



Appeal Decision

Site visit made on 7 May 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th June 2025

Appeal Ref: APP/G2245/D/25/3359901

1 Westways, Westerham, Kent TN16 1TT

- 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 Michelle Felstead against the decision of Sevenoaks District Council.
 - The application Ref is 24/02662/HOUSE.
 - The development proposed is part double storey side and rear extension with rear dormer extension.
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Decision

1. The appeal is allowed and planning permission is granted for part double storey side and rear extension with rear dormer extension at 1 Westways, Westerham, Kent TN16 1TT in accordance with the terms of the application, Ref 24/02662/HOUSE, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing no WESI/1E.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
 - 4) Prior to the first occupation of the development hereby permitted, the first floor side window of the development hereby permitted shall be glazed with obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7 metres above the internal floor level of the room which it serves. The windows shall be permanently retained in that condition thereafter.

Preliminary Matters

2. I saw on my site visit that the garage and covered walkway shown on the plans as existing had been demolished, and that a kitchen/dining extension on the ground floor and en suite on the first floor had been constructed. I have nonetheless determined the appeal on the basis of the plans before me.

Main Issues

3. Section 85 of the Countryside and Rights of Way Act 2000 requires that regard be had to the purpose of conserving and enhancing the natural beauty of National Landscapes (previously known as Areas of Outstanding Natural Beauty). I have a duty to seek to further the statutory purpose of the National Landscape. These

purposes also include increasing the understanding and enjoyment by the public of the special qualities of the National Landscape. Although not referred to in the reason for refusal, the Council's officer report indicates that the proposal would block views through the spaces and thus fail to both conserve or enhance the Kent Downs National Landscape (KDNL) within which it is located. I have therefore referred to the KDNL in my main issue and dealt with it in my decision.

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area including the Kent Downs National Landscape.

Reasons

5. Located within a settlement within the KDNL, the appeal property lies in a residential area comprising mainly semi-detached and terraced two storey dwellings. It forms one half of a pair of semi-detached houses with its immediate neighbour at 43 Croydon Road. This semi-detached pair face the junction of Croydon Road and Westways and are therefore at an angle in relation to their immediate neighbours. No 43 has an existing two storey side extension which is set back from the front of the original house and has a lower roofline than the original house.
6. The Council's reason for refusal focusses solely on the side extension and I have dealt with the appeal accordingly. The proposed side extension would partially infill the gap between the host property and the adjacent end terrace house at 2 Westways. As a consequence of the triangular shape of the plot, the part of the extension closest to the side boundary would be set back from the road, ensuring that a visual gap would be maintained between the two properties. The resultant gap would be comparable to that between 22 and 22a Westways on the opposite side of the road, where No 22, like the appeal property, is angled in relation to its neighbour.
7. The proposed side extension would be suitably set back from the existing front elevation of the dwelling, ensuring that, notwithstanding the orientation of the host property in relation to the road, the existing building line would be respected. The proposed extension would appear subordinate to the host property, and its visual impact on the street scene would be further ameliorated by the fact that the adjacent No 2 sits on higher ground than the appeal property. Moreover, given the aforementioned side extension to No 43, the proposal would have the effect of generally rebalancing the pair of semi-detached properties.
8. My attention has been drawn to a previously dismissed appeal for a two storey and single storey side extension at the site¹, which was found to be dominant and cramped and to result in a loss of spaciousness. The scheme before me differs from the dismissed appeal in that the previously proposed single storey side extension has been omitted, and the two storey side extension has been set back further, whilst the ridge line of the proposed extension would be lower than previously proposed. Consequently, although the proposed width of the two storey side remains unchanged, its overall scale and massing would not be cramped or dominant as a result of these changes.

¹ APP/G2245/D/23/3333731, decision issued 2 September 2024

9. The Sevenoaks District Council Residential Extensions Supplementary Planning Document (SPD) recommends that side extensions be set back from the front elevation of the original house and have a lower roof. It also requires a minimum gap of 1 metre to be maintained between two storey side extensions and any adjoining property. The appeal proposal complies with these requirements and in so doing maintains the pattern of gaps in the street scene, in accordance with the SPD.
10. The Kent Downs AONB Landscape Design Handbook (LDH) draws attention to the adverse impact that development around urban edges can have on the landscape as a result of a change in the character of views (paragraph 2.2). The Westerham & Crookham Hill Design Statement (DS) guides that gaps between buildings should be retained to allow for breathing space between buildings (design guideline LS3) and that side extensions should be avoided where this could create a terracing effect particularly where an existing gap is an integral part of the street scene (design guideline BM3). In relation to the KDNL, design guideline LS5 of the DS advises that extensions to buildings should respond to the scale, height, materials and site coverage of existing development, to ensure that proposals do not adversely affect the silhouette of the existing town when viewed from the surrounding National Landscape.
11. Given the location and scale of the proposed extension, the silhouette of the town would not be affected, and the proposal would not impinge on views within the KDNL. Whilst the proposal would result in a moderate loss of openness, a sufficient gap would be retained between the host property and the adjacent dwelling such that a sense of spaciousness would be maintained. The proposal would retain a sufficient view of the trees and shrubs in neighbouring rear gardens such that no harm would result to the natural beauty of the KDNL. I therefore consider that the proposal would preserve and enhance the KDNL in accordance with the guidance in the LDH and the DS.
12. In conclusion, the proposal would not harm the character and appearance of the area including the Kent Downs National Landscape, and would thus accord with Policy SP1 of the Local Development Framework Core Strategy Development Plan Document (February 2011) and policies EN1 and EN5 of the Local Plan Allocations and Development Management Plan (February 2015). Together these policies promote high quality design which, amongst other things, responds to the scale, height, materials and site coverage of the area, and conserves and enhances the character of the KDNL.

Other Matters

13. Interested parties including Westerham Town Council have objected to the proposal on the grounds of overbearing impact on, and overlooking of, adjacent dwellings. However, the proposed extension would be located to the side of No 2 such that it would not have an overbearing impact on it or harm its outlook. The proposed side window would serve a bathroom. A condition requires that it is obscure glazed and non-opening below a height of 1.7 metres.
14. On my site visit I was able to stand in the rear garden of the appeal property and assess its relationship with adjacent properties, in particular its orientation in relation to the rear garden of No 2. The appeal property already contains two first floor windows (one being a dormer) angled towards the rear garden of No 2, and

as such the addition of a third window at first floor, even though a dormer, would not materially alter the current degree of actual or perceived overlooking. The proposed dormer window at second floor level, though higher than the existing dormer window, would be further away from No 2 and consequently would not result in a harmful degree of overlooking. There are rear dormer windows of a similar height and size on a number of nearby properties, indicating that they are an established part of the local character and to that extent unobjectionable.

15. Interested parties including Westerham Town Council have queried whether the development which has already taken place accords with the appellant's plans. However, this appeal deals only with the proposal as applied for, and it is for the Council to consider whether the scheme has been correctly implemented.

Conditions

16. In the interests of certainty, I have attached conditions setting a time limit for development and listing the approved plans. To ensure that appropriate materials are used, I have attached a condition requiring that the external surfaces of the development match those of the existing dwelling. So that the proposed bathroom window does not cause overlooking, it should be obscure glazed and partially non-opening.

Conclusion

17. For the reasons given above the appeal should be allowed.

J Heppell

INSPECTOR