

Appeal Decision

Site visit made on 31 January 2017

by J Dowling BA(Hons) 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/16/3163156

1 Lurkins Rise, Goudhurst, Cranbrook TN17 1ED

- 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 Ms Gabriella Power against the decision of Tunbridge Wells Borough Council.
 - The application Ref 16/505087/FULL, dated 3 June 2016, was refused by notice dated 27 September 2016.
 - The development proposed is to demolish part of the back addition of the existing dwelling house, extend the first floor at the rear of the dwelling and some internal alterations and some fenestration alterations. To divide the property and erect a two bedroom semi-detached house, including new parking area and landscaping.
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Decision

1. This appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area with particular reference to an Area of Outstanding Natural Beauty; and
 - the effect of the proposal on bats.

Reasons

Character and Appearance

3. Lurkins Rise is a residential road located on the edge of the village adjacent to open countryside which gives the area a semi-rural quality. The property is located within the High Weald Area of Outstanding Natural Beauty (AONB). No 1 is one of 4 pairs of semi-detached houses located on the eastern side of Lurkins Rise. The properties have distinctive half hip roofs and tile hanging at first floor. With the exception of No 1 which has a single storey side and rear extension the majority of these units when viewed from Lurkins Rise do not appear to have been altered or extended. As a result I consider that the streetscene has a particularly unified appearance.
 4. In addition to extending the living accommodation for the existing unit the appeal proposal would result in the creation of a new residential unit. The proposal would be of a traditional design; would have a roof form that mirrors the original roof design and be constructed of materials that reflect those used on the host and adjoining properties.
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5. However, unlike other units within Lurkins Rise, which are viewed in the context of neighbouring properties, due to the corner location and the drop in levels along Clayhill (the A262) the site is exposed to wider views from the surrounding area. Due to the exposed nature of the site; the irregular and limited size of the plot and the quantum of development I consider that the scheme would be visually prominent and would result in a cramped form of development out of character with the surrounding area.
6. Furthermore, although the proposed new unit would be set back from the front elevation, it would more than double the width of the property and result in the creation of a terrace of three units. As a result the symmetry of the pair of semi-detached houses would be eroded and the new unit and extensions would appear out of character in the streetscene characterised by semi-detached properties.
7. I note that the appellant considers that the proposal would not adversely affect the AONB. Whilst I agree that the proposal would be viewed against the backdrop of the existing house and the village behind, due to its corner location and the drop in levels the site is highly visible from the surrounding area. As I have already outlined due to the bulk and mass I consider that the proposal would be out of character; would not be of an appropriate scale and would detract from the essential characteristics of the area and would therefore neither preserve nor enhance the AONB.
8. Having come to the conclusions above, it follows that the proposal would be contrary to saved policy EN1 of the Tunbridge Wells Local Plan (2006) (the Local Plan) and Core Policies 4 and 14 of the Tunbridge Wells Core Strategy Development Plan Document (2010) (the Core Strategy) which amongst other things seek to maintain local distinctiveness and preserve and enhance the AONB. The purpose of these policies are consistent with the National Planning Policy Framework (the Framework) which advocates that great weight should be given to conserving the landscape and scenic beauty of AONBs and that development of poor design which fails to take the opportunities available for improving the character and quality of the area, should be refused.
9. In their reason for refusal the Council have made reference to saved policies EN25 and H5 of the Local Plan. Policy EN25 deals with development outside of the Limits of Built Development (LBD). However, the Planning Officers report states that the site is within the LBD and therefore I do not consider that this policy is relevant to the determination of this appeal. Policy H5 provides a set of criteria for development within the LBD which allows for development within the curtilage of an existing site. The proposal would comply with this policy.

Bats

10. A bat survey was not provided as part of the original planning application and as a result this formed the Council's second reason for refusal. A bat building assessment¹ has been submitted with the appeal. The assessment consists of a detailed internal survey of the building. Although no evidence of bat roosts was found I note that the assessment recommends that two dusk emergence and/or dawn re-entry surveys should be undertaken to ascertain the current level of usage of the building by roosting bats.

¹ Bat Building Assessment by Arbeco dated 7 November 2016

11. Therefore, whilst I acknowledge that some information regarding bats at the site has been submitted I do not consider that it amounts to a full survey. Given that the assessment has confirmed that the site has moderate suitability for bat roosts I am not satisfied on the basis of the evidence before me that given the extensive nature of the works proposed that, without this additional survey work, bats would not be harmed as a result of the appeal proposal.
12. The appellant has suggested that this information could be submitted by way of a condition. However current guidelines advocate that buildings that are likely to support bats should be surveyed before determining a planning application which may affect any potential roosts and therefore I consider that this information is fundamental to being able to determine whether the proposal is acceptable and is not a matter that could be dealt with by means of condition.
13. As a result I conclude that the proposal would be contrary to Core Policy 4 of the Core Strategy and saved policy EN1 of the Local Plan which aim to avoid the loss of biodiversity and advocate that there should be no significant adverse effect on nature conservation. These policies reflect the Framework which requires development to conserve the natural environment.

Other Matters

14. Concerns were raised regarding whether sufficient parking would be provided and the effect that this may have on existing on-street parking pressures. I note from the Planning Officers report that they considered that the proposed level of parking would be sufficient and nothing I have read leads me to a different conclusion.
15. The appellant has referred to local housing need and the development plan being inconclusive on this matter. No evidence has been provided to demonstrate whether the Council does or does not have an up to date five years housing land supply. However, even where a Council does not have an up to date supply the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Whilst I agree with the appellant that the site would be a sustainable location and I acknowledge that the site would reuse previously developed land and boost the supply of housing I consider that the benefit would be very modest and is in any event significantly and demonstrably outweighed by the harm to the character and appearance of the local area and the AONB that I have identified above.

Conclusion

16. The proposal would be out of character with the surrounding area and could potentially cause harm to a protected species which would conflict with the Framework, Core Policies 4 of the Core Strategy and policies EN1 of the Local Plan and the guidance contained within the SPD.
17. For the reasons outlined above, and having regard to all other matters, this appeal should be dismissed.

Jo Dowling

INSPECTOR