

Appeal Decision

Site visit made on 27 September 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 10th October 2016

Appeal Ref: APP/H2265/D/16/3156715

43 Smithers Lane, East Peckham, Tonbridge TN12 5HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Norton against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/16/01722/FL, dated 12 May 2016, was refused by notice dated 28 July 2016.
 - The development proposed is addition of a pitched roof over applicants 2 no. garages in terraced garage block.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property, 43 Smithers Lane, is the westernmost dwelling of a row of six, two storey terraced dwellings located at the eastern end of Smithers Lane. A block of single storey garages lies at the end of the rear gardens of the row of terraced dwellings. These garages, which display gently sloping roofs, are accessed via a lane which runs from Smithers Lane along the eastern boundary of No 53, the easternmost dwelling of the row of terraces. The block of garages, as a result of the low and uniform height of each unit within it, appears considerably subordinate to the row of terraced dwellings. Whilst not easily visible from the public realm, this would be apparent for any users of these garages and would be apparent in views from the rear gardens and rear windows of Nos 43-53. The low and uniform height of the block of garages and their subordinate relationship with the row of terraced dwellings, thereby positively contributes to the character and appearance of the area.
 4. The proposal would incorporate a steep, pitched roof over the two westernmost garages within the block, at the rear of No 43. This would appear considerably at odds with the low and uniform character and appearance of the wider block of garages and would fail to maintain an acceptable level of subordination to the host dwelling. The proposal would therefore result in an incongruous form
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of development that would result in significant harm to the character and appearance of the area.

5. I observed the building within the rear garden of the adjacent dwelling, Cherry Tree Cottage, and acknowledge the appellant's argument that the pitched roof of the proposal would match the pitched roof of this building. Nevertheless, this building is a detached building, quite separate from the block of garages and therefore does not, in my opinion, share a similar context. The presence of this building, notwithstanding it has a steep, pitched roof, does not therefore justify a planning permission in this instance.
6. Whilst the existing roof of the garages may be constructed from asbestos and may be poor quality, I have not been persuaded that it could not be replaced or repaired in a manner that would be more sensitive to the character and appearance of the area. Moreover, I have no substantive evidence before me to demonstrate that the roof is in fact in a poor state of repair and it was not obvious from my brief observation that this was the case. I therefore afford limited weight to the appellant's concerns in this regard.
7. The proposal would therefore be contrary to Policy CP1 and Policy CP24 of the Tonbridge and Malling Borough Council Core Strategy 2007; and Policy SQ1 of the Tonbridge and Malling Borough Council Managing Development and the Environment Development Plan Document 2010. These policies require, amongst other things, development to contribute to a high quality environment, to protect and enhance the built environment, to respect the character and appearance of the area and to reflect local distinctiveness

Other matters

8. I acknowledge that the proposal would provide useful storage space for the appellant. However, this is not a material planning consideration to which I can afford any significant weight. Moreover, it would be a private benefit for the appellant which would be significantly and demonstrably outweighed by the harm that I have found to the character and appearance of the area.
9. I acknowledge some third party concerns, including in respect of privacy, outlook, noise, sunlight and daylight and structural damage to other garages. However, these matters were not raised as a concern by the Council and based on the evidence before me, I have no substantive reasons to take a different view.

Conclusion

10. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR