



Appeal Decision

Site visit made on 26 September 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/M2270/W/25/3370263

The Flat, 9 High Street, Pembury, Tunbridge Wells TN2 4PH

- 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 Korneliusz Bogdanowicz against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 25/00345/FULL.
 - The development proposed is described as 'Building a new storey, creating additional bedrooms with an en-suite and shower room'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the appeal scheme on the character and appearance of Pembury Conservation Area (CA); and
 - the effect on the living conditions of the occupiers of 11a High Street with specific regard to overlooking and privacy.

Reasons

Character and Appearance

3. As the appeal site is in a CA I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
4. The appeal site forms part of a flat-roofed building which is located on Pembury High Street at its junction with Camden Avenue and close to the village green. The local area has a mixed character, generally made up of two- and three-storey buildings constructed from a variety of building materials. To the immediate west of the appeal site is a two-storey dwellinghouse (Fig Tree Cottage, 11a High Street) and on the eastern side of Camden Avenue is a recently-built three-storey block of flats, the top floor of which is set within pitched roofs.
5. The Pembury Conservation Area Appraisal (1998) notes that the CA centres on the village green with its larger-scale buildings set in spacious grounds and on a small, tightly-knit grouping of commercial buildings in the village. The general

character of the CA is that of an eclectic and loose mix of buildings and spaces, which nevertheless make a unifying relationship. In respect of buildings on the south side of the High Street, which include the appeal site, it notes that there are flat-roofed 1930s developments and a recently-built dwelling (Fig Tree Cottage, 11a High Street). It says that collectively these buildings contribute little to the character of the CA other than their height and general scale, and as enclosing elements in the street scene. As such, I consider that the host building makes a neutral contribution to the CA.

6. An upward extension on 13 High Street, which is another flat-roofed building and to the west of Fig Tree Cottage, was approved in 2013 and in the context of the same development plan policy against which this appeal is to be assessed. That scheme added a second floor to 13 High Street. The adjoining flat-roofed 11 High Street remains as a two-storey building. However, when looking west along the High Street, that extension has resulted in a building which is of a similar height to, and which is read against, the neighbouring three-storey terrace at 15-21 High Street which is a key contextual difference between that property and the appeal site.
7. In respect of the appeal site, whilst a number of alterations have been made to the host building, such as the addition of a slightly protruding layer of render to the westernmost unit, in longer-range views, for example from the village green and from Lower Green Road, the host building still displays a broad symmetry as it addresses what is a relatively prominent corner. Despite being set back from the front elevation and behind the parapet walls of the host building, the appeal scheme would be very visible as it would protrude above the rooflines of the host building and Fig Tree Cottage. As it would only increase the height of part of the host building, it would unbalance its appearance, and would appear incongruous in the context of the height of the host building and Fig Tree Cottage. It would also detract from the contribution that the existing building makes to the CA, particularly in terms of its role in enclosing space when seen from the village green where the extension would appear as a visually-jarring element in the street scene.
8. As a result of this harmful effect on the CA the proposal would fail to preserve the character and appearance of the CA, resulting in less than substantial harm to its significance.
9. Consequently, the appeal scheme would conflict with Section 72(1) of the Act because it would neither preserve nor enhance the character or appearance of the CA. It would also conflict with saved Policies EN1 and EN5 of the Tunbridge Wells Borough Local Plan (2006) (LP), Policies P3 and P6 of the Pembury Neighbourhood Plan (2023), emerging Policies EN1, EN4, EN5, and H11 of the Tunbridge Wells Borough Submission Local Plan 2020-2038 (SLP), Core Policy 4 of the Tunbridge Wells Borough Core Strategy (2010) and with the Council's Alterations & Extensions Supplementary Planning Document (2006) (AESPD) which together seek high-quality development that preserves or enhances the character and appearance of a CA.

Living Conditions

10. When I visited the site I saw that the boundary between the appeal site and 11a High Street is planted with trees and shrubs such that only small parts of the

garden of no. 11a can be seen from the first-floor terrace / decking adjacent to the entrance to The Flat at 9 High Street. There is also a single-storey rear extension to no. 11a and a storage building associated with no. 9 which limit views into the garden of no. 11a. Whilst the proposed terrace would be at a higher level it would be positioned further back than the existing first-floor terrace such that potential overlooking towards the rear garden of no. 11a would be limited by the angle from which it would be viewed, by no. 11a itself (including its rear extension), the storage building at no. 9 and the high boundary planting. On that basis I consider it unlikely that there would be clear and unrestricted views of the whole of the rear garden of no. 11a and, therefore, that it is unlikely that the appeal scheme would result in significant harm through overlooking and loss of privacy.

11. Accordingly, I find that the appeal scheme would not conflict with saved LP Policy EN1, emerging Policies EN1 and H11 of the SLP and the guidance in the AESPD which together say that proposals should not cause significant harm to the residential amenities of adjoining occupiers, including by way of overlooking.

Planning Balance and Conclusion

12. I must pay special attention to the desirability of preserving or enhancing the character or appearance of a CA by attaching considerable importance and weight to that desirability. As I have already set out, I have identified that the appeal scheme would result in less than substantial harm to the CA. Paragraph 215 of the National Planning Policy Framework (the Framework) states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. However, the appellant has not identified any public benefits that would arise from the appeal scheme.
13. As advised by paragraph 212 of the Framework I attach great weight to the impact of the appeal scheme on the CA. I consider the effect that the appeal scheme would have on the living conditions of the occupiers of 11a High Street to be a neutral component in the overall balance. The appellant has not identified any countervailing public benefits that would arise from the appeal scheme. Therefore, I find that the appeal scheme conflicts with the development plan when taken as a whole, as well as with the Framework, such that this appeal should not succeed, and that there are no material considerations that suggest that an alternative conclusion should be reached.
14. For the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR