
Appeal Decision

Site visit made on 24 April 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

Appeal Ref: APP/H2265/W/25/3359950

53 Albert Road, Tonbridge, Kent TN9 2SR

- 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 Q Searle against the decision of Tonbridge and Malling Borough Council.
 - The application ref. is TM/24/01531/PA.
 - The development proposed is for a new 2 bedroom house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on a) the character and appearance of the local area; b) the living conditions of future occupiers of the dwelling in respect of privacy and outlook; and c) the living conditions of the occupants of 2 Lionel Close with regard to privacy.

Reasons

Character and appearance

3. The appeal site relates to a vacant plot of land towards the end of Albert Road, a cul-de-sac in close proximity to Tonbridge town centre. The street scene broadly comprises tight-knit, semi-detached houses that are two-storey in nature.
4. In general, there is a strong building line to properties along both sides of Albert Road, with the facades of the dwellings following the alignment of the public highway and separated by small front gardens. Nos.30 and 32 are slightly set back, but still retain the parallel relationship with the carriageway.
5. The location of the new dwelling at an angle to, and behind, the existing row of houses would be at odds with the prevailing pattern of built form in the area. It would be an incongruous feature within the surroundings that would not relate well to any of the existing properties in the locality. Moreover, the close proximity of the proposed residence to no.53 would result in a sense of enclosure which, together with the limited extent of the plot, would create a cramped appearance and overdeveloped feel to the scheme.
6. Whilst the proposal would be at the end of the road, the building would nevertheless be clearly visible to neighbouring houses within the setting and from the adjacent public footpath. From those perspectives, it would disrupt the more uniform arrangement of built form. Even taking account of the presence of the existing garage within the site, this has a more modest height relative to existing boundary treatments which reduces its prominence and ensures subservience to the prevailing character of surrounding residential properties. Consequently, the presence of the structure does not justify the detriment that would arise from the increase in scale, bulk and massing of the dwelling proposed. The identified harm

in that respect would not be overcome by use of complementary materials, the presence of boundary fencing or additional landscaping.

7. In design terms I share the Council's concerns that the front elevation is poorly fenestrated, the eclectic arrangement of openings bears little relation to many other units in the area that contain a more balanced arrangement of windows and doors. I note that the plans do not feature extensive detailing, however this could have been the subject of a materials condition had the appeal been acceptable in all other respects.
8. I therefore conclude that the scheme would result in detriment to the character and appearance of the local area. It would fail Policy CP24 of the Tonbridge and Malling Borough Council Local Development Framework Core Strategy 2007 (CS) and Policy SQ1 of the Managing Development and the Environment Development Plan Document 2010 (DPD), which expect schemes to be of high quality and to reflect local distinctiveness. It would also be inconsistent with the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

Living conditions – future occupiers

9. The layout plans shows that the new property would be provided with a small garden to the side and a set of patio doors serving a kitchen/diner. These would be visible from the first floor windows of 36 Albert Road, which the Council states would be some 3.8m from the common boundary.
10. Although I appreciate that this is a high-density, urban environment where a degree of mutual overlooking is to be expected, to my mind the level of privacy loss would be intrusive, with the bedroom openings of no.36 directly overlooking the amenity space and internal accommodation of the proposed dwelling, and at close proximity. This would be detrimental to the living conditions of future occupants and severely limit the enjoyment of the side garden and kitchen/diner.
11. The lounge and kitchen windows of the scheme would be afforded views towards the boundaries of the site, which would be approximately 1 metre away. Assuming that such borders would comprise close boarded fencing for privacy purposes, the outlook would result in an oppressive environment for future occupants, and have a significantly limiting effect on the usability and function of each of the rooms for residential occupation.
12. Consequently, I find that there would be an adverse effect on the living conditions of future occupiers of the dwelling in respect of privacy and outlook. This would contravene Policies CP1 and CP24 of the CS and the provisions of the Framework in relation to the protection of amenity.

Living conditions – 2 Lionel Close

13. The first floor bedroom window of the scheme would look out over the rear garden of 2 Lionel Close. Taking account of the intervening public footpath, the Council states that the distance from the window to the northern boundary of no.2 would be approximately 5.7m.
14. As I have previously acknowledged, there is currently mutual overlooking between dwellings in the neighbourhood. However, the distance between the bedroom window and the neighbouring garden would be relatively modest, and the relationship such that overlooking would be direct. To my mind this would result in a loss of privacy where previously none existed, and would reduce the enjoyment afforded by the amenity space.
15. As such, the development would be injurious to the living conditions of the occupants of 2 Lionel Close with regard to privacy. This would contravene Policy CP24 of the CS and the provisions of the Framework as they pertain to safe and healthy living conditions.

Other Matters

16. I am aware that the Council has raised no objections in respect of the floorspace of the proposed accommodation or highway matters. I also recognise that the open aspect of the appeal site does not provide or present local views and vistas which are of importance and fundamental to the distinctiveness of the site and wider area, and it does not display landscaped (either hard or soft) features, which are distinguishing. However, these matters do not outweigh the harm I have identified above.

Conclusion

17. Having regard to the above and all other issues, the appeal is dismissed.

C Hall

INSPECTOR