

Appeal Decision

Site visit made on 13 October 2020

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/H2265/W/20/3255794

Cobdown Lodge, 540 London Road, Ditton, Aylesford ME20 6BX

- 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 Swathi Lonka against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/19/02900/FL, dated 6 December 2019, was refused by notice dated 31 January 2020.
 - The development proposed is the demolition of existing dwelling and erection of 3 x 1 bedroom flats and 6 x 2 bedroom flats within new residential building. Creation of 12 parking spaces, cycle parking and refuse storage areas. Associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the character and appearance of the area and the local landscape;
 - highway safety and the free flow of traffic on London Road.

Reasons

Character and appearance

3. The appeal site comprises a detached bungalow and garden. A stone wall runs along its southern, London Road, boundary. An extensive sports complex wraps round its other sides. To the east is an area used for storage, beyond which is the junction with Station Road. A terrace of houses and substantial buildings within the sports complex line Station road. However, immediately adjoining the appeal site, the sports complex is largely open and free from built development.
 4. Built development to the north of this section of London Road is, therefore, sporadic and attractive views over the stone wall to the playing fields, tree belts and more open countryside beyond are available. The existing bungalow is modest in scale, low lying and relatively low in height. These characteristics contribute to the availability of the views from London Road. The appeal site and the sports ground fall within Medway Gap character area ALS5 as defined by the Council's adopted Medway Gap Character Area Appraisal SPD. They are also identified as an Area of Landscape Significance (ALS). The openness of
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- the ALS contributes to the availability of the views from London Road as well as separating the more urban areas to the east and west.
5. The appeal building would have a considerably larger footprint than the existing bungalow, occupying a greater proportion of the width of the site. It would also be two and a half storeys high with a steeply pitched roof. As such, notwithstanding that the building would be set back from the road frontage, its bulk would significantly reduce the openness of the site and close down the availability of views from London Road. The proposal would, therefore, undermine the purposes of the ALS.
 6. The appellant has drawn my attention to the emerging local plan and allocations document and to a proposal for residential development on a site immediately to the west of the appeal site. It considers that the Council has been inconsistent in refusing the appeal proposal whilst safeguarding the adjoining land for development. Moreover, it argues that the appeal site should be considered in preference to the adjoining land as it amounts to brownfield development which is favoured by the National Planning Policy Framework (the Framework).
 7. The emerging local plan has yet to be examined and the Council advises that there are unresolved objections to it. Nor have I been provided with full details of the proposals for the adjoining land or the Council's consideration of it. Consequently, I can give very limited weight to the consideration of the adjoining land. I deal with the use of brownfield land in the planning balance below.
 8. The pattern of built development on the south side of London Road is more substantive and comprises a mix of single and two storey detached and two and a half storey terraced dwellings. The main roofs tend to be hipped, or part hipped, with pitches of less than 45°. Although a number of properties also have projecting front gables they are subservient features in the elevations as a whole. There is a mix of materials and fenestration patterns. Collectively, the group has a traditional and restrained character and appearance which contributes positively to local distinctiveness.
 9. In contrast, the proposed building would have a series of very steeply pitched roofs which would dominate the front elevation, the central part of the main roof would extend down to ground floor eaves level and the roof would be finished in aluminium and zinc panels. The window frames would extend across two storeys. Whilst the building would also feature areas of brick and render, overall, it would have a striking and assertive appearance which would be jarringly out of keeping with the local distinctiveness of the buildings opposite. The appellant has referred to the use of soft landscaping to achieve a verdant character. Whilst such planting could soften the elements of the proposal, it would not overcome my concerns regarding the bulk and form of the proposed building. In reaching this conclusion I recognise that the appeal site is not within a Conservation Area or within the setting of a Conservation Area or Listed Building.
 10. Consequently, I find that the bulk, form and appearance of the proposed building would have a harmful effect on the character of the area and the local landscape. It would, therefore, conflict with Policy CP24 of the Tonbridge and Malling Core Strategy (CS) and SQ1 of the Council's Managing Development and the Environment Development Plan Document (DPD). Together these

policies require development to be of high quality design, respect its site and surroundings, reflect local distinctiveness and conserve the distinctive setting of the landscape.

11. Nor would the proposal accord with Framework paragraph 127 to the extent that it has similar aims. The Framework also advises that great weight should be given to outstanding or innovative design. However, I am not persuaded that the design of the appeal proposal meets the standard necessary to benefit from that provision.

Highways matters

12. The appeal site is located some 40m west of the signalised A20 London Road/Station Road junction. The Council's evidence refers to the volume of traffic on London Road and the length of queues from the junction. I saw on the site visit that vehicles regularly queue passed the site access whilst waiting at the traffic signals. A scheme to reduce congestion and delays at the junction has been included in the emerging Local Plan Infrastructure Delivery Plan. The scheme would affect the appeal site access as an existing on-road cycleway would be removed and a 3.5m shared footway cycleway provided along the site frontage on the north side of the A20. However, notwithstanding the Council's other highways concerns, it does not allege that the proposed scheme would lead to unacceptable visibility from the appeal site access.
13. The Council is concerned that the site access is not wide enough to allow vehicles entering and leaving the site at the same time to pass each other. It considers that vehicles entering the site would, therefore, need to wait or reverse into London Road. The proposal would also increase the number of deliveries. The Council considers that these would be likely to be made from the site access rather than vehicles entering the site and, therefore, impede traffic on London Road. The Council is also concerned that right turn movements into the site would block traffic queuing from the London Road/Station Road junction. As such, the Council considers that the increased use of the site access would have a harmful effect on highway safety and congestion. Notwithstanding the proposal to provide 'keep clear' markings at the site access and the offer to reduce on-site parking from 12 to 6 spaces, it considers that the residual effects on the road network would be severe.
14. The Council and the appellant have provided evidence of personal injury collisions in the vicinity of the appeal site. Although the evidence appears to be based on different baseline data and timescales, both show a relatively small number of collisions (four in the Council's evidence, two in the appellant's evidence) leading to slight personal injuries. Whilst the collisions involved vehicles queuing on the approach to the nearby junction, there is no firm evidence to suggest that vehicles entering or leaving the appeal site were a contributory factor.
15. Planning permission has been granted (application reference 19/01053/FL, dated 13 September 2019) to sub-divide the existing dwelling at the appeal site into two separate dwellings, each with two car parking spaces. The appellant's evidence includes an assessment of the traffic generated by the consented development at the site and the appeal proposal. The assessment is based on TRICS data and its findings have not been disputed by the Council. The assessment shows that the appeal proposal (without reducing on-site parking provision) would generate one additional departure in the notional

morning peak hour and one additional arrival and one additional departure in the notional evening peak compared with the consented development. The appellant also makes the point that not all of the additional movements to and from the site would make right-turn manoeuvres.

16. The proposed use of the site would be likely to increase the number of visits by delivery vehicles somewhat. However, given the low level of trip generation from the development, the incidence of conflicting movements with departing vehicles is likely to be similarly low and, therefore, not a disincentive to delivery drivers entering the site to make deliveries.
17. The appellant's evidence also shows that the appeal site is reasonably well located to a range of local facilities and services and to bus stops providing frequent services to Maidstone town centre and a selection of other locations. The site is also reasonably well served by pedestrian and cycle routes. The proposed junction improvement scheme would not materially affect these routes.
18. I have had regard to the opportunities for travel from the site other than by private car and the lack of evidence that existing traffic movements from the site have led to highway safety problems. In the light of these factors, I consider that the low level of additional vehicle movements likely to be generated by the proposal as submitted compared to the consented development would not pose a significant risk to highway safety or the free flow of traffic on London Road, even taking into account the single vehicle width of the access.
19. Having reached that conclusion, it is not necessary to consider the appellant's offer to reduce the level of on-site parking. Overall therefore, the proposal would not conflict with Framework paragraph 109 which advises that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the network would be severe. The decision notice also cites conflict with paragraph 110 of the Framework. However, the Council has not provided substantive evidence of such conflict and I have found that the appeal site is reasonably sustainably located. Nor would the proposal conflict with DPD Policy SQ8 which, amongst other things, requires development to not significantly harm highway safety or result in a significant increased risk of crashes or traffic delays.

Other matters

20. The appellant has expressed concern regarding the pre-application advice it received from the Council. However, my decision is based on the Council's formal decision and the planning merits of the appeal proposal.
21. I have had regard to the other concerns expressed locally, but they have not led me to a different overall conclusion.

Planning balance

22. The proposal would re-use brownfield land. This outcome is supported by Framework paragraphs 117 and 118. However, the same paragraphs are also clear that the land must be suitable and proposals should safeguard and improve the environment. I have found that the appeal proposal would be

harmful to the character and appearance of the area and the local landscape. This limits the weight to be attached to the brownfield status of the site.

23. The proposal would make a modest contribution to the supply of housing in the area (a net gain of seven units over the consented development) and the Council acknowledges that it cannot demonstrate a five year supply of housing land. However, the most important policies for determining the appeal are CS Policy CP24 and DPD Policies SQ1 and SQ8. Those policies deal with design, the protection of the built and natural environments and transport and highways matters. There is nothing to suggest that they are out of date. I have found that the proposal conflicts with CS Policy CP24 and DPD Policy SQ1 on design and the protection of the built and natural environments. That conflict is not outweighed by the proposal's compliance with DPD Policy SQ8. Framework paragraph 12 advises that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Accordingly, the presumption of sustainable development set out in Framework paragraph 11(d) does not apply in this case. The modest benefits of the proposal do not, therefore, outweigh the harm I have identified.

Conclusion

24. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR