
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: 11th November 2016

Appeal Ref: APP/H2265/W/16/3154035

2 Holborough Road, Snodland, Kent ME6 5NJ

- 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 Michael Perry against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/16/00907/FL, dated 15 March 2016, was refused by notice dated 8 June 2016.
 - The development proposed is conversion of existing ground floor shop sales area to three small shop units and change of use of upper floors to four one bedroom flats and two bedsits. One new courtyard cottage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are: whether the development would preserve or enhance the character or appearance of the Snodland Conservation Area (the CA); and the adequacy of the living conditions for the occupiers of the residential properties that would be created, with particular regard to outlook and privacy.

Reasons

Conservation Area

3. The appeal premises (No 2), which are currently vacant, are part two and part single storey in height and occupy a prominent position at the crossroads junction between Holborough Road, High Street and Malling Road. No 2 is situated within a mixed used CA, which at this point comprises mainly town centre type commercial uses at ground floor with commercial and/or residential occupancy at first floor level and above. The CA's significance derives from the properties within it dating for the most part from the same era and having uncomplicated forms.
 4. The development would involve the upward extension of No 2 to enable four floors of accommodation to be provided within the main frontage building. The resulting building's ground floor would be occupied as three shop units, with four flats and two bedsits occupying the floors above and the roof space. To the rear an attached single storey warehouse would be demolished and replaced by a detached single storey dwelling (the bungalow).
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5. The existing premises, especially the rear warehouse, are of no special architectural merit, nevertheless I found the frontage building to be making a positive contribution to the CA's appearance. The frontage building is generally well proportioned, notwithstanding the first floor window arrangements, and is not incompatible with the two storey buildings within the immediately surrounding area. The raising of the building's roof and the new window arrangements, most particularly those for the front and southern elevations, would give the resulting building a very strong vertical emphasis and I find that this would give it a top heavy appearance, which would not be in sympathy with the streetscene within the CA. I consider the resulting detrimental effect upon the building's proportions to be indicative of the development being an over intensive one for this site.
6. It is intended that the roof level bedsits would in part be illuminated by rooflights fitted with balconies. However, this design feature would be an uncharacteristic one within the CA, given that the front facing, roof level accommodation in the streets within the immediate vicinity of No 2 area are illuminated by windows in dormers.
7. While there are some three storey buildings within and immediately adjoining High Street, their third storeys looked as though they had been constructed when those buildings were originally built in the Victorian period. I found these other three storey buildings to have a well-proportioned appearance. The new development by contrast would not be well proportioned and I therefore find that the presence of some three storey buildings in the area does not provide a justification for the development.
8. For the reasons given above I conclude that the development would neither preserve nor enhance the appearance of the CA. There would therefore be conflict with the Tonbridge and Malling Local Development Framework (the LDF), most particularly Policies CP1 and CP24 of the Core Strategy of 2007 and Policy SQ1 of the Managing Development and the Environment Development Plan Document of 2010. The conflict with the LDF's policies would arise because the development would not be of a high quality and would not enhance the historic environment or reflect local distinctiveness.
9. Given the development's harmful appearance there would also be conflict with the policy for good design set out in the National Planning Policy Framework (the Framework), most particularly paragraphs 17 (the fourth core planning principle), 56 to 58 and 60 to 61.
10. Notwithstanding harm that there would be to the CA's appearance the CA's character, in land use terms, would be preserved, given its and the development's mixed use character.
11. I recognise that the development would assist in bringing a vacant commercial building back into use and that there would be some economic and social benefits in providing three shop units and seven low cost dwellings. However, I find that those public benefits of the scheme to be outweighed by the harm to the appearance of the CA that I have identified. I consider the harm to the CA would be less than substantial when considered within the context of paragraphs 133 and 134 of the Framework. Nevertheless I find that the benefits of the development to be outweighed by the harm to the CA's appearance that would arise.

Living Conditions

12. No 2 occupies an irregularly shaped and relatively small plot and because of that the outlook from the bungalow would be highly constrained. That is because the bungalow would be in close proximity to the rear of what would become a three storey building and the rear of No 4 and the outlook from the lounge and bedroom would only be possible via the single windows serving each of those rooms. Given the very limited outlook that would be available to the occupiers of the bungalow, I find that inadequate living conditions for its occupiers would be available. The available outdoor space would be of limited extent and given its layout I consider it would be of limited utility for the occupiers of the development. I therefore find that the outdoor space to be provided would not serve as adequate compensatory mitigation in the absence of a reasonable level of outlook for the occupiers of the bungalow.
13. Some mutual overlooking between the bungalow's bedroom window and the window's in the frontage building's rear elevation would be possible. However, I find that that overlooking, because of the obliqueness of the angles involved, would be at a level that would not give rise to any unacceptable loss of privacy for the occupiers of the development.
14. For the reasons given above I conclude that the occupiers of the bungalow would have a very poor level of outlook available to them, resulting in the availability of inadequate living conditions for them. There would therefore be conflict with Policy CP1 of the Core Strategy insofar as the bungalow would not meet the needs of its occupiers.

Other Matters

15. It has been submitted that, in comparison with a previously approved scheme, subjection to planning permission TM/15/02396/FL, the appeal development would render the site's redevelopment viable. However, no evidence has been submitted clearly demonstrating that the approved scheme would be unviable. Accordingly I find that I can only attach very limited weight to the appellant's viability submissions and these do not persuade me that permission should be granted. It is also contended that the approved scheme would be for a 'more cramped development' than the appeal scheme. While that may be the case I am required to consider the appeal scheme on its own merits and that is what I have done.

Conclusion

16. The development would neither preserve nor enhance the CA's appearance and would provide unacceptable living conditions for the occupiers of the bungalow. That harm outweighs the benefits of the development and the appeal is therefore dismissed.

Grahame Gould

INSPECTOR