



trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

6) Details of any outside lighting shall be submitted to and approved in writing by the Council before the buildings are occupied. Despite any development order, outside lighting shall only be provided in accordance with the approved details.

To safeguard the rurality of the area as supported by EN1 of the Sevenoaks District Local Plan.

7) The vehicle parking spaces shown on the approved plans shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the parking spaces.

To ensure a permanent retention of vehicle parking for the property as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) No window or other openings, other than those shown on the approved plans, shall be inserted at any time in the north, east or west elevations of the buildings hereby approved, despite the provisions of any Development Order.

To safeguard the character and appearance of the conservation area as supported by policy EN23 of the Sevenoaks District Local Plan; and to safeguard the privacy and amenity of neighbouring occupiers as supported by policy EN1 of the Sevenoaks District Local Plan

9) No openings, other than those shown on the approved plan(s), shall be installed in the roof of the buildings hereby permitted, despite the provisions of any Development Order.

To safeguard the character and appearance of the conservation area as supported by policy EN23 of the Sevenoaks District Local Plan; and to safeguard the privacy and amenity of neighbouring occupiers as supported by policy EN1 of the Sevenoaks District Local Plan

10) No extension or external alterations shall be carried out to the roofs of the buildings hereby approved, despite the provisions of any Development Order.

To safeguard the character and appearance of the conservation area as supported by policy EN23 of the Sevenoaks District Local Plan; and to safeguard the privacy and amenity of neighbouring occupiers as supported by policy EN1 of the Sevenoaks District Local Plan

11) Prior to occupation of the buildings, details of the location of bat boxes shall be submitted to and approved in writing by the Council and the approved details implemented and retained thereafter.

To incorporate biodiversity enhancement opportunities in accordance with SP11 of the

Sevenoaks District Core Strategy.

- 12) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -
- i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 4 or alternative as agreed in writing by the Local Planning Authority; and
  - ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in the National Planning Policy Framework, policies CC2 & CC4 of the South East Plan and Policy SP2 of the Sevenoaks District Core Strategy.

- 13) Prior to commencement of development, a construction method statement shall be submitted to the Council and approved in writing. This shall cover the phasing of construction works and the management of contractors vehicle parking and deliveries of building materials.

In the interest of local residential amenity and highway safety.

- 14) All rooflights shown on the approved plans shall lie flush with the roof and shall not protrude beyond the roofplane on which it is installed.

To ensure the preservation of the character and appearance of the conservation area in accordance with Policy EN23 of the Sevenoaks District Local Plan.

**In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:**

National Planning Policy Framework

South East Plan: CC1, CC2, CC4, H1, H4, H5, T1, T4, BE1, BE5, BE6

Sevenoaks District Local Plan: EN1, EN23, VP1

Sevenoaks Core Strategy: LO1, LO7, SP1, SP2, SP3, SP11

**The following is a summary of the main reasons for the decision:**

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

The site is within the built confines of the settlement where there is no objection to the principle of the proposed development.

The development incorporates an element of affordable housing.

The scale, location and design of the development would preserve the character and appearance of the Area of Outstanding Natural Beauty

The development would respect the setting of the nearby Listed Buildings

The development would preserve the special character and appearance of the

## Conservation Area.

The traffic movements generated by the development can be accommodated without detriment to highway safety.

The development makes adequate provision for the parking of vehicles within the application site.

The development would respect the context of the site and would not have an unacceptable impact on the street scene.

## **Informatives**

- 1) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development
- 2) Was provided with pre-application advice and in light of the advice amended the application to address the issues.
- 3) The application is subject to a Legal Agreement.

## Description of Proposal

- 1 The erection of 4 houses (1 semi-detached pair and 2 detached) and provision of 8 car parking spaces. The site has one vehicular / pedestrian access off Mill Lane which is bordered on either side by two garages. The site is bounded by residential dwellings with Oxbourne Cottages to the West, the listed Mill Lane Cottages to the East and Nos. 3-17 Crown Road to the South which lie at a lower land level than the site. Units 3 and 4 are semi-detached while units 1 and 2 are detached. Units 2 – 4 face on to Mill Lane and unit 1 is rotated 90 degrees so that its side elevation faces onto Mill Lane.
- 2 The proposal is set back from Mill Lane with the proposed dwellings sited behind the rear building line of the existing houses in the Lane, and a courtyard arrangement containing the parking provision at the front of the site. The proposed dwellings front on to the courtyard with their rear gardens backing onto those of the Crown Road properties. The gardens of the proposed units at the East and West sides of the site – unit 1 and 4 - wrap around the side of the houses. The upper floors and all ground floor openings at ground floor level are sited more than 16m from the rear boundary line, and distance has been maintained at the side of the site between the proposed dwellings and the existing Mill Lane cottages (14.4m distance) and Oxbourne Cottages (14.4m distance). The rear elevations contain ground floor patio doors and flat dormer windows in the upper roof slope.
- 3 The proposed dwellings are uniform in design with rooflines which sit within the pattern of existing roof heights in the street scene. They are simple in style, each with a ground floor bay window, upper flat roof dormer windows and pitched roofs. Unit 1 backs on to the garden of 4 Oxbourne Cottages and has an extensive

sloping roof facing the rear boundary which reduces impact on the adjoining garden.

#### Description of Site

- 4 The site lies partially fronting and partially to the rear of other properties in Mill Lane at the heart of the Shoreham Mill Lane Conservation Area. It comprises a vacant site, somewhat overgrown with a number of orchard trees. It lies within the Conservation Area, AONB and Metropolitan Green Belt.
- 5 Historically this Conservation Area (CA) is linked to the corn grinding mill which was later developed into a paper mill in the 1690s remaining in operation until 1926. The many small cottages in Mill Lane and backing onto the site in Crown Road were related to the existence of the paper mill.
- 6 To the north east of the site lie the listed Mill Lane Cottages, (modest two storey terraced cottages of traditional design with timber framed first floors over brick ground floors) and to the north west Oxbourne Cottages, with their flintwork elevations – the main front elevation facing south rather than north towards Mill Lane itself. The southern boundary of the site abuts the rear gardens of the two storey cottages of Crown Lane. A variety of elevational treatments have been introduced to these simple brick built cottages. To the south west corner lies the Crown Public House - a 17th century building with timber framed upper floor over painted brickwork. The car park/garden lies adjacent to the site boundary.
- 7 Within Mill Lane there are several detached houses of various ages although these are generally of a modest size.
- 8 The site is quite widely visible within the surrounding CA and slopes downhill from north west to south east, broadly from the High Street End of Mill Lane to the river end of Crown Road.

#### Constraints

- 9 The site lies within the confines of the village boundary of Shoreham, within the Conservation Area, Metropolitan Green Belt, Area of Outstanding Natural Beauty and Area of Special Control for Advertisements. The site does not contain any listed buildings although it abuts such buildings to the north east.

#### Policies

##### *South East Plan*

- 10 Policies – CC1, CC2, CC4, H1, H4, H5, T1, T4, BE1, BE5, BE6

##### *Sevenoaks District Local Plan*

- 11 Policies - EN1, EN23, VP1

##### *Sevenoaks Core Strategy*

- 12 Policies - L01, L07, SP1, SP2, SP3, SP11,

##### *Other*

### Planning History

- 14 12/02376 Erection of a pair of semi detached properties and 2 detached dwellings, utilising the existing vehicular access onto Mill Lane. Refused and pending appeal
- 12/01787 The erection of 4 houses (1 semi-detached pair and 2 detached). Refused and pending appeal
- 12/00373 Erection of 4 houses (terrace of 3 and 1 detached) and associated car ports. Refused and dismissed at appeal. APPEAL DECISION 2012
- 10/03488 Erection of five dwellings (a terrace of three, and two detached. Refused and appeal dismissed. APPEAL DECISION 2011 (Scheme B)
- 10/03489/FUL Erection of terrace of three houses and two detached houses with associated parking and landscaping. Refused and appeal dismissed. APPEAL DECISION 2011 (Scheme A)
- 09/02977/FUL Erection of 5 houses with associated parking. Refused Appeal lodged Appeal dismissed. The Inspector concluded that the scheme would be broadly acceptable other than its impact upon the amenities of neighbours in Crown Road, abutting the site. He considered that this would harm their levels of privacy and residential amenity with concern expressed about their outlook. APPEAL DECISION 2010 (Scheme B)
- 09/01336/FUL - Erection of 2 houses with integral garaging Refused Appeal lodged and dismissed. The Inspector concluded that the houses would harm the character of the Conservation Area, harm the setting of the nearby listed cottages at 1-5 Mill Lane and harm the neighbours amenities at 3 Oxbourne Cottages. APPEAL DECISION 2010 (Scheme A)
- 88/1503 - Erection of 2 dwellings Refused on grounds of harm character and amenities, harm conservation area and harm neighbouring amenities
- 88/0182 -Erection of 3 dwellings Refused on grounds of overdevelopment, harm to character and amenities and harm neighbouring amenities
- 79/0710 Erection of 1 dwelling. Refused on grounds of harm to the streetscene, harm to conservation area. Contrary to BE5 of K&MSP

### Consultations

#### *SDC Conservation Officer*

- 15 SDC Conservation Officer has made the following comment:

‘Development of this site within the CA has been accepted in principle. This revised scheme is much improved in relation to the earlier submissions, with a reduced scale and simplification of the designs. These changes overcome my concerns about the scale and character of the new dwellings in the context of the

CA and nearby LBs. Recommend approval subject to samples of materials and conservation type rooflights inserted flush with the roof plane.'

### *Kent Highway Services*

16 Kent Highway Services have made the following comments:

'A number of previous applications for residential units at this site have been made and it is necessary to first reflect on these previous proposals and the associated LPA and Planning Inspectorate decisions in order to clarify the context in which this current proposal must be considered by KCC Highways.

Whilst planning permission has not been forthcoming in respect of any previous similar residential proposal at this site, either through the LPA or via appeal, it must be considered that previous applications for both 4no and 5no units have been subject to planning appeals against the LPA's refusal for which the Planning Inspector concluded that the highway impact of either proposal was not significant enough to uphold the highway impact ground of refusal which had been included in that planning refusal.

Subsequently, two further applications have been made at this site, both for 4no residential units for which KCC Highways have not recommended a highway ground of refusal on the grounds that any such ground could not be justified in light of the previous appeal decisions. In the case of this current proposal, the potential traffic impact and associated parking demand relating to the 4no residential units proposed continues to have no greater potential impact than that of the proposals which were considered at appeal by the Planning Inspector. As a result (and as with the previous two similar proposals) there could be no justification in continuing to recommend a highway ground of refusal which, when viewed against the recent planning history of this site could not be defended at appeal.

Note has previously been made of the constrained on-site parking arrangements resulting from the physical constraints of the site and this continues to be a feature of the current proposal. However, as indicated with the previous proposals, whilst such an arrangement is not ideal, it does not preclude the use of any of the proposed parking bays and as a result, I would not consider the on-site parking arrangement itself to have any significant additional impact on the local highway network over and above the general impact of the development proposal and any movements and parking demand associated with it.

In conclusion, KCC Highways would not wish to recommend any highway grounds of refusal in relation to these proposals.'

### *SDC recycling*

17 SDC Recycling has made the following comments:

'Due to the narrow Mill Lane, and the limited access to the proposed development due to existing garages on either side of the common driveway, our refuse vehicle will need to stop on Mill Lane while the crews walk into the site and retrieve refuse sacks, recycling sacks, and any garden waste placed out for collection. Each household should therefore place its weekly refuse and recycling at the front of their property for collection.

Alternately, a refuse storage area could be situated at Mill Lane or just inside the proposed development behind one of the two existing garages. However, the drawing did not suggest these as options.

In either case, the refuse vehicles will block the lane while crews retrieve material.'

### *Thames Water*

18 Thames Water has made the following comments:

#### *Waste Comments*

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

#### *Water Comments*

19 On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.'

### *KCC Ecological Advice Service*

20 KCC Ecological Advice Services has commented:

An ecological scoping survey carried out in 2008 identified that the majority of the site contained limited suitable habitat which is suitable for protected species. The survey indicated that the only area of interest was the trees and hedgerow along the western boundary – which are to be retained within the proposed development. The survey was carried out 4 years ago and we usually recommend that an updated survey is carried out if the survey is over 2 years old. However the photos submitted with the planning application suggest that the site has been regularly managed since the survey was carried out. As a result we are satisfied that there has been limited potential for suitable habitats for protected species to



have established during that time. We do not require additional information to be submitted prior to determination of the planning application.

#### Bats

- 21 Bats have been recorded within the surrounding area, as a result consideration should be given to the proposed lighting for the development. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

#### Enhancements

- 22 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The ecological report any landscaping proposed for the development should incorporate native species. In addition the development should include bird and bat boxes within the site or bat bricks within the building. Details of bat boxes have been submitted with the planning permission however I've been unable to find any details of the proposed location of the bat boxes in the site plan or the design and access statement. We recommend that details of the location of the bat boxes are submitted as a condition of planning permission.

#### *Shoreham Parish Council*

- 23 Shoreham Parish Council have objected to the proposal and made the following comments:

'Shoreham Parish Council is still of the opinion that this open area of land is of significant benefit to Shoreham Village and the Conservation Area. We however accept that three Planning Inspectors have accepted the principle of development whilst emphasizing that the quality of the design and layout must be of a high standard so as to minimize impact on adjacent properties. Shoreham Parish Council has noted with concern the communications between the Planning Department at Sevenoaks District Council and the developer, which imply that decisions have been taken before any consultation with the Parish Council or affected residents. We disagree strongly with the views of the Conservation Officer about the suitability of the new proposals.

Shoreham Parish Council objects to this application on the following basis:

1. The site lies within an Area of Outstanding Natural Beauty. The proposal would detract from the character and appearance of that area. This conflicts with policy LO8 of the Sevenoaks District Core Strategy.
2. The proposal lies within the Shoreham Conservation Area. The proposed development would neither enhance nor protect the character or appearance of this area. The proposal will give the area an 'infill' appearance which will detract from the current openness of this area. The proposed simplified design of these properties gives an appearance totally out of character with the surrounding properties which will make the development even more incongruous within the area. This conflicts with policy SP1 of the Sevenoaks District Core Strategy.

3. The proposal would harm the setting of a listed building because of its lack of separation from it. The proposed buildings, with their dominance over surrounding properties, due to scale and massing and the complexities in modelling and style of the houses will make this visually intrusive within the area of the listed buildings. The simplified design has removed all of the gables, half-hips, complex junctions, dormers and chimneys. This will make the development appear out of character with the surrounding cottages that comprise a mix of styles and they all have chimneys. This conflicts with policy SP1 of the Sevenoaks District Local Plan.

4. The proposal would result in an over development of the land and an undesirable form of development because of the excessive built footprint of the proposal and its inappropriate layout within the context of the site. The closeness to neighbouring properties is unacceptable in this village location. This conflicts with policy EN1 of the Sevenoaks District Local Plan, and Policy SP1 and LO7 of the Sevenoaks District Core Strategy.

5. The development would cause harm to the amenities of adjoining occupiers through the loss of privacy due to the elevated position of this development within the site. The proposal gives uninterrupted views into the ground floor living rooms and first floor bedrooms of neighbouring properties. Such an invasion of privacy, to a degree that will cause the existing property owners in Crown Road to change their living arrangements to accommodate this is unacceptable. This conflicts with policy EN1 of the Sevenoaks District Local Plan and may well be considered to impinge on the human rights of existing property owners.

6. Highways – There is no provision for visitor parking. Shoreham Parish Council would point out that there is immense pressure on parking in Shoreham. The introduction of yellow lines at Crown Road has exacerbated the problem to such an extent that any previous decisions by the inspector regarding traffic could be regarded as null and void. The access is inadequate for service vehicles to enter the development.

In the event of SDC recommending approval of this application, a condition must be added to ensure that Mill Lane is not used for the loading or unloading of vehicles, the storing of vehicles etc. Everything must be done on the site itself and not in the road. Mill Lane is to be used for access to the site only.'

### Representations

24 35 objections have been made which raise the following points:

- The site lies within an AONB and conservation area. Development does not enhance or preserve the area
- The proposal is not in keeping with its surroundings and the detached dwellings are out of keeping with the locality.
- The height, scale and style of the buildings is inappropriate.
- It would spoil the rural scenic beauty of the area
- The view from Crown Road to Mill Lane will be ruined.

- The design of the properties is poor and mediocre.
- The bay windows are out of keeping.
- It would have a detrimental impact on the skyline, changing the nature of the conservation area and the character and seclusion of the listed buildings.
- Enlargement of Shoreham threatens its village character
- Loss of the orchard site
- Site should be a car park for village
- There is too much development in the area already e.g. Fort Halstead.
- No provision for affordable housing
- There is too much massing and intensification – too many houses proposed
- The layout of the houses would have a detrimental impact on the adjacent garden of the Mill lane cottages.
- The proposal would destroy the wildlife on the site.
- The proposal overlooks the properties in Crown Road and the bedrooms of the proposed development would look directly into those of Crown Road.
- The proposal impacts on daylight / sunlight
- There is insufficient landscaping to protect Crown Road privacy
- The distance of the properties from the boundary with Crown Road gardens is too small. It will result in noise disturbance to use of the gardens.
- The change in land levels would emphasis visual intrusion and lack of privacy.
- Construction traffic would impact on access to Mill Lane
- The increase in traffic, footfall, noise and the visual impact will undermine the village feel.
- There is no capacity to accommodate more cars of occupiers and visitors - parking and traffic
- End to end parking is unrealistic
- Access is too small for oil delivery and emergency vehicles
- The traffic implications would cause danger to pedestrians using the Lane.

25 The Shoreham Society has made the following comments on the application:

The site is unsuitable for 4 dwellings, including 2 detached units

Parking and access is limited

There would be a loss of privacy.

The additional traffic and parking that the proposal would create is unacceptable, in terms of occupiers of the site and also visitors.

The proposal would considerably alter the local character of the village.

### **Group Manager - Planning Services Appraisal**

26 The site lies within the identified built confines of Shoreham where the principle of development is accepted subject to compliance with the relevant regional and local plan policies. The main issues therefore concern the impact of the development upon the surrounding conservation area, the nature of development within a designated rural settlement, impact on the setting of the nearby listed buildings, impact upon AONB, impact upon neighbours' amenities, impact upon adjacent highway and access issues.

27 Several applications and appeals have previously been determined as detailed in the planning history above. The three key decisions are labelled as APPEAL DECISION 2010, 2011 and 2012 and are attached as an appendix to this report. A number of parameters to development of the site have evolved within the appeal decisions, and they will therefore be examined throughout this report as a material planning consideration.

### Policy Framework

28 Policy LO1 of the Core Strategy seeks to focus development within the built confines of existing settlements.

29 Policy LO7 states that within the settlement of Shoreham, infilling and redevelopment on a small scale only will be permitted taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available. Within all settlements covered by the policy, new development should be of a scale and nature appropriate to the village concerned and should respond to the local characteristics of the area in which it is situated.

30 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. New development should create safe, inclusive and attractive environments that meet the needs of users, incorporate principles of sustainable development and maintain and enhance biodiversity. The Districts heritage assets and their settings, including listed buildings and conservation areas will be protected and enhanced.

- 31 Policy SP2 of the Core Strategy requires all new homes to achieve at least level 3 of the Code for Sustainable Homes. Achievement of these standards must include at least a 10% reduction in the total carbon emissions through the on site installation and implementation of decentralised, renewable or low carbon energy sources.
- 32 Policy SP3 of the Core Strategy, relates to the provision of affordable housing. In residential developments of less than 5 units that involve a net gain in the number of units a financial contribution equivalent of 10% affordable housing will be required towards improving affordable housing provision off site.
- 33 Policy SP11 states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 34 Policy EN1 of the SDLP lists a number of criteria to be applied in the consideration of planning applications. Criteria 1 states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Criteria 2 states that the layout of the proposed development should respect the topography of the site, retain any important features including trees, hedgerows and shrubs In particular, Criteria 3 states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Criteria 5 states that the proposed development should ensure a satisfactory environment for future occupants, including provision for daylight, sunlight, privacy, garden space, storage and landscape amenity areas. Criteria 6) states that the proposed development must ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards. Criteria 10) states that the proposed development should not create unacceptable traffic conditions on the surrounding road network and should be located to reduce where possible the need to travel.
- 35 EN23 of the SDLP requires that proposals for development or redevelopment within or affecting Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting. The design of new buildings and alterations to existing buildings should respect local character, whilst the treatment of external spaces including hard and soft landscaping, boundary walls, street etc. should be compatible with and enhance the appearance of the area.
- 36 VP1 of the SDLP requires that parking provision in new developments should be made in accordance with KCC adopted vehicle parking standards.

*Impact upon Conservation Area and designated rural settlement*

- 37 The Conservation Area Appraisal essentially refers to the rural character of this end of the village and of Mill Lane and the isolated nature of the cottages adjacent to the site, fronting Mill Lane. It concludes that the views through to the rear of Crown Road houses from Mill Lane could benefit from being obscured by planting. Any development therefore must preserve this sense of isolation as well as the essentially rural character of Mill Lane.

38 In appeal decision 2010, the Inspector concluded in paragraph 8 that new built development would obscure the view of the rear of Crown Road properties seen from Mill Lane, but whether this would be successful in preserving or enhancing the character or appearance of the conservation area would depend on its massing and the detail of its design. Appeal A was found to be unacceptable, but he considered that the Appeal B proposal (for a terrace of 3 and 2 detached dwellings), in this respect would not appear out of place, that the view would be obscured in an appropriate manner, the separation from Mill Lane cottages would preserve the rural setting of those dwellings, the footprints and roof profiles would be similar to the houses in Crown Road and would be seen as an extension of that group, and would not compromise the view of the conservation area. He considered that views from the High Street would not be adversely affected and while residents from Crown Road would notice the change to the character of the conservation area the most, the impact would not be harmful because Crown Road is largely defined by tightly positioned, mostly terraced housing. Appeal B was in the end dismissed on grounds of overlooking.

39 In appeal decision 2011, the Inspector considered that the two schemes were both of an acceptable design and would preserve the character and appearance of the conservation area, but again overlooking was the determining issue.

40 In Appeal decision 2012 the Inspector had concerns about the massing and detail of the design and its impact on the character and appearance of the conservation area.

*'the combination of heights and footprints at scales greater than buildings nearby would render the development unacceptably dominant in the street scene with the slope of the land adding to its prominence...The effect would be compounded by the complexities in the modelling and style of the houses. The roof shapes and disparate heights, for instance, show little regard for the simplicity of form and style of the cottages either side... [the removal of the car ports] would not overcome fundamental design issues that would cause the scheme to inflict unacceptable harm on the character of the conservation area, while also adversely affecting its appearance.'*

41 The current proposal shows a similar layout and siting to the previous appeal proposals, in which the layout and spacing between buildings was considered acceptable within the rural setting and within the conservation area. The scheme is very similar in layout to the 2011 appeal scheme B for 2 detached dwellings and one terrace of three dwellings.

42 Taking into account the above comments from the 2012 appeal decision, the detailed design of the proposal shows lower rooflines that respect and would be less dominant within the existing street scene, and roofs that are more proportionate to the dwellings and in keeping with the simple styled cottages on each side. In the 2012 appeal decision, the rooflines sat at heights of 8.3–9.6m. In the current application, the rooflines sit at between 7.3 and 7.5m. The disparate heights referred to in the 2012 appeal decision have been simplified, and the height of the development reduced at its maximum point by 2.1m. This is a significant reduction.

43 The style and modelling of the dwellings has been simplified with the removal of the front gables and the barn hip roof on one of the central units. Unit 1 remains

at a 90 degree angle to the other dwellings and as such, its roofline as seen from Mill Lane is a side-on barn hip, however this allows for views to be maintained through the site and given its reduction in height from the previous application and the uniform nature of the remaining 3 roofs, does not appear complex or out of keeping within the street scene.

- 44 The only element of the proposal which appears out of keeping with the surrounding area is the bay windows. They are located at ground floor level and are set a sufficient distance back from the street. They are also obscured by existing built form and planting. As such, they would not have a significant impact on the character or appearance of the street scene or the conservation area and could not alone be considered to warrant refusal.
- 45 Taking account of the comments made in appeal decision 2012, and the subsequent changes that have been made in this application to the height, proportion and detailing of the dwellings, and the similarities between this scheme and appeal decisions 2010 and 2011, the proposal now provides a scheme that is simple enough, low enough and designed in such a way as to sit comfortably within the street scene, preserve the character and appearance of the conservation area, and the rural character of Mill Lane in compliance with policies EN1 and EN23 of the Sevenoaks District Local Plan, and SP1 of the Core Strategy.

#### *Impact upon Listed Buildings*

- 46 The nearest listed buildings are the cottages at 1-5 Mill Lane to the north east of the site. The CA Appraisal identifies their sense of isolation as being of importance both in CA terms and in terms of the setting of the Listed Buildings.
- 47 The Inspectors concluded in respect of the previous schemes that the distance of the proposals further away towards the south and visually more related to houses in Crown Road in form and appearance ensured that the setting of the listed buildings would remain unharmed.
- 48 The current scheme maintains this sense of separation considered of importance. However the Inspector found in appeal decision 2012 that because of the dominance of the buildings owing to the scale and massing and the complexities in the modelling and style of the houses, they would be visually intrusive in the setting of the listed cottages.
- 49 As discussed above, the complexities in modelling and style that the inspector noted have been addressed, and the dwellings and their rooflines are of a simpler style and are more proportionate which is more in keeping with the surrounding buildings. The scale of the proposed dwellings has been reduced by the lowering of the rooflines so that they fit within the existing street scene and so that they relate more comfortably to the surrounding buildings.
- 50 Because the proposal would be more in keeping with the surrounding built form and is no longer dominant with a reduced scale and simplified style and modelling, it would not be visually intrusive in the setting of the listed cottages and as such is considered to have an acceptable impact on the listed cottages in compliance with policy SP1 of the Sevenoaks District Core Strategy.

#### *Highways Issues*

- 51 Concern has been raised about the restricted width of the access, levels and type of parking on site, the amount of traffic drawn to the site and the limited width of Mill Lane. It had been previously considered by the Council and residents alike that this combination would result in traffic having difficulty entering the site, resulting in cars and delivery vehicles being parked in Mill Lane whilst visiting/servicing the site. This, it was considered, would cause inconvenience and potential highways safety problems to those using Mill Lane.
- 52 The Inspectors considered these issues previously (initially in the 2010 decision paragraphs 26-30) and concluded that the schemes would provide sufficient off street parking for the residents, that the access whilst narrow, was not sufficiently bad to justify the schemes being refused, that any vehicles waiting or reversing up the road would not be likely to cause highways safety issues when residents would all be aware of the problems, and that other houses in the Lane suffer some similar problems. Overall they did not see any conflict with those policies designed to protect highway safety. Appeal decision 2012 took the same view.
- 53 Kent Highways have assessed the application and consider that the proposal itself appears to have no greater highway impact than either of the previous proposals and, indeed has a lesser impact than one of the schemes for which the Inspector concluded that the highway impact was not significant enough to uphold the access-related highway objection.
- 54 Whilst KHS have highlighted the potential issues of concern to them relating to access and parking, they have advised that it would not be appropriate to recommend objection on grounds which had previously been dismissed by an Inspector unless the new proposal was going to have a measurable additional impact over and above that which had been previously considered. This is not the case and as such, a highway ground of refusal could not be defended at appeal.
- 55 Overall whilst local residents do not agree with the conclusions of the Inspectors, and the problems to which they have referred are clearly going to be evident on the ground should this scheme be approved, the views of the Inspector in recent decisions must be a material consideration. There is little choice than to accept that the parking and highways situation with regard to this application would be acceptable.

*Neighbours Amenities:*

- 56 Concerns about loss of amenity have been thoroughly considered in the previous appeals and applications. The issues relate to overlooking between upper floor windows and also impact on privacy relating to the use of gardens in the new and existing dwellings.
- 57 The 2010 appeal decision stated there was potential to achieve a successful spatial relationship in a new development but concluded that both proposals would result in unacceptable overlooking. In the 2011 appeal decision - Appeal A which was dismissed on conservation grounds - the inspector considered that the location of unit 4 at 16m from the boundary with the Crown Road properties would represent a significant increase in separation distance from the previous appeal and that it would be sufficient to protect the outlook and privacy of Crown Road residents. In Appeal B the gap was smaller and not considered to be sufficient.



- 58 In the 2012 appeal decision scheme, the upper floors (and upper windows) of the proposal were pulled back 16m from the rear boundary of the site. The inspector found that this was now an acceptable arrangement and also considered that the length of the rear gardens to units 1-4 (at a minimum of 14.4m in length) would provide a satisfactory relationship between the existing and new properties to ensure mutually acceptable living conditions in terms of noise associated with normal domestic activities. She concluded that *'while there can be no doubt that local residents would notice a material change to their environment, the scheme would not impact on their living conditions to such an extent as to cause unacceptable harm. The proposal would thus meet the relevant requirements of LP policy EN1.'*
- 59 The current scheme has retained the upper floors behind the 16m line. It has also pulled the majority of built form at ground floor back to the same distance with all ground floor openings back at least 16m. The previous appeal decisions have set an acceptable distance for upper floors at 16m back from the rear boundary, and an acceptable distance back at ground floor level of min 14.4m. As such, the proposal at ground and upper floor levels is sited at distances previously considered appropriate and cannot therefore be considered to cause unacceptable harm to the living conditions or the privacy of the residents of Crown Road.
- 60 The 2012 appeal decision considered that the proposal would not appear over dominant or cause shadowing even with the differing ground levels. She raised no objection to the impact of the proposal on views from the garden of 3 Mill Lane Cottages or to the impact on the garden of 5 Mill Lane Cottages. She considered that the extent to which the residential amenities of the occupiers of 3 Oxbourne Cottages would be affected not so substantial as to amount to a reason for refusal.
- 61 The current proposal is lower, less substantial and located, in some aspects, further away from the existing adjacent dwellings than that considered by the 2012 appeal decision. Given these findings and in the context of previous appeal decisions, the current proposal can not be considered to impact on the living conditions of local residents to such an extent to cause unacceptable harm and is in accordance with the requirements of EN1 of the Local plan.

#### Other issues

##### *Impact upon AONB*

- 62 This site lies wholly within the AONB and is capable therefore of affecting that landscape. However the village surrounding the site also lies within the AONB and it is considered that in principle this site could be developed without harming the surrounding landscape. The site is visible from the rising ground to the west but would be seen as part of the surrounding village and firmly forming a part of that village.
- 63 As the AONB washes over the built up part of Shoreham, the views expressed in relation to the impact on the character and appearance of the conservation area would apply equally to this part of the AONB and in that respect, the proposal complies with CS policy L08.

##### *Affordable Housing provision*

- 64 The proposal involves the provision of additional new housing. As such there is a requirement for an affordable housing contribution under policy SP3 of the Sevenoaks District Core Strategy. An acceptable agreement has been submitted towards this provision providing a contribution of £74,069.

#### *Emergency Access*

- 65 Any development approved would also have to comply with the relevant building regulations which would encompass emergency access to the site.

#### *Servicing/Utilities*

- 66 The provision of utilities will obviously be required but should such provision require any material changes to the scheme either in terms of movement of the units or additional structures to hold fuel, this would be the subject of a fresh application. The implications of such matters in terms of highways issues were previously brought to the attention of the Inspector and not considered such a significant issue as to warrant a refusal of permission.

#### *Refuse Collection*

- 67 No provision has been made for the collection of refuse from the site. SDC Recycling has commented that owing to the inability of the refuse vehicles to access the site because of the poor access, they would need to block the lane during collection. Therefore each household should place its weekly refuse and recycling at the front of their property for collection, or alternately, a refuse storage area could be situated at Mill Lane or just inside the proposed development behind one of the two existing garages.

#### *Ecology*

- 68 Lighting and the requirement for biodiversity enhancements as outlined in the consultation response from KCC can be controlled via condition.

#### Sustainable development

- 68 Policy SP2 of the SDC Core Strategy requires that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes. No indication of this has been provided in the application documents and no justification given why the development may not meet the requirement. A requirement for this could be made by condition

#### **Conclusion**

- 69 The recent planning and appeal decisions on this site have set defined parameters for development. The current proposal falls within these parameters in terms of the layout, massing, styling and design of the buildings, its detailing, roofline, uniformity and relationship with the existing street scene and to surrounding buildings. The resulting proposal preserves the character and appearance of the conservation area, rural settlement and landscape of the AONB. It would not be visually intrusive in the setting of the listed cottages and does not have a significantly detrimental impact on the living conditions and amenity of surrounding occupiers. The impact of the proposal in highway terms would be acceptable. A legal agreement to make an acceptable affordable

housing contribution has been provided. Other matters relating to biodiversity, sustainability and refuse storage can be satisfactorily dealt with by condition.

## **Background Papers**

Site and Block plans

Contact Officer(s): Joanna Russell Extension: 7367

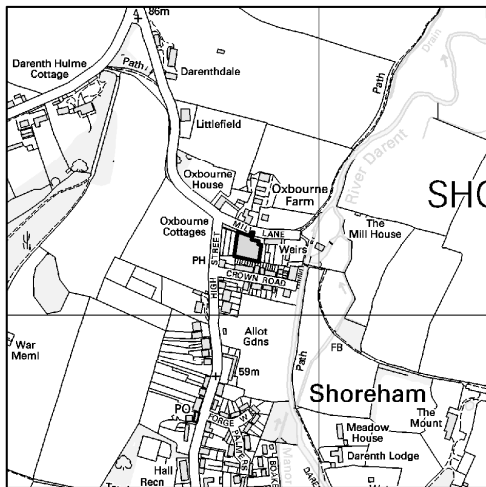
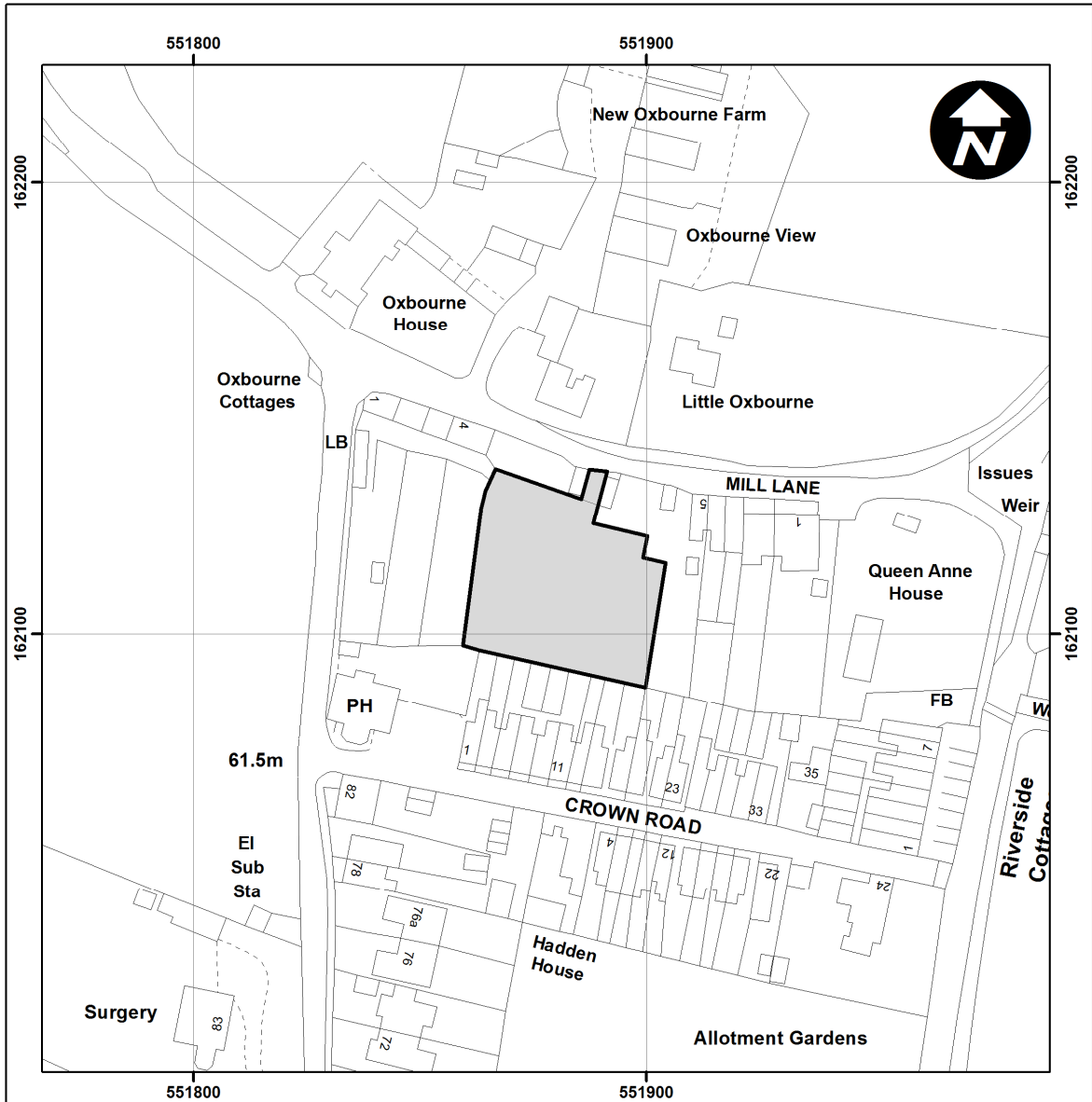
Kristen Paterson  
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MDQ6AVBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MDQ6AVBK8V000>



# Site Plan

Scale 1:1,250

Date 12.12.2012



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Sevenoaks District Council, 100019428, 2012.

**Block Plan**





## Appeal Decisions

Hearing and site visit held on  
3 June 2010

by **Paul Jackson B Arch (Hons) RIBA**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
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Decision date:  
7 July 2010

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### Appeal A: APP/G2245/A/10/2121912

#### Land to west of 5 Mill Lane, Shoreham, Kent TN14 4TS

- 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 & Mrs Bradley Watson and Mr Ian Gaston against the decision of Sevenoaks District Council.
- The application Ref SE/09/01336/FUL dated 9 June 2009, was refused by notice dated 5 August 2009.
- The development proposed is construction of two dwellings with integral garages.

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### Appeal B: APP/G2245/A/10/2124919

#### Land to west of 5 Mill Lane, Shoreham, Kent TN14 4TS

- 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 & Mrs Bradley Watson and Mr Ian Gaston against the decision of Sevenoaks District Council.
- The application Ref SE/09/02997/FUL, dated 16 December 2009, was refused by notice dated 9 March 2010.
- The development proposed is construction of five two storey dwellings (a terrace of three and two detached) and nine parking spaces.

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#### Preliminary matter

1. Planning Policy Statement (PPS) 5 *Planning for the Historic Environment* replaced Planning Policy Guidance Note 15 *Planning and the Historic Environment* on 23 March 2010. At the Hearing, the parties were given the opportunity to comment on this change. I have taken the revised guidance into account in considering the appeals.

#### Decisions

2. The appeals are dismissed.

#### Main issues

3. The main issues are as follows:
  - Whether the proposed development would preserve or enhance the character or appearance of the Shoreham Mill Lane Conservation Area;
  - The effect on the setting of adjacent and nearby buildings listed at Grade II;
  - The effect on the living conditions of adjacent occupiers, in terms of loss of privacy, outlook, natural light and noise and disturbance; and
  - In respect of Appeal B only, the effect on highway safety.

## Reasons

### *The effect on the conservation area*

4. Shoreham Mill Lane Conservation Area comprises an outlying enclave at the northern end of the village of Shoreham associated with activities, no longer present, of milling corn and paper on the river Darent. It is visually separated from the rest of the village by allotments. The northern, original part of the conservation area consists of Mill Lane, a typical dead-end country lane of varying width which gives access to the former mill and the river. Buildings alongside it include Oxbourne Cottages, converted workshops; agricultural buildings, a row of mediaeval and 16<sup>th</sup> century listed cottages at Nos. 1-5 and a listed farmhouse. The conservation area also encompasses a listed 17<sup>th</sup> century public house on the High Street.
5. The southern part was added to the conservation area more recently. It includes a late 19<sup>th</sup> century development of terraced and semi-detached houses in Crown Road which runs parallel to Mill Lane. These dwellings were built for mill workers between the public house and the river. I consider the northern and southern parts of the conservation area have distinct characters deriving from their different purposes and dates of construction.
6. Shoreham lies in an attractive valley setting that forms part of the Kent Downs Area of Outstanding Natural Beauty (AONB). The layout of the conservation area can be seen from various vantage points including public footpaths on the valley sides.
7. The appeal site comprises a former paddock, accessed through a narrow entrance between 2 unremarkable single garages at the end of gardens associated with adjacent dwellings at No. 3 Oxbourne Cottages and No. 5 Mill Lane Cottages. I am advised that it was originally associated with horse-drawn traffic to and from the mill and was later used as an orchard. It borders on the rear gardens of the Crown Road dwellings and the rear gardens of cottages in Mill Lane. According to the Council's document *Shoreham Mill Lane Conservation Area Appraisal of 2003 (CAA)* the 2 groups of modest cottages in Mill Lane and the large open space between them constitute the most striking elements that have the most impact on the architectural character of the conservation area. It further advises that the small gardens between the cottages reinforce the rural character of the lane, but that the view across them to the backs of the Crown Road properties is a distraction from the isolated character that otherwise prevails. This view is across the appeal site. The backs of the Crown Road properties have been altered in individual ways including in some cases, large dormers. In my opinion, they have lost some of the sense of simple uniformity that would have once prevailed. The CAA says that some tree screening might improve this view without interfering with the sense of space.
8. The site is within the settlement area of Shoreham and the Council accepts that it is, in policy terms, a suitable location for new housing. New built development would also serve to obscure the view of the rear of Crown Road properties seen from Mill Lane, but whether this would be successful in preserving or enhancing the character or appearance of the conservation area would, in my opinion, depend on its massing and the detail of its design. I

consider any development needs to reflect the sense of space that exists separating later development in Crown Road from Mill Lane and not unduly interfere with the gap between Mill Lane Cottages and Oxbourne Cottages that is of acknowledged value.

*Appeal A*

9. The development subject of appeal A would allow a view through between the two new dwellings. The roofs and dormers of Crown Road houses would be visible over new boundary planting. This would not conform to the advice in the CAA which desires to preserve the isolation of Mill Lane. Moreover, I consider that the dwellings would be prominent built features seen from Mill Lane, particularly that on plot 1. Their size and bulk at the centre of the conservation area would appear prominent and out of keeping with the strong rural character of the lane. I consider they would appear much larger than the cottages and bulkier and conspicuously more modern than other large houses in the area. The harmful visual impact would not be outweighed by elevational detailing and external materials intended to reflect traditional Kentish construction. Seen from elevated land nearby, their bulk would appear inharmonious at the centre of an area the character of which is defined largely by modest cottages. Another significant concern is the impact on the character of the conservation area seen from the houses in Mill Lane themselves; from the upper storeys in particular, the new houses would occupy much of the open space that contributes to their setting.

*Appeal B*

10. That subject of appeal B would introduce a row of smaller dwellings much further back on the site. They would be sympathetically designed and detailed having regard to surrounding older houses and the slope across the site; and in my view, would not appear out of place. The view through to Crown Road from Mill Lane would be effectively obscured in a manner that in my opinion would be appropriate taking account of the differing characters of development in the two roads and the need to preserve the sense of isolation of Mill Lane. The greater separation from the Mill Lane houses would, to my mind, just preserve the rural setting of those dwellings from the point of view of local occupiers and people walking along the lane. The footprints and roof profiles would be similar to houses in Crown Road and they would be seen as an extension of that group. As a result, I do not consider that the view of the conservation area from nearby elevated land would be seriously compromised.
11. The Council is concerned that views from the High Street would be affected along the back gardens because of the limited gaps between the dwellings and their siting. I consider that the intervening gardens and vegetation would sufficiently reduce the visual impact to avoid any harm to the conservation area from this viewpoint. Residents of Crown Road look out on the appeal site at the rear; I appreciate that appeal scheme B would not be very far away and would be on raised ground relative to their properties. These residents would notice the change to the character of the conservation area, probably more than anyone else; but the character of Crown Road is already largely defined by tightly positioned mostly terraced housing. I am not convinced that the impact on the character and appearance of the area would be harmful (this is a different matter from living conditions, which I deal with later).



12. The Council considers that the increase in traffic resulting from the development subject of appeal B would be likely to increase to the extent that the quiet rural character of the area would unacceptably be harmed, in turn detracting from the character of the conservation area. I consider that the potential increase in vehicle movements from the 5 proposed dwellings added to the traffic generated by 15 existing properties would be unlikely to disturb the peace and quiet of the area to the extent that its character would be noticeably harmed.
13. Whilst the development subject of appeal A would have a materially harmful effect, the proposal for 5 houses would preserve the character and appearance of the Shoreham Mill Lane Conservation Area and would not conflict with the relevant objectives of policies EN1, H10c and EN23 of the Sevenoaks District (Local Development Framework) Saved Local Plan Policies Compendium (LPPC), policies of the South East Plan or national guidance.

*The effect on listed buildings*

14. The listed buildings at 1-5 Mill Lane Cottages have been altered over the years. I consider that the changes represent differing uses and lifestyles over time and to a certain extent contribute to their special interest. At the rear, these have taken the form of extensions and dormers. The closest to the appeal site, No. 5 has a large L shaped garden at the side and rear which forms its domestic setting.
15. Neither scheme A or B would be so close as to compromise the historic setting of the listed buildings seen from Mill Lane, from where their curtilages would remain well defined. However, seen from the rear by residents in neighbouring properties, the bulk of the nearest dwelling proposed under appeal A would be so different in appearance and scale; and so close, as to visually compete with this group of modest dwellings. Although scheme B would be mostly in a tighter terrace with few gaps, it would be further away towards the south and visually more related to houses in Crown Road in form and appearance. The gardens would be similar in size. I consider that the setting of the listed building would remain unharmed by the appeal B proposal. I conclude on this issue that that scheme would not conflict with the heritage protection objectives of policies EN1 and EN23 of the LPPC.

*The effect on living conditions*

*Appeal A*

16. Turning firstly to the effect of the proposed development on the privacy of adjacent occupiers, the first floor landing window of the house on plot 1 would be within 11 metres of the rear garden of No. 4 Oxbourne Cottages. This is a small garden and I consider the occupiers would be overlooked to an unreasonable degree, bearing in mind there is already some overlooking from Mill Lane itself. Whilst use of obscured glass could relieve this difficulty, its use in such a large window would unreasonably restrict the amenities of the future occupants and tends to suggest that the window is too close to neighbouring properties or inappropriately located.
17. Bedroom 3 of the house on plot 1 would overlook the garden of 3 Oxbourne Cottages at a very short distance, but the bedroom would have another

window to the east and the window in question could be obscure glazed. Although this would look odd in an otherwise spacious house, I do not find this unacceptable in principle. Similarly I consider it is possible to restrict the opening of bathroom windows as well as use obscure glazing to avoid an unacceptable impact on privacy and this could be done by imposing a suitable condition in the case of the ensuite bathroom. More significant is the impact on outlook from the garden of No 3 Oxbourne Cottages. The 2 storey west elevation would be between around 2 and 3 metres of the garden boundary at a point where the occupiers might reasonably expect to have an unobstructed outlook to the south south-east. This aspect of the siting of the dwelling on plot 1 would also unreasonably restrict morning sunlight to the part of the garden nearest to the house, especially in winter.

18. With regard to the dwelling on plot 2, windows of first floor bedrooms would overlook parts of the large L shaped garden to No. 5 Mill Lane Cottages. I am uncertain of the exact ownership of part of this area, but in my opinion the impact on the day to day activities of its users would be minimal. Only the small windows to bedrooms 3 and 4 would be within about 18-19 metres away of the private rear area at the back of the house, at an angle. Given the potential for fencing and planting on the boundary, which could be required by condition, I regard this as just acceptable. Although the 2 storey eastern elevation and high chimney would be close to the garden boundary, it would be significantly further away from No. 5 Mill Lane Cottages than its equivalent at plot 1 would be away from No. 3 Oxbourne Cottages; and I find the limited harm that would be caused by this to the amenity of the occupiers of No. 5 to be acceptable.

*Appeal B*

19. The main part of the development of units 1 to 4 would lie between about 8 and 11 metres way from the boundaries with the rear gardens of houses in Crown Road. The distance between the windows of facing properties would be between around 23 and 27 metres. That would be beyond the distance at which an effect on privacy between dwellings is normally accepted to occur, but the appeal site is considerably higher than Crown Road and the gardens are not of equal length, those in Crown Road being significantly longer. Properties in Crown Road also have rear single storey extensions, reducing the length of the useful part of the garden significantly. Most of these north facing gardens are also narrow, varying between about 4 and 5 metres wide. A close-boarded fence has been erected on the boundary which would assist in reducing mutual overlooking between the gardens and ground floors of facing properties. However, where unit 4 would be closest to the boundary, without additional screening, the occupiers would have a clear view from upper floor bedroom and landing windows into the gardens of Nos. 3, 5, 7 and 9 Crown Road. Apart from the areas immediately next to the fence, which receive the most sun and are used by many residents for sitting out, much of the rest of the Crown Road gardens up to the rear wall of these houses would be visible from unit 4.
20. Without additional screening in the form of planting, the activities of people enjoying their private rear gardens at Nos. 3-19 would be observed or partially seen to varying degrees. I consider that the narrow width of each garden would make it difficult for the occupiers of Crown Road to take measures to avoid their privacy being significantly compromised. The harm to their amenity

would be amplified by the presence in the new development of 4 houses in a row, or 6 bedroom windows, giving a perception of greater visual intrusion from what would appear to be a terrace of houses. There would be a similar effect in the opposite direction, somewhat lessened by the rise in the ground. Some 2<sup>nd</sup> floor windows in converted and extended dwellings in Crown Road would have an elevated view into the appeal development.

21. The appellants suggest significant screen planting (the drawings indicate up to 4.5 metres high) along the southern fence line of plots 1-4, but I am concerned that this would not be sufficient to avoid harm to privacy interests in the short and the long term. Many residents of Crown Road use the back of the garden for eating and relaxation. They would be within 8-12 metres of the back walls of the new dwellings, in my opinion well within earshot of new residents using their own gardens possibly for social occasions, eating and entertaining. To my mind, this is unlikely to work well. I accept that in a traditional village environment, people may accept a degree of mutual co-existence involving overlooking which has benefits as well as disadvantages, but that need not be accepted where new development is concerned and where there is the potential to achieve a successful spatial relationship.
22. I consider the overlooking that occurs between neighbouring properties looking out onto rear gardens in the same direction is quite different from a situation where the rear of houses face each other. I am not persuaded that a condition requiring planting on the boundary provides a solution to the problem; the maintenance of such planting would be a matter for the new occupiers of units 1-4 and there would be no guarantee that the health of plants would be maintained or that they would be replaced in the long term. There would be little to ensure that the desired height would be retained, particularly given that the hedging would necessarily be dense and would significantly obscure sunlight and take up space in what would be comparatively short gardens.
23. The house on plot 5 would overlook the garden of 3 Oxbourne Cottages at a distance of about 10 metres but there is planting on the boundary and in contrast to appeal A, the house itself would not be objectionable in terms of outlook. The private rear area of No. 3 would only be visible at an angle and would be over 20 metres away; I consider this would be acceptable. The flank first floor bedroom window of the house on plot 5 would be within 10 metres of the garden to No. 3 Oxbourne Cottages but this a small secondary window which could be obscure glazed. A similar situation arises with respect to bedroom 1 of unit 1. I have considered all the other potential privacy, natural light and outlook implications but do not find any that would cause concern or would conflict with policy.
24. With regard to noise and disturbance, 5 car parking spaces and the recycling and waste enclosure of the appeal B scheme would be immediately adjacent to the gardens of Nos. 3 and 4 Oxbourne Cottages. I recognise that this would represent a significant change for the occupants but do not regard the potential for additional noise to be so significant as to seriously detract from the quiet enjoyment of their gardens in this corner of Shoreham.
25. To conclude on living conditions, for the reasons given, both schemes subject to appeals A and B would fail to satisfy the amenity protection aims of policy EN1 of the LPPC.

*Highway safety (appeal B)*

26. There is significant parking pressure in the area due to a lack of off-street parking spaces in Crown Road and Mill Lane. I saw that residents' cars take up most of the available space and further pressure comes from visitors desiring to walk in the area and customers visiting the public house. Crown Road is narrow and more densely populated and this encourages visitors to find space elsewhere. The likelihood that parking restrictions may be introduced at the junction of the High Street and Crown Road will add to parking problems here.
27. Mill Lane is the last turning at the end of the village before open countryside and is fairly wide at the beginning before narrowing significantly around the appeal site entrance. The appeal scheme would provide sufficient off-street parking for future residents, so the effect on highway safety would be limited to the additional traffic generated in Mill Lane and the potential for parking pressure and congestion due to the restricted width of the access to the site, which was agreed to be about 3.43 metres.
28. A demonstration was carried out to show the accessibility of the entrance using 2 vehicles of varying length. This indicated that the access would be tight but just usable with care by family cars but not by larger vans or many delivery vehicles. That would not be very different to many other domestic entrances serving up to 5 dwellings. However, delivery vehicles would be likely to temporarily block the lane and would have difficulty turning. They, and potentially other vehicles, would be likely to reverse back to a wider part of the lane or back into the High Street. However it seems to me that reversing over this relatively short distance of just over 50 metres would be unlikely to cause insurmountable problems. The local bus already reverses from Mill Lane into the High Street at the end of its route and because of a curve in the road, visibility is fairly good. I am not persuaded that the limited width of the access is a good reason to prevent development or that highway safety would be unacceptably compromised for this reason.
29. The anticipated regular increase in vehicle movements in Mill Lane from about 100 at present to around 130 or 140 would undoubtedly be noticed by existing residents but in my view, even concentrated in mornings and evenings, the increase would be unlikely to be so significant as to compromise highway safety in a lane in which most drivers would be aware of the potential hazards. No accidents have occurred in the vicinity which can be ascribed to congestion or parking pressure.
30. Construction traffic would be likely to cause temporary congestion, inconveniencing nearby occupiers. I consider that a condition requiring a construction method statement to be prepared covering contractor's vehicles and deliveries would provide the necessary tools for the Council to deal with any problems that arise while construction occurs. In considering this matter I have had regard to the potential for congestion that arises when agricultural operations are in progress locally or alterations carried out to existing properties, which would be very likely to have similar effects. I conclude that there would be no conflict with the highway safety objectives of LPPC policy EN1.

**Other matters**

31. I have had regard to all the other matters raised, including the wildlife potential of the site, the AONB location and the fact that 5 dwellings are proposed in scheme B, one more than suggested as appropriate in LPPC policy H10A. The appeal site is contained within other built form and is within the village confines. Whilst I recognise that its undeveloped character contributes to openness and perception of the Mill Lane area as a rural location, development of it in a way that preserves or enhances the character or appearance of the conservation area would not necessarily detract from the wider countryside or the attributes that make the AONB special. Policy H10A seems to me to suggest a theoretical limit applying to most villages. It does not exclude individual schemes where a slightly larger number still respects existing local visual character.

**Conclusions**

32. The scheme subject of appeal A would harm the character and appearance of the Shoreham Mill Lane Conservation Area, detract from the setting of listed buildings and would harm the amenities of adjacent residents in terms of outlook and privacy.
33. I have found that the scheme subject to appeal B would be acceptable in its impact on the character and appearance of the conservation area, would not compromise the setting of the listed buildings and would not be unacceptable in terms of highway safety; but would seriously conflict with development plan policies that aim to protect the privacy of adjacent and future residents. For these reasons, both appeals must fail.

*Paul Jackson*

INSPECTOR

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## Appeal Decisions

Site visit made on 8 June 2011

**by Martin H Seddon BSc DipTP MPhil MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 July 2011**

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### **Appeal A Ref: APP/G2245/A/11/2148993**

#### **Land to the west of 5 Mill Lane, Shoreham, Kent, TN14 7TS**

- 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 & Mrs B Watson and Mr I Gaston against the decision of Sevenoaks District Council.
  - The application Ref SE/10/03488/FUL, dated 16 December 2010, was refused by notice dated 11 February 2011.
  - The development proposed is the construction of four two storey dwellings (a terrace of three and one detached) + eight parking spaces.
- 

### **Appeal B Ref: APP/G2245/A/11/2148998**

#### **Land to the west of 5 Mill Lane, Shoreham, Kent, TN14 7TS**

- 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 & Mrs B Watson and Mr I Gaston against the decision of Sevenoaks District Council.
  - The application Ref SE/10/03489/FUL, dated 16 December 2010, was refused by notice dated 11 February 2011.
  - The development proposed is construction of five two storey dwellings (a terrace of three and two detached) and nine parking spaces.
- 

### **Decisions**

#### **Appeal A Ref: APP/G2245/A/11/2148993**

1. The appeal is dismissed.

#### **Appeal B Ref: APP/G2245/A/11/2148998**

2. The appeal is dismissed.

### **Main Issue**

3. The main issue in both appeals is the effect of the proposal on the living conditions of neighbours in respect of privacy and outlook.

### Reasons

4. The appeal site is an area of land located between Mill Lane and Crown Road. It is within the Shoreham Mill Lane Conservation Area, a Special Landscape Area and the Kent Downs Area of Outstanding Natural Beauty.
5. It lies within the identified built confines of Shoreham where the Council would accept residential development in principle. Residential development would be consistent with Core Strategy Policy LO 7 which indicates that in rural settlements including Shoreham, infilling and redevelopment on a small scale only will be permitted, taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available. Development should be of a scale and nature appropriate to the village and should respond to the distinctive local characteristics of the area in which it is situated.
6. Policy EN1 of the Sevenoaks District Local Plan sets a number of criteria which are to be applied in the consideration of planning applications. The most relevant criterion is No.3 which indicates that development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
7. The appeal site was the subject of appeal ref: APP/G2245/A/10/2121912 (Appeal A) for the construction of two dwellings with integral garages and appeal ref: APP/G2245/A/10/2124919 (Appeal B) for the construction of five two storey dwellings (a terrace of three and two detached) and nine parking spaces. Both appeals were dismissed in July 2010. The latter appeal is more relevant to the current appeal proposal. In that appeal the Inspector found that the scheme for five dwellings would be acceptable in its impact on the character and appearance of the Shoreham Mill Lane Conservation Area, would not compromise the setting of the listed buildings in the vicinity and would not be unacceptable in terms of highway safety. However, the scheme would have seriously conflicted with development plan policies that aimed to protect the privacy of adjacent and future residents.
8. The proposed development subject to the two current appeal proposals would be of an acceptable design. Both schemes would preserve the character and appearance of the Conservation Area and would have no adverse effect on the setting of the listed buildings at Mill Lane Cottages or Oxbourne Farmhouse.
9. In previous appeal B the proposed units 1-4 would have been around 8 to 11 metres away from the boundaries with the rear gardens in Crown Road. The Inspector noted the separation distance between these proposed dwellings and the Crown Road properties and the existence of a close boarded boundary fence to the site. The fact that the appeal site is considerably higher than Crown Road was also referred to.
10. In particular, where unit 4 would be closest to the boundary, without additional screening, the Inspector considered that the occupiers would have a clear view from upper floor bedroom and landing windows into the gardens of Nos. 3, 5, 7 and 9 Crown Road. Apart from the areas immediately next to the fence, which would receive the most sun and be used by many residents for sitting out, much of the rest of the Crown Road gardens up to the rear wall of these houses

would be visible from unit 4. The Inspector considered that the problem could not be mitigated by further boundary planting.

11. This is a sensitive site where it is important that new development protects the living conditions of existing residents and provides a good standard of amenity for any future occupants. The separation distances between the proposed dwellings and the Crown Road properties are therefore critical.
12. In current appeal A, unit 4 would be around 16 metres from the boundary with the Crown Road properties. This would represent a significant increase in separation distance from the boundary compared to the previous appeal B scheme. It would be sufficient to protect the outlook and privacy of Crown Road residents.
13. In current appeal B the five units have all been sited further to the north compared to the previous five unit scheme. However, unit 4 would only be around an additional 3 metres away from the boundary with the Crown Road properties compared to the previous appeal scheme. This small increased separation distance between unit 4 and the boundary with the Crown Road properties would be insufficient to resolve the concerns raised by the previous Inspector in terms of loss of privacy for residents when using their rear gardens.
14. The Council submits that the previous Inspector was not just concerned with the loss of privacy from proposed unit 4. The Inspector observed that the significant new screen planting along the southern fence line of plots 1 to 4 would be insufficient to avoid harm to privacy interests in the short and long term. According to the Inspector, residents would have been within 8-12 metres of the back walls of the proposed dwellings, well within the earshot of new residents using their own gardens. The Inspector considered that such proximity was unlikely to work well and need not be accepted where there is potential to achieve a successful spatial relationship.
15. In current appeal A, units 1-3 would be up to approximately 2 metres further away from the boundary with the Crown Road properties than in the previous appeal scheme. In current appeal B, units 1-3 would be up to 3 metres further away from the boundary. In both cases, the increased separation distance would be insufficient to protect the privacy of the nearest residents in the Crown Road properties or to avoid the problems mentioned by the previous Inspector. Although significant planting is proposed it would be unlikely to form an effective screen in the short term. Lowering the slab levels for the dwellings would reduce their visual impact and effect on the outlook of existing residents, but would fail to overcome the privacy issues resulting from the proximity of the proposed dwellings and their rear gardens to the Crown Road properties. Both current appeal schemes would therefore conflict with Local Plan policy EN1 because of their adverse effect on the living conditions of neighbours in respect of privacy and outlook.

**Other Matters**

16. Local residents, Shoreham Parish Council and the Shoreham Society have made representations regarding the proposed narrow access to the site, traffic generation, access for service vehicles and additional parking problems on Mill Lane that could result from development. However, the previous Inspector



concluded that there would be no highway safety problems or conflict with relevant criteria in Local Plan policy EN1 from the proposed 5 two storey dwellings. Notwithstanding that decision, current appeal scheme A, involving 4 dwellings, would generate slightly less traffic than current appeal scheme B.

17. Representations have also been made regarding protected species at the site. However, the appellants carried out an ecological survey which concluded that any future redevelopment would result in the loss of habitats of no conservation importance only, and it would be highly unlikely that there would be an adverse impact on local biodiversity.

