



Appeal Decision

Site visit made on 23 January 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Appeal Ref: APP/H2265/W/23/3325169

1 Silverhill Cottages, Dunks Green Road, Dunks Green, Tonbridge, Kent TN11 9RU

- 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 and Mrs P and M Smart against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/23/00365/FL, dated 17 February 2023, was refused by notice dated 12 April 2023.
 - The development proposed is described as *proposed infill extension (revised scheme to application TM/22/00335/FL)*.
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Decision

1. The appeal is allowed and planning permission is granted for part one/ part two storey side extension at 1 Silver Hill Cottages, Dunks Green Road, Dunks Green, Tonbridge, Kent TN11 9RU in accordance with the terms of the application, Ref TM/23/00365/FL, subject to the following conditions:
 - 1) the development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) the development hereby permitted shall be carried out in accordance with the following approved plans: 2313/01; 2313/11 and 2313/10 RevA.

Application for Costs

2. An application for costs was made by Mr and Mrs P and M Smart against Tonbridge and Malling Borough Council. This application is subject to a separate Decision.

Preliminary Matters

3. Section E of the appeal form states that the description of development has not changed but a different wording has been entered. I have used the description of development provided in the application form in the banner heading above. However, in the interests of clarity, I have used the description provided in the appeal form in my decision above but have deleted the wording that does not relate to acts of development.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. Having considered the revisions and in

light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

5. On 22 November 2023 all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes. There has been no change to the legal designation and policy status of these areas. For the sake of consistency and legibility with the evidence submitted I have referred to the Kent Downs AONB rather than the Kent Downs National Landscape in my decision.

Procedural Matters

6. The Council's reason for refusal relates to the proposal constituting inappropriate development in the Green Belt. However, during the course of this appeal, it came to light that the Council granted planning permission for substantially the same proposal. The Council has confirmed that it no longer wishes to pursue this reason for refusal. No comments from third parties against the proposal have been received. I have therefore had no further regard to the reason for refusal in my decision.

Other Matters

7. The site lies within the Kent Downs AONB. Section 85 of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to the purpose of AONBs to conserve and enhance the natural beauty of the area. The special qualities of the Kent Downs AONB include fields bounded by hedgerows with intervening woodlands and undulating topography.
8. The design and form of the existing building is typical of the buildings found in the local setting. The proposed design response would respect the simple form and appearance of the host dwelling. As such, the proposal would not be harmful to the character and appearance of the Kent Downs AONB.

Conditions

9. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. A condition securing matching materials is also necessary, to ensure that the development is in keeping with the existing dwelling and, where visible, with its surroundings.

Conclusion

10. Overall, I conclude that the proposal would comply with the development plan as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. As such, the appeal is allowed.

P Terceiro

INSPECTOR