



Appeal Decision

Site visit made on 30 January 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2025

Appeal Ref: APP/H2265/W/24/3345353

182 Tonbridge Road, Watlingbury, Maidstone, Kent ME18 5NS

- 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 Mr Wilson against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/23/01674/FL.
 - The development proposed is described on the application form as 'flat conversion to create 13x residential unit(s) with four additional storeys and alterations to the façade of the existing building'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the 'conversion and extension of existing 4x residential units to create 13 x residential units with four additional storeys and alterations to the facade of the existing building'. The Council dealt with the proposal on this basis and so shall I.
3. The proposed development relates to the settings of listed buildings and lies within a conservation area. Accordingly, I have had regard to the statutory duties set out in sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the site and surrounding area;
 - whether the proposed development would preserve the settings of adjacent Grade II* and Grade II listed buildings, and the extent to which the development would preserve or enhance the character or appearance of the Watlingbury Conservation Area;
 - whether a satisfactory standard of accommodation would be provided for future residents, with particular regard to internal space standards, noise and open space provision;

- the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to loss privacy, outlook and daylight;
- whether satisfactory parking would be provided;
- the effect of the proposed development on air and water quality;
- whether an appropriate housing mix would be provided; and
- whether adequate waste storage would be provided.

Reasons

Character and appearance

5. The appeal site is positioned at the junction of Tonbridge Road with Red Hill and Bow Road. It accommodates a row of three, two-storey terraced properties. An area of hardstanding exists to the rear. Surrounding the site are properties which range in period, scale and design. However, buildings are principally finished in red brick and are between two and three storeys high.
6. The proposed development would increase the height of the existing buildings by four full storeys with a further storey within the roof space. The extended building would be finished in brick with repetitive window openings to match those currently at ground and first floor level.
7. While I note the in principle support for upward extensions within the Framework, this cannot apply in every location. The proposed increase in the height of the existing building would result in built form of a height greater than anything either on the site or within the surrounding area, more than doubling the height of the existing buildings. The resultant development would appear highly incongruous in this prominent position, entirely out of keeping with the site and surrounding village.
8. The appellant has submitted historic photographs of the surrounding area, illustrating that some nearby buildings have been increased in height in the past. I accept that settlements change over time and that has been the case in Watlingbury. Be that as it may, this does not mean that any form of upwards extension should automatically be accepted across the settlement, particularly where harm has been identified. In any case, the example of the extended building relates to a modest additional storey, in stark contrast with the appeal proposal.
9. Overall, the proposed development would be harmful to the character and appearance of the surrounding area, contrary to the relevant provisions of Policy CP24 of the Tonbridge and Malling Borough Core Strategy (CS, 2007) and Policy SQ1 of the Managing Development and the Environment Development Plan Document (DPD, 2010). These policies, in summary, seek to ensure that development is well designed and respects and responds to its local context.

Heritage – special interest and significance

Conservation Area

10. The appeal site is located within the Watlingbury Conservation Area (the CA).

11. The special interest and significance of the CA is largely derived from its historic townscape, formed of well-preserved, architecturally-rich buildings, all set within wider rural surroundings. There is variation in dwelling style and period but the material palette is typically limited to brick and occasionally timber. Dwellings are typically positioned within large, spacious plots which have a direct relationship with nearby roads.
12. The appeal site, consisting of prominently positioned, brick houses, including a former shop, set against the edge of the highway, positively contribute to the character and appearance of the CA and thereby to its significance as a designated heritage asset.

Pelican Farmhouse

13. Pelican Farmhouse is a Grade II* listed building, dating from around the 15th century with many later additions and alterations. The building is principally of timber-framed construction, although this is largely covered-up. Despite its expansion and alteration over time, the listed building maintains a strong architectural form and presence in Red Hill, set within well landscaped gardens.
14. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its age, traditional construction techniques and use of materials, together with surviving historic fabric.
15. Pertinent to the appeal, in relation to the settings of the listed buildings and the contribution they make to the special interest and significance of assets, I have had regard to the definition of setting within the National Planning Policy Framework (the Framework). The listed building's gardens have an historic, visual and functional connection with the heritage asset. These grounds are defined by solid boundary treatments. These grounds form the asset's immediate setting, and it is from here that the asset is best appreciated. This immediate setting contributes considerably to the asset's special interest and significance.
16. Beyond this, the surrounding area is made up of a varied townscape, indicative of the historic development of the village over time. This surrounding area, including the appeal site and Red Hill, forms the asset's wider setting. This wider setting allows an appreciation of the building in its wider (and evolved) context and contributes to the asset's special interest and significance.

Winwick

17. Winwick is a Grade II listed building, dating from around the early 19th century. The building is of rendered brick construction, with hipped roof over. It holds a prominent position on Red Hill, particularly visible when approaching from Bow Road.
18. The listed building's gardens have an historic, visual and functional connection with the heritage asset. These are defined by solid boundary treatments and form the asset's immediate setting. It is from here that the asset is best appreciated. This immediate setting contributes considerably to the asset's special interest and significance. Beyond this, the surrounding area is made up of a varied townscape of predominantly residential uses, including the appeal site, Red Hill and Bow Road. This surrounding area forms the asset's wider setting and allows an

appreciation of the asset. It contributes to the asset's special interest and significance.

Crossways Stores

19. Crossways Stores is a Grade II listed building, dating from around the early 19th century. The building is principally of brick construction, with a hipped roof over. At the ground floor, the left hand side of the building has a residential character, with panelled timber door and canted bay window. The right hand side has a strong commercial character, containing an attractive double fronted timber shopfront with recessed entrance. The listed building has a strong architectural form and presence in Tonbridge Road, but particularly prominent when approaching from the Bow Road.
20. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its age, traditional construction techniques and use of materials, together with well-preserved surviving historic fabric, including the largely unaltered shopfront.
21. The surrounding area is made up of a varied townscape of principally residential buildings, with some commercial uses along Tonbridge Road. The appeal site lies directly opposite and is contains less prominent buildings. This surrounding area forms the asset's setting, which makes a positive contribution to the asset's special interest and significance.

The Post Office

22. Post Office is a Grade II listed building, dating from around the 18th century. The building is of brick construction laid in a Flemish bond. A small shopfront dating from around 1830 exists to the left, containing a GR letter box and former stamp machines.
23. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its age, traditional construction techniques and use of materials, together with surviving historic fabric, which includes post office paraphernalia. The immediate setting is formed of the adjoining terraced buildings. This contributes to the asset's special interest and significance. The wider surroundings (which forms the asset's wider setting) includes the appeal site. This makes a more limited contribution to the asset's special interest and significance.

The Wool Shop and The Coach House

24. The Wool Shop and The Coach House is a Grade II listed building, dating from around 1830, with later alterations. The building is of red brick construction over a ragstone base. A plain shopfront exists to the front elevation, which contains curiously similar detailing to the adjoining The Post Office.
25. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its age, traditional construction techniques and use of materials, together with surviving historic fabric. The immediate setting of the asset is formed of adjoining buildings. This makes a positive contribution to the asset's special interest and significance. The wider surroundings (which forms the asset's wider setting) includes the appeal site. As above, this makes a more limited contribution to the

asset's special interest and significance.

Heritage – appeal proposal and effects

Conservation Area

26. The proposed development would be highly visible from the surrounding area. Its design and scale would be entirely at odds with the prevailing character, eroding the modest scale of the existing buildings which positively contribute to the character of the CA. Accordingly, the proposed development would have a harmful effect on, and thereby fail to preserve, the character or appearance of the CA as a whole.
27. I accept that change has occurred in the surrounding area over time. Nevertheless, the proposed development would fail to preserve or enhance the character or appearance of the CA, contrary to the requirements of Section 72(1) of the Act.

Pelican Farmhouse and Winwick

28. The proposed development would appear as a dominant feature in the appeal site, introducing substantial built form. This would be highly visible from within the surrounding area, including from the tranquil grounds of both Pelican Farmhouse and Winwick. The cumulative totality of the proposed development would harmfully erode the historic and semi-rural settings of Pelican Farmhouse and Winwick. It would have a harmful urbanising effect, diminishing the ability to appreciate the significance of the designated assets and weakening the contribution that the wider settings make to the significance of those heritage assets.

Crossways Stores

29. Crossways Stores retains a visual relationship with the appeal site. This would be markedly compromised as a result of the proposed development.
30. The proposed development would appear as a highly dominant feature in the site, introducing additional built form of a substantial height. The cumulative totality of the proposed development would harm the historic setting of the asset. Although the buildings on the appeal site have been modified in the past, they retain a modest scale and character. The proposed development would compromise this. It would have a harmful urbanising effect, diminishing the ability to appreciate the significance of Crossways Stores and weakening the contribution that the wider setting makes to the significance of the heritage asset.

The Post Office and The Wool Shop and The Coach House

31. The position and nature of the proposed development, together with the reasonably limited intervisibility between the appeal site and The Post Office and The Wool Shop and The Coach House, would mean that the visually and physically separate relationship between the appeal site and those assets would be maintained. The historic and architectural interests of the assets would remain unaffected. The retention of a reasonable separation distance and intervening buildings, in particular, would reinforce this. Ultimately, the settings that contribute to the significance of those assets would remain undisturbed by the proposed scheme.

32. Taking these factors into account, the proposed development would not compromise the settings of The Post Office and The Wool Shop and The Coach House, rather it would have a neutral effect that would not determinably alter how the assets would be experienced and would not adversely affect the ability to appreciate the significance of the assets. Consequently, the settings of The Post Office and The Wool Shop and The Coach House, and the contribution those settings make to the significance of the assets, would be preserved.

Conclusion

33. Overall, I conclude that the proposed development would fail to preserve the settings of Grade II* listed building, Pelican Farmhouse, and Grade II listed buildings, Winwick and Crossways Stores. Consequently, the development would harm the significance of these designated heritage assets. In doing so, it would be contrary to the requirements of Section 66(1) of the Act. The proposed development would also fail to preserve or enhance the character or appearance of the CA, contrary to the requirements of Section 72(1) of the Act.

Heritage - public benefits and balance

34. Paragraph 212 of the Framework advises that when considering the impact of a proposed development or works on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
35. With reference to Paragraphs 214 and 215 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the development and works relative to the CA and listed buildings as a whole, I find the harm would be 'less than substantial' in this instance. Under such circumstances, Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal.
36. The submitted evidence indicates that the Council cannot demonstrate a five-year housing land supply, currently at 4.36 years. In that regard, the proposed scheme would result in a net increase of 9 dwellings to housing supply in the district. This is a clear benefit to which I give moderate weight. Economic benefits would also be brought about through the construction phase and, to an extent, after occupation of the dwellings through local spend. However, due to the scale and nature of the development and the short term nature of the construction period, I afford these benefits limited weight.
37. Overall, the weight that I ascribe to the public benefits that accrue from the development is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Accordingly, the proposed development would fail to preserve or enhance the character or appearance of the CA and would fail to preserve the setting of the Grade II* listed building, Pelican Farmhouse and the settings of Grade II listed buildings, Winwick and Crossways Stores. The proposed development is contrary to the requirements of sections 66(1) and 72(1) of the Act, which seek to conserve and enhance the historic environment.

Standard of accommodation

38. Table 1 of the Nationally Described Space Standard (NDSS) requires that 1 bedroom, 2 person dwellings across a single storey should measure at least 50sqm. The submitted documents indicate several proposed units intended to accommodate 2 occupants within one bedroom, or sleeping area. These are annotated within the submitted Design and Access Statement as measuring under 50sqm. Some drawings are annotated as 1 person units but clearly indicate a double bed.
39. However, there is no specific reference to the NDSS or internal space standards more generally within any policy or guidance that is before me. Whilst I have taken this aspect into consideration, I have afforded it only limited weight. Based on the submitted plans, the proposed development would appear to provide a reasonable standard of accommodation for future occupants in terms of layout and size.
40. In respect of noise, the proposed development would introduce new dwellings, which would be positioned directly adjacent to the highway. The site is also positioned very close to a signalised crossroads. Here, vehicles regularly slow down, idle and accelerate off. I observed during my site visit that this route is also used by high volumes of traffic, including heavy goods vehicles. This is illustrated within the appellant's submitted photographs. In the absence of any evidence to the contrary, for example a noise assessment or designed-in mitigation measures, I am unable to conclude that future occupiers would experience appropriate internal noise levels from transport-related sources.
41. DPD Policy OS3 requires that residential developments of 5 units or more provides open space provision. No on-site provision is proposed under this appeal. However, Policy OS3 allows for off-site provision where on-site delivery would be impractical or inappropriate. This would require either physical provision or the payment of a financial contribution. Neither off-site provision nor a mechanism to secure a financial contribution is before me.
42. Overall, I conclude that the proposed development would fail to provide satisfactory living conditions for future occupants, contrary to the relevant provisions of CS Policy CP24 and DPD Policies OS3 and SQ6. These policies, amongst other things, seek that new development provides a good standard of accommodation for future occupiers, the protection of residents from transport-related noise sources and the provision of open space.

