

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 3 PLANNING COMMITTEE**

**6 November 2008**

**Report of the Chief Solicitor**

**Part 1- Public**

**Matters for Information**

**1 PLANNING APPEAL DECISIONS**

- 1.1 Site **7 High Street, Wouldham**  
Appeal **Against the refusal of permission for the demolition of a side addition and the erection of a new two storey house with off street car parking**  
Appellant **Mr P Orchard**  
Decision **Appeal dismissed**  
Background papers file: PA/37/08

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.

The proposal would extend one of two groups of matching terraced dwellings, separated by the village hall, a former Temperance Church.

Overall, whilst the Inspector accepted that the proposal would not unbalance the front elevation of this row of terraces, that a sufficient gap would be retained, and that car parking could be resolved by suitable conditions, he was concerned that the placing of two ground floor windows would unbalance the symmetry of this pleasant terrace of houses. He considered it particularly vital here as the dwelling would be clearly seen on the bend of the road as one travels along Knowle Road and turns into High Street, despite the buildings' slightly lower level. For this reason he considered the proposal to be unacceptable and harmful to the character and appearance of the surrounding area, contrary to policies QL1 in the Structure Plan and CP24 in the Core Strategy.

- 1.2 Site **Catkin Stores, Catkin Close, Walderslade**  
Appeal **Against the refusal of permission for alterations and additions to convert the existing shop unit to a dwellinghouse**  
Appellant **Mr J Adedayo**  
Decision **Appeal allowed**  
Background papers file: PA/32/08

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The Inspector considered the main issue to be whether the shop should be retained as a community facility.

Policy CP26 of the Core Strategy says that proposals that would result in the loss of premises last used for the provision of community facilities will only be permitted if the applicant has proved that for the foreseeable future there is likely to be an absence of adequate support for it. The justification at paragraph 6.4.13 says that this applies to shops and that an assessment of the viability of retaining the existing use will be required.

The accounts submitted by the appellant for the years to 31 January 2005, 2006 and 2007 show very small profits in 2005 and 2006 and a loss of over £3,000 in 2007. The appellant submitted a professional assessment report of the continuing viability of the shop, which included an independent investigation of general demand for this type of retail opportunity in the area.

The report says that trade has declined since 2003 and has been affected by the loss of authorisation to sell National Lottery tickets; that the smallness of the shop made it of interest only to an independent operation, not to retail chains and that the area has high car ownership which enables people to shop elsewhere. The report concluded that the shop was marginally profitable, but that it would be unlikely to sustain a viable retail business in the long term.

The shop has been advertised for sale and there has been some viewings and interest, but no offers have been received. The Council considered that the marketing period was not sufficient, that the shop had been deliberately run down and that there was scope for it to be taken on at a later date. Even so officers recommended the proposal be approved.

The Inspector considered that the evidence showed a very low level of profitability over many years and he did not believe that this is a deliberate run down of the shop due to the length of time involved. The professional viability assessment, which the Council did not challenge, indicates marginal profitability and a lack of adequate long term support for the shop. The Inspector had some doubts whether the length of time that the shop had been marketed is sufficient and whether adequate efforts have been made to sell it but enough was done to convince him that the financial accounts and professional viability assessment are more likely to be correct than not.

The Inspector concluded that sufficient evidence was provided to show that there is an absence of support for the shop for the foreseeable future. He was satisfied that the appearance of the proposal would integrate successfully with the surrounding built environment.

1.3 Site **Land adjacent to 230 High Street, Wouldham**  
 Appeal **Against the refusal of permission for the erection of a two storey, Victorian style dwelling and associated off-street parking**

Appellant **Mr J Breeds**

Decision **Appeal dismissed**

Background papers file: PA/29/08

Contact: Cliff Cochrane  
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The Inspector considered the main issue in this case to be the effect of the proposal on the character and appearance of the area.

The Inspector saw that the site is currently used for car parking, and is mainly gravel surfaced with overgrown edges and a low frontage wall to the High Street. Immediately to the rear and set back, are two rows of Victorian terraced houses running at right angles to the High Street with a grassed area between them. The site lies at the northern end of the High Street, which opens out at this point from very confined and restricted buildings hemming in both sides of the road. There are existing houses to the north and south of the site.

The Inspector agreed with the Council that the site has a vital function in the village in providing open space at this end of the settlement. This is important because the built environment is so restricted to the south that its opening up at this point comes as a relief and surprise, thus contributing to the overall character of the village. He agreed with his colleagues in previous appeals that the character of the terraced houses and other buildings that make up the bulk of the village street to the south is rather severe. In addition, the site's openness provides a sense of space to the Victorian terraced houses to the east.

The proposed dwelling would be slightly offset from the southern row of the Victorian terraces, and so would partially block views into and out of the grassed area between the two rows. Not only would this harm these views, but the asymmetrical placing of the house and its closeness to the road would make it appear haphazardly placed, prominent, and dominant in the High Street. This, together with its side garden, would create a dwelling which would look out of place in the street scene.

The Inspector considered that the small side garden would be inadequate for the occupants' needs as it would be largely taken up with car parking. Any screening to provide privacy would inevitably add to the proposed dwelling's harmful impact on the openness of the street, closing off the views mentioned.

Overall, he considered this proposal would not integrate well into the surrounding built environment. It would not respect the existing built context and local building relationships. It would close off important street views along the High Street and to the Victorian terraces to the east. It would result in the loss of open space which makes an important contribution to the village by providing visual relief. So

the proposal would seriously harm the character and appearance of the surrounding area, contrary to policies QL1 in the Structure Plan and CP24 of the Core Strategy.

- 1.4 Site **Land to rear of 16 Larkfield Close, Larkfield**  
 Appeal **Against the refusal of permission for the demolition of an existing garage and erection of 1 no. detached dwelling and garage, together with new driveway.**  
 Appellant **Legacy Homes**  
 Decision **Appeal dismissed**  
 Background papers file: PA/33/08 Contact: Cliff Cochrane  
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The Inspector considered there to be three main issues in the appeal. The first is the effect on the character and appearance of the local area. The second is the impact on the living conditions of the occupiers of 50a New Hythe Lane. The third is whether sufficient provision is made for parking.

The Inspector considered that the houses in the area exhibit a wide variety of styles and designs and given such diversity he did not believe that the appeal house would look out of place or detract from the character and appearance of the local area.

The Inspector was concerned, however, about the impact of the scheme on the living conditions of the occupiers of 50a New Hythe Lane. The rear elevation of No.50a is very close to the common boundary with the appeal site. Within this elevation there are large living room and dining room windows. The Inspector acknowledged that it would be possible to erect a sizeable fence along this boundary without the need for planning permission. However, the new two-storey dwelling, particularly the catslide roof and dormer window, would still dominate the immediate outlook from these windows to an unacceptable extent. Furthermore, he was concerned at the likely reduction of morning sunlight reaching these windows.

The Inspector considered that the proposal fails to provide sufficient on-site Parking provision and is, therefore, in conflict with the objectives of policy TP19 of the Kent and Medway Structure Plan.

The Inspector concluded that the proposal would have a detrimental impact on the living conditions of the occupiers of 50a New Hythe Lane and fail to provide sufficient on-site parking provision.

**Wendi Batteson**  
Chief Solicitor