



Appeal Decision

Site visit made on 24 June 2025

by **H Lock BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/M2270/D/25/3365099

309 Upper Grosvenor Road, Tunbridge Wells, Kent, TN4 9EY

- 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 Dean Austin against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 25/00246/FULL.
 - The development proposed is construction of outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of the appeal site visit a brick-faced plinth was in place in the area of the appeal proposal. An appeal was dismissed and an enforcement notice upheld in December 2023¹ for 'the erection of a single storey residential building containing a pair of studio flats', and the Council's delegated report advises that the structure was demolished. The planning application form for the current proposal confirms that the development has not been started, and for the avoidance of doubt, I have determined the appeal on the basis of the siting, design, size, and height above ground level of the building shown on the submitted plans.

Main Issues

3. The main issues are (1) the effect of the proposal on the character and appearance of the appeal site and street scene; and (2) whether the building would have the potential to be used as a separate dwelling.

Reasons

Character and Appearance

4. The appeal property is a semi-detached house located at the junction of Upper Grosvenor Road and Holmewood Road to its side. The latter rises steeply from the junction, as do rear gardens of the houses fronting Upper Grosvenor Road. This significant change in levels is reflected in terracing at the appeal site, with steps up to decking behind the house, and a further set of steps leading up to a fenced and gated area which would be partly occupied by the appeal proposal.
5. The proposed building would have a flat-roofed height of 2.5m, but would project above the roadside boundary fencing, the height of which is stepped to follow the

¹ Appeal ref. APP/M2270/C/22/3295788

road incline. Although in some circumstances this projection may not be significant, the building would occupy much of the top terrace. The wider screening effect of the roadside fence would be limited, as the terrace and proposed building would be highly visible on approach along Holmewood Road from the north-west.

6. Policy EN1 of the Tunbridge Wells Borough Local Plan 2006 (LP) requires the design of a proposal, including matters of scale, layout, site coverage, and external appearance to respect the context of the site. The footprint of the proposed building would not be dissimilar to that of the host house. Combined with the significant change in levels relative to the main house, the proposal would appear as overly dominant alongside the dwelling, being excessive in scale and poorly related as an ancillary outbuilding. With its flat-roofed design and its site coverage, it would appear prominent and incongruous in the street scene. Being lower in height than the appeal property and neighbouring houses would not mitigate its visual intrusion.
7. The fence divide within the site creates the perception of a cramped amenity space behind the main house, in contrast to the more open and spacious gardens in the vicinity. I share the view of two other Inspectors² in assessing appeals at this site, and find that the prevailing pattern of development is one which includes reasonably sized dwellings sited within proportionate plots, and that, as a gap that adds a sense of space to the character of the area, the site functions as an important visual break in the street scene. Although the proposal would be of different design and height than considered in previous appeals, the reduction in footprint would be imperceptible in terms of the closure of the gap in the street scene. The proposal would be an outbuilding rather than dwelling, but the physical presence of a building closing this gap would arise regardless of how it was used.
8. The appellant advises that former garaging and a conservatory in this part of the site were of low quality and character value. Although these structures offer support for the principle of a building on this previously developed land, they do not support the larger size and specific design proposed, particularly as part appears to have been a lightweight glazed structure. I acknowledge that the previous garage was flat roofed, but not of the size now proposed. Despite the benefits of using modern construction standards, in accordance with CS³ Core Policy 5, I am not convinced that the proposed scale and design would be more sympathetic to its surroundings than the now demolished structures. Whilst lower than the previously dismissed building, and seemingly the demolished garage, it would nevertheless be a large and atypical feature in the street scene.
9. Benefits to the appellant, and the economy, of providing a home-office are noted, and the extra space may aid the well-being of occupiers of the main house, albeit a purpose-built home-working space in line with modern day working practices is not dependent on a building of the size and design proposed. Whilst offering some support to the proposal, these economic and social benefits would not outweigh the adverse visual harm arising from a building of the size proposed; nor would the suggestion that it would not be possible to appropriately extend the house. The proposal may make more effective and efficient use of this part of the appeal site, but this would be at the expense of the amount of otherwise usable garden space for the house and the character and appearance of the street scene. The sustainable location of the site and the absence of harm to the amenity of adjacent

² Refs. APP/M2270/W/21/3268445 and APP/M2270/C/22/3295788

³ Tunbridge Wells Borough Local Development Framework Core Strategy Development Plan Document 2010

residents are neutral factors in the appeal. As such, none of these matters would justify acceptance of the proposal.

10. The appellant has drawn attention to other outbuildings in the area, and extensions built at 311 Grosvenor Road (No.311). However, at the appeal site visit it was not apparent that outbuildings of the size and scale proposed are a feature in the street scene, with most visible being far more modest in size, and less prominent. Limited details have been supplied of the extensions constructed at No.311, but in any event, these are extensions to the main dwelling, built at the ground level of the house, and reasonably modest in footprint. As such, these examples do not warrant acceptance of the appeal proposal.
11. I therefore conclude that the proposal would detract from the character and appearance of the appeal site and the street scene, and would conflict with LP Policy EN1, and CS Core Policy 4, which amongst other criteria requires the Borough's urban landscapes to be conserved and enhanced. It would conflict with the design objectives of the National Planning Policy Framework, as it would fail to add to the overall quality of the area and be sympathetic to local character, including the surrounding built environment.

Potential Use as Separate Dwelling

12. The proposed outbuilding would have narrow windows offering little outlook from its rooms, and limited access to natural light. Although the appellant advises that the garden has been subdivided for safety reasons, I note the Council's concerns that this creates a separately-accessible fenced area that could enable occupation of a substandard dwelling independent of the main house.
13. However, as proposed, part of the building would be used as a home-office, with the remainder for guest accommodation. The building would be accessed via the rear garden to the main house, and the submitted plans do not show a separate access from outside of the site. Having regard to the description of the development and the documents which accompanied the planning application, a separate dwelling was not the development applied for, and therefore not the subject of this appeal. Had the appeal been allowed, if not built as proposed, or if there was a subsequent material change of use to create a separate dwelling, then a further grant of planning permission would have been required.
14. Although I have found the visual impact of the development to be unacceptable, had that not been the case, I am satisfied that the occupancy of the building in connection with the main house could have been controlled by a suitably worded planning condition which would meet the statutory tests.
15. On this point, I find no conflict with LP Policy EN1, but that does not alter my conclusion of harm on the first main issue.

Conclusion

16. For the reasons given above the appeal should be dismissed.

H Lock

INSPECTOR