

# Appeal Decision

Site visit made on 18 September 2024

**by A Knight BA PG Dip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 October 2024**

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**Appeal Ref: APP/H2265/W/24/3338952**

**1A Croft Close, Tonbridge, Kent TN10 4LA**

- 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 Stephen King against the decision of Tonbridge and Malling Borough Council.
  - The application Ref is 23/00364/FL.
  - The development proposed is new bungalow to the rear of 15 Estridge Way.
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## Decision

1. The appeal is allowed, and planning permission is granted for new bungalow to the rear of 15 Estridge Way at 1A Croft Close, Tonbridge, TN10 4LA in accordance with the terms of application Ref 23/00364/FL, subject to the attached schedule of conditions.

## Preliminary Matters

2. I have shortened the description of development to remove reference to a previous permission, as that is not a form of development.
3. The application form confirms that the development has been completed and I was able to see this during my site visit.

## Background

4. Planning permission ref TM/20/00862/FL was granted in April 2020 for the erection of a detached bungalow at the appeal site, with a non-material amendment agreed in September of the same year. The appeal scheme differs from the approved development in respect of (a) the size of window openings; (b) a slight alteration to the building footprint; (c) the use of render rather than brick cladding to external walls, and; (d) the use of a metal roof rather than concrete roof tiles. The reason for refusal relates solely to (d) above, and the Council has confirmed it has no objection to the scheme otherwise.

## Main Issue

5. The main issue is the effect of the proposed development, with particular regard to the roof materials, on the character and appearance of the area.

## Reasons

6. The appeal site is in Croft Close, a cul-de-sac accessed from Estridge Way within a suburban residential area. Estridge Way mainly comprises semi-detached houses of an inter-war style which, whilst adhering to a planned layout, display a range of rendered, painted, and exposed brickwork walls in a mix of white, cream, red, and brown hues. Roofs are a mix of red, grey, and brown tiles with, in several instances, different colour roofs side by side on adjoining semis. Croft Close increases the varied architectural appearance of the area in that it comprises a mix of terraced, semi-detached and detached mid-20<sup>th</sup> century style houses, interspersed with bungalows.
7. Modern, contemporary style developments which do not utilise traditional roof tiles are located between more traditional dwellings near the southern entrance to Orchard Drive and at 63 Cornwallis Avenue (No63); these are not part of the immediate setting to the appeal site but are visible and, in the case of No63, prominent, when travelling westwards on the A26 to the entrance to Estridge Way, a route likely to be taken when travelling to the appeal site from the centre of Tonbridge. As such, these developments further contribute to the sense the appeal site is in a suburb that contains a diverse mix of architectural styles and materials.
8. The roof of the appeal property is made from smooth, grey metal which is unique in Croft Close. In addition, the combination of the roof, the bright render of the walls, and the proximity of the bungalow to the pavement make the property prominent within the close. Even so, the crisp, clean quality of the external finishes add positively to the appearance of the bungalow, and its prominence is tempered by its modest scale, particularly the low level and shallow pitch of the roof.
9. Furthermore, the neighbouring homes comprise two detached mid-20<sup>th</sup> century houses set significantly further back, and which present gable ends to the street. These are followed by a bungalow in traditional style which, whilst set closer to the road than the preceding homes, is not in line with the appeal property, and then by two semi-detached homes beyond that. This side of the close is characterised, therefore, by a particularly eclectic range of buildings that do not adhere to a uniform building line, height level, or palette of materials. Against this backdrop the appeal bungalow, even with a roof that is noticeably different to its neighbours, appears overall as a typically diverse element in the close, within an area characterised by homes of varied appearance as described above.
10. I recognise that the Tonbridge Character Areas Appraisal Supplementary Planning Document 2011 (the SPD), which is a material consideration lent additional weight by the reference to it in Policy SQ1 of the Managing Development and the Environment Development Plan Document 2010 (the DPD), places Croft Close, Estridge Way and Godfrey Evans Close together as area E3, and cites a distinctive character derived in part from houses of similar bulk and height, common design features and materials. At the same time, the SPD notes the presence of more recent infill development which gives the area a more mixed character than others. In all, and noting both the age of the SPD and the evidence of my recent site visit, I find the area to be of distinctly mixed appearance.

11. For the reasons set out above I conclude that the development does not harm the character and appearance of the area, and find no conflict with Policies CP24 of the Tonbridge and Malling Core Strategy or SQ1 of the DPD, which require development to be well designed and of a high quality in terms of detailing and materials, and to protect surrounding character. I also find no conflict with the similar aims of the National Planning Policy Framework (NPPF).

### **Other Matters**

12. The retrospective nature of the planning application is not a factor in my determination as it does not affect the merits of the development.

### **Conditions**

13. As the development is substantially complete there is no need to impose a condition requiring commencement within three years. I have, however, imposed a condition listing the approved plans to capture the extent of the permission for clarity.
14. The Council has requested conditions restricting Permitted Development (PD) rights and protecting the availability of off-street parking. Whilst I have altered the proposed wording for clarity, I consider both to be reasonable and necessary; Given the size of the site and dwelling, additions undertaken using PD rights could substantially and harmfully reduce the outdoor amenity area. The appeal scheme contains the same off-street parking provision as the previous permission and, as such, is an arrangement recently found acceptable following a detailed assessment. Given the emphasis in Chapter 9 of the NPPF on development ensuring highway safety, a condition ensuring its retention is reasonable in the absence of evidence on the point.

### **Conclusion**

15. For the above reasons the proposal accords with the development plan, when read as a whole. Material considerations do not indicate a decision should be taken other than in accordance with the development plan. I therefore conclude the appeal should be allowed.

*A Knight*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall be carried out in accordance with the following drawings:

Location Plan dated 16.03.2023  
Proposed Floor Plans 1000 dated 16.03.2023  
Block Plan 5000 dated 16.03.2023  
Perspective view 5100 dated 16.03.2023  
Proposed Roof Plan 1200 dated 16.03.2023  
Proposed Elevations 2201 dated 16.03.2023  
Proposed Elevations 2202 dated 16.03.2023  
Proposed Elevations 2203 dated 16.03.2023  
Proposed Elevations 2204 dated 16.03.2023  
Drainage Layout dated 17.03.2023

- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C and E of Part 1 of Schedule 2 to the Order shall be undertaken.
- 3) The vehicle parking area shown on the approved plans shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.