The Planning Inspectorate

Appeal Decision

Site visit made on 24 November 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/M2270/W/16/3155609
Wrencott, 13 Church Road, Paddock Wood, Tonbridge, Kent TN12 6EX

- 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 John Hawkins of Kentstone Residential Ltd against the decision of Tunbridge Wells Borough Council.
- The application Ref 15/504455/FULL, dated 15 May 2015, was refused by notice dated 19 February 2016.
- The development proposed is demolition of Wrencott and the construction of 10 number 2 bedroom apartments with new point of access and fifteen car parking spaces.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - the effect of the proposed apartment building on the character and appearance of the surrounding area;
    - the effect of the proposed apartment building on the living conditions of neighbouring occupiers within properties to the east and west with particular regard to outlook;
    - the effect of the proposed access to the apartment building on highway safety.

Reasons

Character and appearance

3. Church Road is located within the centre of Paddock Wood and comprises a mix of development, including blocks of flats and detached, semi-detached and terraced houses that are mostly single or two storeys in height with pitched roofs. The style of development is varied and set behind open front gardens and the combination of these factors result in a mixed character to the area.

4. The site currently comprises a bungalow set back within the site, approximately in line with the neighbouring terrace of houses. The proposal would provide a two storey block of flats with additional floor within the roofspace that would be set further forward, in line with the flats to the opposite side of the site. It would extend back into the site significantly to the rear of neighbouring

buildings, with hard surfaced parking and access, bin and cycle storage that would extend over the majority of the site, leaving limited space for soft landscaping to the front and rear.

5. Although partially disguised by the flat roof, the proposed building would appear taller than surrounding development, with the accommodation within the roof space, including recessed balcony and half hipped roof facing the road contributing to that appearance of height. This, combined with the considerable depth of the building with ridge set at right angles to most other buildings in the road that accentuates the depth of the proposed building, would result in a bulky building that would appear prominent and obtrusive such that it would be incongruous within the street scene.

6. I accept that the design has sought to break up the bulk of the building and provide visual interest through the use of materials and variety in the height and form of the development. However, these matters are not sufficient to overcome the harm to the character and appearance of the area that I have found.

7. For these reasons, I consider that the proposed block of flats would harm the character and appearance of the surrounding area. As such, the proposed development would be contrary to Policies CP4 and CP5 of Tunbridge Wells Borough Core Strategy (CS) and Policies EN1 and H5 of the Tunbridge Wells Borough Local Plan (LP) that seek high quality design to conserve and enhance the public realm and character of the area.

Living conditions

8. The proposed block of flats extends a significant distance back within the site and well beyond the rear elevation of neighbouring buildings. Whilst it would be staggered away from the boundaries toward the rear, the depth of the proposed block of flats combined with the height of the proposed building would remain within close proximity to the boundaries with neighbouring properties. Consequently, the scale of development would result in the building dominating the rear garden areas of neighbouring flats and houses fronting Church Road, and the outlook from them.

9. I note that the living room windows of neighbouring properties face directly forward or to the rear and that limits any effect on occupiers within their properties. The modest gap to the boundaries would be sufficient to ensure the proposed building would not affect daylight or sunlight within the rear garden areas of those neighbouring flats and houses. Positioning of windows within the proposed building would reduce opportunities for overlooking of neighbouring properties, such that the privacy of neighbouring occupiers would not be materially affected by the proposed development.

10. But nevertheless, for the reasons given above the proposed block of flats would harm the outlook of occupiers of the neighbouring flats and houses to east and west such that their living conditions would be adversely affected to an unacceptable degree. As such, the development would be contrary to Policy EN1 of the LP that requires development not to cause significant harm to the living conditions of adjoining occupiers.

Highway safety

11. The proposed access would be close to a bend in the road such that cars waiting to turn right into the access would be stationary close to this bend, and the Council are concerned that they may not be visible to cars approaching from behind.

12. A speed survey has been provided that demonstrates an 85th percentile dry weather speed of 18mph around that bend. Although the Council query the accuracy of the survey, there is no other evidence to substantiate that concern. Visibility has been shown at 35m across highway land, although the Council dispute this and estimate that it is only 23m. In either case, I understand that it would be at or above the relevant standard provided by Manual for Streets that suggest a minimum safe stopping distance, adjusted for bonnet length, of 23m at 19mph. I accept that vehicles would ordinarily accelerate after the bend, such that they may be travelling faster along the straight section of Church Road outside the site. However, stationary vehicles would be visible from the bend, such that approaching vehicles would be able to react to the situation ahead.

13. As a result, I conclude that the proposed access to the block of flats would provide safe and suitable access to the site that would not harm highway safety such that the transport impacts of the proposed development would not be severe. As such, the proposed development would comply with Policies EN1 and TP4 of the LP that seeks to ensure development would not significantly worsen traffic conditions, including the risk of accidents and seek to protect the safe use of the road network. Policy TP5 of the LP relates to parking provision and there is no suggestion that this is inadequate, so is not relevant to the effects on highway safety in this instance.

Other matters

14. I note that the proposed bedrooms would be provided with clear glazed and opening windows and that there would be good natural light provided to the flats and there is access to outside space, including balconies at second floor. On that basis, I consider that the living conditions of future occupiers would be satisfactory.

15. I note that there is a population of slow worms within a short distance of the site. However, no evidence has been presented to confirm that protected species are present on the site itself or would be affected by the proposed development. On that basis, I do not consider that protected species are likely to be adversely affected by the proposed development.

16. Reference is made to there being a lack of supply of housing in the borough and the proposed development would provide 10 dwellings toward that supply. The appeal site would be an appropriate location in principle for new housing and the proposal would make a contribution to the supply and mix of housing in the area. However, the harm that I have identified to the character and appearance of the area and to the living conditions of neighbouring occupiers significantly and demonstrably outweighs the benefit of the development to the local housing supply.

Conclusion

17. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR