



Appeal Decision

Site visit made on 29 February 2023

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/H2265/D/22/3310384

62A, Priory Road, Tonbridge, TN9 2BL

- 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 Miss Philippa Nichols against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/22/00913/FL, dated 22 April 2022, was refused by notice dated 13 September 2022.
 - The development proposed is described as vertical extensions to an existing dwelling house comprising an additional storey to the existing two-storey element and two storeys to part of the single storey element. Materials and finishes to extensions are proposed to match the existing.
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Decision

1. The appeal is allowed and planning permission is granted for vertical extensions to an existing dwelling house comprising an additional storey to the existing two-storey element and two storeys to part of the single storey element. Materials and finishes to extensions are proposed to match the existing, at 62A, Priory Road, Tonbridge, TN9 2BL in accordance with the terms of the application, Ref TM/22/00913/FL, dated 22 April 2022, and the plans submitted with it, 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 and details: Drawings A100, 100a, 101, 102a, 103a, 104a, 105a and photograph sheet 106a.
 - 3) The materials to be used in the construction of the external surfaces of the dormer extension hereby permitted shall match those used in the existing dwelling.
 - 4) The extension hereby permitted shall not be occupied until the first and second floor windows on the west and east elevations of the extension hereby permitted have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the fixed shut and obscured glazing shall be retained thereafter.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding locality.

Reasons

3. The Appeal site is located within an accessible mixed urban area that is characterised by modern and older houses, flats and commercial buildings. The dwellings range between two and three and half storeys in height and are predominantly terraced, with projecting rear wings of varied depths and heights. The intensity of development in the immediate area is high, often with buildings and rear projections being sited close together.
4. The appeal dwelling is attached to the rear of an older modest sized two storey end of terrace house and is accessed via a narrow lane between 60 and 62 Priory Lane. Currently the appeal dwelling is part single and part two storeys in height, the single storey element being attached to the rear of 62 Priory Lane. The appeal dwelling has a narrow sitting out area on the eastern side of the dwelling and a wider garden and parking area to the south.
5. Together and amongst other things policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 (CS) and Saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998 (LP), seek to meet the housing needs of the borough, whilst protecting and enhancing the natural and built environment. Development will be concentrated at the highest density compatible with the local environment, focusing on previously developed land. New development should be well designed and preserve and where possible enhance the character and local distinctiveness.
6. These policies are consistent with paragraph 130 of the National Planning Policy Framework (Framework), which states that new development should be designed to a high standard and be sympathetic to local character and history. It should safeguard the environment, whilst not preventing appropriate change. Paragraph 134 of the Framework states that development that is not well designed should be refused.
7. The proposed extension would be taller than the rear projecting wing at No.62, but lower than the main ridge of that dwelling and the terrace as a whole. Whilst the proposed eaves line of the resultant dwelling would be higher than that of the attached building, eaves lines between and within the terraces in the locality vary. Also, the ridge and eaves line of the proposed resultant dwelling would be materially lower than that of the existing buildings on the opposite side of the access lane. Accordingly, whilst the resultant building would be significantly larger and taller than the existing dwelling, it would not look out of keeping with the varied urban character and appearance of the local area.
8. The southern elevation of the resultant dwelling would look balanced and would match the symmetry of the building to the west. The new windows and window cut-outs in the east elevation would relate appropriately to the terrace as a whole and the introduction of first and second floor windows on the west elevation would break up and provide interest in an otherwise largely dead frontage.

9. The proposal would have an enclosing impact on the narrow access lane and the adjacent rear garden environment. However, the character of the immediate area is enclosed and the eastern end of the terrace between 62 and 74B Priory Road is similarly enclosed by dwellings that are similar or greater in height.
10. To protect the living conditions of the occupiers of the building to the west and the adjoining terrace I agree that a condition would be necessary which requires the east and west facing upper floor windows to be obscure glazed and to have restricted opening. As they serve either non-habitable rooms or benefit from large south facing windows, this would not have an unacceptable impact on the living environment of the resultant dwelling. Due to the distance and juxtaposition of the appeal dwelling and the dwelling at 64 Priory Road, the proposal would not have a materially greater impact on the outlook from the rear facing windows of that property.
11. It is noted that the proposed extension would be close to the windows in the west elevation of the adjacent building to the west. However, the council has stated that the ground floor windows serve the worship hall kitchen and the upper floor windows serve a studio room and bathroom, although the studio room also benefits from a south facing room with an open aspect. Accordingly, the proposal would not have a materially harmful impact on the living conditions of the occupiers of the adjacent building to the west.
12. Overall, I find that the proposed extension would respect the existing building and be readily assimilated into its surroundings. It would not appear cramped or over-developed and would not have a materially adverse impact on the living conditions of the occupiers of the adjacent and nearby dwellings. Further, the proposal would make full and effective use of this accessible urban site and provide enhanced living accommodation for the appellant.
13. Finally, in addition to the glazing restrictions referred to above, the council has suggested the imposition of conditions relating to the use of matching external materials and adherence to the submitted drawings. These conditions are necessary, to ensure the extension respects the host dwelling and its setting and in the interests of certainty.
14. I conclude on the main issue that the proposed development would respect the character and appearance of the host dwelling and the surrounding locality. Accordingly it would comply with CS Policy CP24, LP Policy P4/12 and paragraphs 130 and 134 of the Framework.

Elizabeth Lawrence

INSPECTOR

