



Appeal Decision

Site visit made on 1 October 2019

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2019

Appeal Ref: APP/H2265/W/19/3233189

4 Pratling Street, Aylesford ME20 7DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Marika Bradley against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/19/01156/OA, dated 16 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is Redevelopment of existing dwelling inclusive of improved access from highway. Forming one new additional dwelling on existing plot sharing new access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved. An indicative plan was submitted showing access and layout. The host property of No 4 Pratling Street is not within the red line of the application site despite a number of works being proposed to it, including partial demolition to facilitate access. I have considered this plan as part of the appeal even though it would not cover the full extent of the appeal site or proposals.

Main Issue

3. The main issue is:
 - The effect of the development upon the living conditions of nearby neighbouring occupiers with regard to privacy.

Reasons

4. The appeal site constitutes a bungalow with a deep rear garden that is enclosed by hedgerows. To the west and southwest are dwellings that front onto Rochester Road, with their rear gardens adjoining the appeal site. The existing bungalow is visible from the south across a succession of open fields.
5. The proposal would subdivide the garden and create a tandem form of development served by a single driveway. It is intended the dwelling would be a chalet, although no details of the design or architectural style of the proposal are submitted.

6. Outline applications can be accompanied by varying levels of detail depending on the matters sought for approval. However, a Council has the ability to request additional information under Paragraph 5 (2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 in order to make a fair and informed decision. In this instance, despite the concerns of the Council regarding living conditions of neighbours being known, no further information was forthcoming from the appellant in response to the Council's request.
7. The National Planning Policy Framework (the Framework) requires development to function well and provide a high standard of amenity for existing and future occupiers. In the absence of plans, even at an indicative level, it is uncertain whether or not the development would provide a high standard of amenity. On the evidence before me, taking a precautionary approach, it is likely the proposal would have an adverse effect upon the living conditions of neighbouring occupiers with regard to privacy. This would be contrary to the objectives of the Framework.
8. Furthermore, the appeal site is in close proximity to water bodies that may provide suitable habitat for protected species. In the absence of information to prove to the contrary, the development would likely cause harm to the biodiversity and wildlife interests in the local area. This would conflict with paragraph 175 of the Framework that requires development to identify any harm to biodiversity and ensure such is adequately mitigated.

David Wallis

INSPECTOR