



Appeal Decision

Site visit made on 15 August 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2023

Appeal Ref: APP/H2265/W/22/3307423

Land to the West of Oldfield Drive, Wouldham, Rochester ME1 3UN

- 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 Kelly McCarthy (Whitby Building Solutions Ltd) against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/22/00330/FL, dated 13 February 2022, was refused by notice dated 6 July 2022.
 - The development proposed is erection of a new detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. The effect of the proposed development on the character and appearance of the surrounding area.
 - ii. The effect of the proposed development on the living conditions of the occupiers of Nos 110 and 112 High Street, with particular regard to privacy.
 - iii. The effect of the proposed parking arrangement on highway safety.

Reasons

Character and appearance

3. The area surrounding the appeal site comprises a mix of houses of varying sizes, styles and ages. The host dwellings are at the end of a terrace of modest cottages of traditional appearance, with long gardens. Many of the houses around Oldfield Drive and the path linking it to the High Street are more recently built in a relatively dense pattern of development, with shorter gardens. These houses generally have dedicated off-street parking spaces and small front gardens.
4. The proposed house would have a scale and appearance comparable to that of other houses in the immediate vicinity. Its siting would broadly reflect the prevailing pattern of development in Oldfield Drive and the flank wall facing the public footpath would not be so large as to be dominant. The residual rear gardens at Nos 110 and 112 High Street would be considerably shorter than at present. However, the newer house next door to No 110 also has a shorter garden, so the proposed reconfiguration would not look out of place.

5. The proposed location of off-street parking in principle at the front of the house would not look unusual given existing layouts elsewhere around Oldfield Drive. However, the inclusion of four spaces in front of a modestly sized house would appear cramped, particularly given one of them would be positioned right outside the front door. There would be no front garden or space for a path or planting. Therefore, the four parked cars would dominate the appearance of the frontage, which would detract from the character of the area.
6. For the above reasons, I conclude the proposed development would harm the character and appearance of the surrounding area. This is contrary to Policy CP24 of the Tonbridge and Malling Local Development Framework (TMLDF) Core Strategy (CS) and Policy SQ1 of the TMLDF Managing Development and the Environment Development Plan Document (MDE DPD). Together, these policies, among other provisions, require development to respect the site and its surroundings; and to protect, conserve and, where possible, enhance the character and local distinctiveness of the area. It is also contrary to the National Planning Policy Framework (the Framework) where it seeks good design that is sympathetic to local character.

Living conditions

7. I am satisfied the ground floor separation distance between the rear of the proposed house and the rear of Nos 110 and 112 High Street would be acceptable, subject to an appropriate boundary treatment between the gardens. However, even if the separation distance would be slightly greater at first floor level, the topography of the appeal site means the proposed house would be at a higher level than the host dwellings. In addition, the proposed first floor windows would serve principal bedrooms. Consequently, the level of overlooking from the first floor of the new house onto the gardens and rear windows of the host dwellings would be significant. The privacy of the occupants of Nos 110 and 112 would be compromised and a boundary fence would do little to mitigate this.
8. For the above reasons, I conclude the proposed development would have a harmful effect on the living conditions of the occupiers of Nos 110 and 112 High Street, with particular regard to privacy. This is contrary to the Framework where it requires a high standard of amenity for users.

Highway safety

9. The inclusion of parking spaces for the host dwellings, in addition to two for the new house, would provide a formalised parking arrangement for Nos 110 and 112 High Street where there is none at present. I accept the space in front of the entrance to the new house would not necessarily have to be used by No 110 if a different arrangement were agreed. However, given all four proposed spaces would be within the curtilage of the new house, regular use by the occupants of the host dwellings would depend on sustained good relations between the householders. Since this could not be guaranteed, there is a risk the occupiers of Nos 110 and/or 112 would sometimes decide to park on the High Street.
10. The High Street is a narrow road with relatively narrow footways and few parking controls other than near junctions. It is a main thoroughfare and there are bus stops along the route. I observed a moderate level of on-street parking along the road during my daytime visit. Although a snapshot in time, parking

levels would likely be higher in the evenings when people return from work. An increase in on-street parking in these circumstances would restrict visibility and manoeuvrability for vehicles, create dangerous conditions for cyclists and make crossing the road safely more difficult for pedestrians.

11. For the above reasons, I conclude the proposed parking arrangement would have an unacceptable impact on highway safety. This is contrary to Policy SQ8 of the MDE DPD which, along with Kent Vehicle Parking Standards Supplementary Planning Guidance, resists proposals that would significantly harm highway safety. It is also contrary to paragraph 111 of the Framework, which states development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

12. The development would make a modest contribution of one dwelling to the supply of housing in the area. It would also contribute to local economic growth through construction and future occupiers' use of local services and facilities. This accords with the Framework where it seeks to increase the supply of housing and support economic growth. However, given the proposal is only for one dwelling, these benefits are of limited weight.

Planning Balance

13. For the reasons set out above the proposal would conflict with Policy CP24 of the CS and Policies SQ1 and SQ8 of the MDE DPD. The proposal may comply with other policies of the development plan. Nevertheless, I conclude this conflict means the proposal conflicts with the development plan as a whole.
14. The Council accepts it cannot demonstrate a five-year supply of deliverable housing sites. This means, according to the Framework, the policies most important for determining the appeal are out of date. In these circumstances, Paragraph 11(d)(ii) of the Framework states permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
15. The harms resulting from the conflict with the development plan as a whole also result in conflicts with the Framework for the reasons given above. In this case, those harms would affect character and appearance, living conditions and highway safety, so I attribute them substantial weight such that they would significantly and demonstrably outweigh the limited benefits of the proposal, when assessed against the policies in the Framework taken as a whole.

Conclusion

16. I have found that the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

C Carpenter

INSPECTOR