
Appeal Decision

Site visit made on 5 December 2016

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 14 December 2016

Appeal Ref: APP/H2265/W/16/3154340

1 Rodney Avenue, Tonbridge, Kent TN10 4JR

- 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 & Mrs Mark Bridgewater against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/16/00957/FL, dated 18 March 2016, was refused by notice dated 1 July 2016.
 - The development proposed is a 2 storey chalet style detached house with a GIA of 149 m², 170 m² private garden and parking for 3/4 cars via a dedicated access.
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Decision

1. The appeal is allowed and permission is granted for a 2 storey chalet style detached house with a GIA of 149 m², 170 m² private garden and parking for 3/4 cars via a dedicated access at 1 Rodney Avenue, Tonbridge, Kent TN10 4JR, in accordance with the terms of the application, Ref TM/16/00957/FL, dated 18 March 2016, subject to the attached schedule of conditions.

Main Issue

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

Reasons

Character and appearance

3. The appeal site comprises the unusually shaped side garden of No 1 Rodney Avenue where that road bends round to join Cornwallis Avenue. The site has roads on three sides, and the proposal is for a chalet bungalow style dwelling alongside No 1 with its access adjacent to the existing driveway. The site slopes down to the north and east.
4. Rodney Avenue is mainly lined with detached bungalows, but the adjacent property No 1 is a chalet bungalow. The site also fronts Cornwallis Avenue which is lined by two storey detached and semi-detached houses. As such there are a mixture of dwelling types in the vicinity and the proposed chalet bungalow would not therefore appear out of place as a building type.
5. The plot is relatively small and constrained, but the proposal has been carefully located to sit alongside No 1, facing towards and set just back from the Rodney Avenue frontage. The rear elevation would face Cornwallis Avenue with the private garden of the property on the eastern side towards the road junction.

The building would be sited quite close to both roads, particularly Rodney Avenue, but, as a unique corner site, there is no defined building line in this location. Importantly, due to the sloping site, the ridgeline of the chalet bungalow would be noticeably lower than that of No 1, so the building would step down towards the road corner reducing its impact. Overall, whilst visible from the public domain on three sides, with screening on the boundaries to soften its impact the building would not be unduly prominent or intrusive in the street scene.

6. The design details would be attractive with the main east-west clay tile pitched roof combining with timber clad gable features facing north and south and large glazed windows facing east. The main walls would be of brick and white render. The proposal would be contemporary in style but with the scale and proportions of the chalet bungalow reflecting nearby buildings. The proposed materials would complement the design and contribute to an interesting building that would subtly add variety to the street scene. The proposal would therefore enhance rather than detract from the character of the area.
7. For these reasons the proposal would not cause significant harm to the character and appearance of the area and would comply with Policy CP24 of the Tonbridge and Malling Core Strategy 2007 and Policy SQ1 of the Managing Development and the Environment DPD 2010. These require development to be well designed and high quality, with its scale, siting, character and appearance respecting the site and reflecting the local distinctiveness.

Other matters

8. Although not raised by the Council as reasons for refusal, I have carefully considered all the other objections to the proposal. The existing access would be widened, and two parking spaces with a turning area provided for the new dwelling which meets the necessary standard. The additional traffic and on street visitor parking generated by a single dwelling would be minimal, the visibility along the northern frontage would be protected and no concerns have been raised by the highway authority regarding highway safety. The new property would face across the road towards those opposite but this is the norm in a built up area and it would be far enough away to avoid any material reduction in privacy or light.
9. The site falls outside a recognised flood zone. The garden of the property, whilst small, would provide a useable outdoor amenity space. Some trees on the site would be removed, but these are not protected, and additional planting would be provided on the site boundaries. Disruption during construction would only be temporary and is not a sufficient reason to withhold consent. Finally, any implications for rights of access are a private matter.

Conditions

10. The Council put forward a number of conditions should the appeal be allowed and I have assessed these against the relevant tests, making amendments as required. In addition to the standard implementation time limit it is necessary to define the plans which have been approved in the interests of certainty. Conditions to control the materials to be used, boundary treatments and floor levels/ridge height are necessary to ensure the satisfactory appearance of the development together with a condition to protect existing trees and shrubs to safeguard the appearance of the area.

11. Conditions are also necessary to ensure that parking/turning space is laid out and then retained on site, to prevent surface water run off onto the highway and to ensure adequate visibility along the northern boundary in the interests of highway safety. Finally, conditions are necessary to ensure that the acoustic environment within the dwelling is acceptable and to ensure the first floor west facing window is obscure glazed/non opening to protect the amenities of adjoining occupiers.

Conclusion

12. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A200, A201, A202, A203, A204, A205, A206, Hook Survey Partnership tree plan and artist's impressions.
- 3) No development above slab level shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 4) Within 3 months from the commencement of the development full details of the proposed boundary treatment shall be submitted to and approved in writing by the local planning authority. Prior to first occupation of the dwelling hereby permitted the boundary treatment shall be carried out in accordance with the approved plans and retained thereafter.
- 5) No development shall take place until details of the finished floor levels, eaves and ridge heights of the dwelling hereby permitted in relation to the neighbouring property No.1 have been submitted to and approved in writing by the local planning authority. The work shall then be carried out in strict accordance with the approved details.
- 6) The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the local planning authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

- 7) The dwelling hereby permitted shall not be first occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.
- 8) The driveway to serve the development hereby permitted shall be constructed of a porous material or provision should be made to direct water run-off from the hard surface to a permeable or porous surface within the curtilage of the dwellinghouse.
- 9) No obstruction to vision exceeding 1.05 metres in height shall be placed along the northern boundary of the site, so as to provide a visibility splay for passing vehicles. The visibility splay shall then be retained at all times thereafter.
- 10) Within 3 months of commencement of the development full details of a scheme of acoustic protection for the habitable rooms of the building shall be submitted to and approved in writing by the local planning authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels are in accordance with BS8233:2014. The approved scheme shall be implemented prior to first occupation of the dwelling hereby permitted and shall be retained at all times thereafter.
- 11) The dwelling hereby permitted shall not be first occupied until the first floor window on the west elevation has been fitted with obscured glass and, apart from any top-hung light, made non-opening. These arrangements shall then be retained at all times thereafter.