
Appeal Decision

Site visit made on 14 March 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 3 April 2017

Appeal Ref: APP/M2270/W/16/3164203

Methodist Church, Highgate Hill, Hawkhurst, Cranbrook TN18 4LB

- 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 Searle against the decision of Tunbridge Wells Borough Council.
 - The application Ref 15/510058/FULL, dated 2 December 2015, was refused by notice dated 18 August 2016.
 - The development proposed is to change the use of the church to five residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been started with the insertion of the first floor to the main part of the church and subdivision of the upper floor of that part of the building, along with provision of staircases to access the first floor sections. I was able to view inside the building when I visited and I have taken this into account when coming to my decision.
3. The Hawkhurst Neighbourhood Plan (NP) has been submitted to the Borough Council and undergone consultation. I understand that it has been submitted for independent examination and further work is being undertaken prior to completion of the examination. I have limited information as to the extent of outstanding objections or whether the NP will meet the basic conditions to proceed to referendum. As a result, I have attached limited weight to relevant policies of the NP.

Main Issues

4. The main issues are:
 - whether the proposed dwelling would conserve the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty;
 - the effect of the proposed change of use on the character and appearance of the existing building, a non-designated heritage asset;
 - the effect of the proposed flats on the living conditions of neighbouring occupiers of 1 Highgate Hill with particular regard to privacy; and
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- whether prospective occupiers would enjoy satisfactory living conditions with particular regard to privacy, light and outside amenity space;

Reasons

High Weald Area of Outstanding Natural Beauty

5. The Methodist Church in Hawkhurst is located on Highgate Hill that runs from the centre of the village to the countryside surrounding. It is located within the High Weald Area of Outstanding Natural Beauty (AONB), where the National Planning Policy Framework (the Framework) confirms that great weight should be given to conserving landscape and scenic beauty. The building is on the edge of the village, with a residential development currently being constructed on the neighbouring site toward the village centre and with open countryside to the rear. Highgate Hill rises steeply up toward the village centre and there is a public footpath to the side of the site, shared with the access to parking at the rear of the building and fields beyond.
6. The proposed development would change the use of the building to residential and include a car park and small outside amenity space to the rear of the building. In order to accommodate the number of cars associated with five flats, the car park would take up a large part of the area to the rear of the building. This would dominate this area in a prominent position adjacent to the public footpath.
7. Details of landscaping of the outside amenity space have not been provided, but it is likely that this would be screened in order to provide privacy to occupants of the proposed flats when using this outside space. Such screening is likely to dominate the public footpath adjacent and may not reflect the scenic beauty of the AONB.
8. Neighbouring residential development extends further to the rear of houses on Highgate Hill than that proposed at the Methodist Church. However, the proximity of the development to the public footpath and field access results in it being more prominent and having a greater impact on the landscape and scenic beauty than surrounding residential development.
9. For these reasons, I conclude that the proposed parking and outside amenity space would not conserve the landscape and scenic beauty of the AONB. As such, it would be contrary to Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy (CS), Policies EN1 and EN25 of the Tunbridge Wells Borough Local Plan (LP) and the Framework that seek to maintain the landscape character and quality of the countryside and conserve or enhance the rural landscape of the AONB.

Non-designated heritage asset

10. The Methodist Church is a prominent building on Highgate Hill that dates from the early 1900s and has some historic merit, such that the Council consider it to be a non-designated heritage asset. The proposed development would largely retain the character and appearance of the existing building, although it is proposed to insert oak framed casements into the lower part of those windows, that would not reflect the historic character and appearance of the building. In addition, the new first floor is likely to be visible through the windows, which would contribute further to the harm to the significance of this non-designated heritage asset.

11. For that reason, I conclude that the works to convert the building would not conserve or enhance the character and appearance of the existing building. As such, it would be contrary to Core Policies 4 and 14 of the CS, Policy EN1 of the LP and the Framework that seek to conserve and enhance the character and appearance of buildings of historic importance.

Living conditions of neighbouring occupiers

12. The upper floor flats would be provided with roof lights that provide the only source of natural light and outlook to those flats and the ground floor flats would have clear glazed windows in place of the existing leaded lights. The neighbouring property at 1 Highgate Hill is located lower on the slope of the hill with a first floor side window and roof light facing toward the existing building. Given the proposed location of the windows in the converted building, these windows would face toward one another and the residential use of the Methodist Church would reduce the privacy for occupants of the neighbouring property.
13. For these reasons, I conclude that windows in the proposed flats closest to 1 Highgate Hill would result in loss of privacy for occupiers of that property. As such, the proposed development would be contrary to Policy EN1 of the LP that seeks to ensure development does not cause significant harm to the living conditions of neighbouring occupiers.

Living conditions of prospective occupiers

14. The clear glazed windows and roof lights to the proposed flats closest to 1 Highgate Hill would be overlooked from the window and roof light of the neighbouring property. Windows of the ground floor flat to this side would face the side passage of the building that would provide access to the refuse storage area. This would result in a lack of privacy to this flat resulting from neighbouring occupiers using that passage to access the refuse storage, although any disturbance would be limited. Given the proximity of this unit to the neighbouring dwelling, shadowing of the windows in the side elevation that would serve the lounge and kitchen would result in restricted levels of daylight and sunlight to those rooms.
15. The rear flat has its main living accommodation at the rear, opening directly onto the shared car park of the flats, without any outside living space or other space between the rear windows and doors to the flat and the car park. This would result in the ground floor living space being overlooked by residents of the other flats as they use the car parking area. The shared refuse store to the side of the building would be located outside the windows of the study area of the rear unit. This would result in a loss of privacy when neighbouring occupiers are accessing the refuse store, although disturbance to occupiers of that rear unit by reason of noise and smell would be limited. One of the upper floor bedrooms would only have a single roof light, which would result in limited levels of light into that room, which contributes toward unacceptable living conditions for occupiers of that property.
16. There are small amounts of outside space to serve the proposed flats to the side and rear of the building and adjacent to the public footpath. This space would be small and would be overlooked by people using the public footpath. As a result, the outside living space would not be adequate to provide for the needs of occupiers of the proposed development. I note that there is access to

public open space within close proximity to the property, but this would not overcome that lack of access to such private space.

17. For these reasons, I conclude that prospective occupiers of the proposed flats would not enjoy satisfactory living conditions in relation to privacy, daylight, sunlight and adequate access to outside amenity space. As such, the development is contrary to Policy EN1 of the LP that seeks to ensure development does not cause significant harm to the living conditions of prospective occupiers.

Other matters

18. Reference is made in the appeal documents to the presumption in favour of sustainable development referred to in the Framework. This confirms that development proposals that accord with the development plan, such as the CS and LP, should be approved without delay. Sustainable development has three dimensions that must be considered together, being economic, social and environmental.
19. In this case, there would be limited economic benefits during the construction of the flats and residents would support local services once they are occupied. The provision of these dwellings would have a positive social impact in contributing in a small way to the need for homes in the area, particularly as the Council confirm there is a lack of a five year housing land supply. However, the environmental harm arising from the impact on the landscape and scenic beauty of the AONB, the character and appearance of the existing building and the living conditions of neighbouring and prospective occupiers would significantly and demonstrably outweigh these minor positive economic and social benefits.

Conclusion

20. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR