

Appeal Decision

Site visit made on 13 May 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 June 2021

Appeal Ref: APP/M2270/D/20/3262385

13A Broadwater Down, Royal Tunbridge Wells, Kent TN2 5NJ

- 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 Tom Whillier against the decision of Tunbridge Wells Borough Council.
 - The application, Ref. 20/02181/FULL, dated 25 July 2020 was refused by notice dated 2 October 2020.
 - The development proposed is demolition of the existing shed; proposed two storey side extension forming garage at ground floor and 2 No. bedrooms at first floor.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Tunbridge Wells Conservation Area.

Reasons

3. The appeal property lies within the Area 10: 'Broadwater Down / Frant Road' part of the Tunbridge Wells Conservation Area, and the Conservation Area Appraisal describes this area in some detail. More specifically, No. 13A is an extension to No. 13, one of the original properties of the late Victorian / Edwardian Abergavenny Estate comprising 'gentlemen's residences' in the centres of generous plots in a parkland setting.
 4. The Conservation Area Appraisal includes ordnance survey based plans and these clearly show No.13A as a large rear / side extension to the footprint of the host building. I note the officer's report considers this was a pre-1930's addition to provide ancillary accommodation in support of the original villa, but before the second half of the C19th it had become a separate dwelling.
 5. Although the properties are set well back from the road on the south eastern side of Broadwater Down, most of the original dwellings are roughly in a line at a mid-point in the original plot. Because of this and the fact that the appeal scheme would be a new extension to a previous extension, a gap of less than 1m would remain to the boundary with No. 11 and result in a larger but still modest gap of about 4m to the projecting element to the flank of that building.
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6. Even allowing for the age of the first extension now comprising No. 13A, I am in no doubt that the cumulative impact of that building and the appeal scheme would be harmful to the original intention of the development. As I have already indicated, this was to have large buildings set well apart from their neighbours, thereby allowing them to be surrounded on all sides by vegetation and create a 'parkland setting' characteristic of the Arcadian ethos.
7. It is for this reason that I am unable to accept the argument in the grounds of appeal to the effect that because the appeal building is set back from the road and largely hidden from the public realm by greenery, the gap between Nos. 13A and 11 does not make any contribution to the character and appearance of the area. Heritage assets, of which the Conservation Area is an example, are essentially founded in their historical associations and as such are not entirely the preserve of public ownership, access or aspect.
8. Furthermore, the Conservation Area Appraisal says that the key element in Broadwater Down's distinctive and consistent character is the planting that blocks out the front boundaries of the original development plots, and that as a result the gables of the mansions may 'occasionally be apparent' from the road. I do not therefore consider it is fair to argue that the screening effect of the 'key element' of frontage vegetation can be cited as a reason for allowing further increases in building footprint across the site that would go against the historical grain of development. The two factors of screening and separation complement one another in preserving the character and appearance of the Conservation Area.
9. I have taken account of all other matters raised for the appellant but have found nothing to alter my conclusion that the appeal proposal would fail to preserve the character and appearance of the Conservation Area. However, the appellant has disputed the relevance of some of the policies referred to in the Notice of Refusal and in a number of cases I agree with the comments made.
10. Nonetheless, I find that the appeal scheme would be in harmful conflict with item 5 of Core Policy CP4 of the Tunbridge Wells Core Strategy 2010. As regards the Tunbridge Wells Local Plan 2006, the conflict would be with item 3 of Policy EN1; most of Policy EN5, and item 1 of Policy EN24.
11. In respect of Government policy, Section 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework 2019 explains in paragraph 196 that where a development will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use. In this case, whilst the harm would be less than substantial, the only public benefit would be a short term economic benefit from the construction. I consider that this would not outweigh the harm that I have identified.
12. For the reasons explained above, the appeal is dismissed.

Martin Andrews

INSPECTOR