

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

05 January 2012

Report of the Chief Solicitor

Part 1- Public

Matters for Information

1 PLANNING APPEAL DECISIONS

- 1.1 Site **159-161 Pembury Road, Tonbridge**
Appeal **Against the refusal of permission for the demolition of existing tyre depot and flat and erection of 3 x 2 bedroom; 3 x 3 bedroom; and 2 x 4 bed, with integral garages, terraced units. With associated car port parking area for 6 units, new garage for No. 161 and amended access arrangement**

Appellant **Peter Russell**

Decision **Appeal dismissed**

Background papers file: PA/21/11

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The Inspector considered the main issues to be the effect of the proposed development on:

- the character and appearance of the surrounding area, including the implications of the loss of part of a residential garden; and
- the living conditions of neighbouring residents, with particular reference to outlook.

Reasoning

The appeal site comprises the buildings and curtilage of an operating tyre depot and residential flat, together with the greater part of the rear garden of 161 Pembury Road, a large detached dwelling. The proposal consists of a terrace of five dwellings fronting the road, immediately to the rear of which and set at right-angles thereto would be a terrace of three. All eight units would be served by a single vehicular access leading to a large open parking/manoeuvring area towards the rear of the site and a block of six garages abutting the eastern boundary. No 161 would remain in residential use with a substantially smaller rear garden and a new detached garage served by the same access.

Character and appearance

That part of the appeal site occupied by the tyre depot is identified as suitable for residential development by Policy H4(p) of the Council's *Development Land*

Allocations Development Plan Document 2008 (DLA). The remainder of the site is not identified thus. However, this in itself does not preclude the principle of developing it for residential purposes. Nor does the fact that it is presently residential garden land.

The Council considers the latter factor to render the proposal contrary to revised national guidance in Planning Policy Statement (PPS) 3: *Housing*. However, the changes thereto do not preclude development on garden land, but merely remove the prioritisation of such sites for development by excluding them from the definition of brownfield land. No development plan policies or position statement issued by the Council in response to the relevant revisions to PPS3 were drawn to the Inspector's attention.

The matter therefore falls to be considered on the basis of its implications for the character and appearance of the area rather than in terms of the principle of developing garden land. In this regard the Inspector found that, as the land in question is to the rear of No 161 and currently hidden from public view, its incorporation into the redevelopment scheme would not, in itself, cause serious harm to the local townscape. He was also satisfied that sufficient garden space would be retained to cater for the amenity of the occupiers of No 161.

Nonetheless, notwithstanding this, a high standard of design and layout must also be achieved. In this regard, the Inspector found building forms and architectural styles to vary widely in the locality and to include examples of two and three storey terracing in close proximity to the public highway. The designs of both proposed terraces draw significantly on the local vernacular and he was satisfied that the envisaged frontage development could be readily assimilated into the street scene. However, the rearward siting of the shorter terrace gave cause for concern.

Backland development at such high density is far from typical of the area. On the contrary, the northern side of this part of Pembury Road is very much characterised by frontage development. The Inspector acknowledged that one of the existing buildings on the appeal site is set behind another. However, as the existing development is very different in context and character to a residential scheme it is not readily comparable. The backland position of the rear terrace would be clearly apparent from the highway through the wide driveway serving the development and over the proposed boundary walls and fencing.

The general impression thereby created would be of additional dwellings squeezed onto the rear of a site too small to accommodate them in a manner that conforms to the prevailing pattern of development in the locality. The rear terrace would thus appear unduly cramped in its setting. The extensive hardsurfacing necessitated by such an arrangement would also be very much at odds with the established street scene and, irrespective of the materials used, would further erode the quality of the scheme. Overall, the incongruity of the layout would draw

the eye and detract from the local townscape to an unacceptable degree which the quality of the front terrace would not mitigate sufficiently.

The Inspector concluded that the proposal would be harmful to the character and appearance of the surrounding area. It is therefore contrary to Policies CP1 and CP24 of the Council's Core Strategy 2007 (CS), Policy SQ1 of its *Managing Development and the Environment* Development Plan Document 2010 and national guidance contained in PPS1: *Delivering Sustainable Development*.

Living conditions

The proposed garage block would abut the rear boundaries of 1a & 1b Goldsmid Road. Both properties have rear gardens that are only about five metres in length and have windows in their rear elevations that would directly face the envisaged building. The latter would replace a well established screen of high boundary vegetation. Although not of the highest quality the existing belt of trees and hedging, by its very nature, provides the occupiers of No's 1a & 1b with a reasonably soft, attractive and sylvan outlook and, despite its height, is sufficiently sparse to let through a substantial degree of light.

In marked contrast, the garage block would provide a far more solid visual stop to views from the adjacent gardens and windows. Despite its lesser height and the fact that the roof would slope away from the boundary, it would be a far harsher boundary treatment. The Inspector therefore found that, given the small size of the gardens, the building would appear excessively dominant in relation thereto and would detract from the outlook currently enjoyed by the neighbouring residents to an unacceptable degree.

The Inspector accepted that the outlook of other neighbouring properties would not be compromised unduly by any part of the development and that light and privacy would be adequately safeguarded. Nonetheless, notwithstanding this he concluded that, overall, unacceptable harm would be caused to the living conditions of some neighbouring residents. This would be contrary to Policies CS Policies CP1 and CP24.

- 1.2 Site: **White Holt, London Road, Hildenborough**
 Appeal **Against the refusal to grant planning permission for a roof extension and small extension, new garage and demolition of existing garage**
 Appellant **Mr & Mrs Paul Reeves**
 Decision **Appeal dismissed**
 Background Papers file : PA/34/11
- Contact: Cliff Cochrane
01732 876038

The Inspector considered the main issues to be:-

- whether the proposal is inappropriate development in the Green Belt;
- whether there would be any harm to the openness of the Green Belt; and

- if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

PPG2 states that there is a general presumption against inappropriate development in the Green Belt. The extension of an existing dwelling is not, however, inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. The Council's Core Strategy is silent on this particular matter of analysis of changing scale in the Green Belt and the Inspector used his judgement. In this instance a modest bungalow would become a substantial chalet dwelling with 3 bedrooms (2 en suite) and a bathroom at first floor level. The roof would be markedly raised and lengthened and the ground floor area would increase as well. This would be a large scale change. Even allowing for demolition of the existing garage the new larger garage with its extensive roof and upper floor area would be a substantial addition to the overall volume associated with the property. To his mind the extension works proposed would amount to development which was disproportionate over and above the original dwelling.

On the first issue, the Inspector therefore concluded that this proposal would represent inappropriate development for the purposes of PPG2; it would be a disproportionate addition. He attached substantial weight to the harm caused by this scheme representing inappropriate development.

The effects on openness

PPG2 makes it clear that the most important attribute of Green Belts is their openness. In this context, open means the absence of development irrespective of the degree of visibility of the land in question from public vantage points.

The proposal includes altering and extending the existing property with a first floor element including not insubstantial dormers and a raised, longer ridge, which, contrary to the appellants' claims would be a significant change. The garage would have a somewhat larger footprint than the existing garaging to be removed and would be very markedly greater in height and volume with an elevated ridge again incorporating (four) pitched roof dormers. Overall, the appeal scheme would result in considerable bulk and mass of new built form added within the curtilage. These structures would, albeit to a vegetation filtered and limited a degree, be open to view from the public footpath in the field alongside and from some private garden space. In any event, as the Inspector said above, the retention of openness of Green Belts is not about public visibility.

This sizeable overall proposal would, the Inspector concluded, materially affect the Openness of the Green Belt and be harmful in that regard. He attached substantial weight to this impact upon openness.

Other considerations

The Inspector acknowledged that the appeal property lies in an area where there are some relatively substantial dwellings and a number of extensions appear to have taken place. Most of the properties have been established for many years and the Inspector did not have the information provided about more recent structures, extensions or bulky garages which can be found. However, he had to judge the proposal on its own merits rather than follow the 'precedent' route as raised by the appellants. Nevertheless he noted and took account of the fact that the site's context is not one of isolation from other development. He agreed with the appellants that the property in its present form appears substandard in this day and age; investment would clearly be beneficial to improve living conditions and he sympathised and quite understood why some additional space would be sought.

The Inspector gave the matters put forward by the appellants moderate weight.

Very special circumstances

Taking everything above into account the benefits and merits of the other considerations individually or in total, with the moderate weight they carry, do not clearly outweigh the harm arising from the extension and garage's inappropriateness, and the harm caused to the openness of the Green Belt, both of which weigh substantially in the Inspector's opinion. Very special circumstances that would justify the development do not exist.

Conclusion

The Inspector's overall conclusion is that the proposal would not accord with the policy approach of PPG2. The appeal should therefore fail.

Adrian Stanfield

Chief Solicitor