



Appeal Decision

Site visit made on 17 November 2021

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/H2265/W/21/3272585

1 Green Lane, Trottiscliffe, West Malling ME19 5DX

- 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 J Dosanjh against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/20/02255/FL, dated 7 October 2020, was refused by notice dated 26 February 2021.
 - The development proposed is demolition of existing one storey bungalow to enable erection of a semi-detached five bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing one storey bungalow to enable erection of a semi-detached five bedroom dwelling at 1 Green Lane, Trottiscliffe, West Malling, ME19 5DX in accordance with the terms of the application Ref TM/20/02255/FL, dated 7 October 2020, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mrs J Dosanjh against Tonbridge and Malling Borough Council. This application is the subject of a separate decision.

Main issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the effect on the Kent Downs Area of Outstanding Natural Beauty (AONB); and
 - the effect of the proposal on the living conditions of the occupiers of the neighbouring property at No 2 Green Lane.

Reasons

Character and appearance

4. The appeal property is a semi-detached bungalow, which is attached to a two storey house at No 2 Green Lane. The two dwellings form part of a residential enclave (Nos 1 to 9 inclusive), which also includes two short terraces and a detached house, grouped around a cul-de-sac. Nos 1 to 8 were built in the 1980s. Subsequent changes have included a first floor extension to a bungalow at No 5, a two storey side extension to No 8 and an additional two storey house at No 9. In each case the height, form and materials have been carefully

considered, such that the group as a whole maintains a coherent design approach.

5. The cul-de-sac is within the settlement boundary of Trottiscliffe and is also within the Kent Downs AONB. There are open fields to the north, south and east. Green Lane is a public footpath which passes to the south of the cul-de-sac, close to the side elevation of No 9 and then out into the open countryside. Longer views of a wooded ridge to the north can be obtained from Green Lane (over a grassed amenity area to the rear of Nos 1 and 2), through the middle of the cul-de-sac and from the footpath beyond No 9.
6. The proposed house would match the height and roof form of No 2 and other houses in the group, including a cat slide front projection which is a feature of the cul-de-sac. The front elevation would be consistent with No 2. The flank elevation would be set about 1m in from the footway to Green Lane, allowing some space for boundary planting. In this respect the relationship to the public footpath would be similar to that of No 9. There would be windows at first floor and roof level which would add to the visual interest of this elevation.
7. There would be a projection to the rear, comprising two full storeys plus accommodation at roof level. The Council considers that this would be unduly bulky and that glazed balconies and full-height glazing would be out of keeping with the surroundings. However, the height and roof pitch of the rear projection would be consistent with other roofs nearby. There would be weatherboarding either side of the glazed doors, such that there would be an appropriate balance between glazed and solid elements of the elevation. Moreover, the balcony would be recessed so the glazed doors would be set back from the face of the gable elevation, making them less prominent.
8. The proposed gable would be readily visible from the public footpath along Green Lane. I accept that the proposed design would introduce a new element into the street scene. However, to my mind the design is sensitive to its context and would sit comfortably alongside the other houses in the group.
9. There would be no impact on views from the ridge to the north, or from the footpath to the east, because the new house would be behind existing houses. There would be no impact on the views described above towards the wooded ridge from Green Lane or the footpath.
10. I conclude that the proposal would not result in harm to the character and appearance of the area, nor would it have any impact on the AONB. It would accord with Core Strategy (CS) Policy CP7, which seeks to protect the natural beauty of the AONB. It would also accord with Policy CP13, which states that development within the confines of Trottiscliffe (amongst other rural settlements) should be appropriate to the character of the settlement, and with Policy CP24, which states that all development must be well designed and should respect the site and its surroundings.

Living conditions

11. The Council considers that the proposal would have a harmful enclosing and overbearing effect on No 2 Green Lane. The officer's report notes that there would be a single storey rear projection extending 3.7m along the neighbouring boundary. This would be an unexceptional relationship between adjoining houses. There is nothing unusual about the design of the projection, the design

of No 2 or the layout of the houses and their respective gardens that would result in an unduly overbearing or enclosing effect. The two storey rear projection would be set well away from the common boundary with No 2, such that it too would not have an unduly overbearing effect.

12. The Council points out that the proposal would be to the south of No 2. That point could be relevant to an assessment of sunlight but no objection has been raised on those grounds. However, it is not relevant to an assessment of whether there would be an unduly overbearing effect.
13. I conclude that the proposal would not result in any harm to the living conditions of the occupiers of the neighbouring property. It would accord with CS Policy CP24, insofar as that policy seeks to protect amenity.

Other matters

14. I have had regard to the concerns raised by the Parish Council and local residents, some of which have already been covered above. I acknowledge that the proposed house would be considerably larger than the bungalow it would replace. However, given that the site is within the settlement boundary, there is no policy objection to the principle of a larger replacement dwelling. I do not think that the proposal would have an urbanising effect because the design would be compatible with the design of other houses in the same cul-de-sac.
15. There would be sufficient separation between the new house and existing houses to avoid any harmful overlooking. Two parking spaces would be provided, in accordance with the Council's standards. Although these would be sited at an angle to the front of the house, I do not think they would be difficult to access from this lightly trafficked cul-de-sac.

Conclusion

16. I conclude that the proposal would accord with the development plan. The appeal should therefore be allowed.

Conditions

17. I have considered the conditions suggested by the Council and the appellant in the light of Planning Practice Guidance. A condition requiring development to be in accordance with the plans is necessary in the interests of clarity and certainty. As the plans show the level at which the development would be built, this replaces a condition suggested by the Council. Notwithstanding that some information on materials is shown on the plans, details and samples of materials should be submitted for the approval of the Council in the interests of the character and appearance of the area. A landscaping condition is necessary in the interests of the character and appearance of the area. A standard five year replacement period would be appropriate. A condition requiring parking to be provided and retained is necessary in the interests of making proper provision for the vehicles of future occupiers. A condition restricting permitted development rights is justified given the sensitive location of the dwelling in relation to the Kent Downs AONB.

David Prentis

Inspector

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2001-P-03 B, 2001-P-20 B, 2001-P-21 B, 2001-P-22 B, 2001-P-40 A and 2001-P-41 B.
- 3) No development above ground level shall commence until details and samples of the materials to be used in the construction of the external surfaces of the building 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 samples.
- 4) Before the development hereby approved is occupied a scheme of landscaping and boundary treatment shall be submitted to and approved in writing by the local planning authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within five years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the local planning authority gives written consent to any variation.
- 5) The dwelling hereby approved shall not be occupied until the area shown on the submitted layout for vehicle parking spaces has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C or E of Part 1 of Schedule 2 of that Order.