

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 3 PLANNING COMMITTEE**

**20 December 2007**

**Report of the Chief Solicitor**

**Part 1- Public**

**Matters for Information**

**1 PLANNING APPEAL DECISIONS**

1.1 Site **Leitrim House, Coldharbour Lane, Aylesford**  
Appeal **Against the refusal of permission for an extension to office building**  
Appellant **Gallagher Properties Ltd**  
Decision **Appeal allowed**  
Background papers file: PA/43/07

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- 1.1.1 The Inspector considered the main issue to be whether the proposed development would harm the integrity, function or purpose of the mid-Kent Strategic Gap and the effect of the proposed development on the living conditions of nearby occupiers.
- 1.1.2 Both parties agreed that the proposed development would lie partly within the land identified in the Local Plan as being for open storage uses and partly within the Strategic Gap. The proposal would not alter the primary function of the area as an "open storage" area and given the existence of other large commercial/industrial units on land to the south, the Inspector did not consider the proposed development would conflict with local plan policy P5/14.
- 1.1.3 The site is divided into two visually distinct areas of land separated by an embankment and level change. To the north of the embankment the land is generally open and is viewed in the context of the open land to the east and north. To the south of the embankment the site is mainly laid out as a parking area and an access road serving the existing office building.
- 1.1.4 Due to its location within the area to the south of the embankment, the Inspector considered that the proposed extension would be visually contained within the envelope of the wider industrial complex to the south and would not appear to encroach into the open area to the north. It would also enable the removal of two storage containers from this open land. The proposed extension would project into the Strategic Gap by some 6 metres and the Inspector considered this to be a small incursion relative to the overall amount of land within the Gap. Together these factors lead her to conclude that the proposal would not harm the integrity, function or purpose of the Strategic Gap, nor would it constitute a significant

extension of the “open storage” allocation on the local plan. It would not therefore conflict with Structure Plan policy SS3 or Core Strategy policy CP5. For the same reasons there would be no conflict with policies CP6 and CP 24.

- 1.1.5 The Inspector concluded that the proposal would not cause any significant harm to the living conditions of nearby occupiers.

1.2 Site **188 Woodlands Road, Aylesford**  
 Appeal **Against the refusal of permission for a proposed extension over a garage and an extension to kitchen**

Appellant **Mr & Mrs Norman**

Decision **Appeal allowed**

Background papers file: PA/39/04

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- 1.2.1 The Inspector considered there to be two main issues, firstly the effect on the character and appearance of the area, and secondly, the effect on the living conditions of neighbouring occupiers at Nos 186, 190 and 233 Woodlands road in relation to privacy, outlook and light.
- 1.2.1 *Character and appearance:* The dwelling is one of a group of very similar houses with flat roofed garages extending up to the boundary. The houses on the opposite side of Woodlands Road are of a different style. Some have been extended and there is not a complete uniformity of layout and design throughout the locality.
- 1.2.2 Although there would be a noticeable loss of separation between Nos 188 and 186 at first-floor level, the Inspector considered that its distance from the boundary and the hipped roof would together be sufficient to avoid a terracing effect.
- 1.2.3 *Living Conditions-privacy:* The Inspector considered that the proposed development would undoubtedly alter the appearance of the dwelling within the street scene. However, the overall design, including the pitch and structure of the roofs, the detailing including the pattern of fenestration, and materials would be in keeping with the host property and the neighbouring houses.
- 1.2.4 *Living conditions –outlook:* The Inspector approached the matter 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 kitchen extension would be visible from the garden of No. 190 but, due to its distance from the common boundary and its hipped roof, it would not be an overbearing structure and would not have a significantly harmful effect on living conditions of the occupiers of No.190.
- 1.2.5 The appeal premises are set back from the highway and at a lower ground level than No. 233. Consequently, the two storey garage extension would not appear overbearing to the occupiers of No. 233. The garage extension would reduce the views of the trees at the rear of the property from No. 233, but there is no right to a view, and the proposal would have a neutral effect on the outlook from No. 233.

1.2.6 *Living conditions – Light:* The kitchen extension would not project beyond a line taken at 45 degrees from the nearest window of a habitable room at No. 190. As a result, there would not be a significant loss of light to the neighbouring house.

1.2.7 The Inspector concluded that the extensions would not have a materially harmful effect on the character and appearance of the area or the living conditions of the occupiers.

**Duncan Robinson**

Chief Solicitor