
Appeal Decision

Site visit made on 26 June 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2024

Appeal Ref: APP/M2270/D/24/3340934

84b St James Road, Tunbridge Wells, TN1 2HN

- 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 Victoria Watson against the decision of Tunbridge Wells Borough Council.
 - The application Ref 23/03048/FUL, dated 08 November 2023, was refused by notice dated 24 January 2024.
 - The development proposed is described as the erection of a two-storey timber framed cabin.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellants description for the proposal largely relates to the background to the proposal. Conversely, the council's description is both specific and clear and so I have used it to describe the appeal proposal. It states: "Erection of two-storey timber framed cabin." Whilst, it also states that the application is part retrospective, as permission cannot be granted retrospectively, I have not included it in the appeal description.
3. The drawings upon which the council based its decision are not drawn accurately to scale. Whilst the front openings shown on the drawings are incorrect, I was able to view the openings formed on-site. Similarly, the roof design shown on the drawings differs from that on site. As these are matters that could be dealt with by condition, it has not affected my ability to determine this appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the street scene and the area.

Reasons

Character

5. The appeal property is situated within an urban area that is primarily characterised by two and three storey Victorian semi-detached and terraced houses which project close to the pavement. They have a combination rendered or brick walls under shallow pitched slate or tiled roofs. The appeal property is located in a prominent location adjacent to the junction of St James Road and

Western Road. It comprises an attached two storey house with dormer windows at second floor level. The building has been split vertically into two dwellings and their front doors and dormer windows face towards Western Road. The building has painted rendered walls under a tiled roof. Facing Western Road the windows are uniformly sized and positioned, comprising traditional narrow sash windows.

6. On the opposite side of the road is a spacious pub garden that is enclosed by a low timber fence. It creates a sense of openness around the road junction and results in the northerly elevation of the appeal building being particularly prominent within the street scene.
7. Amongst other things Saved Policy EN1 of the Tunbridge Wells Borough Local Plan 2006 (LP), states that proposals should retain and where appropriate, enhance buildings that contribute positively to the locality and street scene. Their scale, form, height, massing, proportions, external appearance and materials should be compatible with existing buildings, roofscapes and skylines. Proposals should also make efficient use of land and buildings.
8. Paragraph 135 of the Framework, similarly seeks to ensure that development is sympathetic to local character and maintains a strong sense of place. It should provide a high standard of amenity for existing and future users and make efficient use of land. Paragraph 139 of the Framework states that development that is not well designed should be refused.
9. Section 5 of the Tunbridge Wells Local Development Framework Alterations & Extensions Supplementary Planning Document (SPD), advises that achieving good design is an aim in the development process. Extensions should respect the common design characteristics of the street and reflect local distinctiveness. Their scale and form should fit unobtrusively with the building and its setting and provide a satisfactory composition with the house. New windows and doors should match those of the existing house and the choice of materials should reflect and reinforce the character of the area.
10. In 2022 planning permission was granted for a side extension to provide a single person annex with access from the existing house. The approved annex would be one and half storeys tall with an asymmetrical pitched roof. Its fenestration and external materials would respect those of the existing house and it would be readily assimilated into the street scene.
11. The proposed extension, which is partially built, comprises a two storey, horizontally clad timber cabin that is joined to the side of the existing dwelling by timber braces. It has a shallow pitched roof, a gable end facing Western Road and the ground and main openings are both full height and fill a significant proportion of the front elevation of the structure. This differs from the submitted drawings which show a flat roof with steeply pitched sides and small central doors that would be too low to use as such. As either roof and window/door design could be secured through the imposition of a condition, I have considered both options.
12. Irrespective of which roof and door/window design was followed, due to its proportions, design, materials and means of attachment to the host dwelling, the proposal would fail to respect or reflect the host dwelling, the street scene or the area as a whole. It would appear incongruous and would have a

degrading impact on the character and appearance of the host dwelling and the street scene.

13. I have taken into account the reasons why the appellant decided to construct a timber structure rather than the approved extension. However, the harm the proposed structure would cause to the character and appearance of the host dwelling and street scene, would clearly outweigh the benefits for the appellant and their family that would result from the proposed accommodation. Further, this harm is not something that could be adequately dealt with through the imposition of conditions.
14. I conclude on the main issue that the proposal would unacceptably harm the character and appearance of the street scene and the area. Accordingly, it would conflict with LP Policy EN1, the SPD and paragraphs 135 and 139 of the Framework.

Other matters

15. Whilst I note the concern raised regarding the loss of on-site parking, as stated by the council the site is located in an accessible urban location and permission has already been granted for an annex extension in the same location. Fire risk is a matter that could be dealt with under other legislation and surface water drainage is something that could be dealt with by condition.

Conclusion

16. Whilst I have found in favour of the appellant on some matters, the conclusion on the main issue amounts to a compelling reason for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR