
Appeal Decision

Site visit made on 20 December 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/H2265/W/16/3156590

1 Railway Cottages, Maidstone Road, Wrotham Heath, Sevenoaks, Kent TN15 7SZ

- 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 Steve Hiscocks against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/16/00673/FL, dated 26 February 2016, was refused by notice dated 16 May 2016.
 - The development proposed is demolition of existing cottages and construction of 8 new residential flats with associated parking and landscaping to replace previously approved application TM/15/00453/FL.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the Council's decision, and based on later pre-application advice, the appellant has submitted plans with the appeal which amend the internal layout of the proposal (drawings A810/PL/110B and A810/PL/111B). These alter the arrangements for the central upper-floor units such that flats 5 and 7 would be divided vertically rather than horizontally, so that both would be arranged on two storeys, each with bedroom/bathroom accommodation in the second floor of the development.
3. These amendments would revise the north-facing second-floor windows of these flats from those serving two bedrooms and a living room to those serving three bedrooms. In respect of the concerns raised, and having applied the Wheatcroft Principles, I consider these amendments not to potentially prejudice the interests of any other parties, and have determined the appeal on the basis of these changes.

Main Issues

4. The main issues in this case are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupants of Nos 1- 4 Forge Cottages, with particular regard to privacy, and those of the occupants of Oak Cottage, with particular regard to noise and disturbance.
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Reasons

Character and appearance

5. The appeal site comprises a lozenge-shaped parcel of land situated between, and running alongside, the railway line embankment lying to its south, which the proposed development would closely abut, and the rear gardens of houses to the north which front onto the A20. This frontage housing faces the quite complex junction of the A20 with the A25, which are both major roads. Immediately to the east of this junction, just beyond the private access serving the appeal site and also on the southern side of the A20, is a public house/restaurant with a petrol filling station next to it and a hotel occupying land to the rear.
6. The hotel at the rear of the roadside public house and filling station reflects the location of this site close to the junction of two busy roads and has quite clearly emerged as a service facility providing mainly for the needs of road travellers. The developments which comprise these roadside facilities would represent an individual form of development, found occasionally throughout the major road network, which do not define or reflect the general linear character of the residential settlement of Wrotham Heath to the west. The appeal proposal would be sited in a more restricted piece of land than the hotel and lies to the rear of housing more typical of this settlement, comprising mainly quite traditional, modestly-scaled dwellings fronting onto and sited close to the road.
7. The appeal site contains a relatively small, single house of a simple form with brickwork and white ship-lap timber walls and slate roof. This original house is sited in a quite isolated position centrally within the appeal site. The Council has granted permission for this to be replaced by a terrace of four three-bedroom dwellings which would be sited perpendicularly to the housing along the A20 and face east onto a small hard-surfaced parking area at the end of the site access. The site access thereafter continues south under the railway as a bridleway and public right of way.
8. The three new houses permitted broadly reflect the form of the existing development in this location where it turns the corner into, and fronts onto, the private access. The appeal scheme would be of a markedly contrasting character to the existing and permitted dwellings by providing a significantly more substantial and uncharacteristic urban form of three-storey apartment housing which extends at considerable depth westwards into the site.
9. The design is intrinsically of a good architectural quality, and revisions have been made in consultation with the Council such that the final proposals would have the articulation, positioning, floor-levels and roof design which would moderate the height and bulk of the accommodation and its visual impact. However, despite this, this form and scale of development would appear incongruous in this situation and contrast harmfully with the prevailing pattern, scale and character of the neighbouring two-storey housing. As argued above, the built form of the commercial development to the east would be insufficient to support this proposal where, in this location, any new housing should reflect the character of the immediately surrounding housing.
10. The site is in a backland position, behind the existing frontage housing, and this would limit its visual impact in the street scene. However, the development would remain visually prominent from the rear of the existing

housing and as viewed from the adjacent access and bridleway where it would appear as over dominant and uncharacteristic. Although the footprint of this proposal would be slightly less than 75% greater than that of the approved scheme of four dwellings, its position, scale and mass would result in significantly more impact and be of a form and scale less sympathetic with its built surroundings.

11. The relevant development plan policies are contained in the Tonbridge and Malling Borough Core Strategy 2007 (TMBCS) and Managing Development and the Environment Development Plan Document 2010 (MDE DPD). This proposal would help meet the general housing needs of the Borough set out in TMBCS Policy CP1. However, this policy also requires that these needs be balanced with protecting the built environment. The Council has agreed to the principle of additional housing in this location with the four dwelling permitted but I consider this proposal would conflict with the parts of this policy requiring compatibility with the local built environment.
12. For the reasons given, this proposal would conflict with TMBCS Policy CP13 which restricts new development within the confines of Wrotham Heath to minor development appropriate to the scale and character of the settlement. There would be further conflict with TMBCS Policy CP24 which requires the scale, density, siting, character and appearance of all development to respect the site and its surroundings and would not permit that which, by virtue of its design, would be detrimental to the built environment. This scheme would also not reflect the character and local distinctiveness of the surrounding settlement pattern which would be further contrary to MDE DPD Policy SQ1.
13. These development plan policies are generally consistent with the National Planning Policy Framework (the Framework) and its requirements that decisions should take account of the different roles and character of different areas and always seek to secure high quality design, that promotes or reinforces local distinctiveness by the integration of new development into the built environment (paragraphs 17, 56, 60 and 61).

Living conditions

14. Although the new flats would be at three floors, and involve some top floor bedroom windows facing north, there would be a sufficient distance between this proposal and the rear gardens and rear facing windows of 1 – 4 Forge Cottages for this scheme not to cause material harm to the living conditions of these neighbouring occupiers, due to any unacceptable level of overlooking or loss of privacy.
15. However, the 8 flats would be likely to generate significantly more vehicular movements that would result from the committed scheme for four new houses. This would be sufficient to result in material harm to the living conditions of the occupiers of Oak Cottage who, due to the position of this existing dwelling hard up to the side of the private access serving this proposal, would experience an unreasonable degree of disturbance due to additional vehicular noise, headlight glare and general movements.
16. Consequently, the proposal would conflict with the aim of TMBCS Policy CP24 to resist developments which would be detrimental to amenity. This policy is consistent with the Framework principle that decisions always seek to secure a

good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

17. Although individually this proposal would be of a good quality urban design, this form of development would appear out of keeping, in respect of its scale, height, position and appearance, in the context of this rural village which is mainly characterised here by a more modest scale of traditional housing fronting the road. The location of this proposal relates more closely to the character of this part of the village and this scheme would not be supported by the pattern of development created by the commercial development to the east.
18. For the reasons set out I consider that the proposal would result in an unacceptable degree of harm to both the character and appearance of the area and the living conditions of the nearby occupants of Oak Cottage. As a consequence, having taken into consideration all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR