

Appeal Decision

Site visit made on 10 January 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 20th January 2017

Appeal Ref: APP/H2265/W/16/3157575 14 Cherry Grove, Tonbridge TN10 4NA

- 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 Jon Ely against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/16/01484/FL, dated 10 May 2016, was refused by notice dated 30 June 2016.
 - The development proposed is demolition of garage and erection of a new bungalow, to create a semi-detached pair with parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appellant's Christian name from the planning application form, although I note an initial is given on the appeal application form.
3. The description of the proposed development on the Council's decision notice is usefully more concise and I have thus employed it here. The description on the planning application form also indicates that the retained bungalow would be modified internally and the existing conservatory would be removed. There would also be alterations to the fenestration and roof alterations would include five new roof light and four 'possible' solar panels locations.

Main Issue

4. The main issue raised in respect of the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The area is residential in character comprising a mix of bungalows and semi-detached single-storey dwellings, some with accommodation in the roof. The appeal site is located to one side of the turning area at the end of the cul-de-sac. Although there is a mix of different footprint arrangements and frontage widths, as well as various in property designs, styles and detailing in the area, the pattern of development, in the main, is one of dwellings set back from the highway behind front gardens with driveways to the side maintaining separation between dwellings.
-

6. The existing side garden of the appeal site is triangular in shape reflecting its position at the end of the turning head. This garden arrangement is also replicated at the detached property opposite and the semi-detached dwellings at the end of the turning head. The appellant suggest that the development would respond to the corner plot and retain a significant gap between the western boundary and the adjoining dwelling to the south west and be of interesting innovative design avoiding a bland appearance.
7. Whilst there is variation to the building lines and setbacks from the highway there is a comparative continuity to the positioning of dwellings behind garden frontages. This continuity is not replicated in the proposed development. Its front elevation would be set back 3.5m from the front elevation of the existing dwelling.
8. The proposed dwelling has been designed to 'fit' the triangular shape of the space to the side of the existing dwelling. I observed that other dwellings in the locality have roofs that run at differing angles and a number of properties have been extended creating further variations in roof pitches and angles. The proposed staggered western elevation with variations to its roof form would not, in its own right, be significantly different to other properties in this cul-de-sac. Notwithstanding this, the space to the side of this dwelling would be substantially reduced as a result of erecting a dwelling in the proposed location. Its siting would be out of character with the established pattern of development in the locality which overall maintains space between properties and side boundaries. This, along with the set back of the proposed dwelling, would be out of keeping with the pattern of development in Cherry Grove.
9. Although the appellant suggests that the existing hedgerow along the western boundary would be maintained, the new dwelling would be positioned very close to this side boundary, therefore, limiting retention of this hedge. Indeed, the plans show a section of the hedgerow adjacent the new dwelling to be removed.
10. Whilst an open frontage would be retained to the front of the existing dwelling, the proposal would have four parking spaces within the frontage that would occupy most of the area to the front of both dwellings. The appellant considers that a landscaping condition could be imposed to ensure landscaping is provided within the site frontage. However, due to the limited opportunity to provide any meaningful landscaping I am not clear what purpose such a condition would serve.
11. Although the proposed dwelling would be of similar materials and scale to that of the existing dwelling and would maintain views across rooftops, these issues would not overcome the above concerns or make the development acceptable. Despite being positioned deeper in the plot and being subservient to the host dwelling, the proposed dwelling would be visible in views from the turning head and would appear as a discordant semi-detached addition to this dwelling and would not reflect the pattern of other semi-detached properties in this street scene. The proposal with its separate access and parking provision would not maintain the appearance of a single bungalow at the site.
12. The appellant has drawn my attention to an existing dwelling known as 1a Cherry Grove that has a deeper setback from the highway but it is sited within a much larger plot than that of the proposed dwelling. Although this property differs from the rhythm of the development in the cul-de-sac, it is a larger

dwelling with significant space around it, and therefore is not directly comparable to the appeal site and this proposed development.

13. For these reasons I conclude that the proposal would be harmful to the character and appearance of the area. The proposed development would be contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy and Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document which seek development that respects its surroundings, local distinctiveness and urban form. The proposed development would also be contrary to the aims of paragraphs 17, 58 and 64 of the National Planning Policy Framework (the Framework) that seek to secure high quality design.

Other Matters

14. I appreciate that the General Permitted Development Order may enable extensions to the side and rear of the existing dwelling and outbuildings within the grounds. However, I have no evidence that would indicate a clear intention by the appellant to implement such rights. For this reason I attached limited weight to the existence of such potential ancillary residential development as a fallback position. In any event I must consider the appeal scheme that would create a new semi-detached dwelling to the side of the host dwelling, on its own merits.
15. It is acknowledged that the appeal site is located within the urban area and in a sustainable location within easy access of services, facilities and public transport. The proposal would be a small scale development that would make efficient use of land which is not of high environmental value. The proposal is considered acceptable in terms of the living conditions of adjoining occupiers and provides a good standard of amenity and private garden space for existing and future occupiers. The existing dwelling is not statutory or locally listed and the appeal site is not covered by conservation or other designations. The proposed development incorporates off-street parking and would not add to on-street parking in the area. These benefits, however, would not outweigh the harm that I have identified above in terms of the character and appearance of the area when assessed against the Framework as a whole.

Conclusions

16. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR