
Appeal Decision

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: 2nd November 2016

Appeal Ref: APP/M2270/W/16/3150203

12 The Grove, Pembury, Royal Tunbridge Wells TN2 4BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Victoria Fleming against the decision of Tunbridge Wells Borough Council.
 - The application Ref 16/502301/OUT, dated 8 March 2016, was refused by notice dated 11 May 2016.
 - The development proposed is 1 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline form. Although the application form title refers to some matters being reserved, in response to the third question on this form matters concerning access, appearance, landscaping, layout and scale are marked with crosses as ones for which approval was not reserved. As none of the five standard outline matters previously mentioned have been reserved for future consideration I have treated them as ones for determination as part of the appeal.

Main Issues

3. The main issues are the effect of the development on: the character and appearance of the area; and the trees subject to the tree preservation order (TPO) within the site and the neighbouring properties.

Reasons

Character and Appearance

4. The development would involve the construction of a detached bungalow within the front garden of the appeal property (No 12). No 12 is a two storey, semi-detached house which is situated at the western extremity of a street that is characterised by a mixture of semi-detached houses and two storey flat blocks. The appealed application having been submitted further to the refusal of permission for a two bedroom, chalet bungalow that was subject to application 15/505185/OUT.
 5. A feature of the streetscene within The Grove is the general consistency of the front building lines, with the result that the houses and flats have relatively generous setbacks from their boundaries with the back edge of the public
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highway. A further characteristic of the immediately adjoining streets is the presence of mature trees located essentially within the rear gardens of a number of the properties and these trees are visible above the roofs or via the spaces between the properties. The significance of some of these trees, including some oak and beech specimens in the grounds of No 12 and the immediately neighbouring properties in Gimble Way has been recognised by the making of a TPO.

6. The bungalow would occupy an advanced position relative to the front elevation shared by Nos 10 and 12 and its roof would be readily visible above the plot's western boundary treatment. I therefore find that because of the bungalow's siting it would appear as prominent addition within this part of The Grove. The fact that this dwelling would be one storey in height would serve to draw attention to its presence, given that no other single storey dwellings are present in this street. I also consider that the incorporation of a light box into the design for the roof would further accentuate the unusual nature of this dwelling's form, by giving it a disproportionately vertical emphasis that would not be in keeping with its surroundings.
7. Although the bungalow would be sited in close proximity to its plot's western boundary, there would otherwise be a reasonable amount of space around this building when regard is paid to the proximity of the open grassed area in front of the flats at Nos 45 to 51. I therefore find that the development would not have a camped appearance.
8. The siting and form for this dwelling would not be in keeping with the rhythm of the development within The Grove and I therefore conclude that it would be harmful to the character and appearance of the area. There would therefore be conflict with Policy CP5 of the Tunbridge Wells Borough Core Strategy Development Plan Document of 2010 (the Core Strategy) and paragraph 64 of the National Planning Policy Framework (the Framework), in that the development would not be of a high quality design and the character and quality of the area would not be improved by this scheme.

Effect on the trees subject to the TPO

9. There is general agreement that the bungalow could be constructed in a manner that would be respectful of the root protection areas for the TPO'd trees within and immediately adjoining No 12. I see no reason to reach a different conclusion on this aspect of the development.
10. The trees identified as T1, G2, T3, T4 and T5¹ in the appellant's arboricultural (tree) report would all be in quite close proximity to the northern facing rear elevation of the bungalow and the presence of those trees would affect the receipt of natural light to and the outlook from the dwelling, including its garden. Trees T4 and T5, in particular, as mature oaks, with a height exceeding 20 metres² and an extensive southerly canopy spread, allowing for their recent pruning, would dominate the dwelling's rear garden and those trees' presence would, in my opinion, have a significant effect upon the receipt of natural light to this outdoor space and the outlook from it.

¹ Respectively an oak, a cluster of holly, a beech, an oak and an oak

² As recorded in the appellant's arboricultural report

11. I also consider that the proximity of trees T4 and T5, in particular, would also have significant implications for the receipt of natural light to and outlook from the bungalow's rearward facing living room.
12. The proximity of the protected trees, most particularly T4 and T5, to the development would therefore be likely to create quite gloomy and oppressive living conditions for the occupiers of the bungalow. This adverse effect on the living conditions for the occupiers of the development could lead to pressure in the future for some or all of these trees to be removed or pruned, which would not be in the interests of safeguarding their group value and the contribution that they make to the wider streetscene.
13. There is therefore potential for there to be a conflict between retaining the protected trees and safeguarding the living conditions for the occupiers of the bungalow. I find that the long term retention of the trees outweighs allowing this development to proceed because of the positive contribution these trees make to the character and appearance of the wider area, while, as I have indicated above, the dwelling's siting would be harmful to the character and appearance of the area.
14. For the reasons given above I conclude that the development has the potential to have an unacceptable effect on the trees subject to the TPO. There would therefore be conflict with saved Policy EN13 of the Tunbridge Wells Borough Local Plan of 2006 and paragraph 118 (the fifth bullet point) of the Framework in that there is potential for trees subject to a TPO to be removed and that the desirability of permitting the development does not outweigh the amenity value of the protected trees.

Other Matters

15. I am sympathetic to the appellant's wish to provide housing for a family member, however, I find this desire to be outweighed by the harm that I have identified.
16. The development would make a contribution to the provision of additional housing in the area, however, that contribution would be a very modest one and is something that I find to be outweighed by the harmful aspects of the development I have identified.

Conclusion

17. For the reasons given above the appeal is dismissed.

Grahame Gould

INSPECTOR