would not encroach upon the AONB landscape. As such, it would not cause harm to the scenic beauty of the AONB.

12. The Council has referred to three other planning proposals to extend or replace dwellings along this side of Milton Road that have been dismissed at appeal. One planning reference with description of development has been provided within the Officer's Delegated report but there is no detail in regard of the location of that site. Reference has also been made to a property known as Kloof that I saw to be further east along Milton Road. Whilst those proposals may have related to a similar type of development as proposed here, the acceptability of those other developments will depend on the individual circumstances of those sites. Therefore, the proposal before me can and should be considered on its own individual merits.
13. The Parish Council points out that a similar 2007 planning application to enlarge Brockhill was refused because of its impact on its neighbours. However, I have limited information relating to that proposal that might enable me to consider what similarity, if any, that proposal would have to the case that is before me. Furthermore, that proposal was some time ago and would have been assessed against a different development plan to that which is currently in place.
14. For these reasons, I conclude that the proposed development would not harm the character and appearance of the area or the national AONB landscape. As such, the proposed development would comply with Policies EN1 and EN5 of the Allocations and Development Management Plan 2015 and the provisions of the Framework that requires good design. These policies and the Framework seek, amongst other matters, development to respond to the scale, height, materials, site coverage of the area, topography, character of the site and surrounding area and also seek the protection and enhancement of the AONB.

Other Considerations

15. The Council Officer's report makes an assessment of the parking provision at the site and whether or not it would be sufficient. The officer has concluded that the existing driveway could meet Kent County Council's parking standards. On the evidence before me I am not led to come to a different view of this matter.
16. A first floor window is proposed on the eastern elevation that would serve an en-suite. This window would face the neighbouring property. Local concern has been raised to this window. The Council's Officer report shows this matter has been considered and suggest a suitably worded condition could be imposed such to ensure this window would be fitted with obscure glazing and that the window should thereafter remain obscured.
17. The upper floor front bay side window could create line of sight into the front garden of a neighbouring property. It is possible that such overlooking from the bay window would take place from time-to-time. However, in order to gain any clear view of the neighbouring garden it would be necessary to stand within very close proximity to the side window, therefore, observation would need to be actively sought.
18. An objection has been raised that the proposed development would block light to the lounge at Brockhill. There are three windows serving this living space,

one on the side elevation facing the appeal site and two on the rear. The Council's Officer report comments that although this room would be a habitable room, the window on the side elevation is considered a secondary window. As such, the Officer considered the proposal would not lead to a significant loss of light that would warrant refusal. On the evidence before me I am not led to come to a different view on this matter.

19. Local concern has been raised to the future potential for the space within the roof to be converted to habitable living accommodation. Some of those interested parties have requested removing permitted development rights in order to prevent this from taking place. It is not entirely clear what harm might occur to the living conditions of adjoining existing occupiers or to the character and appearance of the area if such permitted development right were removed. I refer to the advice in the Planning Practice Guidance which states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. I do not consider there to be exceptional circumstances here.

Conditions

20. I have considered the planning conditions put forward by the Council in light of paragraph 57 of the Framework and the Planning Practice Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring the development be carried out in accordance with the approved plans. In the visual interests of the locality matching materials of the extension is necessary. For those reasons set out in the other considerations section above a condition relating to the obscure glazing of the eastern side window is necessary to ensure the residential living condition of existing neighbouring residential occupiers are not harmed.

Conclusion

21. For the reasons set out above, and subject to the conditions listed, this appeal should be allowed.

Nicola Davies

INSPECTOR