

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 2 PLANNING COMMITTEE**

**10 December 2008**

**Report of the Chief Solicitor**

**Part 1- Public**

**Matters for Information**

**1 PLANNING APPEAL DECISIONS**

- 1.1 Site **27 Crow Hill, Borough Green**  
Appeal **Against the refusal of planning permission for 1 new dwelling within garden**  
Appellant **Mr G Wood**  
Decision **Appeal dismissed**  
Background papers file: PA/38/08

Contact: Cliff Cochrane  
01732 876038

The Inspector considered the main issues to be:

(1) the effect of the proposed development on the character and appearance of the area;

(2) the effect of the proposed development on highway safety;

(3) the effect of the proposed development on the living conditions of occupiers of 27 Crow Hill; and

(4) whether the proposed development would create satisfactory living conditions for its future occupiers.

*Character and appearance*

The dwelling would occupy a prominent corner position at the point where Crow Hill Road intersects with Sandy Ridge and Lingfield Road. The Inspector did not accept the appellant's contention that the development would match the scale, mass and bulk of the neighbouring houses. Nor did he consider the similarity of the proposed ridge height to that of 2 Crow Hill to be a mitigating factor. In his judgment, the dwelling would constitute an unduly dominant and alien structure and would not relate well to its surroundings. It would disrupt the established pattern of development in this area, which is characterised by bungalows and two storey houses. It would therefore detract from the street scene and harm the character and appearance of the area.

*Highway safety*

The visibility available from the access would be severely limited and the Inspector considered that vehicles manoeuvring into or out of the appeal site would give rise to hazardous conditions for other road users. The Inspector concluded that the proposal would be harmful to highway safety and contrary to paragraph 29 of *Planning Policy Guidance Note 13: Transport*, which requires the safety of all in the community to be addressed.

*Living conditions of occupiers of 27 Crow Hill*

In the Inspector's opinion the intended separation distance of 22m between the rear facades of 27 Crow Hill and the proposed dwelling would be sufficient to maintain a reasonable degree of privacy between buildings. However, that distance would not be apportioned equally in terms of the garden depth available to each house, such that the new dwelling would have a comparatively short rear garden. As a consequence, its rear elevation would tend to crowd the intervening boundary and its first floor windows would overlook the rear garden of No. 27. In his opinion, this would harm living conditions at No. 27 and the development would be unacceptable in the context of LDF policy CP24 which, amongst other things, requires the layout and siting of development to respect its surroundings.

*Living conditions for future occupiers of the development*

The Inspector concluded that the proposed development would create satisfactory living conditions for its future occupiers and, in that specific regard, he found it acceptable in the context of LDF policy CP24.

1.2 Site **Pretty Maid House, London Road, Wrotham**  
 Appeal **Against the refusal of consent for an internally illuminated  
 box sign suspended from a gibbet post**

Appellant **Mr A Carr**  
 Decision **Appeal dismissed**

Background papers file: PA/47/08

Contact: Cliff Cochrane  
 01732 876038

The Inspector considered the main issues to be whether the internally illuminated sign affects the character and appearance of the appeal premises and their surroundings.

The appeal site is part of a tree lined road frontage to a house which is set well back behind a front garden. With the exception of highway signs, advertising in the immediate area is limited, but there is an externally illuminated hanging sign displayed at the neighbouring restaurant.

The appeal sign is already on display, sited next to an access to the restaurant car park. In the Inspector's view the sign is seen as part of these isolated and relatively conspicuous restaurant premises. He did not therefore consider that the display of a sign of suitable size, design and illumination to be out of keeping. However, the box sign is internally illuminated through opal coloured acrylic faces

that have a substantial quantity of text and logo, finished in blue. The Inspector considered that its rather bulky appearance, together with its design, colour and method of illumination have given the appeal sign a suburban character which in his view is out of place within the essentially rural setting. For these reasons he considered that the appeal sign spoils the character and appearance of the area.

1.3 Site **The Cross, The Street, Mereworth**  
 Appeal **Against the refusal of permission for a new detached dwelling and change of use**

Appellant **Mr T Pallant**

Decision **Appeal dismissed**

Background papers file: PA/19/08

Contact: Cliff Cochrane  
 01732 876038

The Inspector considered the main issues to be whether the proposal would be inappropriate development within the Green Belt; the impact it would have on the character and appearance of the locality including the setting of the neighbouring Conservation Area and listed buildings; and, if the development is inappropriate in the Green Belt, whether there are other considerations sufficient to clearly outweigh the harm to the Green Belt and any other harm, thereby justifying the proposal on the basis of very special circumstances.

*Green Belt*

The site currently contains a group of small, single storey agricultural style buildings. These would be replaced by a single dwelling. Residential development of this type is not listed in PPG2 as one of the categories of new building that are not inappropriate in the Green Belt, and it is therefore inappropriate development.

The most important attribute of Green Belt is there openness. The proposed house would comprise 350sqm on the ground floor and 75sqm on the first floor. While the existing buildings would be removed, the effect of this scale of built form would in the Inspector's opinion be to reduce the openness of the site and this part of the Green Belt.

One of the purposes of including land in Green Belts is to assist in safeguarding the countryside from encroachment. The site lies outside the identified confines of Mereworth. Although the site already accommodates buildings, the proposal would extend residential development into this area. This would conflict with the above Green Belt purpose, and be contrary to policies HP5 of the Structure Plan and CP14 of the Tonbridge and Malling Local Development Framework Core Strategy 2007.

*Character and appearance*

The proposed house would be a building of substantial size, but would occupy a relatively large site. Subject to its detailed design the Inspector considered that it need not detract from the visual character of the locality by reason of its mass, scale or bulk and could accord with policies QL1 of the Structure Plan, CP24 of

the Core Strategy, and P4/11 of the Tonbridge and Malling Borough Local Plan 1998.

Neighbouring the site to the west is St Lawrence Church, a Grade 1 listed building. Neighbouring it to the east are the Farmhouse and the Oast House, which are listed Grade II. The plans show the proposed house sited some way further back from The Street than these buildings. The sizes of the respective sites would provide for further separation between the buildings, with this added to by vegetation on the west boundary. The Inspector considered that the proposal would not impinge on the settings of the listed buildings provided by their own sites, or any particular aspects of their settings that are formed by the wider surroundings. In the Inspector's opinion it could be accommodated without harmfully challenging or competing with the listed buildings, and their settings would be preserved. He reached a similar conclusion with respect to the Grade II listed 115 The Street which lies on the north side of the road. He concluded therefore that there was no conflict with the protection given to listed buildings by policies QL8 of the Structure Plan and P4/1 of the Local Plan.

The Inspector concluded that the harm of the proposal would be limited to that by reason of inappropriateness, some erosion of openness, and conflict with the countryside safeguarding purpose of the Green Belt. The appellant argued that the proposal would provide for visual benefit by reducing clutter and enabling the landscape value of the site to be enhanced. In the Inspector's assessment this benefit would be insufficient to clearly outweigh the harm, and very special circumstances to justify the inappropriate development in the Green Belt do not exist.

**Wendi Batteson**  
Chief Solicitor