



Appeal Decision

Site visit made on 23 July 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/M2270/W/19/3228310

3 Knowle Close, Langton Green, Royal Tunbridge Wells TN3 0EP

- 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 C Hammond (Beau Property) against the decision of Tunbridge Wells Borough Council.
 - The application Ref 19/00329/FULL, dated 6 February 2019, was refused by notice dated 15 April 2019.
 - The development proposed is demolition of existing dwelling and erection of 2 dwellings, access and parking.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and the erection of 2 dwellings, access and parking at 3 Knowle Close, Langton Green, Royal Tunbridge Wells TN3 0EP in accordance with the terms of the application, Ref 19/00329/FULL, dated 6 February 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan; KC.P09; KC.P20; KC.P21; KC.P22; KC.P23; KC.P24; KC.P25 and KC.P26.
 - 3) No construction works above damp-proof course level shall commence until details of the materials to be used for the external finishes of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.
 - 4) Prior to the first occupation of the development hereby permitted, surface water drainage details of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. The vehicular accesses, parking and manoeuvring areas shall be laid out in accordance with drawing number KC.P20 and constructed in accordance with the approved drainage details prior to the first occupation of the development hereby permitted. The vehicular

accesses, parking spaces and manoeuvring areas shall be retained at all times thereafter.

- 5) Prior to the first occupation of the development hereby permitted a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show all existing trees, hedges and blocks of landscaping on and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained, provide details of on-site planting and include a planting specification, a programme of implementation and a 5 year management plan.
- 6) All landscaping shall be carried out during the first planting season (October to February) following completion of the development or occupation of the dwelling, whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a detached 2 storey house, which is located on a sizeable plot within the settlement of Langton Green. Knowle Close consists of a mix of house types and sizes, which includes a terrace of 3 houses to the western end of the cul-de-sac and bungalows opposite the appeal site. The spacing of buildings varies, however the street scene generally has a spacious feel.
4. The proposed development would replace the existing detached house with 2 detached dwellings. Although the appeal scheme would increase the amount of built form on the site, it would provide an appropriate level of separation between the proposed dwellings and to the site boundaries. The dwellings would be separated by a gap of about 1.8m, which, combined with the pitched roofs, would provide a clear visual separation and sky views between the properties. Furthermore, the gaps to the sides of the proposed houses would ensure that the dwellings would sit comfortably in the street scene and not appear cramped. Whilst the proposed dwellings would be taller than No 2 Knowle Close, this would not be noticeable in the street scene due to their appropriate massing and the spacing provided to neighbouring buildings. The proposed dwellings would be positioned forward of No 2, however this is comparable to the siting of the existing house and so the proposed development would not appear dominant or visually intrusive in the street scene.

5. The Council has referred me to the previous dismissed appeal decision (appeal Ref. APP/M2270/W/19/3221327) which was for the demolition of the existing dwelling and erection of a terrace of 3 dwellings. The current appeal scheme is materially different to the previous dismissed appeal as it would appear significantly less bulky due to the spacing provided between the detached houses; the increased gaps to the side boundaries; and the provision of pitched roofs rather than a bulky half-gabled roof. Whilst the proposed dwellings would be positioned on roughly the same building line as the previous dismissed appeal, given the reduced bulk of the appeal scheme and the introduction of soft landscaping to the front and side boundaries, it would not appear bulky or cramped. The proposed development therefore addresses the issues raised by the previous Inspector.
6. In relation to the front parking area, the previous Inspector commented that the short front gardens would provide no opportunity for landscaping adjacent to the back edge of the pavement. In the case of the current appeal scheme, the front gardens would be larger due to the reduced number of dwellings, and the proposed site plan shows soft landscaping along the front and side boundaries to partially screen the proposed parking area and therefore soften its appearance. A landscaping condition could be attached to ensure the provision of an appropriate surfacing material for the parking area. As such, I find that the proposed parking area would not be harmful to the character and appearance of the street scene.
7. For the above reasons, I conclude that the proposed development would maintain the character and appearance of the area, in accordance with saved Policy EN1 of the Tunbridge Wells Borough Local Plan (March 2006), which, amongst other things, seeks to ensure that the design of proposed development respects the context of the site. It would also accord with the design objectives of the National Planning Policy Framework.

Other matters

8. I have had regard to the concerns raised by the occupiers of neighbouring properties, which, in addition to the above matter, include loss of light and outlook, overlooking, road congestion, parking, emergency vehicle access, the condition of the highway, pressure on local services, impact on surface water drainage and sewerage, and disturbance during construction.
9. The proposed dwelling labelled 3A would project beyond the rear elevation of No 2 Knowle Close, however it would not cause a significant loss of light or outlook to the neighbouring property due to the single storey height of the rear element of the proposed dwelling and the sizeable gap that would be maintained between the buildings. The proposed development would cause some loss of light and outlook to the high-level living room window in the side elevation of No 2, however given that the room has its principal window in the front elevation, this would not represent a sufficient reason to withhold planning permission. The proposed development would maintain sizeable distances to other neighbouring properties and therefore it would not cause a significant loss of light or outlook.
10. The ground floor side windows of the proposed dwellings would not cause a significant level of overlooking into neighbouring properties due to their ground

floor position; the gaps maintained to the side boundaries and the screening provided by the boundary treatment. The upper floor windows, owing to their distance and relationship to the habitable windows and main outdoor amenity areas of neighbouring properties, would not cause a significant loss of privacy.

11. The appeal scheme would only provide a net increase of one dwelling and so it would not cause a significant increase in traffic generation or congestion, and it would not be detrimental to highway safety. Two on-site parking spaces for each dwelling would be provided, which is acceptable given the location of the site within walking distance to public transport facilities. The proposed development would not affect access for emergency vehicles given that on-site parking spaces would be provided. The appeal scheme would provide a modest increase in residential accommodation and there is no substantive evidence before me to show that it would place significant additional pressure on local services. A condition could be imposed to require details of a surface water drainage scheme to be submitted to and approved in writing by the Council to ensure that the proposed hard-surface would not cause surface water run-off outside the site. The net increase of one dwelling would be unlikely to have a significant impact on sewerage infrastructure. There may be some disturbance during construction works, however this is not sufficient grounds to withhold planning permission.

Conditions

12. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. The Council has suggested a number of conditions which I have considered against the guidance in the Planning Practice Guidance and amended where necessary.
13. Conditions for materials and landscaping are necessary in the interests of the character and appearance of the area. In addition to the conditions suggested by the Council, I have imposed a condition to require the submission of surface water drainage details for the parking and manoeuvring area and for the vehicular accesses, parking and manoeuvring areas to be provided in accordance with the approved plans. This is in order to reduce flood risk and ensure appropriate parking provision is provided.
14. The Council has requested a condition to remove permitted development rights under Schedule 2 Part 1 Classes A, B and E and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in the interest of protecting the character and amenities of the locality. Paragraph 53 of the National Planning Policy Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. I find that there is not clear justification to remove permitted development rights and so I have not imposed the requested condition.

Conclusion

15. For the reasons given above, and having had regard to all matters raised, I

conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR