



Appeal Decision

Site Visit made on 20 April 2021

by G Pannell Bsc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th May 2021

Appeal Ref: APP/H2265/W/20/3261264

Allendale, 14 Vincent Road, Aylesford, ME20 7HA

- 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 & Mr A Taskin & D O'Connor against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/20/01587/FL, dated 13 July 2020, was refused by notice dated 17 September 2020.
 - The development proposed is demolition of existing chalet and erection of a detached 2 bed dwelling with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area, having particular regard to the location of the site within the Kent Downs Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site is located within the Kent Downs AONB, within the Medway Local Character Area. The key characteristics of the character area include intensively farmed scarp foot fields, dense woodland scrub flecked ditches and rough tussocky grass. The Framework places great weight on protecting and enhancing landscape beauty in AONB's which have the highest status of protection in relation to these issues.
4. The appeal site comprises a rectangular plot, containing a small outbuilding. It is relatively open and slopes down from the top of the site, providing views across over the Kent Downs. The wider area comprises a collection of individual residential properties, which are accessed from a network of private roads and lanes. Opposite the site is an existing dwelling and from within the site it is also possible to see other residential properties, accessed off of Salisbury Road. However, despite the existence of these neighbouring properties, the limited amount of existing development along Vincent Road positively contributes to the rural character of the area.
5. The proposal would extend residential development along this part of Vincent Road. The introduction of a dwelling in this location would alter the character and appearance of this rural site, resulting in an urban form that would intrude into the countryside. In addition, the proposed dwelling would lead to a more intensive use of the site. This would include an associated increase in domestic

paraphernalia, with the effect of eroding the open and rural character of the immediate area.

6. It has been put to me that the existence of the structure on the site and the domesticated character of the landscaping, which has altered the character of the site, results in it having a developed nature. However, even noting the presence of the existing outbuilding, which is modest in its proportions, the site retains an organic form with a mixture of landscaping present. It does not have the appearance of a formal garden and retains its rural presence within the landscape.
7. I have had regard to the scale and design of the dwelling, which has been developed to take into account the slope of the site, including the subterranean lower ground floor, set within a landscaped terrace. However, the introduction of a formal surfaced access with associated parking and turning, even with the suggestion of the use of grasscrete, and the changes which would result in the intensification of the site as part of permanent occupation, including visually from the introduction of internal and external lighting would be noticeable within this landscape and intrude into the countryside. There are views of the site from the existing access and therefore, from these localised viewpoints the development would result in a change from the rural setting of the site.
8. It is suggested that permitted development rights for incidental buildings, walls, fences and the like can be controlled by condition. However, this would not restrict everyday domestic paraphernalia and it would not be reasonable to impose a condition restricting this as it would be unduly limiting for future occupiers enjoyment of the garden.
9. The introduction of development in this location, would lead to an intrusion into the countryside, failing to recognise the intrinsic rural character of the countryside. The development would conflict with policies CP1, CP7 and CP24 of the Tonbridge and Malling Borough Council Local Development Framework, Core Strategy 2007 which together seek to balance the need for development against protection of the natural environment, prevent development which would be detrimental to the natural beauty and quiet enjoyment of the AONB or to the functioning and character of the countryside. It would also conflict with policy SQ1 of the Management Development and the Environment Development Plan Document 2010, which requires proposals to protect, conserve and enhance, where possible, the character of the area.

Other Matters

10. Reference has been made to other dwellings that have been granted planning permission elsewhere within the locality, however the characteristics of each site are different and the circumstances that applied to other cases may not be directly comparable to the appeal proposal. In any event, I am not bound by other decisions of the Council and I give this minimal weight.
11. The Council accepts that it is unable to demonstrate a 5 year supply of housing, however the tilted balance set out within paragraph 11(d) of the Framework is not engaged. This is because the policies in the Framework relating to an Area of Outstanding Natural Beauty provide a clear reason for refusing the development proposal¹.

¹ National Planning Policy Framework Paragraph 11(d) Footnote 6

Conclusion

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

G Pannell

INSPECTOR