



Appeal Decision

Site visit made on 22 July 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2022

Appeal Ref: APP/H2265/W/22/3294338

Land Adjacent To 204 High Street, Wouldham, Rochester ME1 3UD

- 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 J Breeds against the decision of Tonbridge and Malling Borough Council.
 - The application Ref 21/02010/FL, dated 16 July 2021, was refused by notice dated 28 October 2021.
 - The development proposed is described as: 'erection of 1 No. 2-bedroom dwelling with associated access, landscaping and parking'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 1 No. 2-bedroom dwelling with associated access, landscaping and parking at Land Adjacent To 204 High Street, Wouldham, Rochester ME1 3UD in accordance with the terms of the application, Ref 21/02010/FL, dated 16 July 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. A previous application¹ for the erection of a dwelling on the appeal site was refused by the Council in 2008 on the grounds that it would result in the reduction in an area of open space that provides visual relief in an otherwise cramped built environment resulting in harm to the character and appearance of the area. A subsequent appeal² against the decision was dismissed on similar grounds.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a rough surfaced area of land that is accessed off High Street and used for car parking. It forms an area of open and undeveloped land between the semi detached dwelling of 204 High Street and the end terraced dwelling of 230 High Street both of which front the road. It is bounded by a low wall with a tall, loose hedge set behind. Views into the site from High Street are consequently limited, although I note from the photographs in the appellant's statement that the area is more visible when the hedge is not in leaf, with views likely possible to a grassed area between two terraced rows.

¹ TM/07/01264/FL.

² APP/H2265/A/08/2070339.

These are orientated broadly perpendicular to High Street with the end elevations facing the appeal site.

5. The blank gable of the end terraced property, 206 High Street, and the central grassed area between the two terraced rows lie immediately adjacent to the rear boundary of the appeal site. Opposite the appeal site are a row of link detached dwellings, set back behind the pavement and a wide verge with sizeable front gardens. These have weatherboarding to the frontage at first floor level with a prominent front dormer window.
6. Located in the northern part of High Street, the appeal site lies within an area of varied character comprising residential development of a mix of styles and age. Further to the south, the built environment in the vicinity of the Watermans Arms public house and an adjacent workshop building is restricted with development hemming in both sides of the narrow highway. The streetscene opens up in the vicinity of the appeal site, both through the open space comprising the appeal site and through the presence of front gardens and grassed verges and resultant setback of the link detached dwellings opposite. As is noted by the previous Inspector, the opening out of the streetscene here forms a relief and surprise in the otherwise constrained nature of the streetscene. The appeal site thus makes an important contribution to the character of the village.
7. The proposed dwelling would have a reasonably modest footprint and would be set at the back of the site. It would be aligned with the gable of the end terraced property (No 206), with a substantially lower roof height which would help to minimise its intrusion and assimilate it into its setting. The setback and scale of the dwelling would ensure that an area of open space in the form of the proposed garden and the parking area would be provided forward of the dwelling. This alongside the space forward of the dwellings opposite would help to ensure the relief and surprise provided by the open space is retained, at least in part. In this regard, I note that the removal of the tall hedge and replacement with a low wall would have the effect of improving openness here.
8. In contrast to the previous appeal scheme, views into and out of the grassed area between the opposing terraces would also be retained due to the position of the dwelling and the low height of the boundary wall. The proposed dwelling would incorporate a hipped element to the roof that would be reflective of both the terraced properties and those opposite. The weatherboarding to the first floor and the dormer window would also be reflective of the dwellings opposite. Overall, owing to the siting of the proposal and its design and form, the dwelling would integrate well into the existing built environment and would respect the existing built context.
9. Whilst the Council state that the north elevation of the proposal would be predominantly blank, I note that this is also the case with No 230 and No 206 which face onto the appeal site and are also visible in the streetscene. Nevertheless, given the orientation of the proposed dwelling, the north elevation would likely be seen alongside the windowed west elevation in views from High Street.
10. In conclusion, for the reasons outlined above, there would be some, limited harm to the character and appearance of the area from the loss of some of the open space as a result of the development of this site. There would, therefore, be a conflict with Policy CP24 of the Tonbridge and Malling Core Strategy

(2007) and Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD (2010) which, amongst other things and in summary, seek to ensure new development protects, conserves and where possible enhances the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement through its scale, density, layout, siting, character and appearance.

Other Matters

11. A large number of representations are concerned with parking and the effect that developing the appeal site, an informal parking area, would have on the availability of parking in Wouldham. The Council states that as these spaces are on private land, the planning system would not be able to stop the applicant from preventing parking from occurring on this land and ceasing this use. I have not been provided with any evidence that would direct me to conclude otherwise or lead me to dismiss the appeal on this basis.
12. I have taken careful account of all the other representations before me, including in respect of traffic generation and the safety of the existing access. However, the appeal site lies within an existing residential area and there is nothing to indicate that the volume of traffic that would be generated, or the site access, would be likely to lead to adverse effects in that context, particularly as there is an access from High Street to the car park at present.
13. Provision exists on the proposed plans for bin storage. Owing to its scale, height and siting, the proposed dwelling would not adversely affect living conditions through an unacceptable loss of light, overbearing impact or loss of outlook to neighbouring properties. This was also the conclusion of the Council.

Planning Balance

14. The Council states in its delegated report that it cannot demonstrate a five year supply of deliverable housing sites. Consequently paragraph 11. (d) of the National Planning Policy Framework (the Framework) is triggered, to which I turn to consider below.
15. Being the erection of a single dwelling, the proposal would make a small contribution to housing supply. The proposal would also lead to some minor economic benefits through the construction and occupation of the dwelling, although these would be limited by the small scale of the proposal. However notwithstanding these benefits, the harm that I have identified is similarly small. There are policies of the Framework that support the protection of the character and appearance of the area, but also to boost significantly the supply of homes. The appeal site lies within the confines of Wouldham, a location where additional housing is, generally, to be encouraged where it is appropriate to the scale and character of the settlement. As outlined by the Council and owing to the small scale of the proposal, it would meet this requirement. As such, the adverse impacts cannot be said to significantly and demonstrably outweigh the benefits considered against the policies of the Framework, taken as a whole. The proposal, therefore, benefits from the presumption in favour of sustainable development outlined at Framework paragraph 11.
16. There would be conflict with the development plan when read as a whole due to conflict with those policies seeking to protect the character and appearance of the area, but the harm in that regard would be limited. For the reasons

given above, I find in this case that the presumption in favour of sustainable development therein indicates that a decision should be taken otherwise than in accordance with the development plan and that permission should be granted.

Conditions

17. I have imposed conditions requiring compliance with the approved plans, and details of external finishes, in the interests of certainty and in order that the proposal integrates appropriately with its surroundings. I have amended certain conditions proposed by the Council to ensure they meet the relevant requirements in the Framework without altering their aim.
18. In the interests of the character and appearance of the area, conditions are required to secure details of external material finishes and site levels. A landscaping scheme including precise details of proposed planting and hardsurfacing will also be necessary in the interests of the character and appearance of the area. I have also included the second part of the Council's suggested condition requiring the implementation and retention of the submitted scheme.
19. In the interests of highway safety, it is appropriate to ensure that the access and parking is laid out prior to the first occupation of the dwelling.
20. Details of how the method of construction and use of renewable technologies would ensure energy demands for the new dwelling are in line with the provisions of the Framework, with regard to reducing energy consumption and supporting renewable and low carbon energy, are also required. Furthermore, in the interests of avoiding adverse effect on the privacy of neighbouring properties, a condition requiring the first floor window serving the staircase is also necessary.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed.

Paul Martinson

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: Location Plan; Visibility Splays (drawing ref: 21/2416); Proposed Plans and Elevations (drawing ref: 21/2417); Proposed Block Plan (drawing ref: 21/2418); Planting Plan.
- 3) The dwelling hereby approved shall not be first occupied until the areas shown on the submitted layout for vehicle parking spaces has been provided, surfaced and drained. Thereafter these areas shall be kept available for such use and no 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.
- 4) Prior to the first occupation of the dwelling hereby approved a scheme of hard and soft landscaping and boundary treatment shall have first been 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 dwelling or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. All boundary walls and hardsurfacing shall be installed prior to the first occupation of the dwelling hereby approved.
- 5) The windows on the first floor elevation facing 206 High Street shall be fitted with obscured glass prior to the first occupation of the dwelling hereby approved and, apart from any top-hung light, shall be non-opening and thereafter maintained as such.
- 6) Prior to the carrying of any construction of any external walls of the dwelling hereby approved, a detailed scheme demonstrating how the proposed dwelling would be constructed to reduce energy demands including details of how renewable technologies will be employed across the development shall have first been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details and thereafter retained as such.