



Appeal Decision

Site visit made on 20 March 2025

by **Martin Andrews MA(Planning) Bsc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 April 2025

Appeal Ref: APP/M2270/D/25/3361386

26C Dudley Road, Royal Tunbridge Wells, Kent TN1 1LF

- 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 C Ims against the decision of Tunbridge Wells Borough Council.
 - The application Ref. is 24/03226/FULL.
 - The development proposed is Internal alterations and loft conversion with front & rear dormers.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dormers on the character and appearance of the host building, the terrace of which it forms part, and the Tunbridge Wells Conservation Area ('the CA'), a designated heritage asset.

Reasons

3. No. 26C is a flat within No. 26 Dudley Road, a late C19th terrace building that forms one of a row of buildings of essentially the same design on the north side of Dudley Road. The appeal scheme is for a box dormer both to the front and rear as part of living space improvements to the third floor, including two new bedrooms.
4. The Officers Report includes the view of the Council's conservation officer that the dormers are '*a non-historic form of roof extension formed purely for function rather than architectural aesthetic harmful to the historic character of the building*'. I consider that this comment is essentially indisputable and that as a consequence harm would inevitably be caused to the character and appearance of the CA, and thereby to its significance as a designated heritage asset.
5. The important qualification or caveat to this view is whether dormers on other buildings in the terraces of Dudley Road are sufficient in number to have already altered the character and appearance of the area and therefore to a measurable extent of the CA, and this is essentially the main ground of the appeal. However, on my visit I formed the view that dormers are clearly in the minority on both the north and south sides of the road and that this argument cannot reasonably prevail.
6. Furthermore, the existing dormers are comprise both smaller and larger roof extensions and from the submitted plans the appeal scheme appear to be in the latter category, thereby increasing their impact in the street scene. On the other

hand, the Council does not appear to object to the rear dormer as it cannot be seen from the public realm.

7. The above appraisal leads me to the conclusion that the proposed development insofar as the front dormer is concerned would be harmful to the character and appearance of the host building, the terrace of which it forms part and the CA. This would be contrary to Core Policy 4 of the Tunbridge Wells Core Strategy 2010; Saved Policies EN1 & EN5 of the Tunbridge Wells Borough Local Plan 2006 and Policy EN5 of the Tunbridge Wells Submission Local Plan 2021.
8. In paragraph 215 of Section 16 of the National Planning Policy Framework (revised December 2024), Government policy is that where a development will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal'.
9. In this appeal, the harm caused would be less than substantial and there would be a very small public benefit as regards improvement of the Borough's housing stock. However, this would be insufficient to outweigh the harm caused, especially as if the appeal is allowed it would make it increasingly difficult for the Council, in all fairness, to refuse similar proposals in Dudley Road and the nearby York Road and Lime Hill Road.
10. I have had regard to the allowed appeal in Brighton referred to in the appellant's statement. However, it is clear from the Inspector's reasons for their decision that this was an example of the character and appearance of the area having already altered to an extent that resulted in the loft conversion being in keeping with its surroundings.
11. For the reasons explained above the appeal fails.

Martin Andrews

INSPECTOR