

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

17 May 2006

Report of the Chief Solicitor

Part 1- Public

Matters for Information

1 PLANNING APPEAL DECISIONS

1.1 Site **11 Mitchell Road, Kings Hill**
Appeal **Against the refusal of planning permission for a proposed extension**
Appellant **Mr & Mrs Shannon**
Decision **Appeal dismissed**
Background papers file: PA/37/05

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- 1.1.1 The inspector considered the main issue to be the effect of the proposal on the character and appearance of the area and the effect on the living conditions of neighbouring residents.
- 1.1.2 The proposal included the demolition of an existing double garage and construction of a two-storey side extension incorporating a double garage. Although set back behind the front building line of the house, it would represent a considerable increase in the apparent size of the dwelling, particularly the front elevation. In addition, the side elevation would be a prominent feature when entering the head of the cul-de-sac. The inspector considered that this would not be in keeping with the spacious and coordinated character and appearance of the area.
- 1.1.3 Although the extension would be set in from the side boundary, have a fully hipped pitched roof, be constructed with materials matching the existing house and the detailed design would be in keeping with the property, these factors were insufficient to overcome the Inspector's conclusion in respect of the effect of the proposed bulk of the extended dwelling.

- 1.2 Site **40-46 The Freehold, East Peckham**
 Appeal **(A) demolition of existing house, erection of new building containing 11 flats, parking**
(B) demolition of existing and construction of houses, flats and cottages with access
(C) demolition of existing and construction of houses and cottages with access
 Appellant **Da Vinci Properties (Maidstone) Ltd**
 Decision **Appeals (A) and (C) allowed, appeal (B) dismissed**
 Background papers file: PA/38/05 Contact: Cliff Cochrane
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1.2.1 The Inspector considered the main issues in the appeals to be:

- the effect of the proposals on the character and appearance of the area;
- the effect of the proposals on the living conditions of neighbouring residents, with particular reference to outlook, privacy and noise; and
- the adequacy of provision within the proposals for refuse collection.

1.2.2 Appeal A relates to a vacant plot, comprising the former cartilage of 46 The Freehold, a recently demolished detached dwelling on the south side of the road.

1.2.3 Appeals B and C take in both this plot and the cartilage of no. 40/42, a detached 2 storey residential property to the immediate west.

1.2.4 The inspector did not share the Council's view that the design palette appropriate for the appeal site should be confined to front-gabled buildings or that residential development set towards the rear of the plot should be regarded as unacceptable in principle. On the contrary he found that the variety in design and a departure from frontage patterns of development would reflect the prevailing character of the locality.

1.2.5 Accordingly he was not unduly concerned about the form, massing or detailing of the block of flats in the appeal A scheme and considered that the proposal would be in keeping with its surroundings and would not appear unduly imposing or amount to over-intensive development.

1.2.6 The flats in appeal B would be very similar in appearance to the 2005 approval and the Inspector found this to be a high quality design and appropriately reflective of the mixed roofscape that prevails in the Freehold.

1.2.7 The Inspector was impressed by the modest and subservient form of the courtyard development that comprises the rear element of appeal C and did not agree with the Council that it would be over-intensive or give the appearance of having greater scale and mass than other properties in the locality. He considered

that in terms of both layout and detailing, this part of the proposal would read from the street as ancillary to the frontage housing, in the manner of mews stabling, and as such would be in keeping with the Victorian component of the area's character.

- 1.2.8 However, he did not feel able to endorse the terrace of cottages in the appeal B scheme as in his opinion, this presents a far less successful hybrid of domestic and ancillary building styles. He considered the combination of glazed doors set behind cart lodge style open porches and the regimented row of hipped dormers on the front elevation results in an incongruous pastiche that is neither complimentary to the traditional elements of the area's architecture nor suitably reflective of its more modern components. He also found this terrace to be poorly juxtaposed with other elements of the appeal B scheme, reading more as an unrelated afterthought than an integral part of the overall development. Although the 4 cottages would only be glimpsed from the road, they would be seen by the many residents and visitors who would access the back land part of the site and would thus detract significantly from the widely-experienced perceptions of the general character and appearance of the area.
- 1.2.9 The Inspector considered that a departure from SP Policy RS2 is justified by PPG Note 3 Housing, which seeks to maximise the efficient use of previously developed land in sustainable locations for housing. In the light of current national guidance the Inspector did not find the principle of higher density to be a matter of concern. He concluded that the appeal A and C schemes would be complimentary to the character and appearance of the surrounding area and thus in accordance with the adopted SP Policies. However, he further concluded that the terrace of cottages within the appeal B scheme would result in visual harm by reason of its positioning, setting and detailed design, and that the proposal would therefore be contrary to the policies.
- 1.2.10 The Inspector concluded that adequate refuse storage and collection arrangements for all 3 proposals could be provided and, accordingly, that none need be contrary to LP Policy P4/15.

Duncan Robinson
Chief Solicitor