



Appeal Decision

Site visit made on 22 July and 16 August 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/M2270/D/24/3345407

The Glen House, High Street, Bidborough, Tunbridge Wells, Kent TN3 0UP

- 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 D Cox against the decision of Tunbridge Wells Borough Council.
 - The application Ref: 24/00218/FULL.
 - Two storey extension to both sides and rear, dormer windows to front and rear, roof replacement and balcony to second floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's questionnaire states that I would need to enter the land of 1 Glenside Cottages and The Old Pump to properly assess the impact of the proposal on these properties. I carried out two site visits to do this but was unable to get access to The Old Pump on both occasions. Notwithstanding this, I am satisfied from the information before me, and the site visits I was able to carry out, that I can determine this appeal based on the information before me.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the Bidborough Conservation Area and (ii) the living conditions of No 1 Glenside Cottages and The Old Pump with particular regard to privacy.

Reasons

Character and appearance of the Bidborough Conservation Area

4. The appeal site is a detached chalet bungalow located adjacent to the Bidborough Conservation Area (CA). A small section of the front driveway is within the CA boundary. The character of the surrounding area comprises predominantly detached, semi-detached, terraced and flatted dwellings of generally traditional design with spacious garden areas.
5. The duties under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

6. The CA extends in a largely linear form from the High Street in the north to Frank's Hollow Road to the south. The properties within the CA boundary mainly comprise high quality traditional vernacular and architectural detailing. The character of the CA and wider village area has a relatively low density, verdant and spacious appearance.
7. The appeal property is set back from the High Street adjacent to the CA boundary, but within its setting. The design and appearance of the existing house does not relate to the character and appearance of the CA and accordingly does not contribute to its significance.
8. The appeal site is located within the former gardens of the early 19 Century cottages to the north, which subsequently became a builder's yard. From the information before me I understand that the site's contribution to the significance of the CA, albeit minor, is as part of open hinterland to the tightly developed line of properties historically lining the High Street as a typical linear village layout. The appellant also identifies highway alignments, imposing built forms and thoroughfares as key elements of the CA's significance.
9. The layout of the existing chalet bungalow enables it to be positioned sensitively within its plot to maintain a proportionately sized garden and parking to the front. As identified above, the garden area contributes to the setting of the CA by helping, with adjoining garden areas, to retain openness that previously would have been the hinterland to the main High Street thoroughfare.
10. The proposal would change this by introducing a two-storey side and rear extension that would be located in an awkward juxtaposition to the main dwelling, and which would extend deep into the plot close to the rear boundary. Accordingly, the side and rear extension would reduce the garden area and sense of spaciousness in the historic hinterland area, which forms part of the setting of the CA.
11. The appellant contends that would not result in harm due to the sporadic nature of prevailing pattern of development being a key part of the CA's character. Whilst I acknowledge that the settlement pattern and layout of development varies, properties have a consistency in that they are mainly set within spacious garden areas, a characteristic that would be reduced by the proposal at the appeal site.
12. Moreover, whilst I acknowledge that the side and rear extension would not be prominently visible from the CA, it would be seen from adjoining properties and appear in its context as an overly large and incongruously scaled extension that would not relate coherently in design terms to the host dwelling.
13. Overall, the size and juxtaposition of the side and rear extension would result in an overly large dwelling and unacceptable increase in built coverage within a comparatively small plot in hinterland that forms part of the setting of the CA. This would detract from the significance of the CA to a limited extent, causing less than substantial harm. I find that this would be at the lower end of less than substantial harm.
14. The CA is a designated heritage asset. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's

conservation. Paragraph 208 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. No public benefits have been identified that would outweigh the less than substantial harm identified.

15. Whilst I have found less than substantial harm to the significance of the CA from the side and rear extensions, the front elevation design including an increase in ridge height is acceptable. The front elevation would create an attractive dwelling with Georgian-style architectural detailing and materials that would assimilate successfully with the character and appearance of the CA and scale of buildings within. The other alterations to the rear of the property including windows in the roof and other elevational changes would be consistent with the design of the frontage and not result in any harm to the CA. The acceptability of these elements, however, do not justify and outweigh the harm I have identified from the side and rear extension.
16. To conclude, the proposal's side and rear extension would result in less than substantial harm to the setting of the Bidborough CA. No public benefits exist that would outweigh this harm. The proposal is, therefore, contrary to Policies CP4 and CP14 of the Tunbridge Wells Core Strategy 2010 (TWCS) and Policies EN1 and EN5 of the Tunbridge Wells Local Plan 2006 (TWLP). The proposal is also not consistent with the provisions within Chapter 16 of the Framework with regard to heritage matters.

Living conditions

17. To the north east of the appeal property is No 1 Glenside Cottages, which is part of a terrace of properties. The proposal would add openings to the front of the property with new windows at first floor and in the roof, as well as additional windows on the side and rear extension elevation that would face towards the garden of No 1 Glenside Cottages.
18. The proposed windows in the roof of the front elevation would be obscure glazed. Subject to the obscure glazing being secured and retained in perpetuity by condition, there would be no loss of privacy to any properties from the windows in the roof on the front elevation.
19. The first-floor front elevation windows would not be obscure glazed and would serve a new bedroom, the stairwell and a study. Whilst they would look towards the rear of No 1 Glenside Cottages, which includes a conservatory and courtyard area, the new openings would only have oblique views rather than direct window to window overlooking given the difference in orientation of the properties. There would also be a reasonable separation distance between the front of the proposed dwelling and rear of No 1 Glenside Cottages that further ameliorate materially harmful impacts. For these reasons the first-floor windows would not result in a material loss of privacy to the rear of No 1 Glenside Cottages sufficient to justify refusing planning permission.
20. However, the side and rear extension would introduce a bedroom window that would directly overlook the rear garden area of No 1 Glenside Cottages. The rear garden of No 1 Glenside Cottages is irregular in shape and currently has a high degree of privacy for the occupiers of the property. Given the close proximity of the proposed first floor windows to the adjacent garden and direct views that would occur, the new bedroom window would result in an

unacceptable loss of privacy to users of part of the garden area for No 1 Glenside Cottages.

21. I note that the appellant contends that there is mutual overlooking in the area. Whilst I acknowledge this, the examples given do not provide justification for the impact from the side and rear elevation as they all have greater distances between windows and garden areas than would be the case with the side extension's bedroom window.
22. I was unable to gain access to the rear garden of The Old Pump to assess the likely impact on their property. However, as I have found the proposal to be unacceptable in other respects sufficient to dismiss the appeal, it is not necessary to consider the impacts on The Old Pump further in this decision.
23. To conclude, the proposal would result in harm to the living conditions of No 1 Glenside Cottages contrary to Policy EN1 of the TWLP. The proposal in this regard is also contrary to Paragraph 135 of the Framework that requires a high standard of amenity for existing and future users.

Other Matters

24. I note the appellant's frustrations with the planning process having undertaken pre-application advice, which indicated some initial support for extending the property before culminating in two planning applications that were refused. I have significant sympathy with the appellant's position in this regard as they have sought to engage proactively in pre-application discussions as is good practice to do. The specific advice provided from the Council at pre-application stage is not before me, but it is not unreasonable to expect pre-application discussions to set out clear advice for a prospective applicant to then follow to design a scheme that complied with planning policy. I am not clear why this wasn't the outcome in this case.
25. Notwithstanding the pre-application discussions that have taken place, the proposals before me remain contrary to the development plan. The frustrations with the process encountered are, therefore, not material considerations that justify the harm identified.
26. I have also considered the appellant's need for the additional space in this decision. Whilst I acknowledge this, it is not sufficiently material to outweigh the harm I have identified, which includes the great weight that I must apply to preserving the setting of a CA as a designated heritage asset.
27. Objections have been raised on several other concerns including impact on trees, ecology, loss of views, loss of outlook, parking problems, impacts from construction, drainage issues and subsidence and damage to properties albeit these did not form part of the Council's reasons for refusal. Having reviewed the issues carefully, I am not satisfied that the information before me indicates that a different conclusion should be reached to the Council's on the other concerns raised.

Conclusion

28. To conclude, the proposal would result in less than substantial harm to the character and appearance of the Bidborough Conservation Area and harm to the living conditions of No 1 Glenside Cottages. There are no material

considerations that would outweigh the conflict with the Development Plan and therefore the appeal is dismissed.

N Perrins

INSPECTOR