
Appeal Decision

Site visit made on 16 January 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 7 February 2017

Appeal Ref: APP/M2270/W/16/3159257

3 High Street, Pembury, Tunbridge Wells TN2 4PH

- 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 Launch Pad Developments LLP against the decision of Tunbridge Wells Borough Council.
 - The application Ref 14/500601/FULL, dated 11 June 2014, was refused by notice dated 19 August 2016.
 - The development proposed is the demolition of existing buildings on site; erection of new residential development incorporating 14 No. flats; hard and soft landscaping to provide parking and turning areas; use of access onto Camden Avenue.
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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, including the effect on the Pembury Conservation Area, the effect on the setting of the Grade II listed Camden Arms, and the effect on trees; and
 - whether the proposal would provide acceptable living conditions for future occupiers in relation to privacy.

Reasons

Character and appearance

3. The rectangular appeal site lies on the corner of the High Street and Camden Avenue in the centre of the village of Pembury and occupies a prominent central position within the Pembury Conservation Area (CA). At present the site is occupied by an unattractive flat roofed car repair workshop dating from the 1930s and the proposal is to replace this with a block of flats. The flats would have four floors of accommodation but the top floor would be within the roof space served by a series of gable end and dormer windows.
4. The Pembury CA comprises the area around the triangular village green together with parts of the High Street to the west and Hastings Road to the east. The CA appraisal states that the variety of building styles and age of buildings from the 18th century through to modern contribute to its character and reflect its incremental evolution. Further variety, with a set of flats on the appeal site, would not therefore be out of place.

5. However, the appraisal also observes that this variety is generally domestic in scale and character and in this way the CA forms a homogenous whole. The nearest buildings lining the High Street on the other side of Camden Avenue and opposite the appeal site are of two storeys, in just one case also having dormer windows. By contrast, the proposal would have three full storeys plus gable and dormer windows making a fourth storey of accommodation clearly apparent. The building would not therefore be similarly domestic in scale and would be over dominant when seen in the context of its surroundings.
6. This would be particularly apparent in views from the village green, the most important open space within the CA and fundamental to its character. The proposal would occupy a prominent site at the south west corner, overlooking the open space, on higher ground and opposite one arm of Lower Green Road. From this direction the proposal would appear as a stark contrast to the two storey flat roof building on the opposite corner of Camden Avenue and the low profile two storey Camden Arms which occupies a central position at the top of the green. The intervening gap due to the car park is not sufficiently wide to avoid an awkward visual juxtaposition of the two buildings. There is a large three storey building overlooking one side of the green but this is not at a main focal point and is set well back behind a tall brick wall¹.
7. The excessive height of the proposal is illustrated by the figures which show the ridge height of the flats would be over 5 m higher than Nos 4-6 High Street directly opposite the appeal site, and over 3 m higher than No 2 which faces slightly more towards the green. The ridge would also be over 5 m higher than the flat roof of Nos 5-7 on the opposite corner of Camden Avenue. Although no figure is provided, the ridge would also be significantly higher than that of the Camden Arms, the most important building in the vicinity².
8. The first section of Camden Avenue comprises pairs of semi-detached houses and slopes up from the High Street. Due to this change in levels and the smaller scale of the closest part of the building, with a side facing pitched roof, and a separation distance similar to others in the road, the visual relationship of the proposal with No 16, the first house, would be satisfactory. The building would be set closer to the road than No 16, but as a distinctive corner site, a different building type without an equivalent front garden and sited opposite commercial premises, this would not be incongruous in the street scene.
9. The Camden Arms is an attractive Grade II listed building, a former coaching inn dating from the 18th century which forms an important part of the history of the village. Wide fronted, of two storeys with sash windows, pitched roof and tall chimneystacks, at present it dominates the top of the green. Although separated by a wide car park, the proposed building would challenge this visual dominance, detracting from the setting of the listed building due to its excessive height and bulk. It would therefore be a jarring feature when seen in the same view as the listed building, both when approaching along the High Street or Hastings Road and when seen from the green to the north.
10. The existing building on the appeal site is set back from the High Street behind a deep forecourt as well as a roadside parking bay, allowing long distance views of the side elevation of the Camden Arms from the west. Whilst the

¹ Further west along High Street are a small number of other three storey properties but these are not seen in the same context as the appeal site.

