

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 2 PLANNING COMMITTEE**

**07 May 2008**

**Report of the Acting Chief Solicitor**

**Part 1- Public**

**Matters for Information**

**1 PLANNING APPEAL DECISIONS**

**1.1 Site Land at the rear of 249 London Road, West Malling**

**Appeal Against the refusal of permission for the erection of a detached dwelling and replacement double garage, including demolition of outbuilding**

**Appellant Millwood Designer Homes Ltd**

**Decision Appeal dismissed**

**Background papers file: PA/67/07**

**Contact: Cliff Cochrane  
01732 876038**

- 1.1.1 The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the area and the effect on the living conditions of neighbours in terms of outlook noise and disturbance.
- 1.1.2 The appeal site is currently occupied by a substantial detached house with a large rear garden. Although the surrounding area is primarily characterised by substantial frontage development, the gardens and field to the rear represent a more rural environment and the existing buildings to the rear are infrequent and low key. Therefore the immediate area has a semi-rural character and appearance.
- 1.1.3 The proposed building would be single storey but nearly 7m high and would appear higher when viewed from nearby properties as a result of the higher ground levels of the site. The dwelling would have a large floor area and a considerable expanse of roof and, although there would be only limited views of it from the road, it would appear sizeable when seen from nearby properties and too large for its semi-rural position.
- 1.1.4 The proposed plot would be smaller than many in the area and the Inspector considered the development of it would not necessarily, in terms of size and position, significantly detract from the existing character and appearance of the area.

- 1.1.5 Whilst the Inspector considered the proposal acceptable in several respects he concluded that as a result of the size of the proposed building the proposal would significantly detract from the semi-rural character of the area.
- 1.1.6 The Inspector considered that the proposal would not cause any significant harm to the living conditions of the occupiers of no. 251 and while the effect would be greater for those at no. 249, it would not be so harmful as to result in unacceptable living conditions.
- 1.1.7 Despite his conclusions on living conditions in terms of outlook and noise and disturbance, the Inspector considered that the harm from the proposed development to the character and appearance of the area is a compelling reason to dismiss the appeal.

**1.2 Site One Oak, London Road, Wrotham**

Appeal **Against the refusal of permission for the demolition of existing bungalow, double garage and workshop building, erection of 2 detached chalet bungalows with detached garages**

Appellant **Mr O Saunders**

Decision **Appeal dismissed**

Background papers file: PA//66/07

Contact: Cliff Cochrane  
01732 876038

1.2.1 The Inspector considered the main issues to be:

- (i) whether the proposal would be inappropriate development, harmful to the function and purpose of the Green Belt
- (ii) whether the proposal would be sustainable development in the countryside,
- (iii) the effect of the proposals on the future occupiers in terms of noise and
- (iv) whether there are other considerations sufficient to clearly outweigh any harm thereby justifying it on the basis of very special circumstances.

*Green Belt*

1.2.2 The construction of new buildings in the Green Belt is inappropriate. Replacement buildings which are not materially larger than the dwelling they replace are not inappropriate. The Council has granted permission for a replacement house for up to 115 cubic metres and the Inspector agreed that one replacement dwelling would be acceptable. However, the second dwelling would fall within the description of inappropriate development.

- 1.2.3 The proposal would encroach upon open garden land and increase the density of the cluster of buildings it forms part of. If repeated too often, the cumulative effect would significantly erode the openness of the Green Belt which is its most important attribute.

*Sustainable development in the countryside*

- 1.2.4 The proposal would introduce a new dwelling outside an identified settlement. Although the site is previously developed land, no evidence of need has been demonstrated and the additional dwelling would therefore be in conflict with this policy. The proposal would be close to the petrol station shop but not easily accessible to a wide range of facilities. No details of the frequency and timings of bus routes are given and its access to a range of facilities such as schools, leisure and employment is not clear. The proposal would not, therefore be sustainable development in a rural area and in this respect it would conflict with national and local guidance.

*Living conditions*

- 1.2.5 The Inspector was not convinced that wherever the additional dwelling is situated, noise would not be intrusive in the garden areas, particularly intermittent noise from the garage car wash and other nearby noise sources, including the motorway and the A20. A satisfactory residential environment is a key objective of national policy and the Inspector considered that the proposal would conflict with this aim.

Ian Henderson  
Acting Chief Solicitor