

Appeal Decision

Site visit made on 27 September 2016

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 October 2016

Appeal Ref: APP/M2270/W/16/3151548

139-141 Commercial Road, Paddock Wood, Tonbridge, Kent TN12 6DS

- 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 Joe Cameron against the decision of Tunbridge Wells Borough Council.
 - The application Ref 15/509120/FULL, dated 4 November 2015, was refused by notice dated 11 January 2016.
 - The development proposed is removal of existing roof & construction of new mansard style roof with loft conversion and sun terrace.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application form only refers to 139 Commercial Road however it was confirmed at the site visit that the appeal proposal applies to both Nos. 139 and 141 Commercial Road. This is also evident from the submitted plans. I have therefore used the complete address in the decision banner for the avoidance of doubt.

Main Issue

3. The main issue is the effect of the proposed mansard style roof on the character and appearance of Commercial Road.

Reasons

4. Commercial Road is a key thoroughfare in Paddock Wood with a mixed character. The southern half is primarily residential interspersed with occasional commercial uses whilst the northern end of the road towards the station comprises a distinct commercial centre, including retailing.
 5. The appeal site is positioned towards the southern end of Commercial Road in a defined group of buildings that includes the office premises at Nos. 139-141, an off-licence at Nos.131-135 and a retail shop at Nos. 143-145. These commercial premises are predominantly surrounded by residential development although I noted some other nearby commercial uses such as the telephone exchange. However, the extent of the surrounding residential development distinctly separates the appeal location from the hub of commercial activity to the north. From the appearance of a number of these two storey pitch roofed dwellings, it is evident that parts of Commercial Road hold a long-standing residential character, including in the immediate vicinity of the appeal site.
-

6. Core Policy 4 of the Tunbridge Wells Borough Local Development Framework Core Strategy 2010 (the CS) seeks to conserve and enhance the Borough's built environment and distinctive local character. Policy EN1 of the Tunbridge Wells Local Plan 2006 (the LP) sets out criteria for all new development including, amongst other things, that the scale, layout, external appearance and roofscape respect the context of the site.
7. The Local Planning Authority (LPA) has also referred to its SPD¹ on Alterations and Extensions which amplifies how LP Policy EN1 will be implemented. The language of the SPD is primarily aimed at extensions and alterations to residential properties, however the SPD makes clear (paragraph 1.6) that it will be applied to other buildings in residential areas. From my description above I consider the appeal site qualifies to be considered against the SPD. In respect of form it emphasises that this is "*one of the most important factors of a successful design*" and that "*The extension should respect the common characteristics of the street and reflect local distinctiveness in terms of scale, proportion and height*" (paragraph 5.14). The SPD further advises that the "*scale and form of an extension should fit unobtrusively with the building and its setting and be compatible with the surrounding properties*" (paragraph 5.16). It also instructs that roof shape is critical to massing and that "*flat-roofed extensions are unlikely to be permitted*" and "*can appear unsympathetic to the form of the original building*" (paragraph 5.17).
8. The Council's development plan and supplementary guidance pre-dates the publication of the National Planning Policy Framework (NPPF) in 2012 however I find it to be consistent with the objective at paragraph 17 of the NPPF to secure high quality design. I also find them consistent with the requirement of the NPPF at paragraphs 56 to 58 to plan positively for the achievement of good design as a key aspect of sustainable development including, amongst other things, ensuring development adds to the overall quality of the area, responds to local character and establishes a strong sense of place including attractive streetscapes. In this regard I attach significant weight to these policies in accordance with paragraph 215 of the NPPF.
9. Nos. 139-141 presently comprise a relatively modern brick building with an L-shaped two storey element with pitch roof generally set back from the highway although extending forwards at first floor level at No.139. A single storey ground floor element with flat roof projects forward at both Nos.139 and 141 abutting the footway. The modest height and scale of the existing flat roof element is not conspicuous and largely comparable to the form of adjacent premises at Nos.131-137 Commercial Road. The position of the existing two storey element and the form of its pitched roof is also consistent with the appearance of surrounding buildings. As such the existing building is neither prominent nor harmful to the character or appearance of the area.
10. The appeal proposal would re-format the roofscape of Nos.139-141 to create a third storey for additional residential accommodation. To secure the necessary habitable floorspace, a mansard style roof is proposed which would involve very steep sided pitches with close fitting dormers extending up from the existing eaves level to an extensive area of flat roof. There would also be a first floor extension on the front elevation of No.141 which would host a sun terrace

¹ Tunbridge Wells Borough Local Development Framework Alterations & Extensions Supplementary Planning Document (SPD) June 2006

on an additional flat roof area overlooking the street and this would be accessible from side elevation of the mansard roof.

11. The combined effect of the proposed alterations would be to introduce a noticeably bulky building, the form and massing of which would appear conspicuously at odds with the more modest pattern of immediately adjoining two storey pitch roof buildings. Whilst I note the mansard roof would only be marginally taller than the ridge of the existing pitch roof, I nonetheless find that the overall enlarged form of the roof, including the front roof terrace would boldly project forward into the streetscape, introducing an unsympathetic building whose unbalanced and heavy appearance would be accentuated by the extensive scale of the uncharacteristic flat roof areas at this height. Consequently, the appeal proposal would be significantly harmful to both the appearance of the host building and the surrounding area.
12. The appellant emphasises that there is a mixed character to Commercial Road. I have recognised this above but observed that prominent three and four storey buildings are to be found mainly in the commercial hub at the northern end of the road. There are a few examples in the immediately vicinity of the appeal site. Cass Court to the north has achieved three storeys by utilising a characteristic pitch roof to assimilate into its context. Elsewhere the recent, taller housing developments at Styles Court and Russell Mews on the opposite side of the road are set well back from the highway behind existing development such that they are not prominent and largely experienced through gaps between existing buildings. As such I find the degree of separation to other large buildings and the lack of comparison to the specific context of other recent housing development does not persuade me that the appeal proposal would appropriately reflect local character in this regard.
13. Directly opposite the appeal site is Dowding House a three storey sheltered housing complex. It is evident that the appeal scheme reflects the mansard style design of this development. However, Dowding House is not a recent development and is set back from the highway behind established landscaping and the single storey Paddock Wood Day Centre building. Furthermore, Dowding House occupies a spacious setting such that its bulky three storey form does not appear obtrusive or dominant on its immediate context. This is in contrast to the appeal proposal which occupies a more confined position in an established streetscape of two storey pitched roof buildings.
14. I also noted a short distance to the south is the Paddock Wood Motorist Centre which occupies a two storey building with a similar mansard roof construction to that proposed. This building is prominently set forward and I have few details of its planning history. However, it would appear to comfortably pre-date the development plan and the LPAs SPD. The conspicuous form and position of this building is not repeated elsewhere on Commercial Road. Consequently, neither the particular site context at Dowding House nor the anomalous form of the Paddock Wood Motorist Centre building persuade me that these buildings should set the pattern for development in this part of Commercial Road.
15. Due to intervening distances and the modest size of the parking area I accept that the appeal proposal would not result in significant harm to the living conditions of surrounding properties. I also note the appellant's submission that the proposed mansard roof could accommodate solar panels but I find this

benefit would be limited given the ability to use the existing style of roof at the appeal site for similar purposes. Overall, these factors do not outweigh the significant harm I have identified to the character and appearance of the locality which should be conserved and enhanced.

16. I therefore conclude that the proposed mansard style roof would have a significantly harmful effect on the character and appearance of Commercial Road. The identified harm would be contrary to CS Policy 4, LP Policy EN1 and those relevant aspects of the SPD as set out above. It would also conflict with the objective of the NPPF at paragraphs 17, 56 and 58 to secure high quality design.

Other matters

17. I have also noted the appellant's submissions regarding consistency of the LPA's decision with pre-application advice. However, pre-application advice is not binding on any final decision of the LPA. Whilst I understand the appellant may be frustrated by the sequence of events I have nonetheless found on the basis of the evidence before me and from my own observations of the area that the LPA ultimately arrived at a cogent decision.

Conclusion

18. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Spencer

Inspector.