

Appeal Decision

Site visit made on 11 October 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 21 October 2016

Appeal Ref: APP/H2265/W/16/3151026

Garage Court, Mabledon Road, Tonbridge, Kent

- 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 Tyler Holdings Ltd against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/16/00898/FL, dated 15 March 2016, was refused by notice dated 19 May 2016.
 - The development proposed is demolition of existing garage buildings and redevelopment of site to provide building containing 5 flats with parking at ground floor level.
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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 site, located at the northern end of Mabledon Road, comprises a triangular shaped plot of land containing two blocks of garage buildings. The wider area is predominantly residential in character. Mabledon Road slopes noticeably down from south to north with the appeal site occupying the lowest point along this road. The appeal site is separated from dwellings along Mabledon Road by a public footpath and adjoins railway land along its northern boundary.
 4. Mabledon Road is predominantly characterised by two storey, semi detached dwellings of a tradition character and appearance that share the same building line. The dwellings along the western side of this road display a high level of uniformity, including single storey front bay windows and a consistent roof form. They therefore strongly reflect the description for this part of the town set out in the Tonbridge Character Areas Supplementary Planning Document (SPD), in respect of repeated designs with a consistent roof and building line.
 5. I observed that the dwellings along the eastern side of Mabledon Road display a greater architectural variety, with some having single storey front bay windows and some having two storey front bay windows. In addition, some of
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these dwellings display gable ends or hipped roofs over first floor windows. These dwellings do not, therefore, conform as strongly to the SPD description of this part of the town as those on the western side of the road. Consequently, there is some variety to the character and rhythm of the streetscape along Mabledon Road. Nevertheless, the locality is strongly defined by two storey dwellings of a traditional character and appearance.

6. The proposal would introduce a contemporary part two, part three storey residential building onto the appeal site. The two storey element would be sited along the southern boundary of the appeal site adjacent to the footpath with the three storey element sited along the northern boundary where it adjoins the railway. I acknowledge that the proposed brickwork and render to the southern elevation of the two storey element would reflect the materials of some nearby dwellings, including 1 Mabledon Road. This element would also share a similar eaves line to No 1. It is also my consideration that due to the varied appearance of dwellings along the eastern side of the road and the separation of the appeal site from these dwellings, the streetscape and immediate area could reasonably accommodate a level of change.
7. However, the scale and massing of the proposed three storey element would be considerably greater than the scale and massing of nearby residential dwellings. This would be apparent despite it occupying the lowest part of the road. In addition, its contemporary appearance and geometric form would appear considerably at odds with the prevailing traditional character of surrounding residential dwellings. As a result the proposal would appear overly prominent within the streetscape and would fail to reflect the distinctive traditional characteristics of the streetscape and area. Its visual prominence would be greatly increased by the considerable level of site coverage and the notable stepping forward of the three storey element beyond the defined building line along Mabledon Road.
8. Consequently, the proposal would result in a level of change that would give rise to significant harm to the character and appearance of the streetscape and area. My view on this is notwithstanding that the current buildings on the appeal site are of little architectural merit and that the appeal site is not located within a conservation area.
9. Moreover, whilst I acknowledge that the design of the proposal would respond to the irregular shape of the appeal site, I have no substantive evidence before me to demonstrate that the appeal site could not accommodate a building, even if it were of a contemporary design, in a manner more sympathetic to the traditional character and appearance of the area.
10. I therefore conclude that the proposal would result in significant harm to the character and appearance of the streetscape and area, contrary to 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 respect the character and appearance and the local distinctiveness of the area. These policies are consistent with the broad aims and objectives of the National Planning Policy Framework which seek planning to take account of the different roles and character of different areas.

Other matters

11. I note that the proposal is broadly a resubmission of an earlier planning application¹ that gained the support of the Council's planning officer at the time. However, this application was subsequently refused by the Council's planning committee, which they were entitled to do. The support from the previous planning officer in respect of the previous scheme is therefore not a justifiable reason for me to grant a planning permission in this instance. In addition, it is left to me to determine the proposal under this appeal. The Council has clearly set out the reasons why they consider the proposal to be unacceptable and as can be seen from my reasoning above, this is a position that I would concur with.
12. The appellant has referred to some examples of buildings along Wincliff Road and Waterloo Road in support their case. Nevertheless, these buildings broadly display a traditional character and appearance and are not located within the immediate vicinity of the appeal site. I therefore do not consider these examples are helpfully comparable to the proposal I am to consider under this appeal. In addition, each case should be determined on its own merits.
13. I acknowledge that the proposal would occupy a location with good access to local services and facilities on land that has been previously developed. I also recognise the contribution, albeit the modest contribution, that five additional residential units would make to housing supply in the Borough. However, I consider that the harm that would arise to the character and appearance of the area would significantly and demonstrably outweigh these benefits.
14. A number of concerns have been raised by third parties including in respect of highway safety, noise and disturbance, privacy, overshadowing and ecology. However, these matters were not raised as concern by the Council and did not form part of their reasons for refusal. Based on the evidence before me and my own observations, I have no substantive reasons to consider otherwise.

Conclusion

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

Alex Hutson

INSPECTOR

¹ Ref TM/14/01568/FL