



Appeal Decision

Site visit made on 30 January 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th February 2025

Appeal Ref: APP/H2265/D/24/3348785

10 Toddington Crescent, Chatham, Kent ME5 9QT

- 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 Jack Arnold against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/24/00623/PA.
 - The development proposed is creation of an annexe with works to include altering the existing flat roof of the garage to a pitched roof with dormer windows.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposed development from the Council's decision notice as this clearly and succinctly describes the act of development.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

4. The main issues raised by this appeal are the effect of the proposed development on the character and appearance of the host property and the wider area and the living conditions of the occupiers of the adjacent properties.

Reasons

Character and appearance

5. The bungalows at the head of the cul-de-sac are of modest height and size. They are of pitched roof design and host dormer windows. There are gaps between dwellings where garages sit deeper within the plots. These garages can be seen in public views from the cul-de-sac.
6. The resulting height of the proposal, including the side dormers, would create a development of some considerable size. A development of such size would visually compete with that of the host dwelling and other dwellings close by. Whilst the development would not be attached to the host dwelling and be set back within the plot, it would not appear as a subservient ancillary building within the curtilage of the host dwelling. Rather, it would appear as a conspicuously large structure

toward the rear of the site. As such, it would be out of keeping within this street scene. Consequently, the proposal would be visually harmful to both the host dwelling and the street scheme. The existing landscaping at the rear of the site would not ameliorate the visual impact of the development sufficiently that might enable the development to be forthcoming.

7. Planning permission is in place for a single storey rear extension and addition of a pitched roof with dormer windows to detached garage to create an office and gym within the roof space. I have been provided with the decision notice and plans pertaining to that scheme (Planning Ref: TM/23/00274/FL). The Council indicates that the proposal before me would be approximately 2m higher than that of the extant scheme. However, the appellant contends that there would only be 100mm difference in height between the two schemes.
8. There is no definitive agreement between the parties in regard of the respective height of the proposal and the plans that I have been provided in relation to the extant scheme do not annotate measurements. Nonetheless, the proposal before me is a different development that hosts larger dormer elements within the roof slopes to that of the extant scheme. Despite the set back of the dormers within the roof planes the proposal would be a large development and would be different to that previously approved by the Council. Therefore, I consider the proposal before me can and should be considered on its own individual merits. The existence of the extant scheme offers little weight in favour of the proposal.
9. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the host property and the wider area. The proposal would, therefore conflict with Policy CP24 of the Tonbridge and Malling Borough Council Core Strategy 2007, Saved Policy P4/12 of the Tonbridge and Malling Borough Council Local Plan 2010 and Policy SQ1 of the Tonbridge and Malling Borough Council Managing Development and the Environmental Development Plan Document 2010. These policies seek, amongst other matters, all development to be well designed and be designed to respect the character and appearance of the site and its surroundings.

Living conditions

10. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives. The height and overall size of the resulting development, including the dormer roofs, would be clearly visible in the outlook from the rear gardens of the adjacent occupiers either side, and especially that of the occupiers of No.11. Given the overall size of the proposal it would have a visually overbearing impact upon these occupiers. As such, the proposal would diminish the enjoyment of the residential living environment for the neighbouring occupiers and would harm the enjoyment the existing occupiers should reasonably expect to enjoy.
11. The proposal is for a residential annexe as opposed to an office and gym as previously proposed at first floor. It would host increased fenestration within the side dormer to that of the previously approved scheme. This would create elevated outlook from habitable living accommodation toward the rear garden of No.9 Toddington Crescent. This would be so despite there being a fence running along the common boundary. Although there would be some separation between No.9 and the annexe, elevated overlooking of the rear garden of No.9 would take place.

Such overlooking and corresponding reduction in privacy would further diminish the enjoyment of the outdoor living space at the rear of this neighbouring property. This would harm the enjoyment the existing occupiers should reasonably expect to enjoy.

12. It is contended that existing mature trees would reduce the harm to the neighbouring occupiers as the trees would afford some privacy. However, such vegetation could die or be removed. As such, this offers little weight in favour of the proposal.
13. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the occupiers of the adjacent properties. The proposal would, therefore conflict with Policy CP24 of the Tonbridge and Malling Borough Council Core Strategy 2007, Saved Policy P4/12 of the Tonbridge and Malling Borough Council Local Plan 2010 and the provisions of the Framework. These policies seek, amongst other matters, all development to be well designed and to respect the site and its surroundings.

Other Matters

14. The proposal is to be used as ancillary accommodation to facilitate the appellant's growing family. The extent of fenestration would allow natural light into the annexe for the benefit of the health and well-being of occupants. Whilst these may be considered merits of the proposed development for the occupiers, these matters do not overcome my above concerns or justify the proposed development.

Conclusion

15. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR