

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

11 October 2006

Report of the Chief Solicitor

Part 1- Public

Matters for Information

1 PLANNING APPEAL DECISIONS

- 1.1 Site **Bay Tree House, 171 Butchers Lane, Mereworth**
Appeal **Against the refusal of permission for the demolition of the existing derelict house and erection of two detached dwellings with integral garaging**
Appellant **Mr R W Stevens & Mr K Murphy**
Decision **Appeal allowed**

Contact: Cliff Cochrane
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- 1.1.1 The Inspector considered the main issue in the appeal to be the effect of the proposed development on the character and appearance of the street scene and surrounding area.
- 1.1.2 The proposal is to demolish the existing building which has been empty for some years, and construct in its place two detached dwellings with integral garaging. The buildings would be chalet bungalows and access would be relocated to the middle of the frontage and the existing railings and hedge removed to provide visibility.
- 1.1.3 Whilst the proposal would result in the loss of this building, the Inspector could not conclude that this would necessarily harm the character of the area. He considered that replacement dwellings complying with development plan policy could make a positive contribution towards the enhancement of the area.
- 1.1.4 He observed that the existing house appears large in the street scene as surrounding dwellings are significantly smaller. He considered, therefore that two large dwellings on the site would appear massive and at odds with the surrounding area. However, two smaller chalet bungalows as proposed would, in his view, be in keeping with the surrounding dwellings and could be secured by condition.
- 1.1.5 Relocation of the entrance would allow greater visibility to be provided by removing the existing frontage railings and trees, and would provide the opportunity for replanting the hedge with suitable species behind the visibility

splay. He considered greater visibility would be a benefit of the proposal as it would contribute to increased highway safety.

1.2 Site **Windmill Gardens, The Street, Mereworth**
 Appeal **Against refusal to grant outline permission for one 5 bedroom house**
 Appellant **Mr Frederick Chapman**
 Decision **Appeal dismissed**
 Background papers file: PA/18/06 Contact: Cliff Cochrane
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1.2.1 The application was submitted in outline with only the means of access to be determined at the appeal stage.

1.2.2 The Inspector considered the main issues to be

- Whether the proposal amounts to inappropriate development in the Green Belt and, if so, whether there would be any other harm to the Green Belt.
- The effect of the proposal on the character and appearance of the locality
- Whether the benefits of the scheme would clearly outweigh any harm arising from the above issues, and thus justify the development on the basis of very special circumstances

1.2.3 The site lies within the Green Belt and there is a general presumption against inappropriate development. PPG2 and SP Policy MGB3 set out categories of development which would not be regarded as inappropriate with the Green Belt. However, the construction of a new house does not fall within any of these categories and must therefore be regarded as inappropriate development which is, by definition, harmful to the Green Belt. The Inspector also considered that the proposal would result in a loss of openness and encroachment into the countryside which would cause additional harm to the Green Belt.

1.2.4 In respect of the character and appearance of the area the Inspector considered that the introduction of a house, together with the likely need for garaging, garden structures and other domestic items, would result in harm to the rural character of the site. Moreover the extension of the built form of the village towards Seven Mile Lane would detract from the landscape setting of the settlement. He therefore concluded that the proposal would be harmful to the character and appearance of the locality and contrary to SP Policy ENV4 and LP Policy P3/6. It would also be contrary to SP Policy RS5 which restricts development in the countryside generally, other than in particular circumstances which do not apply here.

1.2.5 The appeal site adjoins land identified on the LP proposals map as a Historic Park and Garden. The Inspector considered that the introduction of an additional house close to the boundary of the parkland would have some limited adverse impact on its rural setting and this added weight to his conclusion on the second issue.

1.2.6 On the third issue the Inspector did not identify any benefits of the proposal which would outweigh the harm to the Green Belt and the harm to the character and appearance of the locality identified.

1.3 Site **Land to the rear of 8-10 Alma Road, West Malling.**
 Appeal **Against the refusal of permission for the erection of a two storey, two bedroom detached house with parking spaces**
 Appellant **Regalpoint Developments Ltd**
 Decision **Appeal allowed**
 Background papers file: PA/34/06

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1.3.1 The Inspector considered the main issue to be the impact that the proposed new house would have on the character and appearance of the area.

1.3.2 Policy P4/11 contains guidance on avoiding unreasonable interference with the living conditions of neighbouring properties and on highway matters. These latter matters have been raised by local objectors, but the Inspector agreed with the Council's assessment that the proposal would not breach this guideline because of the siting of the windows to avoid overlooking neighbouring properties, the distances that would be between the dwellings should avoid overshadowing, and the proposed provision of parking spaces should accommodate any vehicles generated by the proposal.

1.3.3 Following withdrawal of a previous application for a larger proposal, the current design does appear to respond to the Council's criteria, particularly in terms of its external appearance, where the low eaves line would effectively reduce the bulk and massing which might otherwise be an issue. The Inspector noted the Council's concern about a potential conflict with the existing development pattern, but it did not appear to him that there is anything exceptional about the layout of Woodlands Close, with other properties fronting the same section of the close. Whilst he accepted the proposed house would be marginally closer to the footway than its immediate neighbours, on balance he concluded that the front elevation of the new house would be more likely to make a positive contribution to, rather than harm, the current undistinguished street scene and he was therefore satisfied that the proposal is compliant with the development plan.

1.4 Site **The Keepers Cottage, Wrotham Hill Road, Wrotham**
 Appeal **Against the refusal of permission for the change of use of a domestic outbuilding to a 4 bedroom dwelling**
 Appellant **Mr Alan Bullock**
 Decision **Appeal dismissed**
 Background papers file: PA/24/06

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1.4.1 The Inspector considered the main issue to be whether the proposal is a sustainable form of development, with particular reference to the need for travel by car.

- 1.4.2 Whilst there are a number of dwellings and businesses in the vicinity, the Inspector considered that the appeal property is within countryside rather than a settlement. He came to this conclusion because of the scattered nature of the other development and the amount of intervening countryside.
- 1.4.3 The Inspector gave considerable weight to the KMSP and in relation to the main issue, Policy SP1 seeks development that is sustainable, including a reduction in the need to travel, and encouraging the availability of a choice of transport.
- 1.4.4 The appellant contended that the need for sustainability of development applies mainly to larger housing schemes but Paragraph 47 of PPG3, while stressing the need to locate larger housing development around communication nodes, goes on to seek that all housing developments are accessible by a range of non-car modes of transport.
- 1.4.5 The property is accessible on foot or by bicycle to nearby villages, including those with a range of local services. There is also access to public bus services and to the rail network. However, the Inspector considered that the distances to these facilities is such that journeys by foot or bicycle would not be sufficiently attractive, nor the bus service so frequent, as to remove the reliance on the use of the car by occupants of a new dwelling. He took into account the school bus service that operates in Wrotham Hill Road but this is of too limited an extent to sufficiently reduce the need for personal transport.
- 1.4.6 The Inspector concluded that the remoteness of location, and the nature of the proposed change of use, would lead to an unacceptable increase in demand for private transport, which would be contrary to the objectives of national planning policy and to KMSP Policy SP1. He concluded on the main issue that the proposal would not be a sustainable form of development, with particular reference to the need for travel by car.

1.5 Site **Camelot, Teston Road, Offham**
 Appeal **Against the refusal of permission for the demolition of the existing police house and erection of 2 detached 4-bedroomed dwellings**

Appellant **Kent Police**

Decision **Appeal dismissed**

Background papers file: PA/22/06

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- 1.5.1. The appeal site is in the Offham Conservation Area and close to a number of listed buildings. The Council accepts the principle of redevelopment of the site for residential purposes. The existing redundant and vacant former police house is generally accepted as having no particular design merit. Set back behind a ragstone wall it neither positively contributes nor detracts from the character of its immediate surroundings.
- 1.5.2 The two houses proposed by the appellant would be of a contemporary design with virtually flat low-pitched zinc roofs and walls finished in grey or off-white render or timber cladding that is intended to weather to a silver grey finish.

Windows would be aluminium framed and deeply recessed and each house would have a large 2-storey atrium on the west side of the front elevation.

- 1.5.3 The Inspector considered that whilst the design of the 2 houses seeks to reflect “best practice” in modern house design, it is unashamedly modern. The houses would have an appearance unlike any others in the village and although they would be set back behind the existing ragstone wall, the wide access would make them clearly visible from the public domain. They would contrast strongly with the traditional designs of the buildings in the immediate vicinity and the overall character and appearance of the Conservation Area.
- 1.5.4 The Offham Conservation Study describes the architecture of Offham as “*mostly domestic, covering widely different ages and styles*”. The study identifies that “*the 19th and 20th centuries are well represented, but there are comparatively few very old or very new properties*”. Within this context, the Inspector considered that the attractiveness of a well thought out contemporary design does not sit comfortably in its surroundings. PPS1 encourages LPA’s not to stifle innovation, originality or initiative. But it also advises that developments should respond to their local context and that design which is inappropriate in its context should not be accepted. This approach is reinforced by Local Plan Policies.
- 1.5.5 The inspector concluded that because of its design and appearance, the proposed development would fail to preserve or enhance the character or appearance of the Offham Conservation Area and would be contrary to Policies P4/4 and P4/11 of the adopted local plan.

Duncan Robinson
Chief Solicitor