



Appeal Decision

Site Visit made on 23 June 2021

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

an Inspector appointed by the Secretary of State

Decision date: 05 July 2021

Appeal Ref: APP/M2270/W/20/3271510

The Vicarage, Waterloo Road, Cranbrook TN17 3JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Julian Hills of Canterbury Diocesan Enterprises Limited against Tunbridge Wells Borough Council.
 - The application Ref 20/01335/FULL, is dated 14 May 2020.
 - The development proposed is alterations to vicarage and erection of three detached houses.
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for costs has been made by Canterbury Diocesan Enterprises Limited against Tunbridge Wells Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The Council did not determine the application within the statutory time period. However, an officer report set out the reasons why it considered the proposal to be unacceptable. Having regard to these and matters referred to by other interested parties, I consider the main issues are:
 - a) the effect of the proposal on the character and appearance of the area, having particular regard to its effect on heritage assets;
 - b) whether the proposal makes effective use of land having regard to local housing need.

Reasons

Character and appearance

4. The appeal site is the large and somewhat overgrown side garden of the Vicarage. It lies within the Limits to Build Development (LBD) of Cranbrook. Policy AL/CR 3 of the Tunbridge Wells Borough Site Allocations Local Plan allocates the site for approximately 4 additional dwellings. There is therefore no objection in principle to a residential development on it.
5. The site also lies at the northern end of Identity Area B of the Cranbrook Conservation Area and adjacent to the group-listed Waterloo Terrace. I therefore have statutory duties to pay special attention to the desirability of

- preserving or enhancing the character or appearance of that Area and to have special regard to preserving the setting of Waterloo Terrace.
6. The Cranbrook Conservation Area derives its overall significance from the town's development in the 14th-17th centuries, when it was the centre of a rich cloth producing area in the High Weald, and its subsequent prosperity during the agricultural boom of the 18th and 19th centuries. This has resulted in a high concentration of well-preserved buildings of historic and architectural interest. Its rural setting and well-known schools have also contributed significantly to its character and appearance in more recent times. Identity Area B contains a diversity of visual character and building styles. Its northern part has a generally open appearance with greenery being an important feature that contributes to its significance.
 7. The Vicarage is unusual insofar as it is a detached dwelling occupying a plot that is considerably larger than any of those that are close by. Other nearby properties are either terraced or semi-detached and follow a linear pattern with a clear building line along Waterloo Road. By contrast The Vicarage is set back from the road, some 2m above it, surrounded by mature trees and vegetation which screen the house from the street. Consequently, the site contributes positively to the green entrance to this part of the conservation area where parkland and open countryside give way to built form.
 8. To the south the group-listed Waterloo Terrace is a well-preserved terrace of early 19th century houses which derives its significance from its consistent design features and materials. These include yellow stock brickwork, slate roofs and sash windows. This terrace is visually separated from The Vicarage by the trees and other vegetation on the appeal site. These provide an important and attractive backdrop to the setting of Waterloo Terrace and positively contribute to this part of the conservation area.
 9. The proposed layout shows three, two-storey, 5-bedroom dwellings with accommodation in the roofspace served by dormer windows. The house on plot 3 would be closer to the road than The Vicarage with a small area of hard-standing at the front. Its alignment would create a staggered building line between The Vicarage and Waterloo Terrace. I consider this aspect of the scheme to be acceptable. However, the north-east corner of the house would be immediately adjacent to the cul-de-sac serving the other two dwellings. The rear garden would be a triangular shape which would be disproportionately small to the footprint of the building. In addition, the southern part of the garden would be dominated by vegetation and trees which would shadow part of the garden and reduce its useable size. This combination of factors indicates that there would be a poor relationship between the house and its plot which would also be out of keeping with the shape of surrounding plots and the orientation of the buildings within them.
 10. The houses on plots 1 and 2 would be identical and at right angles to each other. They would be reached by a short cul-de-sac with parking areas to the front and side. There would be an awkwardly aligned shared boundary between the Vicarage and the house on plot 1. The relationship between the new property and the existing house would be clumsy and uncomfortable. This would not reflect the traditional layout of rectangular plots that characterise this part of the conservation area. Whilst this would not be immediately apparent from the street, it would undermine the historic pattern of

development that typifies the conservation area. The garden of the house on plot 2 would be in the area that is dominated by trees and existing vegetation. This would be likely to result in pressure for the pruning or removal of any retained trees in the longer term.

11. The trees in The Vicarage's garden are protected by virtue of their location within the conservation area. The evidence presented about them included photographs together with a site plan and schedule. However, it was not clear from this information which trees would be removed or retained, or how any retained trees would be protected either during construction or afterwards. The notes on the schedule suggested that a sweet chestnut (tree No 10) which would be within the garden of plot 2 could be coppiced. This would diminish its contribution to the screening between the appeal site and Waterloo Terrace.
12. Other trees would require protection, but in the absence of an arboricultural impact assessment, the nature and severity of any incursions into the root protection areas is unclear. I therefore cannot be certain that the screening and backdrop to Waterloo Terrace would be adequately retained. If it was not, the awkward and cramped arrangement of the dwellings would become apparent from the street where they would appear out of place. The proposal would fail to integrate effectively with either the linear pattern of development that characterises this part of the conservation area or the elegant Victorian Waterloo Terrace. The classic design of the houses and the use of traditional materials would not diminish the harm arising from the proposed layout.
13. In addition, the layout would provide only limited space for parking and manoeuvring vehicles on the site. Given the on-going use of The Vicarage for the work of the parish, this could be problematic. The increased use of the existing access is also a matter of concern to the highway authority. Further details are required to demonstrate that the access would have adequate visibility splays and would be appropriate in terms of width and gradient to serve 4 dwellings. In the absence of such details it is not possible to assess the effects of any required improvements on the street scene.
14. Taking all the above factors into consideration, I conclude that the scheme would fail to preserve the character and appearance of the Cranbrook Conservation Area and the setting of Waterloo Terrace. It would therefore conflict with Policy CP4 of the Tunbridge Wells Borough Core Strategy Development Plan Document, 2010, (Core Strategy) and Policy EN1 of the Tunbridge Wells Borough Local Plan, 2006, (Local Plan). These policies seek to conserve and enhance the Borough's heritage assets and require the layout and orientation of development to respect its context.
15. The scheme would also be contrary to the National Planning Policy Framework's (the Framework) requirement to conserve heritage assets in a manner appropriate to their significance (paragraph 184). However, this harm would be less than substantial so, in accordance with paragraph 196 of the Framework, this must be weighed against the public benefits of the proposal. I return to this matter later.

Effective use of land

16. The Framework states that planning policies and decisions should promote an effective use of land in meeting the need for homes. Although not cited within the indicative reasons for refusal, Core Policy 6 of the Core Strategy has been

brought to my attention. It states that the size of both market and affordable dwellings should reflect both current and projected local housing needs. This means achieving a mix of dwelling sizes that continues to meet the identified need for smaller dwellings while also allowing sufficient provision of family housing.

17. Evidence from a Housing Needs Study undertaken in 2018 confirmed the continuing need for small dwellings, particularly those with 2 or 3 bedrooms. The proposal for three 5-bedroom homes would not contribute to this clearly identified local need.
18. I therefore conclude that the proposal would not make effective use of the site, having regard to the area's need for small homes. It would conflict with the aims of the Framework to make optimum use of the site's potential and with Policy 6 of the Core Strategy for failing to contribute to the identified need for small dwellings.

Planning Balance

19. The Council acknowledges that it is unable to demonstrate a 5-year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged.
20. Three large, detached dwellings would make a modest contribution to the shortfall of housing with associated social and economic benefits. However, as those homes would not be of a size that would meet the most pressing local identified needs, these benefits would be limited. In my view these limited public benefits would not outweigh the harm I have identified to the character and appearance of the Cranbrook Conservation Area and the setting of Waterloo Place.
21. Footnote 6 of Paragraph 11 d) i) states that the application of policies in the Framework that relate to the protection of designated heritage assets can provide a clear reason for refusing a proposed development. I have found that to be the case here. In such circumstances the presumption in favour of sustainable development does not apply.

Conclusion

22. The proposal would conflict with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise.
23. For this reason, the appeal is dismissed.

Sheila Holden

INSPECTOR