



Appeal Decision

Site visit made on 8 July 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th of July 2025

Appeal Ref: APP/M2270/D/25/3363702

6 Woodside Close, Pembury, Tunbridge Wells, Kent TN2 4BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Paul and Mrs Katie (OBE) Gardiner against the decision of Tunbridge Wells Borough Council.
 - The application Ref 18/03170/FULL was approved on 18 December 2018 and planning permission was granted subject to conditions.
 - The development permitted is the demolition of car port and replacement with garage, side extension. Addition of pitched roof to create first floor accommodation and raising of chimney, conversion of existing garage and new driveway.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos: Block Plan, WCP - 03 - Floor Plans as Proposed, WCP - 04 - Elevations as Proposed and WCP - 05 - Sections & Roof Plan as Proposed.
 - The reason given for the condition is: To clarify which plans have been approved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal relates to an application made under section 73 of the Town and Country Planning Act 1990 to vary condition 2 (approved plans) of planning permission ref 18/03170/FULL, which granted extensions and alterations to the existing dwelling. The variation seeks to replace the approved pitched roof with a flat-roofed design incorporating a first-floor terrace, along with associated changes to fenestration and external materials.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area, including the High Weald National Landscape (HWNL);
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly

outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

4. Paragraph 154(c) of the Framework states that the extension or alteration of a building is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. Policy H11 of the Local Plan applies a similar approach, supporting extensions outside the 'Limits to Built Development' area only where they would be modest and in scale with the original dwelling, would not dominate it visually, and would not lend themselves to future subdivision.
5. The Council states that the original dwelling had an approximate volume of 275.82m³ and that the appeal proposal would result in a total volume of approximately 777.1m³, an increase of around 179.6%. This would significantly exceed the 50% volume increase threshold set out in Policy H11 of the Local Plan 2006¹. National guidance on measuring 'proportionality' refers in the Framework to 'size.' This can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, the proposed built form and volume of development would result in a demonstrably wider building at first floor level with significantly greater visual bulk.
6. Although the 2018 planning permission (18/03170/FULL) permitted a 98.7% increase, that scheme retained a traditional pitched roof form with lower eaves and was justified as an exception due to its sympathetic design. It does not set a precedent for further disproportionate enlargement.
7. On this basis, the proposal would represent inappropriate development in the Green Belt and would not accord with the exception outlined at Paragraph 154(c) of the Framework.

Openness

8. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It is a spatial as well as visual concept. It can be affected by the bulk, height, and massing of development, irrespective of visual screening.
9. The proposal would introduce a considerably bulky two-storey building. The eaves height would increase from 2.4m (as approved) to 5.4m, removing the sloping roof form and replacing it with vertical two-storey walls and a parapet. Although the overall ridge height would be lower than the approved pitched roof, the increased eaves height and bulk would create a building of greater mass and volume. This would result in a substantial reduction in the spatial openness of the Green Belt.
10. While the appellant states that the site is secluded, I observed during my site visit that the proposed dwelling would still be visible in the surrounding landscape. In particular, the site can be seen from fields to the south, especially during the winter months when the screening effect of the trees and vegetation is reduced. The proposed roofscape and additional volume of development would be easily visible to surrounding occupiers as well as from other vantage points to the south.

¹ Tunbridge Wells Borough Council Local Plan, adopted March 2006

11. For these reasons, the proposed development would result in an adverse impact on both the spatial and visual openness resulting in limited harm to the Green Belt. It would conflict with the Framework, Policy 2 of the Council's Core Strategy (2010), Policies MGB1 and H11 of the Local Plan and emerging Policies STR9 and H11 of the Submission Local Plan 2021 insofar as they seek to ensure proposals do not result in disproportionate additions or harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.

Landscape and character

12. Woodside Close is a small cul-de-sac characterised by modest, domestically scaled dwellings with shallow pitched or hipped roofs. Although the dwellings differ in detailing, the street has a coherent rhythm and visual consistency, reinforced by low eaves and sloping roof forms.
13. The appeal site is within the High Weald National Landscape (HWNL), formerly known as the High Weald Area of Outstanding Natural Beauty (AONB). The National Planning Policy Framework requires great weight to be given to conserving and enhancing the landscape and scenic beauty in these areas, which is the statutory purpose of such landscapes. I am mindful of my duties to further the purpose of conserving and enhancing the natural beauty of National Landscapes.
14. The High Weald AONB Management Plan² outlines the special qualities of the HWNL which has been designated in part because of the natural beauty of the landscape consisting of a tapestry of fields, hedgerows, small ancient woodlands, ponds, farmsteads and late-Medieval settlements. The High Weald occupies the ridged and faulted sandstone core of an area known from Saxon times as the Weald. It is an area of ancient countryside and one of the best surviving medieval landscapes in Northern Europe. The mosaic of small mixed farms and woodlands is considered to represent a quintessentially English landscape. It is crossed by one of the most famous routeways in English history, the one that took King Harold's army from victory at Stamford Bridge to defeat at Hastings in 1066.
15. The 2018 approval introduced Velux rooflights into a pitched roof, which allowed for additional accommodation without significantly altering the dwelling's scale. In contrast, the appeal proposal would introduce a flat-roofed, box-like form, with parapet detailing and a first-floor terrace. The form, scale and architectural expression would appear incongruous in this location and at odds with the street's prevailing character. The development would have a dominant, bulky appearance, exacerbated by its elevated position relative to the road.
16. The appellant also refers to design principles set out in the Pembury Neighbourhood Plan³, which encourages a mixture of typologies to create variety and interest. Whilst the Plan supports the reinterpretation of typologies in a sustainable and modern way, this does not equate to unrestricted variation regardless of context. In this case, the proposed form would not reflect or reinterpret the local context and grain of development in a coherent manner. Instead, it would introduce a scale and form that would be incongruous within the modestly scaled and broadly traditional character of Woodside Close. The

² The High Weald National Landscape AONB Management Plan, 2024-2029

³ Pembury Neighbourhood Plan 2020 to 2038, adopted October 2023

proposed form and massing would not reflect the rural edge character of this part of Pembury and would introduce an urbanising influence into the HWNL.

17. The appellant provides examples of modern flat-roofed dwellings in the wider area. However, these sites are situated in very different townscape contexts. The rear extension added to the Grade II listed property of Poppingbury, 75 Hastings Road, does not front the road and is visually subservient to the host building. Plum Tree House is a back-land development with a different relationship to the street. The examples on Warwick Park are sited on a wide suburban street with varying architectural forms, whereas Woodside Close is a tight, enclosed cul-de-sac of domestic scale. The contribution that these examples make to their respective street scenes cannot be directly equated to the more intimate and cohesive setting of the appeal site.
18. Accordingly, the proposal would cause unacceptable harm to the character and appearance of the area and would not conserve or enhance the natural beauty of the High Weald National Landscape. It would therefore conflict with the Framework, which requires great weight to be given to this objective, and would conflict with Policies LBD1, EN1, EN25 and H11 of the Local Plan, Policies 4, 5 and 14 of the Core Strategy, emerging Policies EN1, EN18, EN19 and H11 of the Submission Local Plan 2021, Policies P3 and P10 of the Pembury Neighbourhood Development Plan 2023 insofar as they seek to ensure proposals are well-designed, respect surrounding context and conserve and enhance designated rural landscapes.
19. It would also conflict with the Council's Alterations and Extensions Supplementary Planning Document (SPD) which highlights the importance of maintaining appropriate scale, proportion and roof forms.

Other Considerations

20. The Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
21. It is argued that the proposal reflects the 'hotch-potch' of styles that characterise Pembury, citing examples of modern design elsewhere. However, those examples are located in different contexts and do not justify introducing a large, two-storey, modern flat-roofed structure into this enclosed cul-de-sac. The character of Woodside Close remains one of modest scale and sloped roof forms. Variety in the wider settlement does not equate to design appropriateness on this site. Therefore, these references do not attract significant weight in favour of the proposal, which I have considered on its own merits.
22. It is also stated that the proposal is a self-build scheme and that rising construction costs mean the approved 2018 design is no longer viable. However, financial circumstances rarely amount to very special circumstances, and no substantive evidence has been submitted to demonstrate that a reduced or more modest design could not be implemented. The appellant argues that foundations and drainage infrastructure have already been installed. However, the presence of partially implemented works does not override the need to assess the acceptability

of the design in planning terms. I have attached limited weight to these considerations.

23. The appellant notes that there were no objections from the Parish Council or neighbours. While this is noted, the absence of objections is a neutral consideration weighing neither for nor against the proposal in the planning balance. Furthermore, the appellant expresses a willingness to accept conditions limiting the volume or altering external finishes. However, the primary harms identified relate to the fundamental size, bulk and form of the building. These could not be overcome by conditions without fundamentally altering the scheme.

Planning Balance and Conclusion

24. The proposal would cause harm to the Green Belt by way of inappropriateness and limited harm to openness, and substantial weight must be given cumulatively to this harm. The proposal would also harm the character and appearance of the area and would not conserve or enhance the natural beauty of the High Weald National Landscape. The limited weight attributed to the other considerations in this case does not clearly outweigh the substantial harm I have identified. I conclude therefore there are no very special circumstances to justify the development.
25. The proposal conflicts with the development plan taken as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it.
26. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR