



Appeal Decision

Site visit made on 15 November 2022

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/H2265/W/22/3297819

25 West Street, West Malling ME19 6QX

- 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 G Miller of EGLI Homes Ltd against the decision of Tonbridge and Malling Borough Council.
 - The application Ref 21/02541/FL, dated 20 September 2021, was refused by notice dated 19 November 2021.
 - The development proposed is the provision of a 2-storey side extension to 25 West Street and for the creation of two 3-bedroom semi-detached dwellings within the excess garden land. The proposal includes parking and external amenity space with new landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the provision of a 2-storey side extension to 25 West Street and for the creation of two 3-bedroom semi-detached dwellings within the excess garden land, including parking and external amenity space with new landscaping at 25 West Street, West Malling ME19 6QX in accordance with the terms of the application, Ref 21/02541/FL, dated 20 September 2021, subject to the conditions contained within the attached Schedule.

Preliminary Matters

2. The Council granted planning permission on the appeal site in January 2019 for a scheme which has a high degree of similarity to the appeal proposal¹. Pre-commencement conditions for the permitted scheme were discharged, following the Council's approval.
3. The Council's reason for refusal in this appeal case is centred around the aspects of the appeal proposal which differ from the previously permitted scheme which was extant at the time of the Council's decision. From my site visit, I found the previously approved scheme had not been implemented. At the time of my decision, the previous planning permission appears to have lapsed.
4. I consider that the site's planning history is a relevant consideration in this appeal. Consistency in decision-making is an important tenet of the planning system and I have been presented with no evidence of changes to the development plan or other material considerations to indicate that the appeal proposal should be considered in a manner which is not consistent with the

¹ Council ref: TM/18/02072/FL

principles established through the site's planning history. I therefore find that the site's planning history carries significant weight in this appeal.

Main Issue

5. The main issue in this appeal is the effects of the proposal on the character and appearance of the area, including the West Malling Conservation Area.

Reasons

6. The appeal site includes a modest detached dwelling of simple form and traditional appearance, situated within a generous corner plot. The proposal would involve a two-storey extension to the appeal property and the construction of a pair of semi-detached dwellings within the side garden.
7. The appeal site is adjacent to the junction of West Street and Offham Road. West Road connects the appeal site to West Malling's historic town centre and is characterised by large, well-spaced detached and semi-detached dwellings of differing ages and architectural styles. The appeal site is situated at the bottom of Offham Road, a sloping, narrow street with tightly packed semi-detached and terraced period properties constructed from a mix of materials, set behind short front gardens and a narrow pedestrian footway.
8. The appeal site is located within the western part of the West Malling Conservation Area (CA). The significance of the CA is described by the West Malling Conservation Area Appraisal (2002) which notes that this part of the CA has a residential character with medium density properties in small linear rows, with the siting of dwellings contributing to the area's unity, rather than their appearance. Other characteristics include the enclosure provided by dwellings and the greenery of front garden spaces, many of which are enclosed by ragstone walls, simple iron railings and small fences.
9. The main difference between the appeal proposal and the previously permitted scheme on the site is the addition of living accommodation within the roof space, resulting in an increase to the size of the roof. Within the surrounding area the use of roof spaces as living space appears commonplace, particularly at dwellings on Offham Road. Notably 3 Offham Road, adjacent to the appeal site and several dwellings within the terrace row opposite, have windows visible within the front roof plane.
10. Dwellings along the appeal site side of West Street are generally tall and of differing heights. The ridge height of the proposed building would exceed the height of the host dwelling, but the height of the eaves would be level with the host property's eaves. Due to the changing gradient at Offham Road, the proposed building's roof ridge would appear broadly level with the ridge of neighbouring dwelling, No 3, and would be lower than the ridge of *Star Cottage*, the next dwelling within the street scene at Offham Road. Comparison of the proposal with the previously permitted scheme suggests the proposed building's ridge height would represent an increase in height of 695mm. I consider this increase to be modest and would not significantly alter the scale or proportions of the proposed building when compared with the previously permitted scheme. Due to the mix of building heights and styles in the area, I find that the building's height and proportions would not appear out of keeping.
11. The design of the proposed building is atypical as one dwelling would be oriented to face West Street, with the other dwelling fronting onto Offham

Road. From West Street, the proposed building would appear to have a traditional pitched roof with gable ends, with the addition of a front gable and two dormers. Dwellings within the area surrounding the appeal site generally have pitched roofs with gable ends, and therefore the appearance of the roof form, where viewed from West Street, would be similar to surrounding dwellings.

12. From Offham Road, the roof form would appear more complex, consisting of the gable end and the side profile of the front projections and dormers of each dwelling. From my site visit I identified other roof forms and architectural details, including front gables and hipped roofs, particularly at period properties at West Street and Offham Road. Whilst roof dormers are not especially common in the area surrounding the appeal site, I observed one example at 15 Offham Road, a short distance from the appeal site. I therefore find that the proposed building's roof form and features including the dormers and front gables would contribute visual interest to the large roof plane and would not appear out of context with the character of the area.
13. The Council's decision notice and officer's report suggest that the flank elevation of the proposed semi-detached dwellings which faces Offham Road would appear "cluttered" due to the different features employed in the proposed building's design. In addition to the increased ridge height, the main differences in the appearance of the elevation from the permitted scheme are the inclusion of two small gable windows and the side profile of the dormer windows. The elevation and its architectural features would appear symmetrical and the elevation would be separated by the plot's hedgerow / boundary treatment. From the street, the elevation would therefore appear as two attached dwellings. I do not consider that the addition of the gable windows or dormers would result in a scheme which is of poor design quality.
14. Consequently, I find that the proposed building's ridge height, roof form, eaves height, building proportions, and architectural finish would not be out of keeping with surrounding development and, taking account of the site's recent planning history, would not appear incongruous within the street scene and would not give rise to harm to the character and appearance of the area and would have a neutral effect on, and therefore preserve, the character and appearance of the CA.
15. The proposal would therefore comply with Policy CP24 of the Tonbridge and Malling Core Strategy (2007) which requires development to be designed to respect the site and its surroundings and protects against development which would be detrimental to the built environment. In addition, the proposal 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. Furthermore, it would accord with paragraphs 199 and 202 of the National Planning Policy Framework (the Framework), which give great weight to the avoidance of harm to and conservation of heritage assets.

Other Matters

16. West Malling Parish Council has raised concerns relating to highway safety, flooding and drainage, and sustainable construction. These issues are largely identified and considered within the Council's delegated report of the appeal proposal and through determination of the previously permitted scheme. It is

noted that the Council did not consider these were reasons to refuse the application and I have been provided with no substantive evidence which would prompt me to conclude otherwise. As such, whilst having regard to the concerns, I give these factors limited weight. I also note the appellant's statement indicates the planting scheme for the appeal proposal provides greater visibility at the vehicular accesses than the former permitted scheme.

Conditions

17. The Council has provided a list of suggested conditions which I have considered against the Framework's tests. I have attached a condition specifying the approved plans in the interests of providing certainty.
18. A condition regarding external materials is necessary in the interests of maintaining the area's character and appearance. For the same reason, I consider it necessary to include a condition for the approval of a scheme of landscaping and boundary treatment, which is to be maintained for a period not less than five years. I consider this time period to be reasonable in the context of the Framework's tests.
19. A condition requiring submission of details relating to the provision, appearance and drainage of the proposed vehicle parking spaces is necessary to maintain the character and appearance of the area and to maintain highway safety.
20. To prevent unacceptable risks to the environment or health arising from pollution, I have included a condition specifying the course of action in the event that contamination is found during the course of development.
21. I have included a condition specifying the actions to be taken where features of archaeological interest are revealed during the construction process to ensure such assets can be examined and recorded.

Conclusion

22. For the reasons given above, having regard to the development plan taken as a whole, and all other relevant material considerations, I conclude the appeal should succeed.

E Dade

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: 500/GM/001 – *Location Plan*; 500/GM/003 – *Existing Site Layout Plan*; 500/GM/003/B – *Proposed Site Layout Plan / Street Scene Plan*; 500/GM/004 – *Existing Plans, Elevations and Indicative Sections*; 500/GM/005 – *Extension - Proposed Plans, Elevations and Indicative Sections*; 500/GM/006/A – *New Build - Proposed Plans, Elevations and Indicative Sections*.
- 3) No development above ground level shall commence until details of the materials to be used in the construction of the external surfaces of the development 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.
- 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 area on the site shown for the parking of vehicles shall be surfaced and drained in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied as extended, and the space shall thereafter be at all times used for or available for the parking of private vehicles used by the occupiers of the dwellings or their visitors.
- 6) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed.
- 7) Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local planning authority in writing within 21 working days of them being revealed. Works shall be immediately halted in the area/part of the building affected until provision has been made for the retention and/or recording in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.