



Appeal Decision

Site visit made on 27TH February 2023

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24rd March 2023

Appeal Ref: APP/H2265/D/22/3312999

19 Hartfield Close, Tonbridge, TN10 4JP

- 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 Hutchinson against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/22/01908/FL, dated 29 August 2022, was refused by notice dated 21 October 2022.
 - The development proposed is described as alterations to garage roof, addition of a first floor to main dwelling, two story extensions to front elevation with dormer and skylight windows to front and rear roof slopes.
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Decision

1. I dismiss the appeal insofar as it relates to the addition of a first floor to main dwelling, two story extensions to front elevation with dormer and skylight windows to front and rear roof slopes. I allow the appeal insofar as it relates to the alterations to garage roof and I grant planning permission for the alterations to garage roof at 19 Hartfield Close, Tonbridge, TN10 4JP, in accordance with the terms of the application, Ref TM/22/01908/FL, dated 29 August 2022 and the plans submitted with it in so far as they are relevant to that part of the development hereby permitted and subject to the following 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: BDS-HC-P01 and BDS-HC-P02, in so far as they relate to the alterations to garage roof.
 - 3) The materials to be used in the construction of the alterations to the garage roof hereby permitted shall match those used in the existing dwelling.

Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the host dwelling and the street scene. The second main issue is the effect of the proposal on the living conditions of the occupiers of 18 Hartfield Close and Nos. 4, 6 and 8 Pen Way, with particular regard to privacy.

Reasons

3. Hartfield Close is characterised by a mixture of detached and semi-detached bungalows. The detached bungalows have gabled front elevations and low shallow pitched roofs, whilst the semi-detached dwellings have hipped roofs, with projecting gable features at the front. Their roofs are higher than those of the detached bungalows and a number of the dwellings have loft conversions that are served by rooflights and dormer windows. Notwithstanding their varied designs these dwellings have a strong sense of unity through their limited range of design features and palette of external materials.
4. The land in Hartfield Close and the immediate area rises to the north and east. As a consequence, ridge heights vary and this adds to the informal roofscape within Hartfield Close and the immediate area, which includes Pen Way.
5. The appeal dwelling occupies a prominent position close to the entrance to Hartfield Close and comprises a detached bungalow which is uncharacteristically wide and occupies a particularly wide plot. The appeal dwelling has a very shallow pitched roof, with gables to the sides rather than the front. Notwithstanding this, due to its modest height and form the dwelling sits comfortably within the street scene. To the west of the appeal dwelling is a side garden with the existing double garage just beyond. This garage sits at a higher level to the dwelling so its flat roof is higher than the eaves height of the appeal dwelling.
6. To the west of the appeal site is a modern chalet style dwelling which sits adjacent to the junction of Hartfield Close and Higham Lane. It has a large dormer window facing Hartfield Close and a large window in its rear gable facing the appeal site. Within Higham Lane this chalet style house is materially taller than the pair of semi-detached bungalows it sits alongside. One of these bungalows has a large dormer extension which fills most of its rear roof-slope. Directly opposite the entrance to Hartfield Close are two detached two storey houses.
7. To the rear of the appeal property the bungalows in Pen Close sit at a lower level and so although the dwellings at Nos. 2 to 8 Pen Close are taller than the appeal dwelling, their ridges sit below that of the appeal dwelling. A number of the dwellings in Pen Close have rear dormers and this includes the adjacent dwelling at No.2.
8. Not only is the appeal property quite distinct from other dwellings in Hartfield Close, the dwelling is of no particular architectural merit and it sits between the consistently designed dwellings in Hartfield Close and the more varied development in Higham Lane. It is also visually separate from the dwellings in Pen Close. Accordingly, in principle I consider that there is no reason why the form, height, character and appearance of the dwelling should not be changed, provided any scheme respects the character and appearance of the site, its setting and the living conditions of the occupiers of the adjacent dwellings.
9. Together and amongst other things policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 (CS) and paragraph 130 of the National Planning Policy Framework (Framework), seek to ensure that new development is well designed and respects the character and appearance of the site and its surroundings. It should provide a high standard of amenity for existing and

future users and should not have a detrimental effect on amenity. Policy P4/12 of the Tonbridge and Malling Local Plan is consistent with these requirements.

10. The appellant has advised that currently the adjacent dwelling at 18 Hartfield Close (No.18) is some 1.2 metres taller than the appeal dwelling. With the proposal the appeal dwelling would be 1.5 metres higher than No.18. The proposed resultant dwelling would also be slightly taller than and would sit at a higher level to the modern chalet house to the west. These differences in height are not necessarily significant bearing in mind the varied topography of the locality.
11. Most of the elements of the design of the resultant dwelling pick up on the detailing and external materials used within Hartfield Close. This includes the pitch of the roof, the introduction of front gable features and rear dormer windows, the window proportions and the external materials. However, the appeal dwelling is highly prominent in views to and from the entrance to Hartfield Road. Due to its combined height, depth, side gables and the projection of the front facing gables, the resultant dwelling would dominate and look out of scale with other dwellings within the street scene. In particular, the proposed gable ends and the flank walls of the proposed front extensions would be unduly prominent in views from both directions along Hartfield Close, where they would accentuate the increased height, mass and prominence of the resultant dwelling.
12. As a result, the proposal would unacceptably harm the character and appearance of the host dwelling and the street scene. This harm would outweigh the benefits for the appellant and their family that would result from the additional accommodation. It is also not something that could be satisfactorily addressed through the imposition of conditions.
13. Conversely, the provision of a pitched roof over the existing garage would soften and thus improve its appearance. As such this aspect of the proposal would respect and blend in readily with the character and appearance of the site and the street scene.
14. I conclude on the first main issue that the proposed house extensions would unacceptably harm the character and appearance of the host dwelling and the street scene. Accordingly, it would conflict with CS Policy CP24 and paragraph 130 of the Framework. Conversely the proposed garage roof would respect the character and appearance of the host dwelling and the street scene and so would comply with the above policies.

Living conditions

15. There would be no windows in the eastern flank wall of the resultant dwelling and the proposed rear roof lights would be high level and would serve the stairwell and study/spare bedroom. As stated by the appellant the rear dormer windows could be obscure glazed and fixed shut, which is something that could be secured through the imposition of a condition. Subject to such a condition I am satisfied that the proposal would not result any loss of privacy for the occupiers of Nos. 4, 6 & 8 Pen Close or 18 Hartfield Close.
16. Due to the distance and juxtaposition between the appeal dwelling and the properties at 2, 4, 6 & 8 Pen Close and 18, 19b, 20 and 21 Hartfield Close the proposal would not have a materially adverse impact on the living conditions of

the occupiers of these properties due to visual impact or loss of daylight/sunlight.

17. For these reasons I conclude on the second main issue that the proposal would not have a materially adverse impact on the living conditions of the occupiers of 18 Hartfield Close and Nos.4, 6 & 8 Pen Close due to visual impact or loss of privacy, outlook, daylight or sunlight. Accordingly, in this respect the proposal would comply with CS Policy CP24 and paragraph 130 of the Framework.

Conclusion

12. The proposed house extensions and new garage roof are clearly severable, being both physically and functionally independent. As such I therefore propose to issue a split decision in this case.

Elizabeth Lawrence

INSPECTOR