
Appeal Decisions

Site visit made on 3 July 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal A Ref: APP/M2270/W/18/3216500

22 Windmill Street, Tunbridge Wells, Kent TN2 4UU

- 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 Nick Connor against the decision of Tunbridge Wells Borough Council.
 - The application Ref 17/04243/FULL, dated 18 December 2017, was refused by notice dated 12 June 2018.
 - The development proposed is the demolition of the existing house and the erection of a terrace of four new dwellings each with basement accommodation.
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Appeal B Ref: APP/M2270/W/19/3223581

22 Windmill Street, Tunbridge Wells, Kent TN2 4UU

- 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 Nick Connor against the decision of Tunbridge Wells Borough Council.
 - The application Ref 18/03431/FULL, dated 1 November 2018, was refused by notice dated 14 February 2019.
 - The development proposed is the demolition of the existing house and the erection of two pairs of semi-detached dwellings.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issue

3. The main issue in both appeals is the effect of the proposal on the character and appearance of the area.

Reasons

4. The existing house is a 2 storey detached dwelling of Victorian design set within a wide but shallow plot. There is a detached garage to its eastern side with a crossover to Windmill Road breaching the high wall that extends across much of the site's frontage. The house has its main orientation to the west, rather than to the north (front), with windows facing a side garden that was originally much longer before most it was developed to form nos. 20a to 20e, red brick 2 storey houses that contrast with the predominant Victorian design to most dwellings nearby. Windmill Street and St Peters Street form a small block with narrow Victorian terraced and semi-detached dwellings to both sides, but with variations in their height and roof forms.

5. Land levels fall gently from the road to the rear boundary and sharply beyond it to the gardens of dwellings fronting Camden Park. The rear wall to Appletree Cottage is positioned very close to the site's rear boundary on ground about 1.5m lower than the appeal site and separated by a brick retaining wall. The dwellings in Camden Park are within the Tunbridge Wells Conservation Area, the boundary to which follows the rear boundary to dwellings in Windmill Street.
6. In Appeal A, most of the site would be excavated. Each of the terraced houses would have a basement with a kitchen to the front and an undefined habitable room to the rear with folding doors opening on to a narrow space abutting the rear boundary; this would be lit from above by glass blocks at the end of the ground floor back garden. There would be habitable rooms on the ground and first floor levels either side of a central staircase with front or rear facing windows. At second floor level each house would have a front bedroom and a rear en-suite bathroom lit by front and rear dormer windows.
7. The siting of the terrace would respect the building line and gaps between buildings in Windmill Street. The width of the houses would be similar to that of other terraced houses in the road. The vertical emphasis and alignment of frontage windows and the rhythm of window and door openings to the frontage would reflect the Victorian design to many dwellings nearby.
8. However, the vertical alignment of windows would not continue to the front dormers. Whilst the dormers would be modest in scale, they would be features not reflective of the front roofscape to dwellings in Windmill Street. They would be prominent features in the street scene as the terrace would be higher than adjacent buildings. The terrace ridge would be the same height as 32-36 Windmill Street, but this is a smaller building with accommodation arranged on 3 floors with no front dormers. The buildings at 24-36 Windmill Street all have basements but unlike the appeal proposal these are not fully submerged and have matching basement front windows below a raised ground floor. The proximity of excavation to the rear boundary would leave little scope for soft landscape measures with the ground floor rear garden effectively a roof terrace to the basement. The full extent of the excavation would be visible in views of the sides of the terrace and in association with the front and rear dormers. The proposal would result in a building of a scale and design wholly uncharacteristic of the road and which would appear cramped within its plot.
9. In Appeal B, the accommodation would be arranged over 3 floors without a basement. Each of the semi-detached houses would have at ground floor level a front lounge and a rear kitchen diner opening on to a small back garden. At first floor level each would have 2 bedrooms with either front or rear facing windows. A third bedroom with an en-suite bathroom would be formed in the roofspace at second floor level in each house with natural lighting provided by a front roof light and a rear dormer.
10. The semi-detached houses would be sited to respect the building line in Windmill Street. The width of the houses would be greater than terraced houses in the road but narrower than other semi-detached houses nearby. The vertical alignment of frontage windows and the rhythm of window and door openings to the frontage would reflect the Victorian design to neighbouring dwellings and the alignment would continue through to the front roof lights.

