



Appeal Decision

Site visit made on 6 June 2017

by Timothy C King BA(Hons) MRTPI

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

Decision date:

Appeal Ref: APP/M2270/W/17/3171957

Land rear of 1 Dunstan Grove, Royal Tunbridge Wells, TN4 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Justin Owens against the decision of Tunbridge Wells Borough Council.
 - The application Ref 16/07333/OUT, dated 9 November 2016, was refused by notice dated 9 January 2017.
 - The development proposed is '*Erection of a 4 bedroom detached house. Provision of new access onto Dunstan Road.*'
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Decision

The appeal is dismissed.

Procedural Matters

1. The application was submitted in outline form. The application form indicates that only landscaping is reserved for future determination, whilst the appeal form mentions that both landscaping and scale are reserved. However, the Council assessed the proposal with regard to the information on the application form. I consider this to be the definitive document and have therefore reached my decision having had regard to all matters other than landscaping.
2. Following the Council's decision to refuse planning permission the appellant, to accompany his appeal, submitted a revised site plan and street scene illustration. These showed a reduction in the number of trees to be removed and a re-positioning of the vehicular and pedestrian accesses. The Council has assessed the revised plans and provided comments in respect of the changes made. Neighbours who had previously made representations have also been made aware of these revisions. To my mind, given the minor nature of the changes and the notifications that have been carried out, no parties would be prejudiced by my acceptance and consideration of these revised drawings.

Main Issue

3. The main issue is the proposal's effect on the character and appearance of the area, with particular regard to the extent and scale of the development and potential tree loss.

Reasons

4. The appeal site comprises part of the rear garden of No 1 Dunstan Grove which bounds Dunstan Road to the east and Woodbury Park Road to the south, and

the land slopes downwards significantly towards both these boundaries. The garden is currently screened by a series of lime and sweet chestnut trees located within the site, close to its perimeter. Ten of these limes are afforded protection by way of a Tree Preservation Order (TPO) confirmed in 1967.

5. The proposal would involve the sub-division of the site, reducing the depth of No 1's rear garden and, within the plot created, the erection of a two-storey, four-bed dwelling of contemporary design. Vehicular and pedestrian accesses would be created from Dunstan Road which would involve excavation to allow for underground parking and an undercroft. In order to facilitate this it is indicated in the appellant's written statement that seven trees would need to be removed, two of which are covered by the TPO.

Scale and extent

6. There are some relatively modern developments on the opposite side of Dunstan Road and also on Woodbury Park Road and I do not consider that the appearance of the proposed dwelling, nor its height, with the topography of the land tempering the impact, would necessarily represent an incongruity. However, my main concern with this proposal relates to the suitability of the site to accommodate such a development given its constraints.
7. Although the footprint would be comparable with that of other nearby houses this proposal would involve an artificially created plot which is inconsistent in both size and shape with the prevailing pattern of development. As such, I consider that the extent of the development, as a whole, would be out of proportion with the size of its curtilage and rather cramped within it. This would be especially contrary to Policy EN1 of the Tunbridge Wells Borough Local Plan (LP) which requires, amongst other things, that the design of new development, encompassing site coverage by buildings, should respect the context of the site.

Potential tree loss

8. I consider that the boundary trees, set behind an attractive brick wall which wraps around the site and long pre-dates the houses along Dunstan Grove, serve to provide an important landscaping feature which significantly contributes to the character of the immediate area. It would appear that the sloping land has dictated the dwelling's internal layout, with the bedrooms shown at ground floor level and the main living areas at first floor level with an east-facing terrace. The dwelling's main aspects would be to the south and east with habitable rooms at both ground and first floor levels facing towards the protected lime trees close by which, I observed, are to a significant and cohesive height.
9. I consider that the proximity of the lime trees to the south facing windows, in particular, would restrict outlook therefrom and, as such, there could be future pressure for the removal of these, rather than have them all undergo the current practice of being pollarded every four years. Residents could quite reasonably find the trees to be an impediment to their enjoyment of the dwelling, and any future requests made to the Council for their removal may be difficult to resist. I acknowledge the inclusion of the proposed terrace but I consider that the area of useable garden space would be limited, due to both the size of the footprint relative to the site and the shade from the trees which would further reduce the sense of openness within.

10. Given the above factors I consider that there would be a strong likelihood that the proposed development would bring about pressure to remove additional trees. Taking account of the contribution that the evenly spaced boundary trees makes to local character I consider that the potential loss of trees, additional to those already earmarked, would be significantly harmful to local character and appearance. This would be contrary to LP Policies EN1 and EN13 which serve, amongst other things, to guard against tree loss and particularly those subject to a TPO. Further, in the event of additional loss the possibility of tree replacement on other parts of the site would be restricted due to the limited availability of space. As such, it would be difficult to maintain the particular tree pattern which characterises the site.

Other matters

11. I note that root protection during the construction phase is an issue of contention between the main parties. However, this matter could be potentially resolved by the submission of comprehensive details as part of an appropriate methodology statement, required by way of a condition imposed had I been minded to allow the appeal.
12. I acknowledge the social and economic benefits that the building of a new house brings, which are two of the dimensions of sustainable development. The appellant, in support of the proposal, also raises the issue of the Council's five year housing land supply. The Council, in response, accepts that it cannot currently demonstrate that its housing targets can be met. Even if I was to conclude there is a shortfall in five year supply of the scale suggested by the appellant, and that relevant policies for the supply of housing should not be considered up-to-date, the benefits arising from only one additional dwelling would be very limited. In this context I consider that the adverse impacts to the character and appearance of the area of granting permission would significantly and demonstrably outweigh the benefits.
13. The appellant also cites a nearby development which was granted planning permission as a parallel to the appeal scheme. I have had regard to this but the similarities are limited given the marked difference in character between the two sites and the very open nature of the other site. Besides, each case has its own particular circumstances and must be assessed on its individual merits. Although the nearby development was found to be acceptable it does not outweigh the harm I have found would result from the appeal scheme with its own issues and characteristics.

Conclusion

14. For these reasons I conclude that the proposal would be harmful to the character and appearance of the area resulting in material conflict with LP Policies EN1 and EN13, the policies which I consider to be most relevant to this appeal, and also relevant advice within the National Planning Policy Framework.
15. For the above reasons, and having had regard to all matters raised, the appeal is dismissed.

Timothy C King

INSPECTOR