



Appeal Decision

Site visit made on 15 February 2023

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2023

Appeal Ref: APP/H2265/D/21/3288160

Orchard End, Church Lane, Trottiscliffe, West Malling ME19 5EB

- 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 James Kaminski against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/21/01624/FL, dated 08 June 2021, was refused by notice dated 10 September 2021.
 - The development proposed is a proposed glazed front porch atrium, ground floor rear extension with terraces above, loft extension and internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed glazed front porch atrium, ground floor rear extension with terraces above, loft extension and internal alterations at Orchard End, Church Lane, Trottiscliffe, West Malling ME19 5EB in accordance with the terms of the application, Ref TM/21/01624/FL, dated 08 June 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: BL/DRG/2149/05 and BL/DRG/2149/06, both dated 08 June 2021.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the application form and plan no. BL/DRG/2149/05, dated 08 June 2021.
 - 4) The first-floor balcony on the western side of the property shall not be used until the 1.8m high privacy screen shown on drawing number BL/DRG/2149/05, dated 08 June 2021 has been installed. The first-floor balcony on the eastern side of the property shall not be used until a privacy screen has been installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, such details to include the height, location and materials of the screen. Thereafter, both privacy screens shall be retained for the lifetime of the development.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the host dwelling and surrounding area and the effect on the living conditions of neighbouring residents.

Reasons

Character and Appearance of the Area

3. The appeal property, Orchard End, is a detached chalet-style dwelling set within a row of individually designed properties to the north side of Church Lane. Although there is little consistency in terms of the individual design of dwellings on that side of the road the majority appear to date from the second half of the twentieth century and the chalet style, with associated steeply pitched roofs and flat roofed dormers is common. I noted that a number of properties have been extended and or remodelled in distinctly modern styles further to the west of the appeal site.
4. Although the appeal property fits in with the general pattern of development it is unremarkable in design terms, being typical of its period. Whilst the Council object to the flat roofed form of the proposed atrium it is evident that flat roofed dormers are a common feature of the chalet style dwellings within the area and, consequently, as a matter of design principle, I find no inherent harm in that respect. In fact, if a pitched roof were to be used instead of a flat roof it would jar against the original design.
5. In my view, the atrium would introduce an attractive and well-proportioned feature, with the two dormer windows at either side providing a pleasing degree of symmetry to the front of the property. The projection would not be excessive such that the overall bulk would remain in proportion with the dwelling. The tall expanse of glazing would create a distinctive entrance, in contrast to the relatively nondescript elevation as it presently stands.
6. The extensions and alterations to the rear would be largely screened from public vantage points and reflect the original style of the dwelling. Overall, the proposal would not cause harm to the character and appearance of the dwelling or surrounding area and would accord with the design related aims of saved policy P4/12, and its associated annex, of the Tonbridge and Malling Borough Local Plan (1998) (the LP), policy CP24 of the Tonbridge and Malling Core Strategy (2007) (the CS) and the National Planning Policy Framework (the Framework).

Living Conditions

7. The proposal contains two exterior first floor balconies, on top of the proposed flat roofed extension at each side of the property. The plans depict a privacy screen along the side of the westernmost balcony to prevent overlooking to the neighbouring garden on that aspect but not a corresponding screen to the eastern side. The balcony would be set in by approximately 10m from the boundary and the mature vegetation that presently exists would be sufficient to prevent any significant overlooking or loss of privacy into the garden of Barrow Nook.
8. However, there is no guarantee that planting will remain in situ and the elevated position of the balcony is such that clear views would be available into the garden without it. That would undoubtedly create an unacceptable loss of privacy due to the feeling of being overlooked from a height. The appellants state that they are happy for a condition requiring a privacy screen to be imposed and for the reasons set out I find that to be necessary to make the development acceptable. Subject to that condition, any harm can be

satisfactorily mitigated such that the proposal would maintain satisfactory living conditions for neighbouring occupants, in accordance with the aims of saved policy P4/12 of the LP and the Framework.

Conditions

9. In addition to conditions relating to the privacy screens and the statutory commencement condition, a condition is necessary to ensure that the development is carried out in accordance with the approved plans, for the avoidance of doubt. A further condition is necessary to ensure that the materials used are sensitive to the existing property, as described on the plans and application form, in the interests of the character and appearance of the area.

Conclusion

10. Subject to the conditions set out above, the proposal complies with the relevant policies of the development plan. There are no material considerations to indicate that a decision should be taken other than in accordance with the development plan and I shall therefore allow the appeal and grant planning permission.

Chris Preston

INSPECTOR