



Appeal Decision

Site visit made on 7 January 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021.

Appeal Ref: APP/M2270/W/19/3243971

72 Camden Road, Royal Tunbridge Wells TN1 2QP

- 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 Peter Bowring (on behalf of AngloLat London LLP) against the decision of Tunbridge Wells Borough Council.
 - The application Ref 19/02870/FULL, dated 2 October 2019, was refused by notice dated 16 December 2019.
 - The development is for the proposed creation of 1 x 2-bedroom flat.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. An application for costs was made by Mr Peter Bowring against Tunbridge Wells Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the development on (a) the availability of future employment space in the area; (b) the living conditions of future occupants of the unit with regard to light and outlook; and (c) the character and appearance of the area.

Reasons

Employment

4. The appeal property is a two-storey, semi-detached building. The ground floor is occupied by an office at the front, with a flat above accessed by a side alleyway. I observed that the basement and ground floor rooms at the rear are being renovated for storage/residential purposes and I understand that this has been granted permission by the Council.
 5. The appeal proposal is for the conversion of the whole ground floor and basement to form a 2-bed flat. The Council's decision notice did not give the loss of the unit for employment purposes as a refusal reason. It is, however, clear from the officer's report that this was a particular concern.
 6. In policy terms, ED2 of the Tunbridge Wells Borough Local Plan March 2006 (LP) outlines that the redevelopment or conversion of existing employment buildings and sites must demonstrate compliance with a number of criteria, through which it is proven that the current use is no longer viable.
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7. I have not been provided with any evidence to demonstrate that marketing of the site has been carried out, and there are no viability details or independent assessments before me. Without such information I cannot be certain that the appeal proposal would be justifiable having regard to the requirements of LP policy ED2.
8. I acknowledge that there are a number of vacant premises within the immediate surrounds of the site and note the conversion of no. 116 Camden Road for residential purposes. However, I am aware that this site is further away from the Primary Shopping Area, and in any event each development should be dealt with on its merits.
9. I therefore conclude that the proposal would be harmful to the availability of future employment space in the area. This would materially conflict with Policy ED2 of the LP which seeks to retain existing employment sites and buildings in their existing use or an alternative employment generating use to support the vibrant and balanced economy of the borough. It would also be contrary with the National Planning Policy Framework (the Framework) which supports economic growth and productivity.

Living conditions

10. The only light to the lounge in the basement would be from a lightwell to the front corner, and there would be no outlook from the room. Given that this would be the primary reception area for the property, I consider that this would represent a poor standard of accommodation for future occupiers, resulting in a cramped and oppressive environment.
11. At ground floor level, having regard to the size and position of the openings, I am satisfied that the amount of light reaching the kitchen and bedrooms would be adequate. Bearing in mind they serve rooms primarily intended for sleeping, I deem that the windows serving the bedrooms would be acceptable with regard to outlook. The large, glazed facade serving the kitchen would provide a satisfactory outlook over the public domain. I have not been provided with evidence as to why ventilation to the kitchen could not be mechanically controlled.
12. I again note the conversion of no. 116 Camden Road. However the floor plans relating to this scheme differ from the appeal proposal in that, amongst other things, the basement accommodation is a bedroom. In any event, conversions of other properties would be neutral considerations in any balance against planning harm, and once more each case must be assessed on its own merits.
13. I therefore conclude that the proposal would result in harm to the living conditions of future occupants with regard to light and outlook. This would be contrary to Policy EN1 of the LP which requires development to provide adequate residential amenities for future occupiers. It would also be contrary to the Framework which seeks to secure safe and healthy living conditions.

Character and appearance

14. The plans provided as part of the appeal papers indicate that the proposed front elevation would be unaltered. I am aware of the likely requirement for an appropriate extent of opaque glazing or treatment to protect the privacy of future occupants of the development. Nevertheless, in itself this need not appear incongruous within the context of the area.

15. Still I note the Council's concerns regarding the retention of an active and vibrant frontage in order to underpin the retail function in this locality on the peripherals of the main shopping area. In the absence of any evidence to justify the loss of the employment space, I am minded to take a precautionary approach in this regard. The conversion of an established shop unit into a residential flat would be harmful to the setting as an active gateway to the town centre.
16. I therefore conclude that the scheme would cause an adverse effect on the character and appearance of the area. It would fail to meet the provisions of policies CR5 and EN1 of the LP, which require development to respect the local environment and reflect the character of the surrounding area. It would also be inconsistent with the Framework which states that good design is a key aspect of sustainable development.

Conclusion

17. For the reasons above, the appeal is dismissed.

C Hall

INSPECTOR