
Appeal Decision

Site visit made on 9 January 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 30th January 2017

Appeal Ref: APP/M2270/W/16/3157765

Land at Rosemary Place, Paddock Wood, Kent TN12 6DG

- 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 Trinoak Holdings Ltd against the decision of Tunbridge Wells Borough Council.
 - The application Ref 16/503577/FULL, dated 25 April 2016, was refused by notice dated 22 July 2016.
 - The development proposed is replacement of single storey car port and erection of a one bedroom, first floor starter home.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to light and outlook.

Reasons

Character and appearance

3. The appeal site is formed by the rear parking area, garaging and access associated with Nos. 10-17 Rosemary Place. It appears part of a small residential development of two storey houses and flats fronting onto Maidstone Road which, in proximity to the appeal site, is a predominantly residential street with a mix of two storey and single storey detached and semi-detached dwellings. To the rear of the appeal site and accessed through the site is an industrial area and there are single storey industrial buildings abutting the boundary to the rear.
 4. The residential buildings that form Rosemary Place are of a traditional appearance with an attractive variety of architectural features and detailing, including rendered bay windows, porches, Georgian style flat roof dormer windows, horizontal stone banding and soldier courses. This is reflective of the attractive vernacular of dwellings in this part of Paddock Wood.
 5. The car port that is the subject of this appeal is a simple, single storey cart lodge style building constructed from a timber frame with weatherboarding,
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- under a hipped slate roof. It is located in the corner of the rear parking court behind Nos. 10-17 and appears as a subservient and attractive building of a comparable scale to the industrial units and reflecting and complementing the character and appearance of Rosemary Place, being an integral part of it.
6. Although the proposal would have rendered walls, which would tie in with Nos. 10 -17, it would be of a contemporary design and the use of profiled metal sheet roofing would be more akin to the neighbouring industrial buildings to the rear than Rosemary Place to which it belongs. In particular, the roof form which comprises three separate roof planes would be an uncharacteristic one for the area, with simple gable ended and hipped roofs being the prevailing characteristic on both neighbouring residential and industrial buildings.
 7. I note that the appellant considers that it would provide a transition between the residential and industrial buildings but the existing building is clearly read as a subservient and ancillary part of Rosemary Place. In combination with the height and bulk of the building it would result in a jarring and visually incongruous addition that would sit in stark contrast to the prevailing character and appearance of the properties within Rosemary Place. In its context I do not consider it would represent a high quality of design.
 8. For these reasons, the proposal would cause significant harm to the character and appearance of the area and would conflict with Policy EN1 of the Tunbridge Wells Borough Local Plan 2006 ('LP') and Policy CP5 of the Tunbridge Wells Borough Core Strategy Development Plan Document 2010 ('CS'). Amongst other things these require the design of a proposal, including external appearance and roofscape to respect the context of the site and be of a high quality of design. Although the LP and CS pre-date the National Planning Policy Framework ('the Framework') I find these policies are consistent with it. Accordingly, the proposal would also conflict with the design objectives of the Framework.

Living conditions

9. The proposal would be served by velux rooflights located within the rear roof plane and high level windows at the front. Given the open plan layout of the unit and in combination with windows and entrance door in the flank elevations, future occupiers would therefore have an adequate level of natural light.
10. However, because the windows would be at a high level future occupiers would limited openings that would allow outlook from the dwelling and to my mind, the glazing either side of the entrance door and small window in the flank elevation would not be sufficient to prevent what would be an oppressive and overbearing outlook for future occupiers. The contention that the unit is open plan does little to persuade me that such living conditions would be acceptable.
11. For these reasons, the proposal would not provide adequate living conditions for future occupiers in terms of outlook and consequently, would not represent a high quality of design. In this respect it would conflict with Policy EN1 of the LP and Policy 5 of the CS insofar as it requires developments to be of a high quality of design. The proposal would also conflict with the Framework insofar as planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

12. I note that the Council have confirmed that they do not have a five year supply of housing land. However, the principle of housing is not at issue in this appeal and the policies which form the basis for the Council's objections are criteria based policies regarding qualitative and aesthetic design and amenity considerations rather than policies that constrain the supply of housing land. In this particular case, the development plan is not absent, nor is it silent, the relevant policies are not out of date and the proposal would not accord with it. Accordingly, it would not be the sustainable development for which the Framework indicates a presumption in favour.
13. In the unweighted balancing exercise required the limited economic and social benefits from the provision of one additional smaller dwelling suitable for first time buyers and in an accessible location, do not outweigh the significant harm to the character and appearance of the area and harm to the living conditions of future occupiers in terms of outlook, that I have identified.
14. The first reason for refusal cites conflict with Policy CP4 of the CS. However, I find this to be of limited relevance to this case because, on the evidence before me, the appeal site and its immediate surroundings are not subject to a conservation area designation or any other special character or landscape designations.

Conclusion

15. For the reasons set out above the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that the proposal should be determined other than in accordance with the development plan and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR