

Appeal Decision

Site visit made on 23 January 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/M2270/W/16/3160895

Garage at rear of 2 Beulah Road, Tunbridge Wells, Kent

- 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 Patrick Randall against the decision of Tunbridge Wells Borough Council.
 - The application Ref 16/501218/FULL, dated 11 February 2016, was refused by notice dated 8 September 2016.
 - The development proposed is described as 'amendment to application ref: 15/505039/FULL – demolition of boundary wall and partial reinstatement with associated landscaping'.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of a boundary wall and partial reinstatement with associated landscaping at Garage at rear of 2 Beulah Road, Tunbridge Wells, Kent in accordance with the terms of the application, Ref 16/501218/FULL, dated 11 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: SD/470/02G (Location Plan, Block Plan and 2D and 3D Elevations).
 - 2) The wall to be constructed, as shown on drawing SD/470/02G, shall be constructed within 6 months of the date of this permission.

Procedural Matters

2. The development affects the site for a garage to the rear of 2 Beulah Road and that address is given on the decision issued by the Council, while the application form refers to the address as being the garage on the north west side of St James Road. The appellant has not objected to the address used by the Council and it more explicitly explains where the site is and I have therefore used the changed address in the banner heading and formal decision above.
 3. The development has for the most part been implemented in that a wall fronting St James Road has been demolished and a hardstanding with a gravelled surface has been formed. To complete the development it is proposed that a 3.5 metre long boundary wall would be built. I have therefore determined this appeal as being for development which has been commenced but not completed. The description of the development used on the application
-

form refers to a previous application; that reference is unnecessary and I have therefore not repeated it in the formal decision above.

Main Issue

4. The main issue is the effect of the hardstanding's use on pedestrian safety.

Reasons

5. The site is within the Tunbridge Wells Conservation Area (the CA), which in Beulah Road and St James Road is essentially residential in character. The CA at this point is subject to an Article 4(2) Direction which has removed the permitted development rights that would otherwise be available for the installation of hardstandings and the erection of walls and fences. The Council accepts that the development has preserved the character and appearance of the CA and I have no reason to reach a different conclusion in that regard.
6. The site is roughly triangular in shape and that means that its depth is less than the 5.0 metre parking bay length referred to in the Kent Vehicle Parking Standards of 2006. I recognise that the hardstanding has insufficient depth to accommodate all cars, however, the photographs submitted as part of the appellant's case show that small cars are capable of being parked on the hardstanding without them overhanging the footway in St James Road. I consider it unlikely that drivers with cars longer than the site's depth would seek to use a parking area that was too short to accommodate their vehicles. In that respect no evidence has been provided demonstrating that hardstanding's use has led to parked cars overhanging the footway and causing an obstruction for pedestrians.
7. On the available evidence I therefore conclude that the use of the hardstanding for parking purposes is not resulting in harm to pedestrian safety and in that respect I find there to be no conflict with saved Policy EN1 of the Tunbridge Wells Borough Local Plan of 2006 (the Local Plan).
8. The reason for refusal alleges conflict with saved Policy EN5 of the Local Plan and Core Policy 4 of the Tunbridge Wells Borough Local Development Framework Core Strategy of 2010. However, those policies do not address pedestrian safety and I therefore find them not to be relevant to the determination of this appeal. The reason for refusal refers to conflict with the National Planning Policy Framework (the Framework) without specifically identifying what that conflict might be. Section 4 (Promoting sustainable transport) is the most relevant part of the Framework and I find there to be no conflict with it arising from the development.

Conditions

9. The Council has suggested various conditions and I have considered the need for their imposition having regard to the provisions of the Framework and the Planning Practice Guidance. As the development has been commenced there is no need for me to impose the standard three year implementation condition. For the purposes of certainty it is necessary for me to impose a condition requiring the development to be implemented in accordance with the submitted plan. I, however, consider it unnecessary to impose a condition requiring the section of wall that remains to be built to be constructed using materials specified in the application documentation, as this is covered by the plans condition. A condition requiring the wall to be built within six months of

the permission being granted is, however, necessary in order to safeguard the character and appearance of the CA.

10. I find it unnecessary to impose a condition requiring the surface of the hardstanding to be finished with bound material or for it to be drained so as to avoid surface water leaving the confines of the site because the transfer of either loose surface materials or water to the public highway are matters controllable under the highways legislation. As some soft landscaping works have already been undertaken and the scope for undertaking further works is limited, having regard to the size of the site, and I find it unnecessary to impose a soft landscaping condition.

Conclusion

11. For the reasons given above the appeal is allowed.

Grahame Gould

INSPECTOR