



Appeal Decision

Site visit made on 1 October 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2019

Appeal Ref: APP/H2265/W/19/3234098

1 & 1A High Street, Tonbridge TN9 1SG

- 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 D Sheppard (Yod Ltd) against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/18/01722/FL, dated 18 July 2018, was refused by notice dated 22 February 2019.
 - The development proposed is change of use of 1st floor to 1A High Street from office/retail to dwelling. Construction of 3no. storeys of existing 2 storey building to create 10 new flats. Over cladding and creation of openings to 1st floor of existing building at 1 High Street.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposed development includes the change of use of the first floor of 1A High Street and I have therefore used the address shown on the appeal form in the banner heading, which includes 1 & 1A High Street. The planning application form only refers to 1 High Street which does not identify the full extent of the appeal site.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the street scene and the surrounding area.

Reasons

4. The appeal site is located at the southern end of Tonbridge High Street on a prominent corner adjacent to the roundabout junction with Vale Road. The appeal property is of limited architectural interest, however its height is commensurate with neighbouring buildings in this section of the High Street, which are generally of 2/3 storeys. The southern elevation of the building is long, however its height is predominantly 2 storeys, which limits its scale. The vertical brick projections and windows provide some vertical proportions to break up the horizontal mass of the building.
5. The proposed development would significantly increase the height and scale of the appeal property. Whilst there is modest variation in the height of buildings in the High Street, the proposed development would create an abrupt and considerable change in height with the adjoining building to the north. I

acknowledge that the fourth floor of the appeal scheme would be set back from the High Street frontage, however I find that the proposal would have a jarring and uncomfortable relationship with the adjacent High Street buildings that are viewed in context of the appeal property. The northern side elevation of the proposed development, owing to its bulk and the considerable expanse of grey cladding, would appear particularly stark in views from the north in the High Street.

6. The appellant's statement refers to the character of the wider area, including a 4 storey development at the junction of High Street and Medway Wharf Road, which has variation in building height. The development referred to is approximately 300m north of the appeal site and therefore it is not viewed in the same context as the appeal property. Nevertheless, I observed at my site visit that the height of the building on the corner of Medway Wharf Road is stepped, which provides a more effective transition to the lower adjoining building in the High Street. Whilst there are some attractive 4 storey buildings that are mainly north of River Medway, the proposed development would appear bulky and would not relate well to its surroundings.
7. Furthermore, I acknowledge that the nearby public library stands taller than other buildings in the vicinity of the appeal site. However, it is an attractive building that has a comfortable relationship with adjacent properties. This is due to its step down in scale towards the adjoining building to the south and the separation to other properties that is provided by Avebury Avenue.
8. The southern elevation of the appeal scheme would be very bulky and would have horizontal slab-like proportions that would appear dominant in views from the south towards the High Street. The stepping in of the upper floors and the use of grey cladding would not overcome my concerns in respect of the massing and scale of the proposed development. Moreover, whilst buildings to the rear of the appeal site, including a supermarket, are visible in longer views from the south, the proposed development would appear more dominant due to its height and scale.
9. The cladding on the elevations would not successfully break up the mass of the proposed development and its appearance would be rather bland. The banded colours would emphasise the horizontal slab-like proportions of the proposed development.
10. For the reasons given above, I conclude that the proposed development would cause significant harm to the character and appearance of the street scene and the surrounding area. The proposal would therefore be contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Managing Development and the Environment – Development Plan Document 2010, Policy TCA 1 of the Tonbridge Central Area Action Plan 2008 and paragraphs 118, 122 and 127 of the National Planning Policy Framework ('Framework'), which, amongst other things, seek to ensure that development is well designed and respect the site and its surroundings.

Other Matters

11. A Unilateral Undertaking has been submitted by the appellant during the course of the appeal that would secure payment of a contribution towards the improvement of public open space in the vicinity of the site. This obligation would be necessary to make the development acceptable in planning terms,

directly related to the development and fairly and reasonably related in scale and kind to the development. As such, it would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

12. The Council is unable to demonstrate a five year supply of deliverable housing sites. As such, relevant policies for the supply of housing should not be considered up-to-date in accordance with footnote 7 of the Framework. In these circumstances, paragraph 11(d) of the Framework should therefore be applied.
13. Whilst paragraph 59 of the Framework refers to significantly boosting the supply of housing, the increase of 11 additional units would make a limited contribution. There would be a small social benefit in providing a limited number of additional housing units in an urban area close to shops and passenger transport facilities. Modest economic advantages would also arise from the construction and occupation of the proposed dwellings. However, the harm to the character and appearance of the street scene and the surrounding area would be significant. As a result, the environmental role of sustainable development would not be achieved. The proposal would not safeguard and improve the environment and so it would not accord with paragraph 117 of the Framework in respect of promoting an effective use of land.
14. As such, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other material considerations including the Framework.
15. The appellant has referred to pre-application advice that was provided by the Council, however this does not represent the formal position of the Council and I have determined the appeal scheme on its planning merits.

Conclusion

16. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR