
Appeal Decision

Site visit made on 24 May 2019

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2019

Appeal Ref: APP/H2265/W/19/3224178

61 Offham Road, West Malling, Kent ME19 6RB

- 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 Mrs Kate Kenny against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/18/01755/FL, dated 23 July 2018, was refused by notice dated 13 December 2018.
 - The development proposed is described as 'the erection of a small detached 2 storey dwelling to the rear of 61 Offham Road'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located within the West Malling Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The main issues in this case are therefore:
 - (i) the effect of the proposal on the living conditions of the occupiers of 63 Offham Road, with particular regard to outlook; and
 - (ii) whether the proposal would preserve or enhance the character or appearance of the West Malling Conservation Area.

Reasons

Living conditions

3. The appeal site is occupied by a detached 2-storey house. It has a long rear garden that wraps around the rear boundary of the neighbouring garden to form a relatively wide garden area at the back of the site. To the side of the garden there is a driveway that provides access to 63 Offham Road, a 2-storey detached house that faces the rear boundary of the appeal site. The surrounding area is predominately residential and generally comprises semi-detached and terraced housing with relatively long and verdant rear gardens.
4. The proposal would comprise the erection of a 2-storey detached dwelling within the rear part of the garden. This would have a cruciform plan form,

would occupy a large portion of its plot and would be close to the boundary shared with No. 63.

5. I note that the absence of clear glazed first floor level windows in the east facing elevations of the proposal would prevent overlooking towards No. 63. However, these elevations would be highly visible from the front garden of No. 63 and the windows in its front elevation and, despite its staggered plan form, the proposal would result in an intrusive and highly prominent form of development that would severely reduce outlook from No. 63. I recognise that landscaping along the boundary would soften the visual impact of the proposed house, but this would not reduce the degree to which No. 63 would be enclosed by the proposal.
6. I therefore conclude that, due to its height, bulk and siting the proposal would have an unacceptable effect on the living conditions of the occupiers of No. 63. For this reason it fails to comply with Policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007) which requires the scale, siting and layout of development to respect its site and surroundings. There is also conflict with the aims of the National Planning Policy Framework (2019), which include promoting health and well-being and a high standard of amenity.

Character and appearance of the West Malling Conservation Area

7. The West Malling Conservation Area covers much of the settlement and therefore includes a wide range of types and ages of development. The site and its immediate surroundings comprise relatively verdant garden land and, other than No. 63, the buildings within this area are predominately small ancillary structures. The spacious and verdant back gardens form an important constituent of the significance, character and appearance of the Conservation Area.
8. The proposal would involve the removal of several trees and the erection of a 2-storey house. This would reflect the appearance of the houses on the northern side of Offham Road but would not be visually related to those properties. This, together with the proposal's size and siting, would result in an incongruous and overly prominent form of development that would fail to preserve the appearance of this part of the Conservation Area.
9. The harm to the significance of the Conservation Area would be less than substantial. I recognise that the proposal would make a very modest contribution of one dwelling to the current housing supply. I acknowledge that future occupiers of the proposal may contribute towards the social and economic well-being of the local area and there may also be a temporary economic benefit during the construction period. However, I do not consider that these benefits would outweigh the harm identified above.
10. For these reasons the proposal is contrary to Core Strategy Policy CP24 which requires well designed development of a scale and appearance that respects its surroundings. There is also conflict with the aims of chapter 16 of the Framework.

Planning Balance

11. Paragraph 73 of the Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing

requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

12. The Council cannot at present demonstrate a 5-year supply of housing. This triggers paragraph 11 of the Framework which states that where the development plan is out of date, permission should be granted unless there are specific policies in the Framework that protect areas and assets of particular importance, including conservation areas, which provide clear reasons for refusing development. As the proposal would fail to preserve the appearance of the West Malling Conservation Area there is clear conflict with the policies relating to heritage assets set out at chapter 16 of the Framework. Consequently, the Framework is not a material consideration that indicates a decision other than in accordance with the development plan.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR