



Appeal Decision

Site visit made on 10 February 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Appeal Ref: APP/M2270/W/19/3239484

Pennington Manor, Vicarage Road, Southborough, Royal Tunbridge Wells TN4 0SP

- 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 M R Consultancy Ltd against the decision of Tunbridge Wells Borough Council.
 - The application Ref 19/00886, dated 2 April 2019, was refused by notice dated 21 August 2019.
 - The development proposed is a third-floor extension to provide six flats (4 x one bed and 2 x two bed), and the retention of two existing studio flats in the building. Provision of cycle spaces and enlarged refuse and recycling store.
-

Decision

1. The appeal is dismissed insofar as it relates to a third-floor extension to provide six flats (4 x one bed and 2 x two bed) and the provision of cycle spaces and enlarged refuse and recycling store.
2. The appeal is allowed insofar as it relates to the retention of the studio flats 3a (lower ground floor) and 6a (ground floor), and planning permission is granted for the retention of two existing studio flats in the building at: Pennington Manor, Vicarage Road, Southborough, Royal Tunbridge Wells TN4 0SP, in accordance with the terms of the application Ref: 19/00886, dated 2 April 2019, so far as relevant to that part of the development hereby permitted and 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 following approved plans: 1838-Scheme-01C (Proposed Lower Ground Floor Plan) and 1838-Scheme-02D (Proposed Ground Floor Plan).

Main issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the nearby Southbourne Conservation Area (CA) and the High Weald Area of Outstanding Natural Beauty (AONB) and;
 - the living conditions of the neighbouring occupiers with particular reference to overbearing, overlooking, privacy, noise, disturbance, and odour.

Reasons

Character and appearance

4. Pennington Manor is located in Vicarage Road adjacent to the Southborough Conservation Area (CA), the adjoining Area of Outstanding Natural Beauty (AONB) and has public footpaths, known as WS4 and WS6, that run past the rear and front of the building. The properties in Vicarage Road are a mix of design styles, ages, and types set on generous plots, and include the larger, flat-roofed host dwelling which is a 3-storey, purpose-built apartment block with off-white render elevations set against grey tiles above. The architect designed dwelling links visually with two substantial, mansion-style villas seen on the other side of the road, and its roofline is akin to the neighbouring properties.
5. Pennington Manor is currently used as temporary accommodation for up to 33 households. The studio flats 3a (lower ground floor) and 6a (ground floor) were formerly used as communal spaces and do not have planning permission. The proposal would add six additional flats as part of a 3rd-floor extension and seek to regularise the two studio flats without current planning permission. There would also be cycle parking and refuse/recycling storage provided to the front of the dwelling. The materials used would match the existing white render and grey tiles of the host dwelling.
6. The main parties agree that development in the area is acceptable in principle, and that the design and materials of the proposal would be in keeping with the existing building. Indeed, I noted from my site visit that although the building is of a bespoke style, the materials used help to unify the dwelling with the villas seen along Vicarage Road. However, the proposal would increase the already substantial scale and mass of the existing dwelling. Indeed, the increased height of the building beyond the neighbouring ridge line would be add odds with the prevailing two-storey built form in this section of the road.
7. Moreover, I noted at my site visit and from the evidence before me, including the submitted landscape statement, that the proposal would be overly prominent from a number of vantage points such as, but not limited to, WS4 and WS6. I acknowledge that at certain times of the year leaf coverage provided by the surrounding trees and hedges might afford a level of shielding. Nonetheless, when viewed from nearby areas, the proposed extension to the building height would extend above the established treeline and erode the subtle blending with the CA and the AONB beyond. I conclude therefore, that the bulk of the proposal is not of 'minor or moderate' consequence. To the contrary, it would be incongruous with the relatively spacious surroundings of Vicarage Road and harm the setting of the CA and the AONB.
8. As such, the proposal is contrary to Core Policies 4 and 10 of the Tunbridge Wells Borough Core Strategy 2010, Policies EN1 and EN5 of the Tunbridge Wells Borough Local Plan 2006, High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024, the Borough Landscape Character Area Assessment 2011, the Kent Design Guide and Southborough Conservation Area Appraisal 2003 which say, amongst other things, that development will serve to strengthen the sense of space, and should preserve and enhance the buildings, related spaces, vegetation and activities which combine to form the character and appearance of the area.

9. For similar reasons the proposal is in conflict with Paragraph 127 (c) of the National Planning Policy Framework (the Framework) which requires that development is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Existing studio flats

10. I noted at my site visit that studio flats 3a (lower ground floor) and 6a (ground floor) appear to be occupied by tenants. As such, they are no longer communal spaces. Indeed, they are functional self-contained units of accommodation and there is no discernible difference in appearance, when viewed either externally or internally, from the other flats in the scheme. Therefore, I see no reason why they cannot continue to be used as living accommodation and conclude that this element of the proposal would be acceptable.

Living conditions of neighbouring occupiers

11. Pennington Manor lies directly adjacent 'Lothlorien' and the gardens of the neighbouring properties as they run along Vicarage Road. The main parties agree that the orientation of the buildings means that there is no loss of sunlight/daylight or overshadowing from the proposed extension.
12. I noted at my site visit that the rear of Pennington Manor is positioned beyond the building line of the neighbouring properties and is in close proximity to the boundary with 'Lothlorien'.

a) Overbearing

Despite some hedging and trees along the right-hand side boundary, the dwelling is readily visible from a number of gardens along Vicarage Road. As such, the addition of the proposed third-floor extension would increase the scale, mass and height of the building and be overbearing on the neighbouring occupiers, particularly those living in the two-storey dwelling of 'Lothlorien'.

b) Overlooking and privacy

Indeed, the proposal not only includes a further storey but also a number of additional windows and balconies to the side and rear. Therefore, the increased height of the development in combination with the windows and balconies, whether restricted by a condition or not, would exacerbate the overlooking onto the neighbouring balconies, gardens and patios and harm the privacy of nearby residents.

13. Therefore, the proposed development would fail to comply with Policy EN1 of the Tunbridge Wells Borough Local Plan 2006, and the Kent Design Guide which say that a proposal should not cause significant harm to the residential amenities of adjoining occupiers, and Paragraph 127 (f) of the Framework, which aims include that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

c) Noise, disturbance and odour

14. From the evidence before me, I cannot be certain of the current level of occupation in Pennington Manor, or the level of noise and disturbance associated with its use. However, six additional units of accommodation would undoubtedly lead to some increase in the amount of activity associated with the building, including the use of waste and recycling facilities. Indeed, I accept that the size and positioning of waste and recycling facilities for any multi-unit scheme can be less than ideal. Nonetheless, from my site visit and the limited technical evidence available, there is nothing to suggest that the property does not meet suitable acoustic requirements, or that there would be any unacceptable odours associated with the proposed waste and recycling facilities for the extended scheme. Therefore, I find this element of the proposal acceptable, but only in combination with the proposed scheme of greater occupancy.

Other matters

Split Decision

15. I have found that the third-floor extension to provide six flats (4 x one bed and 2 x two bed) in combination with the provision of cycle spaces and enlarged refuse and recycling would be harmful to the character and appearance of the area and the living conditions of the neighbouring occupants. However, I am satisfied that studio flats 3a (lower ground floor) and 6a (ground floor), which are currently occupied as living accommodation, are both physically and functionally severable from the proposed third floor extension and the provision of cycle spaces and enlarged refuse and recycling. In these circumstances, I am able to issue a split decision and will grant planning permission for the two existing studio flats in the building.

Conditions

16. I have considered the conditions suggested by the Council having regard to the tests set out in Paragraph 55 of the Framework, and the national Planning Practice Guidance. In the interest of certainty, I have imposed a standard time limit condition, and a condition specifying the plans related to flats 3a (lower ground floor) and 6a (ground floor).

Conclusions

17. The main parties agree that the Council cannot demonstrate a five-year housing land supply, as such Paragraph 11 (d) of the Framework is engaged. However, while I acknowledge that the proposal would result in some public benefit, i.e. the provision of six new flats, I find the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
18. For the reasons given above, I conclude that the appeal should be dismissed insofar as it relates to the third-floor extension to provide six flats (4 x one bed and 2 x two bed) and the provision of cycle spaces and enlarged refuse and recycling, but allowed insofar as it relates to the retention of two existing studio flats in the building, subject to the conditions set out above.

J E JOLLY

INSPECTOR