

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

04 August 2010

Report of the Legal Services Partnership Manager

Part 1- Public

Matters for Information

1 PLANNING APPEAL DECISIONS

- 1.1 Site **Hextall Cottage, Martins Lane, East Peckham**  
Appeal **Against the refusal of permission for the removal of duo-pitched roof over the original dwelling and later extension, replacing with a "Mansard" roof to contain new accommodation, demolition of existing conservatory and replacement with extension to living room; living room roof to be pitched in slate as per existing roof**

Appellant **Mr Chris Thompson**

Decision **Appeal dismissed**

Background papers file:  
PA/14/10

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The Inspector considered the main issues to be

- Whether the proposal is inappropriate development for the purposes of Planning Policy Guidance (PPG) 2: *Green Belts* and development plan policy
- The effect upon the openness of the Green Belt
- The effect upon the character and appearance of the area
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

*Whether the proposal is inappropriate development*

The appeal property is a detached, brick built, single storey dwelling with pitched and hipped slate roofs. It is set in extensive grounds within the Green Belt. The original cottage has been substantially extended in a manner which is generally in keeping with its traditional design. The development would provide 3 bedrooms and a bathroom within a proposed new mansard roof

structure. The footprint of the dwelling would be slightly reduced by the replacement of an existing conservatory by a family room.

Paragraph 3.6 of PPG2 states that, provided it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in Green Belts. Policy CP3 of the Council's Core Strategy (CS), adopted as part of the Local Development Framework in 2007, applies national policy in the local area. In addition, CS policy CP14 allows for appropriate extensions to existing dwellings in the countryside.

Given the extensive additions which have already been made to the property, the cumulative increase in the volume of the building including the appeal proposal would amount to some 135 per cent of its original size. Such a volumetric increase, which would now be given greater emphasis by an increase in height, would in the Inspector's opinion be disproportionate to the size of the original building. He therefore concluded that the proposal would be inappropriate development for the purposes of Planning Policy Guidance (PPG) 2: *Green Belts* and development plan policy.

#### *Effect upon the openness of the Green Belt*

The submitted plans indicate that the height of the roof over the principal part of the building would be increased by approximately 1.5 metres to give a total building height of some 5.5 metres. Its mansard form would be inherently more bulky than the hipped structures it would replace and this would be further accentuated by the proposed dormers on all 4 sides. The existence of other larger properties in the area would not mitigate the harm caused to openness. However, the impact would be tempered by the extensive nature of the appeal site and the Inspector concluded that the proposal would have only a slight effect upon the openness of the Green Belt, weighing marginally against the proposal.

#### *Effect upon the character and appearance of the area*

The appeal site is located some distance from the public domain and is generally well screened. However, at his site visit the Inspector observed that a clear view of the upper parts of the dwelling could be obtained from a public footpath passing some 250 metres to the west. At present the low hipped roof forms on the property which are visible from the footpath are in keeping with the local landscape, where such glimpses of traditionally designed houses are a significant part of the character of the area.

Although some distance from the site, this viewpoint would, in the Inspector's judgement, afford a view of the proposed mansard roof which would be an obtrusive element in the rural surroundings, detrimental to the character and appearance of the area. The harm this would cause weighs moderately against the proposal.

#### *Other considerations*

The appellant considers that the current house is an unattractive assortment of various extensions around the original dwelling and that the addition of a mansard roof would bring the component parts of the house together. For the reasons outlined earlier, the

Inspector did not share these views and therefore gave them little weight in favour of the proposal. He sympathised with the appellant's wish for a more comfortable and secure family home. However, this can be achieved by means other than the further enlargement of the property. He therefore accorded little weight to this consideration.

The appellant drew the Inspector's attention to a previous Appeal decision, Ref: APP/H2265/A/07/2039172, in respect of a proposal to convert the building into a 2 storey dwelling with a pitched and hipped roof rising higher than the current proposal. Although the Inspector has not seen details of the previous plans, he acknowledged that the bulk and prominence of the appeal proposal may be materially less than the previous scheme. However, given the harm he identified, he did not consider that the current scheme overcomes the previous Inspector's objections and therefore gave little weight to this consideration.

### Conclusions

The proposal would cause substantial harm to the Green Belt by reason of its inappropriateness. There would also be slight harm caused to the openness of the Green Belt and moderate harm to the character and appearance of the area.

The Inspector considered the matters raised by the appellant in support of the proposal and the weight which may be attributed to each of them. For the reasons given the appellant's perceived improvement in the appearance of the building, the wish for a more comfortable and secure home and the reduction in the size of the scheme in comparison to the previously dismissed proposal each carry little weight in the determination of the appeal.

In the Inspector's judgement the considerations in favour of the proposal do not clearly outweigh the harm attributable to the scheme. He concluded that no very special circumstances exist to justify the grant of planning permission for the proposed inappropriate development.

1.2 Site: **3 Church Villas, Long Mill Lane, Platt**  
 Appeal **Against the refusal of permission to demolish an existing garage and erect 2 no. semi-detached houses**

Appellant **Mr D Raymond**  
 Decision **Appeal dismissed**

Background Papers file : PA/06/10

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The Inspector considered the main issue in this appeal to be the effect of the proposal on the character and appearance of the Platt Conservation Area.

### Reasons

The parties refer to Planning Policy Guidance Note 15 "*Planning and the Historic Environment*" which would have been extant at the time of the decision and the Appeal Statements. This document was replaced in March 2010 by Planning Policy Statement 5

*“Planning for the Historic Environment”*. Whilst there are changes to the terminology in this new advice, the statutory test regarding conservation areas, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 remains the same in requiring special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The appellant makes reference to the South Lakeland case, and the latest statement of Government policy does not alter that position either.

The design, detailing and use of materials proposed for the new building would be acceptable, and could be secured by condition. The removal of the garage and filling of the gap in this prominent location could be beneficial and could provide a fitting street frontage. The siting of the building appears to reconcile the different building lines of the dwellings to the south and that to the north by introducing a third building line, and this, together with the step-in to the rear would assist in the relationship with 1 Maddox Cottages. Core Strategy Policy CP13, adopted in September 2007, states that new development within the confines of Platt will be restricted to minor development appropriate to the scale and character of the settlement. The Inspector considered this development accords with the thrust of this policy with regard to the design of the building itself, and its location.

However, the proposed site plan drawing shows only an empty space in front of the two dwellings, occupied by two cars in each case. There is no information on any boundary treatment, which the Inspector considered would be limited or non-existent to allow the cars access to all the spaces. The cars are drawn close to the front door and the bay window, again with no information on, and only limited space for, landscaping against the building. Whilst it is a fact that the northern of the two dwellings could accommodate more landscaping than the other, the lack of information and the limited room all lead him to the view that the placing of the built form, or its size, unduly reduces the available space for the proposed two cars in each case, as well as the level of hard and soft landscaping that he considered would be required in this sensitive and prominent location.

The appellant refers to the use of conditions to secure the landscaping and soften the development, and paragraph 2 of Circular 11/95 *“The Use of Conditions in Planning Permissions”* does state that used properly, conditions can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. Nevertheless, the Inspector was not persuaded that the space provided and the desire to accommodate two cars would lead to the standard of development sought in Policy CP13 and in the detail requirements of Policy CP24. He acknowledged that there is a tension here as the Parish Council refers to parking pressure in the area and the aim of placing two cars on the site would appear to assist. He noted that the appellant states that the parking would be more than adequate for the family. But, one of the visual features of the immediate vicinity is a strong boundary treatment appropriate to the link between the public realm of the street in front of the church, and the front garden areas of the cottages. On the information before him, and his view as to the cramped

arrangement of parking and landscaping, he considered that this development would appear out of place and unattractive with its open frontage.

He acknowledged the current state of the site, which is not attractive. He acknowledged also the requirement to at least preserve the character and appearance of the area, and that change need not be harmful. However, in this case he found the proposal would be likely to introduce harm that is not outweighed by the current situation and that this site requires a development more appropriate to the scale and character of the settlement as sought in Policy CP13. For the reasons given above he concluded that the appeal should be dismissed.

1.3 Site: **Laurel Rise, Long Mill Lane, Plaxtol**  
 Appeal **Against the refusal of permission for the erection of a first floor side extension**

Appellant **Mr M Hutley**

Decision **Appeals dismissed**

Background Papers file : PA/19/10

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The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the Long Mill Lane area of Plaxtol Spoute. Core Strategy Policy CP24 requires development to respect the site and surroundings. The appeal property is one of two permitted on appeal in 2003 in replacement for a single dwelling and the Inspector noted that the previous Inspector referred to a gap between the two proposed buildings. Both dwellings have been subsequently extended at single storey with lean-to roofs, so that the gap is now reduced. The extension of the appeal dwelling does not affect that gap and he attached limited weight to the suggestion that this gap may be filled by a similar extension once the precedent is set; each application should be dealt with on its merits. He had similar views on any possibility of infilling between the site and Hill View.

It was apparent from the Inspector's inspection that the lean-to roof does not extend as high on the gable wall as is shown on the application drawing. The previous extension is low and clearly subservient to the design of the original house. The appeal proposal by contrast would be high and by extending the lines of the walls and roof of the house, would fail to appear subservient, resulting in the full height and depth of the house extending towards the boundary. The Inspector considered this proximity harmful at the full height, appearing cramped and poorly related to the grain of development in the area. The open land to the west does little to alleviate this impression and the elevated position of Laurel Rise accentuates the harm.

The Inspector read of other matters referred to by local residents, but find no harm to the setting of the listed Manderley, as that building is separated by both the main part of Laurel Rise and Spoute Corner, and relates more to the road junction. The possibility of overlooking from a new en-suite shower room could be avoided by condition requiring obscure glazing, and in view of the existing shrubbery, there would be little additional affect on light or the relationship with 2 Laburnum Cottages to the rear. However, it was his opinion that the extension would cause harm to the street scene and the character

and appearance of the area, contrary to the aims of Policy CP24 and hence for the reasons given above he concluded that the appeal should be dismissed.

**Adrian Stanfield**

Legal Services Partnership Manager