



Appeal Decision

Site visit made on 1 July 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

Appeal Ref: APP/H2265/W/18/3217878

Land adjacent to 1 Recreation Avenue, Snodland ME6 5DX

- 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 Chidley against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/18/02038/FL, dated 23 August 2018, was refused by notice dated 17 October 2019.
 - The development proposed is a proposed new dwelling on land adjacent to 1 Recreation Avenue.
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Decision

1. The appeal is allowed, and planning permission granted for a new dwelling on land adjacent to 1 Recreation Avenue, in accordance with the terms of application, Ref TM/18/02038/FL, dated 23 August 2018 and subject to the conditions set out on the attached schedule.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of existing residents at 58 Bramley Road with particular reference to outlook.

Reasons

Character and appearance

3. The appeal site lies to the east side of Recreation Avenue, on the corner with Bramley Avenue. It gives the appearance of being a continuation of the terrace in Bramley Avenue, although the front elevation faces towards Recreation Avenue. The garden, bounded by timber fencing, lies to the side of the property with several small outbuildings.
4. To the south, the area comprises mainly tight knit terraced dwellings with small frontages and long rear gardens. Similarly, the western side of Recreation Avenue is mainly two storey terraced houses, set close to the road but with smaller rear gardens. Bounding the site to the north is Charles Close.

5. The proposed dwelling would introduce a two storey, detached, three bedroom, dwelling to the side of 1 Recreation Avenue. One on-site parking space would be provided, with vehicular access taken from Recreation Avenue. The proposed dwelling is of more modern design than others in the area.
6. The Snodland Character Area Appraisal 2011 describes the area as having straight streets, narrow plots, on a grid pattern of development, giving an intimate and cohesive building line. From my observations on site it is acknowledged that many of the dwellings in Bramley Avenue and to the west side of Recreation Avenue generally conform to this pattern. However, the section of Recreation Avenue where the appeal site is located differs from this more traditional pattern of terraced development.
7. The existing property at No 1 appears atypical, as a result of its orientation towards Recreation Avenue. The flank wall of the single storey garage of No 61 lies adjacent to the road, with the flank elevation of the house behind. No 3 fronts Recreation Avenue to the south. This is however, a detached two storey dwelling of similar scale to that proposed. The variation continues to the north in Charles Close, which is a contemporary development of larger semi-detached houses in more substantial plots.
8. I also saw from my site visit that there are considerable variations to the design of the houses in Recreation Avenue. The proposed dwelling does not mimic the more traditional terraced houses. However, in my judgement, its size and unpretentious design, with brick and render finish, would allow it to integrate successfully into the street scene. I therefore find that the positioning of the proposed dwelling on this corner plot, within this context, would respect the wider pattern and design of development in the area.
9. It follows that the proposed dwelling would not therefore harm the character and appearance of the area, such that the appeal should be dismissed. The proposed dwelling would thus comply with Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document (2010) and Policies CP1 and CP24 of the Tonbridge and Malling Core Strategy (2007). These policies in combination seek to ensure that new development reflects local distinctiveness and character of the built environment

Living conditions

10. The proposed dwelling would be sited adjacent to the boundary with No 58 Bramley Road, and towards the rear of the amenity space serving that dwelling. The design of the building is such that there are no windows in the elevation that would overlook the rear garden of no 58. One window in the south elevation serves a bathroom and this would be obscure glazed. A second window provides light to the hallway and stairwell.
11. It is acknowledged that the proposal would undoubtedly change the outlook for the garden of No 58. The proposed dwelling would be clearly visible from part of their rear garden and the existing outbuilding. Nonetheless, the garden is long, and in my judgement, the proposed dwelling would not create an unduly strong sense of enclosure or be unacceptably overbearing to No 58 or the most useable part of their garden.

12. I conclude therefore that the proposal would not unreasonably harm the living conditions of the occupiers of 58 Bramley Road, in terms of any overbearing or enclosing impact. Accordingly, the proposal would comply with Policies CP1 and CP24 of the Tonbridge and Malling Core Strategy (2007). In summary these policies aim to balance the necessity for any new development, against the need to protect residential amenity.

Other matters and conditions

13. I acknowledge that the Council are unable to demonstrate a five year housing land supply, but as I have found the proposed development does not conflict with current development plan policies, there is no need to consider this further.
14. I have had regard to the conditions that have been suggested by the Council. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans as this provides certainty.
15. I have assessed the landscaping condition suggested by the Council in accordance with the tests set out in the Planning Policy Guidance. I agree that it is necessary to impose such a condition in the interests of protecting the character and appearance of the area. However, I have no evidence before me to demonstrate why a period of 10 years for the replacement of any failed planting is necessary or reasonable. I have therefore amended it to meet the above tests and require that any plants or trees that fail within 5 years from planting should be replaced.
16. In the interests of protecting the character and appearance of the area, conditions are required relating to details of external finishing materials. In respect of highway safety, conditions are necessary to ensure access and manoeuvring space is provided, and to protect the highway from surface water run-off.
17. I have had regard to the concerns raised by local residents during the application and appeal process. It is acknowledged that the dwelling would give rise to some additional activity in respect of noise and parking. However, the activity from one additional dwelling would not be sufficient to make the proposal unacceptable in this respect. Matters relating to drainage fall outside the scope of this appeal but would generally be considered as part of any building regulation application.
18. I understand that building works can be stressful for existing residents, but I have no evidence before me to explain residents' anxieties about the impact of the proposed development on their health. Concerns relating to property values and property naming, fall outside the scope of this appeal and therefore can have no bearing on my findings.

Conclusion

19. I conclude that the proposed development would respect the pattern of development in the area and would not unreasonably harm the living conditions of the occupiers of 58 Bramley Road. The appeal should therefore be allowed subject to the attached schedule of conditions.

Hilary Orr

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with the approved plan number 7027-P-02 issue B; Design and Access Statement received 24.08.2018; and Location Plan received 24.08.2018.
3. No above ground development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.
4. No above ground 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 buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species.
5. No above ground development shall take place until details of the proposed onsite parking arrangements have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in strict accordance with those details and the area thereafter shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), shall be carried out as to preclude vehicular access to this reserved parking area.
6. Any hardstanding shall be constructed of porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.