



Appeal Decision

Site Visit made on 16 March 2021

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

an Inspector appointed by the Secretary of State

Decision date: 14th April 2021

Appeal Ref: APP/M2270/W/20/3262170

17 Holmewood Ridge, Langton Green, Royal Tunbridge Wells TN3 0ED

- 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 Mrs S Eccles against the decision of Tunbridge Wells Borough Council.
 - The application Ref 20/01909/FULL, dated 8 July 2020, was refused by notice dated 8 September 2020.
 - The development proposed is subdivision of plot and erection of a new five bed dwelling and garage, including the provision of a new access road and re-sited garage for 17 Holmewood Ridge.
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Decision

1. The appeal is allowed and planning permission is granted for a subdivision of plot and erection of a new five bed dwelling and garage, including the provision of a new access road and re-sited garage at 17 Holmewood Ridge, Langton Green, Royal Tunbridge Wells TN3 0ED, in accordance with the application Ref: 20/01909/FULL, dated 8 July 2020, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, particularly in relation to the site's location within an Area of Landscape Importance (ALI).

Reasons

3. Holmewood Ridge is an exclusive development of large houses set in substantial plots on the southern edge of Langton Green. The street lies within the Limits of Built Development (LBD) of the village. No 17 appears to be a remnant of a complex of farm and residential buildings that date from post medieval times or earlier. This may explain why it is located to the rear of some of the other development along Holmewood Ridge. Nevertheless, the property has a very large garden, which is primarily laid to lawn, on land that slopes down towards the trees and open countryside that lie immediately beyond its rear boundary.
4. The appeal site forms part of an Area of Landscape Importance (ALI) adjacent to the Green Belt and High Weald Area of Outstanding Natural Beauty (AONB). The ALI has a more open and spacious character than the remainder of Langton Green and provides an important area of transition between the settlement and the countryside beyond. However, the appeal site is enclosed by existing gardens and there are no views into it from the street. The only

public views towards the site are from a section of footpath to the west of Barrow Lane. From here none of the houses in Holmewood Ridge appear prominent, although some roofs can be seen above the tree belt that separates the built-up area from the field and the surrounding undeveloped countryside.

5. The construction of a new dwelling, its associated garage and a replacement garage for the host property would result in the loss of a considerable part of the No 17's front and rear gardens. The dwelling would occupy the southernmost part of the garden and would be approximately in line with existing buildings along the southern arm of Holmewood Ridge. Its footprint would not project significantly beyond that of No 26b. Its orientation and siting would ensure that it would not appear prominent from the public footpath to the south. The garage and the replacement garage would be tucked into other parts of the garden and would not be visible from any public viewpoint. The proposal would therefore have a minimal effect on the character and appearance of the ALI.
6. The proposal would result in a tandem arrangement of dwellings on the site. The existing driveway to No 17 would be shared with the new dwelling. In addition, an extended driveway would be provided around the host property, alongside the eastern boundary of the garden and terminate in a turning area to the side of the new dwelling. This would result in further loss of the remaining garden. The sub-division of the plot would be unusual insofar as the other properties in Holmewood Ridge have direct frontage access. This would be somewhat out of keeping with the layout of development in the locality. However, it would not result in plots that would be unacceptably small or out of proportion with the scale and size of the respective buildings. Furthermore, although regrettable, the effects would be confined to the site and would not be seen from the street or have any harmful effects on the adjacent properties. The plots and gardens would be more than adequate to ensure that the site as a whole did not feel cramped.
7. Concerns about similar proposals coming forward for backland development to the rear of other properties in Holmewood Ridge are understandable. However, the Council would retain the right to assess them on their individual merits having regard to the specific circumstances of the site and the details of any proposed scheme, as I have done in this case.
8. I therefore conclude that the proposal would result in limited harm to the character and appearance of the immediately surrounding area but no significant harm to the character and appearance of the Area of Landscape Importance. There would therefore be limited conflict with saved Policy EN1 of the Tunbridge Wells Borough Local Plan 2006 (Local Plan), which requires development to respect its context. However, I find no conflict with saved Policy EN22 of the Local Plan or Policy CP4 of the Core Strategy¹ which seek to protect the Borough's distinctive landscapes, including the ALIs from significant harm and ensure that their contribution to amenity value is recognised and retained.

Other Matters

9. Concerns have been raised about loss of privacy for adjoining occupiers. The Council was satisfied that the separation distances between dwellings and the

¹ Tunbridge Wells Borough Local Development Framework Core Strategy DPD Adopted June 2010

orientation and design of the proposal would ensure that there would be no unacceptable overlooking of neighbours. I see no reason to come to a different view.

10. There would be some noise generated by vehicular movements along the driveway. These are most likely to affect the occupants of No 17. However, it would retain a reasonably-sized residual garden and there are only secondary windows facing the extended driveway. Furthermore, as the number of movements associated with a single dwelling would be small, I do not consider this would result in unacceptable disturbance that would justify withholding planning permission. Any adverse effects arising from the movement of vehicles on other nearby properties would be negligible.
11. The Borough is in the process of preparing its new Local Plan and the Council has not drawn my attention to any emerging policies that are relevant to this case. Even if it had, as the plan has not yet been the subject of a public examination, its policies would carry very limited weight in my assessment of the appeal proposal.
12. I have had regard to the other representations made by local residents in respect of other matters including trees, traffic, drainage and broadband infrastructure. However, from what I have read and saw on my site visit none have been determinative in my assessment of the scheme.

Planning Balance

13. The policies referred to above are broadly consistent with the National Planning Policy Framework (the Framework) insofar as it requires development to be sympathetic to local character and to recognise the intrinsic character and beauty of the countryside. However, the appeal site is within the LBD of Langton Green and close to the wide range of services on offer within Tunbridge Wells. Furthermore, saved Policy H5 of the Local Plan permits infill within the LBD, so there is no objection in principle to a residential development on the site. In all other respects the Council was satisfied that the proposal could, subject to conditions relating to biodiversity and drainage, be compliant with the development plan. I therefore consider that the proposal would result in only limited conflict with the development plan when read as a whole.
14. The Council is unable to demonstrate a 5-year supply of deliverable housing sites, so paragraph of the Framework 11 d) is engaged. The provision of a single dwelling would make a small contribution towards housing supply with associated social and economic benefits. It would also accord with the Framework's support for windfall sites which advises that great weight should be given to the benefits of using suitable sites within existing settlements.
15. In these circumstances I consider the limited adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development applies and the appeal should succeed.

Conditions

16. In addition to the standard time limit, the Council has suggested a number of conditions in the event that the appeal was allowed. I have considered these having regard to the tests set out in paragraph 55 of the Framework and

imposed them where necessary, amending them for the sake of clarity and precision.

17. In addition to the statutory time limit, a condition specifying the plans is required to provide certainty. Pre-commencement conditions are required to protect the trees to be retained, agree measures to mitigate and enhance biodiversity and secure the implementation of a programme of archaeological works. These conditions have been agreed by the appellant.
18. Conditions to agree materials, to secure and implement an appropriate landscaping scheme, and ensure provision of suitable boundary treatments are required to protect the character and appearance of the area. A condition to provide for disposal of sewerage and surface water drainage is necessary to protect the environment and reduce flood risk.
19. Paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so. I see no reason to remove such rights in respect of a porch, particularly as one is already included in the scheme. Neither was I presented with any justification for removing permitted development rights from the existing dwelling. However, alterations to the new dwelling and its roof, the addition of other buildings incidental to the dwellinghouse, and any increases to the areas of hard surfacing could affect the character and appearance of the area and should therefore be subject to scrutiny by the Council. I have imposed a condition accordingly.

Conclusion

20. I have found that the proposal would result in limited conflict with the development plan. However, there are other considerations in this case, including the provisions of the Framework, which outweigh that conflict.
21. For this reason, I conclude that the appeal should be allowed, subject to conditions.

Sheila Holden

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begin not later than 3 years from the date of this decision.
2. The development hereby permitted must be carried out in accordance with the following approved plans:

0184_PL_01 Rev M	0184_PL_03 Rev H	0184_PL_05,
0184_PL_06 Rev F	0184_PL_07 Rev A	0184_PL_08 Rev A
3. No development shall commence and no materials or equipment shall be brought onto the site until details of trees to be retained and measures to secure their protection in accordance with the current edition of BS5837 have been submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.
4. No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been previously submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. Notwithstanding the submitted details, prior to development commencing, a scheme for the mitigation and enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
6. No development above slab level shall take place until means of disposing of foul sewerage and surface water drainage have been submitted to and approved in writing by the local planning authority. The scheme must be implemented in accordance with the approved details prior to first occupation of the dwelling hereby permitted.
7. No development above slab level shall take place unless and until written details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
8. No occupation of the dwelling hereby permitted shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees, hedgerows and blocks of landscaping on the site and identify whether they are to be retained or removed.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting seasons following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size of species.
10. No occupation of the dwelling hereby permitted shall take place until boundary treatments, details of which have previously been submitted to and approved in writing by the local planning authority, have been implemented in accordance with the approved details.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes, A, B, C, E and F of Part 1 Schedule 2 of that Order to the new dwelling hereby permitted, without the prior permission of the local planning authority.

End of Schedule