



Appeal Decision

Site visit made on 30 June 2022

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28TH July 2022

Appeal Ref: APP/M2270/D/21/3288521

154 Powder Mill Lane, Southborough, Tunbridge Wells, TN4 9DT

- 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 A Carey against the decision of Tunbridge Wells Borough Council.
 - The application Ref 21/03237/FULL, dated 22 September 2021, was refused by notice dated 24 November 2021.
 - The development proposed is double and single storey side and rear extensions complete with new pitched roof entrance porch
-

Decision

1. The appeal is allowed and planning permission is granted for double and single storey side and rear extensions complete with new pitched roof entrance porch at 154 Powder Mill Lane, Southborough, Tunbridge Wells, TN4 9DT in accordance with the terms of the application 21/03237/FULL, dated 22 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: 04905_MH01 Rev A, 04905_MH02 Rev A, 04905_MH03 Rev A & 04905_MH04 Rev A.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of adjoining occupiers of 156 Powder Mill Lane, with particular reference to outlook and light.

Reasons

3. The appeal property is one half of a pair of semi-detached dwellings. The property to the north, 156 Powder Mill Lane, is a narrow property with a long elevation close to the mutual boundary, with windows in the south elevation at ground and first floor. There is a fence and large coniferous trees on the boundary. These impose upon the outlook from No. 15, with the trees being particularly dominating due to their size, position, height and spread of canopy.
-

4. The proposed side extension has a stepped design as adjoining No. 156. The ground floor element is around 1m from the boundary, but of limited depth. The two storey element of the extension is around 2.3m distant from the boundary, and is not the full depth of the host property. There would be a hipped roof fronting No. 156. The works would see the removal of the domineering trees.
5. Whilst the extension would clearly be visible from the windows of No. 156, the distance between the two storey element to those windows is ample to ensure a generally open outlook from the adjoining windows. Based on my observations at the site visit and review of the documentation I have seen, I consider that due to this distance, the hipped roof design, and the existing imposition of the coniferous trees on those windows, then the proposed extension would not cause a loss of light that would be materially harmful to living conditions.
6. The appeal property has been the subject of a number of planning applications in the past, including a dismissed appeal in April 2021 (ref. APP/M2770/D/21/3269490). I am satisfied that the scheme in the appeal before me is materially different from those proposed previously, and hence would not be harmful to living conditions. Thus, the proposals would comply with Policy EN1 of the Tunbridge Wells Borough Local Plan 2006 and Core Policy 5 of the Tunbridge Wells Core Strategy 2010 which, amongst other matters, require development to not cause significant harm to the residential amenities of adjoining occupiers.
7. The rearward extent of the proposed rear extension would not impose upon the outlook or light for the adjoining property of No. 152. The design and form of the proposed side and rear extensions would be sensitive to the host building and wider area, with the extensions being set back from the front elevation at first floor and a lowered ridge line. Materials would match the host property. The front porch would be of modest proportions, relating well to the building.
8. The appeal is therefore allowed. I have attached a condition requiring matching materials to ensure a satisfactory appearance to the development. A condition specifying the approved plans is attached in the interest of precision.

C J Leigh

INSPECTOR