

Appeal Decision

Site visit made on 10 October 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 23 October 2017

Appeal Ref: APP/M2270/D/17/3179835

3 Chill Mill Cottages, Fairmans Lane, Brenchley, Kent TN12 7JA

- 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 Grant Hobbs against the decision of Tunbridge Wells Borough Council.
 - The application Ref 17/01394/FULL, dated 24 April 2017, was refused by notice dated 14 June 2017.
 - The development proposed is for a two storey extension to provide dining room with bedroom and en-suite shower room above.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to provide dining room with bedroom and en-suite shower room above at 3 Chill Mill Cottages, Fairmans Lane, Brenchley, Kent TN12 7JA in accordance with the terms of the application Ref. 17/01394/FULL, dated 24 April 2017 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 approved plans: 21706/01 and 21706/02.
 3. The materials to be used in the construction of the extension hereby permitted shall match those used in the existing building.
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the western elevation.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the countryside, with specific reference to whether it would conserve the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal property comprises an end of terrace two storey house which is set quite far back from the road. I noted on my site visit that its existing single storey entrance hall constructed on its flank elevation is largely obscured by the built form of Fairman's Cottage to the south-east and a holly tree within its curtilage.
4. All three cottages within the terrace have been extended with both nos 1 and 3 benefitting from two storey rear extensions. The rear of these dwellings are well screened from the neighbouring orchards by mature boundary hedging and the general lay of the land. The two storey extension would be built off the north eastern flank elevation of the existing two storey rear extension to no3 and would project no further forward than the original rear elevation of the terrace, abutting the rear of the aforementioned entrance hall.
5. Policy H11 of the Tunbridge Wells Borough Local Plan (2006) (LP) stipulates that outside the limits to built development, extensions to an existing dwelling will be permitted provided all of 3no criteria are satisfied. With regard to criterion 1, it is apparent that the existing dwelling was designed, constructed for residential use and was built on permanent foundations on the site.
6. With regard to the second criterion of LP Policy H11, it requires an extension to be modest and in scale with the original dwelling and not to dominate it visually. As way of a guideline, the text that precedes Policy H11, LP paragraph 6.115 suggests that a proposal would be modest if it would result in an increase of either no more than approximately 50% in the volume of the dwelling or 150m³ (gross), whichever is the greater, subject to a maximum of 250m³ (gross).
7. The Council's Officer Report highlights that the proposed extensions and alterations would be approximately 147.78m³ resulting in an overall increase above the original dwelling of approximately 259m³ when taking into account previous extensions. This is well over the 50% of the volume of the original dwelling, although paragraph 6.115 is only a guide. I note the reference to the refusal of an earlier application (Ref.01/02078), but each case must ultimately be assessed on its own merits.
8. In reality, whilst the proposal would project further out to the side than the existing entrance hall extension, its overall visual impact would be limited by virtue of its rearward siting and the presence of the aforementioned physical features that screen the appeal site. Consequently I find that the proposal would not dominate the host dwelling or detract from its character or setting. The proposal would not materially conflict with the National Planning Policy Framework's (the 'Framework') requirement to place great weight upon the conservation of the landscape and scenic beauty in AONBs.
9. Further, in response to the final criterion of LP Policy H11, I consider that the dwelling as extended would not lend itself to possible future subdivision to form a separate unit of residential accommodation.
10. Therefore I find that the proposal complies with the Framework, as well as Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy (2010), LP Policies H11, LBD1 and EN25 which, in addition to that cited above, require the

countryside to be protected for its own sake, through maintaining its landscape character and quality, including the AONB.

Conclusion and Conditions

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.
12. In addition to the standard time limit condition, the Council has suggested a condition requiring external materials to be used in the construction of the proposal to match those existing; such a condition, along with one requiring that the development is carried out in accordance with the approved plans is necessary in the interests of protecting the character and appearance of the area. Furthermore, I also consider it necessary to impose a condition that prevents the insertion of additional openings to the western elevation of the proposed extension, in order to protect the living conditions of the occupants of Fairman's Cottage from overlooking.

C J Tivey

INSPECTOR