



Appeal Decision

Site visit made on 9 February 2023

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/H2265/W/22/3292544

5 Baltic Road, Tonbridge, Kent, TN9 2NB

- 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 Raheel Akhtar of f36a Expressway Business Centre against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/21/02482/FL, dated 12 September 2021, was refused by notice dated 12 January 2022.
 - The development proposed is the erection of a single storey extension to the roof of the building to provide 3 no self-contained flats (Dwelling house class 3) with associated external alterations to the building, cycle parking, refuse storage and ancillary works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development upon the character and appearance of the wider area; and
 - the effect of the development on the living conditions of the occupiers of adjoining properties, with particular regard to outlook.

Reasons

Character and Appearance

3. This site is a former light industrial building located in a largely residential area of Baltic Road. The buildings in the area are predominantly residential and from the early Victorian era, but also include more modern post war period dwellings. The appeal site dates from the early 1900s and while it retains a quasi-industrial character, it continues to contribute positively to the character of the suburban street scene, due to the predominantly brick materials used in construction and moderate overall size of the building.
4. Prior approval has been granted to convert the appeal site into residential use, establishing 9 flats on the lower ground, ground and first floor. The proposed development adds an extra storey to the building to enable the construction of 3 additional flats. This would result in the building having four storeys, resulting in it becoming taller than adjacent buildings, such as those located at 1 Baltic Road. As such, the increase in height would result in a significant change in scale and the property would not remain subordinate to the adjacent buildings, due to the scale of the proposed development.

5. I have considered the fact that the proposed additional storey would correspond with the original brick and appear as a continuation of the existing building. Nonetheless, without a set back from the elevations, the proposed development would occupy the entirety of the roof and rise upwards vertically from the current elevations, which when combined with its width, would result in the building having a box-like and bulky appearance with a dominating mass. The eaves of the proposal would be significantly taller than the eaves of No 1 and so it would become the tallest structure in the immediate area. Consequently, I find that the proposed development would appear as a prominent and discordant feature which would be out of keeping with, and be harmful to, the appearance of the property and the wider terrace.
6. I have considered that the building may not present as a four-storey building from all angles in the front street scene, due to the construction of the building on a slope and the lowest floor being obscured. Instead, it may appear to be a three storey high building from certain viewpoints. Despite the presence of 1 Baltic Road, the majority of residential properties in the area are two storeys high, and three storey properties are still uncharacteristic of the area,. As such, the proposed development would still be at odds with the prevailing character of the area, specifically where it presents as a four-storey building from other viewpoints along the adjacent footway.
7. The appellant points out that there is limited uniformity to the scale, design and height of the buildings in this end of Baltic Road. However, while the existing building already appears different to its neighbours in design and form, the primary issue is the additional height and bulk that would result from the proposed development. It would not respond to the limited scale of local distinctiveness, where buildings are predominantly limited to two storeys, rather than three storeys, notwithstanding the description that may be used in the Tonbridge Character Assessment SPD.
8. Although the proposed development is an opportunity to use the airspace above the appeal site for new homes, it cannot be demonstrated that it would be consistent with the prevailing height and form of neighbouring properties and the overall street scene. As such, the proposed development would be contrary to paragraph 120 of the National Planning Policy Framework.
9. In conclusion, given the overall height, bulk and discordant appearance of the building as a four-storey property, the proposed development would harm the character and appearance of the host building and the surrounding area. The appeal scheme would not reflect local distinctiveness, contrary to policy SQ1 of the Managing Development and the Environment Development Plan Document (2010). It would also not respect the site and surroundings, contrary to Policy CP24 of the Tonbridge and Malling Borough Council Local Development Framework (2007). It would also therefore not comply with the requirement for development to achieve well designed places, contrary to paragraph 130 of the National Planning Policy Framework.

Living Conditions – Outlook

10. The closest property to the appeal site is 1E Baltic Road, which is separated from the site by a garage and narrow accessway. There are two windows located on the building which face the appeal site, at the second storey and third storey level. Due to the respective view from those windows, the largest change in outlook would occur at the window at the third storey, which would

no longer face the hipped roof area of the building. Instead, it would face the proposed development, which would include brickwork, windows (albeit obscure glazed) and rooflights. Notwithstanding that the ridge height of the proposed development is lower on the side which faces 1E Baltic Road, than the front, the increase in eaves height would be significant and the overall development would still be sufficiently proximate to significantly alter the outlook for occupiers of 1E Baltic Road. While the proposal may not 'tower' above, in combination with the proximity, the proposed development would still become a dominant and oppressive feature which would have an overbearing effect upon outlook from 1E Baltic Road, with regard to the windows which face the appeal site.

11. Due to the greater relative distance of properties along Woodside Road and the elongated garden areas, the proposed development is unlikely to have an overbearing effect on outlook on those properties.
12. In conclusion, given the proposed overall height and bulk of the building, the proposed development would harm the living conditions of the occupiers of adjoining properties at 1 Baltic Road, with particular regard to outlook. It would not respect the site and surroundings, contrary to Policy CP24. It would therefore not comply with the requirement for development to achieve well designed places, contrary to paragraph 130 of the National Planning Policy Framework.
13. The Council also alleges a conflict with policy SQ1 of the Managing Development and the Environment Development Plan Document (2010). However, this policy relates primarily to local character and has therefore not been determinative in my decision on this issue.

Other Matters

14. I have taken into account representations about parking provision for both cars and bicycles, daylight/sunlight, and privacy, but as I am dismissing the appeal for other reasons, I need not consider these issues further.

Planning Balance

15. Tonbridge and Malling Borough Council cannot currently demonstrate a 5 year housing supply, and as such paragraph 11 of the NPPF applies. As supported by paragraph 60 of the NPPF, the provision of three units of residential accommodation would boost the supply of housing. Additionally, I have taken into account the benefits of redeveloping an existing site and the economic benefits which may result through local construction and recognise that a modest degree of weight can be afforded in favour of the scheme. However, the harm to the character and appearance of the area and to living conditions, both of which paragraph 130 of the NPPF seeks to protect, would be substantial. As a result, when taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits when considered against the NPPF taken as a whole. Therefore, the presumption in favour of sustainable development does not apply and the conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

16. I have found that the appeal scheme conflicts with development plan policy and thus find that it would be contrary to the development plan as a whole. No

material considerations have been demonstrated which would outweigh the planning development conflict. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR