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## Appeal Decision

Site visit made on 9 May 2017

**by J Ayres BA Hons, Solicitor**

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

**Decision date: 24<sup>th</sup> May 2017**

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**Appeal Ref: APP/H2265/W/16/3160521**

**237 London Road, West Malling, Kent ME19 5AD**

- 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 J Wright against the decision of Tonbridge & Malling Borough Council.
  - The application Ref TM/16/02104/FL, dated 7 July 2016, was refused by notice dated 25 August 2016.
  - The development proposed is described in the application form as the demolition of existing detached double garage and erection of a detached dwelling house with associated parking facilities (revised scheme to previously refused application TM/16/00616/FL).
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### Decision

1. The appeal is dismissed.

### Main Issue

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

### Reasons

3. The appeal site forms part of the curtilage of 237 London Road, and falls within the West Malling settlement area. The area is residential, and is characterised by relatively large dwellings set in generous sized plots. Despite the residential nature of the area it feels spacious due to the spacious pattern of development. There is no particular set form of design in respect of the properties in the area.
  4. The proposal would result in the curtilage of 237 London Road being split, with the proposal and its curtilage being sited on the part of the appeal site that is closer to London Road than the host dwelling. Access would be from London Road along the current access, whilst the host dwelling would utilise a track which is already in existence along the rear of properties fronting London Road.
  5. The division of the site to allow for the proposal would, in my view, result in a development that is out of keeping with the general area. The proposal itself would seem at odds with the properties in the area in terms of the size and scale of the dwelling house in relation to the size of the plot. Although it would be a small dwelling house and therefore would not automatically require a large amenity space, a significant element of the character of the area is that properties sit comfortably in the space around them provided by way of
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gardens. The proposal would result in an overdevelopment of the site and would therefore fail to enhance this important spatial element of the character of the area.

6. The host dwelling sits at the back of the properties fronting London Road, and it sits comfortably within the landscape. The proposal would not only appear cramped in its own site but it would have the effect of bringing the host dwelling closer to additional built form, which would cause harm to the character of the area.
7. The area has developed over time, and there has been redevelopment of plots which was apparent to me at the time of my site visit. However I consider these developments are designed to sit more comfortably within the plots that they occupy. I am not convinced that simply because the proposal would not be visible from London Road it would not cause harm to the character and appearance of the area. The entrance to the host dwelling via the London Road access, which would be the access for the proposal, currently gives views to the undeveloped land beyond, which is a positive contribution to the character of the area. The proposal would introduce additional development to this area which would then appear overdeveloped in contrast to what is currently present.
8. I accept that the proposal would be a similar scale to structures within the vicinity, however these structures tend to be ancillary structures set within the curtilage of residential properties. The design of the proposal limits its impact, however the development of the site in general would harm the character and appearance of the area.
9. I have been made aware of the previous applications for residential development on this site. On considering this appeal on its own merits I consider that the proposal, due to the scale and mass of the built form and associated development, would result in an overdevelopment of the site and would not enhance the character and appearance of the area.
10. Consequently, I conclude that the form, scale, and design of the proposal would result in harm to the character and appearance of the area and as such it would fail to comply with policy CP1 or CP24 of the Tonbridge and Malling Borough Core Strategy 2007 which seek to protect and enhance the character and visual amenity of the area. It would not accord with policy SQ1 of the of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 in respect of the character of the area.

### **Other matters**

11. I am satisfied that given the design of the building and its separation from neighbouring properties it would not adversely affect the living conditions of neighbouring properties. With regards to the use of the track to access 237 London Road, I have no evidence to suggest that this cannot be used presently and therefore I do not consider any additional harm would be caused through its use as a result of the proposal.
12. The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously.

Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'. For the reasons given, I conclude that the harm identified to the character and appearance of the area would significantly outweigh the benefits of the proposal. As such, the proposal would not represent sustainable development.

### **Conclusion**

13. For the reasons given above, I conclude that the proposal would fail to enhance or preserve the character and appearance of the area, and fails to comply with the development plan as a whole. I have considered all other matters raised, and conclude that the appeal should not succeed.

*Johanna Ayres*

INSPECTOR