



Appeal Decision

Site visit made on 20 February 2024

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2024

Appeal Ref: APP/M2270/W/23/3314748

17 Chester Avenue, Royal Tunbridge Wells, Kent TN2 4TZ

- 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 Ms Diana Kirkwood Norman against the decision of Tunbridge Wells Borough Council.
 - The application Ref 22/02231/FULL, dated 25 July 2022, was refused by notice dated 3 October 2022.
 - The development proposed is a detached bungalow in side garden.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area, and the effect on the living conditions of the occupiers of 15 Chester Avenue, with particular regard to outlook.

Reasons

Character and appearance

3. Chester Avenue is a suburban development of predominantly single storey dwellings, albeit some have rooms within the roof. Although there have been some alterations to the dwellings, an obvious design ethos of symmetrical semi-detached pairs remains. These pairs are, themselves, arranged broadly symmetrically around a straight cul-de-sac. Those along the main straight are a uniform distance from the highway edge and those, including No 17, at the closed end of the road are a similar distance from the extremities of the vehicular turning head in a broad arc, well behind the alignment of the others.
4. The above features, together with the low height of the dwellings and gaps between them that arise from the deep set back of garages and other side projections between the pairs, gives a spacious appearance to the area. It leads to an understated, laid-back, uniform character where no building vies for attention in the street scene.
5. The existing plot at No 17 is the largest in Chester Avenue and the resultant sub-divided plots would not be uncharacteristically small. Nevertheless, given the shape of the site, the front of the proposed dwelling would face the straight section of Chester Avenue, yet it would be set further back from the road than No.17. It would have a narrower frontage than Nos 15 and 17 and its detached

form would not mirror the prevailing pattern of semi-detached dwellings that unify the street.

6. To some extent, the dwelling would be positioned to reflect the garages and other outbuildings that sit to the side of the semi-detached pairs, some of which have been converted to, or rebuilt/extended to provide living accommodation and so include windows and doors. However, it would clearly be a detached building with the appearance of an independent dwelling that would sit awkwardly, on an uncharacteristic alignment, disrupting the unified appearance of the street.
7. For the above reasons, the proposal would harm the character and appearance of the area. It would, therefore, result in conflict with those aims of Core Policy 5 of the Tunbridge Wells Core Strategy 2010 and Policy EN1 of the Tunbridge Wells Borough Local Plan 2006 (LP) which seek to ensure that development provides a high quality design that conserves and enhances the public realm and does not cause harm to the character of the area.

Living conditions

8. The proposed dwelling would be sited alongside the rear garden of No 15. It would be at a lower level such that the eaves were comparable in height to the existing boundary fence at the front of the site. However, the land slopes away towards the rear with the fence broadly following the ground level. While the eaves of the rear portion of the dwelling would be set down slightly, for most of its length, the dwelling would appear gradually higher relative to the garden of No 15. The dwelling would be sited slightly away from the boundary, but the side wall would nevertheless have a significant presence above the fence.
9. The roof of the dwelling would add further height. While this would slope away from the fence, it would still be visible from the garden of No 15 adding significant bulk along the boundary. Given the large proportion of the boundary that would be affected by the new building, I conclude that it would have a significant enclosing effect on No 15. Such would be detrimental to the living conditions of the occupiers, contrary to those aims of LP Policy EN1 that seek to ensure that proposals do not cause significant harm to the residential amenities of adjoining occupiers.

Other matters

10. Notwithstanding my decision on a parallel appeal¹, an outbuilding could be erected in the rear garden under permitted development rights in a similar position to the proposed dwelling. While such a building would need to have a lower overall height, it could have higher eaves such that the overall effect on the character and appearance of the area and the occupiers of No 15 may be similar. There is a greater than theoretical possibility that such development could take place.
11. However, any use of these permitted development rights must be for purposes incidental to the enjoyment of the dwellinghouse. It would, therefore, be for a wholly different purpose to the current proposal. In the absence of any clear reason why the appellant would wish to construct such a building on a scale that would be comparable to this proposal if permission for this dwelling was

¹ APP/M2270/X/23/3314750

denied, I find that the use of those permitted development rights would be unlikely. I, therefore, attach limited weight to the available fallback position.

12. The Council has confirmed that it is unable to demonstrate a 5 year supply of deliverable housing land. In such scenarios, the National Planning Policy Framework (the Framework) indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework, taken as a whole.
13. The benefits arising from the proposal in respect of housing land supply and from the construction and provision of additional housing in the area would, at best, be modest given that only one dwelling is proposed. Given the location of the site and that the dwelling would be tucked away from prominent views, the harm to the character and appearance of the area would be localised and limited. However, significant adverse impacts on the living conditions of the occupiers of No 15 would arise. As such, the proposal would not provide the high-quality amenity for existing residents that the Framework requires of new development. This would significantly and demonstrably outweigh the benefits in this case, so the proposal does not benefit from the presumption in favour of sustainable development set out at Framework Paragraph 11.

Conclusion

14. For the reasons given, the proposal would conflict with the development plan. No material considerations have been shown to warrant a decision otherwise than in accordance with the development plan. Accordingly, the appeal is dismissed.

M Bale

INSPECTOR