
Appeal Decision

Site visit made on 5 December 2016

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 14 December 2016

Appeal Ref: APP/M2270/W/16/3155692

35 Hillcrest, Southborough, Royal Tunbridge Wells TN4 0AL

- 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 Marc Woods against the decision of Tunbridge Wells Borough Council.
 - The application Ref 16/501310/FULL, dated 15 February 2016, was refused by notice dated 20 May 2016.
 - The development proposed is to demolish bungalow and build 4 new properties with on-site parking accessed via 3 x new dropped kerbs.
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Decision

1. The appeal is allowed and permission is granted to demolish bungalow and build 4 new properties with on-site parking accessed via 3 x new dropped kerbs at 35 Hillcrest, Southborough, Royal Tunbridge Wells TN4 0AL, in accordance with the terms of the application, Ref 16/501310/FULL, dated 15 February 2016, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

3. The appeal site, which is roughly square, lies on the corner of Hill Crest and Brian Crescent and is currently occupied by a single storey bungalow. There are also bungalows on the opposite corner of the road junction, the other side of Hill Crest and the first plots on either side of Brian Crescent. However, to the east of the appeal site, Hill Crest becomes Brokes Way and is lined with blocks of two storey development comprising houses, flats and maisonettes.
4. The proposal is to demolish the existing bungalow and construct a short terrace of four properties fronting onto Hill Crest alongside Nos 104-110 Brokes Way. The first three properties would have a parking space in front and a small garden to the rear, whilst the fourth property on the corner would have a side as well as a small rear garden and its parking space would be accessed from Brian Crescent. The terrace would be two storey in character, but front and rear facing roof lights would serve bedrooms in the roof space. The fourth property, which would turn the corner with windows in the end elevation, would

also have an unseen basement, a small single storey projection to the rear and would be staggered slightly forward from the others.

5. The proposal would represent a significantly higher density development on this relatively prominent corner site compared to the existing low profile bungalow. However, the site forms the transition between the lower density bungalows/chalet bungalows lining Hill Crest and the higher density housing on both sides of Brokes Way. The site adjoins two storey development to the east and there is no reason in townscape terms why the transition should not occur at Brian Crescent. The ground floor level of the two storey terrace would be below the road like Nos 104-110 adjacent, and the eaves and ridgelines would be about the same as that block. This could be the subject of a condition.
6. The bedrooms within the roof space of each property would be contained within the pitch of the roof and would not therefore be seen as an additional storey of development. The front and rear roof lights serving these rooms would be visible within the street scene, but would not project above the pitch of the roof. No prominent dormer windows are proposed either to the front or rear, and their introduction in future could be controlled by condition.
7. Whilst the properties in Brokes Way to the east take the form of pairs of semi-detached houses, there are terraces slightly further away so the scheme would not be out of character with the area as a whole. There would be a noticeable gap between the terrace and Nos 104-110 and the elevation facing Brian Crescent would be set back retaining side space at the corner. As such, the development would not appear unduly cramped or out of place along Hill Crest/Brokes Way. Although the terrace would be more prominent than the existing bungalow in the view up Brian Crescent towards the site this would not be so significant as to justify refusal.
8. Car parking immediately in front of houses is not characteristic of the area but landscaping could be required by condition to mitigate the visual impact in the street scene.
9. For these reasons the proposal would not cause significant harm to the character and appearance of the area and would comply with Policy EN1 of the Tunbridge Wells Borough Local Plan 2006 and Policies CP4 and CP5 of the Tunbridge Wells Borough Core Strategy 2010. These require the design of development encompassing scale, layout, orientation, site coverage and external appearance to respect the context of the site, to be of high quality and to conserve the sense of place.

Other matters

10. Although not raised by the Council as reasons for refusal, I have carefully considered all the other objections to the proposal. Most representations concern the on-street parking problems in the area which appear to result from the lack of off street parking serving the Brokes Way properties to the east. However, the proposed houses would have a parking space each which meets the Council's standard in a sustainable location such as this. Whilst there would be some reduction in the opportunities for on street parking, this would not be significant in the area as a whole and may have the benefit of reducing parking in the vicinity of the junction. There were no objections from the local highway authority regarding highway safety.

11. The new terrace would face towards the bungalows across the road and on the opposite corner site but this is the norm in a built up area and, even with roof lights, would be far enough away to avoid any material reduction in privacy. To the north the terrace would look towards No 29 and a lesser extent No 31 Brian Crescent, two bungalows situated on lower ground. These would be more affected, but No 31 already lies behind Nos 104-110 and has its garden to the north. No 29 faces west, away from the terrace, with its screened rear garden to the north east. The rear facing roof lights and half the rear facing first floor windows would be obscure glazed/non opening to safeguard privacy within these bungalows and their gardens. Notwithstanding the difference in levels, the distance involved would mean the overshadowing or overbearing effect of the terrace would be limited.
12. Whilst there is demand for bungalows the proposal would provide an increase of three much needed dwellings with social and economic benefits for the area. The Council accept that it cannot at present demonstrate a five year supply of deliverable housing sites. The noise and disturbance from additional residents would not be significant and the impact on drains and drainage would only be marginal. Finally, disruption during construction would only be temporary and is not a sufficient reason to withhold consent.

Conditions

13. The Council suggested a number of conditions should the appeal be allowed and I have assessed these against the relevant tests, making amendments as required. In addition to the standard implementation time limit it is necessary to define the plans which have been approved in the interests of certainty. Conditions to control the materials to be used, boundary treatments and floor levels/ridge height are necessary to ensure the satisfactory appearance of the development together with conditions to require and maintain landscaping to safeguard the appearance of the area.
14. Conditions are also necessary to ensure that the approved parking spaces are laid out and then retained on site in the interests of highway safety. Finally, conditions are necessary to remove permitted development rights to extend or alter the roofs of the dwellings¹ and to ensure certain north facing windows are obscure glazed/non opening to protect the amenities of adjoining occupiers.

Conclusion

15. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

¹ Class C rights as well as Class B which was suggested by the Council

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 002 Rev. B; Proposed Site Plan
 - 003; Location Plan. Existing and Proposed Site Plan
 - 004 Rev. B; Proposed Elevations and Basement Plan
 - 005 Rev. B; Proposed Ground and First Floor Plans
 - 006 Rev. B; Proposed Second Floor and Roof Plans
 - 007 Rev. B; Sections – Plots 1 and 2
 - 008; Sections – Plots 3 and 4
 - 009; Street Visual
- 3) No development above slab level shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 4) No development above slab level shall take place until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. These details shall cover as appropriate: Proposed finished levels or contours; Hard surfacing materials; Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables.
- 5) The proposals for landscaping shown on the approved layout shall be carried out in the first planting and seeding season following occupation of the buildings or the completion of the development (whichever is the earlier) or in accordance with a programme agreed with the local planning authority. All hard and soft landscape works shall be carried out in accordance with the appropriate British Standards or other recognised Codes of Good Practice. All new planting shall be adequately staked and tied and shall be maintained for a period of 5 years. Any trees or plants which, within this period, are removed, die or become seriously damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as previously approved, unless the local planning authority gives written consent to any variation.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Class B or C of Part 1 of Schedule 2 of that Order.
- 7) Before the first occupation of the dwellings hereby permitted the first floor bathroom windows and all second floor roof lights on the rear (north) roof slopes of Plots 1-4 inclusive shall be fitted with glass that has been obscured in the manufacturing process to Pilkington level 3 or higher (or equivalent) and shall be non-opening up to a height of 1.7m above

internal floor level. Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter meet these requirements at all times.

- 8) The areas shown on drawing 002 Rev. B as vehicle parking space shall be provided before the dwellings are first occupied, and shall be retained at all times for the use of the occupiers of, and visitors to, the development. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order), shall be carried out on the areas of land so shown or in such a position as to preclude vehicular access to these parking spaces.
- 9) No development shall take place until details of the existing and proposed finished floor levels, eaves and ridge heights, including surrounding land levels, and those of Nos 104-110 Brokes Way for reference, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out strictly in accordance with the approved details.
- 10) Notwithstanding the details shown on drawing no. 002 Rev B Proposed Site Plan and 009 Street Visual no development above slab level shall take place until full details of the proposed walls/fences within the application site have been submitted to and approved in writing by the local planning authority. The walls/fences as approved shall then be carried out in accordance with the approved details prior to first occupation of the dwellings hereby permitted.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure shall be erected within the application site area other than those approved in relation to condition 10.