



Appeal Decision

Site visit made on 23 April 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2024

Appeal Ref: APP/H2265/W/23/3327553

Former Garden to 74 Martin Square, Larkfield, Aylesford, Kent ME20 6QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr William Fountain against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/22/02233/FL.
 - The development proposed is the construction of a single storey 2-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site previously formed part of the garden of the property 74 Martin Square and is now a separate parcel of land. It is located within a residential area between the dwelling at No.74, a disused building which appears to have previously been a community centre and a fire station. The style of the surrounding residential buildings is relatively varied with a combination of detached, semi-detached and terraced dwellings and flatted blocks at two or three storeys in height, along with single storey garage blocks.
4. Planning permission¹ has previously been granted on the appeal site for a detached 4 bedroom dwelling. However, the appellant has outlined that this cannot be constructed due to restrictions from Southern Water in relation to the proximity of the building foundations to a sewer pipe. Therefore, the proposed development is a single storey container style dwelling which can be implemented on the site without traditional building foundations.
5. The front of the appeal site would be open to allow for access to the property and to provide two car parking spaces. As such the proposed dwelling would be a highly visible addition to the streetscene. Whilst the style of the surrounding buildings is varied, residential properties in the area are largely traditional in appearance with a wide front elevation, including numerous windows and an entrance door, and a hipped roof running parallel to the street. In contrast, the proposed modular building would have a narrow and squat front elevation occupied by a single window, an entrance door located on the side elevation

¹ Ref TM/20/02632/FL (the previous permission)

and the gable end of the roof facing the street. It would also be set back further into the site than the neighbouring dwellings.

6. For these reasons, the proposal would be contrary to the surrounding pattern of development and would appear as a highly incongruous addition within the streetscene, to the detriment of the traditional residential character and appearance of the locality.
7. The appellant intends to use materials which would match surrounding properties, including brick slips and composite boarding. However, this would not alter the overall style and siting of the proposed building and the conflict with its surroundings. Furthermore, it is noted that the site is closed off from the overall streetscene and the appellant indicates that it is currently an overgrown eyesore. However, whilst the proposal may open the site and include improved landscaping, this would not negate the harm in relation to the siting and design of the proposed development that I have identified.
8. Therefore, I find that the proposed development is harmful to the character and appearance of the surrounding area and would conflict with Policies CP1 and CP24 of the Tonbridge and Malling Borough Council Core Strategy (2007) and Policy SQ1 of the Managing Development and the Environment Development Plan Document (2010). These policies collectively seek to ensure that the need for development is balanced against the need to protect and enhance the built environment and the character and local distinctiveness of the area, with all development designed to respect its surroundings through its scale, density, layout, siting, character and appearance. It would also conflict with the general design objectives of the National Planning Policy Framework.

Other Matters

9. The Council have confirmed that they are not able to demonstrate a five year supply of deliverable housing. Therefore, on this basis, the test in paragraph 11(d) of the National Planning Policy Framework should be applied. The development would add to the overall housing land supply and make a small contribution to the Government's objective of significantly boosting the supply of homes, with an additional dwelling in a sustainable location, making efficient use of the land. Furthermore, the appellant has indicated that the property would be affordable housing suitable for a family.
10. However, the benefits derived from a single unit would be limited and therefore this carries limited weight. Therefore, even though there is a shortfall in the housing land supply, given the harm I have identified, the adverse impact of granting planning permission would significantly and demonstrably outweigh the limited benefits of a single dwelling when considered against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposed development.
11. The appellant has highlighted the delay in receiving a decision from the Council and has outlined discussions with the Council in relation to the proposed appearance of the development and its overall acceptability. They also acknowledge that the previous permission was granted on the appeal site for a four bedroom dwelling, which was not permissible due to restrictions from Southern Water. Whilst I sympathise with the appellants frustrations, they are

not matters for my deliberation in the context of a planning appeal and would not alter my overall findings.

Conclusion

12. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR