



Appeal Decision

Site visit made on 9 March 2020

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/M2270/C/19/3238008

Land at 2 Popes Row, Chicks Lane, Kilndown, Cranbrook, Kent TN17 2RR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Josephine Bridgeland against an enforcement notice issued by Tunbridge Wells Borough Council.
 - The enforcement notice, numbered 19/00105, was issued on 23 August 2019.
 - The breach of planning control as alleged in the notice is the replacement of timber cladding with plastic cladding to the front and rear elevations of the dwelling.
 - The requirements of the notice are;
 - I. Remove the plastic cladding to the front and rear elevations of the dwelling.
 - II. Replace the cladding in (i) above with the timber cladding which has the same profile and materials as the timber cladding which was removed and to match the adjoining dwellings in the same terrace.
 - III. Paint the replaced cladding in (ii) above white
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. It is directed that the enforcement notice be varied by the deletion of the words:
 - I. *'Remove the plastic cladding to the front and rear elevations of the dwelling.*
 - II. *Replace the cladding in (i) above with the timber cladding which has the same profile and materials as the timber cladding which was removed and to match the adjoining dwellings in the same terrace.*
 - III. *Paint the replaced cladding in (ii) above white'*and the substitution therefore by the following text:
 - 1) *'Remove the plastic cladding to the front and rear elevations of the dwelling.*
 - 2) *Replace the cladding in 1) above with the timber cladding which has the same profile as the timber cladding which was removed and to match the adjoining dwellings in the same terrace.*
 - 3) *Paint the replaced cladding in 2) above, white.'* In paragraph 5.
2. Subject to the variations the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural matter

3. The requirements at paragraph 5 of the notice, are inconsistent in terms of the numbering of the steps and associated references to them at steps II. and III. This may be a typing error and the intention of the notice remains clear. Step II. specifies the use of timber and I therefore consider that the reference to materials is superfluous. I consider that the notice can be varied, without causing injustice to the parties, as the variation would not be more onerous than first issued. Accordingly, I intend to vary the requirements at paragraph 5 of the notice, by removing the words '*and materials*' and by re-numbering each of the steps and associated references to them.

Main Issue

4. The main issue in determining this appeal is the effect of the development on the terrace and the character and appearance of the High Weald Area of Outstanding Natural Beauty (the AONB).

Reasons

5. The site is located within a small terrace of 5/6 two storey dwellings that lie perpendicular to Chicks Lane. Access to the front and rear of the dwellings is from an unmade track. The front and rear elevations to each property, have brick at ground floor with white painted timber weather-boarded cladding above. This gives the terrace a very strong sense of uniformity, despite other small differences between the dwellings.
6. The development subject to the notice, comprises the removal of the timber weather board cladding to the front and rear elevations and its replacement with white timber effect uPVC cladding.
7. The replacement cladding is of similar horizontal design to the others. However, it has a different profile to the rest of the terrace with each board noticeably wider. Moreover, the use of uPVC has altered the appearance of this dwelling, being more uniform and severe in character than timber with its natural imperfections. The replacement of the original timber cladding is harmful in itself in particular when viewed in the context of the terrace as a whole.
8. It is recognised that due to the orientation of the terrace, there are limited views of the front elevation of the site from Chicks Lane and from the countryside beyond. The effect of the development on the AONB would therefore be limited. However, the rear elevation of the terrace is visible from the rear access and the public footpath that runs to the rear of the properties. It is clear that the unsympathetic replacement and subsequent loss of traditional materials and original detailing, has had a detrimental impact on the character and appearance of the terrace as a whole.
9. Overall, I find that for the above reasons, the development fails to respect the local building style and materials in the context of this terrace. It is therefore in conflict with saved policies LBD1, EN1 and EN25 of the Tunbridge Wells Local Plan and core policies 4, 5 and 14 of Tunbridge Wells Borough Core Strategy (2010), which in combination seek to ensure that and extension or alteration to a building respects local building styles and materials and respects the context of the site.

Other matters

10. I have had regard to the previous appearance of the cladding and other examples of the use of non-traditional materials in the area, including that at Woodland. I have little evidence before me to confirm the planning history or circumstances for any of these sites. In any event, I have to determine this appeal on its own planning merits, and their presence does not justify granting this appeal. Moreover, granting a further inappropriate cladding treatment, would further erode the sense of cohesion of the area.

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Hilary Orr

INSPECTOR