

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

20 OCTOBER 2005

Report of the Chief Solicitor

Part 1- Public

Matters for Information

1 PLANNING APPEAL DECISIONS

1.1 Site **Land adjoining 56 York Avenue, Walderslade**
Appeal **Against the refusal of permission for the erection of a single storey dwelling**
Appellant **Mrs W Topliss**
Decision **Appeal allowed**
Background papers file: PA/15/05

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1.1.1 The Inspector considered the main issues to be the effect of the proposal on:

- (1) the character and appearance of the surrounding area with particular reference to street scene and trees; and
- (2) the living conditions of adjoining occupiers with particular reference to privacy.

Character and appearance

1.1.2 The appeal site comprises part of the rear garden to No. 56 York Avenue, facing onto Victoria Road, within an area that is predominantly residential. The wide grass verges between the existing houses and the public footpath contribute to the spacious character of the surrounding area.

1.1.3 The proposed house would be in the centre of the site with the garden located to either side. In this position the house would roughly align with the flank wall of No. 56 York Avenue and would extend close to the rear boundary of the site and to within about three metres of the frontage of the site. It would however be significantly forward of the existing bungalows within Victoria Road.

1.1.4 The substation and the close boarded fence enclosing it form a visual break between existing houses in Victoria Road and the appeal site. The existing hedge would provide an element of screening and help to assimilate the proposed house into the street scene. The Inspector therefore considered that a dwelling in this position would have a satisfactory relationship with the locality and would comply with SP policy ENV15 and LP policy P4/11.

- 1.1.5 At the time of the Inspector's visit large areas of the garden, in particular those adjacent to No. 20 Victoria Road and No. 56 York Avenue were not overshadowed. He agreed with the Council that light to windows in the south elevation of the proposed house facing the trees would be restricted. However, he considered that windows could be located in the east and the west elevations and these would allow the occupiers of the property to receive adequate light. He concluded that the proposed house would not have a harmful effect on the character and appearance of the surrounding area and would comply with SP policy ENV15, LP policy P4/11 and national planning guidance.

Living conditions

- 1.1.6 The appellant stated that the distance between the windows to habitable rooms and neighbouring dwellings is sufficient to comply with the Kent Design Guide in respect of privacy. The Inspector was satisfied that adequate separation can be provided to safeguard the privacy of adjoining occupiers. He shared the Council's concern that windows inserted in the roof could give rise to overlooking and loss of privacy to neighbouring occupiers; however, he considered this could be prevented by a condition restricting permitted development rights.

Duncan Robinson

Chief Solicitor