



Appeal Decision

Site visit made on 6 January 2021

by S M Holden BSc(Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2021

Appeal Ref: APP/H2265/W/20/3259964

Riverbank House, Angel Lane, Tonbridge TN9 1GF

- 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 Riverbank Housing (Tonbridge) Ltd against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/20/00927/FL, dated 30 April 2020, was refused by notice dated 27 July 2020.
 - The development proposed is a rooftop extension to provide 7 no 2 bed flats and 5 no. 1 bed flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the rooftop extension on the character and appearance of the area.

Reasons

3. Riverbank House is a substantial three-storey building with a basement. Although originally constructed as offices, the first and second floors are now occupied as flats with office accommodation on the ground floor. The other buildings on Angel Lane are predominantly two-storey, with Riverbank House marking the end of the street immediately adjacent to Botany Stream, a spur of the River Medway. The riverbank is marked by a belt of mature trees which, even in winter, obscure views towards the six-storey blocks of flats on its opposite side. That area is of a different character having been intensively developed for housing. By contrast much of the area surrounding Riverbank House is dominated by the open car park serving Sainsbury's and the Pavilion shopping centre.
4. The proposal would provide 12 flats within two additional storeys. The third floor would replace the existing roof with its pitched sides, covering the majority of the building's footprint with narrow setbacks on all sides. The fourth floor would be in the form of a mansard roof with larger setbacks from all sides. The proposal would not be as tall as a previous scheme dismissed on appeal¹ in April 2018. However, it would be 3.4m taller than a scheme for the addition of a third storey on to the building approved in January 2019², which would increase the height of the building by some 1.3m.

¹ APP/H2265/W/17/3189476

² TM/18/02222/FL

5. Riverbank House is already the tallest building in Angel Lane. The proposal to introduce third and fourth floors would increase this difference by a significant margin, over and above the scheme approved in 2019. Consequently, it would increase the building's prominence from the car park from where it would appear out of step with the adjacent two storey building. When looking towards the river along Angel Lane the additional height would make it appear taller than the buildings on the opposite riverbank. The different form of the roof and the introduction of a completely different fenestration arrangement would serve to accentuate its discordant appearance.
6. Overall, the proposal would considerably increase the bulk and height of the building. This would be to the detriment of its existing simple and coherent design features, with consequential significant harm to the character and appearance of the surrounding area.
7. I appreciate that the National Planning Policy Framework (the Framework) is supportive of upward extensions of buildings which can provide opportunities to deliver new homes. However, this is subject to such extensions being consistent with the prevailing height and form of neighbouring properties and the overall street scene. The proposal would be contrary to this objective.
8. I conclude that the proposal would significantly harm the character and appearance of the area, contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 (Core Strategy) and Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD 2010 (MDE DPD). These policies require new development to be of an appropriate scale that respects the character and local distinctiveness of the site and its surroundings. However, as the site is in the town centre, residents would have good access to local facilities in an area well served by sustainable modes of transport, I do not find any significant conflict with Policy CP1 which seeks to focus development on previously developed sites in accessible locations.

Other Considerations

9. Although not cited as a reason for refusal, the Council's statement indicated that there was a requirement for contributions towards local infrastructure and services. The appellant submitted a Unilateral Undertaking with the appeal which offered contributions to open space, secondary school provision and community services and waste disposal. This obligation would be necessary to make the development acceptable in planning terms and would meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). The Council was satisfied that the sums and timing of payments were acceptable; I see no reason to take a different view.
10. Residents expressed concern about the risk of flooding of the basement following an event that took place in 2019 which caused the car park to be out of use for some time. However, it is apparent from the evidence before me that the freeholder has addressed this problem through remedial works within the building and the appointment of a new management company. I am therefore satisfied that flood risk could be addressed through the imposition of conditions, if the development had been acceptable in all other respects.

Planning Balance

11. The Core Strategy and MDE DPD both pre-date the Framework. However, their importance in relation to the appeal proposal hinges on their consistency with the Framework. The Framework promotes good design as a means of creating better places in which to live and work. It advocates development that will add to the overall quality of the area, which is sympathetic to local character and which aim to achieve healthy, inclusive and safe places. As this is consistent with Policies CP24 and SQ1, the conflict with them attracts significant weight.
12. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged and planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits.
13. There is no objection in principle to additional residential development on this site. Its location within the town centre would give residents good access to a range of facilities without being dependent on a car. The scheme would result in the net addition of 4 more flats over and above the 8 approved in January 2019. The proposal would therefore only make a small contribution to the supply of housing. Consequently, the associated social and economic benefits carry limited weight in the balance.
14. I have found that the scheme would give rise to significant and permanent harm to the character and appearance of the area. This adverse impact would significantly and demonstrably outweigh the limited benefits associated with the provision of 4 additional homes, when assessed against the policies in the Framework as a whole. The presumption in favour of sustainable development therefore does not apply in this case.

Conclusion

15. The proposal conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that outweigh that conflict.
16. For this reason, the appeal is dismissed.

Sheila Holden

INSPECTOR