

Appeal Decision

Site visit made on 4 April 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/M2270/W/16/3165784

26 Hovendens, Sissinghurst, Cranbrook TN17 2LA

- 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 Davison Oxley Homes Ltd against the decision of Tunbridge Wells Borough Council.
 - The application Ref 16/06454/FULL, dated 2 September 2016, was refused by notice dated 3 November 2016.
 - The development proposed is demolition of existing single storey side extension. Erection of two storey, three bedroomed house with off street parking and alterations to the existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing single storey side extension. Erection of two storey, three bedroomed house with off street parking and alterations to the existing dwelling at 26 Hovendens, Sissinghurst, Cranbrook TN17 2LA in accordance with the terms of the application, Ref 16/06454/FULL, dated 2 September 2016, subject to the conditions in the schedule at the end of this decision.

Main Issue

2. The main issue is the effect of the proposed dwelling on the character and appearance of the surrounding area.

Reasons

3. Hovendens is a modern housing estate of detached and semi-detached houses of similar appearance that provides a consistent suburban character on the edge of Sissinghurst. The development is set around open spaces alongside Common Road, which I understand are designated as an Area of Landscape Importance. No. 26 is the end property on the development, adjacent to Common Road and close to the centre of the village.
 4. The proposal would attach a third property to the existing pair of semi-detached dwellings of which no. 26 is part, replacing a previous flat roofed single storey extension. The appearance would reflect that of the existing building and surrounding development in Hovendens, including replicating the distinctive catslide roof, albeit interrupted by a dormer window, to the front of other houses in Hovendens. It would be set back slightly from the front of the existing building, which would ensure it appears subservient to that building. Over Common Road in Milk House Cottages are other terraced houses. As a
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result of these matters, the design and layout of the proposed development would reflect that of other development in the vicinity.

5. Given the location at the end of the development, the building would extend closer to Common Lane. To the rear is a two storey dwelling and the proposed dwelling would be visible over that front garden and through the trees from the junction with Sissinghurst Road in the centre of the village and would be visible through the trees from the opposite direction along Common Road. However, taking account of the trees restricting the view and given the site is at a lower level than the road, it would be subservient to surrounding development reflecting the spacious character of the area, and surrounded by the existing landscaped garden and open space.
6. Parking would be located to the front of the existing and proposed dwellings. Whilst this would take up a significant area to the front of the two properties, a large amount of space would be retained around the parking for appropriate landscaping such that it would not dominate the frontage of the two resulting properties.
7. For these reasons, I conclude that the proposed dwelling would reflect the character and appearance of the surrounding area. As such, the proposed dwelling would comply with Policies EN1 of the Tunbridge Wells Borough Local Plan, Policies 4, 5 and 14 of the Tunbridge Wells Borough Core Strategy and the National Planning Policy Framework that seek to ensure development respects the context of the site and character of the settlement and conserves and enhances the sense of place and character.
8. My attention has been drawn to the lack of a 5 year housing land supply that is not disputed by the Council and that there are other developments proposed within the village. Whilst the provision of a single dwelling can only carry limited weight in the assessment of this scheme, it does support my conclusion on the main issue.
9. Access to the proposed dwelling would be across the pavement in front of the property, which leads to a path to Common Road. Use of this access would reflect that of the existing driveway with limited additional use from a single additional dwelling, so would not materially affect highway safety. Windows to the rear of the proposed dwelling would face toward the front garden of the neighbouring property, Lomeer. However, this would not materially increase the amount of overlooking of that space or result in a loss of privacy to occupiers of that dwelling given its location adjacent to the road. The orientation of the dwelling would ensure that there would be no loss of sunlight or daylight to that front garden.
10. The proposed development would change the existing semi-detached pair of dwellings into a short terrace, but given the location to the side of the building, this would not affect the living conditions of those attached neighbours. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. Any disturbance during construction would be for a temporary period only.

Conditions

11. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary for details of materials to be submitted and approved to ensure that they would maintain the character and appearance of the area. Approval, implementation and retention of landscaping works, including trees, are necessary in order to ensure the development would reflect the character and appearance of the area. A condition is necessary for details of a refuse store to be submitted and approved to ensure refuse would be adequately stored without harm to the character and appearance of the area. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity.
12. I have not included a condition removing permitted development rights as I do not consider it to be necessary. Such rights should be removed only in instances of specific and precise justification. I find no exceptional circumstances in this case such as to warrant the wholesale removal of these rights.

Conclusion

13. For the above reasons and taking into account all other matters raised I conclude that the appeal should succeed.

AJ Steen

INSPECTOR

Schedule of 7 Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P1001 – Existing and Proposed Plans and Elevations and P1002 – Site Block & Location Plans.
- 3) No development above ground shall take place until written details of all external facing materials, including source/manufacturer, have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) No works shall, within 5 years from the first occupation, be carried out to trees identified in the approved landscape scheme other than in compliance with approved landscape details.
- 7) Before the dwelling is occupied, details for the storage and screening of refuse shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.