

Appeal Decision

Site visit made on 24 January 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 09 February 2017

Appeal Ref: APP/M2270/D/16/3163744

131 & 133 St Johns Road, Tunbridge Wells, Kent TN4 9UG

- 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 Miss Julie Cons & Mrs Claire Godley against the decision of Tunbridge Wells Borough Council.
 - The application, Ref. 16/505048/FULL, dated 2 June 2016, was refused by notice dated 4 September 2016.
 - The development proposed is described on the appeal form as '*a change of ornamental garden features to the front of the properties to a shared dropped kerb to facilitate vehicle cross over at 131/133 St Johns Road TN4 9UG*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the street scene of St Johns Road.

Reasons

3. The Council's concern as to the effect of the proposal is twofold: the loss of a pavement tree in front of No. 133 and the loss of the front gardens to a hard surface. In both cases it is considered that the outcome would be a substantial loss of visual amenity to this part of St Johns Road.
 4. In respect of the tree, I accept the evidence of the appellants' arboricultural assessment report that by careful adherence to the guidance in BS 5837 the proposal could be implemented without any medium to long term adverse effects on its health and therefore longer term retention. This is therefore an important point in favour of the appeal being allowed.
 5. As regards the change of the front gardens to a parking area, I saw on my visit that the two terraces of three storey buildings on this side of St Johns Road between Beltring Road and Southfield Road are a locally distinctive feature in the street scene. There is considerable symmetry between the individual buildings and together the terraces establish a strong rhythm of development. Whilst these factors are in themselves important to the character and appearance of the area, I consider the presence of the front gardens with their lawns, hedges, shrubs, individual pathways to the front doors and low front boundary brick walls is also significant to the visual amenity of the area.
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6. A number of the properties have been divided into flats, as evidenced by the proliferation of satellite dishes and refuse collection bins, but overall the terraces have retained their traditional character. In my view this provides a pleasing contrast with the overtly commercial frontages to the south of Beltring Road.
7. The introduction of frontage parking to the front of Nos. 131 and 133 would have a harmful effect on this part of St Johns Road, not only through the loss of gardens and front boundary walls but also the appearance of the cars within the relatively limited frontage widths and depths. Furthermore, if I were to allow this appeal the Council could not reasonably refuse permission for the other properties in the terraces. Given the convenience of off road parking to the occupiers, I would expect considerable pressure for such permissions and the cumulative effect would significantly increase the harm caused.
8. On the opposite side of the road and on both sides north of the junction with Southfield Road there is a more spacious and suburban character. Because of this difference I do not consider that comparisons with the appeal site and its neighbours as regards access and parking and its visual impact are particularly relevant.
9. I fully recognise that increased off road parking provision in this area would have advantages, including reducing parking pressure on the roads, increasing the capacity of St John's Road and the removal of parked vehicles from the cycling lane. It may well be that at some point the Council takes the view that these advantages outweigh the harm that it has identified in the Notice of Refusal and the officer's report. However, a permission for just two adjoining properties in this case would be harmfully incongruous to the character and appearance of the western side of St Johns Road between Beltring Road and Southfield Road. It would weaken the pleasing local distinctiveness of the terraces.
10. Despite the likely retention of the pavement tree this would be in conflict with Policy EN1 of the Tunbridge Wells Borough Local Plan 2006; item 7 of Core Policy 5 of the Tunbridge Wells Borough Core Strategy 2010, and Government policy in the National Planning Policy Framework 2012. I have noted the appellants' complaints that the Council has not dealt with the proposal in a timely, positive and proactive manner. However whilst this may be the case, I regard the officer's report as adequately appraising the advantages and drawbacks of the proposal and reaching a balanced and justified conclusion.
11. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR