



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: 07 October 2019

Appeal Ref: APP/U2235/W/19/3234046
139 Tonbridge Road, Maidstone ME16 8JS

- 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 and Mrs P Lindley against the decision of Maidstone Borough Council.
 - The application Ref 19/500753/FULL, dated 2 March 2019, was refused by notice dated 7 June 2019.
 - The development proposed is Demolition of part of existing dwelling and all outbuildings and erection of 2no. detached dwellings and 3no. semi-detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the Demolition of part of existing dwelling and all outbuildings and erection of 2no. detached dwellings and 3no. semi-detached dwellings at 139 Tonbridge Road, Maidstone ME16 8JS in accordance with the terms of the application, Ref 19/500753/FULL, dated 2 March 2019, and the plans submitted with it, subject to the conditions listed in the attached schedule.

Preliminary Matters

2. The description of development used on the Council's decision notice differs from that on the original application form, although I consider it to adequately describe the proposal and have thus used this in my decision.

Main Issues

3. The main issues are the effect of the development upon:
 - the character and appearance of the area
 - the living conditions of occupiers at No 139 Tonbridge Road with regard to noise and disturbance.

Reasons

Character and appearance

4. The south side of Tonbridge Road is characterised by large detached properties fronting onto the public highway. Deep rear gardens extend southwards towards properties on Upper Fant Road, which is characterised by semi-detached houses in modestly-sized plots. Dwellings generally follow a linear pattern but there are several notable examples of back land development

within the vicinity, which are of higher density and served by a single access in between frontage dwellings.

5. The appeal site consists of the deep rear garden behind Nos 139 and 141 Tonbridge Road. A proportion of the appeal site abuts the boundary with Clare Park, a public open space with leisure facilities. The park is set on a lower land level to the appeal site, which itself slopes from north to south.
6. The proposal is for 5 new dwellings. The proposed dwellings would be two storey and arranged so that 3 would back onto the adjacent Clare Park and the remaining 2 would bookend the appeal site. These would be accessed via an entrance off Tonbridge Road and a drive passing the western flank of No 139.
7. The proposal would retain the dwelling at No 139, thus maintaining the linear pattern of development fronting Tonbridge Road. Whilst the proposal would introduce built form behind the frontage properties, similar residential developments have taken place in proximity to the appeal site. The layout of the development would positively mirror the wider surroundings by having a proportion of the proposed rear gardens backing onto Clare Park. The proposal would not therefore be significantly out of character with the area.
8. The proposal would be set away from the public highway behind No 139. It would not be highly visible, thus maintaining the character and appearance of Tonbridge Road. The dwellings would be separated from Clare Park by the proposed rear gardens. There is a small embankment from the appeal site down into the park along the length of the shared boundary, which is substantially planted with trees and hedgerows. Mature landscaping is prevalent throughout the park. It is therefore unlikely that the proposal would have a significant visual impact upon, or appear intrusive to, the character and appearance of the park.
9. I therefore conclude that the proposal would not have a significant adverse effect upon the character and appearance of the area. The proposal would accord with Policies SP1, DM1 and DM11 of the adopted Maidstone Borough Local Plan 2017 (the Local Plan). These policies, amongst other things, seek to secure high quality design that responds positively to local character.

Living Conditions of No 139 Tonbridge Road

10. The existing access into the appeal site would be widened, whilst retaining parking for No 139 in its current position. An existing extension on the west side of No 139 would be demolished to facilitate access.
11. Vehicles could not pass each other comfortably down the flank of No 139, which would cause them to slow down or wait on the driveway. Furthermore, the access would have a pronounced right-angle turn in its route beyond the garden proposed to be retained for No 139. These circumstances would likely result in traffic moving at slow and careful speeds, which greatly reduces the potential noise generated. Any incidental noise from shutting car doors would be minimal given the layout of the appeal site and depth of the development.
12. There would not be any windows in the remodelled flank of No 139 facing the access. The formation of a boundary to secure the rear garden of No 139 would provide adequate mitigation against light pollution from vehicles leaving the appeal site. Whilst there may be potential for lights of entering vehicles to

shine towards the front windows of No 139, this would not be significantly different to the existing situation.

13. I therefore conclude that the proposal would not cause significant harm to the living conditions of occupiers at No 139 Tonbridge Road with regard to noise and disturbance. The proposal would not conflict with Policies DM1 and DM11 of the Local Plan, which seek developments to provide adequate residential amenities for future occupiers.

Other Matters

14. I acknowledge that the Council submits that a deliverable five-year housing land supply can be demonstrated. However, the National Planning Policy Framework (the Framework) encourages boosting housing supply and making effective use of land. The proposal would support these objectives.
15. A proportion of trees central to the appeal site would be cleared as part of the development. However, the layout of the proposal would provide scope for landscaping and for the retention of trees on the boundaries, for the benefit of the site and the surroundings.
16. I note that Tonbridge Road is a busy thoroughfare upon which are parking and traffic restrictions. The proposed access would be widened, providing greater visibility for vehicles leaving the appeal site. The proposed level of parking provision and space for the manoeuvring of larger vehicles would accord with the relevant standards of the Highway Authority. I therefore conclude that the proposal would not give rise to significant adverse effects on highway safety.
17. The 2 proposed detached dwellings would be sited a modest distance away from the nearest neighbours in Upper Fant Road. The level of separation is such that the proposal would not cause harm to the living conditions of the nearest occupiers in Upper Fant Road with regard to privacy or outlook. The appeal site is large enough to accommodate the proposals comfortably including parking and private garden space, so would not amount to overdevelopment.

Conclusion

18. In light of the above, I allow the appeal.

Conditions

19. I have imposed a condition stating the plans to which this permission relates for certainty as to the development permitted. To ensure the proposal reflects the appearance of nearby development, conditions requiring written approval of the external materials and of detailed landscaping proposals are necessary and reasonable.
20. I have also imposed a condition ensuring that parking and turning space is available and ready for use in the interests of highway safety. I have had regard to the need for a construction management plan but consider this is unnecessary given the amount of space on the appeal site and the land's topography.
21. The LPA has recommended conditions regarding energy efficiency and electric car charging points. However, neither of these conditions are necessary to make the development acceptable in planning terms.

22. It would not be reasonable or necessary for the removal of permitted development rights in the circumstances of this appeal.

David Wallis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 903-MW-01 Rev B, 903-MW-02, 903-MW-03 Rev B, 903-MW-12-1 Rev D, 903-MA-12-1-1 Rev E, 903-MA-12-1-2 Rev B, 903-MW-13-1 Rev A, 903-MW-13-1-2 Rev A, 903-13-1-1 Rev A, 903-MW-12-2 Rev B, 903-MA-12-2-1 Rev C, 903-MA-12-2-2 Rev C, 903-MA-13-2 Rev A, 903-MA-13-2-1 Rev A, 903-MA-13-2-2 Rev A, 903-MW-12-3 Rev A, 903-MA-12-3-1 Rev B, 903-MA-12-3-2 Rev A, 903-MA-13-3 Rev A, 903-MA-13-3-1 Rev A, 903-MA-13-3-2 Rev A, 903-MW-12-4 Rev D, 903-MA-12-4-1 Rev E, 903-MA-12-4-2 Rev B, 903-MW-13-4-1 Rev A, 903-MW-13-4-2 Rev A, 903-MW-13-4 Rev A, 903-MW-12-5 Rev A, 903-MA-12-5-1 Rev B, 903-MA-12-5-1 Rev B, 903-MA-12-5-2 Rev A, 903-MA-13-5 Rev A, 903-MA-13-5-1 Rev A, 824/DP/03 Rev B, 824/DP/02 Rev B, 824/DP/12 Rev B, 903-MA-13 Rev B, 903-MA-Garage Rev B and 903-MA-Garage1 Rev B.
- 3) No development above slab level shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) No development above slab level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include
 - i) boundary treatments;
 - ii) all existing trees and hedgerows on and immediately adjacent to the site;
 - iii) details of the existing trees and hedgerows to be retained, including measures for their protection;
 - iv) hard surfacing materials;
 - v) an implementation and maintenance programme.The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied and retained as such thereafter.
- 5) The access, parking and turning areas shown on drawing 903-MA-03 Rev D shall be constructed and completed before any part of the development is first occupied and retained for such purposes thereafter.