



Appeal Decision

Site visit made on 4 October 2022

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/H2265/W/22/3291933

28 Westwood Road, East Peckham, Tonbridge TN12 5DE

- 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 Sarah Noad against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/21/02868, dated 21 October 2021, was refused by notice dated 23 December 2021.
 - The development proposed is a two-bedroom detached house.
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Decision

1. The appeal is allowed and planning permission is granted for a two-bedroom detached house at 28 Westwood Road, Tonbridge, TN12 5DE in accordance with the terms of the application, Ref TM/21/02868, dated 21 October 2021, subject to the following 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: Plans/Drawing No 1 (Existing Plans and Elevations); 3 (Proposed Plans and Elevations); and Planning Statement.
 - 3) No development above ground level shall commence until details / samples of the materials to be used in the construction of the external surfaces of the dwelling 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 / samples.
 - 4) Prior to the first occupation of the development hereby approved a scheme of hard and soft 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 sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 5) The dwelling shall not be occupied until the area shown on Drawing no. 3 (Proposed Plans and Elevations) as vehicle parking space 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 or re-enacting that Order) shall be carried out on the land so shown or in such a position to preclude vehicular access to this reserved parking and turning space.

Main Issues

2. The main issues in this appeal are the effects of the proposed development on:
 - The character and appearance of the area, including the Bullen Corner Conservation Area; and
 - The living conditions of future occupants with particular regard to outdoor amenity space.

Reasons

Character and appearance

3. The appeal site is an enclosed area of garden to the side of No 28 Westwood Road, a modern, semi-detached dwelling. The area surrounding the appeal site is a mid-20th century housing estate which consists mainly of semi-detached and terraced dwellings. The area's mature gardens, hedges, trees, and grass verges and amenity spaces contribute a verdant green character.
4. A large, triangular-shaped area of amenity land with a footway running around its edge is located to the front of the appeal site. A row of terraced dwellings (Nos 23-26) and a pair of semi-detached dwellings (Nos 27-28) are situated at right angles, facing the amenity land. Construction of the proposed dwelling adjacent to the existing pair of semis would provide a form of development which would appear similar to the adjacent terraces and would not appear out of keeping with the form and massing of built development in the area.
5. Whilst the proposed dwelling would be visible within the street scene, the presence of mature trees and hedges to the front of the site and at its boundary treatment would screen the site, thereby reducing the proposed dwelling's visual prominence.
6. Following removal of a single-storey extension, the existing garden would be subdivided to accommodate the proposed two-storey detached dwelling between No 28 and the public highway. The proposed dwelling would be located close to the pedestrian footway, relative to other dwellings in the area. However, the presence of the amenity land at the front of the site would ensure a sense of separation from the highway is maintained.
7. The proposed dwelling would be constructed close to No 28 but would be distant from other built development in the area, with the dwelling's gardens and parking areas and the adjacent amenity land, public highway, and long gardens of neighbouring dwellings providing separation. Therefore, the proposed dwelling would not appear cramped within the plot or street-scene, nor be at odds with the generally spacious character of the area.
8. The design of the proposed dwelling broadly reflects the design of neighbouring dwellings, notably in terms of its form, roof-shape and the proportions and placement of windows. The dwelling would be relatively modest in scale and the inclusion of single storey projections reduces the overall bulk of the scheme. The proposed dwelling's scale and design would not, therefore, be out

of keeping with the character of the area. In addition, the use of external materials can be controlled through a planning condition.

9. The appeal site follows an irregular boundary with a narrow section at the rear of the site extending alongside Westwood Road and intruding into the Bullen Corner Conservation Area (CA). Whilst the proposed dwelling would be sited outside the CA, part of the proposed car parking area would fall within the CA boundary.
10. The Bullen Corner Conservation Area Appraisal (2011) describes the significance of the CA identifying Bullen Corner's origins as a small linear hamlet focussed on two road junctions, now located at the western margins of East Peckham, with its historic cluster of properties directly abutting the countryside. Long views from, and of, the CA are constrained by narrow, winding country lanes, flat topography and hedged fields and orchards.
11. Given the separation of built development from the CA and the modern character of the surrounding development, I am satisfied that the proposal, including the minor addition of parking spaces, would not harm views into or out of the CA whose character and appearance would thereby be preserved. In this regard the proposal is in accordance with the advice in section 16 of the National Planning Policy Framework (the Framework). I have paid special attention to the desirability of preserving or enhancing the character or appearance of Conservation Area, as per my statutory duties under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. For the reasons set out above, the proposal's scale, location, design, plot coverage and visual prominence would not give rise to harm to the character and appearance of the area. Therefore, the proposal would not conflict with policy CP24 of the Tonbridge and Malling Core Strategy (2007) which resists proposals which would be detrimental to the character of a settlement and would accord with policy SQ1 of the Managing Development and the Environment Development Plan Document (2010) which requires proposals to protect, conserve, and where possible, enhance the character and local distinctiveness of the area and pattern of the settlement and urban form.
13. In addition, the proposal would be consistent with para. 130 of the Framework which requires decisions to ensure developments are visually attractive as a result of their layout and are sympathetic to local character including the surrounding built environment.

Living conditions

14. The Council's statement reiterates comments from the Officer report raising concerns regarding the proposed extent of the outdoor amenity space on the living conditions of future occupants. The Council claim that the outdoor amenity space measures 5.5m by 2.5m and is inadequate, but they have not provided a plan or indication of where they have taken these measurements from. The submitted plans identify areas to the east and west of the new dwelling which could act as amenity space in close proximity to the house. On this basis I am of the view that the Council appears to have underestimated the extent of the available outdoor amenity space.
15. The proposed dwelling's main garden would be the area to the west of the proposed dwelling, located between the house and parking area, since this

space is directly accessible from the dining and sitting rooms. The garden would be modest compared with other dwellings in the area but sufficient to form a usable space providing adequate living conditions for future occupants. The proposal would therefore be compatible with para. 130 of the Framework which requires proposals to provide a high standard of amenity for users.

Other Matters

16. Bullen Cottage, a Grade II listed building is located to the rear of the appeal site. The Conservation Area appraisal describes Bullen Cottages' special interest and significance, indicating that the 16th Century building with thatched roof and exposed timber frame originally formed part of a larger manor house and is the oldest surviving property in the hamlet.
17. From my site visit, I noted the building is generally screened by hedges, fencing and shrubs within and along the boundaries of the building's garden. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
18. Due to the established screening between the appeal site and garden of Bullen Cottage, the proposed dwelling would not harm the appearance of the area which contributes to the listed building's setting. The proposal would therefore have a neutral effect on the listed building, including upon its setting and historic interest, and therefore would not give rise to conflict with the Act or Framework.

Conditions

19. In addition to the standard condition which relates to the commencement of development, I have also attached a condition specifying the approved plans in the interests of providing certainty.
20. The Council supplied a list of suggested conditions which I have considered carefully against the Framework's tests, along with comments received by the parties during consultation on draft conditions. Conditions requiring the approval of external materials and landscaping and boundary treatment are necessary in the interests of maintaining the area's character and appearance. To ensure the condition is reasonable, I consider the scheme of landscaping and boundary treatment should be maintained for a period not less than five years.
21. A condition requiring on-site parking spaces are provided prior to occupation and are maintained for the lifetime of the development is necessary to ensure the proposal does not adversely affect highway safety through on-street parking.

Conclusion

22. For the reasons given above, the development accords with the development plan taken as a whole, and there are no material considerations that would

indicate a decision otherwise would be appropriate. I conclude that the appeal should succeed.

E Dade

INSPECTOR