



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/21/3283516

Fernbank, 37 Stickens Lane, East Malling ME19 6BT

- 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 Daniel Young against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/21/01923/FL, dated 04 July 2021, was refused by notice dated 10 September 2021.
 - The development proposed is the erection of an outbuilding within the rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an outbuilding within the rear garden at 37 Stickens Lane, East Malling ME19 6BT in accordance with the terms of the application, Ref TM/21/01923/FL, dated 04 July 2021 and the plans submitted with it.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The application was submitted retrospectively and the outbuilding was in situ at the time of my site visit. To the front of the site, the former bungalows at Nos 35 & 37 were in the process of being redeveloped with new dwellings. However, there is no indication that the outbuilding which is the subject of this appeal is affected by that redevelopment and looking at the position of the closest dwelling on site, the outbuilding would appear to remain within the associated garden. In other words, there is nothing to indicate that it's purpose as an ancillary outbuilding associated with No.37 would change as a result of the redevelopment and I have proceeded on that basis.
4. Stickens Lane is a narrow, single-track, road enclosed on both sides by steep banks populated with mature hedgerows and planting. As a result there is a significant sense of enclosure as one passes along the lane and under the railway line towards the appeal site. Nos 35 & 37 are the only dwellings set to the south of the railway line which gives them a sense of physical separation from the rest of the village. Nonetheless, when the dwellings and outbuilding are viewed from further to the south, across the intervening agricultural land, they are seen against the backdrop of the village and do not appear isolated in a visual sense.

5. Moreover, due to the degree of enclosure along the lane views into the appeal site are very restricted, even from the entrance. Consequently, whilst the Council contends that the outbuilding appears as an incongruous feature within the landscape, I find views of the structure within the landscape to be limited and, where such views are found, it appears as part of a cluster of residential buildings, set against the backdrop of the existing settlement.
6. The building is substantial but not unusually so in relation to the size of the plot and it appears to be multi-functional with space for an outdoor barbeque and seating/ dining area, an element used for storage and internal space used for a home gym according to the appellant. Given the variety of uses it is not unduly large. Nor does it appear large in comparison to the scale of the dwellings that are being constructed on the site and more than sufficient space is retained for the garden. The timber walls and pantile roof are sympathetic to the rural character of the area.
7. For all of those reasons I find that the outbuilding is sensitive to its location in terms of design and appearance and that its scale is not excessive given the nature of adjacent development and the location of the site. It does not cause harm to the character and appearance of the area. In those respects the proposal is consistent with the aims of policy CP24 of the Tonbridge and Malling Core Strategy (2007) and policy SQ1 of the Managing Development and the Environment Development Plan Document (2010).

Conditions

8. The Council has not put forward any suggested conditions in the event that the appeal is allowed. Given that the application was submitted retrospectively and that the development is complete it is unnecessary to attach the standard commencement condition or conditions to specify proposed materials or adherence to submitted plans.
9. The Council and the Parish Council have both noted that the building is of a size that may be large enough to accommodate a separate dwellinghouse. However, I must determine the appeal on the basis of the proposal before me. There is no need to impose a condition to state that the building must be used for purposes incidental to the dwelling at No.37 because it is clear that is the intended purpose and if the building was to be used for purposes other than ancillary accommodation planning permission would be required.
10. In view of the above, no conditions are necessary to make the development acceptable in planning terms.

Conclusion

11. For the reasons given above, the development complies with the relevant policies of the development plan and there are no material considerations to indicate a decision should be made other than in accordance with that plan. Accordingly, I shall allow the appeal and grant planning permission for the outbuilding.

Chris Preston

INSPECTOR