

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

8 November 2006

Report of the Chief Solicitor

Part 1- Public

Matters for Information

2 PLANNING APPEAL DECISIONS

- 2.1 Site **83-85 The Street, Mereworth**
Appeal **(A) against the refusal to grant conservation area consent for the demolition of an existing petrol filling station and (B) against the refusal to grant permission for the demolition of an existing petrol filling station and erection of a detached dwelling**
Appellant **Mr G Hill**
Decision **Appeals dismissed**
Background papers file: PA/13/06

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- 2.1.1 The Inspector considered the main issue in appeal A to be the effect of the loss of the existing building on the character and appearance of the Mereworth Conservation Area. The main issue in appeal B is whether demolition of the existing building and the erection of a new dwelling would preserve or enhance the character or appearance of the Conservation Area.
- 2.1.2 The appellant accepted that the building makes a contribution to the character of the Conservation Area in that it reflects the history of the village. However, contrary to the Council's view, the appellant considers the building is not of any particular intrinsic quality. The Inspector considered that the building does make a positive contribution to the street scene and its presence is a reminder of both its early role as village shops and its later adaptation to serve the growth of motoring in the early twentieth century.
- 2.1.3 Whilst the building is clearly in need of repair, there is no evidence to show that the necessary work cannot be undertaken at reasonable cost. Nor is there any evidence to show that the environmental risk posed by the disused underground fuel tanks cannot be addressed other than by remediation as part of the redevelopment of the site. It may be that the building does not have an economically viable future taking into account the cost of the necessary work to repair and maintain the building and deal with the defunct fuel tanks.

- 2.1.4 However, there is an existing business operating from part of the premises, the future of which would be clearly at risk if the site were to be redeveloped although it appears that the business tenant may be interested in acquiring an interest in the premises and the Inspector considered that this could be the key to its future. He therefore concluded in relation to the Conservation Area Consent application that the loss of the building would be harmful to the character and appearance of the Mereworth Conservation Area and that consent should not be granted for its demolition.
- 2.1.5 In respect of the second appeal the Inspector accepted that residential use of the site would be in keeping with the surrounding development. However, the design of the proposed dwelling would significantly alter both the appearance and character of the site and would not contribute to the character of the Conservation Area to the same degree as the existing building. He therefore considered that the grant of permission for the proposal would fail to preserve or enhance the character or appearance of the Mereworth Conservation Area. This would be contrary to the policies in the TMBLP and KSP that seek to ensure that the character and appearance of Conservation Areas is preserved or enhanced by proposed development.

Duncan Robinson
Chief Solicitor