11. The spacing between the houses and adjacent buildings would be broadly reflective of the varied spacing between buildings in the street, but the gap between the proposed pairs is indicated to be only 0.9m resulting in a relatively cramped appearance. The roof ridges to the houses would be the same height as 32-36 Windmill Street, as in Appeal A, and would be higher than those on buildings to either side. The angle of the pitched roof would be steeper than on adjacent buildings with comparatively low eaves lines. This would accentuate the appearance of the roof lights which would be wider than the windows to the front of the houses. The repetition of relatively large roof lights across the site frontage would be out of keeping with the appearance of the street scene. Similarly, the rear dormers would be larger than those in Appeal A and would add to the scale of the buildings when seen in diagonal views.
12. In both Appeal A and Appeal B, the scale and design of the development would not respect the context of the immediate townscape and would be harmful to the character and appearance of the area. The proposals would be contrary to Saved Policy EN1 of the Tunbridge Wells Borough Local Plan (2006) that requires the design, scale and layout of new buildings to respect the context of the site. The proposals would not be compatible with Policies 4, 5 and 9 of the Tunbridge Wells Borough Core Strategy (2010) which amongst other measures seek to conserve and enhance the urban public realm. There would also be conflict with Section 12 of the National Planning Policy Framework (the Framework) which at Paragraph 127 requires developments to be sympathetic to local character and history, including the surrounding built environment whilst not discouraging appropriate innovation and change.
13. The appellant in both appeals has compared the plot size and building footprint for the proposed houses with average figures for these factors for dwellings in Windmill Street and St Peters Street to demonstrate that both proposals would be comparable with existing development. However, an assessment of both proposals in relation to the existing character also requires examination of the buildings' height, mass and design.
14. The appellant has also drawn my attention to other dormers in Windmill Street and St Peters Street. I have not been provided with the planning history of these structures, but they are few and generally on side or rear roof slopes. They do not enhance the appearance of the street scene and do not provide justification for the intensity of dormers proposed within the appeals. The proposals would be out of keeping with the predominant character of the area. Other rooflights visible in the street scene are also considerably smaller than those proposed in Appeal B.

Other matters

15. The Council cannot currently demonstrate a five year housing land supply. The presumption in favour of sustainable development at Paragraph 11(d) of the Framework is therefore triggered. The site is in a sustainable location within a built up area not far from the facilities provided by the settlement of Tunbridge Wells. Both proposals would result in the benefit of a net increase in 3 houses that would contribute to meeting the general housing need. However, the harm to the character and appearance of the area arising from both appeal proposals would significantly and demonstrably outweigh the benefits of the proposals when assessed against the policies in the Framework taken as a whole.

16. Local residents have objected to both proposals on grounds other than those I have considered above. The mass of the terrace in Appeal A and that of the semi-detached house in Appeal B would be similar above ground floor level. The buildings would appear as high, close and conspicuous features when viewed from Appletree Cottage at the rear of the site. The glazing and opening of rear facing windows would need to be firmly controlled to preclude direct overlooking and would also need to satisfy Building Regulation requirements. But as the developments would be to the north there would not be overshadowing of Appletree Cottage.
17. The separation between the buildings in both appeals from the side windows and gardens at the adjacent dwellings at 20(e) and 24 Windmill Street would be sufficient to ensure that there would be no material loss of amenity for the occupiers of residents of these dwellings in relation to overlooking or overshadowing.
18. Several residents point out that Windmill Street and St Peters Street are narrow one-way streets with a high demand for on street parking as the front gardens are generally too small for parking. Both proposals would result in the loss of the present off street parking space but removal of the crossover would make a small increase in on street capacity. Both proposals would be likely to add to on street parking pressures, but I note that the Council has not objected to either proposal on these grounds. They would intend to manage parking stress through control of the issue of new residents parking permits.
19. I concur with the Council's opinion that the proposal would not adversely affect the character and appearance of the conservation area to the rear of the site.

Conclusion

20. In both Appeal A and Appeal B, the overwhelming scale of the proposal and the design particularly at roof level would result in a cramped development out of keeping with and detrimental to the predominant character and appearance of the area. For the reasons given, and having regard to all other matters raised, the appeals are dismissed.

Rory MacLeod

INSPECTOR