



Appeal Decision

Site visit made on 22 August 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023

Appeal Ref: APP/H2265/W/22/3305107

Westbank, London Road, Addington, West Malling, Kent ME19 5PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Oliver Crouch against Tonbridge and Malling Borough Council.
 - The application Ref 22/00628/FL is dated 16 March 2022.
 - The development proposed is a single-story side extension with roof space and existing loft space developed into habitable space.
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Decision

1. The appeal is dismissed and planning permission for a single-story side extension with roof space and existing loft space developed into habitable space is refused.

Preliminary Matters and Main Issues

2. The address in the banner heading above has been taken from the application form, albeit that the reference to Kent has been made after West Malling rather than preceding as shown on the application form.
3. During my site observations the majority of the original house had been demolished, with only a section of the front elevation at ground floor still intact at the time of my visit. From the details before me, the scheme subject to this appeal seeks permission for a side extension and creation of habitable space within the existing loft. Given the extensive nature of the demolition works it is thus incapable of being extended. In these circumstances, the only logical conclusion that can be reached is that the appeal should be dismissed and planning permission be refused.
4. The parties have had the opportunity to comment on my findings following the site visit and been given the option to withdraw the appeal. Whilst, the Council have confirmed that had they been in a position to determine the proposal then they would have recommended an approval of the application, they have not provided any further comment on my findings on site. Nevertheless, given the Council failed to determine the scheme within the statutory timeframe, it falls to me to determine the scheme based on the evidence before me.
5. With regard to the matters pertaining to development in the Green Belt, which may be relevant to the consideration of the appeal, it would not be appropriate for me to address these matters further, as any future considerations may not be the same if a further application for planning permission were to be made to the Local Planning Authority.

Conclusion

6. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Robert Naylor

INSPECTOR