² Grounds of appeal paragraph 6.6

proposed building would be set further forward, reducing these views, the large car park would continue to allow the side elevation of the listed building to be easily seen, thus maintaining its visibility and appreciation by the public. There would still be space for a low hedge and some soft landscaping around the corner of the building which would be sufficient given the built up village centre location of the site.

11. A row of five sizeable Maple trees are situated along the eastern boundary of the appeal site within the car park. There is no dispute that, with suitable protection, these would be unlikely to be affected by the construction of the flats. However, the Council remain concerned that there would be pressure from future residents to reduce or remove these trees as they would obscure light and outlook from the windows on that side of the building.
12. In order to address these concerns, the scheme has been designed so that the living room and bedroom of Units 2 and 7 would only have secondary windows facing the trees. Whilst the bedroom and living room windows of Units 4 and 9 would be affected, these would be set back a few metres from the boundary, particularly in the case of the living room. Similarly, on the top floor, the living room window of Unit 14 and bedroom windows of Unit 13 would be set back, and whilst the kitchen/diner window of Unit 13 would be close to the trees there would also be a main living room window facing onto the High Street.
13. In the light of these detailed design features it is not certain that future residents would seek to have the trees cut back or removed. Doing so would open up views of the hotel car park with the likelihood of greater noise and disturbance and a loss of privacy. In any event, the trees would not be within the same ownership and any works would require consent from the Council.
14. Whilst the proposal would cause harm to two designated heritage assets, the Pembury CA and the Grade II listed building, in relation to the National Planning Policy Framework (NPPF) there would be less than substantial harm to their significance. The site only forms a small part of the CA when considered as a whole and the flats would harm the setting of the listed building rather than the building itself. The scheme would remove the existing unattractive building on the site and provide 14 new flats, both public benefits, but these do not outweigh the ongoing harm that would occur in this case. Great weight should be given to the conservation of designated heritage assets and these concerns therefore count against the appeal.
15. For these reasons, whilst unlikely to affect the adjacent trees, the proposal would harm the character and appearance of the area, neither preserving the character or appearance of the Pembury CA or the setting of the nearby Grade II listed Camden Arms. This would conflict with Policies EN1, EN5 and EN21 of the Tunbridge Wells Borough Local Plan 2006 and Policies CP4, CP5 and CP14 of the Tunbridge Wells Borough Core Strategy 2010. These seek to ensure development respects the context of the site in terms of scale, preserves the character of the relevant part of the CA, protects the appearance and open character of Pembury village green and maintains special village character.

Living conditions

16. The layout of the proposed flats would allow potential interlooking between the bedroom of flats 2 and 7 and the main bedroom of flats 4 and 9. The views would be mutual but they would only be oblique, with one corner of the

bedrooms concerned suffering some loss of privacy. However, as pointed out by the appellant, oriel windows with an obscure side panel could be installed in flats 4 and 9 to prevent these oblique views and this could be secured by imposing a suitable condition on any permission.

Other matters

17. It is recognised that the existing building on the appeal site is unattractive but this does not justify its replacement by a building which would also harm the character and appearance of the area.
18. The proposal would provide fourteen much needed dwellings in a range of different sizes, in a sustainable location and with important social and economic benefits for the village. This would include additional activity in and natural surveillance of the village centre, particularly in the evenings. There is no dispute that the Council cannot demonstrate a five year supply of deliverable housing sites and as such policies for the supply of housing are out of date. However, the policies listed in paragraph 15 seek to maintain the quality of built up areas and protect heritage assets, and these aims are fully in line with those in the NPPF and are not out of date. There is no objection to residential development on the site in principle, but the concerns that have been identified regarding this specific proposal are such that the adverse impacts would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development does not therefore apply in this case.

Conclusion

19. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR