



Appeal Decision

Site visit made on 3 January 2023

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/M2270/W/22/3293047

Land adjacent to Tanyard Car Park, The Tanyard, Cranbrook, TN17 3HR

- 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 Kennedy against the decision of Tunbridge Wells Borough Council.
 - The application Ref 20/03137/FULL, dated 21 October 2020, was refused by notice dated 24 August 2021.
 - The development proposed is demolition of existing bungalow and erection of four dwelling houses, with associated amenity areas and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the appeal are whether the existing building would constitute a non-designated heritage asset that should be retained and whether the removal of this building would preserve or enhance the character or appearance of the Cranbrook Conservation Area (the CA) and the setting of the nearby Old Bakery, a Grade II listed building.

Reasons

3. The CA is characterised in part by historic back garden development of small-scale industrial outbuildings, with what the Council describes as 'artisan cottages', not all of which are visible from the main streets within the CA. The Council explains that historically, the artisan community was an important part of the 19th and 20th century of Cranbrook. Despite there being no clear evidence that would indicate that the existing bungalow was historically used by the artisan community, it is nonetheless a typical example of a late 19th century Arts and Crafts style property within a back garden siting. Historic Ordnance Survey maps show the building has been in existence for some time.
4. The bungalow is of historical interest that reflects the architectural period and development of the pattern of the town. It, therefore, forms part of the pleasing and characterful concentrated grain of the town and makes a positive contribution to the character and appearance of the CA and the historic setting of the Old Bakery and how these are experienced. Taken collectively, the area is of heritage and architectural interest, which includes the existing bungalow. This contributes to the both the character and appearance of the CA and its significance and the setting of the listed building and its significance.

5. The Council's Local Heritage Assets Supplementary Planning Document provides criteria against which buildings are considered for identification as non-designated heritage assets. One of the criteria requires buildings or structures to be substantially unaltered and retain the majority of their original features. With regard to the existing bungalow, a porch and small flat roofed rear extension have been added. Plastic windows have replaced the original windows and the external brickwork has been painted. Nonetheless, the original building is clearly discernible, and the alterations have had a minor impact upon the original structure and its historic character. As such, the building retains much of its original character and appearance on the outside, even if refurbished internally.
6. In view of the above, I do not agree with the findings of the appellant's Heritage Assessment and other reports that the building has been heavily altered or that it does not form a recognisable element of Arts and Crafts design at this present time. Whilst it has been suggested that the bungalow is in a state of disrepair, I have no substantive evidence that would indicate the building to be structurally unsound or of a state beyond repair.
7. Paragraph 40 of the Planning Practice Guidance indicates that non-designated heritage assets can be identified as part of the decision-making process. The Council has explained the interests of the building and the reasons why it warrants identification as a non-designated heritage asset being an example of a typical late 19th century Arts and Crafts style property. Furthermore, ordnance survey maps show this to be a historic building. Given the heritage of the building and its historic and architectural interest, I agree with the Council that that this building would constitute a non-designated heritage asset. This weighs significantly in favour of its retention.
8. It is asserted that the existing building is at odds with other buildings locally and is constructed in a backland setting. However, as noted above, the existing bungalow reflects the development pattern of the town during the 19th and 20th century. This assertion does not take into consideration the historic context and development of Cranbrook or that of the development within the CA. The fact that the bungalow is not identified as a 'positive building' on the Cranbrook CA townscape map does not diminish its contribution to the character of the CA.
9. The existing building is a discreet, single storey building. I acknowledge that a heritage asset's setting is not fixed, and development has taken place around the Old Bakery over the years. Notwithstanding this, despite some outbuildings at the rear of the Old Bakery, there is open space provided by the gardens. There are no functional links between the bungalow and the Old Bakery. Nonetheless, the bungalow forms part of the historic context of the listed building and its setting and removal of this building would substantially alter its setting.
10. In terms of the proposed development, the dwellings would have regard to the form and materials of properties within Cranbrook and would represent good design when taken on its own individual merits. However, the replacement development would not host the historic and architectural value as experienced by the existing building. Despite being a well designed scheme, this does not justify the loss of the bungalow or make the proposal more acceptable.

11. The Framework sets out that *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.
12. Furthermore, the Framework indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to the significance of a designated heritage asset from development within its setting will require clear and convincing justification. The Framework is clear that where a proposed 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 optimal viable use.
13. The existing building would constitute a non-designated heritage asset, and this weighs significantly in favour of its retention. The proposal would result in the loss of this non-designated heritage asset, and I give great weight to the harm caused by such loss. Considering the effect of the designated CA as a whole, I consider there would be less than substantial harm to the character or appearance of the CA and the proposal would neither preserve or enhance it. In addition, the proposed development would be harmful to the setting of the listed heritage asset of the Old Bakery. I consider there would be less than substantial harm to this designated heritage asset, and I give this considerable importance and weight. The appellant contends that the harm would represent a very low level of less than substantial harm. Even so, there would be less than substantial harm to designated heritage assets.
14. In accordance with paragraph 202 of the Framework I must weigh the harm against the public benefit of the proposal. The development would contribute to the borough's housing supply by creating an uplift of three dwellings. This would make a small but positive contribution to the existing housing land supply shortfall. The development would also represent a more intensive housing use of this parcel of residential land within the limits of the built development of Cranbrook. Whilst these are attributes of the scheme, the contribution and benefit to the public, in my view, would be extremely modest, and insufficient to outweigh the harm identified.
15. For these reasons, I conclude that the proposed development would result in the unacceptable loss of an existing non-designated heritage asset and its loss would not preserve or enhance the character or appearance of the CA or the setting of the nearby Listed building, the Old Bakery. The proposal would, therefore, conflict with National Planning Policy Guidance Conserving and Enhancing the Historic Environment, Policies EN1 and EN5 of the Tunbridge Wells Borough Local Plan 2006, Core Policy 4 of the Core Strategy 2010, the Cranbrook Conservation Area Appraisal and the provisions of the Framework. These policies and documents seek, amongst other matters, the retention of significant buildings and require development not to be detrimental to the character or appearance of a CA and to have special regard to the setting of the Borough's heritage assets to ensure they are conserved and enhanced.

16. The proposed development would also fail to accord with the statutory duties set out in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

17. It has been highlighted that permitted development rights could be implemented at the property that may result in further extensions and/or alterations to the existing bungalow. However, from the information provided it is not demonstrated that there is a greater than theoretical prospect that any such permitted development rights would be implemented. Furthermore, the existence of permitted development does not make the proposal more acceptable, nor does it justify the harm that I have identified above. I therefore attached limited weight to the existence of such permitted development rights.
18. The appellant refers to other developments in Cranbrook that have been approved at Stone Street and Union Mill. The Council have advised that neither of those proposals involved the loss of historic buildings. The circumstances relating to those proposals clearly differs to the considerations that are before me. They would therefore not constitute a precedent that might offer support for this proposal. Furthermore, those examples offer little weight in the proposals favour.

Conclusion

19. Having regard to my findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR