



Appeal Decision

Site visit made on 20 August 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2019

Appeal Ref: APP/M2270/W/19/3229218

**New England House, 10 Newlands Road, Royal Tunbridge Wells,
Kent TN4 9AT**

- 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 Regalpoint Homes (Newlands Road) Ltd against the decision of Tunbridge Wells Borough Council.
 - The application Ref 18/03521/FULL, dated 8 November 2018, was refused by notice dated 18 January 2019.
 - The development proposed is the demolition of existing dwelling and outbuildings and construction of 6 no. semi-detached houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area, (ii) the living conditions of residents of neighbouring properties with specific regard to outlook and overshadowing, and (iii) the protected trees.

Reasons

Character and appearance of the area

3. The appeal site is a large plot, set behind substantial hedging and trees, with other groups of trees within the plot. The current single, detached dwelling is visible from the street and is set within large gardens to the side and rear. It appears as one of a number of detached dwellings forming a discrete group within a street of otherwise largely similar semi-detached properties, also generally in relatively large plots.
4. Newlands Road itself is mixed in character. The semi-detached dwellings are broadly similar, but variously altered, and the detached dwellings are distinct from them but contained in a cohesive group. I consider that the arrangement of these groups contributes positively to the character and appearance of the area.

5. Six semi-detached dwellings in this site would appear inconsistent with the character of the immediate area. The tight grouping of semi-detached dwellings, with narrow plots and gardens in comparison to the existing dwelling, the immediate detached neighbours and the other semi-detached dwellings in the area would appear incongruously dense and uncharacteristically closely related.
6. I accept that the proposal intends to retain the boundary screening to the front of the site. However, the existing dwelling is clearly visible in the street-scene despite this screening, so I consider that the proposed dwellings would also be visible to the same degree. This visibility would highlight the uncharacteristic density of the appeal site relative to its immediate surroundings and I do not agree that the plot widths would not be appreciated from the road.
7. The proposal would therefore cause harm to the character and appearance of the area.
8. The proposal would conflict with saved Policy EN1 of the adopted Tunbridge Wells Borough Local Plan 2006 (the Local Plan) which seeks to ensure that development respects the context of the site and does not result in the loss of features important to the character of the area.
9. It would also be contrary to Policy CP4 of the Tunbridge Wells Borough Core Strategy Development Plan Document 2010 (the Core Strategy), which seeks to balance new development against the need to conserve and enhance the existing character of the built and natural environment.
10. The proposal would also therefore conflict with the Tunbridge Wells Borough Local Development Framework Typical Urban Character Area Appraisal April 2009, guidance in the Planning Practice Guidance and the National Planning Policy Framework (the Framework).

Living conditions

11. The relationship between 12 Newlands Road and the appeal site including the dwelling itself, the single storey garage building, trees and shrubs do not currently cause any significant effects in terms of loss of outlook or overshadowing.
12. However, the removal of these trees and introduction a new two-storey dwelling of the depth, location and orientation proposed, would in my view have a harmful effect on the living conditions of those neighbouring residents in terms of loss of outlook and overshadowing, particularly to the immediate rear of the neighbouring property. I do not consider that the proposal would cause harm to living conditions through any loss of privacy.
13. The proposal therefore conflicts with saved Policy EN1 of the Local Plan and guidance in the Framework, which both seek to protect the living conditions and amenity of existing and future occupiers.

Protected trees

14. Notwithstanding the intention to remove the large shrubs which are not protected, I consider that the existing trees to the rear of the plot which are subject to the order are substantial, contribute positively to the character of the area and, on the basis of my site visit, already shade parts of the rear-most area of the garden.
15. Although the trees subject to the group TPO are confined to the rear of the plot, I consider that they contribute to the character of the area, particularly in the backdrop they provide to the site and their contribution to the wider area beyond Newlands Road. As a result, I consider that the loss of three of these trees would harm the overall value and contribution of the group.
16. In my opinion, the introduction of three pairs of semi-detached dwellings, with plot widths necessary to achieve such an arrangement would mean that any shading effect from the remaining protected trees would be more likely to be unacceptable to future residents as they would no longer have the opportunity afforded by a large, wide plot to find an area unaffected by them. Plots 5 and 6 would be particularly affected due to their shorter gardens.
17. As a result, I consider that there is likely to be further future pressure to fell or otherwise manage the trees subject to the protection order, and I do not consider that this would be acceptable or justified in terms of its impact on the wider character of the area. As a result, I find that the proposal would have an unacceptable effect on the value of the protected group of trees and would be likely to lead to future pressure on the remaining trees. I do not agree that the impact would be missed by the casual observer or that the impact on the overall quality of the street-scene would be limited.
18. The tree subject to the individual protection order is clearly visible in the street-scene and makes a strong contribution to the character and appearance of the area. I note however, that this tree is not affected by the proposals.
19. Therefore, the proposal would be contrary to the requirements of saved Policy EN13 of the Local Plan which strictly controls development which would damage or destroy protected trees.
20. The proposal would also be contrary to adopted Policy CP4 of the Core Strategy and the Framework, which seek to balance new development against the need to conserve and enhance the existing character of the natural environment.
21. The Council has also referred to saved Policy LBD1 of the Local Plan, which appears to be a strategic policy relating to the countryside and directing development to appropriate locations. In as much as this policy seeks to control the encroachment of built form into undeveloped areas, the proposal is contrary to it due to the need to remove protected trees and the likely future pressure on a currently undeveloped area.

Planning Balance

22. The Council and the appellant agree that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. I must therefore consider if any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

23. Notwithstanding the benefits of the proposal suggested by the appellant, I have found that there is significant conflict with the development plan in terms of the harm which the proposal would cause to the character and appearance of the area, the living conditions of residents of neighbouring properties as well as effects on, and future pressure on the protected trees.
24. I accept that small sites have an important cumulative role in the delivery of housing. However, I consider that the requirement in the Framework for increased density and efficient use of land is qualified by the need to ensure that development is not harmful to the existing character and appearance of an area. The development plan is consistent with the Framework in these regards, so I find that the proposal also conflicts with the Framework.
25. As a result, applying the test in paragraph 11d of the Framework, the adverse impacts of granting planning permission for six dwellings would significantly and demonstrably outweigh the benefits of the proposal in terms of housing delivery and when assessed against the policies in the Framework taken as a whole.
26. Accordingly, this leads me to conclude there are no material considerations that indicate a decision should be taken other than in accordance with the development plan.

Conclusion

27. The appeal is dismissed.

S Dean

INSPECTOR