



Appeal Decision

Site visit made on 19 September 2023

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2023

Appeal Ref: APP/M2270/W/22/3312528

Workshop, Southwood Avenue, Royal Tunbridge Wells, Kent TN4 9PN

- 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 G Thomas against the decision of Tunbridge Wells Borough Council.
 - The application Ref 22/01639/FUL, dated 30 May 2022, was refused by notice dated 3 October 2022.
 - The development proposed is Demolition of existing workshop and erection of new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning history of the appeal site includes an appeal which was dismissed in 2009¹ for a proposed dwelling with attached garage. There was a subsequent appeal dismissed in 2019², which was for a two-storey dwelling to replace the existing workshop building. Whilst the conclusions reached by the Inspectors in these appeals are a relevant consideration, the current proposal includes a different design and scale. Indeed, I have had regard to this appeal on its own merits.
3. The Council's evidence refers to policies contained within the emerging Local Plan³. However, I have not been provided with details of the precise status of those policies, the status of the plan nor details of whether there are any unresolved objections to them. As such, I have not afforded these policies any significant weight in the determination of this appeal.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, including its effect on a protected tree.
 - Whether the proposed dwelling would result in an acceptable standard of accommodation for future occupiers, with particular regard to the outside space proposed.

¹ PINS Ref: APP/M2270/A/08/2091415

² PINS Ref: APP/M2270/W/18/3212470

³ Tunbridge Wells Borough Local Plan – Pre-submission Local Plan

Reasons

Character and Appearance

5. Southwood Avenue is a residential cul-de-sac which predominantly comprises two-storey semi-detached residential development. Whilst there are subtle differences in the materials used and the general design of the dwellings, their scale and mass is generally consistent. At the end of the cul-de-sac there are two single storey buildings comprising various garages associated with the nearby dwellings. The appeal site is sandwiched between these two buildings and a row of dense tree planting.
6. The appeal site is currently occupied by a single storey workshop building which has a dilapidated appearance. Despite this, the building is not prominent in the street scene when viewed from Southwood Avenue. Neither is it clearly visible from All Saints Rise which is a road which sits at a much lower relief, directly to the south-east.
7. I note that the scale of the proposed dwelling has been reduced since the previous appeals were dismissed. Notwithstanding this, the small single-storey scale and cramped nature of the development would be completely at odds with the prevailing two-storey and more spacious and uniform scale of surrounding development. Whilst it would not be a dominant feature of the street-scene, the visual harm caused would inevitably be visible from the end of the cul-de-sac, particularly when viewed over the proposed access. This harmful visual impact would be compounded by the sites location adjacent to two existing garage buildings, creating an awkward appearance which would jar with the more uniform character of the surrounding area.
8. The existing building, whilst dilapidated, is not harmful to the character of the area. This is because of its small-scale and industrial appearance, which blends in with the existing garage buildings. As such, the proposed development would have a materially more harmful impact than the existing building.
9. I note the Council's concerns with regard to the nearby tree which is subject to a Tree Preservation Order. However, the evidence before me indicates that there are clearly viable solutions available for its protection and retention, which would not prohibit the construction of the proposed dwelling. As such, whilst the trees to the south-east of the site do create an important verdant character, they would not be damaged, subject to appropriately worded planning conditions. As such, there would be no additional harm arising in this regard.
10. In summary, the proposed dwelling would be completely at odds with the prevailing character of the residential development in the surrounding area. As such, it would conflict with saved Local Plan⁴ Policy EN1, which seeks in part to ensure that the design of new development respects its local context.
11. There would also be a conflict with National Planning Policy Framework (Framework) Paragraph 130, which seeks in part to ensure that new development is sympathetic to local character.
12. There would be no conflict with saved Local Plan Policy EN13, on protected trees, for reasons already given.

⁴ Tunbridge Wells Borough Local Plan, Adopted March 2006

Standard of Accommodation

13. The private outside space proposed would need to be located to the south-west and/or south-east of the dwelling. The space to the front (north) of the dwelling would accommodate a vehicle parking and turning area and in any case, even if there were space for a garden to this side, it would not be private, given that it would be visible within the street scene. The areas to the south-west and south-east are significantly constrained by the boundary fencing, existing trees and the steep slope of the land towards All Saints Rise. The result would be a very cramped outside space which would not be commensurate with a detached two-bedroom dwelling.
14. I accept that the Council do not have any policy standards which prescribe a minimum amount of outside space. As such, this consideration is a matter of planning judgement. However, in exercising that judgement, I conclude that the proposed development would not result in an acceptable standard of accommodation for future occupiers. It would therefore conflict with Local Plan Policy EN1, which seeks in part to ensure that new development results in an adequate standard of accommodation for future occupiers. The proposal would also conflict with Framework Paragraph 130 for the same reasons.

Planning Balance

15. The evidence before me indicates that the Council, at the time that it provided its statement of case, could only demonstrate a housing land supply position of 4.49 years. I have not been provided with any evidence to indicate that this position has changed since then. As such, Framework Paragraph 11dii requires that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. The proposal would result in the addition of one new dwelling to the housing stock through the use of previously developed land. These are both positive factors which are consistent with the policies contained within the Framework. There would also be more limited and temporary benefits associated with the jobs which would be supported during construction. However, even taking into account the existing HLS position, given that only one dwelling is proposed I only afford these benefits moderate weight.
17. In contrast, the proposal would lead to substantial harm to the character of the area. This harm would be permanent and for this reason I afford it significant weight. To add to this, the proposal would not provide an acceptable standard of accommodation for future occupiers. For these reasons it would conflict with Framework Paragraph 130.
18. On balance, the harm which would be caused by the proposal would significantly and demonstrably outweigh the benefits. The test at Framework Paragraph 11dii does not therefore indicate that a decision should be made other than in accordance with the development plan policies. Incidentally, those policies do not have a spatially constraining impact on the supply of housing and they are also consistent with the Framework⁵. They can therefore be afforded substantial weight, even in the context of a HLS shortfall.

⁵ Framework Paragraph 130

Conclusion

19. The proposal would conflict with the development plan taken as a whole. There are no material considerations raised of sufficient weight to warrant a decision other than in accordance with the development plan. The appeal is therefore dismissed.

Luke Simpson

INSPECTOR