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# Appeal Decision

Site visit made on 2 April 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

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**Appeal Ref: APP/H2265/W/24/3357544**

**91 Barden Road, Tonbridge, Kent TN9 1UN**

- 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 Mrs Maria O'Shea against the decision of Tonbridge and Malling Borough Council.
  - The application Ref. is TM/24/00716/PA.
  - The development proposed is for the modification and change-of-use of 91 and 91A Barden Road, an end-of-terrace property containing 1 x retail unit, 1 x residential apartment into 2 x residential maisonettes, ground floor rear extension, rear dormer, skylight windows to front roof slope, installation of 2 x heat pumps and associated alterations and landscaping.
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## Decision

1. The appeal is allowed and planning permission is granted for the modification and change-of-use of 91 and 91A Barden Road, an end-of-terrace property containing 1 x retail unit, 1 x residential apartment into 2 x residential maisonettes, ground floor rear extension, rear dormer, skylight windows to front roof slope, installation of 2 x heat pumps and associated alterations and landscaping at 91 Barden Road, Tonbridge, Kent TN9 1UN in accordance with the terms of the application Ref. TM/24/00716/PA, subject to the conditions in the attached schedule.

## Main Issue

2. The main issue in the determination of this appeal is the effect of the proposal on the character and appearance of the local area.

## Reasons

3. The appeal site is a two-storey, end-terrace property with a vacant retail unit at ground floor level and residential flat above. The local street scene comprises mainly of dwellings of similar scale and appearance on the south side of the highway, with the River Medway opposite and open fields beyond.
  4. 91 Barden Road is part of a short row of three properties. The adjoining residences have a pleasing sense of symmetry, with central front doors and ground floor bay windows to either side. Conversely, amongst other things, the appeal building is wider than nos. 87 and 89, the shopfront has a greater expanse of glazing, and it features a projecting angled bay window at first floor level. Therefore, to my mind, whilst part of a terrace it exhibits characteristics that mean it can also be read as a stand-alone property. I also note that the site is neither in a conservation area nor is it a Listed Building.
  5. The National Planning Policy Framework (the Framework) states at paragraph 135 that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. In this respect, I acknowledge that the property is in a prominent position that requires a sensitive approach. However, to my mind, the proposal would not be awkward or contrived in its design.
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6. More specifically, the Council considers that the height, proportions and asymmetrical positioning of the windows to the ground floor of the front elevation, together with the installation of a masonry frame, would be out of keeping within the setting. However, reading the rationale behind the configuration in the Design and Access Statement and the grounds of appeal, I am satisfied that the approach taken is one that has been the subject of rigour, with the outcome being a coherent solution. The two central sliding doors and masonry architrave would be symmetrical with the bay window above, and the architrave itself would be of similar scale and extent to the existing shop window. In this context, I am satisfied that the new facade would assimilate with the overall appearance of the building.
7. The Authority also states that the re-orientation of the layout would create an enclosed rear terrace in place of a more traditional front garden area. Nevertheless, the street scene plan shows a low brick wall that would appear broadly comparable to those present at nos. 87 and 89. The modest height of the wall would limit the sense of confinement, and furthermore would not impede the formation of a gated access with steps from Barden Road in the interests of retaining an active frontage. This can be achieved through the imposition of an appropriate condition.
8. The Council does not appear to object to the loss of the commercial unit or the other elements of the scheme, including the rear extension and dormer, skylights and air source heat pumps, and I have no reason to disagree.
9. I therefore conclude that the proposal would not result in an adverse impact upon the character and appearance of the local area. It would meet with Policy CP1 of the Tonbridge and Malling Borough Council Local Development Framework Core Strategy 2007 and Policy SQ1 of the Managing Development and the Environment Development Plan Document 2010, which expect schemes to be of high quality and to reflect local distinctiveness. It would also be consistent with the Framework, which states that good design is a key aspect of sustainable development.

### **Conditions**

10. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. I have altered some of the Council's suggested conditions for clarity and conciseness. In addition to the standard implementation condition, the approved plans are listed for certainty. Conditions requiring external materials to be submitted would provide for a satisfactory appearance.
11. A condition in respect of the installation of the air source heat pumps is imposed in the interests of sustainability. Landscaping works and boundary treatments would ensure visual enhancements to the development. Given that the new units are flats they would not benefit from permitted development rights, and therefore I do not consider it necessary to impose a condition in this regard.

### **Conclusion**

12. Based on the foregoing and having regard to all other matters, I allow the appeal.

*C Hall*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 91BR-001; 91BR-110; 91BR-120; 91BR-130; 91BR-131; 91BR-140.
- 3) No development above the damp proof course shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details / samples.
- 4) Prior to the first occupation of the new dwellings, a scheme of hard and soft landscaping to include proposed boundary treatments, shall submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented prior to the occupation of the development hereby approved and maintained thereafter. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) The Air Source Heat Pumps shall be installed so as to prevent transmission of noise and vibration into any neighbouring premises. They shall be made fully operational prior to the occupation of the development and be maintained as such thereafter.