



Appeal Decision

Site visit made on 18 December 2023

by N Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2024

Appeal Ref: APP/H2265/W/23/3325040

118 Kingfisher Road, Larkfield, Aylesford, Kent, ME20 6QG

- 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 Kangatharan Murali against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/22/02645/FL, dated 30 November 2022, was refused by notice dated 12 May 2023.
 - The development proposed is detached dwelling house to the side of the existing house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Revised versions of the National Planning Policy Framework (the Framework) have been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the latest version of the Framework in reaching my decision.
3. The appellant has put forward revised drawings. This additional information reproduces existing drawings but adds dimensions on each of the relevant plans. This does not materially alter the proposal. In accepting these drawings, I do not consider the interests of parties who might wish to comment would be prejudiced. For this reason, I have had regard to these drawings.

Main Issues

4. The main issues raised by this appeal are: -
 - a) The effect of the proposed development on the character and appearance of the area; and
 - b) Parking provision.

Reasons

Character and appearance

5. The proposal would be located within a built-up area. However, there is a rhythm to the pattern of houses in this locality. This includes the grass verges

that provide spaces between the pavement and the dwellings. Collectively, these give the area clear distinctiveness to its character and appearance.

6. To place a new dwelling adjacent to No 118 would be out of keeping with the grain of development in the locality and would appear visually discordant as it would be at odds with the area's distinctive character and appearance. It would stand out as being an insensitive development within the street scene and consequently it would be detrimental to local character and the visual appearance of the area.
7. I acknowledge that the proposal would represent an extension of the street scene with the proposed front and side flank building lines reflecting the existing building lines in the locality. The proposed plot size would be commensurate to that of other properties in area and the proposed dwelling would match the design and height of the existing adjacent dwelling and host gable ends similar to other houses in the area. Notwithstanding these design benefits, the proposed development would be out of keeping with the rhythm of the pattern of houses in this locality and, as such, the development would be visually harmful. Those benefits noted above do not overcome this harm or justify the proposed development.
8. The proposed development would meet the Government's Technical Housing Standards for space and would provide outdoor residential garden space. The site is not located within a conservation area and does not host any listed buildings. Whilst these are benefits of the scheme, they do not outweigh my above concern or justify the proposed development. Although the appellant contends that this is a brownfield site, the site in this case would not meet the Framework's definition of previously developed land.
9. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore conflict with Policies CP1 and CP24 of the Tonbridge & Malling Borough Core Strategy (2007). These policies seek, amongst other matters, development to achieve high quality and well-designed environments.

Parking provision

10. The adopted Kent Design Guide Review: Interim Guidance Note (IGN) 3 Parking Standards (2008) requires 1.5 spaces for a two-bedroom dwelling. The Council say two parking spaces would be required to meet the standards in this case.
11. A parking area has been created to the side and rear of No 118 within the grass verge beyond the rear boundary of the existing dwelling. This land does not form part of the residential grounds relating to No 118 and would not be land that has a residential use. Nonetheless, this land is included within the planning application red line boundary to which the applicant, now the appellant, has certified ownership of this land. Furthermore, the appellant indicates that a lawful development certificate has been granted for a vehicle crossing and hardstanding which it is indicated has been implemented. As I see it, the parking requirements could be achieved that could reduce the potential for indiscriminate on-street parking with associated issues of road safety. Furthermore, there are double yellow lines around the site and extending along surrounding streets. These restrict the opportunity to park indiscriminately on-street within the vicinity of the appeal site.

12. For these reasons, I conclude that the proposed development would not be harmful to highway safety. The proposal would, therefore not materially conflict with Policy CP24 of the Core Strategy and the Kent Design Guide Review: Interim Guidance Note 3 (2008). That policy and guidance seek, amongst other matters, development to be of a high quality design and to provide sufficient parking provision associated with it.

Other Matters

13. The Council have raised concerns relating to the exposed tree roots along with the wellbeing of existing trees within the officers delegated report, though this matter has not formed part of the Council's reasons for refusal. Based upon the evidence before me, I cannot conclude that any harm to existing trees would take place.
14. The Council considers the location of trees and the position, width of driveway and dropped kerb to have been plotted inaccurately on the plans. Indeed, the appellant's street scene photograph that supports the appeal illustrates the three existing trees within the verge are closer to the hardstanding that has been created than those shown on the proposed site plan. However, I am unable from the evidence before me to determine whether or not the plans are substantially inaccurate in regard of the position, width of driveway and dropped kerb. Furthermore, the Council have accepted the plans and made their determination based upon those accepted plans.

Planning Balance

15. The Council cannot demonstrate a 5-year housing land supply of deliverable housing sites. As such, the provisions of paragraph 11d) of the Framework should be applied.
16. The proposal would boost the supply of housing and could provide a high quality family home. However, even if the housing shortfall is substantial, the benefits associated with a single dwelling would be small. Also any economic benefits during construction would be temporary and limited.
17. The adverse impact of the proposed development on the character and appearance of the area attracts substantial weight and therefore significantly and demonstrably outweighs the benefits when assessed against the policies of the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

18. Whilst I have found in favour of the appellant in terms of the second main issue, this does not overcome the identified harm in relation to the first main issue.
19. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR