



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/24/3353632

41 Hill View Road, Hildenborough, Tonbridge, Kent TN11 9DD

- 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 Mrs R Penney against the decision of Tonbridge & Malling Borough Council.
 - The application Ref is TM/24/00840/PA.
 - The development proposed is described as a single storey pitched roof rear extension with Velux roof lights to create Kitchen/Dining room, first floor pitched roof side extension over existing Garage to form Bedroom with En-suite, conversion of existing garage into Studio/Study, Shower room and Utility room, associated internal alterations and provision of two new parking spaces on properties frontage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. 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

3. The main issues raised by this appeal are the effect of the proposed development on the living conditions of the occupiers of No.43 Hill View Road and the character and appearance of the host dwelling and the area.

Reasons

Living conditions

4. The extension would be positioned to the south of No.43. There would be times during the day, and in particular those sunny days, when the proposed extension could cast a shadow and reduce daylight and/or sunlight to the adjoining property. However, this would be limited to a relatively short period of the day and would have less impact when the sun is high in the sky or when it is cloudy. Consequently, I do not consider the proposal would create significant harm in respect of light impacts.
5. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives. The appeal property sits forward of the neighbouring property, No.43 Hill View Road. The first floor

extension would be positioned close to the common boundary of No.43. Although the host dwelling is sited at a slightly lower land level to that of No.43, given the size of the proposed extension and its close proximity No.43, the proposed first floor side extension would be clearly visible in the outlook of the occupiers of No.43. I do not agree with the appellant that the outlook for the occupiers of No.43 would be unchanged.

6. The extension would have a visually overbearing impact in such close proximity to No.43. As such, the extension 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.
7. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the occupiers of No.43 Hill View Road. The proposal would, therefore conflict with Policies CP1 and CP24 of the Tonbridge and Malling Borough Council Core Strategy 2027, Policy P4/12 of the Tonbridge and Malling Borough Council Saved Policies 2010, Policy SQ1 of the Tonbridge and Malling Borough Council Management Development and the Environment Development Plan Document 2010 and the provisions of the Framework. These policies seek, amongst other matters, all development to be well designed and respect the site and its surroundings. These policies also indicate that development that would be detrimental to amenity will not be permitted.

Character and appearance

8. Policy Annexe PA4/12 of the Saved Policies sets out that *“with two storey or first floor flank extensions, in order to decrease the possibility of ‘terracing’, a minimum gap of 1 metre from the common boundary with the adjoining dwelling should be retained for the whole length of the extension and a hipped or half-hipped roof should be used.”* I consider this sets out a good standard for residential development to prevent development appearing visually cramped within its plot which, in turn, could create a visually coalescing form of built development within a street scene.
9. The proposed extension would be sited at an angle to the side boundary. Whilst there would be approximately a 1m gap at the frontage of the extension, this gradually would reduce toward the rear. The appeal property is located toward the end of a cul-de-sac where the neighbouring property, No.43 Hill View Road, is sited at an angle to that of the appeal property. Being so close to the side boundary the proposal would create a visual coalescing built form within the street scene. This cramped form of development would be visually harmful to both the host dwelling and the wider street scene. Given the existing siting of the dwelling that projects forward within its plot, the harm would be clearly visible in public views at the end of the cul-de-sac and in the outlook of existing residential occupiers from neighbouring dwellings. The setback of the first floor extension from the site frontage does not overcome my concerns.
10. Further to the above, the first floor front window would not reflect the form of fenestration below it at ground floor. However, the first floor window would be centrally located within the frontage of the extension and reflect the siting under the eaves and continue the cill levels of the other existing first floor windows. Although this window would not reflect the fenestration below it, I do not find that the window

would lack cohesion with the rest of the fenestration within the property frontage such that might visually harm the appearance of the dwelling.

11. For those reasons given further above, I conclude that the proposed development would be harmful to the character and appearance of the host dwelling and the area. The proposal would, therefore conflict with Policies CP1 and CP24 of Tonbridge and Malling Borough Council Core Strategy 2007, Policy P4/12 of the Tonbridge and Malling Borough Council Saved Policies 2010, Policy SQ1 of the Tonbridge and Malling Borough Council Management Development and the Environment Development Plan Document 2010 and the provisions of the Framework. These policies seek, amongst other matters, all development to be well designed and be of a scale, siting, character and appearance that respects the site and its surroundings. These policies indicate that extensions to residential properties will not be permitted if they would result in an adverse impact on the character of the building or the street scene.

Conclusion

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

Nicola Davies

INSPECTOR