

Appeal Decision

Site visit made on 15 August 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 24 August 2017

Appeal Ref: APP/M2270/D/17/3176993

21 Sandhurst Avenue, Pembury, Royal Tunbridge Wells TN2 4JZ

- 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 and Miss Huckle and Jones against the decision of Tunbridge Wells Borough Council.
 - The application Ref 16/07866/FULL, dated 23 December 2016, was refused by notice dated 7 March 2017.
 - The development proposed is construction of a self-contained Granny Annex linked to the main house.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a self-contained Granny Annex linked to the main house at 21 Sandhurst Avenue, Pembury, Royal Tunbridge Wells TN2 4JZ. The permission is granted in accordance with the terms of the application, Ref 16/07866/FULL, dated 23 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1452 sheet no.3 Revision A (location plan), 1452 sheet no.4 (proposed site plan and section) and 1452 sheet no.4 (proposed floor plans and elevations).
 - 3) The materials to be used in the construction of the external surfaces of the annex hereby permitted shall match those used in the existing building.
 - 4) The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 21 Sandhurst Avenue, Pembury TN2 4JZ.

Preliminary Matter

2. The Council indicates that previous applications for similar development were withdrawn and refused (references 16/05844/FULL and 16/06647/FULL). While I note these earlier applications and outcomes, this appeal involves a separate proposal which I have considered on its own merits.
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Main Issue

3. The main issue is the effect on the character and appearance of the street scene.

Reasons

4. The appeal property is a two storey semi-detached dwelling in a residential cul-de-sac of similar property types. The dwellings in Sandhurst Avenue are of generally uniform appearance, with some visible alterations in the form of side extensions. However, not all the pairs of dwellings are positioned on a consistent front building line. The frontages of some, including the appeal property, are not parallel with the road but are positioned at an angle, creating different sizes of gaps between the pairs of dwellings. These gaps are variously filled with garages, with pitched or flat roofs, side extensions or are open and undeveloped. Consequently, while there is a degree of openness between the pairs of dwellings, the size of gap, the extent of the openness and its visibility within the street scene is not consistent within the street as a whole.
5. The existing garage at No 21 largely fills the gap at ground level with its immediate neighbour, No 20. The creation of a metre gap between the annex and this shared boundary means that part of the proposed building would, as the Council indicates, be screened behind the host dwelling. The main difference, therefore, between the effects of the existing and proposed buildings is the additional height of the annex.
6. The upper storey of the annex would be set back from the ground floor frontage and this, together with its position partly shielded by No 21, would help mitigate the visual effects. Furthermore, the neighbouring dwelling, No 20, is positioned on higher ground and the two storey annex would be seen in the context of the appeal property and the greater height of this neighbouring dwelling. As such, it would appear as a subordinate and ancillary element to these larger main dwellings.
7. Due to its set back position and the angled gap between dwellings, views of the larger annex would be limited within the street scene. It would be possible to see it from directly in front of No 21 or in limited views passing the appeal property. However, given the above findings, from the views that are available I conclude that the proposed annex would not result in unacceptable harm to the character and appearance of the street scene. Consequently, it is not contrary to Policy EN1 of the Tunbridge Wells Borough Local Plan 2006, which amongst other matters, requires development to respect the context of the site; or to Core Policy 5 of the Tunbridge Wells Core Strategy 2010, which includes a criterion requiring development to conserve and enhance the public realm. These policies are broadly consistent with the National Planning Policy Framework. Core Policy 4 of the Core Strategy, also referred to by the Council, is less relevant to this case, as it concerns landscape, environmental and heritage protection and enhancement.
8. I acknowledge the representations made by neighbouring occupiers in support of the proposal.

Conditions

9. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition requiring the external materials used to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area. Finally, I agree that a condition is necessary to restrict occupation of the annex to ensure it remains ancillary to the residential use of the main dwelling. This is for the reason indicated by the Council, to prevent the formation of a substandard dwelling without adequate independent living space, amenities, access and car parking.
10. For the reasons given I conclude that that the appeal should succeed.

J Bell-Williamson

INSPECTOR