
Appeal Decision

Site visit made on 13 November 2017

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 20th December 2017

Appeal Ref: APP/H2265/W/17/3181389
3 St Hildas, Plaxtol, Sevenoaks TN15 0QN

- 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 Pinnacle Homes South East Limited against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/17/01167/FL, dated 25 April 2017, was refused by notice dated 10 July 2017.
 - The development proposed is the demolition of existing outbuildings, erection of 3 bed detached dwelling with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing outbuildings, erection of a 3 bed detached dwelling with associated parking and landscaping at 3 St Hildas, Plaxtol, Sevenoaks TN15 0QN in accordance with the terms of the application, Ref TM/17/01167/FL, dated 25 April 2017, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding area, with particular reference to St Hildas.

Reasons

3. The appeal site lies within the village of Plaxtol which comes within the Kent Downs Area of Outstanding Natural Beauty (AONB) where policy CP7 of the Tonbridge and Malling Borough Core Strategy (adopted 2007) states that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the AONB. Policy CP13 restricts new development within Plaxtol to minor development appropriate to the scale and character of the settlement. Policy CP24 seeks a high quality environment. It requires development to be well designed, of suitable scale, density, layout, siting, character and appearance and to respect the site and its surroundings.
4. St Hildas is a cul de sac characterised by predominantly two storey semi-detached dwellings. There are some bungalows to the east of the appeal site, but separated from it by a parking area and on lower land. The dwellings within St Hildas generally have low eaves height, with hipped roofs and brick elevations. The front gardens are fairly deep and the majority are used for parking.

5. The appeal site comprises the side garden of 3 St Hildas. Numbers 3 and 4 St Hildas are accessed by a private driveway at the end of a cul de sac, and occupy slightly higher land than other properties in St Hildas. The southern boundary of the site adjoins The Street, from which it is separated by a dense boundary hedge.
6. The proposal is for a three bedroom detached dwelling. The appeal site would be similar in width to many other plots within St Hildas, and there would be similar separation between the proposed dwelling and its neighbour and the boundary to The Street as in the case of many other nearby dwellings. It would have a similar eaves and ridgeline to the neighbouring dwelling. The forward-most part of the staggered front elevation would align with the front elevation of the neighbouring dwelling. At the rear the proposed dwelling would extend beyond the neighbouring dwelling, however, the first floor elevation would be staggered reducing the overall bulk of the building considerably and adding visual interest. The Council is satisfied that the rearward projection of the proposed dwelling would not harm the living conditions of the occupants of the neighbouring dwelling. I share this view.
7. The first floor of the proposed dwelling would be tile hung. Whilst this would differ from the dwellings at 3 and 4 St Hildas, it is a common feature of many of the dwellings within St Hildas as well as the wider village.
8. The southern flank elevation would be noticeable from The Street, but it would not be disproportionate to the scale of other dwellings within the locality and the varied roofline and architectural features in terms of tile hanging and the external chimney stack would add visual interest. Overall, the proposal would reflect the general scale and character of the dwellings in this location.
9. I conclude that the proposal would not harm the character or appearance and would comply with policies CP13 and C24 of the Core Strategy.

Other Matters

10. Residents are concerned about the potential effect of construction traffic on St Hildas. The impact from the construction of a single dwelling would not justify the dismissal of the appeal. The appellant has submitted a construction management plan, this addresses a number of matters including access arrangements and working hours. I consider that adherence to this plan would ensure that the proposal would not give rise to any unexpected nuisance or disturbance during the construction period.
11. The submitted plans show the retention of the right of way that leads to the bus stop and therefore residents will not be prevented from using this route to access the bus stop or the centre of the village. The proposal would provide two parking spaces in accordance with the Council's adopted parking standards and there is no substantive evidence to justify a higher parking requirement.
12. Some residents are concerned that allowing the appeal would set a precedent for the development of other gardens within Plaxtol. However, any future proposals would need to be considered on their merits having regard to the provision of the development plan and other material considerations. Therefore having regard to the circumstances of this appeal I do not consider that it would set a precedent for development of other sites within Plaxtol.

13. The appeal site occupies an accessible location, close to an existing bus stop and within the village boundary. The proposal would deliver social benefits in terms of the provision of an additional dwelling, and there would be some limited economic in terms of jobs during the construction period. The proposal would not give rise to any significant environmental harm or any harm to the AONB.

Conditions

14. I have considered the conditions suggested by the Council in the light of the advice at paragraphs 203 and 206 of the National Planning Policy Framework and the Planning Practice Guidance. In order to ensure that the proposal has a satisfactory appearance and integrates with the existing dwellings in the locality, I agree that samples of materials should be submitted for approval, and also that a landscape scheme is necessary. The parking spaces shown the submitted plans should be permanently retained to ensure that there is satisfactory parking provision for the proposed dwelling. Having regard to the rearward extent of the proposed dwelling I agree that permitted development rights in relation to extensions should be restricted. For the reasons given above the implementation of the proposals should accord with the construction management plan.
15. The Council has also suggested a condition in relation to contaminated ground. No evidence has been submitted to indicate that the appeal site, which currently forms part of the neighbouring rear garden is contaminated, and therefore on the basis of the submitted evidence the condition is not necessary.

Conclusion

16. The proposal would not harm the character and appearance of the surrounding area and would comply with the development plan as a whole. Therefore, for the reasons given above, and having regard to all material considerations, I conclude that the appeal should be allowed.

Lesley Coffey

INSPECTOR

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Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Prior to the implementation of the relevant works, samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with these approved details.
- 3) No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the dwelling or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.
- 4) The dwelling shall not be 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
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C, D and E, of Part 1; of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.
- 6) The development shall be implemented in strict accordance with the submitted Construction Management Plan.