



Appeal Decision

Site visit made on 3 April 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 MAY 2023

Appeal Ref: APP/H2265/D/22/3307615

32 Annetts Hall, Borough Green, Sevenoaks, Kent TN15 8DY

- 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 Anton O'Brien against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/22/01145/FL, dated 23 May 2022, was refused by notice dated 4 July 2022.
 - The development proposed is described as 'proposed double storey side extension including single storey rear extension'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details that the development also includes the conversion of the loft to a habitable room with a rear dormer and a sky light window. The Council dealt with the proposal on this basis and so shall I.
3. I sought the appellant's comments on Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010 as this is cross referenced in saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998. In response, the appellant provided amended plans showing changes to the roofline and size of the rear dormer and the provision of three parking spaces in the front garden. These are significant changes to the drawings which formed the basis of the planning application. The Procedural Guide for Planning Appeals makes clear that the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the Council, and on which interested people's views were sought. Accordingly, I find under the principles established by the Courts in *Wheatcroft*¹ that to consider such a modification could cause prejudice to interested parties by depriving those who should have been consulted on the change the opportunity of such consultation. For this reason, this recommendation is based only on the drawings submitted with the planning application.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

Main Issues

4. The main issues are:

- the effect of the development on the character and appearance of the area; and
- the effect of the proposal on highway safety and the free flow of traffic.

Reasons

Character and appearance

5. Located within a residential area, the site comprises a two storey semi-detached dwelling with an existing front and side driveway. It lies within a row of similar houses, and there are also detached and single storey properties in the street. Although some of semi-detached houses have two storey side extensions, there are gaps between the buildings which give the area a spacious character.
6. The proposed side extension would be part two storey and part single storey, with the latter extending into the area currently occupied by a garage which would be removed. Aligned with the original house, the proposal would result in a long extent of front roof and wall, filling the entire width of the site as far as the boundary with No 31. It would remove a significant amount of space between the appeal dwelling and the property at No 31, harming the open character of the area. Designed without any visual relief or step back, it would create a bulky addition which would not be subservient to the original house.
7. I have been referred to other examples of two storey extensions in the vicinity. At my site visit, I observed that these are designed to be subservient to the host dwellings by having upper floors which are set back from the main elevations of the original houses, lower roof ridge heights, and ground floor porches and canopies which provide visual relief. The ones adjacent to other semi-detached houses are also set in from the mutual boundaries to retain space between buildings. As such, I do not find them comparable to the appeal proposal.
8. The Council does not raise objections to the proposed loft extension. As this is of a size and design which is appropriate to this property, I agree with the Council that it would not harm the character and appearance of the area.
9. Overall, I conclude that the proposed side extension would harm the character and appearance of the area. This would be contrary to Policy CP24 of the Core Strategy 2007 and saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998 (the Local Plan). Together, these require extensions to be designed to respect the site and its surroundings and to not have an adverse impact on the character of the building or street scene. It would also conflict with the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character.

Highway safety and the free flow of traffic

10. The existing driveway provides space for off-street parking for at least two cars. The proposal would result in the loss of part of the driveway, reducing the amount of off-street parking available on the site. The Council has not provided any policies or guidelines which set out the numbers and minimum sizes of

parking spaces required in this case. However, the government guidance in the Manual for Streets (MfS) sets out recommended dimensions for off-street parking bays of at least 4.8m long by 2.4m wide. Although the plans indicate the provision of a garage, using the parking space dimensions in the MfS, it appears to be too small to accommodate a vehicle.

11. Annetts Hall is a residential street and has no parking restrictions. While only a snapshot in time, there appeared to be plenty of space available for parking in the road at the time of my visit. Consequently, whilst the proposal would result in the loss of space available for off-street parking potentially causing additional parking on-street, I do not consider that it would harm highway safety and the free flow of traffic on Annetts Hall as there would be sufficient space to accommodate extra vehicles on the street.
12. Consequently, I conclude that the proposal would not harm highway safety and the free flow of traffic. It would comply with saved Policy P4/12 of the Local Plan and Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010. Together, these require residential extensions to make adequate parking provision and to not significantly harm highway safety. It would also be in accordance with the Framework which requires the potential impacts of development on transport networks to be addressed.
13. Policy CP24 of the Core Strategy 2007 relates to the design of development and does not include reference to highway safety or parking provision. Therefore, I do not find this policy to be directly relevant to the issue of highway safety and the free flow of traffic.

Other Matters

14. I appreciate that a neighbour supports the proposal on the basis that it would benefit the household, but this does not alter the harm that I have found.

Conclusion

15. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR