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## Appeal Decision

Site visit made on 27 June 2019

**by C Hall BSc MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> August 2019**

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**Appeal Ref: APP/H2265/W/19/3225166**

**246 Butchers Lane, Mereworth, Maidstone ME18 5QH**

- 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 Ms T O'Neil against the decision of Tonbridge and Malling Borough Council.
  - The application Ref TM/18/02444/FL, dated 11 October 2018, was refused by notice dated 25 January 2019.
  - The development proposed is the erection of a double storey 2/3 bedroom detached dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issue

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

### Reasons

3. The appeal site comprises garden land to the rear of residential properties on Butchers Lane. The plot is in a prominent location on the junction between Beech Road and Butchers Lane and clearly visible on the approach to the village from the road to the east. The surrounding area consists of dwellings sited in a predominantly linear pattern along the public highway which runs in a broadly southerly direction towards the centre of Mereworth. Beyond the village confines is open countryside of fields and woodland.
  4. The proposed dwelling would occupy almost the full width and depth of the plot frontages to Beech Road and Butchers Lane. External amenity space would be in the form of convoluted or narrow strips around the building and single off-street parking space, with limited separation between the dwelling and the boundaries of the site. To my mind, the strips have the hallmarks of being an afterthought rather than a carefully designed and well integrated amenity area.
  5. I consider that the overall scale and proportions of the dwelling in relation to the plot size would appear as an overdevelopment of the site and an incongruous addition to the street scene. It would appear as a cramped form of development which would detract from the setting of this prominent site on the northern peripherals of the village. Although I find that the design of the house incorporates the use of appropriate materials and detailing that would be in keeping with the area, this does not outweigh the harm I have identified.
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6. I therefore conclude that the proposal would harm the character and appearance of the area. It would conflict with policy CP24 of the Tonbridge and Malling Borough Council Core Strategy September 2007 and SQ1 of the Managing Development and the Environment Development Plan Document April 2010. Taken together these policies seek to secure well-designed development that respects the character and local distinctiveness of the area. It would also be inconsistent with the advice in the National Planning Policy Framework (the Framework) which states that good design is a key aspect of sustainable development.

#### *Other matters*

7. I acknowledge those matters that have been advanced in support of the development, including that the proposal would not result in an adverse effect on highway safety or the living conditions of neighbouring houses. These however do not outweigh the harm that I have outlined above.
8. I note the appellant's comments in respect of the negotiations that have taken place with the Council and that the officer's recommendation was overturned by the Planning Committee. However, it is not part of my role, in reaching my decision on this appeal, to pass comment about the Council's advice or the manner in which it considered the proposal.
9. I recognise that local residents have made a number of comments on the proposed development, but as I am dismissing the appeal for other reasons I make no further comments on those matters.

#### *Planning balance*

10. Based upon my previous findings, the proposal is not in accordance with the policies of the development plan due to the harm I have identified in terms of the character and appearance of the area. The absence of harm relating to other matters, including in terms of the living conditions of occupiers of neighbouring properties and highway safety, are a neutral factor.
11. It is not a matter of dispute between the main parties that there is a shortfall relative to the Council's ability to demonstrate a deliverable five year supply of housing. Consequently, the housing policies which are most important for determining the application are out of date and paragraph 11(d) of the Framework should be applied.
12. The development would make a positive contribution to housing supply in an accessible location with associated social and economic benefits, including to the local economy during construction and to local services and facilities upon occupation.
13. However, to my mind, when assessed against the policies of the Framework as a whole, the adverse impacts of granting planning permission in this case in terms of the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the development proposed. The proposal would not therefore represent sustainable development.

## **Conclusion**

14. For the reasons given above I conclude that the appeal should be dismissed.

*C Hall*

INSPECTOR