



Appeal Decision

Site visit made on 5 December 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2023

Appeal Ref: APP/H2265/W/23/3324185

105 Bull Lane, Eccles, Aylesford, Kent ME20 7HT

- 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 John Rafferty against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/22/02329/FL, dated 21 October 2022, was refused by notice dated 19 December 2022.
 - The development proposed is to alter and convert existing side extension to form 1 bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted to alter and convert an existing side extension to form a 1 bedroom dwelling at 105 Bull Lane, Eccles, Aylesford, Kent ME20 7HT in accordance with the terms of the application, Ref 22/02329/FL, dated 21 October 2022, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the local area.

Reasons

3. The appeal site is a corner plot consisting of a two-storey semi-detached dwellinghouse with a single storey side extension, occupying an irregular shaped plot. The surrounding area has a rural feel, although the appeal site is located within the village of Eccles. There is significant variation in the general vernacular of the area with a mixture of single and two-storey detached, semi-detached and terrace dwellings of traditional form fronting the street scene with a variety of materials and finishes.
4. The proposal seeks to convert the existing flat roof side extension into a separate dwelling, thus subdividing the existing site into two smaller plots. There is a varied nature in terms of plot sizes in the area, providing some flexibility to the established pattern of development, as such the provision of a smaller garden area would not be out of keeping in this regard. I acknowledge that the amenity space is modest, however it is of a sufficient size to provide a reasonable standard of amenity for future occupiers. Whilst not commensurate with the larger gardens that are evident along Bulls Lane, the proposal would nevertheless provide a smaller garden space that would appear similar to some of the properties in Greenfield Close and the single storey units in Eccles Row, which I observed on my site visit.

5. Given that the proposal would remain single storey and occupy a footprint similar to the existing development in terms of scale and mass the scheme would not be incongruous in that regard. The proposal would replace the existing flat roof with a hipped roof treatment, which whilst taller, would break up the bulk of the development creating more visual interest and articulation to the front elevation. Furthermore, its single storey nature and corner location would provide suitable, private and accessible accommodation for future occupiers. As such, the development would not appear cramped, and the scale and form of the property would sit comfortably within the wider established mixed architectural pattern.
6. Overall, the proposed development would harmonise with the varying design, plot sizes and orientation of properties within the immediate vicinity. The scale and mass of the development when viewed from Bull Lane would be moderated by its subservient scale and height and would not adversely impact upon the character and appearance of the area.
7. Consequently, the proposal would accord with the principles of Policy SQ1 of the Tonbridge and Malling Borough Council Development Plan Document (DPD), adopted April 2010 and Policy CP24 of the Tonbridge and Malling Borough Council Core Strategy (CS), adopted September 2007 which amongst other things, requires all new development to be of high quality, protecting the character, local distinctiveness and pattern of development whilst respecting the site and its surroundings. The proposal would also comply with the National Planning Policy Framework (the Framework) insofar as it requires development to be sympathetic to local character.

Other Matters

8. Parking provision has been raised by interested parties in respect of the proposal. In accordance with the parking standards a total of 2 off-street parking spaces have been provided for the proposal. From my site observations and the plans before me, there is sufficient space available within the plot for the provision of the 2 off-street parking spaces, which could be secured and retained by way of a suitable condition.
9. There are double yellow lines providing parking restrictions and prohibiting on-street parking on the corner of Bull Lane and Greenfield Close, and there appears to be sufficient space in the vicinity for visitors to park on-street safely. I have been presented with little substantive evidence to suggest that the effects of the development would make the existing parking levels materially worse or that the development would have a materially harmful effect on traffic or highway safety.

Planning Balance

10. The Council accepts that it cannot demonstrate a 5-year supply of deliverable housing sites. Given the shortfall in housing land supply, paragraph 11 d) of the Framework is engaged. Footnote 7 provides a complete and exhaustive list of those Framework policies to which paragraph 11 d) i) refers; there are no others. Consequently, the application of policies under paragraph 11 d) i) do not provide a clear reason for refusing the proposed development.
11. Although the lack of sufficient housing land supply means that the policies which are most important for determining the appeal proposal are out-of-date,

CS Policy CP24 and DPD Policy SQ1 are broadly consistent with the Framework in relation to providing high quality development which respects and enhances local character and identity.

12. The Framework also seeks to significantly boost the supply of housing. The proposal would make use of previously developed land, adding an additional dwelling to the housing supply, despite being a small contribution. Nevertheless, with regard to the advice within the Framework and the housing undersupply position, it is an important benefit, and I afford it great weight.
13. In the context of paragraph 11 d) of the Framework, I find that any adverse impacts of the proposal would be significantly and demonstrably outweighed by the benefits when assessed against the policies in the Framework taken as a whole. The proposal would therefore benefit from the presumption in favour of sustainable development within the Framework, and I find that the appeal should be allowed.

Conditions

14. I have considered the Councils suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary for the sake of consistency, brevity, clarity and to ensure that they meet the tests in the Framework.
15. I have imposed a standard time limit condition and a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. I note the comments of Kent County Council as Highways Authority (HA) and in the interests of highway safety and the living conditions of neighbouring residents I have imposed a requirement for a Construction Transport Management Plan which is necessary to submit prior to the approved development commencing.
16. I have also imposed a condition in respect to material specification in order to ensure an acceptable visual effect. There is also a need to provide soft landscaping treatments around the parking area and the site boundaries in order to protect the character and appearance of the area and I have attached the appropriate condition.
17. In the interests of highway safety and the living conditions of neighbouring residents I have imposed a requirement for visibility splays to be approved and maintained and a requirement for off-street parking to be approved and provided prior to occupation and maintained thereafter. I have also imposed a condition in order to ensure that there is appropriate cycle storage.
18. Due to the size and shape of the site and its relationship to neighbouring dwellings, it is necessary and reasonable to remove permitted development rights for extensions and alterations, to protect the amenity of neighbours.
19. However, whilst I note the HA request for a condition to provide an electric charging point to achieve sustainability objectives, requirements for installing electric vehicle charge points in new homes now forms part of Building Control Regulations. It has not been explained why these regulations and controls do not satisfactorily deal with this matter. As such, this suggested condition is considered unnecessary.

Conclusion

20. For the reasons given I conclude that the appeal should succeed.

Robert Naylor

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: JCA.03, JCA.04, JCA.05 and JCA.06.
- 3) The development hereby permitted shall not commence until a Construction Transport Management Plan, to include details of:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signagehave been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
- 4) The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.
- 5) The dwelling hereby approved shall not be occupied until a scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.
- 6) The dwelling hereby approved shall not be occupied until 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6 metres above footway level have been provided. No shrubs, trees or other vegetation shall be allowed to grow above 0.6 metres in height within these sight lines.

- 7) The dwelling hereby approved shall not be occupied until the area shown as vehicle parking space on the approved plan (JCA.06) has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.
- 8) The development hereby approved shall not be occupied until space has been laid out within the site for secure, covered cycle parking facilities. Thereafter the cycle parking area shall be retained and maintained for its designated purposes.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions permitted by Classes A, AA, B, or C, of Part 1 of the Second Schedule of the 2015 Order shall be constructed.

END OF SCHEDULE