



Appeal Decision

Site visit made on 17 May 2019

by J Slominski BA(Hons) MCD

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/H2265/W/19/3220969

41 Bramley Way, Kings Hill, West Malling ME19 4BD

- 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 Tony Petty against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/18/02456/FL, dated 02 October 2018, was refused by notice dated 10 December 2018.
 - The development proposed is New 4 bedroom detached house over 3 floors with attached garage, shared access parking area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. The effect of the development on character and appearance; and
 - ii. The effect of the development on the living conditions of the neighbouring properties, with particular regard to no.8 Mercers Place.

Reasons

Character and Appearance

3. 41 Bramley Way is an end of terrace house in a residential cul-de-sac with gardens to the front, side and rear. Bramley Way is characterised by two storey houses with brick elevations under pitched roofs, arranged as a mix of detached and terraced houses and set behind planting. The land surrounding the house is partly used as a driveway and garage for no.41, with the remainder having soft landscaping. The proposal is a new three storey detached house adjacent to no.41, including accommodation within the roof and dormers, set behind a driveway and additional parking spaces.
4. Policy CP24 of the Tonbridge and Malling Borough Council Core Strategy (September 2007) ("Core Strategy") requires new development to be designed to respect the site and its surroundings, through the use of scale, layout, density, siting, character and appearance.
5. Policy SQ1 of the Managing Development and the Environment Development Plan Document (April 2010) ("DPD") requires development proposals to reflect

- local distinctiveness, in particular the setting of and relationship between the pattern of settlement, roads and the landscape and urban form.
6. Policies CP24 and SQ1 are consistent with paragraph 127 of the National Planning Policy Framework (the "Framework") which requires developments to be sympathetic to local character and to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
 7. The street scene on Bramley Way is in part characterised by small strips of planting in front of the houses. The terrace of houses (which no.41 is part of) is separated from the parking spaces in front by a small strip of landscaping, and the other houses on the street are set behind small front gardens which enhance the appearance of the street. There are also areas of planting to the front and side of no.41, within the site.
 8. The existing soft landscaping makes a positive visual contribution to the street scene, softening an otherwise urban environment. The planted areas in front of and to the side of no.41 would be removed in order to provide a large area of hardstanding with space for 3 cars in front of the new house (in addition to a garage), and an additional two parking spaces in front of no.41.
 9. The value of the existing planting is not so significant as to preclude any development, however the proposal would replace it with a dominant area of hardstanding and car parking which would offer very limited opportunities for replacement soft landscaping. Although the appellant has stated that new borders and planting could be added to soften the corner of the site and the boundary fencing, that would not reflect the prevailing pattern of landscaping in front of houses, nor would it be sufficient to soften the effect of the hardstanding and parking areas in front of the proposed house.
 10. The houses in Bramley Way generally do not have driveways in their front gardens, with parking and garages tucked around the sides meaning that the frontages are not dominated by hardstanding and parking. The terrace in which no.41 sits is fronted by on-street parking bays, with planting between those bays and the houses, and further landscaping in front of no.41 which the appellant proposes to remove. The layout of the proposed development with an extensive driveway in front of the house and very little planting would not therefore not reflect the pattern of the settlement or the prevailing relationships between houses and the street on Bramley Way.
 11. The proposed house would have three storeys, with the top storey set in the roof slope and two large dormers. Those dormers would have shallow pitched roofs and large blank elevations with small windows, and are not a characteristic feature of the locality. The garage would also come forward of the front elevation, which is at odds with the position of the other garages on the road (which are all set back from the front elevations).
 12. The house would be detached, and as the street comprises a mix of detached and terraced houses I do not find that in itself to be at odds with the local character. However, the alignment of the front elevation with that of no.41 would be also unusual as most of the detached houses on the street have staggered frontages following the curve of the street.
 13. As a result, the design of the proposed dwelling would introduce a set of incongruous design features which would result in the house dominating its plot

and appearing cramped and squeezed into its plot without sufficiently reflecting the local design characteristics.

14. The site layout, including the orientation of the building and the large driveway; and the design of the house, would not reflect the local character and would result in harm to the appearance of the street scene.
15. I therefore find that that due to the significant reduction of soft landscaping, the positioning of the new house behind a large area of hardstanding and car parking, and the incongruous design features and siting of the proposed house, the development would fail to respect the layout, siting, urban form, and local distinctiveness of its setting contrary to DPD Policy SQ1, Core Strategy Policy CP24 and paragraph 127 of the Framework.

Living Conditions at neighbouring properties

16. Due to the existing street layout and pattern of settlement, the houses at nos.7 and 8 Mercers Place to the south east have unusually short rear gardens of only 6m to 8m. Currently, the separation distance between the rear windows of no.8 and the two-storey flank of 41 Bramley Way is approximately 18 metres, as a result of the additional space provided by the side garden on the appeal site, which allows a reasonable outlook from the rear windows at no.8 Mercers Place. That distance would reduce to approximately 10.5 metres following the proposed development. Due to that small distance, combined with the large proposed side elevation dormer, the appearance of the site from the rear of 8 Mercers place would be of a large three storey home in very close proximity, thereby significantly reducing the outlook available to that property and resulting in an overbearing and oppressive sense of enclosure. The ground-floor garage flank would be closer, at just under 8m, with its eaves at 2.8m being visible above the garden fence.
17. The overall effect would be an overbearing and oppressive impact on the outlook from no.8, contrary to Core Strategy Policies CP1 and CP24 which together require the design of developments to protect residential amenity.

Conclusion

18. In light of the above, and having had regard to all other matters raised, the appeal is dismissed.

Jan Slominski

INSPECTOR