



Appeal Decision

Site visit made on 4 May 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 4 July 2023

Appeal Ref: APP/H2265/W/22/3308696

9 Vale Rise, Tonbridge, Kent TN9 1TB

- 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 Darren Steer against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/22/00681/FL, dated 22 March 2022, was refused by notice dated 21 July 2022.
 - The development proposed is erection of single storey domestic dwelling and associated parking, including a new drop kerb.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey domestic dwelling and associated parking, including a new drop kerb at 9 Vale Rise, Tonbridge, Kent TN9 1TB in accordance with the terms of the application, Ref TW/22/00681/FL, dated 22 March 2022, and the plans submitted with it, subject to the conditions within the attached schedule.

Main Issues

2. The main issues of the appeal are the effect of the proposed development on a) the character and appearance of the area and b) living conditions of residents of 7 and 9 Vale Rise, having regard to outlook.

Reasons

Character and appearance

3. The appeal site is former garden land associated with neighbouring properties on Vale Rise, which has been fenced off to form a separate parcel of land. It is located within a transitional area between residential and commercial development. Most of the surrounding land uses are enclosed by tall boundary treatments including close boarded fences, brick walls with tall vegetation behind and mesh wire fencing.
4. Neighbouring houses back on to the appeal site and front a separate section of Vale Rise; however, commercial properties front this section of the road. The layout of surrounding residential properties varies, some are set within spacious grounds with gardens wrapping around the property and others have more modest sized gardens to the rear of the property and parking to the front.
5. Although some neighbouring houses do not include tall boundary treatments to the front of the house, the appeal site is located on a separate section of road where tall boundary treatments are present. Whilst details of the final

boundary treatments can be subject to a planning condition, the inclusion of tall fences around the rear garden and along the boundaries with neighbouring residents would be in keeping with neighbouring sites.

6. The height of the boundary treatment could reduce around the driveway as shown on the plans and with appropriate landscaping the proposed dwelling would not appear as a "hidden house". The inclusion of another house within the existing cluster of houses with boundary treatments to reflect neighbouring residential and commercial development would ensure that the proposed dwelling would assimilate with its surroundings.
7. The proposed layout is similar to some neighbouring properties insofar as it accommodates a parking area to the front of the property and a modest rear garden. The layout would therefore be considered acceptable as it reflects the layout of some neighbouring dwellings.
8. While I note a lengthy history of refused applications and dismissed appeal on site, this proposed development would not have a harmful effect on the character and appearance of the area. The proposed development would therefore comply with policies CP1 and CP24 of the Tonbridge and Malling Borough Council, Local Development Framework, Core Strategy (CS), September 2007 and SQ1 of the Managing Development and the Environment Development Plan Document (DPD), April 2010. These policies indicate that development will be concentrated at the highest density compatible with the local built and natural environment; all development must be well designed and must respect the site and its surroundings; and all new development should protect and, where possible, enhance the distinctive setting of the pattern of the settlement.
9. The proposed development would also be in accordance with paragraphs 126 and 130 of the National Planning Policy Framework (the Framework) which advises that the creation of high quality, beautiful and sustainable places is fundamental to planning and planning decisions should ensure that developments are sympathetic to the local character.

Living conditions

10. The appeal site is slightly uphill from neighbouring properties and the proposed dwelling would be sited very close to the boundary with neighbouring properties. Nevertheless, the proposed dwelling is single storey and would be sited some distance from the rear windows of 7 and 9 Vale Rise (Nos. 7 and 9). Furthermore, it would be largely screened by the existing boundary fence.
11. For these reasons, the proposed development would not have a materially harmful effect on the living conditions of residents of Nos. 7 and 9, having regard to outlook. The proposed development would therefore comply with CS Policy CP1 and paragraph 130 of the Framework, which indicate that the need for development will be balanced against the need to protect residential amenity, and planning decisions should ensure that developments create places with a high standard of amenity.

Conditions

12. Conditions specifying a time limit to implement the permission and approved plans are necessary in the interest of certainty. Conditions requiring details of the materials of the external surfaces and landscaping scheme to be submitted

to and approved by the local planning authority is necessary in order to ensure that the proposed development does not harm the character and appearance of the area. A condition specifying the implementation of the soft landscaping scheme and replacement of damaged and/or dying vegetation is required in order to ensure the scheme is implemented and maintained appropriately whilst the vegetation matures. A condition requiring details of the proposed foul disposal scheme and surface water drainage system to be submitted to and approved by the local planning authority and installed prior to occupation is necessary in order to ensure that the proposed development is serviced and drains appropriately. A condition requiring the creation and retention of visibility splays is necessary in the interest of highway safety.

13. I have not included a condition requiring full details of the measures to be taken to protect the public sewers as it is not necessary as this is a matter that can be addressed outside of the planning system.

Conclusion

14. The proposed development complies with the development plan when considered as a whole. Therefore, for the reasons given above I conclude that the appeal is allowed, and planning permission is granted.

J Hobbs

INSPECTOR

Schedule of 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:
 - B20144-0921-01 rev. 0
 - B20144-0921-02 rev. 1
 - B20144-0921-03 rev. 1
 - B20144-0921-04 rev. 0
- 3) Prior to the commencement of development details of the foul and surface water drainage works shall be submitted to and approved by the Local Planning Authority. Prior to the occupation of the dwelling, the foul and surface water drainage works shall be implemented in accordance with the approved details and retained thereafter.
- 4) No above ground works shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the approved materials shall be retained thereafter.
- 5) No above ground works shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) plant specifications;
 - ii) boundary treatments;
 - iii) hard surfacing materials; and,
 - iv) refuse storage

Prior to the occupation of the dwelling all landscaping works other than planting, seeding, and turfing shall be carried out in accordance with the approved details and retained thereafter.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The vehicular access shall not be used until the area of land outside of the proposed fence and gate, as shown on drawing no. B20144-0921-04 rev. 0 has been reduced in level as necessary and cleared of any obstruction exceeding a height of 1.05 metres above the level of the nearest part of the carriageway. The vision splay created shall be retained thereafter and kept free of any obstructions at all times.