

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

14 March 2007

Report of the Chief Solicitor

Part 1- Public

Matters for Information

1 PLANNING APPEAL DECISIONS

1.1 Site **Iona, Old London Road, Wrotham**
Appeal **Against the refusal of permission for conversion of garage to dining room including extension of room to building line**
Appellant **Mr Stephen Richards**
Decision **Appeal dismissed**
Background papers file: PA/48/06

Contact: Cliff Cochrane
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- 1.1.1 The Council's main contention was that the proposal would leave the property with only one parking space of an appropriate size to meet adopted standards and, in the absence of adequate parking facilities, the scheme would be detrimental to highway safety.
- 1.1.2 The Council's stance was that the scheme would involve not only the loss of the garage but also a reduction in the length of a 6.1m parking space that exists in front of the garage. In the Inspector's view the reduction from two parking spaces to one was not a decisive objection to the proposal. He recognised that this might lead to additional on street parking. However, he saw that spare on street parking capacity appears to be generally available in the vicinity of the site and there was nothing to suggest this is an area subject to parking stress. He was not convinced that any additional on street parking likely to arise from the development would prejudice highway safety or the free flow of traffic.
- 1.1.3 Nevertheless, the Inspector considered there to be a significant risk the open configuration of the paved forecourt could encourage off street parking at right angles to the road and he shared the Council's concern that insufficient depth would be available to park anything other than a comparatively small vehicle clear of the footway. Medium or larger vehicles could be parked in a manner that would partially obstruct the footway, thereby inconveniencing pedestrians and potentially hazarding their safety, particularly if they are obliged to step onto the carriageway.
- 1.1.4 The Inspector concluded that the proposal would potentially contribute to a substandard parking arrangement contrary to the underlying objectives of Local

Plan policy P4/12, and it would unacceptably diminish the safety of pedestrians within this locality.

- 1.2 Site **Knole Cottage, 7 Quarry Hill Road, Borough Green**
 Appeal **Against the refusal of permission to demolish an existing dwelling, provide new 3 bed detached house and 1 no. pair of 3 bedroom semi-detached properties**
 Appellant **Sterling Developments Ltd**
 Decision **Appeal dismissed**
 Background papers file: PA/43/06 Contact: Cliff Cochrane
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1.2.1 The Inspector considered the main issues to be;

- The effect of the development on the architectural or historic interests of the listed building and its setting,
- The effect of the development on the living conditions of neighbouring residential occupiers with particular regard to privacy, visual impact and outlook.

Listed Building

- 1.2.2 The Inspector was of the view that the two front units would block views of the listed building divorcing it from the road and therefore eroding part of its historic presence on the street scene. As such he considered the front two dwellings unacceptable in their impact on the listed building and therefore development of these units would fail preserve the setting of the building as required by the Planning (Listed Buildings and Conservations Areas) Act 1990.
- 1.2.3 The third unit, to the rear, would have its frontage to the rear also and whilst the Inspector considered the setting of the listed building more definitely related to the street frontage, he was of the view that the proximity of unit 3 would appear cramped in comparison with the listed building, eroding the interest of its setting. He considered it to be too close to the rear parts of the listed building, appearing overbearing with its modern floor to floor heights and high ridgeline.

Living Conditions

- 1.2.4 The Inspector was of the view that plots 1 and 2 would not adversely affect the living conditions of existing residents, tending to face away from the direct view of the rear of numbers 1, 3 and 5 The Landway. But, the presence of the retained listed building, which was not intended when the layout was designed, would adversely affect the enjoyment of the rear gardens of the proposed plots 1 and 2 as the distance is in the order of 8 to 9m as a direct face to face measurement.
- 1.2.5 Plot 3 to the rear, would be approximately 11m from the main rear face of the listed number 7 and closer to the actual rear door through the conservatory, resulting in a cramped area of private space for each house that would, in the Inspector's opinion, be severely overlooked and not in accord with the aims of *Kent Design* of obtaining privacy to the area outside the rear door.

1.2.6 With regard to the view available from the rear of plot 3 to the gardens of 1, 3 and 5 The Landway, the Inspector considered this a harmful relationship, as the rear windows of bedroom 1, albeit to the further side of the façade, would look across the width of the existing relatively short gardens and particularly in the case of number 1 and 3, would have a clear view of the area nearest the rear elevation. The Inspector studied the layout of the Maidstone Road development and did not detect the same view across the width of existing gardens, as it appears that the two groups are sited to line with adjoining properties in a conventional manner. In the case of the relationship of plot 3 to numbers 1 and 3 The Landway he considered that there would be a harmful perception of overlooking and that conditions would not avoid a direct view of the private area immediately outside the rear door.

1.2.7 The Inspector considered that there would be unacceptable harm to the outlook of number 7 The Landway as the gable facing it would occupy a significant part of that outlook at a distance of 7m, which he considered overbearing for a two storey building. He concluded that the layout proposed would cause harm to the living conditions of existing and prospective occupiers contrary to advice in Kent Design and the aims of the Local Plan Policy P4/11 and Annex.

1.3 Site **The Meadows, Hildenborough Road, Shipbourne**
 Appeal **Against the refusal of permission for the creation of a new access and re-aligning hedge**

Appellant **Mr & Mrs Mullally**
 Decision **Appeal dismissed**

Background papers file: PA/40/06

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1.3.1 The Inspector considered the main issue to be the effect the development would have on the character and appearance of the area.

1.3.2 The site currently has access off a track which also serves a number of other properties and joins the highway at a sub-standard junction. This junction provides little visibility of fast moving vehicles travelling west on Hildenborough Road, largely because of the hedge along the front boundary of the appellants' property.

1.3.3 Roadside hedges are an important part of the character and appearance of the area. This hedge also screens the re-built house and was regarded as an important feature when planning permission was given. The Inspector considered that the introduction of a new opening would prejudice this screening and the integrity of the hedge as a landscape feature. He accepted the Council's concern regarding the risks in transplanting the current hedge, and the effect of its potential loss on the character and appearance of the area, particularly given its location in the SLA and, in this context, would be contrary to Policies P3/6, P4/11 and P6/19.

1.3.4 The Inspector commended the appellants' desire to improve the safety of their highway access, but the proposal before him would still be sub-standard and he did not consider its advantages of sufficient weight to put aside the Development

Plan. He also accepted that there could be some long term merit in a replacement hedge, particularly if planted with native species, but in his view, this scheme does not offer sufficient highway safety benefits to outweigh the short term harm that would result from the removal of the existing hedge.

1.4 Site **Land to rear of 1 and 2 Crow Hill, Borough Green**
 Appeal **Against the refusal of planning permission for the removal of a double garage and erection of a detached house**
 Appellant **Mr L Chown & Mr R Webster**
 Decision **Appeal allowed**
 Background papers file: PA/55/06

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- 1.4.1 The Inspector considered the main issues to be whether or not the appeal proposal would: firstly, erode the residential amenities of the occupiers of neighbouring dwellings; and secondly, result in development, the design of which would fail to respect the character of its surroundings.
- 1.4.2 The Inspector considered that a conclusion on this issue effectively rests on an assessment of the effect of the proposal on the outlook from the properties at 1 and 2 Crow Hill. This assessment is largely dependant on the degree of separation between the proposed and existing buildings. The application plan shows that there would be a distance of about 15.5m between the northern flank wall of the proposed 2-storey house and the rear elevation of the terrace that contains 1 and 2 Crow Hill. In the Inspector's experience, this exceeds the dimension conventionally used by many planning authorities in formulating acceptable parameters for housing layouts.
- 1.4.3 In the Inspector's opinion this distance would provide sufficient separation to avoid the proposed development appearing overbearing. He accepted that the proposal would be more dominant when seen from the back gardens of neighbouring houses but even then the proposal would stand 1.1m from the common boundary. He therefore found the allegation of overbearing unfounded and concluded that in relation to this issue the appeal proposal aligns with SP Policy QL1 and LP policy P4/11.
- 1.4.4 On the second issue the Council made no criticism of the design of the appeal proposal per se. Its criticism concerns the matter of scale, mass, form and height and the Council argued that the proposal would be at odds with the existing development in the locality, in particular to the small dwellings to the north of the appeal site.
- 1.4.5 At his site inspection the Inspector observed that developments in the locality present a range of different forms, sizes and designs of dwellings. Some are smaller than the proposal, but many are of a comparable size. He concluded on this issue that the scale, mass, form and height of the proposal would not fail to respect the character of its surroundings.

1.5 Site **The Bungalow, Teston Road, Offham**
Appeal **Against the refusal of permission for ground floor extensions, alterations to roof and rooms in roof.**

Appellant **Mr J Moyce**

Decision **Appeal allowed**

Background papers file: PA/46/06

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- 1.5.1 The Inspector considered the main issue to be the impact of the development on the character and appearance of the area.
- 1.5.2 The proposal would alter the existing dwelling, increasing its mass and the height of the ridge by some 0.5 metres, but the size of the plot is such that the Inspector considered that it would not look unduly out of scale and, given the presence of a very similar looking chalet house next door but one, would not appear out of place in the street scene. The proposed garage in front of the bungalow would also be consistent with the general building line and reflect a similar development at Oakdene next door.
- 1.5.3 The appearance of the new bungalow roof would be softened by the half hip design and although the extension would bring it closer to Oakdene, its siting is such that it would have no significant visual impact on this neighbour. On the other side, the garage to Pilgrims would screen the increased depth of the flank wall, which, in any event would only be seen peripherally from the rear of the property

Duncan Robinson

Chief Solicitor