

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 2 PLANNING COMMITTEE**

**13 February 2008**

**Report of the Chief Solicitor**

**Part 1- Public**

**Matters for Information**

**1 PLANNING APPEAL DECISIONS**

- 1.1 Site **3 Springetts Barn, Broadwater Road, West Malling**  
Appeal **Against the refusal of permission for a loft conversion and replacement conservatory**  
Appellant **Mrs S Sen**  
Decision **Appeal allowed insofar as it relates to the replacement conservatory and dismissed in respect of the proposed loft conversion**

Background papers file: PA/46/07

Contact: Cliff Cochrane  
01732 876038

- 1.1.1 The proposed conservatory would replace an existing, somewhat smaller, structure of similar appearance and therefore would not materially alter the character of the barn conversion or harm the street scene.
- 1.1.2 The proposed roof dormer forming part of the loft extension would introduce a box-like structure, some 2.2m tall and deep and about 3.1m wide, onto the presently unbroken eastern roof slope of the converted barn.
- 1.1.3 Due to its proximity to, and height above, Broadwater Road, features accentuated by the position of the building close to a hilltop, the large, flat roofed, dormer would be seen by passers-by in profile against the skyline. In such views it would appear bulky, cumbersome, intrusive in the street scene, and visually damaging to the presently very attractive tiles sweep of the eastern roof hip. Thus the Inspector considered that the roof dormer would seriously conflict with the aims of Local Plan Saved Policy P4/12 and the Policy Annex.
- 1.1.4 The existing dormer to 1 Springett Barn, at the western edge of the conversion, provides no support for this part of the proposal because it is much smaller and has a gabled roof.

- 1.2 Site **Clippers Cottage, Taylors Lane, Trottiscliffe**  
 Appeal **A – against and enforcement notice issued by the Council alleging a breach of planning control, namely without planning permission the construction of a brick and stone retaining wall and steps in excess of one metre on the front boundary of the property adjacent to the highway and B – against a refusal to grant planning permission for a replacement front boundary wall (retrospective)**
- Appellant **Martin Lang**  
 Decision **Appeals dismissed and enforcement notice upheld**  
 Background papers file: PA/41/07 Contact: Cliff Cochrane  
 01732 876038

- 1.2.1 The Inspector considered the main issues in the appeals to be the effect of the wall on the character and appearance of the Trottiscliffe Conservation Area.
- 1.2.2 The appeal property is one of a short terrace of three attractive cottages on the west side of Taylors Lane, set on a bank, such that the base level of the dwellings is well above the level of the road. The Inspector considered that the terrace of cottages contributes significantly to the Conservation Area.
- 1.2.3 Although brick and random ragstone blocks have been used in the construction of the two sections of wall, the Inspector considered that the manner of their use with ragstones comprising large, rectangular panels surrounded by brickwork, to be particularly alien to the remaining sections of contiguous wall which borders the front gardens of the other two cottages in the terrace. The brick used, although of good quality, is quite different in colour and tone to that used on this adjoining section. Furthermore, the header bricks at the top of the new sections and the type of bonding contrast markedly and harshly with the half round bricks of the coping and bonding of this existing wall. Although the new sections have an inevitable “newness” which contributes to their present incongruity, the Inspector considered that even with the benefit of weathering the insensitive design of the two sections of wall is such that they would always appear as discordant elements in the street scene, detracting from this part of the Conservation Area.
- 1.2.4 The appellant contended that the requirements of the enforcement notice were excessive in that a wall not exceeding 1m in height would be permitted development and the wall should be reduced to 1m. The inspector concluded that the wall is an engineering operation and therefore does not enjoy the benefits of permitted development..

1.3 Site **North Down, Plaxdale Green Road, Stansted**  
 Appeal **Against the refusal of planning permission for the extension of an existing cottage on site (Rose Cottage)**  
 Appellant **Mr P Draper**  
 Decision **Appeal allowed**  
 Background papers file: PA/51/07

Contact: Cliff Cochrane  
01732 876038

- 1.3.1 The Inspector considered the main issue to be whether the proposal amounts to inappropriate development in the Green Belt and, if so, whether there are any very special circumstances to set aside the normal strong presumption against such development.
- 1.3.2 Policy CP3 in the Council's recently adopted Core Strategy indicates that national policy will be applied in the Green Belt. National advice on Green Belts is found in Planning Policy Guidance (PPG2) *Green Belts*. PPG2 sets out the presumption against inappropriate development in the Green Belt. The construction of new buildings in the Green Belt is inappropriate unless it is for purposes listed in paragraph 3.4, which includes the limited extension of existing dwellings. Paragraph 3.6 states that provided it does not result in disproportionate additions over and above the size of the original building, the extension of dwellings is not inappropriate.
- 1.3.3 Although the advice in PPG2 does not deal with the erection or extension of any form of outbuilding in a residential curtilage, the Inspector considered that the advice can be applied because what is sought is analogous to a residential extension of North Down, albeit detached. He considered this to be an appropriate approach because the outbuilding is closely related to the main house and the proposed accommodation is intended to be ancillary –it would be used in the same way if it were attached to the house.
- 1.3.4 In the context of the original dwelling, the Inspector considered that the proposed addition to the outbuilding is a very modest extension which would not be disproportionate to the size and appearance of North Down. He therefore considered that it is not inappropriate development in the Green Belt.

## **1.2 Legal Implications**

1.2.1 None

## **1.3 Financial and Value for Money Considerations**

1.3.1 None

## **1.4 Risk Assessment**

1.4.1 Not applicable

**Duncan Robinson**  
Chief Solicitor