



Appeal Decision

Site visit made on 3 December 2007

by **Clive Hughes** BA(Hons) MA DMS MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
18 December 2007

Appeal Ref: APP/H2265/A/07/2054362
429/431 London Road, Ditton, Aylesford, Kent ME20 6DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr J Wright against the decision of Tonbridge & Malling Borough Council.
- The application Ref TM/07/01375/OA, dated 19 April 2007, was refused by notice dated 24 July 2007.
- The development proposed is outline application for the erection of 2 no detached 3/4 bedroom houses with integral garages.

Decision

1. I dismiss the appeal.

Procedural matter

2. The application is in outline form with all matters other than siting and means of access reserved for future consideration.

Main issue

3. The main issue is the effect of the proposed development on the character and pattern of development in the area.

Reasons

4. This predominantly residential section of London Road is characterised by buildings set some distance back from the road on a fairly regular building line. The appeal site, and the adjoining house No 427, have the benefit of vehicular access to the rear; there is a drive that runs along the common boundary. It serves two buildings sited close to the boundary with houses in Primrose Drive; garages (No 427) and a storage building (appeal site).
5. A combination of the depth of the front gardens, the scale of the buildings, the space around them and the generous gardens gives the area a spacious feel. Although part of the appellant's land ownership is in use as a pet food shop with substantial storage and a derelict building at the front, the set back and the form of the main buildings nonetheless reflects and respects the established character and pattern of development. The two houses now proposed would, in this context, appear cramped and wholly at odds with the spacious character of the area. By being sited at the southern end of the site, behind the existing frontage buildings, their siting would also be at out of keeping with the established pattern of development. I consider that the houses would be seen as an inappropriate form of infill development that fails

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to take account of the principal positive characteristics of their surroundings. This would be harmful to the character of the area and contrary to Policy CP24 of the *Core Strategy* of the Council's *Local Development Framework*.

6. I have taken into consideration the concerns of occupiers of houses fronting Primrose Drive in terms of the effect of the development on their living conditions. Concerning outlook, the removal of the existing building would be beneficial. However, one of the proposed dwellings would be sited very close to the southern boundary and its siting and scale, taking account the change of ground level, would be likely to have a harmful impact on the outlook of the occupiers of these houses while the proximity of the building to the boundary would also be at odds with the spacious character of the area.
7. Concerning the various concerns about the access drive, I have noted that its intended width, 3.7m, is less than the minimum identified in *Manual for Streets* as being necessary to allow two vehicles to pass. However, if any reversing towards London Road is necessary vehicles could be reversed into the private car park in front of the shop and thus not onto the public highway. The Council has not raised a highway objection and I do not consider that there would be unacceptable harm in this regard. The identified turning area has adequate dimensions. I am concerned, however, that a Scots Pine tree shown to be retained is rather less than 1m from the existing drive and so it would not be likely to be able to be retained if the drive is widened as indicated.
8. Overall I conclude that the benefits of providing two additional dwellings within the urban area and the removal of an unsightly building are outweighed by the harm to the character of the area and to the established pattern of development. There would also be likely to be some harm to the living conditions of residents of houses in Primrose Drive.

Clive Hughes

Inspector