Living conditions

43. The proposed development would introduce extensions of a significant height to the appeal site. Multiple rear and side facing windows at an elevated position, in particular, would face towards sites which currently benefit from relative privacy. This highly urban relationship would be unacceptable in this location. In the absence of a daylight assessment to demonstrate that daylight levels would be satisfactory for neighbouring residents, I am not persuaded that the living conditions for those residents would be acceptable. The overall height of the proposed development relevant to the proximity of existing properties is such that it would have a harmful overbearing impact on the occupiers of neighbouring properties, particularly those on the opposite side of Red Hill.

44. Overall, I conclude that the proposed development would have a harmful effect on the living conditions of neighbouring occupiers. This would be contrary to the relevant provisions of CS Policy CP24 which seeks high quality design in development and the protection of amenity. This is in a similar vein to paragraph 135 of the Framework in respect of creating places with a high standard of amenity for existing and future users.

Parking provision

45. The proposed development would provide 4 car parking spaces. These would be located to the rear of the site within an existing courtyard area, accessed via Red Hill.
46. DPD Policy SQ8 sets out that development proposals should comply with parking standards. It is clear from the consultation response of the highways authority, and the number of parking spaces compared with the number of proposed dwellings, that there would be a significant under provision. Although I note the reference to a nearby bus route, the appellant has not submitted any evidence, for example in the form of a transport assessment, to demonstrate that proposed level of car parking would be appropriate. Therefore, I am unable to conclude that the proposed development would meet policy objectives in respect of highway safety and parking provision.
47. Overall, the proposed development would be contrary to the relevant provisions of DPD Policy SQ8. This policy, in summary, seeks to ensure that appropriate levels of parking are provided in new development. This is in a similar vein to the provisions of the Kent Design Guide Interim Guidance Note 3.

Air and Water Quality

48. DPD Policy SQ4 requires, amongst other things, that new development does not result in a significant deterioration of air quality and that proximity to existing potentially air polluting uses will not have a harmful effect on the proposed use. DPD Policy CC3 sets out that development will not be permitted where it would have an unacceptable effect on the water environment including surface water.
49. The appeal site lies within the Watlingbury Air Quality Management Area. This requires that an air quality assessment is required to support the development of the site. No assessment of existing or proposed air quality is before me. Similarly, the appellant has submitted no evidence, for example in the form of a surface water drainage strategy, to demonstrate any measures that are proposed in relation to managing water quality. Consequently, I am unable to conclude that the proposed development would meet the relevant policy objectives in these respects.
50. Overall, there is insufficient evidence to demonstrate that the proposal would have an acceptable effect on air and water quality, contrary to the relevant provisions of DPD Policies CC3 and SQ4, which in summary seek to protect residents from poor air quality and to avoid unacceptable effects on the water environment.

Housing mix

51. Paragraph 61 of the Framework sets out that the overall aim of supplying land for homes should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community. The Council sets out that

the proposed housing mix does not correspond with its housing needs study. Based on the limited evidence before me, I have no reason to disagree with this conclusion.

52. Consequently, there is insufficient evidence before me to demonstrate that the proposal would provide an acceptable housing mix would be contrary to the relevant provisions of the Framework insofar as housing mix is concerned. Even were I to find this matter acceptable, it would not overcome or outweigh the harm identified in other main issues.

Waste provision

53. DPD Policy CC2 requires, amongst other things, that adequate space for the storage of waste is provided. Although no information is before me in this regard, there would, in all likelihood be sufficient space on the site to contain appropriate waste storage facilities. I consider that such facilities could be conditioned in the event that the appeal was allowed.
54. Overall, subject to condition, there would be no harm in respect of waste storage, in accordance with the relevant provisions of DPD Policy CC2. This policy seeks to ensure that adequate waste storage is provided in new development.

Other Matters

55. The appellant sets out the Government's promotion of the increase in height of existing buildings in order to provide additional housing. Whilst I accept the Government's objective of significantly increasing the supply of homes, and the reference within the Framework to upward extensions, this is not at the expense of appropriate design, or at any cost.
56. I also appreciate that the proposed development would optimise the use of a relatively small site and incorporate solar panels. Nevertheless, these matters do not outweigh or overcome the harm identified above and do not lead me to an alternative conclusion on the main issues.

Conclusion

57. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR