

Appeal Decisions

Site visit made on 10 October 2016

by Grahame Gould BA MPhil MRTPI

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

Decision date: 28th October 2016

Appeal Ref: APP/M2270/W/16/3154162

34 Edward Street, Rusthall, Tunbridge Wells, Kent TN4 8RP

- 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 Chris Rowe against the decision of Tunbridge Wells Borough Council.
 - The application Ref 15/510708/FULL, dated 22 December 2015, was refused by notice dated 17 February 2016.
 - The development proposed is new 2 storey one bedroom house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of 32 Edward Street (No 32), with particular regard to whether or not the development would be overbearing and the receipt of light; and
 - the living conditions for the occupiers of 34 Edward Street (No 34) and the development, with particular regard to garden space provision.

Reasons

Character and Appearance

3. No 34 is a two storey, end of terrace, house, which is located at Edward Street's junction with Burdett Road. The appeal development would involve the construction of a two storey, one bedroom, detached house within part of No 34's rear garden and it would front onto Burdett Road.
4. The house would be of a contemporary design and its roof would have the appearance of having a mono-pitched form. While there is a sharp contrast in the age of the properties in the northern and southern sections of Edward Street¹, with those in the southern section being of comparatively recent construction, a unifying characteristic of this street is the presence of terraced houses. The proposed house, in terms of its type and design, would have an appearance that would be in stark contrast to the other dwellings found in

¹ The junction between Edward Street and Burdett Road being taken as the break between the northern and southern sections

Edward Street, Burdett Road and other adjoining streets. The roof form would, in particular, be an uncharacteristic one for the area, with simple gable ended roofs being in the ascendency. I therefore find that this development would have a harmful appearance within the streetscene.

5. The development would be of a higher density than that of the immediately neighbouring properties, given the limited plot size. However, Edward Street and the immediately adjoining streets are of a high density and I therefore consider that this scheme's density of itself would be unobjectionable. That said this dwelling's unusual design would accentuate its uncharacteristic appearance for the area.
6. For the reasons given above I conclude that the design of the house would result in it having an incongruous appearance, resulting in unacceptable harm being caused to the character and appearance of the area. There would therefore be conflict with saved Policy EN1 of the Tunbridge Wells Borough Local Plan of 2006 (the Local Plan) and Policy CP5 of the Tunbridge Wells Borough Core Strategy Development Plan Document of 2010 (the Core Strategy), insofar as the external appearance and roofscape would not be respectful of its context. I also find that because of the harm I have identified that there would be conflict with section 7 (Requiring good design) of the National Planning Policy Framework (the Framework).
7. The first reason for refusal cites conflict with Policy CP4 of the Core Strategy. However, I find Policy CP4 to be of limited relevance to this case because Edward Street and its immediate surroundings are not subject to a conservation area designation or any other special character or landscape designations.

Living conditions for the occupiers of No 32

8. No 32 is a mid-terraced property, with a narrow plot width and as a consequence of that its rear garden is quite small. The new house would present a full two storey, blank wall, at right angles to and in very close proximity to the shared boundary with No 32's rear garden. While the house would be sited towards the rear of No 32's garden, I find that because of its height and proximity the resulting building would be an imposing structure and that its presence would be an overbearing one for the users of No 32's garden.
9. The house would lie due south of No 32's garden and because of its height and the narrow width of No 32's garden, I consider that unacceptable overshadowing of this neighbouring garden would result.
10. For the reasons given above I conclude that the development would be unacceptably harmful to the living conditions for the occupiers of No 32. There would therefore be conflict with Policy EN1 of the Local Plan in that the development would be harmful to the residential amenities (living conditions) for the occupiers of an adjoining property. This harm would also result in conflict with the fourth core planning principle referred to in paragraph 17 of the Framework because the development would fail to secure a good standard of amenity for all existing and future occupiers of land and a building.

Living conditions for the occupiers of No 34 and the development

11. No 34 has a comparatively small garden area, which is divided into two parts by the shared path that provides access to the rear of this property and other immediately neighbouring properties. The development would leave No 34 with a modest retained garden area, which would be a very enclosed space, nestling between No 34's side elevations (principal and outrigger) and the boundary with Burdett Road. No 34's retained garden area would be highly constrained and I consider it would be inadequate to meet the needs of the occupiers of a small family sized dwelling.
12. It is intended that the new dwelling would have a single bedroom and it is therefore unlikely to be occupied by a family with children. While this property's garden area would also be very modest, I find that it would be of a size that would meet the needs of the occupiers of this property.
13. For the reasons given above I conclude that the retained garden area would be inadequate to meet the needs of the occupiers of No 34 resulting in harm to their living conditions. There would therefore be conflict with Policy EN1 of the Local Plan in that the development would be harmful to the residential amenities of the occupiers of No 34 as an adjoining property. There would also be conflict with the fourth core planning principle referred to in paragraph 17 of the Framework in that the development would not secure a good standard of amenity for all existing and future occupiers of land and a building.
14. Although the third reason for refusal refers to conflict with Policy CP5 of the Core Strategy, I find that not to be the case because this policy addresses sustainable design and construction rather than the availability of garden space for the occupiers of new or existing dwellings.

Other Matter

15. I recognise that the construction of the house would utilise sustainable construction techniques and this is something which to a limited degree weighs in favour of the development. However, this would be a limited benefit of the scheme and is something I find to be outweighed by the harm that I have identified.

Conclusions

16. I have found that the appearance of the house and its effect on the living conditions for the occupiers of Nos 32 and 34 would be unacceptable. I also consider that the harm to the living conditions of the occupiers of Nos 32 and 34 that I have identified are indicative of this proposal amounting to an over intensive form of development for this site. Given nature of the harm that I have identified I conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR