

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 3 PLANNING COMMITTEE**

**01 October 2009**

**Report of the Chief Solicitor**

**Part 1- Public**

**Matters for Information**

**1 PLANNING APPEAL DECISIONS**

- 1.1 Site **429/431 London Road, Ditton**  
Appeal **Against the refusal of permission for a 3 bedroom bungalow**  
Appellant **Mr John Wright**  
Decision **Appeal dismissed**

Background papers file:  
PA/07/09

Contact: Cliff Cochrane  
01732 876038

The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the area.

The appeal site sits behind an existing dwelling at 429 London Road and a pet food shop at No 431. It is currently partly occupied by a single-storey building, which the appellant advises is used in connection with the business at No 431. Vehicular access is taken from a drive which also serves garages to the rear of No 427. The predominant character of this part of London Road is one of frontage dwellings with deep gardens, and only ancillary buildings to the rear of some, giving an overall spacious quality to the locality.

The Inspector recognised the appellant's attempts to reduce the scale of development when compared with a previous appeal proposal for 2 dwellings. However, due to its siting behind the frontage dwellings, and its proximity to the boundary with properties in Primrose Drive, and the extensions to the rear of No 431, he considered the proposed dwelling, when viewed from surrounding properties, would appear at odds, and out of keeping, with the spacious and established form of development in the area. As a result, it would comprise an inappropriate infill development that would neither respect the surroundings, nor respond positively to the pattern of development in the locality.

The appeal proposal includes the removal of a Scots Pine. This tree is protected by a tree preservation order and, by reason of its form, size and height, makes a valuable contribution to the overall character and appearance of the wider area.

The Inspector noted that the appellant has suggested that the proposed access drive could be reduced in width to allow the tree's retention, but the plan has not been amended to show this. As such, the Inspector could not be sure that the access proposals would not result in harm to the health and vitality of that tree, which would detract from its present positive visual contribution to the locality.

The Inspector concluded that the proposal would be harmful to the character and appearance of the area. This would be contrary to Policy CP24 of the Tonbridge and Malling Borough Council Local Development Framework Core Strategy and Policy QL1: Quality of Development and Design, of the Kent and Medway Structure Plan.

- 1.2 Site **90 High Street, Snodland**  
 Appeal **Against the refusal of permission for the conversion of shop and living accommodation into small flats**  
 Appellant **Mr D Payne**  
 Decision **Appeal allowed**  
 Background papers file: PA/08/09 Contact: Cliff Cochrane  
01732 876038

The Inspector considered the main issue to be whether the proposal would preserve or enhance the character and appearance of the Snodland Conservation Area.

The Council has confirmed that it has no objection to either the proposed conversion of the premises into flats or the alterations to the rear, which would include a replacement single-storey extension and a dormer window. The Inspector had no evidence to suggest that the use, which would reflect a similar use adjacent, would be harmful to either the character of the area, or conditions of highway safety through absence of any off-street parking. He was also satisfied that the proposal would not lead to any material harm to neighbouring occupiers by reason of overlooking.

The Council was concerned that the 2 dormer windows proposed to the front elevation would appear visually obtrusive and would have a dominant and overbearing impact within the Conservation Area.

The Inspector noted that there are some other dormer windows in the area, although he shared the Council's view that they are generally not a prevalent feature. Nevertheless, he was not persuaded that, in principle, front facing dormer windows are necessarily harmful to the character or appearance of the area. In this case the proposed dormers would align with the windows at first and second floor levels below and would have hipped roofs over, but set below the main ridge-line to the roof. They would be finished with lead-sided cheeks and roof tiles to match the existing building.

Overall, the Inspector considered the proposed front dormer windows would sit comfortably within the roof plane and would be well designed, respecting the appearance of the existing building, appearing neither incongruous nor out of character within the street scene. In this regard he found no conflict with Policy CP24 of the Tonbridge and Malling Borough Council Local Development Framework – Core Strategy. For the same reasons he concluded that the proposal would preserve the character and appearance of the Snodland Conservation Area and that there would be no conflict with Policy QL6 Conservation Areas of the Kent and Medway Structure Plan.

**Ian Henderson**  
Chief Solicitor