

Appeal Decision

Site visit made on 10 October, 2016

by C. Jack, BSc (Hons) MA MA(TP) MRTPI

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

Decision date: 13th October, 2016

Appeal Ref: APP/H2265/W/16/3154961

1a Marion Cottages, Maidstone Road, Wrotham Heath, Sevenoaks, TN15 7SN

- 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 Ian Colbridge against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/16/00702/FL, dated 29 February, 2016, was refused by notice dated 1 June, 2016.
 - The development proposed is the erection of 1 detached dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 detached dwelling house at 1a Marion Cottages, Maidstone Road, Wrotham Heath, Sevenoaks, TN15 7SN in accordance with the terms of the application, Ref TM/16/00702/FL, dated 29 February, 2016, subject to the Schedule of Conditions to this Decision.

Preliminary Matter

2. The Council's reason for refusal refers, among other things, to Policy P24 of the adopted Tonbridge and Malling Borough Core Strategy 2007 (CS). However, in its planning officer's report the Council refers to Policy CP24 of the CS, which has also been provided by the Council with its appeal documents. I have not been provided with any Policy P24. The appellant's statement of case also refers to Policy CP24. Accordingly, it seems that Policy P24 was referenced in the reason for refusal due to a typing error and so I have considered the appeal on the basis of Policy CP24, as well as the other relevant policies stated.

Main Issue

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

Reasons

4. The host property, 1a Marion Cottages (No 1a), is an end of terrace Victorian property situated on the busy main A25 Maidstone Road. The terrace, which consists of a number of iron stone cottages, is situated close to the road. No 1a is the only cottage in the row to have a painted facade. To the side of the house are a courtyard patio area and a detached garage building, with a predominantly grassed garden beyond, set at a somewhat higher level. Other properties in the vicinity are predominantly residential and of mixed sizes, ages, materials, character and appearance.
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5. The proposal is to separate part of the side garden of No 1a to create a corner plot adjacent to Maidstone Road and Windmill Hill and to construct a four bedroom dwelling house there, fronting onto Windmill Hill. Access would be taken from an existing vehicular entrance adjacent to the junction of Windmill Hill with Maidstone Road.
6. The proposed new house would occupy a relatively spacious plot, which would not be out of character with the varied plot sizes in the vicinity. The house would be partially screened from Maidstone Road and Windmill Hill by existing trees and the other proposed boundary treatments.
7. There would be a significant visual separation between the new house and No 1a due to the retained area of garden for the host property. Accordingly, the new house would not be read as part of the historic terrace, or compete with it, in terms of character and appearance of the area. While the ridge height of the new house would exceed that of No 1a, this would not be significant and the separation between the two properties help to ensure that this height difference would only have minor perceptibility in the street scene.
8. I acknowledge that the rear elevation of the new house would be partially visible in some views along Maidstone Road wherein the front elevation of the adjacent terrace would also be apparent. However, the clear distinction in design between the historic cottages and the new house, and the separation between the buildings, would ensure that the proposed development would not significantly affect the historic character of the terrace or appear substantially larger than it.
9. Looking towards Windmill Hill, the new house would be seen against the backdrop of the adjacent semi-detached house on Windmill Hill, which due to the naturally rising land level would have a noticeably higher ridge height than the new house. As a result, the new house would not appear dominant or overbearing in relation to this neighbouring property or to No 1a. Furthermore, the new house would be set back from both roads in comparison to neighbouring properties and accordingly it would not be visually prominent in relation to them.
10. I note that, for acoustic reasons in relation to traffic noise, the side elevation facing Maidstone Road would have no windows or other openings. However, details of the design, including the part hipped roof and the proposed use of weatherboarding to the upper storey would add some variation and interest to the elevation in the street scene. Additionally, the existing and proposed landscaping would partially screen the building from the road and help to assimilate it into the surroundings.
11. The new house would sit broadly centrally in the site, with a satisfactory provision of garden, parking and turning space around it. There would also be a reasonable separation from the side boundary with the adjacent house on Windmill Hill. The new house would have first floor accommodation set partially into the roof-space, which together with the part-hipped roof would limit the scale and bulk of the building. Accordingly, while the new house would be somewhat larger than No 1a, it would not appear excessive or cramped in its plot or in relation to neighbouring properties. The proposed development would therefore not constitute overdevelopment or have a detrimental effect on the visual amenities of the street scene.

12. I therefore conclude that the proposed development would not be harmful to the character and appearance of the area. Accordingly, I find no conflict with Policies CP1, CP13 or CP24 of the CS. Policy CP1 seeks to ensure that proposals for new development result in a high quality sustainable environment, including through the preservation and where possible the enhancement of the built and historic environment; Policy CP13 sets out that new development within the confines of rural settlements such as Wrotham Heath will, among other things, be restricted to minor development appropriate to the scale and character of the settlement; and Policy CP24 sets out general design criteria, including that the materials, scale, density, layout, siting, character and appearance of development should respect the site and its surroundings.
13. I also find no conflict with Policy SQ1 of the adopted Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010, which among other things requires that new development should protect, conserve and where possible enhance the character and local distinctiveness of the area, including its historical and architectural interest; or with Paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework, which relate, among other things, to high quality design, including the need to respond to local character and history and reflect the identity of local surroundings and materials.

Other Matters

14. I have had regard to the various other concerns raised, including in relation to parking pressures, highway safety and that the site should be used to provide smaller, affordable dwellings. The proposed development would include provision for a suitable access to the site and for the parking and turning of vehicles, which could be secured by the imposition of relevant conditions. I have considered the proposed development on its merits, including the evidence before me that the main parties agree that the principle of the development is acceptable in this location. I have not been provided with any significant evidence to the contrary, and I see no reason to disagree. Furthermore, I have not been provided with any significant evidence in relation to current local affordable housing needs and therefore I am unable to attribute any more than a little weight to this matter. Accordingly, these various other matters do not outweigh my findings in relation to the main issue above.

Conditions

15. I have considered the Council's suggested conditions and, where necessary, I have adjusted them for clarity and accuracy. In addition to the standard time limit, I have imposed a condition specifying the relevant drawings, as this provides certainty. Conditions relating to external materials, landscaping and boundary treatment and slab levels are necessary in the interests of the appearance of the development. Conditions relating to the provision of parking and turning space, vision splays, surface materials and the position of any gate or similar on the vehicular access are necessary in the interests of highway safety. Conditions relating to obscure glazing to the east elevation and removal of permitted development rights for additional openings in the south elevation are necessary in the interests of privacy. A condition relating to noise levels is also necessary in the interests of the living conditions of future occupiers.

16. With regard to the suggested landscaping condition, I do not consider it reasonable to expect future occupiers to replace any trees or shrubs that are removed, die or become damaged or diseased with the same species for a period of ten years. I have therefore altered the condition to the more usual period of five years.

Conclusion

17. For the above reasons, and having considered all matters raised, I conclude that the appeal should succeed.

Catherine Jack

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BDS-WR-20; BDS-WR-21 and BDS-WR-22 B.
- 3) Prior to the commencement of any construction works, details or samples of all external facing materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved samples or details.
- 4) No development shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping and boundary treatments. The scheme shall include indications of all existing trees and hedges on the site, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the dwelling hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants removed, dying, being seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. All boundary treatments set out in the approved scheme shall be erected before first occupation of the dwelling.
- 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a noise report detailing the LA max levels to which the site is exposed. Should such noise levels exceed the criteria of BS8233:2014 details of acoustic protection for the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the dwelling and shall be retained at all times thereafter.
- 7) No development shall take place until full details of the slab levels, above ordnance datum, of the proposed dwelling, in relation to existing ground levels, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 8) The dwelling shall not be occupied until space has been laid out in accordance with drawing number BDS-WR-21 for vehicles to be parked and turned. The driveway and parking areas shall be constructed in a bound surface material for the first five metres from the edge of the highway. The space provided shall thereafter be kept available at all times for the parking and turning of vehicles and a bound surface material permanently retained.
- 9) The dwelling shall not be occupied until vision splays of 2m x 2m in accordance with drawing number BDS-WR-21 have been provided and cleared of any obstruction exceeding a height of 0.9m above the level of

the nearest part of the carriageway. The vision splays provided shall thereafter be retained at all times.

- 10) Any gate or similar method of enclosure erected across the vehicular access to the dwelling hereby permitted shall be set in not less than 5.0m from the edge of the highway.
- 11) The dwelling hereby permitted shall not be occupied until the windows at the first floor level of the east elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The obscured glazing shall thereafter be retained at all times.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, other than that expressly authorised by this permission, shall be constructed on the south elevation of the dwelling hereby permitted.