

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

6 December 2006

Report of the Chief Solicitor

Part 1- Public

Matters for Information

1 PLANNING APPEAL DECISIONS

1.1 Site **Land rear of Pumping Station off Medway Meadows, East Peckham**
Appeal **Against the refusal of permission for 3 no, detached 4 bed properties with separate double garages**
Appellant **K M & M Harrison**
Decision **Appeal dismissed**
Background papers file: PA/26/06

Contact: Cliff Cochrane
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- 1.1.1 The Inspector considered the main issue to be the location of the proposal in relation to the flood plain of the River Medway and the consequential risk of flooding to the development.
- 1.1.2 The appeal site lies within the Flood Zone 3, defined by the Environment Agency as the area that could experience flooding during a 1 in 100 year flood event, The Agency also considers the site to lie within the functional flood plain of the River Medway.
- 1.1.3 The site is currently undeveloped, close to the river and undefended, The EA objected strongly to the proposal due to its location and not only expressed concerns about the potential risk of damage to any property, but also to difficulties of providing safe escape for residents in the event of a flood, Given the proximity to the river, flood water would not only be deep but also fast flowing, making the situation potentially dangerous for residents and emergency services.
- 1.1.4 The Council shared this concern and did not consider that the development had been designed to overcome these objections, There are no voids under the proposed houses, to contain flood water, no compensatory storage measures proposed elsewhere and no means of safe escape identified.
- 1.1.5 The appellants, whilst accepting that the appeal site is in Flood Zone 3, considered it to be on the margin of the functional flood plain, They therefore contended that development incorporating suitable mitigation measures would be appropriate, They had indicated a willingness to raise slab levels to reduce the

risk of damage to the proposed dwellings, However, neither the EA nor the Council accepted that such amendments would overcome their objections.

1.1.6 The Inspector acknowledged that the site is located in an area of high flood risk, In her view climate change is likely to increase rather than reduce that risk, The precise effect of any flood is difficult to predict, but given its proximity to the river, the undefended nature of the area, and the location within, or very close to the functional flood plain, she was in do doubt that any development in this location would be susceptible to flooding, She was also of the opinion that mitigation measures of the type suggested would not satisfactorily overcome these risks, She concluded that the development would be contrary to national and local policies, the advice of PPG25 and to Policy P3/15 of the TMBLP.

1.2 Site **10 Lambourne Drive, Kings Hill**
 Appeal **Against the refusal of permission for a front dormer window (resubmission of TM/05/03501 loft conversion incorporating 2 dormer windows)**
 Appellant **R F Newman**
 Decision **Appeal dismissed**
 Background papers file: PA/33/06 Contact: Cliff Cochrane
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1.2.1 The appeal property is a detached 2 storey house, part of a modern development, located in a prominent position on the inside of a curve in the road, Although partially screened to the north east by vegetation, the building is clearly visible from a number of positions within the public domain.

1.2.2 The proposed dormer on the front roof slope would alter the appearance of the building substantially, In the Inspector's view, the form and scale of the proposed dormer would make it an obtrusive and over dominant feature on the building, out of proportion with the remainder of the front elevation.

1.2.3 The Inspector concluded that the construction of the dormer would spoil the appearance of the house, thereby harming the character of the area, in conflict with the requirements of policy P4/12 of the Tonbridge and Malling Borough Local Plan, adopted in 1998, and the objectives set out in paragraph 3 of policy annex PA4/12 of the LP.

Duncan Robinson
 Chief Solicitor