

Appeal Decision

Site visit made on 22 May 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: 08 June 2017

Appeal Ref: APP/M2270/D/17/3172129

Friars Coach House, Maidstone Road, Matfield, Tonbridge, Kent TN12 7LG

- 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 & Mrs Baker against the decision of Tunbridge Wells Borough Council.
 - The application, Ref. 16/06993/FULL, dated 17 October 2016, was refused by notice dated 22 December 2016.
 - The development proposed is a Detached Guest Suite.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) whether, having regard to its size and siting, the principle of the guest suite would be acceptable and (ii) the effect of the proposal on the character and appearance of an Area of Outstanding Natural Beauty (AONB).

Reasons

3. On the first issue, the Council has cited Policy H11 of the Tunbridge Wells Borough Council Local Plan 2006 ('the Local Plan'), which is the specific policy that deals with extensions to dwellings outside the defined limits to built development in the Proposals Map, as is the case at Friars Coach House. A footnote to the policy explains that the term 'extensions' applies to all new buildings within the curtilage of the host building. Although the proposed guest suite would incorporate an existing garden building which the appellants are anxious to preserve, I consider that the extent of new construction work would be such as for the proposal to fall within the scope of the policy's preclusions, one objective of which is to limit the impact on the character of the countryside, especially where it has a designation as an AONB.
 4. Criterion 2 of Policy H11 requires a proposed extension to be 'modest and in scale with the original building'. Because of the proposed guest suite's substantial separation from Friars Coach House (estimated by the Council to be over 30 metres) I do not consider that a size comparison is directly relevant in the way the policy intended; indeed were it not for the policy's footnote I would not ordinarily accept the description of 'extension' for a proposal so far from the host dwelling.
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5. Be that as it may, the supporting paragraphs to the policy in any event seek to cap the volume of any extension at 250 cubic metres and in this instance the Grounds of Appeal do not seek to dispute the Council's estimate that the proposed building would be over twice that volume. I am therefore satisfied that the appeal proposal would not be in accordance with criterion 2 of Local Plan Policy H11.
6. Turning to criterion 3 of Policy H11, this seeks to ensure that an extended building would not lend itself to becoming a separate dwelling. However, in this case the proposed guest suite would be of a size commensurate with independent accommodation, whilst the significant distance from Friars Coach House and the siting in relation to the access drive both add to the potential for separation to come about at some time in the future. I acknowledge that a condition could be applied to a permission precluding severance, but given the degree that the guest suite 'lends itself' to a separate dwelling through a combination of its siting, size and facilities I am doubtful whether such a condition would, over time, meet the tests of reasonableness and enforceability.
7. In summary on the first issue, I conclude that the proposed guest suite of the scale and layout currently proposed is not acceptable in principle and would be in harmful conflict with Local Plan Policy H11. On the second issue, the Council argues that the change in the character and appearance of the site would be harmful to the AONB; in particular the glazed link connecting the guest suite with the existing storage building would be an overly large linear structure untypical of a domestic curtilage, whilst the guest suite itself would be too domestic in appearance and the part hipped and part flat roof with the raised rooflight of a 'poor design'.
8. However, the grounds of Friars Coach House are far from being a typical domestic curtilage, and the appearance of the gardens is of an outstanding quality that within the domestic character constraints of this residential enclave in the countryside makes a positive contribution to the AONB landscape. In addition, there is a logic in making use of the gap between the shed to be converted and the other long storage building on the site of the former loose boxes, whilst the proposal would integrate with and potentially safeguard the Victorian boundary wall rather than introduce an intrusive separate element within the wider garden area.
9. In this regard the Design and Access Statement explains how the proposal goes some way to restoring the concept of the original L-shaped building in the middle of the Friars Estate and independent of both the Coach House and No. 1 Garden Cottage. This point does not appear to have been appreciated by the Council. I also acknowledge that the guest suite seeks to combine a more traditional brick built north elevation in keeping with the older outbuildings and more contemporary east and south elevations with extensive glazing to allow views of the garden.
10. Taking these points together, I consider that the appeal scheme has some design merit. However, the excessive size of the main part of the guest suite with its substantial projection from the existing shed into the open garden would be out of keeping with the subservient character of the existing ancillary buildings. I also agree with the Council that this adverse impact is exacerbated

by the scale and design of the roof, which would be unduly dominant and would fail to respect its context and setting.

11. On balance, I conclude on this issue that there would be harm to the character and appearance of this part of the AONB. This would be in conflict with Core Policies 4 & 14 of the Tunbridge Wells Core Strategy 2010; Local Plan Policies EN25 & H11, and Government policy in the National Planning Policy Framework 2012 ('the Framework'). (I have omitted policies referred to in the Decision Notice that I consider do not directly add weight to the case for refusal of the proposal).
12. I have carefully considered the grounds of appeal and acknowledge the references to other developments that have taken place within this loose knit enclave of houses. I additionally note the appellants' view that the Council's handling of the application has been unhelpful and dismissive, rather than positive and proactive as required by the Framework. I have also already explained that the appellants' rationale for the proposal and the design of the guest suite both have some merit.
13. However, the principle of the development in its current form and size is not acceptable because of its conflict with the Council's adopted policies, whilst there are also aspects of the guest suite that would harm the AONB. In my view these factors clearly outweigh the arguments in favour of the development and accordingly the appeal does not succeed.

Martin Andrews

INSPECTOR