



Appeal Decision

Site visit made on 14 November 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2024

Appeal Ref: APP/H2265/W/24/3337212

5 Keats Road, Larkfield, Aylesford, Kent ME20 6TP

- 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 R Lawrence, Ivy Lane Property Ltd against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/23/01998/FL.
 - The development proposed is construction of a two storey, two bedroom end of terrace dwelling, together with ancillary cycle stores and bin collection facilities.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of future occupiers, with particular reference to the adequacy of the outdoor amenity space, privacy and outlook.

Reasons

Character and appearance

3. The appeal site is a triangular area to the side of 5 Keats Road. The site, and neighbouring houses, 5, 6 and 7 Keats Road (No's 5, 6 and 7) front a pedestrian walkway which links Chaucer Way and Keats Road. They are two storey houses constructed with red stock brickwork and panelling on the front elevations. The dwellings are set back from the walkway behind landscaped front gardens with planting which creates a pleasant, green character.
4. The wider area is part of a modern housing development, defined by a mixture of bungalows with pitched roofs, and semi-detached and terraced houses, many of which are constructed in similar materials to No's 5, 6 and 7. Vehicular access, a car parking area and turning head is located to the south of the appeal site.
5. Whilst it would be narrower, when viewed in isolation, the design, scale and materials of the new house would be comparable to No's 5, 6 and 7. However, due to its position within the appeal site, a significant expanse of the house's front elevation would be in very close proximity to the pedestrian walkway. As a result, the dwelling would have a looming presence, emphasising the reduction in space in this area.

6. The submitted evidence provides examples of other dwellings located adjacent to pedestrian walkways, albeit these relate to dwellings' side elevations rather than front elevations. In this instance the minimal set back of the proposal's front elevation from the footway, combined with the proposed front refuse storage means there would be insufficient space to provide any meaningful landscaping. This would be at odds to the characterful, planted front garden areas of No's 5, 6 and 7.
7. When viewed from the public domain on Keats Road the siting of the dwelling would be awkward. The site area and rear gardens of properties within this part of Keats Road are generally regular in size and proportions. In contrast, the proposal would have an irregular and wide, shallow garden layout which would not reflect the more regular and linear spatial quality of plots within the local area. Similarly, the projection of the proposal's two storey side elevation in close proximity to the site's boundary with the adjoining car parking area would create a constrained form of development. The footprint of the building would cover a substantial area of the plot, and overall, I find that the house would be 'squeezed' onto the site in a manner that would appear cramped.
8. Whilst change to the built environment should not be unnecessarily resisted and the proposal would not significantly increase residential densities, the harm I have identified above indicates that the proposal is unacceptable and would conflict with paragraph 135 of the National Planning Policy Framework (2023) (the Framework) insofar as it expects development to be sympathetic to local character and history, including the surrounding built environment.
9. My attention has been drawn to examples of infill dwellings within the area, including at 69 Marlowe Road and 28 Bates Close. I have not been provided with the full details and facts in relation to the application at 69 Marlowe Road, but have viewed the details provided in relation to 28 Bates Close (Council Ref: TM/19/01844/FL). Nevertheless, based on my observations from my site visit, how the properties relate to neighbouring buildings varies. For instance, the infill dwelling at 28 Bates Close joined a linear development, did not project closer to the footpath which runs along the site frontage, and had a broadly similar site layout to the properties it adjoined. Notwithstanding this, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
10. I therefore conclude that the proposal would harm the character and appearance of the area, contrary to Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy (2007) (CS) and Policy SQ1 of the Managing Development and the Environment DPD (2010) (MDE). These policies seek to ensure, amongst other things, that development must be well designed and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.
11. I have been referred to Policy Annex PA4/12. This provides guidance for residential extensions, and my attention has not been drawn to any words in it that are relevant to the creation of new dwellings. The document has therefore not been determinative in my reasoning on this issue.

Living conditions

12. As a two-bedroom house, the proposal would be capable of housing a small family. The garden area would be a usable shape which would allow a play

area and would permit all occupiers of the house to sit within the amenity area at the same time. It would provide a private and secure external space which would receive natural light throughout much of the day. Whilst it would not be especially large, in the absence of specific amenity space standards, I find that the size of the external amenity area, would not be unreasonably small or impractical for use by future occupiers.

13. The front elevation and ground floor windows would be located closer to the existing footway than the adjoining properties. Pedestrians using the walkway would have unrestricted views to the front ground floor windows. However, this would not be a particularly unusual relationship in a residential area such as this and I am not persuaded that a person living here would feel that the living environment was oppressive.
14. Given its close proximity to the rear site boundary, I have had regard to whether the boundary fencing would have a dominant impact on the outlook of future occupiers. The submitted drawings indicate that the fence would be 1.8 metres in height and located a reasonable distance from the rear ground floor windows. Therefore, the boundary fencing would not give rise to an undue sense of enclosure for future occupiers of the appeal proposal.
15. Consequently, the proposal would not be contrary to Policy CP1 and CP24 of the CS which outline, amongst other matters, that development must be well-designed and meet the needs of future residents.

Other Matters

16. The appeal site is located within a built-up area with access to shops and services. The Framework supports the development of windfall sites and of under-utilised land. Great weight should be given to the benefits of using suitable sites within existing settlements for homes. These considerations therefore weigh in favour of the proposal.
17. The proposed development would make a contribution to the local housing supply and mix of units. It would create temporary employment opportunities during construction and there would be associated spending in the local area on subsequent occupation of the dwelling. The appellant indicates that the dwelling would be safe and accessible. Whilst the scheme would deliver long term benefits, in light of the limited scale of the proposal I attribute modest weight to this in favour of it.
18. Various objections have been raised by neighbours including in relation to the effect on car parking and loss of privacy to neighbouring occupiers. However, as the appeal is to be dismissed there is no need to address these in detail.

Planning Balance and Conclusion

19. The proposal would harm the character and appearance of the area. There would be conflict with Policies CP1 and CP24 of the CS and Policy SQ1 of the MDE. It would therefore not accord with the development plan as a whole and this a matter that counts significantly against allowing the appeal.
20. However, the Government's objective is to significantly boost the supply of homes. Other provisions of the Framework give support to the development of land within settlements and observe that small sites can make an important contribution to meeting the housing requirement. The main parties agree that

Tonbridge and Malling cannot demonstrate a 5-year supply of deliverable housing sites, and there is a backlog in terms of delivery confirmed by the Housing Delivery Test. Because of this, paragraph 11 d) of the Framework is engaged.

21. The policies in the Framework seek to both deliver a sufficient supply of homes and achieve well-designed places. However, the creation of high quality places is fundamental to what the planning and development process should achieve. That would not be so here. Although there is considerable support for new housing in this location the benefits in terms of the overall position in the Borough would be limited. Indeed, this is a case where the importance of good design trumps the provision of an extra windfall unit.
22. Therefore, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
23. For the reasons given above, the proposal would be contrary to the development plan as a whole and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR

