
Appeal Decision

Site visit made on 20 September 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2023

Appeal Ref: APP/H2265/D/23/3323775

Munsukh House, 3 Orwell Spike, West Malling, Kent ME19 4PB

- 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 & Mrs J Thind against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/23/00774/FL, dated 5 April 2023, was refused by notice dated 30 May 2023.
 - The development proposed is for the construction of a new detached garage with annex in the roof space above.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. An application for costs was made by Mr & Mrs J Thind against the decision of Tonbridge and Malling Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the development having regard to the character and appearance of the area.

Reasons

4. The appeal site relates to a detached two-storey house located on Orwell Spike, a cul-de-sac comprising of large dwellings with driveways set in relatively spacious plots.
 5. The proposed triple garage and attic accommodation would be sited in the gap between the host property and 4 Orwell Spike. This gap makes an important contribution to the street scene within the cul-de-sac, allowing for views of the tree line behind and creating a sense of spaciousness between built form.
 6. Despite the set back from the roadway, the development would be clearly evident from the public domain primarily due to its excessive mass, bulk and height. To my mind, the scheme would obliterate the gap between nos. 3 and 4 Orwell Spike, which would be deleterious to the general character and appearance of the locality. The sheer scale of the proposal would compete with the dwellings to either side, and lack any sense of subservience. Combined with the existing houses, the resulting mass of built form at this end of Orwell Spike would appear discordant and detract from the setting.
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7. I am aware that a lawful development certificate has been granted for a detached outbuilding in the same location within the appeal site. However, this is for a single storey structure, which clearly would not have the same detrimental effect as the proposal. I therefore afford this fallback position minimal weight.
8. I observed at my site visit other garages within the curtilages of residences in Orwell Spike. However, none of the examples listed by the appellant are of the inordinate size of the development before me, and do not result in the loss of important gaps between built form. In any event, development at other sites would be neutral considerations in any balance against planning harm, and I am mindful that each case must be assessed on its own merits.
9. I am therefore of the view that the proposal would result in harm to the character and appearance of the area. It would run contrary to Policy CP24 of the Tonbridge and Malling Borough Council Core Strategy September 2007 and policy SQ1 of the Council's Managing Development and the Environment Development Plan Document 2010, which seek to which together seek to secure new development of acceptable scale and appearance. It would also be inconsistent with the National Planning Policy Framework which states that good design is a key aspect of sustainable development.

Conclusion

10. Having regard to all matters raised and based on my reasoning above, the appeal is dismissed.

C Hall

INSPECTOR