

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

23 May 2012

Report of the Chief Solicitor

Part 1- Public

Matters for Information

1 PLANNING APPEAL DECISIONS

- 1.1 Site: **Unit 1, Tower Industrial Estate, London Road, Wrotham**
Appeal **Against the refusal of planning permission for a vehicle crossover (planning application reference TM/11/02077/FL)**
Appellant **Mr Ernest Carpenter**
Decision **Appeal dismissed**
Background Papers file : PA/03/12

Contact: Cliff Cochrane
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Although the appeal site lies within the Metropolitan Green Belt and an Area of Outstanding Natural Beauty (AONB) the Council has confirmed the proposal would not result in significant harm to the openness of the Green Belt, nor would it affect the character of the AONB. The Inspector had no reason to disagree and accordingly the main issue in this appeal is the effect of the proposed vehicle crossover on highway safety.

Reasons

The existing access to the appeal site is through the main entrance to the industrial estate. The proposed crossover would be about 45m north of the main entrance and the appellant has indicated that the site would be rearranged to provide a parking and turning area. The proposed crossover would provide access to the site from the A20 London Road. The A20 is part of the primary road network and is subject to the national speed limit. An additional access point close to the existing main entrance would make it easy to mistake vehicles turning into the proposed access for those turning into the main entrance and create the potential for vehicles to exit from the main and proposed access at the same time. This increase in the complexity of the local road system would add a significant hazard in the area that would adversely affect the fast moving traffic on this major road and prejudice highway safety.

No details of sight lines have been provided but from observations on the Inspector's site inspection he noted that, despite some overhanging branches that may obstruct long distance views later in the year, reasonable sight lines would be available if the wide verge and existing access splays were clear of obstructions. However, vehicles regularly park on the access splays and, as these are not within the control of the appellant, he could not guarantee that visibility splays would remain clear. The lack of clear sight lines would be detrimental to the safety of those using the proposed access as well as those on the main road.

The appellant has referred to the parked cars close to the main access and considers these have a negative impact on cars entering and leaving the site, but there are similar concerns in respect of the proposal. There is clearly a high demand for parking in the area, but the Inspector saw no details of how the proposed development would improve the situation in terms of highway safety.

Although the appellant considers there would be a great benefit for the continuing growth and trade of the enterprise, it has not been demonstrated that this outweighs the concerns in respect of highway safety, which is a matter of public interest.

The Inspector concluded the proposed vehicle crossover would be prejudicial to highway safety and would conflict with the provisions of Policy SQ8 of the Tonbridge and Malling *Managing Development and the Environment* Development Plan Document (2010) which advises that development proposals should not significantly harm highway safety and Policy CP24 of the Core Strategy which requires high quality development. These policies predate the recently published National Planning Policy Framework (the Framework) which the Inspector took into consideration. However, because the policies seek to maintain public safety and good design, which are continuing objectives of the Framework, he considered that the Framework does not alter his conclusions.

For the reasons given above the Inspector concluded that the appeal should be dismissed.

- 1.2 Site: **Spoute Corner, Long Mill Lane, Plaxtol**
 Appeal **Against the refusal of planning permission for the addition of a first floor side extension (planning application ref TM/11/03024/FL)**
 Appellant **Mr G Smith**
 Decision **Appeal allowed and planning permission granted**
 Background Papers file : PA/12/12 Contact: Cliff Cochrane
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The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the surrounding area, and its impact on the natural beauty and quiet enjoyment of the Kent Downs Area of Outstanding Natural Beauty.(AONB).

Reasons

The appeal site is situated in an area of Plaxtol which contains a considerable variety of dwelling types and plot sizes. The ground floor level of the appeal property is lower than that of the neighbouring dwelling, Laurel Rise. The extension would appear subservient to the host dwelling by virtue of its set back from the front elevation of the host dwelling and the lower roof height. In this context, although the proposed extension would reduce the gap between the appeal property and the neighbouring dwelling, it would not be materially harmful to the character and appearance of the surrounding area, nor to the natural beauty and quiet enjoyment of the AONB. It would not conflict with the objectives of Policies CP1 and CP24 of the Tonbridge and Malling Core Strategy 2007 or Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document.

The Inspector noted the comments of the Inspector who considered proposals to extend Laurel Rise (ref: APP/H2265/D/11/2146861), finding that the proposal before her would not set a precedent for a two storey extension at the appeal site because such a scheme would affect the gap between the two dwellings. However, her comments do not amount to a conclusion that a proposal to extend the appeal property would be unacceptable because, as she says, each proposal has to be considered on its own merits.

The Inspector considered the representations made by local residents, but he agree with the Council's conclusion that the appeal scheme would not have an unacceptable impact on the living conditions of the occupiers of neighbouring properties or on the setting of the listed building Manderley which lies to the rear of the site in its own grounds. The Council indicates that the proposal complies with its parking standards and would not give rise to highway safety concerns and he concurred with that view. He was not persuaded that an extension of this size would give rise to concerns regarding drainage which would justify a refusal of planning permission.

In addition to the standard time condition, the Inspector imposed a condition requiring the use of matching materials in the interests of visual amenity. For the avoidance of doubt and in the interests of proper planning, he imposed a condition that the scheme shall be built in accordance with the submitted plans.

Adrian Stanfield
Chief Solicitor