The Planning Inspectorate

Appeal Decision

Site visit made on 4 October 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 20 October 2016

Appeal Ref: APP/H2265/D/16/3154727
11 Darcy Court, East Malling, West Malling ME19 6AA

- 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 Alex Rayner against the decision of Tonbridge & Malling Borough Council.
- The application Ref TM/16/00866/FL, dated 12 March 2016, was refused by notice dated 9 June 2016.
- The development proposed is "Removal of existing roof trusses, (30 degree pitch) replaced with attic trusses (45 degree pitch) creating a habitable bedroom, en-suite and dressing room. New flat roof dormer to the front elevation and 3 pitched dormers to the rear elevation. First floor window around stair well to be increased from 600mm to 1500mm and a new gable added above bedroom 3".

Decision

1. The appeal is dismissed.

Preliminary matter

2. The description of the proposed development provided on the application form makes reference to a flat roofed front dormer. However, the descriptions on the Council's decision notice and on the appeal form make reference to a pitched roof front dormer. The submitted plans also reflect this. I have therefore considered the appeal on the basis that the proposal would include a pitched roof front dormer.

Main issues

3. The main issues are whether the proposal would preserve or enhance the character or appearance of the Mill Street Conservation Area; and the effect of the proposal on the living conditions of the occupiers of flats within a converted oast house with particular regard to outlook and light.

Reasons

Conservation area

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that with respect to development affecting buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." In addition, Paragraph 132 of the National Planning Policy Framework

(the Framework) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5. The Mill Street Conservation Area (MSCA) comprises three main components, each with their own distinct character. These components include a section of Mill Street and surrounding buildings within the built-up part of East Malling; a section of Well Street and surrounding buildings within the rural area to the south of East Malling; and a river corridor which links these two areas. The appeal property, a detached, hipped roofed, two-storey dwelling of a traditional appearance, is located within the foremost of these components and forms part of a wider, recent residential development known as Darcy Court. Other dwellings within Darcy Court also display a traditional appearance.

6. The ridge heights of dwellings within Darcy Court tend to reduce towards the north-westernmost part of the development as the land gradually slopes down. The appeal property, which backs onto an open field, is the most north-western dwelling within Darcy Court and conforms to this pattern of development. The lack of any rear roof extensions on the appeal property and on neighbouring dwellings which also back onto the open field, assists in maintaining a simple and traditional roofscape along this part of the settlement edge. I observed that this is particularly noticeable in views from a public footpath which crosses this open field, when looking back towards Darcy Court.

7. The relative height of the appeal property to other dwellings within Darcy Court, combined with its traditional, hipped roof form which reduces its overall perceived height, bulk and massing, allows it to sit comfortably within the wider townscape. Consequently, the appeal property, in my judgement, contributes positively to the character and appearance of the MSCA.

8. The proposal seeks to alter the roof to a half-hipped roof and to increase the ridge height by approximately 1 metre to accommodate a bedroom, en-suite and dressing room. It would also incorporate a new pitched roof front dormer, three rear pitched roof dormers and a front gable.

9. I observed that some other dwellings within Darcy Court display front dormers, half-hipped roofs and front gables. In this sense, the proposal would reflect some of the existing characteristics of these dwellings. Nevertheless, the increase in the ridge height combined with the considerable change in the roof form would substantially increase the overall scale and massing of the appeal property. This would significantly alter the visual balance of the appeal property and would greatly increase its prominence within the streetscape and in views from the public footpath. The increase in scale and massing would also fail to maintain the characteristic stepping down of ridge height towards the north-west of Darcy Court and would appear wholly out of keeping as a result. In addition, the rear dormers would appear at considerable odds with the prevailing simple and traditional roofscape of dwellings along this part of the settlement edge.

10. Consequently, I consider that the proposal would fail to preserve the character and appearance of the MSCA. However, in the context of the MSCA as a whole, I consider the harm arising to the significance of the MSCA designated heritage asset would be less than substantial.

11. As required by paragraph 134 of the Framework, I must therefore consider whether there are any public benefits that would outweigh the less than substantial harm identified above. However, I have not been presented with any compelling evidence from the appellant in this regard that would allow me to consider this matter further.

12. I therefore conclude that the proposal would fail to preserve the character and appearance of the MSCA contrary to the requirements of s72(1) of the Act and that the harm to the significance of the designated heritage asset, albeit less than substantial, would not be outweighed by public benefits, as required by Paragraph 134 of the Framework.

13. The proposal would also be contrary to saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998 (Local Plan); 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 not to have an adverse impact on the character of the building or the streetscene in terms of scale, form and design, to respect the character and appearance of the site and its surroundings and to protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its historical and architectural interest.

Living conditions

14. The appeal property lies to the west of and on the opposite side of the road to an oast house which has been converted into flats. A number of windows within the flats face the appeal property, including some within a ground floor flat. The Council decision notice sets out that that the proposal, as a result of its increase in height and bulk, would have an overbearing effect on the occupiers of these flats.

15. In my mind, the term 'overbearing', primarily relates to outlook. However, the Council does not expand on their concerns in respect of outlook within their officer's report. I observed that most windows within the flats that face the appeal property are set back considerably from the road frontage within the main part of the oast house and as a result have a considerable separation distance from the appeal property. In this context, the proposal is unlikely to appear overbearing or result in a harmful level of enclosure to views from these windows. Whilst some windows to flats within the kiln element of the oast house have a closer relationship with the appeal property, the appeal property is already likely to form a prominent feature in any views obtained from some angles of these windows. I am therefore not convinced that the proposal would materially alter the outlook from these windows.

16. The Council, within their officer's report, raises a concern in respect of loss of light for the occupiers of a ground floor flat within the converted oast house. I also acknowledge that the occupier of this flat has raised the same concerns. However, having regard to the abovementioned separation distances, in combination with the orientation of the appeal property and the east to west direction that the sun travels, it is unlikely that there would be a harmful loss of either sunlight or daylight to any of the windows of this flat which face the appeal property as a result of the proposed roof alterations. Furthermore, there appeared to be a south facing window within the converted kiln element of the oast house which would likely provide the main source of light to the

room it serves within the ground floor flat and which, given its orientation, would be unlikely to be affected by the proposal.

17. I therefore conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of the flats within the oast house in respect of outlook or light. The proposal would therefore comply with saved Policy P4/12, of the Local Plan, which requires, amongst other things, development not to have an adverse impact on residential amenity.

Other matters

18. I acknowledge a third party concern in respect of highway safety. However, the Council did not raise any concerns in this regard and based on the evidence before me, I have no substantive reasons to take a different view on this matter.

Conclusion

19. Whilst I have not found harm in respect of the living conditions of the occupiers of the converted oast house, I have found that the proposal would fail to preserve the character and appearance of the MSCA. The harm so caused to the MSCA designated heritage asset would not be outweighed by any public benefits. Consequently, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR