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# Appeal Decision

Site visit made on 26 March 2024

**by D Wilson BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> April 2024**

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**Appeal Ref: APP/M2270/W/23/3325789**

**Land Adjacent 11 Greggs Wood Road, Royal Tunbridge Wells, Kent TN2 3JL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mrs Nargis Sultana Yousaf against the decision of Tunbridge Wells Borough Council.
  - The application Ref is 22/03307/FULL.
  - The development proposed is construct 3 bedroom- new house.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The Council's evidence refers to policies contained within the emerging Local Plan<sup>1</sup>. 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

3. The main issues are the effect of the proposed development on:
  - the character and appearance of the area having particular regard to the potential loss of a tree,
  - the living conditions of the occupiers of 11 and 11B Greggs Wood Road with regard to outlook, privacy, sunlight and daylight; and
  - whether adequate living conditions are provided for future occupiers with regard to private amenity space.

## Reasons

### *Character and appearance*

4. The appeal site is a parcel of land enclosed with fencing that is being used as a small storage yard. The area nearby is residential with housing next to the appeal site and opposite, being rows of two-storey houses, which results in uniformity. There is also a newly constructed block of apartments nearby. The wider area contains pockets of open spaces, front gardens as well as a large, dense area of woodland, resulting in a verdant character and appearance.

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<sup>1</sup> Tunbridge Wells Borough Local Plan – Pre-submission Local Plan

5. The dwelling proposed would be located at the end of a row of terraced houses but would be detached and set back within the plot. The result would mean that the terrace would not be continued, and the dwelling would therefore appear out of keeping with the uniform terraced dwellings nearby.
6. The appeal site is a small plot when compared to those nearby and the dwelling would take up its entire width, which combined with the two storey height would appear prominent in the street scene. As a result, the proposed development would appear cramped and contrived within the plot.
7. To the front of the appeal site, within the grounds of the apartment block nearby is a large oak tree. The tree is a prominent feature within the street scene and contributes positively to the verdant character and appearance of the area.
8. The appellant has provided no details as to whether the tree can be protected during construction. While I am mindful that a condition could be imposed to require details of this, without any initial evidence I am not satisfied that this could be achieved. The tree's prominent position at the front of the appeal site, combined with its overall size could also lead to future occupiers seeking frequent pruning to open up views or to try and prevent leaves falling.
9. I therefore conclude that the proposed development would harm the character and appearance of the area. It would be contrary to Policy EN1 of the Tunbridge Wells Borough Local Plan Adopted March 2006 (LP) and Paragraph 135 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that the scale, form and external appearance of development should be compatible with existing buildings and that development is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
10. The proposal would also be contrary to Policy EN12 of the emerging Local Plan which suggests that planning permission will not normally be permitted where the proposal adversely affects important trees.

*Living conditions of the occupiers of neighbouring properties*

11. The appeal site is close to the apartment block at 11B Greggs Wood Road and as such, the provision of a two storey dwelling in what is currently a small open parcel of land with low level storage would have a negative impact on sunlight and daylight received. In particular, some of the apartments are set at a lower level than the appeal proposal which would further reduce the sunlight and daylight received by these apartments.
12. The closeness of the proposal would also dominate the outlook from several windows from the apartments which would result in an unacceptable outlook for the occupiers of these properties.
13. The proposed dwelling would be sited next to the rear garden of 11 Greggs Wood and due to the overall depth, a significant proportion of views from the garden would be blocked by the side wall of the proposal. This, combined with the two storey height would result in an overbearing feature which would be harmful to the outlook of the occupiers of this property.
14. The proposal also has two windows on the side-B elevation which would directly face the apartment block at 11B Greggs Wood Road. One window is on

the first floor and serves a bathroom, as such, it would be conditioned to require obscure glazing. However, the other window is on the ground floor and serves the living room which would allow views towards the apartment block and several windows on this elevation, resulting in a loss of privacy for these occupiers.

15. The front elevation of the proposed development includes wrap around windows that protrude allowing some diagonal views. The closeness of the proposed dwelling to the rear of 11 Greggs Wood Road, combined with these diagonal views would allow future occupiers views of all windows on the rear elevation of 11 Greggs Wood Road and would therefore result in a loss of privacy for these occupiers.
16. I therefore conclude that the proposal would unacceptably harm the living conditions of the occupiers of neighbouring properties. It would be contrary to Policy EN1 of the LP, which amongst other things, seeks to ensure that built form does not create an unacceptable loss of privacy, outlook, daylight or sunlight enjoyed by the occupiers of neighbouring properties.

*Whether adequate living conditions are provided for future occupiers*

17. The proposed development includes a garden area to the front and also to the rear. The rear garden would be small and awkwardly shaped and would therefore be unlikely sufficient for a three bedroom family dwelling. The front garden is in a prominent position, highly visible in the street scene that would provide little privacy and as such would unlikely be a space that would be used by future occupiers.
18. I therefore conclude that the proposal would not provide adequate living conditions for future occupiers. It would be contrary to Policy EN1 of the LP, which amongst other things, seeks to ensure that development provides sufficient private outdoor space.

**Other Matters**

19. The proposed dwelling would contribute to the supply of housing in the area, as well as use previously developed land, result in a family sized home and use energy efficient methods. However, these benefits do not outweigh the harm I have identified.

**Conclusion**

20. For the reasons given above the appeal should be dismissed.

*D Wilson*

INSPECTOR