

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

1 August 2007

Report of the Chief Solicitor

Part 1- Public

Matters for Information

1 PLANNING APPEAL DECISIONS

1.1 Site **6 Rectory Lane South, Leybourne**
Appeal **Against the refusal of permission for a single garage**
Appellant **B Hooper**
Decision **Appeal dismissed**
Background papers file: PA/14/07

Contact: Cliff Cochrane
01732 876038

1.1.1 The proposed garage would be forward of the front building line of No. 4 Rectory Lane South. Whilst it would be set into the ground, its dimensions would give the garage a bulk and massing that combined with the proximity to the road would, in the Inspector's opinion, upset the pattern of development in the street. The frontage and boundary vegetation would provide some screening from public views but the Inspector considered the garage would still be visible from views through the site access. From what she saw on her site inspection the Inspector considered the proposed garage, by reason of its siting and size, would have a detrimental impact on the particular and attractive character of the lane and on the street scene.

1.1.2 The Inspector accepted that there may be no intention now to remove the boundary vegetation but trees, shrubs and hedging, by their very nature, are features that will change over time even if carefully maintained and she was not persuaded that their retention or replacement in perpetuity could be satisfactorily secured by condition. For that reason she was not willing to rely on their current screening qualities to justify a development which she found would, in any event, be uncharacteristic of the form of development in the lane and harmful to the street scene. As such the Inspector considered that the proposal would not satisfy the objective of policy P4/11 of the Local Plan which seeks to ensure that all development proposals do not harm the particular character and quality of the local area..

1.2 Site **Land adjacent to Parkview, London Road, Addington**
 Appeal **Against the refusal of permission for the erection of a detached dwelling with garage**
 Appellant **CS & TP Consultancy Ltd**
 Decision **Appeal dismissed**
 Background papers file: PA/16/07 Contact: Cliff Cochrane
 01732 876038

1.2.1 The Inspector considered the proposal to be inappropriate development in the Green Belt, which is, by definition harmful to the Green Belt. She also considered the development would cause harm to the openness of the Green Belt, which is identified in PPG2 as its most important attribute, by the loss of the current open gap in development along the south side of the A20, the consolidation of ribbon development and the erection of a large house that would extend almost the full width of the site. In these regards the Inspector considered that the proposal would also conflict with the requirements of Local Plan policy P4/11.

1.2.2 The Inspector considered that there were no very special circumstances to justify the inappropriate development and outweigh the clear harm identified.

1.3 Site **Land at Chase, Sandy Lane, Ivy Hatch, Ightham**
 Appeal **Against (1) an enforcement notice issued by the Council alleging a breach of planning control namely, without planning permission the unauthorised change in use of a domestic building formerly used as a keep fit/dance studio to office and (2) the refusal of planning permission for the creation of a "home office".**
 Appellant **Mr Cedric Read and Mr & Mrs Read**
 Decision **Appeals allowed, enforcement notice quashed and planning permission granted**
 Background papers file: PA/47/06 Contact: Cliff Cochrane
 01732 876038

1.3.1 The Inspector considered the main issues in the appeals to be:

- The effect of the development on the character and appearance of the area;
- The effect of the development on the living conditions of neighbouring residents, with particular reference to noise and outlook; and
- The implications of the development for objectives of sustainability, with particular reference to traffic generation.

Character and appearance

1.3.2 The office building the subject of the appeals lies some considerable distance from the road and is not readily visible from any public area. The Inspector considered that its commercial role is not evident externally, and he therefore found the implications of the appeal scheme for the character and appearance of

the area to be confined to considerations of intensified traffic and the visual impact of parked vehicles.

- 1.3.3 With regard to the latter, the Appellants have reserved a secluded length of driveway adjacent to the site's northern boundary for employees' cars. This is large enough to accommodate four vehicles, one for each member of site based staff. This is largely hidden from Sandy Lane by trees and hedging and even during winter months, vehicles parked in this location are unlikely to draw the eye.
- 1.3.4 The locality is quiet and residential in character, with little traffic in evidence. The Inspector acknowledged that, in a setting of this kind, and vehicle usage over and above that associated with normal domestic trips is likely to be noticeable. However, he considered that a departure from the established pattern of activity does not in itself make the appeal development unacceptable.
- 1.3.5 Vehicle activity for the most part is confined to the arrival and departure of office staff at the beginning and end of each working day. However, the limited number of on-site employees is such that, even at these times, additional traffic on this scale is most unlikely, in the Inspector's view to have a serious adverse effect on general perceptions of the locality. He therefore concluded that, subject to conditions being imposed to limit the number of office-based staff, confine staff parking and restrict the nature of the business, the appeal development need not cause significant harm to the character or appearance of the area or impact adversely on the SLA or ASC.

Living conditions

- 1.3.6 The secluded nature of the employees' parking area and the nature of screening on the site's northern boundary is such that business activity within the curtilage of Chase is unlikely to impact significantly on the outlook of residents living on the opposite side of Sandy Lane, particularly as those properties are set well back from the road. Distance from the road is also sufficient in most cases to protect most dwellings in the vicinity from noise generated by vehicles and their occupants.
- 1.3.7 The only neighbours likely to experience a degree of impact are the occupiers of Trelawny, to the north of the appeal site and immediately adjacent to the allocated parking area. However, the vehicles are small in number and their arrival and departure confined for the most part to the beginning and end of the working day. In any event, the length of driveway in question already serves Chase's domestic garage.
- 1.3.8 The extensive curtilage of Chase is such that staff activity outside the confines of the buildings, whether during lunch or in transit between the main office and the appellant's accommodation should not, in the Inspector's assessment, impinge unduly on neighbours. He therefore found that, whilst vehicular activity may be discernible from time to time and the cars may be glimpsed through boundary vegetation, the enjoyment of the adjacent property by its occupiers is unlikely to be compromised to an unacceptable degree.

1.3.9 The Inspector concluded that, subject to appropriate restrictions, the appeal development need not have a significant adverse impact on the living conditions of neighbouring residents. Accordingly, he found no conflict in relation to this issue with the objectives of SP Policy EP7, LP Policies P4/8 or P6/14 or national policy in PPG4.

Sustainability

1.3.10 SP Policies TP3 and EP7 seek to ensure that, in such circumstances, premises are well served by public transport. The appeal site does not fulfil this requirement and the Inspector found it inevitable that, in this location, the business will be largely dependant on car travel to convey employees to and from work. The Inspector found the Appellant's travel plan of limited worth, to the extent that a condition to secure its provisions cannot be justified. The appeal scheme's sustainability credentials thus fall short of full compliance with the sustainability objectives of the Development Plan and national policy.

1.3.11 However, these shortcomings must be seen in perspective. The number of vehicle movements associated with the appellant's business, and thus its adverse implications for sustainability objectives, are very limited. The fact that Mr Read does not himself have to commute daily by car to business premises elsewhere must also be taken into account. Bearing this in mind the Inspector concluded that, on balance, this issue does not in itself give sufficient reason for dismissing the appeals and that a departure from the strict terms of SP Policies SP1, TP3, EP3, EP7 and SS8 and national guidance in PPS1, PPS7 and PPG13 can be justified in this particular case.

Duncan Robinson

Chief Solicitor