**Conclusions**

18. For the reasons given above both appeals A and B are dismissed.

*Martin H Seddon*

INSPECTOR

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## Appeal Decision

Site visit made on 11 September 2012

**by Ava Wood Dip Arch MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 1 October 2012**

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**Appeal Ref: APP/G2245/A/12/2176830**

**Land west of 5 Mill Lane, Shoreham, Kent TN14 7TS**

- 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 Tatham Homes Ltd. against the decision of Sevenoaks District Council.
  - The application Ref: SE/12/00373/FUL, dated 9 February 2012, was refused by notice dated 4 April 2012.
  - The development proposed is erection of 4 houses (terrace of 3 and 1 detached) and associated car ports.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The site address appearing in the banner above is taken from the appeal form, and better describes the location of the appeal site than that set out in the application form.

### Main Issues

3. These are the effect the proposed development would have on:
  - the character and appearance of the Shoreham Mill Lane Conservation Area,
  - the Kent Downs Area of Outstanding Natural Beauty (AONB),
  - the setting of adjacent listed buildings, and
  - the living conditions of neighbours with particular reference to their privacy, outlook and disturbance.

### Reasons

#### *Policy Context*

4. The South East Plan remains part of the development plan but its relevance to this appeal is limited to the general policies encouraging sustainable patterns of development, high quality design and management of the historic environment (Policies H5 and BE6).
5. More specifically, Policy LO7 of the Sevenoaks District Council Core Strategy (CS) allows for infill and redevelopment on a small scale in settlements such as Shoreham but also expects new development to be of a scale and nature

appropriate to the village, and to respond to distinctive local characteristics. Under Policy LO8 development is expected to be compatible with policies protecting the AONB. High quality design and responding to the local distinctive character of an area are requirements of CS Policy SP1. Saved Policy EN1 of the Sevenoaks District Council Local Plan (LP) applies general principles for all types of development to conform to. The policies cited are consistent with those in the National Planning Policy Framework (the Framework) and its aims.

*Conservation Area*

6. My inspection of the appeal site and its surroundings confirmed the descriptions, assets and qualities of the area described in the Shoreham Mill Lane Conservation Area Appraisal and by my colleagues in previous appeals<sup>1</sup> on this site. In particular they point to Oxbourne Cottages, Nos. 1-5 Mill Lane Cottages and the large open space between them as “...the most striking elements that have the most impact on the architectural character of the conservation area.” The views to the back of the Crown Road properties is identified as a distraction from the otherwise isolated character of Mill Lane. The Inspector explained that development on the appeal site needs to reflect the sense of space separating the Crown Road terraced properties from Mill Lane and not unduly interfere with the gap between the two groups of cottages on Mill Lane.
7. The material submitted on behalf of the appellant confirms that there are similarities between the current appeal scheme and those considered before, in respect of the number of dwellings, site coverage and layout. However, it also acknowledges that there are differences in design and scale of the properties. Equally, the Council considers that the present scheme is of a totally different character. My appraisal of the proposal and its impact on the conservation area is therefore based on the merits of what is before me and not as a comparison exercise with what was considered by my colleagues. That said, I agree that there is scope for the site to be developed. The extent to which the development would relate satisfactorily to its sensitive surroundings would depend on the massing and detail of its design. In my view the appeal scheme fails in that purpose for the following reasons.
8. Drawing no.2235-07 illustrates how far the new dwellings at ridge heights ranging between 8.2m and 9.4m would extend above the cottages either side on Mill Lane. The combination of heights and footprints at scales greater than buildings nearby would render the development unacceptably dominant in the streetscene, with the slope of the land adding to its prominence. The carports positioned close to the site’s northern boundary would add to the feeling of an intensely developed site, out of keeping with the rural character of the lane. The gap between the existing groups of cottages would be visually eroded to a point where its value to the conservation area would be lost.
9. The effect would be compounded by the complexities in the modelling and style of the houses. The roof shapes and disparate heights, for instance, show little regard for the simplicity of form and style of the cottages either side. The buildings and the roofscape would also be dominated by a preponderance of intricate shapes, hipped dormers, half gables and complex junctions, which would add to the visual bulk of the buildings. In scale, and by dint of the over-

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<sup>1</sup> APP/G2245/A/10/2121912 & 2124919, APP/G2245/11/2148993 & 2148998

elaborate nature of the design, the new buildings would compete with the listed cottages at 1-5 Mill Lane, lessening their importance in the streetscape and causing harm to the appearance of the conservation area.

10. The Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness; the proposed development would fail to deliver on this objective. The architecture cannot be described as truly representative of the local vernacular, nor indeed is it innovative or of high quality in the way sought in local and national policies. Removal of the car ports as suggested could lessen the feeling of overdevelopment. But the measure would not overcome fundamental design issues that would cause the scheme to inflict unacceptable harm on the character of the conservation area, while also adversely impacting on its appearance. The proposal would not comply with the development plan policy objectives of achieving high quality development respectful of its context and historic assets.

#### *Area of Outstanding Natural Beauty*

11. Given the distance of the footpath to the west of the village, it is difficult to conclude that the sort of relationships apparent within the conservation area would be discernible from the wider countryside. For that reason the effect on the countryside part of the AONB would be neutral. As the AONB washes over the built-up part of Shoreham, the views expressed above in relation to the impact on the character and appearance of the conservation area would apply equally to this part of the AONB. In that respect the proposal would not comply with CS Policy LO8.

#### *Setting of Listed Buildings*

12. Nos.1-5 Mill Lane Cottages are listed as Grade II for their group value. The cottages are a vital element of the conservation area which in turn forms the historic setting to the buildings. While the curtilages of the cottages would remain well defined, because of their dominance (for reasons described earlier) the new buildings would be visually intrusive in the setting of the listed cottages. Furthermore, the scale of harm caused to the conservation area would apply equally to the wider setting of the historic buildings.

#### *Effect on the amenities of neighbours*

13. The occupants of the houses on Mill Lane and those on Crown Road would undoubtedly be aware of new houses on land that they have for many years known for its openness and lack of development. However, that in itself is not sufficient to refuse the appeal scheme. What matters is the extent to which their living conditions would be harmed. In considering this issue I have in mind the views expressed by my colleagues on the previous appeals.
14. The two storey part of each of the new houses would be at least 16m from the rear boundary of the appeal site, and therefore from the rear gardens of the houses on Crown Road. The levels of separation between houses are beyond the sort of distances that would cause undue overlooking between windows, the slope of the land notwithstanding. Equally, the length of the rear gardens to Units 1-4 would provide a satisfactory relationship between the existing and new properties to ensure mutually acceptable living conditions in terms of noise associated with normal domestic activities.

15. The outlook from the upper floors and from some of the raised amenity areas to the houses on Crown Road would undoubtedly alter. However, because of the distance of the new buildings from the common rear boundaries, they would not appear over-dominant or cause shadowing, even with the ground level differentials. While views to the west would be disrupted from the garden of 3 Mill Lane Cottages, neither the previous Inspectors nor the Council raises concerns with regard to that property. With the benefit of distance, proposed Unit 4 is unlikely to be so disruptive to the outlook from the garden of that property as to justify refusal. Given the extent of the garden of 5 Mill Lane Cottages, the presence of Unit 4 and the single car port would not harmfully affect its usability.
16. The proposal could potentially lead to loss of morning sunlight in the part of the 3 Oxbourne Cottages' garden nearest to that house. Furthermore, as the full length of the new house (Unit 1) would be at distances of some 3.6-4.4m from that part of the garden, there could be concerns about visual intrusion and loss of outlook. The development however would not curtail enjoyment of the garden overall which extends some distance southwards. Existing and new planting could mitigate some of the impact. The extent to which the residential amenities of the occupiers of 3 Oxbourne Cottages would be affected is not so substantial as to amount to a reason for refusal on its own.
17. While there can be no doubt that local residents would notice a material change to their environment, the scheme would not impact on their living conditions to such an extent as to cause unacceptable harm. The proposal would thus meet the relevant requirements of LP Policy EN1.

*Other Matters and Conclusions*

18. I have noted the many objections to the proposal on the grounds of increased parking difficulties and for the effect on the safety of highways users. The two previous Inspectors concluded in favour of the scheme on these matters. In the absence of an objection from the highway authority, or any changes in circumstances since the previous appeals, there is no justification for taking an opposing view. Equally, I see no reason to depart from the conclusions in respect of local biodiversity. The S106 unilateral undertaking executed by the appellant would provide a contribution towards affordable housing, as required by policy. While there is every likelihood that the contribution would assist with meeting the Council's housing objectives, it does not overcome my findings on the key issues.
19. The Framework expects great weight to be placed on the conservation of a designated heritage asset, when considering the impact on its significance. Having concluded earlier that the proposed development would be unacceptable for its impact on the qualities of the conservation area and on the setting of the listed buildings, so it follows that the significance of these assets would be substantially harmed. The evidence does not point to public benefits to outweigh that harm or to override the conflict with development plan policies looking to protect designated heritage assets. That the scheme overcomes concerns regarding neighbours' living conditions is not sufficient to alter the balance of my conclusions or the decision to dismiss the appeal.

*Ava Wood*  
Inspector