

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 2 PLANNING COMMITTEE**

**25 May 2011**

**Report of the Legal Services Partnership Manager**

**Part 1- Public**

**Matters for Information**

**1 PLANNING APPEAL DECISIONS**

- 1.1 Site: **2 Epsom Close, West Malling**  
Appeal **Against the refusal of planning permission for a 2<sup>nd</sup> storey over the existing garage/dining room**  
Appellant **Mark Wanstall**  
Decision **Appeal dismissed**  
Background Papers file : PA/08/11

Contact: Cliff Cochrane  
01732 876038

The Inspector considered the main issues to be the effect on the character and appearance of the area and the living conditions of the neighbouring occupiers at No 1 Sandown Road, in relation to outlook.

**Reasons**

*Character and appearance*

The extension would provide habitable accommodation at first floor level. Its roof would match the eaves and the ridge of the main house. The front and rear walls of the extension would be in alignment with the existing front and rear walls of the host property and the extension would extend across the full width of the existing garage and dining room. While it would repeat the form of the existing house, it would be a very substantial addition, which would fail to be subservient to the dwelling. It would be out of keeping with the prevailing scale of development in this residential area, and would, therefore, have a materially harmful effect on the character and appearance of the street scene.

The appellant refers to other first-floor extensions nearby in support of the proposal, and the Inspector inspected these from the street at the time of his visit. The extensions at Nos 12 and 15 Epsom Close are not comparable to the proposal as they are noticeably smaller and set back from the main front wall of the host properties. The large extension at No 1 Epsom Close is incomplete and there was no evidence before him that planning permission has been granted. In any event, there is insufficient information concerning the backgrounds and

circumstances in these cases to ascertain whether there are any similarities with this appeal.

*Living conditions*

The Inspector approached the question of outlook on the basis of any harm which could be caused by an overbearing development rather than in the sense of a loss of view. The flank wall of the extension would be in close proximity to the common boundary with the house at No 1 Sandown Road. It would be a dominant, overbearing feature, which would spoil the outlook from the rear facing windows and the garden, and would be materially harmful to the living conditions of the occupiers.

For the reasons given the proposal is not acceptable. It would conflict with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document, 2010, and policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998.

- 1.2 Site: **Laurel Rise, Long Mill Lane, Plaxtol**  
 Appeal **Against the refusal of planning permission for the erection of a side extension**  
 Appellant **Mr M Hutley**  
 Decision **Appeal allowed**  
 Background Papers file : PA/10/11 Contact: Cliff Cochrane  
01732 876038

The Inspector considered the main issue to be the effect on the character and appearance of the area.

**Reasons**

Unlike the previous proposals for a 2-storey side extension, including that dismissed at appeal (Ref APP/H2265/D/10/2129654), the front wall would be recessed around 1m from the main front wall of the Laurel Rise, and the roof ridge would be some 1.5m lower than the height of the main roof. The extension would result in 2-storey development across much of the width of the site, and would undoubtedly increase the bulk of the dwelling, which would be clearly visible from the road due to the elevated position of the site. However, for the reasons given above, it would appear subservient to Laurel Rise.

The Council is concerned that the development would necessitate cutting back the trees located within the neighbouring property, Rivenstone, but there is no information to indicate that this could not take place in the absence of the proposal. Moreover, the extension would not affect the gap between Laurel Rise and the neighbouring house, Sproute Corner.

There is little consistency in the separation distances between the nearby dwellings and their site boundaries. The proposal would, therefore, respect its site and surroundings and would not be significantly harmful to the local distinctiveness of the area. As such, it would not be materially harmful to the character and appearance of the street scene and would not conflict with policies CP1 or CP24 of the Tonbridge and Malling Local Development Framework Core Strategy, adopted in 2007, or policy SQ1 of the Managing Development and the Environment Development Plan Document, adopted in 2010.

It would not provide a precedent for a 2-storey extension at Sproute Corner, as this would affect the gap between the 2 dwellings. In any event, each proposal has to be considered on its own merits.

The Inspector considered the conditions suggested by the Council and agree that, in addition to the time limiting condition, a condition requiring matching materials to be used is necessary in the interests of the visual amenity of the area. In common with the Inspector who considered the recent appeal, he considered that a condition requiring obscure glazing in the en-suite window is necessary in the interests of the living conditions of neighbouring residents and future occupiers. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

### **Adrian Stanfield**

Legal Services Partnership Manager

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	Information report only
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	N/A	Information report only
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*