
Appeal Decision

Site visit made on 24 January 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Appeal Ref: APP/G2245/W/24/3349188

Appledore, Rays Hill, Horton Kirby, Kent DA4 9DB

- 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 R Noyes against the decision of Sevenoaks District Council.
 - The application Ref. is 23/03716/FUL.
 - The development proposed is for the demolition of existing dwelling, erection of replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling, erection of replacement dwelling at Appledore, Rays Hill, Horton Kirby, Kent DA4 9DB in accordance with the terms of the application Ref. 23/03716/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on a) the character and appearance of the surrounds, including the Horton Kirby Conservation Area (CA); and b) the living conditions of the occupants of Tranby Croft having regard to outlook.

Reasons

Character and appearance

3. The appeal site is a detached bungalow on Rays Hill with off-street parking on a driveway to the front. The local environs comprise dwellings on the north side of the highway, set in wider open countryside of fields and woodland. The CA lies to the north and west of the plot.
 4. The existing property at the site is relatively small in scale; although it can be seen in views from Rays Hill, it is recessive in the landscape. The proposed dwelling would be a larger structure, a full two-storeys in height and of a modern design that would make more of a statement of presence compared to the existing bungalow. From the appellant's submitted photomontages, the building would be more visible than the existing when viewed along Rays Hill in a broadly westerly direction. Nonetheless, the general locality including the adjacent building known as Tranby Croft and bungalows on The Street would prevent it being an isolated prominent feature in the countryside.
 5. With regard to the CA, I fully appreciate that context and local identity are important when considering new development. This notwithstanding, the appeal site lies outside the CA. To my mind, although it may be within its setting, it is sufficiently distanced from it that the proposal would not compete with or harm the intimate, enclosed and informal character and appearance of this designated heritage asset. The "*sense of intrigue upon entering the village from Rays Hill as the road changes direction and high sided boundary walls obscure the main settlement*" as outlined in the CA Appraisal would remain.
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6. Tranby Croft is mentioned in the CA Appraisal under the section entitled *“Potential for Enhancement and Future Policy Recommendations”*, which states that it is a *“substantial two storey building...Whilst its design may be simple, it is visually impressive and dominates the view when travelling along Rays Hill”*.
7. However, although its dominance along Rays Hill would be tempered by the presence of the appeal proposal, Tranby Croft also lies outside the limits of the designated heritage asset. Other than the implication that it should be considered for inclusion in the CA, I have nothing before me to indicate that any measures have been taken since the Appraisal was adopted as a Supplementary Planning Document in December 2003 to incorporate the house within the CA. Moreover, the Appraisal does not go so far as to advocate that the dominance of Tranby Croft along Rays Hill merits retention or special protection, which is logical given that it is not located in the CA.
8. In any event, to my mind Tranby Croft would still maintain a significant presence in the area even were the appeal proposal to be constructed, due to its prominent location on a corner plot at the southern entrance the village. Therefore, whilst I acknowledge that the new scheme would have a greater impact on the setting of Tranby Croft than the existing bungalow, I am of the view that no demonstrable harm would arise, and there are there are no sound planning reasons for the appeal to be dismissed based on the evidence before me.
9. In more general design terms the Council does not appear to object to the scheme or use of materials, noting that it would sit comfortably within the plot and be in keeping given the number of other two storey properties along Rays Hill; I have no reason to disagree.
10. I conclude on this matter that the proposal would not have an adverse impact upon the character and appearance of the surrounds, including the CA. This would accord with Policy SP1 of the Sevenoaks Local Development Plan Core Strategy February 2011 (CS), and Policies EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan February 2015 (DMP), which require new development to be designed to a high quality and respond to the distinctive local character of the area in which it is situated. It would also be consistent with the advice in the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development, and it is desirable for schemes to make a positive contribution to local character and distinctiveness.

Living conditions

11. The appeal proposal would face a small patio area and the side wall of Tranby Croft, which amongst other windows contains a first floor opening serving a bedroom; this is set well back on the flank elevation and is afforded an broadly easterly perspective over the rear gardens of adjacent dwellings along Rays Hill.
12. Although the development would result in an increase in height, there would be minimal rearward projection and as such the easterly view from the adjacent bedroom window would not be unduly impeded. I acknowledge that the outlook to the south would be more affected, however the bedroom has a smaller window that provides a clear view in this direction. With regard to the patio area, this is already enclosed by built form and boundary walls and in any event the principal view towards the south would be retained. Moreover, Tranby Croft benefits from garden areas elsewhere within its curtilage and the appeal scheme would not impinge upon this general feeling of spaciousness.
13. I am therefore satisfied that the development would not have an unduly oppressive or intrusive effect upon outlook, and it would be unlikely to result in a sense of confinement or enclosure sufficient to cause adverse harm above and beyond the current situation. Taken in the round, whilst I acknowledge that there is some effect, I consider that any impacts would not be so harmful as to warrant dismissal of the appeal.

14. I find that the proposal would not result in material harm to the living conditions of the occupants of Tranby Croft having regard to outlook. It would meet with Policy EN2 of the DMP, which seeks to ensure that development does not harm the amenity of occupiers of nearby properties. It would also be consistent with the advice in the Framework, which advocates safe and healthy living conditions.

Conditions

15. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. I have altered some of the Council's suggested conditions for clarity and conciseness. In addition to the standard implementation condition, the approved plans are listed for certainty. Conditions requiring external materials to be submitted would provide for a satisfactory appearance.
16. A management plan would minimise the effect of construction on local amenity, and condition in respect of the installation of an electric vehicle charging point is imposed in the interests of sustainability. Tree protection measures and landscaping works would ensure protection of existing specimens and visual enhancements to the development.
17. Works in accordance with ecological recommendations and mitigation measures, and further enhancements would prevent adverse impacts upon protected species and encourage biodiversity. A condition in relation to archaeology would ensure that features of interest are properly examined and recorded.

Conclusion

18. Based on the foregoing and having regard to all other matters, the appeal is allowed.

C Hall

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: A-0001, A-0002, A-0200, A-0201.
- 3) No development above the damp proof course shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) Prior to the commencement of the development, including demolition, details of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details: the routing of construction and delivery vehicles to and from the site; parking and turning areas for construction and delivery vehicles, plant, machinery and site personnel; timing of deliveries; provision of wheel washing facilities; details of proposed working and delivery hours; a site waste management plan; and details of how noise, vibration and dust shall be controlled during the construction period. The approved CEMP shall be adhered to throughout the construction period for the development.

- 5) Prior to the occupation of the development, details of the location of an electric vehicle charging point for the new dwelling shall be submitted to and approved in writing by the local planning authority. The charging point shall be installed in accordance with the approved details prior to first occupation of the development and shall be maintained as such thereafter.
- 6) From the commencement of works (including demolition and site clearance), the development shall be carried out in accordance with the approved protection measures, working methods and recommendations set out within the Arboricultural Impact Assessment and Method Statement (produced by Cantia Arboricultural Services and dated December 2023). Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris. The protection measures shall remain in situ throughout the duration of the demolition and construction process.
- 7) Prior to the first occupation of the new dwelling, a scheme of hard and soft landscaping shall submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

The approved hard landscaping scheme shall be implemented prior to the occupation of the development hereby approved and maintained thereafter. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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.

- 8) From commencement of works (including site clearance) and for the duration of construction, methods for the protection of retained habitats and precautionary mitigation measures for protected species shall be followed in accordance with the details contained in Section 7 of the Preliminary Ecological Appraisal report (Brindle&Green, REV1 December 2023) and Section 7 of the Bat Presence and Absence Surveys report (Brindle&Green, REV1 December 2023).
- 9) Prior to first occupation of the development, details of how the development shall enhance biodiversity will be submitted to and approved in writing by the local planning authority. The details shall include integrated and/or wall mounted bird and/or bat boxes. Wall-mounted boxes shall be made of woodcrete to secure a suitably long-term and low maintenance biodiversity enhancement for the site. Any boxes for birds shall be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures shall be implemented as approved and retained as such thereafter.
- 10) Prior to the commencement of development the applicant, or their agents or successors in title, will secure:
 - i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority;
 - ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; and
 - iii) a programme of post excavation assessment and publication.