



Appeal Decision

Site visit made on 29 March 2022

by C Shearing BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2022

Appeal Ref: APP/M2270/D/21/3279732

Coggers Barn, The Broadway, Lamberhurst, Tunbridge Wells TN3 8DA

- 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 Richard Speight against the decision of Tunbridge Wells Borough Council.
 - The application ref 20/02532/FULL, dated 4 September 2020, was refused by notice dated 10 May 2021.
 - The development proposed is 'Erection of a wood framed home office and raised platform to provide additional storage space and home office (part retrospective)'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a wood framed home office and raised platform to provide additional storage space and home office at Coggers Barn, The Broadway, Lamberhurst, Tunbridge Wells TN3 8DA in accordance with the terms of the application, Ref 20/02532/FULL, dated 4 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2118(10)100 rev.B, 'Block Plan', 'Plan View', 'Side Elevation (North)', 'Side Elevation (South)', 'Front Elevation', 'Rear Elevation', 'Floorplan', 'Plan View (with trees)'.
 - 2) The materials to be used in the external surfaces of the development hereby permitted shall be as they have been specified in the application form dated 4 September 2020.

Preliminary Matters

2. The description of development above is taken from the Council's decision notice as this more concisely and precisely describes it. The appeal scheme is part retrospective since the building and raised platform are in situ. The external cladding and balustrades have not been installed.

Main Issues

3. The main issues are:
 - i. Whether the development would increase flood risk on the site and elsewhere, and;
 - ii. The effect of the development on the character and appearance of the area, with particular regard to the High Weald Area of Outstanding Natural Beauty (the AONB).

Reasons

Flood Risk

4. The appeal site adjoins the River Teise and according to the Council, is in Flood Risk Zone 3b as functional flood plain. A low level flood wall of breeze blocks separates the lawn area and the steep bank of the river beyond.
5. Planning Practice Guidance (the Guidance) states that minor developments, which by definition includes the appeal development, are unlikely to raise significant flood risk issues. It states that the sequential and exception tests do not need to be applied to such developments. It does however, list circumstances where minor development could cause flooding issues, including where it would have an adverse effect on a flood plain or have a significant effect on local flood storage capacity or flood flows, which are particularly relevant to this appeal.
6. The building and platforms are raised above the ground level and sit on stilts attached to concrete pads on the ground. Together the concrete pads occupy a small area of ground and are positioned in part on an existing area of hard surfacing. The development would allow the passage of water beneath the structures and does not alter the ground level nor reduce the capacity of the flood plain. In light of existing planting and structures on the appeal site and the narrow nature of the stilts, any increased obstruction to flood flows would not be significant.
7. I note the Environment Agency's concerns for the impact of the support legs that are beyond the flood wall on the flow and scour of the river. Given their diameter and height, and the limited extent of their projection onto the river bank, as well as the presence of surrounding existing trees on the riverbank, there would not be a significant impact on river flows. The additional planting proposed, which is intended to reinforce and preserve the river bank, would also help to mitigate against future risk of flooding.
8. As the building is raised notably above the ground level and incorporates internal fittings including plastic lining and raised electrical points, I am satisfied that the building incorporates appropriate flood resilience and resistance measures in line with the Guidance for household developments in this area of flood risk. In addition, the building provides ancillary to the main house and does not provide any new dwelling nor sleeping accommodation. The development would be safe for its users in terms of flood risk.
9. Overall, given the particular characteristics of the development and its relationship to the river, I am satisfied that there is unlikely to be additional flood risk arising from this development either on the site or elsewhere. The development complies with saved Policy EN18 of the Tunbridge Wells Borough Local Plan 2006 (TWBLP) and Core Policy 5 of the Core Strategy Development Plan Document 2010 (CSDPD), which requires flood protection, mitigation and prevention of flooding elsewhere. The development meets the objectives of the National Planning Policy Framework's (the Framework) policies on flood risk.
10. In respect of flood risk, I also find no conflict with policy EN1 of the TWBLP, which relates to other matters including compatibility of different uses, living conditions and local character.

Character and Appearance

11. The Landscape Character Assessment Supplementary Planning Document (SPD) 2017 identifies the narrow, low-lying river valley and the rolling High Weald plateau as a characteristic of the Teise Valley, which encompasses the appeal site. The AONB designation washes over the historic settlement of Lamberhurst, which forms part of the special landscape character.
12. The appeal site is one of a number of residential gardens which backs on to the River Teise with open countryside beyond. These gardens are characterised by residential paraphernalia and I observed that some of the nearby gardens include outbuildings, terraces and greenhouses close to the river bank. The development may be visible in some long views over the river and the fields beyond. However in these views the site appears as a residential garden and part of the established settlement. The development is within the 'Limits to Built Development' as defined by the Proposals Map of the TWBLP and would not encroach into the open countryside, but would contribute to the appreciation of the settlement boundary.
13. By reason of its scale, simple contemporary design and materials, in combination with its positioning and relationship to nearby buildings, the development would provide an enhancement to the landscape character and an interesting juxtaposition with the historic buildings behind. The development would respect those attributes that contribute positively to the special landscape character. As such I find that the development would both preserve and enhance the special landscape character and natural beauty of the AONB, and it would not cause harm to the character and appearance of the area.
14. The development complies with saved Policies LBD1, EN1 and EN25 of the TWBLP which require development to be focused within the defined 'Limits to Built Development' and respect the context of the site. The development also complies with Core Policies 4 and 14 of the CSDPD which together require development to conserve and enhance the landscape character, and the aims of the Tunbridge Wells Borough Landscape Character Assessment SPD. It also accords with the objectives of the Framework in terms of design and AONB impacts.

Other Matters

15. Issues relating to the required Flood Risk Activity Permit referred to by the Environment Agency, and concerns raised in respect of the maintenance and possible damage to the flood wall, are matters to be dealt with outside the planning system under separate legal rights. Based on the information before me I have no substantive evidence to demonstrate that the development would cause erosion of the river bank nor that the building would be likely to be dislodged in the event of a flood.
16. The Council have considered the issue of overlooking within its officer report and have raised no objection on this basis. Following my assessment and site visit, given the orientation of the raised decking and openings within the building, and the relationship to neighbouring properties, I agree with the Council's conclusions. While the private views from neighbouring properties are not regarded as a planning matter, for the reasons discussed above I find that the development is acceptable in terms of its impact on the character and appearance of the area.

17. I have taken account of the Council's concern for precedent for other similar developments. However, each proposal must be determined on its own individual merits and given the site-specific considerations in this instance in terms of the main issues identified above, I do not consider that such a fear of precedent is central to my decision.
18. The appeal site lies within the Lamberhurst Conservation Area, and forms part of the setting of a number of Grade II listed buildings on The Broadway which include Coggers Farmhouse. Following my assessment and site visit, I agree with the Council's conclusions that the development would preserve the character and appearance of the Conservation Area, and the setting and significance of the listed buildings. This is due to its scale and design, which allow the development to appear as a subordinate garden building and due to its distance from the listed buildings and the separation provided by existing structures.

Conditions

19. I have considered the conditions put forward by the Council and I have had regard to the advice in Planning Practice Guidance and the Framework in respect of conditions. I have imposed a condition requiring the development to adhere to the submitted drawings to provide clarity for the parties. To ensure the completed development sits comfortably within its setting, I have imposed a condition relating to materials. I have, however, amended the Council's wording to refer to the details on the application form as no such details are specified on the supporting plans.

Conclusion

20. The development complies with the development plan as a whole and as such the appeal should be allowed.

C Shearing

INSPECTOR