

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 3 PLANNING COMMITTEE**

**28 February 2008**

**Report of the Chief Solicitor**

**Part 1- Public**

**Matters for Information**

**1 PLANNING APPEAL DECISIONS**

1.1 Site **Land to the rear of 581- 591 Maidstone Road, Blue Bell Hill, Chatham**  
Appeal **Against the refusal of permission for the construction of 8 no. 2 and 3 bedroom houses**  
Appellant **Willow Homes Ltd**  
Decision **Appeal dismissed**  
Background papers file: PA/54/07

Contact: Cliff Cochrane  
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- 1.1.1 The Inspector considered the main issues in the appeal to be the effect that the proposal would have on firstly, the character and appearance of the surrounding area and, secondly, the living conditions of the occupiers of 1 Laurie Gray Avenue, with regard to noise and disturbance.
- 1.1.2 The Inspector was satisfied that there would be no harmful overlooking or loss of privacy, no unacceptable overshadowing, no damaging loss of sunlight or daylight, and no unacceptable overbearing visual impact, as these details could be dealt with satisfactorily at the reserved matters stage. As the development would be residential, in a mainly residential area, unacceptable noise and disturbance from the normal use of the dwellings and their immediate surroundings would not be likely to arise.
- 1.1.3 As to living conditions the access road would run the length of the side boundary of the bungalow and its back garden at 1 Laurie Gray Avenue. The kitchen window and the back door to that dwelling face onto, and are very close to, the common boundary fence, beyond which there is presently a back garden. Drivers and pedestrians going to and from the development would pass close by the kitchen window, the kitchen door, and the side of the back garden.
- 1.1.4 The privacy of the occupiers of the bungalow could be protected by a boundary fence about 1.8m high. However, there would be no space for a landscaped buffer, or other means, to keep people and vehicles on the site away from the side boundary. Thus the noise and disturbance that could arise very close to the boundary, right up to the boundary fence, could include the movements of people

and vehicles, engine noise, and conversation. The Inspector therefore concluded that this noise and disturbance would harm the living conditions of the occupiers of 1 Laurie Gray Avenue. It would be contrary to SP Policy QL1 and LDF Policy CP24.

1.2 Site **Burham Court, Court Road, Burham**  
 Appeal **Against the refusal of permission for a detached pool house and carport**  
 Appellant **Mr R Beale**  
 Decision **Appeal dismissed**  
 Background papers file: PA/56/07 Contact: Cliff Cochrane  
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1.2.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the area including the setting of the Grade II listed Burham Court.

1.2.2 The site of Burham Court is relatively open which gives the building a degree of detachment and prominence. These features, in the Inspector's opinion, are an important aspect of its setting, contributing to its overall significance.

1.2.3 The proposed building would comprise covered parking for three cars and a swimming pool at ground floor with a recreational area above. Its footprint of 215sqm would be only a little less than that of Burham Court of around 218sqm. The Inspector recognised that the structure would be lower than Burham Court but a structure of this size in such a position would detract from the elements of the setting of Burham Court and the character and appearance of the area.

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**Duncan Robinson**  
 Chief Solicitor